TITLE 36 - STATE LANDS

CHAPTER 1 - GENERAL PROVISIONS

ARTICLE 1 - IN GENERAL

36-1-101. Definitions.

(a) Unless the context indicates otherwise, as used in this act:

(i) The term "board" shall mean the board of land commissioners;

(ii) The term "director" means the director of the office of state lands and investments;

(iii) The term "state" shall mean the state of Wyoming;

(iv) The terms "state lands", "land" or "lands" shall mean and include all lands under the jurisdiction of the board of land commissioners;

(v) The terms "school land" or "school lands" shall mean and include all lands granted to the state of Wyoming by the United States of America for the benefit and support of public schools, either directly or through exchange for other lands;

(vi) The term "institutional lands" shall mean state lands selected for the benefit of state institutions or any lands other than school lands;

(vii) The term "old lessee" means the person, firm, association or corporation in whose name the expiring lease appeared of record in the office of state lands and investments at the time of its expiration;

(viii) "This act" means W.S. 36-1-101 through 36-3-111, 36-5-101 through 36-7-510 and 36-9-101 through 36-9-121.

36-1-102. Recording and filing documents of title.

Every department, institution, board and commission of the state of Wyoming which now has or shall hereafter acquire an interest in real property, except leases, easements and rights-of-way for

a term not exceeding three (3) years, shall record the document of title with the appropriate county clerk, unless previously recorded, and after recording, shall file the original document with the director excepting, however, easement and right-of-way conveyances previously obtained by the state department of transportation or state transportation commission. This section shall have no effect on existing recording statutes.

36-1-103. Computation of time after registered notice.

When the provisions of this act or the rules and regulations of the board require registered notice to be given, the time shall be reckoned from the date of delivery of such notice by the United States post office, or in the event of nondelivery thereof, from the date of the return thereof to the board by the United States post office.

36-1-104. Acceptance of school lands.

Under the provisions of article 18 of the constitution of the state of Wyoming, the state of Wyoming hereby accepts the lands granted to it by the act of congress entitled "An act to provide for the admission of the state of Wyoming into the union, and for other purposes", approved July 10, 1890, for the purposes in the said act specified; and hereby accepts the grant of numbered school sections mineral in character as made by the act of congress entitled "An act confirming in states and territories title to lands granted by the United States of America in aid of common or public schools", approved January 25, 1927, subject to the provisions and conditions of the said act, and the said lands so granted by the United States of America to the state of Wyoming are hereby solemnly set apart to the purposes specified in the said acts.

36-1-105. Exchange of land granted by federal government.

Whenever, in the judgment of a majority of the members of the board, the interests of the state will be advanced by granting, conveying or deeding to the United States of America, any lands which have been heretofore granted, selected by, and patented to the state, then, in such case said board is hereby authorized and empowered to so grant, convey and deed to the United States of America, such lands. And the president of said board, and the director are authorized and empowered to execute and deliver all necessary instruments to complete such grant, or conveyance; provided, always, that no such lands shall be so granted, conveyed and deeded, unless the United States of America shall,

and will permit and allow this state to select, and have patented to it, other lands in lieu of the lands so reconveyed to the United States of America subject to W.S. 36-1-111; provided, however, that the state shall not give both surface and mineral rights with any lands exchanged unless it receives the same from the federal government.

36-1-106. Exchange of state-owned and federal-owned lands.

The state of Wyoming, in accordance with the provisions of the Taylor Grazing Act and other acts of congress authorizing the exchange of federal-owned lands, is hereby authorized and empowered to exchange state-owned lands for federal-owned lands.

36-1-107. Exchange of state-owned and privately owned lands.

The state of Wyoming is also authorized to exchange state-owned lands for privately owned lands.

36-1-108. Pole Mountain district of Medicine Bow national forest; history and relinquishment of legislative jurisdiction by federal government.

(a) By W.S. 19-7-301, the legislature of the state of Wyoming ceded exclusive jurisdiction to what was then known as Fort Francis E. Warren, now referred to as Warren Air Force Base and at the same time, exclusive jurisdiction was extended to future additions to such post. The Pole Mountain district of the Medicine Bow national forest was set aside for military purposes by Executive Order No. 4245, dated June 5, 1925, as amended by Public Land Order No. 1897, dated July 10, 1959. Use for military purposes terminated in accordance with Public Land Order No. 2446, dated July 20, 1961.

(b) By the act of August 27, 1964 (Public Law 88-494, 78 Stat. 611) the secretary of agriculture was authorized to relinquish to the state of Wyoming such measure of legislative jurisdiction as he deemed desirable over such lands. On December 24, 1964, Orville L. Freeman, secretary of the department of agriculture, United States of America, notified the governor of the state of Wyoming that the United States relinquishes and retrocedes to the state of Wyoming any and all legislative jurisdiction heretofore acquired by the United States over lands within the Medicine Bow national forest constituting the area known as the Pole Mountain district, created as above stated, to

take effect upon acceptance of such jurisdiction by the state of Wyoming.

36-1-109. Pole Mountain district of Medicine Bow national forest; acceptance by state.

The state of Wyoming hereby accepts legislative jurisdiction over the Pole Mountain district of the Medicine Bow national forest.

36-1-110. Authority of director to effect and complete exchanges.

The director is hereby authorized and empowered, subject to the approval of the state board of land commissioners, to effect and complete such exchange of state-owned lands for federal-owned lands; and also to effect and complete such exchange of state-owned lands for privately owned lands; and to do any and all things necessary or required to be done by the state of Wyoming in order to enable said state to comply with the provisions of said Taylor Grazing Act and other acts of congress authorizing the exchange of federal-owned lands, and any order, rule or regulation passed or promulgated in pursuance thereof; and to effect and complete the exchange of state-owned lands for privately-owned lands. The board of land commissioners may authorize the purchase of lands only in an amount necessary to effect and complete the exchange of state-owned lands for other lands and only for those lands identified in the authorization of purchase. The board shall not use the power of eminent domain pursuant to W.S. 1-26-801 et seq. to purchase any lands under this section.

36-1-111. Orders, rules and regulations relative to exchange of lands.

(a) The board of land commissioners is hereby authorized and empowered to pass and promulgate all such orders, rules and regulations as may be necessary or required relative to the appraisal and valuation of the lands to be exchanged as provided in this act, and to provide for the execution of conveyances, contracts and other instruments pertaining to the exchange of the lands, and to enable the director to effect and complete each exchange of the lands after the director provides notice and opportunity to interested persons to provide the board comments, including direct notice to leaseholders of the state lands to be exchanged, owners of adjoining lands and county commissioners from the affected county or counties. The board

may authorize the purchase of lands only in an amount necessary to effect and complete the exchange of state-owned lands for other lands and only for those lands identified in the authorization of purchase. The board shall not use the power of eminent domain pursuant to W.S. 1-26-801 et seq. to purchase any lands under this section. The board of land commissioners is authorized to promulgate rules and regulations necessary to implement the exchange of state lands on a value for value basis. The exchange program may authorize a cash equalization receipt or payment of up to twenty-five percent (25%) of the value of the lands exchanged. Any receipt shall be deposited into, and any payment shall be made from, the permanent land fund. State lands may be exchanged upon the board's finding the exchange is necessary to:

(i) Make state lands more manageable where the lands are not otherwise manageable;

(ii) Meet a specific need of a school or community for land;

(iii) Better meet the multiple use objectives for the benefit of the trust; or

(iv) Realize a clear long term benefit to the trust which substantially exceeds the present and probable future benefit from continued ownership.

36-1-112. Cutting of timber by lessee of state lands prohibited; general penalty for violations; damages.

(a) The lessee of state lands shall in no case be allowed to cut or use more timber therefrom, than shall be necessary for the improvement of such lands, or for fuel for the use of the family of the lessee. The director may, in his discretion and subject to criteria established by the board, sell and dispose of timber located or growing on state lands, at not less than the reasonable market value thereof.

(b) Removal of forest products from state lands is permitted only under a valid contract or small sale permit. Any person who knowingly or with reckless disregard removes forest products from state lands without proper authorization is guilty of a misdemeanor and shall be fined not more than seven hundred fifty dollars ($750.00), imprisoned for not more than six (6) months, or both. In addition to these penalties, a person removing forest products from state lands without proper

authorization is liable for damages up to the amount of three (3) times the bid value of the most recent auction of similar species and product, or the appraised value whichever is greater, plus actual restoration and administrative costs.

36-1-113. Repealed By Laws 1997, ch. 200, § 2.

36-1-114. Protection of prehistoric ruins; permits to excavate, regulations and violations.

Before any excavation on any prehistoric ruins, pictographs, hieroglyphics, or any other ancient markings, or writing or archaeological and paleontological deposits in the state of Wyoming on any state or federal lands, shall be undertaken, a permit shall first be obtained from the state board of land commissioners. The state board of land commissioners is hereby authorized to promulgate and enforce such regulations as it may deem needful to protect from vandalism or injury the prehistoric ruins, relics, archaeological and paleontological deposits of the state, as well as all natural bridges and natural scenic features and formations. Any violation of such regulations shall be a misdemeanor.

36-1-115. Protection of prehistoric ruins; consent to removal from state.

No person shall remove from the state of Wyoming any part of any such ruins or deposit except with the consent of the state board of land commissioners. Said board may require, as a condition to such consent, that such portion of such relics, materials, or deposit as said board shall require, shall forever remain the property of the state of Wyoming.

36-1-116. Protection of prehistoric ruins; penalty.

(a) Except as provided by subsections (d) and (e) of this section, any person violating any of the provisions of this act shall be guilty of a misdemeanor and shall be fined not less than twenty-five dollars ($25.00) or more than one hundred dollars ($100.00), or imprisoned in the county jail not more than six (6) months, or by both fine and imprisonment, and shall forfeit to the state all articles and materials discovered by or through his efforts.

(b) Persons holding permits or leases on state lands may not sublease or subcontract archeological or paleontological removal without prior written approval of the board.

(c) All state leases are subject to inspection by state or county law enforcement agencies or their designees for violation of W.S. 36-1-114 and 36-1-115.

(d) Any person who, for monetary gain or for commercial or any other purpose, removes any archeological or paleontological artifacts in violation of W.S. 36-1-114 or 36-1-115 with a cumulative value in excess of five hundred ($500.00), shall be guilty of a felony and upon conviction shall be fined up to ten thousand dollars ($10,000.00), imprisoned for up to ten (10) years, or both.

(e) Any person who breaks, breaks off, cracks, carves upon, writes, or otherwise marks upon or in any manner destroys, mutilates, injures, defaces, removes, displaces, mars or harms petroglyphs, pictographs or historic inscriptions without consent of the state board of land commissioners is guilty of a misdemeanor and shall be fined not more than seven hundred fifty dollars ($750.00), imprisoned for not more than six (6) months, or both.

36-1-117. Sale or trade of state lands; hearing upon request of county commissioners.

No sale or trade of any state land including state land currently held by the state of Wyoming shall be made without a public hearing in the county in which the land is located if a hearing is requested by the county commissioners.

36-1-118. Sale of experimental farms and stations.

(a) The board of trustees of the University of Wyoming is authorized and empowered on behalf of the state to sell and to execute any document of title necessary to convey title to any agricultural experimental farm or station in Uinta county, in Laramie county and if in existence before January 1, 2003, in Goshen county, title to which is held in the name of the state of Wyoming, provided:

(i) The sale is made for adequate consideration and complies with all statutory requirements;

(ii) Proceeds of the sale shall be credited to the University of Wyoming.

36-1-119. Posting notice of restrictions to public lands; restrictions; penalties.

(a) No person shall post a notice on any public land or on a public road as defined by W.S. 24-1-133(b) restricting access to public lands unless the restriction has been approved by the governing body having jurisdiction over the public land.

(b) For purposes of this section "public land" means any land under the jurisdiction of the board of land commissioners or under the jurisdiction of any political subdivision of the state which the public is authorized to use without obtaining legal permission from a private landowner.

(c) The governing body or its authorized representative having jurisdiction over the public land shall issue a written demand to any person who unlawfully posts a notice in violation of subsection (a) of this section directing that the notice be removed within three (3) days following receipt of the notice. The demand shall be delivered in person by a peace officer or mailed by both first class mail and certified mail return receipt requested to the person's last known mailing address. Any person who knowingly posts an illegal notice or who fails to remove an illegal notice within three (3) days after receiving the demand from the governing body is guilty of a misdemeanor. If the person cannot be personally served because he deliberately made himself unavailable for service, or refused to accept delivery of the demand by certified mail, then he shall be guilty of a misdemeanor if he fails to remove the illegal notice within five (5) days after the demand was mailed to him by the governing body. Any person convicted of a misdemeanor under this section shall be punished by a fine up to six hundred dollars ($600.00) for each day the person fails to remove the illegal notice. For a second or subsequent offense, the penalty shall be a fine of not more than six hundred dollars ($600.00) per day, and up to six (6) months in jail, or both.

(d) It shall be a defense to any charge under this section, that severe weather or other circumstance not within control of the person charged prevented removal of the notice.

36-1-120. Posting of public access to state lands; signage.

(a) The office of state lands and investments shall supervise the placement of signs on state lands readily identifiable by the office, using trained volunteers. The signs

shall indicate that the land is administered by the board of land commissioners.

(b) The signage shall be placed:

(i) On identifiable state land that has legal access;

(ii) To reasonably identify state land that is adjacent to, or contiguous with, private land and which is accessible to the public for hunting, fishing or recreation.

(c) The signage shall include notice that:

(i) Motorized vehicles shall be confined to established roads; and

(ii) Use of the state land is subject to board of land commissioners' rules.

(d) For purposes of this section, "state land" means any land under the jurisdiction of the board of land commissioners, which the public is authorized to use without obtaining legal permission from a private landowner.

36-1-121. Conservation easements.

(a) Except for any conservation easement received or accepted by the board before the effective date of this act, the board shall not accept or receive any conservation easement pursuant to W.S. 34-1-202.

(b) Except for any conservation easement received or accepted by the board before the effective date of this act, the board shall not be considered a "holder" pursuant to W.S. 34-1-201(b)(ii)(A).

ARTICLES 2 - RESERVED

ARTICLES 3 - RESERVED

ARTICLE 4 - EMERGENCY FIRE SUPPRESSION ACCOUNT

36-1-401. Definitions.

(a) As used in this article:

(i) "Division" means the Wyoming state forestry division of the office of state lands and investments;

(ii) "Emergency fire" means a fire located in a rural area which is, or clearly threatens to be, beyond the fire control resources of the county responsible for suppression of the fire or the state if the fire is located on state lands;

(iii) "Emergency fire suppression account" or "account" means the account created by W.S. 36-1-402;

(iv) "Participating county" means a county which has entered into a contract with the division to participate in the emergency fire suppression account and has paid the assessments provided by W.S. 36-1-404.

36-1-402. Emergency fire suppression account; creation; investment of funds; authorized expenditures; reversion of funds from division.

(a) There is created the emergency fire suppression account. The account shall include all legislative appropriations, all assessments paid into the account by participating counties and all income from investments of monies in the account. Appropriations to the account shall not lapse at the end of any fiscal period.

(b) The state treasurer shall invest any portion of the funds in the account which the state forester determines is not needed for immediate use. Investments shall be made as authorized by W.S. 9-4-715(a), (d) and (e).

(c) Upon written approval of the state forester, expenditures shall be made out of the account to participating counties and the division for the actual costs of suppressing emergency fires.

(d) If the state forester determines monies in the account may be insufficient to make reimbursement for the full cost of suppressing all emergency fires occurring or which may occur during the year, he may delay paying reimbursement to any entity until the close of the program year at which time available monies shall be prorated among those entitled to reimbursement at an amount less than one hundred percent (100%).

(e) Repealed by Laws 2017, ch. 87, § 1.

(f) Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207, general funds appropriated to the division which are unexpended and unobligated and which would otherwise lapse and revert pursuant to W.S. 9-4-207(a) at the end of a biennium shall revert to the emergency fire suppression account. This subsection shall not be construed to apply to any appropriation to a special revenue fund or revolving account within the division.

36-1-403. Powers and duties of state forester.

(a) The state forester shall:

(i) Administer the emergency fire suppression account;

(ii) Enter into contracts on behalf of the division with counties desiring to participate in the account;

(iii) Establish and collect assessments from participating counties in accordance with this article;

(iv) Adopt rules governing the administration of the emergency fire suppression account and to carry out the purposes of this article.

36-1-404. Participation by counties; assessments; withdrawal from participation; forfeiture of assessments for failure to pay assessments.

(a) Counties desiring to participate in the emergency fire suppression account shall enter into a written contract with the state forester and shall pay the assessments provided for in this section.

(b) Each participating county shall pay an annual assessment to the account in an amount equal to:

(i) Four-tenths of a cent ($.004) per acre for each acre of private land in the county as determined by reference to the current equality state almanac published by the department of administration and information; plus

(ii) An amount equal to .00002 times the assessed valuation of the county.

(c) Participation in the account shall be on a fiscal year basis and annual assessments shall be paid on or before July 15 of each year in which the county elects to participate in the account.

(d) Repealed by Laws 2008, Ch. 8, § 2.

(e) Any county electing to participate in the account in any year may become a participating county by paying an initial assessment equal to the annual assessment computed for that county under subsection (b) of this section multiplied by three (3).

(f) Any county electing to withdraw from participation in the account or failing to pay the annual assessment when due shall forfeit all of its rights to the account and any assessments previously paid by that county shall remain in the account.

ARTICLE 5 - WYOMING STATE FORESTRY GOOD NEIGHBOR AUTHORITY REVOLVING ACCOUNT

36-1-501. Definitions.

(a) As used in this article:

(i) "Division" means the Wyoming state forestry division of the office of state lands and investments;

(ii) "Good neighbor authority" means an agreement between the division, the bureau of land management and the United States forest service to allow the state to perform forestry services on bureau of land management and forest service lands as specified in the agreement;

(iii) "Wyoming state forestry good neighbor authority revolving account" or "account" means the account created by W.S. 36-1-502.

36-1-502. Wyoming state forestry good neighbor authority revolving account; creation; investment of funds; authorized expenditures.

(a) There is created the Wyoming state forestry good neighbor authority revolving account. The account shall include all legislative appropriations, federal funds, county funds, partner funds, funds generated from good neighbor authority

projects or other federally funded cooperative forest management projects, grants, gifts, transfers, bequests, donations and all income from investments of monies in the account. The state forester is specifically empowered to accept grants, gifts, transfers, bequests and donations for deposit in the account, including those which are limited in their purpose by the grantor except as provided in W.S. 36-1-503(a)(vi). If a contract is entered into pursuant to W.S. 36-1-503(a)(iii), funds in the account may be expanded on good neighbor authority projects prior to receipt of federal fund reimbursements. Funds deposited into the account are continuously appropriated to the state forester to be expended only as provided in this section. Unless otherwise specifically provided, appropriations to the account shall not lapse or revert at the end of any fiscal period.

(b) Upon written approval of the state forester, expenditures shall be made out of the account for good neighbor authority projects, other cooperative forest management projects or hiring additional employees under W.S. 36-1-503(b).

36-1-503. Powers and duties of state forester.

(a) The state forester shall:

(i) Administer the account;

(ii) Ensure that all funds generated from good neighbor authority projects or other federally funded cooperative forest management projects are deposited in the account;

(iii) Enter into contracts on behalf of the division for good neighbor authority projects or other federally funded cooperative forest management projects funded through the account;

(iv) Adopt rules governing the administration of the account and to carry out the purposes of this article;

(v) Have the authority to partner with one (1) or more counties on good neighbor authority projects or other cooperative forest management projects and disburse funds from the account for these purposes.

(b) The state forester may hire additional employees as necessary to conduct good neighbor authority projects or other

federally funded cooperative forest management projects funded through the account. Employees hired under this subsection shall be funded using funds deposited in the account.

ARTICLE 6 - FOREST HEALTH GRANT PROGRAM

36-1-601. Forest health grant program; duties of state forester; account created; eligible entities; attorney general approval.

(a) There is created the forest health grant program. The grant program shall be administered by the state forester, who shall establish the application process and any other requirements of the grant program not otherwise provided by this section.

(b) The state forester may only grant funds to nonprofit and governmental organizations for the purposes specified in this section.

(c) Except as otherwise provided in subsection (d) of this section, grants under the forest health grant program shall pay for not more than seventy-five percent (75%) of the cost of an eligible forest health project as specified in this subsection. Any other source of funds, cash or in-kind contributions may be used as matching funds to cover the remainder of a project's costs and the state forester may require that matching funds be obligated to pay for a portion of any project. Forest health projects eligible for grant funding under this section shall be conducted on state, federal government, local government or private land, shall be necessary in the public interest and shall be designed to accomplish one (1) or more of the following:

(i) Enhancement of water yield or quality;

(ii) Reduction of the risk of catastrophic wildfire damage;

(iii) Increased production of forest products;

(iv) Improvement of habitat conditions for wildlife and livestock;

(v) Any other project that is beneficial to forest health, that is substantially beneficial to the interest of the

state and that has a public purpose as determined by the state forester.

(d) Any grant under the forest health program that is used on federal land shall not pay for more than fifty percent (50%) of the cost of an eligible forest health project as specified under subsection (c) of this section. Any other source of funds, cash or in-kind contributions may be used as matching funds to cover the remainder of a project's costs and the state forester may require that matching funds be obligated to pay for a portion of any project. If a forest health project is conducted through good neighbor authority, receipts collected through implementation of the project may be used as matching funds under this subsection.

(e) No forest health grant shall be made under this section without the attorney general's review and approval of the grant.

(f) There is created the forest health grant program account. The account shall consist of those funds designated to the account by law. Funds in the account shall be used for grants authorized to be made under this section. Any person may also grant, give, transfer, bequest or donate funds to the account. Funds in the account shall be invested as provided by law. Any funds remaining in the account at the end of any fiscal year shall not lapse or revert as provided by W.S. 9-4-207 but shall remain in the account and be used to implement the purposes of this section. Accrued interest and other earnings on unexpended funds within the forest health grant program account shall be credited to the account.

(g) The state forester shall annually report to the joint agriculture, state and public lands and water resources interim committee not later than September 1 on all grants awarded under this section including the amounts of the grants and the projects the grants were authorized to fund.

CHAPTER 2 - BOARD OF LAND COMMISSIONERS

ARTICLE 1 - IN GENERAL

36-2-101. Composition; powers generally.

The governor, secretary of state, state treasurer, state auditor, and superintendent of public instruction, being constituted a "board of land commissioners" by the provisions of

section 3, article 18, of the constitution of the state of Wyoming, shall as such board, have the direction, control, leasing, care and disposal of all lands heretofore or hereafter granted or acquired by the state for the benefit and support of public schools or for any other purpose whatsoever, subject to the limitations contained in the constitution of the state, and the laws enacted by the legislature. The board shall have the power and authority to take such official action as may be necessary in securing title to land grants, or any other lands acquired by the state. The board shall oversee the compensatory mitigation credit system established under W.S. 9-19-201 through 9-19-204 and shall promulgate rules and regulations in accordance with W.S. 9-19-201 through 9-19-204.

36-2-102. Authority to administer oaths.

Each member of the board is hereby authorized and empowered to administer oaths in any proceeding of any character which may be pending before it.

36-2-103. President; quorum; duties of employees.

The governor shall be president of said board, but in his absence from any meeting, one (1) of the members may act as president pro tempore, and shall preside at such meeting. A majority of the members of the board shall constitute a quorum for the transaction of business. The board shall have authority to prescribe the duties of all persons employed by it.

36-2-104. Meetings; rules, regulations and forms of procedure; records.

The board shall hold such regular and special meetings as it may prescribe and consider necessary for the proper transaction of the business before it. All meetings and transactions incident to the duties of the board, together with all protests, contests or other proceedings before it, shall be regulated by such reasonable rules, regulations and forms of procedure as may from time to time be prescribed by the board; and such rules, regulations and forms of procedure shall bear the same relation to proceedings pending before the board, and have the same legal force and effect, upon all parties to such proceedings, as the Code of Civil Procedure bears and has to civil actions and the parties thereto in the courts of this state. The board shall cause proper records of its meetings and other proceedings to be kept in suitable books, and shall preserve all important documents and papers pertaining to the lands of the state and

business of the board. All votes taken to decide the board's final action on any matter shall be recorded.

36-2-105. Repealed By Laws 1997, ch. 200, § 2.

36-2-106. Repealed By Laws 1997, ch. 200, § 2.

36-2-107. Rules and regulations; general penalty for violations; enforcement.

(a) The board shall have the power and authority to promulgate and adopt rules and regulations not inconsistent with the laws of the state, as it may from time to time deem necessary in the direction, control, disposition and care of all state lands, and to preserve the value of the land and to recognize the fiduciary duties of the state land office. Rules adopted under this subsection shall provide that weed and pest control on all state lands be coordinated with and managed by the department of agriculture pursuant to the Wyoming Weed and Pest Control Act.

(b) Any person who knowingly violates any provision of this subsection is guilty of a misdemeanor and shall be fined not more than seven hundred fifty dollars ($750.00), imprisoned for not more than six (6) months, or both. In addition, any person found guilty under this section may be ordered to pay restitution to the board for actual pecuniary damage resulting from the illegal actions of the person. Restitution may be excused if a court finds that the defendant has no ability to pay. In determining the amount of restitution under this subsection, the court shall consider, and include as a special finding, the reasonably foreseeable actual pecuniary damage that has or will result from the illegal activities of the defendant. Any restitution received under this subsection shall be deposited into an account designated by the board for use to restore the rights and property of the board. The acts prohibited under this subsection are:

(i) Damaging state lands under circumstances not a violation of W.S. 6-3-201;

(ii) Using a motor vehicle on state lands off an established road as defined by the board or on a road closed by the board;

(iii) Charging for or receiving payment for purposes of allowing persons to engage in hunting, fishing or any other

recreational use of state lands, unless the payment is collected pursuant to a lease or temporary use permit issued by the state;

(iv) Building, maintaining, using or attending an open fire, campfire or charcoal grill on state land except in areas established by the board;

(v) Camping overnight on state land except in areas established by the board;

(vi) Violating any lawful order issued by the board pursuant to W.S. 36-2-101 to protect state lands and assets from resource damage; and

(vii) Violating any lawful order issued by the board closing state lands for the purpose of protecting public health and safety.

(c) Any peace officer as defined in W.S. 7-2-101 shall have the authority to enforce this section on state lands. Any game and fish department law enforcement personnel qualified pursuant to W.S. 9-1-701 through 9-1-707 shall have authority to enforce this section to the extent that there is no diminishment in federal funds provided for under W.S. 23-1-601 and 23-1-602.

(d) The provisions of subsection (b) of this section shall not apply to the actions of any person acting pursuant to the terms of a valid lease, authorization or permit issued by the board.

36-2-108. Appointment of state forester; qualifications; duties.

(a) The state board of land commissioners shall appoint a state forester who shall be the administrative head of the Wyoming state forestry division of the office of state lands and investments. The state forester shall serve at the pleasure of the board. The state forester shall have a bachelor's degree in forestry with not less than four (4) years experience in professional forestry work. The state forester shall, under the general supervision of the board, have direction of all forest interest and all matters pertaining to forestry within the jurisdiction of the state of Wyoming.

(b) The state forester shall:

(i) Take such action as may be deemed necessary by the state board of land commissioners to protect forest, range and other rural resources from fire. This responsibility shall in no way diminish the responsibility or authority of local fire protection districts;

(ii) Assist the county sheriff in the enforcement of all laws pertaining to the protection of forest and range lands from fire;

(iii) Collect data relative to forest conditions;

(iv) Prepare an annual report on the progress and condition of state forestry work;

(v) Recommend plans for improving the state system of forest protection, management and replacement;

(vi) Whenever it is deemed essential and to the best interest of the state, cooperate with counties, cities, towns, corporations, or individuals for the protection, management and planting of trees, woodlots and timber tracts;

(vii) Promote the development of the forest industry;

(viii) Cooperate with federal agencies and all political subdivisions of the state to fulfill the intent of this section;

(ix) Adopt rules as necessary to fulfill the duties described in this article;

(x) Appoint assistants and employees as are necessary in executing the duties of the division;

(xi) Maintain wildland and forestry fire control programs including, but not limited to:

(A) Fire management, coordination and reimbursement for all lands owned and managed by the state of Wyoming and its agencies;

(B) Fire management assistance within the state of Wyoming;

(C) Pre-position suppression equipment, personnel and other resources during periods of high wildfire risk;

(D) Support for local fire jurisdiction training programs;

(E) Establishing standards and regulations for privately contracted private wildland fire resources operating in Wyoming. As used in this subparagraph, "privately contracted private wildland fire resources" includes services retained by insurers for prevention and suppression activities on insured properties.

36-2-109. Fire protection revolving account.

There is created the fire protection revolving account. Funds received by the state forester from local and county fire service entities and other payments received by the state forester for billable fire expenses shall be deposited into the account. Funds deposited into the account are continuously appropriated to the state forester to be expended only for costs related to fire protection activities and services, the purchase of wildland fire equipment, parts for federal excess property, supplies and to provide repairs for county and local fire service entities. As used in this section, "billable fire expenses" means any payment received from a federal, state or local entity for fire protection services or other related activities.

36-2-110. Interstate compact for the prevention and control of forest fires.

The interstate compact for the prevention and control of forest fires as contained herein is hereby enacted into law and entered into on behalf of this state with any and all other states legally joining therein in a form substantially as follows:

INTERSTATE COMPACT FOR THE PREVENTION AND CONTROL

OF FOREST FIRES

ARTICLE I

Purpose

The purpose of this compact is to promote effective prevention and control of forest fires in the great plains region of the United States by the maintenance of adequate forest firefighting services by the member states, and providing for reciprocal aid in fighting forest fires among the compacting states of the region, including South Dakota, North Dakota, Wyoming, Colorado and any adjoining state of a current member.

ARTICLE II

Operative Date

This compact is operative immediately as to those states ratifying it if any two (2) or more of the member states have ratified it.

ARTICLE III

State Compact Administrator; Forest Fire Plan

(a) In each state, the state forester or officer holding the equivalent position who is responsible for forest fire control may act as compact administrator for that state, consult with like officials of the other member states, and implement cooperation between the states in forest fire prevention and control. The compact administrators of the member states may organize to coordinate the services of the member states and provide administrative integration in carrying out the purposes of this compact.

(b) Each member state may formulate and put in effect a forest fire plan for that state.

ARTICLE IV

Aid to Other Member States

If the state forest fire control agency of a member state requests aid from the state forest fire control agency of another state in combating, controlling, or preventing forest fires, the state forest fire control agency of that state may render all possible aid to the requesting agency, consonant with the maintenance of protection at home.

ARTICLE V

Privileges; Liability; Claims and Reimbursement

(a) If the forces of any member state are rendering outside aid pursuant to the request of another member state under this compact, the employees of the state shall, under the directions of the officers of the state to which they are rendering aid, have the same powers (except the power of arrest), duties, rights, privileges and immunities as comparable employees of the state to which they are rendering aid.

(b) No member state or its officers or employees rendering outside aid pursuant to this compact is liable on account of any act or omission on the part of such forces while so engaged, or on account of the maintenance or use of any equipment or supplies in connection with rendering outside aid.

(c) All liability, except as otherwise provided in this compact, that may arise either under the laws of the requesting state or under the laws of the aiding state or under the laws of a third state on account of or in connection with a request for aid, shall be assumed and borne by the requesting state.

(d) Any member state rendering outside aid pursuant to this compact shall be reimbursed by the member state receiving the aid for any loss or damage to, or expense incurred in the operation of, any equipment used in answering a request for aid, and for the cost of all materials, transportation, wages, salaries and maintenance of employees and equipment incurred in connection with the request. However, nothing in this compact prevents any assisting member state from assuming the loss, damage, expense, or other cost, from loaning the equipment, or from donating the services to the receiving member state without charge or cost.

(e) Each member state shall assure that workers compensation benefits in conformity with the minimum legal requirements of the state are available to all employees and contract firefighters sent to a requesting state pursuant to this compact.

(f) For the purposes of this compact, the term "employee" includes any volunteer or auxiliary legally included within the forest firefighting forces of the aiding state under the laws of the aiding state.

(g) The compact administrators may formulate procedures for claims and reimbursement under the provisions of this article in accordance with the laws of the member state.

ARTICLE VI

Effect of Compact on Existing Statutes; Duties

(a) Ratification of this compact does not affect any existing statute so as to authorize or permit curtailment or diminution of the forest firefighting forces, equipment, services or facilities of any member state.

(b) Nothing in this compact authorizes or permits any member state to curtail or diminish its firefighting forces, equipment, services or facilities. Each member state shall maintain adequate forest firefighting forces and equipment to meet the demands for forest fire protection within its borders in the same manner and to the same extent as if the compact were not operative.

(c) Nothing in this compact limits or restricts the powers of any state ratifying the compact to provide for the prevention, control and extinguishment of forest fires, or to prohibit the enactment or enforcement of state laws, rules or regulations intended to aid in the prevention, control and extinguishment of forest fires in the state.

(d) Nothing in this compact affects any existing or future cooperative relationship or arrangement between the United States forest service and a member state or states.

ARTICLE VII

Representatives of the United States Forest Service

Representatives of the United States forest service may attend meetings of the compact administrators.

ARTICLE VIII

Operation of Articles IV and V

The provisions of Articles IV and V of this compact that relate to reciprocal aid in combating, controlling or preventing forest fires are operative as between any state party to this compact and any other state which is party to this compact in another region if the legislature of the other state has given its assent to the mutual aid provisions of this compact.

ARTICLE IX

Withdrawal from Compact

This compact shall continue in force and remain binding on each state ratifying it until the legislature or the governor of the state takes action to withdraw from the compact. Such action is not effective until six (6) months after notice of the withdrawal has been sent by the chief executive of the state desiring to withdraw to the chief executive of all states then party to the compact.

ARTICLE 2 - APPEALS

36-2-201. Questions may be reserved to district court.

Whenever an important or difficult matter of law or fact is to be decided in a contest or other proceeding pending before the board of land commissioners, or whenever in the judgment of the members of said board any of its members are for any reason disqualified from considering and deciding the questions or issues involved in any contest or other proceeding before such board, then and in that event, the board of land commissioners may on the motion of either party interested, or upon its own motion, cause the said contest or other proceeding to be reserved and sent to the district court for the county in which the land in controversy is situated.

36-2-202. Certified copies of papers to be sent to court; docket fee.

When a contest or other proceeding is reserved and ordered sent to a district court, the director shall transmit certified copies of all the papers in the case in his possession and in his office to the clerk of the said district court and the board of land commissioners shall determine who shall pay the docket fee in the district court.

36-2-203. When issues made up before removal.

If the issues in said reserved contest or proceeding have been made up before the same shall have been removed, then in that case the said contest or proceeding when so removed shall be deemed ready for hearing; provided, however, that the judge of said district court may grant amendments to the pleadings already filed.

36-2-204. When issues not made up before removal.

If the issues in said contest or proceeding have not been made up at the time the same is so removed to the district court then in that case the date when said contest or proceeding is filed in said district court shall be deemed the date of the filing of the petition of the contestant, and all of the proceedings thereafter shall be in accordance with the rules governing the trial of civil cases, including the making up of the issue, the trial of the case and an appeal from the judgment of the district court.

36-2-205. Determination, certification, recordation and effect.

When such case is reserved to the district court the same shall be tried and determined by such court, and its findings and judgments thereon shall be certified by the clerk of said court, to the director and he shall record the same in the record of the proceedings of the board of land commissioners, and when so recorded, such findings and judgments shall have the same force and effect as though rendered by said board.

36-2-206. Appeals to district court.

Any party who may feel himself aggrieved by the decision of the board of land commissioners rendered in any contest proceeding held before said board, may have an appeal from such decision to the district court sitting within and for the county in which the land in controversy is situated. All persons joining in the appeal shall be joined as appellants, and all persons having interests adverse to the parties appealing, or any of them, shall be joined as appellees; and upon said appeal being perfected, said contest proceeding shall stand to be heard and for trial de novo, by said court.

36-2-207. Written notice of intent to appeal; bond.

The party appealing shall, within thirty (30) days after receiving notice by registered mail of the decision of the board, file with the director, a notice in writing to the board of land commissioners stating that such party intends to appeal to said district court from said decision; and at the same time shall file a like notice in the said district court; and upon the filing of said notices, the appeal shall be deemed to have been taken; provided, however, that the party appealing shall within fifteen (15) days after the said notices have been filed,

enter into an undertaking to be approved by the clerk or the judge of the said district court and to be given to the appellees, and to be in such an amount as said court or the judge thereof shall fix, but in any case, shall not be less than five hundred dollars ($500.00), and conditioned that the appellant shall prosecute his appeal without unnecessary delay and will pay all costs and damages which the appellees or any of them may sustain in consequence of such appeal.

36-2-208. Transmission of evidence to district court; hearing on appeal.

Upon notice of intention to appeal having been filed with the director, he shall at once transmit to the clerk of the district court to which such appeal has been taken, a certified copy of all papers and documents in evidence in the case together with a transcript of all orders and journal entries concerning the same and a certified copy of the decision appealed from. Unless otherwise ordered by the court, said appeal shall be heard upon the pleadings filed before the board of land commissioners and at the trial of such appeal, evidence shall be taken and other proceedings had as in the trial of a civil action before said court.

36-2-209. Notice of perfected appeal; proof of service.

Upon the approval of the bond as aforesaid, the clerk of the district court shall immediately issue a notice to the director and to said appellees and each of them that said appeal has been perfected; such notice may be served personally upon the appellees or their attorneys of record by any appellant or his attorney of record, or by registered mail, by the clerk of the district court. Proof of service may be made by the affidavit of the person making the service and also by the return registry receipt where service is made by registered mail.

36-2-210. Hearing and trial upon appeal; appeal to supreme court.

At the expiration of the time for the appearance of the appellees, the case is to be deemed ready for hearing; and it shall be heard and tried the same in all respects as civil cases are tried in said district court; and an appeal from the judgment, finding and decree of said court shall lie to the supreme court the same in all respects as prescribed by law for appeals and proceedings in error from the district courts to the supreme court of this state.

CHAPTER 3 - DIRECTOR OF THE OFFICE OF STATE LANDS AND INVESTMENTS

36-3-101. Appointment; term; salary; removal.

(a) There shall be a director of the office of state lands and investments, who shall be appointed by the governor by and with the consent of the state senate. The term of his office shall expire at the end of the term of office of the governor during which he was appointed, unless sooner removed. He shall receive an annual salary as provided by law, to be paid monthly by the state treasurer on the warrant of the state auditor. The governor may remove the director as provided in W.S. 9-1-202.

(b) Effective July 1, 1979, appointments and terms under this section shall be in accordance with W.S. 28-12-101 through 28-12-103.

36-3-102. Duties generally.

(a) The director shall keep the records of the board of land commissioners, and be the secretary thereof. He shall make out and countersign all patents, contracts or other instruments issued by him to purchasers and others, and make out and sign all leases. He shall keep a record of all such leases, patents or other instruments in books or other records. He shall file and preserve in his office all bonds, contracts, leases, and other instruments given by lessees, purchasers and others. He shall have the custody of the seal of the board, and shall keep the minutes of the proceedings thereof, and shall perform such other duties concerning the business transactions of the board as it may direct. He shall receive all applications for purchasing, leasing, entering, locating or in any manner acquiring title to, interest in, or any benefit from or use of any lands belonging to or under the control of the state of Wyoming, and he shall allow or disallow, subject to the approval of the board of land commissioners, such applications to purchase, lease, enter or otherwise acquire title to, interest in, benefit from or use of the lands, or the appurtenances thereof, and in all cases where there have been no conflicting applications, he shall report his decisions to the board for its approval at its next ensuing regular or special meeting, but in all cases where there have been conflicting applications to lease or otherwise acquire interests or benefits in the lands, he shall, before reporting his decisions to the board, give each of the applicants notice of what his decision is with reference

to their applications, and if none of the applicants files an appeal in writing from the decisions of the director to the board within a period of thirty (30) days, except in the case of oil and gas leases when the period shall be not less than ten (10) days nor more than thirty (30) days at the discretion of the board, after the date of the notice, the director shall report his decision to the board for approval at its next meeting and in case an appeal in writing is taken from the decision of the director to the board of land commissioners within the time provided, the director shall give each of the applicants at least ten (10) days' notice, except in the case of oil and gas leases when the period shall be five (5) days' notice in writing of the date on which the appeal will be heard by the board. The director shall keep on file in his office the original of all documents filed as required by W.S. 36-1-102. He shall insure that these documents are properly indexed for reasonable public access, and to show ownership by each state commission, institution, department or board.

(b) Upon application and the annual payment of fifteen dollars ($15.00) by any person qualified to lease oil and gas lands of the state of Wyoming, the director shall place the name and address of the person on a mailing list and mail to the person a complete list of lands open for filing prior to the date when the lands become subject to filing. The payments shall be placed in the general fund.

(c) The board shall have authority to override any decision made by the director. Upon such terms and conditions as shall be established by the board, in addition to other powers enumerated in this section, the director shall have authority to:

(i) Issue all standard lease and permit renewals which do not convey any permanent interest in state lands;

(ii) Approve lease assignments, sublease agreements and surface damage payments, and concur in water right petitions involving state lands;

(iii) Approve applications to construct improvements within criteria established by the board pursuant to W.S. 36-5-110(a) and 36-5-111;

(iv) Approve timber sale auctions within criteria established by the board pursuant to W.S. 36-1-112;

(v) Approve acreage adjustments, suspension of operations and unit or communitization agreements under W.S. 36-6-101;

(vi) Determine, subject to approval of the board, the best use for acquired institutional lands managed by the board pursuant to W.S. 9-2-2005, 9-2-2006 and 9-2-2012 consistent with:

(A) Consideration of the needs of the institution;

(B) Consideration of alternative uses of the property which are compatible with the mission of the institution; and

(C) Limitations contained in the constitution of the state of Wyoming, state and federal law and the conveyance instrument.

(d) For any lands belonging to the state of Wyoming and under the control of the board of land commissioners, the director shall coordinate with the department of agriculture regarding weed and pest control needs and control efforts, which the department of agriculture shall manage pursuant to the Wyoming Weed and Pest Control Act.

36-3-103. Selection and location of lands.

The director shall select and locate all lands which are now or may be hereafter granted to the state of Wyoming by the United States for any purpose whatever.

36-3-104. Notice of selection.

Before any selection of lands granted to the state is made, it shall be the duty of the director to publish in at least one (1) newspaper of general circulation in each county in the state a notice giving the area of the said lands so to be selected, and the time on or about when the director will receive applications for and begin the selection of said lands, and before any lands so selected shall be leased, sold or otherwise disposed of, a description of such lands together with the name of the person for whom selected, shall be published at least once in a newspaper of general circulation in each county wherein said lands are located, and such lands shall thereafter be sold, leased or otherwise disposed of in the same manner and under the

same restrictions as provided by law for the disposition of other state lands.

36-3-105. Annual report.

On or before the 10th day of December, immediately preceding the meeting of the legislature, the director shall make a report of the business of his office, the transactions of the board of land commissioners, and the condition of the land affairs of the state, showing by tables the land belonging to the several funds of the state, to whom sold, leased or otherwise disposed of, the receipts from all sources, the condition of the conditional grants made to the state under the provisions of section 4 of an act of congress entitled "An act making appropriations for sundry civil expenses, approved August 18th, A.D. 1894", and acts amendatory thereof, including in his said report a comprehensive statement of the development and progress made by corporations or individuals reclaiming land under the provisions of said acts of congress, and of chapter 15, title 9, div. 1, Wyoming Revised Statutes of 1899 and showing in said report any and all facts or statistics concerning the lands of the state of Wyoming that will exhibit the condition of the said state lands.

36-3-106. Arid land fund.

As provided in the said acts of congress, all moneys collected by the director from the sale of lands selected under the provisions of such acts of congress shall be deposited by the director with the state treasurer, and shall constitute a trust fund in the hands of said treasurer to be used only for the reclamation of other arid lands when appropriated by the legislature for that purpose in the manner that other appropriations are made.

36-3-107. Oaths; acknowledgments of written instruments; depositions.

The director is hereby authorized to administer oaths and affirmations, to receive acknowledgments of powers of attorney and other instruments in writing, and to take depositions in matters relating to state, school, or arid land business, within the state of Wyoming.

36-3-108. Official seal.

The director shall provide himself with an official seal with which he shall authenticate such official acts as are not

performed as secretary of the board of land commissioners, which seal shall be engraved with his official title and the word "Wyoming."

36-3-109. Disposal of slash on timber lands; forestry performance account.

(a) The state forester shall provide for the disposal of any slash resulting from the harvest of forest products and may require forest management work through a forest product sales contract or a service contract. The state forester may, when deemed necessary, require a slash deposit or performance bond to cover the anticipated cost of any slash disposal or required management work as a guarantee of compliance with contract specifications.

(b) When any slash is not disposed of or management work is not completed in accordance with the requirements of the forest products sales contract or service contract, the state forester may go upon the premises with such personnel, equipment and supplies as may be necessary to burn or otherwise dispose of the slash or complete a required management project. The expense incurred in disposing of the slash or completing the required management project, shall be a charge against the posted performance bond or slash deposit.

(c) Repealed By Laws 1999, ch. 124, § 2.

(d) There is created the revolving forestry performance account in which any performance bond or slash deposit shall be deposited, and from which any expense incurred in the completion of slash disposal or another contract requirement not complying with forest products sale or service contract specifications shall be paid. The funds in the account are continuously appropriated to the state forester for the purposes of this section. Upon successful completion of required slash disposal or other contract requirements, as determined and approved by the state forester, the performance bond or slash deposit shall be refunded to the purchaser or contractor. If required slash disposal or other contract requirements are partially completed, the expense of completing the required work shall be charged against the forestry performance account with the balance of the performance bond or slash deposit, if any, refunded to the purchaser or contractor.

36-3-110. Fees.

(a) The board shall determine by rule and regulation, and the director shall collect fees for the following administrative services:

(i) For filing each application to lease;

(ii) For filing each application for easement;

(iii) For filing each assignment of lease;

(iv) For filing each application for timber or forest product contract;

(v) For filing each notice of security interest;

(vi) For filing each change of name;

(vii) For filing each unit or communitization agreement;

(viii) For filing each application for a fossil permit;

(ix) For filing each application for a temporary use permit;

(x) For filing each surface estate sale nomination;

(xi) For each insufficient fund check returned.

(b) The board shall determine the fees to be collected under subsection (a) of this section in an amount which approximates, but does not exceed, the direct and indirect costs of administering the regulatory provisions of this act. The office of state lands and investments shall be entitled to retain that portion of the fees collected which represent the cost of county filing and recording. All of the remaining money collected for fees shall be paid to the treasurer of the state monthly and shall be credited to the general fund.

36-3-111. Appointment of deputy; compensation.

The director may appoint a deputy to perform the duties of his office and to hold such appointment at the will of the director. The annual compensation of such deputy shall be as determined by the human resources division of the department of administration and information, payable monthly, upon vouchers submitted in

proper form to the state auditor, and in manner that other accounts against the state are paid, and shall receive no other compensation for any services rendered by him to the state.

CHAPTER 4 - STATE PARKS AND CULTURAL RESOURCES

ARTICLE 1 - GENERAL PROVISIONS

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

(a) There is established the Wyoming parks and cultural resources commission within the department of state parks and cultural resources which shall consist of nine (9) members, citizens of Wyoming. Not more than seventy-five percent (75%) of the members shall be from the same political party. Commission members shall be appointed by the governor, by and with the advice and consent of the state senate, and may be removed by the governor as provided in W.S. 9-1-202. Appointments made between sessions of the legislature shall be made in accordance with W.S. 28-12-101. In addition, the governor is an ex officio member of the commission.

(b) The term for commission members is five (5) years, and shall expire on March 1, providing that the terms of the members first appointed shall be staggered as follows:

(i) Three (3) members shall be appointed for a term of two (2) years;

(ii) Three (3) members shall be appointed for a term of four (4) years; and

(iii) Three (3) members shall be appointed for a term of five (5) years.

(c) Each appointment district pursuant to W.S. 9-1-218 shall at all times be represented by at least one (1) commissioner who is a resident of that district.

(d) All vacancies occurring on the commission shall be filled by the governor in accordance with W.S. 28-12-101.

(e) The first meeting of the commission shall be at the call of the governor. Thereafter, the commission shall meet at least once every three (3) months. Other meetings may be held at

the call of the president of the commission, the governor or a majority of the commission members.

(f) At the first meeting of the commission and thereafter at the regular September meeting of each year, the commission shall elect one (1) of its members president who shall hold his office for a term of one (1) year. If a vacancy occurs in the office of president, the commission shall elect a member of the commission to serve as president for the remainder of that term.

(g) Effective July 1, 1979, appointments and terms under this section shall be in accordance with W.S. 28-12-101 through 28-12-103.

(h) Any statute or legal or other document which refers to the Wyoming recreation commission established under subsection (a) of this section, as existing on and after April 1, 1990 and serving in an advisory capacity to the department of state parks and cultural resources, means the Wyoming parks and cultural resources commission which is the successor to the recreation commission, as existing on and after April 1, 1990.

(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.

36-4-102. Advisory board.

(a) There is established an advisory board consisting of one (1) member from each county to be appointed by the governor and to serve for a term of two (2) years. The governor may remove any board member as provided in W.S. 9-1-202.

(b) The president of the commission shall serve as the chairman of the advisory board. The advisory board shall meet at the call of the president of the commission or the governor.

36-4-103. What constitutes outdoor recreation areas and facilities.

For the purposes of this act, outdoor recreation areas and facilities shall include state parks, public recreation grounds, historical parks, and historical, archaeological, geological and ecological sites now in existence or hereafter created. As used in this section, W.S. 36-4-105 and 36-4-108, "historical parks" includes all land and structures at South Pass City and Fort Fred Steele.

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:

(i) Acquire and accept title in the name of the state of Wyoming, by grant, dedication, gift, devise, donation, or demise, to any lands suitable as an outdoor recreation area or facility;

(ii) With the concurrence of the board of land commissioners, set aside and designate as an outdoor recreation area or facility any suitable tract of land belonging to the state of Wyoming which is not appropriated to some other fund or use;

(iii) Take options to purchase lands subject to the approval and appropriation therefor of the next succeeding legislature;

(iv) Accept any gifts or grants for archives, museums and historical purposes;

(v) Deaccession artifacts from the state's collection;

(vi) Enter into agreements with Wyoming financial institutions, financial institutions or persons operating remote electronic terminals for the collection of donations for the operation and maintenance of Wyoming state parks, historic sites and recreation areas. Donations received by the department pursuant to this paragraph shall be deposited in an operations and maintenance account and upon legislative appropriation shall be expended by the department for the daily operation of outdoor locations and facilities as described in W.S. 36-4-103.

(b) To provide interpretive and educational services at recreation areas and facilities, the department may enter into agreements with private, nonprofit scientific, historic or educational organizations organized solely for the purpose of providing interpretive and educational services at Wyoming recreation areas and facilities. The department may under any agreement entered into pursuant to this subsection, provide personnel services to assist any private, nonprofit organization with carrying out its interpretive and educational program and may provide space at or within any recreation area or facility

for interpretive materials provided by the organization. Any organization entering into an agreement may:

(i) Offer interpretive or educational materials for sale at recreation areas and facilities. Revenues collected from sales under this paragraph shall be retained by the organization solely for use in providing interpretive or educational services at the area or facility for which the organization provides these services;

(ii) Acquire display materials and equipment for exhibit at areas and facilities;

(iii) Support special area or facility interpretive or educational programs, other interpretive projects related to a specific area or facility and may support area or facility resource centers.

(c) The department, with the advice of the commission, shall promulgate rules and regulations as necessary to implement subsection (b) of this section. Rules and regulations adopted under this subsection shall specify:

(i) Procedures for entering into agreements for interpretive and educational services;

(ii) Guidelines for approving interpretive materials which present both sides of an issue, if appropriate, in a balanced manner to be provided by the contracting organization at recreation areas and facilities; and

(iii) Procedures for renewal and dissolution of agreements between the department and private, nonprofit organizations.

(d) As used in subsections (b) and (c) of this section, "recreation areas and facilities" include both indoor and outdoor facilities at state parks, historic sites, recreation areas and historical, archaeological, geological and ecological sites as enumerated under W.S. 36-4-103.

(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 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), (f) and (g).

36-4-105. Naming of sites and parks.

Each state park, public recreation ground, historic park or archaeological, geological or ecological site created and established under this act shall be given an appropriate name by the department of state parks and cultural resources, in consultation with the commission.

36-4-106. Plan for acquisition and development of resources; authority of department; coordination of activities; exceptions; 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.

(b) In connection with obtaining the benefits of any such program for the state of Wyoming, the department shall coordinate its activities with and fairly represent the interests of all agencies of the state, county, city and any

other governmental units having interests in the planning, acquisition, development or maintenance of outdoor recreation resources and facilities within the state.

(c) The department, in consultation with the commission, may enter into and administer agreements with the United States or any appropriate agency thereof for planning, acquisition and development of projects involving participation under federal aid funds on behalf of any county, city or other governmental unit; provided that such county, city or other local government unit gives necessary assurance to the department that it has available sufficient funds to meet its share of the cost of the project and that the acquired and developed areas will be operated and maintained at its expense for public outdoor recreation use.

(d) There shall be appointed within the department of state parks and cultural resources a state archaeologist, who shall be a member of the department of anthropology of the University of Wyoming. The state archaeologist shall receive an annual salary to be determined by the Wyoming human resources division, which shall be in addition to any compensation received from the university. The state archaeologist may:

(i) Investigate, study, preserve and record such evidence of prehistoric and early historic human activity as shall be reported from time to time by citizens of the state or of which the survey may otherwise become aware;

(ii) Begin and carry out as time permits an archaeological survey of the state, locating and recording all evidences of prehistoric and early historic human activity that may be encountered and maintaining records in the form of filed maps and documents deposited permanently at the University of Wyoming;

(iii) Engage in systematic, intensive archaeological investigations of significance to the reconstruction of the prehistory and early history of the state as time and facilities permit and to solicit funds for this work from the various public and private foundations and other sources generally available to the field archaeologist;

(iv) Prepare and publish from time to time technical reports bearing on the investigations carried out or of significance to the reconstruction of the prehistory and early history of the state;

(v) Cooperate to the extent of capacity with communities and other agencies in the state interested in the establishment of local archaeological museums and related activities;

(vi) Cooperate with all agencies to the extent of capacity in the protection from vandalism, natural and other kinds of destruction of all objects of archaeological significance, to investigate, exhume and consult regarding archaeological human burials pursuant to W.S. 7-4-106 and to render aid in the enforcement of the Wyoming Antiquities Act;

(vii) Distribute all publications of the survey to the public on request, either free or at a price to be determined.

(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 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, 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:

(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.

36-4-107. Authority to lease; exchange of lands and contracts with United States.

The department, in consultation with the commission, shall have the power and is hereby authorized to lease, grant or operate any outdoor recreation area or facility belonging to the state which is not subject to lease, grant or operation by another agency of the state. The department, in consultation with the commission, may exchange state lands which are not appropriated to other use for United States outdoor recreation areas and facilities, and under contract with the United States, may take over the management, leasing and operation of any such area or facility. Where the department deems it to be in the best interest of the state, it may, in consultation with the commission, contract with the United States government or any authorized federal agency for the operation of any outdoor recreation area or facility established by the department.

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 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.

(b) The department shall:

(i) Supervise, maintain and control historic parks, including furnishing and controlling employees and equipment, possessing and controlling all items, objects and furnishings, and erecting all signs and markers;

(ii) Interpret historic parks and prepare and arrange all items, objects, furnishings and information;

(iii) Repealed by Laws 1990, ch. 44, § 3.

(iv) Administer the state trails program; and

(v) Erect, maintain and remove monuments and markers.

36-4-109. Contracts and agreements with United States for improvements and maintenance.

The department, in consultation with the commission, is authorized to enter into contracts and agreements with the United States or any duly authorized representative or agency thereof to cause state outdoor recreation areas and facilities to be improved and maintained and for that purpose may contract to secure the labor of members of organizations under the control of the federal government or some duly authorized representative or agency thereof.

36-4-110. Power to lease or rent concessions.

(a) The department, in consultation with the commission, is empowered to lease, enter into contracts and assess fees for concessions, cabin sites, boat clubs, and other services of all lawful kinds and nature on state outdoor recreation areas or facilities to persons, partnerships, and corporations for a valuable consideration upon terms and conditions as the department deems fit and proper. Funds received by the

department pursuant to this section shall be deposited and expended in accordance with W.S. 36-4-121(h).

(b) The department, with the advice of the commission, shall promulgate rules that shall apply to any for profit business concession with a five (5) year or greater contract or lease term to promote the uniform and effective administration of state outdoor recreation areas and facilities. Rules adopted under this subsection shall specify:

(i) Uniform procedures for bidding, entering into leases or contracts and assessing fees under this section, consistent with W.S. 9-2-3204(b)(iv), and making any forms available in electronic format on the department website;

(ii) Uniform guidelines for bonding and other obligations of service providers;

(iii) Uniform contract and lease guidelines, including ranges within which to negotiate contract or lease terms including the duration of contracts and leases; and

(iv) Any additional and prudent site-specific conditions and requirements.

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

(a) The state treasurer, after consultation with the governor, is hereby authorized and directed to receive and credit to the appropriate account any grant, donation, or bequest which is made to the state of Wyoming or the department which contains a condition or restriction that the income only therefrom shall be expended for the purposes provided by this act.

(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.

(c) Money received and the proceeds or other property likewise received and disposed of by the department, in consultation with the commission, may be expended by the department for the purposes of this act.

(d) Any money under this section shall be invested by the state treasurer in securities of any of the classes in which he is permitted by law to invest the general school funds of this state, and the interest received thereon shall be placed at the disposal of the department to be used by it in carrying out the purposes of this act.

36-4-112. Receipt and expenditure of federal funds; use of funds from land and water conservation fund.

Authority is hereby granted for the state of Wyoming and its authorized representatives, with the approval of the governor, to receive and to disburse federal monies which may now and hereafter be available under the provisions of Public Law 88-578 or any other applicable federal statutes, for the acquisition, development, operation and maintenance of outdoor recreation areas and facilities of the state. All funds received because of state participation in the Land and Water Conservation Fund Act shall accrue to the state treasurer who shall deposit them in the appropriate accounts. No funds so received shall be used for any purpose other than the administration of the provisions of the Land and Water Conservation Fund Act. Such projects may be undertaken by the department in consultation with the commission only after it has been determined that sufficient funds are available for meeting the state's share of project costs.

36-4-113. Private improvement permits.

The department of state parks and cultural resources may grant permits to any individual, improvement club or voluntary association, or committee representing such clubs and associations, to improve, without expense to the state, any outdoor recreation area or facility established under the provisions of this act. All such improvements, changes, alterations or restorations shall be outlined in writing or set forth in drawings and specifications furnished by the department and the work undertaken shall be subject to inspection and supervision by the department during the course thereof.

36-4-114. Repealed by Laws 1990, ch. 44, § 3.

36-4-115. Rules and regulations; general penalty for violations.

(a) The department of state parks and cultural resources in consultation with the commission shall promulgate and enforce all reasonable rules and regulations necessary to carry out this act.

(b) Rules and regulations promulgated by the department under this act and governing state parks and historic sites shall include the:

(i) Conservation of peace and good order within each park;

(ii) Preservation of state property;

(iii) Promotion of the well-being of park visitors and residents; and

(iv) Definition of a public nuisance within state parks and historic sites.

(c) The department of state parks and cultural resources shall enforce its rules and regulations.

(d) Any person violating this act or any rule and regulation promulgated by the department under subsection (b) of this section is guilty of a misdemeanor and shall be fined not more than seven hundred fifty dollars ($750.00), imprisoned for not more than six (6) months, or both.

36-4-116. Repealed by Laws 1982, ch. 48, § 3.

36-4-117. Jurisdiction over grazing districts.

Nothing in this act, shall be construed as giving jurisdiction to the department of state parks and cultural resources over interest in any grazing district established under the terms of the Taylor Grazing Act unless and until agreement and consent of the board of directors of the grazing district to this effect is formally secured.

36-4-118. Compensation prohibited; per diem and travel expenses permitted.

The members of the commission and the advisory board shall not receive any compensation for their services, but when actually engaged in the performance of their duties, they shall be paid a per diem for each day of such actual service and be reimbursed for their travel expenses at the same rate applicable to travel expenses of other state officers.

36-4-119. Existing agreements binding; successor to records and duties; taxation exemption.

(a) Effective April 1, 1990 the department of commerce shall be bound by any and all agreements, contracts and obligations incurred by the Wyoming recreation commission to which it had been bound because they were incurred by the Wyoming state parks commission and land and water conservation commission and Old South Pass historical preserve commission prior to July 1, 1973, and shall succeed to all records, documents, equipment, and other personal or real property under the control and management of the parks commission of Wyoming and the state land and water conservation commission of Wyoming and the Old South Pass historical preserve commission of Wyoming acquired and used in the performance of duties previously imposed upon those commissioners. All money from operation of the Old South Pass historical preserve shall be credited to the general fund. Effective July 1, 1999 the department of state parks and cultural resources shall be bound by any and all agreements, contracts and obligations incurred by the department of commerce to which it had been bound because they were incurred by the Wyoming state parks commission and land and water conservation commission and Old South Pass historical preserve commission prior to July 1, 1973, and shall succeed to all records, documents, equipment, and other personal or real property under the control and management of the parks commission of Wyoming and the state land and water conservation commission of Wyoming and the Old South Pass historical preserve commission of Wyoming acquired and used in the performance of duties previously imposed upon those commissioners. All money from operation of the Old South Pass historical preserve shall be credited in accordance with W.S. 36-4-121(h).

(b) The department of state parks and cultural resources, in consultation with the commission, is hereby charged with the duties and responsibilities heretofore devolved upon the Old South Pass historical preserve, and for the purpose of discharging same is hereby invested with all the powers and authority heretofore vested in such Old South Pass historical

preserve, subject to the same limitations thereof; and the department of state parks and cultural resources, in consultation with the commission, is authorized to delegate the same, or so much thereof as it shall provide, to an administrator or to a committee appointed by it for the performance of its functions hereunder.

(c) User fees and other charges for the South Pass preserve development are exempt from taxation by the state.

36-4-120. Repealed by Laws 1990, ch. 44, § 3.

36-4-121. Permits to use state parks, recreation areas and historic sites.

(a) The department of state parks and cultural resources shall offer for sale permits that allow use of state parks, recreation areas, archeological sites and historic sites as designated by the department with the approval of the Wyoming parks and cultural resources commission. Permits may be subject to per person, per vehicle or time restrictions or any other restriction the director of the department deems appropriate. The director may waive any permit fee imposed pursuant to this section, offer discounts or offer at no charge complimentary permits or gift certificates for permits authorized by this section. Except as provided in subsection (n) of this section, the cost of the permits authorized under this section shall be approved by the commission and set in an amount not to exceed the following:

(i) Repealed by Laws 2017, ch. 12, § 2.

(ii) Repealed by Laws 2017, ch. 12, § 2.

(iii) Repealed by Laws 2017, ch. 12, § 2.

(iv) Repealed by Laws 2017, ch. 12, § 2.

(v) Repealed by Laws 2017, ch. 12, § 2.

(vi) Repealed by Laws 2017, ch. 12, § 2.

(vii) Repealed by Laws 2017, ch. 12, § 2.

(viii) Repealed by Laws 2017, ch. 12, § 2.

(ix) Repealed by Laws 2017, ch. 12, § 2.

(x) Repealed by Laws 2017, ch. 12, § 2.

(xi) Repealed by Laws 2017, ch. 12, § 2.

(xii) Repealed by Laws 2017, ch. 12, § 2.

(xiii) Repealed by Laws 2017, ch. 12, § 2.

(xiv) Repealed by Laws 2017, ch. 12, § 2.

(xv) Repealed by Laws 2017, ch. 12, § 2.

(xvi) Waived for the following:

(A) Persons needing to pass through a state park or historic site to access private property shall be exempt from the entrance permit requirements of this section;

(B) Persons needing access to a state park or historic site to conduct official business or only to access a private commercial business without further use of the state park or historic site shall be exempt from the entrance permit requirements of this section;

(C) School groups on school sanctioned events including events sanctioned by educational programs defined under W.S. 21-4-101(a)(iii), (iv) and (v), and residents and staff of publicly owned homes or institutions while on official agency functions shall be exempt from the entrance permit requirements of this section;

(D) Not for profit groups or organizations needing access to a state park or historic site to provide volunteer assistance or services that have been previously agreed upon by the department of state parks and cultural resources shall be exempt from the permit requirements of this section.

(xvii) Resident annual daily use permit $64.00

(xviii) Nonresident annual daily use permit $96.00

(xix) Resident daily use fee.....$8.00

(xx) Nonresident daily use fee.....$12.00

(xxi) Resident overnight camping permit...$12.00

(xxii) Nonresident overnight camping permit.....$18.00

(xxiii) Annual resident overnight camping permit.....$96.00

(xxiv) Per person daily use bus fee for guided tours, which shall not be charged to persons under the age of eighteen (18) years.....$5.00

(xxv) Daily use lodge permit.....$300.00

(xxvi) Daily use group picnic shelter and adjacent ground permit.....$150.00

(b) The department or any selling agent of the department may issue additional vehicle annual daily use permits or additional vehicle annual overnight camping permits upon payment of a fee in an amount not to exceed fifty percent (50%) of the cost of the original annual permit.

(c) The department or any selling agent of the department may issue duplicate annual daily use permits or annual resident overnight camping permits upon the holder of the permit filing an affidavit showing the loss, mutilation or destruction of the original permit and upon payment of a fee in an amount not to exceed twenty-five percent (25%) of the cost of the original annual permit.

(d) Repealed by Laws 1992, ch. 50, § 3.

(e) The department through the division of state parks and historic sites shall in accordance with W.S. 36-4-123, appoint selling agents to sell annual daily use and annual camping permits authorized under this section. Each appointed selling agent shall retain ten percent (10%) of the cost of each permit sold under this section as his sales commission. Designated department employees may sell permits required by this section but no employee of the department shall receive any commission on permits sold.

(f) Repealed by Laws 1992, ch. 50, § 3.

(g) Repealed by Laws 1992, ch. 50, § 3.

(h) The funds received by the department from the sale of the permits shall be deposited into an account within the special revenue fund, hereby created as the state parks account, and, except as otherwise provided by this subsection, may be expended by the department for capital construction projects, major maintenance, and site interpretation such as exhibits, signage and displays as approved by the legislature. Interest on funds in the account shall accrue to the account. Not more than sixty percent (60%) of the funds in the account in any fiscal year may also be expended, with legislative approval, for maintenance and operational costs of outdoor recreation areas and facilities provided that no amount shall be expended for additional full-time employees or increases in salaries or overtime pay for full-time employees.

(j) Any person using state parks, recreation areas, archeological sites and historic sites and failing to obtain a permit authorized by this section and any person otherwise violating this section is guilty of a misdemeanor punishable by a fine of not more than seven hundred fifty dollars ($750.00), imprisonment for not more than six (6) months, or both.

(k) The department of state parks and cultural resources is authorized to contract with the town of Ranchester to implement a fee collection program at Connor Battlefield state historic site and to provide for park maintenance and operation. Notwithstanding subsection (h) of this section, fees collected for overnight camping at Connor Battlefield state historic site shall be deposited into a separate account and may be expended by the department pursuant to contracts entered into under this subsection.

(m) Repealed by Laws 2009, Ch. 168, § 207.

(n) Any resident disabled veteran who receives fifty percent (50%) or more service connected disability compensation from the United States department of veteran's affairs may apply to the department for a lifetime permit authorizing the use of state parks, recreation areas, archeological sites and historic sites without payment of any daily use, overnight or other fee authorized to be charged pursuant to this section. Only one (1) permit shall be issued to any qualified applicant under this subsection and shall be valid for the applicant and for all occupants of the applicant's vehicle. In addition to information and other application procedural requirements

prescribed by rule and regulation of the department, application for the lifetime permit shall include proof of residency and certification of the service connected disability. The lifetime permit is valid as long as the holder is a Wyoming resident. A permit under this subsection shall be issued to an eligible applicant without the imposition of a fee.

(o) The department is authorized to sponsor special events and to contract with groups sponsoring special events at state parks, recreation areas, archeological sites or historic sites. A special event fee may be charged regardless of whether a daily use fee has been established by law and in addition to any other fee. All funds received from special events sponsored by the department shall be deposited in special events account. The funds deposited within the account are continuously appropriated to and may be expended by the department to conduct special events directly or pursuant to contracts entered under this subsection.

(p) Repealed By Laws 2008, Ch. 63, § 2.

(q) There is created the LX Bar Ranch challenge account. The department of state parks and cultural resources may accept gifts from any individual or entity to maintain and improve the LX Bar Ranch and deposit those funds to the account. State funds deposited to the account are continuously appropriated to the department of state parks and cultural resources for purposes of maintaining and improving the LX Bar Ranch, but shall only be expended from the account upon a dollar for dollar matching distribution of nonstate funds or a matching contribution of in kind gifts. Funds in the account shall not lapse at the end of any fiscal period.

(r) The department may establish methods whereby voluntary contributions may be accepted in support of state parks, historic sites, archeological sites or recreation areas. The department may suggest and solicit specific contribution amounts.

(s) The department may, with the approval of the commission, charge an amenities fee in addition to any other fee authorized under this section for services designated by the commission as added amenities. Funds collected from the amenities fee authorized by this subsection shall be deposited in a separate account and are continuously appropriated to the department to pay the utility fees and maintenance costs for the additional amenities offered. The remaining funds collected

from the amenities fee authorized by this subsection at the end of the fiscal year may be deposited in the state parks account and expended in accordance with subsection (h) of this section. Revenues and expenditures under this subsection for each of the immediately preceding two (2) fiscal years shall be reported within the department's biennial budget request submitted under W.S. 9-2-1013.

(t) The department shall include as part of the opportunity to purchase a permit that allows use of state parks, recreation areas, archeological sites and historic sites the option for a permittee to donate an additional amount in support of wildlife conservation efforts related to the transportation system. Funds collected under this subsection shall be deposited into the wildlife conservation account created by W.S. 31-2-231(b).

36-4-122. Administration of Hot Springs state park.

(a) Effective April 1, 1990, the authority for management, control and administration of the Hot Springs state park located at Thermopolis, Hot Springs county, is vested in the department of state parks and cultural resources, in consultation with the commission. Effective July 1, 1999, the authority for management, control and administration of the Hot Springs state park located at Thermopolis, Hot Springs county, is vested in the department of state parks and cultural resources, in consultation with the commission. The state park will be administered by the department in accordance with W.S. 36-8-301 through 36-8-405.

(b) Repealed by Laws 1990, ch. 44, § 3.

(c) Repealed by Laws 1990, ch. 44, § 3.

36-4-123. Selling agents for registrations, licenses and permits.

(a) The department of state parks and cultural resources through the division of parks and historic sites shall appoint selling agents to sell snowmobile registrations pursuant to W.S. 31-2-402 and 31-2-410, permits under W.S. 36-4-121 and other licenses, registrations and permits for which the department may by law be required to issue and collect fees. Selling agents appointed under this section shall be bonded by the department, subject to the following:

(i) The appointed agent, prior to September 1 preceding the calendar year for which the bond is to be in effect, shall pay to the department a nonrefundable annual bonding fee of fifty dollars ($50.00);

(ii) Any newly appointed agent shall pay the bonding fee prescribed under paragraph (a)(i) of this section to the department immediately upon appointment for the remainder of the calendar year in which appointed;

(iii) Bonding fees collected under this subsection shall be deposited in a bond pool account, from which any claim against the bond of any selling agent and not directly collected from the agent shall be paid.

(b) Each selling agent appointed under subsection (a) of this section shall:

(i) On or before the tenth day of each month on forms provided by the division, file a report with the division stating all sales of registrations, licenses or permits by the agent during the preceding month;

(ii) Remit to the division all revenues collected by the agent from registration, license or permit sales during the preceding month reported under paragraph (b)(i) of this section, less any sales commission authorized by law;

(iii) Annually account for and deliver to the division all unused, surplus or damaged registration decals, licenses or permits received by the agent.

(c) In addition to any other penalty imposed by law, any selling agent failing to comply with this section and other applicable law shall not receive any sales commission authorized by law.

ARTICLE 2 - WYOMING OUTDOOR RECREATION AND TOURISM TRUST FUND

36-4-201. Short title.

This act shall be known and may be cited as the "Wyoming Outdoor Recreation and Tourism Trust Fund Act."

36-4-202. Definitions.

(a) As used in this act:

(i) "Board" means the Wyoming outdoor recreation and tourism trust account board created by W.S. 36-4-204;

(ii) "Income account" means the Wyoming outdoor recreation and tourism trust income account created by W.S. 36-4-203(b);

(iii) "Large project" means a project for which the total of all grants sought or previously awarded under this act equals or exceeds two hundred thousand dollars ($200,000.00);

(iv) "Outdoor recreation infrastructure" means the physical facilities and structures that support outdoor recreational activities and experiences for residents and nonresidents, including, but not limited to, parking, staging areas, trails, campgrounds, picnic areas, boat launches, fishing piers, observation decks, wildlife viewing areas and visitor centers;

(v) "Select committee" means the select natural resource funding committee created by W.S. 28-11-401;

(vi) "Small project" means a project for which the total of all grants sought or previously awarded under this act is less than two hundred thousand dollars ($200,000.00);

(vii) "Trust account" means the Wyoming outdoor recreation and tourism trust fund account created by W.S. 36-4-203(a);

(viii) "This act" means W.S 36-4-201 through 36-4-206.

36-4-203. Wyoming outdoor recreation and tourism trust fund account and trust fund income account; creation; source of funds.

(a) The Wyoming outdoor recreation and tourism trust fund account is created. The trust account shall consist of those funds designated to the account by law and all monies collected from federal grants and other contributions, grants, gifts, bequests and donations in the trust account. The trust account is specifically empowered to accept grants, gifts, transfers, bequests and donations. Funds deposited within the trust account shall be inviolate and constitute a perpetual trust fund which shall be invested by the state treasurer as authorized by law

and in a manner to obtain the highest return possible consistent with preservation of the trust account corpus.

(b) The Wyoming outdoor recreation and tourism trust fund income account is created. Except as otherwise provided in this subsection, the state treasurer shall credit annually to the income account all earnings from funds in both the income account and in the trust account. Until the earlier of July 1, 2026 or when the corpus of the trust account equals or exceeds two hundred million dollars ($200,000,000.00), all earnings from the trust account and income account shall be credited to the trust account. The legislature may appropriate funds directly to the trust account or income account for investment or distribution in accordance with the terms of this act. Any appropriated funds without a designation shall be credited directly by the state treasurer to the income account.

(c) Any person may grant, give, transfer, bequest or donate funds to the Wyoming outdoor recreation and tourism trust fund account or the income account created by this section. The person may specify in writing whether the funds should be credited to the trust account or the income account and if no specification is made, the funds shall be credited to the income account.

(d) The board may expend funds from the income account for administrative expenses authorized under this act without further legislative action. Additional expenditures from the income account may be made by the board without further legislative action for the following purposes:

(i) Planning, design, improvement, construction and maintenance of existing or new outdoor recreational infrastructure;

(ii) Acquisition of public access easements necessary to enhance outdoor recreational infrastructure.

(e) No funds shall be expended from the income account for large projects except upon specific legislative authorization. Following the initial legislative authorization to expend funds for a large project, the board may approve additional grants for that large project not to equal or exceed a total amount of an additional two hundred thousand dollars ($200,000.00). The board shall forward a notice of any such additional grant award to the select committee within thirty (30) days of each approval.

Subsequent legislative authorization shall be required for any grant in excess of the limits of this subsection.

(f) The board shall not have the power of eminent domain.

(g) Every public access easement funded in whole or in part with monies made available by this act shall bind the parties thereto to an agreement which provides that the state of Wyoming is a third party beneficiary to the easement solely with the contingent right to enforce the terms of the easement if the grantee fails to enforce any of the terms of the easement. The agreement shall provide that if the easement is transferred for value, sold or extinguished without the consent of the board, the state of Wyoming shall have the right to either take legal action to enforce the terms of the easement or to recover from the proceeds of the transfer for value, sale or extinguishment, the state's pro rata share of the proceeds based on the funds the state provided for the creation of the easement.

(h) No funds shall be disbursed under this act unless the person receiving the funds certifies that no gratuities, kickbacks, gifts, commissions, contingency fees or other considerations have been or will be made in connection with the appropriation or the associated grant made by the board.

36-4-204. Wyoming outdoor recreation and tourism trust account board established; terms; meetings; duties, conflict of interest.

(a) There is created the Wyoming outdoor recreation and tourism trust account board. The board shall consist of nine (9) members appointed by the governor and confirmed by the senate, who shall be residents of Wyoming. The members shall be appointed from each of the judicial districts set forth in W.S. 5-3-101. The board membership shall reflect a broad spectrum of outdoor recreation experiences, which may include wildlife management, sportsmen, tourism, motorized and non-motorized recreation and private land ownership.

(b) Except as otherwise provided by this subsection, each appointed member of the board shall serve for a term of six (6) years and may be reappointed for one (1) consecutive, additional term. Upon creation of the Wyoming outdoor recreation and tourism trust account board, three (3) members of the board shall be appointed for a term of two (2) years, three (3) members shall be appointed for a term of four (4) years and three (3) members shall be appointed for a term of six (6)

years. The governor may remove any member as provided in W.S. 9-1-202. Any vacancy occurring between sessions of the legislature may be filled by the governor as provided under W.S. 28-12-101(b). The board shall select one (1) of its members to serve as chairman.

(c) The secretary to the board shall be the manager of the Wyoming outdoor recreation office within the department of state parks and cultural resources. The secretary to the board shall administer funds at the direction of the board and shall further act as liaison for the board to other state, federal and local governmental entities, the Eastern Shoshone and Northern Arapaho tribes, or the cooperative tribal governing body, as well as nonprofit organizations, residents and nonresidents who seek to provide input regarding grant proposals.

(d) The board shall meet regularly, not less than four (4) time per year. Members shall serve without compensation but shall be reimbursed for expenses incurred in the performance of their duties in the manner and amounts provided by law for state employees.

(e) The board shall receive and evaluate applications for grants from the income account and shall forward applications for large projects to the select committee for review and recommendation. The board may approve grants for any small project. Funds in the income account are continuously appropriated for small project grants approved by the board and for approved large projects as specified by W.S. 36-4-203(e).

(f) The board shall adopt rules and regulations in accordance with the Wyoming Administrative Procedure Act as necessary to carry out its duties under this act, including rules and regulations to:

(i) Establish criteria for grants from the income account which accomplish the purposes of this act;

(ii) Establish criteria for matching funds or other in-kind contributions from grantees;

(iii) Evaluate and rank grant proposals, with emphasis on those projects that include support from multiple partners and funding sources;

(iv) Review and monitor grants to grantees;

(v) Evaluate the effects of grant proposals on providing recreation and tourism opportunities for residents and nonresidents;

(vi) Establish criteria for the acceptance or rejection of gifts, transfers, bequests and donations including interests in real or personal property, which criteria shall be consistent with this act. Based on those criteria, the board shall make a recommendation regarding the acceptance of any fee simple interest in real property to the board of land commissioners. Based on the board's recommendation, the board of land commissioners shall make a final determination on acceptance or rejection of any fee simple interest in real property under this act;

(vii) Consider the benefits and impacts of grant proposals on local communities, including its socioeconomic, cultural, natural and wildlife resources;

(viii) Consult, or ensure that the applicant has consulted, with other governmental entities, the Eastern Shoshone or Northern Arapaho tribe, or the cooperative tribal governing body, stakeholders and nonprofit organizations, as appropriate.

(g) In fulfilling its duties under this act the board may:

(i) Accept or decline federal grants and other contributions, grants, gifts, transfers, bequests and donations of any money, personal property or interests in real property other than a fee simple interest from any source. The board shall make a recommendation regarding the acceptance of any fee simple interest in real property to the board of land commissioners;

(ii) Recommend to the joint appropriations committee and the select committee that funds be transferred from the income account to the trust account.

(h) No board member shall vote or otherwise participate in any matter regarding a contract or project in which the board member has a financial or personal interest. When such interest appears, the board member shall make such interest known, and shall thenceforth refrain from voting on or otherwise participating in the particular matter involving such interest.

(j) The board shall annually report to the governor, the joint appropriations committee, the select committee and the joint travel, recreation, wildlife and cultural resources interim committee no later than October 1 with respect to all federal grants, state appropriations and other contributions, grants, gifts, bequests and donations received and credited to the trust account or income account during the preceding fiscal year. The report shall include all grants awarded by the board to governmental entities, the Eastern Shoshone or Northern Arapaho tribe, or the cooperative tribal governing body and nonprofit organizations and progress made toward the condition of any grant made.

36-4-205. Grant applications; eligible entities.

(a) The board shall only grant funds to governmental entities, the Eastern Shoshone and Northern Arapaho tribes, or the cooperative tribal governing body and nonprofit organizations. The board shall award grants in accordance with W.S. 36-4-204(e) and (f). The board shall have the discretion to determine the amount of each grant and any conditions attached to the grant.

(b) Grants by the board shall not provide a supplement to, or replacement of, the operating budget of any governmental entity or nonprofit organization except as those funds are directly related to the purposes of the grant.

(c) No grants shall be awarded under this act until rules and regulations adopted by the board pursuant to W.S. 36-4-204(f) have become effective.

36-4-206. Audits.

The director of the department of audit or his designee shall audit the trust and income accounts on a regular basis. Copies of the audit shall be provided to the governor, the joint appropriations committee, the select committee and the joint travel, recreation, wildlife and cultural resources interim committee.

CHAPTER 5 - LEASING GENERALLY

36-5-101. Qualifications of lessees; lease terms; rental.

(a) No person shall be qualified to lease state lands unless that person has reached the age of majority, and is a

citizen of the United States, or has declared an intention to become a citizen of the United States. No person or legal entity shall be qualified to lease state lands unless he or it has complied with the laws of this state and is authorized to transact business in this state.

(b) The rental of any lease awarded shall be based on an economic analysis and shall reflect at least the fair market value for the same or similar use of the land based upon a formula adopted by the board using the following criteria:

(i) Readily available data averaged over an adequate number of years to remove any radical fluctuations;

(ii) Factors which reasonably reflect the true market value of state leases;

(iii) Parameters within which the board can be responsive to changing resource conditions, market demand and industry viability;

(iv) Factors which reasonably reflect the contributions made by the lessee.

36-5-102. Maximum term of agricultural or grazing lease.

No lease for agricultural or grazing purposes shall be issued for a term of more than ten (10) years.

36-5-103. Application for lease; cancellation of application.

Any person, firm, association or corporation desiring to lease state lands for agricultural and grazing purposes shall file with the director an application on the form approved by the board, which must be accompanied by the regular filing fee and payment acceptable to the director for the full amount of the first year's rental offered. If there are improvements owned by another located upon said lands, the applicant must also transmit in the manner above provided, the estimated amount of the value of the improvements as listed in his application, and in the event the successful applicant fails, refuses or neglects to complete the lease awarded, or otherwise fails, refuses, or neglects to comply with the provisions of this act, or the rules and regulations of the board, after having been given thirty (30) days notice by registered mail, the application shall be cancelled and the sum remitted as rentals and twenty-five

percent (25%) of the sum remitted for improvements shall be retained by the board as liquidated damages; and the sum paid as rental shall be paid by the director to the state treasurer and credited by him to the proper permanent land income fund account, and the sum paid for improvements shall be credited to the general fund.

36-5-104. Time for filing renewal applications; cure process and timeline; conflicting applications; grace period.

(a) All applications to lease grazing and agricultural lands under outstanding leases must be filed in the office of state lands and investments not earlier than one hundred twenty (120) days prior to, and not later than sixty (60) days prior to the expiration date of the existing lease. For the renewal of outstanding leases for grazing and agricultural lands under this subsection, the office of state lands and investments shall have the following duties:

(i) The office shall provide notice by certified mail to all existing lessees of the expiration of their leases not earlier than one hundred twenty (120) days prior to the expiration of the lease;

(ii) The office shall provide notice of a missing or deficient application for lease renewal to the lessee not later than forty (40) days before the expiration of the existing lease. The notice required by this paragraph shall:

(A) Be made by certified mail unless an equally effective, alternative form of delivery is approved by the office for the particular lessee to whom notice will be delivered;

(B) Identify the deficiencies in the application for lease renewal or provide notice that no application for renewal has been filed;

(C) Provide the lessee not less than thirty (30) days from receipt of the notice to file a lease renewal application or to remedy all deficiencies in the lessee's renewal application;

(D) Provide notice that the lessee's failure to submit a renewal application or to remedy all deficiencies in the lessee's renewal application before expiration of the lease may result in the leased lands becoming vacant.

(b) Any conflicting application to lease grazing and agricultural lands under any existing lease shall be filed in the office of state lands and investments not earlier than one hundred twenty (120) days prior to, and not later than, ninety (90) days prior to the expiration date of the existing lease. Upon receipt of a conflicting lease application the office of state lands and investments shall notify the current lessee via certified mail that a conflicting lease application has been received and shall provide the current lessee not less than thirty (30) days from receipt of notice to file a lease renewal application together with payment of the first year's rental that meets the highest bid offered by another qualified applicant as provided in W.S. 36-5-105(c). For renewal of outstanding leases for grazing and agricultural lands under this subsection, the office of state lands and investments shall have the following duties:

(i) The office shall provide notice of a deficient application for lease renewal to the lessee not later than ten (10) days after the filing of a lease renewal application by an existing lessee. The notice required by this paragraph shall:

(A) Be made by certified mail unless an equally effective, alternative form of delivery is approved by the office for the particular lessee to whom notice will be delivered;

(B) Identify the deficiencies in the application for lease renewal;

(C) Provide the lessee not less than twenty (20) days from receipt of the notice to remedy all deficiencies in the lessee's renewal application;

(D) Provide notice that the lessee's failure to remedy all deficiencies in the lessee's renewal application may result in the rejection of the application.

(c) For good cause shown and at the written request of the current lessee, the director shall grant a current lessee thirty (30) additional days past the expiration date of their existing lease to submit an application to renew the lease.

36-5-105. Criteria for leasing; preferences; assignments, subleases or contracts; lands taken for war purposes; mineral lands excepted; agricultural lands.

(a) All state lands leased by the state board of land commissioners, for grazing and other agricultural purposes shall be leased in such manner and to such parties as shall inure to the greatest benefit to the state land trust beneficiaries.

(b) No applicant shall be qualified to lease vacant lands unless that applicant is qualified under the provisions of W.S. 36-5-101, has or can gain access to the land and offers to pay an annual rental at not less than fair market value, as determined by the economic analysis pursuant to W.S. 36-5-101(b), for the same or similar use of the land for a period of ten (10) years and who has not been found to have significantly violated any laws or regulations related to state lands. Also in leasing vacant lands:

(i) Preference shall be given to applicants who are the owners, lessees or lawful occupants of adjoining lands, unless the board determines that the preference should not be recognized for good cause. The preference shall be administered as set forth in this paragraph:

(A) In instances where one (1) applicant is eligible for the preference and a competing bidder is not, the applicant eligible for the preference may elect to meet the highest bid of the applicants not eligible for the preference;

(B) When two (2) or more applicants are eligible for the preference, in determining to which applicant to award the lease, the director shall request a final bid from the applicants eligible for the preference in a manner as directed by the director to determine the successful applicant;

(C) When two (2) or more applicants are eligible for the preference and one (1) or more applicants are not eligible for the preference, those applicants who are eligible for the preference may elect to match the highest bid. If two (2) or more applicants who are eligible for the preference elect to meet the highest bid, the lease shall be awarded pursuant to subparagraph (B) of this paragraph.

(ii) Before accepting applications to lease vacant land, the director shall provide notice on the website of the office, directly to each adjoining private landowner as recorded within the county assessor's office and by any other means as prescribed by rule;

(iii) If the board determines good cause exists not to recognize a preference under paragraph (i) of this subsection, the board shall issue written notice to the applicant who is not being given a preference. The notice shall include the board's statement of good cause not to recognize the preference and the opportunity to request a hearing to appeal the determination in accordance with the Wyoming Administrative Procedure Act. The board shall have the burden to demonstrate the good cause not to recognize the preference;

(iv) As used in this subsection:

(A) "Preference" means the elevated position of an applicant to participate in the vacant land bidding process as described in paragraph (i) of this subsection above applicants who are not the owners, lessees or lawful occupants of adjoining lands in good standing with the board;

(B) "Vacant land" means land not currently subject to a grazing and agricultural lease from the board.

(c) An applicant who is the holder of an expiring lease, and has paid the rental when due, and is not currently in violation of the provisions of the lease, and is qualified under the provisions of W.S. 36-5-101, shall have a preferred right to renew such lease by meeting the highest bid offered by another qualified applicant whose bid is not less than the minimum fair market value as determined by the board for the same or a similar use of land using the formula developed pursuant to W.S. 36-5-101(b) and not more than one hundred twenty percent (120%) of the maximum fair market value as determined by the board based on the previous year's values for the state, district or county, whichever is most localized and available, as determined by the national agricultural statistics service utilizing:

(i) The private land lease rate per animal unit month for Wyoming grazing leases; or

(ii) The private land irrigated or nonirrigated cropland lease rate, as applicable, for Wyoming cropland leases on irrigated or nonirrigated cropland; and

(iii) A downward adjustment of twenty percent (20%) to reasonably reflect lessee contributions typically provided as a part of a private land grazing lease rate or a private cropland lease rate, as applicable.

(d) If the lessee of state lands shall assign, sublease or contract all or any part of the lease area, the lease shall be subject to cancellation unless the director approves the assignment, sublease or contract subject to criteria established by the board of land commissioners provided that:

(i) Approval shall not be arbitrarily or unreasonably withheld;

(ii) All action upon each application shall inure to the greatest benefit of state land trust beneficiaries;

(iii) In no event shall the lands be subleased unless one-half (1/2) of the excess rental is paid to the state. For purposes of this paragraph, "excess rental" means the amount of money received from the sublease by the lessee is in excess of the current annual grazing and agricultural lease rental. "Excess rental" shall be calculated by identifying the total money received for only the use of leased or subleased state lands and subtracting the annual lease rental;

(iv) A lessee of state lands whose lease authorizes grazing on the state lands shall not be required to obtain the approval of the director to allow livestock the lessee does not own to graze on the state lands provided that:

(A) Repealed by Laws 2026, ch. 22, § 2.

(B) Repealed by Laws 2026, ch. 22, § 2.

(C) Repealed by Laws 2026, ch. 22, § 2.

(D) Notice of the presence of livestock not owned by the lessee shall be given to the board on a form provided by the office of state lands and investments not more than thirty (30) days after the arrival of the livestock on the leased land;

(E) In addition to the annual rental amount, the lessee shall pay a monthly fee per head of non-owned livestock which shall be established by the board and shall not exceed fifty percent (50%) of the annual animal unit month rental rate. The payment shall be made to the board not later than thirty (30) days after the removal of the non-owned livestock. For purposes of this subparagraph, "animal unit month" means as defined by W.S. 41-3-116(a)(ii).

(v) Repealed by Laws 2026, ch. 22, § 2.

(vi) Repealed by Laws 2026, ch. 22, § 2.

(e) Repealed By Laws 2007, Ch. 111, § 2.

(f) Provided further, that whenever any state owned lands have been or may hereafter be condemned or acquired by the United States for war purposes and whenever said lands may hereafter be reconveyed to the state of Wyoming by the said United States or any department thereof, then in such event the state board of land commissioners shall give preference to the lessee holding said lands at the time of the taking of said lands by the said United States or any department thereof.

(g) Provided further, that this act shall not be applicable to the leasing of state mineral lands under the provisions of W.S. 36-6-101 through 36-6-105, as amended.

(h) As used in subsection (c) of this section, "preferred right" means the right to renew a lease provided to an existing holder of a grazing and agricultural lease by the board if the existing lease holder is in compliance with subsection (c) of this section.

(j) No applicant shall be qualified to lease state lands for grazing and agricultural purposes without having actual and necessary use of the land for the production of agricultural commodities.

(k) If at any time a state grazing lessee notifies the office that the common ownership of the entities holding the state grazing lease and owning the livestock grazing on the state grazing lease is not less than eighty percent (80%), a sublease or a non-owned livestock fee shall not be required.

36-5-106. Richard Bridge historical park; Oregon Trail State Veterans' Cemetery buffer zone; veterans' home and skilled nursing facility buffer zone.

(a) The state board of land commissioners is hereby authorized, if after investigation and study the board deems it to the best interest of the state of Wyoming, to enter into a lease agreement with the town of Evansville, Wyoming, for a portion of the land belonging to the state of Wyoming lying south of the centerline of the North Platte River in section 36, township 34 north, range 79 west of the sixth principal

meridian, Natrona county, Wyoming. The lease authorized herein shall contain a clause restricting the use of the leased property to historical landmark, park, recreation, museum and municipal purposes. The land leased shall be known as Richard Bridge historical park.

(b) The state board of land commissioners is hereby authorized to enter into a lease agreement for the portions of land belonging to the state of Wyoming in Natrona county, Wyoming, one (1) portion of land described as follows: the NW ¼ of the NW ¼ and the NE ¼ of the NW ¼ and part of the NW ¼ of the NE ¼ and part of the SE ¼ of the NE ¼ and part of the SW ¼ of the NE ¼ and part of the SE ¼ of the NW ¼ and part of the SW ¼ of the NW ¼ and part of the NE ¼ of the SW ¼ and part of the NW ¼ of the SE ¼ and part of the NE ¼ of the SE ¼ and part of the SE ¼ of the SE ¼ of section 36, township 34 north, range 79 west, also known as all lying north of the centerline of the North Platte river except 115.998 acres in the NE ¼, containing 266.34 acres, and one (1) portion of land located and being a portion of lot 1 in the NW ¼ of section 31, township 34 north, range 78 west containing 19.63 acres. The state lands described in this subsection shall not be otherwise disposed of, and any lease authorized herein shall contain a clause restricting the use of the leased property to grazing purposes only so long as the Oregon Trail State Veterans' Cemetery exists in the adjacent location. The land leased shall be known as the Oregon Trail State Veterans' Cemetery buffer zone.

(c) The state board of land commissioners is hereby authorized to enter into a lease agreement for the portions of land belonging to the state of Wyoming in Johnson county, Wyoming, described as follows: in township 50 north, range 82 west of the sixth principal meridian part of the NE ¼ of the NW ¼ of section 3, the N ½ and SW ¼ and NW ¼ of the SE ¼ and part of the NE ¼ of the SE ¼ and part of the SW ¼ of the SE ¼ of section 4 and the E ½ of section 5 and in township 51 north, range 82 west of the sixth principal meridian part of lot 7, part of lot 8 and part of lot 6 of section 34, containing 941.74 acres more or less. The state lands described in this subsection shall not be otherwise disposed of, and any lease authorized herein shall contain a clause restricting the use of the leased property to grazing purposes only so long as the veterans' home of Wyoming and the Wyoming veterans' skilled nursing facility exist in the adjacent location. The land leased shall be known as the veterans' home and skilled nursing facility buffer zone.

36-5-107. Preference in granting leases on exchanged lands.

The holder of a lease of any school, state or institutional land that is offered for exchange under section 8, of the Taylor Grazing Act, shall have preference to lease the land received in such exchange.

36-5-108. Even rental offers.

If two (2) or more qualified applicants under W.S. 36-5-101 shall offer the same annual rental for the same lands, and such offers are the highest offers received and are equal to or above the minimum rental fixed by the board, and no preferred right exists in the old lessee, or if the old lessee does not exercise the preferred right, the director shall grant the lease to the applicant holding title to lands nearest to the lands applied for. When a preferred right exists in the old lessee under the provisions of this act, the old lessee shall be given fifteen (15) days notice by registered mail, and if he fails or refuses to file his acceptance together with the balance of the rental due for the first year, within the time specified, the lease shall be awarded automatically to the applicant offering to pay the highest annual rental, or in the event of even offers, shall be disposed of as hereinbefore provided. As used in this section, "preferred right" means as defined in W.S. 36-5-105(h).

36-5-109. When rental due; procedure upon failure to pay.

Upon notice provided not less than sixty (60) days before the anniversary date of a lease, all rentals accruing to the state by virtue of this act, except those for the first year, shall become due and payable at the office of state lands and investments on the anniversary date of the lease. If the rent is not paid on the anniversary date, the office shall again notify the lessee or the lessee's authorized agent by certified mail that the lease may be cancelled if the rent and a late fee equal to ten percent (10%) of the annual rental is not received within thirty (30) days following the date of the certified notice. If the lease is cancelled, the office shall as soon as possible thereafter, advertise the lands in the county where located, as vacant and subject to lease.

36-5-110. Right to make and remove improvements.

(a) A lessee of state lands shall have the right to construct or make improvements upon state lands in an amount not

to exceed four thousand dollars ($4,000.00) per section for each separate improvement, without first obtaining permission. If the lessee or any other person desires to construct or make improvements upon state lands in excess of the value of four thousand dollars ($4,000.00) per section for each separate improvement, he shall file an application for permission to construct or make the improvements with the director, which shall be subject to allowance or rejection as the best interests of the state require. The director shall have authority to grant permission to construct improvements in excess of four thousand dollars ($4,000.00) per section for each separate improvement for fencing, water development, livestock handling facilities and range enhancements. Any other improvement in excess of four thousand dollars ($4,000.00) per section for each separate improvement shall be applied for under a special use permit. Unless permission has been obtained in the manner provided by this section or the improvement has been registered as provided in subsection (b) of this section, the owner of any improvement in excess of the value of four thousand dollars ($4,000.00) per section at the time of construction of the improvement shall not be entitled to compensation therefor as provided by W.S. 36-5-111 and 36-9-105, and upon the expiration of the lease the improvement shall forfeit to and become the property of the state; except, that within one hundred twenty (120) days from the date of the expiration of the lease, the owner may remove the improvement in a manner that minimizes injury to the land.

(b) Notwithstanding subsection (a) of this section, a lessee of state lands may register all improvements made upon state lands which were made prior to June 30, 2010, with or without prior approval by the director. Improvements registered under this subsection may include improvements for which approval was not applied for pursuant to subsection (a) of this section. Improvements for which permission was denied under subsection (a) of this section shall not be eligible for registration under this subsection. Registrations under the provisions of this subsection shall be made not later than June 30, 2014. Improvements registered under this subsection shall be entitled to compensation therefor as provided by W.S. 36-5-111 and 36-9-105.

36-5-111. Payment for or removal of existing improvements.

Any applicant applying to lease state lands upon which there are fences, buildings, reservoirs, ditches, dams, wells, or other improvements of any kind, belonging to or made by another, or for which water rights or proportionate interests in irrigation

reservoirs, canals, or systems, have been acquired, shall before receiving the lease, pay to the director for the use and benefit of the owner or maker of any improvements at the time of the execution of the lease, the current market value of the improvements unless a different value is agreed to between the owner of the improvements and the applicant thereof as finally determined by the board in accordance with its rules and regulations. Alternatively, the owner of the improvements shall, upon giving notice to the director in writing within the time fixed by board rule and regulation, have the right to remove those improvements in a manner which minimizes injury to the land; provided, that the improvements be removed within a period of one hundred twenty (120) days from the date of the expiration of the lease. For purposes of this section, "current market value" means the replacement value of the lessee's improvement at the time of transition of the lease, after the remaining useful life of the improvement is considered.

36-5-112. Form and execution of lease; bond.

The general form of grazing and agricultural lease upon state lands shall be prescribed by the board and shall be signed by the director on behalf of the state. Except in cases where the board deems necessary, leases shall be issued without bond.

36-5-113. Cancellation of leases.

The board shall have the power and authority to cancel leases procured by fraud, deceit or misrepresentation, or for use of the lands for unlawful or illegal purposes, or for the violation of the covenants of the lease, upon proper proof thereof.

36-5-114. Leasing for industrial, commercial, residential and recreational purposes; authority; rental fees; rules and regulations.

(a) The board of land commissioners may lease for a term of not more than seventy-five (75) years state lands for industrial, commercial and recreational purposes.

(b) The board may lease state lands for purposes which shall bring about the compatible use of the surface area and shall inure to the greatest long term benefit of the state land trust. Provided, however, that nothing herein contained shall result in the substantive impairment of existing leases or the preferential right to the renewal thereof.

(c) The board shall fix a rental value based upon not less than the fair market value of each use of the land. If the land to be leased under this subsection was originally acquired by the state for the benefit of the common school permanent land fund, and is to be used by a Wyoming school district for the construction and maintenance of school buildings and facilities, the board may assess an annual rental fee of one hundred dollars ($100.00) per acre or not less than fair market value, whichever is less.

(d) The board shall promulgate rules and regulations implementing policies, procedures and standards for the long-term leasing of state lands for industrial, commercial and recreational purposes under the provisions of W.S. 36-5-114 through 36-5-117, including provisions requiring compliance with all applicable land use planning and zoning laws and permitting the board to terminate a lease for good cause shown. When the office of state lands and investments initiates a request for a proposed leasing of state lands, the office shall require not less than thirty (30) days notice be provided:

(i) On the website of the office of state lands and investments;

(ii) In a newspaper of general circulation in the county or counties where the state lands are to be leased; and

(iii) To current lessees of the state lands and owners of adjoining lands by certified mail.

36-5-115. Leasing for industrial, commercial and recreational purposes; "recreational purposes" defined.

As used in W.S. 36-5-114 through 36-5-117 the term "recreational purposes" means land used for cabin sites, public camp sites, public parks and recreation areas, golf courses and any associated residential development, youth groups and ski or winter sports areas.

36-5-116. Leasing for industrial, commercial and recreational purposes; assignment or transfer.

Leases issued under the provisions of W.S. 36-5-114 through 36-5-117 shall not be assignable or transferable except with written consent of the board of land commissioners.

36-5-117. Lessee's liability.

(a) A state lands lessee's liability to users of those lands is limited as specified in W.S. 34-19-101 through 34-19-107. A state lands lessee's liability to users of improvements upon those lands is limited to the same extent, provided that:

(i) The improvement is properly authorized under W.S. 36-5-110 or has otherwise been authorized by the board of land commissioners; and

(ii) The lessee did not charge the user to use the improvement.

36-5-118. Renewal of state land leases and rental payments.

All state land lease renewal applications and rental payments required under this act that are submitted using a mail service shall be deemed filed on the date of the postmark stamped on the envelope in which the renewal application or rental payment is mailed.

CHAPTER 6 - MINERAL LEASES

ARTICLE 1 - IN GENERAL

36-6-101. Terms of leases; extensions; lessees specified; rules and regulations; rent and royalties; assignment of leases; grazing and agricultural leases; cooperation with United States or its lessees, in cooperative or unit plans.

(a) The board of land commissioners may lease any state or state school lands for oil and gas for a primary term up to ten (10) years and as long thereafter as oil or gas may be produced in paying quantities, and may extend the term of existing oil and gas leases in good standing for as long as oil or gas may be produced in paying quantities.

(b) The board is further authorized to make and establish rules and regulations governing the issuance of oil and gas, coal and other mineral leases and covering the conduct of development and mining operations.

(c) Mineral leases may be issued upon such monthly or annual minimum rental payment basis as shall be fixed by the board, which payment shall be annually applied against such royalty as shall accrue for the same lease year by the terms of

such lease, which royalty, as to lands leased for oil or gas shall not be less than five percent (5%) of all oil and gas produced and saved from and not used in operations on the lands under the lease, and royalty of not less than five cents ($.05) per ton on coal produced from the lands under any such lease for coal purposes, such royalty to be paid on mine run of coal. No mineral lease issued under the provisions of this section shall be assignable or transferable except with written consent of the director, subject to criteria established by the board, and he shall require the lessee's full compliance with and observance of all rules and regulations adopted by the board and for the lessee's compliance with all other terms of the lease. All mineral leases issued pursuant to this section shall be separate and distinct from each lease of the same land for grazing or agricultural purposes, issued by the board, and rules and regulations adopted by the board as herein authorized, shall provide for joint use of such lands for grazing and agricultural or mineral purposes without undue interference by the lessees under any such class of leases with lessees under any other such class.

(d) The director, subject to criteria established by the board, on behalf of the state, and its lessee or lessees in any such mineral lease are hereby further authorized to join, in the interest of conservation and greater ultimate recovery of oil and gas, in fair and equitable cooperative or unit plans of development or operation of oil and gas pools, with the United States government and its lessees, or permittees, or others, or any of them, and the director, subject to criteria established by the board, is hereby authorized to modify and change any and all terms and conditions of any such oil and gas lease or leases, heretofore or hereafter issued, as mutually agreed by the lessor and lessee in any such lease, as required to conform to the terms of any such lease to such cooperative or unit plan and as required to effectuate proper operations thereunder, which changes may include extension of the term of years otherwise applicable to any such lease, for the full period of time during which such cooperative or unit plan may remain in effect.

(e) When a cooperative or unit agreement is terminated or ceases to be effective as to lands upon which there is no production of oil or gas, the lease covering such lands shall remain in effect for a period of two (2) years from the date such lands ceased to be subject to said agreement, or for the remaining length of the term of the original lease, whichever shall be the greater, and so long thereafter as oil or gas is

produced from said lands in accordance with the requirements of the original lease.

(f) The terms of any lease issued under this section for land on which actual drilling operations were commenced prior to the end of its primary term and are being diligently prosecuted at that time shall be extended for one (1) year and so long thereafter as oil or gas is produced in paying quantities.

(g) All natural gas leases executed hereunder shall provide that the state of Wyoming may require the lessee to dedicate all the natural gas produced on lands owned by the state for the use or benefit of the people of the state of Wyoming.

(h) If the state board of land commissioners determines it would benefit the people of the state to have the natural gas dedicated, the board may arrange for the sale of the natural gas for the use of the people of the state or arrange for the exchange of the natural gas produced with producers of natural gas produced from lands not owned by the state if the exchange will benefit the people of the state. If the board determines the dedication would not be in the public interest; or would cause waste as defined by W.S. 30-5-101; or would unreasonably deny the lessee the opportunity to economically market the natural gas, it may waive dedication.

(j) The board shall adopt and promulgate necessary rules and regulations to carry out the provisions of subsections (g), (h) and (j) of this section.

(k) The board, on behalf of the state, and its lessee or lessees in coal and other mineral leases, may approve cooperative mining development plans established for the purpose of development of the mineral resources in an efficient and economical manner and in accordance with sound engineering practice. The board may also modify and change any and all terms and conditions of any coal and other mineral lease or leases, heretofore or hereafter issued, as mutually agreed by the lessor and lessee in the lease. The director, subject to criteria established by the board, may conform the terms of the lease to a cooperative mining development plan required to effectuate proper operations, with changes that may include extension of the term of years otherwise applicable to the lease, for the full period of time during which the cooperative mining development plan may remain in effect. A cooperative development plan may consist of one (1) or more private, state or federal

leaseholds or mineral interests. All lands in a cooperative mining development plan shall be under the effective control of a single operator, capable of being developed and operated as a single operation.

(m) The director, subject to criteria established by the board, may lease any state or state school lands for coal and other mineral purposes for a primary term of not exceeding ten (10) years. Lessee shall have the exclusive right to renew the lease for successive terms of ten (10) years each, if at the time application for renewal is filed:

(i) Coal or other minerals covered by the lease are actually being produced from the leased lands and the lessee is complying with all lease terms; or

(ii) The leased lands are committed to a cooperative mining development plan approved by the board and coal or other minerals are actually being produced from the cooperative mining development plan and the lessee is complying with the plan and all lease terms; or

(iii) The lessee is proceeding in good faith to develop the leased lands; or

(iv) If the lessee shows to the satisfaction of the director or the board that production of coal or other minerals has been delayed by the necessity of obtaining licenses, permits, or other approvals from governmental authorities and that the lessee has used reasonable diligence in an effort to obtain the licenses, permits or other required authorizations.

(n) As used in subsection (m) of this section, good faith development means the substantial expenditures or firm commitments for exploration, engineering, environmental studies, hydrological studies or research and development which is required for development of the lease. To assist the lessee in planning for the orderly development of the lease or leases, the lessee may submit to the board at any time during the term of the lease or leases a schedule and discussion of proposed expenditures or commitments for the development of the lease or leases. After reviewing the schedule and discussion, the board shall issue a ruling in writing within ninety (90) days binding upon the state and the lessee, determining whether or not the proposed expenditures or commitments, when and if actually made by lessee, shall qualify as "substantial expenditures or

commitments" so as to constitute "good faith development" within the meaning of subsection (m) of this section.

(o) Any mineral lessee or producer shall report all production including total volume, value and disposition of the mineral production under any lease, unit or communitization agreement in a timely manner and in such form as determined by the board. Any person failing to comply with this subsection shall be subject to penalties enacted by the board or the cancellation of the lease or agreement under which they are operating.

(p) Before issuing a lease of any state lands or state school lands for oil and gas production under this article, the director, subject to criteria established by the board, shall review the highest bid offered by an applicant to determine if the applicant is a qualified oil and gas lease applicant in accordance with rules of the board. If the highest bidder is not a qualified bidder, then the board shall consider the second highest bidder to determine whether that bidder is a qualified applicant, upon which the board may issue the lease if the applicant agrees to lease the lands for the highest amount bid before the disqualified applicant entered the lease auction or process or for the amount that the second highest bidder bid, whichever is lower. Any applicant whose bid is rejected under this subsection because the applicant is not a qualified oil and gas lease applicant shall be subject to a civil penalty in the amount of the applicant's highest bid. The attorney general may bring an action in a court of competent jurisdiction to recover the penalty specified in this subsection from the applicant.

36-6-102. Submission, custody and confidentiality of subsurface log reports.

(a) Contingent upon the leasing of any state or state school lands for coal, uranium or other mineral exploration, the board of land commissioners shall require copies of all electrical, gamma-ray neutron, resistivity or other types of subsurface log reports, and all assay reports for any rock cores or cuttings to be submitted to the office of the state geologist within ninety (90) days after completion of drilling and completion of associated reports. Reports submitted to the oil and gas conservation commission are deemed to satisfy the requirements of this subsection.

(b) All subsurface log reports and assay reports will be held confidential for a period of three (3) years after initial

receipt by the state geologist. Confidentiality may be extended in one (1) year increments upon receipt by the state geologist of a written request by certified mail, return receipt requested, from the person or legal entity requesting that confidentiality be extended. All requests must be received prior to the expiration of the period of confidentiality. All reports filed under this section shall become the property of the state to be retained within the permanent files of the Wyoming geological survey board for the use of the office and public after the period of confidentiality has expired.

36-6-103. Existing oil and gas leases ratified.

The issuance of all oil and gas leases upon any state or school lands heretofore issued by the board of land commissioners for primary terms up to ten (10) years and as long thereafter as oil or gas may be produced in paying quantities, and the granting of all extensions heretofore granted by the board of land commissioners of the terms of existing oil and gas leases upon any state or state school lands for as long after the primary term as oil or gas may be produced in paying quantities, are hereby ratified, confirmed, and validated. Each joinder by the board of land commissioners on behalf of the state of Wyoming in any cooperative or unit plan of development or operation of any oil or gas pool, and all modifications and changes in any of the terms or conditions of any oil or gas lease arising from any such joinder, or incident thereto, and all thereof, are hereby ratified, confirmed, and validated.

36-6-104. Payment for improvements; "improvements" defined.

If mineral lands upon which improvements have been made shall be sold or if such lands shall be leased to other than the owner of the improvements thereon, then such purchaser or such new lessee shall pay to the owner thereof the value of said improvements, at an agreed price with the owner thereof; or if such agreement cannot be reached, then at such price as shall be fixed by appraisement under the authority of the board of land commissioners. The word "improvements" shall be construed to mean surface improvements, machinery and other equipment used and necessary for the operation of the plant on such land, and work performed in the development of the property for operation and mining when such development work is of practical use in future mineral operations on such land. Wells drilled for oil which do not produce oil in commercial quantities, shafts,

tunnels or drifts from which coal or other minerals have been practically exhausted, shall not be considered as improvements.

36-6-105. Inspection reports.

The state geologist or any state coal mine inspector shall, when requested by the board of land commissioners, visit and make a report upon any lands held under coal and mineral leases. Such report shall be made without any fee to the officer making same.

ARTICLE 2 - COUNTIES, CITIES, TOWNS

36-6-201. Authority to lease or otherwise contract.

The governing body of any county, city, town or school district authorized to acquire and hold real property, may, upon determining that such action will be in the best interests of such county, city, town or school district, lease any lands owned in fee by such county, city, town or school district, for the exploration for and development and production of oil, gas or other hydrocarbons, and otherwise contract for such exploration, development and production, upon such terms as such governing body may determine and as are not inconsistent with the provisions of this act; providing the exploration for, development and production of oil, gas or other hydrocarbons shall in no way interfere with the public use of said lands or the purpose for which said lands were acquired.

36-6-202. Power to modify or change leases or contracts.

Any such governing body may, by such lease or contract or by other agreement, include, or provide for the inclusion of, the lands of such county, city, town or school district, or any part or portion of such lands, with other lands in any plan or agreement for cooperative or unit development or operation for oil, gas or other hydrocarbons, and modify and change any and all terms of any lease or contract heretofore entered into or hereafter entered into under the provisions of this act, including the extension of the term of any such lease or contract for the full period of time such cooperative or unit plan or agreement may remain in effect, as required to conform the terms of any such lease or contract to such cooperative or unit plan or agreement.

36-6-203. Rules and regulations; requisites of leases or contracts.

(a) Any such governing body may, in its discretion, make and establish such rules and regulations governing the issuance of such leases and contracts as are not inconsistent with the provisions of this act. Any such lease or contract:

(i) Shall be entered into pursuant to resolution duly adopted by the governing body;

(ii) May cover parcels of land of such size and shape as the governing body may determine;

(iii) May be for a term not exceeding ten (10) years and as long thereafter as oil, gas or other hydrocarbons shall be, or can be, produced in commercial quantities from the lands included in such lease, except as such term may be extended pursuant to the provisions of W.S. 36-6-202; and

(iv) Shall reserve to the governing body a royalty of not less than one-eighth of all oil, gas or other hydrocarbons produced from said lands.

36-6-204. Existing leases, contracts and agreements validated.

Nothing in this act contained shall operate or be construed as in anywise limiting or affecting the power or authority of the governing body of any county, city, town, or school district, to have entered into any lease or contract for the exploration for the development and production of oil, gas or other hydrocarbons, or any agreement for cooperative or unit development or operation for oil, gas or other hydrocarbons, entered into by such governing body prior to the passage of this act, and all such leases, contracts and agreements previously entered into in substantial compliance with the above provision are hereby validated and confirmed.

ARTICLE 3 - CALCULATION OF ROYALTIES ON OIL, NATURAL GAS

36-6-301. Definitions.

(a) As used in this article:

(i) "Associated natural resource" means any substance, element or compound, either gaseous, liquid or solid, associated with the production, refining or processing of oil or gas. The term includes, but is not limited to, propane, butanes,

ethane, methane, carbon dioxide, sulfur, helium, nitrogen and natural gas liquids;

(ii) "Natural gas" means hydrocarbons or nonhydrocarbons which at atmospheric conditions of temperature and pressure are in a gaseous phase;

(iii) "Oil" means crude petroleum and other hydrocarbons regardless of gravity which are produced at the wellhead in liquid form, and the liquid hydrocarbons known as distillate or condensate recovered or extracted from gas, other than gas produced in association with oil and commonly known as casinghead gas;

(iv) "Processing plant" means a plant to remove liquefiable hydrocarbons from a gas stream or to separate natural gas into physically or chemically distinct marketable associated natural resources;

(v) "Return on investment" means a percentage rate applied over a period of years to the equity investment for construction of transportation facilities or processing plants for oil, natural gas or associated natural resources. This percentage rate represents the rate a lessee or successor in interest supposedly could have received from investment of equity in some other commercial or financial undertaking. "Return on investment" also means a percentage of earnings or profitability ratio which a lessee, producer or successor in interest anticipates or desires to receive on the equity investment in transportation facilities or processing plant;

(vi) "Transportation facilities" means those facilities constructed for moving any oil, natural gas or associated natural resource from the place of production to the closest point of sale or to a processing plant.

36-6-302. "Return on investment" deduction not allowed for calculation of royalty.

(a) For state lease royalty and overriding royalty, other than royalty owing to the United States of America, calculations for oil, natural gas and associated natural resources, neither lessee nor any successor in interest will be allowed any deduction for any "return on investment cost."

(b) This article applies to all state leases of oil, natural gas or associated natural resources.

CHAPTER 7 - CAREY ACT LANDS

ARTICLE 1 - GENERAL PROVISIONS

36-7-101. Acceptance of federal grants.

The state of Wyoming hereby accepts the conditions of § 4 of an act of congress entitled "An act making appropriations for sundry civil expenses of the government for the fiscal year ending June 30th, 1895, and for other purposes"; approved August 18th, A.D. 1894, together with all the grants of land to the state under the provisions of the aforesaid act, and conditions of Section 1 of an act of congress entitled, "An act making appropriations for sundry civil expenses of the government for the fiscal year ending June 30th, 1897, and for other purposes"; approved June 11th, 1896, and the conditions of an act of congress entitled, "An act making appropriations for sundry civil expenses of the government for the fiscal year ending June 30th, 1909, and for other purposes"; approved May 27th, 1908, providing for the granting of an additional million (1,000,000) acres of land to the state of Wyoming to be reclaimed as provided in the acts above mentioned, and all acts of congress and parts of acts of congress now or hereafter enacted by congress for the reclamation of desert lands within the state of Wyoming, together with all the grants of land to the state of Wyoming, and any and all interests therein, with all rights and privileges thereunder, under the provisions of the aforesaid acts or parts of acts.

36-7-102. Selection, management and disposal of lands.

The selection, management and disposal of said land shall be vested in the state board of land commissioners, as constituted by section 3 of article 18 of the constitution of the state of Wyoming. Said state board of land commissioners shall be hereinafter designated as "the board".

36-7-103. Institution of legal proceedings.

All suits or actions brought by the board, under the provisions of this act, shall be instituted by the board, in the name of the people of the state of Wyoming.

36-7-104. Disposition of forfeitures.

All moneys received by the state of Wyoming as proceeds from forfeited bonds, pledges or other forfeitures of whatsoever kind in connection with the operations under the act commonly known as the "Carey Act" shall become a part of the general fund.

ARTICLE 2 - BOARD OF LAND COMMISSIONERS

36-7-201. Meetings; president; duty; quorum.

The board shall meet at least once in each month, at such time as the board may prescribe, for the transaction of business. The governor shall be president of the board, and it shall be his duty to sign all contracts, papers or documents that shall be approved, made or directed by the board. Provided, however, that all leases approved or directed to be entered into by the board of land commissioners may be signed for and on behalf of the state by the director. A majority of the board shall constitute a quorum for the transaction of any and all business; and in the absence of the governor, one (1) of the other members may act as president pro tempore and may preside at such meeting.

36-7-202. Special meetings; duties of secretary.

The president shall have the power to call a special meeting, if in his judgment, public good requires the same to be done for any purpose contemplated in this chapter, or any other chapter prescribing the duty of said board; and such call may be either a personal or written notice. The object of such meeting shall be made a matter of record by the secretary of the board. The director shall be the secretary of such board, and it shall be his duty to keep a careful record of the transactions of such board in a substantially bound book to be kept for that purpose, and which shall be known as the record and proceedings of the board of land commissioners as to Carey Act matters. The secretary shall countersign all papers, instruments or documents approved, made or directed by the board bearing the signature of the president.

36-7-203. Office; duties of director.

The board shall have an office in Cheyenne. The director shall be in charge of the office. He shall have the custody of the records of the board; shall receive and file all proposals for the construction of irrigation works to reclaim lands selected under the provisions of this act; prepare and keep for public inspection maps or plats, on a scale of two (2) inches to the mile, of all lands selected; receive entries of settlers on

these lands, and hear or receive the final proof of their reclamation, and do any and all work required by the board in carrying out the provisions of this act. He shall have authority to administer oaths whenever necessary in the performance of his duties.

36-7-204. Rules; copies of maps, plats and contracts; annual report of contractors; waiver of rules.

The board shall provide suitable rules for the filing of proposals for constructing irrigation works, and for the entry of and payment for the land by settlers, and for the forfeiting of entry by settlers upon failure to comply with the provisions of this act. There shall be kept in the office of the board, for public inspection, copies of all maps, plats, contracts for the construction of irrigation works, and of the entries of land by settlers. It shall require from each person, company of persons, association or incorporated company engaged in the construction of irrigation works, under the provisions of this act, an annual report, to be submitted to the board on or before November first of each year. This report shall show the number of water rights sold, the number of users of water under said irrigation works, the legal subdivisions of land for which water is to be furnished, the names of the officers of the company, the acreage of land which the said irrigation works is prepared to supply with water, and such other data as the board sees fit to require. The rules required by this section may be waived in the case of irrigation works being constructed by a person, colony or association of persons to furnish water for land settled upon and being reclaimed by themselves.

36-7-205. Duties of employees; fees.

The board shall prescribe the duties of all its employees and shall collect the following fees: for filing each application, one dollar ($1.00); for filing each final proof, one dollar ($1.00); for issuing each patent, one dollar ($1.00); for making certified copies of papers or records, the same fees as provided for to be charged by the secretary of state for like services. The money collected for fees shall be paid to the treasurer of the state and by him credited to the general fund.

36-7-206. Annual report.

The board shall issue, on or before November thirtieth of each year, a report setting forth in detail the names, location and character of the irrigation works in process of construction,

the acreage and legal subdivisions of land intended to be reclaimed, the estimated cost of said irrigation works, the price of water rights from such irrigation works, and the terms of payment for both water rights and land. Not less than five thousand (5,000) copies of such report shall be printed for gratuitous distribution.

36-7-207. Grants of rights-of-way to counties.

The board of land commissioners is hereby empowered, under such terms and regulations as may be provided by it, to grant to the counties of this state, either temporary or permanent rights-of-way for roads and highways, over and across lands ceded to the state under the provisions of an act approved August 18, 1894, known as the Carey Act, and the title to which lands is still vested in the state at the time such grant is made.

ARTICLE 3 - RECLAMATION OF LAND

Division 1. Requests and Proposals for Construction of Irrigation Works

36-7-301. Requisites; contents.

Any person, company of persons, association or incorporated company constructing, having constructed or desiring to construct ditches, canals or other irrigation works to reclaim land under the provisions of this act shall file with the board a request for the selection on behalf of the state by the board, of the land to be reclaimed, designating said land by legal subdivisions. This request shall be accompanied by a proposal to construct the ditch, canal or other irrigation works necessary for the complete reclamation of the land asked to be selected. The proposal shall be prepared in accordance with the rules of the board and with the regulations of the department of the interior. It shall state the source of water supply, the location and dimensions of the proposed works, the estimated cost thereof, the price and terms per acre, at which perpetual water rights will be sold to settlers on the land to be reclaimed, said perpetual rights to embrace a proportionate interest in the canal or other irrigation works, together with all rights and franchises attached thereto. In the case of incorporated companies, it shall state the name of the company, the purpose of its incorporation, the names and places of residence of its directors and officers, the amount of its authorized and its paid-up capital. If the applicant is not an incorporated company, the proposal shall set forth the name or

names of the party or parties, and such other facts as will enable the board to determine his or their financial ability to carry out the proposed undertaking.

36-7-302. Guaranty; forfeiture.

The board shall have authority to prescribe that each request and proposal shall be accompanied by a certified check in an amount to be designated by the board, the same to be held as a guarantee of the execution of the contract with the state in accordance with its terms by the parties submitting such proposals, in case of the approval of the same and selection of the land by the board and to be forfeited to the state in case of failure of said parties to enter into a contract with the state in accordance with the provisions of this act.

36-7-303. Application for permit to appropriate water.

The person, company of persons, association or incorporated company, making application to the board for the selection of lands by the state, shall have filed with the state engineer an application for a permit to appropriate water for the reclamation of the lands described in the request to the board. This application shall be prepared in conformity with the provisions of W.S. 41-3-613, 41-3-615, 41-4-501 through 41-4-512 and 41-4-517, except that the time for beginning construction, as specified by W.S. 41-4-506 thereof, shall begin within one (1) year from the date the lands, described in the said request to the board, are segregated to the state. The maps showing the proposed irrigation works and the lands to be irrigated shall be prepared in accordance with the regulations of the state engineer's office and the rules of the department of the interior.

36-7-304. Examination.

Immediately upon receipt of any request and proposal, as designated in W.S. 36-7-301, it shall be the duty of the director of the office of state lands and investments to examine the same, and ascertain if it complies with the rules of the board and the regulations of the department of the interior. If it does not, it is to be returned for correction, but if it does so comply, the director shall cause to be examined by an engineer in his office, the maps, plans, specifications and surveys, to determine whether or not the proposed works are feasible, whether the proposed irrigation system is practicable and the best that can be provided for the reclamation of said

lands, whether there is sufficient unappropriated water in the source of supply to furnish an ample supply of water for the irrigation and reclamation of the lands described in such proposal, whether the capacity of the proposed works is adequate to reclaim the lands described, whether or not the proposed cost of construction is reasonable, considering the area of land to be reclaimed, and whether or not the lands proposed to be irrigated are desert in character, and such as may be properly set apart under the provisions of the aforesaid act of congress and the rules and regulations of the department of the interior thereunder. Whenever the director shall deem it necessary to obtain the desired information, he shall cause a field examination of such project to be made by an engineer from his office. The state engineer shall afford to the director or the engineers in his office, every facility to examine the records and files of the state engineer's office to obtain the desired information, and upon request of the director, and without charge, shall furnish all information as to water permits issued, and concerning the water supply for such proposed irrigation system, and furnish such reports as may be called for by the director, or the interior department.

36-7-305. Submission for consideration; approval.

Whenever the director shall have made the investigation of such request and proposal as he deems necessary, he shall submit such request and proposal, with the report of such investigation, to the board for its consideration. In case of approval, the board shall instruct the director to file in the local land office, a request for the withdrawal of the land described in said proposal.

36-7-306. Notification of nonapproval; resubmission.

When requests and proposals are not approved by the board, the board shall notify the parties making such proposal of such action, and the reason therefor. The parties so notified shall have sixty (60) days in which to submit a satisfactory proposal, but the board may, at its discretion, extend the time to six (6) months.

Division 2. Contracts for Construction of Irrigation Works

36-7-320. Duty to contract; contents; withdrawal of land and filing of bond necessary.

Upon the withdrawal of the land by the department of the interior, it shall be the duty of the board to enter into a contract with the parties submitting the proposal, which contract shall contain complete specifications of the location, dimensions, character and estimated cost of the proposed ditch, canal or other irrigation work; the price and terms per acre at which such works and perpetual water rights shall be sold to settlers; the price and terms upon which the state is to dispose of the land to settlers; provided, that such price and terms for irrigation works, water rights and for lands to be disposed of by the state to settlers shall, in all cases, be reasonable and just. This contract shall not be entered into on the part of the state until the withdrawal of these lands by the department of the interior and the filing of a satisfactory bond on the part of the proposed contractor for irrigation works, which bond shall be in a penal sum equal to five percent (5%) of the estimated cost of the works, and to be conditioned for the faithful performance of the provisions of the contract with the state.

36-7-321. Terms.

No contract shall be made by the board which requires a greater time than five (5) years for the construction of the canal, works or irrigation system, and all contracts shall be conditioned that active construction work shall begin within six (6) months from the date of the contract, and that at least one-tenth of the construction work shall be completed within one (1) year of the date of the contract; that at least one-third of the construction work shall be completed within two (2) years from the date of the contract, and that construction shall be prosecuted diligently and continuously to completion; and that a cessation of work under the contract with the state for a period of ninety (90) days during the months of May, June, July, August, September, October and November, after the second year will forfeit to the state all rights under the said contract.

36-7-322. Notice upon failure to fulfill; sale of incompleted works; option to complete.

Upon the failure of any parties, having contracts with the state for the construction of irrigation works, to begin the same within the time specified by the contract, or to complete the same within the time or in accordance with the specifications of the contract with the state, it shall be the duty of the director to give such parties written notice of such failure, and if, after a period of sixty (60) days from the sending of

such notice, they shall have failed to proceed with the work, or to conform to the specifications of their contract with the state, unless said parties shall show to the satisfaction of the board good and sufficient reason for such delay and failure to complete said works or conform to said specifications and demonstrate to the satisfaction of said board their financial ability and intentions to proceed with said work in good faith, the bond and contract of such parties and all work constructed thereunder shall be at once and thereby forfeited to the state, and it shall be the duty of the board at once so to declare and to give notice once each week, for a period of four (4) weeks, in some newspaper of general circulation in the county in which the work is situated, and in one (1) newspaper at the state capital, in like manner and for a like period, of the forfeiture of said contract, and that upon a day fixed, proposals will be received at the office of state lands and investments in the capitol at Cheyenne, for the purchase of the incompleted works and for the completion of said contract; the time for receiving said bids to be at least sixty (60) days subsequent to the issuing of the last notice of forfeiture. The money received from the sale of partially completed works under the provisions of W.S. 36-7-321, shall first be applied to the expenses incurred by the state in their forfeiture and disposal; secondly, to satisfying the bond; and the surplus, if any exists, shall be paid to the original contractors with the state; provided, however, that the board may, in its discretion, accept from any parties unable for any reason to fulfill the terms of their contract with the state, the full release, relinquishment and surrender of any rights acquired from the state under and by virtue of said contract, and may thereupon abrogate the same and release said parties from the conditions of the said contract and bond, and may proceed in its discretion to enter into a new contract with other parties, if such there be, for the completion of the works so surrendered.

36-7-323. State not responsible for contractor failures.

Nothing in this act shall be construed as authorizing the board to obligate the state to pay for any work constructed under any contract, or to hold the state in any way responsible to settlers for the failure of contractors to complete the work according to the terms of their contracts with the state.

36-7-324. Maps; lands subject to rights-of-way.

The maps in the office of the board of the lands selected under the provisions of this act, shall show the location of the

canals or other irrigation works approved in the contract with the board, and all lands filed upon shall be subject to the rights-of-way of such canals or irrigation works; said rights-of-way to embrace the entire width of the canals, and such additional width as may be required for their proper operation and maintenance, the width of such rights-of-way to be specified in the contracts provided for in this act.

36-7-325. Inspection of completed systems; application for patent.

Whenever any person, firm or corporation constructing an irrigation system to reclaim lands under the Carey Act, shall notify the director that such irrigation system is completed, and that an ample supply of water is being delivered in a substantial ditch or canal to the lands included in such segregation, or any unit of such lands, the director shall cause an inspection to be made of such constructed system, and if he finds that said irrigation system has been constructed in a substantial manner, and in accordance with the plans and specifications agreed upon, and that an ample supply of water is being delivered to such lands in a substantial ditch or canal, he shall immediately apply to the United States government for patent to such lands, and shall submit to the interior department, proof of the reclamation of such lands.

36-7-326. Assessments for operation; failure to pay; enforcement of lien; costs and fees; injunction bond.

Companies, associations, or corporations operating or controlling irrigation systems, ditches, or reservoirs or other devices for the distribution of water for irrigation shall be authorized to levy and collect such reasonable and necessary assessments for the cost of operation, maintenance, repairs and improvements of such irrigation systems, ditches or reservoirs, and for the purpose of repaying money borrowed for such purposes, as may be authorized by a majority of the members of such companies, or associations, or fixed in the manner provided by the bylaws of such corporation. Payment of such assessments shall be the necessary requisite for the use of such reservoirs, irrigation systems or ditches for the storage or conveyance of water for the lands deeded or described in contracts for or deeds to proportionate interests in such reservoirs, irrigation systems and ditches upon which assessments are made, and in the event such assessments remain due and unpaid more than ten (10) days after the date fixed as the date of payment for the purpose, such companies, associations and corporations are

authorized to close down any headgate or other diverting or measuring device used by any delinquent, or by any person in possession of or using such lands, and to refuse to allow the use of such reservoirs, irrigation systems and ditches for the purpose of storing water for or conveying water to the lands of such delinquents and refuse such delinquents the right to vote at any meeting of such company, association, or corporation, until such repair or maintenance assessment shall have been paid. Such companies, associations and corporations shall have a lien upon the proportionate interest in such reservoirs, irrigation systems and ditches, which shall become a first lien upon the lands deeded or described in contracts for or deeds to such proportionate interests for the amount of any unpaid assessments which may be enforced in a court of competent jurisdiction, as in the case of other liens. In all suits or actions to obtain a judgment on such account and to enforce the lien, when the plaintiff or complainant shall obtain judgment or decree, the costs, together with twenty-five dollars ($25.00) for attorney's fees, shall be taxed or recovered from the adverse party. No restraining order, or order of injunction shall be issued against any such company, association or corporation unless applicant for same shall file a sufficient bond conditioned upon the immediate payment of all delinquent assessments if such shall be found by a competent court to be reasonable and just. This act [section] shall include all lands under any of the above named systems if water has been used or is being used in any one irrigation season and providing that water is in said canal, reservoir or ditches, subject to use of owners.

ARTICLE 4 - SETTLEMENT OF LANDS

36-7-401. Notice lands open for settlement.

Upon receipt of notice by the contracting company that water for beneficial irrigation can be furnished for all or any part of the lands in any segregation list at stated time, it being shown to the satisfaction of the board that the contracting company will be able to deliver water at the said time, it shall be the duty of the board, by publication, at the expense of the contracting company, in one (1) newspaper in the county in which said lands are situated and such other newspaper or newspapers as may be designated by the contracting company, to give notice that certain lands, generally described, are open for settlement; that the land will be sold at fifty cents ($.50) per acre by the state and that proportionate interests in the irrigation system for a perpetual water supply can be purchased

at the price named and water for beneficial irrigation can be furnished on the date named, and such other information as the board shall deem advisable.

36-7-402. Proceeds earmarked for reclamation.

Pursuant to the act of congress, approved August 18, 1894 (28 Stat., 372-422), all moneys received by the state of Wyoming from the payments of fifty cents ($.50) an acre received on lands segregated under what is commonly known as the Carey Act, and all moneys received as fees pursuant to operations of the Carey Act, are hereby appropriated for the purpose of reclaiming school or granted lands belonging to the state of Wyoming, and lands which may be hereafter granted or selected for the said state of Wyoming for any purpose whatsoever.

36-7-403. Application for entry; certificate of location; payments.

Any adult citizen of the United States or any adult person having declared his intention of becoming a citizen of the United States, may make application, under oath, to the board, to enter any of said land in an amount not to exceed one hundred and sixty (160) acres for any one (1) person; and such application shall set forth that the person desiring to make such entry does so for the purpose of actual reclamation, cultivation and settlement in accordance with the act of congress and the laws of this state relating thereto, and that the applicant has never received the benefit of the provisions of this act to an amount greater than one hundred and sixty (160) acres, including the number of acres specified in the application under consideration. Such application must be accompanied by an original signed copy or a certified copy of a contract for a water right, made and entered into by the party making the application with the person, company or association who have been authorized by the board to furnish water for the reclamation of said lands, or, if the person, company or association who has been authorized by the board to furnish water for the reclamation of said lands is not the owner of the water right attached and appurtenant to the land upon which the applicant seeks to file, then, with the bona fide owner of said water right; such application for entry shall be made within thirty (30) days from the time the applicant shall have contracted with the owners of the water right attached and appurtenant to the land for the purchase of a proportionate interest in said water right, and it shall be the duty of the owners of the water rights to notify the director whenever they

have contracted with applicants for the purchase of proportionate interests in said water rights; and if said applicant has at any previous time entered lands under the provisions of this article, he shall so state in his application, together with description, date of entry and location of said land. The board shall thereupon file in its office the application and papers relating thereto, and, if allowed, issue a certificate of location to the applicant. All applications for entry shall be accompanied by a payment of twenty-five cents ($.25) per acre, which shall be paid as a partial payment on the land if the application is allowed; and all certificates when issued shall be recorded in a book to be kept for that purpose. If the application is not allowed, the twenty-five cents ($.25) per acre accompanying it shall be returned to the applicant; provided, that where the construction company fails to furnish water to any settler under the provisions of its contract with the state, the state shall refund to such settler, all payments that he shall have made to the state. The board shall dispose of all lands accepted by the state under the provisions of this article at a uniform price of fifty cents ($.50) per acre, half to be paid at the time of entry and the remainder at the time of making final proof by the settler; and, provided, further, that whenever any citizen of the United States, or any person having declared his intention of becoming a citizen of the United States, shall make application as provided in this section to enter any of said land in an amount not exceeding one hundred and sixty (160) acres, and shall further prove to the satisfaction of the board that he or she is the father or mother of eight (8) living children, it shall be the duty of the board to permit the application for entry by him or her without charge and to issue a certificate of location to such applicant without charge, and to dispose of such lands to said applicant upon final proof being made.

36-7-404. Final proof of reclamation; fee and last payment; right to patent; failure to timely prove.

Within three (3) years from the date of the certificate of location issued to an entryman on the Carey Act lands, the entryman shall appear before the director, who is hereby authorized to administer oaths in matters pertaining to the state of Carey Act lands in Wyoming, a judge or clerk of the district or circuit court of any state, or commissioner of the United States district court, and make final proof of reclamation, settlement, and occupation, which proof shall embrace evidence that he has a perpetual water right for the

irrigable area of the tract of land so filed upon, sufficient in volume for the complete irrigation and reclamation thereof, and has cultivated and irrigated not less than one-fourth part of the irrigable area of said tract and not less than one-eighth of the entire tract filed upon, that he has resided upon the land for the period of time required by the rules of the board, and such further proof, if any, as may be required by the regulations of the department of the interior, or the board. The officer taking this proof shall be entitled to a fee of two dollars ($2.00), which fee shall be paid by the entryman, and shall be in addition to the price paid to the state for the land. All proofs so received shall be submitted by the director to the board, and shall be accompanied by the last and final payment for said land, and on the approval of the same by the said board, shall entitle the said entryman to a patent to said land, whenever said land shall be patented by the United States to the state; provided, that when the director shall take such final proofs, all fees received by him shall be turned in to the state treasury; provided further, that when an entryman fails to make final proof within three (3) years from the date of the issuance of the certificate of location, the board may in its discretion, after (60) days' notice is given to the entryman by registered letter to his last known address, cancel the certificate of location and declare the land covered by such certificate open to entry.

36-7-405. Issuance of patent to heir.

Where an entryman upon Carey Act lands, who has made valid final proof thereon, dies before the state has issued patent therefor, patent when issued, shall issue in the name of the heir of the estate of such deceased entryman.

36-7-406. Final proof by heirs; devise or descent of entry.

In all cases where lands have been entered under the provisions of W.S. 36-7-403, and the entryman has died prior to the making of final proof of reclamation, settlement, and occupation, proof of reclamation may be made by an heir, and proof of settlement and occupation may be made by such person, or persons, or by an agent thereof, and patent when issued shall issue in the name of the heirs of the estate of such deceased entryman. Any such entry may be devised or shall descend as other real estate.

36-7-407. Issuance of patents.

Upon the issuance of a patent to any lands by the United States to the state, notice shall be forwarded to the settler upon such land. It shall be the duty of the board, under the signature of its president, and attested by its secretary, to issue a patent to said lands from the state to the settler.

ARTICLE 5 - WATER RIGHTS AND LIENS

36-7-501. When water rights attach to land.

The water rights to all lands acquired under the provisions of this act shall attach to and become appurtenant to the land as soon as title passes from the United States to the state.

36-7-502. First and prior lien on water right.

Any person, company or association furnishing water for any tract of land shall have a first and prior lien on said water right and land upon which said water is used, for all deferred payments for said water right; said lien to be in all respects prior to any and all other liens created or attempted to be created by the owner and possessor of said land; said lien to remain in full force and effect until the last deferred payment for the water right is fully paid and satisfied according to the terms of the contract under which said water right was acquired.

36-7-503. Recording of contract; foreclosure of lien.

The contract for the water right upon which the aforesaid lien is founded, whether heretofore or hereafter executed, shall be recorded in the office of the county clerk of the county where said land is situate; and upon the default of any of the deferred payments secured by any lien under the provisions of this article, the person, company of persons, association or incorporated company holding or owning said lien, may, within ten (10) years after the last maturing deferred payment secured by such lien shall have become due, foreclose the same according to the terms and conditions of the contract granting and selling to the settler the water right.

36-7-504. Notice and place of foreclosure sale; duties of sheriff; limitation on bids.

All sales shall be advertised in a newspaper of general circulation, published in the county where said land and water right is situate for six (6) consecutive weeks, and shall be sold to the highest bidder at the front door of the courthouse

of the county, or such place as may be agreed upon by the terms of the aforesaid contract. And the sheriff of said county shall in all such cases give all notices of sale and shall sell all such land and water rights and shall make and execute a certificate of sale to the purchaser thereof, and at such sale no person, company of persons, association or incorporated company, owning and holding any lien shall bid in or purchase any land or water right at a greater price than the amount due on said deferred payment for said water right and land, and the costs incurred in making the sale of said land and water right.

36-7-505. Redemption.

At any time within nine (9) months after the foreclosure sale by the sheriff, of the land and water rights as aforesaid, the original owner against whom the lien has been foreclosed, may apply to the person, company of persons, association or incorporated company purchasing at such sale, to redeem such land and water rights, and the purchaser shall assign the certificate of sale of such land and water rights to such original owner, upon the payment by him within such nine (9) months, of the amount of the lien for which the same was sold at such foreclosure sale, together with the interest, costs and fixed charges thereon. Where the lienholder becomes the purchaser at such foreclosure sale, if such lands and water rights are not redeemed by the original owner within nine (9) months, then at any time within three (3) months after the expiration of such nine (9) months, any person desiring to settle upon and use such land and water rights, may apply to the purchaser at such foreclosure sale to redeem such land and water rights, and such purchaser shall assign the certificate of sale of such land and water rights to the person desiring to redeem the same, upon the payment by him, within such three (3) months, of the amount of the lien for which the same was sold at such foreclosure sale, together with the interest, costs and fixed charges thereon.

36-7-506. Redemption; recording certificate of sale.

Upon issuing any certificate of sale, it shall be the duty of the sheriff to file for record in the office of the county clerk of the county where such land is situated, a certified copy of such certificate of sale, and in case the original owner shall redeem the land and water rights sold as aforesaid, he shall file for record in the office of such county clerk, the certificate of sale assigned to him by the purchaser as aforesaid, upon his redemption of such land and water rights.

36-7-507. Redemption; issuance of deed.

In case the land and water rights shall be redeemed by any person other than the original owner, the sheriff shall, upon presentation of such certificate, issue a deed for such land and water rights to the person so redeeming the same. If the land and water rights shall not be redeemed by any person within the time and in the manner hereinbefore provided, it shall be the duty of the sheriff, upon presentation of the certificate of sale by the original purchaser, to issue a deed to such purchaser.

36-7-508. Proceeds of foreclosure sale; fees of sheriff.

Where such lands and water rights are not purchased by the lienholder of such foreclosure sale, it shall be the duty of the sheriff to first pay the lienholder out of the proceeds of such sale, the amount of the lien together with all interest, costs and fixed charges thereon, and to pay any balance remaining to the person against whom such lien has been foreclosed, and for his services in such cases the sheriff shall receive the same fees as are provided by law in civil cases.

36-7-509. Authority to purchase water rights; lease and sale; disposition of moneys received.

(a) The board of land commissioners is hereby authorized to purchase water rights or proportionate interests in canals, reservoirs or irrigation systems for the purpose of reclaiming school and other granted lands. Lands for which water rights become appurtenant may be leased by the board at a price which will return an equitable income, or may be sold upon the following terms and conditions:

(i) The land shall be offered at public auction at the front door of the courthouse of the county in which the land is situated, after being advertised for four (4) weeks, as required by law;

(ii) Thirty percent (30%) of the purchase price of the land must be paid in cash on the day of sale;

(iii) The purchaser shall, before the sale is consummated, enter into a contract for the purchase of a water right or proportionate interest in the irrigation system which will supply water for the said land, which may be conditioned on

not to exceed twenty (20) annual payments with interest at six percent (6%) per annum;

(iv) Delinquent payments shall bear interest at the rate of eight percent (8%) per annum until paid.

(b) Moneys received for the sale of land, and the interest thereon, shall be placed in the proper permanent land fund account in accordance with the purpose for which the land was granted to the state. Moneys received from the sale of water right contracts and the interest thereon shall be turned in to the state treasury to the credit of the general fund.

36-7-510. Filing of reports for future use.

The board of land commissioners shall from time to time secure reports from the state engineer or his deputies or assistants or from other qualified persons covering the lands for which it is proposed to secure water rights and lands for which applications to purchase have been filed, and shall file same until it shall seem to the advantage of the state to secure water rights for the said land or to offer same for sale.

CHAPTER 8 - STATE PARKS AND RESERVES

ARTICLE 1 - IN GENERAL

36-8-101. Repealed by Laws 1982, ch. 75, § 5.

36-8-102. Repealed by Laws 1982, ch. 75, § 5.

36-8-103. Removal of plants or structures prohibited; exception.

No unauthorized person shall, in any manner, remove any tree, shrub, plant, flower, or other attraction of nature within a state park, campground, recreational ground, historical landmark or historical site, nor shall any person disturb any structure therein except with the written permission of the state agency having jurisdiction of the area.

36-8-104. Use of firearms, fireworks, explosives and weapons prohibited; exceptions.

(a) The use of firearms, fireworks, explosives and weapons of all kinds is prohibited in all state parks, campgrounds,

recreational grounds, historic landmarks or historic sites providing, however, that:

(i) Firearms and weapons that otherwise comply with state law may be used at such times and in such places as the Wyoming game and fish commission may designate; and

(ii) A supervised public fireworks display may be held in a state park that is not subject to an open fire ban if the fireworks operator has obtained both a special use permit from the superintendent of the park, pursuant to department rules and regulations, and a permit for the display pursuant to W.S. 35-10-203.

36-8-105. Penalty for violating W.S. 36-8-103 through 36-8-105.

Any person violating the provisions of this law shall be guilty of a misdemeanor and upon the conviction thereof shall be fined not more than one hundred dollars ($100.00). Each and every county and state law enforcement officer, game wardens, deputy game wardens of the Wyoming game and fish commission and the director of the department of state parks and cultural resources shall enforce the provisions of this act.

36-8-106. Supervision of museums; legends and historical information.

(a) Unless otherwise provided by law, the department of state parks and cultural resources shall in consultation with the commission, supervise and control any and all museums which are established in the state parks, public recreational grounds, public campgrounds, historic landmarks or historic sites of Wyoming. All items, objects, furnishings and information in any such museum shall be prepared and arranged under the direction of the department of state parks and cultural resources. All museum employees shall be furnished by and be under the direction of such department. The care, maintenance and upkeep of the interior of such museum and outside maintenance of buildings and grounds shall be the responsibility of the department.

(b) All legends and historical information placed on any historic landmark or historic site shall be prepared or approved by the department. The department shall also provide all historical and interpretive material to be used both on the

approaches to and at historic sites and landmarks within the state.

(c) Repealed by Laws 1990, ch. 44, § 3.

36-8-107. Repealed by Laws 1990, ch. 44, § 3.

ARTICLE 2 - WYOMING YELLOWSTONE PARK COMMISSION

Division 1. In General

36-8-201. Short title.

This act shall be known and may be cited as the "Wyoming Yellowstone Park Commission Act".

36-8-202. Definitions.

(a) As used in this act, the following words and terms shall have the following meanings, unless the context shall indicate another or different meaning or intent:

(i) The term "commission" shall mean the Wyoming Yellowstone Park commission, created by section 4 of this act, or, if said commission shall be abolished, the board, body or authority succeeding to the principal functions thereof or to whom the powers given by this act to the commission shall be given by law;

(ii) "Recreational area and facilities" shall mean and embrace all of the area and facilities of the commission in Yellowstone National Park constructed or acquired by lease, license, agreement or purchase, including but not limited to cabins, lodges, hotels, restaurants, commissaries, and any other revenue producing facilities in the recreational area;

(iii) "Project" shall be deemed to mean collectively the acquisition or leasing of the recreational area and facilities, the acquisition or the construction of any buildings or other works, together with any incidental approaches, structures, facilities and property reasonably necessary and useful in order to provide new or improved recreational facilities in the recreational area;

(iv) The term "bonds" shall mean the bonds, notes, temporary bonds, interim receipts or other obligations issued by the commission pursuant to this act;

(v) The term "revenues" shall mean all rates, rentals, admission fees, charges and other income derived from the operation of the project by the commission;

(vi) The term "cost" as applied to a project shall include, without being limited to, the cost of acquisition of the project, the cost of construction, the cost of acquisition, leasing or licensing of all land, rights-in-land, property rights, easements and interests by the commission for such construction, the cost of demolishing or removing any buildings or structures on land so acquired, leased or licensed, the cost of all machinery and equipment, financing charges, interest prior to and during construction and for a reasonable period thereafter, cost of estimates and of engineering and legal expenses, plans, specifications, surveys, estimates of cost and revenues, other expenses necessary or incident to determining the feasibility or practicability of constructing and acquiring, leasing or licensing the project, administrative expense, and such other expense as may be necessary or incident to the construction and acquisition of the project, the financing of such construction and acquisition and the placing of the project in operation. Any moneys appropriated by the state for the purpose of the commission and required to be reimbursed by it shall be considered as a part of the cost of the project and shall be reimbursed to the state out of the proceeds of the bonds issued for the project.

36-8-203. Creation; composition; qualification; appointment; terms and removal of members; election of officers; quorum; compensation and expenses.

(a) There is created an agency and instrumentality of the state to be known as the "Wyoming Yellowstone Park commission" and by that name the commission may sue and be sued and plead and be impleaded. The exercise by the commission of the powers conferred by this act [§§ 36-8-201 through 36-8-238] is an essential governmental function of the state. However, the performance of such governmental functions shall not be construed to relieve the commission from liability for personal injuries or property damages incurred by it through its negligence or the negligence of its servants or agents.

(b) The commission shall consist of five (5) members appointed by the governor, by and with the consent of the senate. The members shall be residents of the state and qualified electors therein for a period of at least one (1) year

next preceding their appointment. The successor of each member shall be appointed for a term of five (5) years, except that any person appointed to fill a vacancy shall be appointed in accordance with W.S. 28-12-101. Members are eligible for reappointment. The governor may remove members of the commission as provided in W.S. 9-1-202.

(c) The commission shall elect one (1) of the members as chairman, another as vice-chairman and another as secretary and treasurer. Three (3) members of the commission constitute a quorum and the vote of three (3) members is necessary for any action taken by the commission. No vacancy in the membership of the commission impairs the right of a quorum to exercise all the rights and perform all the duties of the commission.

(d) The members of the commission shall not receive any compensation for their services, but when actually engaged in the performance of their duties, they shall be paid a per diem for each day of actual service and be reimbursed for their travel expense at the same rate applicable to travel expenses of other state officers. All expenses incurred in carrying out the provisions of this act shall be payable solely from funds provided under the authority of this act or otherwise previously appropriated to the commission, and no liability or obligation shall be incurred by the commission beyond the extent to which monies have been provided under the authority of this act or otherwise previously appropriated.

(e) Effective July 1, 1979, appointments and terms under this section shall be in accordance with W.S. 28-12-101 through 28-12-103.

36-8-204. Officers, agents and employees.

The commission may select and appoint such officers, agents and employees as it may deem proper. All such officers, agents and employees shall have such powers and duties, shall hold office for such term and be subject to removal in such manner, and shall receive such compensation as the commission shall prescribe and determine.

36-8-205. General powers.

(a) The commission is hereby authorized and empowered:

(i) To adopt bylaws for the regulation of its affairs and the conduct of its business;

(ii) To adopt an official seal and alter the same at pleasure;

(iii) To maintain a principal office and suboffice at such place or places within the state as it may designate;

(iv) To sue and be sued in its own name, plead and be impleaded;

(v) To acquire, lease, license, construct, improve, extend, reconstruct, maintain, repair and operate the project (as herein defined);

(vi) To borrow money, make and issue negotiable notes, bonds, refunding bonds, and other evidences of indebtedness or obligations (herein called "bonds") of the commission for any of its authorized purposes, and to secure the payment of such bonds, or any part thereof, by pledge of all or any of its revenues, and to make such agreements with the purchasers or holders of such bonds, or with others in connection with any such bonds, whether issued or to be issued, as the commission shall deem advisable, and in general, to provide for the security for said bonds and the rights of the holders thereof;

(vii) To fix, alter, charge and collect rates, rentals, admission fees and other charges for the use of the recreational area and facilities of the project and the services rendered in connection therewith at reasonable and uniform rates, to be determined exclusively by it, for the purpose of providing for the payment of the expenses of the commission, the acquisition, leasing, licensing, construction, improvement, extension, reconstruction, maintenance, repair and operation of the project, the payment of the principal of and interest on its bonds, and to fulfill the terms and provisions of any agreements made with the purchasers or holders of any of its bonds;

(viii) To acquire, purchase, hold, use, lease, license, sell, transfer and dispose of any franchise, property, real, personal or mixed, tangible or intangible, or any interest therein, necessary or desirable for carrying out the purpose of the commission;

(ix) To make and enter into all contracts and agreements necessary or incident to the performance of its duties and the execution of its powers and duties under this

act, including contracts, agreements or leases with the United States of America, or any officer or agency thereof, relating to the operation of the commission within the area of Yellowstone National Park and containing such terms and conditions as the commission may deem necessary or desirable, and to employ such management consultants, consulting engineers, attorneys, accountants, construction, appraisal and financial experts, and such other experts, employees and agents as may be necessary in its judgment, and, subject to the provisions of this act, to fix their compensation;

(x) To accept gifts, grants, loans, contributions or subsidies from the United States of America, the state, or any agency or instrumentality of either of them, or any individual, person, firm or corporation, and to expend the proceeds thereof for any purpose of the commission; and

(xi) To do all things necessary or convenient to carry out the powers expressly granted in this act.

36-8-206. Exercise of powers.

The exercise of the powers granted by this act will be in all respects for the benefit of the people of the state, for the increase of their commerce and prosperity, and for the improvement of their health and living conditions, and as the operation and maintenance of the project by the commission will constitute the performance of essential governmental functions the commission shall not be required to pay any taxes or assessments upon any project or any property acquired or used by the commission under the provision of this act or upon the income therefrom, and the bonds issued under the provisions of this act, their transfer and the income therefrom, including any profit made on the sale thereof, shall at all times be free from taxation within the state.

36-8-207. Authority to maintain and operate program.

In order to maintain and operate a recreational area and facilities program in Yellowstone National Park, the Wyoming Yellowstone Park commission (hereinbefore created) is hereby authorized and empowered to acquire, lease, license, improve, extend, reconstruct, maintain, repair and operate said project (as herein defined), and to issue revenue bonds of the commission payable solely from revenues and funds of the commission, to pay the cost of the project.

36-8-208. Consent of legislature necessary to execute contract.

Provided, however, that before the commission shall execute any contract for the purchase or make any payment for the acquisition of Yellowstone Park recreational areas and facilities, the consent of the Wyoming state legislature shall be first obtained by statute to be hereafter enacted, amending and reenacting this act.

36-8-209. Revolving account.

There is hereby appropriated and credited to a special revolving account to be set up in the state treasury, to be known as the "Wyoming Yellowstone Park commission revolving account", the sum of fifty thousand dollars ($50,000.00). Moneys shall be released from said account to the commission for the purpose of studying the feasibility of acquiring and leasing the project and the retaining of necessary consulting engineers, financial consultants, attorneys, appraisers, and other services deemed necessary to complete the study of the project and to determine its feasibility from an economic and financial standpoint. Any sums so advanced out of said revolving account for such purposes shall be repaid to said account without interest to the extent of such advance upon the sale of bonds for the project and the amount of any advances from said account shall be included as a part of the cost of the project.

36-8-210. Repealed By Laws 1999, ch. 149, § 1.

36-8-211. Construction of provisions.

This act, being necessary for the welfare of the state and its habitants, shall be liberally construed to effect the purposes thereof.

Division 2. Bonds

36-8-230. Authority to issue; terms.

(a) The commission shall be empowered and is hereby authorized from time to time to issue its negotiable bonds for any of its public purposes, including the payment of the cost of the project and incidental expenses in connection therewith, and to secure the payment of the same by a lien or pledge covering all or part of its contracts or revenues. The commission shall have power from time to time whenever it deems refunding

expedient, to refund any bonds by the issuance of new bonds, whether the bonds to be refunded have or have not matured, and may issue bonds partly to refund bonds then outstanding and partly for any of its additional public purposes. The bonds shall be authorized by resolution of the commission and shall bear such date or dates, mature at such time or times, bear interest at such rate or rates payable at such times as may be determined by the commission, and may be made redeemable before maturity, at the option of the commission, at such price or prices and under such terms and conditions as may be fixed by the commission prior to the issuance of the bonds. The commission shall determine the form of the bonds, including any interest coupons to be attached thereto, and shall fix the denomination or denominations of the bonds and place or places of payment of principal and interest, which may be at any bank or trust company within or without the state. The bonds shall be signed by the chairman or vice-chairman of the commission or by their facsimile signature, and the official seal of the commission shall be affixed thereto or reproduced thereon and attested by the secretary and treasurer of the commission, and any coupons attached thereto shall bear the facsimile signature of the chairman or vice-chairman of the commission. In case any officer whose signature or facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. All bonds issued under the provisions of this act shall have and are hereby declared to have all the qualities and incidents of negotiable instruments under the negotiable instruments law of the state. The bonds may be issued in coupon or in registered form, or both, as the commission may determine, and provision may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest, and for the reconversion into coupon bonds of any bonds registered as to both principal and interest. The commission may sell such bonds in such manner and for such price as it may determine to be for the best interests of the commission.

(b) Prior to the preparation of definitive bonds, the commission may under like restrictions, issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds when such bonds shall have been executed and are available for delivery. The commission may also provide for the replacement of any bonds which shall become mutilated or shall be destroyed or lost.

(c) Any resolution or resolutions authorizing any bonds or any issue of bonds may contain provisions, which shall be a part of the contract with the holders of the bonds thereby authorized, as to:

(i) Pledging all or any part of the moneys, earnings, income and revenues derived from the project of the commission to secure the payment of the bonds or of any issue of the bonds subject to such agreements with bondholders as may then exist;

(ii) The rates, rentals, admission fees and other charges to be fixed and collected and the amounts to be raised in each year thereby, and the use and disposition of the earnings and other revenues;

(iii) The setting aside of reserves and the creation of sinking funds and the regulation and disposition thereof;

(iv) Limitations on the right of the commission to restrict and regulate the use of the project;

(v) Limitations in the purposes to which and the manner in which the proceeds of sale of any issue of bonds may be applied;

(vi) Limitations on the issuance of additional bonds, the terms upon which additional bonds may be issued and secured; the refunding of outstanding or other bonds;

(vii) The procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amount of bonds the holders of which must consent thereto, and the manner in which such consent may be given;

(viii) The creation of special funds into which any earnings or revenues of the commission may be deposited;

(ix) The terms and provisions of any trust indenture securing the bonds or under which bonds may be issued;

(x) Vesting in a trustee or trustees such properties, rights, powers and duties in trust as the commission may determine;

(xi) Defining the acts or omissions to act which shall constitute a default in the obligations and duties of the

commission to the bondholders and providing the rights and remedies of the bondholders in the event of such default, including as a matter of right the appointment of a receiver, provided, however, that such rights and remedies shall not be inconsistent with the general laws of this state and other provisions of this act;

(xii) Limitations on the power of the commission to sell or otherwise dispose of the project, or any part thereof;

(xiii) Any other matters, of like or different character which in any way affect the security or protection of the bonds;

(xiv) Limitations on the amount of moneys derived from the project to be expended for operating, administrative or other expenses of the commission;

(xv) The protection and enforcement of the rights and remedies of the bondholders;

(xvi) The obligations of the commission in relation to the acquisition, leasing, licensing, construction, maintenance, operation, repairs and insurance of the project, the safeguarding and application, of all moneys and as to the requirements for the supervision, managements, and approval of consulting engineers and others in connection with construction, reconstruction and operation;

(xvii) The payment of the proceeds of bonds and revenues of the project to a trustee or other depository, and for the method of disbursement thereof with such safeguards and restrictions as the commission may determine.

(d) It is the intention of the legislature that any pledge of earnings, revenues or other moneys made by the commission shall be valid and binding from the time when the pledge is made; that the earnings, revenues or other moneys so pledged and thereafter received by the commission shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and that the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the commission irrespective of whether such parties have notice thereof. Neither the resolution nor any other instrument by which a pledge is created need be recorded.

(e) Neither the members of the commission nor any person executing the bonds or other obligations shall be liable personally on the bonds or other obligations or be subject to any personal liability or accountability by reason of the issuance thereof.

(f) Notwithstanding any other provision of this act, any resolution or resolutions authorizing bonds of the commission shall contain a covenant by the commission that it will at all times maintain rates, admission fees, rentals, and other charges sufficient to pay the cost of operation and maintenance of the project, the principal of and interest on any bonds issued pursuant to such resolution or resolutions as the same severally become due and payable, and to maintain any reserves or other funds required by the terms of such resolution or resolutions.

36-8-231. Trust agreements generally.

In the discretion of the commission any bonds issued under the provisions of this act may be secured by a trust agreement by and between the commission and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the state. Any such trust agreement may pledge or assign the revenues to be received, but shall not convey or mortgage the project or any part thereof. Any such trust agreement or any resolution providing for the issuance of such bonds may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the commission in relation to the acquisition, leasing or licensing of property and the construction, improvement, maintenance, repair, operation and insurance of the project, the rates, admission fees, charges and rentals to be charged, and the custody, safeguarding and application of all moneys, and provision for the employment of managers, and consulting engineers in connection with the construction or operation of the project. It shall be lawful for any bank or trust company incorporated under the laws of the state which may act as depository of the proceeds of bonds or of revenues to furnish such indemnifying bonds or to pledge such securities as may be required by the commission. Any such trust agreement may set forth the rights and remedies of the bondholders and of trusts, and may restrict the individual right of action of bondholders as is customary in trust agreements or trust indentures securing bonds or debentures of corporations. In addition to the foregoing, any such trust agreement may contain such other provisions as the commission may deem

reasonable and proper for the security of the bondholders. All expenses incurred in carrying out the provisions of such trust agreement may be treated as a part of the cost of the operation of the project.

36-8-232. Rights of bondholders and trustees.

Any holder of bonds issued under the provisions of this act or any of the coupons appertaining thereto, and the trustee under any trust agreement, except to the extent the rights herein given may be restricted by such trust agreement or the resolution authorizing the issuance of such bonds, may, either at law or in equity, by suit, action, mandamus or other proceedings, protect and enforce any and all rights under the laws of the state or granted hereunder or under such trust agreement or the resolution authorizing the issuance of such bonds, and may enforce and compel the performance of all duties required by this act or by such trust agreement or resolution to be performed by the commission or by any officer thereof, including the fixing, charging and collecting of rates, admission fees, rentals or other charges.

36-8-233. Bonds and expenses not to be indebtedness of state or political subdivisions.

(a) The bonds issued under the provisions of this act shall not be deemed to constitute a debt of the state or of any political subdivision thereof or a pledge of the faith and credit of the state or of any such political subdivision, but such bonds shall be payable solely from the funds pledged for their payment as authorized herein, unless such bonds are redeemed from the proceeds of the sale of refunding bonds or cancelled by refunding bonds issued in lieu thereof, issued under the provisions of this act, which refunding bonds shall be payable solely from funds pledged for their payment as authorized herein. All such revenue bonds shall contain on the face thereof a statement to the effect that neither the state nor the commission shall be obligated to pay the same or the interest thereon except from the revenues and funds of the commission, and that neither the faith and credit nor the taxing power of the state or any political subdivision thereof is pledged or may be pledged, to the payment of the principal of or interest on such bonds.

(b) All expenses incurred in carrying out the provisions of this act shall be payable solely from funds provided under the authority of this act, and nothing in this act contained

shall be construed to authorize the commission to incur indebtedness or liability on behalf of or payable by the state or any political subdivision thereof.

36-8-234. Bonds deemed legal investments and deposits.

Bonds issued by the commission under the provisions of this act are hereby made securities in which the state and all public officers, municipal corporations, political subdivisions and public bodies, all banks, bankers, trust companies, trust and loan associations, investment companies and others carrying on a banking business, all insurance companies and insurance associations and others carrying on an insurance business, and all administrators, executors, guardians, trustees and other fiduciaries may properly and legally invest any funds, including capital belonging to them or within their control. The bonds are also hereby made securities which may be deposited with and may be received by all public officers and bodies of this state and all municipalities and political subdivisions for any purpose for which the deposit of bonds or other obligations is now or may hereafter be authorized.

36-8-235. Pledge by state to bondholders.

The state of Wyoming does pledge to and agrees with the holders of the bonds issued pursuant to this act that the state will not limit or alter the rights herein vested in the commission to acquire, lease, license, construct, improve, extend, reconstruct, maintain, repair and operate the project, to establish and collect the revenues, rates, rentals, admission fees and other charges referred to in this act and to fulfill the terms of any agreements made with the holders of the bonds, or in any way impair the rights and remedies of such bondholders, until the bonds together with interest thereon, interests on any unpaid installments of interest, and all costs and expenses in connection with any action or proceedings by or on behalf of the bondholders are fully met and discharged.

36-8-236. Moneys deemed trust funds.

All moneys received pursuant to the authority of this act, whether as proceeds from the sale of bonds or as revenues, shall be deemed to be trust funds, to be held and applied solely as provided in this act. The resolution authorizing the bonds of any issue or the trust agreement securing such bonds shall provide that any officer to whom, or any bank or trust company to which, such moneys shall be paid shall act as trustee of such

moneys and shall hold and apply the same for the purposes hereof, subject to such regulations as this act and such resolution or trust agreement may provide.

36-8-237. Statutory authority for issuance of bonds and fixing of charges.

(a) This act without reference to other statutes of the state of Wyoming shall constitute full authority for the authorization and issuance of bonds hereunder, and no other act or law with regard to the authorization or issuance of bonds or other obligations or the deposit of the proceeds thereof, or in any way impeding or restricting the carrying out of the acts herein authorized to be done shall be construed as applying to any proceedings hereunder or acts done pursuant hereto, and the bonds may be issued under the provisions of this act without obtaining the consent of any department, division, commission, board, bureau, agency or officer of the state.

(b) This act without reference to other statutes of the state of Wyoming shall constitute full authority for the fixing, altering, charging and collection by the commission of rates, fees, rentals and other charges for the use of the recreational areas and facilities of the project and the services rendered in connection therewith at reasonable and uniform rates, to be determined exclusively by the commission, and the commission shall have power and authority to fix, alter, charge and collect such rates, fees, rentals and other charges without obtaining the consent or approval of any department, division, commission, board, bureau, agency or officer of the state.

36-8-238. Existing statutory powers.

The foregoing sections of this act shall be deemed to provide an additional and alternative method for the doing of the things authorized thereby, and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of any power now existing except as in this act specifically provided; provided, however, that the issuance of revenue bonds or revenue refunding bonds under the provisions of this act need not comply with the requirements of any other law applicable to the issuance of bonds.

ARTICLE 3 - HOT SPRINGS STATE PARK

36-8-301. Acceptance of Big Horn Hot Springs.

The state of Wyoming hereby accepts the lands granted by the act of congress of 1897 ceding to the state one (1) square mile in the northeast portion of the historic Shoshone Indian Reservation upon which is located the Big Horn Hot Springs and assents to all of the provisions of said act ceding the same.

36-8-302. Name of park.

From and after the passage of this act, the land managed by the department as of July 1, 2010 in the northeast portion of the historic Shoshone Indian Reservation, upon which is located the Big Horn Hot Springs, is hereby declared to be and shall hereafter be known as the "Hot Springs State Park". The department shall by rule specify the legal description of the state park.

36-8-303. Disposition of monies received.

Except as otherwise provided in this section, any and all monies which may be received for rentals of said lands or waters, or any portion thereof, or for the use of said water in any form or any portion thereof, and all money in any way derived from said state lands shall be paid into the state treasury as other monies belonging to the state and shall be credited by the state treasurer to the general fund. Funds received pursuant to W.S. 36-4-110 from state outdoor recreation areas or facilities on such lands shall be deposited and expended in accordance with W.S. 36-4-121(h).

36-8-304. Public baths and public campgrounds.

The department of state parks and cultural resources shall retain one-fourth (1/4) of the water in the main or largest principal spring on the state land on the eastern bank of the Big Horn River with sufficient quantity of the land adjacent thereto, upon which suitable bathhouses may be constructed, which shall be open, with preference of use given free to persons who are indigent and suffering from ailments for which bathing in the waters of the Big Horn Hot Springs will afford relief. The department may make necessary rules and regulations governing free baths, the manner and time of bathing, and may require medical examination of applicants for baths. The bathhouse shall remain open not less than ten (10) hours a day each weekday and not less than six (6) hours on Sundays and holidays. The rules shall meet the minimum requirements of rules adopted by the department of agriculture governing public pools and spas. The department, in consultation with the commission,

may set apart a suitable location and portion of the lands for public camping purposes but may contract for operation of any campgrounds by competitive sealed bid. Should the department, in consultation with the commission, operate any campground within Hot Springs State Park, the charges per night shall not be less than one-half (1/2) of the average charges imposed by private campground operators within a five (5) mile radius of the Hot Springs State Park. The balance of the water and lands may be leased by the department, in consultation with the commission, for a term not less than five (5) years nor longer than ninety-nine (99) years. The length of the term of each individual lease shall be determined by the department, in consultation with the commission, in accordance with the value of the improvements proposed and actually placed upon the leasehold. The department may by rule provide for special use permits for limited purposes. The department may make rules and regulations with respect to the erection of buildings and improvements upon the individual leaseholds and may prescribe the plans and specifications of, and the materials to be used in the buildings to be erected. The department, in consultation with the commission, in any lease may provide for such plans and buildings and such use thereof as will best carry out the purposes of this chapter in retaining the lands and waters thereon for the treatment and cure of diseases and the pleasure of the general public. The department, in consultation with the commission, may conduct through pipes or otherwise any portion of the waters of the hot springs reserved for free use under this section and to provide baths and bathhouses for the use of the water at such rental or rates as it prescribes.

36-8-305. Adjudication of water right for flow of Big Horn Hot Springs.

The legislature of Wyoming, by enacting W.S. 36-8-304, appropriated and set aside for the state of Wyoming, board of charities and reform, the total flow of the Big Horn Hot Springs at Thermopolis, Wyoming, which was estimated to have been thirteen and one-tenth (13.1) cubic feet per second in 1896. That legislation was intended to be and is hereby declared to have been an application for a permit to appropriate in behalf of the board of charities and reform the total flow of Big Horn Hot Springs at Thermopolis, Wyoming, in compliance with W.S. 41-4-501 through 41-4-506 and 41-4-517. The bathing, medicinal, irrigation uses, and the maintenance of flow of water over the terrace between the springs and the Big Horn River are all beneficial uses and are hereby declared to be beneficial uses. The state board of control is directed to adjudicate a water

right in favor of the board of charities and reform, its successors and assignees, for the flow of the Big Horn Hot Springs at Thermopolis, Wyoming, with a priority date of February 17, 1899. The actual flow for adjudicated purposes shall be determined by the state board of control by established procedure. The department of state parks and cultural resources is designated as successor to the state board of charities and reform and the recreation commission under this section.

36-8-306. Transfer of lands to United States.

Whenever in the judgment of the department, in consultation with the commission, the interest of the state will be advanced by granting, conveying or deeding to the United States of America any tract or tracts of land within the Hot Springs State Park not otherwise disposed of, as may be fit and proper or desirable by the United States government, for the construction and maintenance of a veterans soldiers' hospital, sanitarium and recreation grounds, together with the free use of the mineral hot waters of the springs of the Hot Springs State Park, for the use of the United States of America in conducting the same, the department, in consultation with the commission, shall notify the board of land commissioners and the board may grant, convey and deed to the United States of America the designated lands. The president of the board of land commissioners and director are hereby authorized to make, execute and deliver all necessary instruments to complete such grants or conveyances.

36-8-307. Control of use of lands; transfer of control to the Wyoming department of state parks and cultural resources.

(a) The lands granted by the act of congress approved on the seventh day of June, A.D. 1897, ceding to the state of Wyoming certain lands in the northeastern portion of the historic Shoshone Indian Reservation upon which are located the Big Horn Hot Springs, are placed under control of the state board of charities and reform or its successor and are forever set aside for the treatment and care of diseases and for sanitary and charitable purposes.

(b) As provided by W.S. 36-4-122 the department of state parks and cultural resources is designated as successor to the state board of charities and reform and recreation commission under this article effective July 1, 1999.

36-8-308. Inspection for health purposes.

The department, in consultation with the commission, may call upon the state department of health to inspect, examine and report fully upon the condition of any and all hotels, sanitariums and buildings, and all places and localities within the limits of the Big Horn Hot Springs state park and to enforce the health laws of the state and the applicable rules and regulations of the department. The department may call upon the state department of agriculture to inspect, examine and report fully upon the condition of any and all bathhouses within the limits of the Big Horn Hot Springs state park and to enforce the health laws of the state and the applicable rules and regulations.

36-8-309. Rules and regulations; adoption, penalty for violation and cancellation of leases.

The department of state parks and cultural resources has full power, control and supervision over the Big Horn Hot Springs State Park, located in Hot Springs county, and all property thereon. The department may adopt rules and regulations for the government of the state park for the conservation of peace and good order within the park, and for the preservation of the property of the state therein, and of the property and people situated and residing or being therein, and to promote the well being of the people, and to declare what constitutes a nuisance within the state park. Any person who violates any rule or regulation adopted and published by the department is guilty of a misdemeanor and shall be fined not less than five dollars ($5.00) and not more than one hundred dollars ($100.00) or imprisoned for not more than six (6) months or both. Any offender convicted under this act may be permitted, in lieu of cash payment of a fine thus imposed, to work out the fine within the state park, at the rate of five dollars ($5.00) an hour until the amount of the fine is satisfied. Any circuit judge in the fifth judicial district has jurisdiction of all offenses under this article. A defendant convicted under this article has a right to appeal to the district court as provided for appeals from convictions in circuit courts and municipal courts. If any lessee of the state or of the department shall refuse to comply with the order, direction, rule or regulation of the department, or to obey any law of the state defining and punishing nuisances the department may immediately cancel the lease.

36-8-310. Rules and regulations; publication and distribution.

All rules and regulations adopted by the department of state parks and cultural resources for the government of the Big Horn Hot Springs State Park shall be published in pamphlet form and distributed to all officers and persons by law entitled to receive them, and to all lessees upon the state park.

36-8-311. Superintendent.

The department of state parks and cultural resources may employ a superintendent of the Big Horn Hot Springs State Park who shall have charge of all the state property at that park under the direction of the department.

36-8-312. Repealed by Laws 1993, ch. 69, § 2.

36-8-313. Attendant for free bathhouse.

The department may employ an attendant at the free bathhouse of the Big Horn Hot Springs whose duties shall be specified by the department.

36-8-314. Gambling prohibited; sale of alcoholic beverages regulated; violations.

Gambling in any form is prohibited within the park. The sale of alcoholic liquor except for medicinal purposes shall be subject to any terms, conditions, regulations and license fees as the department in consultation with the commission may determine and prescribe in addition to any requirement for the procurement of a license prescribed by law. Any violation of the provisions of this section or any term, condition or regulation prescribed by the department shall be sufficient ground for the department to cancel the lease of any violator, who shall be subject to expulsion from the state land in addition to any penalty herein prescribed, or prescribed by the laws of Wyoming.

36-8-315. Penalty for public health violations.

Any person who maintains a filthy, unwholesome or offensive house, hotel, bathhouse, sanitarium, dwelling, stable, privy or privy vault, drainpipe or sewer, which is a menace to the public health, or who fails to comply with any order, rule, direction or regulation of the department of state parks and cultural resources, the state department of agriculture or the state department of health is guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding seven hundred

fifty dollars ($750.00) or imprisoned in the county jail for not more than six (6) months, or both.

36-8-316. Liability and penalty for livestock roaming at will.

It shall be unlawful for any person, owner or custodian of any livestock to permit the same to roam at will over, upon or across any portion of the lands owned by the state in Hot Springs county and known as the Hot Springs State Reserve. Any owner, drover or other person or persons in charge of loose animals or livestock of any description who shall drive or trail the same upon, across or through any portion of said reserve, shall be liable for any and all damage resulting therefrom. Any person violating the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than ten dollars ($10.00) nor more than one hundred dollars ($100.00). In addition to the foregoing penalty the owner of any such loose animals or livestock shall be liable for any damage caused on said reserve by any such animals or livestock, and the superintendent of said reserve is hereby authorized to seize and restrain at some suitable place any such animals or livestock, and the state shall have a lien thereon for the amount of any fine imposed against the owner and for all damages and costs, including the care of such loose animals or livestock, to be collected in a civil action to be brought in the name of the state in any court of competent jurisdiction. The judgment awarding foreclosure of any such lien shall direct the sale of said loose animals or livestock in the manner now provided by law for the sale of personal property upon execution.

36-8-317. Repealed by Laws 1982, ch. 48, § 3.

36-8-318. Repealed by Laws 2019, ch. 35, § 2.

36-8-319. Repealed by Laws 2019, ch. 35, § 2.

36-8-320. Repealed by Laws 2019, ch. 35, § 2.

ARTICLE 4 - SARATOGA HOT SPRINGS

36-8-401. Purchase of hot springs; description of land.

The state board of charities and reform of the state of Wyoming is hereby authorized, empowered and directed to purchase, take and secure the title thereof in the name of the state of Wyoming

and pay therefor, in the manner hereinafter provided, the sum of fifty thousand dollars ($50,000.00) for the lands within which the Saratoga Hot Springs are situated and located, which said lands are described as follows, to-wit: the northwest one-fourth; the north one-half of the southwest one-fourth, and the southwest one-fourth of the southwest one-fourth of section 13; the east one-half of the southwest one-fourth of section 12 and all that portion of the west one-half of the southwest one-fourth of section 12 not included in Caldwell Hot Springs addition to the town of Saratoga, Carbon county, state of Wyoming; and all of the unsold lots in said addition to-wit: lots 2 to 11, both inclusive, of block 2; blocks 3, 4, 5, 6, 7, and 8; lots 6, 8, 9 and 10 in block 9; lots 1, 3, 4, 5, and 6 in block 14; lots 3, 4, 5, 6, 7, and 8 in block 15; (being 108 lots) all in township 17 north, range 84 west of the sixth principal meridian and in said Carbon county, and subject only to the right-of-way heretofore granted to the Saratoga & Encampment Railway Company, together with all the hot medicinal and mineral springs therein contained and all improvements thereon; which said property is commonly known as the Saratoga Hot Springs and contains four hundred twenty (420) acres more or less.

36-8-402. Control and use of property; transfer of control to the Wyoming department of state parks and cultural resources.

(a) The property described in W.S. 36-8-401 is placed under control of the state board of charities and reform or its successors and forever set aside for the treatment and care of diseases and for sanitary, charitable and such other purposes as determined by the board or its successors.

(b) As provided by W.S. 36-4-122, the department of state parks and cultural resources is designated as successor to the state board of charities and reform, Wyoming recreation commission and the department of commerce under this article effective July 1, 1999.

36-8-403. Sale of lands and improvements; authority.

Notwithstanding any contrary provisions contained in W.S. 36-8-401, 36-8-402, or in any other provision of law, the sale of the lands and improvements known as and included in the Saratoga Hot Springs Reserve to any person, association of persons, firm or corporation, without restriction as to use or occupancy, is hereby authorized.

36-8-404. Sale of lands and improvements; conduct of sale.

Any sale of the lands and improvements referred to in W.S. 36-8-403 shall be conducted by the state board of land commissioners in the manner provided for the sale of other state lands in W.S. 36-9-101, 36-9-102 and 36-9-104 through 36-9-120, provided, however, that the board shall appoint three (3) qualified disinterested appraisers, not members of the board, to make an appraisal of the said properties, not more than ninety (90) days prior to the call for bids. Any sale so negotiated shall be for cash, and transfer of title shall be by quitclaim deed executed according to the rules of the state board of land commissioners.

36-8-405. Lease of lands and improvements.

The department, in consultation with the commission, may lease the lands and improvements referred to in W.S. 36-8-403 to any person, association, firm or corporation for any lawful purpose, for any term not in excess of ninety-nine (99) years.

36-8-406. Repealed by Laws 1990, ch. 44, § 3.

36-8-407. Repealed by Laws 1990, ch. 44, § 3.

ARTICLE 5 - SOUTH PASS CITY STATE HISTORICAL SITE

36-8-501. South Pass City state historic site.

(a) Repealed By Laws 2010, Ch. 11, § 3.

(b) Upon approval by the governor, the department of state parks and cultural resources may purchase in the name of the state of Wyoming the following real property, unless the Carissa gold mine has created unacceptable economical environmental impacts as shown by the department of environmental quality investigation and determined by the governor, in Fremont county containing approximately 312.41 acres which are hereby declared to be part of the South Pass City state historic site:

(i) In township 29 north, range 100 west, 6th p.m., SE1/4 SE1/4 NE1/4, NE1/4 NE1/4 SE1/4 of section 20; lots 6, 7, 9, 16, 19 and 24 of section 20; W1/2 SW1/4 NW1/4 of section 21; E1/2 SW1/4 NW1/4 of section 21; and W1/4 SE1/4 NW1/4 of section 21.

(c) The lands in Fremont County managed by the department as of July 1, 2010 as South Pass City are designated as the South Pass City state historic site. The department shall by rule specify the legal description of the historic site.

36-8-502. Corporate powers.

Except as herein limited the preserve shall have powers like a corporation as provided in the Wyoming Business Corporation Act and by law for nonprofit corporations.

ARTICLE 6 - GRANITE RESERVOIR, CRYSTAL RESERVOIR AND UPPER NORTH CROW RESERVOIR AREAS

36-8-601. Declaration of Curt Gowdy state park.

(a) The lands in Laramie and Albany counties managed by the department as of July 1, 2010 at Granite Reservoir, Crystal Reservoir and Upper North Crow Reservoir areas known collectively as Curt Gowdy state park are hereby declared to be a state park. The department shall by rule specify the legal description of the state park.

(i) Repealed By Laws 2010, Ch. 11, § 3.

(ii) Repealed By Laws 2010, Ch. 11, § 3.

(iii) Repealed By Laws 2010, Ch. 11, § 3.

(iv) Repealed By Laws 2010, Ch. 11, § 3.

(v) Repealed By Laws 2010, Ch. 11, § 3.

(b) The state park shall be known as the Curt Gowdy state park.

36-8-602. Administration.

The department of state parks and cultural resources shall administer this area.

ARTICLE 7 - SINKS CANYON

36-8-701. Declaration of Sinks Canyon state park; disposal of land.

(a) The lands in Fremont County managed by the department as of July 1, 2010 and known as Sinks Canyon are hereby declared to be a state park. The department shall by rule specify the legal description of the state park.

(b) These lands shall not be sold, leased or otherwise disposed of by any state agency without the approval of the legislature.

36-8-702. Administration.

The department of state parks and cultural resources and the Wyoming game and fish commission shall jointly administer this area.

ARTICLE 8 - FORT FRED STEELE STATE PARK

36-8-801. Declaration of area as Fort Fred Steele state historic site; administration; safety facilities.

(a) The lands in Carbon county managed by the department as of July 1, 2010 and known as the Fort Fred Steele area are hereby declared to be a state historic site. The department shall by rule specify the legal description of the site.

(i) Repealed By Laws 2010, Ch. 11, § 3.

(ii) Repealed By Laws 2010, Ch. 11, § 3.

(iii) Repealed By Laws 2010, Ch. 11, § 3.

(b) The department of state parks and cultural resources shall administer this area providing for the best possible state historic site, and it shall be the responsibility of the department to provide all reasonable and necessary safety facilities made necessary by reason of the increased hazards resulting from the establishing of a state park adjacent to, and on both sides of, Union Pacific Railroad Company's main line right-of-way and tracks. These safety facilities shall include, but are not limited to, such fencing of Union Pacific Railroad Company's main line right-of-way as is reasonably necessary to prevent access by the general public to such right-of-way; some type of pedestrian walkway through the grade separation to provide pedestrian access between the south and north sides of the site; and either the closing of the Fort Steele grade crossing to the general public or the establishment at said crossing of grade crossing protection devices consisting of

flasher lights and gates. The department is hereby authorized to enter into agreements with Union Pacific Railroad Company relative to the department's providing such reasonable and necessary safety facilities. In the event the department and Union Pacific Railroad Company are unable to so agree, the public service commission of Wyoming shall determine what reasonable and necessary safety facilities shall be provided by the department at Fort Fred Steele state historic site, upon application filed with the public service commission of Wyoming by either Union Pacific Railroad Company or the department. These necessary and reasonable safety facilities shall be constructed before the opening of the Fort Fred Steele state historic site to the public.

ARTICLE 9 - BEAR RIVER RECREATION AREA AND STATE PARK

36-8-901. Repealed By Laws 2010, Ch. 11, § 3.

36-8-902. Designation of lands as Bear River state park; park administration and operation.

(a) The lands in Uinta county managed by the department as of July 1, 2010 and known as Bear River State Park are declared to be a state park. The department shall by rule specify the legal description of the state park.

(b) Repealed By Laws 2010, Ch. 11, § 3.

(c) Repealed By Laws 2010, Ch. 11, § 3.

(d) The department of state parks and cultural resources shall administer and operate the state park created by this section.

ARTICLE 10 - WYOMING TERRITORIAL PRISON STATE PARK AND HISTORICAL SITE

36-8-1001. Wyoming Territorial Prison state historic site.

(a) The lands in Albany County managed by the department as of July 1, 2010 and known as the Wyoming Territorial Prison are declared to be a state historic site. The department shall by rule specify the legal description of the state historic site.

(i) Repealed By Laws 2010, Ch. 11, § 3.

(b) The state historic site shall be known as the "Wyoming territorial prison state historic site".

(c) The board of land commissioners shall not trade, sell or otherwise dispose of the lands described in subsection (a) of this section without approval of the legislature.

(d) The department of state parks and cultural resources shall prepare a plan for the operation of the Wyoming territorial prison historic site by the department as part of the department's comprehensive plan under W.S. 36-4-106:

(i) Repealed By Laws 2010, Ch. 11, § 3.

(ii) Repealed By Laws 2010, Ch. 11, § 3.

(iii) Repealed By Laws 2004, Chapter 73, § 2.

(iv) Repealed By Laws 2004, Chapter 73, § 2.

(v) Repealed By Laws 2004, Chapter 73, § 2.

(vi) Repealed By Laws 2004, Chapter 73, § 2.

(vii) Repealed By Laws 2004, Chapter 73, § 2.

(viii) Repealed By Laws 2010, Ch. 82, § 3(b).

(e) Repealed By Laws 2004, Chapter 73, § 2.

(f) The department of state parks and cultural resources is authorized to enter into leasehold or concession agreements in accordance with the plan provided by subsection (d) of this section. Funds received by the department pursuant to this section shall be deposited and expended in accordance with W.S. 36-4-121(h).

36-8-1002. Transfer of lands; site administration; lease and contract agreements.

(a) Repealed By Laws 2010, Ch. 11, § 3.

(b) The department of state parks and cultural resources shall administer, operate and maintain the historic site:

(i) In accordance with the plan specified under W.S. 36-8-1001(d). The department may, under lease agreement or

contract management arrangement with a local public or private nonprofit entity, provide for special events at the historic site in accordance with W.S. 36-4-121(o) or management of specified areas of the park by the public or private entity;

(ii) Repealed By Laws 2004, Chapter 73, § 2.

(c) Repealed By Laws 2010, Ch. 11, § 3.

(d) Notwithstanding any other provision of law, the department may impose an admissions fee in excess of fees charged for admissions to other state parks and sites, to fund necessary expenses incurred for park and site development, operations and maintenance. Notwithstanding W.S. 36-4-121(h) daily admission fees collected pursuant to this subsection shall be deposited into a separate account and may be expended by the department upon legislative appropriation.

(e) Notwithstanding W.S. 35-9-121, for the purposes of contested cases involving fire prevention or electrical safety issues, decisions by the city of Laramie are subject to review and final administrative action by the state council on fire prevention, electrical safety and energy efficiency under the Wyoming Administrative Procedure Act. Decisions of the council are subject to judicial review under the Wyoming Administrative Procedure Act.

ARTICLE 11 - WYOMING NATURAL RESOURCE EDUCATION CENTER

36-8-1101. Repealed by Laws 2009, Ch. 168, § 207.

36-8-1102. Repealed by Laws 2009, Ch. 168, § 207.

ARTICLE 12 - DESIGNATED TRANSFER OF LANDS

36-8-1201. Sale of land to town of Guernsey.

(a) The board of land commissioners is authorized and directed to convey its right, title and interest, in the surface estate of the following described parcel of land to the town of Guernsey: That part of the NE1/4 and NE1/4 SE1/4 of Section 34, Township 27 North, Range 66 West of the 6th P.M., Platte County, Wyoming, more particularly described as follows: Commencing at the North Quarter corner of said Section 34 and considering the north line of the NE1/4 thereof to bear East, with all bearings herein being relative thereto; thence East along said north line, a distance of 1,092.12 feet to the TRUE POINT OF BEGINNING

said point being on the westerly right-of-way line of the Burlington Northern Railroad; thence southeasterly, along said westerly right-of-way line, on the arc of a nontangent 01°18'11" curve to the left, a distance of 132.08 feet (said curve having a central angle of 01°43'15" and a long chord that bears South 75°22'41" East, 132.07 feet); thence South 76°14'19" East, along said westerly right-of-way line, a distance of 78.86 feet to a point on the west line of the NE1/4 NE1/4 of said Section 34; thence South, along said westerly right-of-way line, and on the west line of said NE1/4 NE1/4, a distance of 25.74 feet; thence South 76°14'19" East, along said westerly right-of-way line, a distance of 805.55 feet to a point 120 feet west of the west bank of the North Platte River; thence South 03°03'30" East, a distance of 2,664.74 feet to a point 120 feet west of the west bank of the North Platte River and on the centerline of U.S. Highway No. 26; thence North 89°58'23" West, along the centerline of said U.S. Highway No. 26, a distance of 581.53 feet; thence North 13°09'42" West, a distance of 2,900.94 feet; thence North 47°01'21" East, a distance of 154.6 feet to the TRUE POINT OF BEGINNING, containing 53.53 acres, more or less and subject to any rights-of-way or other easements as granted or reserved by instruments of record or as now exist thereon. Subject to a 100 foot right-of-way easement along U.S. Highway No. 26.

(b) The conveyance authorized by subsection (a) of this section shall be by sale at an appraised value, with terms of the sale to be determined by the board of land commissioners and governing body of the town of Guernsey.

36-8-1202. Sale of land to town of Newcastle.

(a) The board of land commissioners is authorized and directed to convey, its right, title and interest, in the surface estate of the following described parcels of land to the town of Newcastle: Lots 1, 2, 3 and 4 of Block 1, Washington Park Addition; Lots 1, 2, 3 and 4 of Block 2, Washington Park Addition; Lots 1, 2, 3 and 4 of Block 3, Washington Park Addition; Lots 1, 2, 3 and 4 of Block 5, Washington Park Addition; Lots 1, 2, 3 and 4 of Block 6, Washington Park Addition; and Lots 1 and 2 of Block 7, Washington Park Addition; within the town of Newcastle, Wyoming, subject to any rights-of-way or other easements as granted or reserved by instruments of record or as now exist thereon.

(b) The conveyance authorized by subsection (a) of this section shall be by sale at an appraised value, with terms of

the sale to be determined by the board of land commissioners and the governing body of the town of Newcastle.

(c) The office of state lands and investments shall prepare all deeds and documents necessary to complete the transaction. All costs associated with the land appraisal, title insurance and closing shall be paid by the town of Newcastle.

36-8-1203. Sale of land to Uinta County.

(a) The board of land commissioners is authorized and directed to convey, subject to section 2 of this act, its right, title and interest, in the surface estate of the following described parcel of land to Uinta County: A tract of land located in the S1/2 N1/2 and the S1/2 of Section 23, and Section 26, of Township 15 North, Range 120 West, 6th P.M., Uinta County, being more particularly described as follows: BEGINNING at the Southeast corner of said Section 26, a steel bar w/ 3-1/4" aluminum cap inscribed "Uinta Engineering and Surveying Cloey C. Wall PLS 482 1998", and running thence S 89°55'20" W, 2640.31 feet along the south line thereof to the South one-quarter corner of said Section 26; thence N 89°50'59" W, 876.90 feet along the South line of said Section 26 to the Southeast corner of that Tract of land described by Warranty Deed recorded in Book 882 on Page 82 of the Uinta County Records (Hurdsman Tract), said corner monumented with a steel bar with aluminum cap inscribed "Cloey Wall LS 482"; thence N 29°28'37" W, 3600.73 feet along the easterly line of said Hurdsman Tract to the Northernmost corner thereof, said corner lying on the west line of said Section 26, and being monumented with a steel bar with aluminum cap inscribed "Cloey Wall LS 482"; thence N 0°01'49" E, 2137.49 feet along the west line of said Section 26 to the Northwest corner thereof, said corner monumented with an iron pipe w/ 3" brass cap inscribed "CC Wall RLS 482 1976"; thence N 0°11'49" E, 2647.42 feet along the west line of said Section 23 to the West one-quarter corner thereof, said corner monumented with an iron pipe w/ 3" brass cap inscribed "Cloey C Wall LS 482 1974"; thence N 0°04'54" E, 1050.99 feet along the west line of said Section 23 to the southerly right-of-way of Interstate Highway No. 80; thence S 82°12'36" E, 625.13 feet along said Interstate 80 right-of-way to a point on the southerly right-of-way of old U.S. Highway No. 30; thence S 7°46'24" W, 81.66 feet along said U.S. 30 right-of-way to a point lying on a curve to the right having a radius of 22659.11 feet, from which point a radial line bears S 7°46'24" W, said point being monumented with a standard Wyoming Highway Department concrete right-of-way

monument; thence southeasterly 2438.77 feet along the arc of said curve and said Highway 30 right-of-way through a central angle of 6°10'00", the long chord of which bears S 79°08'36" E, 2437.59 feet, to a point tangent, said point being monumented with a steel bar with 1-1/2" aluminum cap inscribed "Ted Taggart PLS 6953"; thence S 76°03'36" E, 596.06 feet along said U.S. 30 right-of-way to a point monumented with a steel bar with 1-1/2" aluminum cap inscribed "Ted Taggart PLS 6953"; thence N 13°56'24" E, 100.00 feet along said U.S. 30 right-of-way to a point monumented with a steel bar with 1-1/2" aluminum cap inscribed "Ted Taggart PLS 6953"; thence S 76°03'36" E, 1684.16 feet along said U.S. 30 right-of-way to a point on the east line of said Section 23, said point being monumented with a steel bar with 1-1/2" aluminum cap inscribed "Ted Taggart PLS 6953"; thence S 0°09'38" E, 2600.15 feet along the east line of said Section 23 to the Southeast corner thereof, said corner being monumented with a steel bar with 3-1/4" aluminum cap inscribed "Wasatch Surveying Ted T Taggart PLS 6953 2003"; thence S 0°21'11" E, 2645.67 feet along the east line of said Section 26 to the East one-quarter corner thereof, said corner being monumented with a steel bar w/ 3-1/4" aluminum cap inscribed "Uinta Engineering and Surveying Cloey C. Wall PLS 482 1991"; thence S 0°18'33" E, 2646.48 feet along the east line of said Section 26 to the POINT OF BEGINNING; said tract containing 956.567 acres, more or less, and subject to any rights-of-way or other easements as granted or reserved by instruments of record or as now exist thereon.

(b) The board of land commissioners is authorized and directed to convey, subject to section 2 of this act, its right, title and interest, in the surface estate of the following described parcel of land to Uinta County: A tract of land located in the N1/2 NW1/4 of Section 23, Township 15 North, Range 120 West, 6th P.M., Uinta County being more particularly described as follows: BEGINNING at the Northwest corner of said Section, the original stone monument, and running thence N 89°45'09" E, 1686.77 feet along the north line thereof to the Northwest corner of that tract of land described by Quitclaim Deed recorded in Book 541 on Page 46 of the Uinta County Records (Uinta County Tract), said corner monumented with a 5/8" steel bar; thence S 8°57'34" E, 994.33 feet along the westerly boundary of said Uinta County Tract to the Northwest corner of that Exception Tract contained within said Quitclaim Deed; thence S 82°01'39" E, 116.21 feet along the boundary of said Exception Tract; thence S 15°52'43" W, 99.87 feet along the boundary of said Exception Tract; thence S 74°05'51" E, 367.79 feet along the boundary of said Exception Tract to the westerly

right-of-way of Uinta County Road No. 109; thence S 15°54'44" W, 80.00 feet along the boundary of said Exception Tract and said right-of-way to the Northeast corner of that tract of land described by Quitclaim Deed recorded in Book 834 on Page 143 of said Records (Taggart Tract), said corner monumented with a 1" diameter steel pipe; thence N 74°05'51" W, 447.74 feet along the boundary of said Exception Tract and the North line of said Taggart Tract to the Northwest corner thereof, said corner lying on the easterly line of that tract of land described by Warranty Deed recorded in Book 787 on Page 283 of said Records (GCP, LLC Tract), said corner monumented with a 1" diameter steel pipe; thence N 15°52'43" E, 88.00 feet along the easterly line of said GCP, LLC Tract to the Northeast corner thereof, said corner monumented with a steel bar with aluminum cap inscribed "Cloey Wall LS 482"; thence N 81°21'12" W, 933.92 feet along the North line of said GCP, LLC Tract to the Northwest corner thereof, said corner monumented with a steel bar with aluminum cap inscribed "Cloey Wall LS 482"; thence S 7°47'24" W, 399.84 feet along the westerly line of said GCP, LLC Tract to the northerly right-of-way of Interstate Highway No. 80; thence N 82°12'36" W, 203.13 feet along said right-of-way to a standard Wyoming Transportation Department monument; thence N 7°47'24" E, 50.00 feet along said right-of-way to a standard Wyoming Transportation Department monument; thence N 82°12'36" W, 690.65 feet to the West line of said Section; thence N 0°04'54" E, 1142.53 feet along said West line to the POINT OF BEGINNING; said tract containing 45.928 acres, more or less and subject to any rights-of-way or other easements as granted or reserved by instruments of record or as now exist thereon.

(c) The board of land commissioners is authorized and directed to convey, subject to section 2 of this act, its right, title and interest, in the surface estate of the following described parcel of land to Uinta County: That tract of land described in subsection (a) of this section, excluding those lands designated as Bear River State park pursuant to W.S. 36-8-902(a) and subject to any rights-of-way or other easements as granted or reserved by instruments of record or as now exist thereon.

(d) The conveyances authorized in this section shall be by sale at fair market value as determined by an appraisal.

36-8-1204. Fort Bridger state historic site; acceptance of lands.

The legislature authorizes the acceptance of the following lands to be included in the Fort Bridger state historic site managed by the department of state parks and historic sites upon final negotiation with Uinta County: Township 16 North, Range 115 West, NW1/4 of the SE1/4 of the SW1/4 of Section 33, the North 30' of Carter Avenue, between Block 15 and Block 6 of the Carter's Addition to Fort Bridger as said plat is recorded in the Uinta County Records office.

ARTICLE 13 - WYOMING VETERANS' MEMORIAL MUSEUM

36-8-1301. Repealed By Laws 2008, Ch. 63, § 2.

ARTICLE 14 - WYOMING HISTORIC MINE TRAIL AND BYWAY SYSTEM

36-8-1401. Repealed By Laws 2009, Ch. 6, § 2.

36-8-1402. Wyoming historic mine trail and byway system; creation; department duties and processes for trail and byway development; advisory groups.

(a) The Wyoming historic mine trail and byway system is created for purposes of designating and identifying historic mine locations and trails and byways linking historic mines within the state, and as such, shall:

(i) Provide a precise history of mineral development in Wyoming;

(ii) Interpret the role of mining and minerals in the development of Wyoming's economy;

(iii) Identify and describe Wyoming's mining and mineral development heritage.

(b) The Wyoming historic mine trail and byway system shall be established by the department of state parks and cultural resources. The system shall expand upon the first designated historic mine trail and byway as established by this subsection, which shall link the gold mines located in South Pass City, Miners' Delight and Atlantic City, Wyoming, to the iron mines located near Atlantic City, to the uranium mines in the Crooks Gap and Gas Hills mining districts located in Fremont County, Wyoming.

(c) Repealed By Laws 2009, Ch. 6, § 2.

(d) Repealed By Laws 2009, Ch. 6, § 2.

36-8-1403. Repealed By Laws 2009, Ch. 6, § 2.

ARTICLE 15 - OTHER DESIGNATIONS

36-8-1501. State park designation; state historic site designation; state archeological site designation; state recreation area designation.

(a) In addition to state parks designated in other statutes, the following lands are designated as state parks and the department shall by rule specify the legal description of the parks:

(i) The lands in Fremont County managed by the department as of July 1, 2010 as Boysen state park;

(ii) The lands in Park County managed by the department as of July 1, 2010 as Buffalo Bill state park;

(iii) The lands in Natrona County managed by the department as of July 1, 2010 as Edness Kimball Wilkins state park;

(iv) The lands in Platte County managed by the department as of July 1, 2010 as Glendo state park;

(v) The lands in Platte County managed by the department as of July 1, 2010 as Guernsey state park;

(vi) The lands in Crook County managed by the department as of July 1, 2010 as Keyhole state park;

(vii) The lands in Carbon County managed by the department as of July 1, 2010 as Seminoe state park.

(b) In addition to state historic sites designated in other statutes, the following lands are designated as state historic sites and the department shall by rule specify the legal description of the sites:

(i) The lands in Albany County managed by the department as of July 1, 2010 as Ames Monument state historic site;

(ii) The lands in Sheridan County managed by the department as of July 1, 2010 as Conner Battlefield state historic site;

(iii) The lands in Sheridan County managed by the department as of July 1, 2010 as Fetterman Battlefield state historic site;

(iv) The lands in Sublette County managed by the department as of July 1, 2010 as Fort Bonneville state historic site;

(v) The lands in Uinta County managed by the department as of July 1, 2010 as Fort Bridger state historic site;

(vi) The lands in Converse County managed by the department as of July 1, 2010 as Fort Fetterman state historic site;

(vii) The lands in Johnson County managed by the department as of July 1, 2010 as Fort Phil Kearny state historic site;

(viii) The lands in Johnson County managed by the department as of July 1, 2010 as Fort Reno state historic site;

(ix) The lands in Uinta County managed by the department as of July 1, 2010 as Fort Supply state historic site;

(x) The lands in Sweetwater County managed by the department as of July 1, 2010 as Granger Stage Station state historic site;

(xi) The lands in Laramie County managed by the department as of July 1, 2010 as the Historic Governors' Mansion state historic site;

(xii) The lands in Natrona County managed by the department as of July 1, 2010 as Independence Rock state historic site;

(xiii) Repealed by Laws 2018, ch. 30, § 2.

(xiv) The lands in Lincoln County managed by the department as of July 1, 2010 as Names Hill state historic site;

(xv) The lands in Platte County managed by the department as of July 1, 2018 as Oregon Trail state historic site including the Trail Ruts and Register Cliff units;

(xvi) The lands in Uinta County managed by the department as of July 1, 2010 as Piedmont Kilns state historic site;

(xvii) The lands in Carbon County managed by the department as of July 1, 2010 as Platte River Stage Crossing state historic site;

(xviii) The lands in Sweetwater County managed by the department as of July 1, 2010 as Point of Rocks Stage Station state historic site;

(xix) The lands in Natrona County managed by the department as of July 1, 2010 as Red Buttes Battle and Cemetery state historic site;

(xx) Repealed by Laws 2018, ch. 30, § 2.

(xxi) The lands in Sheridan County managed by the department as of July 1, 2010 as Trail End state historic site;

(xxii) The lands in Sheridan County managed by the department as of July 1, 2010 as Wagon Box Fight state historic site;

(xxiii) The lands in Platte County managed by the department as of July 1, 2010 as Wyoming Pioneer Museum state historic site;

(xxiv) The lands in Converse County managed by the department as of July 1, 2018 as Camp Douglas state historic site;

(xxv) The lands in Campbell County managed by the department as of July 1, 2018 as LX Bar Ranch state historic site;

(xxvi) The lands in Laramie County managed by the department as of the date of any agreement made in accordance with W.S. 36-8-1601(a) as Quebec 1 missile alert facility state historic site.

(c) In addition to state archaeological sites designated in other statutes, the following lands are designated as state archaeological sites and the department shall by rule specify the legal description of the sites:

(i) The lands in Hot Springs County managed by the department as of July 1, 2010 as Legend Rock state archaeological site;

(ii) The lands in Big Horn County managed by the department as of July 1, 2018 as Medicine Lodge state archaeological site including upon mutual written agreement with the Wyoming game and fish department the following adjacent state lands to be managed by the department of state parks and cultural resources:

(A) A parcel of land of approximately ten (10) acres in Dry Fork canyon;

(B) A parcel of land of approximately fourteen (14) acres of the pasture parcel in the hay meadow;

(C) A parcel of land of approximately twenty-eight (28) acres west of park headquarters.

(iii) The lands in Platte County managed by the department as of July 1, 2023 as Sutton state archaeological site.

(d) The lands in Goshen County managed by the department as of July 1, 2010 as Hawk Springs recreation area are designated as the Hawk Springs state recreation area. The department shall by rule specify the legal description of the recreation area.

ARTICLE 16 - QUEBEC 1 MISSILE ALERT FACILITY

36-8-1601. Authorizing lease or use of Quebec 1 missile alert facility; declaration of Quebec 1 missile alert facility state historic site.

(a) The legislature authorizes the department of state parks and cultural resources, in consultation with the governor and the attorney general, to negotiate a lease or use agreement for the Quebec 1 missile alert facility from the United States department of the air force to allow the department of state parks and cultural resources to operate the facility as a

historic site. Any lease or use agreement may include a provision that provides facilities for volunteer firemen to store equipment and vehicles.

(b) Before entering into any lease or use agreement under subsection (a) of this section:

(i) The department of state parks and cultural resources shall hold a public hearing to receive input on how operating the facility as a historic site may affect adjacent landowners and on the advisability of proceeding with the lease or use agreement;

(ii) An environmental baseline survey pursuant to Air Force Instruction 32-7066 shall be completed. The survey shall identify the nature and magnitude of environmental contamination of the property. The survey shall include a search of all available historic and operational records and survey reports, collection of samples as appropriate and inspections;

(iii) Upon completion of the hearing and the survey, the department of state parks and cultural resources shall report the findings of the hearing and the results of the survey to the joint travel, recreation, wildlife and cultural resources interim committee and the governor. After receiving the findings of the hearing and the report under this subsection, the governor may authorize the execution of the lease or use agreement negotiated under subsection (a) of this section.

(c) If the governor determines that it is in the best interests of the state to take ownership of the Quebec 1 missile alert facility, the governor is authorized to negotiate the terms of the transfer. Negotiations shall include, but not be limited to, consideration of whether the state may acquire by way of donation equipment and accessories from the United States department of the air force used when the Quebec 1 missile alert facility was in full operation or used in other related or nonrelated military operations to enhance the experience of the historic site, including retired missile shells and retired military aircraft, vehicles and arms. A transfer under this subsection shall be in accordance with the following:

(i) Prior to any transfer, the department of state parks and cultural resources shall hold a public hearing to receive input on how operating the facility as a historic site may affect adjacent landowners and on the advisability of proceeding with the transfer. Upon completion of the hearing,

the department of state parks and cultural resources shall report the findings of the hearing to the governor;

(ii) The legislature authorizes the governor to accept the terms of the transfer provided that:

(A) The governor considers the findings reported under paragraph (i) of this subsection and determines it is in the best interests of the state to take ownership of the facility;

(B) The governor reports the terms of the transfer to the joint appropriations committee prior to the transfer;

(C) The terms of the transfer include a provision requiring the United States department of the air force or other appropriate agency to retain liability for all environmental, closure and reclamation obligations that exist as of the date of the potential transfer.

(d) Upon transfer of land, the Quebec 1 missile alert facility is declared to be a state historic site and shall be known as the "Quebec 1 missile alert facility state historic site".

36-8-1602. Administration; fees.

(a) Upon the execution of a use or lease agreement under this article, the department of state parks and cultural resources is authorized to administer, operate and maintain the historic site in accordance with the National Historic Preservation Act of 1966, as amended, and the programmatic agreement between the United States department of the air force and the department of state parks and cultural resources. The historic site shall be open to the public for a seasonal period as determined by the department of state parks and cultural resources.

(b) Notwithstanding any other provision of law, the department of state parks and cultural resources may impose an admissions fee in excess of fees charged for admissions to other state parks and sites to fund necessary expenses incurred for development, operations, personnel and maintenance of the Quebec 1 missile alert facility. Funds collected from the admissions fee shall be deposited in a separate account and are continuously appropriated to the department to pay expenses

authorized by this subsection. The remaining funds collected from the admissions fee at the end of the fiscal year may be deposited in the state parks account and expended in accordance with W.S. 36-4-121(h). Revenues and expenditures under this subsection for each of the immediately preceding two (2) fiscal years shall be reported within the department's biennial budget request submitted under W.S. 9-2-1013.

ARTICLE 17 - RANCH A

36-8-1701. Ranch A account; use of funds.

(a) There is created the Ranch A account. The board of land commissioners shall deposit all earnings, whether from lease or otherwise, generated by state owned property commonly known as "Ranch A" to the account. The board may accept gifts from any individual or entity for Ranch A and shall deposit those funds to the account. Funds in the account from any source are continuously appropriated to the board for purposes of capital construction projects, major maintenance and maintenance of the outdoor recreation area and the facilities comprising Ranch A. Notwithstanding W.S. 9-2-1008 and 9-4-207, any earnings from funds in the account shall be credited to the account and shall not lapse at the end of any fiscal period.

(b) As used in this section "Ranch A" means the following described property: In township 52 north, range 60 west, 6th p.m., section 18, lots 3, 4: SE1/4 SW1/4: SW1/4 SE1/4: 7.79 acres in NE1/4 SW1/4; section 19 lot 1, NE1/4 NW1/4. In township 52 north, range 61 west, 6th p.m., section 13: lot 4: W1/2 SE1/4: SE1/4 SE1/4; section 24 NE1/4 (less 1.0 acre): NE1/4 NW1/4: E1/2 NE1/4 NW1/4 SE1/4 less south 50 feet: W1/2 NW1/4 NE1/4 SE1/4 less south 50 feet. All containing six hundred twelve and ninety-four hundredths (612.94) acres more or less.

CHAPTER 9 - SALE OF STATE LANDS

36-9-101. Authority; restrictions.

(a) The board of land commissioners may at any time direct the sale of state lands subject to any lease thereof. Subject to criteria established by the board, any person may request that a parcel of state land be considered for sale by the board, but such lands shall only be nominated for sale by a majority vote of the board. Such lands which have been reserved in any way to the public use, or for the use of public institutions, shall not be sold to any member of the board. The board shall sell such

lands according to the subdivisions of sections as established by the United States survey thereof, or by metes and bounds, as may appear to be to the interest of the state of Wyoming. The board shall sell such subdivisions as it shall deem for the best interests of the state land trust. The board shall not sell state land unless the board finds that the proceeds from the sale are protected from inflationary effects and the proceeds will earn a significantly higher rate of return than can be realized through retention of the surface estate and if the board finds that the sale will:

(i) Make state lands more manageable where the lands are not otherwise manageable;

(ii) Meet a specific need of a school or community for land;

(iii) Better meet multiple use objectives of the beneficiaries of the trust; or

(iv) Realize a clear long term benefit to the trust which substantially exceeds the present and probable future benefit from continued ownership.

36-9-102. Manner of sale; minimum price.

All state lands shall be disposed of only at public auction to the highest responsible bidder after having been duly appraised by the board, and shall be sold at not less than the appraised value thereof, and for not less than ten dollars ($10.00) per acre.

36-9-103. Appraisers for improvements.

All improvements upon state lands, when such lands are to be sold as provided by W.S. 36-9-102, shall be appraised by three (3) disinterested persons who shall appraise the improvements separately from the lands, though they may be attached thereto. The said appraisers shall upon application of the state land board, be appointed by a judge of the district court of the judicial district wherein the lands are situate.

36-9-104. Advertisement.

All sales of state lands under this act shall be advertised for four (4) consecutive weeks in some newspaper in the county in which such land is situated, if there be such paper; if not,

then in some paper published in an adjoining county. Advertisements of such sales may be made in other papers, as the board may direct. The advertisement shall state the time, place, description of land, and terms of sale, and the price at which the land was appraised by the board for each parcel.

36-9-105. Purchaser to pay owner appraised value of improvements; receipt.

If any state lands are sold upon which surface improvements, including irrigation works of any kind, have been made by a lessee, or for which water rights or proportionate interests in irrigation, reservoirs, canals, or systems, have been acquired, the improvements, irrigation works and water rights shall be appraised under the direction of the board. The purchaser of the lands, upon which improvements and irrigation works have been made, or for which water rights have been acquired as herein provided for, shall pay the owner of such improvements, irrigation works or water rights, as the case may be, the current market value of the improvements unless a different value is agreed to between the owner of the improvements and the applicant thereof, and take a receipt therefor, and shall deliver the receipt to the director before he shall receive a patent or certificate of purchase. All such receipts shall be filed and preserved in the office of state lands and investments. For purposes of this section, "current market value" means the replacement value of the lessee's improvement at the time of transition of the lease, after the remaining useful life of the improvement is considered.

36-9-106. Place of sale; execution of leases.

All sales of state lands shall be held at a location to be determined by the board within the county in which the land is located and leases for state lands may be executed in the presence of a notarial officer or other officer authorized to administer oaths.

36-9-107. Terms of payment.

(a) The terms of payment for school and state lands shall be as follows: not less than twenty-five percent (25%) of the purchase price in cash on day of sale, the balance is not to exceed thirty (30) equal annual payments figured on the amortization plan, which shall include interest on the deferred part of the payments at a rate of interest established by the board in accordance with current interests rates. The interest

rate on all amounts not paid when due shall be established by the board in accordance with current lending practices. The purchaser may pay in full at the time of the sale or payment of any installment may be made at any time if accrued interest is paid to the time of payment.

(b) When school or state lands are sold under an installment contract the state shall insert a provision that the vendee shall pay the taxes upon the fair value of the lands sold from the date of the contract. The provision is binding upon the vendee. The installment contract shall be recorded in the county wherein the lands are situated by the vendee within thirty (30) days following its execution.

36-9-108. "Amortization plan" defined.

The amortization plan is hereby defined, when applied to state land contracts or certificates, as being that plan under which part of the principal is required to be paid each time interest becomes due and payable, and under which this part payment on the principal increases at each succeeding installment in the same amount that the interest payment decreases, so that the combined amount due on principal and interest on each due date remains the same until the loan is paid in full.

36-9-109. Certificate of purchase; issuance and contents.

When any state land shall have been purchased according to law, the board shall make and deliver to the purchaser a certificate of purchase, which shall contain the name of the purchaser, a description of the land purchased, the sum paid, the sum remaining unpaid, the amount of annual payments, which shall include the accrued interest, upon the amortization plan as hereinbefore defined, and the date on which each of the deferred payments falls due. All annual payments shall be due and payable on the first day of December of each year, provided that interest is paid on the full amount of the deferred payments at the rate of four percent (4%) per annum from date of the sale to the first day of December following such date of sale.

36-9-110. Certificate of purchase; conversion of outstanding certificates; fee.

(a) Any certificate of purchase of state or school land issued and outstanding when this act takes effect may be converted into an amortization certificate on the plan set forth in this act at the request of the holder of said certificate of

purchase, and with the consent of the state board of land commissioners; provided, however, that any certificate holder converting said certificate as herein provided shall pay interest on future payments at the rate of four and one-quarter percent (4 1/4%) per annum and six percent (6%) per annum on all amounts not paid when due.

(b) The director shall collect in addition to the fees provided by law the sum of two dollars ($2.00) to be used by him for expenses incidental with transfers as made optional by this act for supplies, extra clerk hire, etc., and any unused portion of same shall be paid to the state treasurer at such time as all transfers have been made.

36-9-111. Certificate of purchase; loss or wrongful detention.

Whenever a certificate of purchase shall be lost, or wrongfully withheld from the owner thereof, the board may receive evidence of such loss or wrongful detention, and upon satisfactory proof of this fact, and such indemnity therefor as the board may prescribe, it may cause a new certificate of purchase or patent, as the case may be, to be issued to such person as shall appear to it to be the proprietor of the land described in the original certificate of purchase.

36-9-112. Granting of patents; reservation of minerals.

(a) Whenever the purchaser of any state land, or his assign, has complied with all the conditions of this act and has paid all the purchase money therefor, together with the lawful interest thereon, he shall receive a patent for the land purchased. Such patent shall run in the name of the state of Wyoming, it shall be signed by the governor, and countersigned by the director, and attested by the seal of the board. Such patent signed and executed as aforesaid shall convey a good and sufficient title to the patentee therein named. A fee interest in any state land may be perfected only as herein provided and only by express grant by the state of Wyoming for that purpose.

(b) Patents issued by the state of Wyoming shall contain a reservation to the state of all the minerals, whether or not now known, or which may be discovered hereafter, together with the right of ingress and egress to prospect for, mine, and remove such minerals. The board of land commissioners is authorized to promulgate rules and regulations necessary to implement the exchange of mineral rights on a value for value basis. The

exchange program may authorize a cash equalization receipt or payment of up to twenty-five percent (25%) of the value of the mineral rights. Any receipt shall be deposited into, and any payment shall be made from, the permanent land fund.

36-9-113. Deposition of moneys.

All moneys arising from the sale or lease of state lands as collected shall be paid by the board to the treasurer of the state, who shall receipt for the money.

36-9-114. Refund of money when paid by mistake.

In case any person, persons or corporation shall pay to the board of land commissioners any money for any state or school lands sold to him, or them, or in case any person shall pay into the state treasury, any money in consideration of the leasing of lands, which said board supposed to belong to the state, and it shall thereafter be discovered that such lands do not belong to the state, and were not subject to sale by the state, as state or school lands, such money, together with interest-except in the case of money paid for leases-at the rate of six percent (6%) per annum from the date of the patent for such lands, but without interest if they have not been patented, shall be refunded to the person buying the same, upon certificate from the board of land commissioners to the effect that such money has been paid under mistake as aforesaid, such certificate being accompanied by a verified statement of account thereof, as in the case of other claims against the state; and upon the presentation of such certificate to the state auditor he shall draw his warrant upon the state treasurer for the amount named in such certificate, if the same is within the limit of any appropriation of money for said purpose. And it is hereby made the duty of said board to furnish such certificates upon ascertaining the fact of the mistake having been made.

36-9-115. Determination of claims; rules and regulations against fraud.

The board of land commissioners may hear and determine the claims of each person who may claim to be entitled, in whole or in part, to any lands owned by this state. The decisions of the board shall be final until set aside by a court of competent jurisdiction. The board may establish such rules and regulations as in its opinion may be proper to prevent fraudulent applications being granted.

36-9-116. Trespass.

Any person who shall use or who shall occupy any state land without lease or certificate of purchase, and any person who shall use or occupy state lands for more than thirty (30) days after the cancellation or expiration of his lease, unless he shall be a purchaser thereof, shall be a trespasser; and upon conviction thereof shall be fined not less than twenty-five dollars ($25.00) and not more than five hundred dollars ($500.00), and the bondsmen of such lessee shall, upon the bond of such lessee, be equally liable with the lessee for the payment of such fine imposed.

36-9-117. Institution of actions.

All civil suits or actions brought under the provisions of this act shall be instituted by the board, in the name of the people of the state of Wyoming.

36-9-118. Rights-of-way for public conveyances.

The board may, at their discretion, grant permanent rights-of-way or easements across or upon any portion of state or school lands, upon such terms as the board may determine, for any ditch, reservoir, railroad, public highway, telegraph and telephone lines, communications company facility or other public conveyances. As used in this section, "communications company" means as defined in W.S. 1-26-813.

36-9-119. Rights of ditch owners.

Nothing in this act shall be construed so as to impair the rights of any ditch company, or any person owning any ditch or ditches, on or passing through any of the lands included herein.

36-9-120. Rights-of-way to counties.

Upon application of the board of county commissioners of any county, the board of land commissioners shall have authority to grant either a temporary or permanent right-of-way for ditches owned by the county or for county roads over and across any of the state or school lands, upon such terms as said board may determine, and to issue to such county a certificate therefor; no charge shall be exacted for the filing of such application or for the issuance of such certificate or for granting and recording a right-of-way.

36-9-121. County and municipal roads on state lands; easements granted; duties.

(a) As used in this section:

(i) "County road" means a road that is established pursuant to W.S. 24-3-101 through 24-3-127, identified pursuant to W.S. 24-3-201 through 24-3-206 or a road for which the county is responsible for improvements and maintenance as designated by resolution of a board of county commissioners;

(ii) "Municipal road" means a road that is established by a city or town and for which the city or town is responsible for improvements and maintenance.

(b) Subject to subsection (h) of this section, a perpetual easement for a right-of-way over and across any state or school lands is hereby granted for county roads and municipal roads that go over and across any state or school lands and that were established before January 1, 2025.

(c) No fee, charge, assessment or other cost shall be imposed on any county, city or user of a municipal road or county road for the perpetual easement granted under subsection (b) of this section.

(d) Not later than August 1, 2025, the director shall provide to the board a listing of all county and municipal roads that go on or across state lands or school lands and all documents necessary for establishing or securing the easements granted in subsection (b) of this section. The director may request any documentation from counties, cities and towns as necessary to secure the easements, provided that the board shall be responsible for all costs associated with the documentation required under this subsection.

(e) Not later than October 31, 2025:

(i) The board shall promulgate or amend rules as necessary to provide for the easements granted in subsection (b) of this section;

(ii) The director, in consultation with the board, shall provide a list of all county roads and municipal roads for which the easements were granted under subsection (b) of this section to all counties, cities and towns.

(f) Not later than April 1, 2030, each county, city and town that has a county road or municipal road for which an easement has been granted under subsection (b) of this section shall provide complete and proper documentation to the director and the board as necessary to secure the easement for the county or municipal road.

(g) Not later than ninety (90) days after receiving all necessary documentation to effectuate an easement under subsection (f) of this section, the board shall provide proper evidence of the easement granted under this section. The board shall be responsible for recording or filing with the county clerk all documents necessary to demonstrate the granting of the easement under this section.

(h) All county roads and municipal roads constructed or established on and after January 1, 2025 shall secure easements or rights-of-way for roads going on and across state or school lands in accordance with law and rules of the board. Nothing in this section shall be construed to grant an automatic easement for county roads and municipal roads constructed or established on and after January 1, 2025.

CHAPTER 10 - UNITED STATES LANDS

ARTICLE 1 - IN GENERAL

36-10-101. Authority to acquire state lands; reservation of mineral rights.

The United States shall be and is authorized to acquire by purchase or condemnation or otherwise, any land in this state required for public buildings, custom houses, arsenals, national cemeteries, or other purposes essential to the national defense in necessary use of said land by armed naval, air or land forces, or land to be physically occupied by the Boysen Dam, its reservoir, power plant and distribution systems, or lands to be physically occupied by dams, reservoirs, power plants and distribution systems in United States reclamation service projects, and the state of Wyoming hereby consents thereto, provided that the mineral content of lands so acquired, if owners thereof so elect, shall be reserved to such owners.

36-10-102. Jurisdiction ceded to United States.

The jurisdiction of the state of Wyoming in and over any land so acquired by the United States shall be, and the same is hereby

ceded to the United States, but the jurisdiction so ceded shall continue no longer than the said United States shall own the said land.

36-10-103. Retention of concurrent jurisdiction by state.

The said consent is given and the said jurisdiction ceded upon the express condition that the state of Wyoming shall retain concurrent jurisdiction with the United States in and over the said land, so far as that all civil process, in all cases, and such criminal and other process as may issue under the laws or authority of the state of Wyoming against any person or persons charged with crimes or misdemeanors committed within said state, may be executed therein in the same way and manner as if such consent had not been given or jurisdiction ceded, except so far as such process may affect the real or personal property of the United States.

36-10-104. When jurisdiction vests; exoneration from taxes, assessments and other charges.

The jurisdiction hereby ceded shall not vest until the United States shall have acquired the title to the said lands by purchase or condemnation or otherwise, and so long as the said land shall remain the property of the United States when acquired as aforesaid, and no longer, the same shall be and continue exonerated from all taxes, assessments and other charges which may be levied or imposed under the authority of this state.

36-10-105. Rights-of-way.

There is hereby granted over all the lands now owned by the state of Wyoming, and which may hereafter be owned by the state of Wyoming, a right-of-way for public utility facilities constructed by and under the authority of the United States. Any right-of-way desired by the United States shall be surveyed and platted and certified maps and plats of the right-of-way filed with the board of land commissioners, the maps and plats to be in conformity with the requirements of W.S. 37-9-201 [repealed], regarding rights-of-way for railroad corporations. No fee other than fair market value for the easements as determined by the board of land commissioners shall be requested for the filing of the maps and plats. All conveyances by the state of any of its lands, which may hereafter be made, shall contain a reservation for rights-of-way provided for in this section granted prior to July 1, 1981.

36-10-106. Yellowstone National Park; reservation of jurisdiction by United States.

By section 2 of the Act of Admission of the state of Wyoming, 26 United States Statutes at Large, 222, chapter 664, the United States of America reserved exclusive control and jurisdiction over Yellowstone National Park and future additions to Yellowstone National Park. The boundaries of Yellowstone National Park at the time of admission were defined in 17 United States Statutes at Large 32.

36-10-107. Yellowstone National Park; boundary revision.

On March 1, 1929, the congress of the United States by the passage of an act set out in 45 United States Statutes at Large 1435 revised the boundaries of Yellowstone National Park.

36-10-108. Yellowstone National Park; jurisdiction ceded to state.

By reason of the act of March 1, 1929, as set out in 45 United States Statutes at Large 1435, revising the boundaries of Yellowstone National Park, the United States of America ceded exclusive jurisdiction to the state of Wyoming over that part of Yellowstone National Park which was in the original boundaries of Yellowstone National Park, but which was without the revised boundaries of Yellowstone National Park, upon the acceptance of said exclusive jurisdiction by the state of Wyoming.

36-10-109. Yellowstone National Park; acceptance of jurisdiction by state.

The state of Wyoming hereby accepts jurisdiction for all purposes whatsoever over the lands included within the original boundaries of Yellowstone National Park as described in 17 United States Statutes at Large 32 but excluded from the revised boundaries of Yellowstone National Park as described in 45 United States Statutes at Large 1435.

ARTICLE 2 - GRAND TETON NATIONAL PARK

36-10-201. Present funds to be paid to treasurer of Teton county.

All funds now held by the treasurer of the state of Wyoming, which have been received by the state of Wyoming from the United

States under Public Law 787-81st congress (which is known as an act to establish a new Grand Teton National Park in the state of Wyoming, and for other purposes) shall be immediately paid by the state treasurer to the treasurer of Teton county, Wyoming.

36-10-202. Subsequent funds received to be paid to treasurer of Teton county.

All funds hereafter received by the state of Wyoming from the United States under aforesaid act shall be paid by the state treasurer to the treasurer of Teton county, Wyoming, as soon as received.

36-10-203. Crediting and distribution of funds received by treasurer of Teton county.

The treasurer of Teton county, Wyoming, shall credit all funds so received to the various tax districts of said county in the proportion that the assessed valuation each tax district bears to the total assessed valuation of the county; and shall distribute the funds so credited to the various funds of the tax districts in accordance with the distribution chart of the year in which such funds are received by the county treasurer. Provided, that the state of Wyoming shall each year receive from Teton county the same proportion of said funds and in the same manner as if such funds had been received by Teton county in payment of taxes.

CHAPTER 11 - CORNER PERPETUATION AND FILING ACT

36-11-101. Amended and renumbered as 33-29-140 By Laws 1997, ch. 116, § 2.

36-11-102. Amended and renumbered as 33-29-141 By Laws 1997, ch. 116, § 2.

36-11-103. Amended and renumbered as 33-29-142 By Laws 1997, ch. 116, § 2.

36-11-104. Renumbered as 33-29-143 By Laws 1997, ch. 116, § 3.

36-11-105. Amended and renumbered as 33-29-144 By Laws 1997, ch. 116, § 2.

36-11-106. Amended and renumbered as 33-29-145 By Laws 1997, ch. 116, § 2.

36-11-107. Amended and renumbered as 33-11-146 By Laws 1997, ch. 116, § 2.

36-11-108. Renumbered as 33-29-147 By Laws 1997, ch. 116, § 3.

36-11-109. Amended and renumbered as 33-29-148 By Laws 1997, ch. 116, § 2.

36-11-110. Renumbered as 33-29-149 By Laws 1997, ch. 116, § 3.

CHAPTER 12 - STATE CONTROL OF CERTAIN LAND

36-12-101. Legislative determinations.

(a) The legislature determines:

(i) The intent of the framers of the constitution of the United States was to guarantee to each of the states sovereignty over all matters within its boundaries except for those powers specifically granted to the United States as agent of the states;

(ii) The attempted imposition upon the state of Wyoming by the congress of the United States of a requirement in the Statehood Act that the state of Wyoming and its people "disclaim all right and title to any lands or other property not granted or confirmed to the state or its political subdivisions by or under the authority of this act, the right or title to which is held by the United States or is subject to disposition by the United States", as a condition precedent to acceptance of Wyoming into the Union, was an act beyond the power of the congress of the United States and is thus void;

(iii) The purported right of ownership and control of the unappropriated public land in the state of Wyoming by the United States is without foundation and violates the clear intent of the constitution of the United States; and

(iv) The exercise of that dominion and control of the public land in the state of Wyoming by the United States works a severe, continuous and debilitating hardship upon the people of the state of Wyoming.

36-12-102. Management.

(a) Upon transfer to the state of Wyoming [of] the jurisdiction and ownership of lands and mineral resources subject to this act, the board shall manage such in an orderly manner in trust for the optimum benefit and use of all the people of Wyoming and in conformity with established concepts of multiple use and sustained yield which will permit the development of uses for agriculture, grazing, recreation, minerals, timber, and the development, production and transmission of energy and other public utility services. It shall be managed in such a manner as to permit the conservation and protection of watersheds and wildlife habitat, and historic, scenic, fish and wildlife, recreational and natural values.

(b) The board of land commissioners shall develop a plan for the transfer and management of lands and minerals subject to this act. This plan will be submitted to the governor and legislature prior to January 1, 1983 and will be subject to their approval. Such a management plan shall consider:

(i) Management of the land pursuant to subsection (a);

(ii) Policy and program regarding disposal, lease or exchange of any lands or resources acquired pursuant to this act;

(iii) Policy and program regarding public access to use of such lands;

(iv) Conservation of lands for wildlife habitat or recreational purposes; and

(v) Program regarding use or transfer of lands to municipalities and other governmental entities for public purposes.

(c) As used in this section:

(i) Sustained yield means the maintenance of a high-level annual or regular periodic output of the various renewable resources of the state lands consistent with multiple use;

(ii) Multiple use means the management of the land in a combination of balanced and diverse resource uses that takes into account the long-term needs for renewable and nonrenewable

resources, including but not limited to recreation, range, timber, minerals, watershed, wildlife and fish, natural, scenic, scientific and historical values, and the coordinated management of the resources without permanent impairment of the productivity of the land or the quality of the environment.

36-12-103. Property of the state.

Subject to valid existing rights of applicants for land, after March 30, 1980, all federal land in the state except as set forth in W.S. 36-12-109 and all water and mineral rights appurtenant not previously appropriated are the exclusive property of the state and subject to its jurisdiction and control.

36-12-104. Existing rights under federal law.

Until equivalent measures are enacted by the legislature, the rights and privileges of the people of this state granted under the provisions of existing federal law are preserved under administration by the board of land commissioners.

36-12-105. Interstate compacts.

Land in the state which has been administered by the United States under interstate compacts will continue to be administered by the state in conformity with those compacts.

36-12-106. Multiple use.

The land shall be used to foster, promote and encourage the optimum development of the state's human, industrial, mineral, agricultural, water, wildlife and wildlife habitat, timber and recreational resources.

36-12-107. Proceeds to the general fund.

The proceeds of sales, fees, rents, royalties or other receipts from the land paid to the state under this act shall be deposited in the general fund.

36-12-108. Enforcement of provisions; civil actions; penalties.

(a) The state has exclusive jurisdiction to enforce the provisions of this act.

(b) An individual may institute a civil action to recover damages for injury or loss sustained as the result of a violation of the provisions of this act.

(c) Any person who attempts to exercise jurisdiction over land secured under this act in a manner not permitted by the laws of the state is guilty of a felony punishable by imprisonment for not less than two (2) years nor more than ten (10) years.

36-12-109. Definition.

(a) As used in this act "land" means all land and water within the exterior boundaries of the state of Wyoming except land and water:

(i) To which title is held by a private person or entity;

(ii) To which title was held by the state or a municipality in the state before March 1, 1980;

(iii) Which is controlled by the United States department of defense on March 1, 1980;

(iv) Which was a national park, national monument, land held in trust for Indians, wildlife refuge or wilderness area established prior to January 1, 1980.