

HOUSE BILL NO. HB0185

Distribution of investment income.

Sponsored by: Representative(s) Harshman, Byrd, Furphy, Madden, Obermueller, Walters and Wilson and Senator(s) Boner, Christensen and Wasserburger

A BILL

for

1 AN ACT relating to public funds; providing for allocation
2 of funds within the permanent Wyoming mineral trust fund
3 reserve account as specified; providing for allocation of
4 funds within the common school permanent fund reserve
5 account as specified; and providing for an effective date.

6

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

8

9 **Section 1.** W.S. 9-4-719(b) and (f) is amended to
10 read:

11

12 **9-4-719. Investment earnings spending policy**
13 **permanent funds.**

14

1 (b) There is created the permanent Wyoming mineral
2 trust fund reserve account. Beginning July 1, 2016 for
3 fiscal year 2017 and each fiscal year thereafter, the state
4 treasurer shall transfer unobligated funds from this
5 account to the general fund as necessary to ensure that an
6 amount equal to two and one-half percent (2.5%) of the
7 previous five (5) year average market value of the
8 permanent Wyoming mineral trust fund, calculated on the
9 first day of the fiscal year, is available for expenditure
10 annually during each fiscal year. As soon as possible after
11 the end of each of the fiscal years beginning on and after
12 July 1, 2017, revenues in this account in excess of one
13 hundred fifty percent (150%) of the spending policy amount
14 in subsection (d) of this section shall be credited to the
15 ~~permanent Wyoming mineral trust fund.~~ following accounts
16 and funds, in descending priority with each priority listed
17 in a paragraph to be fully funded prior to the treasurer
18 making deposits under a priority contained in the
19 subsequent paragraph:

20
21 (i) To the permanent Wyoming mineral trust fund
22 an amount equal to the severance taxes collected under W.S.
23 39-14-104(a)(i) and (b)(i) and 39-14-204(a)(i) for the same

1 fiscal year as determined by the department of revenue
2 multiplied by the consumer price index for urban consumers
3 published by the United States department of labor, bureau
4 of labor statistics, for the preceding calendar year;

5
6 (ii) To the permanent Wyoming mineral trust fund
7 an amount equal to the beginning cost basis of the fund
8 calculated on the first day of the fiscal year, multiplied
9 by the average consumer price index for urban consumers
10 published by the United States department of labor, bureau
11 of labor statistics, for the preceding five (5) calendar
12 years;

13
14 (iii) The remainder to the following funds in
15 the following proportions:

16
17 (A) Sixty percent (60%) to the permanent
18 Wyoming mineral trust fund;

19
20 (B) Forty percent (40%) to the legislative
21 stabilization reserve account, except as provided in
22 subparagraph (C) of this paragraph;

23

1 (C) The state treasurer shall not transfer
2 funds as provided in subparagraph (B) of this paragraph if
3 on the first day of the fiscal year in which the transfer
4 is to be made the total funds available for appropriation
5 from the legislative stabilization reserve account exceed
6 the total of all funds appropriated from the general fund,
7 the budget reserve account and the legislative
8 stabilization reserve account for the immediately preceding
9 fiscal biennium. If a transfer is not made to the
10 legislative stabilization reserve account pursuant to this
11 subparagraph, the state treasurer shall:

12

13 (I) Report to the joint appropriations
14 committee that the transfer to the legislative
15 stabilization reserve account was not made pursuant to this
16 paragraph;

17

18 (II) Deposit those funds that would
19 otherwise have been deposited to the legislative
20 stabilization reserve account under subparagraph (B) of
21 this paragraph to the permanent Wyoming mineral trust fund.

22

1 (f) There is created the common school permanent fund
2 reserve account. Beginning July 1, 2017 for fiscal year
3 2018 and each fiscal year thereafter, the state treasurer
4 shall transfer unobligated funds from this account to the
5 common school account within the permanent land income fund
6 as necessary to ensure that an amount equal to the spending
7 policy amount established in subsection (h) of this section
8 is available for expenditure annually during the fiscal
9 year. As soon as possible after the end of each of the
10 fiscal years beginning on and after July 1, 2017, revenues
11 in this account in excess of one hundred fifty percent
12 (150%) of the spending policy amount shall be credited to
13 the ~~common school account within the permanent land fund.~~
14 following accounts and funds, in descending priority with
15 each priority listed in a paragraph to be fully funded
16 prior to the treasurer making deposits under a priority
17 contained in the subsequent paragraph:

18
19 (i) To the common school account within the
20 permanent land fund in an amount equal to the state
21 royalties collected pursuant to article 7, section 2 of the
22 Wyoming constitution for the same fiscal year as determined
23 by the office of state lands and investments multiplied by

1 the consumer price index for urban consumers published by
2 the United States department of labor, bureau of labor
3 statistics, for the preceding calendar year;

4
5 (ii) To the common school account within the
6 permanent land fund an amount equal to the beginning cost
7 basis of the account calculated on the first day of the
8 fiscal year, multiplied by the average consumer price index
9 for urban consumers published by the United States
10 department of labor, bureau of labor statistics, for the
11 preceding five (5) calendar years;

12
13 (iii) The remainder to the following funds in
14 the following proportions:

15
16 (A) Sixty percent (60%) to common school
17 account within the permanent land fund;

18
19 (B) Forty percent (40%) to the school
20 foundation program reserve account;

21
22 (C) The state treasurer shall not transfer
23 funds as provided in subparagraph (B) of this paragraph if

1 on the first day of the fiscal year in which the transfer
2 is to be made the total funds available for appropriation
3 from the school foundation program reserve account exceed
4 the total of all funds appropriated from the school
5 foundation program account and the school foundation
6 program reserve account for the immediately preceding
7 fiscal biennium. If a transfer is not made to the school
8 foundation program reserve account pursuant to this
9 subparagraph, the state treasurer shall:

10
11 (I) Report to the joint appropriations
12 committee that the transfer to the school foundation
13 program reserve account was not made pursuant to this
14 subparagraph;

15
16 (II) Deposit those funds that would
17 otherwise have been deposited to the school foundation
18 program reserve account under subparagraph (B) of this
19 paragraph to the common school account within the permanent
20 land fund.

21

1 **Section 2.** This act is effective July 1, 2018.

2

3

(END)