

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO. [BILL NUMBER]

State lands-recreation.

Sponsored by: Joint Agriculture, State and Public Lands &
Water Resources Interim Committee

A BILL

for

1 AN ACT relating to state lands; requiring purchase of a
2 recreation stamp to access certain state recreational lands;
3 specifying exceptions; requiring the office of state lands
4 and investments and the game and fish department to sell
5 recreation stamps; providing a penalty; clarifying that
6 specified state agencies may lease certain lands for
7 recreational purposes; requiring the adoption of rules; and
8 providing for effective dates.

9

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

11

12 **Section 1.** W.S. 36-1-122 is created to read:

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2 **36-1-122. Recreation stamp required for certain state**
3 **recreational lands; exceptions; distribution of revenues;**
4 **penalty; rules.**

5

6 (a) No person shall enter state recreational lands
7 without possession of a valid recreation stamp. This
8 subsection shall not apply to a person:

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10 (i) Under twelve (12) years of age who is
11 accompanying a person in possession of a valid recreation
12 stamp while on state recreational lands;

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14 (ii) In a vehicle traversing a public road through
15 state recreational lands, if the person remains within the
16 boundaries of the public road;

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18 (iii) Who has a valid property right, permit or
19 other authorization granted by the director relating to the
20 land, excluding a recreation stamp issued under this section;

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1 (iv) Employed by the state of Wyoming, a political
2 subdivision or the federal government while present on
3 official business; and

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5 (v) Other persons specified by the director
6 pursuant to rule which are not inconsistent with the purposes
7 of this section.

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11 **STAFF COMMENT**

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13 **Paragraphs (i) and (ii) above are from Sen. Driskill's 2013**
14 **bill (SF 161) on access permits for state lands. The other**
15 **exceptions are new.**

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20 (b) Except as otherwise provided in this subsection,
21 the director shall offer a recreation stamp for sale to the
22 public which shall be ten dollars (\$10.00) and remain valid
23 for one (1) year from the date of issue. Beginning January 1,
24 2023, the director may, by rule, adjust the cost of a
25 recreation stamp under this subsection to account for changes
26 in the consumer price index published by the bureau of labor
27 statistics of the United States department of labor.

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1 *****
 2 *****
 3 STAFF COMMENT
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 5 \$10 is the amount requested by the Committee. Rulemaking
 6 authority was included here to account for future inflation
 7 without the need for legislation.
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12 (c) The director shall make recreation stamps available
 13 for purchase on an internet website and in any other manner
 14 determined to be prudent by the director. The game and fish
 15 department shall also make recreation stamps available for
 16 purchase on an internet website and through vendors which
 17 sell licenses issued by the department.

18
 19 (d) Revenue from the sale of recreation stamps shall be
 20 deposited into the common school account in the permanent
 21 land income fund. The director shall annually certify the
 22 amount deposited pursuant to this subsection to the state
 23 treasurer.

24
 25 (e) A person who accesses state recreational lands
 26 without possession of a valid recreation stamp is guilty of
 27 a misdemeanor and shall be punished as provided in W.S. 6-
 28 10-103.

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4 STAFF COMMENT

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6 Subsection (e) is a general intent offense, while criminal
7 trespass on private land (W.S. 6-3-303) is a specific intent
8 offense.

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13 (f) The director may contract with persons for the sale
14 of recreation stamps.

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18 STAFF COMMENT

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20 Subsections (d) and (f) are from Sen. Driskill's 2013 bill.
21 A provision from the 2013 bill was omitted ("The director may
22 contract with persons for enforcement of this section.")
23 because this bill clarifies that a violation of this section
24 is a misdemeanor.

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29 (g) This section shall not modify access or use
30 requirements applicable to state lands which are otherwise
31 required by law, including possession of a valid hunting or
32 fishing license.

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1 (h) As used in this section, "state recreational lands"
 2 means those state lands specified by rule of the board which
 3 may be used by the public for recreational purposes, and shall
 4 exclude state institutions specified by W.S. 25-1-201 and
 5 lands under the management of the department of state parks
 6 and cultural resources.

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STAFF COMMENT

12 The Committee could elect to narrow the range of state lands
 13 which could be subject to the recreation stamp rule
 14 requirement by specifying that lands have to be
 15 "predominantly used by the public for recreational purposes."

16

17 "State institutions" under W.S. 25-1-201 mean the following:

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19 (i) The Wyoming state penitentiary at Rawlins, Wyoming;

20

21 (ii) The Wyoming boys' school at Worland, Wyoming;

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23 (iii) The Wyoming girls' school at Sheridan, Wyoming;

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25 (iv) The Wyoming life resource center at Lander, Wyoming;

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27 (v) The Wyoming pioneer home at Thermopolis, Wyoming;

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29 (vi) The veterans' home of Wyoming at Buffalo, Wyoming;

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31 (vii) The Wyoming retirement center at Basin, Wyoming;

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33 (viii) The Wyoming women's center at Lusk, Wyoming;

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35 (ix) The Wyoming state hospital at Evanston, Wyoming;

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37 (x) The Wyoming medium correctional institution at
 38 Torrington, Wyoming;

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- (xi) The Wyoming school for the deaf at Casper, Wyoming;
- (xii) The Wyoming honor farm at Riverton, Wyoming;
- (xiii) The Wyoming honor conservation camp at Newcastle, Wyoming.

12 **Section 2.** W.S. 23-1-302(a)(v) and 36-4-107 are amended
13 to read:

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15 **23-1-302. Powers and duties.**

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17 (a) The commission is directed and empowered:

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19 (v) To sell, exchange, lease or assign any fee
20 ownership interest in any land, water, or other property
21 heretofore or hereafter acquired, including for recreational
22 purposes;

23

24 **36-4-107. Authority to lease; exchange of lands and**
25 **contracts with United States.**

26

27 The department, in consultation with the commission, shall
28 have the power and is hereby authorized to lease, grant or

1 operate any outdoor recreation area or facility belonging to
2 the state, including for recreational purposes, which is not
3 subject to lease, grant or operation by another agency of the
4 state. The department, in consultation with the commission,
5 may exchange state lands which are not appropriated to other
6 use for United States outdoor recreation areas and
7 facilities, and under contract with the United States, may
8 take over the management, leasing and operation of any such
9 area or facility. Where the department deems it to be in the
10 best interest of the state, it may, in consultation with the
11 commission, contract with the United States government or any
12 authorized federal agency for the operation of any outdoor
13 recreation area or facility established by the department.

14

15 **Section 3.** Before January 1, 2020, the board of land
16 commissioners shall adopt rules to implement section 1 of
17 this act, which shall include specifying the state lands for
18 which a recreation stamp is required pursuant to W.S. 36-1-
19 122(h), provided that these rules shall not take effect until
20 January 1, 2020.

21

22 **Section 4.**

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