

HOUSE BILL NO. HB0315

Community college-capital construction levy-2.

Sponsored by: Representative(s) Semlek and Senator(s)
Meier

A BILL

for

1 AN ACT relating to taxation and revenue; imposing a
2 statewide mill levy for community college capital
3 construction as specified; creating the community college
4 capital construction trust fund and designating the fund as
5 inviolate pursuant to article 15, section 20 of the Wyoming
6 Constitution; providing for investment of fund revenues by
7 state treasurer; depositing revenues into separate account
8 for allocation to community colleges for capital
9 construction projects subject to prescribed conditions,
10 community college commission approval and legislative
11 appropriation; imposing building needs assessment,
12 planning, evaluation and review responsibilities upon the
13 commission; specifying review system components; providing
14 an appropriation; and providing for effective dates.

15

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

1

2 **Section 1.** W.S. 21-18-401 and 21-18-402 are created
3 to read:

4

5

ARTICLE 4

6

COMMUNITY COLLEGE CAPITAL CONSTRUCTION FUND

7

8 **21-18-401. Community college capital construction**
9 **fund established; fund revenues; corpus inviolate;**
10 **investment by state treasurer; earnings deposited into**
11 **separate account.**

12

13 (a) The community college capital construction fund
14 is created to consist of the proceeds from any tax
15 collected under W.S. 39-13-104(n) and any other funds
16 appropriated to the account or otherwise designated by law
17 or by gift from whatever source.

18

19 (b) Funds deposited into the fund established under
20 subsection (a) of this section are intended to be inviolate
21 and constitute a permanent or perpetual trust fund created
22 pursuant to Wyoming Constitution, Article 15, Section 20,
23 which shall be invested by the state treasurer as
24 authorized under W.S. 9-4-834 for permanent fund

1 investments and in a manner to obtain the highest return
2 possible consistent with preservation of the fund corpus.
3 Any interest earned from investment of the fund corpus
4 shall be credited by the state treasurer to a separate
5 account and distributed in accordance with W.S. 21-18-402.

6

7 **21-18-402. Disposition of fund earnings; allocations**
8 **to college districts specified; conditions; payments by**
9 **warrants drawn by state auditor.**

10

11 (a) Revenues deposited into the separate account
12 established under W.S. 21-18-401(b) shall be distributed by
13 the state treasurer to the Wyoming community college
14 commission for allocation as follows:

15

16 (i) Fifty percent (50%) of account distributions
17 shall be available to community college districts for
18 capital construction, renovation and capital renewal
19 projects subject to:

20

21 (A) Community college district commitment
22 of fifty percent (50%) of total project costs from district
23 funds as documented in the project review and evaluation
24 process required under W.S. 21-18-202(d);

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

(B) Commission approval following review and evaluation under the college building assessment and planning process required under W.S. 21-18-202(d);

(C) Legislative appropriation and approval requested by the commission to be accounted for and distributed separately from distributions under the funding allocation model as authorized under W.S. 21-18-205(e) and as required under W.S. 21-18-205(g).

(ii) Fifty percent (50%) of account distributions shall be available to community college districts for use in creating reserves or sinking funds for the maintenance, repair, operations, obsolescence and depreciation of a district building funded through a capital construction, renovation or capital renewal project receiving funds under subsection (a) of this section subject to:

(A) Community college district commitment to funding fifty percent (50%) of total reserve or sinking fund accumulation requirements for the specified district building as established under the community college

1 building assessment and planning process pursuant to W.S.
2 21-18-202(d);

3

4 (B) Commission review and approval in
5 accordance with project review and evaluation under W.S.
6 21-18-202(d);

7

8 (C) Legislative appropriation and approval
9 requested by the commission to be accounted for and
10 distributed separately from distributions under the funding
11 allocation model as authorized under W.S. 21-18-205(e) and
12 as required under W.S. 21-18-205(g).

13

14 (b) Distributions under this section by the community
15 college commission to a community college district shall be
16 in accordance with W.S. 21-18-206 and through warrants
17 issued by the state auditor payable from the separate
18 account established under W.S. 21-18-401(b).

19

20 **Section 2.** W.S. 9-4-204(u) by creating a new
21 paragraph (vi), 9-4-834(a), 21-18-202(d)(iv)(intro) and by
22 creating a new paragraph (v), 21-18-205(g),
23 39-13-104(a)(i), (k)(i)(C) and by creating a new subsection

1 (n) and 39-13-111(a) by creating a new paragraph (iv) are
2 amended to read:

3

4 **9-4-204. Funds established; use thereof.**

5

6 (u) Other funds defined as follows shall be
7 classified by the state auditor pursuant to subsections (s)
8 and (t) of this section:

9

10 (vi) The community college capital construction
11 fund - to account for the proceeds of the ad valorem tax
12 imposed under W.S. 39-13-104(n) and other funds
13 appropriated to the fund by law, or by gift from whatever
14 source. In accordance with Wyoming Constitution, Article
15 15, Section 20, monies within the fund shall not be
16 expended and may be invested in the same manner as other
17 permanent funds of the state. Earnings from investment of
18 monies within the fund shall be distributed and expended as
19 provided by law.

20

21 **9-4-834. Investment of permanent funds.**

22

23 (a) To the extent constitutionally allowed, the state
24 treasurer, or his designee, which shall be registered under

1 the Investment Advisor's Act of 1940 as amended, or any
2 bank as defined in the act, upon written authority, may
3 invest monies in the permanent fund accounts, in securities
4 authorized by law, provided not more than fifty-five
5 percent (55%) shall be invested in common stocks. As used
6 in this section, "permanent fund accounts" means the
7 permanent Wyoming mineral trust fund under W.S.
8 9-4-204(u)(iii), ~~and~~ the community college capital
9 construction fund under W.S. 9-4-204(u)(vi), the permanent
10 land fund under W.S. 9-4-204(u)(iv), including revenues
11 credited to that fund under W.S. 9-4-605(j), and the
12 reserve accounts created under W.S. 9-4-713(b) and (f).

13

14 **21-18-202. Powers and duties of the commission.**

15

16 (d) The commission shall perform the following
17 approval functions:

18

19 (iv) In accordance with paragraph (v) of this
20 subsection, approve all new capital construction projects
21 in excess of fifty thousand dollars (\$50,000.00) for which
22 state funds are or could be eventually applied. "New
23 capital construction projects" include:

24

1 (v) In addition to paragraph (iv) of this
2 subsection, establish a community college district building
3 assessment and planning process to be used by the
4 commission in approving district capital construction,
5 renovation and capital renewal projects and developing
6 project reserve or sinking fund requirements under W.S.
7 21-18-402, comprised of the following components:

8
9 (A) A planning process under which each
10 college district develops a long range comprehensive
11 building plan addressing district building needs not less
12 than a five (5) year period, in a form and format specified
13 by rule and regulation of the commission, identifying each
14 building need in accordance with the building assessment
15 process and mechanism established under subparagraph (B) of
16 this paragraph, and including district proposed actions to
17 address identified building needs;

18
19 (B) A building needs assessment process and
20 mechanism for existing district buildings and future
21 district building requirements designed to provide timely
22 and uniform statewide data on the following:

23

1 (I) Condition of district buildings
2 and structural integrity;

3

4 (II) Building longevity and space
5 requirements;

6

7 (III) Site requirements;

8

9 (IV) Education program and service
10 requirements and safety requirements;

11

12 (V) Inventory of exterior and interior
13 building space.

14

15 (C) A process under which district
16 proposals for funding under W.S. 21-18-402 for capital
17 construction, renovation and capital renewal projects,
18 submitted in a manner, on a form and at times specified by
19 commission rule and regulation, are reviewed, evaluated,
20 scheduled and prioritized for submission to the legislature
21 through the commission budget procedure under W.S.
22 21-18-203 and separate from distributions under the funding
23 allocation model as authorized under W.S. 21-18-205(e),
24 including:

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

(I) Consultation with the construction management office, department of administration and information as a component of commission project review and evaluation;

(II) Development of adequate reserve or sinking fund levels necessary to address building repair, maintenance, operations, obsolescence and depreciation requirements;

(III) District reporting of expenditures and progress of any approved project receiving funding under W.S. 21-18-402.

21-18-205. Appropriation and distribution of state funds; restrictions; budget authority.

(g) No state funds shall be used for the maintaining, operating or equipping of any capital construction project in excess of ~~three hundred fifty thousand dollars (\$350,000.00)~~ four hundred fifty thousand dollars (\$450,000.00) which was not approved by the commission

1 pursuant to W.S. 21-18-202(d)(v) and authorized by the
2 legislature.

3

4 **39-13-104. Taxation rate.**

5

6 (a) Authorized mill levies. There shall be annually
7 levied and assessed upon the taxable value of property
8 within Wyoming the following state taxes when applicable:

9

10 (i) Not to exceed four (4) mills as certified by
11 the board, one (1) of which to be credited to the community
12 college capital construction fund pursuant to subsection
13 (n) of this section and the remaining mills to be credited
14 to the state general fund;

15

16 (k) The following shall apply to the certification of
17 tax levies:

18

19 (i) All governmental entities in Wyoming having
20 the power to levy or require the levy of ad valorem taxes
21 shall annually notify the board of county commissioners of
22 the county or counties in which the entity is located, of
23 the amount of tax to be collected against the taxable
24 property of the district, as follows:

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

(C) On or before the first Monday in August by the board for state purposes as provided by W.S. 9-4-302, 21-13-303, subsection (n) of this section and this act.

(n) As authorized under paragraph (a)(i) of this section, for the purpose of state revenue to be deposited into the community college capital construction fund created under W.S. 21-18-401 for purposes specified under W.S. 21-18-402, there shall be assessed and levied each year a state tax of one (1) mill on the dollar of the assessed valuation of the property within the state as certified on August 10 under the provisions of subparagraph (k)(i)(C) of this section. The tax shall be in addition to any and all other taxes authorized by law.

39-13-111. Distribution.

(a) The following shall apply to the distribution of tax collections:

(iv) The county treasurer shall transfer any money collected from the tax imposed by W.S. 39-13-104(n)

1 to the state treasurer for deposit into the community
2 college capital construction account created by W.S.
3 21-18-401.

4

5 **Section 3.** For the period commencing upon the
6 effective date of this act as provided by section 4(b) of
7 this act, and ending June 30, 2008, one hundred thousand
8 dollars (\$100,000.00) is appropriated from the general fund
9 to the community college commission to implement and
10 develop the community college building project review and
11 evaluation process prescribed by this act.

12

13 **Section 4.**

14

15 (a) Except as provided by subsection (b) of this
16 section, this act is effective January 1, 2008.

17

18 (b) W.S. 21-18-202(d)(v) as amended by section 2 of
19 this act and section 3 of this act are effective
20 immediately upon completion of all acts necessary for a
21 bill to become law as provided by Article 4, Section 8 of
22 the Wyoming Constitution.

23

24

(END)