

HOUSE BILL NO. HB0058

State outdoor recreation areas and facilities-fees.

Sponsored by: Joint Travel, Recreation, Wildlife and
Cultural Resources Interim Committee

A BILL

for

1 AN ACT relating to state outdoor recreation areas;
2 authorizing the establishment of fees for state outdoor
3 recreation areas by the department of state parks and
4 cultural resources; providing criteria and requirements for
5 the establishment of fees; repealing statutorily set fees;
6 authorizing the establishment of amenities and
7 enhancements; providing for a continuous appropriation of
8 fees; making conforming amendments; and providing for an
9 effective date.

10

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

12

13 **Section 1.** W.S. 36-4-121(a)(intro), by creating new
14 paragraphs (xiii) through (xv), by amending and renumbering
15 (xiii) and (xiv) as (xvi) and (xvii), (b), (c), (e), (h),

1 (j), (k) (n), (o) and by creating a new subsection (p),
2 36-4-123(a) (intro) and 36-8-1002(d) are amended to read:

3

4 **36-4-121. Permits to use outdoor recreation areas and**
5 **facilities.**

6

7 (a) The department of state parks and cultural
8 resources shall offer for sale permits that allow use of
9 ~~the state parks, recreation areas, archeological sites and~~
10 ~~historic sites. Daily use permits shall be required at~~
11 ~~Glendo, Guernsey, Curt Gowdy, Edness Kimball Wilkins,~~
12 ~~Buffalo Bill, Boysen, Seminoe and Keyhole state parks and~~
13 ~~Fort Bridger, South Pass City, Trail End, Fort Fetterman~~
14 ~~and Fort Phil Kearney state historic sites, and Hawk~~
15 ~~Springs state recreation area~~ outdoor recreation areas and
16 facilities. There shall be no daily use fees established at
17 Bear River or Hot Springs State parks. The department may
18 establish voluntary pay stations at Bear River and Hot
19 Springs state parks to allow users of those parks to make
20 voluntary contributions for the use of the state parks.
21 Persons who enter or use Bear River or Hot Springs state
22 park without paying daily use fees shall not be subject to
23 the penalties provided for in subsection (j) of this
24 section. ~~Overnight camping permits shall be required at~~

1 ~~Boysen, Buffalo Bill, Curt Cowdy, Glendo, Guernsey,~~
2 ~~Keyhole, Seminoe and Sinks Canyon state parks, Connor~~
3 ~~Battlefield state historic site, Medicine Lodge state~~
4 ~~archeological site and Hawk Springs state recreation area~~
5 ~~by the department during the entire calendar year.~~ Except
6 ~~for~~ as otherwise provided in this section, including the
7 lifetime permit issued without cost pursuant to subsection
8 (n) of this section, ~~the cost of the permits authorized~~
9 ~~under this section shall be~~ the department is authorized to
10 establish daily, overnight and annual permit fees by rule
11 and regulation annually. The permit fees may be
12 established to allow the use of all outdoor recreation
13 areas and facilities, any specified outdoor recreation area
14 or facility, or any combination thereof. The department
15 shall maintain records sufficient to support the fees
16 charged and shall establish fees in accordance with the
17 following:

18
19 (xiii) Fees shall be established by rule
20 promulgated in accordance with the Wyoming Administrative
21 Procedure Act and approved by the commission. Upon
22 receipt of notice from the department of its intent to
23 adopt rules pursuant to this subsection, the legislative
24 service office shall give notice to the joint travel,

1 recreation, wildlife and cultural resources interim
2 committee;

3
4 (xiv) Fees shall be reviewed at least annually
5 by the department, the commission and the joint travel,
6 recreation, wildlife and cultural resources interim
7 committee;

8
9 (xv) Fees shall be established in amounts based
10 on an economic analysis which shall consider, at least, the
11 following criteria:

12
13 (A) Data regarding fees established for
14 similar outdoor recreation areas and facilities in
15 contiguous states;

16
17 (B) The cost of access to outdoor
18 recreation areas and facilities;

19
20 (C) Parameters within which the department
21 can be responsive to changing resource conditions and
22 market demand;

23

1 (D) The operation and maintenance costs of
2 outdoor recreation areas and facilities.

3
4 ~~(xiii)~~ (xvi) Upon written request of a group
5 sponsoring a special event or upon the department's
6 sponsorship of a special event, the director of the
7 department may, ~~with the approval of~~ after informing the
8 parks and cultural resources commission, waive any fees
9 ~~required under~~ established pursuant to this subsection. A
10 fee which may exceed the ~~daily use~~ permit fee ~~specified in~~
11 ~~this section~~ provided by rule may be charged for entry to
12 special events. Holders of annual ~~bucking horse daily or~~
13 ~~overnight~~ permits may be charged the special event fee. A
14 special event fee may be charged at any ~~park, area or site~~
15 outdoor recreation area or facility under the jurisdiction
16 of the department, regardless of whether a daily use fee
17 has been established by ~~law~~ rule;

18
19 ~~(xiv)~~ (xvii) Fees may be waived ~~for~~ by the
20 ~~following:~~ department with the approval of the commission.

21
22 ~~(A) Persons needing to pass through a state~~
23 ~~park or historic site to access private property shall be~~

1 ~~exempt from the entrance permit requirements of this~~
2 ~~section;~~

3
4 ~~(B) Persons needing access to a state park~~
5 ~~or historic site to conduct official business or only to~~
6 ~~access a private commercial business without further use of~~
7 ~~the state park or historic site shall be exempt from the~~
8 ~~entrance permit requirements of this section;~~

9
10 ~~(C) School groups on school sanctioned~~
11 ~~events including events sanctioned by educational programs~~
12 ~~defined under W.S. 21-4-101(a)(iii), (iv) and (v), and~~
13 ~~residents and staff of publicly owned homes or institutions~~
14 ~~while on official agency functions shall be exempt from the~~
15 ~~entrance permit requirements of this section;~~

16
17 ~~(D) Not for profit groups or organizations~~
18 ~~needing access to a state park or historic site to provide~~
19 ~~volunteer assistance or services that have been previously~~
20 ~~agreed upon by the department of state parks and cultural~~
21 ~~resources shall be exempt from the permit requirements of~~
22 ~~this section.~~

1 (b) Any holder of an annual ~~bucking horse entrance~~
2 ~~permit or an annual resident or nonresident overnight~~
3 ~~camping~~ permit may obtain additional ~~vehicle annual bucking~~
4 ~~horse entrance permits or additional vehicle annual~~
5 ~~overnight camping~~ permits from the department or any
6 selling agent of the department upon payment of the
7 established fee, ~~prescribed under paragraph (a)(vii) or~~
8 ~~(viii) of this section, as applicable, and~~ upon submission
9 of proof satisfactory to the department that an original
10 annual permit was purchased and that the additional vehicle
11 is registered in the same name as the vehicle for which the
12 original annual permit is obtained, or that the additional
13 vehicle is operated by the person who purchased the
14 original annual permit or a member of his family under duly
15 granted authority from his employer. The director shall
16 determine the validity of the authority of an applicant to
17 operate an employer-owned vehicle prior to issuance of an
18 additional vehicle permit for that vehicle under this
19 section. Any vehicle in tow by another vehicle owned by the
20 same person shall be considered a single vehicle for
21 purposes of this section and only a single annual ~~bucking~~
22 ~~horse daily use~~ permit or fee shall be required for
23 entrance at ~~state parks~~ outdoor recreation areas and
24 facilities and a single annual ~~overnight camping~~ permit or

1 fee shall be required for overnight camping at ~~state parks~~
2 outdoor recreation areas and facilities.

3
4 (c) If an annual ~~bucketing horse daily use permit or an~~
5 ~~annual resident or nonresident overnight camping~~ permit is
6 lost, mutilated or destroyed, the holder of the permit may
7 obtain a duplicate annual permit from the department or any
8 selling agent of the department upon filing an affidavit
9 showing the loss, mutilation or destruction of the original
10 permit and upon payment of the fee imposed ~~under paragraph~~
11 ~~(a)(ix) or (x) of this section~~ by rule, as applicable.

12
13 (e) The department through the division of state
14 parks and historic sites shall in accordance with W.S.
15 36-4-123, appoint selling agents to sell ~~bucketing horse~~
16 permits authorized under this section. Each appointed
17 selling agent shall retain up to ten percent (10%) as
18 established by rule of the department under subsection (a)
19 of this section of the ~~cost~~ selling price of each permit
20 sold under this section as his sales commission. Designated
21 department employees may sell ~~annual bucketing horse daily~~
22 ~~use permits and other~~ permits ~~required by this section~~ but
23 no employee of the department shall receive any commission
24 on permits sold.

1

2 (h) The funds received by the department from the
3 sale of the permits shall be deposited in a capital
4 construction account within the enterprise fund and are
5 continuously appropriated to and may be expended by the
6 ~~division~~ department for capital construction projects,
7 major maintenance and site interpretation such as exhibits,
8 signage and displays. ~~as approved by the legislature.~~

9

10 (j) Any person using ~~state parks, recreation areas~~
11 ~~and historic sites~~ any outdoor recreation area or facility
12 and failing to obtain a ~~bucking horse~~ permit ~~or the other~~
13 ~~permits~~ or pay the fee required ~~by~~ pursuant to this section
14 and any person otherwise violating this section is guilty
15 of a misdemeanor punishable by a fine of not more than
16 seven hundred fifty dollars (\$750.00), imprisonment for not
17 more than six (6) months, or both.

18

19 (k) The department of state parks and cultural
20 resources is authorized to contract with the town of
21 Ranchester to implement a fee collection program at Connor
22 Battlefield state historic site and to provide for park
23 maintenance and operation. Notwithstanding subsection (h)
24 of this section, fees collected ~~pursuant to paragraphs~~

1 ~~(a)(ii) and (v) of this section~~ for overnight camping at
2 Connor Battlefield state historic site shall be deposited
3 into a separate account ~~within the earmarked revenue fund~~
4 and are continuously appropriated to and may be expended by
5 the department pursuant to contracts entered into under
6 this subsection.

7
8 (n) Any resident disabled veteran who receives fifty
9 percent (50%) or more service connected disability
10 compensation from the United States department of veteran's
11 affairs may apply to the department for a lifetime ~~bucketing~~
12 ~~horse~~ permit authorizing the use of ~~state parks,~~ outdoor
13 recreation areas, ~~archeological sites~~ and ~~historic sites~~
14 facilities without payment of any daily use, overnight or
15 other fee authorized to be charged pursuant to this
16 section. Only one (1) permit shall be issued to any
17 qualified applicant under this subsection and shall be
18 valid for the applicant and for all occupants of the
19 applicant's vehicle. In addition to information and other
20 application procedural requirements prescribed by rule and
21 regulation of the department, application for the lifetime
22 permit shall include proof of residency and certification
23 of the service connected disability. The lifetime permit is
24 valid as long as the holder is a Wyoming resident. A permit

1 under this subsection shall be issued to an eligible
2 applicant without the imposition of a fee.

3

4 (o) The department is authorized to sponsor special
5 events and to contract with groups sponsoring special
6 events at ~~state parks,~~ outdoor recreation areas,
7 ~~archeological sites or historic sites~~ and facilities. A
8 special event fee may be charged as provided in paragraph
9 ~~(a)(xiii)~~ (a)(xvi) of this section. The special event fee
10 need not be established by rule. All funds received from
11 special events sponsored or approved by the department
12 shall be deposited in a special events enterprise account.
13 ~~within the enterprise fund.~~ The funds deposited within the
14 account are continuously appropriated to and may be
15 expended by the department to conduct special events
16 directly or pursuant to contracts entered under this
17 subsection.

18

19 (p) The department is authorized to develop
20 additional amenities and enhancements at existing outdoor
21 recreation areas and facilities. The department may impose
22 a fee for the use of any amenity or enhancement in excess
23 of fees charged for admission to the outdoor recreation
24 area or facility, to fund the cost of the amenity or

enhancement authorized under this section. Fees under this subsection shall be established in an amount to ensure that, to the extent practicable, the revenue generated from the additional fee collected approximates the direct and indirect costs of maintaining and operating the amenity or enhancement. Fees collected pursuant to this subsection shall be deposited and expended in accordance with subsection (h) of this section.

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, ~~buckin~~~~g~~ ~~horse~~ permits under W.S. 36-4-121 and other licenses, registrations and permits for which the department may by law be ~~required~~authorized to issue and collect fees. Selling agents appointed under this section shall be bonded by the department, subject to the following:

36-8-1002. Transfer of lands; park administration; site administration; lease and contract agreements.

1

2 (d) Notwithstanding any other provision of law, the
3 department may impose an admissions fee in excess of fees
4 charged for admissions to other ~~state parks and sites~~
5 outdoor recreation areas and facilities, to fund necessary
6 expenses incurred for park and site development, operations
7 and maintenance. ~~Notwithstanding W.S. 36-4-121(h)~~ Daily
8 admission fees collected pursuant to this subsection shall
9 be deposited ~~into a separate account within the earmarked~~
10 ~~revenue fund~~ and may be expended ~~by the department upon~~
11 ~~legislative appropriation~~ in accordance with W.S.
12 36-4-121(h).

13

14 **Section 2.** W.S. 36-4-121(a)(i) through (xii) is
15 repealed.

16

17 **Section 3.** This act is effective immediately upon
18 completion of all acts necessary for a bill to become law
19 as provided by Article 4, Section 8 of the Wyoming
20 Constitution.

21

22

(END)