

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; providing for lifetime permits  
6 as specified; repealing statutorily set fees; authorizing  
7 the establishment of amenities and enhancements; providing  
8 for a continuous appropriation of fees; making conforming  
9 amendments; and providing for an effective date.

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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 (q),  
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 Cowdy, 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. In addition  
22 to all requirements for rulemaking pursuant to the Wyoming  
23 Administrative Procedure Act, prior to setting or altering  
24 fees under this subsection by rule and regulation the

1 department shall conduct a public meeting in each community  
2 with a population greater than three thousand (3,000)  
3 residents and located within thirty (30) miles of an  
4 outdoor recreation area or facility in which fees are set  
5 or altered. The public meeting under this paragraph may be  
6 held for purposes including, but not limited to,  
7 information distribution, soliciting community input and  
8 assessment of local needs and uses of the outdoor  
9 recreation area or facility. Notice for a public meeting  
10 under this paragrah shall be provided in accordance with  
11 W.S. 16-3-103(a)(ii). Upon receipt of notice from the  
12 department of its intent to adopt rules pursuant to this  
13 subsection, the legislative service office shall give  
14 notice to the joint travel, recreation, wildlife and  
15 cultural resources interim committee;

16  
17 (xiv) Fees shall be reviewed at least annually  
18 by the department and the commission. An annual report  
19 shall be submitted to the joint travel, recreation,  
20 wildlife and cultural resources interim committee;

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22 (xv) Fees shall be established in amounts based  
23 on an economic analysis which shall consider, at least, the  
24 following criteria:

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

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

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

(D) The operation and maintenance costs of outdoor recreation areas and facilities;

(E) Public input from prior public meetings conducted pursuant to paragraph (xiii) of this subsection.

~~(xiii)~~(xvi) Upon written request of a group sponsoring a special event or upon the department's sponsorship of a special event, the director of the department may, ~~with the approval of~~after informing the parks and cultural resources commission, waive any fees ~~required under~~established pursuant to this subsection. A

1 fee which may exceed the ~~daily use~~ permit fee ~~specified in~~  
2 ~~this section~~ provided by rule may be charged for entry to  
3 special events. Holders of annual ~~bucking horse daily or~~  
4 ~~overnight~~ permits may be charged the special event fee. A  
5 special event fee may be charged at any ~~park, area or site~~  
6 outdoor recreation area or facility under the jurisdiction  
7 of the department, regardless of whether a daily use fee  
8 has been established by ~~law~~ rule;

9  
10 ~~(xiv)~~ ~~(xvii)~~ Fees may be waived ~~for~~ by the  
11 ~~following:~~ department with the approval of the commission.

12  
13 ~~(A) Persons needing to pass through a state~~  
14 ~~park or historic site to access private property shall be~~  
15 ~~exempt from the entrance permit requirements of this~~  
16 ~~section;~~

17  
18 ~~(B) Persons needing access to a state park~~  
19 ~~or historic site to conduct official business or only to~~  
20 ~~access a private commercial business without further use of~~  
21 ~~the state park or historic site shall be exempt from the~~  
22 ~~entrance permit requirements of this section;~~

23

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

7  
8                   ~~(D) Not for profit groups or organizations~~  
9 ~~needing access to a state park or historic site to provide~~  
10 ~~volunteer assistance or services that have been previously~~  
11 ~~agreed upon by the department of state parks and cultural~~  
12 ~~resources shall be exempt from the permit requirements of~~  
13 ~~this section.~~

14  
15           (b) Any holder of an annual ~~bucking horse entrance~~  
16 ~~permit or an annual resident or nonresident overnight~~  
17 ~~camping~~ permit may obtain additional ~~vehicle annual bucking~~  
18 ~~horse entrance permits or additional vehicle annual~~  
19 ~~overnight camping~~ permits from the department or any  
20 selling agent of the department upon payment of the  
21 established fee, ~~prescribed under paragraph (a) (vii) or~~  
22 ~~(viii) of this section, as applicable, and~~ upon submission  
23 of proof satisfactory to the department that an original  
24 annual permit was purchased and that the additional vehicle

1 is registered in the same name as the vehicle for which the  
2 original annual permit is obtained, or that the additional  
3 vehicle is operated by the person who purchased the  
4 original annual permit or a member of his family under duly  
5 granted authority from his employer. The director shall  
6 determine the validity of the authority of an applicant to  
7 operate an employer-owned vehicle prior to issuance of an  
8 additional vehicle permit for that vehicle under this  
9 section. Any vehicle in tow by another vehicle owned by the  
10 same person shall be considered a single vehicle for  
11 purposes of this section and only a single annual ~~bucking~~  
12 ~~horse daily use~~ permit or fee shall be required for  
13 entrance at ~~state parks~~ outdoor recreation areas and  
14 facilities and a single annual ~~overnight camping~~ permit or  
15 fee shall be required for overnight camping at ~~state parks~~  
16 outdoor recreation areas and facilities.

17

18 (c) If an annual ~~bucking horse daily use permit or an~~  
19 ~~annual resident or nonresident overnight camping~~ permit is  
20 lost, mutilated or destroyed, the holder of the permit may  
21 obtain a duplicate annual permit from the department or any  
22 selling agent of the department upon filing an affidavit  
23 showing the loss, mutilation or destruction of the original



1 permit and upon payment of the fee imposed ~~under paragraph~~  
2 ~~(a)(ix) or (x) of this section~~ by rule, as applicable.

3

4 (e) The department through the division of state  
5 parks and historic sites shall in accordance with W.S.  
6 36-4-123, appoint selling agents to sell ~~bucking horse~~  
7 permits authorized under this section. Each appointed  
8 selling agent shall retain up to ten percent (10%) as  
9 established by rule of the department under subsection (a)  
10 of this section of the ~~cost~~ selling price of each permit  
11 sold under this section as his sales commission. Designated  
12 department employees may sell ~~annual bucking horse daily~~  
13 ~~use permits and other~~ permits ~~required by this section~~ but  
14 no employee of the department shall receive any commission  
15 on permits sold.

16

17 (h) The funds received by the department from the  
18 sale of the permits shall be deposited in a capital  
19 construction account within the enterprise fund and are  
20 continuously appropriated to and may be expended by the  
21 ~~division~~ department for capital construction projects,  
22 major maintenance and site interpretation such as exhibits,  
23 signage and displays. ~~as approved by the legislature.~~

24

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

9  
10           (k) The department of state parks and cultural  
11 resources is authorized to contract with the town of  
12 Ranchester to implement a fee collection program at Connor  
13 Battlefield state historic site and to provide for park  
14 maintenance and operation. Notwithstanding subsection (h)  
15 of this section, fees collected ~~pursuant to paragraphs~~  
16 ~~(a)(ii) and (v) of this section~~ for overnight camping at  
17 Connor Battlefield state historic site shall be deposited  
18 into a separate account ~~within the earmarked revenue fund~~  
19 and are continuously appropriated to and may be expended by  
20 the department pursuant to contracts entered into under  
21 this subsection.

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23           (n) Any resident disabled veteran who receives fifty  
24 percent (50%) or more service connected disability

1 compensation from the United States department of veteran's  
2 affairs and any resident person who is permanently and  
3 totally disabled as defined by 42 U.S.C. § 1382c may apply  
4 to the department for a lifetime ~~bucking horse~~ permit  
5 authorizing the use of ~~state parks,~~ outdoor recreation  
6 areas, ~~archeological sites~~ and ~~historic sites~~ facilities  
7 without payment of any daily use, overnight or other fee  
8 authorized to be charged pursuant to this section. Only one  
9 (1) permit shall be issued to any qualified applicant under  
10 this subsection and shall be valid for the applicant and  
11 for all occupants of the applicant's vehicle. In addition  
12 to information and other application procedural  
13 requirements prescribed by rule and regulation of the  
14 department, application for the lifetime permit shall  
15 include proof of residency and certification of the service  
16 connected disability or the qualifying disability, as  
17 applicable. The lifetime permit is valid as long as the  
18 holder is a Wyoming resident. A permit under this  
19 subsection shall be issued to an eligible applicant without  
20 the imposition of a fee.

21

22 (o) The department is authorized to sponsor special  
23 events and to contract with groups sponsoring special  
24 events at ~~state parks,~~ outdoor recreation areas,

1 ~~archeological sites or historic sites~~ and facilities. A  
2 special event fee may be charged as provided in paragraph  
3 ~~(a)(xiii)~~ (a)(xvi) of this section. The special event fee  
4 need not be established by rule. All funds received from  
5 special events sponsored or approved by the department  
6 shall be deposited in a special events enterprise account.  
7 ~~within the enterprise fund.~~ The funds deposited within the  
8 account are continuously appropriated to and may be  
9 expended by the department to conduct special events  
10 directly or pursuant to contracts entered under this  
11 subsection.

12  
13 (g) The department is authorized to develop  
14 additional amenities and enhancements at existing outdoor  
15 recreation areas and facilities. The department may impose  
16 a fee for the use of any amenity or enhancement in excess  
17 of fees charged for admission to the outdoor recreation  
18 area or facility, to fund the cost of the amenity or  
19 enhancement authorized under this section. Fees under this  
20 subsection shall be established in an amount to ensure  
21 that, to the extent practicable, the revenue generated from  
22 the additional fee collected approximates the direct and  
23 indirect costs of maintaining and operating the amenity or  
24 enhancement. Fees collected pursuant to this subsection

1 shall be deposited and expended in accordance with  
2 subsection (h) of this section.

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

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

16

17 **36-8-1002. Transfer of lands; park administration;**  
18 **site administration; lease and contract agreements.**

19

20 (d) Notwithstanding any other provision of law, the  
21 department may impose an admissions fee in excess of fees  
22 charged for admissions to other ~~state parks and sites~~  
23 outdoor recreation areas and facilities, to fund necessary  
24 expenses incurred for park and site development, operations

1 and maintenance. ~~Notwithstanding W.S. 36-4-121(h) Daily~~  
2 admission fees collected pursuant to this subsection shall  
3 be deposited ~~into a separate account within the earmarked~~  
4 ~~revenue fund~~ and may be expended ~~by the department upon~~  
5 ~~legislative appropriation~~ in accordance with W.S.  
6 36-4-121(h).

7

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

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11 **Section 3.** This act is effective July 1, 2005.

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13

(END)