

**H.B. No. 0140****School finance amendments-4.**

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

AN ACT relating to school finance; modifying provisions of the state's public school funding system; requiring school districts to comply with department of workforce services programs as specified; requiring the average daily membership calculation within the school district funding model to be calculated at the school district level; revising workers' compensation provisions for special education professionals; prohibiting school districts from leasing buses; amending provisions regarding school bus purchase reimbursements; amending school district funding for groundskeepers; repealing assessment funding; requiring a report; requiring the establishment of special education staffing guidelines; amending special education funding; providing an appropriation; authorizing rulemaking; providing for additional distributions to school districts as specified; and providing for effective dates.

2/12/2018 Bill Number Assigned  
 2/13/2018 H Received for Introduction  
 2/14/2018 H Introduced and Referred to H04 - Education 56-1-3-0-0

**ROLL CALL**

**Ayes:** Representative(s) Allen, Barlow, Biteman, Blackburn, Blake, Bovee, Burkhart, Clausen, Clem, Connolly, Court, Crank, Dayton, Edwards, Eklund, Eyre, Flitner, Freeman, Furphy, Gierau, Gray, Greear, Haley, Hallinan, Halverson, Harshman, Henderson, Hunt, Jennings, Kinner, Kirkbride, Larsen, Laursen, Lindholm, Lone, MacGuire, Madden, Miller, Northrup, Obermueller, Olsen, Paxton, Pelkey, Piiparinen, Pownall, Salazar, Schwartz, Simpson, Sommers, Steinmetz, Stith, Sweeney, Walters, Wilson, Winters, Zwonitzer

**Nays:** Representative Nicholas

**Excused:** Representative(s) Brown, Byrd, Loucks

**Ayes** 56    **Nays** 1    **Excused** 3    **Absent** 0    **Conflicts** 0

2/22/2018 H04 - Education:Recommend Amend and Do Pass 7-2-0-0-0

**ROLL CALL**

**Ayes:** Representative(s) Brown, Flitner, Freeman, Hunt, Kinner, Northrup, Paxton

**Nays:** Representative(s) Bovee, Piiparinen

**Ayes** 7    **Nays** 2    **Excused** 0    **Absent** 0    **Conflicts** 0

2/22/2018 H Rerefer to H02 - Appropriations

2/23/2018 H02 - Appropriations:Recommend Amend and Do Pass 7-0-0-0-0

**ROLL CALL**

**Ayes:** Representative(s) Burkhart, Larsen, Nicholas, Schwartz, Sommers, Walters, Wilson

**Ayes** 7    **Nays** 0    **Excused** 0    **Absent** 0    **Conflicts** 0

2/23/2018 H Placed on General File

**HB0140HS001/ADOPTED**

That Substitute No. 1 for HB 0140 DO PASS. NORTHRUP, CHAIRMAN

2/23/2018 H COW:Passed  
2/27/2018 H 2nd Reading:Laid Back

**HB0140H2001/FAILED**

**[TO SUBSTITUTE BILL No. 1]**

Page 2-line 1 After "for" insert "teachers and".  
Page 23-line 20 Delete "(b)(xxxiii)" and insert "(b)(ii),  
(iii) and (xxxiii)".  
Page 24-after line 12 Insert:  
    "(ii) Class size: ~~16 for grades Kindergarten through 5;  
21 for grades 6 through 12.~~ 16 for grades Kindergarten through 3;  
18 for grades 4 through 6; 22 for grades 7 through 12;  
(iii) Core teachers: ~~Elementary school ADM divided by 16; Middle school ADM divided by 21; Elementary school ADM divided by class size as provided by paragraph (b)(ii) of this Attachment A; Middle school ADM divided by class size as provided by paragraph (b)(ii) of this Attachment A; High school ADM divided by class size as provided by paragraph (b)(ii) of this Attachment A;~~ Elementary school ADM divided by class size as provided by paragraph (b)(ii) of this Attachment A; Middle school ADM divided by class size as provided by paragraph (b)(ii) of this Attachment A; High school ADM divided by class size as provided by paragraph (b)(ii) of this Attachment A;". CLEM

**HB0140H2002/FAILED**

**[TO SUBSTITUTE BILL No. 1]**

Page 31-after line 2 Insert:  
    "**Section 11.** School districts may apply to the department of education for reimbursement for costs to administer formative or interim assessments for school years 2018-2019 and 2019-2020. By September 1, 2018, the department of education shall develop an appropriate form for school districts to use to submit reimbursement requests under this section. Reimbursements made under this section shall not exceed sixteen dollars and sixty-six cents (\$16.66) per average daily membership for assessments administered in school year 2018-2019 or eight dollars and thirty-three cents (\$8.33) per average daily membership for assessments administered in school year 2019-2020. Reimbursement shall only be made for costs of administering formative or interim assessments paid with funds from a school district's foundation program amount. Reimbursements made under this section shall be drawn from the school foundation program account appropriations to the department of education under 2018 House Bill 0001, Section 2, Section 205."

Page 31-line 4 Delete "Section 11." and insert "Section 12."  
FREEMAN

**HB0140H2003/FAILED**

**[TO SUBSTITUTE BILL No. 1]**

Page 1-line 7 Delete through "account,".  
Page 2-line 12 Delete "9-4-220,".  
Page 2-line 14 After "9-4-719(b)" delete balance of line and  
insert "and (f),".  
Page 2-line 15 Delete "and (u),".  
Page 2-line 16 Delete "21-13-101(a)(i),".  
Page 2-line 18 Delete entirely and insert "21-13-320(m),".  
Page 3-lines 4 through 23 Delete entirely.  
Page 4-lines 1 through 4 Delete entirely.  
Page 7-line 8 Delete "and subsection u".  
Page 7-line 9 Delete "of this section".  
Page 9-lines 11 through 23 Delete entirely.  
Page 10-lines 1 through 23 Delete entirely.  
Page 11-lines 1 through 23 Delete entirely.  
Page 12-lines 1 and 2 Delete entirely.  
Page 13-lines 17 through 23 Delete entirely.  
Page 14-lines 1 through 13 Delete entirely.  
Page 16-lines 19 through 22 Delete entirely.  
Page 17-lines 1 through 13 Delete entirely.  
Page 17-line 21 Delete "or partially".  
Page 21-line 9 Delete "forty-five million dollars  
(\$45,000,000.00)" and insert "fifty million  
dollars (\$50,000,000.00)". CLEM

**HB0140H2004/ADOPTED**

**[TO SUBSTITUTE BILL No. 1]**

Page 1-line 15 After "specified;" insert "amending special  
education funding;".  
Page 18-line 14 After "section." insert "The statewide total  
amount reimbursed under this section in school  
year 2019-2020 or 2020-2021 shall not exceed  
the statewide total amount reimbursed under  
this section in school year 2018-2019.". LARSEN

**HB0140H2005/ADOPTED**

**[TO SUBSTITUTE BILL No. 1]**

Page 2-line 21 Delete "a".  
Page 2-line 22 Delete "subsection" and insert "subsections";  
after "(p)" insert "and (q)"; delete "a".  
Page 3-line 1 Delete "subsection" and insert "subsections";  
after "(p)" insert "and (q)".  
Page 22-after line 10 Insert:  
"(q) In the event combined annual revenues credited to the  
school foundation program account pursuant to subsection (p) of this  
section and W.S. 39-16-111(p) are equal to ten million dollars  
(\$10,000,000.00), any additional revenue shall be distributed pursuant  
to subsection (b) of this section."  
Page 23-after line 4 Insert:  
"(q) In the event combined annual revenues credited to the school  
foundation program account pursuant to subsection (p) of this section  
and W.S. 39-15-111(p) are equal to ten million dollars  
(\$10,000,000.00), any additional revenue shall be distributed pursuant

to subsection (b) of this section.". MADDEN, HARSHMAN

**HB0140H2006/ADOPTED**

**[TO SUBSTITUTE BILL No. 1]**

Page 1-line 7 After "corporation" insert "and limited liability company".

Page 1-line 15 After "provisions;" insert "repealing transportation funding provisions;".

Page 2-line 14 Delete ", (q) (i)".

Page 2-line 15 After "17-16-1630(a)," insert "17-29-209(a),".

Page 2-line 18 Delete entirely, including the Clem second reading amendment (HB0140H2003/A) to this line and insert "21-13-320(b)(intro), (c)(ii) and (iii), (f) and (g)(i), (ii) and (v)(A) and (B),".

Page 9-lines 11 through 23 Delete entirely.

Page 10-lines 1 through 4 Delete entirely.

Page 13-after line 5 Insert:

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

(a) Every limited liability company organized under the laws of this state and every foreign limited liability company which obtains a certificate of authority to transact and carry on business within this state shall file with the secretary of state on or before the first day of the month of organization of every year a certification, under the penalty of perjury, by its treasurer or other fiscal agent setting forth its capital, property and assets located and employed in the state of Wyoming. The statement shall give the address of its principal office. On or before the first day of the month of organization of every year the limited liability company or foreign limited liability company shall pay to the secretary of state in addition to all other statutory taxes and fees a license fee based upon the sum of its capital, property and assets reported, of fifty dollars (\$50.00) or two-tenths of one mill on the dollar (\$.0002), whichever is greater. Fifty percent (50%) of the revenue collected pursuant to this subsection shall be distributed to the general fund and fifty percent (50%) of the revenue collected pursuant to this subsection shall be distributed to the school foundation program account."

Page 16-lines 14 through 23 Delete entirely, including the Clem second reading amendment (HB0140H2003/A) to this line.

Page 17-lines 1 through 22 Delete entirely, including the Clem second reading amendment (HB0140H2003/A) to this line.

Page 18-lines 1 and 2 Delete entirely and insert:

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

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

(c) In addition to subsection (b) of this section and for buses purchased or leased before April 1, 2002, subject to state standards

and department rule and regulation, the transportation adjustment under this section for each district shall include one hundred percent (100%) of the expenditure for the purchase or lease of school buses and other vehicles used primarily for the purpose of transporting students to and from school and to and from school activities. Amounts included within the adjustment under this subsection shall be subject to the following:

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

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

(f) The department of education shall adopt necessary rules and regulations to implement and enforce state standards established under this section and to administer this section. District expenditures computed under subsection (b) of this section shall not include expenditures for employee contributions to the Wyoming retirement system exceeding five and fifty-seven hundredths percent (5.57%) of any member employee's salary. In addition, the department shall, in accordance with procedures prescribed by department rule and regulation, establish a base price for each school bus type or other student transportation vehicle type for the applicable fiscal period that complies with minimum state standards for vehicle specifications and equipment. The department shall also establish a process including competitive bidding which guarantees the acquisition of school buses and other student transportation vehicles approved for reimbursement and complying with state minimum standards and district fleet size restrictions at the established base price for the applicable fiscal year. In addition and for purposes of reimbursement under subsection (g) of this section, the department shall in consultation with the pupil transportation committee, ~~establish a minimum, average and an optimal replacement schedule for each school bus type or other student transportation vehicle type.~~ School districts shall notify the department of school bus and other student transportation vehicle needs and requirements for the appropriate fiscal year in the manner and within the times prescribed by department rule and regulation, and shall report expenditures, purchases and lease arrangements for the applicable reporting period, including vehicles replaced by purchases and leases, as required by department rule and regulation. The department shall annually review and conduct audits as necessary of information submitted under this section. As authorized under W.S. 21-13-307(b), the department may correct the information reported by districts under this section as necessary to fairly and accurately reflect the data type, classification and format required to administer this section in accordance with law and department rules and regulations.

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

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

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

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

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

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

(B) The base price established under subsection (f) of this section for lease payments for each school bus or other student transportation vehicle for which reimbursement is authorized and which is made by the district during the prior school year, ~~multiplied by the percentage assigned to the bus or other vehicle being replaced by the leased vehicle as provided by paragraph (g)(iii) of this section,~~ plus the annual interest charges imposed under the lease arrangement. ~~For purposes of this subparagraph, any lease arrangement entered into during the period commencing April 1, 2002, and ending June 30, 2002, shall not be included."~~

Page 21-line 16 Delete "Two-thirds (2/3)" and insert "One-third (1/3)".

Page 21-line 17 Delete "." and insert ";".

Page 21-after line 17 Insert "(iii) One-third (1/3) to the school foundation program reserve account.".

Page 22-line 9 After "distributed" delete balance of line.

Page 22-line 10 Delete entirely and insert "consistent with the distributions provided for in paragraphs (b)(ii) and (iii) of this section.".

Page 23-line 3 After "distributed" delete balance of line.

Page 23-line 4 Delete entirely and insert "consistent with the distributions provided for in paragraphs (b)(ii) and (iii) of this section.".

Page 27-line 12 After "foundation" insert "program".

Page 30-line 9 Delete "general fund" insert "permanent Wyoming mineral trust fund reserve account".

Page 31-after line 2 Insert and renumber as necessary:

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

repealed.". HARSHMAN

**HB0140H2007/FAILED**

**[TO SUBSTITUTE BILL No. 1]**

Page 1-line 12 After "calculations;" insert "amending the regional cost adjustment;".

Page 2-line 17 After "21-13-309(m) (iv) (A) " insert "and (v) (C)".

Page 16-after line 12 Insert:

"(v) Based upon ADM computations and identified school configurations within each district pursuant to paragraph (iv) of this subsection, compute the foundation program amount for each district as prescribed by the education resource block grant model adopted by the Wyoming legislature as defined under W.S. 21-13-101(a)(xiv), as contained within the spreadsheets and accompanying reports referenced under W.S. 21-13-101(a)(xvii). The following criteria shall be used by the state superintendent in the administration of the education resource block grant model:

(C) Salaries for all school and district level staffing categories, including teachers, principals and assistant principals, central office administrators, secretarial and clerical staff, operations and maintenance staff and aides and media technicians, shall be based upon average statewide salary levels calibrated under "Attachment A" for each staffing category, adjusted under subsection (o) of this section, including the experience, education and responsibility level as appropriate and as computed for each staffing category. The statewide average for each staffing category shall be adjusted for each district based upon the district experience, education and responsibility level relative to the statewide average for that category. District experience, education and responsibility level by appropriate staffing category shall be updated each year such that district adjustments reflect the prior school year staffing information. The district adjusted average salary for each staffing category shall be further adjusted for regional cost differences as measured by the ~~greater of the hedonic wage index or the Wyoming cost-of-living index computed by the division of economic analysis, department of administration and information, with a minimum of one hundred (100) index value, as prescribed by the education resource block grant model. For purposes of the education resource block grant model, the version of the Wyoming cost-of-living index used by the division shall be based upon the unrecalibrated housing cost index weights unless otherwise determined by the legislature based upon recommendation of the joint education interim committee. In addition, the version of the Wyoming cost-of-living index applied under this subparagraph for any school year shall be the average of the six (6) consecutive semi-annual index reports completed by January 1 of the immediately preceding school year comparable wage index computed in accordance with the 2017 cost of education study;~~". CLEM, HALLINAN, EDWARDS

**HB0140H2008/ADOPTED**

**(CORRECTED CORRECTED COPY)**

Page 2-line 7 After "rulemaking;" insert "providing a hold harmless provision;".

Page 31-after line 2 Insert and renumber as necessary:

"**Section 11.** For school year 2018-2019 and each school year thereafter through the next recalibration of the education resource block grant model pursuant to W.S. 21-13-309(t), the foundation program

amount computed under W.S. 21-13-309(p) for a school district with fewer than two hundred forty-three (243) ADM, less amounts reimbursed under W.S. 21-13-309(m)(v)(E), shall not be less than ninety-seven and one-half percent (97.5%) of the foundation program amount available to that school district during the previous school year, as computed under W.S. 21-13-309(p) prior to the addition of reimbursement amounts for that school year. To the extent necessary to implement this section, this section shall supersede W.S. 21-13-309(p)". LINDHOLM, SALAZAR

**HB0140H2009/FAILED**

**[TO SUBSTITUTE BILL No. 1]**

Page 1-line 11 After "duties;" insert "limiting superintendent salaries as specified;"  
Page 2-line 16 After "(xxxvi)" insert ", 21-3-111(a)(vi)(A)".  
Page 13-after line 15 Insert:

**"21-3-111. Powers of boards of trustees.**

(a) The board of trustees in each school district within the state may:

(vi) Employ and determine the salaries and duties of:

(A) A superintendent of schools who shall be the chief administrative officer of the district, provided that the salary of a superintendent shall not exceed the amount allotted for a school district superintendent under the education resource block grant model as defined in W.S. 21-13-101(a)(xiv), as may be adjusted by the legislature under W.S. 21-13-309(o), (t) or (u) and shall not include any additional wage, benefit or compensation that is not offered to other full-time school district employees on the same or similar terms;". STITH

**HB0140H2010/FAILED**

**[TO SUBSTITUTE BILL No. 1]**

Page 2-line 1 After "for" insert "teachers and".  
Page 23-line 20 Delete "(b)(xxxiii)" and insert "(b)(ii), (iii) and (xxxiii)".  
Page 24-after line 12 Insert:

"(ii) Class size: ~~16 for grades Kindergarten through 5; 21 for grades 6 through 12.~~ 16 for grades Kindergarten through 3; 18 for grades 4 and 5; 21 for grades 6 through 12;

(iii) Core teachers: ~~Elementary school ADM divided by 16; Middle school ADM divided by 21;~~ Elementary school ADM divided by class size as provided by paragraph (b)(ii) of this Attachment A; Middle school ADM divided by class size as provided by paragraph (b)(ii) of this Attachment A; High school ADM divided

by class size as  
provided by paragraph  
(b)(ii) of this  
Attachment A;". WINTERS

**HB0140H2011/FAILED**

**[TO SUBSTITUTE BILL No. 1]**

Page 2-line 16 Delete "21-13-101(a)(i)",".  
Page 13-lines 17 through 23 Delete entirely.  
Page 14-lines 1 through 13 Delete entirely. CLEM

2/28/2018 H 2nd Reading:Passed

2/28/2018 H 2nd Reading:Pursuant to H.R. 7-7(c) objection to the inclusion Failed by Roll Call 9-48-3-0-0

**ROLL CALL**

**Ayes:** Representative(s) Biteman, Blackburn, Clausen, Clem, Edwards, Gray, Hallinan, Jennings, Lone

**Nays:** Representative(s) Barlow, Blake, Bovee, Brown, Burkhart, Byrd, Connolly, Court, Crank, Dayton, Eklund, Eyre, Flitner, Freeman, Furphy, Gierau, Greear, Haley, Halverson, Harshman, Henderson, Hunt, Kinner, Kirkbride, Larsen, Laursen, Lindholm, Loucks, MacGuire, Madden, Miller, Nicholas, Obermueller, Olsen, Paxton, Pelkey, Piiparinen, Pownall, Salazar, Schwartz, Simpson, Sommers, Steinmetz, Stith, Sweeney, Walters, Wilson, Zwonitzer

**Excused:** Representative(s) Allen, Northrup, Winters

**Ayes** 9 **Nays** 48 **Excused** 3 **Absent** 0 **Conflicts** 0

2/28/2018 H 2nd Reading:Pursuant to suspension of House Rules accelerated to Third Reading Passed 48-9-3-0-0

**ROLL CALL**

**Ayes:** Representative(s) Barlow, Blackburn, Blake, Bovee, Brown, Burkhart, Byrd, Connolly, Court, Crank, Dayton, Eklund, Eyre, Flitner, Freeman, Furphy, Gierau, Greear, Haley, Halverson, Henderson, Hunt, Kinner, Kirkbride, Larsen, Lindholm, Loucks, MacGuire, Madden, Miller, Nicholas, Obermueller, Olsen, Paxton, Pelkey, Piiparinen, Pownall, Salazar, Schwartz, Simpson, Sommers, Steinmetz, Stith, Sweeney, Walters, Wilson, Winters, Zwonitzer

**Nays:** Representative(s) Biteman, Clausen, Clem, Edwards, Gray, Hallinan, Jennings, Laursen, Lone

**Excused:** Representative(s) Allen, Northrup, Harshman

**Ayes** 48 **Nays** 9 **Excused** 3 **Absent** 0 **Conflicts** 0

**HB0140H3001/FAILED**

**[TO SUBSTITUTE BILL No. 1]**

Page 1-line 7 Delete "corporation"; delete the Harshman second reading amendment (HB0140H2006/A) to this line.

Page 1-line 8 Delete "license taxes,".

Page 2-line 15 Delete "17-16-1630(a),"; delete the Harshman second reading amendment (HB0140H2006/A) to this line.

Page 12-lines 4 through 23 Delete entirely.

Page 13-lines 1 through 5 Delete entirely.

Page 13-after line 5 Delete the Harshman second reading amendment

(HB0140H2006/A) to this line. ZWONITZER, EYRE,  
STEINMETZ, MILLER

**HB0140H3002.01/ADOPTED**

**[DIVIDED AMENDMENT]  
(CORRECTED COPY)**

**[TO SUBSTITUTE BILL No. 1]**

Page 1-line 15 After "specified;" insert "amending special  
education funding;".

Page 31-after line 2 Insert and renumber as necessary:

**"Section 11.**

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

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

**HB0140H3002.02/FAILED**

**[DIVIDED AMENDMENT]  
(CORRECTED COPY)**

**[TO SUBSTITUTE BILL No. 1]**

Delete the Larsen second reading amendment (HB0140H2004/A) entirely and further amend as follows:

Page 18-line 14 After "section." insert "Annual reimbursements paid to school districts for special education programs and services within the education resource block grant pursuant to W.S. 21-13-309(m)(v)(E) and this section for school year 2019-2020 and for school year 2020-2021 shall not exceed reimbursements paid to that school district for special education programs and services in school year 2018-2019, except as otherwise provided by law.". BOVEE

2/28/2018 H 3rd Reading:Passed 46-12-2-0-0

**ROLL CALL**

**Ayes:** Representative(s) Barlow, Blake, Brown, Burkhart, Byrd, Clausen, Connolly, Court, Crank, Dayton, Eklund, Eyre, Flitner, Freeman, Furphy, Gierau, Gray, Greear, Haley, Halverson, Harshman, Henderson, Hunt, Kinner, Kirkbride, Larsen, Lindholm, Loucks, MacGuire, Madden, Miller, Nicholas, Obermueller, Olsen, Paxton, Pelkey, Pownall, Salazar, Schwartz, Simpson, Stith, Sweeney, Walters, Wilson, Winters, Zwonitzer

**Nays:** Representative(s) Biteman, Blackburn, Bovee, Clem, Edwards, Hallinan, Jennings, Laursen, Lone, Piiparinen, Sommers, Steinmetz

**Excused:** Representative(s) Allen, Northrup

**Ayes** 46    **Nays** 12    **Excused** 2    **Absent** 0    **Conflicts** 0

3/2/2018 S Received for Introduction

3/2/2018 S Introduced and Referred to S02 - Appropriations

3/2/2018 S Rerefer to S04 - Education

3/5/2018 S04 - Education:Recommend Amend and Do Pass 3-2-0-0-0

**ROLL CALL**

**Ayes:** Senator(s) Coe, Ellis, Wasserburger

**Nays:** Senator(s) Pappas, Rothfuss

**Ayes** 3      **Nays** 2      **Excused** 0      **Absent** 0      **Conflicts** 0

3/5/2018      S Placed on General File

3/6/2018      S Rerefer to S02 - Appropriations

3/7/2018      S02 - Appropriations:Recommend Amend and Do Pass 4-1-0-0-0

**ROLL CALL**

**Ayes:** Senator(s) Burns, Dockstader, Hastert, Landen

**Nays:** Senator Driskill

**Ayes** 4      **Nays** 1      **Excused** 0      **Absent** 0      **Conflicts** 0

3/7/2018      S Placed on General File

**HB0140SS001/ADOPTED**

**(TO ENGROSSED COPY)**

Page 1-line 2      Delete "providing funding".

Page 1-lines 3 through 15      Delete entirely.

Page 2-line 1      Delete entirely.

Page 2-line 2      Delete line through "provisions;" and insert "requiring school districts to comply with department of workforce services programs as specified; requiring the average daily membership calculation within the school district funding model to be calculated at the school district level; revising workers' compensation provisions for special education professionals; prohibiting school districts from leasing buses; amending provisions regarding school bus purchase reimbursements;".

Page 2-lines 6 through 9      Delete entirely.

Page 2-line 10      Delete line through "applicability;"

Page 2-lines 15 through 23      Delete entirely.

Page 3-lines 1 through 5      Delete entirely and insert:

**"Section 1.** W.S. 21-3-110(a) by creating a new paragraph (xxxvi), 21-13-309(m) (iv) (A), 21-13-320(j) (iii) by creating new paragraphs (iv) and (v) and (m) and 27-14-108(d) (xvi) and (f) by creating a new paragraph (x) are amended to read:".

Page 3-lines 7 through 21      Delete entirely.

Pages 4 through 12      Delete entirely.

Page 13-lines 1 through 16      Delete entirely.

Page 14-lines 6 through 23      Delete entirely.

Page 15-lines 1 through 22      Delete entirely.

Page 17-lines 9 through 23      Delete entirely.

Pages 18 through 22      Delete entirely.

Page 23-lines 1 through 5      Delete entirely and insert:

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

(iii) An amount calculated in accordance with subsection (g) of this section for each school bus purchased or initially leased on or after March 15, 2017 but before July 1, 2018, if the school district first applied to the department and the department determined the purchase or lease was necessary to alleviate an emergency;~~—plus~~

(iv) One hundred percent (100%) reimbursement for each

school bus purchased on or after July 1, 2018, if the school district first applied to the department and the department determined the purchase was necessary to alleviate an emergency; plus

(v) One hundred percent (100%) reimbursement for a bus purchase that will be partially paid for or rebated under the Diesel Emissions Reduction Act, 42 U.S.C. 16131 et seq., or other similar program minus the amount that will be paid for or rebated under the applicable program.

(m) No district shall purchase a school bus ~~or enter into a new lease for a school bus~~ on or after March 15, 2017 unless it first applies to the department and the department determines that an emergency exists necessitating the purchase or lease of the bus, except that, beginning July 1, 2018, a district may purchase a bus that will be fully or partially paid for or rebated under the Diesel Emissions Reduction Act, 42 U.S.C. 16131 et seq., or other similar program as confirmed by a letter of assurance from the state or federal government. No district shall enter into a new lease for a school bus on or after July 1, 2018."

Page 23-lines 7 through 23 Delete entirely.

Page 24-lines 1 through 15 Delete entirely.

Page 25-lines 2 through 11 Delete entirely and insert:

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

(f) As used in this section:

(x) "Eligible student" means a student with behavioral, emotional, cognitive, learning, physical or health disabilities who requires educational services to be provided outside of the regular classroom because the use of supplementary aids and services cannot be achieved satisfactorily in the regular classroom."

Page 25-lines 13 through 23 Delete entirely.

Pages 26 through 28 Delete entirely.

Page 29-lines 1 through 19 Delete entirely.

Page 31-line 16 Delete "The site" and insert "Elementary, middle and high school site acreage".

Page 31-line 17 Delete "acreage".

Page 32-line 17 Delete ", except as".

Page 32-line 18 Delete "follows".

Page 33-lines 7 through 10 Delete entirely and insert:

**"Section 4.**

(a) The department of education shall review state statutes relating to special education and school district transportation and its rules relating to special education and transportation for any possible fiscal efficiencies. By June 1, 2018, the department of education shall report to the joint education interim committee on its review and shall include suggested changes to statute or rule and any rulemaking conducted as a result of its review.

(b) On or before January 1, 2019, the state superintendent of public instruction shall establish statewide guidelines for adequate special education staffing levels as required by W.S.

21-2-202(a)(xxiii).".  
Page 33-lines 12 through 21 Delete entirely.  
Page 34-line 1 Delete "Section 6." and insert "Section 5."  
Pages 35 through 37 Delete entirely.  
Page 38-lines 1 and 2 Delete entirely.  
Page 38-line 4 Delete "Section 13." and insert "Section 6."  
Page 38-line 18 Delete "Section 14." and insert "Section 7."  
Page 39-line 1 Delete entirely and insert:  
" (b) Section 4 of this act is". COE, CHAIRMAN

**HB0140SS002/WITHDRAWN**

**HB0140SW001/WITHDRAWN**

3/7/2018 S COW:Passed

**HB0140S2001/ADOPTED (TO ENGROSSED COPY)**

Page 3-lines 1 through 5 In the Senate standing committee amendment (HB0140SS001/AE) to these lines, in section 1 inserted by that amendment, before "and 27-14-108(d)(xvi)" insert ", 21-13-321(b)".  
Page 23-lines 7 through 23 Delete the Senate standing committee amendment (HB0140SS001/AE) to these lines.  
Page 23-lines 22 and 23 Delete entirely.  
Pages 35 through 37 Delete the Senate standing committee amendment (HB0140SS001/AE) to these lines.  
Pages 35 and 36 Delete entirely.  
Page 37-lines 1 through 7 Delete entirely.  
Page 37-line 9 Delete "Section 12." and insert "Section 6."  
Page 38-line 4 Delete the Senate standing committee amendment (HB0140SS001/AE) to this line and further amend as follows: delete "Section 13." and insert "Section 7."  
Page 38-line 18 Delete the Senate standing committee amendment (HB0140SS001/AE) to this line and further amend as follows: delete "Section 14." and insert "Section 8.". COE

**ROLL CALL**

**Ayes:** Senator(s) Agar, Anderson, Baldwin, Barnard, Bebout, Boner, Bouchard, Burns, Case, Christensen, Coe, Dockstader, Driskill, Emerich, Hicks, Kinskey, Landen, Moniz, Nethercott, Perkins, Peterson, Scott, Von Flatern

**Nays:** Senator(s) Anselmi-Dalton, Ellis, Hastert, Meier, Pappas, Rothfuss, Wasserburger

**Ayes** 23    **Nays** 7    **Excused** 0    **Absent** 0    **Conflicts** 0

3/8/2018 S 2nd Reading:Passed

3/8/2018 S 3rd Reading:Pursuant to suspension of SR 7-1 and SR 7-8 accelerated to Third Reading 26-4-0-0-0

**ROLL CALL**

**Ayes:** Senator(s) Agar, Anderson, Anselmi-Dalton, Baldwin, Barnard, Bebout, Boner, Bouchard, Burns, Christensen, Coe, Dockstader, Driskill, Ellis, Emerich, Hastert, Kinskey, Landen, Moniz, Nethercott, Pappas,

Perkins, Peterson, Rothfuss, Von Flatern, Wasserburger  
**Nays:** Senator(s) Case, Hicks, Meier, Scott  
**Ayes** 26      **Nays** 4      **Excused** 0      **Absent** 0      **Conflicts** 0

**HB0140S3001/ADOPTED**

**(TO ENGROSSED COPY)**

Page 23-line 16      Delete ", subject to subsection (h)".  
Page 23-line 17      Delete "of this section".  
Page 23-line 20      After "2018-2019" insert ", notwithstanding any  
additional appropriation for that purpose by  
the legislature".  
Page 38-lines 1 and 2      Delete the Senate standing committee amendment  
(HB0140SS001/AE) to these lines. COE

**HB0140S3002/WITHDRAWN**

3/8/2018      S 3rd Reading:Passed 25-5-0-0-0

**ROLL CALL**

**Ayes:** Senator(s) Agar, Anderson, Baldwin, Bebout, Boner, Bouchard,  
Burns, Case, Christensen, Coe, Dockstader, Driskill, Ellis, Emerich,  
Hicks, Kinskey, Landen, Meier, Moniz, Nethercott, Pappas, Perkins,  
Peterson, Scott, Von Flatern

**Nays:** Senator(s) Anselmi-Dalton, Barnard, Hastert, Rothfuss,  
Wasserburger

**Ayes** 25      **Nays** 5      **Excused** 0      **Absent** 0      **Conflicts** 0

3/8/2018      H Received for Concurrence

3/10/2018      H Concur:Failed 2-58-0-0-0

**ROLL CALL**

**Ayes:** Representative(s) Edwards, Laursen

**Nays:** Representative(s) Allen, Barlow, Biteman, Blackburn, Blake,  
Bovee, Brown, Burkhardt, Byrd, Clausen, Clem, Connolly, Court, Crank,  
Dayton, Eklund, Eyre, Flitner, Freeman, Furphy, Gierau, Gray, Greear,  
Haley, Hallinan, Halverson, Harshman, Henderson, Hunt, Jennings,  
Kinner, Kirkbride, Larsen, Lindholm, Lone, Loucks, MacGuire, Madden,  
Miller, Nicholas, Northrup, Obermueller, Olsen, Paxton, Pelkey,  
Piiparinen, Pownall, Salazar, Schwartz, Simpson, Sommers, Steinmetz,  
Stith, Sweeney, Walters, Wilson, Winters, Zwonitzer

**Ayes** 2      **Nays** 58      **Excused** 0      **Absent** 0      **Conflicts** 0

3/10/2018      H Appointed JCC01 Members

Representative(s) Northrup, Paxton, Sommers

3/10/2018      S Appointed JCC01 Members

Senator(s) Coe, Ellis, Kinskey

3/15/2018      H Adopted HB0140JC001: 34-22-4-0-0

**HB0140JC001/HADOPTED**

**TO ENGROSSED COPY**

Adopt the following Senate amendments:

HB0140SS001/AE

HB0140S2001/AE

HB0140S3001/AE

Further amend the ENGROSSED COPY as follows:

Page 2-line 5      After "guidelines;" insert "amending special  
education funding; providing an appropriation;  
authorizing rulemaking; providing for

Page 37-line 16

additional distributions to school districts as specified;".

After "students." insert "For purposes of distribution under this section, out of district placement costs shall be calculated in accordance with W.S. 21-13-321, but funds appropriated under this section shall be distributed to school districts pursuant to rules promulgated under this section for the 2019-2020 and 2020-2021 school years. The funds appropriated under this section shall therefore not be subject to the limitation of W.S. 21-13-321(b), and shall not be included for purposes of calculating the statewide reimbursement amount calculated for purposes of W.S. 21-13-321(b).".

NORTHROP, PAXTON, SOMMERS, COE, ELLIS, KINSKEY

**ROLL CALL**

**Ayes:** Representative(s) Allen, Barlow, Burkhart, Clausen, Court, Crank, Eklund, Furphy, Greear, Haley, Hallinan, Halverson, Harshman, Hunt, Kinner, Kirkbride, Larsen, Laursen, Lindholm, Loucks, MacGuire, Madden, Nicholas, Obermueller, Olsen, Paxton, Pownall, Simpson, Steinmetz, Stith, Sweeney, Walters, Wilson, Winters

**Nays:** Representative(s) Biteman, Blackburn, Blake, Bovee, Brown, Byrd, Clem, Connolly, Dayton, Edwards, Freeman, Gierau, Gray, Henderson, Jennings, Lone, Miller, Pelkey, Piiparinen, Salazar, Schwartz, Zwonitzer

**Excused:** Representative(s) Eyre, Flitner, Northrup, Sommers

**Ayes** 34      **Nays** 22      **Excused** 4      **Absent** 0      **Conflicts** 0

3/15/2018      S Adopted HB0140JC001: 23-2-5-0-0

**HB0140JC001/HADOPTEDSADOPTED**

**TO ENGROSSED COPY**

Adopt the following Senate amendments:

HB0140SS001/AE

HB0140S2001/AE

HB0140S3001/AE

Further amend the ENGROSSED COPY as follows:

Page 2-line 5

After "guidelines;" insert "amending special education funding; providing an appropriation; authorizing rulemaking; providing for additional distributions to school districts as specified;".

Page 37-line 16

After "students." insert "For purposes of distribution under this section, out of district placement costs shall be calculated in accordance with W.S. 21-13-321, but funds appropriated under this section shall be distributed to school districts pursuant to rules promulgated under this section for the 2019-2020 and 2020-2021 school years. The funds appropriated under this section shall therefore not be subject to the limitation of W.S. 21-13-321(b), and shall not be included for purposes of calculating the statewide

reimbursement amount calculated for purposes of  
W.S. 21-13-321(b)."  
NORTHRUP, PAXTON, SOMMERS, COE, ELLIS, KINSKEY

**ROLL CALL**

**Ayes:** Senator(s) Agar, Anderson, Baldwin, Barnard, Boner, Bouchard,  
Burns, Case, Christensen, Dockstader, Emerich, Hicks, Kinskey, Landen,  
Meier, Moniz, Nethercott, Pappas, Perkins, Peterson, Scott, Von  
Flatern, Wasserburger

**Nays:** Senator(s) Anselmi-Dalton, Rothfuss

**Excused:** Senator(s) Bebout, Coe, Driskill, Ellis, Hastert

**Ayes** 23    **Nays** 2    **Excused** 5    **Absent** 0    **Conflicts** 0

3/15/2018    Assigned Number HEA No. 0068  
3/15/2018    H Speaker Signed HEA No. 0068  
3/15/2018    S President Signed HEA No. 0068  
3/27/2018    Governor Signed HEA No. 0068  
3/27/2018    Assigned Chapter Number 137

Chapter No. 137    Session Laws of Wyoming 2018