

SENATE FILE NO. SF0092

School buildings-major & routine maintenance-2.

Sponsored by: Senator(s) Devin

A BILL

for

1 AN ACT relating to school buildings; adjusting major
2 maintenance square footage computations to reflect building
3 age and to exclude specified leased space; modifying
4 computations for closed buildings under the routine
5 maintenance adjustment to the education resource block
6 grant model and to major maintenance; modifying major
7 maintenance payment computations as specified; clarifying
8 major maintenance reporting and expenditure requirements as
9 specified; and providing for an effective date.

10

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

12

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

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

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

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(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), 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

1 the provision of the required educational program within
2 the district, the lease agreement shall require the lessor
3 to adequately maintain the buildings and facilities in
4 accordance with standards prescribed by the commission;

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6 **21-13-326. Routine maintenance; adjustment to**
7 **foundation program formula.**

8

9 (a) The adjustment for routine maintenance under W.S.
10 21-13-309(n)(vi), following reduction of the operations and
11 maintenance component contained ~~within each school level~~
12 within the prototypical school model, as prescribed by the
13 education resource block grant model, shall be computed for
14 each district on a dollar per average daily membership
15 basis under the block grant model, subject to the
16 following:

17

18 (i) Actual gross square feet of school buildings
19 and facilities within each district shall be separated into
20 education and noneducation categories, ~~with~~ including any
21 square footage leased by the district but excluding the
22 square footage of any building or facility not used for
23 delivering the required educational program within the
24 district ~~purposes excluded~~ and the square footage of any

1 building or facility closed and not operational as provided
2 under W.S. 21-15-105(c) (iv);

3
4 (ii) For purposes of computations for the
5 adjustment to the block grant model under this section,
6 actual square footage of education space shall be reported
7 and computed for each district. ~~by school level.~~ The gross
8 square footage of education space for each ~~school level~~
9 district shall be subject to the computations prescribed
10 under paragraphs (a)(iv) through (vi) of this section. The
11 standard education space capacity for each ~~school level~~
12 district shall be the gross square footage prescribed by
13 the statewide building adequacy standards promulgated under
14 W.S. ~~21-15-107~~ 21-15-115;

15
16 **21-15-109. Major building and facility repair and**
17 **replacement payments; computation; square footage**
18 **allowance; use of payment funds; accounting and reporting**
19 **requirements.**

20
21 (a) As used in this act:

22
23 (ii) "Educational building" means a school
24 building or facility primarily used for providing the

1 educational programs offered by a district in compliance
2 with law which is owned by the district, ~~or leased by the~~
3 ~~district,~~ including a school building or facility owned by
4 the district and used for operating a charter school
5 established under W.S. 21-3-301 through 21-3-314;

6
7 (iv) "Office building" means a school building
8 or facility primarily used in connection with or for the
9 purpose of district administrative functions, the major
10 purpose or use of which is not dedicated to the provision
11 of educational programs offered by the district in
12 accordance with law. "Office building" shall include
13 maintenance facilities and storage buildings in which
14 supplies are stored; ~~personnel are employed or school~~
15 ~~buses are stored, maintained and serviced;~~

16
17 (viii) "Warehouse building" means a school
18 building or facility primarily used for storage of
19 equipment, materials and other district property and
20 supplies, including facilities ~~constructed solely to store~~
21 in which school buses are stored, maintained or serviced.

22

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

4
5 (i) Annually on or before September 1, ~~and~~
6 ~~subject to subsection (d) of this section,~~ determine the
7 total number of gross square feet of school buildings and
8 facilities within the district according to guidelines
9 prescribed by rule and regulation of the commission,~~;~~
10 subject to the following:

11
12 (A) The gross square footage of any school
13 building or facility within the district which is not used
14 for ~~district~~ purposes of delivering the required
15 educational program shall not be included within the
16 district's total gross square footage computed under this
17 section;~~;~~

18
19 (B) The gross square footage of any school
20 building or facility leased by a district shall not be
21 included within the district's total gross square footage
22 computed under this section, unless the lease agreement is
23 by or with any nonprofit or governmental agency providing
24 educational programs which have been approved by the

1 department of education, the department of health or
2 another state or educational credentialing agency and the
3 leased space is incorporated into the district's facility
4 plans required under W.S. 21-15-116(a)(vi) and is approved
5 by the commission;

6
7 (C) The district's total gross square
8 footage shall be adjusted for the age of its buildings and
9 facilities. The commission shall by rule and regulation
10 for buildings and facilities constructed after June 30,
11 2004, adjust total district gross square footage by
12 excluding or reducing the gross square footage of newly
13 constructed buildings and facilities whereby at the seventh
14 school year immediately following the school year in which
15 the building or facility is constructed, one hundred
16 percent (100%) of the gross square footage of the newly
17 constructed building or facility is included within the
18 total district square footage computation under this
19 section;

20
21 (D) ~~In addition,~~ No gross square footage
22 created by any district enhancement shall be included
23 within the district's gross square footage computed under
24 this section unless the enhancement or any portion thereof

1 is determined to be included within the state adequacy
2 standards pursuant to this act.~~7~~

3

4 (iv) The square footage of any district
5 ~~educational~~ building or facility which is closed and not
6 operational, is not being replaced under a district's
7 facility plan approved by the commission under W.S.
8 21-15-116, is not determined surplus by the commission and
9 is specified as a closed building within the district's
10 facility plan as a cost efficient means to address future
11 district building needs, shall be ~~decreased by fifty~~
12 ~~percent (50%) for the first three (3) school years~~
13 ~~commencing with the school year in which the building is~~
14 ~~closed. Thereafter, the square footage shall be eliminated~~
15 ~~entirely from computations under this section. Computations~~
16 ~~under this paragraph shall not include the square footage~~
17 ~~of any portable building. Any reduction made pursuant to~~
18 segregated from the square footage of other district
19 buildings and facilities and multiplied by the replacement
20 value determined by the commission under paragraph (c)(v)
21 of this section for the appropriate building category. The
22 resulting amount shall then be multiplied by an exterior
23 closure factor established by the commission based upon the
24 most current edition of the Whitestone Building Maintenance

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

8
9 (v) Multiply the adjusted square footage amount
10 for each district's educational buildings determined under
11 paragraph (c)(iii) of this section, ~~the allowable square~~
12 ~~footage of the district's closed educational buildings~~
13 ~~determined under paragraph (c)(iv) of this section~~ and the
14 amount determined under paragraph (c)(ii) of this section
15 for all remaining building categories of that district,
16 times a replacement value cost factor established for each
17 building category by the commission. ~~For school facilities~~
18 ~~constructed on or before June 30, 1996, the replacement~~
19 ~~value cost factor shall be~~ based upon the median estimate
20 in the most current edition of the R. S. Means construction
21 cost index, as modified to reflect current Wyoming
22 construction costs determined by the department of
23 administration and information, division of economic
24 analysis; ~~For school facilities constructed on or after~~

1 ~~July 1, 1996, the replacement value cost factor shall be~~
2 ~~determined by the commission on a square footage basis~~
3 ~~using the school district's total actual expenditures for~~
4 ~~materials and labor to construct the facility. For the~~
5 ~~purposes of this section, school facilities are deemed to~~
6 ~~be constructed on the date that work on the project is~~
7 ~~substantially complete and the facilities are suitable to~~
8 ~~be used for the purpose intended;~~

9
10 (vi) Multiply the amount computed under
11 paragraph (c)(v) of this section for the adjusted square
12 footage of the district's educational buildings, ~~including~~
13 ~~any allowable square footage of closed educational~~
14 ~~buildings,~~ times two and one-half percent (2.5%) for school
15 year 2001-2002, three percent (3%) for school year 2002-
16 2003, and by two percent (2%) for school year 2003-2004 and
17 each school year thereafter;

18
19 (vii) Multiply the sum of the amounts obtained
20 under paragraph (c)(v) of this section for the building
21 categories identified under subparagraphs (c)(ii)(A) and
22 (D) of this section times two and one-half percent (2.5%)
23 for school year 2001-2002, three percent (3%) for school
24 year 2002-2003, and by two percent (2%) for school year

1 2003-2004 and each school year thereafter, adjusted as
2 follows:

3
4 (A) Determine the proportion that the sum
5 of the square footage for these building categories within
6 the district bears to the educational building square
7 footage computed under subparagraph (c)(ii)(C) of this
8 section, as adjusted pursuant to ~~paragraphs~~ paragraph
9 (c)(iii) ~~and (iv)~~ of this section, excluding any square
10 footage included under paragraph (c)(iv) of this section;

11
12 (viii) Total the amounts computed under
13 paragraphs (c) (iv), (vi) and (vii) of this section.

14
15 (e) Amounts distributed under subsection (b) of this
16 section shall be deposited by the recipient district into a
17 separate account, the balance of which may accumulate from
18 year-to-year. Expenditures from the separate account,
19 including any interest earnings on the account, shall be
20 restricted to expenses incurred for major building and
21 facility repair and replacement as defined in subsection
22 (a) of this section and as prescribed by rule and
23 regulation of the commission, and shall be in accordance
24 with the district's facility plan approved by the

1 commission under W.S. 21-15-116. ~~Any interest earned on the~~
2 ~~account is exempt from and shall not be reported as a local~~
3 ~~district revenue under W.S. 21-13-310(a)(xi).~~ The
4 district's facility plan shall clearly specify proposed
5 major maintenance expenditures for addressing district
6 major building and facility repair and replacement needs
7 over the next five (5) years on a building-by-building
8 basis, updated annually for the applicable reporting
9 period, which shall be aligned to the statewide adequacy
10 standards and prioritized based upon the impact of the
11 building or facility on the district's ability to deliver
12 the required educational program. The district shall
13 include plans for maintaining any district building or
14 facility which is under a lease agreement, specifying lease
15 revenues available to the district for maintenance of
16 facilities to the level required by statewide adequacy
17 standards. No expenditures shall be made from the separate
18 account unless the repair or replacement of the building or
19 facility systems for which the expenditure is to be made is
20 clearly specified within the district's facility plan or
21 otherwise approved by the commission. In a manner and form
22 required by commission rule and regulation, each district
23 shall annually report to the commission on the expenditures
24 made from the separate account during the applicable

1 reporting period, separating account expenditures on a
2 building-by-building basis. ~~In addition, the annual report~~
3 ~~shall include the district's five (5) year plan for~~
4 ~~addressing district major building and facility repair and~~
5 ~~replacement needs, updated for the applicable reporting~~
6 ~~period. The report shall be in a manner and form required~~
7 ~~by rule and regulation of the commission.~~ The commission
8 shall annually review account expenditures and shall report
9 expenditures to the select committee on school facilities
10 established under W.S. 28-11-301. The commission shall
11 compile reported building-by-building expenditure
12 information for each district and the district five (5)
13 year plan and include this information in ~~his~~its annual
14 report to the select committee pursuant to W.S. 21-15-121.

15

16 **21-15-116. School district facility plans; filing**
17 **with commission; commission review; judicial review.**

18

19 (a) Each school district shall, in accordance with
20 rules and regulations of the commission, and with the
21 assistance of professional facility planning expertise and
22 a representative of the commission, develop long range
23 comprehensive school building and facility plans for the
24 district which address district wide building and facility

1 needs over a five (5) year period. The plan shall be in a
2 form and format specified by rule and regulation of the
3 commission and shall identify building and facility needs
4 in accordance with the statewide adequacy standards,
5 actions to remediate building and facility inadequacies
6 including construction, renovation and major building and
7 facility repair and replacement expenditures, and any local
8 enhancements to buildings and facilities beyond statewide
9 adequacy standards. The plans shall include a response to
10 each building and facility inadequacy identified by the
11 needs assessment on a building-by-building, space-by-space
12 basis. The plan shall also review and to the extent
13 practical, identify nonconstruction alternatives to
14 building and facility inadequacies such as building
15 closure, modification of school boundaries, modification of
16 school grade configurations and similar approaches.
17 Demolition or use, lease or other methods of disposition of
18 commission determined surplus buildings and facilities
19 shall be incorporated as part of the district plan,
20 including identified alternative methods of building
21 disposition and proposed allocation of costs incurred or
22 revenues resulting from disposition or demolition. In
23 addition, district facility plans shall include:

24

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

4
5 (vi) An inventory of buildings and facilities to
6 be leased by the district during the planning period,
7 either as lessee or lessor, including the purpose for which
8 the leased buildings and facilities are to be used and if
9 any of this leased space will involve any district
10 buildings or facilities included within the statewide
11 school facilities database maintained by the commission
12 under W.S. 21-15-114(a) (vi);

13
14 ~~(v)~~ (vii) Other information required by the
15 commission to evaluate the district's plan.

16
17 **Section 2.** W.S. 21-15-109(d) is repealed.

18
19 **Section 3.** This act is effective July 1, 2004.

20
21 (END)