

S.F. No. 0068**Budget shortfall measures.**

Sponsored By: Joint Appropriations Interim Committee

AN ACT relating to administration of government; providing a process for appropriations, expenditure of funds and other measures to address state budget reductions; requiring public reports on the use of the governor's exercise of specified budget powers; providing for contingent appropriations; defining the consensus revenue estimating group; amending public meetings, public records and administrative procedures provisions in relation to the consensus revenue estimating group; providing for revenue diversions for appropriations purposes; specifying contingency of certain revenue streams; specifying application and a conflict of laws provision; making conforming amendments; and providing for an effective date.

2/8/2016 Bill Number Assigned
2/9/2016 S Received for Introduction
2/10/2016 S Introduced and Referred to S02 - Appropriations 29-1-0-0-0

ROLL CALL

Ayes: Senator(s) Anderson, Barnard, Bebout, Boner, Burns, Case, Christensen, Coe, Cooper, Craft, Dockstader, Driskill, Emerich, Esquibel, F., Geis, Hastert, Johnson, Kinskey, Landen, Meier, Nicholas, P., Pappas, Perkins, Peterson, Ross, Rothfuss, Scott, Von Flatern, Wasserburger

Nays: Senator Hicks

Ayes 29 **Nays** 1 **Excused** 0 **Absent** 0 **Conflicts** 0

2/12/2016 S02 - Appropriations:Recommend Amend and Do Pass 5-0-0-0-0

ROLL CALL

Ayes: Senator(s) Burns, Hastert, Perkins, Ross, Wasserburger

Ayes 5 **Nays** 0 **Excused** 0 **Absent** 0 **Conflicts** 0

2/12/2016 S Placed on General File

SF0068SS001/ADOPTED

Page 6-line 19 After "legislature." insert "The group shall not be subject to public meetings requirements as provided in W.S. 16-4-401 through 16-4-408.". ROSS, CHAIRMAN

SF0068SW001/WITHDRAWN**SF0068SW002/ADOPTED**

Delete the First Senate Standing Committee Amendment (SF0068SS001/A) entirely and further amend as follows:

Page 6-line 19 After "legislature." Insert "The group is not an agency or the governing body of an agency and not subject to the provisions of W.S. 16-4-401 through 16-4-408. Any record of the group that discloses information considered by, or deliberations or tentative decisions of, the group is not a public record under the Wyoming

Public Records Act, W.S. 16-4-201 through 16-4-205. Any official report and any revision of an official report shall be a public record.".
HASTERT, BURNS, ROSS

SF0068SW003/ADOPTED

Page 17-line 13

After "biennia." insert "The governor shall not recommend a contingent appropriation from the legislative reserve account which would result in the total of all contingent appropriations in any fiscal year to exceed one hundred eight million seven hundred thousand dollars (\$108,700,000.00).".

Page 18-line 13

After "appropriations" insert ". Any recommendation for a contingent appropriation from the legislative reserve account shall be limited so that the total of all such contingent appropriations in any fiscal year does not exceed one hundred eight million seven hundred thousand dollars (\$108,700,000.00).".

Page 19-line 7

After "funds" insert ", and limitations on recommended contingent appropriations from the legislative stabilization account under this section and W.S. 9-2-1013(d) (v)." BEBOUT

2/16/2016 S COW:Passed

SF0068S2001/ADOPTED

Page 7-line 13

Delete "a new".

Page 7-line 14

Delete "subparagraph (C)" insert "new subparagraphs (C) and (D)".

Page 15-line 20

After "(f)" insert "funds within the legislative stabilization reserve account in excess of the limitation under subparagraph (iii) (C) of this section,".

Page 16-After line 13

Insert "(C) An appropriation from the legislative stabilization reserve account, to the extent the recommended appropriation together with any other recommended contingent appropriation or other recommended appropriation from the legislative stabilization reserve account would exceed one hundred eight million seven hundred thousand dollars (\$108,7000,000.00) in any fiscal year;".

Page 16-line 15

Delete "(C)" insert "(D)". BEBOUT

2/17/2016 S 2nd Reading:Passed

2/18/2016 S 3rd Reading:Passed 25-5-0-0-0

ROLL CALL

Ayes: Senator(s) Anderson, Barnard, Bebout, Boner, Burns, Christensen, Coe, Cooper, Dockstader, Driskill, Emerich, Geis, Hastert, Hicks, Johnson, Kinskey, Landen, Nicholas, P., Pappas, Perkins, Peterson, Ross, Scott, Von Flatern, Wasserburger

Nays: Senator(s) Case, Craft, Esquibel, F., Meier, Rothfuss

Ayes 25 **Nays** 5 **Excused** 0 **Absent** 0 **Conflicts** 0

2/19/2016 H Received for Introduction
2/22/2016 H Introduced and Referred to H02 - Appropriations
2/25/2016 H02 - Appropriations:Recommend Amend and Do Pass 6-1-0-0-0

ROLL CALL

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

Nays: Representative Connolly

Ayes 6 **Nays** 1 **Excused** 0 **Absent** 0 **Conflicts** 0

2/25/2016 H Placed on General File

SF0068HS001.01/ADOPTED (TO ENGROSSED COPY)
(CORRECTED COPY)

[DIVIDED AMENDMENT]

Page 1-line 8 After "streams;" insert "specifying application and a conflict of laws provision;".

Page 8-line 2 Delete "(b) (intro)" insert
"(d) (intro), (e) (intro) and by creating a new subsection (f)".

Page 17-lines 10 through 12 Delete entirely and insert "account would exceed in any fiscal year five percent (5%) of the balance of that account as of the first day of the fiscal year in which the recommendation is made;".

Page 18-lines 16 and 17 Delete entirely and insert "year to exceed five percent (5%) of the balance of that account as of the first day of the fiscal year in which the recommendation is made.".

Page 19-lines 21 and 22 Delete entirely and insert "year does not exceed five percent (5%) of the balance of that account as of the first day of the fiscal year in which the recommendation is made;".

Page 22-lines 17 through 23 Delete entirely.

Page 23-lines 1 through 8 Delete entirely and insert:
"(d) After making distributions ~~under~~pursuant to subsections (b), ~~and~~ (c) and (f) 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 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, the excess shall be credited:

(e) Deposits into the account created by subsection (a) of this section shall be distributed as follows, subject to subsections (b) through (d) and (f) of this section:

(f) Funds subject to subsection (b) of this section shall be deposited in accordance with that subsection unless specified otherwise by enactment of a general appropriations bill for state government as determined by the legislature to be necessary to alleviate a budget shortfall or structural budget deficit as defined by W.S. 9-2-1002, or to provide appropriations to maintain services as determined by the legislature.

Section 3. To the extent any provision of this act conflicts with any provision of 2016 Senate File 1, as enacted into law, the

provisions of Senate File 1 shall control for the fiscal biennium commencing July 1, 2016 and ending June 30, 2018. This section shall not be interpreted to relieve the governor, legislature or any committee of the legislature from taking any action required in this act. The governor may exercise authority granted under 2016 Senate File 1 or this act in order to avoid a budget shortfall as defined in W.S. 9-2-1002 for the fiscal biennium commencing July 1, 2016 and ending June 30, 2018.". HARSHMAN, CHAIRMAN

SF0068HS001.02/FAILED (TO ENGROSSED COPY)
(CORRECTED COPY)
[DIVIDED AMENDMENT]

Page 1-line 5 After "account;" delete balance of line.
Page 1-line 6 Delete the line through "group;".
Page 1-line 13 Delete ", 9-2-1014.3".
Page 6-lines 6 through 23 Delete entirely.
Page 7-lines 1 through 4 Delete entirely.
HARSHMAN, CHAIRMAN

SF0068HW001/ADOPTED (TO ENGROSSED COPY)

Page 1-line 5 Delete "establishing in law" insert "defining".
Page 1-line 6 After "group;" insert "amending public meetings, public records and administrative procedures provisions in relation to the consensus revenue estimating group;".
Page 1-line 13 Delete ", 9-2-1014.3".
Page 6-lines 6 through 23 Delete entirely.
Page 7-lines 1 through 4 Delete entirely.
Page 7-line 18 Delete "(xx)" insert "(xvi)".
Page 8-line 2 After "(s)" insert ",16-3-101(b)(i), 16-4-203(d) by creating a new paragraph (xvii), 16-4-402(a)(ii)".
Page 11-line 8 Delete "." insert ";".
Page 11-After line 8 Insert:

"(xvi) "Consensus revenue estimating group" means one (1) or more representatives of the legislative and executive departments of state government, created by agreement of the governor and the legislature to estimate and forecast revenues available to the state for appropriation."

Page 22-After line 12 Insert:

"16-3-101. Short title; definitions.

(b) As used in this act:

(i) "Agency" means any authority, bureau, board, commission, department, division, officer or employee of the state, a county, city or town or other political subdivision of the state, except the governing body of a city or town, the state legislature, the University of Wyoming, ~~and~~ the judiciary and the consensus revenue estimating group as defined in W.S. 9-2-1002;

16-4-203. Right of inspection; grounds for denial; access of news media; order permitting or restricting disclosure; exceptions.

(d) The custodian shall deny the right of inspection of the following records, unless otherwise provided by law:

(xvii) Any records of the consensus revenue estimating group as defined in W.S. 9-2-1002, that discloses information considered by, or deliberations or tentative decisions of, the group.

16-4-402. Definitions.

(a) As used in this act:

(ii) "Agency" means any authority, bureau, board, commission, committee, or subagency of the state, a county, a municipality or other political subdivision which is created by or pursuant to the Wyoming constitution, statute or ordinance, other than the state legislature, ~~and the judiciary~~ and the consensus revenue estimating group as defined in W.S. 9-2-1002;". GREER

SF0068HW002/ADOPTED

(TO ENGROSSED COPY)

Page 2-line 1 Delete "appropriation" insert "expenditure".
Page 2-line 13 Delete "appropriated" insert "expended".
Page 3-line 4 Delete "appropriated amount" insert "expenditure".
Page 3-line 15 Delete "appropriation" insert "expenditure".
Page 4-line 14 Delete "appropriation" insert "expenditure".
Page 6-line 1 Delete "appropriation" insert "expenditure".
Page 6-line 4 Before "reduction" insert "expenditure".
Page 9-line 7 Delete "appropriations" insert "expenditures".
Page 11-line 18 Delete "appropriations" insert "expenditures".
Page 12-line 22 Delete "appropriations" insert "expenditures".
Page 13-line 10 Delete "appropriations" insert "expenditures".
PIIPARINEN

2/29/2016 H COW:Passed

SF0068H2001/ADOPTED

(TO ENGROSSED COPY)

Delete the standing committee amendment (SF0068HS001.01/ACE).
Delete the Stubson committee of the whole amendment (SF0068HW001/AE).
Delete the Piiparinen committee of the whole amendment (SF0068HW002/AE).
Further amend as follows:
Adopt Substitute No. 1 for SF0068. MADDEN, HARSHMAN

SF0068H2002/FAILED

(TO ENGROSSED COPY)

Page 3-line 11 After "legislature," delete balance of the line.
Page 3-line 13 Delete "(i)".
Page 3-line 22 Delete ";" insert ".".
Page 4-lines 1 through 23 Delete entirely.
Page 5-lines 2 through 13 Delete entirely. ZWONITZER, DN.

SF0068H2003/WITHDRAWN

3/1/2016 H 2nd Reading:Passed

SF0068H3001/FAILED

(TO ENGROSSED COPY)

(CORRECTED COPY)

Page 1-line 11 After "streams;" insert "repealing conflicting provisions;".
Page 7-line 5 After "39-14-801" insert "(b) (intro),".
Page 23-After line 19 Insert:
" (b) Before making distributions from the severance tax distribution account under subsections (c) through (e) of this section, an amount equal to two-thirds (2/3) of the amount of tax collected under W.S. 39-14-104(a) (i) and (b) (i) and 39-14-204(a) (i) for the same period shall be deposited into the permanent Wyoming mineral trust fund, except ~~that for the fiscal year 2010~~ for the period from March

15, 2016 through June 30, 2016 these funds shall be deposited ~~as follows: in the general fund.~~".

Page 24-After line 21 Insert:

"Section 3. W.S. 39-14-801(b)(i) and (ii) is repealed.".

Page 25-line 1 Delete "Section 3." insert "Section 4. (a) Except as provided in subsection (b) of this section,".

Page 25-After line 11 Insert:

"(b) The amendment to W.S. 39-14-801(b)(intro) and the repeal of W.S. 39-14-801(b)(i) and (ii) in this act shall control over the amendments to W.S. 39-14-801(b) in 2016 Senate File 0001, as enacted into law.".

Page 25-line 13 Delete entirely and insert:

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

SF0068H3002/ADOPTED (TO ENGROSSED COPY)

Page 1-line 4 After "appropriations;" delete balance of the line.

Page 1-line 5 Delete the line through "account;".

Page 2-line 1 Delete "and 9-4-221 are" insert "is".

Page 6-lines 7 through 16 Delete entirely. MADDEN

SF0068H3003/ADOPTED (TO ENGROSSED COPY)

Page 1-line 3 After ";" insert "requiring public reports on the use of the governor's exercise of specified budget powers;".

Page 6-line 20 After "paragraph (v)" delete "and" insert ","; after "(o)" insert "and by creating a new subsection (p)".

Page 12-After line 10 Insert:

"(p) The governor shall make available monthly for public inspection information on the exercise of his authority under paragraph (b)(ii), (v) and subsection (g) of this section and under W.S. 9-2-1014.2 for the immediately preceding month. The information shall be made available on the Wyoming public finance and expenditure of funds website created by W.S. 9-2-1036(a)." STEINMETZ

3/2/2016 H 3rd Reading:Passed 32-27-1-0-0

ROLL CALL

Ayes: Representative(s) Allen, Baldwin, Berger, Brown, Burkhart, Campbell, Cannady, Clem, Eklund, Greear, Harshman, Harvey, Hunt, Kasperik, Kinner, Kirkbride, Larsen, Laursen, Lockhart, Madden, Miller, Moniz, Nicholas, B., Northrup, Paxton, Petroff, Pownall, Stubson, Walters, Wilson, Winters, Zwonitzer, Dn.

Nays: Representative(s) Baker, Barlow, Blackburn, Blake, Byrd, Connolly, Dayton, Edmonds, Edwards, Esquibel, K., Freeman, Gay, Halverson, Jaggi, Jennings, Kroeker, Krone, Lindholm, Loucks, McKim, Pelkey, Piiparinen, Reeder, Schwartz, Sommers, Steinmetz, Throne

Excused: Representative Zwonitzer, Dv.

Ayes 32 **Nays** 27 **Excused** 1 **Absent** 0 **Conflicts** 0

3/2/2016 S Received for Concurrence

3/3/2016 S Concur:Passed 23-7-0-0-0

ROLL CALL

Ayes: Senator(s) Anderson, Barnard, Bebout, Boner, Burns, Christensen, Coe, Cooper, Dockstader, Emerich, Esquibel, F., Geis, Johnson, Kinskey, Landen, Meier, Nicholas, P., Pappas, Perkins, Peterson, Ross, Von Flatern, Wasserburger

Nays: Senator(s) Case, Craft, Driskill, Hastert, Hicks, Rothfuss, Scott

Ayes 23 **Nays** 7 **Excused** 0 **Absent** 0 **Conflicts** 0

3/3/2016 Assigned Number SEA No. 0058

3/4/2016 S President Signed SEA No. 0058

3/4/2016 H Speaker Signed SEA No. 0058

3/15/2016 Governor Signed SEA No. 0058

3/16/2016 Assigned Chapter Number

Chapter No. 118 Session Laws of Wyoming 2016