

ORIGINAL HOUSE
BILL NO. HB0067

ENROLLED ACT NO. 27, HOUSE OF REPRESENTATIVES

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2024 BUDGET SESSION

AN ACT relating to state lands; providing for the administration of the Wyoming outdoor recreation and tourism trust fund; creating the Wyoming outdoor recreation and tourism trust fund income account; establishing new duties for the select natural resource funding committee; providing for the distribution of funds; requiring audits and reports; providing for rulemaking; providing appropriations; and providing for an effective date.

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

Section 1. W.S. 36-4-204 through 36-4-206 are created to read:

36-4-204. Wyoming outdoor recreation and tourism trust account board established; terms; meetings; duties, conflict of interest.

(a) There is created the Wyoming outdoor recreation and tourism trust account board. The board shall consist of nine (9) members appointed by the governor and confirmed by the senate, who shall be residents of Wyoming. The members shall be appointed from each of the judicial districts set forth in W.S. 5-3-101. The board membership shall reflect a broad spectrum of outdoor recreation experiences, which may include wildlife management, sportsmen, tourism, motorized and non-motorized recreation and private land ownership.

(b) Except as otherwise provided by this subsection, each appointed member of the board shall serve for a term of six (6) years and may be reappointed for one (1) consecutive, additional term. Upon creation of the Wyoming outdoor recreation and tourism trust account board, three (3) members of the board shall be appointed for a term of two (2) years, three (3) members shall be appointed for a

ORIGINAL HOUSE
BILL NO. HB0067

ENROLLED ACT NO. 27, HOUSE OF REPRESENTATIVES

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2024 BUDGET SESSION

term of four (4) years and three (3) members shall be appointed for a term of six (6) years. The governor may remove any member as provided in W.S. 9-1-202. Any vacancy occurring between sessions of the legislature may be filled by the governor as provided under W.S. 28-12-101(b). The board shall select one (1) of its members to serve as chairman.

(c) The secretary to the board shall be the manager of the Wyoming outdoor recreation office within the department of state parks and cultural resources. The secretary to the board shall administer funds at the direction of the board and shall further act as liaison for the board to other state, federal and local governmental entities, the Eastern Shoshone and Northern Arapaho tribes, or the cooperative tribal governing body, as well as nonprofit organizations, residents and nonresidents who seek to provide input regarding grant proposals.

(d) The board shall meet regularly, not less than four (4) time per year. Members shall serve without compensation but shall be reimbursed for expenses incurred in the performance of their duties in the manner and amounts provided by law for state employees.

(e) The board shall receive and evaluate applications for grants from the income account and shall forward applications for large projects to the select committee for review and recommendation. The board may approve grants for any small project. Funds in the income account are continuously appropriated for small project grants approved by the board and for approved large projects as specified by W.S. 36-4-203(e).

ORIGINAL HOUSE
BILL NO. HB0067

ENROLLED ACT NO. 27, HOUSE OF REPRESENTATIVES

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2024 BUDGET SESSION

(f) The board shall adopt rules and regulations in accordance with the Wyoming Administrative Procedure Act as necessary to carry out its duties under this act, including rules and regulations to:

(i) Establish criteria for grants from the income account which accomplish the purposes of this act;

(ii) Establish criteria for matching funds or other in-kind contributions from grantees;

(iii) Evaluate and rank grant proposals, with emphasis on those projects that include support from multiple partners and funding sources;

(iv) Review and monitor grants to grantees;

(v) Evaluate the effects of grant proposals on providing recreation and tourism opportunities for residents and nonresidents;

(vi) Establish criteria for the acceptance or rejection of gifts, transfers, bequests and donations including interests in real or personal property, which criteria shall be consistent with this act. Based on those criteria, the board shall make a recommendation regarding the acceptance of any fee simple interest in real property to the board of land commissioners. Based on the board's recommendation, the board of land commissioners shall make a final determination on acceptance or rejection of any fee simple interest in real property under this act;

(vii) Consider the benefits and impacts of grant proposals on local communities, including its socioeconomic, cultural, natural and wildlife resources;

ORIGINAL HOUSE
BILL NO. HB0067

ENROLLED ACT NO. 27, HOUSE OF REPRESENTATIVES

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2024 BUDGET SESSION

(viii) Consult, or ensure that the applicant has consulted, with other governmental entities, the Eastern Shoshone or Northern Arapaho tribe, or the cooperative tribal governing body, stakeholders and nonprofit organizations, as appropriate.

(g) In fulfilling its duties under this act the board may:

(i) Accept or decline federal grants and other contributions, grants, gifts, transfers, bequests and donations of any money, personal property or interests in real property other than a fee simple interest from any source. The board shall make a recommendation regarding the acceptance of any fee simple interest in real property to the board of land commissioners;

(ii) Recommend to the joint appropriations committee and the select committee that funds be transferred from the income account to the trust account.

(h) No board member shall vote or otherwise participate in any matter regarding a contract or project in which the board member has a financial or personal interest. When such interest appears, the board member shall make such interest known, and shall thenceforth refrain from voting on or otherwise participating in the particular matter involving such interest.

(j) The board shall annually report to the governor, the joint appropriations committee, the select committee and the joint travel, recreation, wildlife and cultural resources interim committee no later than October 1 with respect to all federal grants, state appropriations and

ORIGINAL HOUSE
BILL NO. HB0067

ENROLLED ACT NO. 27, HOUSE OF REPRESENTATIVES

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2024 BUDGET SESSION

other contributions, grants, gifts, bequests and donations received and credited to the trust account or income account during the preceding fiscal year. The report shall include all grants awarded by the board to governmental entities, the Eastern Shoshone or Northern Arapaho tribe, or the cooperative tribal governing body and nonprofit organizations and progress made toward the condition of any grant made.

36-4-205. Grant applications; eligible entities.

(a) The board shall only grant funds to governmental entities, the Eastern Shoshone and Northern Arapaho tribes, or the cooperative tribal governing body and nonprofit organizations. The board shall award grants in accordance with W.S. 36-4-204(e) and (f). The board shall have the discretion to determine the amount of each grant and any conditions attached to the grant.

(b) Grants by the board shall not provide a supplement to, or replacement of, the operating budget of any governmental entity or nonprofit organization except as those funds are directly related to the purposes of the grant.

(c) No grants shall be awarded under this act until rules and regulations adopted by the board pursuant to W.S. 36-4-204(f) have become effective.

36-4-206. Audits.

The director of the department of audit or his designee shall audit the trust and income accounts on a regular basis. Copies of the audit shall be provided to the governor, the joint appropriations committee, the select

ORIGINAL HOUSE
BILL NO. HB0067

ENROLLED ACT NO. 27, HOUSE OF REPRESENTATIVES

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2024 BUDGET SESSION

committee and the joint travel, recreation, wildlife and cultural resources interim committee.

Section 2. W.S. 28-11-401(b) by creating new paragraphs (iv) and (v), (c)(intro), (i) and (d) by creating new paragraph (iii), 36-4-202(a) by creating new paragraphs (i) through (vi), by renumbering paragraph (i) as (vii) and by amending and renumbering paragraph (ii) as (viii) and 36-4-203 are amended to read:

28-11-401. Appointment of members; powers and duties; related duties of the wildlife and natural resource trust account board and the outdoor recreation and tourism trust account board.

(b) The select committee shall:

(iv) Monitor the outdoor recreation and tourism trust account board's progress with regard to projects specified in W.S. 36-4-201 et seq. and other projects specified by law;

(v) Review the budgets of all projects funded from the outdoor recreation and tourism trust income account as created in W.S. 36-4-203(b) and sponsor legislation to fund expenditures from the account as recommended by the select committee.

(c) The wildlife and natural resource trust account board and the outdoor recreation and tourism trust account board shall:

(i) Provide the select committee with notice of all board meetings. The select committee ~~and the board~~ may hold joint meetings with either or both boards;

ORIGINAL HOUSE
BILL NO. HB0067

ENROLLED ACT NO. 27, HOUSE OF REPRESENTATIVES

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2024 BUDGET SESSION

(d) The select committee may:

(iii) Review the project grant applications for large projects forwarded by the outdoor recreation and tourism trust account board.

36-4-202. Definitions.

(a) As used in this act:

(i) "Board" means the Wyoming outdoor recreation and tourism trust account board created by W.S. 36-4-204;

(ii) "Income account" means the Wyoming outdoor recreation and tourism trust income account created by W.S. 36-4-203(b);

(iii) "Large project" means a project for which the total of all grants sought or previously awarded under this act equals or exceeds two hundred thousand dollars (\$200,000.00);

(iv) "Outdoor recreation infrastructure" means the physical facilities and structures that support outdoor recreational activities and experiences for residents and nonresidents, including, but not limited to, parking, staging areas, trails, campgrounds, picnic areas, boat launches, fishing piers, observation decks, wildlife viewing areas and visitor centers;

(v) "Select committee" means the select natural resource funding committee created by W.S. 28-11-401;

ORIGINAL HOUSE
BILL NO. HB0067

ENROLLED ACT NO. 27, HOUSE OF REPRESENTATIVES

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2024 BUDGET SESSION

(vi) "Small project" means a project for which the total of all grants sought or previously awarded under this act is less than two hundred thousand dollars (\$200,000.00);

(i)(vii) "Trust account" means the Wyoming outdoor recreation and tourism trust fund account created by W.S. 36-4-203(a);

(ii)(viii) "This act" means W.S 36-4-201 through ~~36-4-203~~ 36-4-206.

36-4-203. Wyoming outdoor recreation and tourism trust fund account and trust fund income account; creation; source of funds.

(a) The Wyoming outdoor recreation and tourism trust fund account is created. The trust account shall consist of those funds designated to the account by law and all monies collected from federal grants and other contributions, grants, gifts, bequests and donations in the trust account. The trust account is specifically empowered to accept grants, gifts, transfers, bequests and donations. Funds deposited within the trust account shall be inviolate and constitute a perpetual trust fund which shall be invested by the state treasurer as authorized by law and in a manner to obtain the highest return possible consistent with preservation of the trust account corpus.

(b) The Wyoming outdoor recreation and tourism trust fund income account is created. Except as otherwise provided in this subsection, the state treasurer shall credit annually to the income account all earnings from funds in both the income account and in the trust account. Until the earlier of July 1, 2026 or when the corpus of the

ORIGINAL HOUSE
BILL NO. HB0067

ENROLLED ACT NO. 27, HOUSE OF REPRESENTATIVES

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2024 BUDGET SESSION

trust account equals or exceeds two hundred million dollars (\$200,000,000.00), all earnings from the trust account and income account shall be credited to the trust account. The legislature may appropriate funds directly to the trust account or income account for investment or distribution in accordance with the terms of this act. Any appropriated funds without a designation shall be credited directly by the state treasurer to the income account.

(c) Any person may grant, give, transfer, bequest or donate funds to the Wyoming outdoor recreation and tourism trust fund account or the income account created by this section. The person may specify in writing whether the funds should be credited to the trust account or the income account and if no specification is made, the funds shall be credited to the income account.

(d) The board may expend funds from the income account for administrative expenses authorized under this act without further legislative action. Additional expenditures from the income account may be made by the board without further legislative action for the following purposes:

(i) Planning, design, improvement, construction and maintenance of existing or new outdoor recreational infrastructure;

(ii) Acquisition of public access easements necessary to enhance outdoor recreational infrastructure.

(e) No funds shall be expended from the income account for large projects except upon specific legislative authorization. Following the initial legislative authorization to expend funds for a large project, the

ORIGINAL HOUSE
BILL NO. HB0067

ENROLLED ACT NO. 27, HOUSE OF REPRESENTATIVES

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2024 BUDGET SESSION

board may approve additional grants for that large project not to equal or exceed a total amount of an additional two hundred thousand dollars (\$200,000.00). The board shall forward a notice of any such additional grant award to the select committee within thirty (30) days of each approval. Subsequent legislative authorization shall be required for any grant in excess of the limits of this subsection.

(f) The board shall not have the power of eminent domain.

(g) Every public access easement funded in whole or in part with monies made available by this act shall bind the parties thereto to an agreement which provides that the state of Wyoming is a third party beneficiary to the easement solely with the contingent right to enforce the terms of the easement if the grantee fails to enforce any of the terms of the easement. The agreement shall provide that if the easement is transferred for value, sold or extinguished without the consent of the board, the state of Wyoming shall have the right to either take legal action to enforce the terms of the easement or to recover from the proceeds of the transfer for value, sale or extinguishment, the state's pro rata share of the proceeds based on the funds the state provided for the creation of the easement.

(h) No funds shall be disbursed under this act unless the person receiving the funds certifies that no gratuities, kickbacks, gifts, commissions, contingency fees or other considerations have been or will be made in connection with the appropriation or the associated grant made by the board.

Section 3.

ORIGINAL HOUSE
BILL NO. HB0067

ENROLLED ACT NO. 27, HOUSE OF REPRESENTATIVES

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2024 BUDGET SESSION

(a) There is appropriated fifty thousand dollars (\$50,000.00) from the Wyoming outdoor recreation and tourism trust fund account to the Wyoming outdoor recreation and tourism trust income account for purposes of administrative expenses and costs of implementing the provisions of this act by the trust board. This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2026. This appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert to the Wyoming outdoor recreation and tourism trust fund account on June 30, 2026.

(b) Beginning with the fiscal biennium commencing on July 1, 2026 and ending June 30, 2028, and for each fiscal biennium thereafter, of any six million dollar (\$6,000,000.00) recurring biennial appropriation from the Wyoming tourism reserve and projects account under 2023 Wyoming Session Laws, Chapter 153, Section 2, four million dollars (\$4,000,000.00) is appropriated to the Wyoming outdoor recreation and tourism trust fund account and two million dollars (\$2,000,000.00) is appropriated to the Wyoming outdoor recreation and tourism trust fund income account. These appropriations shall be expended consistent with W.S. 36-4-201 through 36-4-206, as created and amended by this act. Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207, these appropriations shall remain in effect and not lapse or revert at the end of any fiscal period except upon further legislative action.

Section 4. 2023 Wyoming Session Laws, Chapter 153, Section 2 is amended to read:

ORIGINAL HOUSE
BILL NO. HB0067

ENROLLED ACT NO. 27, HOUSE OF REPRESENTATIVES

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2024 BUDGET SESSION

Section 2. There is appropriated six million dollars (\$6,000,000.00) from the Wyoming tourism reserve and projects account created by W.S. 39-15-111(p)(i)(B) to the Wyoming outdoor recreation and tourism trust fund account or the Wyoming outdoor recreation and tourism trust fund income account, as specified by the legislature. Subject to legislative approval, this appropriation shall be a recurring biennial appropriation. Any recurring appropriation may be divided between the Wyoming outdoor recreation and tourism trust fund account and the Wyoming outdoor recreation and tourism trust income account as directed by the legislature. This appropriation shall not be transferred or expended without further legislative authorization. Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207, this appropriation shall remain in effect and not lapse or revert at the end of the fiscal period except upon further legislative action.

ORIGINAL HOUSE
BILL NO. HB0067

ENROLLED ACT NO. 27, HOUSE OF REPRESENTATIVES

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2024 BUDGET SESSION

Section 5. This act is effective July 1, 2024.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk