

SENATE FILE NO. SF0156

Expenditure of state funds on K-12 public schools.

Sponsored by: Senator(s) Driskill, Dockstader and Smith, D  
and Representative(s) Allemand, Angelos,  
Bear, Neiman and Wharff

A BILL

for

1 AN ACT relating to K-12 public school facilities;  
2 prohibiting expenditure of state funds generated by the  
3 foundation program on capital construction; prohibiting  
4 expenditure of major maintenance funds on enhancements;  
5 making conforming amendments; and providing for an  
6 effective date.

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

9

10 **Section 1.** W.S. 21-13-307 by creating a new  
11 subsection (c), 21-13-504 and 21-15-109(f) are amended to  
12 read:

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14 **21-13-307. Eligibility to share in distribution of**  
15 **money from foundation account; mandatory financial**

1 reporting; prohibition of spending foundation program funds  
2 on capital construction.

3  
4 (c) In no event shall any school district transfer or  
5 expend any funds generated by the foundation program,  
6 defined under W.S. 21-13-101(a)(v), including but not  
7 limited to local revenues collected under W.S. 21-13-310  
8 and amounts paid to the school district for the purpose of  
9 funding operational expenses under this chapter, for major  
10 building and facility repair or replacement, defined under  
11 W.S. 21-15-109(a)(iii), or for a project, defined under  
12 W.S. 21-15-111(a)(iv), for any educational building, office  
13 building, portable building, teacherage or warehouse  
14 building, defined under W.S. 21-15-109(a).

15  
16 **21-13-504. Special reserve fund.**

17  
18 (a) Except as prohibited under subsection (b) of this  
19 section, the board of trustees of each Wyoming school  
20 district may create a special reserve fund of a specified  
21 amount, for the purpose of purchasing or replacing  
22 specified equipment or a depreciation reserve for equipment  
23 and school building repair. The board may annually include

1 in its budget for the ensuing fiscal year, the amount so  
2 designated, as a special fund, expendable only for the  
3 purposes stated and segregated as such, from general and  
4 other special school funds, disbursements therefrom to be  
5 made from time to time by the school clerk's warrants drawn  
6 against said special fund, as duly ordered by said board;  
7 provided, that said amount so specially budgeted for any  
8 fiscal year shall not exceed ten percent (10%) of the total  
9 amount budgeted for the same year; and further provided,  
10 that any difference in the amount so specially budgeted for  
11 any such year and the amount expended from said fund during  
12 such year, may be retained in and carried over as a part of  
13 the special reserve fund.

14

15 (b) In no event shall any funds generated by the  
16 foundation program, defined under W.S. 21-13-101(a)(v),  
17 that are transferred to a special reserve fund be expended  
18 by the board of trustees of a school district for major  
19 building and facility repair or replacement, defined under  
20 W.S. 21-15-109(a)(iii), or for a project, defined under  
21 W.S. 21-15-111(a)(iv), for any educational building, office  
22 building, portable building, teacherage or warehouse  
23 building, defined under W.S. 21-15-109(a).

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2           **21-15-109. Major building and facility repair and**  
3 **replacement payments; computation; square footage**  
4 **allowance; use of payment funds; accounting and reporting**  
5 **requirements.**

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7           (f) Notwithstanding subsection (e) of this section, a  
8 district may expend up to ten percent (10%) of the amount  
9 distributed during any school year under subsection (b) of  
10 this section for major building and facility repair and  
11 replacement needs of the district which are not specified  
12 in the district's facility plan, ~~including~~ excluding  
13 expenditures for maintenance of district enhancements. In  
14 no event shall funds distributed under this section be  
15 expended by districts on maintenance of district  
16 enhancements. Expenditures shall be made under this  
17 subsection only after the district's building and facility  
18 repair and replacement needs specified in its facility plan  
19 have been addressed in accordance with subsection (e) of  
20 this section and the department has approved the district's  
21 proposed expenditures under this subsection. Amounts not  
22 expended for purposes of this subsection during any school  
23 year may be accumulated by a district and earmarked within

1 the separate account established under subsection (e) of  
2 this section for expenditure under this subsection in  
3 subsequent school years, provided the unexpended amount  
4 during any school year to be accumulated does not exceed  
5 ten percent (10%) of the amount distributed to the district  
6 under subsection (b) of this section for that school year.  
7 Each district shall include expenditures under this  
8 subsection and any amounts accumulated from year-to-year  
9 under this subsection within the annual report required  
10 under subsection (e) of this section. Nothing in this  
11 subsection shall prohibit or limit the application of  
12 subparagraph (c)(i)(D) of this section in computing a  
13 district's building and facility gross square footage for  
14 purposes of determining payment amounts under this section.  
15 If any school district exceeds expenditure limitations  
16 prescribed by this subsection or fails to comply with  
17 expenditure levels for facility adequacy needs identified  
18 within its facility plan, the payments for that district in  
19 the immediately succeeding year shall be reduced by the  
20 excess expenditure amount including any excess expenditure  
21 of amounts accumulated under this subsection.  
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1           **Section 2.** This act is effective immediately upon  
2 completion of all acts necessary for a bill to become law  
3 as provided by Article 4, Section 8 of the Wyoming  
4 Constitution.

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(END)