

ORIGINAL SENATE
FILE NO. SF0168

ENROLLED ACT NO. 21, SENATE

SIXTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2025 GENERAL SESSION

AN ACT relating to public funds; repealing the budget reserve account; providing for the transfer from and the reversion of funds from the budget reserve account; making conforming amendments; repealing obsolete language; requiring reports; and providing for an effective date.

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

Section 1. W.S. 9-1-417(a), 9-2-102(a)(iii), 9-2-1012(e) and by creating a new subsection (j), 9-2-1013(d)(ii), (iii)(B), (iv) and by creating a new paragraph (vii), 9-3-413.1(a)(v), 9-4-601(d)(intro), (iv), (vii) and (ix), 21-16-720(b), 35-1-1002(a)(vi), 35-11-528(e), 35-11-529(a) and (b), 39-14-801(d)(intro) and 39-19-111(a)(intro) are amended to read:

9-1-417. Interfund loans; repayment; maximum amount; interest.

(a) The state treasurer and the state auditor may utilize interfund loans from the legislative stabilization reserve account, or the general fund if insufficient funds exist in the legislative stabilization reserve account, to any other fund or account to meet obligations which come due prior to receipt of revenues. The interfund loans shall be repaid as soon as the anticipated revenue is received. The total amount of interfund loans under this subsection outstanding at one (1) time shall not exceed sixty million dollars (\$60,000,000.00). These loans shall not be used to fund shortages caused by expenditures exceeding projected revenues but are to be used only to fund temporary shortages caused by meeting obligations which come due prior to receipt of revenues. The interest charged on each interfund loan under this subsection, other than to the general fund, ~~or budget reserve account,~~ shall be the

ORIGINAL SENATE
FILE NO. SF0168

ENROLLED ACT NO. 21, SENATE

SIXTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2025 GENERAL SESSION

interest rate earned on pooled fund investments in the previous fiscal year.

9-2-102. Department of health; duties and responsibilities; state grants.

(a) The department of health is the state mental health authority, the developmental disabilities authority and the substance abuse authority. The department through its divisions has the following duties and responsibilities to:

(iii) Establish minimum standards and approve policies and procedures for the establishment and operation of community-based mental health, substance abuse and developmental disabilities programs receiving state support. The department through its mental health division and its substance abuse division shall annually withhold not less than five percent (5%) of all amounts provided in each contract with a community-based mental health or substance abuse program or provider and shall not release the funds withheld to the individual program or provider until the respective division and the individual program or provider enter into a written agreement that provides for performance and outcome measures. If the respective division and an individual program or provider do not enter into a mutually agreed upon set of performance and outcome measures, the funds withheld under this paragraph shall revert to the ~~budget reserve account~~ general fund at the end of the biennium in which the funds were withheld;

9-2-1012. Duties of the department; transmittal of standard budget and manual; return of completed exception and expanded budgets; submission to governor; disposition of excess general fund appropriations; submission of

ORIGINAL SENATE
FILE NO. SF0168

ENROLLED ACT NO. 21, SENATE

SIXTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2025 GENERAL SESSION

selected budget information to joint appropriations committee.

(e) In preparing the overall state budget for distribution to the legislature, including any supplemental, budget shortfall or other emergency changes to the budget, the governor shall recommend to the legislature that not less than five percent (5%) of estimated general fund receipts for the next biennial budget period shall be ~~appropriated from~~ maintained in the general fund ~~to the budget as a~~ reserve ~~account within the earmarked fund. This appropriation shall be in addition to any fund balance within the budget reserve account. At the end of each biennial budget period, general fund appropriations for the biennium in excess of expenditures including encumbrances during the biennium, as identified by the state auditor in accordance with the provisions of W.S. 9-2-1008 and 9-4-207, shall be transferred into the budget reserve account. All funds in the budget reserve account shall be invested by the state treasurer and earnings therefrom shall be credited into the general fund. Appropriations to the account shall not lapse at the end of any fiscal period. Expenditures from the budget reserve account shall be by legislative appropriation only~~ amount. This general fund reserve amount request shall be separate from all other requests for appropriations during the biennial budget period for which it is recommended. Subject to accrual accounting principles, any unappropriated fund balance in the general fund on June 30 in the last year of each biennial budget period in excess of the general fund reserve amount recommended under this subsection shall be transferred to the legislative stabilization reserve account.

ORIGINAL SENATE
FILE NO. SF0168

ENROLLED ACT NO. 21, SENATE

SIXTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2025 GENERAL SESSION

(j) At the end of fiscal year 2028 and the end of each succeeding fiscal biennium and subject to accrual accounting principles, the state auditor shall transfer the unobligated, unencumbered fund balance as defined in W.S. 9-2-1002(a)(xxii) of the general fund in excess of the amount specified in subsection (e) of this section for that fiscal biennium to the legislative stabilization reserve account.

9-2-1013. State budget; distribution of copies to legislators; copies and reports of authorizations; interfund loans.

(d) In addition to the items contained in subsection (a) of this section and notwithstanding any other recommendations made by the governor, the state budget shall also include the governor's recommendations for appropriations for the ensuing two (2) years, or if a supplemental budget request, the remainder of the budget period, subject to the following:

(ii) The total recommended appropriations under this subsection for any two (2) fiscal year budget period shall not exceed the total estimated revenues for that two (2) year period. The total estimated revenues computed under this paragraph shall not include increases in existing revenue sources which would be available to the state only after enactment of legislation in addition to existing law, but shall include the unencumbered balances in all other accounts in all other expendable funds subject to this section, and as further provided herein, as those funds are identified in accordance with standards promulgated by the governmental accounting standards board, but specifically excluding pension funds, nonexpendable trust funds, debt service funds and intragovernmental

ORIGINAL SENATE
FILE NO. SF0168

ENROLLED ACT NO. 21, SENATE

SIXTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2025 GENERAL SESSION

funds, that would be available for that budget period. Funds within the permanent Wyoming mineral trust fund reserve account created under W.S. 9-4-719(b), the common school permanent fund reserve account created under W.S. 9-4-719(f), funds within the legislative stabilization reserve account in excess of the limitation under subparagraph (iii)(C) of this section, or funds within five percent (5%) of estimated subsection and the general fund receipts for the next biennium to be appropriated to the budget reserve account as required amount specified by W.S. 9-2-1012(e) shall not be included in total estimated revenues computed under this paragraph. Funds from a contingent appropriation shall not be included as an estimated source of revenue or funds available unless those funds previously had been authorized to be expended within the fiscal period covering the budget period of the recommendation;

(iii) The total recommended appropriations under this subsection shall not include any of the following:

(B) The transfer of funds from an account to another account; ~~except transfers from the budget reserve account;~~

(iv) As used in this subsection, "appropriations" include any of the following:

(A) Specific legislative authorization to expend state revenues contained in a budget bill that is enacted into law;

(B) An amount to be expended from an account which does not require additional specific

ORIGINAL SENATE
FILE NO. SF0168

ENROLLED ACT NO. 21, SENATE

SIXTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2025 GENERAL SESSION

legislative authorization; ~~the transfer of funds from the budget reserve account to another account or~~

(C) A specific statutory distribution of a revenue source.

(vii) The state budget may include recommendations for additional funding for state agencies that receive federal mineral royalties or severance tax distributions and for local governments from federal mineral royalties or severance tax distributions under W.S. 9-4-601(d)(iv) and 39-14-801(d), subject to the following:

(A) To the extent the legislature appropriates funds under this paragraph from the general fund for local governments, the appropriation shall comply with and be subject to the following:

(I) The amount appropriated to local governments shall not exceed the amount available under this paragraph, less appropriations under this paragraph to state agencies;

(II) A total amount shall be annually appropriated to the state treasurer to be distributed to all local governments as follows:

(1) Thirty percent (30%) to counties, in the proportion which the population of the county bears to total state population;

(2) Seventy percent (70%) to cities and towns, each city and town to receive an amount in the proportion which the population of the city or town bears to the population of all cities and towns in Wyoming.

ORIGINAL SENATE
FILE NO. SF0168

ENROLLED ACT NO. 21, SENATE

SIXTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2025 GENERAL SESSION

(III) The distributions to local governments under this paragraph shall be made by the state treasurer not later than October 15 of the fiscal year next following the fiscal year for which the appropriation is made. The distributions shall be from revenues actually recognized in the fiscal year for which the appropriation is made. Any interest earned on invested funds allocated to local governments under this paragraph shall be retained in the general fund as a reserve amount.

(B) To the extent that actual recognized revenues are less than the estimated deposits referenced in this paragraph:

(I) The distribution of any appropriation to local governments under this paragraph shall be reduced by a pro rata amount; and

(II) The state auditor shall reduce the spending authority of any state agency receiving an appropriation under this paragraph by a pro rata amount.

(C) As used in this paragraph:

(I) "Local government" means any county or municipality;

(II) "State agency" means the department of transportation, the University of Wyoming and the water development office.

9-3-413.1. Members' and employers' contributions based on actuarially determined contribution rates; calculation of rates; reports.

ORIGINAL SENATE
FILE NO. SF0168

ENROLLED ACT NO. 21, SENATE

SIXTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2025 GENERAL SESSION

(a) Beginning with the 2027-2028 fiscal biennium, the retirement system shall calculate the percentage of salary for members' contributions required under W.S. 9-3-412(a) and for the employers' contribution required under W.S. 9-3-413 based on an actuarially determined contribution rate in accordance with the following:

(v) After calculation of the actuarially determined contribution rate under paragraph (ii) of this subsection, the state budget department and the retirement system shall calculate necessary amounts to account for any changes in the appropriations necessary to fund the contributions for the public employee retirement plan and shall include those amounts in the budget prepared under W.S. 9-2-1010 through ~~9-2-1014.1~~9-2-1014, including changes in amounts for school districts necessary to account for the employer's share of the actuarially determined contribution rate in accordance with this section for benefits paid from the education resource block grant model defined in W.S. 21-13-101(a)(xiv) and as enumerated in Attachment A(b)(xxxviii), as defined in W.S. 21-13-101(a)(xvii);

9-4-601. Distribution and use; funds, accounts, cities and towns benefited; exception for bonus payments.

(d) Except as provided in ~~subsections (k), (m), (n)~~ and subsection (o) of this section, any revenue received under subsection (a) of this section in excess of two hundred million dollars (\$200,000,000.00) shall be distributed as follows:

ORIGINAL SENATE
FILE NO. SF0168

ENROLLED ACT NO. 21, SENATE

SIXTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2025 GENERAL SESSION

(iv) Subject to paragraphs (vii) and (ix) of this subsection, two-thirds (2/3) to the ~~budget reserve account~~ general fund;

(vii) From the amounts that would otherwise be distributed to the ~~budget reserve account~~ general fund under paragraph (iv) of this subsection ~~and paragraphs (k)(ii), (m)(ii), (n)(ii) and (o)(ii) of this section,~~ amounts necessary to make the required revenue bond payments as provided by W.S. 9-4-1003(d), but in no event more than eighteen million dollars (\$18,000,000.00) annually;

(ix) For the period beginning July 1, 2019 and ending June 30, 2049, from the amounts that would otherwise be distributed to the ~~budget reserve account~~ general fund under paragraph (iv) of this subsection, the first eight million dollars (\$8,000,000.00) shall be distributed to a separate account for the University of Wyoming. These funds are continuously appropriated to the university upon deposit to the account. The University of Wyoming shall reduce its standard budget request for the 2021-2022 biennium by an amount equal to the maximum amount of funds authorized to be deposited under this paragraph. The University of Wyoming shall acknowledge this reduction of its 2021-2022 budget request pursuant to this paragraph in each standard budget request submitted to the governor's office through June 30, 2048.

21-16-720. Annual report and budget.

(b) The authority shall submit its budget for review as provided by W.S. 9-2-1010 through ~~9-2-1014.1~~ 9-2-1014.

35-1-1002. Definitions.

ORIGINAL SENATE
FILE NO. SF0168

ENROLLED ACT NO. 21, SENATE

SIXTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2025 GENERAL SESSION

(a) As used in this article:

(vi) "Unobligated," for purposes of W.S. 35-1-1003(b), and ~~(d)~~, means no commitment meeting the requirements of subparagraph (iii)(B) of this subsection was received prior to June 30, 2012.

35-11-528. Municipal solid waste facilities cease and transfer program created; criteria for grants and loans; loan terms; availability of other state funding sources.

(e) Loans may be made under the program at zero interest rate, up to an annual interest rate equal to the average prime interest rate as determined in accordance with this subsection. Loans provided under the program shall be adequately collateralized as determined by the state loan and investment board. Principal and interest payments shall be deposited in the ~~budget reserve account~~ general fund. The state loan and investment board shall establish interest rates to be charged for loans under the program, but the interest rate shall not exceed an annual interest rate equal to the average prime interest rate as determined by the state treasurer. To determine the average prime interest rate, the state treasurer shall average the prime interest rate for at least seventy-five percent (75%) of the thirty (30) largest banks in the United States. The interest rate shall be adjusted on January 1 of each year. Interest rates shall be established in recognition of the repayment abilities and needs of the local municipal solid waste facility operator eligible for loans under the program. The state loan and investment board shall establish loan amortization schedules, terms and conditions for each loan approved based on an applicant's need, financial condition of the

ORIGINAL SENATE
FILE NO. SF0168

ENROLLED ACT NO. 21, SENATE

SIXTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2025 GENERAL SESSION

landfill operator or the entity responsible for solid waste funding, the projected life of the transfer facility and the ability of that entity to repay the loan in a timely manner.

35-11-529. Municipal solid waste facilities cease and transfer accounts created; authorized expenditures from the accounts.

(a) There is created the municipal solid waste cease and transfer grant account. Monies from the account shall be awarded for grants to fund approved activities pursuant to W.S. 35-11-528. Interest earned by this account shall be deposited in the ~~budget reserve account~~ general fund. Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207(a), funds deposited in this account shall not revert without further action of the legislature.

(b) There is created the municipal solid waste cease and transfer loan account. Monies from the account shall be awarded for loans to fund approved activities pursuant to W.S. 35-11-528. Interest earned by this account shall be deposited in the ~~budget reserve account~~ general fund. Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207(a), funds deposited in this account shall not revert without further action of the legislature.

39-14-801. Severance tax distributions; distribution account created; formula.

(d) After making distributions pursuant to subsections (b), (c), (f) and (j) of this section, distributions under subsection (e) of this section shall be made from the severance tax distribution account. The amount of distributions under subsection (e) of this

ORIGINAL SENATE
FILE NO. SF0168

ENROLLED ACT NO. 21, SENATE

SIXTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2025 GENERAL SESSION

section shall not exceed one hundred fifty-five million dollars (\$155,000,000.00) in any fiscal year. To the extent that distributions under subsection (e) of this section would exceed that amount in any fiscal year, ~~except as provided in subsections (g), (h), (k) and (m) of this section,~~ the excess shall be credited ~~+~~ to the general fund.

39-19-111. Distribution.

(a) All money collected under W.S. 39-19-101 through 39-19-111 shall be credited ~~as follows:~~ to the general fund.

Section 2. W.S. 9-2-1014.1, 9-4-601(k), (m) and (n), 35-1-1003(d), 39-14-801(d)(i), (ii), (g), (h) and (k) and 39-19-111(a)(i) and (ii) are repealed.

Section 3. The budget reserve account is repealed.

Section 4. On July 1, 2026, all funds in the budget reserve account shall be transferred by the state auditor to the general fund. Any unexpended funds that have been appropriated or obligated from the budget reserve account before July 1, 2026 shall be paid from the general fund. Any funds that are directed to revert by law to the budget reserve account shall revert to the general fund. All accrued revenues that would otherwise be deposited in the budget reserve account shall be deposited in the general fund.

Section 5. Not later than October 31, 2026 and again not later than October 31, 2027, the state auditor shall report to the joint appropriations committee on the amounts transferred under section 4 of this act.

ORIGINAL SENATE
FILE NO. SF0168

ENROLLED ACT NO. 21, SENATE

SIXTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2025 GENERAL SESSION

Section 6. This act is effective July 1, 2026.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk