

**WORKING DRAFT**

SENATE FILE NO. \_\_\_\_\_

Emergency energy assistance trust fund.

Sponsored by: Senator(s) Jennings

A BILL

for

1 AN ACT relating to public welfare; creating the emergency  
2 energy assistance trust fund; providing for assistance  
3 payments for residential heating as specified; imposing  
4 conditions upon payments; providing for administration of  
5 the program; providing an appropriation and for a  
6 continuous appropriation; specifying legislative findings;  
7 and providing for an effective date.

8

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

10

11 **Section 1.**

12

13 (a) The legislature finds:

14

1           (i)    The average price for natural gas received  
2 by producers in Wyoming in 2002 was two dollars eleven  
3 cents (\$2.11) per MCF;

4  
5           (ii)   That average price received by producers in  
6 Wyoming increased to approximately seven dollars (\$7.00)  
7 per MCF for 2005;

8  
9           (iii)   The state has received extraordinary  
10 increases in severance tax revenues as a result of the  
11 increased value of natural gas;

12  
13           (iv)   The state has also received state and  
14 federal mineral royalty increases corresponding to the  
15 increased value of natural gas over the same period;

16  
17           (v)    Wyoming residents have suffered higher  
18 heating bills as a result of higher energy commodity  
19 prices;

20  
21           (vi)   Many Wyoming residents fail to qualify for  
22 state and federal energy assistance programs based upon  
23 income and other guidelines yet through conditions beyond

1 their control are unable to afford the increased heating  
2 bills and still maintain an adequate standard of living;

3

4 (vii) When the state coffers are filling at  
5 previously unseen rates based upon energy prices which  
6 inversely burden residents of the state with high heating  
7 bills, the state has a moral obligation to ensure that all  
8 residents can pay those bills to adequately heat their  
9 homes, while still maintaining an adequate standard of  
10 living;

11

12 (viii) It is in the public interest to encourage  
13 industry and others enjoying high revenues based upon high  
14 energy prices to share those revenues in order to provide  
15 relief to those suffering as a result of the same high  
16 energy prices;

17

18 (ix) The expenditure of public funds under this  
19 act will encourage the private sector to share monies with  
20 Wyoming citizens for the overall public good and is in  
21 fulfillment of both a moral obligation of the state and for  
22 a public purpose.

23

1           **Section 2.** W.S. 42-2-501 through 42-2-504 are created  
2 to read:

3

4   **42-2-501. Definitions.**

5

6           (a) As used in this act:

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8                   (i) "Department" means the department of family  
9 services created by W.S. 9-2-2101;

10

11                   (ii) "Heating bill" means a bill supplied to a  
12 residence which is for heating the residence;

13

14                   (iii) "Income account" means the energy  
15 assistance trust fund established pursuant to W.S. 42-2-  
16 502(b);

17

18                   (iv) "Trust fund" means the energy assistance  
19 trust fund created by W.S. 42-2-502(a);

20

21                   (v) "This act" means W.S. 42-2-501 through 42-2-  
22 504.

23

1           **42-2-502.       Energy assistance trust fund created;**  
2 **income account; funding.**

3

4           (a) The Wyoming energy assistance trust fund is  
5 created. The trust fund shall consist of:

6

7                   (i) All funds received by the state of Wyoming  
8 and designated to the trust fund by gift from whatever  
9 source;

10

11                   (ii) Severance tax revenues deposited pursuant to  
12 W.S. 39-14-801(e)(i) and this paragraph. The state  
13 treasurer shall determine deposits made to the trust fund  
14 pursuant to paragraph (i) of this subsection in the  
15 previous month and deposit to the trust fund from revenues  
16 under W.S. 39-14-801(e)(i) an amount equal to the amount of  
17 those deposits; and

18

19                   (iii) Other funds appropriated to the trust  
20 fund.

21

22           (b) Funds deposited to the trust fund are intended to  
23 be inviolate and constitute a permanent or perpetual fund  
24 which shall be invested by the state treasurer as

1 authorized by law and in a manner to obtain the highest  
2 return possible consistent with preservation of the corpus.  
3 Any earnings from investment of the corpus of the trust  
4 fund shall be credited by the state treasurer into a  
5 separate income account.

6

7 (c) Revenues deposited into the income account are  
8 continuously appropriated to the department to be expended  
9 only as provided by this act.

10

11 (d) Funds within the income account which are not  
12 expended nor obligated shall be transferred to the trust  
13 fund on July 1 of each year.

14

15 **42-2-503. Emergency energy assistance program;**  
16 **criteria for assistance.**

17

18 (a) Funds within the income account shall be expended  
19 for emergency energy assistance to Wyoming residents for  
20 residential heating bills in accordance with the following:

21

22 (i) The household has a currently due or  
23 delinquent heating bill which cannot be paid with resources  
24 of members of the household while still providing for other

1 living essentials, such as, but not limited to food,  
2 clothing and health care;

3

4 (ii) All other sources of public energy  
5 assistance for the household shall have been exhausted;

6

7 (iii) The maximum yearly expenditure under this  
8 program shall be determined by the department on a yearly  
9 basis;

10

11 (iv) Expenditures under the program shall be  
12 limited by the amount within the income account and shall  
13 otherwise be upon a first come-first served basis.

14

15 **42-2-504. Administration; administrative expenses;**  
16 **rulemaking.**

17

18 (a) The department shall administer the program  
19 through a contract basis with a private nonprofit entity  
20 located in Wyoming. The contract shall require the  
21 administrator to actively seek private donations to the  
22 trust account and may provide for cooperative endeavors  
23 with other public and private energy assistance programs,

1 so long as funds are only expended under the program in  
2 accordance with this act.

3

4 (b) The department may annually expend not more than  
5 five percent (5%) from the annual amount of funds deposited  
6 to the income account for administration of this act.

7

8 (c) No funds received by individuals pursuant to this  
9 program shall be deemed as income for purposes of any other  
10 assistance program funded entirely with state funds.

11

12 (d) The department shall adopt rules and regulations  
13 to implement the provisions of this act.

14

15 **Section 3.** W.S. 9-2-2101 by creating a new subsection  
16 (k) and 39-14-801(e) (i) are amended to read:

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18 **9-2-2101. Department of family services; duties and**  
19 **responsibilities; state grants; authority to contract for**  
20 **shelters; definitions; youth programs.**

21

22 (k) The department shall administer the emergency  
23 energy assistance program in accordance with W.S. 42-2-501  
24 through 42-2-504.



1

2           **39-14-801. Severance tax distributions; distribution**  
3 **account created; formula.**

4

5           (e) Deposits into the account created by subsection  
6 (a) of this section shall be distributed as follows,  
7 subject to subsections (b) through (d) of this section:

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9           (i) To the general fund, sixty-two and twenty-  
10 six hundredths percent (62.26%). Prior to making these  
11 distributions to the general fund the amounts required to  
12 match private contributions to the energy assistance  
13 account as provided by W.S. 42-2-502(a)(ii) shall be  
14 deposited to that account;

15

16           **Section 4.** There is appropriated fifty thousand  
17 dollars (\$50,000.00) from the general fund to the  
18 department of family services for publicizing the emergency  
19 energy assistance program, for initial contract  
20 administration, and rulemaking to implement the program.

21

22           **Section 5.** This act is effective immediately upon  
23 completion of all acts necessary for a bill to become law

1 as provided by Article 4, Section 8 of the Wyoming  
2 Constitution.

3

4 (END)