S.F. No. 0146	Spending policy amendments.

Sponsored By: Senator(s) Nicholas, P., Bebout, Perkins and Ross and Representative(s) Berger, Brown, Harshman and Stubson

AN ACT relating to the administration of government; codifying and continuing the legislative stabilization reserve account, the strategic investments and projects account and the school foundation program reserve account; providing for distribution of earnings from the permanent accounts as specified; providing for the automatic transfer of funds from certain earnings on state investments as specified; providing for distributions of federal mineral royalties as specified; and providing for an effective date.

1/28/2015 Bill Number Assigned
1/28/2015 S Received for Introduction
1/29/2015 S Introduced and Referred to S02 - Appropriations
2/3/2015 Appropriations:Recommend Do Pass 4-0-1-0-0

ROLL CALL

Ayes: Senator(s) Hastert, Perkins, Ross, Wasserburger
Excused: Senator Burns
Ayes 4 **Nays** 0 **Excused** 1 **Absent** 0 **Conflicts** 0

2/3/2015 S Placed on General File
2/3/2015 S COW Passed

SF0146S2001/ADOPTED

Page 1-lines 5 through 7 Delete.
Page 1-line 8 Delete through "account;".
Page 5-line 13 Delete "amounts" insert "amount"; delete "The".
Page 5-lines 14 and 15 Delete.
Page 6-line 5 Delete "appropriations" insert "appropriation".
Page 6-line 7 Delete "amounts" insert "amount".
Page 6-line 8 Delete "The appropriations shall be".
Page 6-line 9 Delete. BEBOUT,NICHOLAS

2/4/2015 S 2nd Reading:Passed

SF0146S3001/FAILED

Page 1-line 4 After "account;" insert "providing a grant program for roads from a specified portion of earnings from the permanent Wyoming mineral trust fund;".
Page 2-line 1 Delete "and" insert ","; after "21-13-306.1" insert "and 24-2-116".
Page 3-after line 16 Insert:

"24-2-116. County and municipal road grant program.

(a) The department of transportation shall operate a county and municipal road grant program in accordance with this section. Applications for a grant under this section shall be on forms prescribed by and subject to rules promulgated by the department. Counties or municipalities applying for a grant under this subsection shall specify how the project qualifies for a grant under this section.

The department shall determine which counties or municipalities are eligible for grants under this section as follows:

(i) For a grant of funds received by the department pursuant to W.S. 31-3-103(b)(i), the department shall issue grants which shall be used by a county or municipality for maintenance and preservation of roads and bridges;

(ii) Grants under this paragraph shall not include any matching requirement and shall be issued by the department through a ranking system based on:

(A) The road or bridge condition in the county or municipality;

(B) The financial need of the county or municipality considering the county's or municipality's per capita sales and use tax distributions under W.S. 39-15-111 and 39-16-111 using population as determined by the most recent decennial federal census as defined in W.S. 8-1-102(a)(xv) and as reported by the economic analysis division within the department of administration and information; and

(C) Whether additional local funding may be available considering:

(I) The number of mills imposed by the municipality as authorized by article 15, section 6 of the Wyoming constitution; and

(II) Whether local optional sales or use taxes are imposed by the county or municipality.".

Page 7-line 11 Delete "to the strategic" insert "as follows:

(A) Thirty-three and one third percent (33 1/3%) to the strategic investments and projects account created by W.S. 9-4-220;

(B) Thirty-three and one third percent (33 1/3%) to the common school account in the permanent land fund, provided that if there is any deficit in the school foundation program account an amount equal to the amount of the deficit shall first be deposited into the school foundation program account; and

(C) Thirty-three and one third percent (33 1/3%) for highways as follows:

(I) Fifty percent (50%) to the state highway fund; and

(II) Fifty percent (50%) to the department of transportation for the grant program as provided in W.S. 24-2-116.".

Page 7-lines 12 and 13 Delete. MEIER

SF0146S3002/FAILED **(CORRECTED COPY)**

Delete the First Meier Third Reading Amendment (SF0146S3001/A) entirely and further amend as follows:

Page 7-line 11 Delete "credited to the strategic" insert "appropriated to the department of health and used for necessary expenditures for senior centers, developmental disability and Medicaid. The amounts appropriated under this paragraph shall be used to reduce the biennial budget request of the department of health for those specified programs; and".

Page 7-lines 12 and 13 Delete. MEIER

SF0146S3003/FAILED

Delete the First Meier Third Reading Amendment (SF0146S3001/A) and the Second Meier Third Reading Amendment

(SF0146S3002/A) entirely and further amend as follows:

Page 7-line 12 After "9-4-220" insert ". No amount shall be credited under this paragraph if the October consensus revenue estimating group estimate for that fiscal year was less that the consensus revenue estimating group for 2013". MEIER

2/5/2015 S 3rd Reading:Passed 23-4-3-0-0

ROLL CALL

Ayes: Senator(s) Anderson, J.D.(SD02), Barnard, Bebout, Case, Christensen, Coe, Cooper, Craft, Dockstader, Emerich, Esquibel, Geis, Hastert, Hicks, Kinskey, Landen, Nicholas Pres, Pappas, Perkins, Ross, Rothfuss, Von Flatern, Wasserburger

Nays: Senator(s) Anderson, J.L.(SD28), Meier, Peterson, Scott

Excused: Senator(s) Burns, Driskill, Johnson

Ayes 23 **Nays** 4 **Excused** 3 **Absent** 0 **Conflicts** 0

2/6/2015 H Received for Introduction

2/6/2015 H Introduced and Referred to H02 - Appropriations

2/27/2015 Appropriations:Recommend Amend and Do Pass 7-0-0-0-0

ROLL CALL

Ayes: Representative(s) Burkhart, Connolly, Greear, Harshman, Moniz, Nicholas, B., Stubson

Ayes 7 **Nays** 0 **Excused** 0 **Absent** 0 **Conflicts** 0

2/27/2015 H Placed on General File

SF0146HS001/ADOPTED **(TO ENGROSSED COPY)**

Page 1-line 6 After "specified;" insert "providing for the automatic transfer of funds from certain earnings on state investments as specified;".

Page 2-line 19 Delete "from funds" insert "not to exceed one-half (1/2) of the unobligated balance".

Page 3-line 12 Delete "be".

Page 3-line 13 Delete entirely and insert "remain in the account.".

Page 3-line 17 After "9-4-719" insert "(b), (d)(v) and (vi), (f) and".

Page 3-line 18 Delete "and (r)" insert "through (s)".

Page 5-line 10 Delete "9-4-719(r)" insert "9-4-719(s)".

Page 6-line 3 Delete "9-4-719(r)" insert "9-4-719(s)".

Page 6-After line 6 Insert:

"(b) There is created the permanent Wyoming mineral trust fund reserve account. Beginning July 1, 2016 for fiscal year 2017 and each fiscal year thereafter, the state treasurer shall transfer unobligated funds from this account to the general fund as necessary to ensure that an amount equal to the spending policy amount specified in subsection (d) of this section calculated on the first day of the fiscal year, reduced by the amount credited to the legislative stabilization reserve account and the strategic investments and projects account by subsections (q) and (r) of this section, is available for expenditure annually during each fiscal year. As soon as possible after the end of each of the fiscal years beginning on and after July 1, 2000, revenues in this account in excess of ~~seventy-five percent (75%)~~ one hundred percent (100%) of the spending policy amount in subsection (d) of this section shall be credited to the permanent Wyoming mineral trust fund.

(d) The annual spending policy for the permanent Wyoming mineral trust fund is as follows for each fiscal year (FY):

(v) FY 2004 and each fiscal year ~~thereafter~~ through FY 2020 - an amount equal to five percent (5%) of the previous five (5) year average market value of the trust fund, calculated from the first day of the fiscal year~~.~~;

(vi) FY 2021 and each fiscal year thereafter - an amount equal to six percent (6%) of the previous five (5) year average market value of the trust fund, calculated from the first day of the fiscal year.

(f) There is created the common school permanent fund reserve account. Beginning July 1, 2015 for fiscal year 2016, the state treasurer shall transfer unobligated funds from this account to the common school account within the permanent land income fund as necessary to ensure that an amount equal to three percent (3%) of the previous five (5) year average market value of the common school account within the permanent land fund, calculated from the first day of the fiscal year is available for expenditure annually during the fiscal year. Beginning July 1, 2016 for fiscal year 2017 and each fiscal year thereafter, the state treasurer shall transfer unobligated funds from this account to the common school account within the permanent land income fund as necessary to ensure that an amount equal to three and one-half percent (3.5%) of the previous five (5) year average market value of the common school account within the permanent land fund, calculated from the first day of the fiscal year is available for expenditure annually during the fiscal year. As soon as possible after the end of each of the fiscal years beginning on and after July 1, 2000, revenues in this account in excess of ~~seventy-five percent (75%)~~ one hundred percent (100%) of the spending policy amount shall be credited to the common school account within the permanent land fund.".

Page 6-line 10 Delete "2015" insert "2017 and ending June 30, 2020".

Page 6-line 16 After "(2.5%)" delete balance of line.

Page 6-line 17 Delete through "(3.75%)".

Page 6-line 19 After "year" insert "and less than or equal to the spending policy amount specified in paragraph (d)(iv) of this section".

Page 6-line 21 After "9-4-219" insert "and the strategic investments and projects account created by W.S. 9-4-220 in equal amounts".

Page 7-lines 1 through 8 Delete entirely.

Page 7-line 10 Delete "(iii)" and insert "(ii)".

Page 7-After line 13 Insert:

"(r) The earnings from the permanent Wyoming mineral trust fund under W.S. 9-4-204(u)(iii) during each fiscal year beginning July 1, 2020, which are less than the spending policy established in subsection (d) of this section are appropriated from the general fund subject to the following:

(i) Any earnings in excess of three and one-half percent (3.5%) of the previous five (5) year average market value of the trust fund, calculated from the first day of the fiscal year and less than or equal to the spending policy amount in subsection (d) of this section shall be credited to the legislative stabilization reserve account created by W.S. 9-4-219 and the strategic investments and projects account created by W.S. 9-4-220 in equal amounts;

(ii) The appropriations in this subsection shall be credited to the designated account as soon as practicable after the end of the fiscal year but no later than ninety (90) days after the end of the fiscal year.".

Page 7-line 15 Delete "(r)" and insert "(s)".

Page 7-line 22 After "(i)" insert "For FY 2016,".

Page 8-After line 7 Insert:

"(ii) For FY 2017 and each fiscal year thereafter, the amount shall be equal to the extent to which earnings from the common school account within the permanent land fund under W.S. 9-4-204(u)(iv) exceed three and one-half percent (3.5%) of the previous five (5) year average market value of the common school account within the permanent land fund, calculated from the first day of the fiscal year, and are less than or equal to the spending policy amount in subsection (h) of this section for the fiscal year;".

Page 8-line 9 Delete "(ii)" and insert "(iii)".

Page 8-line 14 Delete "July 1, 2017" insert "immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution". HARSHMAN, CHAIRMAN

3/2/2015 H COW Passed

SF0146H2001/FAILED (TO ENGROSSED COPY)

Page 2-line 18 Delete "The".

Page 2-line 19 through 21 Delete entirely including the standing committee amendment (SF0146HS001/AE) to these lines.

Page 2-line 22 Delete the line through "necessary." and insert "Except as provided herein, expenditure of funds from the account shall not be included or considered within the general appropriation bill or bills as recommended by the joint appropriations committee. The governor may include appropriation requests for an amount not to exceed fifty percent (50%) of the funds available within the strategic investments and projects account within his biennial budget request for one time expenditures as he deems necessary. The joint appropriations committee shall consider whether to include the governor's appropriation requests from the strategic investments and projects account in the general appropriation bill or bills. Members of the legislature, or committees of the legislature except as provided herein, may sponsor legislation during each budget session of the legislature, separate and distinct from the general appropriation bill or bills, for one time expenditures from the account in an amount not to exceed fifty percent (50%) of the funds available within the strategic investments and projects account.". ZWONITZER, DV.

3/3/2015 H 2nd Reading:Passed

SF0146H3001/FAILED **(TO ENGROSSED COPY)**

Page 2-line 19 Delete the standing committee amendment (SF0146H1101/AE) to this line. THRONE, MADDEN

3/4/2015 H 3rd Reading:Passed 56-3-1-0-0

ROLL CALL

Ayes: Representative(s) Allen, Baker, Baldwin, Berger, Blackburn, Brown Speaker, Burkhart, Byrd, Campbell, Cannady, Clem, Connolly, Dayton, Edmonds, Edwards, Eklund, Esquibel, Gay, Greear, Halverson, Harshman, Harvey, Hunt, Jaggi, Jennings, Kasperik, Kirkbride, Kroeker, Krone, Larsen Lloyd, Laursen Dan, Lindholm, Lockhart, Loucks, Madden, McKim, Miller, Moniz, Nicholas, Northrup, Paxton, Pelkey, Petroff, Piiparinen, Pownall, Reeder, Schwartz, Sommers, Steinmetz, Stubson, Throne, Walters, Wilson, Winters, Zwonitzer,Dn, Zwonitzer,Dv

Nays: Representative(s) Barlow, Blake, Freeman

Excused: Representative Patton

Ayes 56 **Nays** 3 **Excused** 1 **Absent** 0 **Conflicts** 0

3/5/2015 S Received for Concurrence

3/5/2015 S Concur:Failed 1-28-1-0-0

ROLL CALL

Ayes: Senator Meier

Nays: Senator(s) Anderson, J.D.(SD02), Anderson, J.L.(SD28), Barnard, Bebout, Burns, Case, Christensen, Coe, Cooper, Dockstader, Driskill, Emerich, Esquibel, Geis, Hastert, Hicks, Johnson, Kinskey, Landen, Nicholas Pres, Pappas, Perkins, Peterson, Ross, Rothfuss, Scott, Von Flatern, Wasserburger

Excused: Senator Craft

Ayes 1 **Nays** 28 **Excused** 1 **Absent** 0 **Conflicts** 0

3/5/2015 S Appointed JCC01 Members
Senator(s) Ross, Nicholas, P., Perkins

3/5/2015 H Appointed JCC01 Members
Representative(s) Harshman, Barlow, Stubson

3/6/2015 S Adopted SF0146JC001: 26-0-4-0-0

SF0146JC001/SADOPTED **(TO ENGROSSED COPY)**

Delete the following House amendments:
SF0146HS001/AE
Further amend the ENGROSSED COPY as follows:

Page 1-line 6 After "specified;" insert "providing for the automatic transfer of funds from certain earnings on state investments as specified;".

Page 3-line 17 After "9-4-719" insert "(b), (f) and".

Page 6-After line 6 Insert:

"(b) There is created the permanent Wyoming mineral trust fund reserve account. Beginning July 1, 2016 for fiscal year 2017 and each fiscal year thereafter, the state treasurer shall transfer unobligated funds from this account to the general fund as necessary to ensure that an amount equal to the spending policy amount specified in subsection (d) of this section calculated on the first day of the fiscal year, reduced by the amount credited to the legislative stabilization reserve account and the strategic investments and projects account by subsection (q) of this section, is available for expenditure annually during each fiscal year. As soon as possible after the end of each of the fiscal years beginning on and after July 1, 2000, revenues in this account in excess of ~~seventy-five percent (75%)~~ ninety percent (90%) of the spending policy amount in subsection (d) of this section shall be credited to the permanent Wyoming mineral trust fund.

(f) There is created the common school permanent fund reserve account. Beginning July 1, 2015 for fiscal year 2016 and each fiscal year thereafter, the state treasurer shall transfer unobligated funds from this account to the common school account within the permanent land income fund as necessary to ensure that an amount equal to two and one-half percent (2.5%) of the previous five (5) year average market value of the common school account within the permanent land fund, calculated from the first day of the fiscal year is available for expenditure annually during the fiscal year. As soon as possible after the end of each of the fiscal years beginning on and after July 1, 2000, revenues in this account in excess of ~~seventy-five percent (75%)~~ ninety percent (90%) of the spending policy amount shall be credited to the common school account within the permanent land fund.".

Page 6-line 10 Delete "2015" insert "2016".

Page 6-line 16 After "(2.5%)" delete balance of line.

Page 6-line 17 Delete through "(3.75%)".

Page 6-line 19 After "year" insert "and less than or equal to the spending policy amount specified in subsection (d) of this section".

Page 6-line 21 Delete ";" insert "and the strategic investments and projects account created by W.S. 9-4-220 in equal amounts; and".

Page 7-lines 1 through 8 Delete entirely.

Page 7-line 10 Delete "(iii)" and insert "(ii)".

Page 7-line 15 After "(r)" insert "Beginning July 1, 2015 for fiscal year 2016 and each fiscal year thereafter,".

Page 8-line 7 After ";" insert "and".

Page 8-line 14 Delete "July 1, 2017" insert "immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution". ROSS, NICHOLAS, P., PERKINS, HARSHMAN, BARLOW, STUBSON

ROLL CALL

Ayes: Senator(s) Anderson, J.D.(SD02), Anderson, J.L.(SD28), Bebout, Burns, Case, Christensen, Coe, Cooper, Dockstader, Driskill, Emerich, Esquibel, Geis, Hastert, Hicks, Kinskey, Landen, Meier, Nicholas Pres, Perkins, Peterson, Ross, Rothfuss, Scott, Von Flatern, Wasserburger

Excused: Senator(s) Barnard, Craft, Johnson, Pappas

Ayes 26 **Nays** 0 **Excused** 4 **Absent** 0 **Conflicts** 0

3/6/2015 H Adopted SF0146JC001: 49-8-3-0-0

SF0146JC001/SADOPTEDHADOPTED (TO ENGROSSED COPY)

Delete the following House amendments:

SF0146HS001/AE

Further amend the ENGROSSED COPY as follows:

Page 1-line 6 After "specified;" insert "providing for the automatic transfer of funds from certain earnings on state investments as specified;".

Page 3-line 17 After "9-4-719" insert "(b), (f) and".

Page 6-After line 6 Insert:

"(b) There is created the permanent Wyoming mineral trust fund reserve account. Beginning July 1, 2016 for fiscal year 2017 and each fiscal year thereafter, the state treasurer shall transfer unobligated funds from this account to the general fund as necessary to ensure that an amount equal to the spending policy amount specified in subsection (d) of this section calculated on the first day of the fiscal year, reduced by the amount credited to the legislative stabilization reserve account and the strategic investments and projects account by subsection (q) of this section, is available for expenditure annually during each fiscal year. As soon as possible after the end of each of the fiscal years beginning on and after July 1, 2000, revenues in this account in excess of ~~seventy-five percent (75%)~~ ninety percent (90%) of the spending policy amount in subsection (d) of this section shall be credited to the permanent Wyoming mineral trust fund.

(f) There is created the common school permanent fund reserve account. Beginning July 1, 2015 for fiscal year 2016 and each fiscal year thereafter, the state treasurer shall transfer unobligated funds from this account to the common school account within the permanent land income fund as necessary to ensure that an amount equal to two and one-half percent (2.5%) of the previous five (5) year average market value of the common school account within the permanent land fund, calculated from the first day of the fiscal year is available for expenditure annually during the fiscal year. As soon as possible after the end of each of the fiscal years beginning on and after July 1, 2000, revenues in this account in excess of ~~seventy-five percent (75%)~~ ninety percent (90%) of the spending policy amount shall be credited to the common school account within the permanent land fund.".

Page 6-line 10 Delete "2015" insert "2016".

Page 6-line 16 After "(2.5%)" delete balance of line.

Page 6-line 17 Delete through "(3.75%)".

Page 6-line 19 After "year" insert "and less than or equal to the spending policy amount specified in subsection (d) of this section".

Page 6-line 21 Delete ";" insert "and the strategic investments and projects account created by W.S. 9-4-220 in equal amounts; and".

Page 7-lines 1 through 8 Delete entirely.

Page 7-line 10 Delete "(iii)" and insert "(ii)".

Page 7-line 15 After "(r)" insert "Beginning July 1, 2015 for fiscal year 2016 and each fiscal year thereafter,".

Page 8-line 7 After ";" insert "and".

Page 8-line 14 Delete "July 1, 2017" insert "immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution". ROSS, NICHOLAS, P., PERKINS, HARSHMAN, BARLOW, STUBSON

ROLL CALL

Ayes: Representative(s) Allen, Baldwin, Barlow, Berger, Blake, Brown Speaker, Burkhart, Byrd, Campbell, Cannady, Clem, Connolly, Dayton, Edmonds, Eklund, Esquibel, Freeman, Gay, Greear, Harshman, Harvey,

Hunt, Kasperik, Kirkbride, Kroeker, Krone, Larsen Lloyd, Laursen Dan, Lockhart, Loucks, Madden, Moniz, Nicholas, Northrup, Paxton, Pelkey, Petroff, Pownall, Reeder, Schwartz, Sommers, Steinmetz, Stubson, Throne, Walters, Wilson, Winters, Zwonitzer,Dn, Zwonitzer,Dv
Nays: Representative(s) Blackburn, Edwards, Halverson, Jennings, Lindholm, McKim, Miller, Piiparinen
Excused: Representative(s) Baker, Jaggi, Patton
Ayes 49 **Nays** 8 **Excused** 3 **Absent** 0 **Conflicts** 0

3/6/2015 Assigned Number SEA No. 0091
3/6/2015 S President Signed SEA No. 0091
3/6/2015 H Speaker Signed SEA No. 0091
3/10/2015 Governor Signed SEA No. 0091
3/10/2015 Assigned Chapter Number
Chapter No. 195 Session Laws of Wyoming 2015