

WORKING DRAFT

HOUSE BILL NO. _____

Wildlife and natural resource funding act.

Sponsored by: Representative(s) HDRAFT

A BILL

for

1 AN ACT relating to natural resources; establishing a
 2 Wyoming environment and natural resources account;
 3 specifying uses of income from the account; establishing
 4 procedures for expenditures of income from the account;
 5 providing an appropriation; providing for future
 6 recommended appropriations; and providing for an effective
 7 date.

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

9 **Section 1.** W.S. 9-15-101 through 9-15-104 are created

10 to read:

11 ***** STAFF COMMENTS *****
 12 **This bill contains the three versions of the**
 13 **wildlife trust fund proposals. The first**
 14 **alternative shown is from the version prepared**
 15 **for the last Committee meeting, which was based**
 16 **upon Mr. Magagna's group's proposal, with**
 17 **modifications. It is shown in the standard font.**

18
 19 Alternatives suggested by the Governor's proposal immediately follow and are
 20 written in this font.

1 *Alternatives suggested by the Wyoming Wildlife Federation follow the*
 2 *Governor's and are indicated in this font.*
 3

4 The language of the alternative proposals is sometimes
 5 split and placed in different sections in order to follow
 6 the initial draft. If the Governor's or Wildlife
 7 Federation's language was not substantively different from
 8 the current draft, the entire proposal was not repeated.
 9 While the alternatives have not been changed substantively,
 10 minor changes have been made to keep the language
 11 stylistically the same as current statutes.
 12
 13

14 **9-5-1xx Short title.**

15
 16 Governor - This article shall be known and may be cited as the "Wyoming Wildlife,
 17 Recreation and Conservation Permanent Account Act."
 18

19 ***** STAFF COMMENTS *****

20 Neither of the other two versions contained a
 21 short title. The inclusion is not a significant
 22 issue. However, the name of the accounts, board,
 23 etc., are different throughout all three
 24 proposal. Rather than noting each provision
 25 where this difference occurs, the three suggested
 26 options are noted here. Whatever the Committee
 27 decides will be inserted in the appropriate
 28 places:
 29

30 Current version - Wyoming environment and natural
 31 resources trust account/board
 32

33 Governor's = Wyoming wildlife, recreation and conservation permanent
 34 account/board.
 35

36 *WWF - Wyoming wildlife endowment board.*
 37

38 The name should be reflective of whatever the purposes
 39 of the fund and the bill end up being. A suggested
 40 generic alternative was used for the catch title for
 41 the time being - Wyoming wildlife and natural resource
 42 funding act.
 43

44 **9-15-101. Definitions.**

45 (a) As used in this article:

1
2 (i) "Board" means the Wyoming environment and
3 natural resources trust account board created by W.S. 9-15-
4 103;

5
6 (ii) "Income account" means the Wyoming
7 environment and natural resources trust income account
8 created by W.S. 9-15-102(b);

9
10 (iii) "Large project" means a project for which
11 the grant sought under this article equals or exceeds one
12 hundred thousand dollars (\$100,000.00);

13
14 (iv) "Small project" means a project for which
15 the grant sought under this article is less than one
16 hundred thousand dollars (\$100,000.00);

17
18 (v) "Trust account" means the Wyoming
19 environment and natural resources trust account created by
20 W.S. 9-15-102(a).

21
22 Governor - uses "permanent account" and "current account" rather than "trust account"
23 and "income account". There is no demarcation of project amount in his proposal.

24
25 *WWF – keeps all in one account and makes the income expendable. There is no*
26 *demarcation of project amount in that proposal.*

27
28 *WWF - "Recipient" means any nonprofit, individual or public agency that*
29 *receives a grant from the Wyoming wildlife endowment.*

30
31 **9-15-102. Wyoming environment and natural resources**
32 **account created; income account created; expenditures;**
33 **purposes.**

34
35 (a) A trust account is created to be known as the
36 Wyoming environment and natural resources trust account.
37 The trust account shall consist of those funds appropriated
38 to the trust account by law. Funds deposited within the
39 trust account are intended to be inviolate and constitute a
40 perpetual trust account which shall be invested by the
41 state treasurer as authorized under W.S. 9-4-711 and in a
42 manner to obtain the highest return possible consistent
43 with preservation of the account corpus.

44

1 Governor – additional language The permanent account shall consist of those funds
 2 designated to the account by law and all monies received from federal grants and other
 3 contributions, grants, gifts, transfers, bequests and donations to the permanent account. The
 4 permanent account is specifically empowered to accept grants, gifts, transfers, bequests and
 5 donations including those which are limited in their purposes by the grantor. Title to any
 6 interest in property conveyed to the permanent account shall be in the name of the board.
 7

8 (b) The state treasurer shall credit annually to a
 9 Wyoming environment and natural resources trust income
 10 account interest earned from investment of the trust
 11 account corpus.
 12

13 Governor - With the exception of those funds specifically treated differently in this act, any
 14 interest earned from investment of the corpus of the permanent account shall be credited
 15 by the state treasurer into the current account within the trust and agency fund and
 16 distributed in accordance with this act.
 17

18 The Legislature may, from time to time, appropriate funds directly to the current account
 19 for distribution in accordance with the terms of this act. Such specially appropriated funds
 20 shall be credited directly by the state treasurer to the current account and are available to
 21 the board for award of grants as otherwise permitted by this act.
 22

23 Individuals and other entities may also grant, give, transfer, bequest or donate funds to the
 24 permanent account or the current account. Such funds shall be credited by the state
 25 treasurer to either the permanent or current account, as appropriate, in a manner
 26 consistent with the conditions attached to their receipt.
 27

28 *WWF - Any interest earned on the investment or deposit of monies in the fund*
 29 *shall also remain in the fund and shall not be credited to the general fund.*
 30 *Interest credited to the endowment fund shall be available for disbursement or*
 31 *expenditure by the board.*
 32

33 (c) Revenues deposited into the trust income account
 34 shall be available for grants to eligible entities:
 35

36 (i) For natural resource maintenance and
 37 improvement, including but not limited to:
 38

39 (A) Wildlife habitat maintenance and
 40 improvement;
 41

42 (B) Protection of rangeland resources, open
 43 spaces and natural beauty in Wyoming.
 44

1 (ii) To address and mitigate impacts associated
 2 with residential, mineral and industrial development on
 3 natural resources;

4
 5 (iii) To ensure state rather than federal
 6 management of wildlife species and to eliminate the need
 7 for listing and recovery programs under the federal
 8 Endangered Species Act.

9
 10 Governor – Disbursements of account revenues shall be for the following purposes:

- 11 (i) Improvement and maintenance of existing terrestrial habitat necessary to maintain
 12 native wildlife populations;
 13 (ii) Improvement and maintenance of existing aquatic habitat necessary to maintain
 14 native fish populations;
 15 (iii) Acquisition of terrestrial or aquatic habitat when existing habitat is determined
 16 critical, or is present in minimal amounts, and acquisition presents the necessary factor
 17 in attaining or preserving desired native wildlife or fish population levels;
 18 (iv) Conservation, maintenance, protection and development of native nongame
 19 wildlife resources; or
 20 (v) Participation in water storage projects for wildlife and instream flow purposes.

21
 22 *WWF - Grants shall be awarded for projects that maintain, enhance or restore*
 23 *Wyoming's wildlife, fisheries and their habitat. Projects must demonstrate that*
 24 *this objective is central to the project through its entirety. Projects that address*
 25 *critical wildlife or habitat needs or threats will receive highest ranking. Projects*
 26 *which also provide tools to landowners, communities and groups to address any*
 27 *of the following will receive high ranking as well:*

- 28 (i) *Minimize human-wildlife conflicts associated with development or*
 29 *recreational use;*
 30 (ii) *Protection of open space and Wyoming agricultural lands;*
 31 (iii) *Planning and management for maintaining wildlife values;*
 32 (iv) *Supporting public access to public lands, and for private lands, using the*
 33 *private lands/public wildlife program model;*
 34 (v) *Involvement of youth as a component of the project;*
 35 (vi) *Leverage of additional dollars and impact through matching funds,*
 36 *cooperative efforts and other such mechanisms;*
 37 (vii) *Showcase best management practices that can be a model for other efforts.*

38
 39 (d) No grant shall be made from the trust income
 40 account to purchase or acquire any interest by a
 41 governmental entity in real property nor to fund any

1 activity for which the power of eminent domain has been
2 exercised.

3
4 Governor - The Board shall not have the power of eminent domain and only has the
5 power to accept or dispose of an interest in property, whether in fee, by way of easement,
6 or otherwise, when the transaction with the Board is that of a willing conveyor of the
7 interest.

8
9 *WWF - Funded projects*

10 (i) *Shall maintain public access in the project area where public access has historically*
11 *occurred;*

12 (ii) *Shall not use the power of eminent domain to acquire land or easements;*

13 (iii) *Shall respect all property rights guaranteed by law;*

14 (iv) *Shall not be used to replace or fund on-going public agency operations.*
15

16 **9-15-103. Board established; terms; duties.**

17 (a) The environment and natural resources trust
18 account board is created to consist of:

19
20 (i) One (1) member of the board of agriculture,
21 appointed by the board;

22
23 (ii) One (1) member of the game and fish
24 commission, appointed by the commission;

25
26 (iii) One (1) member of the environmental
27 quality council, appointed by the council;

28
29 (iv) One (1) appointed member of the oil and gas
30 conservation commission, appointed by the commission;

31
32 (v) One (1) member of the water development
33 commission, appointed by the commission.
34

35 Governor - There is created the Wyoming wildlife, recreation and conservation permanent
36 account board. The board shall consist of seven (7) members, as follows:

37 (i) Three (3) persons appointed by the governor, subject to senate confirmation, who
38 are representative of wildlife advocacy interests, sportsmen and tourism; and

39 (ii) Four (4) persons appointed by the governor from the following:

40 (A) Two (2) persons who are senate confirmed members of the game and fish
41 commission; and

42 (B) Two (2) persons who are senate confirmed members of the board of agriculture.
43

44 *WWF - There is created a Wyoming wildlife endowment board. The board*

1 *shall consist of nine (9) members, as follows:*

2

3

(i) *The director of the game and fish department or his designee;*

4

(ii) *Eight (8) persons appointed by the governor and confirmed by the senate who are residents of Wyoming and representative of any one (1) or more of the following areas:*

5

6

7

8

(A) *Tourism;*

9

(B) *Agriculture;*

10

(C) *Business;*

11

(D) *Sportsmen;*

12

(E) *Big-game specialist;*

13

(F) *Fisheries or riparian specialist;*

14

(G) *Non-game specialist;*

15

(H) *Land trusts;*

16

(J) *Landowner;*

17

(K) *Youth organization;*

18

(M) *Outfitter or dude rancher.*

19

20

(b) Terms of the board members shall expire with the expiration of the members term on the board, council or commission from which they are appointed, except that no person shall serve for more than four (4) years on the board. Any vacancy shall be filled by the appointing entity.

26

27

Governor - Except for the initial board, each appointed member of the board shall serve for a term of three (3) years. Of the initial appointees, two (2) members shall be appointed for one (1) year, two (2) members shall be appointed for two (2) years and three (3) members shall be appointed for three (3) years. The governor may remove any member as provided in W.S. 9-1-202. Any vacancy occurring between sessions of the legislature may be filled by the governor as provided under W.S. 28-12-101(b). The board shall select one (1) of its members to serve as chair.

34

35

WWF - Each appointed member of the board shall serve for a term of three (3) years. Any vacancy occurring between sessions of the legislature may be filled by the governor as provided under W.S. 28-12-101(b). Not more than five (5) appointed members shall be of the same political party.

36

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(c) One (1) member of the senate appointed by the president of the senate and one (1) member of the house of representatives appointed by the speaker of the house shall

41

42

1 act as legislative liaisons to the board and shall attend
2 board meetings, but shall have no vote on any board matter.
3 Legislative liaisons shall be entitled to legislative
4 salary, per diem and mileage while attending board meetings
5 and shall be paid from funds appropriated to the
6 legislative service office.

7
8
9 (d) The board shall be staffed by the governor's
10 office. Members of the board shall be paid salary, per
11 diem and mileage as authorized for and from appropriations
12 to the board, council or commission from which they are
13 appointed.

14
15 Governor – (a) Administration of any property held by the board shall be by the secretary
16 to the board, who shall be employed by the board and located within the game and fish
17 department.

18
19 (b) The Secretary to the board shall further act as liaison for the board to other state,
20 federal and local governmental agencies, as well as non-profit organizations.

21
22 Governor - The board shall meet regularly. Members shall serve without compensation but
23 shall be reimbursed for expenses incurred in the performance of their duties in the manner
24 and amounts provided by law for state employees.

25
26 *WWF - The board shall meet regularly. Members shall elect a chairman from its*
27 *members.*

28 *Members shall serve without compensation but shall be reimbursed for expenses*
29 *incurred in the performance of their duties in the manner and amounts provided*
30 *by law for state employees.*
31

32 (e) The board shall receive and evaluate applications
33 for grants from the income account. The board shall meet
34 quarterly to review applications, approve projects and
35 assure compliance with the terms of grants. The board may
36 approve grants from the account for small projects. Funds
37 for small projects are continuously appropriated from the
38 income account for grants approved by the board. The board
39 may recommend to the governor the funding of large
40 projects. No funds shall be expended for large projects
41 except upon specific legislative appropriation of funds
42 from the income account.

43
44 Governor – The board shall:

1 (i) Adopt rules and regulations in accordance with the Wyoming Administrative
2 Procedures Act to:

3 (A) Establish criteria for grants from the current account which accomplish the
4 purposes of this act;

5 (B) Establish criteria for matching funds or other in-kind contributions from
6 grantees;

7 (C) Evaluate, rank and prioritize grant proposals;

8 (D) Review and monitor grants to grantees;

9 (E) Emphasize citizen access for hunting, fishing and recreation activities;

10 (F) Establish criteria for the acceptance or rejection of gifts, transfers,
11 bequests and donations including interest in real or personal property.

12 (G) Consider other necessary matters.
13

14 (f) In fulfilling its duties under subsection (a) of this section, the board may:

15 (i) Consult with the game and fish commission, the department of state parks
16 and cultural resources and the department of agriculture, as well as other
17 governmental agencies and non-profit organizations, as necessary;

18 (ii) Accept or decline federal grants and other contributions, grants, gifts,
19 transfers, bequests and donations from any source.
20

21 *WWW - The board shall:*

22
23 *(i) Develop and publicize criteria regarding grants from the endowment*
24 *fund, including the duration of grants, eligible recipients, application process*
25 *and any requirements for matching funds from recipients;*

26 *(ii) Establish a classification system for ranking potential grant*
27 *applications, utilizing a point system, and shall award grants to those with*
28 *high scoring;*

29 *(iii) Review grant proposals and make awards to qualified recipients;*

30 *(iv) Review and monitor the expenditure of monies by recipients;*

31 *(v) Expend monies of the endowment fund for the establishment and*
32 *promotion of the endowment fund, administrative staff as needed, and for*
33 *operational expenses of the board;*

34 *(vi) Exercise any other powers or perform any other duties which are*
35 *consistent with the purposes for which the board was created and which are*
36 *reasonably necessary for the fulfillment of the board's responsibilities.*
37

38 *The board shall have discretion in determining the amount of money to be*
39 *awarded under each grant.*
40

41 (f) The board shall report annually to the joint
42 appropriations interim committee on or before November 1,
43 on grants made by the board from the income account in the

1 previous fiscal year. The report shall include the total
 2 amount of grants and the amount and project description for
 3 each grant made and the amount and project description for
 4 large projects recommended to the governor.

5
 6 Governor - The board shall annually report to the governor, the joint appropriations interim
 7 committee and the joint travel, recreation, wildlife and cultural resources interim committee
 8 no later than October 1 with respect to all federal grants, state appropriations and other
 9 contributions, grants, gifts, bequests and donations received and credited to the
 10 permanent and current account during the preceding fiscal year; and grants awarded by
 11 the board to nonprofit and governmental organizations.
 12

13 *WWF - The board shall report annually to the governor, joint appropriations*
 14 *committee and the joint travel, recreation, wildlife and cultural resources interim*
 15 *committee on the board's activities. The report should include an evaluation of*
 16 *the effectiveness of the projects funded by the endowment fund.*
 17

18 (g) The governor shall include in his proposed state
 19 budget submitted in accordance with W.S. 9-2-1013, his
 20 recommendations for funding from the income account of
 21 projects submitted by the board under this section. Until
 22 the corpus of the trust account exceeds two hundred million
 23 dollars (\$200,000,000.00) the governor shall also include
 24 in his proposed state budget recommendations for additional
 25 funding of the corpus of the trust account.
 26

27 **9-15-104. Grant applications; eligible entities.**
 28

29 (a) Applications for grants from the income account
 30 may be submitted by the:

- 31
 32 (i) Game and fish commission;
 33
 34 (ii) Department of environmental quality;
 35
 36 (iii) Department of agriculture;
 37
 38 (iv) Livestock board;
 39
 40 (v) Oil and gas conservation commission;
 41
 42 (vi) Office of state lands and investments;
 43
 44 (vii) Water development commission;

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(viii) Animal damage management board;

(ix) Any board of county commissioners;

(x) Any local governmental entity whose primary purpose is consistent with the stated objectives of the trust;

(xi) Any private entity in conjunction with an application submitted by one (1) of the entities specified in paragraphs (i) through (x) of this subsection, may apply for a grant for a small project.

Governor - The Board may only grant funds to nonprofit and governmental organizations. The board shall award grants to promote, preserve and enhance the unique wildlife and environmental heritage of Wyoming and its people.

The board shall have the discretion to determine the amount of each grant and any conditions attached to it.

For the purposes of this act, a grant may include the acquisition of an interest in real or personal property.

Grants by the Board are not intended to provide a supplement to, or replacement of, the operating budget of any governmental agency or nonprofit organization except as those funds are directly related to the purposes of the grant.

WWF - "Recipient" means any nonprofit, individual or public agency that receives a grant from the Wyoming wildlife endowment.

Funded projects

Shall maintain public access in the project area where public access has historically occurred;

Shall not be used to replace or fund on-going public agency operations.

W.S. 9-15-1xx AUDITS.

Governor - The director of the department of audit or his designee shall audit the permanent account biennially. Copies of the audit shall be provided to the governor and the joint travel, recreation, wildlife and cultural resources interim committee.

WWF - The director of the department of audit or his designee shall audit the trust fund biennially. Copies of the audit shall be provided to the legislature.

WWF 9-15-1xx No expansion of state law.

1 *WWF - Nothing in this act shall expand or limit the powers of the state*
 2 *currently set in law.*
 3

4 **Section 2.** The legislature finds that Wyoming's
 5 natural resources are invaluable to the people of the state
 6 and our progeny. A dependable source of funding should be
 7 provided to support Wyoming's natural resource economy,
 8 including agriculture, tourism, mineral development, and
 9 hunting and fishing through on-the-ground maintenance or
 10 enhancement of Wyoming's wildlife, wildlife habitat,
 11 rangeland resources, open space and natural beauty.

12
 13 Governor - The legislature finds:

- 14
 15 (i) Wyoming possesses a unique wildlife and environmental heritage;
 16 (ii) Wyoming's unique wildlife and environmental heritage is vital to our citizens'
 17 quality of life and our state's economy, now and for future generations;
 18 (iii) The development of Wyoming's mineral resource endowment will be
 19 enhanced by allocating state resources to the maintenance and improvement of wildlife and
 20 wildlife habitat;
 21 (iv) Citizens' access to outdoor recreation, hunting and fishing, particularly on
 22 public lands, is a significant priority in Wyoming;
 23 (v) Continued reliance on sportsmen's license fees and limited grants from the
 24 federal government is inadequate to maintain Wyoming's unique wildlife and environmental
 25 heritage.

26
 27 (b) It is the purpose of this act is to promote, preserve and enhance this unique Wyoming
 28 heritage by creating a Wyoming wildlife, recreation and conservation permanent account
 29 administered by a citizen board to coordinate public and private donations and manage distribution
 30 of the investment earnings from the permanent account.
 31

32 **Section 3.** There is appropriated one hundred million
 33 dollars (\$100,000,000.00) from the budget reserve account
 34 to the Wyoming environment and natural resources trust.

35
 36 Governor – no recommendation in written draft.
 37

38 *WWF - \$250,000,000 is appropriated from the general fund to the Wyoming*
 39 *wildlife endowment fund.*
 40

41 **Section 5.** This act is effective July 1, 2005.

42
 43 Governor – immediate.

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(END)