

ORIGINAL HOUSE  
BILL NO. HB0033

ENROLLED ACT NO. 17, HOUSE OF REPRESENTATIVES

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING  
2018 BUDGET SESSION

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

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

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

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

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

(iii) Except as otherwise provided by this paragraph, adjust the total amount of gross square footage determined for educational buildings under subparagraph (c)(ii)(C) of this section ~~shall be adjusted~~ by excluding from computations under this section the square footage for those educational buildings closed and not operational as provided for under paragraph (c)(iv) of this section and any amount including the gross square footage of portable buildings, ~~but excluding the gross square footage of buildings used for the provision of certified child care,~~

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~~developmental preschool and cooperative education programs pursuant to subparagraph (c)(i)(A) of this section,~~ which exceeds capacity levels specified by this paragraph which are above the statewide minimum gross square footage criteria as prescribed by the statewide building and facility adequacy standards promulgated under W.S. 21-15-115(a). For the purpose of adjusting the gross square footage of educational buildings under this paragraph, the gross square footage of buildings used for the provision of certified child care, developmental preschool and cooperative education programs pursuant to subparagraph (c)(i)(A) of this section shall not be excluded. For purposes of this section, per student gross square footage criteria prescribed by the statewide building adequacy standards shall be based upon an average daily membership (ADM) computed as defined under W.S. 21-13-101(a)(i) for the prior school year. For purposes of computations under this section, the allowable capacity in educational building gross square footage for each district including portable buildings but excluding buildings used for the provision of certified child care, developmental preschool and cooperative education programs pursuant to subparagraph (c)(i)(A) of this section, shall be as follows:

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

(b) Upon a finding that an emergency exists under subsection (a) of this section, the commission shall in accordance with rules and regulations promulgated by the commission under this subsection and to the extent funds are available within the school capital construction account or otherwise made available by the legislature, acquire facilities and equipment, undertake school building and facility repairs, fund additional operating expenses incurred in providing temporary measures and other

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responses to the emergency situation including necessary investigative and qualified contract assistance expenses incurred by the commission, as necessary to enable the district to provide educational programs required by law on a temporary basis until permanent action can be taken to address school building and facility adequacy.

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

(a) Not later than September 1 of each year, the commission shall submit a report to the select committee on school facilities on progress being made under the school capital facilities system established under this act. The report shall be incorporated into the proposed budget submitted to the select committee under W.S. 21-15-119 and shall include:

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

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

(f) The state construction department shall:

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

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

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(vi) Review district ~~plans~~proposals for the disposition or demolition of buildings and facilities made surplus by an approved construction or renovation project or by changes in school population, including allocation of resulting costs and revenues and report the ~~plans~~proposals to the commission. Disposition shall include options for use, lease, sale and any other means of disposing of the surplus building or facility. The costs and revenues incurred by the disposition or demolition of the building or facility shall be accounted for in each district's school facility plan and considered in any building or facility remedy for that district, including the allocation of revenues resulting from the disposition of property rendered surplus to offset property demolition costs. The department shall report this review to the commission. ~~The district shall have final authority over the disposition or demolition of any surplus buildings or facilities, except that~~The commission, after receiving a report of the review by the department, ~~may disapprove any plans~~shall approve the proposal related to disposition or demolition submitted pursuant to this paragraph ~~if~~unless the commission determines that the ~~plans do~~proposal does not protect the financial interests of the state or ~~are~~is not otherwise in the public interest. Any revenues resulting from property disposition under this paragraph shall not be considered or counted under W.S. 21-13-310(a)(xiv) or (xv);

(viii) Review any proposed sale of existing land owned by a district, which land is within the scope of the district's facility plan, and determine the impact of the land disposition upon that plan. The department shall report the review to the commission. ~~The district shall have final authority over the sale of existing land owned by the district, except that~~The commission, after receiving a report of the review by the department, ~~may~~

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~~disapprove any plans~~ shall approve the proposal related to a sale submitted pursuant to this paragraph ~~if~~ unless the commission determines that the ~~plans do~~ proposal does not protect the financial interests of the state or ~~are~~ is not otherwise in the public interest. If the commission determines land disposition adversely impacts the cost-effectiveness of the district's facility plan, the revenues resulting from land disposition shall be considered by the commission in any future building or facility remedy for that district and, notwithstanding paragraph (vi) of this subsection, the commission may direct the department of education to consider or count those revenues under either W.S. 21-13-310(a)(xiv) or (xv).

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

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

(END)

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the House.

\_\_\_\_\_  
Chief Clerk