

HOUSE BILL NO. HB0074

Wyoming outdoor recreation trust fund.

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

A BILL

for

1 AN ACT relating to state lands; creating a Wyoming outdoor  
2 recreation trust fund account and income account; providing  
3 for distribution of funds; requiring audits and reports;  
4 providing rulemaking; providing funding for the trust  
5 account; making a conforming amendment; and providing for  
6 an effective date.

7

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

9

10 **Section 1.** W.S. 36-4-201 through 36-4-206 are created  
11 to read:

12

13

ARTICLE 2

14

WYOMING OUTDOOR RECREATION TRUST FUND

15

1           **36-4-201. Short title.**

2

3 This act shall be known and may be cited as the "Wyoming  
4 Outdoor Recreation Trust Fund Act."

5

6           **36-4-202. Definitions.**

7

8           (a) As used in this act:

9

10                   (i) "Commission" means the Wyoming parks and  
11 cultural resources commission created by W.S. 36-4-101;

12

13                   (ii) "Division" means the division of state  
14 parks and historic sites within the department of state  
15 parks and cultural resources, or its successor;

16

17                   (iii) "Income account" means the Wyoming outdoor  
18 recreation trust fund income account created by W.S.  
19 36-4-203(b);

20

21                   (iv) "Outdoor recreational infrastructure" means  
22 facilities and installations needed for the public to  
23 access and enjoy Wyoming's outdoors;

1

2 (v) "Trust account" means the Wyoming outdoor  
3 recreation trust fund account created by W.S. 36-4-203(a);

4

5 (vi) "This act" means W.S. 36-4-201 through  
6 36-4-206.

7

8 **36-4-203. Wyoming outdoor recreation trust fund**  
9 **account and income account; creation; source of funds.**

10

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

23

1           (b) The Wyoming outdoor recreation trust fund income  
2 account is created. Except as otherwise provided in this  
3 subsection, the state treasurer shall credit annually to  
4 the income account all earnings from funds in both the  
5 income account and in the trust account. Until the earlier  
6 of July 1, 2026 or when the corpus of the trust account  
7 equals or exceeds fifty million dollars (\$50,000,000.00),  
8 all earnings from the trust account and income account  
9 shall be credited to the trust account. The legislature  
10 may, from time to time, appropriate funds directly to the  
11 trust fund account or income account for investment or  
12 distribution in accordance with the terms of this act. Any  
13 appropriated funds without a designation shall be credited  
14 directly by the state treasurer to the income account. No  
15 funds shall be expended from the income account until  
16 appropriated by the legislature.

17

18           (c) Any person may grant, give, transfer, bequest or  
19 donate funds to the Wyoming outdoor recreation trust fund  
20 account or the income account created by this section. The  
21 person may specify in writing whether the funds should be  
22 credited to the trust fund account or the income account

1 and if no specification is made, the funds shall be  
2 credited to the income account.

3

4 (d) Subject to legislative appropriation,  
5 expenditures from the income account shall only be for the  
6 following:

7

8 (i) No more than eighty percent (80%) of the  
9 funds in the income account per annum may be disbursed for:

10

11 (A) Grants awarded by the commission for  
12 the planning, design, improvement and maintenance of  
13 existing or potential outdoor recreational infrastructure  
14 supported by local governmental entities, the state or the  
15 federal government or a tribal government, and for purposes  
16 of this subparagraph, may include grants for the purchase  
17 of public access easements necessary to enhance the outdoor  
18 recreational infrastructure.

19

20 (ii) No more than twenty percent (20%) of the  
21 funds in the income account per annum may be expended for  
22 necessary administrative expenses incurred by the  
23 commission under this act and for the operation,

1 administration and maintenance of the division to enhance  
2 and expand the outdoor recreation industry and improve  
3 outdoor recreation infrastructure and access within the  
4 state.

5

6 **36-4-204. Wyoming outdoor recreation trust fund**  
7 **administration; duties and responsibilities; report by**  
8 **commission.**

9

10 (a) The commission shall receive and evaluate  
11 applications for grants from the income account as  
12 authorized under W.S. 36-4-203(d)(i).

13

14 (b) The commission shall annually report to the  
15 governor, the joint appropriations committee and the joint  
16 travel, recreation, wildlife and cultural resources interim  
17 committee no later than October 1 with respect to all:

18

19 (i) Federal grants, state appropriations and  
20 other contributions, grants, gifts, bequests and donations  
21 received and credited to the Wyoming outdoor recreation  
22 trust fund and income fund during the preceding fiscal  
23 year;

1

2 (ii) Grants awarded and funds disbursed by the  
3 commission under W.S. 36-4-203(d)(i); and

4

5 (iii) Funds disbursed by the commission to the  
6 division under W.S. 36-4-203(d)(ii).

7

8 (c) The commission shall review and monitor the  
9 expenditure of all monies from the income account by  
10 grantees and the division.

11

12 (d) The commission shall adopt rules and regulations  
13 in accordance with the Wyoming Administrative Procedure Act  
14 as necessary to carry out its duties under this act,  
15 including rules to:

16

17 (i) Establish the procedure for grant  
18 application submittal;

19

20 (ii) Establish criteria for awarding grants from  
21 the income account as authorized under W.S. 36-4-203(d)(i);

22

1           (iii) Establish criteria to require matching  
2 funds or other in-kind contributions from grantees;

3

4           (iv) Evaluate, rank and prioritize grant  
5 proposals with an emphasis on those projects that will have  
6 the greatest increase on statewide citizen utilization of  
7 outdoor recreational infrastructure.

8

9           (e) In fulfilling its duties under this act the  
10 commission may:

11

12           (i) Consult as necessary with other governmental  
13 agencies, local county or municipal governments, persons  
14 and nonprofit organizations;

15

16           (ii) Accept or decline federal grants and other  
17 contributions, grants, gifts, transfers, bequests and  
18 donations of any money or personal property from any  
19 source.

20

21           **36-4-205. Disbursement of grants from the income**  
22 **account.**

23



1           (a) Subject to application approval and legislative  
2 appropriation, the commission may award grants as  
3 authorized under W.S. 36-4-203(d)(i) and consistent with  
4 the rules of the commission.

5

6           (b) The commission shall have the discretion to  
7 determine the amount of money awarded under each grant and  
8 any conditions attached to the grant in addition to the  
9 requirement for the grantee to provide matching funds or  
10 other in-kind contributions.

11

12           **36-4-206. Biennial audit.**

13

14 The director of the department of audit or his designee  
15 shall audit the trust account and the income account  
16 biennially. Copies of the audit shall be provided to the  
17 legislature.

18

19           **Section 2.** W.S. 36-4-104 by creating a new subsection  
20 (g), 39-15-111(b) by creating a new paragraph (iv) and  
21 39-16-111(b) by creating a new paragraph (iv) are amended  
22 to read:

23

1           **36-4-104. Powers; interpretive service agreements.**

2

3           (g) The commission shall administer the Wyoming  
4 outdoor recreation trust fund act as created by W.S.  
5 36-4-201 through 36-4-206.

6

7           **39-15-111. Distribution.**

8

9           (b) Revenues earned under W.S. 39-15-104 during each  
10 fiscal year shall be recognized as revenue during that  
11 fiscal year for accounting purposes. Except as otherwise  
12 provided in subsection (p) of this section, for all revenue  
13 collected by the department under W.S. 39-15-104 the  
14 department shall:

15

16           (iv) Deduct five percent (5%) from the share  
17 provided in paragraph (i) of this subsection to be credited  
18 by the state treasurer into the Wyoming outdoor recreation  
19 trust fund account as created by 36-4-203(a) until the  
20 corpus of that trust account equals fifty million dollars  
21 (\$50,000,000.00) or until July 1, 2026, whichever occurs  
22 earlier.

23

1           **39-16-111. Distribution.**

2

3           (b) Revenues earned under this article during each  
4 fiscal year shall be recognized as revenue during that  
5 fiscal year for accounting purposes. Revenue collected by  
6 the department from the taxes imposed by this article shall  
7 be transferred to the state treasurer who shall, as  
8 specified by the department:

9

10                   (iv) Deduct five percent (5%) from the share  
11 provided in paragraph (i) of this subsection to be credited  
12 by the state treasurer into the Wyoming outdoor recreation  
13 trust fund account as created by 36-4-203(a) until the  
14 corpus of that trust account equals fifty million dollars  
15 (\$50,000,000.00) or until July 1, 2026, whichever occurs  
16 earlier.

17

18           **Section 3.** This act is effective July 1, 2023.

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20

(END)