

HOUSE BILL NO. HB0164

Wyoming generational investment account.

Sponsored by: Representative(s) Williams and Harshman and
Senator(s) Crago and Gierau

A BILL

for

1 AN ACT relating to the investment of state funds; creating
2 the Wyoming generational investment account; specifying the
3 investment of funds in the account; specifying the
4 disposition of investment earnings; providing for the
5 accounting and administration of the account; requiring
6 transfers of funds; making conforming amendments; and
7 providing for an effective date.

8

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

10

11 **Section 1.** W.S. 9-4-227 is created to read:

12

13 **9-4-227. Wyoming generational investment account.**

14

1 (a) There is created the Wyoming generational
2 investment account. The account shall consist of all funds
3 transferred or appropriated to the account by law. All
4 monies deposited or transferred into the account are
5 intended to be inviolate and constitute a permanent or
6 perpetual trust fund, subject to the provisions for the
7 withdrawal of funds provided by this section.

8
9 (b) The state treasurer shall invest all funds within
10 the Wyoming generational investment account in accordance
11 with W.S. 9-4-715(a) and (c) through (e) and 9-4-716. W.S.
12 9-4-716(e) shall not apply to the account. The state
13 treasurer, or the treasurer's designee, which shall be
14 registered under the federal Investment Advisor's Act of
15 1940, as amended and if required to be registered by the
16 terms of that act, may invest the unobligated, unencumbered
17 balance of the account in equities, including stocks of
18 corporations. The account shall be invested so that the
19 overall risk profile of the account's investments shall not
20 materially exceed the risk profile of a reference portfolio
21 that consists of eighty-five percent (85%) private equity
22 and fifteen percent (15%) private credit investments. In
23 adopting investment policy statements for the account, the

1 state loan and investment board shall seek to preserve the
2 balance of the account in a manner that strives for the
3 highest possible risk-adjusted total net return consistent
4 with an appropriate level of safety and liquidity, giving
5 consideration to the account's potential extended
6 investment period and the extended period during which
7 monies in the account may be ineligible for withdrawal.

8

9 (c) Beginning on July 1, 2026 and on each July 1
10 thereafter, the state auditor shall transfer one hundred
11 million dollars (\$100,000,000.00), or as much thereof as is
12 available without reducing the unexpended, unobligated
13 balance of the legislative stabilization reserve account to
14 under one billion dollars (\$1,000,000,000.00), from the
15 legislative stabilization reserve account to the Wyoming
16 generational investment account. The transfer under this
17 subsection shall occur after all other transfers and
18 appropriations from the legislative stabilization reserve
19 account required by law for the fiscal year are made.

20

21 (d) Transfers made under subsection (c) of this
22 section, and the investment of those transfers, shall be in
23 accordance with all of the following:

1

2 (i) The state treasurer shall separately account
3 for the attribution of earnings from each annual transfer
4 made under subsection (c) of this section and shall
5 separately account for all earnings from each annual
6 transfer;

7

8 (ii) Annual transfers shall not be withdrawn
9 from the account;

10

11 (iii) Investment earnings from each annual
12 transfer shall not be withdrawn except in accordance with
13 subsection (e) of this section.

14

15 (e) Beginning on July 1 for each fiscal year starting
16 twenty (20) fiscal years after a transfer is made under
17 subsection (c) of this section, all investment earnings in
18 the Wyoming generational investment account arising from
19 the annual transfer to the account made twenty (20) fiscal
20 years earlier shall be transferred and deposited in
21 accordance with this subsection. For purposes of this
22 subsection:

23

1 (i) "Investment earnings" mean all interest
2 income, dividends, realized capital gains and returned
3 capital;

4

5 (ii) Investment earnings shall be transferred in
6 accordance with the following:

7

8 (A) One-half (1/2) of the investment
9 earnings specified in this subsection shall be transferred
10 to the general fund;

11

12 (B) One-half (1/2) of the investment
13 earnings specified in this subsection shall be transferred
14 to the legislative stabilization reserve account for
15 investment in accordance with W.S. 9-4-715(q) (iii).

16

17 (iii) Investment earnings shall be distributed
18 under this subsection as the earnings are received or when
19 the fund from which earnings are derived matures.

20

21 **Section 2.** W.S. 9-2-1013(d) (iii) by creating a new
22 subparagraph (E), 9-4-203(a) (xiii) and 9-4-716(e) are
23 amended to read:

1

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

5

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

13

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

16

17 (E) The appropriation, diversion or
18 transfer of any funds deposited from the Wyoming
19 generational investment account in accordance with W.S.
20 9-4-227(e).

21

22 **9-4-203. Definitions.**

23

1 (a) As used in this act:

2

3 (xiii) "This act" means W.S. 9-4-202 through
4 ~~9-4-226~~ 9-4-227.

5

6 **9-4-716. State investment policy; investment**
7 **consultant.**

8

9 (e) In investing monies of a fund or account which
10 may be invested in stock of a corporation or other
11 equities, the overall risk profile of the investments,
12 excluding any specific public purpose investment authorized
13 or directed by the legislature, shall not materially exceed
14 the risk profile of a reference portfolio that consists of
15 seventy percent (70%) global equities and thirty percent
16 (30%) domestic fixed income investments. The state
17 treasurer after consultation with the investment funds
18 committee shall submit to the board the committee's
19 recommendations of specific benchmarks for the measurement
20 of the portfolio risk characteristics. The specific
21 benchmarks shall be determined by the board. Any provision
22 of law which restricts or expands the investment of a
23 specific fund or account to a greater degree than the

1 provisions of this subsection shall control over this
2 subsection.

3

4 **Section 3.** This act is effective immediately upon
5 completion of all acts necessary for a bill to become law
6 as provided by Article 4, Section 8 of the Wyoming
7 Constitution.

8

9

(END)