

ENROLLED ACT NO. 46, SENATE

FIFTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2004 BUDGET SESSION

AN ACT relating to school buildings; modifying the routine maintenance adjustment to the cost-based school funding model by phasing down excess capacity to align with the school adequacy standards and facility design guidelines established by the school facilities commission; accordingly modifying the major maintenance program; adjusting major maintenance square footage computations to reflect building age and to exclude specified leased space; modifying computations for closed buildings; modifying major maintenance payment computations; clarifying major maintenance reporting and expenditure requirements as specified; and providing for an effective date.

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

Section 1. W.S. 21-3-110(a)(x), 21-13-326(a)(intro), (i), (ii), (v) and (viii), 21-15-109(a)(ii), (iv), (viii), (c)(i), (iii), (iv) through (vi), (vii)(A), (viii) and (e) and 21-15-116(a) by creating new paragraphs (v) and (vi) and by renumbering (v) as (vii) are amended to read:

21-3-110. Duties of boards of trustees.

(a) The board of trustees in each school district shall:

(x) Subject to review by the school facilities commission under W.S. 21-15-115 for any project involving state capital construction assistance, fix the site of each school building and facility considering the needs of the people of each portion of the district. If the district enters into an agreement to lease buildings and facilities owned by the district and the buildings and facilities are included within the statewide database maintained by the school facilities commission under W.S. 21-15-114(a)(vi),

ORIGINAL SENATE
FILE NO. 0037

ENROLLED ACT NO. 46, SENATE

FIFTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2004 BUDGET SESSION

the district shall, except as provided under W.S. 21-15-109(c)(i)(B), ensure the lease agreement requires sufficient payment from the lessee to cover expenses necessary to adequately maintain the facility or building in accordance with statewide adequacy standards prescribed by the commission. Except as provided under W.S. 21-15-109(c)(i)(B), if the district enters into an agreement to lease buildings and facilities under which the district is the lessee and the building is to be used for the provision of the required educational program within the district, the lease agreement shall require the lessor to adequately maintain the buildings and facilities in accordance with standards prescribed by the commission;

21-13-326. Routine maintenance; adjustment to foundation program formula.

(a) The adjustment for routine maintenance under W.S. 21-13-309(n)(vi), following reduction of the operations and maintenance component contained ~~within each school level~~ within the prototypical school model, as prescribed by the education resource block grant model, shall be computed for each district on a dollar per average daily membership basis under the block grant model, subject to the following:

(i) Actual gross square feet of school buildings and facilities within each district shall be separated into education and noneducation categories, with-including any square footage leased by the district but excluding the square footage of any building or facility not used for delivering the required educational program within the district purposes-excluded-and the square footage of any building or facility closed and not operational as provided under W.S. 21-15-105(c)(iv);

ORIGINAL SENATE
FILE NO. 0037

ENROLLED ACT NO. 46, SENATE

FIFTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2004 BUDGET SESSION

(ii) For purposes of computations for the adjustment to the block grant model under this section, actual square footage of education space shall be reported and computed for each district. ~~by school level.~~ The gross square footage of education space for each ~~school level district~~ shall be subject to the computations prescribed under paragraphs (a)(iv) through ~~(vi)~~ (v) of this section. The standard education space capacity for each ~~school level district~~ shall be the gross square footage prescribed by the statewide building adequacy standards promulgated under W.S. ~~21-15-107~~ 21-15-115;

(v) ~~For school years 2002-2003 through 2006-2007, education space capacity greater than one hundred twenty-five percent (125%) of the standard space level and up to two hundred percent (200%) of the standard space level, shall in accordance with the block grant model, receive a decrease in the base dollar amount per square foot for the square footage exceeding the one hundred twenty-five percent (125%) level. Educational space in excess of two hundred percent (200%)~~ the following specified maximum percentages of the standard space level shall not be included in computations under this section:†

(A) For school years 2004-2005 and 2005-2006, one hundred thirty-five percent (135%) of the standard space level;

(B) For school years 2006-2007 through 2008-2009, one hundred twenty-five percent (125%) of the standard space level;

(C) For school year 2009-2010 and each school year thereafter, one hundred fifteen percent (115%) of the standard space level.

ORIGINAL SENATE
FILE NO. 0037

ENROLLED ACT NO. 46, SENATE

FIFTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2004 BUDGET SESSION

(viii) The base dollar amount per square foot for routine maintenance shall be two dollars and forty-four cents (\$2.44), subject to paragraphs (a) (iv), ~~through (v)~~ and (vii) of this section.

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

(a) As used in this act:

(ii) "Educational building" means a school building or facility primarily used for providing the educational programs offered by a district in compliance with law which is owned by the district, ~~or leased by the district,~~ including a school building or facility owned by the district and used for operating a charter school established under W.S. 21-3-301 through 21-3-314;

(iv) "Office building" means a school building or facility primarily used in connection with or for the purpose of district administrative functions, the major purpose or use of which is not dedicated to the provision of educational programs offered by the district in accordance with law. "Office building" shall include maintenance facilities and storage buildings in which supplies are stored; ~~personnel are employed or school buses are stored, maintained and serviced;~~

(viii) "Warehouse building" means a school building or facility primarily used for storage of equipment, materials and other district property and supplies, including facilities ~~constructed solely to store~~ in which school buses are stored, maintained or serviced.

ORIGINAL SENATE
FILE NO. 0037

ENROLLED ACT NO. 46, SENATE

FIFTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2004 BUDGET SESSION

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

(i) Annually on or before September 1, ~~and subject to subsection (d) of this section,~~ determine the total number of gross square feet of school buildings and facilities within the district according to guidelines prescribed by rule and regulation of the commission, ~~subject to the following:~~

(A) The gross square footage of any school building or facility within the district which is not used for district purposes of delivering the required educational program shall not be included within the district's total gross square footage computed under this section;

(B) The gross square footage of any school building or facility leased by a district shall not be included within the district's total gross square footage computed under this section, unless the lease agreement is by or with any nonprofit or governmental agency providing educational programs which have been approved by the department of education, the department of health or another state or educational credentialing agency and the leased space is incorporated into the district's facility plans required under W.S. 21-15-116(a)(vi) and is approved by the commission;

(C) The district's total gross square footage shall be adjusted for the age of its buildings and facilities. The commission shall by rule and regulation for buildings and facilities constructed after June 30, 2004, adjust total district gross square footage by excluding or reducing the gross square footage of newly

ORIGINAL SENATE
FILE NO. 0037

ENROLLED ACT NO. 46, SENATE

FIFTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2004 BUDGET SESSION

constructed buildings and facilities whereby at the seventh school year immediately following the school year in which the building or facility is constructed, one hundred percent (100%) of the gross square footage of the newly constructed building or facility is included within the total district square footage computation under this section;

(D) ~~In addition,~~ No gross square footage created by any district enhancement shall be included within the district's gross square footage computed under this section unless the enhancement or any portion thereof is determined to be included within the state adequacy standards pursuant to this act.~~†~~

(iii) 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, which exceeds ~~two hundred percent (200%) of 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 purposes of this section, per student gross square footage criteria 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, with the district's kindergarten ADM divided by two (2).~~†~~ For purposes of computations under this section, the allowable capacity in educational building gross square footage for each district including portable buildings, shall be as follows:

ORIGINAL SENATE
FILE NO. 0037

ENROLLED ACT NO. 46, SENATE

FIFTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2004 BUDGET SESSION

(A) For school years 2004-2005 and 2005-2006, up to one hundred thirty-five percent (135%) of the per student gross square footage criteria prescribed by statewide adequacy standards;

(B) For school years 2006-2007 through 2008-2009, up to one hundred twenty-five percent (125%) of the prescribed per student gross square footage criteria;

(C) For school year 2009-2010 and each school year thereafter, up to one hundred fifteen percent (115%) of the prescribed per student gross square footage criteria.

(iv) The square footage of any district ~~educational~~ building or facility which is closed and not operational, is not being replaced under a district's facility plan approved by the commission under W.S. 21-15-116, is not determined surplus by the commission and is specified as a closed building within the district's facility plan as a cost efficient means to address future district building needs, shall be ~~decreased by fifty percent (50%) for the first three (3) school years commencing with the school year in which the building is closed. Thereafter, the square footage shall be eliminated entirely from computations under this section. Computations under this paragraph shall not include the square footage of any portable building. Any reduction made pursuant to segregated from the square footage of other district buildings and facilities and multiplied by the replacement value determined by the commission under paragraph (c)(v) of this section for the appropriate building category. The resulting amount shall then be multiplied by an exterior closure factor established by the commission based upon the most current edition of the Whitestone Building Maintenance~~

ORIGINAL SENATE
FILE NO. 0037

ENROLLED ACT NO. 46, SENATE

FIFTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2004 BUDGET SESSION

and Repair Cost Reference Index and added to the total amount determined for the district under paragraph (c)(viii) of this section. This paragraph shall not apply to any school year during which the building or facility is reopened and becomes operational for purposes of providing delivering the required educational program within the district;~~educational programs;~~

(v) Multiply the adjusted square footage amount for each district's educational buildings determined under paragraph (c)(iii) of this section,~~the allowable square footage of the district's closed educational buildings determined under paragraph (c)(iv) of this section~~ and the amount determined under paragraph (c)(ii) of this section for all remaining building categories of that district, times a replacement value cost factor established for each building category by the commission.~~For school facilities constructed on or before June 30, 1996, the replacement value cost factor shall be~~ based upon the median estimate in the most current edition of the R. S. Means construction cost index, as modified to reflect current Wyoming construction costs determined by the department of administration and information, division of economic analysis;~~For school facilities constructed on or after July 1, 1996, the replacement value cost factor shall be determined by the commission on a square footage basis using the school district's total actual expenditures for materials and labor to construct the facility. For the purposes of this section, school facilities are deemed to be constructed on the date that work on the project is substantially complete and the facilities are suitable to be used for the purpose intended;~~

(vi) Multiply the amount computed under paragraph (c)(v) of this section for the adjusted square footage of the district's educational buildings,~~including~~

ORIGINAL SENATE
FILE NO. 0037

ENROLLED ACT NO. 46, SENATE

FIFTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2004 BUDGET SESSION

~~any allowable square footage of closed educational buildings,~~ times two and one-half percent (2.5%) for school year 2001-2002, three percent (3%) for school year 2002-2003, and by two percent (2%) for school year 2003-2004 and each school year thereafter;

(vii) Multiply the sum of the amounts obtained under paragraph (c)(v) of this section for the building categories identified under subparagraphs (c)(ii)(A) and (D) of this section times two and one-half percent (2.5%) for school year 2001-2002, three percent (3%) for school year 2002-2003, and by two percent (2%) for school year 2003-2004 and each school year thereafter, adjusted as follows:

(A) Determine the proportion that the sum of the square footage for these building categories within the district bears to the educational building square footage computed under subparagraph (c)(ii)(C) of this section, as adjusted pursuant to ~~paragraphs~~ paragraph (c)(iii) ~~and (iv)~~ of this section, excluding any square footage included under paragraph (c)(iv) of this section;

(viii) Total the amounts computed under paragraphs (c) (iv), (vi) and (vii) of this section.

(e) Amounts distributed under subsection (b) of this section shall be deposited by the recipient district into a separate account, the balance of which may accumulate from year-to-year. Expenditures from the separate account, including any interest earnings on the account, shall be restricted to expenses incurred for major building and facility repair and replacement as defined in subsection (a) of this section and as prescribed by rule and regulation of the commission, and shall be in accordance with the district's facility plan approved by the

ORIGINAL SENATE
FILE NO. 0037

ENROLLED ACT NO. 46, SENATE

FIFTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2004 BUDGET SESSION

commission under W.S. 21-15-116. ~~Any interest earned on the account is exempt from and shall not be reported as a local district revenue under W.S. 21-13-310(a)(xi).~~ The district's facility plan shall clearly specify proposed major maintenance expenditures for addressing district major building and facility repair and replacement needs over the next five (5) years on a building-by-building basis, updated annually for the applicable reporting period, which shall be aligned to the statewide adequacy standards and prioritized based upon the impact of the building or facility on the district's ability to deliver the required educational program. The district shall include plans for maintaining any district building or facility which is under a lease agreement, specifying lease revenues available to the district for maintenance of facilities to the level required by statewide adequacy standards. No expenditures shall be made from the separate account unless the repair or replacement of the building or facility systems for which the expenditure is to be made is clearly specified within the district's facility plan or otherwise approved by the commission. In a manner and form required by commission rule and regulation, each district shall annually report to the commission on the expenditures made from the separate account during the applicable reporting period, separating account expenditures on a building-by-building basis. ~~In addition, the annual report shall include the district's five (5) year plan for addressing district major building and facility repair and replacement needs, updated for the applicable reporting period. The report shall be in a manner and form required by rule and regulation of the commission.~~ The commission shall annually review account expenditures and shall report expenditures to the select committee on school facilities established under W.S. 28-11-301. The commission shall compile reported building-by-building expenditure information for each district and the district five (5)

ORIGINAL SENATE
FILE NO. 0037

ENROLLED ACT NO. 46, SENATE

FIFTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2004 BUDGET SESSION

year plan and include this information in ~~his~~its annual report to the select committee pursuant to W.S. 21-15-121.

21-15-116. School district facility plans; filing with commission; commission review; judicial review.

(a) Each school district shall, in accordance with rules and regulations of the commission, and with the assistance of professional facility planning expertise and a representative of the commission, develop long range comprehensive school building and facility plans for the district which address district wide building and facility needs over a five (5) year period. The plan shall be in a form and format specified by rule and regulation of the commission and shall identify building and facility needs in accordance with the statewide adequacy standards, actions to remediate building and facility inadequacies including construction, renovation and major building and facility repair and replacement expenditures, and any local enhancements to buildings and facilities beyond statewide adequacy standards. The plans shall include a response to each building and facility inadequacy identified by the needs assessment on a building-by-building, space-by-space basis. The plan shall also review and to the extent practical, identify nonconstruction alternatives to building and facility inadequacies such as building closure, modification of school boundaries, modification of school grade configurations and similar approaches. Demolition or use, lease or other methods of disposition of commission determined surplus buildings and facilities shall be incorporated as part of the district plan, including identified alternative methods of building disposition and proposed allocation of costs incurred or revenues resulting from disposition or demolition. In addition, district facility plans shall include:

ORIGINAL SENATE
FILE NO. 0037

ENROLLED ACT NO. 46, SENATE

FIFTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2004 BUDGET SESSION

(v) A plan for addressing district major building and facility repair and replacement needs over the next five (5) years as required under W.S. 21-15-109(e);

(vi) An inventory of buildings and facilities to be leased by the district during the planning period, either as lessee or lessor, including the purpose for which the leased buildings and facilities are to be used and if any of this leased space will involve any district buildings or facilities included within the statewide school facilities database maintained by the commission under W.S. 21-15-114(a)(vi);

~~(v)~~ (vii) Other information required by the commission to evaluate the district's plan.

Section 2. W.S. 21-13-326(a)(vi) and 21-15-109(d) are repealed.

Section 3.

(a) Expenditures authorized under subsection (b) of this section are authorized during the period in which the select committee on school facilities develops state policy and school district mechanisms to address school district enhancements to school buildings and facilities beyond state adequacy standards.

(b) Effective for school year 2004-2005 only and notwithstanding W.S. 21-15-109(c)(i)(D) and (e), as amended by section 1 of this act, a school district may dedicate up to eight percent (8%) of amounts distributed under W.S. 21-15-109(b) and deposited within the separate account maintained and required under W.S. 21-15-109(e), for building and facility repair and replacement needs of the district which are not specified within the district's

ORIGINAL SENATE
FILE NO. 0037

ENROLLED ACT NO. 46, SENATE

FIFTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2004 BUDGET SESSION

facility plan, including expenditures for maintenance needs
of district enhancements.

Section 4. This act is effective July 1, 2004.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____
DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk