

## HOUSE BILL NO. HB0090

School buildings-local enhancement maintenance levy.

Sponsored by: Select School Facilities Committee

## A BILL

for

1 AN ACT relating to school buildings; requiring school  
 2 districts to fund maintenance of enhancements to school  
 3 buildings; authorizing optional board and voter approved  
 4 school district property tax levies for maintenance of  
 5 building enhancements; providing state assistance to  
 6 equalize revenues generated by a portion of the voter  
 7 approved levies; imposing administrative duties upon the  
 8 department of education; providing an appropriation; and  
 9 providing for an effective date.

10

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

12

13 **Section 1.** W.S. 21-3-110 by creating a new subsection  
 14 (b), 21-13-102 by creating new subsections (k) through (n),  
 15 21-13-310(a)(xv), 21-13-701(b) and (c) and  
 16 21-15-116(a)(intro) are amended to read:

17

1           **21-3-110. Duties of boards of trustees.**

2

3           (b) If a school district expands or constructs school  
4 buildings and facilities beyond statewide adequacy  
5 standards established by the school facilities commission  
6 under W.S. 21-15-115, the district board of trustees shall  
7 first ensure that district revenues are sufficient to cover  
8 the expenses of operating and maintaining the buildings and  
9 facilities which are in excess of state adequacy standards.  
10 For purposes of this subsection, revenues shall exclude  
11 school foundation program amounts distributed to the  
12 district under W.S. 21-13-311, school district revenues  
13 enumerated under W.S. 21-13-310 and revenues paid to the  
14 district for major building repair and replacement under  
15 W.S. 21-15-109.

16

17           **21-13-102. Maximum rate of school district tax;**  
18 **recapture of excess; permissive levies for building**  
19 **enhancements; equalization of permissive levies.**

20

21           (k) In addition to subparagraphs (a) (i) (A) and  
22 (ii) (A) of this section, a school district may levy an  
23 additional three (3) mills for the sole purpose of funding  
24 major building and facility repair and replacement

1 expenditures as defined under W.S. 21-15-109(a)(iii) for  
2 enhancements to district buildings and facilities beyond  
3 statewide adequacy standards imposed by the school  
4 facilities commission under W.S. 21-15-115. Revenues from  
5 any levy imposed under this subsection or from any  
6 equalization assistance received under subsection (m) of  
7 this section shall not be expended for capital construction  
8 programs and shall not be reported as a revenue for  
9 purposes of W.S. 21-13-310. The additional three (3) mills  
10 may be levied as follows:

11

12 (i) Except as provided under paragraph (iii) of  
13 this subsection, up to one (1) mill with the annual  
14 approval of the board of trustees at a regular or special  
15 meeting following a public hearing announced by the board,  
16 which shall publish notice of the intent to levy all or a  
17 portion of the additional one (1) mill for local  
18 enhancement maintenance in a newspaper of general  
19 circulation within the district at least ten (10) days  
20 prior to the hearing; and

21

22 (ii) Except as provided under paragraph (iii) of  
23 this subsection, up to two (2) mills with the approval of a  
24 majority of the voters voting on the proposition, for the

1 period of time as stated in the proposition, but not to  
2 exceed four (4) years. The initial election and any  
3 subsequent election to modify or renew the levy shall be  
4 held on a date authorized under W.S. 22-21-103. The mill  
5 equalized under subsection (m) of this section shall not  
6 exceed one (1) mill and applies only to the second mill  
7 approved by the voters and levied under this paragraph; or

8  
9 (iii) If the enhancement for which the mills are  
10 to be levied under this subsection has not been submitted  
11 to a vote of the electorate through a proposition for  
12 indebtedness or otherwise, up to three (3) mills with the  
13 approval of a majority of the voters voting on the  
14 proposition, for the period of time as stated in the  
15 proposition not to exceed four (4) years. The initial and  
16 subsequent elections under this paragraph shall be held on  
17 the date authorized under W.S. 22-21-103. For levies  
18 imposed under this paragraph, the mill equalized under  
19 subsection (m) of this section shall apply to the third  
20 mill approved by the voters and shall not exceed one (1)  
21 mill.

22  
23 (m) Any school district levying at least one (1) mill  
24 under paragraph (k) (i) of this section and in excess of one

1 (1) mill under paragraph (k)(ii) of this section, or if  
2 applicable, any district levying in excess of two (2) mills  
3 under paragraph (k)(iii) of this section, and whose  
4 assessed valuation per average daily membership is less  
5 than the statewide assessed valuation per average daily  
6 membership, shall to the extent funds are available within  
7 the account for purposes of this subsection, receive an  
8 amount payable annually from the school capital  
9 construction account created under W.S. 21-15-111(a)(i),  
10 determined as follows:

11

12 (i) Subtract the assessed valuation per average  
13 daily membership of the school district from the statewide  
14 assessed valuation per average daily membership;

15

16 (ii) Multiply the difference by the lesser of  
17 one (1) or:

18

19 (A) The number of mills in excess of one  
20 (1) levied by the district under paragraph (k)(ii) of this  
21 section; or

22

1                   (B) The number of mills levied in excess of  
2 two (2) by the school district under paragraph (k)(iii) of  
3 this section.

4  
5                   (iii) Multiply the product obtained under  
6 paragraph (ii) of this subsection by the average daily  
7 membership of the school district.

8  
9                   (n) The department of education shall administer  
10 subsection (m) of this section subject to the following:

11  
12                   (i) Assessed valuation of the property within  
13 any school district and the levies imposed by a district  
14 under subsection (k) of this section shall in accordance  
15 with W.S. 39-11-102.1(c)(v), be as certified by the county  
16 assessor of each county comprising the school district to  
17 the state board of equalization on August 10;

18  
19                   (ii) Statewide assessed valuation of property  
20 shall be as certified by the state board of equalization  
21 pursuant to W.S. 39-11-102.1(c)(ii);

22  
23                   (iii) For purposes of computations under  
24 subsection (m) of this section, each kindergarten average

1 daily membership shall equal one (1) full average daily  
2 membership;

3  
4 (iv) Subject to amounts within the school  
5 capital construction account made available by the  
6 legislature for purposes of subsection (m) of this section,  
7 payments to districts shall be made on or before December  
8 31 of each year in which a tax under paragraph (k)(ii) or  
9 (iii) of this section is levied by the district. If there  
10 is an insufficient amount within the school capital  
11 construction account for annual payments provided under  
12 subsection (m) of this section, the department shall reduce  
13 payments to districts on a pro rata basis.

14  
15 **21-13-310. Annual computation of district revenues.**

16  
17 (a) To ensure revenues available to each district are  
18 uniformly sufficient to enable compliance with the uniform  
19 standards for educational programs prescribed under W.S.  
20 21-9-101 and 21-9-102 and to secure state board  
21 accreditation of educational programs under W.S.  
22 21-2-304(a)(ii), the revenues specified under this  
23 subsection shall be deemed state revenues and shall be  
24 considered in determining the amount to be distributed to

1 each district under W.S. 21-13-311. A district shall make  
2 an annual computation of the following revenues:

3  
4 (xv) All other revenues received or collected by  
5 the district during the previous school year, but excluding  
6 any amount received from private contributions and gifts,  
7 excluding any revenues dedicated by law to the payment of  
8 bonded indebtedness and revenues generated from mill levies  
9 imposed by the district under W.S. 21-13-102(k) and if  
10 applicable, equalized under W.S. 21-13-102(m), and  
11 excluding fees or other charges imposed by the district for  
12 goods or services, such as rental fees and the price paid  
13 for admission into any place for recreation, entertainment  
14 or an athletic event. Upon application of a district, the  
15 department shall exclude from this paragraph revenue  
16 received by the district if the department finds that the  
17 revenue could not be used by the district to provide  
18 educational services to students.

19

20 **21-13-701. Submission of question to electors**  
21 **authorized; purposes for which indebtedness may be created;**  
22 **required public hearing on bonding proposition.**

23



1           (b) The purposes for which an indebtedness may be  
2 created shall be broadly construed. It is the intention of  
3 the legislature that school districts be empowered to  
4 create indebtedness under this section for any purpose  
5 which, directly or indirectly, enables the district to  
6 provide facilities which are in excess of the statewide  
7 standards for the adequacy of school buildings and  
8 facilities provided the district is capable of funding  
9 operation and maintenance costs associated with the excess  
10 facilities.

11

12           (c) Prior to submitting a bonding proposition to  
13 district voters in accordance with subsection (a) of this  
14 section, the school district board of trustees shall hold  
15 at least two (2) public hearings within the district at  
16 which the board provides an explanation of the need to  
17 obtain district funding for building and facility features  
18 that are in excess of state standards for buildings and  
19 facilities and the board identifies revenues available to  
20 the district for the maintenance and operation of the  
21 excess building and facility features. Revenues identified  
22 by the board shall exclude school foundation program  
23 amounts distributed to the district under W.S. 21-13-311,  
24 school district revenues enumerated under W.S. 21-13-310

1 and revenues paid to the district for major building repair  
2 and replacement under W.S. 21-15-109.

3  
4 **21-15-116. School district facility plans; filing**  
5 **with commission; commission review; judicial review.**

6  
7 (a) Each school district shall, in accordance with  
8 rules and regulations of the commission, and with the  
9 assistance of professional facility planning expertise and  
10 a representative of the commission, develop long range  
11 comprehensive school building and facility plans for the  
12 district which address district wide building and facility  
13 needs over a five (5) year period. The plan shall be in a  
14 form and format specified by rule and regulation of the  
15 commission and shall identify building and facility needs  
16 in accordance with the statewide adequacy standards,  
17 actions to remediate building and facility inadequacies  
18 including construction, renovation and major building and  
19 facility repair and replacement expenditures, and any local  
20 enhancements to buildings and facilities beyond statewide  
21 adequacy standards. Subject to exclusions specified under  
22 W.S. 21-3-110(b), revenues necessary to maintain and  
23 operate local enhancements shall be identified within the  
24 district's plan. The plans shall include a response to each

1 building and facility inadequacy identified by the needs  
2 assessment on a building-by-building, space-by-space basis.  
3 The plan shall also review and to the extent practical,  
4 identify nonconstruction alternatives to building and  
5 facility inadequacies such as building closure,  
6 modification of school boundaries, modification of school  
7 grade configurations and similar approaches. Demolition or  
8 use, lease or other methods of disposition of commission  
9 determined surplus buildings and facilities shall be  
10 incorporated as part of the district plan, including  
11 identified alternative methods of building disposition and  
12 proposed allocation of costs incurred or revenues resulting  
13 from disposition or demolition. In addition, district  
14 facility plans shall include:

15

16       **Section 2.** One hundred thousand dollars (\$100,000.00)  
17 is appropriated from the school capital construction  
18 account created under W.S. 21-15-110(a)(i) to the  
19 department of education to fund payments to school  
20 districts in accordance with W.S. 21-13-102(m) as amended  
21 by section 1 of this act for the fiscal period commencing  
22 July 1, 2004, and ending June 30, 2005.

23

1       **Section 3.** This act is effective July 1, 2004.

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(END)