

ENROLLED ACT NO. 124, HOUSE OF REPRESENTATIVES

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING
2017 GENERAL SESSION

AN ACT relating to school facility projects; modifying appropriations for school facility projects for the biennial budget period July 1, 2016 through June 30, 2018; transferring funds; making conforming amendments; requiring reporting; and providing for an effective date.

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

Section 1. 2016 Wyoming Session Laws, Chapter 25 Section 1(b)(ii), (c), (d), (f), (g)(ii)(A), (D), (iii) through (vi), by creating paragraphs (vii) through (ix) and Section 2 is amended as follows:

Section 1.

(b) As used in this section:

(ii) "Condition needs index priority" means the condition needs index priority used by the school facilities commission in developing the remediation schedule for the 2017-2018 biennial budget recommendation and the 2017-2018 supplemental budget request, in accordance with W.S. 21-15-117(a).

(c) The amounts appropriated from the school capital construction account under this section are for the biennial period commencing July 1, 2016 and ending June 30, 2018. ~~As authorized under W.S. 21-15-119(a)(iii), the school facilities commission shall submit a supplemental budget request for the period beginning July 1, 2017 and ending June 30, 2018, for any emergency or unanticipated need, or for any refinement or modification of a project~~

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~~funded under this section, subject to any constraints and other requirements imposed by the governor under W.S. 9-2-1013.~~

(d) An estimated schedule for deploying projects funded by amounts appropriated under this section and projects funded by previous appropriations, as adopted by the school facilities commission and as contained within the 2017-2018 biennial budget, as modified by the 2017-2018 supplemental budget request, submitted by the commission under W.S. 21-15-119, shall be used by the ~~school facilities~~ state construction department in guiding expenditure of appropriated funds. The estimated schedule developed under this subsection shall be based upon information, processes, events and expenditures and shall not be binding upon the department or the commission.

(f) In addition to accounting requirements imposed under W.S. 28-11-301(c)(iv), the ~~school facilities~~ state construction department shall report at least once each year, the deployment of amounts to fund projects under this section and previous appropriations in accordance with the deployment schedule, depicting project progression and, if applicable, the rationale for deviation from the estimated schedule. The reports, as approved by the commission, shall be submitted by the department to the select committee on school facilities, the joint appropriations committee and the governor.

(g) The following amounts are appropriated from the school capital construction account to

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the school facilities commission for the biennial period commencing July 1, 2016 and ending June 30, 2018, for the specified purposes:

(ii) For capital construction projects:

(A) Up to ~~ten million four hundred ninety-four thousand six hundred ninety-four dollars (\$10,494,694.00)~~ forty-three million one hundred ninety-six thousand four hundred twenty-six dollars (\$43,196,426.00), subject to the prescribed maximum amounts:

Condition
 Needs

| Index Priority | School District | Project | Maximum Amount |
|-------------------|--------------------|--------------------------|----------------------|
| <u>Emergency</u> | <u>Big Horn #2</u> | <u>Elementary School</u> | <u>\$ 3,286,026</u> |
| <u>Capacity</u> | <u>Campbell #1</u> | <u>High School</u> | <u>\$ 3,800,395*</u> |
| <u>Capacity</u> | <u>Laramie #1</u> | <u>Elementary School</u> | <u>\$ 2,214,953*</u> |
| <u>16</u> | <u>Big Horn #4</u> | <u>Elementary School</u> | <u>\$ 2,186,845*</u> |
| <u>Capacity</u> | <u>Laramie #1</u> | <u>Elementary School</u> | <u>\$ 200,000</u> |
| <u>Capacity</u> | <u>Laramie #1</u> | <u>Modular lease</u> | <u>\$ 14,950</u> |
| <u>Capacity</u> | <u>Laramie #1</u> | <u>Modular lease</u> | <u>\$ 14,950</u> |
| <u>Capacity</u> | <u>Laramie #1</u> | <u>Modular lease</u> | <u>\$ 14,950</u> |
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| <u>Capacity</u> | <u>Laramie #1</u> | <u>Modular lease</u> | <u>\$ 14,950</u> |
| <u>Capacity</u> | <u>Laramie #1</u> | <u>Modular lease</u> | <u>\$ 9,035</u> |

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| | | | |
|-----------------|-------------------|--------------------------|-------------------------|
| <u>Capacity</u> | <u>Laramie #1</u> | <u>Modular lease</u> | <u>\$ 9,035</u> |
| Capacity | Big Horn #3 | Modular lease | \$ 16,800 |
| | | | <u>\$ 26,550</u> |
| Capacity | Big Horn #3 | Modular lease | \$ 16,800 |
| | | | <u>\$ 26,550</u> |
| Capacity | Carbon #1 | Elementary School | \$ 657,581 |
| Capacity | Sweetwater #2 | Middle School | \$ 200,000** |
| <u>Capacity</u> | <u>Teton #1</u> | <u>Elementary School</u> | <u>\$29,028,636</u> |
| 77 | Converse #1 | Modular | \$ 334,176 |
| 93 | Converse #1 | Modular | \$ 334,176 |
| 100 | Converse #1 | Modular | \$ 334,176 |
| 332 | Park #6 | Elementary School | \$ 398,792 |
| Total | | | \$10,494,694 |
| | | | <u>\$43,196,426</u> |

(D) In addition to the appropriation under subparagraph (A) of this paragraph denoted with two (2) asterisks, six million six hundred ninety-eight thousand seven hundred ninety dollars (\$6,698,790.00) as contained in 2014 Wyoming Session Laws, Chapter 82, Section 1(e)(iii)(B) for the construction of an elementary school in Sweetwater County School District No. 2, is hereby reappropriated for the purpose of addressing the elementary school capacity issues as identified by the district and the proposed reconfiguration of grade levels as approved by the director of the ~~school facilities~~ state construction department and the state superintendent pursuant to W.S. 21-13-309(m)(vi). The school facilities commission, through the department, shall provide for a separate accounting of those projects receiving funds under this paragraph, and separately report expenditures of those amounts to the select

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committee on school facilities and to the joint appropriations committee. In the event the cost of construction of the remedy or remedies identified under this subparagraph exceed the total amount identified, no funds shall be expended as appropriated under this subparagraph and shall only be available for expenditure as specifically authorized by the legislature.

(iii) For land acquisitions, including land leases, up to ~~six hundred fifty four thousand six hundred dollars (\$654,600.00)~~ six hundred fifty-nine thousand two hundred dollars (\$659,200.00) for land acquisitions approved by the school facilities commission for the facility needs of Laramie County School District No. 1 and Washakie County School District No. 2;

(iv) For unanticipated costs associated with the design and construction of projects funded under this section, up to ~~four hundred fifty-nine thousand one hundred seventy-four dollars (\$459,174.00)~~ one million seven hundred seventy-one thousand seven hundred sixty dollars (\$1,771,760.00). The school facilities commission, through the state construction department, shall provide for a separate accounting of those projects receiving supplemental appropriations under this paragraph, and separately report expenditures of those amounts to the select committee on school facilities and to the joint appropriations committee;

(v) In addition to the allowable

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expenditures pursuant to law of amounts appropriated for major maintenance expenses under 2016 SF 0001, Section 2, Section 027, a school district may expend up to ten percent (10%) of the amount distributed under the major maintenance program for the period commencing July 1, 2016 and ending July 1, 2018 for safety and security building and facility needs. No expenditure shall be made under this paragraph without the approval of the director of the ~~school facilities~~ state construction department;

(vi) ~~In addition to allowable expenditures~~ Pursuant to W.S. 21-3-110(a)(x), ~~for leases executed by school districts,~~ for the purposes of charter school leases, up to ~~four hundred thousand dollars (\$400,000.00)~~ seven hundred ninety-nine thousand eight hundred fifty dollars (\$799,850.00) is appropriated to the ~~school facilities~~ state construction department, to distribute to each school district with a charter school in the district, approved and operating during the 2014-2015 school year in accordance with W.S. 21-3-301 through 21-3-314, which requires a lease for the operation of the charter school's educational program in the applicable school year. The amounts to be distributed under this paragraph shall be reduced to the extent the amounts are duplicative of any costs funded or paid for by alternative mechanisms. The funds appropriated under this paragraph shall be distributed for expenses incurred during school ~~year~~ years 2016-2017 and 2017-2018 to qualifying school districts based upon the proration of the total qualifying costs

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of all qualifying school districts. The school facilities commission shall evaluate facility options for charter schools receiving funds appropriated under this paragraph and identify potential options of moving these charter schools within existing educational gross square footage of the school district in which the charter school operates. Not later than August 1, 2017, the school facilities commission shall report to the select committee on school facilities and the joint appropriations committee on the options of moving charter schools within existing educational gross square footage of school districts;

(vii) For demolition projects, up to one million forty-two thousand two hundred fifty-eight dollars (\$1,042,258.00) for the demolition needs of Crook County School District No. 1. In the event the cost of demolition as approved by the commission exceeds the total amount appropriated under this paragraph, no funds shall be expended under this paragraph and funds shall only be available for expenditure as specifically authorized by the legislature;

(viii) For emergency projects, up to one million one hundred thirteen thousand two hundred fifty-four dollars (\$1,113,254.00) to address emergency projects identified and approved by the commission under W.S. 21-15-120 and commission rule and regulation;

(ix) For professional consulting expertise and other administrative costs three

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hundred thousand dollars (\$300,000.00) to conduct studies as approved by the commission to determine the most cost effective and efficient approach in order to deliver quality educational services and address building and facility needs;

(x) There is appropriated twenty million nine hundred nine thousand nine hundred eight dollars (\$20,909,908.00) from the school capital construction account to the school facilities commission. This amount shall only be expended for component level major maintenance projects recommended by the school facilities commission and approved by the governor. Prior to approval, the recommendations of the commission shall be reported to the select committee on school facilities and the joint appropriations committee;

(xi) There is appropriated twenty million nine hundred nine thousand nine hundred eight dollars (\$20,909,908.00) from the school capital construction account to the school facilities commission. This amount shall only be expended for the construction of a project or projects to address capacity and condition needs recommended by the school facilities commission and approved by the governor. Prior to approval, the recommendations of the commission shall be reported to the select committee on school facilities and the joint appropriations committee. Up to three million dollars (\$3,000,000.00) of this amount may be expended for planning and design of the project following approval under this paragraph.

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Section 2. ~~In addition to the amounts appropriated under Section 1 of this act, eighty million dollars (\$80,000,000.00) is appropriated~~ The state auditor shall immediately transfer seventy-eight million three hundred twenty-four thousand seventy-eight dollars (\$78,324,078.00) from the legislative stabilization reserve account to the school ~~facilities commission.~~ capital construction account. ~~This appropriation shall be for the period beginning July 1, 2017 and ending June 30, 2018. This appropriation shall only be available for expenditure as specifically authorized by the legislature. As required under W.S. 21-15-119(a), and not later than September 1, 2016, the school facilities commission shall report proposed expenditures of the amounts appropriated under this section, along with a prioritized list of projects pursuant to W.S. 21-15-117 and the results of the condition needs assessment to be conducted over the 2016 interim by the school facilities department, to the select committee on school facilities and the joint appropriations committee~~

Section 2. The school facilities commission, through the state construction department, shall study the allocation of funds for major maintenance under W.S. 21-15-109(c). The study shall include review of the process utilized by school districts in expending major maintenance funding and the process and procedures used by the state construction department to review and approve expenditures under W.S. 21-15-109(e) and (f) allocated for major maintenance, giving full consideration to the proper use

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and expenditure of other capital construction funding provided by the state in addressing building adequacy in the most efficient and cost effective manner. Not later than August 1, 2017, the school facilities commission shall report to the select committee on school facilities and the joint appropriations committee. The report shall include recommendations for a process to ensure funds generated for major maintenance are expended on the most substantial and necessary aspects of building maintenance and in a way that optimizes the lifecycle of the school buildings across the state. The recommendations shall include any suggested modifications to the formula utilized to generate the funding allocated for major maintenance. The recommendations shall include any enabling legislation necessary to implement the recommendations of the commission.

ORIGINAL HOUSE
BILL NO. HB0058

ENGROSSED

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Section 3. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(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