

SENATE FILE NO. SF0043

Permanent mineral trust fund-roads.

Sponsored by: Senator(s) Geis

A BILL

for

1 AN ACT relating to administration of government; providing
2 for legislatively designated investments for highways,
3 county roads and municipal streets; authorizing transfers
4 from the permanent Wyoming mineral trust fund; providing
5 for repayment; specifying legislative intent; and providing
6 for an effective date.

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

9

10 **Section 1.** W.S. 9-4-601(a)(vi), (b)(i)(intro), (A) and
11 (d)(intro) and 9-4-701 by creating a new subsection (t) are
12 amended to read:

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14 **9-4-601. Distribution and use; funds, accounts,**
15 **cities and towns benefited; exception for bonus payments.**

16

1 (a) All monies received by the state of Wyoming from
2 the secretary of the treasury of the United States under
3 the provisions of the act of congress of February 25, 1920
4 (41 Stat. 437, 450; 30 U.S.C. §§ 181, 191), as amended, or
5 from lessees or authorized mine operators and all monies
6 received by the state from its sale of production from
7 federal mineral leases subject to the act of congress of
8 February 25, 1920 (41 Stat. 437, 450; 30 U.S.C. §§ 181,
9 191) as amended, except as provided by subsection (b) of
10 this section, shall be deposited into an account and the
11 first two hundred million dollars (\$200,000,000.00) of
12 revenues received in any fiscal year shall be distributed
13 by the state treasurer as provided in this subsection. One
14 percent (1%) of these revenues shall be credited to the
15 general fund as an administrative fee, and the remainder
16 shall be distributed as follows:

17

18 (vi) Three and seventy-five hundredths percent
19 (3.75%) to the capital construction account to be expended
20 as provided by W.S. 9-4-604(k)(i) or to fund bonds the
21 proceeds of which will be used under W.S. 9-4-604(g) and
22 one and twenty-five hundredths percent (1.25%) to the
23 highway fund. No distribution under this paragraph to the
24 capital construction account for expenditure under W.S.

1 9-4-604(k)(i) or 9-4-604(g) shall be made until repayment
2 required under W.S. 9-4-701(t)(iv)(B) has been made for the
3 applicable fiscal year;
4

5 (b) The state treasurer shall ascertain and withhold
6 all bonus payments received from the federal government
7 attributable to coal, oil shale or geothermal leases of
8 federal land within Wyoming and shall distribute it as
9 follows:
10

11 (i) Fifty percent (50%), the first seven million
12 five hundred thousand dollars (\$7,500,000.00) of which
13 shall be distributed as follows, ~~but for the fiscal years~~
14 ~~beginning July 1, 2004 and July 1, 2005 any amount in~~
15 ~~excess of seven million five hundred thousand dollars~~
16 ~~(\$7,500,000.00) shall be deposited in accordance with~~
17 ~~paragraph (v) of this subsection,~~ and thereafter any amount
18 in excess of seven million five hundred thousand dollars
19 (\$7,500,000.00) per year shall be deposited into the school
20 capital construction account established under W.S.
21 21-15-111(a)(i):
22

23 (A) Three-fourths (3/4) shall be credited
24 to the capital construction account for the purposes

1 specified in W.S. 9-4-604(k)(i) or to fund bonds the
2 proceeds of which will be used under W.S. 9-4-604(g). No
3 distribution under this subparagraph shall be made until
4 repayment required under W.S. 9-4-701(t)(iv)(B) has been
5 made for the applicable fiscal year;

6
7 (d) Any revenue received under subsection (a) of this
8 section in excess of two hundred million dollars
9 (\$200,000,000.00) following payments required under W.S.
10 9-4-701(t)(iv)(A) shall be distributed as follows:

11
12 **9-4-701. Permissible investments; treasurer's rules**
13 **and regulations.**

14
15 (t) To promote the maintenance, construction and
16 reconstruction of Wyoming state highways, county roads and
17 municipal streets which constitute portions of the Wyoming
18 transportation system, with the oversight of the joint
19 transportation, highways and military affairs interim
20 committee, at the request of the governor, the state
21 treasurer may transfer from the permanent Wyoming mineral
22 trust fund up to two hundred million dollars
23 (\$200,000,000.00) to the state highway fund, and at the
24 request of the state loan and investment board, up to one

1 hundred million dollars (\$100,000,000.00) into a special
2 revenue fund account. Once transferred into the state
3 highway fund or the special revenue fund account, interest
4 and investment earnings on sums transferred shall remain in
5 the fund or account to be used for projects approved.
6 Funds transferred under this subsection shall be subject to
7 the following:

8
9 (i) The limitation on legislatively designated
10 investments under W.S. 9-4-712 applies to the funds
11 transferred;

12
13 (ii) Prior to any transfer into the state
14 highway fund, the department of transportation shall
15 develop and present to the governor a list of priority
16 projects, which could be designed and let within two (2)
17 years, based on the condition, traffic, safety and critical
18 need to improve the industrial, agricultural, tourism and
19 economic development goals of the state;

20
21 (iii) Prior to any transfer to the special
22 revenue fund account for county roads or municipal streets,
23 and based on rules adopted by the board, the state loan and
24 investment board shall review and determine a list of

1 priority projects from proposed projects submitted by
2 cities, towns or counties to the board under W.S. 9-4-604
3 and may provide funding as provided in this subsection. Up
4 to one percent (1%) of transferred funds may be used for
5 state or local administrative costs. The board shall
6 allocate funds under this paragraph based upon the board's
7 consideration and determination of:

8

9 (A) Road and street condition, amount of
10 traffic and safety considerations;

11

12 (B) Critical needs;

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14 (C) The extent to which each applicant is
15 able to contribute local revenue resources to pay for a
16 portion of the project. Those applicants with a lesser
17 ability to contribute local revenue resources shall be
18 given greater consideration;

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20 (D) Projects may be recommended where any
21 private company pledges to pay, and pays, at least fifty
22 percent (50%) of the cost of a project. These projects
23 shall be given greater consideration;

24

1 (E) The requirements of W.S. 9-4-604 shall
2 not apply to allocation of funds under this paragraph;

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4 (F) At least one third (1/3) of each fiscal
5 year allocation under this paragraph shall be made for
6 municipal streets.

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8 (iv) Transfers under this subsection shall be
9 repaid to the permanent Wyoming mineral trust fund
10 amortized over not more than fifteen (15) years from the
11 date funds are transferred from the permanent Wyoming
12 mineral trust fund with interest at five percent (5%) per
13 annum. The state loan and investment board shall establish
14 the time for repayment when each transfer is made:

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16 (A) In the case of transfers to the state
17 highway fund, repayment shall be from allocations and
18 encumbrances authorized under W.S. 9-4-601(d); and

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20 (B) In the case of transfers for county
21 roads and municipal streets, repayment shall first be from
22 allocations and encumbrances authorized under W.S.
23 9-4-601(a)(vi) and then from those authorized under W.S.
24 9-4-601(b)(i)(A).

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Section 2.

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(v) In addition to repayments under paragraph (iv) of this subsection, in any year the legislature may appropriate sums of money to repay past transfers from the permanent Wyoming mineral trust fund into the state highway fund in which case allocations and encumbrances of portions of federal mineral royalties shall be reduced as specified in the appropriation.

(a) In adopting this act, the Wyoming legislature recognizes its constitutional authority and obligation under Article 16, Section 19, of the Wyoming constitution, to authorize investments of monies contained in the permanent Wyoming mineral trust fund and to ensure that the corpus of the fund remains inviolate. The Legislature also recognizes that maintenance, construction and reconstruction of state highways and county roads, and municipal streets to the extent that they constitute a link within the state highway or county road system, are recognized as valuable public purposes under Article 16, Section 9, of the Wyoming Constitution.

1 (b) The Wyoming legislature finds that additional
2 funding of state highways, county roads and municipal
3 streets which are critically in need of additional
4 maintenance, construction or reconstruction is essential
5 for the continued economic growth of the Wyoming economy in
6 all sectors. This act provides for a portion of that
7 additional funding with a means for repayment of the
8 funding rather than the enactment of additional taxes.

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10 **Section 3.** This act is effective July 1, 2007.

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(END)