

SENATE FILE NO. SF0087

School buildings-major maintenance payments.

Sponsored by: Senator(s) Cooper and Anderson, J. and
Representative(s) Harshman and Powers

A BILL

for

1 AN ACT relating to school buildings; allowing district
2 expenditure of major maintenance payments for enhancements
3 subject to specified conditions and limitations; imposing
4 reporting requirements; and providing for an effective
5 date.

6

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

8

9 **Section 1.** W.S. 21-15-109(e) and by creating a new
10 subsection (f) is amended to read:

11

12 **21-15-109. Major building and facility repair and**
13 **replacement payments; computation; square footage**
14 **allowance; use of payment funds; accounting and reporting**
15 **requirements.**

16

1 (e) Amounts distributed under subsection (b) of this
2 section shall be deposited by the recipient district into a
3 separate account, the balance of which may accumulate from
4 year-to-year. Except as specified under subsection (f) of
5 this section, expenditures from the separate account,
6 including any interest earnings on the account, shall be
7 restricted to expenses incurred for major building and
8 facility repair and replacement as defined in subsection
9 (a) of this section and as prescribed by rule and
10 regulation of the commission, and shall be in accordance
11 with the district's facility plan approved by the
12 commission under W.S. 21-15-116. The district's facility
13 plan shall clearly specify proposed major maintenance
14 expenditures for addressing district major building and
15 facility repair and replacement needs over the next five
16 (5) years on a building-by-building basis, updated annually
17 for the applicable reporting period, which shall be aligned
18 to the statewide adequacy standards and prioritized based
19 upon the impact of the building or facility on the
20 district's ability to deliver the required educational
21 program. The district shall include plans for maintaining
22 any district building or facility which is under a lease
23 agreement, specifying lease revenues available to the
24 district for maintenance of facilities to the level

1 required by statewide adequacy standards. No expenditures
2 shall be made from the separate account unless the repair
3 or replacement of the building or facility systems for
4 which the expenditure is to be made is clearly specified
5 within the district's facility plan or otherwise approved
6 by the commission. In a manner and form required by
7 commission rule and regulation, each district shall
8 annually report to the commission on the expenditures made
9 from the separate account during the applicable reporting
10 period, separating account expenditures on a building-by-
11 building basis. The commission shall annually review
12 account expenditures and shall report expenditures to the
13 select committee on school facilities established under
14 W.S. 28-11-301. The commission shall compile reported
15 building-by-building expenditure information for each
16 district and the district five (5) year plan and include
17 this information in its annual report to the select
18 committee pursuant to W.S. 21-15-121.

19

20 (f) Notwithstanding subsection (e) of this section, a
21 district may expend up to ten percent (10%) of the amount
22 distributed during any school year under subsection (b) of
23 this section for major building and facility repair and
24 replacement needs of the district which are not specified

1 in the district's facility plan, including expenditures for
2 maintenance of district enhancements. Expenditures shall
3 be made under this subsection only after the district's
4 building and facility repair and replacement needs
5 specified in its facility plan have been addressed in
6 accordance with subsection (e) of this section and the
7 commission has approved the district's proposed
8 expenditures under this subsection. Each district shall
9 include expenditures under this subsection within the
10 annual report required under subsection (e) of this
11 section. Nothing in this subsection shall prohibit or
12 limit the application of subparagraph (c)(i)(D) of this
13 section in computing a district's building and facility
14 gross square footage for purposes of determining payment
15 amounts under this section. If any school district exceeds
16 expenditure limitations prescribed by this subsection or
17 fails to comply with expenditure levels for facility
18 adequacy needs identified within its facility plan, the
19 payments for that district in the immediately succeeding
20 year shall be reduced by the excess expenditure amount.

21

22 **Section 2.** This act is effective July 1, 2005.

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24

(END)