

SENATE FILE NO. SF0040

Outdoor Recreation and Tourism Trust Fund Administration.

Sponsored by: Joint Travel, Recreation, Wildlife & Cultural
Resources Interim Committee

A BILL

for

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

9

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

11

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

14

1 **36-4-204. Wyoming outdoor recreation and tourism**
2 **trust account board established; terms; meetings; duties,**
3 **conflict of interest.**

4
5 (a) There is created the Wyoming outdoor recreation
6 and tourism trust account board. The board shall consist of
7 nine (9) members appointed by the governor and confirmed by
8 the senate, who shall be residents of Wyoming. The members
9 shall be appointed from each of the judicial districts set
10 forth in W.S. 5-3-101. The board membership shall reflect a
11 broad spectrum of outdoor recreation experiences, which may
12 include wildlife management, sportsmen, tourism, motorized
13 and non-motorized recreation and private land ownership.

14
15 (b) Except as otherwise provided by this subsection,
16 each appointed member of the board shall serve for a term
17 of six (6) years and may be reappointed for one (1)
18 consecutive, additional term. Upon creation of the Wyoming
19 outdoor recreation and tourism trust account board, three
20 (3) members of the board shall be appointed for a term of
21 two (2) years, three (3) members shall be appointed for a
22 term of four (4) years and three (3) members shall be
23 appointed for a term of six (6) years. The governor may

1 remove any member as provided in W.S. 9-1-202. Any vacancy
2 occurring between sessions of the legislature may be filled
3 by the governor as provided under W.S. 28-12-101(b). The
4 board shall select one (1) of its members to serve as
5 chairman.

6

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

17

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

23

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

9

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

14

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

17

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

20

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

1

2 (iv) Review and monitor grants to grantees;

3

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

7

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

18

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

22

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

6

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

9

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

17

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

21

22 (h) No board member shall vote or otherwise
23 participate in any matter regarding a contract or project

1 in which the board member has a financial or personal
2 interest. When such interest appears, the board member or
3 employee shall make such interest known, and shall
4 thenceforth refrain from voting on or otherwise
5 participating in the particular matter involving such
6 interest.

7

8 (j) The board shall annually report to the governor,
9 the joint appropriations committee, the select committee
10 and the joint travel, recreation, wildlife and cultural
11 resources interim committee no later than October 1 with
12 respect to all federal grants, state appropriations and
13 other contributions, grants, gifts, bequests and donations
14 received and credited to the trust account or income
15 account during the preceding fiscal year. The report shall
16 include all grants awarded by the board to governmental
17 entities, the Eastern Shoshone or Northern Arapaho tribe,
18 or the cooperative tribal governing body and nonprofit
19 organizations and progress made toward the condition of any
20 grant made.

21

22 **36-4-205. Grant applications; eligible entities.**

23

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

8

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

14

15 (c) No grants shall be awarded under this act until
16 rules and regulations adopted by the board pursuant to W.S.
17 36-4-204(f) have become effective.

18

19 **36-4-206. Audits.**

20

21 The director of the department of audit or his designee
22 shall audit the trust and income accounts on a regular
23 basis. Copies of the audit shall be provided to the

1 governor, the joint appropriations committee, the select
2 committee and the joint travel, recreation, wildlife and
3 cultural resources interim committee.

4

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

11

12 **28-11-401. Appointment of members; powers and duties;**
13 **related duties of the wildlife and natural resource trust**
14 **account board and the outdoor recreation and tourism trust**
15 **account board.**

16

17 (b) The select committee shall:

18

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

23

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

6
7 (c) The wildlife and natural resource trust account
8 board and the outdoor recreation and tourism trust account
9 board shall:

10
11 (i) Provide the select committee with notice of
12 all board meetings. The select committee ~~and the board~~ may
13 hold joint meetings with either or both boards;

14
15 (d) The select committee may:

16
17 (iii) Review the project grant applications for
18 large projects forwarded by the outdoor recreation and
19 tourism trust account board.

20
21 **36-4-202. Definitions.**

22
23 (a) As used in this act:

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2

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

4

5

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

8

9

(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);

13

14

(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;

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22

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

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(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

1 grants, gifts, transfers, bequests and donations. Funds
2 deposited within the trust account shall be inviolate and
3 constitute a perpetual trust fund which shall be invested
4 by the state treasurer as authorized by law and in a manner
5 to obtain the highest return possible consistent with
6 preservation of the trust account corpus.

7

8 (b) The Wyoming outdoor recreation and tourism trust
9 fund income account is created. Except as otherwise
10 provided in this subsection, the state treasurer shall
11 credit annually to the income account all earnings from
12 funds in both the income account and in the trust account.
13 Until the earlier of July 1, 2026 or when the corpus of the
14 trust account equals or exceeds two hundred million dollars
15 (\$200,000,000.00), all earnings from the trust account and
16 income account shall be credited to the trust account. The
17 legislature may appropriate funds directly to the trust
18 account or income account for investment or distribution in
19 accordance with the terms of this act. Any appropriated
20 funds without a designation shall be credited directly by
21 the state treasurer to the income account.

22

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

8
9 (d) The board may expend funds from the income
10 account for administrative expenses authorized under this
11 act without further legislative action. Additional
12 expenditures from the income account may be made by the
13 board without further legislative action for the following
14 purposes:

15
16 (i) Planning, design, improvement, construction
17 and maintenance of existing or new outdoor recreational
18 infrastructure;

19
20 (ii) Acquisition of public access easements
21 necessary to enhance outdoor recreational infrastructure.

22

1 (e) No funds shall be expended from the income
2 account for large projects except upon specific legislative
3 authorization. Following the initial legislative
4 authorization to expend funds for a large project, the
5 board may approve additional grants for that large project
6 not to equal or exceed a total amount of an additional two
7 hundred thousand dollars (\$200,000.00). The board shall
8 forward a notice of any such additional grant award to the
9 select committee within thirty (30) days of each approval.
10 Subsequent legislative authorization shall be required for
11 any grant in excess of the limits of this subsection.

12
13 (f) The board shall not have the power of eminent
14 domain.

15
16 (g) Every public access easement funded in whole or
17 in part with monies made available by this act shall bind
18 the parties thereto to an agreement which provides that the
19 state of Wyoming is a third party beneficiary to the
20 easement solely with the contingent right to enforce the
21 terms of the easement if the grantee fails to enforce any
22 of the terms of the easement. The agreement shall provide
23 that if the easement is transferred for value, sold or

1 extinguished without the consent of the board, the state of
2 Wyoming shall have the right to either take legal action to
3 enforce the terms of the easement or to recover from the
4 proceeds of the transfer for value, sale or extinguishment,
5 the state's pro rata share of the proceeds based on the
6 funds the state provided for the creation of the easement.

7
8 (h) No funds shall be disbursed under this act unless
9 the person receiving the funds certifies that no
10 gratuities, kickbacks, gifts, commissions, contingency fees
11 or other considerations have been or will be made in
12 connection with the appropriation or the associated grant
13 made by the board.

14
15 **Section 3.**

16
17 (a) There is appropriated fifty thousand dollars
18 (\$50,000.00) from the general fund to the Wyoming outdoor
19 recreation and tourism trust income account for purposes of
20 administrative expenses and costs of implementing the
21 provisions of this act by the trust board. This
22 appropriation shall be for the period beginning with the
23 effective date of this act and ending June 30, 2026. This

1 appropriation shall not be transferred or expended for any
2 other purpose and any unexpended, unobligated funds
3 remaining from this appropriation shall revert as provided
4 by law on June 30, 2026. It is the intent of the
5 legislature that this appropriation not be included in the
6 Wyoming outdoor recreation and tourism trust account
7 board's standard budget for the immediately succeeding
8 fiscal biennium.

9

10 (b) Beginning with the fiscal biennium commencing on
11 July 1, 2026 and ending June 30, 2028, and for each fiscal
12 biennium thereafter, of any six million dollar
13 (\$6,000,000.00) recurring biennial appropriation from the
14 Wyoming tourism reserve and projects account under 2023
15 Wyoming Session Laws, Chapter 153, Section 2, four million
16 dollars (\$4,000,000.00) is appropriated to the Wyoming
17 outdoor recreation and tourism trust fund account and two
18 million dollars (\$2,000,000.00) is appropriated to the
19 Wyoming outdoor recreation and tourism trust fund income
20 account. These appropriations shall be expended consistent
21 with W.S. 36-4-201 through 36-4-206, as created and amended
22 by this act. Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and
23 9-4-207, these appropriations shall remain in effect and not

1 lapse or revert at the end of any fiscal period except upon
2 further legislative action.

3

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

6

7 **Section 2.** There is appropriated six
8 million dollars (\$6,000,000.00) from the Wyoming
9 tourism reserve and projects account created by
10 W.S. 39-15-111(p)(i)(B) to the Wyoming outdoor
11 recreation and tourism trust fund account or the
12 Wyoming outdoor recreation and tourism trust fund
13 income account, as specified by the legislature.

14 Subject to legislative approval, this
15 appropriation shall be a recurring biennial
16 appropriation. Any recurring appropriation may be
17 divided between the Wyoming outdoor recreation
18 and tourism trust fund account and the Wyoming
19 outdoor recreation and tourism trust income
20 account as directed by the legislature. This
21 appropriation shall not be transferred or
22 expended without further legislative
23 authorization. Notwithstanding W.S. 9-2-1008,

1 9-2-1012(e) and 9-4-207, this appropriation shall
2 remain in effect and not lapse or revert at the
3 end of the fiscal period except upon further
4 legislative action.

5

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

7

8

(END)