

HOUSE BILL NO. HB0102

Wyoming wildlife legacy trust.

Sponsored by: Representative(s) Parady, Law, Lockhart,
Thompson and Willford and Senator(s) Harris,
Hinchey, Job, Miller, C. and Vasey

A BILL

for

1 AN ACT relating to game and fish; consolidating various
2 accounts within the game and fish fund into a wildlife
3 legacy trust account; providing additional funding for the
4 account; specifying use of funds; specifying legislative
5 findings and intent; requiring annual report; and providing
6 for an effective date.

7

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

9

10 **Section 1.** W.S. 23-1-504 is created to read:

11

12 **23-1-504. Wildlife legacy trust expenditures;**
13 **purposes.**

14

15 (a) Revenues deposited into the Wyoming wildlife
16 legacy trust income account established under W.S.

1 23-1-501(f) shall be available for expenditure by the
2 commission:

3

4 (i) For wildlife habitat improvement. To further
5 this goal the commission and department shall work with
6 individuals, communities and industry to improve and
7 conserve existing habitat and minimize and mitigate the
8 effect of development on habitat. No expenditure shall be
9 made from the trust income account to purchase or acquire
10 any interest in real property;

11

12 (ii) For gathering information and other
13 necessary work related to species which are likely
14 potential candidates for listing under the federal
15 Endangered Species Act. As directed by the commission, the
16 department shall collect biological information on these
17 species and enhance their habitats when necessary to help
18 ensure their future under state management authority and
19 eliminate the need for listing and recovery programs under
20 the federal Endangered Species Act;

21

22 (iii) Address human-wildlife conflicts
23 associated with increased development. To accomplish this
24 goal the commission and department shall work with

1 communities and industry to minimize human-wildlife
2 conflicts associated with increased residential and
3 industrial development and demand for wildlife associated
4 recreation;

5

6 (iv) To promote the enjoyment of wildlife,
7 including the nonconsumptive use of wildlife;

8

9 (v) To promote the maintenance and growth of the
10 Wyoming wildlife legacy trust account through additional
11 long term, sustainable funding sources for the account;

12

13 (vi) To make payments in accordance with W.S.
14 23-1-901, for property damage caused by trophy game
15 animals.

16

17 (b) The commission shall report annually to the joint
18 appropriations committee on or before August 1, on
19 expenditures made from the trust income account in the
20 previous fiscal year. The report shall include the total
21 amount of expenditures and the amount of expenditures made
22 pursuant to each paragraph of subsection (a) of this
23 section. For any individual expenditure of ten thousand

1 dollars (\$10,000.00) or more, the report shall include the
2 amount and a description of the purpose of the expenditure.

3

4 **Section 2.** W.S. 9-4-601(b)(i)(intro), (iv) and by
5 creating a new paragraph (v), 23-1-302(a)(xxviii),
6 23-1-501(f), 23-2-101 by creating a new subsection (n) and
7 23-2-201 by creating a new subsection (f) are amended to
8 read:

9

10 **9-4-601. Distribution and use; funds, accounts,**
11 **cities and towns benefited; exception for bonus payments.**

12

13 (b) The state treasurer shall ascertain and withhold
14 all bonus payments received from the federal government
15 attributable to coal, oil shale or geothermal leases of
16 federal land within Wyoming and shall distribute it as
17 follows:

18

19 (i) Fifty percent (50%), the first seven million
20 five hundred thousand dollars (\$7,500,000.00) of which
21 shall be distributed as follows, but for the fiscal year
22 beginning July 1, 2002 and ending June 30, 2003 any amount
23 in excess of seven million five hundred thousand dollars
24 (\$7,500,000.00) shall be deposited in the Wyoming wildlife

1 legacy trust account established under W.S. 23-1-501(f),
2 and thereafter any amount in excess of seven million five
3 hundred thousand dollars (\$7,500,000.00) per year shall be
4 deposited into the school capital construction account
5 established under W.S. 21-15-111(a) (i):

6
7 (iv) ~~For the fiscal year commencing July 1,~~
8 ~~1994, and for each fiscal year thereafter~~ And:

9
10 (A) Ten percent (10%) but not to exceed one
11 million six hundred thousand dollars (\$1,600,000.00) per
12 year, to an earmarked revenue fund account which may be
13 expended by the community college commission in accordance
14 with and in addition to appropriations available under W.S.
15 21-18-205(c). For the fiscal year beginning July 1, 2002
16 and ending June 30, 2003, any amount in excess of one
17 million six hundred thousand dollars (\$1,600,000.00) shall
18 be deposited in the Wyoming wildlife legacy trust account
19 established under W.S. 23-1-501(f). Thereafter any amount
20 in excess of one million six hundred thousand dollars
21 (\$1,600,000.00) together with any unexpended revenues
22 within the account at the end of any biennial budget period
23 shall be credited to the school capital construction
24 account established under W.S. 21-15-111(a) (i);

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

(B) For the fiscal year beginning July 1, 2002 and ending June 30, 2003, forty percent (40%) to the Wyoming wildlife legacy trust account established under W.S. 23-1-501(f) and thereafter to the school capital construction account established under W.S. 21-15-111(a) (i).

(v) Not more than ten million dollars (\$10,000,000.00) shall be distributed to the Wyoming wildlife legacy trust account pursuant to this subsection. To the extent this limitation would be exceeded under provisions of paragraph (b) (i) and subparagraphs (iv) (A) and (B) of this section, the excess amount shall be distributed to the school capital construction account established under W.S. 21-15-111(a) (i).

23-1-302. Powers and duties.

(a) The commission is directed and empowered:

(xxviii) To reject or to accept ~~and expend for purposes authorized under this section~~ any and all gifts of cash, stocks, bonds or any other form of monies. Gifts

1 shall be deposited and expended as provided in W.S.
2 23-1-501.

3

4 **23-1-501. Game and fish fund.**

5

6 (f) A trust account ~~separate and apart from the trust~~
7 ~~account established under subsection (d) of this section~~ is
8 created within the Wyoming game and fish fund to be known
9 as the Wyoming wildlife legacy trust account. The trust
10 account shall consist of those funds appropriated or
11 designated to the trust account by law or by gift from
12 whatever source. Revenues collected from the sale of
13 licenses under W.S. 23-2-101(j)(vii) and 23-2-201(d)(viii)
14 and conservation stamps as provided by W.S.
15 23-2-306(a)(ii)(A) shall be deposited within the trust
16 account. Funds deposited within the trust account are
17 intended to be inviolate and constitute a permanent or
18 perpetual trust account which shall be invested by the
19 state treasurer as authorized under W.S. 9-4-711 and in a
20 manner to obtain the highest return possible consistent
21 with preservation of the account corpus. ~~Any~~ The state
22 treasurer shall credit annually to a Wyoming wildlife
23 legacy trust income account interest earned from investment
24 of the trust account corpus ~~shall be credited by the state~~

1 ~~treasurer into the Wyoming game and fish fund to~~ up to an
2 amount equal to five percent (5%) of the balance of the
3 corpus at the beginning of the fiscal year. Earnings above
4 the five percent (5%) amount shall be retained in the
5 corpus of the trust account. Notwithstanding subsection (b)
6 of this section, funds within the trust income account
7 shall be expended by the commission only for purposes
8 specified under ~~subsection (b) of this section~~ W.S.
9 23-1-504.

10
11 **23-2-101. Fees; restrictions; nonresident application**
12 **fee; nonresident licenses; verification of residency**
13 **required.**

14
15 (n) In addition to other fees under this section,
16 persons applying for a license or tag under this section
17 may contribute any whole dollar amount to the Wyoming
18 wildlife legacy trust account.

19
20 **23-2-201. Fees; restrictions; verification of**
21 **residency required.**

22
23 (f) In addition to other fees under this section,
24 persons applying for a license or tag under this section

1 may contribute any whole dollar amount to the Wyoming
2 wildlife legacy trust account.

3

4 **Section 3.** W.S. 23-1-501(c) and (d) is repealed.

5

6 **Section 4.** The legislature finds that Wyoming's
7 wildlife resources are invaluable to the people of the
8 state and our progeny. Wildlife resources can be renewable,
9 but those resources currently face a major crisis requiring
10 additional funding to maintain their full potential to the
11 state. Current funding for wildlife resources is provided
12 nearly exclusively by hunting and fishing license fees. The
13 value of wildlife resources extends to all people of the
14 state and the resources should be supported by funding
15 attributable to both consumptive users and other people of
16 the state. The intent of the legislature is to use funds
17 from nonrenewable resources together with funding provided
18 by consumptive users to fulfill the potential of renewable
19 wildlife resources. In making expenditures from the Wyoming
20 wildlife legacy trust income account the game and fish
21 commission shall be guided by the provisions of law and the
22 principles enumerated within this section.

23

1 **Section 5.** All funds within the accounts created by
2 W.S. 23-1-501(c), (d) and (f) as of June 30, 2002 shall be
3 transferred to the Wyoming wildlife legacy trust account
4 established under W.S. 23-1-501(f).

5

6 **Section 6.** This act is effective July 1, 2002.

7

8

(END)