

HOUSE BILL NO. HB0073

School capital construction-district facility plans.

Sponsored by: Select Committee on School Facilities

A BILL

for

1 AN ACT relating to school capital construction; modifying  
2 the school district facility planning process; clarifying  
3 commission review of district plans accordingly; specifying  
4 transition; and providing for an effective date.

5

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

7

8 **Section 1.** W.S. 21-3-110(a)(xxvii), 21-15-109(e),  
9 21-15-114(a)(xiii) and (xiv) and 21-15-116(a)(intro), (i),  
10 (v), (b), (c) and (e) are amended to read:

11

12 **21-3-110. Duties of boards of trustees.**

13

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

16

1           (xxvii) Develop and ~~annually~~ update long range  
2 comprehensive school building and facility plans for the  
3 district addressing district-wide building and facility  
4 needs ~~over a five (5) year period~~ in accordance with W.S.  
5 21-15-116, and submit the plan to the school facilities  
6 commission as required under W.S. 21-15-116 and by rule and  
7 regulation of the commission;

8

9           **21-15-109. Major building and facility repair and**  
10 **replacement payments; computation; square footage**  
11 **allowance; use of payment funds; accounting and reporting**  
12 **requirements.**

13

14           (e) Amounts distributed under subsection (b) of this  
15 section shall be deposited by the recipient district into a  
16 separate account, the balance of which may accumulate from  
17 year-to-year. Except as specified under subsection (f) of  
18 this section, 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. Account expenditures may  
2 include the expenses of district personnel performing work  
3 described under paragraph (a)(iii) of this section if  
4 approved by the commission and if documented within the  
5 district's facility plan. The district's facility plan  
6 shall clearly specify proposed major maintenance  
7 expenditures for addressing district major building and  
8 facility repair and replacement needs ~~over the next five~~  
9 ~~(5) years~~ on a building-by-building basis, updated ~~annually~~  
10 for the applicable reporting period, which shall be aligned  
11 to the statewide adequacy standards and prioritized based  
12 upon the impact of the building or facility on the  
13 district's ability to deliver the required educational  
14 program. The district shall include plans for maintaining  
15 any district building or facility which is under a lease  
16 agreement, specifying lease revenues available to the  
17 district for maintenance of facilities to the level  
18 required by statewide adequacy standards. No expenditures  
19 shall be made from the separate account unless the repair  
20 or replacement of the building or facility systems for  
21 which the expenditure is to be made is clearly specified  
22 within the district's facility plan or otherwise approved  
23 by the commission. In a manner and form required by  
24 commission rule and regulation, each district shall

1 annually report to the commission on the expenditures made  
2 from the separate account during the applicable reporting  
3 period, separating account expenditures on a building-by-  
4 building basis. The commission shall annually review  
5 account expenditures and shall report expenditures to the  
6 select committee on school facilities established under  
7 W.S. 28-11-301. The commission shall compile reported  
8 building-by-building expenditure information for each  
9 district and the district ~~five (5) year~~ facility plan and  
10 include this information in its annual report to the select  
11 committee pursuant to W.S. 21-15-121.

12

13 **21-15-114. Powers and duties; school facilities**  
14 **office created; director.**

15

16 (a) The school facilities commission shall:

17

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

1

2 (xiv) Review any proposed sale of existing land  
3 owned by a district, which land is within the scope of the  
4 district's ~~five (5) year~~ facility plan, and the impact of  
5 the land disposition upon that plan. The commission may  
6 disapprove any plans submitted pursuant to this paragraph  
7 to protect the financial interests of the state if the  
8 plans are not otherwise in the public interest. If the  
9 commission determines land disposition adversely impacts  
10 the cost-effectiveness of the district's ~~five (5) year~~  
11 facility plan, the revenues resulting from land disposition  
12 shall be considered by the commission in any future  
13 building or facility remedy for that district and  
14 notwithstanding paragraph (x) of this subsection, may at  
15 the direction of the commission to the department of  
16 education, be considered or counted under W.S.  
17 21-13-310(a)(xiv) or (xv);

18

19 **21-15-116. School district facility plans; filing**  
20 **with commission; commission review; judicial review.**

21

22 (a) Each school district shall, in accordance with  
23 rules and regulations of the commission, and with the  
24 assistance of professional facility planning expertise and

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

1 alternative methods of building disposition, proposed  
2 allocation of costs incurred or revenues resulting from  
3 disposition and allocation of disposition revenues to  
4 offset any costs paid by the commission. In addition,  
5 district facility plans shall include:

6

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

11

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

15

16 (b) In accordance with a schedule established by the  
17 commission, ~~but not later than July 1, 2003,~~ district  
18 facility plans required under this section shall be  
19 submitted to the commission not later than July 1 of each  
20 odd numbered year. Districts may submit and the commission  
21 shall accept and review facility plans at dates earlier  
22 than those prescribed in the schedule. ~~Districts shall~~  
23 ~~update facility plans by July 1 of each year thereafter~~  
24 ~~except during any year in which a comprehensive plan review~~

1 ~~and redevelopment is completed as provided under subsection~~  
2 ~~(c) of this section.~~ Plans ~~and plan updates~~ shall be in a  
3 form and subject to guidelines prescribed by commission  
4 rule and regulation.

5  
6 (c) ~~In addition to subsection (b) of this section,~~  
7 The commission shall require each district to provide for a  
8 comprehensive review and redevelopment of the district  
9 facility plan. The review shall be conducted every ~~five (5)~~  
10 two (2) years or on a schedule otherwise established for  
11 the district by the commission. The commission shall  
12 subject to legislative appropriation, provide payment to  
13 districts from the school capital construction account for  
14 necessary expenditures incurred by each district in  
15 developing and reviewing district facility plans and  
16 otherwise complying with this section.

17  
18 (e) Within ~~sixty (60) but not more than~~ ninety (90)  
19 days after receipt of a district facility plan, and based  
20 upon its review pursuant to subsection (d) of this section,  
21 the commission shall approve, modify or reject the plan and  
22 notify the district of its action. The commission may  
23 modify proposed remedies or projects to best reflect  
24 commission priorities established under W.S. 21-15-117. If



1 a plan, remedy or project is modified, the commission shall  
2 provide the district opportunity for hearing before the  
3 commission on the plan, remedy or project modification. If  
4 a plan, remedy or project is rejected, notice of the plan,  
5 remedy or project rejection shall include reasons for  
6 rejection and recommendations for making the plan, remedy  
7 or project acceptable. Upon ~~plan~~-rejection, a district may  
8 resubmit a modified facilities plan or modified remedy or  
9 project within sixty (60) days after receipt of notice  
10 under this subsection. The commission shall for any  
11 district failing to resubmit a modified facilities plan or  
12 modified remedy or project, or if a resubmitted district  
13 plan, remedy or project is not acceptable, modify the  
14 district plan, remedy or project in accordance with its  
15 review under subsection (d) of this section and use this  
16 modified plan, remedy or project in addressing building and  
17 facility needs for the district in accordance with this  
18 act. A decision by the commission under this subsection is  
19 ~~a final administrative determination~~ subject to judicial  
20 ~~review under~~ the contested case provisions of the Wyoming  
21 Administrative Procedure Act.

22

23 **Section 2.**

24

1           (a) Notwithstanding W.S. 21-15-116(a) as amended by  
2 section 1 of this act, the most current two (2) years of  
3 the five (5) year district facility plans submitted on or  
4 before July 1, 2005, in accordance with the provisions of  
5 W.S. 21-15-116(a) in effect prior to the July 1, 2006,  
6 shall be deemed to fulfill requirements of the district  
7 facility plans for the biennial period commencing July 1,  
8 2006, and ending June 30, 2008.

9

10           (b) Notwithstanding W.S. 21-15-116(b) in effect prior  
11 to July 1, 2006, district five (5) year plans submitted on  
12 or before July 1, 2005, shall not be required to be  
13 annually updated by each district on or before July 1,  
14 2007.

15

16           (c) Each school district shall on or before July 1,  
17 2007, prepare and submit to the school facilities  
18 commission a district facility plan in accordance with W.S.  
19 21-15-116, as amended by section 1 of this act.

20

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

22

23

(END)