

ORIGINAL HOUSE
BILL NO. HB0032

ENROLLED ACT NO. 18, HOUSE OF REPRESENTATIVES

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

AN ACT relating to school finance; modifying the formula and payment structure for major maintenance funding for public K-12 schools; revising the definition of major maintenance; amending requirements for school building and facility assessments; revising priorities for school district facility plans; providing applicability; and providing for an effective date.

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

Section 1. W.S. 21-15-109(a)(iii), (b), (c)(i)(intro) and (v), 21-15-115(b)(i) and 21-15-116(a)(intro) 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.

(a) As used in this act:

(iii) "Major building and facility repair and replacement" means the repair or replacement of complete or major portions of school building and facility systems at irregular intervals which is required to continue the use of the building or facility at its original capacity for its original intended use and is typically accomplished by contractors due to the personnel demand to accomplish the work in a timely manner, the level of sophistication of the work or the need for warranted work. ➤ The term includes the following categories as hereafter defined:

(A) "Code compliance" means system improvements or site improvements that are mandated in

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writing by an authority having jurisdiction for the continued use of a school building or facility;

(B) "Site improvements" means the repair, replacement or upgrade of those components or equipment of school district buildings and facilities that are not system improvements, including the repair, replacement or upgrade of:

(I) Sidewalks;

(II) Parking lots;

(III) Athletic tracks;

(IV) Playground features;

(V) Outdoor security features;

(VI) Landscaping;

(VII) Drainage systems; or

(VIII) Similar components or equipment.

(C) "System improvements" means the repair, replacement or upgrade of components or equipment of school district buildings, including:

(I) Structural systems;

(II) Fire protection systems;

(III) Indoor security features;

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(IV) Electrical, plumbing, heating, ventilation or air conditioning systems;

(V) Roofs;

(VI) Windows;

(VII) Information technology systems;

or

(VIII) Similar components or equipment.

(b) To the extent funds are available, on July 1 of each year, the state construction department shall, based upon square footage computations computed ~~on September 1 of~~ from the prior school year, distribute seventy-five percent (75%) of the estimated major building and facility repair and replacement payments to each school district from the school capital construction account. On or before September 30 of each year the department shall distribute the balance of payments to each school district. If funds within the account are not sufficient for payments ~~on July 1~~ of any school year, the department shall ~~distribute payments from the account on or before September 30 and March 31 of that school year~~ reduce all district payments by a uniform percentage. The department shall also increase or reduce a subsequent school district payment, as appropriate, in the event a school district receives an excessive or deficient distribution. Major building and facility repair and replacement payments shall be computed in accordance with subsection (c) of this section.

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

(i) ~~Annually on or before September 1,~~ Determine the total number of gross square feet of school buildings and facilities within the district from the prior school year according to guidelines prescribed by rule and regulation of the commission, subject to the following:

(v) Multiply the adjusted square footage amount for each district's educational buildings determined under paragraph (c)(iii) 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 department computed using data from August 1 of the prior school year based upon the median estimate in the most current edition of ~~the R. S. Means~~ a nationally recognized, quarterly published construction cost index that provides cost indices for elementary schools, junior high schools, high schools, offices and warehouses by city or town, as modified to reflect current Wyoming construction costs determined by the department of administration and information, division of economic analysis;

21-15-115. Statewide standards for school building and facility adequacy; adequacy assessment.

(b) The department shall maintain the comprehensive assessment of the adequacy of existing school buildings and facilities and of future space requirements within the state. Maintenance of the assessment shall include district reporting of new construction and major building and

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facility repair and replacement activities in accordance with guidelines prescribed by rule and regulation of the commission, the results of department on-site visitations and inspections of buildings and facilities and needs assessment data and verification of building and facility ratings through periodic review. The assessment shall be designed and maintained to provide timely and uniform statewide data on all of the following:

(i) The condition of school buildings and facilities, seismic ratings and structural integrity. Each school building and facility component or system shall be rated as excellent, good, fair, poor or failure;

21-15-116. School district facility plans; development, review and approval; plan criteria; administrative review; collaborative committee process.

(a) In accordance with rules and regulations of the commission, long range comprehensive school building and facility plans for each school district shall be developed by the department in coordination with the applicable district, which address district wide building and facility needs. The facility plan shall identify building and facility needs ~~in accordance~~ aligned with the statewide adequacy standards, actions to remediate building and facility needs 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 facility plan shall include a response to each school building and facility need identified on a building-by-building, space-by-space basis. The plan shall also review, and to the extent practical, identify and prioritize nonconstruction alternatives to school building and

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facility needs 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 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 not include the abandonment or demolition of any school facility or building unless there has first been a public hearing on the issue. 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 offset any costs paid by the department. In addition, district facility plans shall include:

Section 2. W.S. 21-15-109(c)(i)(C) is repealed.

Section 3. The provision of this act that requires the state construction department to increase or reduce a subsequent school district major maintenance payment in the event a school district receives an excessive or deficient distribution shall not apply to major maintenance distributions made to school districts prior to the effective date of this act.

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Section 4. 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