

HOUSE BILL NO. HB0121

Emergency energy assistance trust fund.

Sponsored by: Task Force on Utility and Tax Relief

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;

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

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

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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;

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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

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

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

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

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

1 ARTICLE 5

2 EMERGENCY ENERGY ASSISTANCE

3

4 **42-2-501. Definitions.**

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6 (a) As used in this act:

7

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

17

18 (iv) "Income account" means the energy
19 assistance trust fund income account established pursuant
20 to W.S. 42-2-502(c);

21

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

24

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

3

4 **42-2-502. Energy assistance trust fund created;**
5 **holding account; income account; funding.**

6

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

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10 (i) All funds received by the state of Wyoming
11 and designated to the trust fund by gift from whatever
12 source;

13

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

16

17 (iii) Other funds appropriated to the trust
18 fund.

19

20 (b) A holding account is created to retain
21 appropriations for subsequent transfer to the trust fund in
22 accordance with this act. Earnings on funds within the
23 holding account shall be credited to the holding account.
24 To the extent that funds are available in the holding

1 account, the state treasurer shall match each deposit to
2 the trust fund from nonstate funds made pursuant to
3 paragraph (a)(i) of this section in the previous month by
4 transferring an equivalent amount of funds from the holding
5 account to the trust fund. The transfers from the holding
6 account to the trust fund shall be made monthly.

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

18
19 (d) Funds within the income account which are not
20 expended nor obligated shall be transferred to the trust
21 fund on July 1 of each year.

22
23 **42-2-503. Emergency energy assistance program;**
24 **criteria for assistance.**

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

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

11

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

15

16 (iii) The maximum yearly expenditure under this
17 program shall be determined by the department on a yearly
18 basis, but shall not exceed one thousand dollars
19 (\$1,000.00) to any household in any state fiscal year;

20

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

24

1 **42-2-504. Administration; administrative expenses;**
2 **rulemaking.**

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

12
13 (b) The department may annually expend not more than
14 five percent (5%) from the annual amount of funds deposited
15 to the income account for administration of this act.

16
17 (c) No funds received by individuals pursuant to this
18 program shall be deemed as income for purposes of any other
19 assistance program funded entirely with state funds.

20
21 (d) The department shall adopt rules and regulations
22 to implement the provisions of this act.

23

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

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4 **9-2-2101. Department of family services; duties and**
5 **responsibilities; state grants; authority to contract for**
6 **shelters; definitions; youth programs.**

7

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

11

12 **Section 4.**

13

14 (a) There is appropriated from the general fund to
15 the energy assistance trust fund holding account
16 established pursuant to W.S. 42-2-502(b), ten million
17 dollars (\$10,000,000.00). Notwithstanding W.S. 9-4-207,
18 funds within the holding account shall not lapse at the end
19 of the fiscal biennium, but are continuously appropriated
20 to the state treasurer for purposes of matching
21 contributions to the energy assistance trust fund as
22 provided by W.S. 42-2-502(b). Funds not used for those
23 matching purposes shall lapse to the general fund on June
24 30, 2011.

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2 (b) There is appropriated fifty thousand dollars
3 (\$50,000.00) from the general fund to the department of
4 family services for publicizing the emergency energy
5 assistance program, for initial contract administration,
6 and rulemaking to implement the program. All funds
7 appropriated under this subsection may be used for the
8 purposes specified, notwithstanding the limitation of W.S.
9 42-2-504(b).

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

15

16 (END)