

## HOUSE BILL NO. HB0275

Permanent Wyoming mineral trust fund-capital gains.

Sponsored by: Representative(s) Burkhart and Senator(s)  
Bebout

A BILL

for

1 AN ACT relating to public funds; providing for the  
2 distribution of net realized capital gains from investments  
3 of the permanent Wyoming mineral trust fund as specified;  
4 making conforming amendments; and providing for an effective  
5 date.

6

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

8

9 **Section 1.** W.S. 9-4-204(u)(iii) and 9-4-719(c),  
10 (q)(intro) and (i) are amended to read:

11

12 **9-4-204. Funds established; use thereof.**

13

1           (u) Other funds defined as follows shall be classified  
2 by the state auditor pursuant to subsections (s) and (t) of  
3 this section:

4  
5           (iii) Permanent Wyoming mineral trust fund - to  
6 account for the proceeds from an excise tax levied by  
7 constitutional or statutory law, on the privilege of  
8 extracting or severing minerals designated by constitutional  
9 or statutory law. The proceeds of the fund are inviolate and  
10 constitute a permanent or perpetual trust fund which shall be  
11 invested, or loaned to political subdivisions of the state,  
12 only as the legislature directs. All income from the fund  
13 shall be deposited annually in the general fund. In any fiscal  
14 year in which net realized capital gains are two hundred  
15 million dollars (\$200,000,000.00) or more, five percent (5%)  
16 of the income deposited annually in the general fund  
17 attributable to each fiscal year from the net realized capital  
18 gains is appropriated from the general fund to the permanent  
19 Wyoming mineral trust fund and shall not otherwise be  
20 available for expenditure, distribution or other  
21 appropriation. The appropriation of net realized capital  
22 gains under this paragraph shall be credited to the permanent  
23 Wyoming mineral trust fund as soon as practicable after the

1 end of the fiscal year but not later than ninety (90) days  
2 after the end of the fiscal year. As used in this paragraph  
3 "net realized capital gains" means all amounts received for  
4 the fiscal year upon sale or other permanent disposition of  
5 fixed income assets, equity assets or equity type of assets  
6 in excess of the assets' acquisition cost, after deducting  
7 investment fees, netted against all amounts received for the  
8 fiscal year upon sale or other permanent disposition of fixed  
9 income assets, equity assets or equity type of assets below  
10 the assets' acquisition cost, after deducting investment fees  
11 and any realized capital losses from prior fiscal years which  
12 have not previously been netted against realized capital  
13 gains;

14

15 **9-4-719. Investment earnings spending policy permanent**  
16 **funds.**

17

18 (c) The earnings available for expenditure,  
19 distribution or other appropriation from the permanent  
20 Wyoming mineral trust fund under W.S. 9-4-204(u)(iii) during  
21 each fiscal year beginning July 1, 2001, in excess of the  
22 spending policy established in subsection (d) of this section  
23 are appropriated from the general fund to the permanent

1 Wyoming mineral trust fund reserve account. The appropriation  
2 shall be credited to the account as soon as practicable after  
3 the end of the fiscal year but no later than ninety (90) days  
4 after the end of the fiscal year.

5  
6 (q) The earnings available for expenditure,  
7 distribution or other appropriation from the permanent  
8 Wyoming mineral trust fund under W.S. 9-4-204(u)(iii) during  
9 each fiscal year beginning July 1, 2016, which are less than  
10 the spending policy established in subsection (d) of this  
11 section are appropriated from the general fund subject to  
12 subsection (s) of this section and the following:

13  
14 (i) Except as provided in paragraph (iii) of this  
15 subsection, any earnings available for expenditure,  
16 distribution or other appropriation in excess of two and  
17 one-half percent (2.5%) of the previous five (5) year average  
18 market value of the trust fund, calculated from the first day  
19 of the fiscal year and less than or equal to the spending  
20 policy amount specified in subsection (d) of this section  
21 shall be credited to the legislative stabilization reserve  
22 account created by W.S. 9-4-219 and the strategic investments  
23 and projects account created by W.S. 9-4-220 in equal amounts;

1

2       **Section 2.** This act is effective July 1, 2019.

3

4

(END)