

## HOUSE BILL NO. HB0147

Annual cash based budget development.

Sponsored by: Representative(s) Barlow, Gray, Harshman,  
Jennings and Olsen and Senator(s) Case,  
Driskill and Hicks

A BILL

for

1 AN ACT relating to state budgeting; providing that  
2 recommended appropriations in the state budget shall be  
3 limited to specified prior revenues; amending revenue  
4 distribution and fund transfers; providing for annual  
5 budget development; requiring a study; specifying  
6 legislative intent; sunseting conflicting provisions;  
7 providing that provisions in the act are contingent on  
8 specified funding levels; and providing for effective  
9 dates.

10

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

12

13 **Section 1.** W.S. 9-2-1013(d)(intro), (ii), (iii)(B)  
14 and by creating a new paragraph (vii), 9-4-219(b),

1 9-4-719(b)(intro) and 39-14-801(b)(v) and (vi) are amended  
2 to read:

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

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

15  
16 (ii) The total recommended appropriations under  
17 this subsection for any two (2) fiscal year budget period  
18 shall not exceed the total estimated revenues for that two  
19 (2) year period. The total estimated revenues computed  
20 under this paragraph shall not include increases in  
21 existing revenue sources which would be available to the  
22 state only after enactment of legislation in addition to  
23 existing law, but shall include the unencumbered balances

1 in all other accounts in all other expendable funds subject  
2 to this section, and as further provided herein, as those  
3 funds are identified in accordance with standards  
4 promulgated by the governmental accounting standards board,  
5 but specifically excluding pension funds, nonexpendable  
6 trust funds, debt service funds and intragovernmental  
7 funds, that would be available for that budget period.  
8 Funds within the permanent Wyoming mineral trust fund  
9 reserve account created under W.S. 9-4-719(b), the common  
10 school permanent fund reserve account created under W.S.  
11 9-4-719(f) funds within the legislative stabilization  
12 reserve account in excess of the limitation under  
13 subparagraph (iii)(C) of this section, or funds within five  
14 percent (5%) of estimated general fund receipts for the  
15 next biennium to be appropriated to the budget reserve  
16 account as required by W.S. 9-2-1012(e) shall not be  
17 included in total estimated revenues computed under this  
18 paragraph. Funds from a contingent appropriation shall not  
19 be included as an estimated source of revenue or funds  
20 available unless those funds previously had been authorized  
21 to be expended within the fiscal period covering the budget  
22 period of the recommendation. This paragraph is repealed  
23 effective July 1, 2023;

1

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

4

5 (B) The transfer of funds from an account  
6 to another account except transfers from the budget reserve  
7 account. This subparagraph is repealed effective July 1,  
8 2023;

9

10 (vii) Beginning July 1, 2023, the total  
11 recommended annual appropriations from the general fund  
12 under this subsection for any one (1) fiscal year budget  
13 period shall not exceed the total revenue to the general  
14 fund and budget reserve account attributable to the  
15 immediately preceding three (3) fiscal years as determined  
16 by the state auditor, multiplied by one-third (1/3). The  
17 total revenue computed under this paragraph shall not  
18 include any reversions of previously appropriated funds or  
19 revenues subject to statutory transfers required under W.S.  
20 9-4-719.

21

22 **9-4-219. Legislative stabilization reserve account**  
23 **created; purposes; legislative deficit control account.**

1

2 (b) To the extent funds are available after all other  
3 appropriations or transfers from the legislative  
4 stabilization reserve account to be made on or prior to  
5 June 30 of the applicable fiscal year have been made, an  
6 amount necessary to restore the unobligated, unencumbered  
7 balance within the public school foundation program account  
8 to one hundred million dollars (\$100,000,000.00) on June 30  
9 of each fiscal year shall be transferred from the  
10 legislative stabilization reserve account into the public  
11 school foundation program account. This subsection is  
12 repealed the month immediately following the date that the  
13 state auditor and the state treasurer first certify to the  
14 governor and the department of revenue, and the governor  
15 certifies the same to the secretary of state, that the  
16 unobligated, unencumbered balance in the legislative  
17 stabilization reserve account is less than ~~five hundred~~  
18 ~~million dollars (\$500,000,000.00)~~ one hundred million  
19 dollars (\$100,000,000.00).

20

21 **9-4-719. Investment earnings spending policy**  
22 **permanent funds.**

23

1           (b) There is created the permanent Wyoming mineral  
2 trust fund reserve account. All funds within the account  
3 shall be invested by the state treasurer as authorized  
4 under W.S. 9-4-715(a), (d), (e) and (r) and all investment  
5 earnings from the account shall be credited to the account.  
6 Beginning July 1, 2021 for fiscal year 2022 and each fiscal  
7 year thereafter, to the extent funds are available, the  
8 state treasurer shall transfer unobligated funds from this  
9 account to the general fund on a quarterly, pro-rata basis  
10 as necessary to ensure that an amount equal to two and  
11 one-half percent (2.5%) of the previous five (5) year  
12 average market value of the permanent Wyoming mineral trust  
13 fund, calculated on the first day of the fiscal year, is  
14 available for expenditure during each fiscal year. As soon  
15 as possible after the end of each of the fiscal years  
16 beginning on and after July 1, 2017, after making any  
17 transfer required pursuant to paragraphs (i) and (ii) of  
18 this subsection, revenues in this account in excess of ~~one~~  
19 ~~hundred fifty percent (150%)~~ three hundred percent (300%)  
20 of the spending policy amount in subsection (d) of this  
21 section shall be credited to the permanent Wyoming mineral  
22 trust fund. For fiscal year 2020 and for each fiscal year  
23 thereafter:

1

2           **39-14-801. Severance tax distributions; distribution**  
3 **account created; formula.**

4

5           (b) Before making distributions from the severance  
6 tax distribution account under subsections (c) through (e)  
7 of this section, an amount equal to two-thirds (2/3) of the  
8 amount of tax collected under W.S. 39-14-104(a)(i) and  
9 (b)(i) and 39-14-204(a)(i) for the same period shall be  
10 deposited as follows:

11

12           (v) For fiscal year 2023 through fiscal year  
13 ~~2028—2026~~ these funds shall be deposited ~~equally~~ to the  
14 ~~permanent Wyoming mineral trust fund and to the common~~  
15 ~~school account within the permanent land fund~~ legislative  
16 stabilization reserve account;

17

18           (vi) For fiscal year ~~2029—2027~~ and thereafter  
19 these funds shall be deposited ~~two-thirds (2/3)~~ equally to  
20 the permanent Wyoming mineral trust fund and ~~one-third~~  
21 ~~(1/3)~~ to the common school account within the permanent  
22 land fund.

23

1           **Section 2.** W.S. 9-4-719(f) is amended to read:

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3           **9-4-719. Investment earnings spending policy**  
4 **permanent funds.**

5

6           (f) There is created the common school permanent fund  
7 reserve account. All funds within the account shall be  
8 invested by the state treasurer as authorized under W.S.  
9 9-4-715(a), (d), (e) and (r) and all investment earnings  
10 from the account shall be credited to the account.  
11 Beginning July 1, 2017 for fiscal year 2018 and each fiscal  
12 year thereafter, the state treasurer shall transfer  
13 unobligated funds from this account to the common school  
14 account within the permanent land income fund as necessary  
15 to ensure that an amount equal to the spending policy  
16 amount established in subsection (h) of this section is  
17 available for expenditure annually during the fiscal year.  
18 As soon as possible after the end of each of the fiscal  
19 years beginning on and after July 1, 2017, revenues in this  
20 account in excess of ~~one hundred fifty percent (150%)~~ three  
21 hundred percent (300%) of the spending policy amount shall  
22 be credited to the common school account within the  
23 permanent land fund.



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2           **Section 3.**

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4           (a) The joint appropriations committee shall review  
5 statutory references to biennial budgeting and all  
6 statutory revenue deposits to the general fund and budget  
7 reserve account and recommend any statutory revisions  
8 required to implement an annual, cash based budgeting  
9 framework in the most efficient manner beginning with the  
10 2025 annual budget period. The joint appropriations  
11 committee shall also review the distribution of severance  
12 taxes, federal mineral royalties and investment income and  
13 recommend statutory revisions to ensure not less than two  
14 billion dollars (\$2,000,000,000.00) are available for  
15 expenditure in the legislative stabilization reserve  
16 account on June 30, 2023. The joint revenue interim  
17 committee and the joint appropriations committee shall  
18 report any recommended legislation to the legislature not  
19 later than October 15, 2022.

20

21           (b) It is the intent of the legislature that:

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1           (i) Not less than fifty percent (50%) of the  
2 2025 annual general fund budget be derived from  
3 appropriations or transfers from the legislative  
4 stabilization reserve account; and

5  
6           (ii) The 2025 annual general fund budget include  
7 a commensurate deposit to the legislative stabilization  
8 reserve account equal to the amount of revenue deposited to  
9 the general fund and budget reserve account for the period  
10 beginning July 1, 2022 and ending June 30, 2023, excluding  
11 reversions, federal funds, special revenue or statutory  
12 transfers from the general fund required by W.S. 9-4-719.

13

14           **Section 4.**

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16           (a) Except as provided in subsection (b) of this  
17 section, this act shall be effective July 1, 2023 only upon  
18 certification by the state auditor that the unexpended,  
19 unobligated balance of the legislative stabilization  
20 reserve account on June 30, 2023 exceeds two billion  
21 dollars (\$2,000,000,000.00).

22

1           (b) Sections 2 through 4 of this act are effective  
2 immediately upon completion of all acts necessary for a  
3 bill to become law as provided by Article 4, Section 8 of  
4 the Wyoming Constitution.

5

6

(END)