

SENATE FILE NO. SF0110

School facilities commission-reorganization.

Sponsored by: Joint Appropriations Interim Committee

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 an effective date.

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.**

15

16 (a) The school facilities department is created.

17

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

5

6 (c) The department consists of the director who is
7 the chief administrative officer and other personnel as
8 approved by the governor.

9

10 (d) The governor shall appoint a competent person as
11 the director of the department who shall serve at the
12 pleasure of the governor and may be removed by him as
13 provided in W.S. 9-1-202. The director's salary shall be
14 determined by the governor. Any appointment under this
15 subsection shall be with the advice and consent of the
16 senate.

17

18 (e) The director is the chief administrative officer
19 of the department with general supervision and control of
20 all activities, functions and employees of the department,
21 under the direction and supervision of the commission. He
22 shall devote his entire time to the performance and
23 supervision of the duties conferred on him by the
24 commission and by law.

1

2 (f) The school facilities department shall:

3

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

7

8 (ii) Establish a consistent, systematic research
9 approach for student enrollment projections used by
10 districts in developing district facility plans and
11 forecasting building and facility needs to comply with
12 statewide building adequacy standards;

13

14 (iii) Develop cost per square foot guidelines to
15 be used in estimating the cost of constructing, renovating
16 and otherwise remediating buildings and facilities to
17 comply with statewide adequacy standards, which shall
18 account for demonstrated differences among regions and
19 communities within the state;

20

21 (iv) Establish a statewide school facilities
22 database comprised of building and facility specific
23 condition, suitability, accessibility, capacity, inventory
24 and site data;

1

2 (v) Enter into or approve construction or
3 renovation project agreements with school districts, as
4 appropriate. Each agreement shall:

5

6 (A) Require the district to make
7 arrangements for appropriate professional supervision and
8 management of the project;

9

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

12

13 (C) Provide for review and approval by the
14 department of project changes and change orders provided
15 that:

16

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

20

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

23

1 (D) Establish payment schedules involving
2 state funds;

3

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

7

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

10

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

13

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

17

18 (J) Require a contract compliance audit by
19 independent auditing expertise of project budgets and
20 expenditures prior to completing the project or projects.

21

22 (vi) Review district plans for the disposition
23 or demolition of buildings and facilities made surplus by
24 an approved construction or renovation project or by

1 changes in school population, including allocation of
2 resulting costs and revenues and report the plans to the
3 commission. Disposition shall include options for use,
4 lease, sale and any other means of disposing of the surplus
5 building or facility. The costs and revenues incurred by
6 the disposition or demolition of the building or facility
7 shall be accounted for in each district's school facility
8 plan and considered in any building or facility remedy for
9 that district, including the allocation of revenues
10 resulting from the disposition of property rendered surplus
11 to offset property demolition costs. The department shall
12 report this review to the commission. The district shall
13 have final authority over the disposition or demolition of
14 any surplus buildings or facilities, except that the
15 commission, after receiving a report of the review by the
16 department, may disapprove any plans related to disposition
17 or demolition submitted pursuant to this paragraph if the
18 commission determines that the plans do not protect the
19 financial interests of the state or are not otherwise in
20 the public interest. Any revenues resulting from property
21 disposition under this paragraph shall not be considered or
22 counted under W.S. 21-13-310(a)(xiv) or (xv);

23

1 (vii) Authorize, subject to commission review,
2 the purchase and acquisition of sites for any project
3 within the approved district facility plan if state funds
4 are to be expended for the acquisition;

5
6 (viii) Review any proposed sale of existing land
7 owned by a district, which land is within the scope of the
8 district's facility plan, and determine the impact of the
9 land disposition upon that plan. The department shall
10 report the review to the commission. The district shall
11 have final authority over the sale of existing land owned
12 by the district, except that the commission, after
13 receiving a report of the review by the department, may
14 disapprove any plans related to a sale submitted pursuant
15 to this paragraph if the commission determines that the
16 plans do not protect the financial interests of the state
17 or are not otherwise in the public interest. If the
18 commission determines land disposition adversely impacts
19 the cost-effectiveness of the district's facility plan, the
20 revenues resulting from land disposition shall be
21 considered by the commission in any future building or
22 facility remedy for that district and, notwithstanding
23 paragraph (vi) of this subsection, the commission may

1 direct the department of education to consider or count
2 those revenues under either W.S. 21-13-310(a)(xiv) or (xv).

3

4 (g) The department may contract with appropriate
5 expertise and professionals, including auditors, in
6 administering this act and performing duties imposed under
7 this act.

8

9 **Section 2.** W.S. 9-2-1704(d)(xv),
10 21-3-110(a)(x)(intro), (A)(intro), (II), (B) and (xxvii),
11 21-15-105(a), (d) and (e), 21-15-109(b), (c)(intro),
12 (i)(A)(intro), (B), (iv), (v), (e) and (f),
13 21-15-111(a)(intro), (viii) and by creating a new paragraph
14 (ix), 21-15-113(a)(intro), by creating new paragraphs (iii)
15 through (vi) and (c), 21-15-114(a)(iii),
16 21-15-115(b)(intro), 21-15-116(a)(intro), (vi), (vii),
17 (d)(intro), (e) and (f), 21-15-117(a)(intro), (v), (b) and
18 (d), 21-15-118(a)(intro) and (b), 21-15-119(a)(intro), (b)
19 and (c) and 28-11-301(b)(iii), (iv), (v), (c)(intro) and
20 (ii) are amended to read:

21

22 **9-2-1704. Reorganization plan; structure; time frame.**

23

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

10

11 (xv) School facilities commission established
12 under W.S. 21-15-113 and the school facilities department
13 established under W.S. 21-15-123;

14

15 **21-3-110. Duties of boards of trustees.**

16

17 (a) The board of trustees in each school district
18 shall:

19

20 (x) Subject to review by the school facilities
21 ~~commission~~department under W.S. 21-15-115 for any project
22 involving state capital construction assistance, fix the
23 site of each school building and facility considering the
24 needs of the people of each portion of the district. If

1 the district enters into an agreement to lease buildings
2 and facilities owned by the district and the buildings and
3 facilities are included within the statewide database
4 maintained by the school facilities ~~commission~~department
5 under W.S. ~~21-15-114(a)(vi)~~21-15-123(f)(iv), the district
6 shall, except as provided under W.S. 21-15-109(c)(i)(A)(II)
7 and (III) and (B), ensure the lease agreement requires
8 sufficient payment from the lessee to cover expenses
9 necessary to adequately maintain the facility or building
10 in accordance with statewide adequacy standards prescribed
11 by the commission. If the district enters into an
12 agreement to lease buildings and facilities under which the
13 district is the lessee and the building is to be used for
14 the provision of the required educational program within
15 the district, the lease agreement shall require the lessor
16 to adequately maintain the buildings and facilities in
17 accordance with standards prescribed by the commission. ~~If~~
18 ~~approved by the commission,~~The district shall be
19 reimbursed for the lease payment if the square footage of
20 the leased facility is not included within the district's
21 total square footage for purposes of major maintenance
22 computations under W.S. 21-15-109, subject to the
23 following:

24

1 (A) If the lease payment is for educational
2 facilities used in the actual operation of a charter
3 school, the ~~commission~~school facilities department shall
4 pay the district ~~an~~the contract amount approved by the
5 ~~commission~~department for the lease payment by the charter
6 school if:

7

8 (II) The ~~commission~~department
9 determines no adequate educational facilities exist within
10 the district for operation of the charter school;

11

12 (B) If the lease payment is for facilities
13 leased to the district by a state institution which meets
14 state adequacy standards prescribed by rule and regulation
15 of the commission, the amount of the lease reimbursement
16 paid by the ~~commission~~school facilities department shall
17 not include the amount received by the institution from the
18 state for major building and facility repair and
19 replacement costs attributable to the facility, as computed
20 by the construction management section within the general
21 services division of the department of administration and
22 information.

23

1 (xxvii) Cooperate with the school facilities
2 ~~commission~~department in developing facility plans for the
3 district addressing district-wide building and facility
4 needs in accordance with W.S. 21-15-116 and rule and
5 regulation of the school facilities commission;

6
7 **21-15-105. Bonded indebtedness mill levy supplement.**

8
9 (a) On or before June 15 of each year, any school
10 district may apply to the department of education to
11 receive a mill levy supplement as calculated under
12 subsections (c) and (d) of this section. The mill levy
13 supplement shall not apply to the first two (2) mills
14 levied by a district for payment of outstanding bonds. The
15 amount of mill levy supplement to be received shall be
16 certified by the department of education to the district
17 and the board of county commissioners of the county or
18 counties in which the district is located on or before July
19 15. Subject to limitations imposed by this section, the
20 mill levy necessary to make scheduled payments under
21 outstanding general obligation bonds of the school district
22 for the current year shall be decreased accordingly. The
23 mill levy supplement shall be paid to each district
24 applying on or before January 1 and shall be credited to

1 the debt service fund of the school district. Any mill
2 levy supplement revenues not used to reduce the current
3 mill levy as provided in this section shall be rebated to
4 the state treasurer.

5

6 (d) The mill levy supplement determined under
7 subsection (c) of this section shall be decreased by
8 subtracting the product of two (2) mills times the assessed
9 value of the school district for the preceding year from
10 the amount calculated under subsection (c) of this section.
11 Following certification of the amounts and if the amount
12 calculated under subsection (c) of this section is greater
13 than the amount determined under this subsection, the
14 department of education shall pay the difference to the
15 school district under subsection (a) of this section.

16

17 (e) The department of education shall develop forms
18 containing such information as may be required to implement
19 this section. The forms shall be completed and submitted to
20 the department of education by any school district applying
21 under this section. The department of education shall adopt
22 rules and regulations to implement this section. The mill
23 levy supplement shall be computed using the assessed

1 valuation for the state and district for the preceding
2 year.

3

4 **21-15-109. Major building and facility repair and**
5 **replacement payments; computation; square footage**
6 **allowance; use of payment funds; accounting and reporting**
7 **requirements.**

8

9 (b) To the extent funds are available, on July 1 of
10 each year, the school facilities ~~commission~~department
11 shall based upon square footage computations computed on
12 September 1 of the prior school year, distribute major
13 building and facility repair and replacement payments to
14 each school district from the capital construction account.
15 If funds within the account are not sufficient for payments
16 on July 1 of any school year, the ~~commission~~department
17 shall distribute payments from the account on or before
18 September 30 and March 31 of that school year. Major
19 building and facility repair and replacement payments shall
20 be computed in accordance with subsection (c) of this
21 section.

22

1 (c) To compute the major building and facility repair
2 and replacement payment for each district, the ~~commission~~
3 department shall:

4
5 (i) Annually on or before September 1, determine
6 the total number of gross square feet of school buildings
7 and facilities within the district according to guidelines
8 prescribed by rule and regulation of the commission,
9 subject to the following:

10

11 (A) The gross square footage of any school
12 building or facility within the district which is not used
13 for purposes of delivering the required educational program
14 shall not be included within the district's total gross
15 square footage computed under this section, except for the
16 square footage of any district school building or facility
17 which would otherwise be treated as a closed building under
18 paragraph (c)(iv) of this section, ~~or~~ is determined to be
19 surplus, ~~and following approval of the commission,~~ by the
20 department or the building or facility is being used for
21 the provision of one (1) of the programs specified in
22 subdivisions (I) through (III) of this subparagraph and the
23 district complies with subdivisions (IV) through (VI) of
24 this subparagraph:

1

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

13

14 (iv) The square footage of any district building
15 or facility which is closed and not operational, is not
16 being replaced under a district's facility plan ~~approved by~~
17 ~~the commission~~ under W.S. 21-15-116, is not determined
18 surplus by the ~~commission~~ department and is specified as a
19 closed building within the district's facility plan as a
20 cost efficient means to address future district building
21 needs, shall be segregated from the square footage of other
22 district buildings and facilities and multiplied by the
23 replacement value ~~determined by the commission~~ under
24 paragraph (c)(v) of this section for the appropriate

1 building category. The resulting amount shall then be
2 multiplied by an exterior closure factor established by the
3 ~~commission~~department based upon the most current edition
4 of the Whitestone Building Maintenance and Repair Cost
5 Reference Index and added to the total amount determined
6 for the district under paragraph (c)(viii) of this section.
7 This paragraph shall not apply to any school year during
8 which the building or facility is reopened and becomes
9 operational for purposes of delivering the required
10 educational program within the district or to any school
11 year during which the building or facility is used to
12 provide certified child care, developmental preschool or
13 cooperative education programs pursuant to subparagraph
14 (c)(i)(A) of this section;

15

16 (v) Multiply the adjusted square footage amount
17 for each district's educational buildings determined under
18 paragraph (c)(iii) of this section and the amount
19 determined under paragraph (c)(ii) of this section for all
20 remaining building categories of that district, times a
21 replacement value cost factor established for each building
22 category by the ~~commission~~department based upon the median
23 estimate in the most current edition of the R. S. Means
24 construction cost index, as modified to reflect current

1 Wyoming construction costs determined by the department of
2 administration and information, division of economic
3 analysis;

4
5 (e) Amounts distributed under subsection (b) of this
6 section shall be deposited by the recipient district into a
7 separate account, the balance of which may accumulate from
8 year-to-year. Except as specified under subsection (f) of
9 this section, expenditures from the separate account,
10 including any interest earnings on the account, shall be
11 restricted to expenses incurred for major building and
12 facility repair and replacement as defined in subsection
13 (a) of this section and shall be in accordance with the
14 district's facility plan ~~approved by the commission~~ under
15 W.S. 21-15-116. Account expenditures may include the
16 expenses of district personnel performing work described
17 under paragraph (a)(iii) of this section if approved by the
18 ~~commission~~ department and if documented within the
19 district's facility plan. The district's facility plan
20 shall clearly specify proposed major maintenance
21 expenditures for addressing district major building and
22 facility repair and replacement needs on a building-by-
23 building basis, updated for the applicable reporting
24 period, which shall be aligned to the statewide adequacy

1 standards and prioritized based upon the impact of the
2 building or facility on the district's ability to deliver
3 the required educational program. The district shall
4 include plans for maintaining any district building or
5 facility which is under a lease agreement, specifying lease
6 revenues available to the district for maintenance of
7 facilities to the level required by statewide adequacy
8 standards. No expenditures shall be made from the separate
9 account unless the repair or replacement of the building or
10 facility systems for which the expenditure is to be made is
11 clearly specified within the district's facility plan or
12 otherwise approved by the ~~commission~~department. In a
13 manner and form required by commission rule and regulation,
14 each district shall annually report to the ~~commission~~
15 department on the expenditures made from the separate
16 account during the applicable reporting period, separating
17 account expenditures on a building-by-building basis. The
18 ~~commission~~department shall annually review account
19 expenditures and shall report expenditures to the
20 commission and the select committee on school facilities
21 established under W.S. 28-11-301. The ~~commission~~department
22 shall compile reported building-by-building expenditure
23 information for each district and the district facility
24 plan and include this information in its annual report to

1 the select committee pursuant to W.S. 21-15-121. If any
2 district expends funds within the separate account for
3 purposes not authorized by this subsection or by rule and
4 regulation of the commission, the payments for that
5 district shall be reduced by the amount of the unauthorized
6 expenditure in the school year following the year in which
7 the expenditure was discovered ~~by the commission~~ or the
8 school year in which notification was provided by the
9 ~~commission~~ department, whichever first occurs.

10

11 (f) Notwithstanding subsection (e) of this section, a
12 district may expend up to ten percent (10%) of the amount
13 distributed during any school year under subsection (b) of
14 this section for major building and facility repair and
15 replacement needs of the district which are not specified
16 in the district's facility plan, including expenditures for
17 maintenance of district enhancements. Expenditures shall
18 be made under this subsection only after the district's
19 building and facility repair and replacement needs
20 specified in its facility plan have been addressed in
21 accordance with subsection (e) of this section and the
22 ~~commission~~ department has approved the district's proposed
23 expenditures under this subsection. ~~Effective for the July~~
24 ~~1, 2007 payment under this section and each payment~~

1 ~~thereafter,~~ Amounts not expended for purposes of this
2 subsection during any school year may be accumulated by a
3 district and earmarked within the separate account
4 established under subsection (e) of this section for
5 expenditure under this subsection in subsequent school
6 years, provided the unexpended amount during any school
7 year to be accumulated does not exceed ten percent (10%) of
8 the amount distributed to the district under subsection (b)
9 of this section for that school year. Each district shall
10 include expenditures under this subsection and any amounts
11 accumulated from year-to-year under this subsection within
12 the annual report required under subsection (e) of this
13 section. Nothing in this subsection shall prohibit or
14 limit the application of subparagraph (c)(i)(D) of this
15 section in computing a district's building and facility
16 gross square footage for purposes of determining payment
17 amounts under this section. If any school district exceeds
18 expenditure limitations prescribed by this subsection or
19 fails to comply with expenditure levels for facility
20 adequacy needs identified within its facility plan, the
21 payments for that district in the immediately succeeding
22 year shall be reduced by the excess expenditure amount
23 including any excess expenditure of amounts accumulated
24 under this subsection.

1

2

21-15-111. Definitions.

3

4

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

5

6

7

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

8

9

10

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

11

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21-15-113. School facilities commission; membership; conflict of interest; terms; chairman; meetings; compensation.

14

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(a) The school facilities commission is established to consist of ~~seven (7)~~ eight (8) members comprised of the state superintendent of public instruction, who shall serve in an ex-officio, nonvoting capacity, and ~~six (6)~~ seven (7) members who are Wyoming residents appointed as follows by the governor with one (1) member appointed from each of the seven (7) appointment districts designated in W.S.

1 9-1-218(b). Four (4) of the appointees shall have
2 knowledge and experience in the following areas:

3
4 (iii) Building and facility engineering,
5 construction and operations;

6
7 (iv) Building design and specifications;

8
9 (v) Estimating, bidding and building
10 construction;

11
12 (vi) School district administration.

13
14 (c) Gubernatorial ~~and state superintendent~~
15 appointments shall be subject to senate approval and shall
16 serve a term of four (4) years beginning March 1. Not more
17 than four (4) of the appointed members shall be of the same
18 political party. The governor ~~and the state superintendent~~
19 shall fill a vacancy on respective appointments to the
20 commission in accordance with W.S. 28-12-101, and may
21 remove ~~respectively~~ appointed commissioners as provided by
22 W.S. 9-1-202. ~~For purposes of this subsection, appointments~~
23 ~~by the state superintendent shall be subject to this~~

1 ~~subsection in the same manner provided for gubernatorial~~
2 ~~appointments under W.S. 9-1-202, 28-12-101 and 28-12-102.~~

3
4 **21-15-114. School facilities commission powers and**
5 **duties.**

6
7 (a) The school facilities commission shall:

8
9 (iii) Adopt policies, guidelines and standards
10 for school district facility plans required under W.S.
11 21-15-116 and review and ~~certify a~~ approve each plan ~~for~~
12 ~~each district~~ as required under this act;

13
14 **21-15-115. Statewide standards for school building**
15 **and facility adequacy; adequacy assessment.**

16
17 (b) ~~In addition to subsection (a) of this section,~~
18 The ~~commission~~ department shall maintain the comprehensive
19 assessment of the adequacy of existing school buildings and
20 facilities and of future space requirements within the
21 state. Maintenance of the assessment shall include district
22 reporting of new construction and major building and
23 facility repair and replacement activities in accordance
24 with guidelines prescribed by rule and regulation of the

1 commission, the results of ~~commission~~department on-site
2 visitations and inspections of buildings and facilities and
3 needs assessment data and verification of building and
4 facility ratings through periodic review. The assessment
5 shall be designed and maintained to provide timely and
6 uniform statewide data on all of the following:

7

8 **21-15-116. School district facility plans;**
9 **development, review and approval; plan criteria;**
10 **administrative review.**

11

12 (a) In accordance with rules and regulations of the
13 commission, long range comprehensive school building and
14 facility plans for each school district shall be developed
15 by the ~~commission~~department in coordination with the
16 applicable district, which address district wide building
17 and facility needs. The facility plan shall identify
18 building and facility needs in accordance with the
19 statewide adequacy standards, actions to remediate building
20 and facility needs including construction, renovation and
21 major building and facility repair and replacement
22 expenditures, and any local enhancements to buildings and
23 facilities beyond statewide adequacy standards. The
24 facility plan shall include a response to each building and

1 facility need identified on a building-by-building, space-
2 by-space basis. The plan shall also review and to the
3 extent practical, identify nonconstruction alternatives to
4 building and facility needs such as building closure,
5 modification of school boundaries, modification of school
6 grade configurations and similar approaches. Demolition or
7 use, lease or other methods of disposition of ~~commission~~
8 ~~determined~~—surplus buildings and facilities shall be
9 incorporated as part of the district plan, including the
10 disposition of any existing land owned by the district. The
11 plan shall not include the abandonment or demolition of any
12 school facility or building unless there has first been a
13 public hearing on the issue. The plan shall also specify
14 identified alternative methods of building disposition,
15 proposed allocation of costs incurred or revenues resulting
16 from disposition and allocation of disposition revenues to
17 offset any costs paid by the ~~commission~~department. In
18 addition, district facility plans shall include:

19

20 (vi) An inventory of buildings and facilities to
21 be leased by the district during the planning period,
22 either as lessee or lessor, including the purpose for which
23 the leased buildings and facilities are to be used and if
24 any of this leased space will involve any district

1 buildings or facilities included within the statewide
2 school facilities database maintained by the ~~commission~~
3 department under W.S. ~~21-15-114(a)(vi)~~ 21-15-123(f)(iv);

4
5 (vii) Other information required by the
6 ~~commission~~ department to evaluate each district's plan.

7
8 (d) At least once every two (2) years, the commission
9 shall review and approve each plan developed by the
10 department under this section to ensure each plan:

11
12 (e) Any school district aggrieved by a decision of
13 the department or the commission under this act may seek
14 review in accordance with the Wyoming Administrative
15 Procedure Act. In accordance with W.S. 16-3-112, review of
16 a decision of the department shall be before the
17 commission.

18
19 (f) In carrying out this act and in accordance with
20 policies adopted by the commission, the commission or the
21 department shall consult with the affected school districts
22 and shall provide districts the opportunity to informally
23 review facility plans, remedies and projects with the

1 department or the commission before districts pursue
2 administrative review under subsection (e) of this section.

3

4 **21-15-117. Annual evaluation of school buildings and**
5 **facilities; remediation schedule; needs prioritization;**
6 **combining facilities; implementation of remedy.**

7

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

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24

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

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

(d) In determining building and facility remedies under subsection (b) of this section, in developing criteria and procedures for site analysis under W.S. 21-15-114(a)(xii) and in ~~developing~~ approving district facility plans under W.S. 21-15-116 and otherwise

1 administering this act, the commission shall adopt the
2 remedy that is in the best financial and educational
3 interests of the state, taking into consideration the
4 recommendations of the department and the most efficient
5 and cost effective approach in order to deliver quality
6 educational services and address building and facility
7 need. Expenditures from the school capital construction
8 account shall be for necessary and related costs to
9 implement efficient and cost effective building and
10 facility remedies required to deliver quality educational
11 services. In making determinations under this paragraph,
12 the commission shall take into consideration the effects of
13 the proposed activity on the local community. The
14 commission shall implement this subsection in carrying out
15 building and facility remedies and shall, giving proper
16 consideration to the prevention of unnecessary delays in
17 proceeding with a remedy, establish a process to work with
18 other political subdivisions of the state in implementing
19 this subsection.

20

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

23

1 (a) Upon determination by the commission following
2 review under W.S. 21-15-117, and appropriation by the
3 legislature in accordance with W.S. 21-15-119, the
4 ~~commission~~department shall proceed with projects as
5 follows:

6
7 (b) If required, the ~~commission~~department shall
8 provide for temporary space for any scheduled building
9 remedy by means of portable buildings creating capacity or
10 by other means available to the ~~commission~~department.

11

12 **21-15-119. Commission budget and funding**
13 **recommendations.**

14

15 (a) Notwithstanding W.S. 9-2-1012, the commission
16 shall annually, not later than September 1, ~~prepare~~develop
17 and submit a recommended budget for projects and school
18 capital construction financing to the governor, through the
19 budget division of the department of administration and
20 information and to the select committee on school
21 facilities. The department shall prepare and provide
22 information as requested by the commission. The commission
23 shall include with its recommended budget to the select
24 committee the comprehensive assessment specified in W.S.

1 21-15-115(b), the prioritized list of projects specified in
2 W.S. 21-15-117 including the amounts allocated to each
3 project and the annual building status report specified
4 under W.S. 21-15-121. The recommended budget submitted by
5 the commission shall include:

6

7 (b) The ~~commission~~department may enter into
8 agreements under which the ~~commission~~department may make
9 payments on behalf of a school district with respect to the
10 district's lease of school facilities under W.S. 21-15-112.
11 The ~~commission~~department may also enter into any agreement
12 with a nonprofit corporation or other entity necessary to
13 ensure that a district can lease facilities under W.S.
14 21-15-112.

15

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

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

15

16 **28-11-301. Appointment of members; powers and duties;**
17 **related duties of school facilities commission.**

18

19 (b) The select committee shall:

20

21 (iii) Monitor the assessment of statewide school
22 facility needs, prioritization of these needs and
23 remediation of identified needs, as undertaken by the

1 school facilities commission and the school facilities
2 department pursuant to law;

3

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

8

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

18

19 (c) The school facilities ~~commission~~ department
20 shall:

21

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

1

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

5

6 **Section 4.**

7

8 (a) Notwithstanding W.S. 21-15-113(c) as amended by
9 this act, the initial terms of the school facilities
10 commission appointed under this act to take office
11 effective July 1, 2011, shall be as follows:

12

13 (i) Two (2) members for a period of two (2)
14 years;

15

16 (ii) Two (2) members for a period of three (3)
17 years; and

18

19 (iii) Three (3) members for a period of four (4)
20 years.

21

22 (b) Effective July 1, 2011, the school facilities
23 commission is reorganized in accordance with this act. The
24 terms of office of appointed school facilities commission

1 members serving under W.S. 21-15-113 prior to the effective
2 date of section 2 of this act expire effective June 30,
3 2011.

4

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

9

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

19

20 **Section 5.** This act is effective July 1, 2011.

21

22

(END)