

HOUSE BILL NO. HB0226

School facilities-disposition moratorium.

Sponsored by: Representative(s) Wasserburger

A BILL

for

1 AN ACT relating to school facilities; imposing a moratorium  
 2 on the demolition of school facilities and buildings  
 3 rendered surplus under the district facility planning  
 4 process; providing for maintenance payments; imposing  
 5 duties upon the school facilities commission; limiting the  
 6 moratorium to three (3) years; providing an appropriation;  
 7 and providing for an effective date.

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

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11 **Section 1.** W.S. 21-15-114 (a) (x) and  
 12 21-15-116(a) (intro) are amended to read:

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14 **21-15-114. Powers and duties; school facilities**  
 15 **office created; director.**

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17 (a) The school facilities commission shall:

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(x) Except as otherwise specifically prohibited by law, review and approve district plans 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. 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 district shall have final authority over the disposition or demolition of any surplus buildings, facilities or land, but the commission may disapprove any plans submitted pursuant to this paragraph to protect the financial interests of the state if the plans are 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);

1           **21-15-116. School district facility plans; filing**  
2 **with commission; commission review; judicial review.**

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4           (a) Each school district shall, in accordance with  
5 rules and regulations of the commission, and with the  
6 assistance of professional facility planning expertise and  
7 a representative of the commission, develop long range  
8 comprehensive school building and facility plans for the  
9 district which address district wide building and facility  
10 needs over a five (5) year period. The plan shall be in a  
11 form and format specified by rule and regulation of the  
12 commission and shall identify building and facility needs  
13 in accordance with the statewide adequacy standards,  
14 actions to remediate building and facility inadequacies  
15 including construction, renovation and major building and  
16 facility repair and replacement expenditures, and any local  
17 enhancements to buildings and facilities beyond statewide  
18 adequacy standards. The plans shall include a response to  
19 each building and facility inadequacy identified by the  
20 needs assessment on a building-by-building, space-by-space  
21 basis. The plan shall also review and to the extent  
22 practical, identify nonconstruction alternatives to  
23 building and facility inadequacies such as building  
24 closure, modification of school boundaries, modification of

1 school grade configurations and similar approaches. Except  
2 as otherwise specifically prohibited by law, demolition or  
3 use, lease or other methods of disposition of commission  
4 determined surplus buildings and facilities shall be  
5 incorporated as part of the district plan. The plan shall  
6 also specify identified alternative methods of building  
7 disposition, proposed allocation of costs incurred or  
8 revenues resulting from disposition and allocation of  
9 disposition revenues to offset any costs paid by the  
10 commission. In addition, district facility plans shall  
11 include:

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13 **Section 2.**

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15 (a) Until such time as provided otherwise by the  
16 legislature, no school district shall demolish a school  
17 building or facility made surplus by an approved  
18 construction or renovation project or by changes in school  
19 population, nor shall the school facilities commission  
20 approve district facility plans for the demolition of any  
21 school facility or building, unless the facility or  
22 building is rendered surplus on the basis of health, safety  
23 or other environmental factors and remediation of any such  
24 factor is not feasible or cost effective. This moratorium

1 shall not apply to any commission approved demolition  
2 project for a school facility or building funded and  
3 initiated in accordance with W.S. 21-15-111 through  
4 21-15-121 as of the effective date of this act.

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6 (b) Effective on and after the effective date of this  
7 act until otherwise specified by the legislature, any  
8 school district with buildings and facilities removed from  
9 the district facility planning process in accordance with  
10 subsection (a) of this section shall receive an annual  
11 maintenance payment from the commission computed as if the  
12 facility or building is specified as a closed building  
13 pursuant to W.S. 21-15-109(c)(iv). Payments shall be made  
14 to the district at the time and in the manner major  
15 building and facility repair and replacement payments are  
16 distributed under W.S. 21-15-109(b).

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18 (c) The purpose of the moratorium imposed by this act  
19 is to provide cities, towns and other local governmental  
20 entities and community organizations a period of time to  
21 assemble plans and generate funding to convert building and  
22 facility use to community purposes such as public meeting  
23 facilities, community centers and public recreational  
24 facilities.

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2 (d) This section is repealed effective July 1, 2008.

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4 **Section 3.** Three hundred twenty-five thousand dollars  
5 (\$325,000.00) is appropriated from the school capital  
6 construction account to the school facilities commission  
7 for purposes of making payments to school districts as  
8 required under section 2(b) of this act for the period  
9 commencing on the effective date of this act and ending  
10 June 30, 2008.

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12 **Section 4.** This act is effective immediately upon  
13 completion of all acts necessary for a bill to become law  
14 as provided by Article 4, Section 8 of the Wyoming  
15 Constitution.

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(END)