

ENROLLED ACT NO. 51, HOUSE OF REPRESENTATIVES

FIFTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2006 BUDGET SESSION

AN ACT relating to school capital construction; modifying the school district facility planning process; clarifying commission review of district plans accordingly; specifying transition; 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)(xxvii), 21-15-109(e), 21-15-114(a)(xiii) and (xiv) and 21-15-116(a)(intro), (i), (v), (b), (c) and (e) are amended to read:

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

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

(xxvii) Develop and ~~annually~~ update long range comprehensive school building and facility plans for the district addressing district-wide building and facility needs ~~over a five (5) year period~~ in accordance with W.S. 21-15-116, and submit the plan to the school facilities commission as required under W.S. 21-15-116 and by rule and regulation of the commission. The plan shall not include the abandonment or demolition of any school or school facility unless there has first been a public hearing on the issue;

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

(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

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year-to-year. Except as specified under subsection (f) of this section, 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 commission under W.S. 21-15-116. Account expenditures may include the expenses of district personnel performing work described under paragraph (a)(iii) of this section if approved by the commission and if documented within the district's facility plan. 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. The commission shall annually review

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

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

(a) The school facilities commission shall:

(xiii) Review and approve any proposed purchase and acquisition of sites for any project within the approved ~~five (5) year~~ district facility plan if state funds are to be expended for the purchase and acquisition. The commission may reimburse the district for the cost of any option to purchase entered into in good faith before obtaining state approval;

(xiv) Review any proposed sale of existing land owned by a district, which land is within the scope of the district's ~~five (5) year~~ facility plan, and the impact of the land disposition upon that plan. 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. If the commission determines land disposition adversely impacts the cost-effectiveness of the district's ~~five (5) year~~ 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 (x) of this subsection, may at the direction of the commission to the department of

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education, be considered or counted under W.S.
21-13-310(a)(xiv) or (xv);

**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 facility 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~~ facility plan 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 the disposition of any existing land owned by the district. The plan shall also specify identified alternative methods of building disposition, proposed allocation of costs incurred or revenues resulting from disposition and allocation of disposition revenues to

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offset any costs paid by the commission. In addition, district facility plans shall include:

(i) Student enrollment projections for ~~the next~~ a period of not less than five (5) years using commission approved measures and techniques, including a description of the methods used in making projections;

(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);

(b) In accordance with a schedule established by the commission, ~~but not later than July 1, 2003,~~ district facility plans required under this section shall be submitted to the commission not later than July 1 of each odd numbered year. Districts may submit and the commission shall accept and review facility plans at dates earlier than those prescribed in the schedule. ~~Districts shall update facility plans by July 1 of each year thereafter except during any year in which a comprehensive plan review and redevelopment is completed as provided under subsection (c) of this section.~~ Plans and plan updates shall be in a form and subject to guidelines prescribed by commission rule and regulation.

(c) ~~In addition to subsection (b) of this section,~~ The commission shall require each district to provide for a comprehensive review and redevelopment of the district facility plan. The review shall be conducted every ~~five (5)~~ two (2) years or on a schedule otherwise established for the district by the commission. The commission shall subject to legislative appropriation, provide payment to districts from the school capital construction account for necessary expenditures incurred by each district in

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developing and reviewing district facility plans and otherwise complying with this section.

(e) Within ~~sixty (60) but not more than~~ ninety (90) days after receipt of a district facility plan, and based upon its review pursuant to subsection (d) of this section, the commission shall approve, modify or reject the plan and notify the district of its action. The commission may modify proposed remedies or projects to best reflect commission priorities established under W.S. 21-15-117. If a plan, remedy or project is modified, the commission shall provide the district opportunity for hearing before the commission on the plan, remedy or project modification. If a plan, remedy or project is rejected, notice of the plan, remedy or project rejection shall include reasons for rejection and recommendations for making the plan, remedy or project acceptable. Upon ~~plan~~-rejection, a district may resubmit a modified facilities plan or modified remedy or project within sixty (60) days after receipt of notice under this subsection. The commission shall for any district failing to resubmit a modified facilities plan or modified remedy or project, or if a resubmitted district plan, remedy or project is not acceptable, modify the district plan, remedy or project in accordance with its review under subsection (d) of this section and use this modified plan, remedy or project in addressing building and facility needs for the district in accordance with this act. A decision by the commission under this subsection is ~~a final administrative determination~~ subject to judicial review under the contested case provisions of the Wyoming Administrative Procedure Act.

Section 2.

(a) Notwithstanding W.S. 21-15-116(a) as amended by section 1 of this act, the most current two (2) years of

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the five (5) year district facility plans submitted on or before July 1, 2005, in accordance with the provisions of W.S. 21-15-116(a) in effect prior to the July 1, 2006, shall be deemed to fulfill requirements of the district facility plans for the biennial period commencing July 1, 2006, and ending June 30, 2008.

(b) Notwithstanding W.S. 21-15-116(b) in effect prior to July 1, 2006, district five (5) year plans submitted on or before July 1, 2005, shall not be required to be annually updated by each district on or before July 1, 2007.

(c) Each school district shall on or before July 1, 2007, prepare and submit to the school facilities commission a district facility plan in accordance with W.S. 21-15-116, as amended by section 1 of this act.

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Section 3. This act is effective July 1, 2006.

(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