

WORKING DRAFT

HOUSE BILL NO. _____

School finance-recapture-2.

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 payment during
4 transition; and providing for an effective date.

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) Each school district shall rebate to the
22 department of education any revenues subject to recapture
23 under W.S. 21-13-102(b) for fiscal year 2006-2007,
24 including revenues exceeding the maximum allowable amount

1 as computed under W.S. 21-13-102(c) and in effect prior to
2 the effective date of this act. Recapture payments under
3 this subsection shall be made to the department on June 15,
4 2007.

5
6 (b) Notwithstanding W.S. 21-13-102(e) and
7 21-13-313(c), and not later than April 15, 2007, the
8 department shall certify to each district subject to
9 subsection (a) of this section the amount of recapture for
10 fiscal year 2006-2007 to be remitted to the state under
11 this section. The amount shall be based upon state
12 assessed valuations certified on August 10, 2006, under
13 W.S. 39-11-102.1(c)(v).

14
15 **Section 5.** 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)