

WORKING DRAFT

HOUSE BILL NO. _____

School finance-recapture.

Sponsored by: HDRAFT

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 application
4 during transition; and providing for effective dates.

5

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

7

8 **Section 1.** W.S. 21-13-102(c) and 21-13-313(g) are
9 amended to read:

10

11 **21-13-102. Maximum rate of school district tax;**
12 **recapture of excess; equalization of permissive levies.**

13

14 ~~(c) The revenue to be rebated under subsection (b) of~~
15 ~~this section shall not exceed seventy-five percent (75%) of~~

1 ~~the difference between the revenue received by a school~~
2 ~~district from the mandatory levies per average daily~~
3 ~~membership provided by subsection (a) of this section and~~
4 ~~the statewide revenue per average daily membership from~~
5 ~~twenty-five (25) mills, multiplied by the average daily~~
6 ~~membership of the school district. Annually, on or before~~
7 ~~July 15, the department using average daily memberships and~~
8 ~~assessed valuations from the preceding fiscal year, shall~~
9 ~~compute maximum recapture under this subsection for each~~
10 ~~district and the final amount of recapture computed under~~
11 ~~subsection (b) of this section for the preceding fiscal~~
12 ~~year. If any district rebated more revenue to the state~~
13 ~~during the preceding fiscal year than the maximum computed,~~
14 ~~or than the amount to be rebated under subsection (b) of~~
15 ~~this section as computed using actual data from the~~
16 ~~preceding fiscal year, the department shall rebate the~~
17 ~~excess to the district. If any district rebated less~~
18 ~~revenue to the state during the preceding fiscal year than~~
19 ~~the amount to be rebated under subsection (b) of this~~
20 ~~section, as computed using actual data from the preceding~~
21 ~~fiscal year, the district shall rebate the difference to~~
22 ~~the state.~~

23

1 **21-13-313. Distribution of funds from foundation**
2 **account; property tax and cash reserve adjustment;**
3 **regulations.**

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

1 31 of the school year in which received, and shall repay
2 the remaining fifty percent (50%) by June 15 of that school
3 year.

4

5 **Section 2.** 2006 Wyoming Session Laws, Chapter 37,
6 Section 6(b) is amended to read:

7

8 **Section 6.** [HOLD HARMLESS]

9

10 ~~(b) Notwithstanding subsection (a) of this section,~~
11 ~~this section shall not apply to any district subject to~~
12 ~~recapture under W.S. 21-13-102(b) whose recapture revenues~~
13 ~~exceed limitations imposed under W.S. 21-13-102(c), as~~
14 ~~established by the department for that district.~~

15

16 **Section 3.** W.S. 21-13-102(c) and 2006 Wyoming Session
17 Laws, Chapter 37, Section 6(b) are repealed.

18

19 **Section 4.**

20

21 (a) Notwithstanding sections 1 through 3 of this act,
22 the department of education shall rebate to school
23 districts any recapture payments made by districts which
24 exceed the maximum amount allowable under W.S.

1 21-13-102(c), as in effect prior to July 1, 2007, and which
2 were made by the districts during fiscal year 2006-2007.
3 The maximum recapture amount shall be based upon fiscal
4 year 2005-2006 actual data. Rebated amounts authorized
5 under this subsection shall be paid by the department on or
6 before July 1, 2007.

7
8 (b) Fiscal year 2006-2007 rebated amounts pursuant to
9 subsection (a) of this section shall be accounted for and
10 excluded from the calculation of operating balance and cash
11 reserves under W.S. 21-13-313(e) for purposes of
12 determining fiscal year 2007-2008 foundation program
13 payments under W.S. 21-13-311 and recapture under W.S.
14 21-13-102. This subsection shall apply to fiscal year
15 2007-2008 computations only and shall not apply to fiscal
16 year 2008-2009 and each fiscal year thereafter.

17

18 **Section 5.**

19

20 (a) Except as provided by subsection (b) of this
21 section, this act is effective July 1, 2007.

22

23 (b) Notwithstanding subsection (a) of this section,
24 section 4 of this act is effective immediately upon

1 completion of all acts necessary for a bill to become law
2 as provided by Article 4, Section 8 of the Wyoming
3 Constitution.

4

5

(END)