

SENATE FILE NO. SF0105

School capital construction.

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 biennium commencing July 1, 2012, and ending June 30, 2014;
4 providing definitions; imposing conditions upon
5 appropriation expenditures; providing for transfers of
6 funds and carryover of funds during this biennium and for
7 the remainder of the 2010-2012 biennium; and providing for
8 an effective date.

9

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

11

12 **Section 1.**

13

14 (a) As used in this section:

15

1 (i) "Needs index priority" means the needs index
 2 priority used by the school facilities commission in
 3 developing 2013-2014 biennial budget recommendations;

4
 5 (ii) "Previous" means continuation of projects
 6 prioritized by needs indices in effect prior to the index
 7 developed for the 2013-2014 biennial budget recommendation.

8
 9 (b) Up to ten million seven hundred fifty-three
 10 thousand three hundred forty dollars (\$10,753,340.00) is
 11 appropriated from the school capital construction account
 12 to the school facilities commission for completion of
 13 previously funded capital construction projects subject to
 14 the following prescribed maximum amounts:

15
 16 (i) For capital construction projects funded
 17 under 2010 Wyoming Session Laws, Chapter 39, Section 333:

18
 19 Need

20	Index	School		Maximum
21	Priority	District	Project	Amount
22				
23	1	Uinta #4	Middle School	\$3,319,461
24	9	Sublette #9	Elementary School	\$ 525,862

1	12	Natrona #1	Elementary School	\$1,811,165
2	14	Laramie #1	Elementary School	\$3,856,038
3				
4	Total			\$9,512,526

5

6 (ii) For capital construction projects funded

7 under 2011 Wyoming Session Laws, Chapter 88, Section 349:

8

9 Needs

10	Index	School		Maximum
11	Priority	District	Project	Amount
12				
13	35	Sweetwater #1	Middle School	\$ 161,568
14	86	Converse #1	Elementary School	\$ 438,006
15	233	Johnson #1	Elementary School	\$ 641,240
16				
17	Total			\$1,240,814

18

19 (c) The following amounts are appropriated from the

20 school capital construction account to the school

21 facilities commission for the 2013-2014 biennium for the

22 specified purposes:

23

24 (i) For planning projects:

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6 Needs

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(A) Up to eight hundred seventy thousand dollars (\$870,000.00) for the following planning projects subject to prescribed maximum amounts:

Index	School	Maximum	
Priority	District	Project	Amount
Previous	Park #1	Middle School	\$ 50,000
Previous	Laramie #1	Elementary School	\$ 50,000
15	Sheridan #2	Elementary School	\$ 60,000
17	Fremont #14	Elementary School	\$135,000
18	Natrona #1	K-12 School	\$135,000
23	Sweetwater #1	K-8 School	\$ 60,000
27	Sublette #9	Middle School	\$135,000
28	Laramie #1	Elementary School	\$135,000
189	Crook #1	Elementary School	\$ 5,000
60	Fremont #25	High School	\$ 5,000
Capacity	Big Horn #2	Elementary Schools	\$ 5,000
Capacity	Big Horn #3	Middle School	\$ 5,000
Capacity	Campbell #1	Elementary/Junior High/ High Schools	\$ 15,000
Capacity	Carbon #1	Elementary School	\$ 5,000

1	Capacity	Fremont #24	K-12 School	\$ 5,000
2	Capacity	Fremont #25	Elementary Schools	\$ 5,000
3	Capacity	Johnson #1	Elementary School	\$ 5,000
4	Capacity	Laramie #1	Elementary Schools	\$ 5,000
5	Capacity	Lincoln #2	High School/Admin Bldg	\$ 5,000
6	Capacity	Park #1	Elementary Schools	\$ 5,000
7	Capacity	Park #6	Elementary School	\$ 5,000
8	Capacity	Sheridan #1	Elementary Schools	\$ 5,000
9	Capacity	Sweetwater #1	Elementary/High Schools	\$ 10,000
10	Capacity	Teton #1	Elementary Schools	\$ 10,000
11	Capacity	Uinta #6	Elementary Schools	\$ 5,000
12	Capacity	Weston #1	Elementary School	\$ 5,000
13				
14	Total			\$870,000

15

16 (B) As used in subparagraph (c)(i)(A) of
 17 this section, "Capacity" means capacity issues self-
 18 reported by school districts, to be further evaluated by
 19 the school facilities department;

20

21 (C) The budget amounts contained in the
 22 appropriation for planning projects under this paragraph
 23 shall not be construed to be an entitlement or guaranteed
 24 amount, nor does a planning project funded under this

1 paragraph guarantee continuation or completion of a
 2 building project contained within the scope of the planning
 3 project;

4

5 (D) The appropriation for planning under
 6 subparagraph (A) of this paragraph for the previous needs
 7 index priority for an elementary school in Laramie county
 8 school district number one, originating from priority 14
 9 under 2010 Wyoming Session Laws, Chapter 39, Section 333,
 10 shall be for the sole purpose of undertaking the necessary
 11 planning for site acquisition for the construction of an
 12 elementary school within the district's central triad with
 13 close proximity to high density population centers.

14

15 (ii) For design projects:

16

17 (A) Up to six million eight hundred ninety-
 18 five thousand one hundred sixty-three dollars
 19 (\$6,895,163.00) for the following design projects subject
 20 to prescribed maximum amounts:

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22 Needs

23	Index	School		Maximum
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24	Priority	District	Project	Amount
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2	Previous	Campbell #1	Alternative High School	\$ 328,106*
3	Previous	Crook #1	K-8 School	\$ 1,031,502*
4	Previous	Park #1	Middle School	\$ 1,739,065
5	1	Carbon #2	Elementary School	\$ 1,031,422
6	7	Carbon #1	High School	\$ 2,119,839*
7	16	Uinta #1	Elementary School	\$ 645,229*
8				
9	Total			\$ 6,895,163

10

11 (B) In addition to subparagraph (c) (ii) (A)
 12 of this section, up to thirty-two million seven hundred
 13 eighty thousand one hundred forty-three dollars
 14 (\$32,780,143.00) for the following design projects subject
 15 to prescribed maximum amounts:

16

17 Needs

18	Index	School		Maximum
19	Priority	District	Project	Amount

20

21	Previous	Laramie #1	Elementary School	\$ 1,454,345
22	Previous	Natrona #1	High Schools	\$12,600,000*
23	4	Sweetwater #1	Alternative High School	\$ 537,165
24	6	Campbell #1	Elementary School	\$ 1,585,024

1	9	Goshen #1	Elementary School	\$ 308,034
2	10	Fremont #2	High School	\$ 200,000
3	12	Sweetwater #1	K-12 School	\$ 2,218,102
4	13	Albany #1	High School	\$ 5,193,855
5	14	Fremont #24	K-12 School	\$ 4,004,682
6	15	Sheridan #2	Elementary School	\$ 1,311,302
7	17	Fremont #14	Elementary School	\$ 1,241,524
8	21	Laramie #1	Junior High School	\$ 450,000
9	23	Sweetwater #1	K-8 School	\$ 482,853
10	26	Natrona #1	Elementary School	\$ 1,193,257
11				
12	Total			\$32,780,143

13

14 (C) Appropriations under subparagraphs
 15 (c)(ii)(A) and (B) of this section which are asterisked
 16 (*), are supplemented by previous appropriations for that
 17 specific design project, resulting in total design funding
 18 for that project greater than the amount appropriated under
 19 this subparagraph;

20

21 (D) The design projects funded by amounts
 22 appropriated under this paragraph, together with amounts
 23 previously appropriated for the design of a high school
 24 project in Fremont #2 under 2011 Wyoming Session Laws,

1 Chapter 88, Section 349, shall be considered by the
 2 legislature for capital construction project funding in the
 3 2013 supplemental budget based upon the priority specified
 4 under this paragraph. The order of consideration of
 5 projects specified under this subparagraph shall not be
 6 affected by the results of the evaluation of capacity
 7 issues self-reported by school districts and further
 8 evaluated by the school facilities department.

9

10 (iii) For component level projects:

11

12 (A) Up to five million seven hundred
 13 ninety-six thousand dollars (\$5,796,000.00) subject to
 14 prescribed maximum amounts:

15

16 Component

17 Projects School Maximum

18 Category District Project Amount

19

20 a., i. Carbon #2 K-12 School \$ 200,000

21 c. Goshen #1 Elementary School \$ 600,000

22 e.s. Johnson #1 Middle School \$ 76,000

23 s. Johnson #1 Elementary School \$ 150,000

24 s. Natrona #1 Elementary School \$ 220,000

1	c.	Park #16	K-12 School	\$ 500,000
2	s.	Sheridan #1	Elementary School	\$ 250,000
3	c.	Sheridan #1	Middle School	\$ 900,000
4	s.	Sheridan #2	High School	\$ 800,000
5	s.	Uinta #1	High School	\$ 450,000
6	s.	Uinta #1	Elementary School	\$1,400,000
7	s.	Uinta #6	Elementary School	\$ 250,000
8				
9	Total			\$5,796,000

10

11 (B) As used in subparagraph (c)(iii)(A) of
 12 this section, the following component project categories
 13 are defined as follows:

14

15 (I) "a." means air quality building
 16 components;

17

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

20

21 (III) "e." means the building envelope
 22 or protective shell;

23

1 (IV) "i." means illumination building
 2 components;

3

4 (V) "s." means components pertaining
 5 to building safety, security or health.

6

7 (iv) Up to fifteen million three hundred twenty-
 8 two thousand three hundred one dollars (\$15,322,301.00) for
 9 land acquisitions for the following purposes:

10

11 Needs

12	Index	School	Land Acquisition Purpose
13			
14	3	Natrona #1	Elementary School Site
15	4	Sweetwater #1	Alternative High School Site
16	6	Campbell #1	Elementary School Site
17	13	Albany #1	High School Site
18	14	Fremont #24	K-12 School Site
19	21	Laramie #1	Junior High School Site (relocation of
20			athletic field)
21	26	Natrona #1	Elementary School Site
22	N/A	Laramie #1	4 Sites for potential new Elementary
23			Schools

1 N/A Teton #1 Site for potential new Elementary
 2 School

3

4 (v) Up to one million four hundred twelve
 5 thousand dollars (\$1,412,000.00) for the following
 6 ancillary building projects for the prescribed maximum
 7 amounts:

8

9 Needs

10	Index	School		Maximum
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11	Priority	District	Project	Amount
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12

13	N/A	Teton #1	Lease cost until	
14			new construction	
15			completed	\$ 162,000

16	N/A	Uinta #6	Admin Building	\$1,250,000
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17

18	Total			\$1,412,000
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19

20 (vi) Up to one hundred two thousand two hundred
 21 forty dollars (\$102,240.00) for the following demolition
 22 projects subject to prescribed maximum amounts:

23

1 Needs

2 Index School Maximum

3 Priority District Project Amount

4

5 N/A Big Horn #4 Demolition of
6 bus barn \$ 82,080

7 N/A Converse #1 Adjacent building
8 demolition \$ 20,160

9

10 Total \$102,240

11

12 (vii) Up to four hundred fifty thousand dollars
13 (\$450,000.00) for the following track construction project,
14 subject to the prescribed maximum amount:

15

16 Needs

17 Index School Maximum

18 Priority District Project Amount

19

20 N/A Niobrara #1 Reconstruct existing
21 sports field area
22 and track to remedy
23 drainage issues \$450,000

24

1 Total \$450,000

2

3 (viii) For capital construction projects:

4

5 (A) Up to ten million fifty thousand
 6 dollars (\$10,050,000.00) for the following capital
 7 construction projects subject to prescribed maximum
 8 amounts:

9

10 Needs

11 Index	School		Maximum
12 Priority	District	Project	Amount
13			
14 Previous	Big Horn #2	Completion of phases	
15		for High School	\$ 5,500,000
16 Previous	Carbon #1	Completion of phases	
17		for Middle School	\$ 3,000,000
18 2	Sheridan #2	Elementary School	\$ 450,000
19 8	Carbon #1	Elementary School	\$ 1,100,000
20			
21 Total			\$ 10,050,000

22

23 (B) In addition to subparagraph
 24 (c) (viii) (A) of this section, up to two hundred eighty-five

1 million nine hundred ninety-four thousand one hundred
 2 eighty-four dollars (\$285,994,184.00) for the following
 3 capital construction projects subject to prescribed maximum
 4 amounts:

5

6 Needs

7 Index School Maximum

8 Priority District Project Amount

9

10	Previous	Campbell #1	Westwood Alternative	
11			High School	\$ 8,380,000*
12	Previous	Crook #1	K-8 School	\$ 13,635,782*
13	Previous	Laramie #1	Elementary School	\$ 16,402,081
14	Previous	Natrona #1	Completion of High	
15			Schools	\$165,806,139*
16	1	Carbon #2	Elementary School	\$ 12,431,957
17	3	Natrona #1	Elementary School	\$ 8,424,203
18	4	Sweetwater #1	Alternative High	
19			School	\$ 6,149,905
20	6	Campbell #1	Elementary School	\$ 17,944,593
21	7	Carbon #1	High School	\$ 36,819,524
22				
23	Total			\$285,994,184

24

1 (C) Appropriations under subparagraph
2 (c)(viii)(B) of this section which are asterisked (*), are
3 supplemented by previous appropriations for that specific
4 construction project, resulting in total construction
5 funding for that project greater than the amount
6 appropriated under this subparagraph;

7

8 (D) In expending amounts appropriated for
9 Natrona County #1 high school facilities under subparagraph
10 (c)(viii)(B) of this section, under 2010 Wyoming Session
11 Laws, Chapter 39, Section 333(b)(i) and under 2011 Wyoming
12 Session Laws, Chapter 88, Section 349(b)(vii), the
13 following shall apply:

14

15 (I) The school facilities commission
16 shall follow construction schedule timeline recommendations
17 developed by the department in collaboration with Natrona
18 County #1 school district, local government planning
19 agencies and project design and construction professionals.
20 Construction schedule timeline recommendations shall be
21 developed and reported by the department upon completion of
22 fifty percent (50%) of project design. In developing the
23 construction schedule timelines, the department shall take
24 into consideration academic programming, impacts upon the

1 community, project staging, cost, temporary swing space and
2 safety;

3

4 (II) Excluding the alternative high
5 school project which shall be designed to serve a student
6 population not to exceed three hundred (300) students, the
7 department shall ensure the functional capacity percentages
8 for the separate high school projects as outlined within
9 the education specifications under scenario 2 in the
10 November 2011 Fanning-Howey report, are maintained and
11 carried forward in the implementation of the remedies
12 funded under subparagraph (c) (viii) (B) of this section;

13

14 (III) The high school projects shall
15 be funded on the basis of an option allowing for staggered
16 construction. In addition, the option shall provide an
17 opportunity for district participation in planning the
18 acquisition or construction of temporary swing space,
19 provided district participation does not delay the
20 construction schedule and other department duties related
21 to the projects. The district may augment state funds for
22 optional temporary swing space which is in excess of
23 educational space authorized by law. Any optional
24 temporary swing space augmented with district funds in

1 accordance with this subdivision shall remain the financial
2 obligation of the district consistent with rules and
3 regulations of the commission;

4

5 (IV) Prior to expenditure of amounts
6 appropriated under this subparagraph (c)(viii)(B) of this
7 section, the district shall agree that the shared facility
8 square footage shall be considered a shared high school
9 facility and shall not be considered a separate school for
10 purposes of facility funding computations by the commission
11 and operational funding computations under the education
12 resource block grant model.

13

14 (E) In expending funds for capital
15 construction projects appropriated under this paragraph,
16 the director of the department, in consultation with the
17 governor, shall develop a construction schedule that:

18

19 (I) Maximizes cost savings at or below
20 project budget amounts specified under this paragraph;

21

22 (II) Optimizes Wyoming workforce
23 opportunities at a predictable and manageable level;

24

1 (III) Provides for construction
 2 throughout the state in a manner as uniform as is possible;
 3 and

4
 5 (IV) Prevents unnecessary delays in
 6 initiating and implementing building and facility remedies.

7
 8 (ix) An amount equal to thirteen million six
 9 hundred ninety-five thousand four hundred twenty dollars
 10 (\$13,695,420.00) for unanticipated costs associated with
 11 planning, design, capital construction and component level
 12 projects funded under this subsection.

13
 14 (d) The following capital construction projects shall
 15 be considered by the legislature for funding in the
 16 2013-2014 supplemental budget in the priority and for the
 17 amounts estimated under this subsection:

18
 19 Needs

20	Index	School		Maximum
21	Priority	District	Project	Amount
22				
23	10	Fremont #2	High School	\$ 13,685,000
24	12	Sweetwater #1	K-12 School	\$ 25,207,363

1	13	Albany #1	High School	\$ 62,145,234
2	14	Fremont #24	K-12 School	\$ 45,256,234
3	15	Sheridan #2	Elementary School	\$ 14,908,465
4	16	Uinta #1	Elementary School	\$ 17,739,919
5	17	Fremont #14	Elementary School	\$ 14,554,957
6	21	Laramie #1	Junior High School	\$ 3,600,000

7

8 (e) In expending funds appropriated under this
9 section and commensurate with school district efforts
10 undertaken in facility planning required under W.S.
11 21-15-116, the school facilities department shall require
12 school district boards of trustees to incorporate a
13 collaborative committee process, advisory to the board,
14 which assists the school district with planning district
15 remedies for school buildings, ranging from site selection
16 to project planning and design. The collaborative
17 committee process for remedy development shall include
18 project stakeholders comprised of students, parents,
19 teachers, principals, district administration, school board
20 of trustee members, representative legislators, at-large
21 members of the community and others. Although advisory to
22 district boards, the collaborative committee shall assist
23 the boards with informing the respective community and in
24 developing community-based input into project development.

1

2 (f) For all school planning, design and capital
3 construction projects funded under this section excluding
4 capital construction projects funded under subsection (b)
5 of this section, the school facilities commission and the
6 school facilities department shall use the standard Wyoming
7 school facilities department approach adopted under W.S.
8 21-15-123(f)(ii) for student projections based upon a five
9 (5) year projection period commencing on the date of
10 anticipated completion of project construction. The school
11 facilities commission may adjust projections computed under
12 this approach as necessary to reflect more precise analysis
13 and evaluation of historical, economic, social and other
14 data impacting the community. Adjustments under this
15 subsection shall be reported to the select committee on
16 school facilities and to the joint appropriations interim
17 committee.

18

19 (g) Notwithstanding W.S. 21-15-122 and 2010 Wyoming
20 Session Laws, Chapter 39, Section 333(g)(iii), amounts to
21 be deposited into the common school permanent land fund on
22 June 30, 2012 pursuant to W.S. 21-15-122(a)(ii) and 2010
23 Wyoming Session Laws, Chapter 39, Section 333(g)(iii),
24 shall not be deposited in accordance with W.S.

1 21-15-122(a)(ii) and 2010 Wyoming Session Laws, Chapter 39,
2 Section 333(g)(iii). Those funds and other funds within
3 the school capital construction account shall be subject to
4 the following from the effective date of this subsection
5 through June 30, 2014:

6

7 (i) Notwithstanding W.S. 21-13-306(c),
8 unobligated, unencumbered funds remaining in the school
9 foundation program account on June 30, 2013, shall not be
10 deposited into the school capital construction account, but
11 shall remain in the school foundation program account;

12

13 (ii) An amount necessary to restore the balance
14 within the school foundation program account to one hundred
15 million dollars (\$100,000,000.00) on June 30, 2014, shall
16 be deposited into the school foundation program account;

17

18 (iii) Notwithstanding W.S. 9-2-1008, 9-2-1012(e)
19 and 9-4-207(a), any unexpended, unobligated previously
20 appropriated funds remaining within the school capital
21 construction account as of June 30, 2012, shall not revert
22 on June 30, 2012, and any other amounts which would revert
23 to the school capital construction account pursuant to law
24 during the 2013-2014 fiscal biennium, are hereby

1 appropriated for purposes of this section for the period
2 commencing July 1, 2012, and ending June 30, 2014;

3

4 (iv) The common school permanent land fund
5 holding account created under 2010 Wyoming Session Laws,
6 Chapter 39, Section 333(g)(iii) is repealed. Any
7 unappropriated, unexpended, unobligated funds within that
8 holding account, following reduction for the amounts
9 appropriated from the school capital construction account
10 pursuant to this section and reduction for the amounts
11 deposited into the foundation program account pursuant to
12 paragraph (ii) of this section, together with any other
13 unappropriated, unexpended, unobligated funds within the
14 school capital construction account, shall be continuously
15 deposited into a separate permanent land fund holding
16 account from the effective date of this section through
17 June 30, 2014.

18

19 **Section 2.**

20

21 (a) Except as provided by subsection (b) of this
22 section, this act is effective July 1, 2012.

23

1 (b) Notwithstanding subsection (a) of this section,
2 subsection (b), paragraph (c)(i), subparagraphs (c)(ii)(A)
3 and (C), paragraphs (c)(iii) through (vii), subparagraphs
4 (c)(viii)(A) and subsections (f) and (g) of this act are
5 effective immediately upon completion of all acts necessary
6 for a bill to become law as provided by Article 4, Section
7 8 of the Wyoming Constitution.

8

9

(END)