

SENATE FILE NO. SF0092

State construction project.

Sponsored by: Senator(s) Nicholas, P., Bebout, Perkins and
Ross and Representative(s) Berger, Brown,
Connolly, Harshman and Stubson

A BILL

for

1 AN ACT relating to administration of government;
2 reorganizing state capital construction entities into a
3 state construction department; specifying powers and duties
4 of the department; providing for appointment of director;
5 removing the construction management program and associated
6 general service division functions from the department of
7 administration and information and generally transferring
8 functions of the program and associated services to the
9 state construction department; transferring school
10 facilities department to the state construction department;
11 authorizing the transfer of positions and funds; providing
12 for subsequent budgeting of the state construction
13 department; making conforming amendments; and providing for
14 an effective date.

15

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

2

3 **Section 1.**

4

5 (a) The construction management program within the
6 department of administration and information, associated
7 general service division functions within the department of
8 administration and information, and the school facilities
9 department are transferred by a type 1 transfer to the
10 state construction department created by this act. All
11 positions, personnel, appropriations, property, equipment
12 and authority in agencies and programs transferred to the
13 state construction department by this act are under the
14 control of the state construction department as provided by
15 this act. The validity of rules, regulations, contracts,
16 agreements or other obligations of agencies or programs
17 transferred by this act is not affected by this act.

18

19 (b) Notwithstanding any other provision of law, the
20 governor may authorize the use of authorized positions
21 within the department of administration and information
22 construction management program, positions within the
23 general services division of the department of

1 administration and information associated with transferred
2 functions, positions within the school facilities
3 department and funds appropriated for those positions and
4 for the construction management program, associated general
5 services division functions and for the school facilities
6 department to staff and fund the state construction
7 department for the fiscal biennium commencing July 1, 2016.
8 For the fiscal biennium commencing July 1, 2018, the
9 director of the state construction department shall submit
10 an estimated budget to the governor and the governor shall
11 submit a recommended budget for the department in
12 accordance with W.S. 9-2-3005.

13

14 (c) Notwithstanding W.S. 9-2-3003, the governor may
15 appoint a temporary director for the state construction
16 department upon the effective date of this act. Thereafter
17 the governor shall submit any proposed appointment of a
18 director of the department to the senate in accordance with
19 W.S. 28-12-101 through 28-12-103.

20

21 **Section 2.** W.S. 9-2-2020 and 9-2-3001 through
22 9-2-3005 are created to read:

23

1 **9-2-2020. State construction department created.**

2

3 As part of the reorganization of Wyoming state government,
4 there is created the state construction department
5 consisting of the existing construction management program
6 within the department of administration and information,
7 associated functions within the general services division
8 of the department of administration and information, and
9 the school facilities department. The state construction
10 department shall not be subject to a transition period as
11 defined in W.S. 9-2-1703(a)(ix). A reorganization plan
12 shall not be required of the director.

13

14

ARTICLE 30

15

STATE CONSTRUCTION DEPARTMENT

16

17 **9-2-3001. State construction department created.**

18

19 There is created the state construction department.

20

21 **9-2-3002. Department divisions.**

22

1 (a) The department shall consist of the following
2 divisions:

3
4 (i) State construction management, leasing and
5 maintenance division;

6
7 (ii) School facilities division.

8
9 **9-2-3003. Director and division administrators;**
10 **appointment; removal.**

11
12 (a) The governor shall appoint a director of the
13 department with the advice and consent of the senate.

14
15 (b) With the approval of the governor, the director
16 may appoint administrators for each of the divisions. The
17 governor may remove the director and division
18 administrators as provided in W.S. 9-1-202.

19
20 (c) The director's and administrator's salaries shall
21 be determined by the governor.

22

1 (d) The director shall be the chief administrative
2 officer of the department with general supervision and
3 control of all activities, functions and employees of the
4 department. He shall devote his entire time to the
5 performance and supervision of the duties conferred on him
6 by law. The director may:

7

8 (i) Employ professional, technical and other
9 assistants to work in the department, along with other
10 employees necessary to carry out the purpose of this
11 article;

12

13 (ii) Formulate the policies and programs to be
14 carried out by the department through its respective
15 divisions;

16

17 (iii) Authorize a designee to carry out any
18 duties assigned, unless specifically precluded from doing
19 so by law.

20

21 **9-2-3004. Duties of the department.**

22

1 (a) The department shall staff the state building
2 commission as provided in W.S. 9-5-101 through 9-5-108, and
3 as required by the commission unless staffing of the
4 commission is otherwise specified by law. The
5 administrator of the state construction management, leasing
6 and maintenance division shall function as secretary to the
7 state building commission and the department shall
8 administratively implement the commission's rules.

9

10 (b) The department shall staff the school facilities
11 commission as provided in title 21 of the Wyoming statutes,
12 and as required by the commission unless staffing of the
13 commission is otherwise specified by law. The
14 administrator of the school facilities division shall
15 function as secretary to the school facilities commission
16 and the department shall administratively implement the
17 commission's rules.

18

19 (c) The department shall:

20

21 (i) Review and make recommendations to the
22 governor concerning capital construction budget requests
23 made by the state building commission, school facilities

1 commission, the University of Wyoming, community college
2 commission and any state agency;

3

4 (ii) Adopt capital construction procurement
5 policies and standards and ensure compliance with the
6 policies and standards by state agencies and school
7 districts using any state funds for capital construction
8 projects. The University of Wyoming and Wyoming community
9 colleges may adhere to the standards and policies to the
10 extent feasible, as determined by the university or
11 affected college. The university and Wyoming community
12 colleges shall adhere to any other capital construction
13 requirement specified by law;

14

15 (iii) For the procurement of construction of
16 public projects, facilities or structures, be authorized to
17 accept the recommendations of agencies on the award or
18 rejection and readvertisement of bids based upon the
19 qualifications and responsibilities of bidders;

20

21 (iv) Oversee bonding for the procurement of
22 capital construction projects. Bidders shall provide a

1 bond or other form of guarantee satisfactory to the state
2 of Wyoming as hereafter provided:

3
4 (A) A bid bond or other form of bid
5 guarantee satisfactory to the state may be required in an
6 amount equal to ten percent (10%) of the aggregate amount
7 of the bid or contract when a contract to be awarded under
8 the solicitation is expected to exceed one thousand five
9 hundred dollars (\$1,500.00). The bond may be provided by a
10 surety company authorized to do business in the state of
11 Wyoming;

12
13 (B) A bid bond or other form of bid
14 guarantee satisfactory to the state may be retained by the
15 state as surety throughout the term of the awarded contract
16 provided the amount of the contract is less than
17 twenty-five thousand dollars (\$25,000.00);

18
19 (C) Before any contract exceeding
20 twenty-five thousand dollars (\$25,000.00) in amount, for
21 the construction, alteration or repair of any public
22 building or public work or improvement of the state is
23 awarded to any person, the person shall furnish to the

1 state a performance and payment bond executed by a surety
2 company authorized to do business in the state of Wyoming
3 or other form of surety satisfactory to the state, in an
4 amount equal to one hundred percent (100%) of the contract
5 price;

6

7 (D) This paragraph does not limit the
8 authority of the state to require a performance bond or
9 other security in addition to bonds, or in circumstances
10 other than the circumstances specified by this subsection;

11

12 (E) The department may accept bids
13 submitted by persons who combine their bonding capacity in
14 any way so as to meet the bonding requirements of this
15 paragraph.

16

17 (v) Lease all real property for the state in
18 accordance with rules of the state building commission.
19 Leasing of property by the state shall be conducted on a
20 bid and proposal basis with advertising of space needs and
21 square footage in community or local newspapers. Leasing
22 contracts may be entered into by noncompetitive negotiation
23 only if:

1

2 (A) The director determines in writing that
3 competitive bidding is not feasible; or

4

5 (B) The lessor is a governmental agency.

6

7 (vi) Maintain, repair and replace all state real
8 property in accordance with rules of the state building
9 commission;

10

11 (vii) Provide the appropriate staff to serve as
12 staff of the state building commission in carrying out the
13 duties of the department under this article and W.S.
14 9-5-101 through 9-5-108;

15

16 (viii) Plan for all agency office and other
17 space needs and construction projects required for those
18 space needs in accordance with the provisions of W.S.
19 9-5-107, 9-5-108 and rules, procedures and criteria adopted
20 pursuant to those sections;

21

1 (ix) Adopt reasonable rules and regulations
2 pursuant to the Wyoming Administrative Procedure Act to
3 administer this article.

4

5 **9-2-3005. Department budget.**

6

7 (a) The department shall not develop or use a
8 standard budget, base budget and exception budget as
9 provided in W.S. 9-2-1002 through 9-2-1014. The department
10 of administration and information budget division shall
11 transmit on or before August 15 of each odd numbered year,
12 to the state construction department its budget as approved
13 by the legislature for the previous biennium. The director
14 of the department shall develop an estimated budget for the
15 subsequent fiscal biennium by revising the current budget,
16 taking into account the duties and functions of the
17 department and the most efficient means of performing those
18 duties and functions and prepare and submit to the
19 department of administration and information an estimated
20 budget for the subsequent fiscal biennium. The estimated
21 budget shall identify differences from the current budget,
22 itemizing and explaining in writing the reason for each
23 change.

1

2 (b) The information developed in budget documents
3 shall include:

4

5 (i) Appropriations or other allotted revenues
6 authorized to the department including all types of revenue
7 regardless of source and final fund destination, federal
8 fund identification and expected length of continuance of
9 the federal funding;

10

11 (ii) Expenditures, obligations, encumbrances and
12 balances of funds appropriated to the department from
13 whatever source derived;

14

15 (iii) Estimates of revenues and future needs of
16 the department;

17

18 (iv) Program changes, descriptions and
19 activities of the department;

20

21 (v) An explanation of and reasons for
22 anticipated receipts and expenditures of the department;

23

1 (vi) An assurance that the budget estimate was
2 prepared in accordance with the department plan prepared
3 according to W.S. 28-1-115 and 28-1-116;

4

5 (vii) Recommended transfers of appropriations
6 and positions from other agencies within the executive
7 branch to the state construction department.

8

9 (c) On or before September 15 of each odd numbered
10 year the director shall return the completed estimated
11 budget to the department of administration and information.

12

13 (d) The director of the department of administration
14 and information and administrator of the budget division
15 after compiling the requested budget estimate and related
16 information shall include the estimated budget with those
17 collected from the several agencies of the state and shall
18 submit the overall state budget estimate and related
19 information along with their comments and recommendations
20 to the governor no later than November 1 of each year.

21

22 (e) The governor may, upon examining the budget
23 estimate and requests and after consultation with the

1 director of the state construction department approve,
2 disapprove, alter or revise the estimate and requests in
3 accordance with applicable state and federal laws.

4

5 (f) The submission of the department's budget and
6 expenditures therefrom, including preparation of
7 supplemental budgets for presentation in general sessions
8 shall be made within the time frame of W.S. 9-2-1012 and
9 shall otherwise be in accordance with the provisions of
10 W.S. 9-2-1002 through 9-2-1014.

11

12 **Section 3.** W.S. 9-2-1016(b)(xix)(intro) and (xxi),
13 9-2-1704(d)(xv), 9-5-101(b) and (c)(i) through (iii),
14 9-5-102, 9-5-104(a) and (b)(intro), 9-5-107(a),
15 9-5-108(a)(iv), 9-5-109(m)(vi) and (q), 9-5-110(a)(ii),
16 9-5-111(d), 9-5-113(a)(i), 16-6-1001(a)(i)(D)(I), (III) and
17 (E), 21-3-110(a)(x)(intro), (A)(intro), (B) and (xxvii),
18 21-3-111(a)(xx), 21-13-309(m)(v)(B)(IV)(4) and (vi)(intro),
19 21-15-109(b), 21-15-111(a)(ix), 21-15-116(g), 21-15-123(e)
20 and (f)(intro), 21-18-225(a)(intro), (e) through (g), (j)
21 and (k), 21-18-304(a)(xi) and 28-11-301(b)(iii) through (v)
22 and (c)(intro), (i), (ii) and (iv) are amended to read:

23

1 **9-2-1016. General services division**

2

3 (b) For the purpose of this subsection the term
4 "agencies" does not include the University of Wyoming,
5 community college districts, or school districts. It does
6 not include the department of transportation except as to
7 paragraphs (xi), (xii) and (xiii) of this subsection. The
8 department through the general services division shall:

9

10 (xix) Lease all personal property for the state
11 in accordance with rules of the state building commission.
12 Leasing of property by the state shall be conducted on a
13 bid and proposal basis. ~~with advertising of space needs and~~
14 ~~square footage in community or local newspapers.~~ Leasing
15 contracts may be entered into by noncompetitive negotiation
16 only if:

17

18 ~~(xxi) Designate the manager of the construction~~
19 ~~management program within the division to function as~~
20 ~~secretary to the state building commission who will~~
21 Administratively implement the state building commission's
22 rules relating to the management, operation and equipping

1 of state office buildings as provided in W.S. 9-1-501
2 through 9-1-508;

3
4 **9-2-1704. Reorganization plan; structure; time frame.**

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

15
16 (xv) School facilities commission established
17 under W.S. 21-15-113; ~~and the school facilities department~~
18 ~~established under W.S. 21-15-123;~~

19
20 **9-5-101. State building commission; composition;**
21 **general powers and duties; conflicts of interest.**

22

1 (b) The state building commission shall promulgate
2 rules under which the general services division has charge
3 and control of the capitol building with respect to its
4 occupancy. ~~7~~ The state construction department shall, in
5 accordance with rules of the commission, have charge and
6 control over repair and maintenance and shall collect all
7 rents arising from the occupancy of the capitol building.
8 All rents collected under this section shall be paid into
9 the general fund. Rules with respect to the occupancy of
10 the capitol building shall be subject to and in accordance
11 with W.S. 9-5-112.

12

13 (c) No member of the state building commission shall:

14

15 (i) Have a financial interest in any contract
16 entered into or made by the commission, ~~1~~ ~~or by~~ the general
17 services division or by the state construction department;

18

19 (ii) Be a surety on any bond conditioned for the
20 performance of any contract entered into or made by the
21 commission, ~~1~~ ~~or by~~ the general services division or by the
22 state construction department;

23

1 (iii) Be an agent of any contractor on any
2 contract entered into or made by the commission, ~~or by the~~
3 general services division or by the state construction
4 department.

5

6 **9-5-102. State building commission; authority to buy**
7 **and lease property; acceptance of donations, grants and**
8 **devises.**

9

10 (a) In order to obtain building sites for additional
11 office space and state uses and to insure the proper
12 keeping of valuable state records and provide for the
13 expansion of functions of the state, the ~~general services~~
14 ~~division~~ state construction department, with the approval
15 of the state building commission, may buy, take options to
16 buy and lease property to be used for building sites for
17 future state office buildings. The ~~general services~~
18 ~~division~~ state construction department, with the approval
19 of the commission may lease acquired property until it is
20 needed. The ~~general services division~~ state construction
21 department, with the approval of the state building
22 commission, in cooperation with the department of workforce
23 services, may acquire lands and buildings in the name of

1 the state of Wyoming by purchase, lease agreement, gift or
2 devise to provide suitable quarters for the administration
3 of the Wyoming Employment Security Law and to develop
4 improvements, maintain and repair the lands and buildings.

5

6 (b) To accomplish the purposes of subsection (a) of
7 this section the ~~general services division~~ state
8 construction department, with the approval of the state
9 building commission, may accept donations, grants-in-aid
10 and devises.

11

12 **9-5-104. State building commission; state office**
13 **buildings; authority to maintain; rental; use of proceeds.**

14

15 (a) The general services division, in accordance with
16 rules of the state building commission, may ~~maintain,~~
17 operate, ~~lease,~~ manage and equip state office buildings in
18 Wyoming. The state construction department shall maintain
19 and lease state office buildings in accordance with rules
20 of the commission.

21

22 (b) Every department occupying space in a building
23 authorized under subsection (a) of this section, if

1 required to do so by the ~~general services division~~ state
2 construction department, in accordance with rules of the
3 state building commission, shall pay to the ~~general~~
4 ~~services division~~ department an annual rental plus a pro
5 rata share of maintenance, janitorial services, utilities
6 and other overhead costs necessary to maintain the building
7 in as good a condition as reasonable and proper use will
8 permit. Payments under this subsection shall be made to the
9 ~~general services division~~ department for deposit into a
10 separate account, with receipt and acknowledgement
11 submitted to the state treasurer, to be allocated as
12 follows:

13

14 **9-5-107. Duties and responsibilities with respect to**
15 **state buildings; state capital construction needs**
16 **assessment and priorities.**

17

18 (a) The ~~general services division of the~~ state
19 construction department ~~of administration and information~~
20 shall, subject to the direction of the state building
21 commission and with the assistance of other state agencies
22 as necessary, conduct and maintain a comprehensive needs
23 assessment of existing state buildings and of future space

1 requirements for state agencies. The assessment shall be
2 conducted in accordance with rules of the state building
3 commission adopted pursuant to subsection (d) of this
4 section and be designed to provide uniform statewide data
5 describing the condition of state buildings and projecting
6 building longevity and space requirements. Through the
7 identification of building conditions and needs, the
8 assessment shall enable the evaluation of capital
9 construction and renovation requirements for all state
10 buildings. The needs assessment shall be revised annually
11 on or before October 1 of each year. The needs assessment
12 shall specify construction and renovation requirements for
13 the remainder of the current fiscal year and the succeeding
14 four (4) fiscal years.

15

16 **9-5-108. Development of building projects;**
17 **rehabilitation of building projects.**

18

19 (a) The commission shall, on the basis of a state
20 needs assessment plan or as otherwise directed by the
21 legislature and after consultation with and advice from
22 state agencies and officials, other appropriate agencies
23 and officials and members of the public, identify and

1 select potential projects to be studied for inclusion in
2 the Wyoming public buildings construction program pursuant
3 to the following schedule:

4

5 (iv) After completion of Level III construction,
6 the commission shall turn over the project to the general
7 services division of the department of administration and
8 information for the operation, management and ~~maintenance~~
9 equipping of state owned facilities constructed under the
10 direction and control of the commission.

11

12 **9-5-109. Advisory task force on capitol building**
13 **rehabilitation and restoration; composition; duties;**
14 **account created.**

15

16 (m) The advisory task force shall be comprised of:

17

18 (vi) A staff member from the state construction
19 department, ~~of administration and information, construction~~
20 ~~management program,~~ appointed by the governor who shall be
21 a nonvoting member.

22

1 (q) Staff and support for the advisory task force
2 shall be provided by the state construction ~~management~~
3 ~~program of the~~ department. Members who are government
4 employees or public officials shall be considered on
5 official business of their agency when performing duties as
6 members of the task force. Other members shall receive
7 mileage and per diem in the same manner and amount as state
8 legislators when performing duties. Mileage and per diem
9 shall be paid by the appointing authority.

10
11 **9-5-110. State capitol building rehabilitation and**
12 **restoration project; definitions.**

13
14 (a) As used in W.S. 9-5-109 through 9-5-113:

15
16 (ii) "Department" means the state construction
17 department; ~~of administration and information;~~

18
19 **9-5-111. State capitol building rehabilitation and**
20 **restoration project oversight group; creation; duties.**

21
22 (d) Staff and support for the oversight group shall
23 be provided by the legislative service office. The state

1 construction ~~management program of the~~ department shall
2 assist the staffing of the oversight group as directed by
3 the governor.

4

5 **9-5-113. Capitol building rehabilitation and**
6 **restoration project; design and construction execution.**

7

8 (a) Notwithstanding W.S. 9-5-101 through 9-5-108, for
9 all components of the project:

10

11 (i) The state construction ~~management program~~
12 ~~within the general services division of the~~ department
13 shall be the primary fiscal and contracting agent;

14

15 **16-6-1001. Capital construction projects**
16 **restrictions; preference requirements; waivers.**

17

18 (a) Unless otherwise prohibited by federal law, any
19 funds appropriated or authorized for expenditure for
20 capital construction projects shall be subject to the
21 restrictions of this section which shall be construed where
22 possible as complimentary and consistent with other
23 statutory requirements relating to competitive bidding and

1 contractor preferences. To the extent the restrictions in
2 this section are inconsistent with other state statutes,
3 this section shall supersede all such inconsistent
4 provisions and shall govern. This section shall be applied
5 as follows:

6

7 (i) This paragraph shall apply to any alternate
8 design and construction delivery method as defined in W.S.
9 16-6-701(a)(v):

10

11 (D) Any waiver shall be approved in writing
12 by the following persons:

13

14 (I) For projects to be completed by
15 the state of Wyoming, by the director of the state
16 construction department; ~~of administration and information;~~

17

18 (III) For projects subject to review
19 by the ~~school facilities~~ state construction department
20 under title 21 of Wyoming statutes, by the director of the
21 ~~school facilities commission~~ state construction department
22 and the chairman of the board of the school facilities
23 commission;

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

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(E) Any approved waiver shall be documented in writing and provided to the governor. Notice of all approved waivers shall also be published on a website maintained by the state construction ~~management division of the~~ department, ~~of administration and information,~~ including a statement of the grounds for the waiver.

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

(x) Subject to review by the ~~school facilities~~ state construction department under W.S. 21-15-115 for any project involving state capital construction assistance, fix the site of each school building and facility considering the needs of the people of each portion of the district. If the district enters into an agreement to lease buildings and facilities owned by the district and the buildings and facilities are included within the statewide database maintained by the ~~school facilities~~ state construction department under W.S. 21-15-123(f)(iv),

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

18

19 (A) If the lease payment is for educational
20 facilities used in the actual operation of a charter
21 school, the ~~school facilities~~ state construction department
22 shall pay the district the contract amount approved by the
23 department for the lease payment by the charter school if:

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

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

21-3-111. Powers of boards of trustees.

(a) The board of trustees in each school district within the state may:

1

2 (xx) Enter into school building construction and
3 renovation project agreements with the state construction
4 department as authorized under W.S. 21-15-123(f) (v);

5

6 **21-13-309. Determination of amount to be included in**
7 **foundation program for each district.**

8

9 (m) In determining the amount to be included in the
10 foundation program for each district, the state
11 superintendent shall:

12

13 (v) Based upon ADM computations and identified
14 school configurations within each district pursuant to
15 paragraph (iv) of this subsection, compute the foundation
16 program amount for each district as prescribed by the
17 education resource block grant model adopted by the Wyoming
18 legislature as defined under W.S. 21-13-101(a)(xiv), as
19 contained within the spreadsheets and accompanying reports
20 referenced under W.S. 21-13-101(a)(xvii), on file with the
21 secretary of state and maintained by the state
22 superintendent pursuant to W.S. 21-2-202(e). The following

1 criteria shall be used by the state superintendent in the
2 administration of the education resource block grant model:

3

4 (B) Alternative schools qualifying for
5 separate consideration under the education resource block
6 grant model may be established by a school district for
7 offering educational programs to students with educational
8 needs which the district finds are not appropriately met by
9 other schools in the district, excluding charter schools
10 established under W.S. 21-3-301 through 21-3-314.
11 Alternative schools included within a district's
12 configuration of schools identified under paragraph (iv) of
13 this subsection shall for purposes of the education
14 resource block grant model:

15

16 (IV) On and after July 1, 2014, and if
17 not qualifying under subdivision (I) of this subparagraph,
18 be approved by the state superintendent subject to the
19 following:

20

21 (4) Educational space for the
22 school is provided through facilities operated and
23 maintained by the district and approved by the ~~school~~

1 ~~facilities~~ state construction department as meeting
2 statewide adequacy standards. After two (2) evaluations by
3 the state superintendent under subdivision (IV) (3) of this
4 subparagraph that demonstrate academic progress or success
5 of an alternative school's educational program, the
6 alternative school shall be included in the district's five
7 (5) year plan under W.S. 21-15-116 and the school's
8 long-term facility needs shall be evaluated by the ~~school~~
9 ~~facilities~~ state construction department. Notwithstanding
10 subparagraph (m) (vi) (C) of this section, the ~~school~~
11 ~~facilities~~ state construction department shall not approve
12 any district plan which includes educational space for the
13 alternative school within a separate facility unless the
14 district provides sufficient documentation and evidence
15 that the school cannot be collocated within a facility
16 containing educational space for another school with
17 similar grade configurations operated by the district.

18

19 (vi) Except for charter schools established
20 under W.S. 21-3-301 through 21-3-314 and alternative
21 schools approved under subdivision (v) (B) (IV) of this
22 subsection, any alteration of the configuration of grades
23 within a district, school or school facility which differs

1 from the configuration of grades during the immediately
2 preceding school year as reported under paragraph (iv) of
3 this subsection shall be considered a reconfiguration and
4 shall be documented by the district and reported to the
5 state superintendent and the ~~state superintendent of the~~
6 ~~school facilities~~ director of the state construction
7 department. Following review and evaluation, the director
8 of the department of education and the director of the
9 ~~school facilities~~ state construction department shall, each
10 acting independently, approve or deny the reconfiguration
11 for purposes of application to the education resource block
12 grant model and the determination of school facility needs
13 and remedies. The following shall apply:

14

15 **21-15-109. Major building and facility repair and**
16 **replacement payments; computation; square footage**
17 **allowance; use of payment funds; accounting and reporting**
18 **requirements.**

19

20 (b) To the extent funds are available, on July 1 of
21 each year, the ~~school facilities~~ state construction
22 department shall, based upon square footage computations
23 computed on September 1 of the prior school year,

1 distribute major building and facility repair and
2 replacement payments to each school district from the
3 capital construction account. If funds within the account
4 are not sufficient for payments on July 1 of any school
5 year, the department shall distribute payments from the
6 account on or before September 30 and March 31 of that
7 school year. Major building and facility repair and
8 replacement payments shall be computed in accordance with
9 subsection (c) of this section.

10

11 **21-15-111. Definitions.**

12

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

15

16 (ix) "Department" means the ~~school facilities~~
17 state construction department created by ~~this act~~ W.S.
18 9-2-3001.

19

20 **21-15-116. School district facility plans;**
21 **development, review and approval; plan criteria;**
22 **administrative review; collaborative committee process.**

23

1 (g) In expending funds appropriated by the
2 legislature for projects submitted by the commission under
3 W.S. 21-15-119, and commensurate with school district
4 efforts undertaken in facility planning required under
5 subsection (a) of this section, the ~~school facilities~~ state
6 construction department shall require school district
7 boards of trustees to incorporate a collaborative committee
8 process, advisory to the board, which assists the school
9 district with planning district remedies for school
10 buildings, ranging from site selection to project planning
11 and design. The collaborative committee process for remedy
12 development may include project stakeholders comprised of
13 students, parents, teachers, principals, district
14 administration, school board of trustee members,
15 representative legislators, at-large members of the
16 community and others. Although advisory to district
17 boards, the collaborative committee shall assist the boards
18 with informing the respective community and in developing
19 community-based input into project development.

20

21 **21-15-123. State construction department; duties and**
22 **authority relating to school facilities.**

23

1 (e) ~~The director is the chief administrative officer~~
2 ~~of the department with general supervision and control of~~
3 ~~all activities, functions and employees of the department,~~
4 ~~under the direction and supervision of the commission. He~~
5 ~~shall devote his entire time to the performance and~~
6 ~~supervision of the duties conferred on him by the~~
7 ~~commission and by law.~~ The director of the state
8 construction department or his designee shall ~~also~~ review
9 and evaluate school district requests for the alteration of
10 grade configurations pursuant to W.S. 21-13-309(m)(vi), and
11 shall evaluate the request in the best financial and
12 educational interests of the state, taking into
13 consideration the most efficient and cost effective
14 approach in order to deliver quality educational services.

15
16 (f) The ~~school facilities~~ state construction
17 department shall:

18
19 **21-18-225. College maintenance and capital**
20 **construction funding.**

21
22 (a) As part of its administrative functions, the
23 community college commission shall identify community

1 college building needs and develop a prioritized list of
2 community college capital construction projects. The
3 prioritized community college capital construction projects
4 shall be reported by the commission to the state
5 construction ~~management program within the general services~~
6 ~~division of the~~ department ~~of administration and~~
7 ~~information~~ in accordance with subsection (g) of this
8 section. Following review, analysis and study, the state
9 construction ~~management program~~ department shall forward
10 recommendations for community college capital construction
11 projects to the state building commission. The state
12 construction ~~management program~~ department shall also
13 submit major maintenance budget requests for college
14 buildings to the legislature in accordance with this
15 section. Major maintenance budget requests shall be based
16 upon the square footage submitted by the commission under
17 subsection (f) of this section and upon a formula adopted
18 by the state building commission, and upon forms and in a
19 format specified by the budget division of the department
20 of administration and information. College building
21 maintenance budget requests submitted by the state
22 construction ~~management program~~ department to the
23 legislature and capital construction budget requests

1 forwarded by the state building commission to the
2 legislature shall include only necessary building square
3 footage:

4
5 (e) The commission may modify construction needs
6 prioritized under subsection (d) of this section in any
7 subsequent fiscal year as necessary to address statewide
8 needs as substantiated by data, condition assessments,
9 needs analysis and other information assembled by the
10 commission under this section. Needs receiving a lower
11 priority than previously assigned may be removed or
12 reprioritized by the commission. Construction needs
13 modified under this subsection shall be reported to the
14 state construction ~~management program of the general~~
15 ~~services division of the~~ department . ~~of administration and~~
16 ~~information.~~

17
18 (f) In addition to subsection (d) of this section and
19 on or before June 1 of each odd-numbered year, the
20 commission shall report college building square footage to
21 the state construction ~~management program within the~~
22 ~~general services division of the~~ department ~~of~~
23 ~~administration and information~~ as necessary for computation

1 of major maintenance funds for community college buildings.
2 The reported square footage shall be restricted to that
3 square footage necessary for the delivery of education
4 programs comprising the statewide college system strategic
5 plan and exclude student housing, student unions and
6 auxiliary services areas funded exclusively through college
7 generated revenues.

8

9 (g) Upon prioritizing community college construction
10 needs under subsection (d) of this section, the commission
11 shall not later than June 1 of each year, report the
12 prioritized list to the state construction ~~management~~
13 ~~program of the general services division of the~~ department.
14 ~~of administration and information.~~ In accordance with W.S.
15 9-5-108(a)(ii), the state construction ~~management program~~
16 department shall review, analyze and study construction
17 needs prioritized under subsection (d) of this section and
18 conduct necessary value engineering analysis, schematic
19 design review, safety and security assessments and other
20 analysis and review prior to submission of recommendations
21 to the state building commission. The state building
22 commission shall consider and incorporate prioritized
23 construction needs recommendations into legislation

1 requesting necessary funding, developed under W.S.
2 9-5-108(a)(ii)(J), for submission to the legislature for
3 review, authorization and approval. The legislation shall
4 also include a separate appropriation for contingency costs
5 associated with recommended construction projects and a
6 separate appropriation for administrative costs of the
7 state construction ~~management program~~ department for
8 management of the recommended construction projects as
9 required by subsection (j) of this section. The state
10 construction ~~management program~~ department shall submit a
11 separate budget request for project design and planning
12 funds to be available to assist community colleges with
13 costs incurred in developing and providing necessary plans,
14 designs and other information to the ~~general services~~
15 ~~division~~ state construction department for purposes of this
16 subsection. This request shall also include funds for
17 major maintenance for the square footage reported by the
18 commission under subsection (f) of this section. The state
19 construction ~~management program~~ department shall consult
20 with the community college commission in developing
21 recommendations under this subsection.
22

1 (j) Subject to amounts made available by legislative
2 appropriation and to any conditions which may be attached
3 to appropriation expenditures, the state construction
4 ~~management program of the~~ department ~~of administration and~~
5 ~~information~~ shall distribute state funds for building
6 construction approved and authorized by the legislature.
7 Distributions of state funds for any approved and
8 authorized construction project shall be in accordance with
9 payment schedules established by rule and regulation of the
10 ~~division~~ department. Payments by the ~~program~~ department
11 shall be contingent upon the receipt of any local district
12 funding as may be required by legislative authorization, or
13 upon receipt of other documentation which may be required
14 by the program certifying the timely receipt of required
15 local district funds for the capital construction project.
16 Payments to districts shall also be attached to prescribed
17 phases of the construction project and the completion of
18 certain project phases. Construction phases for which
19 approval of the program is required shall be specified by
20 the state construction department ~~of administration and~~
21 ~~information~~ rule and regulation, clearly prescribing a
22 process for program review and approval of project plans
23 and specifications, project development and project changes

1 and change orders. In carrying out duties under this
2 subsection, the ~~construction management program~~ department
3 may execute powers prescribed under W.S. 9-5-108(a)(iii) in
4 coordination with the state building commission and the
5 appropriate community college district. No scheduled
6 payment shall be made by the ~~construction management~~
7 ~~program~~ department without compliance with the prescribed
8 process.

9
10 (k) Appropriations for major maintenance shall be
11 distributed by the state construction ~~management program~~
12 ~~within the general services division of the~~ department ~~of~~
13 ~~administration and information~~ to community colleges in
14 amounts determined by the funding formula developed by the
15 state building commission, subject to restrictions imposed
16 on qualifying square footage pursuant to this section.

17

18 **21-18-304. District board generally; duties.**

19

20 (a) The community college district board shall:

21

22 (xi) Develop and maintain a comprehensive plan
23 of district buildings addressing district long-term

1 building needs, clearly distinguishing those building needs
2 associated with education space needs attached to the
3 statewide college system strategic plan developed by the
4 community college commission under W.S. 21-18-202(a)(v)
5 from other district needs which may be included within the
6 district's long-term plan. Building plans and capital
7 construction requests shall be submitted to the commission
8 in a form and format specified by commission rule and
9 regulation. In addition, the board shall provide planning,
10 design and other information required by the state
11 construction department ~~of administration and information~~
12 under W.S. 21-18-225(g) and shall cooperate with the
13 department and the commission as necessary to undertake any
14 building construction project receiving state funds and
15 addressing needs prioritized by the commission in
16 accordance with W.S. 21-18-225.

17

18 **28-11-301. Appointment of members; powers and duties;**
19 **related duties of school facilities commission.**

20

21 (b) The select committee shall:

22

1 (iii) Monitor the assessment of statewide school
2 facility needs, prioritization of these needs and
3 remediation of identified needs, as undertaken by the
4 school facilities commission and the ~~school facilities~~
5 state construction department pursuant to ~~law title 21 of~~
6 Wyoming statutes;

7

8 (iv) Develop knowledge and expertise among its
9 members regarding issues pertaining to school facilities
10 and commission and state construction department programs
11 and procedures to maintain statewide facility adequacy;

12

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

23

1 (c) The ~~school facilities~~ state construction
2 department shall:

3
4 (i) Provide the select committee with notice of
5 all school facilities commission meetings;

6
7 (ii) Provide the committee with school
8 facilities commission and department reports and studies
9 pertaining to school building and facility remediation
10 projects;

11
12 (iv) Using accepted accounting standards,
13 account for all funds appropriated by the legislature for
14 each fiscal period and not less than four (4) times during
15 each fiscal year, report expenditures of appropriated
16 amounts and separately identify and report any expenditures
17 which are modified from those amounts specified within the
18 proposed budget submitted to the select committee under
19 W.S. 21-15-119. Any such modification of expenditures of
20 legislative appropriations shall be executed only upon the
21 express approval and authorization of the school facilities
22 commission, shall be within the sole authority of the
23 commission and shall not be delegated by the commission.

1

2 **Section 4.** W.S. 9-2-1016(b)(xvii), (xviii), (xxii)
3 and (xxiii) and 21-15-123(a) through (d) are repealed.

4

5 **Section 5.** This act is effective July 1, 2016.

6

7

(END)