

HOUSE BILL NO. HB0140

School finance amendments-4.

Sponsored by: Representative(s) Northrup, Brown, Harshman
and Kinner and Senator(s) Coe

A BILL

for

1 AN ACT relating to school finance; modifying provisions of
2 the state's public school funding system; providing funding
3 for school related accounts, school operations and capital
4 construction by amending provisions regarding state lands
5 mineral royalties, federal mineral royalties, severance
6 taxes, specified reserve accounts and spending policies,
7 the strategic investments and projects account, corporation
8 and limited liability company license taxes, investment
9 earnings and sales and use taxes collected from remote
10 sellers; imposing a limit on funds within the school
11 foundation program account; modifying school board duties;
12 modifying provisions governing average daily membership
13 calculations; revising worker's compensation provisions for
14 special education professionals; providing for Medicaid
15 reimbursements as specified; amending special education

1 funding; amending transportation funding provisions;
 2 repealing transportation funding provisions; amending
 3 school district funding for groundskeepers; repealing
 4 assessment funding; requiring a report; requiring the
 5 establishment of special education staffing guidelines;
 6 providing for additional distributions to school districts;
 7 providing for transfers; providing appropriations;
 8 requiring the consensus revenue estimating group to meet as
 9 specified; requiring rulemaking; providing a hold harmless
 10 provision; providing applicability; and providing for
 11 effective dates.

12

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

14

15 **Section** **1.** W.S. 9-4-220, 9-4-305(b),
 16 9-4-601(d) (intro) and by creating a new subsection (k),
 17 9-4-719(b), (f) and by creating new subsections (t) and
 18 (u), 17-16-1630(a), 17-29-209(a), 21-3-110(a) by creating
 19 new paragraphs (xxxvi) and (xxxvii), 21-13-101(a)(i),
 20 21-13-306 by creating a new subsection (d), 21-13-306.1,
 21 21-13-309(m)(iv)(A), 21-13-320(b)(intro), (c)(ii), (iii),
 22 (f), (g)(i), (ii), (v)(A) and (B), 21-13-321(b) and by
 23 creating a new subsection (h), 27-14-108(d)(xvi),

1 39-14-801(d) (intro) and by creating a new subsection (g),
2 39-15-111(b) (intro) and by creating new subsections (p) and
3 (q), 39-16-111(b) (intro) and by creating new subsections
4 (p) and (q) and 42-4-103(a) by creating new paragraphs
5 (xxxii) and (xxxiii) are amended to read:

6

7 **9-4-220. Strategic investments and projects account**
8 **created; purposes.**

9

10 (a) The strategic investments and projects account
11 created by 2013 Wyoming Session Laws, Chapter 73, Section
12 4, Section 300(e) is continued and codified. Funds within
13 the account shall only be expended by legislative
14 appropriation. The governor may include appropriation
15 requests from funds available within the strategic
16 investments and projects account within his biennial budget
17 requests for one-time expenditures as he deems necessary in
18 accordance with subsection (b) of this section. All funds
19 within the account shall be invested by the state treasurer
20 and all investment earnings from the account shall be
21 credited to the general fund.

22

1 (b) Funds available for expenditure in the strategic
2 investments and projects account shall be expended in an
3 amount less than or equal to the transfer from the
4 permanent Wyoming mineral trust fund reserve account to the
5 strategic investments and projects account made pursuant to
6 W.S. 9-4-719(t) and only for school capital construction,
7 including major building and facility repair and
8 replacement as defined in W.S. 21-15-109(a) (iii).

9

10 **9-4-305. Disposition of state land revenue.**

11

12 (b) Proceeds from the sale of state lands, mineral
13 royalties and any money designated by the Wyoming
14 constitution or Wyoming statutes as collected shall be
15 transmitted to the state treasurer and credited to the
16 proper accounts within the permanent land fund, except as
17 provided by article 7, section 2 of the Wyoming
18 constitution, thirty-three and one-third percent (33 1/3%)
19 of the mineral royalties received from the lease of any
20 school lands, ~~but not to exceed eight million dollars~~
21 ~~(\$8,000,000.00) during any one (1) year,~~ shall be deposited
22 into the public school capital construction account. To the
23 extent constitutionally permissible and notwithstanding any

1 other provision of law, at the end of every fiscal year,
2 the state treasurer shall transfer to the corpus of each
3 account within the permanent land fund, except the common
4 school account, from the income earned on the corresponding
5 account within the permanent land fund, to the extent
6 available, an amount as provided by this subsection. In
7 determining the amount to be withheld, the state treasurer
8 shall calculate the fiscal year beginning balance and
9 ignore any appropriations made from the account within that
10 fiscal year. For the fiscal year 2000, he shall transfer an
11 amount equal to five percent (5%) of the inflation rate for
12 the previous twelve (12) month period as determined by the
13 department of administration and information multiplied by
14 the beginning balance of each permanent land fund account,
15 except the common school account. At the end of each
16 succeeding fiscal year, the state treasurer shall increase
17 the amount to be multiplied by that year's inflation rate
18 by five percent (5%) until such time as the multiplier
19 reaches one hundred percent (100%) of the inflation rate,
20 and then multiply that amount by the beginning balance of
21 each permanent land fund account, except the common school
22 account.

23

1 **9-4-601. Distribution and use; funds, accounts,**
2 **cities and towns benefited; exception for bonus payments.**

3
4 (d) Any revenue received under subsection (a) of this
5 section in excess of two hundred million dollars
6 (\$200,000,000.00) but not to exceed five hundred million
7 dollars (\$500,000,000.00) shall be distributed as follows:

8
9 (k) Any revenue received under subsection (a) of this
10 section in excess of five hundred million dollars
11 (\$500,000,000.00) shall be distributed as follows:

12
13 (i) Two-thirds (2/3) to the school foundation
14 program account; and

15
16 (ii) One-third (1/3) to the budget reserve
17 account.

18
19 **9-4-719. Investment earnings spending policy**
20 **permanent funds.**

21
22 (b) There is created the permanent Wyoming mineral
23 trust fund reserve account. Beginning July 1, 2016 for

1 fiscal year 2017 and each fiscal year thereafter, the state
2 treasurer shall transfer unobligated funds from this
3 account to the general fund as necessary to ensure that an
4 amount equal to two and one-half percent (2.5%) of the
5 previous five (5) year average market value of the
6 permanent Wyoming mineral trust fund, calculated on the
7 first day of the fiscal year, is available for expenditure
8 annually during each fiscal year. As soon as possible after
9 the end of each of the fiscal years beginning on and after
10 July 1, 2017, and after making any transfers as provided
11 for in paragraph (ii) of this subsection and subsection (u)
12 of this section, revenues in this account in excess of one
13 hundred fifty percent (150%) of the spending policy amount
14 in subsection (d) of this section shall be credited to the
15 permanent Wyoming mineral trust fund. In order to ensure
16 funds are available to the general fund under this
17 subsection, the state treasurer shall:

18
19 (i) Beginning July 1, 2018 and on the first day
20 of the fiscal year or as soon thereafter as reasonably
21 possible, to the extent funds are available, transfer from
22 the permanent Wyoming mineral trust fund reserve account to
23 the general fund any positive amount equal to two and

1 one-half percent (2.5%) of the previous five (5) year
2 average market value of the permanent Wyoming mineral trust
3 fund, calculated on the first day of the fiscal year
4 reduced by the most recent estimate of investment income
5 derived from the permanent Wyoming mineral trust fund
6 prepared by the consensus revenue estimating group prior to
7 any transfers under this subsection; and

8
9 (ii) As soon as practicable after the end of the
10 fiscal year but no later than ninety (90) days after the
11 end of the fiscal year, if a transfer was made to the
12 general fund under paragraph (i) of this subsection for the
13 most recently completed fiscal year, transfer an amount
14 from the general fund to the permanent Wyoming mineral
15 trust fund reserve account so that the net deposits to the
16 general fund under this subsection for any fiscal year do
17 not exceed two and one-half percent (2.5%) of the previous
18 five (5) year average market value of the permanent Wyoming
19 mineral trust fund, calculated on the first day of the
20 fiscal year.

21
22 (f) There is created the common school permanent fund
23 reserve account. Beginning July 1, 2017 for fiscal year

1 2018 and each fiscal year thereafter, the state treasurer
2 shall transfer unobligated funds from this account to the
3 common school account within the permanent land income fund
4 as necessary to ensure that an amount equal to the spending
5 policy amount established in subsection (h) of this section
6 is available for expenditure annually during the fiscal
7 year. As soon as possible after the end of each of the
8 fiscal years beginning on and after July 1, 2017, revenues
9 in this account in excess of ~~one hundred fifty percent~~
10 ~~(150%)~~ three hundred percent (300%) of the spending policy
11 amount shall be credited to the common school account
12 within the permanent land fund.

13

14 (t) Beginning on July 1, 2018 for fiscal year 2019
15 and for each fiscal year thereafter, to the extent funds
16 are available, the state treasurer shall transfer
17 unobligated funds from the permanent Wyoming mineral trust
18 fund reserve account to the strategic investments and
19 projects account as necessary to ensure amounts are
20 available for expenditure annually during each fiscal year
21 as provided in this subsection. Transfers to the strategic
22 investments and projects account under this subsection
23 shall occur as soon as practicable after the first day of

1 the fiscal year but after transfers under paragraph (b) (i)
2 of this section. The following amounts shall be transferred
3 as provided for each fiscal year to ensure amounts are
4 available for appropriation in the strategic investments
5 and projects account:

6
7 (i) For fiscal years 2019 and 2020, an amount
8 equal to fifty-seven hundredths percent (.57%) of the
9 previous five (5) year average market value of the trust
10 fund, calculated from the first day of the fiscal year;

11
12 (ii) For fiscal year 2021, an amount equal to
13 fifty-one hundredths percent (.51%) of the previous five
14 (5) year average market value of the trust fund, calculated
15 from the first day of the fiscal year;

16
17 (iii) For fiscal year 2022 and each fiscal year
18 thereafter, an amount equal to forty-five hundredths
19 percent (.45%) of the previous five (5) year average market
20 value of the trust fund, calculated from the first day of
21 the fiscal year.

22

1 (u) As soon as practicable after the end of the
2 fiscal year but no later than ninety (90) days after the
3 end of the fiscal year, if a transfer was made to the
4 strategic investments and projects account under subsection
5 (t) of this section for the most recently completed fiscal
6 year, the state treasurer shall transfer an amount from the
7 strategic investments and projects account to the permanent
8 Wyoming mineral trust fund reserve account so that the net
9 deposits to the strategic investments and projects account
10 under subsections (q) and (t) of this section do not exceed
11 the amounts specified in subsection (q) of this section.

12

13 **17-16-1630. Filing of reports and payment of tax**
14 **required; amount of tax; exemptions; records.**

15

16 (a) Every corporation organized under the laws of
17 this state and every foreign corporation which obtains the
18 right to transact and carry on business within this state
19 (except banks, insurance companies and savings and loan
20 associations) shall file with the secretary of state on or
21 before the first day of the month of registration of every
22 year a certification, under the penalty of perjury, by its
23 treasurer or other fiscal agent setting forth its capital,

1 property and assets located and employed in the state of
2 Wyoming. The statement shall give the names and addresses
3 of its officers and directors and the address of its
4 principal office. On or before the first day of the month
5 of registration of every year the corporation shall pay to
6 the secretary of state in addition to all other statutory
7 taxes and fees a license tax based upon the sum of its
8 capital, property and assets reported, of fifty dollars
9 (\$50.00) or two-tenths of one mill on the dollar (\$.0002),
10 whichever is greater. Fifty percent (50%) of the revenue
11 collected pursuant to this subsection shall be distributed
12 to the general fund and fifty percent (50%) of the revenue
13 collected pursuant to this subsection shall be distributed
14 to the school foundation program account.

15

16 **17-29-209. Annual report for secretary of state.**

17

18 (a) Every limited liability company organized under
19 the laws of this state and every foreign limited liability
20 company which obtains a certificate of authority to
21 transact and carry on business within this state shall file
22 with the secretary of state on or before the first day of
23 the month of organization of every year a certification,

1 under the penalty of perjury, by its treasurer or other
2 fiscal agent setting forth its capital, property and assets
3 located and employed in the state of Wyoming. The
4 statement shall give the address of its principal office.
5 On or before the first day of the month of organization of
6 every year the limited liability company or foreign limited
7 liability company shall pay to the secretary of state in
8 addition to all other statutory taxes and fees a license
9 fee based upon the sum of its capital, property and assets
10 reported, of fifty dollars (\$50.00) or two-tenths of one
11 mill on the dollar (\$.0002), whichever is greater. Fifty
12 percent (50%) of the revenue collected pursuant to this
13 subsection shall be distributed to the general fund and
14 fifty percent (50%) of the revenue collected pursuant to
15 this subsection shall be distributed to the school
16 foundation program account.

17

18 **21-3-110. Duties of boards of trustees.**

19

20 (a) The board of trustees in each school district
21 shall:

22

1 ~~(xxxvi) Participate in programs of the~~
2 ~~department of workforce services necessary to receive~~
3 ~~premium discounts for the state worker's compensation~~
4 ~~program.~~

5
6 **21-13-101. Definitions.**

7
8 (a) As used in this chapter:

9
10 (i) "Average daily membership" or "ADM" means
11 the aggregate number of pupils present plus the aggregate
12 number of pupils absent, divided by the actual number of
13 days the school is in session for the year. Pupils who
14 attend at least ~~eighty percent (80%)~~ seventy-five percent
15 (75%) of a full time equivalency basis shall be considered
16 full time. For pupils enrolled in school on less than
17 ~~eighty percent (80%)~~ seventy-five percent (75%) of a full
18 time equivalency basis, the school district shall calculate
19 the pupil's contribution to the ADM on a prorated basis
20 with the hours or class periods of enrollment being the
21 numerator and the hours or class periods of full time
22 equivalency being the denominator. Pupils who have
23 withdrawn from school or who have been absent for more than

1 ten (10) consecutive calendar days shall not be counted as
2 members;

3

4 **21-13-306. Foundation program account established;**
5 **disposition of monies.**

6

7 (d) Any unobligated, unencumbered funds remaining in
8 the school foundation program account in excess of six
9 hundred million dollars (\$600,000,000.00) as of June 30 of
10 any fiscal year shall be deposited to the school foundation
11 program reserve account created by W.S. 21-13-306.1.

12

13 **21-13-306.1. School foundation program reserve**
14 **account; purposes.**

15

16 The school foundation program reserve account created by
17 2014 Wyoming Session Laws, Chapter 26, Section 300(g) is
18 continued and codified. Funds within the account shall
19 only be expended by legislative appropriation. All funds
20 within the account shall be invested by the state treasurer
21 and all investment earnings from the account shall be
22 credited to the ~~general fund~~ account.

23

1 **21-13-309. Determination of amount to be included in**
2 **foundation program for each district.**

3
4 (m) In determining the amount to be included in the
5 foundation program for each district, the state
6 superintendent shall:

7
8 (iv) Based upon reports from each district on
9 schools operating within that district for the current
10 school year and on grade configurations contained within
11 each reported school during that school year, compute the
12 average daily membership (ADM) for each reported school and
13 each grade within each reported school in accordance with
14 identified grade configurations subject to the following:

15
16 (A) If the district's average daily
17 membership (ADM) ADM for the three (3) immediately
18 preceding school years is greater than the district's ADM
19 from the previous school year, each reported school shall
20 be computed based upon the average of the school's ADM
21 counts completed at the end of the three (3) immediately
22 preceding school years, or otherwise each reported school

1 within the district shall be computed based on the school's
2 ADM for the previous school year; ~~whichever is greater;~~

3

4 **21-13-320. Student transportation; amount within**
5 **school foundation program formula for transportation**
6 **maintenance and operations expenditures and school bus**
7 **purchases; district reporting requirements.**

8

9 (b) There shall be an amount computed for each school
10 district equal to the ~~assigned percentage of the~~ base price
11 amount for bus purchase and lease payment expenditures made
12 by the district during the previous school year pursuant to
13 subsection (g) of this section, one hundred percent (100%)
14 of the amount actually expended by the district during the
15 previous school year under subsection (c) of this section
16 and for:

17

18 (c) In addition to subsection (b) of this section and
19 for buses purchased or leased before April 1, 2002, subject
20 to state standards and department rule and regulation, the
21 transportation adjustment under this section for each
22 district shall include one hundred percent (100%) of the
23 expenditure for the purchase or lease of school buses and

1 other vehicles used primarily for the purpose of
2 transporting students to and from school and to and from
3 school activities. Amounts included within the adjustment
4 under this subsection shall be subject to the following:

5
6 (ii) Buses and other vehicles used primarily for
7 student transportation, for which reimbursement is
8 authorized, shall not exceed state minimum standards for
9 vehicle specifications and equipment and shall be subject
10 to vehicle replacement schedules within ten percent (10%)
11 of the national average for years or mileage as specified
12 by department rule and regulation;

13
14 (iii) The number of buses and other student
15 transportation vehicles comprising a district's fleet shall
16 ~~not be increased above the fleet size existing as of~~
17 ~~February 10, 1999, except~~ be commensurate with district ADM
18 as necessary to provide safe and efficient transportation
19 in accordance with department rule and regulation;

20
21 (f) The department of education shall adopt necessary
22 rules and regulations to implement and enforce state
23 standards established under this section and to administer

1 this section. District expenditures computed under
2 subsection (b) of this section shall not include
3 expenditures for employee contributions to the Wyoming
4 retirement system exceeding five and fifty-seven hundredths
5 percent (5.57%) of any member employee's salary. In
6 addition, the department shall, in accordance with
7 procedures prescribed by department rule and regulation,
8 establish a base price for each school bus type or other
9 student transportation vehicle type for the applicable
10 fiscal period that complies with minimum state standards
11 for vehicle specifications and equipment. The department
12 shall also establish a process including competitive
13 bidding which guarantees the acquisition of school buses
14 and other student transportation vehicles approved for
15 reimbursement and complying with state minimum standards
16 and district fleet size restrictions at the established
17 base price for the applicable fiscal year. In addition and
18 for purposes of reimbursement under subsection (g) of this
19 section, the department shall in consultation with the
20 pupil transportation committee, establish ~~a minimum,~~
21 ~~average and an~~ optimal replacement schedule for each school
22 bus type or other student transportation vehicle type.
23 School districts shall notify the department of school bus

1 and other student transportation vehicle needs and
2 requirements for the appropriate fiscal year in the manner
3 and within the times prescribed by department rule and
4 regulation, and shall report expenditures, purchases and
5 lease arrangements for the applicable reporting period,
6 including vehicles replaced by purchases and leases, as
7 required by department rule and regulation. The department
8 shall annually review and conduct audits as necessary of
9 information submitted under this section. As authorized
10 under W.S. 21-13-307(b), the department may correct the
11 information reported by districts under this section as
12 necessary to fairly and accurately reflect the data type,
13 classification and format required to administer this
14 section in accordance with law and department rules and
15 regulations.

16

17 (g) In addition to subsection (b) of this section and
18 for buses purchased or leased on or after July 1, 2002, the
19 transportation adjustment for each district under this
20 section shall include an amount computed under this
21 subsection for the purchase or lease of school buses and
22 other vehicles used primarily for the transportation of
23 students to and from school and to and from school

1 activities. Computations of amounts reimbursed under this
2 subsection shall be based upon the base price established
3 by the department under subsection (f) of this section for
4 the student transportation vehicle type. Amounts included
5 within the adjustment under this subsection shall be
6 subject to the following:

7
8 (i) Buses and other vehicles used primarily for
9 student transportation, for which reimbursement is
10 authorized, shall ~~meet~~not exceed state minimum standards
11 for vehicle specifications and equipment and shall be
12 subject to vehicle replacement schedules specified by
13 department rule and regulation in accordance with paragraph
14 (c)(ii) of this section;

15
16 (ii) The number of buses and other student
17 transportation vehicles comprising a district's fleet shall
18 comply with fleet size standards established by the
19 department in accordance with paragraph ~~(e)(ii)~~(c)(iii) of
20 this section, unless otherwise waived by the department for
21 the provision of safe and efficient student transportation
22 services;

23

1 (v) The adjustment for the purchase or lease of
2 buses and other student transportation vehicles authorized
3 under this subsection shall be equal to:

4
5 (A) One-fifth (1/5) of the base price
6 established under subsection (f) of this section for each
7 purchased school bus or other purchased student
8 transportation vehicle for which reimbursement is
9 authorized and which is made by the district during the
10 preceding five (5) years; ~~multiplied by the percentage~~
11 ~~assigned to the bus or other vehicle being replaced by the~~
12 ~~purchase as provided under paragraph (g) (iii) of this~~
13 ~~section. For purposes of this subparagraph, any purchase~~
14 ~~made during the period beginning April 1, 2002, and ending~~
15 ~~June 30, 2002, shall not be included;~~

16
17 (B) The base price established under
18 subsection (f) of this section for lease payments for each
19 school bus or other student transportation vehicle for
20 which reimbursement is authorized and which is made by the
21 district during the prior school year, ~~multiplied by the~~
22 ~~percentage assigned to the bus or other vehicle being~~
23 ~~replaced by the leased vehicle as provided by paragraph~~

1 ~~(g)(iii) of this section,~~ plus the annual interest charges
2 imposed under the lease arrangement. ~~For purposes of this~~
3 ~~subparagraph, any lease arrangement entered into during the~~
4 ~~period commencing April 1, 2002, and ending June 30, 2002,~~
5 ~~shall not be included.~~

6
7 **21-13-321. Special education; amount within**
8 **foundation program formula for special education programs**
9 **and services; district reporting requirements.**

10
11 (b) The amount provided for special education within
12 the education resource block grant model pursuant to W.S.
13 21-13-309(m)(v)(E)(II) shall be equal to one hundred
14 percent (100%) of the amount actually expended by the
15 district during the previous school year for special
16 education programs and services, subject to subsection (h)
17 of this section. The statewide total amount reimbursed
18 under this section in school year 2019-2020 or 2020-2021
19 shall not exceed the statewide total amount reimbursed
20 under this section in school year 2018-2019.

21
22 (h) A school district shall be reimbursed by the
23 department under subsection (d) of this section only for

1 amounts not paid by the department of health under this
2 subsection. Prior to seeking reimbursement under subsection
3 (d) of this section, school districts shall bill the
4 department of health for costs of approved:

5
6 (i) School based medical services covered under
7 the school health program under the Wyoming Medical
8 Assistance and Services Act pursuant to W.S.
9 42-4-103(a)(xxxii); and

10
11 (ii) School based Medicaid-eligible services
12 delivered pursuant to an individualized education plan or
13 individualized family service plan under the Wyoming
14 Medical Assistance and Services Act pursuant to W.S.
15 42-4-103(a)(xxxiii).

16
17 **27-14-108. Extrahazardous industries, employments,**
18 **occupations; enumeration; definitions; optional coverage.**

19
20 (d) This act applies to governmental entities engaged
21 in an industrial classification listed under subsection (a)
22 of this section and to employees of governmental entities
23 engaged in or employed as the following:

1

2 (xvi) Public school educational assistants who
3 provide services to special education students; ~~and~~
4 ~~certified special education teachers and related services~~
5 ~~providers as defined by 34 C.F.R. 300.18 and 300.156 and~~
6 ~~W.S. 21-2-802 and 21-7-303 who provide services to eligible~~
7 ~~students with behavioral, emotional, cognitive, learning,~~
8 ~~physical or health disabilities that require educational~~
9 ~~services to be provided outside of the regular classroom~~
10 ~~because the use of supplementary aids and services cannot~~
11 ~~be achieved satisfactorily in the regular classroom;~~

12

13 **39-14-801. Severance tax distributions; distribution**
14 **account created; formula.**

15

16 (d) Except as provided in subsection (g) of this
17 section, after making distributions pursuant to subsections
18 (b), (c) and (f) of this section, distributions under
19 subsection (e) of this section shall be made from the
20 severance tax distribution account. The amount of
21 distributions under subsection (e) of this section shall
22 not exceed one hundred fifty-five million dollars
23 (\$155,000,000.00) in any fiscal year. To the extent that

1 distributions under subsection (e) of this section would
2 exceed that amount in any fiscal year, the excess shall be
3 credited:

4

5 (g) For fiscal year 2019 and each fiscal year
6 thereafter, when distributions under paragraph (d)(ii) of
7 this section equal one hundred thirty-seven million dollars
8 (\$137,000,000.00) additional funds that would otherwise be
9 distributed under paragraphs (d)(i) and (ii) of this
10 section shall be credited to the school foundation program
11 reserve account until credits to the school foundation
12 program reserve account for the fiscal year reach
13 forty-five million dollars (\$45,000,000.00). If there are
14 undistributed funds in the severance tax distribution
15 account and the conditions of this subsection have been
16 met, the excess shall be credited as follows:

17

18 (i) One-third (1/3) to the general fund; and

19

20 (ii) One-third (1/3) to the budget reserve
21 account;

22

1 (iii) One-third (1/3) to the school foundation
2 program reserve account.

3
4 **39-15-111. Distribution.**

5
6 (b) Revenues earned under W.S. 39-15-104 during each
7 fiscal year shall be recognized as revenue during that
8 fiscal year for accounting purposes. Except as otherwise
9 provided in subsection (p) of this section, for all revenue
10 collected by the department under W.S. 39-15-104 the
11 department shall:

12
13 (p) Sixty-nine percent (69%) of the revenue collected
14 pursuant to W.S. 39-15-104 from remote sellers as provided
15 for under W.S. 39-15-501 shall be credited to the school
16 foundation program account. The remaining thirty-one
17 percent (31%) shall be distributed consistent with the
18 distributions provided for in paragraphs (b)(ii) and (iii)
19 of this section.

20
21 (q) In the event combined annual revenues credited to
22 the school foundation program account pursuant to
23 subsection (p) of this section and W.S. 39-16-111(p) are

1 equal to ten million dollars (\$10,000,000.00), any
2 additional revenue shall be distributed pursuant to
3 subsection (b) of this section.

4
5 **39-16-111. Distribution.**

6
7 (b) Revenues earned under this article during each
8 fiscal year shall be recognized as revenue during that
9 fiscal year for accounting purposes. Except as otherwise
10 provided in subsection (p) of this section, revenue
11 collected by the department from the taxes imposed by this
12 article shall be transferred to the state treasurer who
13 shall, as specified by the department:

14
15 (p) Sixty-nine percent (69%) of the revenue collected
16 pursuant to W.S. 39-16-104 from remote sellers as provided
17 for under W.S. 39-15-501 shall be credited to the school
18 foundation program account. The remaining thirty-one
19 percent (31%) shall be distributed consistent with the
20 distributions provided for in paragraphs (b)(ii) and (iii)
21 of this section.

22

1 (g) In the event combined annual revenues credited to
2 the school foundation program account pursuant to
3 subsection (p) of this section and W.S. 39-15-111(p) are
4 equal to ten million dollars (\$10,000,000.00), any
5 additional revenue shall be distributed pursuant to
6 subsection (b) of this section.

7
8 **42-4-103. Authorized services and supplies.**

9
10 (a) Services and supplies authorized for medical
11 assistance under this chapter include:

12
13 (xxxii) School based medical services;

14
15 (xxxiii) School based Medicaid-eligible services
16 delivered pursuant to an individualized education plan or
17 individualized family service plan. Allowable services
18 include services provided by a school psychologist when
19 practicing in a school based setting.

20
21 **Section 2.** 2011 Wyoming Session Laws, Chapter 185,
22 ATTACHMENT "A" (b) (xxxiii) is amended to read:

23

1 ATTACHMENT "A"

2 ATTACHMENT "A" CONTAINS AN ENUMERATION OF
3 EDUCATION RESOURCE BLOCK GRANT MODEL COMPONENTS
4 SUMMARIZING AND EXECUTING RECOMMENDATIONS
5 CONTAINED IN THE 2010 COST OF EDUCATION STUDY AS
6 FOLLOWS:

7

8 (b) Notwithstanding components specified in
9 the 2010 cost of education study accepted by the
10 legislature, the Wyoming education resource block
11 grant model components and the resourcing for
12 those components, as enacted by the legislature,
13 shall be as follows:

14

15 (xxxiii) Maintenance and operations:

16 Based on ADM, gross square
17 footage, number of buildings
18 and classrooms, and age of
19 buildings ~~and site acreage~~
20 for custodians, and
21 maintenance workers, and
22 ~~groundskeepers,~~ computed in
23 accordance with the 2010 cost

1 of education study. Any
2 building without allowable
3 gross square footage for
4 purposes of major maintenance
5 computations under W.S.
6 21-15-109 shall use the
7 actual educational gross
8 square footage as approved by
9 the school facilities
10 commission. Groundskeeper FTE
11 computations for elementary,
12 middle and high schools shall
13 be computed in accordance
14 with the 2010 cost of
15 education study, subject to
16 the following. The site
17 acreage shall be based upon
18 the lesser of the actual site
19 acreage on which the facility
20 is situated as defined by
21 department rule and
22 regulation, or the school
23 facility guidelines and site

1 acreages established by the
2 school facilities commission
3 under W.S. 21-15-114.
4 Elementary, middle and high
5 school acreages acquired on
6 or prior to July 1, 1997, and
7 acreages acquired after July
8 1, 1997 through an exchange
9 with another governmental
10 entity if the acreages
11 involved in the exchange were
12 originally acquired by the
13 district and the governmental
14 entity on or prior to July 1,
15 1997, shall not be subject to
16 groundskeeper FTE computation
17 limitations, except as
18 follows. Groundskeeper FTE
19 computations for district
20 level sites shall be equal to
21 10% of the groundskeeper FTEs
22 for elementary, middle and
23 high schools.

1

2 **Section 3.** 2011 Wyoming Session Laws, Chapter 185,
3 ATTACHMENT "A" (b)(xxviii), as amended by 2017 Wyoming
4 Session Laws, Chapter 205, ATTACHMENT "A" (b)(xxviii), is
5 repealed.

6

7 **Section 4.** The department of education and department
8 of health shall promulgate rules by July 1, 2018 to comply
9 with amendments to W.S. 21-13-321 and 42-4-103 in section 1
10 of this act.

11

12 **Section 5.** There is appropriated five million dollars
13 (\$5,000,000.00) from the school foundation program account
14 and five million dollars (\$5,000,000.00) in federal funds
15 to the department of health for the period beginning July
16 1, 2018 and ending June 30, 2020 to be expended only for
17 the purpose of benefits described in W.S.
18 42-4-103(a)(xxxii) and (xxxiii). These appropriations
19 shall be accounted for in a separate budget unit. Any
20 unexpended, unencumbered amounts appropriated under this
21 section shall revert as provided by law on June 30, 2020.

22

1 **Section 6.**

2

3 (a) The department of education shall determine, for
4 school years 2018-2019 and 2019-2020, the reduction caused
5 by amendments to W.S. 21-13-309(m)(iv)(A) and 2011 Wyoming
6 Session Laws, Chapter 185, ATTACHMENT "A" (b)(xxxiii)
7 contained in this act to each school district's foundation
8 program amount calculated pursuant to W.S. 21-13-309(p).

9

10 (b) The department of education shall increase a
11 school district's total foundation program amount
12 calculated under W.S. 21-13-309 for the 2018-2019 school
13 year by an amount equal to two-thirds (2/3) of the
14 reduction calculated for that school district under
15 subsection (a) of this section for that school year.

16

17 (c) The department of education shall increase a
18 school district's total foundation program amount
19 calculated under W.S. 21-13-309 for the 2019-2020 school
20 year by an amount equal to one-third (1/3) of the reduction
21 calculated for that school district under subsection (a) of
22 this section for that school year.

23

1 **Section 7.**

2

3 (a) The department of education shall review state
4 statutes relating to special education and school district
5 transportation and its rules relating to special education
6 and transportation for any possible fiscal efficiencies. By
7 June 1, 2018, the department of education shall report to
8 the joint education interim committee on its review and
9 shall include suggested changes to statute or rule and any
10 rulemaking conducted as a result of its review. The
11 department shall use the applicable recommendations of the
12 legislature's 2017 recalibration consultant to guide its
13 review.

14

15 (b) On or before January 1, 2019, the state
16 superintendent of public instruction shall establish
17 statewide guidelines for adequate special education
18 staffing levels as required by W.S. 21-2-202(a)(xxiii).

19

20 **Section 8.**

21

22 (a) The state auditor shall transfer one hundred
23 fifty million five hundred twenty-four thousand five

1 hundred eighty-five dollars (\$150,524,585.00) from the
2 school foundation program reserve account created by W.S.
3 21-13-306.1 to the common school permanent fund reserve
4 account created by W.S. 9-4-719(f). This transfer shall be
5 reduced on a dollar for dollar basis to the extent a like
6 transfer is made in any other law enacted through the 2018
7 budget session.

8
9 (b) The state auditor shall transfer forty million
10 eight hundred thirty-three thousand seventy four dollars
11 (\$40,833,074.00) from the permanent Wyoming mineral trust
12 fund reserve account to the school capital construction
13 account. This transfer shall be reduced on a dollar for
14 dollar basis to the extent a like transfer is made in any
15 other law enacted through the 2018 budget session.

16
17 **Section 9.** The consensus revenue estimating group
18 shall meet prior to July 1, 2018 to estimate investment
19 income derived from the permanent Wyoming mineral trust
20 fund, in accordance with W.S. 9-4-719, as amended by this
21 act.

22

1 **Section 10.** To the extent this act conflicts with any
2 other law enacted through the 2018 budget session of the
3 Wyoming legislature this act shall be given precedence and
4 shall prevail over a conflicting provision.

5

6 **Section 11.** W.S. 21-13-320(g)(iii), (iv) and (j)
7 through (m) is repealed.

8

9 **Section 12.**

10

11 (a) In addition to all other appropriations for
12 special education programs and services, two million
13 dollars (\$2,000,000.00) is appropriated to the department
14 of education from the school foundation program account for
15 purposes of making payments to school districts for out of
16 district placements for special education students.
17 Notwithstanding any other provision of law, this
18 appropriation shall not be transferred or expended for any
19 other purpose and any unexpended, unobligated funds
20 remaining from this appropriation shall revert to the
21 school foundation program account on June 30, 2021.

22

1 (b) The department of education may promulgate
2 necessary rules and regulations to implement this section.

3

4 **Section 13.** For school year 2018-2019 and each school
5 year thereafter through the next recalibration of the
6 education resource block grant model pursuant to W.S. 21-
7 13-309(t), the foundation program amount computed under
8 W.S. 21-13-309(p) for a school district with fewer than two
9 hundred forty-three (243) ADM, less amounts reimbursed
10 under W.S. 21-13-309(m) (v) (E), shall not be less than
11 ninety-seven and one-half percent (97.5%) of the foundation
12 program amount available to that school district during the
13 previous school year, as computed under W.S. 21-13-309(p)
14 prior to the addition of reimbursement amounts for that
15 school year. To the extent necessary to implement this
16 section, this section shall supersede W.S. 21-13-309(p).

17

18 **Section 14.**

19

20 (a) Except as provided in subsection (b) of this
21 section, this act is effective July 1, 2018.

22

1 (b) Sections 4 and 7 through 10 of this act are
2 effective immediately upon completion of all acts necessary
3 for a bill to become law as provided by Article 4, Section
4 8 of the Wyoming Constitution.

5

6

(END)