

## HOUSE BILL NO. HB0032

School finance-major maintenance formula.

Sponsored by: Select Committee on School Facilities

A BILL

for

1 AN ACT relating to school finance; modifying the formula  
 2 and payment structure for major maintenance funding for  
 3 public K-12 schools; revising the definition of major  
 4 maintenance; amending requirements for school building and  
 5 facility assessments; revising priorities for school  
 6 district facility plans; providing applicability; providing  
 7 an appropriation; and providing for an effective date.

8

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

10

11 **Section 1.** W.S. 21-15-109(a)(iii), (b),  
 12 (c)(i)(intro), (v), (vi) and (vii)(intro), 21-15-115(b)(i)  
 13 and 21-15-116(a)(intro) are amended to read:

14

15 **21-15-109. Major building and facility repair and**  
 16 **replacement payments; computation; square footage**

1 **allowance; use of payment funds; accounting and reporting**  
2 **requirements.**

3

4 (a) As used in this act:

5

6 (iii) "Major building and facility repair and  
7 replacement" means the repair, ~~or~~ replacement or upgrade of  
8 complete or major portions of school building and facility  
9 systems at irregular intervals which is required to  
10 continue the use of the building or facility at its  
11 ~~original~~ intended capacity for its ~~original~~ intended or  
12 marginally altered use and is typically accomplished by  
13 contractors due to the personnel demand to accomplish the  
14 work in a timely manner, the level of sophistication of the  
15 work or the need for warranted work. † The term includes the  
16 following categories as hereafter defined:

17

18 (A) "Code compliance" means system  
19 improvements or site improvements that are mandated in  
20 writing by an authority having jurisdiction for the  
21 continued use of a school building or facility;

22

1                   (B) "Site improvements" means the repair,  
 2 replacement or upgrade of those components or equipment of  
 3 school district buildings and facilities that are not  
 4 system improvements, including the repair, replacement or  
 5 upgrade of:

6  
 7                   (I) Sidewalks;

8  
 9                   (II) Parking lots;

10  
 11                   (III) Athletic tracks;

12  
 13                   (IV) Playground features;

14  
 15                   (V) Outdoor security features;

16  
 17                   (VI) Landscaping;

18  
 19                   (VII) Drainage systems; or

20  
 21                   (VIII) Similar components or  
 22 equipment.

23

1                    (C) "System improvements" means the repair,  
 2 replacement or upgrade of components or equipment of school  
 3 district buildings, including:

4  
 5                    (I) Structural systems;

6  
 7                    (II) Fire protection systems;

8  
 9                    (III) Indoor security features;

10  
 11                   (IV) Electrical, plumbing, heating,  
 12 ventilation or air conditioning systems;

13  
 14                   (V) Roofs;

15  
 16                   (VI) Windows;

17  
 18                   (VII) Information technology systems;

19 or

20  
 21                   (VIII) Similar components or  
 22 equipment.

23

1           (b) To the extent funds are available, on July 1 of  
2 each year, the state construction department shall, based  
3 upon square footage computations computed ~~on September 1 of~~  
4 from the prior school year, distribute seventy-five percent  
5 (75%) of the estimated major building and facility repair  
6 and replacement payments to each school district from the  
7 school capital construction account. On or before September  
8 30 of each year the department shall distribute the balance  
9 of payments to each school district. If funds within the  
10 account are not sufficient for payments ~~on July 1 of~~ any  
11 school year, the department shall ~~distribute payments from~~  
12 ~~the account on or before September 30 and March 31 of that~~  
13 ~~school year~~ reduce all district payments by a uniform  
14 percentage. The department shall also increase or reduce a  
15 subsequent school district payment, as appropriate, in the  
16 event a school district receives an excessive or deficient  
17 distribution. Major building and facility repair and  
18 replacement payments shall be computed in accordance with  
19 subsection (c) of this section.

20

21           (c) To compute the major building and facility repair  
22 and replacement payment for each district, the department  
23 shall:

1

2 (i) ~~Annually on or before September 1,~~ Determine  
3 the total number of gross square feet of school buildings  
4 and facilities within the district from the prior school  
5 year according to guidelines prescribed by rule and  
6 regulation of the commission, subject to the following:

7

8 (v) Multiply the adjusted square footage amount  
9 for each district's educational buildings determined under  
10 paragraph (c)(iii) of this section and the amount  
11 determined under paragraph (c)(ii) of this section for all  
12 remaining building categories of that district, times a  
13 replacement value cost factor established for each building  
14 category by the department computed using data from August  
15 1 of the prior school year based upon the median estimate  
16 in the most current edition of ~~the R. S. Means~~ a nationally  
17 recognized, quarterly published construction cost index  
18 that provides cost indices for elementary schools, junior  
19 high schools, high schools, offices and warehouses by city  
20 or town, as modified to reflect current Wyoming  
21 construction costs determined by the department of  
22 administration and information, division of economic  
23 analysis;

1

2 (vi) Multiply the amount computed under  
3 paragraph (c)(v) of this section for the adjusted square  
4 footage of the district's educational buildings times two  
5 percent (2%) for school year 2018-2019 through school year  
6 2021-2022 and by two and one-half percent (2.5%) for school  
7 year ~~2001-2002, three percent (3%) for school year~~  
8 ~~2002-2003, and by two percent (2%) for school year~~  
9 ~~2003-2004~~ 2022-2023 and each school year thereafter;

10

11 (vii) Multiply the sum of the amounts obtained  
12 under paragraph (c)(v) of this section for the building  
13 categories identified under subparagraphs (c)(ii)(A) and  
14 (D) of this section times two percent (2%) for school year  
15 2018-2019 through school year 2021-2022 and by two and  
16 one-half percent (2.5%) for school year ~~2001-2002, three~~  
17 ~~percent (3%) for school year 2002-2003, and by two percent~~  
18 ~~(2%) for school year 2003-2004~~ 2022-2023 and each school  
19 year thereafter, adjusted as follows:

20

21 **21-15-115. Statewide standards for school building**  
22 **and facility adequacy; adequacy assessment.**

23

1           (b) The department shall maintain the comprehensive  
2 assessment of the adequacy of existing school buildings and  
3 facilities and of future space requirements within the  
4 state. Maintenance of the assessment shall include district  
5 reporting of new construction and major building and  
6 facility repair and replacement activities in accordance  
7 with guidelines prescribed by rule and regulation of the  
8 commission, the results of department on-site visitations  
9 and inspections of buildings and facilities and needs  
10 assessment data and verification of building and facility  
11 ratings through periodic review. The assessment shall be  
12 designed and maintained to provide timely and uniform  
13 statewide data on all of the following:

14

15           (i) The condition of school buildings and  
16 facilities, seismic ratings and structural integrity. Each  
17 school building and facility component or system shall be  
18 rated as excellent, good, fair, poor or failure;

19

20           **21-15-116. School district facility plans;**  
21 **development, review and approval; plan criteria;**  
22 **administrative review; collaborative committee process.**

23

1 (a) In accordance with rules and regulations of the  
2 commission, long range comprehensive school building and  
3 facility plans for each school district shall be developed  
4 by the department in coordination with the applicable  
5 district, which address district wide building and facility  
6 needs. The facility plan shall identify building and  
7 facility needs ~~in accordance~~ aligned with the statewide  
8 adequacy standards, actions to remediate building and  
9 facility needs including construction, renovation and major  
10 building and facility repair and replacement expenditures,  
11 and any local enhancements to buildings and facilities  
12 beyond statewide adequacy standards. The facility plan  
13 shall include a response to each school building and  
14 facility need identified on a building-by-building,  
15 space-by-space basis. The plan shall also review, and to  
16 the extent practical, identify and prioritize  
17 nonconstruction alternatives to school building and  
18 facility needs such as building closure, modification of  
19 school boundaries, modification of school grade  
20 configurations and similar approaches. Demolition or use,  
21 lease or other methods of disposition of surplus buildings  
22 and facilities shall be incorporated as part of the  
23 district plan, including the disposition of any existing

1 land owned by the district. The plan shall not include the  
2 abandonment or demolition of any school facility or  
3 building unless there has first been a public hearing on  
4 the issue. The plan shall also specify identified  
5 alternative methods of building disposition, proposed  
6 allocation of costs incurred or revenues resulting from  
7 disposition and allocation of disposition revenues to  
8 offset any costs paid by the department. In addition,  
9 district facility plans shall include:

10

11 **Section 2.** W.S. 21-15-109(c) (i) (C) is repealed.

12

13 **Section 3.** The provision of this act that requires  
14 the state construction department to increase or reduce a  
15 subsequent school district major maintenance payment in the  
16 event a school district receives an excessive or deficient  
17 distribution shall not apply to major maintenance  
18 distributions made to school districts prior to the  
19 effective date of this act.

20

21 **Section 4.** There is appropriated one million dollars  
22 (\$1,000,000.00) to the state construction department from  
23 the school capital construction account for purposes of

1 making payments to school districts as required under W.S.  
2 21-15-109. Notwithstanding any other provision of law, this  
3 appropriation shall not be transferred or expended for any  
4 other purpose and any unexpended, unobligated funds  
5 remaining from this appropriation shall revert to the  
6 school capital construction account on June 30, 2020.

7

8 **Section 5.** This act is effective July 1, 2018.

9

10

(END)