

**SF0131**

**Spending policy amendments.**

Sponsored By: Joint Appropriations Committee

AN ACT relating to public funds; amending spending policy amounts for state funds as specified; amending amounts available for transfer to ensure certain maximum distributions are available; amending distribution of specified funds; creating an account; making conforming amendments; and providing for an effective date.

1/22/2019 Bill Number Assigned  
1/23/2019 S Received for Introduction  
1/23/2019 S Introduced and Referred to S02 - Appropriations  
1/28/2019 S02 - Appropriations:Recommend Amend and Do Pass 5-0-0-0-0

**ROLL CALL**

**Ayes:** Senator(s) Agar, Bebout, Gierau, Hicks, Kinskey  
**Ayes** 5    **Nays** 0    **Excused** 0    **Absent** 0    **Conflicts** 0

1/28/2019 S Placed on General File

**SF0131SS001/WITHDRAWN**

1/29/2019 S COW:Passed  
1/30/2019 S 2nd Reading:Passed  
1/31/2019 S 3rd Reading:Passed 29-0-1-0-0

**ROLL CALL**

**Ayes:** Senator(s) Agar, Anderson, Anselmi-Dalton, Baldwin, Bebout, Biteman, Boner, Bouchard, Case, Coe, Dockstader, Driskill, Ellis, Gierau, Hicks, Hutchings, James, Kinskey, Kost, Landen, Moniz, Pappas, Perkins, Rothfuss, Schuler, Scott, Steinmetz, Von Flatern, Wasserburger

**Excused:** Senator Nethercott  
**Ayes** 29    **Nays** 0    **Excused** 1    **Absent** 0    **Conflicts** 0

1/31/2019 H Received for Introduction  
2/8/2019 H Introduced and Referred to H02 - Appropriations  
2/12/2019 H02 - Appropriations:Recommend Do Pass 7-0-0-0-0

**ROLL CALL**

**Ayes:** Representative(s) Kinner, Larsen, Nicholas, Olsen, Schwartz, Sommers, Walters

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

2/12/2019 H Placed on General File  
2/13/2019 H COW:Passed  
2/14/2019 H 2nd Reading:Laid Back

**SF0131H2001/FAILED**

Page 3-line 11 Delete "each fiscal year".  
Page 3-line 12 Delete "through 2022" insert "2021".  
Page 3-line 16 Delete "2023" and insert "2022".  
Page 3-line 21 Delete "2024" and insert "2023".  
Page 4-line 8 Delete "each fiscal year".  
Page 4-line 9 Delete "through 2024"; insert "2021".  
Page 4-line 13 Delete "2025" and insert "2022".

Page 4-line 18 Delete "2026" and insert "2023". WILSON

**SF0131H2002/ADOPTED**

Page 3-line 3 Delete "(d)" and insert "(q)". NICHOLAS

**SF0131H2003/FAILED**

Page 1-line 4 After "available;" insert "amending distribution of specified funds;".

Page 1-line 9 After "W.S." insert "9-4-220(b)(ii) and".

Page 1-line 10 Delete "is" and insert "are".

Page 1-after line 10 Insert:

**"9-4-220. Strategic investments and projects account created; purposes.**

(b) For fiscal year 2021 and in each fiscal year thereafter unencumbered and unobligated funds available for expenditure in the strategic investments and projects account shall be expended for the following purposes and subject to the following:

(ii) After making transfers to the Wyoming state penitentiary capital construction account under W.S. 9-4-220.1, on June 30, 2021 for fiscal year 2021 and June 30 of each fiscal year thereafter seventy-five percent (75%) of the funds in excess of the amount calculated under paragraph (i) of this subsection shall be credited to the school foundation program account. The remainder may be expended as appropriated by the legislature.". GRAY, CLEM

2/15/2019 H 2nd Reading:Passed

**SF0131H3001/FAILED**

Page 1-line 4 After "available;" insert "amending distribution of specified funds; repealing a provision;".

Page 1-line 9 After "W.S." delete balance of line and insert "9-4-220(a), (b)(intro) and (i) and 9-4-719(b), (d)(v) through (vii),".

Page 1-line 10 Delete "is" and insert "and (q)(i) are".

Page 1-after line 10 Insert:

**"9-4-220. Strategic investments and projects account created; school major maintenance subaccount; purposes.**

(a) The strategic investments and projects account created by 2013 Wyoming Session Laws, Chapter 73, Section 4, Section 300(e) is continued and codified. Funds within the account shall only be expended by legislative appropriation. ~~Subject to subsection (b) of this section,~~ The governor may include appropriation requests from funds available within the strategic investments and projects account within his biennial budget requests for one-time expenditures as he deems necessary. All funds within the account shall be invested by the state treasurer and all investment earnings from the account shall be credited to the general fund, except as provided by W.S. 9-4-220.1(a).

(b) For fiscal year 2021 and in each fiscal year thereafter: ~~unencumbered and unobligated funds available for expenditure in the strategic investments and projects account shall be expended for the following purposes and subject to the following:~~

(i) ~~An amount equal to forty-five percent (45%) of the maximum amount which may be credited to the strategic investments and projects account pursuant to W.S. 9-4-719(q)~~ Funds shall be credited to a school major maintenance subaccount pursuant to W.S. 9-4-719(q). Funds within the subaccount shall be expended only for school major maintenance obligations of the state. For purposes of accounting and investing only, the school major maintenance subaccount shall be treated as a separate account from the strategic investments and projects account;".

Page 3-line 2 After "account" insert "and beginning in fiscal year 2021 the school major maintenance subaccount".

Page 3-line 4 Strike "that"; delete "account" and insert "those accounts".

Page 4-after line 21 Insert:

"(q) The earnings from the permanent Wyoming mineral trust fund under W.S. 9-4-204(u)(iii) during each fiscal year beginning July 1, 2016, which are less than the spending policy established in subsection (d) of this section are appropriated from the general fund subject to subsection (s) of this section and the following:

(i) Except as provided in paragraph (iii) of this subsection, any earnings in excess of two and one-half percent (2.5%) of the previous five (5) year average market value of the trust fund, calculated from the first day of the fiscal year and less than or equal to the spending policy amount specified in subsection (d) of this section shall be credited to the legislative stabilization reserve account created by W.S. 9-4-219, ~~and~~ the strategic investments and projects account created by W.S. ~~9-4-220~~9-4-220(a) and beginning in fiscal year 2021 the school major maintenance subaccount referenced by W.S. 9-4-220(b)(i) in equal amounts;

**Section 2.** W.S. 9-4-220(b)(ii) is repealed."

Page 5-line 1 Delete "**Section 2**" and insert "**Section 3**". ZWONITZER

#### **SF0131H3002/ADOPTED**

Delete the Zwonitzer third reading amendment (SF0131H3001/A) entirely and further amend as follows:

Page 1-line 4 After "available;" insert "amending distribution of specified funds;".

Page 1-line 9 After "W.S." insert "9-4-220(b)(ii) and".

Page 1-line 10 Delete "is" and insert "are".

Page 1-after line 10 Insert:

**"9-4-220. Strategic investments and projects account created; purposes.**

(b) For fiscal year 2021 and in each fiscal year thereafter unencumbered and unobligated funds available for expenditure in the strategic investments and projects account shall be expended for the following purposes and subject to the following:

(ii) After making transfers to the Wyoming state penitentiary capital construction account under W.S. 9-4-220.1, on June 30, 2021 for fiscal year 2021 and June 30 of each fiscal year thereafter sixty-five percent (65%) of the funds in excess of the amount calculated under paragraph (i) of this subsection shall be credited to the school foundation program account. The remainder may be expended as appropriated by the legislature." GRAY, CLEM, CONNOLLY, STITH

2/19/2019 H 3rd Reading:Passed 52-7-1-0-0

#### **ROLL CALL**

**Ayes:** Representative(s) Barlow, Blackburn, Blake, Brown, Burkhart, Burlingame, Clausen, Clem, Clifford, Connolly, Crank, Dayton-Selman, Duncan, Eklund, Eyre, Flitner, Freeman, Furphy, Gray, Greear, Haley, Hallinan, Harshman, Hunt, Jennings, Kinner, Kirkbride, Laursen, Lindholm, Loucks, MacGuire, Miller, Newsome, Nicholas, Obermueller, Olsen, Paxton, Pelkey, Piiparinen, Pownall, Roscoe, Salazar, Schwartz, Simpson, Sommers, Stith, Styvar, Tass, Walters, Washut, Western, Yin

**Nays:** Representative(s) Edwards, Henderson, Larsen, Sweeney, Wilson, Winter, Zwonitzer

**Excused:** Representative Northrup

**Ayes** 52      **Nays** 7      **Excused** 1      **Absent** 0      **Conflicts** 0

2/22/2019 S Received for Concurrence  
2/22/2019 S Concur:Failed 0-30-0-0-0

#### ROLL CALL

**Nays:** Senator(s) Agar, Anderson, Anselmi-Dalton, Baldwin, Bebout, Biteman, Boner, Bouchard, Case, Coe, Dockstader, Driskill, Ellis, Gierau, Hicks, Hutchings, James, Kinskey, Kost, Landen, Moniz, Nethercott, Pappas, Perkins, Rothfuss, Schuler, Scott, Steinmetz, Von Flatern, Wasserburger

**Ayes 0 Nays 30 Excused 0 Absent 0 Conflicts 0**

2/22/2019 S Appointed JCC01 Members  
Senator(s) Hicks, Bebout, Gierau  
2/25/2019 H Appointed JCC01 Members  
Representative(s) Nicholas, Kinner, Larsen  
2/26/2019 S Adopted SF0131JC001: 26-2-2-0-0

#### SF0131JC001/SADOPTED

Adopt the following House amendments:

SF0131H2002/A

Delete the following House amendments:

SF0131H3002/A HICKS, BEBOUT, GIERAU, NICHOLAS, KINNER, LARSEN

#### ROLL CALL

**Ayes:** Senator(s) Anderson, Anselmi-Dalton, Baldwin, Bebout, Boner, Bouchard, Coe, Dockstader, Driskill, Ellis, Gierau, Hicks, Hutchings, James, Kost, Landen, Moniz, Nethercott, Pappas, Perkins, Rothfuss, Schuler, Scott, Steinmetz, Von Flatern, Wasserburger

**Nays:** Senator(s) Biteman, Case

**Excused:** Senator(s) Agar, Kinskey

**Ayes 26 Nays 2 Excused 2 Absent 0 Conflicts 0**

2/26/2019 H Did Not Adopt SF0131JC001: 24-33-3-0-0

#### SF0131JC001/SADOPTEDHFAILED

Adopt the following House amendments:

SF0131H2002/A

Delete the following House amendments:

SF0131H3002/A HICKS, BEBOUT, GIERAU, NICHOLAS, KINNER, LARSEN

#### ROLL CALL

**Ayes:** Representative(s) Barlow, Blackburn, Burkhart, Duncan, Eklund, Flitner, Furphy, Greear, Haley, Hallinan, Harshman, Henderson, Kinner, Larsen, MacGuire, Nicholas, Obermueller, Olsen, Paxton, Pownall, Sommers, Sweeney, Walters, Western

**Nays:** Representative(s) Blake, Brown, Burlingame, Clausen, Clem, Clifford, Connolly, Crank, Dayton-Selman, Edwards, Eyre, Freeman, Gray, Hunt, Jennings, Laursen, Lindholm, Loucks, Miller, Newsome, Pelkey, Piiparinen, Roscoe, Salazar, Schwartz, Simpson, Stith, Styvar, Tass, Wilson, Winter, Yin, Zwonitzer

**Excused:** Representative(s) Kirkbride, Northrup, Washut

**Ayes 24 Nays 33 Excused 3 Absent 0 Conflicts 0**

2/27/2019 Pursuant to JR 2-1(c):S Appointed JCC02 Members  
Senator(s) Hicks, Bebout, Gierau  
2/27/2019 Pursuant to JR 2-1(c): H Appointed JCC02 Members  
Representative(s) Nicholas, Gray, Larsen  
2/27/2019 S Adopted SF0131JC002: 27-0-3-0-0

**SF0131JC002/SADOPTED**

Adopt the following House amendments:

SF0131H2002/A

Delete the following House amendments:

SF0131H3002/A

Further amend as follows:

- Page 1-line 4                   After "available;" insert "amending distribution of specified funds; creating an account;".
- Page 1-line 9                   After "W.S." insert "9-4-219 by creating a new subsection (c), 9-4-220(b)(ii) and".
- Page 1-line 10                  Delete "is" and insert "are".
- Page 1-after line 10        Insert:

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

(c) There is created the legislative deficit control account within the legislative stabilization reserve account. Funds within the account shall only be expended by legislative appropriation. All funds within the account shall be invested by the state treasurer as authorized under W.S. 9-4-715(a), (d) and (e) and all investment earnings from the account shall be credited to the general fund. W.S. 9-4-715(q) shall not apply to the investment of this account. For purposes of accounting and investing only, the legislative deficit control account shall be treated as a separate account from the legislative stabilization reserve account.

**9-4-220. Strategic investments and projects account created; purposes.**

(b) For fiscal year 2021 and in each fiscal year thereafter unencumbered and unobligated funds available for expenditure in the strategic investments and projects account shall be expended for the following purposes and subject to the following:

(ii) After making transfers to the Wyoming state penitentiary capital construction account under W.S. 9-4-220.1, on June 30, 2021 for fiscal year 2021 and June 30 of each fiscal year thereafter sixty-five percent (65%) of the funds in excess of the amount calculated under paragraph (i) of this subsection shall be credited to the legislative deficit control account within the legislative stabilization reserve account. The remainder may be expended as appropriated by the legislature.". HICKS, BEBOUT, GIERAU, NICHOLAS, GRAY, LARSEN

**ROLL CALL**

**Ayes:** Senator(s) Anderson, Anselmi-Dalton, Baldwin, Bebout, Biteman, Boner, Bouchard, Case, Coe, Dockstader, Driskill, Ellis, Gierau, Hicks, Hutchings, Kinskey, Kost, Landen, Moniz, Nethercott, Perkins, Rothfuss, Schuler, Scott, Steinmetz, Von Flatern, Wasserburger

**Excused:** Senator(s) Agar, James, Pappas

**Ayes** 27     **Nays** 0     **Excused** 3     **Absent** 0     **Conflicts** 0

2/27/2019     H Adopted SF0131JC002: 51-8-1-0-0

**SF0131JC002/SADOPTEDHADOPTED**

Adopt the following House amendments:

SF0131H2002/A

Delete the following House amendments:

SF0131H3002/A

Further amend as follows:

- Page 1-line 4                   After "available;" insert "amending distribution of specified funds; creating an account;".

Page 1-line 9                   After "W.S." insert "9-4-219 by creating a new subsection (c), 9-4-220(b)(ii) and".  
Page 1-line 10                 Delete "is" and insert "are".  
Page 1-after line 10         Insert:

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

(c) There is created the legislative deficit control account within the legislative stabilization reserve account. Funds within the account shall only be expended by legislative appropriation. All funds within the account shall be invested by the state treasurer as authorized under W.S. 9-4-715(a), (d) and (e) and all investment earnings from the account shall be credited to the general fund. W.S. 9-4-715(q) shall not apply to the investment of this account. For purposes of accounting and investing only, the legislative deficit control account shall be treated as a separate account from the legislative stabilization reserve account.

**9-4-220. Strategic investments and projects account created; purposes.**

(b) For fiscal year 2021 and in each fiscal year thereafter unencumbered and unobligated funds available for expenditure in the strategic investments and projects account shall be expended for the following purposes and subject to the following:

(ii) After making transfers to the Wyoming state penitentiary capital construction account under W.S. 9-4-220.1, on June 30, 2021 for fiscal year 2021 and June 30 of each fiscal year thereafter sixty-five percent (65%) of the funds in excess of the amount calculated under paragraph (i) of this subsection shall be credited to the legislative deficit control account within the legislative stabilization reserve account. The remainder may be expended as appropriated by the legislature.". HICKS, BEBOUT, GIERAU, NICHOLAS, GRAY, LARSEN

#### ROLL CALL

**Ayes:** Representative(s) Barlow, Blackburn, Blake, Brown, Burkhart, Burlingame, Clausen, Clem, Clifford, Crank, Dayton-Selman, Duncan, Edwards, Eklund, Eyre, Flitner, Freeman, Furphy, Gray, Greear, Haley, Hallinan, Harshman, Henderson, Hunt, Jennings, Kinner, Kirkbride, Larsen, Laursen, Lindholm, Loucks, MacGuire, Newsome, Nicholas, Obermueller, Olsen, Paxton, Pelkey, Pownall, Salazar, Schwartz, Simpson, Sommers, Stith, Styvar, Tass, Walters, Washut, Western, Winter

**Nays:** Representative(s) Connolly, Miller, Piiparinen, Roscoe, Sweeney, Wilson, Yin, Zwonitzer

**Excused:** Representative Northrup

**Ayes** 51      **Nays** 8      **Excused** 1      **Absent** 0      **Conflicts** 0

2/27/2019      Assigned Number SEA No. 0081  
2/27/2019      S President Signed SEA No. 0081  
2/27/2019      H Speaker Signed SEA No. 0081  
3/15/2019      Governor Signed SEA No. 0081  
3/15/2019      Assigned Chapter Number 201

Chapter No. 201    Session Laws of Wyoming 2019