

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 account;  
4 establishing procedures for expenditures from the account;  
5 providing appropriations; providing for future recommended  
6 appropriations; establishing a board and providing for  
7 duties and other administration of the account; specifying  
8 legislative findings; and providing for an effective date.

9

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

11

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

14

15 **9-5-101. Short title.**

16

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

3

4 **9-15-102. Definitions.**

5

6 (a) As used in this act:

7

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

11

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

15

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

19

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

23

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. Notwithstanding  
21 W.S. 36-2-101 or other law to the contrary, title to any  
22 interest in property conveyed to the trust account shall be  
23 in the name of the board. Funds deposited within the trust  
24 account are intended to be inviolate and constitute a

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

5  
6 (b) The state treasurer shall credit annually to a  
7 Wyoming wildlife and natural resource trust income account  
8 the interest earned from investment of the trust account  
9 corpus. Until June 30, 2008, the legislature may, from  
10 time to time, appropriate funds directly to the income  
11 account for distribution in accordance with the terms of  
12 this act. Such specially appropriated funds shall be  
13 credited directly by the state treasurer to the income  
14 account and are available to the board for award of grants  
15 as otherwise permitted by this act.

16  
17 (c) Individuals and other entities may also grant,  
18 give, transfer, bequest or donate funds to the trust  
19 account or the income account. Such funds shall be  
20 credited by the state treasurer to either the trust account  
21 or the income account, as appropriate, in a manner  
22 consistent with the conditions attached to their receipt.

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

5

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

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10           (ii) Improvement and maintenance of existing  
11 aquatic habitat necessary to maintain native fish  
12 populations;

13

14           (iii) Acquisition of terrestrial or aquatic  
15 habitat when existing habitat is determined critical, or is  
16 present in minimal amounts, and acquisition presents the  
17 necessary factor in attaining or preserving desired native  
18 wildlife or fish population levels;

19

20           (iv) Conservation, maintenance, protection and  
21 development of native nongame wildlife resources;

22

23           (v) Participation in water storage projects for  
24 wildlife and instream flow purposes; or

1

2           (vi) To address and mitigate impacts associated  
3 with residential, mineral and industrial development on  
4 natural resources.

5

6           (e) The board shall not have the power of eminent  
7 domain and only has the power to accept or dispose of an  
8 interest in property, whether in fee, by way of easement,  
9 or otherwise, when the transaction with the board is that  
10 of a willing conveyor of the interest.

11

12           **9-15-104. Wildlife and natural resource trust account**  
13 **board established; terms; meetings; duties.**

14

15           (a) There is created the Wyoming wildlife and natural  
16 resource trust account board. The board shall consist of  
17 seven (7) members appointed by the governor and confirmed  
18 by the senate, who are residents of Wyoming. Not more than  
19 four (4) members shall be of the same political party.

20

21           (b) Except for the initial board, each appointed  
22 member of the board shall serve for a term of three (3)  
23 years. Of the initial appointees, two (2) members shall be  
24 appointed for one (1) year, two (2) members shall be

1 appointed for two (2) years and three (3) members shall be  
2 appointed for three (3) years. The governor may remove any  
3 member as provided in W.S. 9-1-202. Any vacancy occurring  
4 between sessions of the legislature may be filled by the  
5 governor as provided under W.S. 28-12-101(b). The board  
6 shall select one (1) of its members to serve as chair.

7

8 (c) Administration of any property held by the board  
9 shall be by the secretary to the board, who shall be  
10 employed by the board. The secretary shall not be housed  
11 in any agency which may be a grantee under this act. The  
12 secretary to the board shall further act as liaison for the  
13 board to other state, federal and local governmental  
14 agencies, as well as nonprofit organizations.

15

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

20

21 (e) The board shall receive and evaluate applications  
22 for grants from the income account. The board shall review  
23 applications, approve projects and assure compliance with  
24 the terms of grants. The board may approve grants from the

1 account for small projects. Funds for small projects are  
2 continuously appropriated from the income account for  
3 grants approved by the board. The board may recommend to  
4 the governor the funding of large projects. No funds shall  
5 be expended for large projects except upon specific  
6 legislative appropriation of funds from the income account.  
7

8 (f) The board shall adopt rules and regulations in  
9 accordance with the Wyoming Administrative Procedure Act as  
10 necessary to carry out its duties under this act, including  
11 rules to:

12  
13 (i) Establish criteria for grants from the  
14 income account which accomplish the purposes of this act;  
15

16 (ii) Establish criteria for matching funds or  
17 other in-kind contributions from grantees;  
18

19 (iii) Evaluate, rank and prioritize grant  
20 proposals;  
21

22 (iv) Review and monitor grants to grantees;  
23



1           (v) Emphasize citizen access for hunting,  
2 fishing and recreation activities;

3

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

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8           (vii) Consider other necessary matters.

9

10          (g) In fulfilling its duties under this act the board  
11 may:

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13           (i) Consult with the game and fish commission,  
14 the department of state parks and cultural resources and  
15 the department of agriculture, as well as other  
16 governmental agencies and nonprofit organizations, as  
17 necessary;

18

19           (ii) Accept or decline federal grants and other  
20 contributions, grants, gifts, transfers, bequests and  
21 donations from any source.

22

23          (h) The board shall annually report to the governor,  
24 the joint appropriations interim committee and the joint

1 travel, recreation, wildlife and cultural resources interim  
2 committee no later than October 1 with respect to all  
3 federal grants, state appropriations and other  
4 contributions, grants, gifts, bequests and donations  
5 received and credited to the trust account and income  
6 account during the preceding fiscal year. The report shall  
7 include grants awarded by the board to nonprofit and  
8 governmental organizations and progress made toward the  
9 condition of any grant made.

10  
11 (j) The governor shall include in his proposed state  
12 budget submitted in accordance with W.S. 9-2-1013, his  
13 recommendations for funding from the income account of  
14 projects submitted by the board under this section. Until  
15 the corpus of the trust account exceeds two hundred million  
16 dollars (\$200,000,000.00) the governor may also include in  
17 his proposed state budget recommendations for additional  
18 funding of the corpus of the trust account. Through the  
19 fiscal year ending June 30, 2008, the governor may also  
20 include in his proposed state budget recommendations for  
21 additional funding of the income account.

22  
23 **9-15-105. Grant applications; eligible entities.**  
24

1           (a) The board may only grant funds to nonprofit and  
2 governmental organizations. The board shall award grants  
3 to promote, preserve and enhance the unique wildlife and  
4 environmental heritage of Wyoming and its people. The  
5 board shall have the discretion to determine the amount of  
6 each grant and any conditions attached to the grant. For  
7 the purposes of this act, a grant may include the  
8 acquisition of an interest in real or personal property.

9  
10           (b) Grants by the board are not intended to provide a  
11 supplement to, or replacement of, the operating budget of  
12 any governmental agency or nonprofit organization except as  
13 those funds are directly related to the purposes of the  
14 grant.

15  
16           **9-15-106. Audits.**

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18 The director of the department of audit or his designee  
19 shall audit the trust account biennially. Copies of the  
20 audit shall be provided to the governor, the joint  
21 appropriations interim committee and the joint travel,  
22 recreation, wildlife and cultural resources interim  
23 committee.

1           **Section 2.**

2

3           (a) The legislature finds:

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5                   (i) Wyoming possesses a unique wildlife and  
6 environmental heritage;

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8                   (ii) Wyoming's unique wildlife and environmental  
9 heritage is vital to our citizens' quality of life and our  
10 state's economy, now and for future generations;

11

12                   (iii) The development of Wyoming's mineral  
13 resource endowment will be enhanced by allocating state  
14 resources to the maintenance and improvement of wildlife  
15 and wildlife habitat;

16

17                   (iv) Citizens' access to outdoor recreation,  
18 hunting and fishing, particularly on public lands, is a  
19 significant priority in Wyoming;

20

21                   (v) Continued reliance on sportsmen's license  
22 fees and limited grants from the federal government is  
23 inadequate to maintain Wyoming's unique wildlife and  
24 environmental heritage.

1

2 (b) It is the purpose of this act to promote,  
3 preserve and enhance this unique Wyoming heritage by  
4 creating a Wyoming wildlife and natural resource trust  
5 account administered by a citizen board to coordinate  
6 public and private donations and manage distribution of the  
7 investment earnings from the trust account.

8

9 **Section 3.**

10

11 (a) There is appropriated seventy-five million  
12 dollars (\$75,000,000.00) from the budget reserve account to  
13 the Wyoming wildlife and natural resource trust account.

14

15 (b) There is appropriated from the budget reserve  
16 account to the Wyoming wildlife and natural resource income  
17 account one hundred thousand dollars (\$100,000.00) to  
18 provide staffing and expenses of the wildlife and natural  
19 resource account board as authorized under this act for the  
20 fiscal period commencing July 1, 2005 and ending June 30,  
21 2006.

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