

CHAPTER 48

Original House Bill No. 80

HOT SPRINGS PARK AND SARATOGA HOT SPRINGS

AN ACT to create W.S. 36-4-122; to amend W.S. 9-3-706(a) introductory paragraph and (ii), 36-8-304 through 36-8-315, 36-8-318, 36-8-320, 36-8-402 and 36-8-405 through 36-8-407; and to repeal W.S. 36-4-116 and 36-8-317 relating to public lands; providing a first option to purchase the Saratoga Hot Springs State Reserve to the town of Saratoga, Wyoming; waiving the requirements of W.S. 9-3-2021(b)(vi), 36-2-101, 36-8-404 and 36-9-101 through 36-9-120 for the purpose of this option and sale only; transferring the general supervision and control of the Hot Springs State Park and the Saratoga Hot Springs State Reserve from the state board of charities and reform to the Wyoming recreation commission effective July 1, 1984; eliminating archaic provisions; providing for the commission to assume previous obligations of the board and to succeed to certain of the board's records and property; providing that previous rules and regulations will continue effective until revised; increasing the bond to be posted by the park superintendent; defining the status and authority of the park and reserve superintendents; increasing the interest to be charged on loans to improve facilities at the park; repealing provisions relating to Hot Springs State Park jail; providing for preparation of a long range plan for administration of the park; providing for care of the buffalo herds; and providing for effective dates.

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

Section 1. W.S. 36-4-122 is created to read:

36-4-122. Jurisdiction over Hot Springs state park and Saratoga Hot Springs state reserve; assumption of obligations; rules and regulations to remain effective.

(a) Upon the effective date of this section the management, control and administration of the Hot Springs state park located at Thermopolis, Hot Springs county, and the Saratoga Hot Springs state reserve located at Saratoga, Carbon county, is transferred from the state board of charities and reform to the Wyoming recreation commission. The state park and state reserve will be administered by the commission in accordance with W.S. 36-8-301 through 36-8-407.

(b) Upon the effective date of this section the commission shall be bound by all agreements, contracts and obligations incurred prior to the effective date by the state board of charities and reform in the performance of its duties in administering the state park and state reserve. The commission shall also succeed to all records, documents and other property under the control and management of the state board of charities and reform used in the performance of its previous duties.

(c) All rules, regulations and orders of the state board of charities and reform relating to the management and control of the state park and state reserve lawfully adopted prior to the effective date of this section are adopted as the rules, regulations and orders of the commission and shall continue to be effective until revised, amended or repealed pursuant to law.

Section 2. W.S. 9-3-706(a) introductory paragraph and (ii), 36-8-304 through 36-8-315, 36-8-318, 36-8-320, 36-8-402 and 36-8-405 through 36-8-407 are amended to read:

9-3-706. Powers generally.

(a) The board of charities and reform shall, besides any other powers conferred upon it by law, have:

(ii) General supervision and control of all buildings and institutions belonging to or used by the state for charitable, penal or reformatory purposes, including the state hospital at Evanston, Uinta county; the state penitentiary at or near Rawlins, Carbon county; the Wyoming soldiers' and sailors' home located at Buffalo, Johnson county; the Wyoming state training school at Lander, Fremont county; the Wyoming industrial institute located at Worland, Washakie county; the state children's home at Casper, Natrona county; the girls' industrial institute at Sheridan, Sheridan county; the Wyoming sanitarium at Basin, Big Horn county; and the Wyoming women's center at Lusk, Niobrara county. Deaf and blind persons, juvenile delinquents and orphans and other dependent children, who are not otherwise adequately provided for, are also under the jurisdiction of the board;

36-8-304. Free public baths and camping; lease of excess water and lands; power to use extra water. The Wyoming recreation commission shall retain one-fourth (1/4) of the water in the main or largest principal spring on the state land on the eastern bank of the Big Horn River with sufficient quantity of the land adjacent thereto, upon which suitable bathhouses may be constructed, which shall be open, with preference of use given free to persons who are indigent and suffering from ailments for which bathing in the waters of the Big Horn Hot Springs will afford relief. The commission may make necessary rules and regulations governing free baths, the manner and time of bathing, and may require medical examination of applicants for baths. The bathhouse shall remain open not less than ten (10) hours a day each weekday and not less than six (6) hours on Sundays and holidays. The commission may set apart a suitable location and portion of the lands for free public camping purposes. The balance of the water and lands may be leased by the commission for a term not less than five (5) years nor longer than ninety-nine (99) years. The length of the term of each individual lease shall be determined by the commission in accordance with the value of the improvements proposed and actually placed upon the leasehold. The commission may make rules and regulations with respect to the erection of buildings and improvements upon the individual leaseholds and may prescribe the plans and specifications of, and the materials to be used in the buildings to be erected. The commission in any lease may provide for such plans and buildings and such use thereof as will best carry out the purposes of this chapter in retaining the lands and waters thereon for the treatment and cure of diseases and the pleasure of the general public. The commission may conduct through pipes or otherwise any portion of the waters of the hot springs reserved for free use under this section and to provide baths and bathhouses for the use of the water at such rental or rates as it prescribes.

36-8-305. Adjudication of water right for flow of Big Horn Hot Springs. The legislature of Wyoming, by enacting section 3 of chapter 39 of the Laws of 1899, appropriated and set aside for the state of Wyoming, board of charities and reform, the total flow of the Big Horn Hot Springs at Thermopolis, Wyoming, which was estimated to have been thirteen and one-tenth (13.1) cubic feet per second in 1896. That legislation was intended to be and is hereby declared to have been an application for a permit to appropriate in behalf of the board of charities and reform the total flow of Big Horn Hot Springs at Thermopolis, Wyoming, in compliance with section 1, chapter 45 of the Laws of 1895. The bathing, medicinal, irrigation uses, and the maintenance of flow of water over the terrace between the springs and the Big Horn River are all beneficial uses and are hereby declared to be beneficial uses. The state board of control is directed to adjudicate a water right in favor of the board of charities and reform, its successors and assignees, for the flow of the Big Horn Hot Springs at Thermopolis, Wyoming, with a priority date of February 17, 1899. The actual flow for adjudicated purposes shall be determined by the state board of control by established procedure. Effective July 1, 1984 the

(b) As provided by W.S. 36-4-122 the Wyoming recreation commission is designated as successor to the state board of charities and reform under this article effective July 1, 1984.

Wyoming recreation commission is designated as successor to the state board of charities and reform under this section.

36-8-306. Transfer of lands to United States. Whenever in the judgment of the Wyoming recreation commission the interest of the state will be advanced by granting, conveying or deeding to the United States of America any tract or tracts of land within the Hot Springs State Park not otherwise disposed of, as may be fit and proper or desirable by the United States government, for the construction and maintenance of a veterans soldiers' hospital, sanitarium and recreation grounds, together with the free use of the mineral hot waters of the springs of the Hot Springs State Park, for the use of the United States of America in conducting the same, the commission shall notify the board of land commissioners and the board may grant, convey and deed to the United States of America the designated lands. The president of the board of land commissioners and commissioner of public lands are hereby authorized to make, execute and deliver all necessary instruments to complete such grants or conveyances.

36-8-307. Control use of lands; transfer of control to the Wyoming recreation commission.

(a) The lands granted by the act of congress approved on the seventh day of June, A.D. 1897, ceding to the state of Wyoming certain lands in the northeastern portion of the Shoshone Indian Reservation upon which are located the Big Horn Hot Springs, are placed under control of the state board of charities and reform or its successor and are forever set aside for the treatment and care of diseases and for sanitary and charitable purposes.

(b) As provided by W.S. 36-4-122 the Wyoming recreation commission is designated as successor to the state board of charities and reform under this article effective July 1, 1984.

36-8-308. Inspection, etc., for health purposes. The Wyoming recreation commission may call upon the state board of health to inspect, examine and report fully upon the condition of any and all hotels, bathhouses, sanitariums and buildings, and all places and localities within the limits of the Big Horn Hot Springs state park and to enforce the health laws of the state and the applicable rules and regulations of the commission.

36-8-309. Rules and regulations; adoption, penalty for violation and cancellation of leases. The Wyoming recreation commission has full power, control and supervision over the Big Horn Hot Springs State Park, located in Hot Springs county, and all property thereon. The commission may adopt rules and regulations for the government of the state park for the conservation of peace and good order within the park, and for the preservation of the property of the state therein, and of the property and people situated and residing or being therein, and to promote the well being of the people, and declare what constitutes a nuisance within the state park. Any person who violates any rule or regulation adopted and published by the commission is guilty of a misdemeanor and shall be fined not less than five dollars (\$5.00) and not more than one hundred dollars (\$100.00) or imprisoned for not more than six (6) months or both. Any offender convicted under this act may be permitted, in lieu of cash payment of a fine thus imposed, to work out the fine within the state park, at the rate of one (1) day's work for every two dollars (\$2.00) of fine. Any justice of the peace or county judge in Hot Springs county has jurisdiction of all offenses under this article. A defendant convicted under this article has a right to appeal to the district court as provided for appeals from convictions in justice of the peace courts and municipal courts. If any lessee of the state or of the commission shall refuse to comply with the order, direction, rule or regulation of the commission, or to obey any law of the state defining and punishing nuisances the commission may immediately cancel the lease.

36-8-310. Same; publication and distribution. All rules and regulations adopted by the Wyoming recreation commission for the government of the Big Horn Hot Springs State Park shall be published in pamphlet form and distributed to all officers and persons by law entitled to receive them, and to all lessees upon the state park.

36-8-311. Superintendent. The Wyoming recreation commission may appoint a superintendent of the Big Horn Hot Springs State Park who shall have charge of all the state property under the direction of the commission. The superintendent shall be a peace officer and within the boundaries of the park shall have all of the powers of a sheriff in this state. He shall be a person of good character, of sober and temperate habits, and qualified to perform the duties of the office. He shall serve at the pleasure of the commission, and before entering upon the duties of his office he shall execute a bond in the sum of ten thousand dollars (\$10,000.00) with sufficient sureties, to be approved by the commission, to the people of the state of Wyoming, conditioned upon the faithful performance of his duties. The superintendent shall collect all rentals and other accounts due the state park, and upon the first business day of each month make a full report of all the collections and deliver the money collected to the commission. The superintendent shall make such other reports and accountings as required by the commission.

36-8-312. Deputies. The superintendent of the Big Horn Hot Springs State Park may appoint, upon approval of the Wyoming recreation commission, deputies as are necessary for the proper control and conduct of the affairs of the park to enforce the laws of the state as they pertain to the park and for the enforcement of the rules and regulations made by the commission for the park. The appointments shall be certified by the superintendent to the commission, and the approval of the commission shall in turn be certified to the superintendent before the deputies shall be qualified to act under this article. The deputies shall be persons of good character and qualified to perform the duties for which they are appointed. The deputies shall be peace officers and within the boundaries of the park shall have all the powers of deputy sheriffs in this state.

36-8-313. Attendant for free bathhouse. The Wyoming recreation commission shall appoint a qualified elector of this state, of good character and temperate habits, to be an attendant at the free bathhouse of the Big Horn Hot Springs. The attendant shall receive a salary as determined by the commission and shall keep the bathhouses and grounds surrounding the same in a clean, healthful and sanitary condition, and shall perform such other duties under the supervision of the superintendent of the park as the commission may direct.

36-8-314. Gambling prohibited; sale of alcoholic beverages regulated; violations. Gambling in any form is prohibited within the park. The sale of alcoholic liquor except for medicinal purposes shall be subject to any terms, conditions, regulations and license fees as the Wyoming recreation commission may determine and prescribe in addition to any requirement for the procurement of a license prescribed by law. Any violation of the provisions of this section or any term, condition or regulation prescribed by the commission shall be sufficient ground for the commission to cancel the lease of any violator, who shall be subject to expulsion from the state land in addition to any penalty herein prescribed, or prescribed by the laws of Wyoming.

36-8-315. Penalty for public health violations. Any person who maintains a filthy, unwholesome or offensive house, hotel, bathhouse, sanitarium, dwelling, stable, privy or privy vault, drainpipe or sewer, which is a menace to the public health, or who fails to comply with any order, rule, direction or regulation of the Wyoming recreation commission or the state board of health is guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding one hundred dollars (\$100.00) or imprisoned in the county jail for not more than six (6) months, or both.

36-8-318. Bond issue to upgrade facilities; authority generally. The farm loan board, with the advice and approval of the Wyoming recreation commission, may issue its nonnegotiable debenture bonds in a total sum not in excess of two million dollars (\$2,000,000.00) for the purpose of and in order to improve and upgrade the business enterprises and guest accommodations at the "Hot Springs State Park", Thermopolis, Wyoming. The farm loan board is further authorized to negotiate and make loans to persons, firms and corporations of this state for such purpose. No loan shall exceed one million dollars (\$1,000,000.00) to any

one (1) person, firm or corporation. The interest to be charged shall not be less than six percent (6%) nor more than twelve percent (12%) per annum and the loan shall be for a term not to exceed thirty (30) years. No loan shall exceed seventy-five percent (75%) of the cost of any construction project.

36-8-320. Same; regulation of loans. The Wyoming recreation commission, with the approval of the farm loan board, shall approve the location, plans and specifications of loan applicants and make rules and regulations concerning the loans as it deems advisable, but all loans shall be secured by a mortgage or lien upon all the property of the project.

36-8-402. Control and use of property; transfer of control to the Wyoming recreation commission.

(a) The property described in W.S. 36-8-401 is placed under control of the state board of charities and reform or its successors and forever set aside for the treatment and care of diseases and for sanitary, charitable and such other purposes as determined by the board or its successors.

(b) As provided by W.S. 36-4-122 the Wyoming recreation commission is designated as successor to the state board of charities and reform under this article effective July 1, 1984.

36-8-405. Lease of lands and improvements. The Wyoming recreation commission may lease the lands and improvements referred to in W.S. 36-8-403 to any person, association, firm or corporation for any lawful purpose, for any term not in excess of ninety-nine (99) years.

36-8-406. Depositing and crediting of monies. All monies received by the Wyoming recreation commission in rentals for the whole or for parts of the land embraced in the Saratoga Hot Springs State Reserve, or for buildings or springs on the reserve, or any money that shall accrue to the credit of the Saratoga Hot Springs State Reserve from any source shall be deposited in the state treasury and credited to the general fund.

36-8-407. Superintendent. The Wyoming recreation commission may appoint a superintendent of the lands, who shall, within the boundaries of the reserve be a peace officer and shall have all the powers usually possessed by a sheriff in this state.

Section 3. W.S. 36-4-116 and 36-8-317 are repealed.

Section 4. W.S. 36-8-318 is amended to read:

36-8-318. Bond issue to upgrade facilities; authority generally. The farm loan board, with the advice and approval of the state board of charities and reform, may issue its nonnegotiable debenture bonds in a total sum not in excess of two million dollars (\$2,000,000.00) for the purpose of and in order to improve and upgrade the business enterprises and guest accommodations at the "Hot Springs State Park", Thermopolis, Wyoming. The farm loan board may negotiate and make loans to persons, firms and corporations of this state for such purpose, but not more than one million dollars (\$1,000,000.00) shall be loaned to any one (1) person, firm or corporation. The interest to be charged shall not be less than six percent (6%) nor more than twelve percent (12%) per annum and the loan shall be for a term not to exceed thirty (30) years. No loan shall exceed seventy-five percent (75%) of the cost of any construction project.

Section 5. The Town of Saratoga in Carbon County, Wyoming is granted a first right and option to purchase the acquired lands, property and improvements known as Saratoga Hot Springs State Reserve, subject to the requirement that the land, property and improvements, shall be held and maintained by the town of Saratoga as a public park or other facility open to the public, and that if they shall cease to be so maintained, or shall be sold without the consent of the legislature, the lands, property and improvements shall revert to the state of Wyoming. The purchase price shall be the appraised value of the rights in the land, property and improvements being conveyed as determined by an appraisal conducted as the state board of land commissioners may direct. The lands subject to this first right and option are those described in W.S. 36-8-401, or as much thereof as the state of Wyoming retains title, together with any other lands acquired and owned by the state of Wyoming and incorporated in the Saratoga Hot Springs State Reserve. The first right and option is granted for a period of one (1) year from the effective date of this act. The purchase price shall be paid in full upon exercise of the option and within the term of the option. For the purpose of this option and the sale contemplated hereunder, the requirements of W.S. 9-3-2021(b)(iv), 36-2-101, 36-8-404 and 36-9-101 through 36-9-120 are waived.

Section 6. The staff of the recreation commission shall assist the staff of the board of charities and reform in preparing for the transfer of administration by preparing a long range plan for the Hot Springs State Park prior to July 1, 1984, and making recommendations for the current administration of the park. The board of charities and reform may expend a portion of its budget category 201 maintenance funds to assist this planning and consultation effort.

Section 7. As long as the herd of buffalo at Hot Springs State Park is under the state's control, the board of charities and reform shall provide for the supervision and maintenance of that herd until the effective date of Sections 1, 2 and 3 of this act.

Section 8. Sections 1, 2 and 3 of this act are effective July 1, 1984.

Section 9. This act, excluding Sections 1, 2 and 3, 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.

Approved March 9, 1982.