

ENROLLED ACT NO. 96, SENATE

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2023 GENERAL SESSION

AN ACT relating to school finance accounts; eliminating the school major maintenance subaccount within the strategic investments and projects account, the school lands mineral royalties account and the school capital construction account; modifying the distribution of revenues; clarifying the timing of transfers from the strategic investments and projects account as specified; transferring funds; making conforming amendments; repealing provisions; and providing for effective dates.

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

Section 1. W.S. 9-4-203(a)(xiii), 9-4-220(b)(i), 9-4-305(b), 9-4-601(a)(ii), (b)(i)(intro), (iv)(A) and (B), 21-13-306(a) and (b), 21-13-311(a), 21-15-108(a) and (d)(vii), 21-15-109(b), 21-15-117(d), 21-15-119(a)(ii)(A) and (C) and 21-15-120(b) are amended to read:

9-4-203. Definitions.

(a) As used in this act:

(xiii) "This act" means W.S. ~~9-4-201~~9-4-202 through ~~9-4-224~~9-4-225.

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

(b) For fiscal year 2021 and in each fiscal year thereafter unencumbered and unobligated funds available for expenditure in the strategic investments and projects account shall be expended for the following purposes and subject to the following:

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(i) An amount equal to forty-five percent (45%) of the maximum amount which may be credited to the strategic investments and projects account pursuant to W.S. 9-4-719(q) shall be credited to ~~a school major maintenance subaccount. Funds within the subaccount shall be expended only for school major maintenance obligations of the state. For purposes of accounting and investing only, the school major maintenance subaccount shall be treated as a separate account from the strategic investments and projects account;~~ the public school foundation program account.

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

(b) Proceeds from the sale of state lands, mineral royalties and any money designated by the Wyoming constitution or Wyoming statutes as collected shall be transmitted to the state treasurer and credited to the proper accounts within the permanent land fund. As authorized by article 7, section 2 of the Wyoming constitution, thirty-three and one-third percent (33 1/3%) of the mineral royalties received from the lease of any school lands shall be deposited into the public school lands mineral royalties foundation program account. To the extent constitutionally permissible and notwithstanding any other provision of law, at the end of every fiscal year, the state treasurer shall transfer to the corpus of each account within the permanent land fund, except the common school account, from the income earned on the corresponding account within the permanent land fund, to the extent available, an amount as provided by this subsection. In determining the amount to be withheld, the state treasurer shall calculate the fiscal year beginning balance and ignore any appropriations made from the account within that fiscal year. For the fiscal year 2000, he shall transfer an amount equal to five percent (5%) of the inflation rate for

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the previous twelve (12) month period as determined by the department of administration and information multiplied by the beginning balance of each permanent land fund account, except the common school account. At the end of each succeeding fiscal year, the state treasurer shall increase the amount to be multiplied by that year's inflation rate by five percent (5%) until such time as the multiplier reaches one hundred percent (100%) of the inflation rate, and then multiply that amount by the beginning balance of each permanent land fund account, except the common school account.

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

(a) All monies received by the state of Wyoming from the secretary of the treasury of the United States under the provisions of the act of congress of February 25, 1920 (41 Stat. 437, 450; 30 U.S.C. §§ 181, 191), as amended, or from lessees or authorized mine operators and all monies received by the state from its sale of production from federal mineral leases subject to the act of congress of February 25, 1920 (41 Stat. 437, 450; 30 U.S.C. §§ 181, 191) as amended, except as provided by subsection (b) of this section, shall be deposited into an account and the first two hundred million dollars (\$200,000,000.00) of revenues received in any fiscal year shall be distributed by the state treasurer as provided in this subsection. One percent (1%) of these revenues shall be credited to the general fund as an administrative fee, and the remainder shall be distributed as follows:

(ii) ~~Subject to paragraph (xi) of this section, Forty-four and eight-tenths percent (44.8%)~~ Forty-seven and

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one-half percent (47.5%) to the public school foundation program account subject to allocations under W.S. 9-4-605;

(b) The state treasurer shall ascertain and withhold all bonus payments received from the federal government attributable to coal, oil shale or geothermal leases of federal land within Wyoming and shall distribute it as follows:

(i) Fifty percent (50%), the first seven million five hundred thousand dollars (\$7,500,000.00) of which shall be distributed as follows, and any amount in excess of seven million five hundred thousand dollars (\$7,500,000.00) per year shall be deposited into the public school ~~capital construction account established under W.S. 21-15-111(a)(i), except for fiscal years 2019, 2021 and 2022 amounts in excess of seven million five hundred thousand dollars (\$7,500,000.00) per year shall be deposited to the school~~ foundation program reserve account: ~~created by W.S. 21-13-306.1.~~

(iv) And:

(A) Ten percent (10%) but not to exceed one million six hundred thousand dollars (\$1,600,000.00) per year, to a separate account which may be expended by the community college commission in accordance with and in addition to appropriations available under W.S. 21-18-205(c). Any amount in excess of one million six hundred thousand dollars (\$1,600,000.00) together with any unexpended revenues within the account at the end of any biennial budget period shall be credited to the public school ~~capital construction account established under W.S. 21-15-111(a)(i), except for fiscal years 2019, 2021 and 2022 these funds shall be deposited to the school~~

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foundation program ~~reserve~~ account ~~;~~ ~~created by W.S.~~
~~21-13-306.1;~~

(B) Forty percent (40%) to be deposited to the public school ~~capital construction account established under W.S. 21-15-111(a)(i), except for fiscal years 2019, 2021 and 2022 these funds shall be deposited to the school~~ foundation program ~~reserve~~ account ~~.~~ ~~created by W.S.~~
~~21-13-306.1.~~

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

(a) The public school foundation program account is established to consist of funds appropriated to, or designated to the account by law, or by gift from whatever source, for distribution to districts in accordance with ~~this article~~ law.

(b) Within the limits of legislative appropriation, if any, the resources of the public school foundation program account shall be paid into the state treasury and shall be drawn out and distributed to the districts in accordance with this article upon certification of the state superintendent and upon vouchers approved by the state auditor payable to the treasurer of the several districts.

21-13-311. Determination of amount to be distributed to each district from foundation account; undistributed balance; prohibition on expenditures.

(a) The amount of money which shall be distributed to each district in accordance with this article from the public school foundation program account shall be

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determined by subtracting the sum of the district revenues computed in accordance with W.S. 21-13-310 from the total amount of the foundation program computed in accordance with W.S. 21-13-309.

21-15-108. Revenue bonds for grants and loans; refunding revenue bonds.

(a) Before distribution to the public school ~~lands mineral royalties~~ foundation program account under W.S. 9-4-305(b), sufficient revenues for the purposes of this section shall be deducted therefrom and credited to a bond repayment account pursuant to the terms of the resolution, indenture or other appropriate proceeding authorizing the issuance of revenue bonds under this section. The revenues deducted shall be used as provided by this section. The balance of the revenues shall be credited to the public school ~~lands mineral royalties~~ foundation program account as provided under W.S. 9-4-305(b). After available revenues under W.S. 9-4-305(b) have been used, revenues under W.S. 21-13-301 shall also be credited, as necessary, to the bond repayment account and shall be used as provided by this section.

(d) Any bonds issued under this section shall:

(vii) Be additionally secured by a reserve fund created from revenues deposited within the public school ~~lands mineral royalties~~ foundation program account under W.S. 9-4-305(b) or from the proceeds of the bonds, or both, in an amount determined by the commission but not to exceed an amount equal to ten percent (10%) of the revenue bonds outstanding.

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21-15-109. Major building and facility repair and replacement payments; computation; square footage allowance; use of payment funds; accounting and reporting requirements.

(b) To the extent funds are available, the state construction department shall, based upon square footage computations computed from the prior school year, distribute the estimated major building and facility repair and replacement payments in quarterly installments to each school district from the public school ~~capital-construction~~ foundation program account. The department shall distribute the first quarterly payment on July 1 of each fiscal year, with the remaining payments distributed on October 1, January 2 and April 1. Payments shall be made as equal as reasonably possible. If funds within the account are not sufficient for any quarterly payment, the department shall reduce all district payments for that quarter by a uniform percentage. The department shall also increase or reduce a subsequent school district payment, as appropriate, in the event a school district receives an excessive or deficient distribution. Major building and facility repair and replacement payments shall be computed in accordance with subsection (c) of this section.

21-15-117. Annual evaluation of school buildings and facilities; remediation schedules; needs prioritization; combining facilities; implementation of remedy.

(d) In determining building and facility remedies under subsection (b) of this section, in developing criteria and procedures for site analysis under W.S. 21-15-114(a)(xii) and in approving district facility plans under W.S. 21-15-116 and otherwise administering this act, the commission shall adopt the remedy that is in the best

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financial and educational interests of the state, taking into consideration the recommendations of the department and the most efficient and cost effective approach in order to deliver quality educational services and address building and facility need. Expenditures from the public school foundation program account for school capital construction ~~account~~ shall be for necessary and related costs to implement efficient and cost effective building and facility remedies required to deliver quality educational services. In making determinations under this subsection, the commission shall take into consideration the effects of the proposed activity on the local community. The commission shall implement this subsection in carrying out building and facility remedies and shall, giving proper consideration to the prevention of unnecessary delays in proceeding with a remedy, establish a process to work with other political subdivisions of the state in implementing this subsection.

21-15-119. Commission budget and funding recommendations.

(a) Notwithstanding W.S. 9-2-1012, the commission shall annually, not later than September 1, develop and submit a recommended budget for projects and school capital construction financing to the governor, through the state budget department and to the select committee on school facilities. The department shall prepare and provide information as requested by the commission. The commission shall include with its recommended budget to the select committee the prioritized schedules of projects specified in W.S. 21-15-117 including the amounts allocated to each project and the annual building status report specified under W.S. 21-15-121. The recommended budget submitted by the commission shall include:

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(ii) Financing alternatives for funding the recommended budget, which uses any combination of the following financing alternatives:

(A) Direct payment from the public school ~~capital construction~~ foundation program account;

(C) Real property leasing under W.S. 21-15-112. Any payments for real property leasing shall be made from the public school ~~capital construction~~ foundation program account subject to W.S. 21-15-112. For the purpose of this section, real property leasing includes payments sufficient for the exercise of a purchase option under the lease.

21-15-120. Emergency facility needs.

(b) Upon a finding that an emergency exists under subsection (a) of this section, the commission shall in accordance with rules and regulations promulgated by the commission under this subsection and to the extent funds are available within the public school ~~capital construction~~ foundation program account or otherwise made available by the legislature, acquire facilities and equipment, undertake school building and facility repairs, fund additional operating expenses incurred in providing temporary measures and other responses to the emergency situation including necessary investigative and qualified contract assistance expenses incurred by the commission, as necessary to enable the district to provide educational programs required by law on a temporary basis until permanent action can be taken to address school building and facility adequacy.

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Section 2. For fiscal years 2023 and 2024, prior to the transfer of any funds required under W.S. 9-4-220.1 from the strategic investments and projects account to the Wyoming state penitentiary capital construction account, the state auditor shall first transfer any funds required under W.S. 9-4-220(b)(i) to the school major maintenance subaccount within the strategic investments and projects account.

Section 3. W.S. 9-4-224, 9-4-601(a)(vii) and 21-15-111(a)(i) are repealed.

Section 4. The state auditor shall transfer any unencumbered, unobligated funds in the school major maintenance subaccount within the strategic investments and projects account, the school lands mineral royalties account and the school capital construction account to the public school foundation program account. The transfers shall be made on the effective date of this act, subject to accrual accounting principles. Any funds that are directed by law to revert to the school major maintenance subaccount within the strategic investments and projects account, the school lands mineral royalties account or the school capital construction account shall revert to the public school foundation program account.

ORIGINAL SENATE
FILE NO. SF0066

ENGROSSED

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Section 5.

(a) Except as provided in subsection (b) of this section, this act is effective July 1, 2024.

(b) Sections 2 and 5 of this act are effective immediately upon completion of all acts necessary for a bill to become a law as provided by Article 4, Section 8 of this Wyoming Constitution.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk