

HOUSE BILL NO. HB0052

School facilities appropriations-3.

Sponsored by: Joint Appropriations Interim Committee

A BILL

for

1 AN ACT relating to school facility projects; providing
2 appropriations for school facility projects for the
3 biennial period July 1, 2016 through June 30, 2018;
4 providing definitions; establishing a task force as
5 specified; requiring reports; providing appropriations for
6 task force duties; and providing for effective dates.

7

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

9

10 **Section 1.**

11

12 (a) This section shall consist of funds appropriated
13 for the 2017-2018 biennial school capital construction
14 appropriation.

15

16 (b) As used in this section:

1

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

5

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

11

12 (c) The amounts appropriated from the school capital
13 construction account under this section are for the
14 biennial period commencing July 1, 2016 and ending June 30,
15 2018. As authorized under W.S. 21-15-119(a)(iii), the
16 school facilities commission shall submit a supplemental
17 budget request for the period beginning July 1, 2017 and
18 ending June 30, 2018, for any emergency or unanticipated
19 need, or for any refinement or modification of a project
20 funded under this section, subject to any constraints and
21 other requirements imposed by the governor under W.S.
22 9-2-1013.

23

1 (d) An estimated schedule for deploying projects
2 funded by amounts appropriated under this section and
3 projects funded by previous appropriations, as adopted by
4 the school facilities commission and as contained within
5 the 2017-2018 biennial budget submitted by the commission
6 under W.S. 21-15-119, shall be used by the school
7 facilities department in guiding expenditure of
8 appropriated funds. The estimated schedule developed under
9 this subsection shall be based upon information, processes,
10 events and expenditures and shall not be binding upon the
11 department or the commission.

12

13 (e) Amounts appropriated under this section and
14 previous appropriations shall not be construed to be an
15 entitlement or guaranteed amount and shall be expended by
16 the commission and department to ensure adequate, efficient
17 and cost effective school buildings and facilities in
18 accordance with W.S. 21-15-114(a)(vii).

19

20 (f) In addition to accounting requirements imposed
21 under W.S. 28-11-301(c)(iv), the school facilities
22 department shall report at least once each year, the
23 deployment of amounts to fund projects under this section

1 and previous appropriations in accordance with the
2 deployment schedule, depicting project progression and, if
3 applicable, the rationale for deviation from the estimated
4 schedule. The reports, as approved by the commission,
5 shall be submitted by the department to the select
6 committee on school facilities, the joint appropriations
7 committee and the governor.

8

9 (g) The following amounts are appropriated from the
10 school capital construction account to the school
11 facilities commission for the biennial period commencing
12 July 1, 2016 and ending June 30, 2018, for the specified
13 purposes:

14

15 (i) For design projects:

16

17 (A) Up to four million nine hundred eighty-
18 two thousand dollars (\$4,982,000.00), subject to the
19 prescribed maximum amounts:

20

1	Condition			
2	Needs			
3	Index	School		Maximum
4	Priority	District	Project	Amount
5				
6	Capacity	Campbell #1	High School	\$ 536,154*
7	Capacity	Teton #1	Elementary School	\$ 2,702,183*
8	5	Albany #1	Elementary School	\$ 477,190*
9	17	Laramie #1	Junior High	\$ 1,204,000*
10	332	Park #6	Elementary School	\$ <u>62,473</u>
11	Total			\$ 4,982,000

12

13 (B) Appropriations under subparagraph (A)

14 of this paragraph which are denoted with one (1) asterisk,

15 are supplemented by previous appropriations for that

16 specific design project, resulting in total design funding

17 for that project greater than the amount appropriated under

18 subparagraph (A) of this paragraph;

19

20 (C) The school facilities commission,

21 through the department, shall provide for a separate

22 accounting of those projects receiving supplemental

23 appropriations under subparagraph (A) of this paragraph,

1 and separately report expenditures of those amounts to the
 2 select committee on school facilities and to the joint
 3 appropriations committee, together with processes and
 4 mechanisms directed at reducing future project cost
 5 overages.

6

7 (ii) For capital construction projects:

8

9 (A) Up to ten million four hundred ninety-
 10 four thousand six hundred ninety-four dollars
 11 (\$10,494,694.00), subject to the prescribed maximum
 12 amounts:

13

14 Condition

15 Needs

16 Index	School		Maximum
17 Priority	District	Project	Amount
19 Capacity	Campbell #1	High School	\$ 3,800,395*
20 Capacity	Laramie #1	Elementary School	\$ 2,214,953*
21 16	Big Horn #4	Elementary School	\$ 2,186,845*
22 Capacity	Big Horn #3	Modular lease	\$ 16,800
23 Capacity	Big Horn #3	Modular lease	\$ 16,800

1	Capacity	Carbon #1	Elementary School	\$ 657,581
2	Capacity	Sweetwater #2	Middle School	\$ 200,000**
3	77	Converse #1	Modular	\$ 334,176
4	93	Converse #1	Modular	\$ 334,176
5	100	Converse #1	Modular	\$ 334,176
6	332	Park #6	Elementary School	<u>\$ 398,792</u>
7	Total			\$10,494,694

8

9

(B) Appropriations under subparagraph (A) of this paragraph which are denoted with one (1) asterisk, are supplemented by previous appropriations for that specific construction project, resulting in total construction funding for that project greater than the amount appropriated under subparagraph (A) of this paragraph;

16

17

(C) 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 those amounts to the select committee on school facilities and to the joint appropriations committee, together with processes and

1 mechanisms directed at reducing future project cost
2 overages;

3
4 (D) In addition to the appropriation under
5 subparagraph (A) of this paragraph denoted with two (2)
6 asterisks, six million six hundred ninety-eight thousand
7 seven hundred ninety dollars (\$6,698,790.00) as contained
8 in 2014 Wyoming Session Laws, Chapter 82, Section
9 1(e)(iii)(B) for the construction of an elementary school
10 in Sweetwater County School District No. 2, is hereby
11 reappropriated for the purpose of addressing the elementary
12 school capacity issues as identified by the district and
13 the proposed reconfiguration of grade levels as approved by
14 the director of the school facilities department and the
15 state superintendent pursuant to W.S. 21-13-309(m)(vi). The
16 school facilities commission, through the department, shall
17 provide for a separate accounting of those projects
18 receiving funds under this paragraph, and separately report
19 expenditures of those amounts to the select committee on
20 school facilities and to the joint appropriations
21 committee. In the event the cost of construction of the
22 remedy or remedies identified under this subparagraph
23 exceed the total amount identified, no funds shall be

1 expended as appropriated under this subparagraph and shall
2 only be available for expenditure as specifically
3 authorized by the legislature.

4

5 (iii) For land acquisitions, including land
6 leases, up to six hundred fifty-four thousand six hundred
7 dollars (\$654,600.00) for land acquisitions approved by the
8 school facilities commission for the facility needs of
9 Laramie County School District No. 1 and Washakie County
10 School District No. 2;

11

12 (iv) For unanticipated costs associated with the
13 design and construction of projects funded under this
14 section, up to four hundred fifty-nine thousand one hundred
15 seventy-four dollars (\$459,174.00). The school facilities
16 commission, through the department, shall provide for a
17 separate accounting of those projects receiving
18 supplemental appropriations under this paragraph, and
19 separately report expenditures of those amounts to the
20 select committee on school facilities and to the joint
21 appropriations committee;

22

1 (v) In addition to the allowable expenditures
2 pursuant to law of amounts appropriated for major
3 maintenance expenses under 2016 SF 0001, Section 2, Section
4 027, a school district may expend up to ten percent (10%)
5 of the amount distributed under the major maintenance
6 program for the period commencing July 1, 2016 and ending
7 July 1, 2018 for safety and security building and facility
8 needs. No expenditure shall be made under this paragraph
9 without the approval of the director of the school
10 facilities department;

11

12 (vi) In addition to allowable expenditures
13 pursuant to W.S. 21-3-110(a)(x) for leases executed by
14 school districts, for the purposes of charter school
15 leases, up to four hundred thousand dollars (\$400,000.00)
16 is appropriated to the school facilities department, to
17 distribute to each school district with a charter school in
18 the district, approved and operating during the 2014-2015
19 school year in accordance with W.S. 21-3-301 through
20 21-3-314, which requires a lease for the operation of the
21 charter school's educational program in the applicable
22 school year. The amounts to be distributed under this
23 paragraph shall be reduced to the extent the amounts are

1 duplicative of any costs funded or paid for by alternative
2 mechanisms. The funds appropriated under this paragraph
3 shall be distributed for expenses incurred during school
4 year 2016-2017 to qualifying school districts based upon
5 the proration of the total qualifying costs of all
6 qualifying school districts.

7

8 **Section 2.**

9

10 (a) There is created a task force to study public
11 school capital construction and operations, including
12 stable and reliable funding options, consisting of the
13 following members:

14

15 (i) A number not to exceed three (3) members of
16 the Wyoming senate to be appointed by the president of the
17 senate;

18

19 (ii) A number not to exceed three (3) members of
20 the Wyoming house of representatives to be appointed by the
21 speaker of the house;

22

1 (iii) Eight (8) members appointed by the
2 governor not later than March 31, 2016 as follows:

3

4 (A) One (1) representative from the
5 governor's office;

6

7 (B) One (1) representative from the
8 department of education;

9

10 (C) One (1) representative from the school
11 facilities department;

12

13 (D) One (1) representative from the
14 department of revenue;

15

16 (E) Three (3) representatives from the
17 Wyoming business community, agriculture or mineral
18 industry; and

19

20 (F) One (1) member who is employed by a
21 Wyoming school district as a certified teacher or an
22 administrator or is serving as a trustee on a Wyoming
23 school district board of trustees.

1

2 (b) The appointing authority for any member who
3 vacates membership shall fill the vacancy. Any member
4 appointed to the task force who is not a legislator, an
5 employee of a governmental subdivision or a member of a
6 political subdivision, board or commission shall receive
7 per diem and mileage from amounts appropriated under
8 paragraph (h)(ii) of this section. Legislative members
9 shall receive compensation as provided by and from amounts
10 appropriated under paragraph (h)(i) of this section.

11

12 (c) The cochairmen of the taskforce shall be
13 appointed by the president of the senate and the speaker of
14 the house, respectively.

15

16 (d) The legislative service office shall staff the
17 task force. The legislative service office may retain
18 consultants as necessary to staff and advise the task force
19 in executing responsibilities prescribed by this section.
20 The management council may expend funds appropriated by the
21 legislature for approved contractual agreements between the
22 council and professional consultants on behalf of the task

1 force. State agencies shall provide information and
2 assistance to the task force as requested.

3

4 (e) The task force shall study and make
5 recommendations for the implementation, management,
6 operation and ongoing development of long term reliable
7 funding sources for the operation and construction
8 necessities of Wyoming K-12 public schools. In making
9 recommendations under this subsection, the task force
10 shall:

11

12 (i) Conduct an extensive review of the school
13 foundation program account and the operational expenses for
14 Wyoming K-12 public schools. Specifically, the task force
15 shall:

16

17 (A) Assess all expenditures of school
18 foundation program account funds, including those allocated
19 by the operation of the education resource block grant
20 model and expenditures related to special programs, such as
21 national board certified teachers, summer school and
22 extended day and instructional facilitators. Review shall

1 include all state agencies appropriated school foundation
2 program account funds;

3

4 (B) Examine all current revenue generating
5 mechanisms contributing to the school foundation program
6 account and income potential of funds within the account.
7 The review shall include analysis of the current investment
8 of funds in the account and analysis of alternatives that
9 may yield a higher rate of return. The impact of increasing
10 the existing revenue generating mechanisms shall be
11 evaluated. The cash flow of the account shall also be
12 analyzed; and

13

14 (C) Analyze Wyoming school district reserve
15 accounts to determine the spending and saving patterns and
16 evaluate statutes and policies relative to district reserve
17 accounts to determine appropriateness and to make any
18 necessary recommendations relative to the operation and
19 management of these accounts.

20

21 (ii) Conduct an extensive review of the school
22 capital construction account and K-12 public school capital

1 construction needs of Wyoming school districts.
2 Specifically, the task force shall:

3

4 (A) Evaluate the policies, rules and
5 regulations and statutes governing assessment of building
6 condition and capacity. The effort shall include review of
7 appropriate and relative literature, research and best
8 practices for public building construction and maintenance,
9 including the definition of immediate need and appropriate
10 deployment schedules for building remediation relative to
11 building condition assessment scores. The effort shall
12 include review of appropriate measures to identify capacity
13 and overcrowding issues and identify appropriate means to
14 rank facilities based upon varying degrees of overcrowding
15 and capacity needs, along with the appropriate remedy based
16 upon the severity of the overcrowding or capacity issue;
17 and

18

19 (B) Identification of current revenue
20 sources available for construction of K-12 public school
21 educational facilities and analysis of potential
22 alternative revenue generating mechanisms that may be

1 available, including but not limited to expansion of lease-
2 to-purchase options and bonding.

3

4 (f) The task force shall exist until December 31,
5 2017.

6

7 (g) The task force shall appear before the joint
8 appropriations committee and the joint education committee
9 to make recommendations not later than October 15, 2016 and
10 again, not later than October 15, 2017. Based on the
11 findings of the task force, the appropriate committee may
12 consider development of legislation for introduction during
13 the 2017 general session or the 2018 budget session.

14

15 (h) For the period beginning upon the effective date
16 of this section and ending June 30, 2018, there is
17 appropriated from the general fund to the legislative
18 service office:

19

20 (i) Twenty-two thousand five hundred dollars
21 (\$22,500.00) for payment of salary, per diem and mileage
22 for legislative task force members;

23

1 (ii) Eleven thousand five hundred dollars
2 (\$11,500.00) for payment of nonlegislative task force
3 members for per diem and mileage expenses as provided under
4 this paragraph. Any member appointed or serving on the task
5 force who is not a legislator, employee of a governmental
6 subdivision or a member of a political subdivision, board
7 or commission shall receive per diem and mileage in the
8 manner and amount provided to state employees under W.S.
9 9-3-102 and 9-3-103.

10

11 **Section 3.** In addition to the amounts appropriated
12 under Section 1 of this act, eighty million dollars
13 (\$80,000,000.00) is appropriated from the legislative
14 stabilization reserve account to the school facilities
15 commission. This appropriation shall be for the period
16 beginning July 1, 2017 and ending June 30, 2018. This
17 appropriation shall only be available for expenditure as
18 specifically authorized by the legislature. As required
19 under W.S. 21-15-119(a), and not later than September 1,
20 2016, the school facilities commission shall report
21 proposed expenditures of the amounts appropriated under
22 this section, along with a prioritized list of projects
23 pursuant to W.S. 21-15-117 and the results of the condition

1 needs assessment to be conducted over the 2016 interim by
2 the school facilities department, to the select committee
3 on school facilities and the joint appropriations
4 committee.

5

6 **Section 4.**

7

8 (a) Except as provided under subsection (b) of this
9 section, this act is effective July 1, 2016.

10

11 (b) Section 2 of this act is effective immediately
12 upon completion of all acts necessary for a bill to become
13 law as provided by Article 4, Section 8 of the Wyoming
14 Constitution.

15

16

(END)