

SENATE FILE NO. SF0081

School capital construction-charter school leases.

Sponsored by: Senator(s) Rothfuss, Coe, Landen, Nicholas,
P. and Pappas and Representative(s) Brown,
Hunt, Pelkey, Sommers and Wilson

A BILL

for

1 AN ACT relating to school capital construction; clarifying
2 payment for charter school leases as specified; specifying
3 a maximum payment for facilities leased by charter schools;
4 clarifying exclusion of leased facilities for major
5 maintenance payments as specified; and providing for an
6 effective date.

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

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10 **Section 1.** W.S. 21-3-110(a)(x)(intro), by creating a
11 new subparagraph (B) and by amending and renumbering (B) as
12 (C) and 21-15-109(c)(i)(B) are amended to read:

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14 **21-3-110. Duties of boards of trustees.**

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

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4 (x) Subject to review by the school facilities
5 department under W.S. 21-15-115 for any project involving
6 state capital construction assistance, fix the site of each
7 school building and facility considering the needs of the
8 people of each portion of the district. If the district
9 enters into an agreement to lease buildings and facilities
10 owned by the district and the buildings and facilities are
11 included within the statewide database maintained by the
12 school facilities department under W.S. 21-15-123(f)(iv),
13 the district shall, except as provided under W.S.
14 21-15-109(c)(i)(A)(II) and (III) and (B), ensure the lease
15 agreement requires sufficient payment from the lessee to
16 cover expenses necessary to adequately maintain the
17 facility or building in accordance with statewide adequacy
18 standards prescribed by the commission. If the district or
19 a charter school approved by the district enters into an
20 agreement to lease buildings and facilities under which the
21 district or the charter school is the lessee and the
22 building is to be used for the provision of the required
23 educational program within the district, the lease

1 agreement shall require the lessor to adequately maintain
2 the buildings and facilities in accordance with standards
3 prescribed by the commission. The district shall be
4 reimbursed for the lease payment of the district or the
5 charter school if the square footage of the leased facility
6 is not included within the district's total square footage
7 for purposes of major maintenance computations under W.S.
8 21-15-109, subject to the following:

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10 (B) Any payment made by the department
11 pursuant to this paragraph for a leased building or
12 facility shall not exceed the average cost per square foot
13 for comparable buildings or facilities multiplied by the
14 total square feet leased by the district or charter school
15 necessary to deliver the required educational program. The
16 average cost per square foot for comparable buildings or
17 facilities shall be as determined by the department and
18 shall be comparable in location and type to the building or
19 facility leased by the district or charter school.

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21 ~~(B)~~ (C) If the lease payment is for
22 facilities leased to the district or a charter school by a
23 state institution which meets state adequacy standards

1 prescribed by rule and regulation of the commission, the
2 amount of the lease reimbursement paid by the school
3 facilities department shall not include the amount received
4 by the institution from the state for major building and
5 facility repair and replacement costs attributable to the
6 facility, as computed by the construction management
7 program within the general services division of the
8 department of administration and information.

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

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

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19 (i) Annually on or before September 1, determine
20 the total number of gross square feet of school buildings
21 and facilities within the district according to guidelines
22 prescribed by rule and regulation of the commission,
23 subject to the following:

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(B) The gross square footage of any school building or facility leased by a district, including but not limited to the gross square footage of any school building or facility leased by a charter school operating pursuant to W.S. 21-3-301 through 21-3-314, shall not be included within the district's total gross square footage computed under this section, unless the district's lease agreement is by or with any nonprofit or governmental agency providing educational programs which have been approved by the department of education, the department of health or another state or educational credentialing agency and the leased space is incorporated into the district's facility plans required under W.S. 21-15-116(a)(vi);

Section 2. This act is effective July 1, 2016.

(END)