

HOUSE BILL NO. HB0054

State Parks-recreation management authority.

Sponsored by: Representative(s) Larsen and Sweeney and
Senator(s) Ellis, Gierau and Landen

A BILL

for

1 AN ACT relating to state lands; authorizing the department
2 of state parks and cultural resources to lease state lands
3 for recreational purposes as specified; authorizing the
4 department to sell permits that allow for the recreational
5 use of leased state lands; providing for the disposition of
6 funds generated from permit sales allowing for the
7 recreational use of leased state lands; authorizing the
8 department to lease or rent concessions on leased state
9 lands; making conforming amendments; authorizing
10 rulemaking; and providing for effective dates.

11

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

13

1 **Section 1.** W.S. 36-4-103, 36-4-104(a)(vi) and (d),
2 36-4-107, 36-4-110(a), 36-4-121(a)(intro) and (h) and
3 36-5-115 are amended to read:

4

5 **36-4-103. What constitutes outdoor recreation areas**
6 **and facilities.**

7

8 For the purposes of this act, outdoor recreation areas and
9 facilities shall include state parks, public recreation
10 grounds, historical parks, and historical, archaeological,
11 geological and ecological sites now in existence or
12 hereafter created. As used in this section, W.S. 36-4-105
13 and 36-4-108, "historical parks" includes all land and
14 structures at South Pass City and Fort Fred Steele. This
15 section shall not be construed to limit or otherwise
16 prohibit the department of state parks and cultural
17 resources from entering into leasing agreements for the use
18 of state lands for recreational purposes as authorized by
19 W.S. 36-4-107(a)(ii).

20

21 **36-4-104. Powers; interpretive service agreements.**

22

1 (a) The department of state parks and cultural
2 resources, in consultation with the commission, may,
3 subject to the provisions of this act:

4

5 (vi) Enter into agreements with Wyoming
6 financial institutions, financial institutions or persons
7 operating remote electronic terminals for the collection of
8 donations for the operation and maintenance of state lands
9 leased for recreational purposes as authorized by W.S.
10 36-4-107(a)(ii), Wyoming state parks, historic sites and
11 recreation areas. Donations received by the department
12 pursuant to this paragraph shall be deposited in an
13 operations and maintenance account and upon legislative
14 appropriation shall be expended by the department for the
15 daily operation of outdoor locations and facilities as
16 described in W.S. 36-4-103.

17

18 (d) As used in subsections (b) and (c) of this
19 section, "recreation areas and facilities" include state
20 lands leased for recreational purposes as authorized by
21 W.S. 36-4-107(a)(ii), both indoor and outdoor facilities at
22 state parks, historic sites, recreation areas and

1 historical, archaeological, geological and ecological sites
2 as enumerated under W.S. 36-4-103.

3

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

6

7 (a) The department, in consultation with the
8 commission, shall have the power and is hereby authorized
9 to:

10

11 (i) Lease, grant or operate any outdoor
12 recreation area or facility belonging to the state which is
13 not subject to lease, grant or operation by another agency
14 of the state; ~~and~~

15

16 (ii) Enter into leasing agreements with the
17 board of land commissioners to use state lands for
18 recreational purposes. The department shall be authorized
19 to develop and manage leased state lands and to promulgate
20 and enforce site specific rules in accordance with the
21 terms of the lease and the rules promulgated by the board.
22 The department shall compensate the board for the leases on

1 an annual basis and at rates as provided under the terms of
2 the lease and in accordance with the rules of the board.

3

4 (b) The department, in consultation with the
5 commission, may exchange state lands which are not
6 appropriated to other use for United States outdoor
7 recreation areas and facilities, and under contract with
8 the United States, may take over the management, leasing
9 and operation of any such area or facility. Where the
10 department deems it to be in the best interest of the
11 state, it may, in consultation with the commission,
12 contract with the United States government or any
13 authorized federal agency for the operation of any outdoor
14 recreation area or facility established by the department.

15

16 **36-4-110. Power to lease or rent concessions.**

17

18 (a) The department, in consultation with the
19 commission, is empowered to lease, enter into contracts and
20 assess fees for concessions, cabin sites, boat clubs, and
21 other services of all lawful kinds and nature on leased
22 state lands as authorized by W.S. 36-4-107(a)(ii) if
23 permissible under the terms of the lease and the rules

1 promulgated by the board of land commissioners, state
2 outdoor recreation areas or facilities to persons,
3 partnerships, and corporations for a valuable consideration
4 upon terms and conditions as the department deems fit and
5 proper. Funds received by the department pursuant to this
6 section shall be deposited and expended in accordance with
7 W.S. 36-4-121(h).

8

9 **36-4-121. Permits to use state parks, recreation**
10 **areas and historic sites.**

11

12 (a) The department of state parks and cultural
13 resources shall offer for sale permits that allow use of
14 state lands leased for recreational purposes as authorized
15 by W.S. 36-4-107(a)(ii) and state parks, recreation areas,
16 archeological sites and historic sites as designated by the
17 department with the approval of the Wyoming parks and
18 cultural resources commission. Permits may be subject to
19 per person, per vehicle or time restrictions or any other
20 restriction the director of the department deems
21 appropriate. The director may waive any permit fee imposed
22 pursuant to this section, offer discounts or offer at no
23 charge complimentary permits or gift certificates for

1 permits authorized by this section. Except as provided in
2 subsection (n) of this section, the cost of the permits
3 authorized under this section shall be approved by the
4 commission and set in an amount not to exceed the
5 following:

6
7 (h) The funds received by the department from the
8 sale of the permits shall be deposited into an account
9 within the special revenue fund, hereby created as the
10 state parks account, and, except as otherwise provided by
11 this subsection, may be expended by the department for
12 capital construction projects, major maintenance, and site
13 interpretation such as exhibits, signage and displays as
14 approved by the legislature. Funds received by the
15 department under W.S. 36-4-107(a)(ii) and 36-4-110(a) from
16 state lands leased for recreational purposes as authorized
17 by W.S. 36-4-107(a)(ii) shall be accounted for separately
18 within the account. The department may use the funds
19 received under W.S. 36-4-107(a)(ii) and 36-4-110(a) from
20 state lands leased for recreational purposes to pay for
21 leases under W.S. 36-4-107(a)(ii) and the costs incurred by
22 the department in managing the recreational use on the
23 leased state lands. For the fiscal year ending June 30,

1 2023 and each fiscal year thereafter, the state treasurer
2 shall transfer to the proper accounts within the permanent
3 land fund any funding certified by the department to be in
4 excess of the leasing and management costs incurred by the
5 department under W.S. 36-4-107(a)(ii) and generated from
6 school lands as defined by W.S. 36-1-101(a)(v). Interest on
7 funds in the account shall accrue to the account. Not more
8 than thirty percent (30%) of the funds in the account in
9 any fiscal year may also be expended, with legislative
10 approval, for maintenance of outdoor recreation areas and
11 facilities provided that no amount shall be expended for
12 additional full-time employees or increases in salaries or
13 overtime pay for full-time employees. For fiscal years 2022
14 and 2023 only, not more than sixty percent (60%) of the
15 funds in the account may be expended, with legislative
16 approval, for maintenance and operational costs associated
17 with outdoor recreation areas and facilities provided that
18 no amount shall be expended for additional full-time
19 employees or increases in salaries or overtime pay for
20 full-time employees.

21

22 **36-5-115. Leasing for industrial, commercial and**
23 **recreational purposes; "recreational purposes" defined.**

1

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

8

9 **Section 2.** The board of land commissioners and the
10 department of state parks and cultural resources shall
11 promulgate any rules necessary to implement the provisions
12 of this act.

13

1 **Section 3.**

2

3 (a) Except as provided in subsection (b) of this
4 section, this act is effective July 1, 2022.

5

6 (b) Sections 2 and 3 of this act are effective
7 immediately upon completion of all acts necessary for a
8 bill to become law as provided by Article 4, Section 8 of
9 the Wyoming Constitution.

10

11

(END)