

**DRAFT ONLY  
NOT APPROVED FOR  
INTRODUCTION**

HOUSE BILL NO. \_\_\_\_\_

School facilities commission-reorganization.

Sponsored by: HDRAFT

A BILL

for

1 AN ACT relating to school capital construction;  
2 establishing the school facilities department; providing a  
3 definition; reorganizing the membership of the school  
4 facilities commission; modifying requirements for  
5 commission members; establishing the powers and duties of  
6 the commission and the department as specified; and  
7 providing for effective dates.

8

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

10

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

12

13 **21-15-123. School facilities department; creation;**  
14 **control; director; duties and authority.**

1

2 (a) The school facilities department is created.

3

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

8

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

12

13 (d) The governor shall appoint a competent person as  
14 the director of the department who shall serve at the  
15 pleasure of the governor and may be removed by him as  
16 provided in W.S. 9-1-202. The director shall be appointed  
17 by the governor from a list of three (3) qualified  
18 candidates submitted by the school facilities commission.  
19 The director's salary shall be determined by the  
20 commission. Any appointment under this subsection shall be  
21 with the advice and consent of the senate.

22

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

8

9           (f) The school facilities department shall:

10

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

14

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

20

21           (iii) Develop cost per square foot guidelines to  
22 be used in estimating the cost of constructing, renovating  
23 and otherwise remediating buildings and facilities to

1 comply with statewide adequacy standards, which shall  
2 account for demonstrated differences among regions and  
3 communities within the state;

4

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

9

10 (v) Enter into or approve construction or  
11 renovation project agreements, as appropriate. Each  
12 agreement shall:

13

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

17

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

20

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

1

2

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

5

6

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

8

9

(D) Establish payment schedules involving state funds;

10

11

12

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

13

14

15

16

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

17

18

19

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

20

21

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

4  
5                   (vi) Review district plans for the disposition  
6 or demolition of buildings and facilities made surplus by  
7 an approved construction or renovation project or by  
8 changes in school population, including allocation of  
9 resulting costs and revenues and report the plans to the  
10 commission. Disposition shall include options for use,  
11 lease, sale and any other means of disposing of the surplus  
12 building or facility. The costs and revenues incurred by  
13 the disposition or demolition of the building or facility  
14 shall be accounted for in each district's school facility  
15 plan and considered in any building or facility remedy for  
16 that district, including the allocation of revenues  
17 resulting from the disposition of property rendered surplus  
18 to offset property demolition costs. The department shall  
19 report this review to the commission. The district shall  
20 have final authority over the disposition or demolition of  
21 any surplus buildings or facilities, except that the  
22 commission, after receiving a report of the review by the  
23 department, may disapprove any plans related to disposition

1 or demolition submitted pursuant to this paragraph if the  
2 commission determines that the plans do not protect the  
3 financial interests of the state or are not otherwise in  
4 the public interest. Any revenues resulting from property  
5 disposition under this paragraph shall not be considered or  
6 counted under W.S. 21-13-310(a)(xiv) or (xv);

7

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

12

13 (viii) Review any proposed sale of existing land  
14 owned by a district, which land is within the scope of the  
15 district's facility plan, and determine the impact of the  
16 land disposition upon that plan. The department shall  
17 report the review to the commission. The district shall  
18 have final authority over the sale of existing land owned  
19 by the district, except that the commission, after  
20 receiving a report of the review by the department, may  
21 disapprove any plans related to a sale submitted pursuant  
22 to this paragraph if the commission determines that the  
23 plans do not protect the financial interests of the state

1 or are not otherwise in the public interest. If the  
2 commission determines land disposition adversely impacts  
3 the cost-effectiveness of the district's facility plan, the  
4 revenues resulting from land disposition shall be  
5 considered by the commission in any future building or  
6 facility remedy for that district and, notwithstanding  
7 paragraph (vi) of this subsection, the commission may  
8 direct the department of education to consider or count  
9 those revenues under either W.S. 21-13-310(a)(xiv) or (xv).

10

11 (g) The department may contract with appropriate  
12 expertise and professionals in administering this act and  
13 performing duties imposed under this act.

14

15 **Section 2.** W.S. 9-2-1704(d)(xv),  
16 21-3-110(a)(x)(intro), (A)(intro), (II), (B) and (xxvii),  
17 21-15-105(a), (d) and (e), 21-15-109(b), (c)(intro),  
18 (i)(A)(intro), (B), (iv), (v), (e) and (f),  
19 21-15-111(a)(intro), (viii) and by creating a new paragraph  
20 (ix), 21-15-113(a)(intro), (b) and (c), 21-15-114(a)(iii),  
21 21-15-115(b)(intro), 21-15-116(a)(intro), (vi), (vii),  
22 (d)(intro), (e) and (f), 21-15-117(a)(intro), (v), (b) and  
23 (d), 21-15-118(a)(intro) and (b), 21-15-119(a)(intro), (b)



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

3

4 **9-2-1704. Reorganization plan; structure; time frame.**

5

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

15

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

19

20 **21-3-110. Duties of boards of trustees.**

21

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

1

2 (x) Subject to review by the school facilities

3 ~~commission~~department under W.S. 21-15-115 for any project

4 involving state capital construction assistance, fix the

5 site of each school building and facility considering the

6 needs of the people of each portion of the district. If

7 the district enters into an agreement to lease buildings

8 and facilities owned by the district and the buildings and

9 facilities are included within the statewide database

10 maintained by the school facilities ~~commission~~department

11 under W.S. ~~21-15-114(a)(vi)~~21-15-123(f)(iv), the district

12 shall, except as provided under W.S. 21-15-109(c)(i)(A)(II)

13 and (III) and (B), ensure the lease agreement requires

14 sufficient payment from the lessee to cover expenses

15 necessary to adequately maintain the facility or building

16 in accordance with statewide adequacy standards prescribed

17 by the commission. If the district enters into an

18 agreement to lease buildings and facilities under which the

19 district is the lessee and the building is to be used for

20 the provision of the required educational program within

21 the district, the lease agreement shall require the lessor

22 to adequately maintain the buildings and facilities in

23 accordance with standards prescribed by the commission. ~~If~~

1 ~~approved by the commission,~~ The district shall be  
2 reimbursed for the lease payment if the square footage of  
3 the leased facility is not included within the district's  
4 total square footage for purposes of major maintenance  
5 computations under W.S. 21-15-109, subject to the  
6 following:

7  
8 (A) If the lease payment is for educational  
9 facilities used in the actual operation of a charter  
10 school, the ~~commission~~ school facilities department shall  
11 pay the district an amount ~~approved by the commission~~ for  
12 the lease payment by the charter school if:

13  
14 (II) The ~~commission~~ department  
15 determines no adequate educational facilities exist within  
16 the district for operation of the charter school;

17  
18 (B) If the lease payment is for facilities  
19 leased to the district by a state institution which meets  
20 state adequacy standards prescribed by rule and regulation  
21 of the commission, the amount of the lease reimbursement  
22 paid by the ~~commission~~ school facilities department shall  
23 not include the amount received by the institution from the

1 state for major building and facility repair and  
2 replacement costs attributable to the facility, as computed  
3 by the construction management section within the general  
4 services division of the department of administration and  
5 information.

6  
7 (xxvii) Cooperate with the school facilities  
8 ~~commission~~department in developing facility plans for the  
9 district addressing district-wide building and facility  
10 needs in accordance with W.S. 21-15-116 and rule and  
11 regulation of the school facilities commission;

12

13 **21-15-105. Bonded indebtedness mill levy supplement.**

14

15 (a) On or before June 15 of each year, any school  
16 district may apply to the department of education to  
17 receive a mill levy supplement as calculated under  
18 subsections (c) and (d) of this section. The mill levy  
19 supplement shall not apply to the first two (2) mills  
20 levied by a district for payment of outstanding bonds. The  
21 amount of mill levy supplement to be received shall be  
22 certified by the department of education to the district  
23 and the board of county commissioners of the county or

1 counties in which the district is located on or before July  
2 15. Subject to limitations imposed by this section, the  
3 mill levy necessary to make scheduled payments under  
4 outstanding general obligation bonds of the school district  
5 for the current year shall be decreased accordingly. The  
6 mill levy supplement shall be paid to each district  
7 applying on or before January 1 and shall be credited to  
8 the debt service fund of the school district. Any mill  
9 levy supplement revenues not used to reduce the current  
10 mill levy as provided in this section shall be rebated to  
11 the state treasurer.

12

13 (d) The mill levy supplement determined under  
14 subsection (c) of this section shall be decreased by  
15 subtracting the product of two (2) mills times the assessed  
16 value of the school district for the preceding year from  
17 the amount calculated under subsection (c) of this section.  
18 Following certification of the amounts and if the amount  
19 calculated under subsection (c) of this section is greater  
20 than the amount determined under this subsection, the  
21 department of education shall pay the difference to the  
22 school district under subsection (a) of this section.

23

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

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

15  
16           (b) To the extent funds are available, on July 1 of  
17 each year, the school facilities ~~commission~~department  
18 shall based upon square footage computations computed on  
19 September 1 of the prior school year, distribute major  
20 building and facility repair and replacement payments to  
21 each school district from the capital construction account.  
22 If funds within the account are not sufficient for payments  
23 on July 1 of any school year, the ~~commission~~department

1 shall distribute payments from the account on or before  
2 September 30 and March 31 of that school year. Major  
3 building and facility repair and replacement payments shall  
4 be computed in accordance with subsection (c) of this  
5 section.

6

7 (c) To compute the major building and facility repair  
8 and replacement payment for each district, the ~~commission~~  
9 department shall:

10

11 (i) Annually on or before September 1, determine  
12 the total number of gross square feet of school buildings  
13 and facilities within the district according to guidelines  
14 prescribed by rule and regulation of the commission,  
15 subject to the following:

16

17 (A) The gross square footage of any school  
18 building or facility within the district which is not used  
19 for purposes of delivering the required educational program  
20 shall not be included within the district's total gross  
21 square footage computed under this section, except for the  
22 square footage of any district school building or facility  
23 which would otherwise be treated as a closed building under

1 paragraph (c)(iv) of this section, ~~or~~ is determined to be  
2 surplus, ~~and following approval of the commission,~~ by the  
3 department or the building or facility is being used for  
4 the provision of one (1) of the programs specified in  
5 subdivisions (I) through (III) of this subparagraph and the  
6 district complies with subdivisions (IV) through (VI) of  
7 this subparagraph:

8  
9 (B) The gross square footage of any school  
10 building or facility leased by a district shall not be  
11 included within the district's total gross square footage  
12 computed under this section, unless the lease agreement is  
13 by or with any nonprofit or governmental agency providing  
14 educational programs which have been approved by the  
15 department of education, the department of health or  
16 another state or educational credentialing agency and the  
17 leased space is incorporated into the district's facility  
18 plans required under W.S. 21-15-116(a)(vi) ~~;~~ ~~and is approved~~  
19 ~~by the commission;~~

20  
21 (iv) The square footage of any district building  
22 or facility which is closed and not operational, is not  
23 being replaced under a district's facility plan ~~approved by~~



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

23

1           (v) Multiply the adjusted square footage amount  
2 for each district's educational buildings determined under  
3 paragraph (c)(iii) of this section and the amount  
4 determined under paragraph (c)(ii) of this section for all  
5 remaining building categories of that district, times a  
6 replacement value cost factor established for each building  
7 category by the ~~commission~~department based upon the median  
8 estimate in the most current edition of the R. S. Means  
9 construction cost index, as modified to reflect current  
10 Wyoming construction costs determined by the department of  
11 administration and information, division of economic  
12 analysis;

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 shall be in accordance with the  
23 district's facility plan ~~approved by the commission~~ under

1 W.S. 21-15-116. Account expenditures may include the  
2 expenses of district personnel performing work described  
3 under paragraph (a)(iii) of this section if approved by the  
4 ~~commission~~department 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 on a building-by-  
9 building basis, updated for the applicable reporting  
10 period, which shall be aligned to the statewide adequacy  
11 standards and prioritized based upon the impact of the  
12 building or facility on the district's ability to deliver  
13 the required educational program. The district shall  
14 include plans for maintaining any district building or  
15 facility which is under a lease agreement, specifying lease  
16 revenues available to the district for maintenance of  
17 facilities to the level required by statewide adequacy  
18 standards. No expenditures shall be made from the separate  
19 account unless the repair or replacement of the building or  
20 facility systems for which the expenditure is to be made is  
21 clearly specified within the district's facility plan or  
22 otherwise approved by the ~~commission~~department. In a  
23 manner and form required by commission rule and regulation,

1 each district shall annually report to the ~~commission~~  
2 department on the expenditures made from the separate  
3 account during the applicable reporting period, separating  
4 account expenditures on a building-by-building basis. The  
5 ~~commission~~department shall annually review account  
6 expenditures and shall report expenditures to the  
7 commission and the select committee on school facilities  
8 established under W.S. 28-11-301. The ~~commission~~department  
9 shall compile reported building-by-building expenditure  
10 information for each district and the district facility  
11 plan and include this information in its annual report to  
12 the select committee pursuant to W.S. 21-15-121. If any  
13 district expends funds within the separate account for  
14 purposes not authorized by this subsection or by rule and  
15 regulation of the commission, the payments for that  
16 district shall be reduced by the amount of the unauthorized  
17 expenditure in the school year following the year in which  
18 the expenditure was discovered ~~by the commission~~ or the  
19 school year in which notification was provided by the  
20 ~~commission~~department, whichever first occurs.

21

22 (f) Notwithstanding subsection (e) of this section, a  
23 district may expend up to ten percent (10%) of the amount

1 distributed during any school year under subsection (b) of  
2 this section for major building and facility repair and  
3 replacement needs of the district which are not specified  
4 in the district's facility plan, including expenditures for  
5 maintenance of district enhancements. Expenditures shall  
6 be made under this subsection only after the district's  
7 building and facility repair and replacement needs  
8 specified in its facility plan have been addressed in  
9 accordance with subsection (e) of this section and the  
10 ~~commission~~ department has approved the district's proposed  
11 expenditures under this subsection. ~~Effective for the July~~  
12 ~~1, 2007 payment under this section and each payment~~  
13 ~~thereafter,~~ Amounts not expended for purposes of this  
14 subsection during any school year may be accumulated by a  
15 district and earmarked within the separate account  
16 established under subsection (e) of this section for  
17 expenditure under this subsection in subsequent school  
18 years, provided the unexpended amount during any school  
19 year to be accumulated does not exceed ten percent (10%) of  
20 the amount distributed to the district under subsection (b)  
21 of this section for that school year. Each district shall  
22 include expenditures under this subsection and any amounts  
23 accumulated from year-to-year under this subsection within

1 the annual report required under subsection (e) of this  
2 section. Nothing in this subsection shall prohibit or  
3 limit the application of subparagraph (c)(i)(D) of this  
4 section in computing a district's building and facility  
5 gross square footage for purposes of determining payment  
6 amounts under this section. If any school district exceeds  
7 expenditure limitations prescribed by this subsection or  
8 fails to comply with expenditure levels for facility  
9 adequacy needs identified within its facility plan, the  
10 payments for that district in the immediately succeeding  
11 year shall be reduced by the excess expenditure amount  
12 including any excess expenditure of amounts accumulated  
13 under this subsection.

14

15 **21-15-111. Definitions.**

16

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

19

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

22

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

3  
4           **21-15-113. School facilities commission; membership;**  
5 **conflict of interest; terms; chairman; meetings;**  
6 **compensation.**

7  
8           (a) The school facilities commission is established  
9 to consist of ~~seven (7)~~ eight (8) members comprised of the  
10 state superintendent of public instruction and ~~six (6)~~  
11 seven (7) members who are Wyoming residents appointed ~~as~~  
12 follows: by the governor with one (1) member from each of  
13 the seven (7) appointment districts designated in W.S.  
14 9-1-218(b).

15  
16           (b) Commission members ~~appointed under subsection (a)~~  
17 ~~of this section~~ shall not be an employee of any educational  
18 association or organization. In addition, not more than one  
19 (1) commission member shall be an employee of a school  
20 district. Commission members shall be subject to W.S.  
21 16-6-118 and shall not vote or otherwise participate in any  
22 matter as prohibited under W.S. 16-6-118.

23

1           (c) Gubernatorial ~~and state superintendent~~  
2 appointments shall be subject to senate approval and shall  
3 serve a term of four (4) years beginning March 1. Not more  
4 than four (4) of the appointed members shall be of the same  
5 political party. The governor ~~and the state superintendent~~  
6 shall fill a vacancy on respective appointments to the  
7 commission in accordance with W.S. 28-12-101, and may  
8 remove ~~respectively~~ appointed commissioners as provided by  
9 W.S. 9-1-202. ~~For purposes of this subsection, appointments~~  
10 ~~by the state superintendent shall be subject to this~~  
11 ~~subsection in the same manner provided for gubernatorial~~  
12 ~~appointments under W.S. 9-1-202, 28-12-101 and 28-12-102.~~

13

14           **21-15-114. School facilities commission powers and**  
15 **duties.**

16

17           (a) The school facilities commission shall:

18

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

23



1           **21-15-115. Statewide standards for school building**  
2 **and facility adequacy; adequacy assessment.**

3  
4           (b) ~~In addition to subsection (a) of this section,~~  
5 The ~~commission~~ ~~department~~ shall maintain the comprehensive  
6 assessment of the adequacy of existing school buildings and  
7 facilities and of future space requirements within the  
8 state. Maintenance of the assessment shall include district  
9 reporting of new construction and major building and  
10 facility repair and replacement activities in accordance  
11 with guidelines prescribed by rule and regulation of the  
12 commission, the results of ~~commission~~ department on-site  
13 visitations and inspections of buildings and facilities and  
14 needs assessment data and verification of building and  
15 facility ratings through periodic review. The assessment  
16 shall be designed and maintained to provide timely and  
17 uniform statewide data on all of the following:

18  
19           **21-15-116. School        district        facility        plans;**  
20 **development,    review    and    approval;    plan    criteria;**  
21 **administrative review.**

22

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

1 plan shall not include the abandonment or demolition of any  
2 school facility or building unless there has first been a  
3 public hearing on the issue. The plan shall also specify  
4 identified alternative methods of building disposition,  
5 proposed allocation of costs incurred or revenues resulting  
6 from disposition and allocation of disposition revenues to  
7 offset any costs paid by the ~~commission~~department. In  
8 addition, district facility plans shall include:

9

10 (vi) An inventory of buildings and facilities to  
11 be leased by the district during the planning period,  
12 either as lessee or lessor, including the purpose for which  
13 the leased buildings and facilities are to be used and if  
14 any of this leased space will involve any district  
15 buildings or facilities included within the statewide  
16 school facilities database maintained by the ~~commission~~  
17 department under W.S. ~~21-15-114(a)(vi)~~21-15-123(f)(iv);

18

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

21

1 (d) At least once every two (2) years, the commission  
2 shall review and approve each plan developed by the  
3 department under this section to ensure each plan:  
4

5 (e) Any school district aggrieved by a decision of  
6 the department or the commission under this act may seek  
7 review in accordance with the Wyoming Administrative  
8 Procedure Act. In accordance with W.S. 16-3-112, review of  
9 a decision of the department shall be before the  
10 commission.  
11

12 (f) In carrying out this act and in accordance with  
13 policies adopted by the commission, the commission or the  
14 department shall consult with the affected school districts  
15 and shall provide districts the opportunity to informally  
16 review facility plans, remedies and projects with the  
17 department or the commission before districts pursue  
18 administrative review under subsection (e) of this section.  
19

20 **21-15-117. Annual evaluation of school buildings and**  
21 **facilities; remediation schedule; needs prioritization;**  
22 **combining facilities; implementation of remedy.**  
23

1           (a) Through the identification of school building and  
2 facility conditions and needs provided by the assessment  
3 conducted and maintained under W.S. 21-15-115, and a  
4 comparison of the identified conditions and needs with the  
5 established statewide building adequacy standards and the  
6 district facility plans developed under W.S. 21-15-116, the  
7 commission shall, based upon reports provided by the  
8 department and in coordination and cooperation with the  
9 districts, evaluate the adequacy of school buildings and  
10 facilities within local school districts. ~~and~~ Based upon  
11 this evaluation, the commission shall establish a schedule  
12 for building and facility remediation. Remediation shall  
13 bring all buildings and facilities to conditions such that  
14 over time, only routine maintenance is required to maintain  
15 building adequacy. The schedule shall identify and  
16 prioritize building and facility remedies on a statewide  
17 basis, based upon the following:

18

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

1

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

13

14 (d) In determining building and facility remedies  
15 under subsection (b) of this section, in developing  
16 criteria and procedures for site analysis under W.S.  
17 21-15-114(a)(xii) and in ~~developing~~ approving district  
18 facility plans under W.S. 21-15-116 and otherwise  
19 administering this act, the commission shall adopt the  
20 remedy that is in the best financial and educational  
21 interests of the state, taking into consideration the  
22 recommendations of the department and the most efficient  
23 and cost effective approach in order to deliver quality

1 educational services and address building and facility  
2 need. Expenditures from the school capital construction  
3 account shall be for necessary and related costs to  
4 implement efficient and cost effective building and  
5 facility remedies required to deliver quality educational  
6 services. In making determinations under this paragraph,  
7 the commission shall take into consideration the effects of  
8 the proposed activity on the local community. The  
9 commission shall implement this subsection in carrying out  
10 building and facility remedies and shall, giving proper  
11 consideration to the prevention of unnecessary delays in  
12 preceding with a remedy, establish a process to work with  
13 other political subdivisions of the state in implementing  
14 this subsection.

15

16 **21-15-118. Building and facility construction and**  
17 **renovation projects.**

18

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

1

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

6

7 **21-15-119. Commission budget and funding**  
8 **recommendations.**

9

10 (a) Notwithstanding W.S. 9-2-1012, the commission  
11 shall annually, not later than September 1, ~~prepare~~develop  
12 and submit a recommended budget for projects and school  
13 capital construction financing to the governor, through the  
14 budget division of the department of administration and  
15 information and to the select committee on school  
16 facilities. The department shall prepare and provide  
17 information as requested by the commission. The commission  
18 shall include with its recommended budget to the select  
19 committee the comprehensive assessment specified in W.S.  
20 21-15-115(b), the prioritized list of projects specified in  
21 W.S. 21-15-117 including the amounts allocated to each  
22 project and the annual building status report specified



1 under W.S. 21-15-121. The recommended budget submitted by  
2 the commission shall include:

3

4 (b) The ~~commission~~department may enter into  
5 agreements under which the ~~commission~~department may make  
6 payments on behalf of a school district with respect to the  
7 district's lease of school facilities under W.S. 21-15-112.  
8 The ~~commission~~department may also enter into any agreement  
9 with a nonprofit corporation or other entity necessary to  
10 ensure that a district can lease facilities under W.S.  
11 21-15-112.

12

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

1 28-11-301(c)(iv). Additionally, the commission may for any  
2 budget period specify amounts within its budget which are  
3 recommended to cover inflation, unanticipated costs, off-  
4 site infrastructure costs and other such contingency or  
5 special project costs provided the additional costs are  
6 reported and approved in accordance with W.S.  
7 28-11-301(c)(iv). Amounts appropriated by the legislature  
8 shall not be construed to be an entitlement or guaranteed  
9 amount and shall be expended by the ~~commission~~department  
10 in accordance with facility guidelines to ensure adequate,  
11 efficient and cost effective school buildings and  
12 facilities as required by W.S. 21-15-114(a)(vii).

13

14 **28-11-301. Appointment of members; powers and duties;**  
15 **related duties of school facilities commission.**

16

17 (b) The select committee shall:

18

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

1

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

6

7 (v) Not later than November 1 of each year,  
8 prepare and submit budget recommendations based upon  
9 information reported by the commission and the department  
10 under W.S. 21-15-119 and 21-15-121, addressing statewide  
11 building and facility needs to the joint appropriations  
12 committee and the governor. Based upon reports submitted  
13 under W.S. 21-15-119 and 21-15-121, the select committee  
14 may report recommendations to the legislature including any  
15 necessary implementing legislation;

16

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

19

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

23

1           **Section 3.** W.S. 21-15-113(a)(i) and (ii) and  
2 21-15-114(a)(i), (iv), (v), (vi), (viii), (x), (xiii),  
3 (xiv), (b) and (c) are repealed.

4

5           **Section 4.**

6

7           (a) Notwithstanding W.S. 21-15-113(c) as amended by  
8 this act, not later than March 1, 2011 or the effective  
9 date of this section, whichever is later, the governor  
10 shall appoint the seven (7) members of the school  
11 facilities committee in accordance with W.S. 21-15-113, as  
12 amended by this act, to take office effective July 1, 2011,  
13 except as otherwise provided in subsection (b) of this  
14 section, for initial terms specified as follows:

15

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

18

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

21

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

1

2 (b) The commission members appointed pursuant to  
3 subsection (a) of this section, together with the state  
4 superintendent of public instruction, shall meet not later  
5 than May 1, 2011, solely for the purpose of providing a  
6 list to the governor of three (3) candidates for the  
7 director of the department as required under W.S.  
8 21-15-123, as created by this act. The commission members  
9 appointed pursuant to subsection (a) of this section,  
10 together with the state superintendent, shall not otherwise  
11 take any official action prior to July 1, 2011, as the  
12 newly constituted commission created under W.S. 21-15-123,  
13 as amended by this act. Appointed members shall receive  
14 salary and expense reimbursement to attend meetings  
15 required under this subsection.

16

17 (c) Not later than June 1, 2011, the governor shall  
18 appoint a director as provided in W.S. 21-15-123 from the  
19 list provided pursuant to subsection (b) of this section,  
20 to take office effective July 1, 2011.

21

22 (d) Effective July 1, 2011, the school facilities  
23 commission is reorganized in accordance with this act. The

1 terms of office of appointed school facilities commission  
2 members serving under W.S. 21-15-113 prior to the effective  
3 date of section 4 of this act expire effective June 30,  
4 2011.

5

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

10

11 (f) The validity of rules, regulations, contracts,  
12 agreements or other obligations of the school facilities  
13 commission existing on or before the effective date of this  
14 act are not affected by this act and shall be designated as  
15 rules, regulations, contracts, agreements or obligations of  
16 the school facilities commission as reorganized pursuant to  
17 this act or contracts, agreements or obligations of the  
18 school facilities department created pursuant to this act,  
19 as appropriate.

20

21 **Section 5.**

22

1           (a) Except as provided in subsection (b) of this  
2 section, this act is effective July 1, 2011.

3

4           (b) Section 4 of this act is effective immediately  
5 upon completion of all acts necessary for a bill to become  
6 law as provided by Article 4, Section 8 of the Wyoming  
7 Constitution.

8

9

(END)