

ORIGINAL SENATE
FILE NO. 0054

ENROLLED ACT NO. 36, SENATE

FIFTY-NINTH LEGISLATURE OF THE STATE OF WYOMING
2008 BUDGET SESSION

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

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

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

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

(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, provide payments from the school foundation program account in an amount equal to one-third (1/3) of the foundation program amount computed for that district for that school year in accordance with W.S. 21-13-309. The computed amount shall be paid to each eligible district on August 15 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. ~~The amount computed under this subsection shall be reduced by any recapture revenues of a district which exceed limitations imposed under W.S. 21-13-102(c), as established by the department for that district for the prior school year.~~ Any district receiving a payment under this subsection shall repay the foundation program account fifty percent (50%) of the amount received on or before January

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31 of the school year in which received, and shall repay the remaining fifty percent (50%) by June 15 of that school year.

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 W.S. 21-13-102(c) and 2006 Wyoming Session Laws, Chapter 37, Section 6(b) are repealed.

Section 3.

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W.S. 21-13-102(c), 2006 Wyoming Session Laws, Chapter 37, Section 6(b) and the provision within W.S. 21-13-313(g) repealed by section 1 of this act were all superseded and effectively repealed by such adoption.

(b) By adopting this act, the legislature further intends to clarify that sections 1 and 2 of this act apply to school district revenues for school year 2006-2007 and each school year thereafter. Revenues which would have been subject to W.S. 21-13-102(c) but for adoption of the amendment to Article 15, Section 17 of the Wyoming Constitution as specified under subsection (a) of this section are not and were not available for school district budgeting and were not subject to provisions under W.S. 16-4-101 through 16-4-124 and 21-3-110(a)(vi) pertaining to school district budgeting procedures. Each school district which in any manner used such revenues for budgeting purposes shall accordingly file with the department of education for school years 2006-2007 and 2007-2008 a report

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detailing such revenues and any associated expenses. Reports required under this subsection shall be filed with the department not later than June 15, 2008, and on or before July 1, 2008, the department shall compile reports and submit the compilation to members of the joint appropriations interim committee and the joint education interim committee.

Section 4. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the 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