

## HOUSE BILL NO. HB0033

School finance-capital construction amendments.

Sponsored by: Select Committee on School Facilities

A BILL

for

1 AN ACT relating to school buildings and facilities;  
 2 clarifying the buildings to be included in the computation  
 3 of major maintenance payments to school districts;  
 4 clarifying how emergency funds may be used; requiring  
 5 school facilities commission approval for alternate design  
 6 and construction; requiring school facilities commission  
 7 approval for school districts to dispose of buildings and  
 8 land; repealing obsolete provisions; and providing for an  
 9 effective date.

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

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13           **Section**           **1.** W.S.           21-15-109(c) (iii) (intro),  
 14 21-15-120(b), 21-15-121(a) (viii) and 21-15-123(f) (v) (H),  
 15 (vi) and (viii) are amended to read:

16

1           **21-15-109. Major building and facility repair and**  
2 **replacement payments; computation; square footage**  
3 **allowance; use of payment funds; accounting and reporting**  
4 **requirements.**

5  
6           (c) To compute the major building and facility repair  
7 and replacement payment for each district, the department  
8 shall:

9  
10           (iii) Except as otherwise provided by this  
11 paragraph, adjust the total amount of gross square footage  
12 determined for educational buildings under subparagraph  
13 (c)(ii)(C) of this section ~~shall be adjusted~~ by excluding  
14 from computations under this section the square footage for  
15 those educational buildings closed and not operational as  
16 provided for under paragraph (c)(iv) of this section and  
17 any amount including the gross square footage of portable  
18 buildings, ~~but excluding the gross square footage of~~  
19 ~~buildings used for the provision of certified child care,~~  
20 ~~developmental preschool and cooperative education programs~~  
21 ~~pursuant to subparagraph (c)(i)(A) of this section,~~ which  
22 exceeds capacity levels specified by this paragraph which  
23 are above the statewide minimum gross square footage

1 criteria as prescribed by the statewide building and  
2 facility adequacy standards promulgated under W.S.  
3 21-15-115(a). For the purpose of adjusting the gross square  
4 footage of educational buildings under this paragraph, the  
5 gross square footage of buildings used for the provision of  
6 certified child care, developmental preschool and  
7 cooperative education programs pursuant to subparagraph  
8 (c)(i)(A) of this section shall not be excluded. For  
9 purposes of this section, per student gross square footage  
10 criteria prescribed by the statewide building adequacy  
11 standards shall be based upon an average daily membership  
12 (ADM) computed as defined under W.S. 21-13-101(a)(i) for  
13 the prior school year. For purposes of computations under  
14 this section, the allowable capacity in educational  
15 building gross square footage for each district including  
16 portable buildings but excluding buildings used for the  
17 provision of certified child care, developmental preschool  
18 and cooperative education programs pursuant to subparagraph  
19 (c)(i)(A) of this section, shall be as follows:

20

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

22

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 school capital construction  
6 account or otherwise made available by the legislature,  
7 acquire facilities and equipment, undertake school building  
8 and facility repairs, fund additional operating expenses  
9 incurred in providing temporary measures and other  
10 responses to the emergency situation including necessary  
11 investigative and qualified contract assistance expenses  
12 incurred by the commission, as necessary to enable the  
13 district to provide educational programs required by law on  
14 a temporary basis until permanent action can be taken to  
15 address school building and facility adequacy.

16

17           **21-15-121. Annual school building status report to**  
18 **select committee on school facilities.**

19

20           (a) Not later than September 1 of each year, the  
21 commission shall submit a report to the select committee on  
22 school facilities on progress being made under the school  
23 capital facilities system established under this act. The

1 report shall be incorporated into the proposed budget  
2 submitted to the select committee under W.S. 21-15-119 and  
3 shall include:

4

5 (viii) Any expenditures for emergency school  
6 building and facility needs under W.S. 21-15-120.

7

8 **21-15-123. State construction department; duties and**  
9 **authority relating to school facilities.**

10

11 (f) The state construction department shall:

12

13 (v) Enter into or approve construction or  
14 renovation project agreements with school districts, as  
15 appropriate. Each agreement shall:

16

17 (H) Allow for alternate design and  
18 construction delivery methods as defined in W.S. 16-6-701  
19 for provision of design and construction services, if  
20 approved by the commission; and

21

22 (vi) Review district ~~plans~~ proposals for the  
23 disposition or demolition of buildings and facilities made

1 surplus by an approved construction or renovation project  
2 or by changes in school population, including allocation of  
3 resulting costs and revenues and report the ~~plans~~ proposals  
4 to the commission. Disposition shall include options for  
5 use, lease, sale and any other means of disposing of the  
6 surplus building or facility. The costs and revenues  
7 incurred by the disposition or demolition of the building  
8 or facility shall be accounted for in each district's  
9 school facility plan and considered in any building or  
10 facility remedy for that district, including the allocation  
11 of revenues resulting from the disposition of property  
12 rendered surplus to offset property demolition costs. The  
13 department shall report this review to the commission. ~~The~~  
14 ~~district shall have final authority over the disposition or~~  
15 ~~demolition of any surplus buildings or facilities, except~~  
16 ~~that~~ The commission, after receiving a report of the review  
17 by the department, ~~may disapprove any plans~~ shall approve  
18 the proposal related to disposition or demolition submitted  
19 pursuant to this paragraph ~~if~~ unless the commission  
20 determines that the ~~plans do~~ proposal does not protect the  
21 financial interests of the state or ~~are~~ is not otherwise in  
22 the public interest. Any revenues resulting from property

1 disposition under this paragraph shall not be considered or  
2 counted under W.S. 21-13-310(a) (xiv) or (xv);

3

4 (viii) Review any proposed sale of existing land  
5 owned by a district, which land is within the scope of the  
6 district's facility plan, and determine the impact of the  
7 land disposition upon that plan. The department shall  
8 report the review to the commission. ~~The district shall~~  
9 ~~have final authority over the sale of existing land owned~~  
10 ~~by the district, except that~~ The commission, after  
11 receiving a report of the review by the department, ~~may~~  
12 ~~disapprove any plans~~ shall approve the proposal related to  
13 a sale submitted pursuant to this paragraph ~~if~~ unless the  
14 commission determines that the ~~plans do~~ proposal does not  
15 protect the financial interests of the state or ~~are~~ is not  
16 otherwise in the public interest. If the commission  
17 determines land disposition adversely impacts the  
18 cost-effectiveness of the district's facility plan, the  
19 revenues resulting from land disposition shall be  
20 considered by the commission in any future building or  
21 facility remedy for that district and, notwithstanding  
22 paragraph (vi) of this subsection, the commission may

1 direct the department of education to consider or count  
2 those revenues under either W.S. 21-13-310(a)(xiv) or (xv).

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4       **Section 2.** W.S. 21-15-109(c)(iii)(A) and (B) is  
5 repealed.

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7       **Section 3.** This act is effective July 1, 2018.

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(END)