

SENATE FILE NO. SF0046

School finance-recapture-2.

Sponsored by: Joint Education Interim Committee

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 payment during
4 transition; exempting specified encumbrances; and providing
5 for an effective date.

6

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

8

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

10

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

14

15 (g) In addition to subsections (b) and (c) of this
16 section, the state superintendent shall for any district
17 subject to W.S. 21-13-102(b) as determined by the

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

21

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23 Laws, Chapter 37, Section 6(b) are repealed.

24

1 **Section 3.**

2

3 (a) Except as provided under subsection (b) of this
4 section, each school district shall rebate to the
5 department of education any revenues subject to recapture
6 under W.S. 21-13-102(b) for fiscal year 2006-2007,
7 including revenues exceeding the maximum allowable amount
8 as computed under W.S. 21-13-102(c) and in effect prior to
9 November 15, 2006. Recapture payments under this
10 subsection shall be made to the department on June 15,
11 2007.

12

13 (b) Subsection (a) of this section shall not
14 interfere with any contractual obligations entered into by
15 any district subject to subsection (a) of this section
16 encumbered as of January 1, 2007, and as approved by the
17 department. Each district subject to this subsection shall
18 on or before April 1, 2007, file with the department the
19 amount of encumbrances existing as of January 1, 2007,
20 together with documentation verifying the encumbered
21 amount. If encumbered under this subsection for a capital
22 construction project, the amount of encumbrance shall not
23 exceed one hundred ten percent (110%) of the initially
24 estimated capital construction project cost, as approved by

1 the department, with the additional ten percent (10%)
2 retained for a contingency fund. Any encumbered funds
3 retained within the contingency fund that are not expended
4 shall revert to the school foundation program account.

5
6 (c) Notwithstanding W.S. 21-13-102(e) and
7 21-13-313(c), but subject to subsection (b) of this
8 section, and not later than May 1, 2007, the department
9 shall certify to each district subject to subsection (a) of
10 this section the amount of recapture for fiscal year 2006-
11 2007 to be remitted to the state under this section. The
12 amount shall be based upon state assessed valuations
13 certified on August 10, 2006, under W.S. 39-11-102.1(c)(v).

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.

19

20

(END)