

SENATE FILE NO. SF0041

Wildlife and Natural Resource Funding Act.

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

A BILL

for

1 AN ACT relating to natural resources; establishing a
2 Wyoming wildlife and natural resource trust account and an
3 income account; specifying uses of the accounts;
4 establishing procedures for expenditures from the income
5 account; providing appropriations; providing for future
6 recommended appropriations; establishing a board and
7 providing for duties and other administration of the
8 account; providing for construction of the act; and
9 providing for an effective date.

10

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

12

13 **Section 1.** W.S. 9-15-101 through 9-15-106 are created
14 to read:

15

16 **9-5-101. Short title.**

1

2 This act shall be known and may be cited as the "Wyoming
3 Wildlife and Natural Resource Funding Act."

4

5 **9-15-102. Definitions.**

6

7 (a) As used in this act:

8

9 (i) "Board" means the Wyoming wildlife and
10 natural resource trust account board created by W.S.
11 9-15-104;

12

13 (ii) "Income account" means the Wyoming wildlife
14 and natural resource trust income account created by W.S.
15 9-15-103(b);

16

17 (iii) "Large project" means a project for which
18 the grant sought under this act equals or exceeds five
19 hundred thousand dollars (\$500,000.00);

20

21 (iv) "Small project" means a project for which
22 the grant sought under this act is less than five hundred
23 thousand dollars (\$500,000.00);

24

1 (v) "Trust account" means the Wyoming wildlife
2 and natural resource trust account created by W.S.
3 9-15-103(a);

4

5 (vi) "This act" means W.S. 9-15-101 through
6 9-15-106.

7

8 **9-15-103. Wyoming wildlife and natural resource trust**
9 **account created; income account created; expenditures;**
10 **purposes.**

11

12 (a) A trust account is created to be known as the
13 Wyoming wildlife and natural resource trust account. The
14 trust account shall consist of those funds designated to
15 the account by law and all monies received from federal
16 grants and other contributions, grants, gifts, transfers,
17 bequests and donations to the trust account. The trust
18 account is specifically empowered to accept grants, gifts,
19 transfers, bequests and donations including those which are
20 limited in their purposes by the grantor. Title to any
21 interest in any real property conveyed to the trust account
22 shall be held in the name of the state of Wyoming and shall
23 be administered by the board of land commissioners to
24 further the purposes of this act. Funds deposited within

1 the trust account are intended to be inviolate and
2 constitute a perpetual trust account which shall be
3 invested by the state treasurer as authorized under W.S.
4 9-4-711 and in a manner to obtain the highest return
5 possible consistent with preservation of the account
6 corpus.

7

8 (b) The state treasurer shall credit annually to a
9 Wyoming wildlife and natural resource trust income account
10 the interest earned from investment of the trust account
11 corpus. The legislature may, from time to time, appropriate
12 funds directly to the income account for distribution in
13 accordance with the terms of this act. Such specially
14 appropriated funds shall be credited directly by the state
15 treasurer to the income account and are available to the
16 board for award of grants as otherwise permitted by this
17 act.

18

19 (c) Individuals and other entities may also grant,
20 give, transfer, bequest or donate funds to the trust
21 account or the income account. Such funds shall be
22 credited by the state treasurer to either the trust account
23 or the income account, as appropriate, in a manner
24 consistent with the conditions attached to their receipt.

1

2 (d) The board may expend funds from the income
3 account for staffing and other administrative expenses
4 authorized under this act. Additional disbursements from
5 the income account shall be for the following purposes:

6

7 (i) Improvement and maintenance of existing
8 terrestrial habitat necessary to maintain wildlife
9 populations;

10

11 (ii) Preservation of open spaces by purchase or
12 acquisition of development rights;

13

14 (iii) Improvement and maintenance of existing
15 aquatic habitat necessary to maintain fish populations;

16

17 (iv) Acquisition of terrestrial or aquatic
18 habitat when existing habitat is determined critical, or is
19 present in minimal amounts, and acquisition presents the
20 necessary factor in attaining or preserving desired
21 wildlife or fish population levels;

22

23 (v) Conservation, maintenance, protection and
24 development of wildlife resources;

1

2 (vi) Participation in water enhancement projects
3 to ensure aquatic habitat for fish populations and allow
4 for other watershed enhancements that benefit wildlife;

5

6 (vii) To address and mitigate impacts to
7 wildlife habitat associated with residential, mineral and
8 industrial development;

9

10 (viii) To mitigate conflicts and reduce
11 potential for disease transmission between wildlife and
12 domestic livestock.

13

14 (e) No funds shall be made available under this act
15 for the reintroduction of any native or nonnative game or
16 nongame species pursuant to the Endangered Species Act of
17 1973, 16 U.S.C. 1531 et seq., as amended.

18

19 (f) The board shall not have the power of eminent
20 domain and only has the power to accept, reject or dispose
21 of an interest in property, whether in fee, by way of
22 easement, or otherwise, when the transaction with the board
23 is that of a willing conveyer of the interest.

24

1 **9-15-104. Wildlife and natural resource trust account**
2 **board established; terms; meetings; duties.**

3

4 (a) There is created the Wyoming wildlife and natural
5 resource trust account board. The board shall consist of
6 nine (9) members appointed by the governor and confirmed by
7 the senate, who are residents of Wyoming. The members shall
8 be appointed from each of the appointment districts set
9 forth in W.S. 5-3-101. The board membership shall reflect
10 a broad spectrum of experiences including wildlife,
11 agriculture, energy, sportsmen and tourism. Not more than
12 five (5) members shall be of the same political party.

13

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

24

1 (c) Administration of any funds administered by the
2 board shall be by the secretary to the board, who shall be
3 employed by the board. The secretary shall not be housed
4 in any agency which may be a grantee under this act. The
5 secretary to the board shall further act as liaison for the
6 board to other state, federal and local governmental
7 agencies, as well as nonprofit organizations.

8

9 (d) The board shall meet regularly. Members shall
10 serve without compensation but shall be reimbursed for
11 expenses incurred in the performance of their duties in the
12 manner and amounts provided by law for state employees.

13

14 (e) The board shall receive and evaluate applications
15 for grants from the income account. The board shall review
16 applications, approve projects and assure compliance with
17 the terms of grants. The board may approve grants from the
18 account for small projects. Funds for small projects are
19 continuously appropriated from the income account for
20 grants approved by the board. The board may recommend to
21 the governor the funding of large projects. No funds shall
22 be expended for large projects except upon specific
23 legislative appropriation of funds from the income account.

24

1 (f) The board shall adopt rules and regulations in
2 accordance with the Wyoming Administrative Procedure Act as
3 necessary to carry out its duties under this act, including
4 rules to:

5

6 (i) Establish criteria for grants from the
7 income account which accomplish the purposes of this act;

8

9 (ii) Establish criteria for matching funds or
10 other in-kind contributions from grantees;

11

12 (iii) Evaluate, rank and prioritize grant
13 proposals with an emphasis on those projects that are
14 partnerships involving private and public entities;

15

16 (iv) Review and monitor grants to grantees;

17

18 (v) Consider citizen access for hunting, fishing
19 and recreation activities;

20

21 (vi) Establish criteria for the acceptance or
22 rejection of gifts, transfers, bequests and donations
23 including interest in real or personal property;

24

1 (vii) Consider other necessary matters.

2

3 (g) In fulfilling its duties under this act the board
4 may:

5

6 (i) Consult with other governmental agencies and
7 nonprofit organizations, as necessary;

8

9 (ii) Accept or decline federal grants and other
10 contributions, grants, gifts, transfers, bequests and
11 donations from any source.

12

13 (h) The board shall annually report to the governor,
14 the joint appropriations interim committee and the joint
15 travel, recreation, wildlife and cultural resources interim
16 committee no later than September 1 with respect to all
17 federal grants, state appropriations and other
18 contributions, grants, gifts, bequests and donations
19 received and credited to the trust account and income
20 account during the preceding fiscal year. The report shall
21 include grants awarded by the board to nonprofit and
22 governmental organizations and progress made toward the
23 condition of any grant made.

24

1 (j) The governor shall include in his proposed state
2 budget submitted in accordance with W.S. 9-2-1013, his
3 recommendations for funding from the income account of
4 projects submitted by the board under this section. Until
5 the corpus of the trust account exceeds two hundred million
6 dollars (\$200,000,000.00) the governor may also include in
7 his proposed state budget recommendations for additional
8 funding of the corpus of the trust account. The governor
9 may also include in his proposed state budget
10 recommendations for additional funding of the income
11 account.

12

13 **9-15-105. Grant applications; eligible entities.**

14

15 (a) The board may only grant funds to nonprofit and
16 governmental organizations. The board shall award grants
17 to promote, preserve and enhance the unique wildlife and
18 environmental heritage of Wyoming and its people. The
19 board shall have the discretion to determine the amount of
20 each grant and any conditions attached to the grant. For
21 the purposes of this act, a grant may include the
22 acquisition of an interest in real or personal property.

23

1 (b) Grants by the board are not intended to provide a
2 supplement to, or replacement of, the operating budget of
3 any governmental agency or nonprofit organization except as
4 those funds are directly related to the purposes of the
5 grant.

6

7 (c) No grants shall be awarded until final adoption
8 by the board of rules and regulations pursuant to W.S.
9 9-15-104(f).

10

11 **9-15-106. Audits.**

12

13 The director of the department of audit or his designee
14 shall audit the trust account biennially. Copies of the
15 audit shall be provided to the governor, the joint
16 appropriations interim committee and the joint travel,
17 recreation, wildlife and cultural resources interim
18 committee.

19

20 **Section 2.** No provision of this act shall be
21 construed to alter the law of Wyoming regarding the primacy
22 of the mineral estate, to limit access to the mineral
23 estate or to limit development of the mineral estate.

24

1 **Section 3.**

2

3 (a) There is appropriated thirty million dollars
4 (\$30,000,000.00) from the budget reserve account to the
5 Wyoming wildlife and natural resource trust account.

6

7 (b) There is appropriated from the budget reserve
8 account to the Wyoming wildlife and natural resource income
9 account three hundred thousand dollars (\$300,000.00) to
10 provide staffing and expenses of the wildlife and natural
11 resource account board as authorized under this act for the
12 fiscal period commencing July 1, 2005 and ending June 30,
13 2006.

14

15 **Section 4.** This act is effective July 1, 2005.

16

17

(END)