

ENROLLED ACT NO. 77, HOUSE OF REPRESENTATIVES

SIXTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2025 GENERAL SESSION

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

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

Section 1. W.S. 1-39-103(a)(ix), 9-2-1013(d)(i), 9-2-2906(e)(v), 9-4-601(d)(iii), (v)(intro), (C), (vi), (k)(i), (m)(i), (n)(i) and (o)(i), 9-4-605(j), 11-25-304(d)(ii), 21-2-202(a)(xvii)(A), 21-4-501(d), 21-4-504, 21-7-601(m), 21-7-701(j), 21-12-105(d), 21-13-303(c), 21-13-312(a)(intro) and (i), 21-13-313(d) and (g), 21-13-316(a), 21-13-321(h), 21-13-336(a), 21-22-106(a)(intro), 35-21-102(a)(viii), 35-21-107(c), 39-13-109(c)(vi)(C) and 40-31-106(c)(iii) are amended to read:

1-39-103. Definitions.

(a) As used in this act:

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

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

(d) In addition to the items contained in subsection (a) of this section and notwithstanding any other recommendations made by the governor, the state budget shall also include the governor's recommendations for appropriations for the ensuing two (2) years, or if a

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supplemental budget request, the remainder of the budget period, subject to the following:

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

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

(e) The department shall provide the following services:

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

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

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

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

(v) From the amounts which would otherwise be distributed to the public school foundation program account under paragraph (iii) of this subsection, amounts shall be deposited to the excellence in higher education endowment fund and the Hathaway student scholarship endowment fund created by W.S. 9-4-204(u)(vi) and (vii) in accordance with and subject to the requirements of this paragraph. The amounts specified in this paragraph shall be reduced as the state treasurer determines necessary to ensure that as of July 1 of each fiscal year, there is an unobligated, unencumbered balance of one hundred million dollars (\$100,000,000.00) within the public school foundation program account. Distributions under this paragraph shall be as follows:

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

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

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(k) For the period beginning March 15, 2018 for fiscal years 2018, 2019 and 2020, any revenue received under subsection (a) of this section in excess of five hundred million dollars (\$500,000,000.00) shall be distributed as follows:

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

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

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

(n) For fiscal year 2023, any revenue received under subsection (a) of this section in excess of four hundred fifty-nine million dollars (\$459,000,000.00) and for fiscal year 2024, any revenue received under subsection (a) of this section in excess of four hundred twenty-nine million two hundred thousand dollars (\$429,200,000.00) shall be distributed as follows:

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

(o) For fiscal year 2025, any revenue received under subsection (a) of this section in excess of five hundred forty-nine million four hundred thousand dollars

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(\$549,400,000.00) and for fiscal year 2026, any revenue received under subsection (a) of this section in excess of five hundred thirty million two hundred thousand dollars (\$530,200,000.00) shall be distributed as follows:

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

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

(j) Unless otherwise specifically prohibited by law, all capital construction projects or acquisition of personal property within the projects for which funds are appropriated by the legislature may be constructed or acquired through the issuance of revenue bonds under this section. To the extent bonds are utilized, appropriations for those projects made by the legislature shall be transferred to the common school account provided by W.S. 9-4-310(a)(vii) and shall be invested separate and apart from pooled investments. Notwithstanding the provisions of W.S. 21-13-301, income and earnings from this investment shall be periodically credited to the public school foundation program account.

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

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

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provided by rule of the commission. The commission shall remit these monies to the state treasurer for deposit in the commission gaming account and for distribution of the tax as follows:

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

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

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

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

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

21-4-501. Payment of tuition for children resident in districts which maintain no high school; admission of children to high schools in other districts; state board approval for out-of-state placements; duties of admitting districts; tuition amount.

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

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

A school district admitting a pupil from a nonunified school district in the state under W.S. 21-4-501 or providing for the enrollment of a pupil in a school within a school district in another state under W.S. 21-4-505 shall, in accordance with rules and regulations of the state department, be reimbursed from the public school foundation program account for expenditures for maintaining that pupil in the admitting district for any length of time the pupil is required to reside in the admitting district. Reimbursement under this subsection shall be subject to and reported in accordance with rule and regulation of the state department and shall be administered as if the district's total foundation program amount computed under W.S. 21-13-309(p) is increased by the amount of the expenditure for maintenance during the preceding year for a school district admitting a pupil from a nonunified school district in the state under W.S. 21-4-501 and in the current school year for pupils attending a school in another state under W.S. 21-4-505.

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

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

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

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

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

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

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

(c) Between July 1 and July 10 of each year the state auditor and the state treasurer shall determine if the unobligated average daily general fund balance over the preceding fiscal year exceeds twenty percent (20%) of the amount of the general fund appropriations for the present biennium. If the unobligated average daily general fund balance exceeds twenty percent (20%) of the amount appropriated, the excess is appropriated and shall be transferred into the public school foundation program account as soon as possible. The auditor and treasurer shall immediately notify the state board of equalization of the amount to be transferred. Based on the current assessed

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valuation of the state, the board shall compute the estimated amount of revenue to be produced by a twelve (12) mill levy, subtract the amount transferred to the public school foundation program account and then compute the mill levy necessary to produce the difference. The board shall certify the recomputed mill levy to the county assessors to be levied and collected in lieu of the twelve (12) mill state levy for the next tax year.

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

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

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

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

(d) On or before August 15 of the succeeding fiscal year, each school district shall report the amount of revenue it received during the preceding fiscal year attributable to levies provided by W.S. 21-13-102(a)(i)(A)

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and (ii)(A) and 21-13-201 regardless of the assessment year, but not to include assessments from years prior to July 1, 1991. If those revenues reported are less than the revenues estimated under W.S. 21-13-310(a)(i) and (ii) for that fiscal year, as applicable, and if the district's total revenues computed under W.S. 21-13-310 for that fiscal year continue to be less than the total foundation program amount computed under W.S. 21-13-309, the school district shall be paid the difference by October 15 from the public school foundation program account. No amount in excess of the total foundation program amount computed for any district for that fiscal year shall be paid from the public school foundation program account for purposes of this subsection. Any amount paid under this subsection shall not thereafter be relevant to or used for future foundation program calculations. If those revenues reported are greater than the revenues estimated under W.S. 21-13-310(a)(i) and (ii) for that fiscal year, as applicable, the excess shall be included as revenues of the district under W.S. 21-13-310 in computing the foundation entitlement for the succeeding fiscal year.

(g) In addition to subsections (b) and (c) of this section, the state superintendent shall, for any district subject to W.S. 21-13-102(b) as determined by the department for any school year, or for any district not subject to W.S. 21-13-102(b) whose entitlement amount determined under W.S. 21-13-311(a) for any school year is equal to or less than twenty percent (20%) of the foundation program amount computed under W.S. 21-13-309(p), and upon demonstration by the district of financial need as documented by cash flow analysis, provide payments from the public school foundation program account in an amount not to exceed one-fifth (1/5) of the foundation program amount computed for that district for that school year in

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accordance with W.S. 21-13-309. The computed amount shall be paid to each eligible district on or before September 1 based upon tentative computations under W.S. 21-13-309, for which the department may use fiscal information available from foundation program computations for the previous school year in the manner provided under subsection (b) of this section. Any district receiving a payment under this subsection shall repay the public school foundation program account not later than December 15 of that school year.

21-13-316. Interfund borrowing.

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

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

(h) Beginning July 1, 2022, each school district with Medicaid eligible students receiving special education programs and services, as calculated by the department of education pursuant to subsection (j) of this section, may bill the department of health for the costs of any special education program and service covered under W.S.

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42-4-103(a)(xxxiv) through (xxxvi) provided to the district's students. The department of health shall provide payment to each eligible school district that has billed the department of health as soon as reasonably practical for the costs of approved services. By September 1 of each school year, each school district shall remit to the department of education all funds received during the prior school year from the department of health for billed services. The department of education shall remit all funds received under this subsection to the state treasurer for deposit in the public school foundation program account.

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

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

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

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

35-21-102. Definitions.

(a) As used in this act:

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

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

(c) Any law enforcement officer responding to a request for assistance under this act is immune from civil liability when complying with the request, providing provided that the officer acts in good faith and in a reasonable manner.

39-13-109. Taxpayer remedies.

(c) Refunds. The following shall apply:

(vi) Each county shall have the option to implement a county-optional property tax refund program

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that is in addition to the program established under paragraph (v) of this subsection, subject to the adoption of rules as required by subparagraph (H) of this paragraph. The following shall apply to a county-optional property tax refund program implemented under this paragraph:

(C) Except as provided in subparagraph (D) of this paragraph, any person in the participating county shall qualify for a refund in the amount specified under this paragraph if any ad valorem tax due upon the person's principal residence in the county for the preceding calendar year was timely paid and if the person's gross income including the total household income of which the person is a member does not exceed an amount as determined by the county, which shall not exceed one hundred sixty-five percent (165%) of the median gross household income for the county, as determined annually by the economic analysis division of the department of administration and information. As used in this subparagraph "gross income" shall have the same meaning as defined by department rules promulgated ~~under paragraph~~ under paragraph (v) of this subsection. Gross income shall be verified by federal income tax returns, which shall accompany the application for refund, if federal income tax returns were required and filed, or by whatever other means necessary as determined by the county through rules;

40-31-106. Wyoming stable token accounts.

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

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

Section 2. 2025 House Enrolled Act No. 54, Section 2 is amended to read:

Section 2. The livestock board shall report to the joint agriculture, state and public lands and water resources interim committee not later than September 30, 2025 regarding the status of the standard notification protocol required by W.S. 11-18-103(a)(xiii), as created by section 1 of this ~~section~~act. The report shall include suggestions for legislation that may be necessary to implement the protocol.

Section 3. W.S. 36-2-108(b)(xi)(E), as created by 2025 Senate Enrolled Act No. 62, is amended to read:

36-2-108. Appointment of state forester; qualifications; duties.

(b) The state forester shall:

(xi) Maintain wildland and forestry fire control programs including, but not limited to:

(E) Establishing standards and regulations for privately contracted private wildland fire resources operating in Wyoming. As used in this subparagraph, "privately contracted private wildland fire resources" includes services retained by insurers for prevention and suppression activities on insured properties.

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Section 4. 2025 Senate Enrolled Act No. 59, Section 4
is amended to read:

Section 4. During the 2025 interim, the management audit committee of the Wyoming legislature shall study this act and its relation to existing statutory provisions concerning the legislative role in the administrative rule review process. The management audit committee shall receive all assistance requested from the legislative service office and executive branch agencies while conducting the study required by this section. Not later than December 1, 2025, the management audit committee shall report to the management council on the conclusion of the study required by this section. The report shall include, but not necessarily be limited to, the appropriate legislative role in overseeing administrative rules and the regulatory impact thereof, the legislative staff required to assist the legislature in completing this role, which legislative body should oversee this role when the legislature is not in session and any statutory changes necessary to effectuate the findings in the report. The management audit committee or management council may sponsor legislation during the 2026 budget session to effectuate the findings of the report. Funding for legislative staff necessary to effectuate the findings of the report required by this section may be included in the ~~2025—~~2026 legislative appropriations bill.

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

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk