

True

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81 ISO - 129

# SENATE FILE 79A,

SENATE FILE 79A,

## Title:

AN ACT to create W.S. 9-7-1701; and to amend W.S. 39-6-305(b) relating to the wildlife, recreation and conservation permanent mineral trust account; establishing the account and requiring the account to remain inviolate; providing that 25% of revenues collected under W.S. 39-6-302(a) be transferred to the account until the balance of the account reaches \$250,000,000.00, at which point the revenues collected are to be credited to the permanent mineral trust fund; providing for disposition of interest income to an earmarked account; authorizing expenditure of account funds for eligible wildlife, recreation and conservation projects; prohibiting expenditures for projects requiring purchase or acquisition of state lands; requiring the travel, recreation and wildlife committee to review project proposals and to recommend projects to the legislature; requiring authorization of legislature by separate bill for expenditure of funds; providing for submission of project requests by state and local agencies; providing for the method of financing and administration of funds to be determined by legislature; and providing for an effective date.

Introduced by:

*Senator True John F. Turner*

DATE	ACTION	DATE	ACTION
✓ 1-14-81	INTRODUCED		
	READ FIRST TIME		
	REFERRED TO COM. NO. <u>6</u>		
	EDITED FOR PRINTING		
	RETURNED FROM LEO FOR PRINTED		
	DELIVERED TO COM. NO. <u>6</u>		
✓ 1-22-81	STANDING COMM. REPORT		
	S.F. 79A & A-601420		
	for S.F. 79		
✓ 1-30-81	CONSIDERED ON CH. OF WILDLIFE		
	AMENDED AS FOLLOWS SF79SS1-A		
	AND FURTHER AMENDED SF79ASW1-A		
	AND FURTHER AMENDED SF79ASW2-A		
	<b>DO PASS</b>		
✓ 1-31-81	READ SECOND TIME		
	AND FURTHER AMENDED SF79AS23/A		
✓ 2-2-81	READ THIRD TIME		
	AMENDED AS FOLLOWS SF79AS31-A		
	AMENDED AS FOLLOWS SF79AS34-A		
	FILED		
	AVES. 15 MOES. 15 EXCUSED. Q. ABSENT. Q.		
	<b>Indefinite Postponed</b>		

CONTINUED ON BACK

# Roll Call of the Senate

of the FORTY-SIXTH LEGISLATURE  
of Wyoming

	Ayes	Noes	Excused	Absent
31 ARNEY		✓		
30 BOYLE	✓			
29 BUSSART	✓			
28 CHRISTENSEN		✓		
<del>27 CUNDELL</del>				
26 DAILY		✓		
25 DOWNING		✓		
24 FRISBY	✓			
23 GEIS		✓		
22 HICKEY	✓			
21 LARSON, R.		✓		
20 MAJHANOVICH	✓			
19 MOORE		✓		
18 NICHOLAS	✓			
17 NICHOLS	✓			
16 NORRIS		✓		
15 NORTHRUP		✓		
14 PARKS		✓		
13 PECK	✓			
12 PROFFIT	✓			
11 RECTOR	✓			
10 SADLER	✓			
9 SEDAR		✓		
8 STAFFORD		✓		
7 STROOCK	✓			
6 TAGGART	✓			
5 TRUE	✓			
4 TURNER	✓			
3 YOUTZ		✓		
2 ZIMMER		✓		
1 MR. PRESIDENT		✓		

PRESENT \_\_\_\_\_ AYES 15  
NOES 15  
EXCUSED \_\_\_\_\_  
ABSENT \_\_\_\_\_  
TOTAL \_\_\_\_\_

SF79SS1/A

Senate File 79A is substituted for Senate File 79 in its entirety, a copy of which is on file in the Legislative Service Office.

AN ACT to create W.S. 9-7-1701 through 9-7-1703 and 23-7-101 through 23-7-106; and to amend W.S. 39-6-302(a) and 39-6-305(b) relating to the permanent wildlife, recreation and conservation account; establishing the account and requiring the account to remain inviolate; providing that 25% of revenues collected under W.S. 39-6-302(a) be transferred to the account until the balance of the account reaches \$250,000,000.00, at which point the revenues collected are to be credited to the permanent mineral trust fund; providing for equal disposition of interest income to a recreation and conservation trust account and a wildlife and conservation trust account; authorizing expenditure of recreation and conservation trust account funds for eligible state and local recreation projects in accordance with law and priorities of the recreation commission; requiring the travel, recreation and wildlife committee to review project and projects to the legislative

SF79ASW1/A

Page 7-line 8 After "conveyance" insert "to the state of Wyoming". -FRISBY

SF79ASW2/A

✓ Page 4-line 14 Delete "and" and insert a comma; after "counties" insert "or recreational districts". -TURNER

SF79AS23/A

Page 7-line 15 After the semicolon insert "game damage claims not affected";.

Page 8-After line 4 insert:

(b) The granting or not granting of an easement as described in this act shall not affect the approval or disapproval of a game damage claim submitted by the owner or lessee of the land encumbered by the easement or proposed easement.

✓ Page 8-line 5 Delete "(b)" and insert "(c)". -MOORE

SF79SS1/A

Senate File 79A is substituted for Senate File 79 in its entirety, a copy of which is on file in the Legislative Service Office.

AN ACT to create W.S. 9-7-1701 through 9-7-1703 and 23-7-101 through 23-7-106; and to amend W.S. 39-6-302(a) and 39-6-305(b) relating to the permanent wildlife, recreation and conservation account; establishing the account and requiring the account to remain inviolate; providing that 25% of revenues collected under W.S. 39-6-302(a) be transferred to the account until the balance of the account reaches \$250,000,000.00, at which point the revenues collected are to be credited to the permanent mineral trust fund; providing for equal disposition of interest income to a recreation and conservation trust account and a wildlife and conservation trust account; authorizing expenditure of recreation and conservation projects in accordance with law and priorities of the recreation commission; requiring the state and local recreation projects to the legislature; travel, recreation and wildlife committee to review project proposals and to recommend projects to the legislature; requiring authorization of legislature by separate bill for expenditure of funds; providing for the method of financing and administration of funds to be determined by legislature; authorizing expenditure of wildlife and conservation trust account funds by the game and fish commission for eligible projects; requiring the commission to report to the legislature; specifying eligible projects; providing for wildlife easements; defining wildlife easement; providing for the nature and creation of an easement; providing for recording and enforcement of easements; providing that other interests are not impaired by easements; and providing for an effective date. -TURNER

Page 17-line 10 After "conveyance" insert "Hypoxia". -FRISBY

SF79AS2/A

Page 4-line 14 Delete "and" and insert a comma; after "counties" insert "or recreational districts". -TURNER

SF79AS23/A

Page 7-line 15 After the semicolon insert "game damage claims not affected";.

Page 8-After line 4 insert:

(b) The granting or not granting of an easement as described in this act shall not affect the approval or disapproval of a game damage claim submitted by the owner or lessee of the land encumbered by the easement or proposed easement.

Page 8-line 5 Delete "(b)" and insert "(c)". -MOORE

SF79AS31/A

Page 6-line 21 After "purposes" insert "in proportion to the benefits accrued for wildlife and instream flow purposes". -MAJHANOVICH

SF79AS34/A

Page 6-line 9 After "only" insert "on consent of the legislature and only". -NORTHROP

1981

STATE OF WYOMING

81LSO-129/SUB  
NOT ADOPTED

SENATE FILE NO. 79A

Permanent wildlife recreation and conservation account.

Sponsored by: Senator TRUE

A BILL

for

1 AN ACT to create W.S. 9-7-1701 through 9-7-1703 and  
2 23-7-101 through 23-7-106; and to amend W.S. 39-6-302(a)  
3 and 39-6-305(b) relating to the permanent wildlife,  
4 recreation and conservation account; establishing the  
5 account and requiring the account to remain inviolate;  
6 providing that 25% of revenues collected under W.S.  
7 39-6-302(a) be transferred to the account until the bal-  
8 ance of the account reaches \$250,000,000.00, at which  
9 point the revenues collected are to be credited to the  
10 permanent mineral trust fund; providing for equal disposi-  
11 tion of interest income to a recreation and conservation

1 trust account and a wildlife and conservation trust  
2 account; authorizing expenditure of recreation and conser-  
3 vation trust account funds for eligible state and local  
4 recreation projects in accordance with law and priorities  
5 of the recreation commission; requiring the travel,  
6 recreation and wildlife committee to review project pro-  
7 posals and to recommend projects to the legislature;  
8 requiring authorization of legislature by separate bill  
9 for expenditure of funds; providing for the method of  
10 financing and administration of funds to be determined by  
11 legislature; authorizing expenditure of wildlife and  
12 conservation trust account funds by the game and fish  
13 commission for eligible projects; requiring the commission  
14 to report to the legislature; specifying eligible  
15 projects; providing for wildlife easements; defining wild-  
16 life easement; providing for the nature and creation of an  
17 easement; providing for recording and enforcement of ease-  
18 ments; providing that other interests are not impaired by  
19 easements; and providing for an effective date.

20 Be It Enacted by the Legislature of the State of Wyoming:

21 Section 1. W.S. 9-7-1701 through 9-7-1703 and  
22 23-7-101 through 23-7-106 are created to read:

1

## ARTICLE 17

2

## PERMANENT RECREATIONAL AND WILDLIFE ACCOUNT

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9-7-1701. Permanent wildlife, recreation and conser-  
vation account created within the trust and agency fund;  
funds inviolate; disposition of interest income.

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(a) The permanent wildlife, recreation and conser-  
vation account within the trust and agency fund is created  
which shall remain inviolate and shall be invested as pre-  
scribed by the legislature.

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(b) The state treasurer shall annually transfer  
fifty percent (50%) of the income from account investments  
into a recreation and conservation trust account created  
within the earmarked revenue fund and the remaining fifty  
percent (50%) into a wildlife and conservation trust  
account created within the game and fish fund. All  
expenditures from these accounts shall be as prescribed by  
W.S. 9-7-1702 and 9-7-1703.

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9-7-1702. Same; expenditures for state and local  
recreation and conservation projects; submission of eli-  
gible state projects to travel, recreation and wildlife  
committee; review and recommendations by committee; method  
of project financing and administration of funds to be



1     determined by legislature.

2           (a) Funds deposited in the recreation and conser-  
3     vation trust account within the earmarked revenue fund  
4     pursuant to W.S. 9-7-1701(b) shall be used to finance  
5     projects:

6           (i) To improve existing state park and recrea-  
7     tional facilities;

8           (ii) To plan, acquire, develop and improve new  
9     state park and recreational areas and facilities;

10          (iii) To acquire and upgrade access to exist-  
11     ing or proposed recreational areas or public lands;

12          (iv) To plan, acquire, develop and improve  
13     scenic and historical landmarks and sites; and

14          (v) To assist towns, cities and counties for  
15     community recreation projects through a grant and loan  
16     program administered by the recreation commission.

17          (b) All requests for funding under this section  
18     shall be in accordance with the law. Requests shall be  
19     submitted by the recreation commission according to needs  
20     and priorities to the travel, recreation and wildlife  
21     standing committees meeting jointly during regular and

1 special sessions of the legislature or to the joint  
2 travel, recreation and wildlife interim committee when the  
3 legislature is not in regular or special session. The  
4 committee shall review all project requests at least once  
5 a year and then recommend to the legislature proposed  
6 legislation for the financing of any projects it selects.

7 (c) The method of project financing and the adminis-  
8 tration of project funds if necessary shall be prescribed  
9 within the legislation authorizing the expenditure of  
10 funds.

11 (d) Recipients of these funds shall not use the  
12 power of eminent domain to acquire easements or land.

13 9-7-1703. Same; expenditures for wildlife projects;  
14 funds administered by game and fish commission for eli-  
15 gible projects; report to legislature; authorized expendi-  
16 tures; acquisition of land by eminent domain prohibited.

17 (a) Funds deposited in the wildlife and conservation  
18 trust account within the game and fish fund in accordance  
19 with W.S. 9-7-1701(b) shall be administered by the game  
20 and fish commission for purposes specified by subsection  
21 (b) of this section. The commission shall annually report  
22 to the legislature all receipts and expenditures made pur-

1     suant to this section.

2           (b) Disbursements of account revenues shall be only  
3     for the following purposes:

4           (i) Maintenance, improvement and acquisition  
5     of habitats necessary to support wildlife populations  
6     within the state. Habitat acquisition shall be primarily  
7     by wildlife easement pursuant to W.S. 23-7-101 through  
8     23-7-106. Acquisition by the purchase of fee title shall  
9     occur only when the commission determines that the habitat  
10    involved is critical, acquisition by easement is not fea-  
11    sible and fee title acquisition is determined to be the  
12    best means by which the habitat may be protected from loss  
13    or degradation. Any habitat acquisitions utilizing funds  
14    from the wildlife and conservation account shall be used  
15    only for wildlife as defined in W.S. 23-1-101(a)(i), (iv),  
16    (v), (vi), (x), (xi) and (xii).

17           (ii) Conservation and management of native  
18    wildlife species not normally subject to sport harvest;  
19    and

20           (iii) Participation in water storage projects  
21    for wildlife and instream flow purposes.

22           (c) The commission shall not use the power of emi-

1     nent domain to acquire land or easements under this  
2     section. No more than 10% of annual receipts from the  
3     wildlife and conservation trust account may be expended  
4     for programs as defined in paragraph (ii) of this section.

5                                   CHAPTER 7

6                                   WILDLIFE EASEMENT

7             23-7-101. Wildlife easement defined. A wildlife  
8     easement is a voluntary grant or conveyance, by written  
9     instrument, where the owner of real property relinquishes  
10    the right to construct improvements upon land or to  
11    develop land as set forth in the instrument creating the  
12    easement. The purpose of a wildlife easement is to retain  
13    or maintain land, including improvements, in a natural or  
14    open condition for wildlife habitat uses.

15            23-7-102. Nature of wildlife easement; creation.

16            (a) A wildlife easement is an interest in real prop-  
17    erty which may be perpetual or for a term of years as set  
18    forth in the instrument creating the easement. The par-  
19    ticular characteristics of a wildlife easement are those  
20    granted or specified in the instrument creating the ease-  
21    ment. All interests not transferred or conveyed by the  
22    instrument creating the easement shall remain in the

1 grantor of the easement, including the right to engage in  
2 all uses of the lands affected by the easement which are  
3 not inconsistent with the easement or prohibited by the  
4 easement or by law.

5 (b) A wildlife easement may be created by the record  
6 owners of the surface of the land affected by the easement  
7 by a deed or other instrument of conveyance executed in  
8 accordance with the statutes of this state.

9 23-7-103. Recordation. Instruments creating, assign-  
10 ing or otherwise transferring or terminating wildlife  
11 easements shall be recorded in the office of the county  
12 clerk of the county in which the affected land is located  
13 in order to become valid and shall conform to all other  
14 legal requirements for recordation.

15 23-7-104. Release; termination. Wildlife easements  
16 may, in whole or in part, be released, terminated or  
17 extinguished by merger with the underlying fee interest in  
18 the servient land or by any means recognized by law.

19 23-7-105. Enforcement. No wildlife easement shall be  
20 unenforceable by reason of lack of privity of estate or  
21 contract, lack of benefit to particular land or because  
22 not expressed as running with the land. Actual or threat-

1     ened injury to or impairment of a wildlife easement or the  
2     interest intended for protection by the easement may be  
3     prohibited or restrained by injunctive relief granted by a  
4     court of competent jurisdiction in a proceeding initiated  
5     by the grantor or grantee of the easement.

6           23-7-106. Other interests not impaired. This act,  
7     W.S. 23-7-101 through 23-7-106, shall not affect the legal  
8     rights of the owner or lessee of any mineral estate in the  
9     property affected by a wildlife easement or their agents,  
10    contractors or employees to enter upon, explore for,  
11    extract, remove, lease, convey or produce minerals in  
12    accordance with law. This act shall not affect the rights  
13    of a public utility, municipality or political subdivision  
14    to acquire property or interest therein by eminent domain  
15    and to use the acquired property for the purposes for  
16    which it was acquired in accordance with law. No provi-  
17    sion of this act shall be construed to mean that open  
18    space or conservation easements were not lawful estates in  
19    land prior to the passage of this section.

20           Section 2. W.S. 39-6-302(a) and 39-6-305(b) are  
21    amended to read:

22           39-6-302. Excise taxes on extraction of minerals.

1           (a) There is levied an excise tax of two percent  
2           (2%) of the value of the gross product extracted upon the  
3           privilege of severing or extracting uranium, trona, coal,  
4           petroleum, natural gas, oil shale or any other fossil fuel  
5           in the state. ~~The proceeds from this tax shall be depos-~~  
6           ~~ited into the permanent Wyoming mineral trust fund.~~

7           39-6-305. Disposition of revenue collected.

8           (b) The state treasurer shall transfer revenue col-  
9           lected under W.S. 39-6-302(a) AS FOLLOWS:

10                   (i) SEVENTY-FIVE (75%) to the permanent min-  
11           eral trust fund; - AND

12                   (ii) TWENTY-FIVE PERCENT (25%) TO THE WILD-  
13           LIFE, RECREATION AND CONSERVATION PERMANENT MINERAL TRUST  
14           ACCOUNT WITHIN THE TRUST AND AGENCY FUND UNTIL THE ACCOUNT  
15           REACHES A BALANCE OF TWO HUNDRED FIFTY MILLION DOLLARS  
16           (\$250,000,000.00). WHEN THE TWO HUNDRED FIFTY MILLION  
17           DOLLAR (\$250,000,000.00) BALANCE IS REACHED, FURTHER  
18           REVENUE COLLECTED SHALL BE TRANSFERRED TO THE PERMANENT  
19           MINERAL TRUST FUND.

1           Section 3. This act is effective immediately upon  
2 completion of all acts necessary for a bill to become law  
3 as provided by Article 4, Section 8 of the Wyoming Con-  
4 stitution.

5 (END)



House of Intro  
 To Com No. \_\_\_\_\_  
 Stand Report Do      Amd      Not       
 Com Whole Do      Amd      Not       
 2nd Reading Amd       
 3rd Reading Amd      Pass      Fail     

Second House  
 To Com No. \_\_\_\_\_  
 Stand Report Do      Amd      Not       
 Com Whole Do      Amd      Not       
 2nd Reading Amd       
 3rd Reading Amd      Pass      Fail     

**INTRODUCED**

1981

STATE OF WYOMING

81LSO-129.01

SENATE FILE NO. 79

Wildlife recreation and conservation account.

Sponsored by: Senator TRUE

*Thomas True*  
*John F. Turner*  
 A BILL

for

1 AN ACT to create W.S. 9-7-1701; and to amend W.S.  
 2 39-6-305(b) relating to the wildlife, recreation and  
 3 conservation permanent mineral trust account; establishing  
 4 the account and requiring the account to remain inviolate;  
 5 providing that 25% of revenues collected under W.S.  
 6 39-6-302(a) be transferred to the account until the bal-  
 7 ance of the account reaches \$250,000,000.00, at which  
 8 point the revenues collected are to be credited to the  
 9 permanent mineral trust fund; providing for disposition of  
 10 interest income to an earmarked account; authorizing  
 11 expenditure of account funds for eligible wildlife,

1 recreation and conservation projects; prohibiting expendi-  
2 tures for projects requiring purchase or acquisition of  
3 state lands; requiring the travel, recreation and wildlife  
4 committee to review project proposals and to recommend  
5 projects to the legislature; requiring authorization of  
6 legislature by separate bill for expenditure of funds;  
7 providing for submission of project requests by state and  
8 local agencies; providing for the method of financing and  
9 administration of funds to be determined by legislature;  
10 and providing for an effective date.

11 Be It Enacted by the Legislature of the State of Wyoming:

12 Section 1. W.S. 9-7-1701 is created to read:

13 ARTICLE 17

14 WILDLIFE, RECREATION AND CONSERVATION

15 PERMANENT MINERAL TRUST ACCOUNT

16 9-7-1701. Wildlife, recreation and conservation  
17 permanent mineral trust account created within the trust  
18 and agency fund; funds inviolate; disposition of interest  
19 income; legislative appropriation of interest income to  
20 eligible projects; travel, recreation and wildlife commit-  
21 tee to review project requests and to make recommendations

1 to legislature; method of project financing and adminis-  
2 tration of funds to be determined by legislature.

3 (a) The wildlife, recreation and conservation perma-  
4 nent mineral trust account within the trust and agency  
5 fund is created which shall remain inviolate and shall be  
6 invested as prescribed by the legislature. All income  
7 from account investments shall be transferred annually by  
8 the state treasurer into the wildlife, recreation and  
9 conservation project account within the earmarked revenue  
10 fund. Any expenditures from the earmarked fund account  
11 for any eligible project specified in subsection (b) of  
12 this section shall be authorized by the legislature in a  
13 separate bill.

14 (b) Projects eligible for funding under the wild-  
15 life, recreation and conservation account include projects  
16 which:

17 (i) Restore and improve wildlife habitat  
18 within the state;

19 (ii) Propagate, maintain and conserve wildlife  
20 populations within the state;

21 (iii) Develop and improve state and local park  
22 and recreational areas; and

1                   (iv) Develop and improve access to state parks  
2     and recreational lands.

3           (c) Funds shall not be authorized for any project  
4     requiring the purchase and acquisition of privately owned  
5     lands within the state.

6           (d) The house and senate travel, recreation and  
7     wildlife standing committees meeting jointly during  
8     regular and special sessions of the legislature and the  
9     joint travel, recreation and wildlife interim committee  
10    when the legislature is not in regular or special session  
11    shall review all project requests submitted pursuant to  
12    subsection (e) of this section and shall recommend to the  
13    legislature by separate bill the financing of any project  
14    it determines necessary and beneficial to the state.

15          (e) The recreation commission, the game and fish  
16     department and other state and local government agencies  
17     may submit eligible project requests to the appropriate  
18     committee in a manner and upon a form prescribed by the  
19     committee.

20          (f) The method of project financing and the adminis-  
21     tration of project funds if necessary shall be prescribed  
22     within the legislation authorizing the expenditure of

1 funds.

2 Section 2. W.S. 39-6-305(b) is amended to read:

3 39-6-305. Disposition of revenue collected.

4 (b) The state treasurer shall transfer revenue col-  
5 lected under W.S. 39-6-302(a) AS FOLLOWS:

6 (i) SEVENTY-FIVE (75%) to the permanent min-  
7 eral trust fund; AND

8 (ii) TWENTY-FIVE PERCENT (25%) TO THE WILD-  
9 LIFE, RECREATION AND CONSERVATION PERMANENT MINERAL TRUST  
10 ACCOUNT WITHIN THE TRUST AND AGENCY FUND UNTIL THE ACCOUNT  
11 REACHES A BALANCE OF TWO HUNDRED FIFTY MILLION DOLLARS  
12 (\$250,000,000.00). WHEN THE TWO HUNDRED FIFTY MILLION  
13 DOLLAR (\$250,000,000.00) BALANCE IS REACHED, FURTHER  
14 REVENUE COLLECTED SHALL BE TRANSFERRED TO THE PERMANENT  
15 MINERAL TRUST FUND.

16 Section 3. This act is effective July 1, 1981.

17 (END)

FISCAL NOTE

Anticipated REVENUE to:	Fiscal Year 19 82	Fiscal Year 1983
Wildlife, recreation & conservation permanent mineral trust account.	\$22,013,959.00	\$30,408,527.00
Wildlife, recreation & conservation project account		
earmarked revenue fund	\$ 917,982.00	\$ 3,043,183.00
<b>TOTAL ESTIMATED REVENUE</b>		

  

Anticipated COST to:	Fiscal Year 19 82	Fiscal Year 1983
Permanent Wyoming Mineral Trust Fund	\$22,013,959.00	\$30,408,527.00
General Fund	\$ 917,982.00	\$ 3,043,183.00
<b>TOTAL ESTIMATED COST</b>		

1. Projections of revenue were based on the LSO's "Taxes on Wyoming's Minerals". The earnings of the new wildlife recreation and conservation project account within the earmarked revenue account as well as the cost to the general fund was determined using a composite rate of return on investment provided by the State Treasurer.

2. No apparent personnel impact.