

ORIGINAL SENATE
FILE NO. 0105

ENROLLED ACT NO. 9, SENATE

SIXTY-FIRST LEGISLATURE OF THE STATE OF WYOMING
2012 BUDGET SESSION

AN ACT relating to school facility projects; providing appropriations for school facility projects for the biennium commencing July 1, 2012, and ending June 30, 2014; providing definitions; imposing conditions upon appropriation expenditures; providing for transfers of funds and carryover of funds during this biennium and for the remainder of the 2010-2012 biennium; and providing for effective dates.

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

Section 1.

(a) As used in this section:

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

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

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

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

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Need Index Priority	School District	Project	Maximum Amount
1	Uinta #4	Middle School	\$3,319,461
9	Sublette #9	Elementary School	\$ 525,862
12	Natrona #1	Elementary School	\$1,811,165
14	Laramie #1	Elementary School	\$3,856,038
Total			\$9,512,526

(ii) For capital construction projects funded under 2011 Wyoming Session Laws, Chapter 88, Section 349:

Needs Index Priority	School District	Project	Maximum Amount
35	Sweetwater #1	Middle School	\$ 161,568
86	Converse #1	Elementary School	\$ 438,006
233	Johnson #1	Elementary School	\$ 641,240
Total			\$1,240,814

(c) The following amounts are appropriated from the school capital construction account to the school facilities commission for the 2013-2014 biennium for the specified purposes:

(i) For planning projects:

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

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Needs Index Priority	School District	Project	Maximum 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
Capacity	Fremont #24	K-12 School	\$ 5,000
Capacity	Fremont #25	Elementary Schools	\$ 5,000
Capacity	Johnson #1	Elementary School	\$ 5,000
Capacity	Laramie #1	Elementary Schools	\$ 5,000
Capacity	Lincoln #2	High School/Admin Bldg	\$ 5,000
Capacity	Park #1	Elementary Schools	\$ 5,000
Capacity	Park #6	Elementary School	\$ 5,000
Capacity	Sheridan #1	Elementary Schools	\$ 5,000
Capacity	Sweetwater #1	Elementary/High Schools	\$ 10,000
Capacity	Teton #1	Elementary Schools	\$ 10,000
Capacity	Uinta #6	Elementary Schools	\$ 5,000
Capacity	Weston #1	Elementary School	\$ 5,000
Total			\$870,000

(B) As used in subparagraph (c)(i)(A) of this section, "capacity" means capacity issues self-

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reported by school districts, to be further evaluated by the school facilities department;

(C) The budget amounts contained in the appropriation for planning projects under this paragraph shall not be construed to be an entitlement or guaranteed amount, nor does a planning project funded under this paragraph guarantee continuation or completion of a building project contained within the scope of the planning project;

(D) The appropriation for planning under subparagraph (A) of this paragraph for the previous needs index priority for an elementary school in Laramie county school district no. 1, originating from priority 14 under 2010 Wyoming Session Laws, Chapter 39, Section 333, shall be for the sole purpose of undertaking the necessary planning for site acquisition for the construction of an elementary school within the district's central triad with close proximity to high density population centers.

(ii) For design projects:

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

Needs Index Priority	School District	Project	Maximum Amount
Previous (36)	Campbell #1	Alternative High School	\$ 328,106*
Previous (?)	Crook #1	K-8 School	\$ 1,031,502*
Previous (57)	Park #1	Middle School	\$ 1,739,065
1	Carbon #2	Elementary School	\$ 1,031,422

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7	Carbon #1	High School	\$ 2,119,839*
16	Uinta #1	Elementary School	\$ 645,229*
Total			\$ 6,895,163

(B) In addition to subparagraph (c)(ii)(A) of this section, up to fifty-two million four hundred twenty-eight thousand eighty-seven dollars (\$52,428,087.00) for the following design projects subject to prescribed maximum amounts:

Needs Index Priority	School District	Project	Maximum Amount
Previous (42)	Laramie #1	Elementary School	\$ 1,454,345
4	Sweetwater #1	Alternative High School	\$ 537,165
5	Natrona #1	High School/ Shared Facility	\$12,830,287
6	Campbell #1	Elementary School	\$ 1,585,024
9	Goshen #1	Elementary School	\$ 308,034
10	Fremont #2	High School	\$ 200,000
12	Sweetwater #1	K-12 School	\$ 2,218,102
13	Albany #1	High School	\$ 5,193,855
14	Fremont #24	K-12 School	\$ 4,004,682
15	Sheridan #2	Elementary School	\$ 1,311,302
17	Fremont #14	Elementary School	\$ 1,241,524
19	Natrona #1	High School/ Shared Facility	\$17,252,267
21	Laramie #1	Junior High School	\$ 450,000
23	Sweetwater #1	K-8 School	\$ 482,853
25	Natrona #1	Alternative High School	\$ 2,165,390
26	Natrona #1	Elementary School	\$ 1,193,257
Total			\$52,428,087

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(C) Appropriations under subparagraphs (c)(ii)(A) and (B) of this section 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;

(D) The design projects funded by amounts appropriated under this paragraph shall be considered by the legislature for capital construction project funding in the 2013 supplemental budget based upon the priority specified under this paragraph. The order of consideration of projects specified under this subparagraph shall not be affected by the results of the evaluation of capacity issues self-reported by school districts and further evaluated by the school facilities department;

(E) Amounts appropriated under subparagraph (B) of this paragraph for the design of remedies for needs index priorities 5 and 19 in Natrona county school district no. 1 shall include three million seven hundred seven thousand three hundred twenty-one dollars (\$3,707,321.00) for the design of a shared facility, which shall be inclusive of student enrollments and facility square footages originating from both priority 5 and 19 high school projects.

(iii) For component level projects:

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

Component Projects Category	School District	Project	Maximum Amount
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a., i.	Carbon #2	K-12 School	\$ 200,000
c.	Goshen #1	Elementary School	\$ 600,000
e.s.	Johnson #1	Middle School	\$ 76,000
s.	Johnson #1	Elementary School	\$ 150,000
s.	Natrona #1	Elementary School	\$ 220,000
c.	Park #16	K-12 School	\$ 500,000
s.	Sheridan #1	Elementary School	\$ 250,000
c.	Sheridan #1	Middle School	\$ 900,000
s.	Sheridan #2	High School	\$ 800,000
s.	Uinta #1	High School	\$ 450,000
s.	Uinta #1	Elementary School	\$1,400,000
s.	Uinta #6	Elementary School	\$ 250,000
Total			\$5,796,000

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

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

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

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

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

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

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

Needs

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

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

Needs

Index Priority	School District	Project	Maximum Amount
N/A	Teton #1	Lease cost until new construction completed	\$ 162,000
N/A	Uinta #6	Admin Building	\$1,250,000
Total			\$1,412,000

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

Needs Index Priority	School District	Project	Maximum Amount
N/A	Big Horn #4	Demolition of bus barn	\$ 82,080
N/A	Converse #1	Adjacent building demolition	\$ 20,160
Total			\$102,240

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

Needs Index Priority	School District	Project	Maximum Amount
N/A	Niobrara #1	Reconstruct existing sports field area and track to remedy drainage issues	\$450,000
Total			\$450,000

(viii) For capital construction projects:

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

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Needs Index Priority	School District	Project	Maximum Amount
Previous (190)	Big Horn #2	Completion of phases for High School	\$ 5,500,000
Previous (134)	Carbon #1	Completion of phases for Middle School	\$ 3,000,000
2	Sheridan #2	Elementary School	\$ 450,000
8	Carbon #1	Elementary School	\$ 1,100,000
Total			\$ 10,050,000

(B) In addition to subparagraph (c)(viii)(A) of this section, up to two hundred twenty-seven million five hundred eight thousand one dollars (\$227,508,001.00) for the following capital construction projects subject to prescribed maximum amounts:

Needs Index Priority	School District	Project	Maximum Amount
Previous (36)	Campbell #1	Alternative High School	\$8,380,000*
Previous (?)	Crook #1	K-8 School	\$ 13,635,782*
Previous (42)	Laramie #1	Elementary School	\$ 16,402,081
1	Carbon #2	Elementary School	\$ 12,431,957
3	Natrona #1	Elementary School	\$ 8,424,203
4	Sweetwater #1	Alternative High School	\$ 6,149,905
5	Natrona #1	High School/Shared Facility	\$ 8,262,604*
6	Campbell #1	Elementary School	\$ 17,944,593
7	Carbon #1	High School	\$ 36,819,524

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10	Fremont #2	High School	\$ 13,685,000
12	Sweetwater #1	K-12 School	\$ 25,207,363
14	Fremont #24	K-12 School	\$ 45,256,524
15	Sheridan #2	Elementary School	\$ 14,908,465
Total			\$227,508,001

(C) Appropriations under subparagraph (c)(viii)(B) of this section 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 this subparagraph;

(D) In expending amounts appropriated for needs index priority 5 in Natrona county school district no. 1 high school remedies under subparagraph (c)(viii)(B) of this section, under 2010 Wyoming Session Laws, Chapter 39, Section 333(b)(i), under 2011 Wyoming Session Laws, Chapter 88, Section 349(b)(vii) and nine million eight hundred thousand dollars (\$9,800,000.00) from previous appropriations designated by the school facilities commission for expenditure on high school remedies in Natrona county school district no. 1, the following shall apply:

(I) Twenty-seven million nine hundred thirty-eight thousand six hundred seven dollars (\$27,938,607.00) shall be expended for the construction of a shared facility predicated upon student enrollments and square footages originating from the design of remedies for needs index priorities 5 and 19 under subparagraph (c)(ii)(B) of this section and shall not duplicate enrollments and square footages contained within these separate high school remedies;

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(II) In combination with the expenditure of amounts appropriated under subsection (d) of this section for needs index priority #19, the school facilities commission shall follow construction schedule timeline recommendations developed by the department in collaboration with Natrona county school district no. 1, local government planning agencies and project design and construction professionals. Construction schedule timeline recommendations shall be developed and reported by the department upon completion of fifty percent (50%) of project design. In developing the construction schedule timelines, the department shall take into consideration academic programming, impacts upon the community, project staging, cost, temporary swing space and safety;

(III) Excluding the alternative high school project specified under subsection (f) of this section, which shall be designed to serve a student population not to exceed three hundred (300) students, the department shall ensure the functional capacity percentages for the separate projects addressing remedies for needs index priorities 5 and 19 as outlined within the education specifications under scenario 2 in the November 2011 Fanning-Howey report, are maintained and carried forward in the implementation of the remedies funded under subparagraph (c)(viii)(B) and subsection (d) of this section;

(IV) The projects forwarded under this subparagraph, subparagraph (c)(viii)(B) and subsection (d) of this section shall be funded on the basis of an option allowing for staggered construction. In addition, the option shall provide an opportunity for district participation in planning the acquisition or construction of temporary swing space, provided district participation does not delay the construction schedule and other

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department duties related to the projects. The district may augment state funds for optional temporary swing space which is in excess of educational space authorized by law. Any optional temporary swing space augmented with district funds in accordance with this subdivision shall remain the financial obligation of the district consistent with rules and regulations of the commission;

(V) Prior to expenditure of amounts appropriated under subparagraph (c)(viii)(B) of this section and subdivision (I) of this subparagraph, the district shall agree that the shared facility square footage shall be considered a shared high school facility and shall not be considered a separate school for purposes of facility funding computations by the commission and operational funding computations under the education resource block grant model.

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

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

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

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

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

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(d) Effective July 1, 2013, up to one hundred nineteen million two hundred thirty-eight thousand three hundred eight dollars (\$119,238,308.00) is appropriated from the school capital construction account to the school facilities commission for the high school construction and renovation project addressing needs index priority 19 in Natrona county school district no. 1.

(e) An amount equal to sixteen million nine hundred eleven thousand four hundred twenty-two dollars (\$16,911,422.00) for unanticipated costs associated with planning, design, capital construction and component level projects funded under this subsection.

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

Needs Index Priority	School District	Project	Maximum Amount
13	Albany #1	High School	\$ 62,145,234
16	Uinta #1	Elementary School	\$ 17,739,919
17	Fremont #14	Elementary School	\$ 14,554,957
21	Laramie #1	Junior High School	\$ 3,600,000
25	Natrona #1	Alternative High School	\$ 16,318,523

(g) In expending funds appropriated under this section and commensurate with school district efforts undertaken in facility planning required under W.S. 21-15-116, the school facilities department shall require school district boards of trustees to incorporate a collaborative committee process, advisory to the board,

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which assists the school district with planning district remedies for school buildings, ranging from site selection to project planning and design. The collaborative committee process for remedy development shall include project stakeholders comprised of students, parents, teachers, principals, district administration, school board of trustee members, representative legislators, at-large members of the community and others. Although advisory to district boards, the collaborative committee shall assist the boards with informing the respective community and in developing community-based input into project development.

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

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

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Section 333(g)(iii). Those funds and other funds within the school capital construction account shall be subject to the following from the effective date of this subsection through June 30, 2014:

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

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

(iii) Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207(a), any unexpended, unobligated previously appropriated funds remaining within the school capital construction account as of June 30, 2012, shall not revert on June 30, 2012, and any other amounts which would revert to the school capital construction account pursuant to law during the 2013-2014 fiscal biennium, are hereby appropriated for purposes of this section for the period commencing July 1, 2012, and ending June 30, 2014;

(iv) The common school permanent land fund holding account created under 2010 Wyoming Session Laws, Chapter 39, Section 333(g)(iii) is repealed. Any unappropriated, unexpended, unobligated funds within that holding account, following reduction for the amounts appropriated from the school capital construction account pursuant to this section and reduction for the amounts deposited into the foundation program account pursuant to paragraph (ii) of this section, together with any other unappropriated, unexpended, unobligated funds within the

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school capital construction account, shall be continuously deposited into a separate permanent land fund holding account from the effective date of this section through June 30, 2014.

Section 2.

(a) Except as provided by subsections (b) and (c) of this section, this act is effective July 1, 2012.

(b) Notwithstanding subsections (a) and (c) of this section, subsection (b), paragraph (c)(i), subparagraphs (c)(ii)(A) and (C), paragraphs (c)(iii) through (vii), subparagraphs (c)(viii)(A) and subsections (h) and (j) of this act are 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.

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(c) Notwithstanding subsections (a) and (b) of this section, subsection (d) of this act is effective July 1, 2013.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk