



HB0074

Wyoming outdoor recreation and tourism trust fund.

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

AN ACT relating to state lands; creating a Wyoming outdoor recreation and tourism trust fund account; providing funding for the trust account; providing an appropriation; and providing for an effective date.

1/3/2023 Bill Number Assigned
1/6/2023 H Received for Introduction
1/11/2023 H Introduced and Referred to H06 - Travel
1/18/2023 H06 - Travel:Recommend Amend and Do Pass 6-2-1-0-0

ROLL CALL

Ayes: Representative(s) Angelos, Burkhart, Jr, Byron, Larson, Storer, Western
Nays: Representative(s) Singh, Winter
Excused: Representative Newsome
Ayes 6 Nays 2 Excused 1 Absent 0 Conflicts 0

1/18/2023 :Rerefer to H02 - Appropriations
1/20/2023 H02 - Appropriations:Recommend Amend and Do Pass 7-0-0-0-0

ROLL CALL

Ayes: Representative(s) Henderson, Larsen, Nicholas, Sherwood, Stith, Walters, Zwonitzer
Ayes 7 Nays 0 Excused 0 Absent 0 Conflicts 0

1/20/2023 H Placed on General File

**HB0074HS001.01/ADOPTED [DIVIDED AMENDMENT]
(CORRECTED CORRECTED COPY)**

- Page 1-line 5 After "amendment;" insert "providing an appropriation;".
- Page 4-line 5 After "trust account." delete balance of line.
- Page 4-lines 6 through 8 Delete entirely.
- Page 4-line 9 Delete line through "account.".
- Page 4-line 15 After "funds" insert "in excess of two hundred fifty thousand dollars (\$250,000.00) for one (1) single project".
- Page 5-line 17 Delete "necessary".
- Page 8-line 12 Delete "as necessary".
- Page 9-line 9 After "grantee" insert "to consult with the Wyoming game and fish department prior to application and".
- Page 9-line 20 After "(g)" delete balance of line.

Page 9-line 21 Delete entirely and insert "is amended".

Page 10-lines 7 through 22 Delete entirely.

Page 11-lines 1 through 16 Delete entirely.

Page 11-after line 16 Insert:

"Section 3. 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 trust fund account for purposes of administering this act. Subject to legislative approval, this appropriation shall be a recurring biennial appropriation. This appropriation shall not be transferred or expended for any other purpose. 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."

Page 11-line 18 Delete "**Section 3.**" and insert "**Section 4.**".
WESTERN, VICE-CHAIRMAN

**HB0074HS001.02/FAILED [DIVIDED AMENDMENT]
(CORRECTED CORRECTED COPY)**

Page 5-line 18 After "infrastructure." insert "Grants shall be provided to all counties based on the counties' inverse proportional share of tourism income as determined by the department of tourism.". WESTERN, VICE-CHAIRMAN

HB0074HS002/FAILED

Page 11-after line 16 In the first House standing committee amendment (HB0074HS001/AC) to this line, after "39-15-111(p)(i)(B)" insert "and six million dollars (\$6,000,000.00) from the general fund". NICHOLAS, CHAIRMAN

HB0074HW001/FAILED

Page 1-line 5 Delete the first House standing committee amendment (HB0074HS001/AC) to this line entirely.

Page 1-line 10 Delete entirely and insert "**Section 1.** W.S. 9-4-226, 36-4-201 through 36-4-206 are created".

Page 1-after line 11 Insert:

"9-4-226. Wyoming tourism reserve and projects account.

The Wyoming tourism reserve and projects account initially created under W.S. 39-15-111(p)(i)(B) is continued. All funds within the account shall be invested by the state treasurer as authorized by law. Funds within the account shall only be expended upon legislative appropriation, except that the state auditor shall transfer from the unobligated, unexpended cash balance on a quarterly basis one million five hundred thousand dollars (\$1,500,000.00) or as much thereof as is available to the Wyoming outdoor recreation trust fund."

Page 9-line 21 In the first House standing committee amendment (HB0074HS001/AC) to this line, delete "is" and insert "and 39-15-111(p)(i)(B) are".

Page 10-after line 5 Insert:

"39-15-111. Distribution.

(p) All revenue collected by the department under W.S. 39-15-104(h) shall be distributed as follows:

(i) The department shall credit the revenue collected under W.S. 39-15-104(h)(i) as follows:

(B) Any amount of revenue that exceeds the amount determined under subparagraph (A) of this paragraph shall be deposited as provided in this subparagraph. Revenue under this subparagraph shall be transferred to the Wyoming tourism reserve and projects account, ~~which is hereby created. No funds shall be expended from the account until appropriated by the legislature.~~

Page 11-after line 16 Delete the first House standing committee amendment (HB0074HS001/AC) and the second House standing committee amendment (HB0074HS002/A) to this line entirely. WALTERS

1/25/2023 H COW:Passed

HB0074H2001/FAILED

Page 11-after line 16 In the House standing committee amendment (HB0074HS001.01/ACC) to this line, delete "Subject to legislative approval, this appropriation shall be a recurring biennial appropriation.". ZWONITZER, DN

HB0074H2002/FAILED

Page 4-line 15 In the House standing committee amendment (HB0074HS001.01/ACC) to this line, delete "two hundred fifty thousand dollars (\$250,000.00)" and insert "one hundred thousand dollars (\$100,000.00)". ANGELOS

1/26/2023 H 2nd Reading:Passed

HB0074H3001/FAILED

Page 11-after line 16 In the House standing committee amendment (HB0074HS001.01/AC) to this line, after "a recurring biennial appropriation" insert "until the corpus of the Wyoming outdoor recreation trust fund account equals or exceeds fifty million dollars (\$50,000,000.00)". STORER, BURKHART, KNAPP, WESTERN

HB0074H3002/FAILED

Delete the Storer et al. third reading amendment (HB0074H3001/A) entirely and further amend as follows:

Page 11-after line 16 In the House standing committee amendment (HB0074HS001.01/AC) to this line, after "a recurring biennial appropriation" insert "until the corpus of the Wyoming outdoor recreation trust fund account equals or

exceeds twelve million dollars (\$12,000,000.00)".
ZWONITZER, DV

1/27/2023 H 3rd Reading:Passed 35-26-1-0-0

ROLL CALL

Ayes: Representative(s) Allred, Andrew, Angelos, Banks, Berger, Burkhart, Jr, Byron, Chadwick, Chestek, Clouston, Conrad, Haroldson, Harshman, Henderson, Larsen, Lloyd, Larson, Jt, Lawley, Nicholas, Niemiec, Northrup, Oakley, Obermueller, O'hearn, Olsen, Provenza, Sherwood, Speaker Sommers, Stith, Storer, Walters, Washut, Western, Wylie, Yin, Zwonitzer, Dan

Nays: Representative(s) Allemand, Bear, Brown, Crago, Davis, Eklund, Heiner, Hornok, Jennings, Knapp, Locke, Neiman, Ottman, Pendergraft, Penn, Rodriguez-Williams, Singh, Slagle, Smith, Strock, Styvar, Tarver, Trujillo, Ward, Winter, Zwonitzer, Dave

Excused: Representative Newsome

Ayes 35 **Nays** 26 **Excused** 1 **Absent** 0 **Conflicts** 0

1/30/2023 S Received for Introduction
2/8/2023 S Introduced and Referred to S06 - Travel
2/21/2023 S06 - Travel:Recommend Amend and Do Pass 5-0-0-0-0

ROLL CALL

Ayes: Senator(s) Baldwin, Ellis, Gierau, Jones, Schuler

Ayes 5 **Nays** 0 **Excused** 0 **Absent** 0 **Conflicts** 0

2/21/2023 :Rerefer to S02 - Appropriations
2/21/2023 S02 - Appropriations:Recommend Do Pass 3-0-2-0-0

ROLL CALL

Ayes: Senator(s) Anderson, Gierau, Nethercott

Excused: Senator(s) Kinskey, Salazar

Ayes 3 **Nays** 0 **Excused** 2 **Absent** 0 **Conflicts** 0

2/21/2023 S Placed on General File

HB0074SS001/ADOPTED (TO ENGROSSED COPY)

Page 7-after line 23 Insert and renumber as necessary:

"(iv) Establish criteria to require applicants to consult with the Wyoming game and fish department;".

Page 8-line 2 Delete "(iv)" and insert "(v)".

Page 8-line 10 After "other" insert "state or federal"; after "agencies," insert "tribal governments,". SCHULER, CHAIRMAN

2/24/2023 S COW:Passed

HB0074S2001/ADOPTED (TO ENGROSSED COPY)

Page 8-line 5 After "infrastructure" insert ", making sure to balance and avoid negatively impacting historical uses, maintaining cultural integrity and protecting wildlife habitat.".

Page 8-after line 17 Insert:

"(f) In fulfilling its duties under this act the commission shall:

(i) Develop a formal process for implementing grant awards, pursuant to the Wyoming Administrative Procedures Act, that, at a minimum, requires notice, public comment and consideration of alternative proposals that are less injurious to natural resources;

(ii) Consider the impact of increased outdoor recreation on natural resources and prioritize the protection of cultural and historical concerns and wildlife habitat;

(iii) Preserve the charter designations of locations with historical or natural history characteristics;

(iv) Consider mitigation of crowding, avoidance of competition with private industry and the support of maintaining resources in a natural state.". CASE

HB0074S2002/ADOPTED

(TO ENGROSSED COPY)

Page 1-above line 1	In the catch title, after "recreation" insert "and tourism".
Page 1-line 2	After "recreation" insert "and tourism"; delete "and income account; providing".
Page 1-line 3	Delete entirely.
Page 1-line 4	Delete "providing rulemaking".
Page 1-line 5	Delete "making a conforming amendment;".
Page 1-line 10	Delete "36-4-206" and insert "36-4-203".
Page 1-line 14	After "RECREATION" insert "AND TOURISM".
Page 2-line 4	After "Recreation" insert "and Tourism".
Page 2-lines 10 through 23	Delete entirely and renumber as necessary.
Page 3-line 2	Delete "(v)" and insert "(i)".
Page 3-line 3	After "recreation" insert "and tourism".
Page 3-line 5	Delete "(vi)" and insert "(ii)".
Page 3-line 6	Delete "36-4-206" and insert "36-4-203".
Page 3-line 8	After " recreation " insert " and tourism ".
Page 3-line 9	Delete " and income account ".
Page 3-line 11	After "recreation" insert "and tourism".
Pages 4 through 8	Delete entirely including the Senate standing committee amendment (HB0074SS001/AE) and Case second reading amendment (HB0074S2001/AE) to these pages.

Page 9-lines 1-16 Delete entirely.

Page 9-lines 18 through 21 Delete entirely and renumber as necessary.

Page 10-lines 1 through 3 Delete entirely.

Page 10-lines 5 Delete "**Section 3.**" and insert "**Section 2.**".

Page 10-line 8 After "recreation" insert "and tourism"; delete "for purposes".

Page 10-line 9 Delete "of administering this act".

Page 10-line 12 After "expended" delete "for any other purpose" and insert "without further legislative authorization".
HICKS, GIERAU

2/27/2023 S 2nd Reading:Passed

HB0074S3001/FAILED (TO ENGROSSED COPY)

Page 10-line 15 After "action." insert "It is the intent of the legislature that any future authorization for the expenditure of funds provided by this appropriation be made with the following procedural protections:

(a) Requirements for a formal process, compliant with the Wyoming Administrative Procedure Act, that provides notice, public comment and consideration of expenditures that are not injurious to natural resources;

(b) Requirements to favorably consider expenditures that increase outdoor recreation while protecting cultural and historical concerns and wildlife habitat;

(c) Requirements to favorably consider expenditures that preserve the charter designations of locations with historical or natural history characteristics;

(d) Requirements to favorably consider expenditures that mitigate crowding, avoid competition with private industry and that support the maintenance of resources in a natural state.". CASE

2/28/2023 S 3rd Reading:Passed 18-13-0-0-0

ROLL CALL

Ayes: Senator(s) Anderson, Baldwin, Barlow, Boner, Bouchard, Cooper, Ellis, Furphy, Gierau, Hicks, Jones, Kinskey, Landen, Nethercott, Pappas, President Driskill, Rothfuss, Schuler

Nays: Senator(s) Biteman, Brennan, Case, Dockstader, French, Hutchings, Ide, Kolb, Laursen, Mckeown, Salazar, Scott, Steinmetz

Ayes 18 **Nays** 13 **Excused** 0 **Absent** 0 **Conflicts** 0

2/28/2023 H Received for Concurrence

2/28/2023 H Concur:Passed 57-5-0-0-0

ROLL CALL

Ayes: Representative(s) Allemand, Allred, Andrew, Angelos, Banks, Berger, Burkhart, Jr, Byron, Chadwick, Chestek, Clouston, Conrad, Davis, Eklund, Haroldson, Harshman, Heiner, Henderson, Hornok, Jennings, Knapp, Larsen, Lloyd, Larson, Jt, Lawley, Locke, Neiman, Newsome, Nicholas, Niemiec, Northrup, Oakley, Obermueller, O'hearn, Olsen, Ottman, Pendergraft, Penn, Provenza, Rodriguez-Williams, Sherwood, Singh, Slagle, Smith, Speaker Sommers, Stith, Storer, Styvar, Tarver, Trujillo, Walters, Ward, Washut, Western, Wylie, Yin, Zwonitzer, Dan, Zwonitzer, Dave

Nays: Representative(s) Bear, Brown, Crago, Strock, Winter

Ayes 57 **Nays** 5 **Excused** 0 **Absent** 0 **Conflicts** 0

2/28/2023 Assigned Number HEA No. 0081
3/1/2023 H Speaker Signed HEA No. 0081
3/2/2023 S President Signed HEA No. 0081
3/9/2023 Governor Signed HEA No. 0081
3/9/2023 Assigned Chapter Number 153

Chapter No. 153 Session Laws of Wyoming 2023