

HOUSE BILL NO. HB0137

Revisor's bill.

Sponsored by: Management Council

A BILL

for

1 AN ACT relating to the revision of statutes and other
 2 legislative enactments; correcting statutory references and
 3 language resulting from inadvertent errors and omissions in
 4 previously adopted legislation; amending obsolete
 5 references; and providing for an effective date.

6

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

8

9 **Section 1.** W.S. 1-39-103(a)(ix), 9-2-1013(d)(i),
 10 9-2-2906(e)(v), 9-4-601(d)(iii), (v)(intro), (C), (vi),
 11 (k)(i), (m)(i), (n)(i) and (o)(i), 9-4-605(j),
 12 11-25-304(d)(ii), 21-2-202(a)(xvii)(A), 21-4-501(d),
 13 21-4-504, 21-7-601(m), 21-7-701(j), 21-12-105(d),
 14 21-13-303(c), 21-13-312(a)(intro) and (i), 21-13-313(d) and
 15 (g), 21-13-316(a), 21-13-321(h), 21-13-336(a),
 16 21-22-106(a)(intro), 35-21-102(a)(viii), 35-21-107(c),

1 39-13-109(c)(vi)(C) and 40-31-106(c)(iii) are amended to
2 read:

3

4 **1-39-103. Definitions.**

5

6 (a) As used in this act:

7

8 (ix) "This act" means W.S. 1-39-101 through
9 ~~1-39-120~~ 1-39-123.

10

11 **9-2-1013. State budget; distribution of copies to**
12 **legislators; copies and reports of authorizations;**
13 **interfund loans.**

14

15 (d) In addition to the items contained in subsection
16 (a) of this section and notwithstanding any other
17 recommendations made by the governor, the state budget
18 shall also include the governor's recommendations for
19 appropriations for the ensuing two (2) years, or if a
20 supplemental budget request, the remainder of the budget
21 period, subject to the following:

22

1 (i) The state budget shall include the
2 governor's recommendations for a total appropriation from
3 the public school foundation program account and based upon
4 recommendations of the select school facilities committee
5 under W.S. 28-11-301, a total appropriation for school
6 capital construction purposes for both fiscal years;

7

8 **9-2-2906. Office of the state chief information**
9 **officer and director; authority; duties of department.**

10

11 (e) The department shall provide the following
12 services:

13

14 (v) The department shall annually apply to the
15 universal service administrative company under the federal
16 communications commission for amounts available to the
17 state under the schools and libraries program of the
18 universal service fund. All federal funds received by the
19 state from the schools and libraries program of the
20 universal service fund shall be deposited into the public
21 school foundation program account;

22

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

3

4 (d) Except as provided in subsections (k), (m), (n)
5 and (o) of this section, any revenue received under
6 subsection (a) of this section in excess of two hundred
7 million dollars (\$200,000,000.00) shall be distributed as
8 follows:

9

10 (iii) Subject to paragraphs (v), (vi) and (viii)
11 of this subsection, one-third (1/3) to the public school
12 foundation program account;

13

14 (v) From the amounts which would otherwise be
15 distributed to the public school foundation program account
16 under paragraph (iii) of this subsection, amounts shall be
17 deposited to the excellence in higher education endowment
18 fund and the Hathaway student scholarship endowment fund
19 created by W.S. 9-4-204(u)(vi) and (vii) in accordance with
20 and subject to the requirements of this paragraph. The
21 amounts specified in this paragraph shall be reduced as the
22 state treasurer determines necessary to ensure that as of
23 July 1 of each fiscal year, there is an unobligated,

1 unencumbered balance of one hundred million dollars
2 (\$100,000,000.00) within the public school foundation
3 program account. Distributions under this paragraph shall
4 be as follows:

5
6 (C) After the amounts specified in
7 subparagraphs (A) and (B) of this paragraph are deposited
8 to the appropriate fund, remaining funds shall be deposited
9 pursuant to paragraph (vi) of this subsection and then to
10 the public school foundation program account as provided in
11 paragraph (iii) of this subsection.

12
13 (vi) From the amounts which would otherwise be
14 distributed to the public school foundation program account
15 under paragraph (iii) of this subsection and paragraphs
16 (k)(i), (m)(i), (n)(i) and (o)(i) of this section, there is
17 annually appropriated to the common school permanent fund
18 reserve account the amount determined under W.S.
19 9-4-719(g). The appropriation shall be credited to the
20 account as provided in W.S. 9-4-719(g);

21

22 (k) For the period beginning March 15, 2018 for
23 fiscal years 2018, 2019 and 2020, any revenue received

1 under subsection (a) of this section in excess of five
2 hundred million dollars (\$500,000,000.00) shall be
3 distributed as follows:

4

5 (i) For fiscal years 2018 and 2019, two-thirds
6 (2/3) and for fiscal year 2020 one-half (1/2) to the public
7 school foundation program account; and

8

9 (m) For fiscal year 2021, any revenue received under
10 subsection (a) of this section in excess of four hundred
11 eighty-five million five hundred thousand dollars
12 (\$485,500,000.00) and for fiscal year 2022, any revenue
13 received under subsection (a) of this section in excess of
14 five hundred million eight hundred thousand dollars
15 (\$500,800,000.00) shall be distributed as follows:

16

17 (i) One-half (1/2) to the public school
18 foundation program account; and

19

20 (n) For fiscal year 2023, any revenue received under
21 subsection (a) of this section in excess of four hundred
22 fifty-nine million dollars (\$459,000,000.00) and for fiscal
23 year 2024, any revenue received under subsection (a) of

1 this section in excess of four hundred twenty-nine million
2 two hundred thousand dollars (\$429,200,000.00) shall be
3 distributed as follows:

4

5 (i) Forty percent (40%) to the public school
6 foundation program account; and

7

8 (o) For fiscal year 2025, any revenue received under
9 subsection (a) of this section in excess of five hundred
10 forty-nine million four hundred thousand dollars
11 (\$549,400,000.00) and for fiscal year 2026, any revenue
12 received under subsection (a) of this section in excess of
13 five hundred thirty million two hundred thousand dollars
14 (\$530,200,000.00) shall be distributed as follows:

15

16 (i) Forty percent (40%) to the public school
17 foundation program account; and

18

19 **9-4-605. Distribution and use; capital construction**
20 **projects and bonds; purposes.**

21

22 (j) Unless otherwise specifically prohibited by law,
23 all capital construction projects or acquisition of

1 personal property within the projects for which funds are
2 appropriated by the legislature may be constructed or
3 acquired through the issuance of revenue bonds under this
4 section. To the extent bonds are utilized, appropriations
5 for those projects made by the legislature shall be
6 transferred to the common school account provided by W.S.
7 9-4-310(a)(vii) and shall be invested separate and apart
8 from pooled investments. Notwithstanding the provisions of
9 W.S. 21-13-301, income and earnings from this investment
10 shall be periodically credited to the public school
11 foundation program account.

12

13 **11-25-304. Required permits and licenses; applicable**
14 **fees; tax imposition; taxation rate; distribution.**

15

16 (d) Taxes shall be calculated and paid on a weekly
17 basis based on the net proceeds earned during the prior
18 week on skill based amusement games. On a weekly basis, the
19 vendor shall remit to the commission an amount equivalent
20 to twenty percent (20%) of the net proceeds earned during
21 the prior week on the vendor's skill based amusement games.
22 The taxes imposed under this subsection may be prepaid as
23 provided by rule of the commission. The commission shall

1 remit these monies to the state treasurer for deposit in
2 the commission gaming account and for distribution of the
3 tax as follows:

4

5 (ii) Forty-five percent (45%) to the public
6 school foundation program account;

7

8 **21-2-202. Duties of the state superintendent.**

9

10 (a) In addition to any other duties assigned by law,
11 the state superintendent shall:

12

13 (xvii) Include in the agency's budget request:

14

15 (A) Recommendations to the governor for
16 appropriations from the public school foundation program
17 account and for appropriations to the account necessary to
18 fund payments to school districts as required by law; and

19

20 **21-4-501. Payment of tuition for children resident in**
21 **districts which maintain no high school; admission of**
22 **children to high schools in other districts; state board**

1 approval for out-of-state placements; duties of admitting
2 districts; tuition amount.

3

4 (d) Subject to state board approval if an
5 out-of-state placement as required under subsection (a) of
6 this section, nonunified school districts shall be
7 reimbursed from the public school foundation program
8 account for tuition paid under subsection (a) of this
9 section as if the district's total foundation program
10 amount for that year as computed under W.S. 21-13-309(p)
11 was increased by the amount of the tuition paid during the
12 preceding year.

13

14 **21-4-504. Cost of maintaining pupil attending school**
15 **outside district of residence.**

16

17 A school district admitting a pupil from a nonunified
18 school district in the state under W.S. 21-4-501 or
19 providing for the enrollment of a pupil in a school within
20 a school district in another state under W.S. 21-4-505
21 shall, in accordance with rules and regulations of the
22 state department, be reimbursed from the public school
23 foundation program account for expenditures for maintaining

1 that pupil in the admitting district for any length of time
2 the pupil is required to reside in the admitting district.
3 Reimbursement under this subsection shall be subject to and
4 reported in accordance with rule and regulation of the
5 state department and shall be administered as if the
6 district's total foundation program amount computed under
7 W.S. 21-13-309(p) is increased by the amount of the
8 expenditure for maintenance during the preceding year for a
9 school district admitting a pupil from a nonunified school
10 district in the state under W.S. 21-4-501 and in the
11 current school year for pupils attending a school in
12 another state under W.S. 21-4-505.

13

14 **21-7-601. Wyoming teacher shortage loan repayment**
15 **program; eligibility criteria; procedures; program**
16 **reporting.**

17

18 (m) Cash repayment of loans and interest thereon
19 shall be credited to the public school foundation program
20 account.

21

1 **21-7-701. Wyoming adjunct professor loan repayment**
2 **program; eligibility criteria; procedures; program**
3 **reporting.**

4

5 (j) Cash repayment of loans and interest thereon
6 shall be credited to the public school foundation program
7 account.

8

9 **21-12-105. Career and technical education**
10 **demonstration project grants; application; criteria;**
11 **limitations.**

12

13 (d) Not later than August 15 of the applicable school
14 year and following review of applications submitted under
15 this section, the department shall notify applicant
16 districts of its decision and shall provide each applicant
17 district a written statement of reasons for approving or
18 denying the application. If the application is approved,
19 the department shall award the grant from amounts made
20 available by legislative appropriation within the public
21 school foundation program account for purposes of this
22 section.

23

1 **21-13-303. Levy of state tax; disposition of funds;**
2 **reduction of mill levy.**

3
4 (c) Between July 1 and July 10 of each year the state
5 auditor and the state treasurer shall determine if the
6 unobligated average daily general fund balance over the
7 preceding fiscal year exceeds twenty percent (20%) of the
8 amount of the general fund appropriations for the present
9 biennium. If the unobligated average daily general fund
10 balance exceeds twenty percent (20%) of the amount
11 appropriated, the excess is appropriated and shall be
12 transferred into the public school foundation program
13 account as soon as possible. The auditor and treasurer
14 shall immediately notify the state board of equalization of
15 the amount to be transferred. Based on the current assessed
16 valuation of the state, the board shall compute the
17 estimated amount of revenue to be produced by a twelve (12)
18 mill levy, subtract the amount transferred to the public
19 school foundation program account and then compute the mill
20 levy necessary to produce the difference. The board shall
21 certify the recomputed mill levy to the county assessors to
22 be levied and collected in lieu of the twelve (12) mill
23 state levy for the next tax year.

1

2 **21-13-312. Prorating payments when income from**
3 **foundation account insufficient.**

4

5 (a) To preserve the integrity of the foundation
6 account for the biennium and so that payments can be made
7 during the full school year for each year of the biennium,
8 if it appears to the state superintendent that the income
9 available to the foundation ~~program~~-account is not
10 sufficient to meet the payments as provided by law:

11

12 (i) The state superintendent shall determine a
13 uniform percentage by which the amount guaranteed to each
14 district under W.S. 21-13-309 shall be reduced so that
15 available revenues in the foundation ~~program~~-account for
16 that school year are as nearly as possible equal to the
17 amount necessary to fund payments to districts under W.S.
18 21-13-313; and

19

20 **21-13-313. Distribution of funds from foundation**
21 **account; property tax and cash reserve adjustment;**
22 **regulations.**

23

1 (d) On or before August 15 of the succeeding fiscal
2 year, each school district shall report the amount of
3 revenue it received during the preceding fiscal year
4 attributable to levies provided by W.S. 21-13-102(a)(i)(A)
5 and (ii)(A) and 21-13-201 regardless of the assessment
6 year, but not to include assessments from years prior to
7 July 1, 1991. If those revenues reported are less than the
8 revenues estimated under W.S. 21-13-310(a)(i) and (ii) for
9 that fiscal year, as applicable, and if the district's
10 total revenues computed under W.S. 21-13-310 for that
11 fiscal year continue to be less than the total foundation
12 program amount computed under W.S. 21-13-309, the school
13 district shall be paid the difference by October 15 from
14 the public school foundation program account. No amount in
15 excess of the total foundation program amount computed for
16 any district for that fiscal year shall be paid from the
17 public school foundation program account for purposes of
18 this subsection. Any amount paid under this subsection
19 shall not thereafter be relevant to or used for future
20 foundation program calculations. If those revenues reported
21 are greater than the revenues estimated under W.S.
22 21-13-310(a)(i) and (ii) for that fiscal year, as
23 applicable, the excess shall be included as revenues of the

1 district under W.S. 21-13-310 in computing the foundation
2 entitlement for the succeeding fiscal year.

3

4 (g) In addition to subsections (b) and (c) of this
5 section, the state superintendent shall, for any district
6 subject to W.S. 21-13-102(b) as determined by the
7 department for any school year, or for any district not
8 subject to W.S. 21-13-102(b) whose entitlement amount
9 determined under W.S. 21-13-311(a) for any school year is
10 equal to or less than twenty percent (20%) of the
11 foundation program amount computed under W.S. 21-13-309(p),
12 and upon demonstration by the district of financial need as
13 documented by cash flow analysis, provide payments from the
14 public school foundation program account in an amount not
15 to exceed one-fifth (1/5) of the foundation program amount
16 computed for that district for that school year in
17 accordance with W.S. 21-13-309. The computed amount shall
18 be paid to each eligible district on or before September 1
19 based upon tentative computations under W.S. 21-13-309, for
20 which the department may use fiscal information available
21 from foundation program computations for the previous
22 school year in the manner provided under subsection (b) of
23 this section. Any district receiving a payment under this

1 subsection shall repay the public school foundation program
2 account not later than December 15 of that school year.

3

4 **21-13-316. Interfund borrowing.**

5

6 (a) The state treasurer may utilize interfund loans
7 to the public school foundation program account to ensure
8 statutory payments are made when dedicated revenues are not
9 yet received. Interfund loans under this subsection may be
10 made from the legislative stabilization reserve account or,
11 to the extent insufficient funds exist in the legislative
12 stabilization reserve account, the common school account
13 within the permanent land fund. Any interfund loans
14 executed pursuant to this section shall be repaid in whole
15 or in part periodically as soon as public school foundation
16 program account revenues permit.

17

18 **21-13-321. Special education; amount provided for**
19 **special education programs and services; district reporting**
20 **requirements; billing for Medicaid authorized school based**
21 **services.**

22

1 (h) Beginning July 1, 2022, each school district with
2 Medicaid eligible students receiving special education
3 programs and services, as calculated by the department of
4 education pursuant to subsection (j) of this section, may
5 bill the department of health for the costs of any special
6 education program and service covered under W.S.
7 42-4-103(a)(xxxiv) through (xxxvi) provided to the
8 district's students. The department of health shall provide
9 payment to each eligible school district that has billed
10 the department of health as soon as reasonably practical
11 for the costs of approved services. By September 1 of each
12 school year, each school district shall remit to the
13 department of education all funds received during the prior
14 school year from the department of health for billed
15 services. The department of education shall remit all funds
16 received under this subsection to the state treasurer for
17 deposit in the public school foundation program account.

18

19 **21-13-336. Education costs of children certified by**
20 **the department of health for treatment in psychiatric**
21 **residential treatment facilities.**

22

1 (a) The department of education using federal or
2 public school foundation program account funds as
3 appropriated by the legislature, or both, shall pay for the
4 allowable education costs of children placed in psychiatric
5 residential treatment facilities where a fee is charged and
6 the department of health has determined the placement is
7 medically necessary for purposes of benefit eligibility
8 under W.S. 42-4-103(a)(xvi). This section shall not apply
9 to children eligible for services under W.S. 21-13-315. No
10 district shall receive funds, either directly or
11 indirectly, from any facility receiving payment under this
12 section for providing educational programs and services to
13 children placed and residing in the facility. No
14 psychiatric residential treatment facility shall receive
15 funds for educational services under this section unless
16 certified by the department of health for purposes of
17 providing medical services and approved by the department
18 of education under the requirements of this section.

19

20 **21-22-106. Distribution of trust funds available to**
21 **public schools; innovative program grants; criteria.**

22

1 (a) From amounts appropriated by the legislature, the
2 department of education shall annually distribute funds not
3 to exceed two hundred fifty thousand dollars (\$250,000.00)
4 from the public school foundation program account to school
5 districts as innovative program grants to fund programs
6 providing innovation in or improvement to public education
7 through the creation of new, different and improved
8 educational opportunities in elementary or secondary
9 schools, including:

10

11 **35-21-102. Definitions.**

12

13 (a) As used in this act:

14

15 (viii) "This act" means W.S. 35-21-101 through
16 ~~35-21-111~~ 35-21-112.

17

18 **35-21-107. Emergency assistance by law enforcement**
19 **officers; limited liability.**

20

21 (c) Any law enforcement officer responding to a
22 request for assistance under this act is immune from civil
23 liability when complying with the request, providing

1 provided that the officer acts in good faith and in a
2 reasonable manner.

3

4 **39-13-109. Taxpayer remedies.**

5

6 (c) Refunds. The following shall apply:

7

8 (vi) Each county shall have the option to
9 implement a county-optional property tax refund program
10 that is in addition to the program established under
11 paragraph (v) of this subsection, subject to the adoption
12 of rules as required by subparagraph (H) of this paragraph.
13 The following shall apply to a county-optional property tax
14 refund program implemented under this paragraph:

15

16 (C) Except as provided in subparagraph (D)
17 of this paragraph, any person in the participating county
18 shall qualify for a refund in the amount specified under
19 this paragraph if any ad valorem tax due upon the person's
20 principal residence in the county for the preceding
21 calendar year was timely paid and if the person's gross
22 income including the total household income of which the
23 person is a member does not exceed an amount as determined

1 by the county, which shall not exceed one hundred
2 sixty-five percent (165%) of the median gross household
3 income for the county, as determined annually by the
4 economic analysis division of the department of
5 administration and information. As used in this
6 subparagraph "gross income" shall have the same meaning as
7 defined by department rules promulgated ~~underparagraph~~
8 under paragraph (v) of this subsection. Gross income shall
9 be verified by federal income tax returns, which shall
10 accompany the application for refund, if federal income tax
11 returns were required and filed, or by whatever other means
12 necessary as determined by the county through rules;

13

14 **40-31-106. Wyoming stable token accounts.**

15

16 (c) The Wyoming stable token administration account
17 is created. Funds received into the account from any source
18 shall be retained, expended or transferred and are
19 continuously appropriated according to the following
20 priority:

21

1 (iii) Any remainder shall be distributed on a
2 quarterly basis, into the public school foundation program
3 account created by W.S. 21-13-306(a).

4

5 **Section 2.** This act is effective July 1, 2025.

6

7

(END)