

ENROLLED ACT NO. 54, HOUSE OF REPRESENTATIVES

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING  
2018 BUDGET SESSION

AN ACT relating to the Wyoming state penitentiary; directing funds to the Wyoming state penitentiary capital construction account within the strategic investments and projects account as specified; providing for the investment of the account and directing investment earnings as specified; providing legislative findings; and providing for an effective date.

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

**Section 1.** W.S. 9-4-220, 9-4-220.1 and 9-4-715(p) by creating a new paragraph (vi) are amended to read:

**9-4-220. Strategic investments and projects account created; purposes.**

The strategic investments and projects account created by 2013 Wyoming Session Laws, Chapter 73, Section 4, Section 300(e) is continued and codified. Funds within the account shall only be expended by legislative appropriation. The governor may include appropriation requests from funds available within the strategic investments and projects account within his biennial budget requests for one-time expenditures as he deems necessary. All funds within the account shall be invested by the state treasurer and all investment earnings from the account shall be credited to the general fund, except as provided by W.S. 9-4-220.1(a).

**9-4-220.1. Wyoming state penitentiary capital construction account; funds transferred to the account.**

(a) There is created the Wyoming state penitentiary capital construction account within the strategic investments and projects account created by W.S. 9-4-220. Funds in the account shall only be expended upon

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legislative appropriation. Through the fiscal year ending June 30, 2034, all funds within the account shall be invested in the pool A investment account by the state treasurer and pursuant to W.S. 9-4-715(p). Thereafter, all funds within the account shall be invested as determined by the state treasurer. All investment earnings from the account shall be credited to the general fund account. For purposes of accounting and investing only, the Wyoming state penitentiary capital construction account shall be treated as a separate account from the strategic investments and projects account.

(b) Beginning on June 30, ~~2019-2021~~ for fiscal year ~~2019-2021~~ and June 30 of each fiscal year thereafter as provided in this subsection, ~~one-half (1/2) of the total fund balance in the state treasurer shall transfer ten million dollars (\$10,000,000.00), or as much thereof as is available, from any unobligated funds within~~ the strategic investments and projects account, ~~at the end of each fiscal year shall be deposited into~~ to the Wyoming state penitentiary capital construction account. The state treasurer shall cease ~~depositing~~ transferring funds ~~into to~~ the Wyoming state penitentiary capital construction account pursuant to this subsection ~~when the balance of the account reaches or exceeds two hundred fifty million dollars (\$250,000,000.00) on July 1, 2038.~~

**9-4-715. Permissible investments.**

(p) There is created the pool A investment account. The state treasurer, or his designee, which shall be registered under the Investment Advisor's Act of 1940 as amended if required to be registered by the terms of that act as amended, upon written authority as provided in subsections (c) and (d) of this section and after

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consultation with the state agency or agencies receiving or administering investment earnings from the monies invested in the pool A investment account, may invest up to seventy percent (70%) of the monies comprising the pool A investment account in equities including stocks of corporations. The state loan and investment board, in consultation with the state agency or agencies receiving or administering investment earnings from the monies invested in the pool A investment account, shall annually review the state investment policy statements for the investment pool created by this subsection as required under W.S. 9-4-716. Monies in the following funds shall be invested in the pool A investment account:

(vi) Through the fiscal year ending June 30, 2034, the Wyoming state penitentiary capital construction account created by W.S. 9-4-220.1(a).

**Section 2.** The legislature finds that remediation and maintenance efforts in the form of structural repairs, surface grading and surface drainage to correct structural movement and damage at the Wyoming state penitentiary, in conjunction with localized repairs and diligent maintenance and moisture management efforts will allow the existing facilities to remain useful and occupied for at least twenty (20) years. As such, it is the intent of the legislature that the Wyoming state penitentiary capital construction account be funded through transfers and investment earnings over a twenty (20) year period, after which the legislature may expend the account as it may determine.

ORIGINAL HOUSE  
BILL NO. HB0162

ENGROSSED

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**Section 3.** This act is effective July 1, 2018.

(END)

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the House.

\_\_\_\_\_  
Chief Clerk