

SENATE FILE NO. SF0148

Federal facilities.

Sponsored by: Senator(s) Scott, Agar, Bebout, Biteman, Boner, Coe, Dockstader, Driskill, Hicks and Kost and Representative(s) Clausen, Laursen, Lindholm and Loucks

A BILL

for

1 AN ACT relating to United States lands; providing for
2 operation of a federal facility; allowing interstate
3 cooperation; providing for return of a facility to federal
4 control; allowing contingency planning; creating an exception
5 in the public records act; providing an appropriation; and
6 providing for an effective date.

7

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

9

10 **Section 1.** W.S. 36-10-301 and 36-10-302 are created to
11 read:

12

13

ARTICLE 3

14

STATE OPERATION OF FEDERAL FACILITY

1

2 **36-10-301. State operation of federal facilities;**
3 **cooperation with another state or the federal government;**
4 **fees.**

5

6 (a) If the federal government of the United States is
7 unable for any reason to successfully operate any national
8 park or other federal facility located within Wyoming, the
9 governor may order any appropriate state agency to operate
10 the national park or other federal facility with the
11 assistance of other state agencies as appropriate and as
12 designated by the governor.

13

14 (b) Once the disability that prevented the government
15 of the United States from successfully operating a federal
16 facility is removed the governor shall, as soon as is
17 practical, return the federal facility to the federal
18 government. The governor may make any arrangements as are
19 useful with the federal government or its appropriate agents
20 for a smooth transition back to federal control and operation.

21

22 (c) While operating any federal facility the governor
23 shall take any steps he judges appropriate to protect any

1 natural wonder, wildlife and plant life, cultural resource
2 and other natural feature contained in the federal facility.

3

4 (d) While operating any federal facility the governor
5 shall take any steps he judges appropriate to allow the public
6 normal access to the federal facility and to protect the
7 public health and safety in the process. The steps shall
8 include as appropriate the operation and cleaning of sanitary
9 facilities, trash collection and removal functions, traffic
10 control and law enforcement activities, camp and picnic
11 ground operations, visitor center responsibilities and access
12 to natural and scenic wonders.

13

14 (e) The governor shall, as appropriate, take any steps
15 he judges useful to facilitate the normal operation of
16 concessionaires and lessees within the federal facility. Any
17 fees or payments from concessionaires or lessees for services
18 provided to the concessionaire or lessee may continue to be
19 used for that purpose. Any other payments or lease fees shall
20 be held for return to the federal government as provided by
21 this section.

22

1 (f) The governor may charge fees for services including
2 entrance fees to defray the cost of operating any federal
3 facility.

4

5 (g) After a federal facility is returned to the federal
6 government, as part of a comprehensive settlement of all
7 financial issues arising between the state and the federal
8 government, the state shall pay to the federal government any
9 lease or concessionaire payments being held pursuant to
10 subsection (e) of this section and the net profits, if any,
11 arising from the fees collected pursuant to subsection (f) of
12 this section.

13

14 (h) The governor may, as appropriate, cooperate with
15 the government of any neighboring state concerning the
16 operation of any federal facility located partly in Wyoming
17 and partly within the neighboring state.

18

19 (j) The governor may, as appropriate, cooperate with
20 municipalities and other political subdivisions to achieve
21 the purposes of this act.

22

1 (k) To help operate any federal facility the governor
2 may employ temporary employees at salaries he deems
3 appropriate. These temporary employees may specifically
4 include federal employees who normally operate the facility.

5

6 (m) If, under the circumstances that could authorize
7 operation of a federal facility under subsection (a) of this
8 section, the governor determines that a cooperative agreement
9 or lease with the federal government or the relevant federal
10 agency would better serve the interests of the state, the
11 governor may enter into that cooperative agreement or lease
12 provided that:

13

14 (i) The purposes of subsections (b) through (f) of
15 this section are adequately achieved;

16

17 (ii) The state is not long-term funding activities
18 that are the responsibility of the federal government without
19 the ability to recover the state's costs from user fees or by
20 other means; and

21

1 (iii) The governor retains the right to act under
2 subsection (a) of this section if the cooperative agreement
3 does not work successfully.

4

5 (n) To carry out the operations permitted under this
6 section, the governor is authorized to utilize state law
7 enforcement, subject to the due process constraints of the
8 United States constitution.

9

10 (o) As used in this section:

11

12 (i) "Federal facility" means any national park,
13 national monument, national historic site, national
14 recreation area, national forest or grassland, bureau of
15 reclamation facility, national wildlife refuge, bureau of
16 land management facility or lands. "Federal facility"
17 specifically does not include any national defense or
18 military installation not normally operated by the state of
19 Wyoming;

20

21 (ii) "Federal facility located within Wyoming"
22 means any federal facility located within the state of Wyoming
23 and includes, if the governor judges it appropriate, outside

1 the state of Wyoming any entrance facility, roadway and other
2 facility important to the successful operation of the portion
3 of the federal facility that is actually within Wyoming.

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5 **36-10-302. Contingency planning.**

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7 The governor may direct any state agency he deems appropriate
8 to develop contingency plans to implement W.S. 36-10-301 and
9 may require all or a portion of these contingency plans to
10 remain confidential.

11

12 **Section 2.** W.S. 16-4-203(d) by creating a new paragraph
13 (xx) is amended to read:

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15 **16-4-203. Right of inspection; grounds for denial;**
16 **access of news media; order permitting or restricting**
17 **disclosure; exceptions.**

18

19 (d) The custodian shall deny the right of inspection of
20 the following records, unless otherwise provided by law:

21

22 (xx) Any contingency plans created under W.S.

23 36-10-302 that the governor requires to remain confidential.

1

2 **Section 3.**

3

4 (a) There is appropriated five hundred thousand dollars
5 (\$500,000.00) from the general fund to a special contingency
6 account within the governor's office, which may be used only
7 as needed to implement this act. This appropriation may not
8 be transferred to any other purpose. Additional funds may be
9 transferred into this account as is otherwise authorized by
10 subsection (b) of this section or any other provision of law.

11

12 (b) Notwithstanding W.S. 9-2-1005(a) and (c), the
13 governor is authorized to transfer funds in accordance with
14 2018 Wyoming Session Laws, Chapter 134, Section 305 to the
15 special contingency account created in subsection (a) of this
16 section only as necessary to implement this act and only if
17 the appropriation in subsection (a) of this section is fully
18 expended. No transfer under this subsection shall be used for
19 any other purpose. All transfers authorized by this
20 subsection shall be approved by the governor and reported to
21 the joint appropriations committee through the B-11 process
22 as authorized by W.S. 9-2-1005(b)(ii) and reported pursuant
23 to W.S. 9-2-1013(b).

1

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

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6

(END)