

SENATE FILE NO. SF0054

School finance-rebated recapture.

Sponsored by: Management Council

A BILL

for

1 AN ACT relating to school finance; repealing statutory
2 provisions pertaining to maximum recapture in conformance
3 with constitutional provisions; specifying legislative
4 intent and application; imposing district budget and
5 reporting requirements; and providing for an effective
6 date.

7

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

9

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

11

12 **21-13-313. Distribution of funds from foundation**
13 **account; property tax and cash reserve adjustment;**
14 **regulations.**

15

16 (g) In addition to subsections (b) and (c) of this
17 section, the state superintendent shall for any district

1 subject to W.S. 21-13-102(b) as determined by the
2 department for any school year, provide payments from the
3 school foundation program account in an amount equal to
4 one-third (1/3) of the foundation program amount computed
5 for that district for that school year in accordance with
6 W.S. 21-13-309. The computed amount shall be paid to each
7 eligible district on August 15 based upon tentative
8 computations under W.S. 21-13-309, for which the department
9 may use fiscal information available from foundation
10 program computations for the previous school year in the
11 manner provided under subsection (b) of this section. ~~The~~
12 ~~amount computed under this subsection shall be reduced by~~
13 ~~any recapture revenues of a district which exceed~~
14 ~~limitations imposed under W.S. 21-13-102(c), as established~~
15 ~~by the department for that district for the prior school~~
16 ~~year.~~ Any district receiving a payment under this
17 subsection shall repay the foundation program account fifty
18 percent (50%) of the amount received on or before January
19 31 of the school year in which received, and shall repay
20 the remaining fifty percent (50%) by June 15 of that school
21 year.

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23 **Section 2.** W.S. 21-13-102(c) and 2006 Wyoming Session
24 Laws, Chapter 37, Section 6(b) are repealed.

1

2

Section 3.

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4 (a) By adopting this act, the legislature clarifies
5 application of the 2006 amendment to Article 15, Section 17
6 of the Wyoming Constitution, as adopted by the Wyoming
7 electorate, certified by the state canvassing board and
8 proclaimed adopted by the governor in accordance with W.S.
9 22-20-108. It is the understanding and intent of the
10 legislature that at the time the 2006 amendment to Wyoming
11 Constitution, Article 15, Section 17 was certified and
12 proclaimed adopted, W.S. 21-13-102(c), 2006 Wyoming Session
13 Laws, Chapter 37, Section 6(b) and the provision within
14 W.S. 21-13-313(g) repealed by section 1 of this act were
15 all superseded and effectively repealed by such adoption.

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17 (b) By adopting this act, the legislature further
18 intends to clarify that sections 1 and 2 of this act apply
19 to school district revenues for school year 2006-2007 and
20 each school year thereafter. Revenues which would have
21 been subject to W.S. 21-13-102(c) but for adoption of the
22 amendment to Article 15, Section 17 of the Wyoming
23 Constitution as specified under subsection (a) of this
24 section are not and were not available for school district

1 budgeting and were not subject to provisions under W.S.
2 16-4-101 through 16-4-124 and 21-3-110(a)(vi) pertaining to
3 school district budgeting procedures. Each school district
4 which in any manner used such revenues for budgeting
5 purposes shall accordingly adjust its district budget for
6 school years 2006-2007 and 2007-2008, and report budget
7 adjustments and district revenue impacts to the department
8 of education. Reports required under this subsection shall
9 be filed with the department not later than June 15, 2008,
10 and on or before July 1, 2008, the department shall compile
11 reports and submit the compilation to members of the joint
12 appropriations interim committee and the joint education
13 interim committee.

14

15 **Section 4.** This act is effective immediately upon
16 completion of all acts necessary for a bill to become law
17 as provided by Article 4, Section 8 of the Wyoming
18 Constitution.

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(END)