

SENATE FILE NO. SF0120

Investment of state non-permanent funds.

Sponsored by: Joint Appropriations Committee

A BILL

for

1 AN ACT relating to public funds; adopting a risk profile
 2 standard for the investment of funds of the state which may
 3 be invested in equities including stocks; repealing
 4 specified maximum amounts of state nonpermanent funds which
 5 may be invested in equities including stocks; modifying
 6 requirements for investments of various state funds;
 7 authorizing the investment of additional state nonpermanent
 8 funds in stocks and equities; conforming language for
 9 distribution of investment earnings and making other
 10 conforming amendments; and providing for an effective date.

11

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

13

14 **Section** 1. W.S. 9-2-2304(b), 9-4-607(b),
 15 9-4-715(p)(intro), by creating new paragraphs (x) through
 16 (xv), (q)(intro), (iii) and (r), 9-4-716(d)(i)(C) and by

1 creating new subsections (e) and (f), 9-4-1203(b),
2 9-15-103(a) and (b), 14-8-106(a), 19-7-207(a), 19-7-401(b),
3 21-22-101(b), 21-23-202(b)(iii), 23-1-501(f), 33-36-115(a)
4 and 34-24-124(b) are amended to read:

5

6 **9-2-2304. Wyoming cultural trust fund established;**
7 **corpus inviolate; investment by state treasurer.**

8

9 (b) The monies deposited into the Wyoming cultural
10 resources trust fund established pursuant to this section
11 are inviolate and constitute a permanent or perpetual trust
12 fund. The monies shall be transmitted to the state
13 treasurer for credit to the trust fund and shall be
14 invested by the state treasurer as authorized ~~under W.S.~~
15 ~~9-4-715(a), (d) and (e)~~ by law and in a manner to obtain
16 the highest net return possible consistent with the
17 preservation of the corpus. Any ~~interest earned~~ earnings
18 from investment of the corpus of the trust fund shall be
19 credited by the state treasurer into a separate account and
20 distributed in accordance with W.S. 9-2-2307.

21

22 **9-4-607. Wyoming transportation enterprise program.**

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1 (b) In addition to the distributions under subsection
2 (a) of this section, ninety percent (90%) of the investment
3 ~~income earned~~ earnings on monies deposited into the
4 transportation trust fund shall be deposited in the
5 transportation enterprise fund to be expended by the state
6 loan and investment board pursuant to W.S. 11-34-131, as
7 appropriated by the legislature. Ten percent (10%) of the
8 investment ~~income earned~~ earnings on monies deposited into
9 the transportation trust fund shall be retained by the
10 transportation trust fund. The state treasurer shall
11 invest the funds in the transportation trust fund as
12 authorized by law in a manner to obtain the highest net
13 return possible consistent with the preservation of the
14 trust fund corpus.

15

16 **9-4-715. Permissible investments.**

17

18 (p) There is created the pool A investment account.
19 The state treasurer, or his designee, which shall be
20 registered under the Investment Advisor's Act of 1940 as
21 amended if required to be registered by the terms of that
22 act as amended, pursuant to subsections (c) and (d) of this
23 section and after consultation with the state agency or

1 agencies receiving or administering investment earnings
2 from the monies invested in the pool A investment account,
3 may invest ~~up to seventy percent (70%) of the~~ monies
4 comprising the pool A investment account in equities
5 including stocks of corporations in accordance with
6 subsections (a) and (c) through (e) of this section and
7 W.S. 9-4-716. The state loan and investment board, in
8 consultation with the state agency or agencies receiving or
9 administering investment earnings from the monies invested
10 in the pool A investment account, shall annually review the
11 state investment policy statements for the investment pool
12 created by this subsection as required under W.S. 9-4-716.
13 Monies in the following funds shall be invested in the pool
14 A investment account:

15
16 (x) The state fair endowment account created by
17 W.S. 11-10-118;

18
19 (xi) The Wyoming children's trust fund created
20 by W.S. 14-8-106;

21
22 (xii) The Wyoming national guard youth challenge
23 program endowment account created by W.S. 19-7-207;

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(xiii) The Wyoming military assistance trust fund created by W.S. 19-7-401;

(xiv) The Wyoming education trust fund created by W.S. 21-22-101;

(xv) The emergency medical services sustainability trust account created by W.S. 33-36-115.

(q) The state treasurer, or his designee, which shall be registered under the Investment Advisor's Act of 1940 as amended if required to be registered by the terms of that act as amended shall invest the legislative stabilization reserve account created in W.S. 9-4-219 in a manner to obtain the highest net return possible subject to the following:

(iii) After consultation with the budget division of the department of administration and information, ~~up to fifty-five percent (55%) of the~~ unobligated, unencumbered balance of the legislative stabilization reserve account in excess of the amount

1 specified in paragraph (ii) of this subsection, as
2 calculated by the state auditor on October 1 of each fiscal
3 year, may be invested in equities, including stocks of
4 corporations. Investments under this paragraph shall be
5 made in compliance with subsections (a) and (c) and (d)
6 through (e) of this section and W.S. 9-4-716;

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8 (r) The state treasurer, or his designee, which shall
9 be registered under the Investment Advisor's Act of 1940 as
10 amended if required to be registered by the terms of that
11 act as amended, ~~pursuant to subsections (c) and (d) of this~~
12 ~~section,~~ may invest ~~up to seventy five percent (75%) of the~~
13 unobligated, unencumbered balance of the permanent Wyoming
14 mineral trust fund reserve account created under W.S.
15 9-4-719(b) and common school permanent fund reserve account
16 created under W.S. 9-4-719(f) in equities, including stocks
17 of corporations. Investments under this subsection shall
18 be in accordance with ~~investment policy statements adopted~~
19 ~~by the board under subsections (a) and (c) through (e) of~~
20 this section and W.S. 9-4-716. In adopting investment
21 policy statements for the permanent Wyoming mineral trust
22 fund reserve account and common school permanent fund
23 reserve account, the board shall seek to preserve the

1 balance of each account in a manner that strives for the
2 highest possible risk-adjusted total net return consistent
3 with an appropriate level of safety and liquidity.

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5 **9-4-716. State investment policy; investment**
6 **consultant.**

7

8 (d) The board:

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10 (i) Shall procure the services of a qualified
11 entity to evaluate:

12

13 (C) At least annually or when market
14 conditions warrant a change or reallocation of investments,
15 the risks of investing state funds using the metrics
16 specified in the investment policy statements pursuant to
17 paragraph (b)(ix) of this section and the risk profile
18 under subsection (e) of this section.

19

20 (e) In investing monies of a fund or account which
21 may be invested in equities, including stock of a
22 corporation, the overall risk profile of the investments,
23 excluding any specific public purpose investment authorized

1 or directed by the legislature, shall not materially exceed
2 the risk profile of a reference portfolio that consists of
3 seventy percent (70%) global equities and thirty percent
4 (30%) domestic fixed income investments. The state
5 treasurer after consultation with the investment funds
6 committee shall submit to the board the committee's
7 recommendations of specific benchmarks for the measurement
8 of the portfolio risk characteristics. The specific
9 benchmarks shall be determined by the board. Any provision
10 of law which restricts the investment of a specific fund or
11 account to a greater degree than the provisions of this
12 subsection shall control over this subsection.

13

14 (f) Investments made in accordance with this section
15 and W.S. 9-4-715 and policies adopted pursuant to this
16 section shall satisfy provisions of law which require funds
17 to be invested in a manner to obtain the highest net return
18 consistent with preservation of principal or the corpus of
19 a fund.

20

21 **9-4-1203. Tobacco settlement trust fund established;**
22 **corpus inviolate; investment by state treasurer.**

23

1 (b) Funds deposited into the Wyoming tobacco
2 settlement trust fund established pursuant to subsection
3 (a) of this section are intended to be inviolate and
4 constitute a permanent or perpetual trust fund which shall
5 be invested by the state treasurer as authorized by law and
6 in a manner to obtain the highest net return possible
7 consistent with preservation of the corpus. Any earnings
8 from investment of the corpus of the trust fund and all
9 funds received by the state of Wyoming on or after March
10 15, 2002 as financial recovery under the terms of the
11 master settlement agreement specified in paragraph (a)(i)
12 of this section shall be credited by the state treasurer
13 into a separate income account.

14

15 **9-15-103. Wyoming wildlife and natural resource trust**
16 **account created; income account created; expenditures;**
17 **purposes.**

18

19 (a) A trust account is created to be known as the
20 Wyoming wildlife and natural resource trust account. The
21 trust account shall consist of those funds designated to
22 the account by law and all monies received from federal
23 grants and other contributions, grants, gifts, transfers,

1 bequests and donations to the trust account. The trust
2 account is specifically empowered to accept grants, gifts,
3 transfers, bequests and donations including those which are
4 limited in their purposes by the grantor. Title to any
5 interest in any real property conveyed to the trust account
6 shall be held in the name of the state of Wyoming and shall
7 be administered by the board of land commissioners. Funds
8 deposited within the trust account are intended to be
9 inviolate and constitute a perpetual trust account which
10 shall be invested by the state treasurer as authorized
11 ~~under W.S. 9-4-715(a), (d) and (e)~~ by law and in a manner
12 to obtain the highest net return possible consistent with
13 preservation of the account corpus.

14

15 (b) The state treasurer shall credit ~~annually~~ to a
16 Wyoming wildlife and natural resource trust income account
17 the ~~interest earned~~ earnings from investment of the trust
18 account corpus. The legislature may, from time to time,
19 appropriate funds directly to the income account for
20 distribution in accordance with the terms of this act.
21 Such specially appropriated funds shall be credited
22 directly by the state treasurer to the income account and

1 are available to the board for award of grants as otherwise
2 permitted by this act.

3

4 **14-8-106. Wyoming children's trust fund and income**
5 **account; creation; source of funds.**

6

7 (a) There is created the Wyoming children's trust
8 fund. The fund shall be administered by the board and
9 shall consist of monies appropriated or designated to the
10 fund by law and all monies collected by the board pursuant
11 to W.S. 14-8-105(a)(v) for credit to the trust fund. Funds
12 deposited within the trust fund are intended to be
13 inviolate and constitute a perpetual trust account. The
14 state treasurer shall invest the account as authorized
15 ~~under W.S. 9-4-715(a), (d) and (e)~~ by law and in a manner
16 to obtain the highest net return possible consistent with
17 the preservation of the trust fund corpus.

18

19 **19-7-207. Wyoming national guard youth challenge**
20 **program endowment account; administration; distributions;**
21 **purposes.**

22

1 (a) The Wyoming national guard youth challenge
2 program endowment account is created. The state treasurer
3 is authorized to accept cash gifts for the account. Funds
4 within the account including all funds deposited to the
5 account from any source are intended to be inviolate and
6 constitute a permanent or perpetual trust fund. The state
7 treasurer shall invest funds within the endowment account
8 in accordance with law and in a manner to obtain the
9 highest net return possible consistent with the
10 preservation of the trust fund corpus. Fifty percent (50%)
11 of investment earnings from funds in the endowment account
12 shall be credited to the endowment account. Fifty percent
13 (50%) of investment earnings shall be distributed in
14 accordance with subsection (b) of this section.

15

16 **19-7-401. Wyoming military assistance trust fund;**
17 **establishment of trust fund; corpus inviolate; investment**
18 **by state treasurer.**

19

20 (b) The monies deposited into the trust fund
21 established pursuant to this section are inviolate and
22 constitute a permanent or perpetual trust fund. The monies
23 shall be transmitted to the state treasurer for credit to

1 the trust fund and shall be invested by the state treasurer
2 as authorized ~~under W.S. 9-4-715(a), (d) and (e)~~ by law and
3 in a manner to obtain the highest net return possible
4 consistent with the preservation of the corpus. The
5 ~~interest earned~~ earnings from investment of the corpus of
6 the trust fund shall be annually credited by the state
7 treasurer not later than June 30 of each year into a
8 separate account and distributed in accordance with W.S.
9 19-7-402.

10
11 **21-22-101. Trust fund established; corpus inviolate;**
12 **investment by state treasurer.**

13
14 (b) Funds deposited into the Wyoming education trust
15 fund established pursuant to subsection (a) of this section
16 are intended to be inviolate and constitute a permanent or
17 perpetual trust fund which shall be invested by the state
18 treasurer as authorized ~~under W.S. 9-4-715(a), (d) and (e)~~
19 by law and in a manner to obtain the highest net return
20 possible consistent with preservation of the corpus. Any
21 ~~interest earned~~ earnings from investment of the corpus of
22 the trust fund shall be credited by the state treasurer

1 into a separate account and distributed in accordance with
2 W.S. 21-22-102.

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4 **21-23-202. Wyoming public television matching**
5 **program; state treasurer to administer program accounts;**
6 **matching payments; conditions; reversion of appropriations.**

7

8 (b) The state treasurer shall administer the Wyoming
9 public television endowment account and Wyoming public
10 television matching funds account established under this
11 article. The following shall apply:

12

13 (iii) Funds in the matching funds account shall
14 remain inviolate and shall be invested by the state
15 treasurer as authorized by law. Only the investment
16 earnings from investments of the monies in the matching
17 funds account may be distributed. The state treasurer shall
18 distribute income-earnings from the matching funds account
19 to the community college commission quarterly. The
20 community college commission shall distribute these funds
21 together with other appropriated funds to the central
22 Wyoming community college district board for the operations

1 and programming of Wyoming public television pursuant to
2 W.S. 21-18-105(b).

3

4 **23-1-501. Game and fish fund.**

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6 (f) A trust account separate and apart from the trust
7 account established under subsection (d) of this section is
8 created within the Wyoming game and fish fund. The account
9 shall consist of those funds appropriated or designated to
10 the account by law or by gift from whatever source. Funds
11 deposited within the account are intended to be inviolate
12 and constitute a permanent or perpetual trust account which
13 shall be invested by the state treasurer as authorized
14 ~~under W.S. 9-4-715(a), (d) and (e)~~ by law and in a manner
15 to obtain the highest net return possible consistent with
16 preservation of the account corpus. Any ~~interest-earned~~
17 earnings from investment of the account corpus shall be
18 credited by the state treasurer into the Wyoming game and
19 fish fund to be expended by the commission for purposes
20 specified under subsection (b) of this section.

21

1 **33-36-115. Emergency medical services sustainability**
2 **trust account; account established; planning grants;**
3 **implementation grants.**

4
5 (a) A trust account is created to be known as the
6 emergency medical services sustainability trust account.
7 The trust account shall consist of those funds designated
8 to the account by law and all monies received from federal
9 grants and other contributions, grants, gifts, transfers,
10 bequests and donations to the trust account. The trust
11 account is specifically empowered to accept grants, gifts,
12 transfers, bequests and donations including those which are
13 limited in their purposes by the grantor. Funds deposited
14 within the trust account are intended to be inviolate and
15 constitute a perpetual trust account which shall be
16 invested by the state treasurer as authorized ~~under W.S.~~
17 ~~9-4-715(a), (d) and (e)~~ by law and in a manner to obtain
18 the highest net return possible consistent with
19 preservation of the account corpus.

20
21 **34-24-124. Deposit of funds; investment of funds;**
22 **loans; immunity from liability.**

23

1 (b) The administrator or his designee shall invest
2 the funds in the unclaimed property account created by
3 subsection (a) of this section as authorized by law in a
4 manner to obtain the highest net return possible consistent
5 with the purposes of this act. Investment earnings from the
6 account shall be deposited into the unclaimed property
7 investment earnings account. There is continuously
8 appropriated to the administrator from the unclaimed
9 property investment earnings account an amount equal to the
10 administrator's expenses in carrying out this act. Annually
11 after the end of each fiscal year the administrator shall
12 deposit in the general fund investment earnings earned on
13 the unclaimed property account which exceed the amount
14 necessary to administer this act for the fiscal year and
15 which exceeds the amount equal to one hundred percent
16 (100%) of the immediately prior biennium's appropriation
17 for the unclaimed property division.

18

19 **Section 2.** This act is effective July 1, 2021.

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(END)