

HOUSE BILL NO. HB0010

School buildings-local enhancement maintenance levy.

Sponsored by: Select Committee on School Facilities

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 as specified; providing state
6 assistance to equalize revenues generated by a portion of
7 the voter approved levies; exempting revenues from local
8 resources and cash balances under foundation entitlement
9 computations; imposing administrative duties upon the
10 school facilities commission; and providing for an
11 effective date.

12

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

14

15 **Section 1.** W.S. 21-3-110 by creating a new subsection
16 (b), 21-13-102 by creating new subsections (k) through (n),
17 21-13-310(a) (xv), 21-13-313(e), 21-13-701(b) and (c),

1 21-15-114(a) by creating a new paragraph (xiv) and by
2 renumbering (xiv) and (xv) and 21-15-116(a)(intro) are
3 amended to read:

4
5 **21-3-110. Duties of boards of trustees.**

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

20
21 **21-13-102. Maximum rate of school district tax;**
22 **recapture of excess; permissive levies for building**
23 **enhancements; equalization of permissive levies.**

24

1 (k) In addition to subparagraphs (a)(i)(A) and
2 (ii)(A) of this section, a school district may levy an
3 additional three (3) mills for the sole purpose of funding
4 major building and facility repair and replacement
5 expenditures as defined under W.S. 21-15-109(a)(iii), and
6 routine maintenance and repair expenditures as defined
7 under W.S. 21-15-109(a)(vi), for enhancements to district
8 buildings and facilities beyond statewide adequacy
9 standards established by the school facilities commission
10 under W.S. 21-15-115. Revenues from any levy imposed under
11 this subsection or from any equalization assistance
12 received under subsection (m) of this section shall not be
13 expended for capital construction programs and shall not be
14 reported as a revenue for purposes of W.S. 21-13-310. The
15 additional three (3) mills may be levied as follows:

16
17 (i) Except as provided under paragraph (iii) of
18 this subsection, up to one (1) mill with the annual
19 approval of the board of trustees at a regular or special
20 meeting following a public hearing announced by the board,
21 which shall publish notice of the intent to levy all or a
22 portion of the additional one (1) mill for local
23 enhancement maintenance in a newspaper of general

1 circulation within the district at least ten (10) days
2 prior to the hearing; and

3
4 (ii) Except as provided under paragraph (iii) of
5 this subsection, up to two (2) mills with the approval of a
6 majority of the voters voting on the proposition, for the
7 period of time as stated in the proposition, but not to
8 exceed four (4) years. The initial election and any
9 subsequent election to modify or renew the levy shall be
10 held on a date authorized under W.S. 22-21-103. The mill
11 equalized under subsection (m) of this section shall not
12 exceed one (1) mill and applies only to the second mill
13 approved by the voters and levied under this paragraph; or

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

1 subsection (m) of this section shall apply to the third
2 mill approved by the voters and shall not exceed one (1)
3 mill.

4
5 (m) Any school district levying at least one (1) mill
6 under paragraph (k)(i) of this section and in excess of one
7 (1) mill under paragraph (k)(ii) of this section, or if
8 applicable, any district levying in excess of two (2) mills
9 under paragraph (k)(iii) of this section, and whose
10 assessed valuation per average daily membership is less
11 than the statewide assessed valuation per average daily
12 membership, shall to the extent funds have been made
13 available by the legislature for purposes of this
14 subsection, receive an amount payable annually from the
15 school capital construction account created under W.S.
16 21-15-111(a)(i), determined as follows:

17
18 (i) Subtract the assessed valuation per average
19 daily membership of the school district from the statewide
20 assessed valuation per average daily membership;

21
22 (ii) Multiply the difference by the lesser of
23 one (1) or:

24

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

4
5 (B) The number of mills levied in excess of
6 two (2) by the school district under paragraph (k)(iii) of
7 this section.

8
9 (iii) Multiply the product obtained under
10 paragraph (ii) of this subsection by the average daily
11 membership of the school district.

12
13 (n) The school facilities commission shall administer
14 subsection (m) of this section subject to the following:

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

22

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

4
5 (iii) For purposes of computations under
6 subsection (m) of this section, each kindergarten average
7 daily membership shall equal one (1) full average daily
8 membership;

9
10 (iv) Subject to amounts within the school
11 capital construction account made available by the
12 legislature for purposes of subsection (m) of this section,
13 payments to districts shall be made on or before December
14 31 of each year in which a tax under paragraph (k)(ii) or
15 (iii) of this section is levied by the district. If there
16 is an insufficient amount within the school capital
17 construction account for annual payments provided under
18 subsection (m) of this section, the department shall reduce
19 payments to districts on a pro rata basis.

20
21 **21-13-310. Annual computation of district revenues.**

22
23 (a) To ensure revenues available to each district are
24 uniformly sufficient to enable compliance with the uniform

1 standards for educational programs prescribed under W.S.
2 21-9-101 and 21-9-102 and to secure state board
3 accreditation of educational programs under W.S.
4 21-2-304(a)(ii), the revenues specified under this
5 subsection shall be deemed state revenues and shall be
6 considered in determining the amount to be distributed to
7 each district under W.S. 21-13-311. A district shall make
8 an annual computation of the following revenues:

9
10 (xv) All other revenues received or collected by
11 the district during the previous school year, but excluding
12 any amount received from private contributions and gifts,
13 excluding any revenues dedicated by law to the payment of
14 bonded indebtedness, any revenues generated from mill
15 levies imposed by the district under W.S. 21-13-102(k) and
16 if applicable, equalized under W.S. 21-13-102(m), and any
17 revenues from the disposition of school buildings and land
18 pursuant to W.S. 21-15-114(a)(x), and excluding fees or
19 other charges imposed by the district for goods or
20 services, such as rental fees and the price paid for
21 admission into any place for recreation, entertainment or
22 an athletic event. Upon application of a district, the
23 department shall exclude from this paragraph revenue
24 received by the district if the department finds that the

1 revenue could not be used by the district to provide
2 educational services to students.

3

4 **21-13-313. Distribution of funds from foundation**
5 **account; property tax and cash reserve adjustment;**
6 **regulations.**

7

8 (e) Not later than January 31 of each fiscal year,
9 the department shall compute the amount by which each
10 district's operating balance and cash reserves at the end
11 of the preceding fiscal year exceed fifteen percent (15%)
12 of the total foundation program amount computed under W.S.
13 21-13-309 for the preceding fiscal year. In making this
14 calculation, the entire operating balance and cash reserves
15 for each district for the fiscal year ending June 30, 1997,
16 as computed by the department, shall be separately
17 accounted for and excluded, until it has been completely
18 expended by the district. Except as otherwise provided in
19 1997 Special Session Laws, chapter 3, section 306(e), as
20 amended, that excess shall be deemed to be a state revenue
21 under W.S. 21-13-310(a) for the purpose of determining
22 distributions under W.S. 21-13-311 and amounts to be
23 rebated under W.S. 21-13-102. The department shall
24 promulgate rules, including reporting requirements and

1 procedures for districts, to implement this subsection. As
2 used in this section, "operating balance and cash reserves"
3 means those financial resources of the district which are
4 not encumbered by the district board of trustees for
5 expenditure to meet an existing legal obligation or
6 otherwise restricted by law or regulation for expenditure
7 on specific educational programs. For purposes of this
8 subsection, any balance within a district's separate
9 account established under W.S. 21-15-109(e) for major
10 building and facility repair and replacement shall be
11 deemed restricted by law for expenditure as provided by
12 W.S. 21-15-109(e) and shall not be considered an operating
13 balance and cash reserve under this section. Any balance
14 from revenues generated under mill levies imposed under
15 W.S. 21-13-102(k) and any balance from state assistance
16 received under W.S. 21-13-102(m) shall not be considered an
17 operating balance and cash reserves for purposes of this
18 subsection.

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 **21-15-114. Powers and duties; school facilities**
5 **office created; director.**

6
7 (a) The school facilities commission shall:

8
9 (xiv) Administer optional mill equalization
10 assistance to eligible school districts in accordance with
11 W.S. 21-13-102(m) and (n);

12
13 ~~(xiv)~~ (xv) With prior consultation with the
14 select committee on school facilities, promulgate necessary
15 rules and regulations to administer and implement this act.

16
17 **21-15-116. School district facility plans; filing**
18 **with commission; commission review; judicial review.**

19
20 (a) Each school district shall, in accordance with
21 rules and regulations of the commission, and with the
22 assistance of professional facility planning expertise and
23 a representative of the commission, develop long range
24 comprehensive school building and facility plans for the

1 district which address district wide building and facility
2 needs over a five (5) year period. The plan shall be in a
3 form and format specified by rule and regulation of the
4 commission and shall identify building and facility needs
5 in accordance with the statewide adequacy standards,
6 actions to remediate building and facility inadequacies
7 including construction, renovation and major building and
8 facility repair and replacement expenditures, and any local
9 enhancements to buildings and facilities beyond statewide
10 adequacy standards. Subject to exclusions specified under
11 W.S. 21-3-110(b), revenues necessary to maintain and
12 operate local enhancements shall be identified within the
13 district's plan. The plans shall include a response to each
14 building and facility inadequacy identified by the needs
15 assessment on a building-by-building, space-by-space basis.
16 The plan shall also review and to the extent practical,
17 identify nonconstruction alternatives to building and
18 facility inadequacies such as building closure,
19 modification of school boundaries, modification of school
20 grade configurations and similar approaches. Demolition or
21 use, lease or other methods of disposition of commission
22 determined surplus buildings and facilities shall be
23 incorporated as part of the district plan. The plan shall
24 also specify identified alternative methods of building

1 disposition, proposed allocation of costs incurred or
2 revenues resulting from disposition and allocation of
3 disposition revenues to offset any costs paid by the
4 commission. In addition, district facility plans shall
5 include:

6

7 **Section 2.** This act is effective July 1, 2005.

8

9

(END)