

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 appropriations and for a continuous
 6 appropriation; specifying legislative findings; and
 7 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

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

1

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

5

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

9

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

13

14 (v) Wyoming residents have suffered higher
15 heating bills as a result of higher energy commodity
16 prices;

17

18 (vi) Many Wyoming residents fail to qualify for
19 state and federal energy assistance programs based upon
20 income and other guidelines yet through conditions beyond
21 their control are unable to afford the increased heating
22 bills and still maintain an adequate standard of living;

23

24 (vii) When the state coffers are filling at

1 previously unseen rates based upon energy prices which
2 inversely burden residents of the state with high heating
3 bills, the state has a moral obligation, as that term is
4 applied in State v. Carter, 30 Wyo. 223 (1923), to ensure
5 that all residents can pay those bills to adequately heat
6 their homes, while still maintaining an adequate standard
7 of living;

8

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

14

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

20

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

23

24 **42-2-501. Definitions.**

1

2 (a) As used in this act:

3

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

6

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

9

10 (iii) "Income account" means the energy
11 assistance trust fund income account established pursuant
12 to W.S. 42-2-502(c);

13

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

17

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

20

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

23

24 **42-2-502. Energy assistance trust fund created;**

1 **holding account; income account; funding.**

2

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

5

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

9

10 (ii) Funds from the holding account deposited
11 pursuant to subsection (b) of this section; and

12

13 (iii) Other funds appropriated to the trust
14 fund.

15

16 (b) A holding account is created to retain
17 appropriations for subsequent transfer to the trust fund in
18 accordance with this act. Earnings on funds within the
19 holding account shall be credited to the holding account.
20 To the extent that funds are available in the holding
21 account, the state treasurer shall match each deposit to
22 the trust fund from non-state funds made pursuant to
23 paragraph (a)(i) of this section in the previous month by
24 transferring an equivalent amount of funds from the holding

1 account to the trust fund. The transfers from the holding
2 account to the trust fund shall be made monthly.

3

4 (c) Funds deposited to the trust fund are intended to
5 be inviolate and constitute a permanent or perpetual fund
6 which shall be invested by the state treasurer as
7 authorized by law and in a manner to obtain the highest
8 return possible consistent with preservation of the corpus.
9 Any earnings from investment of the corpus of the trust
10 fund shall be credited by the state treasurer into a
11 separate income account. Revenues deposited into the
12 income account are continuously appropriated to the
13 department to be expended only as provided by this act.

14

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

18

19 **42-2-503. Emergency energy assistance program;**
20 **criteria for assistance.**

21

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

1

2 (i) The household has a currently due or
3 delinquent heating bill which cannot be paid with resources
4 of members of the household while still providing for other
5 living essentials, such as, but not limited to food,
6 clothing and health care;

7

8 (ii) All other sources of state and federal
9 public energy assistance which are available to the
10 household shall have been exhausted;

11

12 (iii) The maximum yearly expenditure under this
13 program shall be determined by the department on a yearly
14 basis, but shall not exceed one thousand dollars
15 (\$1,000.00) to any household in any state fiscal year;

16

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

20

21 **42-2-504. Administration; administrative expenses;**
22 **rulemaking.**

23

24 (a) The department shall administer the program

1 through a contract basis with a private nonprofit entity
2 located in Wyoming. The contract shall require the
3 administrator to actively seek private donations to the
4 trust account and may provide for cooperative endeavors
5 with other public and private energy assistance programs,
6 so long as funds are only expended under the program in
7 accordance with this act.

8

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

12

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

16

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

19

20 **Section 3.** W.S. 9-2-2101 by creating a new subsection
21 (k) is amended to read:

22

23 **9-2-2101. Department of family services; duties and**
24 **responsibilities; state grants; authority to contract for**

1 **shelters; definitions; youth programs.**

2

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

6

7 **Section 4.**

8

9 (a) There is appropriated from the general fund to
10 the energy assistance trust fund holding account
11 established pursuant to W.S. 42-2-502(b), ten million
12 dollars (\$10,000,000.00). Notwithstanding W.S. 9-4-207,
13 funds within the holding account shall not lapse at the end
14 of the fiscal biennium, but are continuously appropriated
15 to the state treasurer for purposes of matching
16 contributions to the energy assistance trust fund as
17 provided by W.S. 42-2-502(b). Funds not used for those
18 matching purposes shall lapse to the general fund on June
19 30, 2011.

20

21 (b) There is appropriated fifty thousand dollars
22 (\$50,000.00) from the general fund to the department of
23 family services for publicizing the emergency energy
24 assistance program, for initial contract administration,

1 and rulemaking to implement the program. All funds
2 appropriated under this subsection may be used for the
3 purposes specified, notwithstanding the limitation of W.S.
4 42-2-504(b).

5

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

10

11

(END)