

ORIGINAL SENATE
FILE NO. 0110

ENROLLED ACT NO. 7, SENATE

SIXTY-FIRST LEGISLATURE OF THE STATE OF WYOMING
2011 GENERAL SESSION

AN ACT relating to school capital construction; establishing the school facilities department; providing a definition; reorganizing the membership of the school facilities commission; modifying requirements for commission members; establishing the powers and duties of the commission and the department as specified; and providing for an effective date.

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

Section 1. W.S. 21-15-123 is created to read:

21-15-123. School facilities department; creation; control; director; duties and authority.

(a) The school facilities department is created.

(b) The department is under the direction and supervision of the school facilities commission. The department shall perform all duties required pursuant to this act and any duties as designated by the commission.

(c) The department consists of the director who is the chief administrative officer and other personnel as approved by the governor.

(d) The governor shall appoint a competent person as the director of the department who shall serve at the pleasure of the governor and may be removed by him as provided in W.S. 9-1-202. The director's salary shall be determined by the governor. Any appointment under this subsection shall be with the advice and consent of the senate.

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(e) The director is the chief administrative officer of the department with general supervision and control of all activities, functions and employees of the department, under the direction and supervision of the commission. He shall devote his entire time to the performance and supervision of the duties conferred on him by the commission and by law.

(f) The school facilities department shall:

(i) Implement policies, guidelines and standards as adopted by the commission for school district facility plans required under W.S. 21-15-116;

(ii) Establish a consistent, systematic research approach for student enrollment projections used by districts in developing district facility plans and forecasting building and facility needs to comply with statewide building adequacy standards;

(iii) Develop cost per square foot guidelines to be used in estimating the cost of constructing, renovating and otherwise remediating buildings and facilities to comply with statewide adequacy standards, which shall account for demonstrated differences among regions and communities within the state;

(iv) Establish a statewide school facilities database comprised of building and facility specific condition, suitability, accessibility, capacity, inventory and site data;

(v) Enter into or approve construction or renovation project agreements with school districts, as appropriate. Each agreement shall:

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(A) Require the district to make arrangements for appropriate professional supervision and management of the project;

(B) Provide for the review and approval by the department of project plans and specifications;

(C) Provide for review and approval by the department of project changes and change orders provided that:

(I) The agreement may specify parameters identifying the circumstances under which changes and change orders may also be approved;

(II) All changes and change orders shall be approved by the district or its representative.

(D) Establish payment schedules involving state funds;

(E) Assure the state is not responsible or liable for compliance with construction or renovation project schedules or completion dates;

(F) Provide that the agreement shall expire upon completion of the project or projects;

(G) Contain any other provision mutually agreed upon by the department and the district;

(H) Allow for alternate design and construction delivery methods as defined in W.S. 16-6-701 for provision of design and construction services; and

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(J) Require a contract compliance audit by independent auditing expertise of project budgets and expenditures prior to completing the project or projects.

(vi) Review district plans for the disposition or demolition of buildings and facilities made surplus by an approved construction or renovation project or by changes in school population, including allocation of resulting costs and revenues and report the plans to the commission. Disposition shall include options for use, lease, sale and any other means of disposing of the surplus building or facility. The costs and revenues incurred by the disposition or demolition of the building or facility shall be accounted for in each district's school facility plan and considered in any building or facility remedy for that district, including the allocation of revenues resulting from the disposition of property rendered surplus to offset property demolition costs. The department shall report this review to the commission. The district shall have final authority over the disposition or demolition of any surplus buildings or facilities, except that the commission, after receiving a report of the review by the department, may disapprove any plans related to disposition or demolition submitted pursuant to this paragraph if the commission determines that the plans do not protect the financial interests of the state or are not otherwise in the public interest. Any revenues resulting from property disposition under this paragraph shall not be considered or counted under W.S. 21-13-310(a)(xiv) or (xv);

(vii) Authorize, subject to commission review, the purchase and acquisition of sites for any project within the approved district facility plan if state funds are to be expended for the acquisition;

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(viii) Review any proposed sale of existing land owned by a district, which land is within the scope of the district's facility plan, and determine the impact of the land disposition upon that plan. The department shall report the review to the commission. The district shall have final authority over the sale of existing land owned by the district, except that the commission, after receiving a report of the review by the department, may disapprove any plans related to a sale submitted pursuant to this paragraph if the commission determines that the plans do not protect the financial interests of the state or are not otherwise in the public interest. If the commission determines land disposition adversely impacts the cost-effectiveness of the district's 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 (vi) of this subsection, the commission may direct the department of education to consider or count those revenues under either W.S. 21-13-310(a)(xiv) or (xv).

(g) The department may contract with appropriate expertise and professionals, including auditors, in administering this act and performing duties imposed under this act.

Section 2. W.S. 9-2-1704(d)(xv), 21-3-110(a)(x)(intro), (A)(intro), (II), (B) and (xxvii), 21-15-105(a), (d) and (e), 21-15-109(b), (c)(intro), (i)(A)(intro), (B), (iv), (v), (e) and (f), 21-15-111(a)(intro), (viii) and by creating a new paragraph (ix), 21-15-113(a)(intro), by creating new paragraphs (iii) through (vi) and (c), 21-15-114(a)(iii), 21-15-115(b)(intro), 21-15-116(a)(intro), (vi), (vii), (d)(intro), (e) and (f), 21-15-117(a)(intro), (v), (b) and (d), 21-15-118(a)(intro) and (b), 21-15-119(a)(intro), (b)

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and (c) and 28-11-301(b)(iii), (iv), (v), (c)(intro) and (ii) are amended to read:

9-2-1704. Reorganization plan; structure; time frame.

(d) The entities of state government specified in this subsection are designated as separate operating agencies, which are separate and distinct from the departments and offices specified in subsection (a) of this section because of their quasi-judicial responsibility or because of their unique, specialized function which precludes their inclusion in another department. This act does not otherwise apply to separate operating agencies. Separate operating agencies are as follows:

(xv) School facilities commission established under W.S. 21-15-113 and the school facilities department established under W.S. 21-15-123;

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

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

(x) Subject to review by the school facilities ~~commission~~department under W.S. 21-15-115 for any project involving state capital construction assistance, fix the site of each school building and facility considering the needs of the people of each portion of the district. If the district enters into an agreement to lease buildings and facilities owned by the district and the buildings and facilities are included within the statewide database maintained by the school facilities ~~commission~~department under W.S. ~~21-15-114(a)(vi)~~21-15-123(f)(iv), the district shall, except as provided under W.S. 21-15-109(c)(i)(A)(II) and (III) and (B), ensure the lease agreement requires

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sufficient payment from the lessee to cover expenses necessary to adequately maintain the facility or building in accordance with statewide adequacy standards prescribed by the commission. If the district enters into an agreement to lease buildings and facilities under which the district is the lessee and the building is to be used for the provision of the required educational program within the district, the lease agreement shall require the lessor to adequately maintain the buildings and facilities in accordance with standards prescribed by the commission. ~~If approved by the commission,~~ The district shall be reimbursed for the lease payment if the square footage of the leased facility is not included within the district's total square footage for purposes of major maintenance computations under W.S. 21-15-109, subject to the following:

(A) If the lease payment is for educational facilities used in the actual operation of a charter school, the ~~commission~~ school facilities department shall pay the district ~~an~~ the contract amount approved by the ~~commission~~ department for the lease payment by the charter school if:

(II) The ~~commission~~ department determines no adequate educational facilities exist within the district for operation of the charter school;

(B) If the lease payment is for facilities leased to the district by a state institution which meets state adequacy standards prescribed by rule and regulation of the commission, the amount of the lease reimbursement paid by the ~~commission~~ school facilities department shall not include the amount received by the institution from the state for major building and facility repair and replacement costs attributable to the facility, as computed

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by the construction management section within the general services division of the department of administration and information.

(xxvii) Cooperate with the school facilities ~~commission~~department in developing facility plans for the district addressing district-wide building and facility needs in accordance with W.S. 21-15-116 and rule and regulation of the school facilities commission;

21-15-105. Bonded indebtedness mill levy supplement.

(a) On or before June 15 of each year, any school district may apply to the department of education to receive a mill levy supplement as calculated under subsections (c) and (d) of this section. The mill levy supplement shall not apply to the first two (2) mills levied by a district for payment of outstanding bonds. The amount of mill levy supplement to be received shall be certified by the department of education to the district and the board of county commissioners of the county or counties in which the district is located on or before July 15. Subject to limitations imposed by this section, the mill levy necessary to make scheduled payments under outstanding general obligation bonds of the school district for the current year shall be decreased accordingly. The mill levy supplement shall be paid to each district applying on or before January 1 and shall be credited to the debt service fund of the school district. Any mill levy supplement revenues not used to reduce the current mill levy as provided in this section shall be rebated to the state treasurer.

(d) The mill levy supplement determined under subsection (c) of this section shall be decreased by subtracting the product of two (2) mills times the assessed

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value of the school district for the preceding year from the amount calculated under subsection (c) of this section. Following certification of the amounts and if the amount calculated under subsection (c) of this section is greater than the amount determined under this subsection, the department of education shall pay the difference to the school district under subsection (a) of this section.

(e) The department of education shall develop forms containing such information as may be required to implement this section. The forms shall be completed and submitted to the department of education by any school district applying under this section. The department of education shall adopt rules and regulations to implement this section. The mill levy supplement shall be computed using the assessed valuation for the state and district for the preceding year.

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

(b) To the extent funds are available, on July 1 of each year, the school facilities ~~commission~~department shall based upon square footage computations computed on September 1 of the prior school year, distribute major building and facility repair and replacement payments to each school district from the capital construction account. If funds within the account are not sufficient for payments on July 1 of any school year, the ~~commission~~department shall distribute payments from the account on or before September 30 and March 31 of that school year. 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 ~~commission~~ 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 according to guidelines prescribed by rule and regulation of the commission, subject to the following:

(A) The gross square footage of any school building or facility within the district which is not used for purposes of delivering the required educational program shall not be included within the district's total gross square footage computed under this section, except for the square footage of any district school building or facility which would otherwise be treated as a closed building under paragraph (c)(iv) of this section, or ~~is~~ determined to be surplus, ~~and following approval of the commission, by the department or~~ the building or facility is being used for the provision of one (1) of the programs specified in subdivisions (I) through (III) of this subparagraph and the district complies with subdivisions (IV) through (VI) of this subparagraph:

(B) The gross square footage of any school building or facility leased by a district shall not be included within the district's total gross square footage computed under this section, unless the 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

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plans required under W.S. 21-15-116(a)(vi); ~~and is approved by the commission;~~

(iv) The square footage of any district building or facility which is closed and not operational, is not being replaced under a district's facility plan ~~approved by the commission~~ under W.S. 21-15-116, is not determined surplus by the ~~commission~~ department and is specified as a closed building within the district's facility plan as a cost efficient means to address future district building needs, shall be segregated from the square footage of other district buildings and facilities and multiplied by the replacement value ~~determined by the commission~~ under paragraph (c)(v) of this section for the appropriate building category. The resulting amount shall then be multiplied by an exterior closure factor established by the ~~commission~~ department based upon the most current edition of the Whitestone Building Maintenance and Repair Cost Reference Index and added to the total amount determined for the district under paragraph (c)(viii) of this section. This paragraph shall not apply to any school year during which the building or facility is reopened and becomes operational for purposes of delivering the required educational program within the district or to any school year during which the building or facility is used to provide certified child care, developmental preschool or cooperative education programs pursuant to subparagraph (c)(i)(A) of this section;

(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 ~~commission~~ department based upon the median

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estimate in the most current edition of the R. S. Means construction cost index, as modified to reflect current Wyoming construction costs determined by the department of administration and information, division of economic analysis;

(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 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 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~~department 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 on a building-by-building basis, updated 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

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clearly specified within the district's facility plan or otherwise approved by the ~~commission~~department. In a manner and form required by commission rule and regulation, each district shall annually report to the ~~commission~~department on the expenditures made from the separate account during the applicable reporting period, separating account expenditures on a building-by-building basis. The ~~commission~~department shall annually review account expenditures and shall report expenditures to the ~~commission and the~~ select committee on school facilities established under W.S. 28-11-301. The ~~commission~~department shall compile reported building-by-building expenditure information for each district and the district facility plan and include this information in its annual report to the select committee pursuant to W.S. 21-15-121. If any district expends funds within the separate account for purposes not authorized by this subsection or by rule and regulation of the commission, the payments for that district shall be reduced by the amount of the unauthorized expenditure in the school year following the year in which the expenditure was discovered ~~by the commission~~ or the school year in which notification was provided by the ~~commission~~department, whichever first occurs.

(f) Notwithstanding subsection (e) of this section, a district may expend up to ten percent (10%) of the amount distributed during any school year under subsection (b) of this section for major building and facility repair and replacement needs of the district which are not specified in the district's facility plan, including expenditures for maintenance of district enhancements. Expenditures shall be made under this subsection only after the district's building and facility repair and replacement needs specified in its facility plan have been addressed in accordance with subsection (e) of this section and the ~~commission~~department has approved the district's proposed

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expenditures under this subsection. ~~Effective for the July 1, 2007 payment under this section and each payment thereafter,~~ Amounts not expended for purposes of this subsection during any school year may be accumulated by a district and earmarked within the separate account established under subsection (e) of this section for expenditure under this subsection in subsequent school years, provided the unexpended amount during any school year to be accumulated does not exceed ten percent (10%) of the amount distributed to the district under subsection (b) of this section for that school year. Each district shall include expenditures under this subsection and any amounts accumulated from year-to-year under this subsection within the annual report required under subsection (e) of this section. Nothing in this subsection shall prohibit or limit the application of subparagraph (c)(i)(D) of this section in computing a district's building and facility gross square footage for purposes of determining payment amounts under this section. If any school district exceeds expenditure limitations prescribed by this subsection or fails to comply with expenditure levels for facility adequacy needs identified within its facility plan, the payments for that district in the immediately succeeding year shall be reduced by the excess expenditure amount including any excess expenditure of amounts accumulated under this subsection.

21-15-111. Definitions.

(a) As used in this act, unless the context requires otherwise:

(viii) "This act" means W.S. 21-15-108, 21-15-109 and 21-15-111 through ~~21-15-122.~~ 21-15-123;

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(ix) "Department" means the school facilities department created by this act.

21-15-113. School facilities commission; membership; conflict of interest; terms; chairman; meetings; compensation.

(a) The school facilities commission is established to consist of ~~seven (7)~~ eight (8) members comprised of the state superintendent of public instruction, who shall serve in an ex-officio, nonvoting capacity, and ~~six (6)~~ seven (7) members who are Wyoming residents appointed as follows by the governor with one (1) member appointed from each of the seven (7) appointment districts designated in W.S. 9-1-218(b). Four (4) of the appointees shall have knowledge and experience in the following areas:

(iii) Building and facility engineering, construction and operations;

(iv) Building design and specifications;

(v) Estimating, bidding and building construction;

(vi) School district administration.

(c) Gubernatorial ~~and state superintendent~~ appointments shall be subject to senate approval and shall serve a term of four (4) years beginning March 1. Not more than four (4) of the appointed members shall be of the same political party. The governor ~~and the state superintendent~~ shall fill a vacancy on respective appointments to the commission in accordance with W.S. 28-12-101, and may remove ~~respectively~~ appointed commissioners as provided by W.S. 9-1-202. ~~For purposes of this subsection, appointments~~

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~~by the state superintendent shall be subject to this subsection in the same manner provided for gubernatorial appointments under W.S. 9-1-202, 28-12-101 and 28-12-102.~~

21-15-114. School facilities commission powers and duties.

(a) The school facilities commission shall:

(iii) Adopt policies, guidelines and standards for school district facility plans required under W.S. 21-15-116 and review and ~~certify a~~ approve each plan ~~for each district~~ as required under this act;

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

(b) ~~In addition to subsection (a) of this section,~~ The commission 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 facility repair and replacement activities in accordance with guidelines prescribed by rule and regulation of the commission, the results of commission 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:

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

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(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 ~~commission~~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 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 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 nonconstruction alternatives to building and 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 ~~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 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 ~~commission~~department. In addition, district facility plans shall include:

(vi) An inventory of buildings and facilities to be leased by the district during the planning period, either as lessee or lessor, including the purpose for which the leased buildings and facilities are to be used and if

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any of this leased space will involve any district buildings or facilities included within the statewide school facilities database maintained by the ~~commission~~ department under W.S. ~~21-15-114(a)(vi)~~ 21-15-123(f)(iv);

(vii) Other information required by the ~~commission~~ department to evaluate each district's plan.

(d) At least once every two (2) years, the commission shall review and approve each plan developed by the department under this section to ensure each plan:

(e) Any school district aggrieved by a decision of the department or the commission under this act may seek review in accordance with the Wyoming Administrative Procedure Act. In accordance with W.S. 16-3-112, review of a decision of the department shall be before the commission.

(f) In carrying out this act and in accordance with policies adopted by the commission, the commission or the department shall consult with the affected school districts and shall provide districts the opportunity to informally review facility plans, remedies and projects with the department or the commission before districts pursue administrative review under subsection (e) of this section.

21-15-117. Annual evaluation of school buildings and facilities; remediation schedule; needs prioritization; combining facilities; implementation of remedy.

(a) Through the identification of school building and facility conditions and needs provided by the assessment conducted and maintained under W.S. 21-15-115, and a comparison of the identified conditions and needs with the established statewide building adequacy standards and the

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district facility plans developed under W.S. 21-15-116, the commission shall, based upon reports provided by the department and in coordination and cooperation with the districts, evaluate the adequacy of school buildings and facilities within local school districts., ~~and~~ Based upon this evaluation, the commission shall establish a schedule for building and facility remediation. Remediation shall bring all buildings and facilities to conditions such that over time, only routine maintenance is required to maintain building adequacy. The schedule shall identify and prioritize building and facility remedies on a statewide basis, based upon the following:

(v) A methodology and process for identifying the most critical building and facility needs, which independently provides full consideration to each of the measures provided in paragraphs (i) through (iv) of this subsection.

(b) The commission shall for each building and facility remedy scheduled under subsection (a) of this section, ~~determine~~ ensure the adoption of the most cost effective method of remediation of building and facility needs to deliver quality educational services and ensure compliance with the statewide adequacy standards. For any scheduled remedy for which major building and facility repair and replacement payments under W.S. 21-15-109 are not sufficient to remedy the scheduled need, as determined by the commission, the commission shall determine if the remedy requires capital outlay.

(d) In determining building and facility remedies under subsection (b) of this section, in developing criteria and procedures for site analysis under W.S. 21-15-114(a)(xii) and in ~~developing~~ approving district facility plans under W.S. 21-15-116 and otherwise

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administering this act, the commission shall adopt the remedy that is in the best financial and educational interests of the state, taking into consideration the recommendations of the department and the most efficient and cost effective approach in order to deliver quality educational services and address building and facility need. Expenditures from the school capital construction account shall be for necessary and related costs to implement efficient and cost effective building and facility remedies required to deliver quality educational services. In making determinations under this paragraph, the commission shall take into consideration the effects of the proposed activity on the local community. The commission shall implement this subsection in carrying out building and facility remedies and shall, giving proper consideration to the prevention of unnecessary delays in preceding with a remedy, establish a process to work with other political subdivisions of the state in implementing this subsection.

21-15-118. Building and facility construction and renovation projects.

(a) Upon determination by the commission following review under W.S. 21-15-117, and appropriation by the legislature in accordance with W.S. 21-15-119, the ~~commission~~department shall proceed with projects as follows:

(b) If required, the ~~commission~~department shall provide for temporary space for any scheduled building remedy by means of portable buildings creating capacity or by other means available to the ~~commission~~department.

21-15-119. Commission budget and funding recommendations.

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(a) Notwithstanding W.S. 9-2-1012, the commission shall annually, not later than September 1, ~~prepare~~develop and submit a recommended budget for projects and school capital construction financing to the governor, through the budget division of the department of administration and information and to the select committee on school facilities. The department shall prepare and provide information as requested by the commission. The commission shall include with its recommended budget to the select committee the comprehensive assessment specified in W.S. 21-15-115(b), the prioritized list of projects specified in W.S. 21-15-117 including the amounts allocated to each project and the annual building status report specified under W.S. 21-15-121. The recommended budget submitted by the commission shall include:

(b) The ~~commission~~department may enter into agreements under which the ~~commission~~department may make payments on behalf of a school district with respect to the district's lease of school facilities under W.S. 21-15-112. The ~~commission~~department may also enter into any agreement with a nonprofit corporation or other entity necessary to ensure that a district can lease facilities under W.S. 21-15-112.

(c) Budgets submitted by the commission under subsection (a) of this section and recommended by the select committee under W.S. 28-11-301 shall be attached to specified projects for the applicable budget period, which projects shall be referred to as planning and design phase projects and construction phase projects. With the approval of the governor, the ~~commission~~department may transfer up to fifteen percent (15%) of the total funds appropriated between project phases. Any modification of appropriation expenditures between project phases shall be

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reported to the select committee in accordance with W.S. 28-11-301(c)(iv). Additionally, the commission may for any budget period specify amounts within its budget which are recommended to cover inflation, unanticipated costs, off-site infrastructure costs and other such contingency or special project costs provided the additional costs are reported and approved in accordance with W.S. 28-11-301(c)(iv). Amounts appropriated by the legislature shall not be construed to be an entitlement or guaranteed amount and shall be expended by the ~~commission~~department in accordance with facility guidelines to ensure adequate, efficient and cost effective school buildings and facilities as required by W.S. 21-15-114(a)(vii).

28-11-301. Appointment of members; powers and duties; related duties of school facilities commission.

(b) The select committee shall:

(iii) Monitor the assessment of statewide school facility needs, prioritization of these needs and remediation of identified needs, as undertaken by the school facilities commission and the school facilities department pursuant to law;

(iv) Develop knowledge and expertise among its members regarding issues pertaining to school facilities and commission and department programs and procedures to maintain statewide facility adequacy;

(v) Not later than November 1 of each year, prepare and submit budget recommendations based upon information reported by the commission and the department under W.S. 21-15-119 and 21-15-121, addressing statewide building and facility needs to the joint appropriations committee and the governor. Based upon reports submitted

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under W.S. 21-15-119 and 21-15-121, the select committee may report recommendations to the legislature including any necessary implementing legislation;

(c) The school facilities ~~commission~~department shall:

(ii) Provide the committee with commission and department reports and studies pertaining to school building and facility remediation projects;

Section 3. W.S. 21-15-113(a)(i) and (ii) and 21-15-114(a)(i), (iv), (v), (vi), (viii), (x), (xiii), (xiv), (b) and (c) are repealed.

Section 4.

(a) Notwithstanding W.S. 21-15-113(c) as amended by this act, the initial terms of the school facilities commission appointed under this act to take office effective July 1, 2011, shall be as follows:

(i) Two (2) members for a period of two (2) years;

(ii) Two (2) members for a period of three (3) years; and

(iii) Three (3) members for a period of four (4) years.

(b) Effective July 1, 2011, the school facilities commission is reorganized in accordance with this act. The terms of office of appointed school facilities commission members serving under W.S. 21-15-113 prior to the effective

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date of section 2 of this act expire effective June 30, 2011.

(c) All property, equipment, supplies and personnel of the school facilities commission shall be transferred to the school facilities department as created by this act effective July 1, 2011.

(d) The validity of rules, regulations, contracts, agreements or other obligations of the school facilities commission existing on or before the effective date of this act are not affected by this act and shall be designated as rules, regulations, contracts, agreements or obligations of the school facilities commission as reorganized pursuant to this act or contracts, agreements or obligations of the school facilities department created pursuant to this act, as appropriate.

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Section 5. This act is effective July 1, 2011.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk