

**DRAFT ONLY  
NOT APPROVED FOR  
INTRODUCTION**

HOUSE BILL NO.

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

## 1 ARTICLE 2

## 2 WYOMING OUTDOOR RECREATION TRUST FUND

3

## 4 36-4-201. Short title.

5

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

8

## 9 36-4-202. Definitions.

10

11 (a) As used in this act:

12

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

15

16 \*\*\*\*\*

17 \*\*\*\*\*

18 STAFF COMMENT

19

20 The committee working group suggested that the Wyoming  
21 outdoor recreation trust fund be administered by the  
22 existing Wyoming parks and cultural resources commission  
23 instead of creating a new trust fund board, the committee  
24 may wish to consider whether this is in line with the  
25 policy of this bill draft.

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1           (ii) "Division" means the division of state  
2 parks and historic sites within the department of state  
3 parks and cultural resources, or its successor;

4

5           (iii) "Income account" means the Wyoming outdoor  
6 recreation trust fund income account created by W.S. 36-4-  
7 203(b);

8

9           (iv) "Outdoor recreational infrastructure" means  
10 trailheads, trails, shooting ranges, boat ramps, cell  
11 towers, motorized and nonmotorized recreational areas and  
12 other related physical and organizational structures and  
13 facilities;

14

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

17

18           (vi) "This act" means W.S. 36-4-201 through 36-4-  
19 206.

20

21           **36-4-203. Wyoming outdoor recreation trust fund**  
22 **account and income account; creation; source of funds.**

23

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

13

14           (b) The Wyoming outdoor recreation trust fund income  
15 account is created. Except as otherwise provided in this  
16 subsection, the state treasurer shall credit annually to  
17 the income account all earnings from funds in both the  
18 income account and in the trust account. No funds shall be  
19 credited to the income account under this subsection and  
20 all funds shall be instead credited to the trust account  
21 until the corpus of the trust account equals or exceeds  
22 fifty million dollars (\$50,000,000.00) or until July 1,  
23 2026, whichever occurs earlier. The legislature may, from

1 time to time, appropriate funds directly to the trust fund  
2 account or income account for investment or distribution in  
3 accordance with the terms of this act. Any appropriated  
4 funds without a designation shall be credited directly by  
5 the state treasurer to the income account. No funds shall  
6 be expended from the income account until appropriated by  
7 the legislature.

8  
9 \*\*\*\*\*  
10 \*\*\*\*\*  
11 STAFF COMMENT  
12  
13 The committee may wish to consider the requirements that  
14 the corpus reach fifty million dollar (\$50,000,000.00) or  
15 until July 1, 2026 before funds may be credited to the  
16 income account as required in W.S. 36-4-203(b) on the  
17 previous page. The monetary threshold of fifty million  
18 dollar (\$50,000,000.00) was based on a recommendation from  
19 the committee working group.

20  
21 Note: this draft bill is modeled on a prior bill draft,  
22 2020 House Bill 0177 which carried a four million dollar  
23 (\$4,000,000.00) threshold for the corpus.

24  
25 \*\*\*\*\*  
26 \*\*\*\*\*  
27

28 (c) Any person may grant, give, transfer, bequest or  
29 donate funds to the Wyoming outdoor recreation trust fund  
30 account or the income account created by this section. The  
31 person may specify in writing whether the funds should be  
32 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 tied to local governmental entities, the state or the  
15 federal government, and for purposes of this subparagraph,  
16 shall include grants for the purchase of public access  
17 easements necessary to enhance these lands;

18

19 (B) Outdoor recreation related education  
20 and public outreach.

21

22 (ii) No more than twenty percent (20%) of the  
23 funds in the income account per annum may be expended for

1 necessary administrative expenses incurred by the  
2 commission under this act and for the operation,  
3 administration and maintenance of the division to enhance  
4 and expand the outdoor recreation industry and improve  
5 outdoor recreation infrastructure and access within the  
6 state.

7

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

11

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

15

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

20

21               (i) Federal grants, state appropriations and  
22 other contributions, grants, gifts, bequests and donations  
23 received and credited to the Wyoming outdoor recreation

1 trust fund and income fund during the preceding fiscal  
2 year; and

3

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

6

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

9

10 (c) The commission shall review and monitor grants to  
11 grantees and the expenditure of all monies from the income  
12 account.

13

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

18

19 (i) Establish the procedure for grant  
20 application submittal;

21

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



1

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

4

5 \*\*\*\*\*

6 \*\*\*\*\*

7 STAFF COMMENT

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9 The committee may wish to consider whether additional  
10 guidance should be given to the commission when  
11 promulgating rules to establish criteria for required  
12 matching funds from grantees in W.S. 36-4-204(d)(iii),  
13 above, to meet the policy objectives in this bill draft.

14

15 \*\*\*\*\*

16 \*\*\*\*\*

17

18 (iv) Evaluate, rank and prioritize grant  
19 proposals with an emphasis on those projects that will have  
20 the greatest impact on citizen utilization of outdoor  
21 recreational infrastructure.

22

23 (e) In fulfilling its duties under this act the  
24 commission may:

25

26 (i) Consult as necessary with other governmental  
27 agencies, local county or municipal governments, persons  
28 and nonprofit organizations;

29

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STAFF COMMENT

The committee working group discussed including local governments in the process of awarding grants and disbursing funds. This bill draft allows for the commission to consult with local governments at their discretion but the committee may wish to consider if there should be any additional requirements that local governments be involved in the distribution of grants under this act.

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\*\*\*\*\*

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

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

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

1           (b) The commission shall have the discretion to  
2 determine the amount of money awarded under each grant and  
3 any conditions attached to the grant.

4

5           **36-4-206. Biennial audit.**

6

7 The director of the department of audit or his designee  
8 shall audit the trust account and the income account  
9 biennially. Copies of the audit shall be provided to the  
10 legislature.

11

12           **Section 2.** W.S. 36-4-104 by creating a new subsection  
13 (g) and 39-15-111(b) by creating a new paragraph (iv) are  
14 amended to read:

15

16           **36-4-104. Powers; interpretive service agreements.**

17

18           (g) The commission shall administer the Wyoming  
19 outdoor recreation trust fund act as created by W.S. 36-4-  
20 201 through 36-4-206.

21

22           **39-15-111. Distribution.**

23

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

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

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STAFF COMMENT

The committee may wish to consider the funding mechanisms created by W.S. 39-15-111(b)(iv) above on whether they are in line with the policy of this bill draft. These funding mechanisms were suggested by the committee working group and is intended to carve out a portion of sales and lodging taxes to fund the Wyoming outdoor recreation trust fund for a limited amount of time.

Note: the committee working group discussed other ways to fund the trust account including a mountain bike use fee, a NAICS code to divert sales tax of specific outdoor

1 recreation gear, or potentially other tax items provided in  
2 statute. The committee may also wish to consider an  
3 appropriation to fund the account directly.

4 \*\*\*\*\*  
5 \*\*\*\*\*  
6 \*\*\*\*\*  
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8       **Section 3.** This act is effective immediately upon  
9 completion of all acts necessary for a bill to become law  
10 as provided by Article 4, Section 8 of the  
11 Wyoming Constitution.

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13 \*\*\*\*\*  
14 \*\*\*\*\*

15               **STAFF COMMENT**

16  
17 The committee may wish to consider the immediate effective  
18 date of this act, which was modeled on the prior bill draft  
19 2020 House Bill 0177, and whether it is in line with the  
20 policy in this bill draft.

21  
22 \*\*\*\*\*  
23 \*\*\*\*\*  
24

25                       ( END )