

ENROLLED ACT NO. 122, HOUSE OF REPRESENTATIVES

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING
2017 GENERAL SESSION

AN ACT relating to public funds; amending the spending policy rates for the permanent Wyoming mineral trust fund, the common school account within the permanent land fund and the excellence in higher education endowment fund; amending the percentage of funds in the permanent Wyoming mineral trust fund reserve account, the common school permanent fund reserve account, and the excellence in higher education endowment reserve account transferred respectively to the permanent Wyoming mineral trust fund and common school permanent fund annually; repealing certain distributions to the school foundation program reserve account; making conforming amendments; and providing for an effective date.

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

Section 1. W.S. 9-4-719(b), (d)(v) and by creating new paragraphs (vi) and (vii), (f), (h)(v), by creating new paragraphs (vi) and (vii), (k), (n) and (o) and 21-16-1201(c) (intro) are amended to read:

9-4-719. Investment earnings spending policy permanent funds.

(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 two and one-half percent (2.5%) of the previous five (5) year average market value of the permanent Wyoming mineral trust fund, calculated on the first day of the fiscal year, 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

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July 1, ~~2000~~2017, revenues in this account in excess of ~~ninety percent (90%)~~ one hundred fifty percent (150%) 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~~ FY 2018, 2019 and 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 - an amount equal to four and three-fourths percent (4.75%) of the previous five (5) year average market value of the trust fund, calculated from the first day of the fiscal year;

(vii) FY 2022 and each fiscal year thereafter - an amount equal to four and one-half percent (4.5%) 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~~2017 for fiscal year ~~2016~~2018 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~~

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~~account within the permanent land fund, calculated from the first day of the fiscal year~~ the spending policy amount established in subsection (h) of this section 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, ~~2000-2017~~, revenues in this account in excess of ~~ninety percent (90%)~~ one hundred fifty percent (150%) of the spending policy amount shall be credited to the common school account within the permanent land fund.

(h) The annual spending policy for the common school account within the permanent land fund is as follows for each fiscal year (FY):

(v) ~~FY 2004 and each fiscal year thereafter~~ FY 2018, 2019 and 2020 - an amount equal to five percent (5%) of the previous five (5) year average market value of the account, calculated from the first day of the fiscal year; ~~;~~

(vi) FY 2021 - an amount equal to four and three-fourths percent (4.75%) of the previous five (5) year average market value of the account, calculated from the first day of the fiscal year;

(vii) FY 2022 and each fiscal year thereafter - an amount equal to four and one-half percent (4.5%) of the previous five (5) year average market value of the account, calculated from the first day of the fiscal year.

(k) There is created the excellence in higher education endowment reserve account. Interest and other earnings on funds within the account shall be credited to the account. As soon as possible after the end of each of

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the fiscal years beginning on and after July 1, ~~2006-2017~~, revenues in this account in excess of ~~seventy-five percent (75%)~~ one hundred fifty percent (150%) of the spending policy amount in subsection (o) of this section shall be credited to the excellence in higher education endowment fund created by W.S. 9-4-204(u)(vi).

(n) To the extent the spending policy amount established in subsection (o) of this section exceeds earnings from the excellence in higher education endowment fund for the prior fiscal year, the state treasurer shall distribute from the excellence in higher education reserve account an amount equal to one-half (1/2) the difference, and such amounts are continuously appropriated from the reserve account for that purpose. Any funds distributed pursuant to this subsection shall be distributed no later than ninety (90) days after the end of the fiscal year and shall be distributed and expended as provided in W.S. 21-16-1201 through 21-16-1203 for earnings from the excellence in higher education endowment fund. The state treasurer in consultation with the University of Wyoming and community college commission, shall report to the governor, joint appropriations interim committee, joint education interim committee and select committee on capital financing and investments no later than November 1, of any year in which funds have been or are anticipated to be distributed from the reserve account under this subsection.

(o) The annual spending policy amount for the excellence in higher education endowment ~~fund shall be is~~ as follows for each fiscal year (FY):

(i) FY 2018 - an amount equal to five percent (5%) of the previous five (5) year average market value of the excellence in higher education endowment fund, as

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calculated from the first day of the fiscal year;~~For the fiscal years 2007 through 2010, the state treasurer shall calculate the annual spending policy by using the average market value of the fund in each of those fiscal years, calculated from the first day of the fiscal year.~~

(ii) FY 2019 and each fiscal year thereafter - an amount equal to four and three-fourths percent (4.75%) of the previous five (5) year average market value of the excellence in higher education endowment fund, calculated from the first day of the fiscal year.

21-16-1201. Excellence in higher education endowment fund; Hathaway student scholarship endowment fund; distributions by state treasurer; legislative restrictions.

(c) The state treasurer shall place earnings from the investment of monies in the excellence in higher education endowment fund in an income account for subsequent disbursement as provided in this subsection. Earnings for any fiscal year which are in excess of the spending policy amount established pursuant to W.S. 9-4-719(o) shall be distributed as provided by W.S. 9-4-719(m). The institutions receiving distributions of earnings within the spending policy amount pursuant to this subsection shall only expend ninety percent (90%) of the distribution in fiscal years in which the spending policy amount specified in W.S. 9-4-719(o) is reached or exceeded. In any fiscal year in which the spending policy amount specified in W.S. 9-4-719(o) is not reached, the shortfall in distributions an institution would have received if the spending policy amount had been reached shall be made up in equal parts by an authorization for the institution to expend funds saved under this subsection when the spending policy amount is

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reached or exceeded and an equal amount appropriated from the excellence in higher education endowment reserve account as provided in W.S. 9-4-719(n). Earnings within the spending policy amount shall be distributed on a quarterly basis as follows:

Section 2. W.S. 9-4-601(a)(xi) and (d)(viii) and 9-4-719(r) are repealed.

Section 3. This act is effective July 1, 2017.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk