

ORIGINAL SENATE
FILE NO. 0041

ENROLLED ACT NO. 29, SENATE

FIFTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2004 BUDGET SESSION

AN ACT relating to the Wyoming territorial prison state park and historic site; providing for management of the park and site by the department of state parks and cultural resources; making conforming amendments; and providing for an effective date.

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

Section 1. W.S. 36-8-1001(d) (intro), (i), (ii), (viii) and (f) and 36-8-1002(b) (intro), (i), (c) and (d) are amended to read:

36-8-1001. Description and declaration; plan for park development and operation; plan for development of prison buildings as state historic site.

(d) The ~~economic development and stabilization board~~ department of state parks and cultural resources shall prepare a ~~business~~ plan for the ~~development and~~ operation of the Wyoming territorial prison historic site and state park ~~which shall provide for private operation under contract with the state with the authority to implement the business plan by the department as part of the department's comprehensive plan under W.S. 36-4-106.~~ The plan shall be presented to the ~~legislature~~ joint travel, recreation, wildlife and cultural resources interim committee not later than ~~the second Tuesday in January, 1987~~ September 1, 2004. In developing the plan, the ~~board~~ department shall:

(i) Exclude from the state park the historic prison buildings situated on the lands described under subsection (a) of this section including the prison building, the warden's residence, broom factory, adjacent buildings and the grounds immediately surrounding the buildings not to exceed seven (7) acres of land, to be

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administered by the ~~state archives, museums and historical department~~ as a state historical site ~~pursuant to subsection (e) of this section~~ in a manner compatible with the National Historic Preservation Act;

(ii) Establish the boundary between the state park and the historical site to insure the integrity of the historic structures for public enjoyment; ~~and to insure sufficient access to usable land for the development of private business within the state park;~~

(viii) Cooperate with the Wyoming ~~travel parks and cultural resources~~ commission in development of the park for maximum beneficial use by citizens and tourists.

(f) The department of ~~commerce~~ state parks and cultural resources is authorized to enter into leasehold or concession agreements in accordance with the ~~business~~ plan provided by subsection (d) of this section.

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

(b) The ~~Wyoming recreation commission~~ department of state parks and cultural resources shall administer, operate and maintain the state park, excluding lands and buildings comprising the historic site as specified under W.S. 36-8-1001(e), as follows:

(i) Park development, operation and management shall be in accordance with the ~~business~~ plan specified under W.S. 36-8-1001(d). ~~The commission shall~~ department may, under lease agreement or contract management arrangement with a local public or private nonprofit entity, provide for special events at the park ~~development, operations and~~ in accordance with W.S.

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36-4-121(o) or management. ~~Upon execution of the agreement or arrangement, the local public or private nonprofit entity shall serve as the single management group for the park of specified areas of the park by the public or private entity;~~

(c) The ~~state archives, museums and historical department shall in accordance with standards of the National Historic Preservation Act, 16 U.S.C. 470, and the business plan specified under W.S. 36-8-1001(d), administer, operate and maintain the historic site comprised of lands and buildings specified under W.S. 36-8-1001(e) 36-8-1001(d) (i). As authorized under W.S. 36-8-1001(f), the department shall enter into a lease agreement or contract management arrangement with the local public or private nonprofit entity serving as the single management group pursuant to paragraph (b)(i) of this section for on-site administration of site development, maintenance and operation in accordance with conditions imposed under this subsection.~~

(d) Notwithstanding any other provision of law, the ~~terms of any agreement or arrangement entered into under subsections (b) and (c) of this section and W.S. 36-8-1001(f) may authorize the local public or private nonprofit entity serving as the single management group to~~ department may impose an admissions fee in excess of fees charged for admissions to other state parks and sites, to fund necessary expenses incurred for park and site development, operations and maintenance. ~~conducted pursuant to any lawful agreement or arrangement. Any authorization under this subsection shall require an accounting of fee revenues to the commission or department, whichever is appropriate. Unexpended or unencumbered revenues remaining at the end of any fiscal accounting period shall be maintained by the single management group in an operating~~

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~~fund for expenditure in subsequent fiscal accounting periods for purposes authorized under this subsection~~
Notwithstanding W.S. 36-4-121(h) daily admission fees collected pursuant to this subsection shall be deposited into a separate account within the earmarked revenue fund and may be expended by the department upon legislative appropriation.

Section 2. W.S. 12-4-506, 36-8-1001(d)(iii) through (vii) and (e) and 36-8-1002(b)(ii) are repealed.

Section 3. It is the intent of this act to transfer management of the Wyoming territorial state prison park and historic site from the single management group to the department of state parks and cultural resources, and for complete transfer of management to be accomplished no later than April 30, 2005. The department, with the advice and approval of the attorney general, is authorized to negotiate for and terminate any and all leases or contracts currently in existence pertaining to the management of all or any portion of the state park and historic site by any entity other than the department and to take such further actions as necessary to effectuate the intent of this act. Until such time as current leases or contracts are terminated and complete management of the park and site is vested in the department under this act, the park and site may be operated by the department or a single management group as authorized under W.S. 36-8-1001 and 36-8-1002 prior to the amendment of those provisions under this act, as mutually agreed by the department and the management group. Any funds accruing to the state as a result of the termination of any contract or lease pursuant to this act shall be remitted to the state treasurer for deposit into an account within the earmarked revenue fund. The department shall submit a copy of the plan required by W.S.

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36-8-1001(d) to the joint travel, recreation, wildlife and cultural resources interim committee.

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

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____
DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk