HOUSE BILL NO. [BILL NUMBER]

School funding revenue.

Sponsored by: Joint Revenue Interim Committee

A BILL

for

AN ACT relating to school finance; providing additional mills for school funding as specified; and providing for an effective date.

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

Section 1. W.S. 21-13-102(a)(intro), (i) by creating a new subparagraph (F) and (ii) by creating a new subparagraph (G), 21-13-310(a)(ii) and 21-13-313(d) are amended to read:

21-13-102. Rate of school district tax; recapture of excess; equalization of permissive levies.
(a) Except as otherwise provided by law, the maximum rate of school district tax that may be levied for all school purposes, and exclusive of bond interest and redemption, for any school district in any school year on each dollar of assessed valuation within the school district is as follows:

(i) In a unified school district:

(F) In addition to subparagraph (A) of this paragraph, mills shall be assessed on industrial property as provided in W.S. 39-11-101(a)(xvii)(B) and all other property classes as provided in W.S. 39-11-101(a)(xvii)(C) for combined elementary, junior high and high school purposes as follows:

(I) Three (3) mills for the tax year beginning January 1, 2021;

(II) Six (6) mills for the tax year beginning January 1, 2022;
(III) Nine (9) mills for the tax year beginning January 1, 2023 and each year thereafter.

(ii) In any nonunified school district consisting of kindergarten through grade eight (8):

(G) In addition to subparagraph (A) of this paragraph, mills shall be assessed on industrial property as provided in W.S. 39-11-101(a)(xvii)(B) and all other property classes as provided in W.S. 39-11-101(a)(xvii)(C) for school purposes as follows:

(I) Three (3) mills for the tax year beginning January 1, 2021;

(II) Six (6) mills for the tax year beginning January 1, 2022;

(III) Nine (9) mills for the tax year beginning January 1, 2023 and each year thereafter.

(a) To ensure revenues available to each district are uniformly sufficient to enable compliance with the uniform standards for educational programs prescribed under W.S. 21-9-101 and 21-9-102 and to secure state board accreditation of educational programs under W.S. 21-2-304(a)(ii), the revenues specified under this subsection shall be deemed state revenues and shall be considered in determining the amount to be distributed to each district under W.S. 21-13-311. A district shall make an annual computation of the following revenues:

(ii) The required local tax effort in the current school year for the assessment and levy of school taxes by the district according to the following schedule:

(A) Any district actually and physically operating a school within the boundaries of the district offering instruction in kindergarten through grade twelve (12), the amount of revenue collections to be received during the school year under the twenty-five (25) mill local district levy pursuant to W.S. 21-13-102(a)(i) as certified on August 10 under W.S. 39-11-102.1(c)(v) for that school year;
(B) Any nonunified district actually and physically operating a school within the boundaries of the district offering instruction in kindergarten through grade eight (8), the amount of revenue collections to be received during the school year under the number of mills levied pursuant to W.S. 21-13-102(a)(i)(A)–21-13-102(a)(ii), as certified on August 10 under W.S. 39-11-102.1(c)(v) for that school year.

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

(d) On or before August 15 of the succeeding fiscal year, each school district shall report the amount of revenue it received during the preceding fiscal year attributable to levies provided by W.S. 21-13-102(a)(i)(A) and (ii)(A)–21-13-102(a)(i) and (ii) and 21-13-201 regardless of the assessment year, but not to include assessments from years prior to July 1, 1991. If those revenues reported are less than the revenues estimated under W.S. 21-13-310(a)(i) and (ii) for that fiscal year,
as applicable, and if the district's total revenues computed under W.S. 21-13-310 for that fiscal year continue to be less than the total foundation program amount computed under W.S. 21-13-309, the school district shall be paid the difference by October 15 from the foundation program account. No amount in excess of the total foundation program amount computed for any district for that fiscal year shall be paid from the foundation program account for purposes of this subsection. Any amount paid under this subsection shall not thereafter be relevant to or used for future foundation program calculations. If those revenues reported are greater than the revenues estimated under W.S. 21-13-310(a)(i) and (ii) for that fiscal year, as applicable, the excess shall be included as revenues of the district under W.S. 21-13-310 in computing the foundation entitlement for the succeeding fiscal year.

(e) Not later than January 31 of each fiscal year, the department shall compute the amount by which each district's operating balance and cash reserves at the end of the preceding fiscal year exceed fifteen percent (15%) of the total foundation program amount computed under W.S. 21-13-309 for the preceding fiscal year. In making this
calculation, the entire operating balance and cash reserves
for each district for the fiscal year ending June 30, 1997,
as computed by the department, shall be separately
accounted for and excluded, until it has been completely
expended by the district. Revenues from settlements of
protested amounts attributable to levies assessed under
W.S. 21-13-102(a)(i)(A) and (ii)(A) 21-13-102(a)(i) and
(ii) and 21-13-201, regardless of the assessment year,
shall be accounted for and excluded from the calculation
under this subsection for a period of not more than one (1)
year following that fiscal year in which the revenue was
received by a district, as verified in writing by the
district and certified by the county treasurer. Except as
otherwise provided in 1997 Special Session Laws, chapter 3,
section 306(e), as amended, and except as excluded under
this subsection, that excess shall be deemed to be a state
revenue under W.S. 21-13-310(a) for the purpose of
determining distributions under W.S. 21-13-311 and amounts
to be rebated under W.S. 21-13-102. The department shall
promulgate rules, including reporting requirements and
procedures for districts, to implement this subsection. As
used in this section, "operating balance and cash reserves"
means those financial resources of the district which are
not encumbered by the district board of trustees for expenditure to meet an existing legal obligation or otherwise restricted by law or regulation for expenditure on specific educational programs. For purposes of this subsection, any balance within a district's separate account established under W.S. 21-15-109(e) for major building and facility repair and replacement shall be deemed restricted by law for expenditure as provided by W.S. 21-15-109(e) and shall not be considered an operating balance and cash reserve under this section.

Section 2. This act is effective January 1, 2021.