

SENATE FILE NO. SF0078

State capital construction-oversight.

Sponsored by: Management Council

A BILL

for

1 AN ACT relating to administration of government; expanding  
2 the role of the select committee on school facilities to  
3 include community college and state capital construction  
4 projects; conforming existing state capital construction  
5 provisions to reflect the role of the select committee;  
6 renaming the select committee; providing for the  
7 appointment of co-chairmen; authorizing additional  
8 temporary members of the select committee; providing for  
9 expanded duties of the select committee; repealing  
10 requirements for quarterly meetings and selection of  
11 chairman and vice chairman; amending duties of the state  
12 building commission, state construction department and  
13 other state agencies with control over state facilities;  
14 providing for a study and reports; providing an  
15 appropriation; and providing for an effective date.

16



1

2 (i) The state budget shall include the  
3 governor's recommendations for a total appropriation from  
4 the school foundation program account and based upon  
5 recommendations of the select committee on school  
6 facilities ~~committee~~ and state capital construction under  
7 W.S. 28-11-301, a total appropriation for school capital  
8 construction purposes for both fiscal years;

9

10 **9-2-3004. Duties of the department.**

11

12 (c) The department shall:

13

14 (viii) Review the final design, drawings and  
15 plans of any capital construction project prior to  
16 commencing with bidding to ensure that energy efficient  
17 best practice techniques and processes are included in the  
18 design of any capital construction project funded with  
19 federal funds and for which the state is required to expend  
20 state funds to fully or partially pay for operations,  
21 routine maintenance or major maintenance expenses for the  
22 facility. Upon conclusion of each review, the department  
23 shall submit a report of findings to the joint

1 appropriations committee and the ~~joint transportation,~~  
2 ~~highways and military affairs interim~~ select committee on  
3 school facilities and state capital construction.

4

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

8

9 (a) The state construction department shall, subject  
10 to the direction of the state building commission and with  
11 the assistance of other state agencies as necessary,  
12 conduct and maintain a comprehensive needs assessment of  
13 existing state buildings and of future space requirements  
14 for state agencies. The assessment shall be conducted in  
15 accordance with rules of the state building commission  
16 adopted pursuant to subsection (d) of this section and be  
17 designed to provide uniform statewide data describing the  
18 condition of state buildings and projecting building  
19 longevity and space requirements. Through the  
20 identification of building conditions and needs, the  
21 assessment shall enable the evaluation of capital  
22 construction and renovation requirements for all state  
23 buildings. The needs assessment shall be revised annually

1 on or before ~~October~~August 1 of each year. The needs  
2 assessment shall specify construction and renovation  
3 requirements for the remainder of the current fiscal year  
4 and the succeeding four (4) fiscal years.

5

6 (b) On or before ~~November~~September 1 of each year  
7 and based upon the statewide needs assessment of state  
8 buildings performed under subsection (a) of this section,  
9 the state building commission shall establish and  
10 prioritize construction and renovation needs for state  
11 buildings. The listing shall specifically identify and  
12 prioritize those buildings in need of building construction  
13 or renovation and the estimated costs of required  
14 construction or renovation during the current fiscal year  
15 and during the succeeding four (4) fiscal years. The  
16 listing shall be provided to the select committee on school  
17 facilities and state capital construction on or before  
18 September 1 of each year. The select committee shall submit  
19 any recommended modifications to the commission on or  
20 before October 1 of each year.

21

22 (c) On or before December 1 of each year, the  
23 commission shall provide copies of the needs assessment and

1 statewide construction and renovation priorities  
2 established under this section, together with any  
3 recommendations of the select committee on school  
4 facilities and state capital construction and the  
5 commission's response to the recommendations, to members of  
6 the legislature.

7  
8 (e) Rules and procedures adopted under this section  
9 by the state building commission shall be applicable to all  
10 state owned buildings unless the operation, management and  
11 use of the building has been assigned by statute to a  
12 specific state agency. On or before September 1 of each  
13 year the agency responsible for the operation and  
14 management of a state building exempted by the provisions  
15 of this subsection, shall provide the assessment required  
16 by subsections (a) through (c) of this section to the  
17 select committee on school facilities and state capital  
18 construction and to the state building commission for  
19 inclusion in the commission's report to the legislature.  
20 The rules adopted by the commission under subsection (d) of  
21 this section shall be used as guidelines for the management  
22 of state buildings assigned by statute to other state  
23 agencies including the University of Wyoming, community

1 college districts, department of transportation, game and  
2 fish commission and state institutions.

3

4 **9-5-108. Development of building projects;**  
5 **rehabilitation of building projects.**

6

7 (a) The commission shall, on the basis of a state  
8 needs assessment plan or as otherwise directed by the  
9 legislature and after consultation with and advice from the  
10 select committee on school facilities and state capital  
11 construction, state agencies and officials, other  
12 appropriate agencies and officials and members of the  
13 public, identify and select potential projects to be  
14 studied for inclusion in the Wyoming public buildings  
15 construction program pursuant to the following schedule:

16

17 (i) Level I reconnaissance studies shall, to the  
18 extent possible:

19

20 (J) Following consultation with the select  
21 committee on school facilities and state capital  
22 construction, contain the commission's recommendation to  
23 the legislature whether to terminate further consideration

1 of the proposed project or to continue the project at its  
2 current level of study, or to proceed with further activity  
3 under paragraph (ii), (iii) or (iv) of this subsection.

4

5 (ii) Level II feasibility studies shall to the  
6 extent possible:

7

8 (J) Include draft legislation describing in  
9 detail the construction, operation and financing of the  
10 proposed project. The draft legislation shall be developed  
11 in consultation with the select committee on school  
12 facilities and state capital construction.

13

14 (b) State agencies shall cooperate fully with the  
15 commission in the preparation of the studies. In the  
16 execution of these activities, the commission shall:

17

18 (v) Perform any other related activities or  
19 functions relevant and appropriate to the completion of the  
20 feasibility study; ~~and~~

21

22 (vii) Provide notice to the select committee on  
23 school facilities and state capital construction:

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(c) The commission may suspend the expenditure of time or funds on a project at any level of activity, if it is established that it would be in the public interest. The commission shall report the reason for any suspension of activity to the ~~legislature~~select committee on school facilities and state capital construction.

16

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

21

(e) Amounts distributed under subsection (b) of this section shall be deposited by the recipient district into a

1 separate account, the balance of which may accumulate from  
2 year-to-year. Except as specified under subsection (f) of  
3 this section, expenditures from the separate account,  
4 including any interest earnings on the account, shall be  
5 restricted to expenses incurred for major building and  
6 facility repair and replacement as defined in subsection  
7 (a) of this section and shall be in accordance with the  
8 district's facility plan under W.S. 21-15-116. Account  
9 expenditures may include the expenses of district personnel  
10 performing work described under paragraph (a)(iii) of this  
11 section if approved by the department and if documented  
12 within the district's facility plan. The district's  
13 facility plan shall clearly specify proposed major  
14 maintenance expenditures for addressing district major  
15 building and facility repair and replacement needs on a  
16 building-by-building basis, updated for the applicable  
17 reporting period, which shall be aligned to the statewide  
18 adequacy standards and prioritized based upon the impact of  
19 the building or facility on the district's ability to  
20 deliver the required educational program. The district  
21 shall include plans for maintaining any district building  
22 or facility which is under a lease agreement, specifying  
23 lease revenues available to the district for maintenance of

1 facilities to the level required by statewide adequacy  
2 standards. No expenditures shall be made from the separate  
3 account unless the repair or replacement of the building or  
4 facility systems for which the expenditure is to be made is  
5 clearly specified within the district's facility plan or  
6 otherwise approved by the department. In a manner and form  
7 required by commission rule and regulation, each district  
8 shall annually report to the department on the expenditures  
9 made from the separate account during the applicable  
10 reporting period, separating account expenditures on a  
11 building-by-building basis. The department shall annually  
12 review account expenditures and shall report expenditures  
13 to the commission and the select committee on school  
14 facilities and state capital construction established under  
15 W.S. 28-11-301. The department shall compile reported  
16 building-by-building expenditure information for each  
17 district and the district facility plan and include this  
18 information in its annual report to the select committee  
19 pursuant to W.S. 21-15-121. If any district expends funds  
20 within the separate account for purposes not authorized by  
21 this subsection or by rule and regulation of the  
22 commission, the payments for that district shall be reduced  
23 by the amount of the unauthorized expenditure in the school

1 year following the year in which the expenditure was  
2 discovered or the school year in which notification was  
3 provided by the department, whichever first occurs.

4

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

7

8 (a) The school facilities commission shall:

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10 (xv) With prior consultation with the select  
11 committee on school facilities and state capital  
12 construction, promulgate necessary rules and regulations to  
13 administer and implement this act.

14

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

17

18 (c) The commission shall not less than once every  
19 four (4) years, review and evaluate the building and  
20 facility adequacy standards established under subsection  
21 (a) of this section. Review and evaluation of the standards  
22 shall include the identification of local enhancements to  
23 buildings and facilities during this review and evaluation

1 period, and based upon criteria and procedures developed by  
2 the commission, a determination as to whether and how any  
3 local enhancements should be incorporated into the  
4 statewide standards. The review and evaluation under this  
5 subsection shall extend to components of the annual  
6 evaluation of school buildings, the facility remediation  
7 schedule and the needs prioritization process established  
8 by the commission under W.S. 21-15-117. Findings and  
9 recommendations pursuant to this subsection shall be  
10 reported to the select committee on school facilities and  
11 state capital construction before the next convening date  
12 of the legislative session immediately following completion  
13 of the review and evaluation, and shall specifically  
14 address any need to expand the needs assessment, to conduct  
15 a reassessment of building and facility adequacy or to  
16 modify the needs prioritization process.

17

18 **21-15-117. Annual evaluation of school buildings and**  
19 **facilities; remediation schedule; needs prioritization;**  
20 **combining facilities; implementation of remedy.**

21

22 (c) In determining the most cost effective method in  
23 meeting capital construction needs in order to deliver

1 quality educational services, the commission in  
2 consultation with the select committee on school facilities  
3 and state capital construction, may recommend consolidating  
4 educational facilities within, between or among school  
5 districts. The legislature shall approve any consolidation  
6 of educational facilities between two (2) or more school  
7 districts.

8

9 **21-15-119. Commission budget and funding**  
10 **recommendations.**

11

12 (a) Notwithstanding W.S. 9-2-1012, the commission  
13 shall annually, not later than September 1, develop and  
14 submit a recommended budget for projects and school capital  
15 construction financing to the governor, through the budget  
16 division of the department of administration and  
17 information and to the select committee on school  
18 facilities and state capital construction. The department  
19 shall prepare and provide information as requested by the  
20 commission. The commission shall include with its  
21 recommended budget to the select committee the  
22 comprehensive assessment specified in W.S. 21-15-115(b),  
23 the prioritized list of projects specified in W.S.

1 21-15-117 including the amounts allocated to each project  
2 and the annual building status report specified under W.S.  
3 21-15-121. The recommended budget submitted by the  
4 commission shall include:

5

6 **21-15-121. Annual school building status report to**  
7 **select committee on state capital construction.**

8

9 (a) Not later than September 1 of each year, the  
10 commission shall submit a report to the select committee on  
11 school facilities and state capital construction on  
12 progress being made under the school capital facilities  
13 system established under this act. The report shall be  
14 incorporated into the proposed budget submitted to the  
15 select committee under W.S. 21-15-119 and shall include:

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

23

1           (g) Upon prioritizing community college construction  
2 needs under subsection (d) of this section, the commission  
3 shall not later than June 1 of each year, report the  
4 prioritized list to the state construction department. In  
5 accordance with W.S. 9-5-108(a)(ii), the state construction  
6 department shall review, analyze and study construction  
7 needs prioritized under subsection (d) of this section and  
8 conduct necessary value engineering analysis, schematic  
9 design review, safety and security assessments and other  
10 analysis and review prior to submission of recommendations  
11 to the state building commission. The department's  
12 recommendations shall be submitted to the select committee  
13 on school facilities and state capital construction at the  
14 same time the recommendations are submitted to the state  
15 building commission. In consultation with the select  
16 committee, the state building commission shall consider and  
17 incorporate prioritized construction needs recommendations  
18 into legislation requesting necessary funding, developed  
19 under W.S. 9-5-108(a)(ii)(J), for submission to the  
20 legislature for review, authorization and approval. The  
21 legislation shall also include a separate appropriation for  
22 contingency costs associated with recommended construction  
23 projects and a separate appropriation for administrative

1 costs of the state construction department for management  
2 of the recommended construction projects as required by  
3 subsection (j) of this section. The state construction  
4 department shall submit a separate budget request for  
5 project design and planning funds to be available to assist  
6 community colleges with costs incurred in developing and  
7 providing necessary plans, designs and other information to  
8 the state construction department for purposes of this  
9 subsection. This request shall also include funds for  
10 major maintenance for the square footage reported by the  
11 commission under subsection (f) of this section. The state  
12 construction department shall consult with the community  
13 college commission in developing recommendations under this  
14 subsection.

15

16

## ARTICLE 3

17

SELECT COMMITTEE ON SCHOOL FACILITIES AND STATE CAPITAL

18

## CONSTRUCTION

19

20

**28-11-301. Appointment of members; powers and duties;**

21

**related duties of school facilities commission.**

22

1 (a) Not later than March 31 following each general  
2 session, the president of the senate shall appoint five (5)  
3 voting members of the senate and the speaker of the house  
4 shall appoint five (5) voting members of the house to a  
5 select committee on school facilities and state capital  
6 construction. Appointments of voting members to the  
7 committee by each presiding officer shall reflect as nearly  
8 as possible the percentage of the elected membership of the  
9 majority and minority parties of each house, provided that  
10 not more than four (4) voting members appointed by each  
11 presiding officer shall be from the same political party.  
12 The president and speaker shall appoint one (1) member from  
13 each of their respective houses to serve as co-chairmen.  
14 The president and speaker may each authorize additional  
15 members of their respective houses to attend committee  
16 meetings or meetings of a subcommittee to serve as  
17 temporary, nonvoting members of the select committee in  
18 order to facilitate the committee's functions generally or  
19 to attend meetings and to serve as nonvoting members for  
20 the select committee's or a subcommittee's consideration of  
21 any project proposed to be situated within the geographic  
22 boundaries of the members' district or that may be of  
23 particular interest to the members.

1

2 (b) The select committee shall:

3

4 (i) Select from among its members ~~a chairman and~~  
5 ~~vice chairman~~ liaisons to the state building commission.  
6 The co-chairmen of the committee may establish  
7 subcommittees of the select committee to monitor specific  
8 state facility projects;

9

10 (iii) Monitor:

11

12 (A) The assessment of statewide school  
13 facility needs, prioritization of these needs and  
14 remediation of identified needs, as undertaken by the  
15 school facilities commission and the state construction  
16 department pursuant to title 21 of Wyoming statutes;

17

18 (B) The needs assessments for state  
19 facilities, prioritization of these needs and remediation  
20 of identified needs through development of projects as  
21 undertaken by the state building commission and state  
22 construction department pursuant to W.S. 9-5-107 and  
23 9-5-108;

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(C) The construction plans and activities of any other state agency for state facilities managed independently of the state building commission;

(D) The development, prioritization and recommendations for funding community college facility needs by the state construction department and the state building commission pursuant to W.S. 21-18-225.

(iv) Develop knowledge and expertise among its members regarding issues pertaining to the state building commission, school facilities and commission and state construction department programs and procedures to maintain statewide facility adequacy for schools and to address state facility and community college facility needs;

(v) Not later than November 1 of each year, prepare and submit budget recommendations based upon information reported by the school facilities commission and the state construction department under W.S. 21-15-119 and 21-15-121, addressing statewide building and facility needs to the joint appropriations committee and the

1 governor. Based upon reports submitted under W.S.  
2 21-15-119 and 21-15-121, the select committee may report  
3 recommendations to the legislature including any necessary  
4 implementing legislation;

5

6 (vi) Consult with the state building commission  
7 regarding budget recommendations and proposed legislation  
8 for state facility needs as provided in W.S. 9-5-108 and  
9 for community college facility needs as provided in W.S.  
10 21-18-225;

11

12 ~~(vi)~~(vii) Review school facilities commission  
13 and state building commission proposals for rules and  
14 regulations and provide recommendations to the pertinent  
15 commission concerning the proposed regulations.

16

17 (c) The state construction department shall:

18

19 (i) Provide the select committee with notice of  
20 all school facilities commission and state building  
21 commission meetings;

22

1           (ii) Provide the select committee with school  
2 facilities commission and department reports and studies  
3 pertaining to school building and facility maintenance and  
4 remediation projects, state facility projects and community  
5 college facility projects;

6  
7           (iii) Provide information to the select  
8 committee upon request to assist the select committee in  
9 monitoring progress under paragraph (b)(iii) of this  
10 section and in reviewing budget recommendations under  
11 ~~paragraph~~ paragraphs (b)(v) and (vi) of this section;

12  
13           (d) The select committee may review the budgets:

14  
15           (i) Prepared by the school facilities commission  
16 for each separate project contained within the total budget  
17 request submitted under W.S. 21-15-119 and may request  
18 additional documentation associated with the development of  
19 the project for inclusion within the budget request i-

20  
21           (ii) Prepared by the state building commission  
22 and the state construction department for state facility

1 projects under W.S. 9-5-107 and 9-5-108 and for community  
2 college facility projects under W.S. 21-18-225;

3

4 (iii) Prepared by any state agency for facility  
5 projects undertaken by the agency independent of the state  
6 building commission as provided in W.S. 9-5-107(e).

7

8 **Section 2.** W.S. 28-11-301(b)(ii) is repealed.

9

10 **Section 3.** The construction management division of  
11 the state construction department shall conduct a study on  
12 potential routine maintenance programs for facilities of  
13 the community colleges and of agencies, boards, commissions  
14 and other instrumentalities of the state, including the  
15 University of Wyoming. The department shall examine how to  
16 develop routine maintenance programs designed to increase  
17 efficiency in buildings operations. This shall include an  
18 examination of potential maintenance standards, maintenance  
19 reporting software, staffing and training requirements and  
20 condition assessments. The department shall report the  
21 conclusions of its study to the select committee on school  
22 facilities and state capital construction by September 1,  
23 2021.

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2           **Section 4.** There is appropriated thirty thousand  
3 dollars (\$30,000.00) from the general fund to the  
4 legislative service office for purposes of providing  
5 salary, mileage and per diem to voting and nonvoting  
6 members of the select committee on school facilities and  
7 state capital construction. This appropriation shall be  
8 for the period beginning with the effective date of this  
9 act and ending June 30, 2022.

10

11           **Section 5.** This act is effective immediately upon  
12 completion of all acts necessary for a bill to become law  
13 as provided by Article 4, Section 8 of the Wyoming  
14 Constitution.

15

16

(END)