

Substitute No. 1

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 license taxes, investment earnings and sales and use taxes  
9 collected from remote sellers; imposing a limit on funds  
10 within the school foundation program account; modifying  
11 school board duties; modifying provisions governing average  
12 daily membership calculations; revising worker's  
13 compensation provisions for special education  
14 professionals; providing for Medicaid reimbursements as  
15 specified; amending transportation funding provisions;

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

9

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

11

12       **Section**       **1.** W.S.       9-4-220,       9-4-305 (b),  
13 9-4-601(d) (intro) and by creating a new subsection (k),  
14 9-4-719(b), (f), (q) (i) and by creating new subsections (t)  
15 and (u), 17-16-1630(a), 21-3-110(a) by creating a new  
16 paragraph (xxxvi), 21-13-101(a) (i), 21-13-306 by creating a  
17 new subsection (d), 21-13-306.1, 21-13-309(m) (iv) (A),  
18 21-13-320(j) (iii), by creating a new paragraph (iv) and (m),  
19 21-13-321(b) and by creating a new subsection (h),  
20 27-14-108(d) (xvi), 39-14-801(d) (intro) and by creating a new  
21 subsection (g), 39-15-111(b) (intro) and by creating a new  
22 subsection (p), 39-16-111(b) (intro) and by creating a new

1 subsection (p) and 42-4-103(a) by creating new paragraphs  
2 (xxxii) and (xxxiii) are amended to read:

3

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

6

7 (a) The strategic investments and projects account  
8 created by 2013 Wyoming Session Laws, Chapter 73, Section  
9 4, Section 300(e) is continued and codified. Funds within  
10 the account shall only be expended by legislative  
11 appropriation. The governor may include appropriation  
12 requests from funds available within the strategic  
13 investments and projects account within his biennial budget  
14 requests for one-time expenditures as he deems necessary in  
15 accordance with subsection (b) of this section. All funds  
16 within the account shall be invested by the state treasurer  
17 and all investment earnings from the account shall be  
18 credited to the general fund.

19

20 (b) Funds available for expenditure in the strategic  
21 investments and projects account shall be expended in an  
22 amount less than or equal to the transfer from the  
23 permanent Wyoming mineral trust fund reserve account to the

1 strategic investments and projects account made pursuant to  
2 W.S. 9-4-719(t) and only for school capital construction,  
3 including major building and facility repair and  
4 replacement as defined in W.S. 21-15-109(a)(iii).

5

6 **9-4-305. Disposition of state land revenue.**

7

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

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

19

20 **9-4-601. Distribution and use; funds, accounts,**  
21 **cities and towns benefited; exception for bonus payments.**

22

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

5  
6 (k) Any revenue received under subsection (a) of this  
7 section in excess of five hundred million dollars  
8 (\$500,000,000.00) shall be distributed as follows:

9  
10 (i) Two-thirds (2/3) to the school foundation  
11 program account; and

12  
13 (ii) One-third (1/3) to the budget reserve  
14 account.

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

18  
19 (b) There is created the permanent Wyoming mineral  
20 trust fund reserve account. Beginning July 1, 2016 for  
21 fiscal year 2017 and each fiscal year thereafter, the state  
22 treasurer shall transfer unobligated funds from this  
23 account to the general fund as necessary to ensure that an

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

15  
16 (i) Beginning July 1, 2018 and on the first day  
17 of the fiscal year or as soon thereafter as reasonably  
18 possible, to the extent funds are available, transfer from  
19 the permanent Wyoming mineral trust fund reserve account to  
20 the general fund any positive amount equal to two and  
21 one-half percent (2.5%) of the previous five (5) year  
22 average market value of the permanent Wyoming mineral trust  
23 fund, calculated on the first day of the fiscal year

1 reduced by the most recent estimate of investment income  
2 derived from the permanent Wyoming mineral trust fund  
3 prepared by the consensus revenue estimating group prior to  
4 any transfers under this subsection; and

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

18  
19 (f) There is created the common school permanent fund  
20 reserve account. Beginning July 1, 2017 for fiscal year  
21 2018 and each fiscal year thereafter, the state treasurer  
22 shall transfer unobligated funds from this account to the  
23 common school account within the permanent land income fund



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

10

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

17

18 (i) Any earnings in excess of two and one-half  
19 percent (2.5%) of the previous five (5) year average market  
20 value of the trust fund, calculated from the first day of  
21 the fiscal year and less than or equal to the spending  
22 policy amount specified in subsection (d) of this section  
23 shall be credited to the ~~legislative stabilization reserve~~

1 ~~account created by W.S. 9-4-219~~ common school permanent  
2 fund reserve account created by subsection (f) of this  
3 section and the strategic investments and projects account  
4 created by W.S. 9-4-220 in equal amounts; and

5  
6 (t) Beginning on July 1, 2018 for fiscal year 2019  
7 and for each fiscal year thereafter, to the extent funds  
8 are available, the state treasurer shall transfer  
9 unobligated funds from the permanent Wyoming mineral trust  
10 fund reserve account to the strategic investments and  
11 projects account as necessary to ensure amounts are  
12 available for expenditure annually during each fiscal year  
13 as provided in this subsection. Transfers to the strategic  
14 investments and projects account under this subsection  
15 shall occur as soon as practicable after the first day of  
16 the fiscal year but after transfers under paragraph (b)(i)  
17 of this section. The following amounts shall be transferred  
18 as provided for each fiscal year to ensure amounts are  
19 available for appropriation in the strategic investments  
20 and projects account:

21  
22 (i) For fiscal years 2019 and 2020, an amount  
23 equal to fifty-seven hundredths percent (.57%) of the

1 previous five (5) year average market value of the trust  
2 fund, calculated from the first day of the fiscal year;

3  
4 (ii) For fiscal year 2021, an amount equal to  
5 fifty-one hundredths percent (.51%) of the previous five  
6 (5) year average market value of the trust fund, calculated  
7 from the first day of the fiscal year;

8  
9 (iii) For fiscal year 2022 and each fiscal year  
10 thereafter, an amount equal to forty-five hundredths  
11 percent (.45%) of the previous five (5) year average market  
12 value of the trust fund, calculated from the first day of  
13 the fiscal year.

14  
15 (u) As soon as practicable after the end of the  
16 fiscal year but no later than ninety (90) days after the  
17 end of the fiscal year, if a transfer was made to the  
18 strategic investments and projects account under subsection  
19 (t) of this section for the most recently completed fiscal  
20 year, the state treasurer shall transfer an amount from the  
21 strategic investments and projects account to the permanent  
22 Wyoming mineral trust fund reserve account so that the net  
23 deposits to the strategic investments and projects account

1 under subsections (q) and (t) of this section do not exceed  
2 the amounts specified in subsection (q) of this section.

3

4 **17-16-1630. Filing of reports and payment of tax**  
5 **required; amount of tax; exemptions; records.**

6

7 (a) Every corporation organized under the laws of  
8 this state and every foreign corporation which obtains the  
9 right to transact and carry on business within this state  
10 (except banks, insurance companies and savings and loan  
11 associations) shall file with the secretary of state on or  
12 before the first day of the month of registration of every  
13 year a certification, under the penalty of perjury, by its  
14 treasurer or other fiscal agent setting forth its capital,  
15 property and assets located and employed in the state of  
16 Wyoming. The statement shall give the names and addresses  
17 of its officers and directors and the address of its  
18 principal office. On or before the first day of the month  
19 of registration of every year the corporation shall pay to  
20 the secretary of state in addition to all other statutory  
21 taxes and fees a license tax based upon the sum of its  
22 capital, property and assets reported, of fifty dollars  
23 (\$50.00) or two-tenths of one mill on the dollar (\$.0002),

1 whichever is greater. Fifty percent (50%) of the revenue  
2 collected pursuant to this subsection shall be distributed  
3 to the general fund and fifty percent (50%) of the revenue  
4 collected pursuant to this subsection shall be distributed  
5 to the school foundation program account.

6  
7 **21-3-110. Duties of boards of trustees.**

8  
9 (a) The board of trustees in each school district  
10 shall:

11  
12 (xxxvi) Participate in programs of the  
13 department of workforce services necessary to receive  
14 premium discounts for the state worker's compensation  
15 program.

16  
17 **21-13-101. Definitions.**

18  
19 (a) As used in this chapter:

20  
21 (i) "Average daily membership" or "ADM" means  
22 the aggregate number of pupils present plus the aggregate  
23 number of pupils absent, divided by the actual number of

1 days the school is in session for the year. Pupils who  
2 attend at least ~~eighty percent (80%)~~ seventy-five percent  
3 (75%) of a full time equivalency basis shall be considered  
4 full time. For pupils enrolled in school on less than  
5 ~~eighty percent (80%)~~ seventy-five percent (75%) of a full  
6 time equivalency basis, the school district shall calculate  
7 the pupil's contribution to the ADM on a prorated basis  
8 with the hours or class periods of enrollment being the  
9 numerator and the hours or class periods of full time  
10 equivalency being the denominator. Pupils who have  
11 withdrawn from school or who have been absent for more than  
12 ten (10) consecutive calendar days shall not be counted as  
13 members;

14

15 **21-13-306. Foundation program account established;**  
16 **disposition of monies.**

17

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

23

1           **21-13-306.1. School foundation program reserve**  
2 **account; purposes.**

3  
4 The school foundation program reserve account created by  
5 2014 Wyoming Session Laws, Chapter 26, Section 300(g) is  
6 continued and codified. Funds within the account shall  
7 only be expended by legislative appropriation. All funds  
8 within the account shall be invested by the state treasurer  
9 and all investment earnings from the account shall be  
10 credited to the ~~general fund~~ account.

11  
12           **21-13-309. Determination of amount to be included in**  
13 **foundation program for each district.**

14  
15           (m) In determining the amount to be included in the  
16 foundation program for each district, the state  
17 superintendent shall:

18  
19           (iv) Based upon reports from each district on  
20 schools operating within that district for the current  
21 school year and on grade configurations contained within  
22 each reported school during that school year, compute the  
23 average daily membership (ADM) for each reported school and

1 each grade within each reported school in accordance with  
 2 identified grade configurations subject to the following:

3  
 4 (A) If the district's average ~~daily~~  
 5 ~~membership~~ ~~(ADM)~~ ADM for the three (3) immediately  
 6 preceding school years is greater than the district's ADM  
 7 from the previous school year, each reported school shall  
 8 be computed based upon the average of the school's ADM  
 9 counts completed at the end of the three (3) immediately  
 10 preceding school years, ~~or otherwise each reported school~~  
 11 within the district shall be computed based on the school's  
 12 ADM for the previous school year; ~~whichever is greater;~~

13  
 14 **21-13-320. Student transportation; amount within**  
 15 **school foundation program formula for transportation**  
 16 **maintenance and operations expenditures and school bus**  
 17 **purchases; district reporting requirements.**

18  
 19 (j) Effective for the school year 2018-2019 and each  
 20 school year thereafter the amount computed under this  
 21 section shall be in accordance with the provisions of this  
 22 subsection. Each district shall receive:

23



1 (iii) An amount calculated in accordance with  
2 subsection (g) of this section for each school bus  
3 purchased or initially leased on or after March 15, 2017,  
4 if the school district first applied to the department and  
5 the department determined the purchase or lease was  
6 necessary to alleviate an emergency; plus

7  
8 (iv) One hundred percent (100%) reimbursement  
9 for each school bus that will be partially paid for or  
10 rebated under the Diesel Emissions Reduction Act, 42 U.S.C.  
11 16131 et seq., or other similar program minus the amount  
12 that will be paid for or rebated under the applicable  
13 program.

14  
15 (m) No district shall purchase a school bus or enter  
16 into a new lease for a school bus on or after March 15,  
17 2017 unless it first applies to the department and the  
18 department determines that an emergency exists  
19 necessitating the purchase or lease of the bus, except  
20 that, beginning July 1, 2018, a district may purchase a bus  
21 that will be fully or partially paid for or rebated under  
22 the Diesel Emissions Reduction Act, 42 U.S.C. 16131 et

1 seq., or other similar program as confirmed by a letter of  
2 assurance from the state or federal government.

3  
4 **21-13-321. Special education; amount within**  
5 **foundation program formula for special education programs**  
6 **and services; district reporting requirements.**

7  
8 (b) The amount provided for special education within  
9 the education resource block grant model pursuant to W.S.  
10 21-13-309(m) (v) (E) (II) shall be equal to one hundred  
11 percent (100%) of the amount actually expended by the  
12 district during the previous school year for special  
13 education programs and services, subject to subsection (h)  
14 of this section.

15  
16 (h) A school district shall be reimbursed by the  
17 department under subsection (d) of this section only for  
18 amounts not paid by the department of health under this  
19 subsection. Prior to seeking reimbursement under subsection  
20 (d) of this section, school districts shall bill the  
21 department of health for costs of approved:

22

1           (i) School based medical services covered under  
 2 the school health program under the Wyoming Medical  
 3 Assistance and Services Act pursuant to W.S.  
 4 42-4-103(a) (xxxii); and

5  
 6           (ii) School based Medicaid-eligible services  
 7 delivered pursuant to an individualized education plan or  
 8 individualized family service plan under the Wyoming  
 9 Medical Assistance and Services Act pursuant to W.S.  
 10 42-4-103(a) (xxxiii).

11  
 12           **27-14-108. Extrahazardous industries, employments,**  
 13 **occupations; enumeration; definitions; optional coverage.**

14  
 15           (d) This act applies to governmental entities engaged  
 16 in an industrial classification listed under subsection (a)  
 17 of this section and to employees of governmental entities  
 18 engaged in or employed as the following:

19  
 20           (xvi) Public school educational assistants who  
 21 provide services to special education students;~~—and~~  
 22 ~~certified special education teachers and related services~~  
 23 ~~providers as defined by 34 C.F.R. 300.18 and 300.156 and~~

1 ~~W.S. 21-2-802 and 21-7-303 who provide services to eligible~~  
2 ~~students with behavioral, emotional, cognitive, learning,~~  
3 ~~physical or health disabilities that require educational~~  
4 ~~services to be provided outside of the regular classroom~~  
5 ~~because the use of supplementary aids and services cannot~~  
6 ~~be achieved satisfactorily in the regular classroom;~~

7  
8 **39-14-801. Severance tax distributions; distribution**  
9 **account created; formula.**

10  
11 (d) Except as provided in subsection (g) of this  
12 section, a after making distributions pursuant to subsections  
13 (b), (c) and (f) of this section, distributions under  
14 subsection (e) of this section shall be made from the  
15 severance tax distribution account. The amount of  
16 distributions under subsection (e) of this section shall  
17 not exceed one hundred fifty-five million dollars  
18 (\$155,000,000.00) in any fiscal year. To the extent that  
19 distributions under subsection (e) of this section would  
20 exceed that amount in any fiscal year, the excess shall be  
21 credited:

22

1       (g) For fiscal year 2019 and each fiscal year  
2 thereafter, when distributions under paragraph (d)(ii) of  
3 this section equal one hundred thirty-seven million dollars  
4 (\$137,000,000.00) additional funds that would otherwise be  
5 distributed under paragraphs (d)(i) and (ii) of this  
6 section shall be credited to the school foundation program  
7 reserve account until credits to the school foundation  
8 program reserve account for the fiscal year reach  
9 forty-five million dollars (\$45,000,000.00). If there are  
10 undistributed funds in the severance tax distribution  
11 account and the conditions of this subsection have been  
12 met, the excess shall be credited as follows:

13

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

15

16               (ii) Two-thirds (2/3) to the budget reserve  
17 account.

18

19       **39-15-111. Distribution.**

20

21       (b) Revenues earned under W.S. 39-15-104 during each  
22 fiscal year shall be recognized as revenue during that  
23 fiscal year for accounting purposes. Except as otherwise

1 provided in subsection (p) of this section, for all revenue  
2 collected by the department under W.S. 39-15-104 the  
3 department shall:

4  
5 (p) Sixty-nine percent (69%) of the revenue collected  
6 pursuant to W.S. 39-15-104 from remote sellers as provided  
7 for under W.S. 39-15-501 shall be credited to the school  
8 foundation program account. The remaining thirty-one  
9 percent (31%) shall be distributed as is otherwise provided  
10 for by law.

11  
12 **39-16-111. Distribution.**

13  
14 (b) Revenues earned under this article during each  
15 fiscal year shall be recognized as revenue during that  
16 fiscal year for accounting purposes. Except as otherwise  
17 provided in subsection (p) of this section, revenue  
18 collected by the department from the taxes imposed by this  
19 article shall be transferred to the state treasurer who  
20 shall, as specified by the department:

21  
22 (p) Sixty-nine percent (69%) of the revenue collected  
23 pursuant to W.S. 39-16-104 from remote sellers as provided

1 for under W.S. 39-15-501 shall be credited to the school  
2 foundation program account. The remaining thirty-one  
3 percent (31%) shall be distributed as is otherwise provided  
4 for by law.

5  
6 **42-4-103. Authorized services and supplies.**

7  
8 (a) Services and supplies authorized for medical  
9 assistance under this chapter include:

10  
11 (xxxii) School based medical services;

12  
13 (xxxiii) School based Medicaid-eligible services  
14 delivered pursuant to an individualized education plan or  
15 individualized family service plan. Allowable services  
16 include services provided by a school psychologist when  
17 practicing in a school based setting.

18  
19 **Section 2.** 2011 Wyoming Session Laws, Chapter 185,  
20 ATTACHMENT "A" (b)(xxxiii) is amended to read:

21  
22 ATTACHMENT "A"

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

6  
7 (b) Notwithstanding components specified in  
8 the 2010 cost of education study accepted by the  
9 legislature, the Wyoming education resource block  
10 grant model components and the resourcing for  
11 those components, as enacted by the legislature,  
12 shall be as follows:

13  
14 (xxxiii) Maintenance and operations:  
15 Based on ADM, gross square  
16 footage, number of buildings  
17 and classrooms, and age of  
18 buildings ~~and site acreage~~  
19 for custodians, and  
20 maintenance workers, and  
21 ~~groundskeepers,~~ computed in  
22 accordance with the 2010 cost  
23 of education study. Any



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

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

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

5

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

10

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

21

22           **Section 6.**

23

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

7

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

14

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

21

22           **Section 7.**

23

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

12

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

17

18           **Section 8.**

19

20           (a) The state auditor shall transfer one hundred  
21 fifty million five hundred twenty-four thousand five  
22 hundred eighty-five dollars (\$150,524,585.00) from the  
23 school foundation program reserve account created by W.S.

1 21-13-306.1 to the common school permanent fund reserve  
2 account created by W.S. 9-4-719(f). This transfer shall be  
3 reduced on a dollar for dollar basis to the extent a like  
4 transfer is made in any other law enacted through the 2018  
5 budget session.

6

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

14

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

20

21 **Section 10.** To the extent this act conflicts with any  
22 other law enacted through the 2018 budget session of the

1 Wyoming legislature this act shall be given precedence and  
2 shall prevail over a conflicting provision.

3

4 **Section 11.**

5

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

8

9 (b) Sections 4 and 7 through 10 of this act are  
10 effective immediately upon completion of all acts necessary  
11 for a bill to become law as provided by Article 4, Section  
12 8 of the Wyoming Constitution.

13

14 (END)