

SENATE FILE NO. SF0148

Federal facilities seizure.

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 state
2 seizure of a federal facility under certain circumstances;
3 providing for operation of a seized facility; allowing
4 interstate cooperation; providing for return of a seized
5 facility to federal control; allowing contingency planning;
6 creating an exception in the public records act; providing an
7 appropriation; and providing for an effective date.

8

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

10

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

13

14

ARTICLE 3

1 STATE SEIZURE AND OPERATION OF FEDERAL FACILITY

2

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

6

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

14

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

22

1 (c) While operating any seized federal facility the
2 governor shall take any steps he judges appropriate to protect
3 any natural wonder, wildlife and plant life, cultural
4 resource and other natural feature contained in the seized
5 federal facility.

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

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

1 or lease fees shall be held for return to the federal
2 government as provided by this section.

3

4 (f) The governor may charge fees for services including
5 entrance fees to defray the cost of operating any seized
6 federal facility.

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

16

17 (h) The governor may, as appropriate, cooperate with
18 the government of any neighboring state concerning the
19 seizure and operation of any seized federal facility located
20 partly in Wyoming and partly within the neighboring state.

21

22 (j) To help operate any seized federal facility the
23 governor may employ temporary employees at salaries he deems

1 appropriate. These temporary employees may specifically
2 include federal employees who normally operate the facility.

3

4 (k) If, under the circumstances that could authorize a
5 seizure under subsection (a) of this section, the governor
6 determines that a cooperative agreement with the federal
7 government or the relevant federal agency would better serve
8 the interests of the state, the governor may enter into that
9 cooperative agreement provided that:

10

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

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

18

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

22

23 (m) As used in this section:

1

2 (i) "Federal facility" means any national park,
3 national monument, national historic site, national
4 recreation area, national forest or grassland, bureau of
5 reclamation facility, national wildlife refuge, bureau of
6 land management facility or lands. "Federal facility"
7 specifically does not include any national defense or
8 military installation not normally operated by the state of
9 Wyoming;

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11 (ii) "Federal facility located within Wyoming"
12 means any federal facility located within the state of Wyoming
13 and includes, if the governor judges it appropriate, outside
14 the state of Wyoming any entrance facility, roadway and other
15 facility important to the successful operation of the portion
16 of the federal facility that is actually within Wyoming.

17

18 **36-10-302. Contingency planning.**

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

1

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

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5 **16-4-203. Right of inspection; grounds for denial;**
6 **access of news media; order permitting or restricting**
7 **disclosure; exceptions.**

8

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

11

12 (xx) Any contingency plans created under W.S.
13 36-10-302 that the governor requires to remain confidential.

14

15 **Section 3.** There is appropriated one million dollars
16 (\$1,000,000.00) from the general fund to a special
17 contingency account within the governor's office, which may
18 be used only as needed to implement this act. This
19 appropriation may not be transferred to any other purpose.
20 Additional funds may be transferred into this account as is
21 otherwise authorized by law.

22

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

4

5

(END)