

## HOUSE BILL NO. HB0081

School finance litigation.

Sponsored by: Representative(s) Baker and Burt

A BILL

for

1 AN ACT relating to school finance litigation; creating the  
2 school finance litigation account; prohibiting expenditures  
3 of school districts related to school finance litigation;  
4 continuously appropriating funds; providing an  
5 appropriation; and providing for an effective date.

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

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9 **Section 1.** W.S. 9-1-641 is created to read:

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11 **9-1-641. School finance litigation account.**

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13 There is created the "school finance litigation account."

14 Any investment earnings from monies of the account shall be

15 deposited in the general fund. Funds within the account are

16 continuously appropriated to the attorney general and shall

1 be used only for costs related to litigation associated  
2 with the state's public school finance system including  
3 defenses of claims and any appeal, counterclaim or other  
4 action. Costs under this section may include costs of  
5 retaining experts to assist in litigation related to the  
6 state's public school finance system.

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8 **Section 2.** W.S. 21-3-111(a)(i), (iv) and by creating  
9 a new subsection (d) is amended to read:

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11 **21-3-111. Powers of boards of trustees.**

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

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16 (i) Sue and be sued in the name by which the  
17 district is designated except as provided in subsection (d)  
18 of this section;

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20 (iv) Employ legal counsel and bear the cost of  
21 litigation except as provided in subsection (d) of this  
22 section;

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1       (d) Notwithstanding paragraphs (a)(i) and (iv) of  
2 this section or any other provision of law, a school  
3 district board of trustees shall not directly or indirectly  
4 expend any funds that are intended for public instruction  
5 for legal fees or other expenses related to an action  
6 maintained by the district or any other person against the  
7 state, a political subdivision of the state or an elected  
8 official that challenges or questions the constitutionality  
9 of the state's public school finance system.

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11       **Section 3.** There is appropriated five million dollars  
12 (\$5,000,000.00) from the legislative stabilization reserve  
13 account to the school finance litigation account created  
14 under W.S. 9-1-641. This appropriation shall not be  
15 transferred or expended for any other purpose.  
16 Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207, this  
17 appropriation shall remain in effect and not lapse or  
18 revert at the end of the fiscal period except upon further  
19 legislative action. It is the intent of the legislature  
20 that this appropriation not be included in the attorney  
21 general's standard budget for the immediately succeeding  
22 fiscal biennium.

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1           **Section 4.** This act is effective July 1, 2021.

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(END)