

SENATE FILE NO. SF0066

School capital construction funding.

Sponsored by: Joint Appropriations Committee

A BILL

for

1 AN ACT relating to school finance accounts; eliminating the  
 2 school major maintenance subaccount within the strategic  
 3 investments and projects account, the school lands mineral  
 4 royalties account and the school capital construction  
 5 account; modifying the distribution of revenues; clarifying  
 6 the timing of transfers from the strategic investments and  
 7 projects account as specified; transferring funds; making  
 8 conforming amendments; repealing provisions; and providing  
 9 for effective dates.

10

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

12

13       **Section 1.** W.S. 9-4-203(a)(xiii), 9-4-220(a),  
 14 9-4-305(b), 9-4-601(a)(ii), (b)(i)(intro), (iv)(A) and (B),  
 15 21-13-306(a) and (b), 21-13-311(a), 21-15-108(a) and

1 (d)(vii), 21-15-109(b), 21-15-117(d), 21-15-119(a)(ii)(A)  
2 and (C) and 21-15-120(b) are amended to read:

3

4 **9-4-203. Definitions.**

5

6 (a) As used in this act:

7

8 (xiii) "This act" means W.S. ~~9-4-201~~9-4-202  
9 through ~~9-4-224~~9-4-225.

10

11 **9-4-220. Strategic investments and projects account**  
12 **created; purposes.**

13

14 (a) The strategic investments and projects account  
15 created by 2013 Wyoming Session Laws, Chapter 73, Section  
16 4, Section 300(e) is continued and codified. Funds within  
17 the account shall only be expended by legislative  
18 appropriation. ~~Subject to subsection (b) of this section,~~  
19 The governor may include appropriation requests from funds  
20 available within the strategic investments and projects  
21 account within his biennial budget requests for one-time  
22 expenditures as he deems necessary. All funds within the  
23 account shall be invested by the state treasurer and all

1 investment earnings from the account shall be credited to  
2 the general fund, except as provided by W.S. 9-4-220.1(a).

3

4 **9-4-305. Disposition of state land revenue.**

5

6 (b) Proceeds from the sale of state lands, mineral  
7 royalties and any money designated by the Wyoming  
8 constitution or Wyoming statutes as collected shall be  
9 transmitted to the state treasurer and credited to the  
10 proper accounts within the permanent land fund. As  
11 authorized by article 7, section 2 of the Wyoming  
12 constitution, thirty-three and one-third percent (33 1/3%)  
13 of the mineral royalties received from the lease of any  
14 school lands shall be deposited into the public school  
15 ~~lands mineral royalties~~ foundation program account. To the  
16 extent constitutionally permissible and notwithstanding any  
17 other provision of law, at the end of every fiscal year,  
18 the state treasurer shall transfer to the corpus of each  
19 account within the permanent land fund, except the common  
20 school account, from the income earned on the corresponding  
21 account within the permanent land fund, to the extent  
22 available, an amount as provided by this subsection. In  
23 determining the amount to be withheld, the state treasurer

1 shall calculate the fiscal year beginning balance and  
2 ignore any appropriations made from the account within that  
3 fiscal year. For the fiscal year 2000, he shall transfer an  
4 amount equal to five percent (5%) of the inflation rate for  
5 the previous twelve (12) month period as determined by the  
6 department of administration and information multiplied by  
7 the beginning balance of each permanent land fund account,  
8 except the common school account. At the end of each  
9 succeeding fiscal year, the state treasurer shall increase  
10 the amount to be multiplied by that year's inflation rate  
11 by five percent (5%) until such time as the multiplier  
12 reaches one hundred percent (100%) of the inflation rate,  
13 and then multiply that amount by the beginning balance of  
14 each permanent land fund account, except the common school  
15 account.

16

17 **9-4-601. Distribution and use; funds, accounts,**  
18 **cities and towns benefited; exception for bonus payments.**

19

20 (a) All monies received by the state of Wyoming from  
21 the secretary of the treasury of the United States under  
22 the provisions of the act of congress of February 25, 1920  
23 (41 Stat. 437, 450; 30 U.S.C. §§ 181, 191), as amended, or

1 from lessees or authorized mine operators and all monies  
2 received by the state from its sale of production from  
3 federal mineral leases subject to the act of congress of  
4 February 25, 1920 (41 Stat. 437, 450; 30 U.S.C. §§ 181,  
5 191) as amended, except as provided by subsection (b) of  
6 this section, shall be deposited into an account and the  
7 first two hundred million dollars (\$200,000,000.00) of  
8 revenues received in any fiscal year shall be distributed  
9 by the state treasurer as provided in this subsection. One  
10 percent (1%) of these revenues shall be credited to the  
11 general fund as an administrative fee, and the remainder  
12 shall be distributed as follows:

13

14 (ii) ~~Subject to paragraph (xi) of this section,~~  
15 ~~Forty-four and eight-tenths percent (44.8%)~~ Forty-seven and  
16 one-half percent (47.5%) to the public school foundation  
17 program account subject to allocations under W.S. 9-4-605;

18

19 (b) The state treasurer shall ascertain and withhold  
20 all bonus payments received from the federal government  
21 attributable to coal, oil shale or geothermal leases of  
22 federal land within Wyoming and shall distribute it as  
23 follows:

1

2 (i) Fifty percent (50%), the first seven million  
3 five hundred thousand dollars (\$7,500,000.00) of which  
4 shall be distributed as follows, and any amount in excess  
5 of seven million five hundred thousand dollars  
6 (\$7,500,000.00) per year shall be deposited into the public  
7 school ~~capital construction account established under W.S.~~  
8 ~~21-15-111(a)(i), except for fiscal years 2019, 2021 and~~  
9 ~~2022 amounts in excess of seven million five hundred~~  
10 ~~thousand dollars (\$7,500,000.00) per year shall be~~  
11 ~~deposited to the school foundation program reserve account:~~  
12 ~~created by W.S. 21-13-306.1:~~

13

14 (iv) And:

15

16 (A) Ten percent (10%) but not to exceed one  
17 million six hundred thousand dollars (\$1,600,000.00) per  
18 year, to a separate account which may be expended by the  
19 community college commission in accordance with and in  
20 addition to appropriations available under W.S.  
21 21-18-205(c). Any amount in excess of one million six  
22 hundred thousand dollars (\$1,600,000.00) together with any  
23 unexpended revenues within the account at the end of any

1 biennial budget period shall be credited to the public  
2 school ~~capital construction account established under W.S.~~  
3 ~~21-15-111(a)(i), except for fiscal years 2019, 2021 and~~  
4 ~~2022 these funds shall be deposited to the school~~  
5 foundation program reserve account; ~~created by W.S.~~  
6 ~~21-13-306.1;~~

7

8 (B) Forty percent (40%) to be deposited to  
9 the public school ~~capital construction account established~~  
10 ~~under W.S. 21-15-111(a)(i), except for fiscal years 2019,~~  
11 ~~2021 and 2022 these funds shall be deposited to the school~~  
12 foundation program reserve account. ~~created by W.S.~~  
13 ~~21-13-306.1.~~

14

15 **21-13-306. Foundation program account established;**  
16 **disposition of monies.**

17

18 (a) The public school foundation program account is  
19 established to consist of funds appropriated to, or  
20 designated to the account by law, or by gift from whatever  
21 source, for distribution to districts in accordance with  
22 ~~this article~~ law.

23

1           (b) Within the limits of legislative appropriation,  
2 if any, the resources of the public school foundation  
3 program account shall be paid into the state treasury and  
4 shall be drawn out and distributed to the districts in  
5 accordance with this article upon certification of the  
6 state superintendent and upon vouchers approved by the  
7 state auditor payable to the treasurer of the several  
8 districts.

9

10           **21-13-311. Determination of amount to be distributed**  
11 **to each district from foundation account; undistributed**  
12 **balance; prohibition on expenditures.**

13

14           (a) The amount of money which shall be distributed to  
15 each district in accordance with this article from the  
16 public school foundation program account shall be  
17 determined by subtracting the sum of the district revenues  
18 computed in accordance with W.S. 21-13-310 from the total  
19 amount of the foundation program computed in accordance  
20 with W.S. 21-13-309.

21

22           **21-15-108. Revenue bonds for grants and loans;**  
23 **refunding revenue bonds.**



1

2 (a) Before distribution to the public school lands  
3 ~~mineral royalties~~ foundation program account under W.S.  
4 9-4-305(b), sufficient revenues for the purposes of this  
5 section shall be deducted therefrom and credited to a bond  
6 repayment account pursuant to the terms of the resolution,  
7 indenture or other appropriate proceeding authorizing the  
8 issuance of revenue bonds under this section. The revenues  
9 deducted shall be used as provided by this section. The  
10 balance of the revenues shall be credited to the public  
11 school ~~lands mineral royalties~~ foundation program account  
12 as provided under W.S. 9-4-305(b). After available  
13 revenues under W.S. 9-4-305(b) have been used, revenues  
14 under W.S. 21-13-301 shall also be credited, as necessary,  
15 to the bond repayment account and shall be used as provided  
16 by this section.

17

18 (d) Any bonds issued under this section shall:

19

20 (vii) Be additionally secured by a reserve fund  
21 created from revenues deposited within the public school  
22 ~~lands mineral royalties~~ foundation program account under  
23 W.S. 9-4-305(b) or from the proceeds of the bonds, or both,

1 in an amount determined by the commission but not to exceed  
2 an amount equal to ten percent (10%) of the revenue bonds  
3 outstanding.

4

5 **21-15-109. Major building and facility repair and**  
6 **replacement payments; computation; square footage**  
7 **allowance; use of payment funds; accounting and reporting**  
8 **requirements.**

9

10 (b) To the extent funds are available, the state  
11 construction department shall, based upon square footage  
12 computations computed from the prior school year,  
13 distribute the estimated major building and facility repair  
14 and replacement payments in quarterly installments to each  
15 school district from the public school ~~capital-construction~~  
16 foundation program account. The department shall distribute  
17 the first quarterly payment on July 1 of each fiscal year,  
18 with the remaining payments distributed on October 1,  
19 January 2 and April 1. Payments shall be made as equal as  
20 reasonably possible. If funds within the account are not  
21 sufficient for any quarterly payment, the department shall  
22 reduce all district payments for that quarter by a uniform  
23 percentage. The department shall also increase or reduce a

1 subsequent school district payment, as appropriate, in the  
2 event a school district receives an excessive or deficient  
3 distribution. Major building and facility repair and  
4 replacement payments shall be computed in accordance with  
5 subsection (c) of this section.

6

7 **21-15-117. Annual evaluation of school buildings and**  
8 **facilities; remediation schedules; needs prioritization;**  
9 **combining facilities; implementation of remedy.**

10

11 (d) In determining building and facility remedies  
12 under subsection (b) of this section, in developing  
13 criteria and procedures for site analysis under W.S.  
14 21-15-114(a)(xii) and in approving district facility plans  
15 under W.S. 21-15-116 and otherwise administering this act,  
16 the commission shall adopt the remedy that is in the best  
17 financial and educational interests of the state, taking  
18 into consideration the recommendations of the department  
19 and the most efficient and cost effective approach in order  
20 to deliver quality educational services and address  
21 building and facility need. Expenditures from the public  
22 school foundation program account for school capital  
23 construction ~~account~~ shall be for necessary and related

1 costs to implement efficient and cost effective building  
2 and facility remedies required to deliver quality  
3 educational services. In making determinations under this  
4 subsection, the commission shall take into consideration  
5 the effects of the proposed activity on the local  
6 community. The commission shall implement this subsection  
7 in carrying out building and facility remedies and shall,  
8 giving proper consideration to the prevention of  
9 unnecessary delays in proceeding with a remedy, establish a  
10 process to work with other political subdivisions of the  
11 state in implementing this subsection.

12

13 **21-15-119. Commission budget and funding**  
14 **recommendations.**

15

16 (a) Notwithstanding W.S. 9-2-1012, the commission  
17 shall annually, not later than September 1, develop and  
18 submit a recommended budget for projects and school capital  
19 construction financing to the governor, through the state  
20 budget department and to the select committee on school  
21 facilities. The department shall prepare and provide  
22 information as requested by the commission. The commission  
23 shall include with its recommended budget to the select

1 committee the prioritized schedules of projects specified  
2 in W.S. 21-15-117 including the amounts allocated to each  
3 project and the annual building status report specified  
4 under W.S. 21-15-121. The recommended budget submitted by  
5 the commission shall include:

6

7 (ii) Financing alternatives for funding the  
8 recommended budget, which uses any combination of the  
9 following financing alternatives:

10

11 (A) Direct payment from the public school  
12 ~~capital construction~~ foundation program account;

13

14 (C) Real property leasing under W.S.  
15 21-15-112. Any payments for real property leasing shall be  
16 made from the public school ~~capital construction~~ foundation  
17 program account subject to W.S. 21-15-112. For the purpose  
18 of this section, real property leasing includes payments  
19 sufficient for the exercise of a purchase option under the  
20 lease.

21

22 **21-15-120. Emergency facility needs.**

23

1           (b) Upon a finding that an emergency exists under  
2 subsection (a) of this section, the commission shall in  
3 accordance with rules and regulations promulgated by the  
4 commission under this subsection and to the extent funds  
5 are available within the public school ~~capital construction~~  
6 foundation program account or otherwise made available by  
7 the legislature, acquire facilities and equipment,  
8 undertake school building and facility repairs, fund  
9 additional operating expenses incurred in providing  
10 temporary measures and other responses to the emergency  
11 situation including necessary investigative and qualified  
12 contract assistance expenses incurred by the commission, as  
13 necessary to enable the district to provide educational  
14 programs required by law on a temporary basis until  
15 permanent action can be taken to address school building  
16 and facility adequacy.

17

18           **Section 2.** For fiscal years 2023 and 2024, prior to  
19 the transfer of any funds required under W.S. 9-4-220.1  
20 from the strategic investments and projects account to the  
21 Wyoming state penitentiary capital construction account,  
22 the state auditor shall first transfer any funds required  
23 under W.S. 9-4-220(b)(i) to the school major maintenance

1 subaccount within the strategic investments and projects  
2 account.

3

4 **Section 3.** W.S. 9-4-220(b), 9-4-224, 9-4-601(a)(vii)  
5 and 21-15-111(a)(i) are repealed.

6

7 **Section 4.** The state auditor shall transfer any  
8 unencumbered, unobligated funds in the school major  
9 maintenance subaccount within the strategic investments and  
10 projects account, the school lands mineral royalties  
11 account and the school capital construction account to the  
12 public school foundation program account. The transfers  
13 shall be made on the effective date of this act, subject to  
14 accrual accounting principles. Any funds that are directed  
15 by law to revert to the school major maintenance subaccount  
16 within the strategic investments and projects account, the  
17 school lands mineral royalties account or the school  
18 capital construction account shall revert to the public  
19 school foundation program account.

20

1           **Section 5.**

2

3           (a) Except as provided in subsection (b) of this  
4 section, this act is effective July 1, 2024.

5

6           (b) Sections 2 and 5 of this act are effective  
7 immediately upon completion of all acts necessary for a  
8 bill to become a law as provided by Article 4, Section 8 of  
9 this Wyoming Constitution.

10

11

(END)