

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; providing an
6 appropriation; and providing for 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. The legislature
6 may, from time to time, appropriate funds directly to the
7 trust fund account or income account for investment or
8 distribution in accordance with the terms of this act. Any
9 appropriated funds without a designation shall be credited
10 directly by the state treasurer to the income account. No
11 funds in excess of two hundred fifty thousand dollars
12 (\$250,000.00) for one (1) single project shall be expended
13 from the income account until appropriated by the
14 legislature.

15

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

23

1 (d) Subject to legislative appropriation,
2 expenditures from the income account shall only be for the
3 following:

4

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

7

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

16

17 (ii) No more than twenty percent (20%) of the
18 funds in the income account per annum may be expended for
19 necessary administrative expenses incurred by the
20 commission under this act and for the operation,
21 administration and maintenance of the division to enhance
22 and expand the outdoor recreation industry and improve

1 outdoor recreation infrastructure and access within the
2 state.

3

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

7

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

11

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

16

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

22

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

3

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

6

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

10

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

15

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

18

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

21

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

1

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

6

7 (e) In fulfilling its duties under this act the
8 commission may:

9

10 (i) Consult with other governmental agencies,
11 local county or municipal governments, persons and
12 nonprofit organizations;

13

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

18

19 **36-4-205. Disbursement of grants from the income**
20 **account.**

21

22 (a) Subject to application approval and legislative
23 appropriation, the commission may award grants as

1 authorized under W.S. 36-4-203(d)(i) and consistent with
2 the rules of the commission.

3

4 (b) The commission shall have the discretion to
5 determine the amount of money awarded under each grant and
6 any conditions attached to the grant in addition to the
7 requirement for the grantee to consult with the Wyoming
8 game and fish department prior to application and to
9 provide matching funds or other in-kind contributions.

10

11 **36-4-206. Biennial audit.**

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

17

18 **Section 2.** W.S. 36-4-104 by creating a new subsection
19 (g) is amended to read:

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21 **36-4-104. Powers; interpretive service agreements.**

22

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

4
5 **Section 3.** There is appropriated six million dollars
6 (\$6,000,000.00) from the Wyoming tourism reserve and
7 projects account created by W.S. 39-15-111(p)(i)(B) to the
8 Wyoming outdoor recreation trust fund account for purposes
9 of administering this act. Subject to legislative approval,
10 this appropriation shall be a recurring biennial
11 appropriation. This appropriation shall not be transferred
12 or expended for any other purpose. Notwithstanding W.S.
13 9-2-1008, 9-2-1012(e) and 9-4-207, this appropriation shall
14 remain in effect and not lapse or revert at the end of the
15 fiscal period except upon further legislative action.

16

17 **Section 4.** This act is effective July 1, 2023.

18

19

(END)