

SENATE FILE NO. SF1003

Emergency budgeting-COVID-19-2.

Sponsored by: Management Council

A BILL

for

1 AN ACT relating to emergency budgeting for the expenses of  
2 government; temporarily amending the computation of school  
3 district operating balances and cash reserves; providing for  
4 carryover and reappropriation of certain funds as specified;  
5 authorizing the transfer of appropriations; authorizing a  
6 reduction in school district funding and providing for a  
7 corresponding appropriation; authorizing the use of federal  
8 funds; and providing for an effective date.

9

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

11

12 **Section 1.** W.S. 21-13-313(e) is amended to read:

13

14 **21-13-313. Distribution of funds from foundation**  
15 **account; property tax and cash reserve adjustment;**  
16 **regulations.**

1

2 (e) Except as provided under this subsection, not later  
3 than January 31 of each fiscal year, the department shall  
4 compute the amount by which each district's operating balance  
5 and cash reserves at the end of the preceding fiscal year  
6 exceed fifteen percent (15%) of the total foundation program  
7 amount computed under W.S. 21-13-309 for the preceding fiscal  
8 year. For fiscal year 2020-2021, the department shall compute  
9 the amount by which each district's operating balance and  
10 cash reserves at the end of the preceding fiscal year exceed  
11 twenty-five percent (25%) of the total foundation program  
12 amount computed under W.S. 21-13-309 for the preceding fiscal  
13 year. Between May 18, 2020 and June 30, 2020 no school  
14 district shall expend or transfer any of its operating balance  
15 or cash reserves for purposes other than to comply with the  
16 state uniform educational program standards imposed under  
17 W.S. 21-9-101 and 21-9-102 and the uniform state student  
18 content and performance standards prescribed by the state  
19 board of education under W.S. 21-2-304(a)(iii). If a district  
20 expends or transfers any portion of its operating balance or  
21 cash reserves between May 18, 2020 and June 30, 2020 for any  
22 purpose other than to comply with the state uniform  
23 educational program standards imposed under W.S. 21-9-101 and

1 21-9-102 and the uniform state student content and  
2 performance standards prescribed by the state board of  
3 education under W.S. 21-2-304(a)(iii), that portion shall be  
4 deemed a state revenue during fiscal year 2020-2021 under  
5 this subsection. In making this calculation, the entire  
6 operating balance and cash reserves for each district for the  
7 fiscal year ending June 30, 1997, as computed by the  
8 department, shall be separately accounted for and excluded,  
9 until it has been completely expended by the district.  
10 Revenues from settlements of protested amounts attributable  
11 to levies assessed under W.S. 21-13-102(a)(i)(A) and (ii)(A)  
12 and 21-13-201, regardless of the assessment year, shall be  
13 accounted for and excluded from the calculation under this  
14 subsection for a period of not more than one (1) year  
15 following that fiscal year in which the revenue was received  
16 by a district, as verified in writing by the district and  
17 certified by the county treasurer. Except as otherwise  
18 provided in 1997 Special Session Laws, chapter 3, section  
19 306(e), as amended, and except as excluded under this  
20 subsection, that excess shall be deemed to be a state revenue  
21 under W.S. 21-13-310(a) for the purpose of determining  
22 distributions under W.S. 21-13-311 and amounts to be rebated  
23 under W.S. 21-13-102. The department shall promulgate rules,

1 including reporting requirements and procedures for  
2 districts, to implement this subsection. As used in this  
3 section, "operating balance and cash reserves" means those  
4 financial resources of the district which are not encumbered  
5 by the district board of trustees for expenditure to meet an  
6 existing legal obligation or otherwise restricted by law or  
7 regulation for expenditure on specific educational  
8 programs. For purposes of this subsection, any balance  
9 within a district's separate account established under W.S.  
10 21-15-109(e) for major building and facility repair and  
11 replacement shall be deemed restricted by law for expenditure  
12 as provided by W.S. 21-15-109(e) and shall not be considered  
13 an operating balance and cash reserve under this section.

14

15 **Section 2.** 2020 Wyoming Session Laws, Chapter 80,  
16 Section 305(a) by creating a new paragraph (iv), (b) and (c)  
17 is amended to read:

18

19 **Section 305.**

20

21 (a) Notwithstanding W.S. 9-2-1005(a) and  
22 (c), the governor is authorized to transfer:

23

1           (iv) In addition to the authority  
2           granted under paragraphs (i) through (iii) of this  
3           subsection and 2018 Wyoming Session Laws, Chapter  
4           134, Section 305(a), for the period beginning with  
5           the effective date of this paragraph and ending  
6           December 30, 2020:

7  
8           (A) Between programs within any  
9           executive branch agency, excluding the University  
10          of Wyoming, fifty percent (50%) of the total  
11          appropriation for the agency when determined by the  
12          governor as beneficial or necessary for the state  
13          to respond to the public health emergency and the  
14          impacts caused by COVID-19, including to conserve  
15          or reallocate prior appropriations;

16  
17          (B) Between executive branch  
18          agencies, twenty-five percent (25%) of the total  
19          appropriation for the agency from which the funds  
20          are transferred when determined by the governor as  
21          beneficial or necessary for the state to respond to  
22          the public health emergency and the impacts caused  
23          by COVID-19, including to conserve or reallocate

1 prior appropriations. Transfers authorized under  
2 this subparagraph may include additions to any of  
3 the following active capital construction projects:

4  
5 (I) The Casper state office  
6 building;

7  
8 (II) The Wyoming life  
9 resource center;

10  
11 (III) The Wyoming state  
12 hospital.

13  
14 (C) This paragraph is effective  
15 immediately.

16  
17 (b) All transfers authorized under this  
18 section shall be approved by the governor and  
19 reported to the joint appropriations committee  
20 through the B-11 process as authorized by W.S.  
21 9-2-1005(b)(ii) and reported pursuant to W.S.  
22 9-2-1013(b). The transfers authorized by paragraph  
23 (a)(iv) of this section shall be separately tracked

1       and reported for purposes of determining total  
2       amounts transferred under that authority.

3  
4           (c) Except as provided in paragraph (a)(iv)  
5       of this section, the authority granted under this  
6       section is effective for the period beginning July  
7       1, 2020 and ending June 30, 2022.

8

9       **Section 3.**

10

11       (a) After all transfers and reappropriations authorized  
12       under 2020 Wyoming Session Laws, Chapter 80, Sections 303 and  
13       312 are complete and notwithstanding W.S. 9-2-1008,  
14       9-2-1012(e) and 9-4-207, twenty-five percent (25%) of the  
15       unexpended, unobligated monies appropriated from the general  
16       fund to any governmental unit or branch of government  
17       receiving an appropriation under 2018 Wyoming Session Laws,  
18       Chapter 134, as amended by 2019 Wyoming Session Laws, Chapter  
19       80, shall not revert on June 30, 2020 and are hereby  
20       reappropriated to the governmental unit or branch of  
21       government receiving the appropriation for purposes of  
22       funding a budget shortfall or structural budget deficit  
23       during the period beginning July 1, 2020 and ending June 30,

1 2022. Not later than October 15, 2020, the state auditor  
2 shall report to the legislature the amount of general funds  
3 that did not revert under this subsection, by governmental  
4 unit or branch of government.

5  
6 (b) Any unexpended, unobligated funds remaining from  
7 the appropriations for capital construction projects under  
8 2018 Wyoming Session Laws, Chapter 136, Section 4(a)(i), as  
9 amended by 2019 Wyoming Session Laws, Chapter 205, Section 2  
10 that would otherwise revert to the accounts from which they  
11 were appropriated during the period beginning with the  
12 effective date of this act and ending December 30, 2020, are  
13 hereby reappropriated for active capital construction  
14 projects receiving prior appropriations from the general fund  
15 or strategic investments and projects account as approved by  
16 the state building commission.

17  
18 **Section 4.**

19  
20 (a) For school year 2020-2021, the governor may reduce  
21 each school district's amount calculated under W.S.  
22 21-13-309(p) by a uniform percentage, up to the percentage  
23 the school foundation program amount as defined under W.S.



1 21-13-101(a)(v) is derived from non-constitutionally  
2 obligated sources for school year 2020-2021, including the  
3 legislative stabilization reserve account, federal mineral  
4 royalties and motor vehicle licensing and registration. If  
5 the governor makes a reduction under this subsection, the  
6 reduction may be made in an amount to meet the following  
7 goals, as prioritized by the governor:

8

9 (i) To meet the purposes specified in subsection  
10 (b) of this section; and

11

12 (ii) To continue to allow each school district to  
13 be able to provide classroom instruction in compliance with  
14 state educational requirements, while reducing unnecessary  
15 administrative funding.

16

17 (b) An amount of funds corresponding to the reduction  
18 made under subsection (a) of this section is appropriated to  
19 the governor from the school foundation program account for  
20 purposes of administering state government. This  
21 appropriation is for the period from July 1, 2020 to June 30,  
22 2022. This appropriation shall not be transferred or expended  
23 for any other purpose and any unexpended, unobligated funds

1 remaining from this appropriation shall revert to the school  
2 foundation program account on June 30, 2022.

3

4 (c) To the extent that funds are available and are  
5 allowable expenditures from federal funds provided to the  
6 state for COVID-19 related purposes including from the  
7 Coronavirus Aid, Relief and Economic Security (CARES) Act,  
8 P.L. 116-136, or other similarly purposed federal act, the  
9 governor may use those funds to replace any funds reduced or  
10 transferred under this section. No replacement of funds shall  
11 be made under this section except in accordance with federal  
12 laws, regulations and orders.

13

14 (d) By June 1, 2020, the governor shall determine any  
15 reduction made pursuant to subsection (a) of this section.  
16 The governor shall report the amount of the reduction in  
17 writing to the state superintendent and the joint  
18 appropriations committee.

19

1           **Section 5.** This act is effective immediately upon  
2 completion of all acts necessary for a bill to become law as  
3 provided by Article 4, Section 8 of the Wyoming Constitution.

4

5

(END)