

ENROLLED ACT NO. 56, HOUSE OF REPRESENTATIVES

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING  
2014 BUDGET SESSION

AN ACT relating to school facilities projects; providing appropriations for school facility projects for the biennial period July 1, 2014 through June 30, 2016; providing definitions; requiring reporting; providing for lease and maintenance payments for specified educational space; and providing for effective dates.

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

**Section 1.**

(a) This act shall consist of the 2015-2016 biennial school capital construction appropriation.

(b) As used in this section:

(i) "Condition needs index priority" means the condition needs index priority used by the school facilities commission in developing the remediation schedule for the 2015-2016 biennial budget recommendation in accordance with W.S. 21-15-117(a)(i);

(ii) "Capacity" means building needs as measured by criteria established by the school facilities commission pursuant to W.S. 21-15-117(e);

(iii) "Previous" means continuation of projects prioritized by condition needs indices in effect prior to the index developed for the 2015-2016 biennial budget recommendation;

(iv) "Building adequacy standards" means the uniform statewide standards for the adequacy of school buildings and facilities necessary for providing educational programs prescribed by law for public schools,

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as adopted by the school facilities commission under W.S. 21-15-115, except as otherwise provided by this paragraph. The building adequacy standards for those buildings and facilities funded under this section and for those buildings and facilities funded under 2012 Wyoming Session Laws, Chapter 16, and 2013 Wyoming Session Laws, Chapter 129, which at minimum have completed the project value engineering design phase, and in order to meet requirements of the Wyoming high school activities association for competition gymnasiums, shall allow for ceiling height limitations at a minimum of twenty-five (25) feet.

(c) The amounts appropriated from the school capital construction account under this act are for the biennial period commencing July 1, 2014, and ending June 30, 2016. 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, 2015, and ending June 30, 2016, for any emergency or unanticipated need, or for any refinement or modification of a project 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 contained within Appendix A to the 2015-2016 biennial budget submitted by the commission under W.S. 21-15-119, shall be used by the school facilities department in guiding the 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. Amounts appropriated under this section and previous appropriations shall not be construed to be an entitlement or guaranteed amount and

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shall be expended by the commission and department to ensure adequate, efficient and cost effective school buildings and facilities in accordance with W.S. 21-15-114(a)(vii). In addition to accounting requirements imposed under W.S. 28-11-301(c)(iv), the school facilities department shall develop a process for reporting at least once each year, the deployment of amounts funding 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 education interim committee, the joint appropriations interim committee and the governor.

(e) The following amounts are appropriated from the school capital construction account to the school facilities commission for the fiscal biennium beginning July 1, 2014, and ending June 30, 2016, for the specified purposes:

(i) For planning projects:

(A) Up to one hundred thousand dollars (\$100,000.00), subject to the prescribed maximum amounts:

Condition Needs Index Priority	School District	Project	Maximum Amount
Capacity	Washakie #1	Elementary School	\$ 50,000
7	Washakie #2	K-12 School	\$ 50,000
Total			<u>\$ 100,000</u>

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(B) In addition to the amounts appropriated under subparagraph (A) of this paragraph, up to two hundred fifty thousand dollars (\$250,000.00) for planning projects approved by the school facilities commission. Except as otherwise specified in this subparagraph, the amounts appropriated under this subparagraph shall only be available for expenditure as specifically authorized by the legislature. The school facilities commission may through the school facilities department, use the B-11 process as provided under W.S. 9-2-1005(b) to expend amounts appropriated under this subparagraph prior to legislative authorization required under this subparagraph. In reporting to the legislature proposed expenditures of amounts appropriated under this subparagraph, the commission shall include the evaluation of remedies addressing facility needs for Campbell County School District No. 1, Fremont County School District No. 1, Laramie County School District No. 1, Natrona County School District No. 1, Niobrara County School District No. 1 and Sheridan County School District No. 2.

(ii) For design projects:

(A) Up to fourteen million three hundred nineteen thousand seven hundred twenty-two dollars (\$14,319,722.00), subject to the prescribed maximum amounts:

Condition  
Needs

Index Priority	School District	Project	Maximum Amount
Previous Capacity	(21) Lincoln #1	High School	\$ 104,580*
Capacity	Uinta #6	Elementary School	\$ 308,778
Capacity	Park #6	Elementary School	\$ 741,623

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Capacity	Carbon #1	Elementary Schools	\$ 1,202,979
Capacity	Sweetwater #2	Alternative High School	\$ 627,954
Capacity	Natrona #1	Elementary School	\$ 563,021
Capacity	Laramie #1	Elementary School	\$ 177,758
1	Big Horn #4	Middle-High School	\$ 2,650,821
5	Albany #1	Elementary School	\$ 1,704,640
16	Big Horn #4	Elementary School	\$ 1,231,041
17	Laramie #1	Junior High School	\$ 3,921,327
59	Laramie #2	Elementary School	<u>\$ 1,085,200</u>
Total			<u>\$14,319,722</u>

(B) For the period commencing July 1, 2015, and ending June 30, 2016, and in addition to the amounts appropriated under subparagraph (A) of this paragraph, six million one thousand five hundred ninety-four dollars (\$6,001,594.00) for design projects approved by the school facilities commission. The amounts appropriated under this subparagraph shall only be available for expenditure as specifically authorized by the legislature. The school facilities commission shall, within its report to the legislature for the proposed expenditure of amounts appropriated under this subparagraph, include the design of project remedies addressing the needs of Campbell County School District No. 1, Laramie County School District No. 1 and Washakie County School District No. 2;

(C) Appropriations under subparagraph (A) of this paragraph which are asterisked (\*), are supplemented by previous appropriations for that specific design project, resulting in total design funding for that project greater than the amount appropriated under this subparagraph.

(iii) For capital construction projects:

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(A) Up to nine million nine hundred three thousand eight hundred eighty-three dollars (\$9,903,883.00) for projects funded by previous appropriations addressing building needs as prioritized under the condition needs index, subject to the prescribed maximum amounts:

Condition Needs			
Index Priority	School District	Project	Maximum Amount
Previous (13)	Albany #1	High School	\$ 2,587,631*
Previous (9)	Goshen #1	Elementary School	\$ 3,316,252*
Previous (5, 19)	Natrona #1	High School/Shared Facility	<u>\$ 4,000,000*</u>
Total			<u>\$ 9,903,883</u>

(B) Up to two hundred twenty million nine hundred fifteen thousand two hundred sixty-one dollars (\$220,915,261.00), subject to the following maximum amounts:

Condition Needs			
Index Priority	School District	Project	Maximum Amount
Previous (21)	Lincoln #1	High School	\$ 1,058,420*
Previous (59)	Fremont #21	K-8 School	\$ 2,318,614*
Capacity	Campbell #1	Elementary School	\$ 1,737,147
Capacity	Campbell #1	High School	\$30,102,065
Capacity	Sweetwater #1	Elementary School	\$16,035,699
Capacity	Big Horn #3	Middle School	\$ 4,693,706
Capacity	Campbell #1	Elementary School	\$16,035,699

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Capacity	Laramie #1	Elementary School	\$18,357,703
Capacity	Natrona #1	Elementary School	\$13,310,333
Capacity	Fremont #25	Elementary School	\$13,677,531
Capacity	Sheridan #1	Elementary School	\$12,998,595
Capacity	Lincoln #2	Elementary School	\$ 2,788,453
Capacity	Weston #1	Elementary School	\$ 2,338,561
Capacity	Sweetwater #2	Elementary School	\$ 9,726,522
Capacity	Fremont #21	High School	\$16,441,037
Capacity	Natrona #1	Elementary School	\$ 4,092,089
Capacity	Laramie #1	Elementary School	\$ 867,464
Capacity	Sweetwater #2	Elementary School	\$ 6,698,790
Capacity	Crook #1	Elementary School	\$13,604,770
1	Big Horn #4	Middle/High School	\$17,701,657
4	Natrona #1	Elementary School	\$ 168,310
6	Sweetwater #2	K-8 School	\$ 165,710
16	Big Horn #4	Elementary School	\$ 7,981,998
59	Laramie #2	Elementary School	<u>\$ 8,014,388</u>
Total			\$220,915,261

(C) Appropriations under subparagraphs (A) and (B) of this paragraph which are asterisked (\*), are supplemented by previous appropriations for that specific construction project, resulting in total construction funding for that project greater than the amount appropriated under these subparagraphs;

(D) The school facilities commission, through the department, shall provide for a separate accounting of those projects receiving supplemental appropriations under subparagraph (A) of this paragraph, and separately report expenditures of these amounts to the select school facilities committee and to the joint appropriations interim committee, together with processes and mechanisms directed at reducing future project cost overages.

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(iv) For demolition projects:

(A) Up to two million six hundred eighty-three thousand fifty-four dollars (\$2,683,054.00), subject to the prescribed maximum amounts:

Condition

Needs

Index Priority	School District	Project	Maximum Amount
N/A	Natrona #1	Elementary School	\$ 58,133
N/A	Natrona #1	Junior High School	\$2,560,208
N/A	Platte #1	Bus Barn	<u>\$ 64,713</u>
Total			\$2,683,054

(B) For the period commencing July 1, 2015, and ending June 30, 2016, and in addition to the amounts appropriated under subparagraph (A) of this paragraph, five hundred thousand dollars (\$500,000.00) for demolition projects approved by the school facilities commission. The amounts appropriated under this subparagraph shall only be available for expenditure as specifically authorized by the legislature. Proposed expenditures of amounts appropriated under this subparagraph as reported to the legislature by the school facilities commission shall include remedies for the demolition needs for Campbell County School District No. 1 and Natrona County School District No. 1.

(v) For land acquisitions:

(A) Up to six million seven hundred fifty-four thousand six hundred dollars (\$6,754,600.00) for land acquisitions approved by the school facilities commission. Prior to expenditure of this appropriation, the school facilities department shall report proposed acquisitions to

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the cochairmen of the joint appropriations interim committee and the joint education interim committee, and the chairman and vice-chairman of the select committee on school facilities. Expenditures under this paragraph shall address the land acquisition needs for future school buildings in Campbell County School District No. 1, Crook County School District No. 1, Fremont County School District No. 25, Laramie County School District No. 1 (two (2) schools), Natrona County School District No. 1, Park County School District No. 1, Sweetwater County School District No. 1 and land leasing expenses for a school building in Laramie County School District No. 1;

(B) For the period commencing July 1, 2015, and ending June 30, 2016, and in addition to the amounts appropriated under subparagraph (A) of this paragraph, seven hundred fifty thousand dollars (\$750,000.00) for land acquisitions approved by the school facilities commission. The amounts appropriated under this subparagraph shall only be available for expenditure as specifically authorized by the legislature. In reporting proposed expenditures of amounts appropriated under this subparagraph to the legislature, the school facilities commission shall include acquisitions addressing the facility needs for Albany County School District No. 1, Campbell County School District No. 1, Laramie County School District No. 1, Park County School District No. 1, Washakie County School District No. 1 and Washakie County School District No. 2. A separate report of proposed expenditures under this subparagraph shall be submitted by the commission to the cochairmen of the joint education interim committee;

(C) In addition to subparagraph (A) of this section, up to two million dollars (\$2,000,000.00) for land acquisitions if opportunities become available to school districts and the land acquisition is used to meet school

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facility design guidelines established by the school facility commission and the acquisition is approved by the commission. Prior to expenditure of this appropriation, the school facilities department shall report proposed land acquisitions to the cochairmen of the joint appropriations interim committee and the joint education interim committee, and the chairman and vice-chairman of the select committee on school facilities.

(vi) For ancillary building projects:

(A) Up to one million ninety-two thousand seven hundred seven dollars (\$1,092,707.00), subject to the prescribed maximum amounts:

Condition			
Needs			
Index	School		Maximum
Priority	District	Project	Amount
N/A	Carbon #2	Bus Barn	\$ 568,749
N/A	Carbon #2	Bus Barn	\$ 523,958
Total			\$1,092,707

(B) For the period commencing July 1, 2015, and ending June 30, 2016, and in addition to the amounts appropriated under subparagraph (A) of this paragraph, one million dollars (\$1,000,000.00) for ancillary building projects approved by the school facilities commission. The amount appropriated under this subparagraph shall only be available for expenditure as specifically authorized by the legislature. Within its report to the legislature on proposed expenditures of amounts appropriated under this subparagraph, the school facilities commission shall include remedies addressing the ancillary building needs for Campbell County School District No. 1, Crook County

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School District No. 1, Goshen County School District No. 1, Park County School District No. 6, Teton County School District No. 1 and Uinta County School District No. 6.

(vii) For track construction projects:

(A) Up to one million dollars (\$1,000,000.00), subject to the prescribed maximum amounts:

Condition Needs Index Priority	School District	Project	Maximum Amount
N/A	Converse #2	Artificial Turf at Maximum State Contribution	\$ 500,000
N/A	Goshen #1	Artificial Turf at Maximum State Contribution	\$ 500,000
Total			<u>\$1,000,000</u>

(viii) For component level projects:

(A) Up to six million two hundred ten thousand three hundred forty-six dollars (\$6,210,346.00), subject to the following maximum amounts:

Component Projects Category	School District	Project	Maximum Amount
c.	Fremont #25	High School HVAC	\$2,277,298
s.	Converse #2	Parking Lot/Demo	\$ 296,752
s.	Weston #7	Parking Lot	\$1,165,367
c.	Sweetwater #2	Fuel Tanks	\$ 470,000

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c.	Fremont #25	Bus Barn	\$1,873,354
c.	Campbell #1	Elementary School HVAC	\$ 127,575
Total			<u>\$6,210,346</u>

(B) As used in subparagraph (A) of this paragraph, the following component project categories are defined as follows:

(I) "c." means a building component with a life expectancy of twenty (20) years or more;

(II) "s." means components pertaining to building safety, security or health.

(C) The school facilities commission, through the department, shall refine the process used in identifying, reviewing and prioritizing school district building component level needs, giving full consideration to the proper use of major maintenance in addressing building adequacy in the most efficient and cost effective manner. The commission and department shall report progress and recommendations on process refinement to the select committee on school facilities on or before September 1, 2014.

(ix) For the period commencing July 1, 2015, and ending June 30, 2016, up to nine million dollars (\$9,000,000.00) for security projects approved by the school facilities commission. The amount appropriated under this paragraph shall only be available for expenditure as specifically authorized by the legislature;

(x) Upon recommendation of the school facilities commission and approval of the governor, for the unanticipated costs associated with design, construction,

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demolition, ancillary building, security and component level projects funded under this subsection, eighteen million four hundred fourteen thousand ninety-six dollars (\$18,414,096.00);

(xi) Up to six million four hundred eighty-one thousand two hundred seventy-seven dollars (\$6,481,277.00) to reimburse the amounts appropriated for the unanticipated costs associated with the design, construction and component level projects funded under 2013 Wyoming Session Laws, Chapter 129, Section 1(b)(viii) appropriation. The school facilities commission, through the department, shall separately account for the amounts appropriated under this paragraph as used to fund the planning and design costs addressing the remedies of school buildings identified and funded under 2013 Wyoming Session Laws, Chapter 129, Section 1(b)(ix).

**Section 2.**

(a) The school facilities commission, through the school facilities department, shall:

(i) Notwithstanding W.S. 21-3-110(a)(x), from amounts within the school capital construction account for purposes of the major maintenance program, distribute up to three hundred thousand dollars (\$300,000.00) each fiscal year of the 2015-2016 fiscal biennium to each school district with a charter school in the district, approved and operating in the 2013-2014 school year in accordance with W.S. 21-3-301 through 21-3-314, which requires a lease for operation of the charter school's educational program in the applicable school year. Lease payments under this section shall include the total costs of the base rent, additional rent for tenant improvements and any common maintenance costs, if applicable. The amounts to be

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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 to qualifying school districts based upon the proration of the total qualifying costs of all qualifying school districts;

(ii) In addition to paragraph (a)(i) of this section and notwithstanding W.S. 21-3-110(a)(x), the commission shall for each fiscal year of the 2015-2016 fiscal biennium, expend an amount necessary to include the total allowable square footage of each charter school qualifying under paragraph (a)(i) of this section, in the computation of the major maintenance payment under W.S. 21-15-109 to each district in which a qualifying charter school is operating, as provided by paragraph (a)(i) of this section. The amounts expended under this paragraph shall be reduced to the extent the amounts are duplicative of any maintenance costs included in the lease payments under paragraph (a)(i) of this section or any costs funded or paid for by alternative mechanisms.

**Section 3.**

(a) Except as provided by subsection (b) of this section, this act is effective July 1, 2014.

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(b) Notwithstanding subsection (a) of this section, section 1(e)(i)(A), (iii)(A) and (xi) of 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