

HOUSE BILL NO. HB0156

Sound Money Pension Act.

Sponsored by: Representative(s) Jennings, Clem, Edwards,
Miller and Piiparinen and Senator(s) Hutchings
and James

A BILL

for

1 AN ACT relating to public funds; requiring a portion of
2 Wyoming retirement system assets to be held as specie;
3 providing for storage of specie; specifying that public funds
4 may be invested in specie; providing applicability; providing
5 legislative findings; and providing for an effective date.

6

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

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9 **Section 1.** W.S. 9-3-440(a) by creating a new paragraph
10 (vi) and 9-4-831(a) by creating a new paragraph (xxviii) are
11 amended to read:

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13 **9-3-440. Duties of trustee in investing and managing**
14 **assets of retirement system.**

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1 (a) In investing and managing assets of a retirement
2 system pursuant to W.S. 9-3-439, a trustee with authority to
3 invest and manage assets:

4

5 (iv) May invest in any kind of property or type of
6 investment consistent with this act; ~~and~~

7

8 (v) May consider benefits created by an investment
9 in addition to investment return only if the trustee
10 determines that the investment providing these collateral
11 benefits would be prudent even without the collateral
12 benefits; ~~and~~ and

13

14 (vi) Notwithstanding any other provision of this
15 section, shall hold an annual average of at least ten percent
16 (10%) of the balance of a retirement system in specie as
17 defined in W.S. 9-4-1302(a)(ii). Specie held under this
18 paragraph shall be held securely in a depository for precious
19 metals located in this state with a UL-rated class two vault
20 door and construction. If no depository meeting the
21 requirements of this paragraph exists in this state, the
22 trustee shall select a qualifying depository in a contiguous
23 state. The trustee shall ensure that the specie stored in the

1 depository on behalf of the retirement system is segregated
2 from any other deposits. This paragraph may be cited as the
3 "Wyoming Sound Money Pension Act".

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5 **9-4-831. Investment of public funds.**

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7 (a) The state treasurer, or treasurer of any political
8 subdivision, municipality or special district of this state,
9 and the various boards of trustees and boards of directors of
10 county hospitals, airports, fairs and other duly constituted
11 county boards and commissions, may invest in:

12
13 (xxviii) Specie, as defined in W.S.
14 9-4-1302(a)(ii). Specie shall not be considered an
15 alternative investment for purposes of W.S. 9-4-715(c).

16
17 **Section 2.** The Wyoming retirement board shall meet the
18 requirement to hold at least ten percent (10%) of the
19 retirement system in specie as provided by W.S.
20 9-3-440(a)(vi) created by section 1 of this act not later
21 than July 1, 2020.

22

1 **Section 3.** The legislature hereby finds that investment
2 holdings of physical gold and silver amounting to less than
3 ten percent (10%), on an annual average, subjects the
4 retirement system to imprudent and unnecessary inflation,
5 stock market and debt default risks. Therefore, compliance
6 with this act meets the prudent investor rule under W.S.
7 4-10-901 through 4-10-913.

8

9 **Section 4.** This act is effective July 1, 2019.

10

11

(END)