

SENATE FILE NO. SF0092

State construction department.

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 functions from the department of administration and  
7 information and generally transferring functions of the  
8 program to the state construction department; transferring  
9 school facilities department to the state construction  
10 department; authorizing the transfer of positions and  
11 funds; providing for subsequent budgeting of the state  
12 construction department; making conforming amendments; and  
13 providing for an effective date.

14

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

1

2           **Section 1.**

3

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

17

18           (b) Notwithstanding any other provision of law, the  
19 governor may authorize the use of authorized positions  
20 within the department of administration and information  
21 construction management program, other positions within the  
22 department of administration and information associated  
23 with transferred functions, positions within the school

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

10

11 (c) Notwithstanding any other provision of this act  
12 or other law, the governor may transfer those positions and  
13 associated funding from the department of administration  
14 and information which are not currently within the  
15 construction management program to the state construction  
16 department as necessary to implement the provisions of this  
17 act and may likewise not transfer positions and associated  
18 funding currently within the construction management  
19 program to the state construction department if the  
20 governor determines the position is necessary to support  
21 other functions within the department of administration and  
22 information and not necessary to support functions of the  
23 state construction department. The governor shall report

1 to the legislature not later than October 15, 2016  
2 regarding positions and functions which he determines  
3 should be transferred to or from the state construction  
4 department in order to more effectively or efficiently  
5 carry out those functions.

6

7 (d) Notwithstanding W.S. 9-2-3003, the governor may  
8 appoint a temporary director for the state construction  
9 department upon the effective date of this act. Thereafter  
10 the governor shall submit any proposed appointment of a  
11 director of the department to the senate in accordance with  
12 W.S. 28-12-101 through 28-12-103.

13

14 **Section 2.** W.S. 9-2-2020 and 9-2-3001 through  
15 9-2-3005 are created to read:

16

17 **9-2-2020. State construction department created.**

18

19 As part of the reorganization of Wyoming state government,  
20 there is created the state construction department  
21 consisting of the existing construction management program  
22 within the department of administration and information,  
23 associated construction management functions of the

1 department of administration and information, and the  
2 school facilities department. The state construction  
3 department shall not be subject to a transition period as  
4 defined in W.S. 9-2-1703(a)(ix). A reorganization plan  
5 shall not be required of the director.

6

7

## ARTICLE 30

8

## STATE CONSTRUCTION DEPARTMENT

9

10 **9-2-3001. State construction department created.**

11

12 There is created the state construction department.

13

14 **9-2-3002. Department divisions.**

15

16 (a) The department shall consist of the following  
17 divisions:

18

19 (i) State construction management division;

20

21 (ii) School facilities division.

22

1           **9-2-3003. Director and division administrators;**  
2 **appointment; removal.**

3

4           (a) The governor shall appoint a director of the  
5 department with the advice and consent of the senate.

6

7           (b) With the approval of the governor, the director  
8 may appoint administrators for each of the divisions. The  
9 governor may remove the director and division  
10 administrators as provided in W.S. 9-1-202.

11

12           (c) The director's and administrator's salaries shall  
13 be determined by the governor.

14

15           (d) The director shall be the chief administrative  
16 officer of the department with general supervision and  
17 control of all activities, functions and employees of the  
18 department. He shall devote his entire time to the  
19 performance and supervision of the duties conferred on him  
20 by law. The director may:

21

22           (i) Employ professional, technical and other  
23 assistants to work in the department, along with other

1 employees necessary to carry out the purpose of this  
2 article;

3  
4 (ii) Formulate the policies and programs to be  
5 carried out by the department through its respective  
6 divisions;

7  
8 (iii) Authorize a designee to carry out any  
9 duties assigned, unless specifically precluded from doing  
10 so by law.

11

12 **9-2-3004. Duties of the department.**

13

14 (a) The department shall staff the state building  
15 commission as provided in W.S. 9-5-101 through 9-5-108, and  
16 as required by the commission unless staffing of the  
17 commission is otherwise specified by law. The administrator  
18 of the state construction management division shall  
19 function as secretary to the state building commission and  
20 the department shall administratively implement the  
21 commission's rules relating to the state capital  
22 construction.

23

1           (b) The department shall staff the school facilities  
2 commission as provided in title 21 of the Wyoming statutes,  
3 and as required by the commission unless staffing of the  
4 commission is otherwise specified by law. The  
5 administrator of the school facilities division shall  
6 function as secretary to the school facilities commission  
7 and the department shall administratively implement the  
8 commission's rules.

9

10           (c) The department shall:

11

12           (i) Review and make recommendations to the  
13 governor concerning capital construction budget requests  
14 made by the state building commission, school facilities  
15 commission, the University of Wyoming, community college  
16 commission and any state agency;

17

18           (ii) Adopt capital construction procurement  
19 policies and standards and ensure compliance with the  
20 policies and standards by state agencies and school  
21 districts using any state funds for capital construction  
22 projects. The University of Wyoming and Wyoming community  
23 colleges may adhere to the standards and policies to the



1 extent feasible, as determined by the university or  
2 affected college. The university and Wyoming community  
3 colleges shall adhere to any other capital construction  
4 requirement specified by law;

5

6 (iii) For the procurement of construction of  
7 public projects, facilities or structures, be authorized to  
8 accept the recommendations of agencies on the award or  
9 rejection and readvertisement of bids based upon the  
10 qualifications and responsibilities of bidders;

11

12 (iv) Oversee bonding for the procurement of  
13 capital construction projects. Bidders shall provide a  
14 bond or other form of guarantee satisfactory to the state  
15 of Wyoming as hereafter provided:

16

17 (A) A bid bond or other form of bid  
18 guarantee satisfactory to the state may be required in an  
19 amount equal to ten percent (10%) of the aggregate amount  
20 of the bid or contract when a contract to be awarded under  
21 the solicitation is expected to exceed one thousand five  
22 hundred dollars (\$1,500.00). The bond may be provided by a

1 surety company authorized to do business in the state of  
2 Wyoming;

3

4 (B) A bid bond or other form of bid  
5 guarantee satisfactory to the state may be retained by the  
6 state as surety throughout the term of the awarded contract  
7 provided the amount of the contract is less than  
8 twenty-five thousand dollars (\$25,000.00);

9

10 (C) Before any contract exceeding  
11 twenty-five thousand dollars (\$25,000.00) in amount, for  
12 the construction, alteration or repair of any public  
13 building or public work or improvement of the state is  
14 awarded to any person, the person shall furnish to the  
15 state a performance and payment bond executed by a surety  
16 company authorized to do business in the state of Wyoming  
17 or other form of surety satisfactory to the state, in an  
18 amount equal to one hundred percent (100%) of the contract  
19 price;

20

21 (D) This paragraph does not limit the  
22 authority of the state to require a performance bond or

1 other security in addition to bonds, or in circumstances  
2 other than the circumstances specified by this subsection;

3

4 (E) The department may accept bids  
5 submitted by persons who combine their bonding capacity in  
6 any way so as to meet the bonding requirements of this  
7 paragraph.

8

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

14

15 (vi) Plan for all construction projects in  
16 accordance with the provisions of W.S. 9-5-107, 9-5-108 and  
17 rules, procedures and criteria adopted pursuant to those  
18 sections;

19

20 (vii) Adopt reasonable rules and regulations  
21 pursuant to the Wyoming Administrative Procedure Act to  
22 administer this article.

23

1           **9-2-3005. Department budget.**

2

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

20

21           (b) The information developed in budget documents  
22 shall include:

23

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

6

7           (ii) Expenditures, obligations, encumbrances and  
8 balances of funds appropriated to the department from  
9 whatever source derived;

10

11           (iii) Estimates of revenues and future needs of  
12 the department;

13

14           (iv) Program changes, descriptions and  
15 activities of the department;

16

17           (v) An explanation of and reasons for  
18 anticipated receipts and expenditures of the department;

19

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

23

1           (vii) Recommended transfers of appropriations  
2 and positions from other agencies within the executive  
3 branch to the state construction department.

4

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

8

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

17

18           (e) The governor may, upon examining the budget  
19 estimate and requests and after consultation with the  
20 director of the state construction department approve,  
21 disapprove, alter or revise the estimate and requests in  
22 accordance with applicable state and federal laws.

23

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

7  
8 **Section 3.** W.S. 9-2-1016(b)(xxi) and (xxiii),  
9 9-2-1704(d)(xv), 9-5-101(c)(i) through (iii), 9-5-107(a),  
10 9-5-109(m)(vi) and (q), 9-5-110(a)(ii), 9-5-111(d),  
11 9-5-113(a)(i), 16-6-1001(a)(i)(D)(I), (III) and (E),  
12 21-3-110(a)(x)(intro), (A)(intro), (B) and (xxvii),  
13 21-3-111(a)(xx), 21-13-309(m)(v)(B)(IV)(4) and (vi)(intro),  
14 21-15-109(b), 21-15-111(a)(ix), 21-15-116(g), 21-15-123(e)  
15 and (f)(intro), 21-18-225(a)(intro), (e) through (g), (j)  
16 and (k), 21-18-304(a)(xi) and 28-11-301(b)(iii) through (v)  
17 and (c)(intro), (i), (ii) and (iv) are amended to read:

18  
19 **9-2-1016. General services division**

20  
21 (b) For the purpose of this subsection the term  
22 "agencies" does not include the University of Wyoming,  
23 community college districts, or school districts. It does

1 not include the department of transportation except as to  
2 paragraphs (xi), (xii) and (xiii) of this subsection. The  
3 department through the general services division shall:

4  
5 (xxi) ~~Designate the manager of the construction~~  
6 ~~management program within the division to function as~~  
7 ~~secretary to the state building commission who will~~  
8 Administratively implement the state building commission's  
9 rules relating to the leasing, routine maintenance,  
10 management, operation and equipping of state office  
11 buildings as provided in W.S. 9-1-501 through 9-1-508;  
12

13 (xxiii) Plan for all agency office and other  
14 space needs ~~and construction projects required for those~~  
15 ~~space needs~~ in accordance with the provisions of W.S.  
16 9-5-107, 9-5-108 and rules, procedures and criteria adopted  
17 pursuant to that section.

18  
19 **9-2-1704. Reorganization plan; structure; time frame.**  
20

21 (d) The entities of state government specified in  
22 this subsection are designated as separate operating  
23 agencies, which are separate and distinct from the



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

7

8 (xv) School facilities commission established  
9 under W.S. 21-15-113; ~~and the school facilities department~~  
10 ~~established under W.S. 21-15-123;~~

11

12 **9-5-101. State building commission; composition;**  
13 **general powers and duties; conflicts of interest.**

14

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

16

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

20

21 (ii) Be a surety on any bond conditioned for the  
22 performance of any contract entered into or made by the

1 commission, ~~or by~~ the general services division or by the  
2 state construction department;

3

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

8

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

12

13 (a) The ~~general services division of the~~ state  
14 construction department ~~of administration and information~~  
15 shall, subject to the direction of the state building  
16 commission and with the assistance of other state agencies  
17 as necessary, conduct and maintain a comprehensive needs  
18 assessment of existing state buildings and of future space  
19 requirements for state agencies. The assessment shall be  
20 conducted in accordance with rules of the state building  
21 commission adopted pursuant to subsection (d) of this  
22 section and be designed to provide uniform statewide data  
23 describing the condition of state buildings and projecting

1 building longevity and space requirements. Through the  
2 identification of building conditions and needs, the  
3 assessment shall enable the evaluation of capital  
4 construction and renovation requirements for all state  
5 buildings. The needs assessment shall be revised annually  
6 on or before October 1 of each year. The needs assessment  
7 shall specify construction and renovation requirements for  
8 the remainder of the current fiscal year and the succeeding  
9 four (4) fiscal years.

10

11 **9-5-109. Advisory task force on capitol building**  
12 **rehabilitation and restoration; composition; duties;**  
13 **account created.**

14

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

16

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

21

22 (q) Staff and support for the advisory task force  
23 shall be provided by the state construction ~~management~~

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

8

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

11

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

13

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

16

17 **9-5-111. State capitol building rehabilitation and**  
18 **restoration project oversight group; creation; duties.**

19

20 (d) Staff and support for the oversight group shall  
21 be provided by the legislative service office. The state  
22 construction ~~management program of the~~ department shall

1 assist the staffing of the oversight group as directed by  
2 the governor.

3

4 **9-5-113. Capitol building rehabilitation and**  
5 **restoration project; design and construction execution.**

6

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

9

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

13

14 **16-6-1001. Capital construction projects**  
15 **restrictions; preference requirements; waivers.**

16

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

1 this section are inconsistent with other state statutes,  
2 this section shall supersede all such inconsistent  
3 provisions and shall govern. This section shall be applied  
4 as follows:

5

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

9

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

12

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

16

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

23

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

7

8 **21-3-110. Duties of boards of trustees.**

9

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

12

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

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

17

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

23



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

12

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

18

19 **21-3-111. Powers of boards of trustees.**

20

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

23

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

5           **21-13-309. Determination of amount to be included in**  
6 **foundation program for each district.**

7  
8           (m) In determining the amount to be included in the  
9 foundation program for each district, the state  
10 superintendent shall:  
11

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

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

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

(4) Educational space for the school is provided through facilities operated and maintained by the district and approved by the ~~school facilities~~ state construction department as meeting statewide adequacy standards. After two (2) evaluations by

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

16

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

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

12

13 **21-15-109. Major building and facility repair and**  
14 **replacement payments; computation; square footage**  
15 **allowance; use of payment funds; accounting and reporting**  
16 **requirements.**

17

18 (b) To the extent funds are available, on July 1 of  
19 each year, the ~~school facilities~~ state construction  
20 department shall, based upon square footage computations  
21 computed on September 1 of the prior school year,  
22 distribute major building and facility repair and  
23 replacement payments to each school district from the

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

8

9 **21-15-111. Definitions.**

10

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

13

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

17

18 **21-15-116. School district facility plans;**  
19 **development, review and approval; plan criteria;**  
20 **administrative review; collaborative committee process.**

21

22 (g) In expending funds appropriated by the  
23 legislature for projects submitted by the commission under

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

18

19 **21-15-123. State construction department; duties and**  
20 **authority relating to school facilities.**

21

22 (e) ~~The director is the chief administrative officer~~  
23 ~~of the department with general supervision and control of~~

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

13

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

16

17 **21-18-225. College maintenance and capital**  
18 **construction funding.**

19

20 (a) As part of its administrative functions, the  
21 community college commission shall identify community  
22 college building needs and develop a prioritized list of  
23 community college capital construction projects. The



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

1 legislature shall include only necessary building square  
2 footage:

3  
4 (e) The commission may modify construction needs  
5 prioritized under subsection (d) of this section in any  
6 subsequent fiscal year as necessary to address statewide  
7 needs as substantiated by data, condition assessments,  
8 needs analysis and other information assembled by the  
9 commission under this section. Needs receiving a lower  
10 priority than previously assigned may be removed or  
11 reprioritized by the commission. Construction needs  
12 modified under this subsection shall be reported to the  
13 state construction ~~management program of the general~~  
14 ~~services division of the~~ department . ~~of administration and~~  
15 ~~information.~~

16  
17 (f) In addition to subsection (d) of this section and  
18 on or before June 1 of each odd-numbered year, the  
19 commission shall report college building square footage to  
20 the state construction ~~management program within the~~  
21 ~~general services division of the~~ department ~~of~~  
22 ~~administration and information~~ as necessary for computation  
23 of major maintenance funds for community college buildings.

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

7

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

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

21

22 (j) Subject to amounts made available by legislative  
23 appropriation and to any conditions which may be attached

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

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

7  
8 (k) Appropriations for major maintenance shall be  
9 distributed by the state construction ~~management program~~  
10 ~~within the general services division of the~~ department ~~of~~  
11 ~~administration and information~~ to community colleges in  
12 amounts determined by the funding formula developed by the  
13 state building commission, subject to restrictions imposed  
14 on qualifying square footage pursuant to this section.

15

16 **21-18-304. District board generally; duties.**

17

18 (a) The community college district board shall:

19

20 (xi) Develop and maintain a comprehensive plan  
21 of district buildings addressing district long-term  
22 building needs, clearly distinguishing those building needs  
23 associated with education space needs attached to the

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

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 state construction department pursuant to ~~law title 21 of~~  
3 Wyoming statutes;

4

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

9

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

20

21 (c) The ~~school facilities~~ state construction  
22 department shall:

23



1 (i) Provide the select committee with notice of  
2 all school facilities commission meetings;

3  
4 (ii) Provide the committee with school  
5 facilities commission and department reports and studies  
6 pertaining to school building and facility remediation  
7 projects;

8  
9 (iv) Using accepted accounting standards,  
10 account for all funds appropriated by the legislature for  
11 each fiscal period and not less than four (4) times during  
12 each fiscal year, report expenditures of appropriated  
13 amounts and separately identify and report any expenditures  
14 which are modified from those amounts specified within the  
15 proposed budget submitted to the select committee under  
16 W.S. 21-15-119. Any such modification of expenditures of  
17 legislative appropriations shall be executed only upon the  
18 express approval and authorization of the school facilities  
19 commission, shall be within the sole authority of the  
20 commission and shall not be delegated by the commission.

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

1

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

3

4

(END)