

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO.

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), 9-2-
10 2906(e)(v), 9-4-601(d)(iii), (v)(intro) and (C), (vi),
11 (k)(i), (m)(i), (n)(i) and (o)(i), 9-4-605(j), 11-25-
12 304(d)(ii), 21-2-202(a)(xvii)(A), 21-4-501(d), 21-4-504,
13 21-7-601(m), 21-7-701(j), 21-12-105(d), 21-13-303(c), 21-

1 13-312(a)(intro) and (i), 21-13-313(d) and (g), 21-13-
2 316(a), 21-13-321(h), 21-13-336(a), 21-22-106(a)(intro),
3 35-21-102(a)(viii), 35-21-107(c), 39-13-109(c)(vi)(C) and
4 40-31-106(c)(iii) are amended to read:

5

6 **1-39-103. Definitions.**

7

8 (a) As used in this act:

9

10 (ix) "This act" means W.S. 1-39-101 through ~~1-~~
11 ~~39-120-1-39-123.~~

12

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

16

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

1

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

8

9 *****
10 *****
11 STAFF COMMENT

12
13 Under W.S. 21-13-101(a)(ix), "Public school foundation
14 program account" and "foundation account" are defined to
15 mean "the account created by W.S. 21-13-306 for use in
16 financing education in public schools[.]"

17
18 The referenced statute, W.S. 21-13-306(a), provides that
19 "[t]he public school foundation program account is
20 established to consist of funds appropriated to, or
21 designated to the account by law, or by gift from whatever
22 source, for distribution to districts in accordance with
23 law."

24
25 This revisor's bill amends various statutes to make
26 references to the public school foundation program account
27 consistent.

28 *****
29 *****

30
31
32 9-2-2906. Office of the state chief information
33 officer and director; authority; duties of department.

34

1 (e) The department shall provide the following
2 services:

3

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

12

13 **9-4-601. Distribution and use; funds, accounts,**
14 **cities and towns benefited; exception for bonus payments.**

15

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

21

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

4
5 (v) From the amounts which would otherwise be
6 distributed to the public school foundation program account
7 under paragraph (iii) of this subsection, amounts shall be
8 deposited to the excellence in higher education endowment
9 fund and the Hathaway student scholarship endowment fund
10 created by W.S. 9-4-204(u)(vi) and (vii) in accordance with
11 and subject to the requirements of this paragraph. The
12 amounts specified in this paragraph shall be reduced as the
13 state treasurer determines necessary to ensure that as of
14 July 1 of each fiscal year, there is an unobligated,
15 unencumbered balance of one hundred million dollars
16 (\$100,000,000.00) within the public school foundation
17 program account. Distributions under this paragraph shall
18 be as follows:

19
20 (C) After the amounts specified in
21 subparagraphs (A) and (B) of this paragraph are deposited
22 to the appropriate fund, remaining funds shall be deposited
23 pursuant to paragraph (vi) of this subsection and then to

1 the public school foundation program account as provided in
2 paragraph (iii) of this subsection.

3

4 (vi) From the amounts which would otherwise be
5 distributed to the public school foundation program account
6 under paragraph (iii) of this subsection and paragraphs
7 (k)(i), (m)(i), (n)(i) and (o)(i) of this section, there is
8 annually appropriated to the common school permanent fund
9 reserve account the amount determined under W.S. 9-4-
10 719(g). The appropriation shall be credited to the account
11 as provided in W.S. 9-4-719(g);

12

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

18

19 (i) For fiscal years 2018 and 2019, two-thirds
20 (2/3) and for fiscal year 2020 one-half (1/2) to the public
21 school foundation program account; and

22

1 (m) For fiscal year 2021, any revenue received under
2 subsection (a) of this section in excess of four hundred
3 eighty-five million five hundred thousand dollars
4 (\$485,500,000.00) and for fiscal year 2022, any revenue
5 received under subsection (a) of this section in excess of
6 five hundred million eight hundred thousand dollars
7 (\$500,800,000.00) shall be distributed as follows:

8

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

11

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

19

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

22

1 (o) For fiscal year 2025, any revenue received under
2 subsection (a) of this section in excess of five hundred
3 forty-nine million four hundred thousand dollars
4 (\$549,400,000.00) and for fiscal year 2026, any revenue
5 received under subsection (a) of this section in excess of
6 five hundred thirty million two hundred thousand dollars
7 (\$530,200,000.00) shall be distributed as follows:

8

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

11

12 **9-4-605. Distribution and use; capital construction**
13 **projects and bonds; purposes.**

14

15 (j) Unless otherwise specifically prohibited by law,
16 all capital construction projects or acquisition of
17 personal property within the projects for which funds are
18 appropriated by the legislature may be constructed or
19 acquired through the issuance of revenue bonds under this
20 section. To the extent bonds are utilized, appropriations
21 for those projects made by the legislature shall be
22 transferred to the common school account provided by W.S.
23 9-4-310(a)(vii) and shall be invested separate and apart

1 from pooled investments. Notwithstanding the provisions of
2 W.S. 21-13-301, income and earnings from this investment
3 shall be periodically credited to the public school
4 foundation program account.

5

6 **11-25-304. Required permits and licenses; applicable**
7 **fees; tax imposition; taxation rate; distribution.**

8

9 (d) Taxes shall be calculated and paid on a weekly
10 basis based on the net proceeds earned during the prior
11 week on skill based amusement games. On a weekly basis, the
12 vendor shall remit to the commission an amount equivalent
13 to twenty percent (20%) of the net proceeds earned during
14 the prior week on the vendor's skill based amusement games.
15 The taxes imposed under this subsection may be prepaid as
16 provided by rule of the commission. The commission shall
17 remit these monies to the state treasurer for deposit in
18 the commission gaming account and for distribution of the
19 tax as follows:

20

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

23

1 **21-2-202. Duties of the state superintendent.**

2

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

5

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

7

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

12

13 **21-4-501. Payment of tuition for children resident in**
14 **districts which maintain no high school; admission of**
15 **children to high schools in other districts; state board**
16 **approval for out-of-state placements; duties of admitting**
17 **districts; tuition amount.**

18

19 (d) Subject to state board approval if an out-of-
20 state placement as required under subsection (a) of this
21 section, nonunified school districts shall be reimbursed
22 from the public school foundation program account for
23 tuition paid under subsection (a) of this section as if the

1 district's total foundation program amount for that year as
2 computed under W.S. 21-13-309(p) was increased by the
3 amount of the tuition paid during the preceding year.

4

5 **21-4-504. Cost of maintaining pupil attending school**
6 **outside district of residence.**

7

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

1 district in the state under W.S. 21-4-501 and in the
2 current school year for pupils attending a school in
3 another state under W.S. 21-4-505.

4

5 **21-7-601. Wyoming teacher shortage loan repayment**
6 **program; eligibility criteria; procedures; program**
7 **reporting.**

8

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

12

13 **21-7-701. Wyoming adjunct professor loan repayment**
14 **program; eligibility criteria; procedures; program**
15 **reporting.**

16

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

20

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

1

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

12

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

15

16 (c) Between July 1 and July 10 of each year the state
17 auditor and the state treasurer shall determine if the
18 unobligated average daily general fund balance over the
19 preceding fiscal year exceeds twenty percent (20%) of the
20 amount of the general fund appropriations for the present
21 biennium. If the unobligated average daily general fund
22 balance exceeds twenty percent (20%) of the amount
23 appropriated, the excess is appropriated and shall be

1 transferred into the public school foundation program
2 account as soon as possible. The auditor and treasurer
3 shall immediately notify the state board of equalization of
4 the amount to be transferred. Based on the current assessed
5 valuation of the state, the board shall compute the
6 estimated amount of revenue to be produced by a twelve (12)
7 mill levy, subtract the amount transferred to the public
8 school foundation program account and then compute the mill
9 levy necessary to produce the difference. The board shall
10 certify the recomputed mill levy to the county assessors to
11 be levied and collected in lieu of the twelve (12) mill
12 state levy for the next tax year.

13

14 **21-13-312. Prorating payments when income from**
15 **foundation account insufficient.**

16

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

23

1 (i) The state superintendent shall determine a
2 uniform percentage by which the amount guaranteed to each
3 district under W.S. 21-13-309 shall be reduced so that
4 available revenues in the foundation ~~program~~ account for
5 that school year are as nearly as possible equal to the
6 amount necessary to fund payments to districts under W.S.
7 21-13-313; and

8

9 **21-13-313. Distribution of funds from foundation**
10 **account; property tax and cash reserve adjustment;**
11 **regulations.**

12

13 (d) On or before August 15 of the succeeding fiscal
14 year, each school district shall report the amount of
15 revenue it received during the preceding fiscal year
16 attributable to levies provided by W.S. 21-13-102(a)(i)(A)
17 and (ii)(A) and 21-13-201 regardless of the assessment
18 year, but not to include assessments from years prior to
19 July 1, 1991. If those revenues reported are less than the
20 revenues estimated under W.S. 21-13-310(a)(i) and (ii) for
21 that fiscal year, as applicable, and if the district's
22 total revenues computed under W.S. 21-13-310 for that
23 fiscal year continue to be less than the total foundation

1 program amount computed under W.S. 21-13-309, the school
2 district shall be paid the difference by October 15 from
3 the public school foundation program account. No amount in
4 excess of the total foundation program amount computed for
5 any district for that fiscal year shall be paid from the
6 public school foundation program account for purposes of
7 this subsection. Any amount paid under this subsection
8 shall not thereafter be relevant to or used for future
9 foundation program calculations. If those revenues reported
10 are greater than the revenues estimated under W.S. 21-13-
11 310(a)(i) and (ii) for that fiscal year, as applicable, the
12 excess shall be included as revenues of the district under
13 W.S. 21-13-310 in computing the foundation entitlement for
14 the succeeding fiscal year.

15

16 (g) In addition to subsections (b) and (c) of this
17 section, the state superintendent shall, for any district
18 subject to W.S. 21-13-102(b) as determined by the
19 department for any school year, or for any district not
20 subject to W.S. 21-13-102(b) whose entitlement amount
21 determined under W.S. 21-13-311(a) for any school year is
22 equal to or less than twenty percent (20%) of the
23 foundation program amount computed under W.S. 21-13-309(p),

1 and upon demonstration by the district of financial need as
2 documented by cash flow analysis, provide payments from the
3 public school foundation program account in an amount not
4 to exceed one-fifth (1/5) of the foundation program amount
5 computed for that district for that school year in
6 accordance with W.S. 21-13-309. The computed amount shall
7 be paid to each eligible district on or before September 1
8 based upon tentative computations under W.S. 21-13-309, for
9 which the department may use fiscal information available
10 from foundation program computations for the previous
11 school year in the manner provided under subsection (b) of
12 this section. Any district receiving a payment under this
13 subsection shall repay the public school foundation program
14 account not later than December 15 of that school year.

15

16 **21-13-316. Interfund borrowing.**

17

18 (a) The state treasurer may utilize interfund loans
19 to the public school foundation program account to ensure
20 statutory payments are made when dedicated revenues are not
21 yet received. Interfund loans under this subsection may be
22 made from the legislative stabilization reserve account or,
23 to the extent insufficient funds exist in the legislative

1 stabilization reserve account, the common school account
2 within the permanent land fund. Any interfund loans
3 executed pursuant to this section shall be repaid in whole
4 or in part periodically as soon as public school foundation
5 program account revenues permit.

6

7 **21-13-321. Special education; amount provided for**
8 **special education programs and services; district reporting**
9 **requirements; billing for Medicaid authorized school based**
10 **services.**

11

12 (h) Beginning July 1, 2022, each school district with
13 Medicaid eligible students receiving special education
14 programs and services, as calculated by the department of
15 education pursuant to subsection (j) of this section, may
16 bill the department of health for the costs of any special
17 education program and service covered under W.S. 42-4-
18 103(a)(xxxiv) through (xxxvi) provided to the district's
19 students. The department of health shall provide payment to
20 each eligible school district that has billed the
21 department of health as soon as reasonably practical for
22 the costs of approved services. By September 1 of each
23 school year, each school district shall remit to the

1 department of education all funds received during the prior
2 school year from the department of health for billed
3 services. The department of education shall remit all funds
4 received under this subsection to the state treasurer for
5 deposit in the public school foundation program account.

6

7 **21-13-336. Education costs of children certified by**
8 **the department of health for treatment in psychiatric**
9 **residential treatment facilities.**

10

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

1 psychiatric residential treatment facility shall receive
2 funds for educational services under this section unless
3 certified by the department of health for purposes of
4 providing medical services and approved by the department
5 of education under the requirements of this section.

6

7 **21-22-106. Distribution of trust funds available to**
8 **public schools; innovative program grants; criteria.**

9

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

19

20 **35-21-102. Definitions.**

21

22 (a) As used in this act:

23

1 (viii) "This act" means W.S. 35-21-101 through
2 ~~35-21-111~~ 35-21-112.

3

4 **35-21-107. Emergency assistance by law enforcement**
5 **officers; limited liability.**

6

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

12

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

14

15 (c) Refunds. The following shall apply:

16

17 (vi) Each county shall have the option to
18 implement a county-optional property tax refund program
19 that is in addition to the program established under
20 paragraph (v) of this subsection, subject to the adoption
21 of rules as required by subparagraph (H) of this paragraph.
22 The following shall apply to a county-optional property tax
23 refund program implemented under this paragraph:

1

2

(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;

22

23

40-31-106. Wyoming stable token accounts.

1

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

7

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

11

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

13

14

(END)