

HOUSE JOINT RESOLUTION NO. HJ0005

Permanent Mineral Trust Fund-investments and distributions.

Sponsored by: Select Committee on Capital Financing &
Investments

A JOINT RESOLUTION

for

1 A JOINT RESOLUTION proposing to amend the Wyoming Constitution
2 to modify and modernize the permanent Wyoming mineral trust
3 fund; requiring that all fund earnings be transferred to a
4 separate earnings fund; providing for the expenditure of the
5 fund's earnings; and requiring that the Legislature provide
6 a means for making whole investment and loan losses to the
7 corpus of the fund.

8

9 *BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF WYOMING,*
10 *two-thirds of all the members of the two houses, voting*
11 *separately, concurring therein:*

12

13 **Section 1.** The following proposal to amend Wyoming
14 Constitution, Article 15, Section 19 is proposed for
15 submission to the electors of the State of Wyoming at the

1 next general election for approval or rejection to become
2 valid as a part of the Constitution if ratified by a majority
3 of the electors at the election:
4

5 **Article 15, Section 19. Mineral excise tax;**
6 **distribution.**

7
8 The Legislature shall provide by law for an excise tax on the
9 privilege of severing or extracting minerals, of one and one-
10 half percent (1 1/2%) on the value of the gross product
11 extracted. The minerals subject to such excise tax shall be
12 coal, petroleum, natural gas, oil shale, and such other
13 minerals as may be designated by the Legislature. Such tax
14 shall be in addition to any other excise, severance or ad
15 valorem tax. The proceeds from such tax shall be deposited in
16 the Permanent Wyoming Mineral Trust Fund. ~~The This Permanent~~
17 ~~Fund~~, including all monies deposited in the Permanent Fund
18 from whatever source, shall remain inviolate and the
19 Legislature shall prescribe by law the manner, means and
20 timing for supplying losses to the Permanent Fund. The monies
21 in the Permanent Fund shall be invested as prescribed by the
22 Legislature and all ~~income from fund investments~~ investment
23 earnings, which may include both realized and unrealized

1 gains as prescribed by the Legislature, shall be deposited
2 credited by the State Treasurer in the general fund to a
3 separate earnings fund on not less than an annual basis. The
4 separate earnings fund may be invested, held or distributed
5 as prescribed by the Legislature. The Legislature may also
6 specify by law 7 conditions and terms under which monies in
7 the Permanent Fund may be loaned to political subdivisions of
8 the state. The Legislature shall prescribe by law the manner,
9 means and timing for supplying losses to the Permanent Fund
10 from loans made to political subdivisions.

11

12 **Section 2.** That the Secretary of State shall endorse
13 the following statement on the proposed amendment:

14

15 The Permanent Wyoming Mineral Trust Fund (PWMTF) is one of
16 Wyoming's permanent funds that holds public money for the
17 benefit of current and future generations. Monies in the
18 PWMTF can be invested and loaned to political subdivisions.
19 This amendment would clarify the "inviolable" nature of the
20 PWMTF by specifying that any investment or loan losses to the
21 PWMTF's corpus must be made whole. The Legislature would be
22 required to adopt laws to provide for the means and timing
23 for doing so. The amendment would also require that all

1 earnings from PWMTF investments be deposited to a separate
2 earnings fund. Currently, the constitution specifies the
3 disposition of PWMTF investment income but does not specify
4 the use or disposition of investment earnings.

5

6

(END)