

SF0049

County zoning authority-private schools.

Sponsored By: Senator(s) Bebout, Agar, Boner, Coe, Dockstader, Driskill, Gierau, Hutchings, Kinskey, Perkins and Steinmetz and Representative(s) Burkhart, Clausen, Clem, Eklund, Greear, Hallinan, Lindholm, Miller, Northrup, Salazar and Western

AN ACT relating to counties; exempting private schools from county zoning authority as specified; and providing for an effective date.

12/28/2018 Bill Number Assigned
1/8/2019 S Received for Introduction
1/11/2019 S Introduced and Referred to S04 - Education
1/16/2019 S04 - Education:Recommend Amend and Do Pass 4-0-0-0-1

ROLL CALL

Ayes: Senator(s) Coe, Hutchings, Landen, Rothfuss
Conflicts: Senator Ellis
Ayes 4 **Nays** 0 **Excused** 0 **Absent** 0 **Conflicts** 1

1/16/2019 S Placed on General File

SF0049SS001/ADOPTED

Page 2-line 12 After "21-4-101(a)(iii)" insert "in any manner different from a public school,".
Page 2-lines 14 and 15 Delete entirely and insert:
"(i) Meets or exceeds the school facility commission guidelines for education buildings and siting requirements contained in the statewide school building and facility adequacy standards applicable at the time of construction established by the school facilities commission under W.S. 21-15-115;".
Page 2-line 17 Delete "." and insert "; and".
Page 2-after line 17 Insert:
"(iii) Is owned and operated by a not for profit Wyoming corporation.".
Page 2-line 19 After "**Section 2.**" delete balance of the line and insert "This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.". COE, CHAIRMAN

SF0049SW001/ADOPTED

Page 2-line 10 After "plan shall" insert "regulate and"; after "restrict" delete balance of the line.
Page 2-line 11 Delete "occupancy" and insert "the location and use of buildings and structures and the use, condition of use or occupancy".
Page 2-lines 14 and 15 Delete entirely including the Senate standing committee amendment (SF0049SS001/A) to these lines and insert:
"(i) Is certified by the professional engineer or architect of record for the private school as being substantially similar to school facility commission guidelines for education buildings and siting and is designed to be constructed with appropriate materials, means and methods;". ROTHFUSS, COE, LANDEN

1/18/2019 S COW:Passed
1/22/2019 S 2nd Reading:Passed
1/23/2019 S 3rd Reading:Passed 23-6-0-0-1

ROLL CALL

Ayes: Senator(s) Agar, Anderson, Anselmi-Dalton, Bebout, Biteman, Boner, Bouchard, Coe, Dockstader, Driskill, Gierau, Hicks, Hutchings, James, Kinskey, Landen, Moniz, Pappas, Perkins, Rothfuss, Schuler, Scott, Steinmetz

Nays: Senator(s) Baldwin, Case, Kost, Nethercott, Von Flatern, Wasserburger

Conflicts: Senator Ellis

Ayes 23 **Nays** 6 **Excused** 0 **Absent** 0 **Conflicts** 1

1/25/2019 H Received for Introduction
2/8/2019 H Introduced and Referred to H07 - Corporations
2/12/2019 H07 - Corporations:Recommend Amend and Do Pass 6-3-0-0-0

ROLL CALL

Ayes: Representative(s) Blackburn, Clausen, Clem, Duncan, Edwards, Lindholm

Nays: Representative(s) Clifford, Eyre, Furphy

Ayes 6 **Nays** 3 **Excused** 0 **Absent** 0 **Conflicts** 0

2/12/2019 H Placed on General File

SF0049HS001/ADOPTED

(TO ENGROSSED COPY)

Page 2-line 15 After "occupancy of" insert "lands for the use of".
Page 3-line 10 Delete "July 1, 2019" and insert "immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution". LINDHOLM, CHAIRMAN

SF0049HW001/FAILED

(TO ENGROSSED COPY)

Page 2-lines 1 through 22 Delete entirely including the House standing committee amendment (SF0049HS001/AE) within these lines and further amend as follows:

Page 3-lines 1 through 8 Delete entirely and insert:

"18-5-201. Authority vested in board of county commissioners; inapplicability of chapter to incorporated cities and towns and mineral resources; private schools.

(a) To promote the public health, safety, morals and general welfare of the county, each board of county commissioners may regulate and restrict the location and use of buildings and structures and the use, condition of use or occupancy of lands for residence, recreation, agriculture, industry, commerce, public use and other purposes in the unincorporated area of the county, except as otherwise provided by this section. ~~However,~~ Nothing in W.S. 18-5-201 through 18-5-208 shall be construed to contravene any zoning authority of any incorporated city or town. ~~and~~

(b) No zoning resolution or plan shall prevent any use or occupancy reasonably necessary to the extraction or production of the mineral resources in or under any lands subject thereto.

(c) No zoning resolution or plan shall regulate or restrict, in any manner different from that applicable to a public school, the location or use of buildings or structures of a private school or the use, condition of use or occupancy of lands for a private school, provided that the private school meets all of the following requirements:

(i) Is certified by the professional engineer or architect of record for the private school as being substantially similar to school facility

commission guidelines for education buildings and siting and is designed to be constructed with appropriate materials, means and methods;

(ii) Has capacity for fifty (50) students or more;

(iii) Is owned and operated by a not for profit Wyoming corporation.

(d) When a property that once contained a private school no longer contains a private school that meets the requirements of subsection (c) of the section, subsection (c) shall not apply to the county commissioners' governance of that property. The county commissioners may regulate and restrict the location and use of buildings and structures and the use, condition of use or occupancy of lands for residence, recreation, agriculture, industry, commerce, public use and other purposes on the property as it may for any other property in the unincorporated area of the county.

(e) As used in this section, "private school" means as defined in W.S. 21-4-101(a)(iii).". CRANK

SF0049HW002/WITHDRAWN

SF0049HW003/WITHDRAWN

2/20/2019 H COW:Passed

SF0049H2001/FAILED (TO ENGROSSED COPY)

Page 3-line 5 Delete "and".

Page 3-line 8 Delete "." and insert "; and".

Page 3-after line 8 Insert:

"(iv) Is responsible for any costs incurred by the county for improvements to existing public infrastructure, construction of new public infrastructure to the point the new infrastructure connects to existing public infrastructure, and maintenance thereof. As used in this paragraph, "public infrastructure" shall include but is not limited to roads, bridges, streets, traffic control signals, sidewalks, rights-of-way, lighting, waste disposal systems, water and sewer line facilities, storm water control and drainage facilities, gas and electric utility facilities and other public improvements necessary for the operation of the private school.". SCHWARTZ, YIN

SF0049H2002/FAILED (TO ENGROSSED COPY)

Page 2-line 20 Delete "being".

Page 2-line 21 Delete "similar to" and insert "meeting the".

Page 2-line 22 After "guidelines" insert "and uniform adequacy standards"; after "siting" insert "adopted pursuant to W.S. 21-15-115(a)". CONNOLLY, PAXTON

SF0049H2003/FAILED (TO ENGROSSED COPY)

Page 3-line 8 After "corporation" insert "and is not used or occupied for commercial purposes or events". SOMMERS

SF0049H2004/ADOPTED (TO ENGROSSED COPY)

Page 3-line 8 Delete "Wyoming corporation" and insert "entity". LINDHOLM

2/21/2019 H 2nd Reading:Passed

2/22/2019 H 3rd Reading:Laid Back

SF0049H3001/WITHDRAWN

SF0049H3002/FAILED (TO ENGROSSED COPY)

Page 3-after line 8 Insert:

"(b) A private school whose buildings, structures and lands are subject to an exemption from county zoning plans and resolutions pursuant to subsection (a) of this section shall certify to the board of county commissioners not later than August 10 of each year that, for the following school year, the school will operate as a private school, as defined in W.S. 21-4-101(a)(iii), and meet the applicable requirements of this section to receive the exemption. If a private school does not provide a certification to the board of county commissioners in accordance with this subsection, no exemption to county zoning plans or resolutions shall apply to the private school's buildings, structures or lands.". SCHWARTZ, PAXTON

SF0049H3003/FAILED

(TO ENGROSSED COPY)

Page 2-line 13

After "shall" insert "unreasonably".

Page 3-line 10

Delete entirely including the House standing committee amendment (SF0049HS001/AE) to this line and insert:

"**Section 2.** This act is effective April 1, 2020.". SOMMERS, BARLOW

SF0049H3004/FAILED

(TO ENGROSSED COPY)

Page 2-line 12

Delete "No" and insert "Additionally, a private school, as defined in W.S. 21-4-101(a)(iii), shall receive an exemption from county zoning requirements pursuant to this section from the board of county commissioners if the private school meets the applicable requirements of this section. No exemption shall be granted to a private school on or after July 1, 2021. An exemption provided to a private school shall provide that no". ZWONITZER

2/25/2019 H 3rd Reading:Passed 33-26-1-0-0

ROLL CALL

Ayes: Representative(s) Barlow, Blackburn, Burkhart, Clausen, Clem, Edwards, Eklund, Eyre, Gray, Greear, Hallinan, Harshman, Jennings, Larsen, Laursen, Lindholm, Loucks, Miller, Nicholas, Olsen, Piiparinen, Pownall, Salazar, Simpson, Stith, Styvar, Sweeney, Tass, Walters, Washut, Western, Wilson, Zwonitzer

Nays: Representative(s) Blake, Brown, Burlingame, Clifford, Connolly, Crank, Dayton-Selman, Duncan, Flitner, Freeman, Furphy, Haley, Henderson, Hunt, Kinner, Kirkbride, MacGuire, Newsome, Obermueller, Paxton, Pelkey, Roscoe, Schwartz, Sommers, Winter, Yin

Excused: Representative Northrup

Ayes 33 **Nays** 26 **Excused** 1 **Absent** 0 **Conflicts** 0

2/25/2019 S Received for Concurrence

2/25/2019 S Concur:Passed 25-3-1-0-1

ROLL CALL

Ayes: Senator(s) Anderson, Anselmi-Dalton, Baldwin, Bebout, Biteman, Boner, Bouchard, Coe, Dockstader, Driskill, Gierau, Hicks, Hutchings, James, Kinskey, Kost, Landen, Moniz, Nethercott, Pappas, Perkins, Schuler, Scott, Steinmetz, Wasserburger

Nays: Senator(s) Case, Rothfuss, Von Flatern

Excused: Senator Agar

Conflicts: Senator Ellis

Ayes 25 **Nays** 3 **Excused** 1 **Absent** 0 **Conflicts** 1

2/26/2019 Assigned Number SEA No. 0067

2/26/2019 S President Signed SEA No. 0067
2/26/2019 H Speaker Signed SEA No. 0067
3/15/2019 Governor Signed SEA No. 0067
3/15/2019 Assigned Chapter Number 196

Chapter No. 196 Session Laws of Wyoming 2019