

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. The
19 select committee on school facilities and state capital
20 construction may provide recommended modifications to the
21 agency not later than October 1. The agency shall provide
22 any modifications to the assessment or other response to
23 the select committee's recommendations to the state

1 building commission for inclusion in the commission's
2 report to the legislature. The rules adopted by the
3 commission under subsection (d) of this section shall be
4 used as guidelines for the management of state buildings
5 assigned by statute to other state agencies including the
6 University of Wyoming, community college districts,
7 department of transportation, game and fish commission and
8 state institutions.

9

10 **9-5-108. Development of building projects;**
11 **rehabilitation of building projects.**

12

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

22

1 (i) Level I reconnaissance studies shall, to the
2 extent possible:

3
4 (J) Following consultation with the select
5 committee on school facilities and state capital
6 construction, contain the commission's recommendation to
7 the legislature whether to terminate further consideration
8 of the proposed project or to continue the project at its
9 current level of study, or to proceed with further activity
10 under paragraph (ii), (iii) or (iv) of this subsection.

11
12 (ii) Level II feasibility studies shall to the
13 extent possible:

14
15 (J) Include draft legislation describing in
16 detail the construction, operation and financing of the
17 proposed project. The draft legislation shall be developed
18 in consultation with the select committee on school
19 facilities and state capital construction.

20
21 (b) State agencies shall cooperate fully with the
22 commission in the preparation of the studies. In the
23 execution of these activities, the commission shall:

1

2 (v) Perform any other related activities or
3 functions relevant and appropriate to the completion of the
4 feasibility study;~~and~~

5

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

8

9 (A) Of any public hearing or meeting
10 conducted under this subsection or subsection (a) of this
11 section;

12

13 (B) Prior to exercising the power of
14 eminent domain or entering into any contract or agreement
15 under the authority of paragraph (a)(iii) of this section.

16

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

23

1 **21-15-109. Major building and facility repair and**
2 **replacement payments; computation; square footage**
3 **allowance; use of payment funds; accounting and reporting**
4 **requirements.**

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

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

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

11

12 **21-15-114. School facilities commission powers and**
13 **duties.**

14

15 (a) The school facilities commission shall:

16

17 (xv) With prior consultation with the select
18 committee on school facilities and state capital
19 construction, promulgate necessary rules and regulations to
20 administer and implement this act.

21

22 **21-15-115. Statewide standards for school building**
23 **and facility adequacy; adequacy assessment.**

1

2 (c) The commission shall not less than once every
3 four (4) years, review and evaluate the building and
4 facility adequacy standards established under subsection
5 (a) of this section. Review and evaluation of the standards
6 shall include the identification of local enhancements to
7 buildings and facilities during this review and evaluation
8 period, and based upon criteria and procedures developed by
9 the commission, a determination as to whether and how any
10 local enhancements should be incorporated into the
11 statewide standards. The review and evaluation under this
12 subsection shall extend to components of the annual
13 evaluation of school buildings, the facility remediation
14 schedule and the needs prioritization process established
15 by the commission under W.S. 21-15-117. Findings and
16 recommendations pursuant to this subsection shall be
17 reported to the select committee on school facilities and
18 state capital construction before the next convening date
19 of the legislative session immediately following completion
20 of the review and evaluation, and shall specifically
21 address any need to expand the needs assessment, to conduct
22 a reassessment of building and facility adequacy or to
23 modify the needs prioritization process.

1

2 **21-15-117. Annual evaluation of school buildings and**
3 **facilities; remediation schedule; needs prioritization;**
4 **combining facilities; implementation of remedy.**

5

6 (c) In determining the most cost effective method in
7 meeting capital construction needs in order to deliver
8 quality educational services, the commission in
9 consultation with the select committee on school facilities
10 and state capital construction, may recommend consolidating
11 educational facilities within, between or among school
12 districts. The legislature shall approve any consolidation
13 of educational facilities between two (2) or more school
14 districts.

15

16 **21-15-119. Commission budget and funding**
17 **recommendations.**

18

19 (a) Notwithstanding W.S. 9-2-1012, the commission
20 shall annually, not later than September 1, develop and
21 submit a recommended budget for projects and school capital
22 construction financing to the governor, through the budget
23 division of the department of administration and

1 information and to the select committee on school
2 facilities and state capital construction. The department
3 shall prepare and provide information as requested by the
4 commission. The commission shall include with its
5 recommended budget to the select committee the
6 comprehensive assessment specified in W.S. 21-15-115(b),
7 the prioritized list of projects specified in W.S.
8 21-15-117 including the amounts allocated to each project
9 and the annual building status report specified under W.S.
10 21-15-121. The recommended budget submitted by the
11 commission shall include:

12

13 **21-15-121. Annual school building status report to**
14 **select committee on state capital construction.**

15

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

23

1 **21-18-225. College maintenance and capital**
2 **construction funding.**

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

1 information. College building maintenance budget requests
2 submitted by the state construction department to the
3 legislature and capital construction budget requests
4 forwarded by the state building commission to the
5 legislature shall include only necessary building square
6 footage:

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 department. In
12 accordance with W.S. 9-5-108(a)(ii), the state construction
13 department shall review, analyze and study construction
14 needs prioritized under subsection (d) of this section and
15 conduct necessary value engineering analysis, schematic
16 design review, safety and security assessments and other
17 analysis and review prior to submission of recommendations
18 to the state building commission. The department's
19 recommendations shall be submitted to the select committee
20 on school facilities and state capital construction at the
21 same time the recommendations are submitted to the state
22 building commission. In consultation with the select
23 committee, the state building commission shall consider and

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

22

23

ARTICLE 3

1 SELECT COMMITTEE ON SCHOOL FACILITIES AND STATE CAPITAL
2 CONSTRUCTION

3
4 **28-11-301. Appointment of members; powers and duties;
5 related duties of school facilities commission.**

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

1 order to facilitate the committee's functions generally or
2 to attend meetings and to serve as nonvoting members for
3 the select committee's or a subcommittee's consideration of
4 any project proposed to be situated within the geographic
5 boundaries of the members' district or that may be of
6 particular interest to the members.

7
8 (b) The select committee shall:

9
10 (i) Select from among its members ~~a chairman and~~
11 ~~vice chairman~~ liaisons to the state building commission.
12 The co-chairmen of the committee may establish
13 subcommittees of the select committee to monitor specific
14 state facility projects;

15
16 (iii) Monitor:

17
18 (A) The assessment of statewide school
19 facility needs, prioritization of these needs and
20 remediation of identified needs, as undertaken by the
21 school facilities commission and the state construction
22 department pursuant to title 21 of Wyoming statutes;

23

1 (B) The needs assessments for state
2 facilities, prioritization of these needs and remediation
3 of identified needs through development of projects as
4 undertaken by the state building commission and state
5 construction department pursuant to W.S. 9-5-107 and
6 9-5-108;

7
8 (C) The construction plans and activities
9 of any other state agency for state facilities managed
10 independently of the state building commission;

11
12 (D) The development, prioritization and
13 recommendations for funding community college facility
14 needs by the state construction department and the state
15 building commission pursuant to W.S. 21-18-225.

16
17 (iv) Develop knowledge and expertise among its
18 members regarding issues pertaining to the state building
19 commission, school facilities and commission and state
20 construction department programs and procedures to maintain
21 statewide facility adequacy for schools and to address
22 state facility and community college facility needs;

23

1 (v) Not later than November 1 of each year,
2 prepare and submit budget recommendations based upon
3 information reported by the school facilities commission
4 and the state construction department under W.S. 21-15-119
5 and 21-15-121, addressing statewide building and facility
6 needs to the joint appropriations committee and the
7 governor. Based upon reports submitted under W.S.
8 21-15-119 and 21-15-121, the select committee may report
9 recommendations to the legislature including any necessary
10 implementing legislation;

11

12 (vi) Consult with the state building commission
13 regarding budget recommendations and proposed legislation
14 for state facility needs as provided in W.S. 9-5-108 and
15 for community college facility needs as provided in W.S.
16 21-18-225;

17

18 ~~(vi)~~(vii) Review school facilities commission
19 and state building commission proposals for rules and
20 regulations and provide recommendations to the pertinent
21 commission concerning the proposed regulations.

22

23 (c) The state construction department shall:

1

2 (i) Provide the select committee with notice of
3 all school facilities commission and state building
4 commission meetings;

5

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

11

12 (iii) Provide information to the select
13 committee upon request to assist the select committee in
14 monitoring progress under paragraph (b)(iii) of this
15 section and in reviewing budget recommendations under
16 ~~paragraph~~ paragraphs (b)(v) and (vi) of this section;

17

18 (d) The select committee may review the budgets:

19

20 (i) Prepared by the school facilities commission
21 for each separate project contained within the total budget
22 request submitted under W.S. 21-15-119 and may request

1 additional documentation associated with the development of
2 the project for inclusion within the budget request~~i-~~

3

4 (ii) Prepared by the state building commission
5 and the state construction department for state facility
6 projects under W.S. 9-5-107 and 9-5-108 and for community
7 college facility projects under W.S. 21-18-225;

8

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

12

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

14

15 **Section 3.** The construction management division of
16 the state construction department shall conduct a study on
17 potential routine maintenance programs for facilities of
18 the community colleges and of agencies, boards, commissions
19 and other instrumentalities of the state, including the
20 University of Wyoming. The department shall examine how to
21 develop routine maintenance programs designed to increase
22 efficiency in buildings operations. This shall include an
23 examination of potential maintenance standards, maintenance

1 reporting software, staffing and training requirements and
2 condition assessments. The department shall report the
3 conclusions of its study to the select committee on school
4 facilities and state capital construction by September 1,
5 2021.

6

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

15

16 **Section 5.** This act is effective immediately upon
17 completion of all acts necessary for a bill to become law
18 as provided by Article 4, Section 8 of the Wyoming
19 Constitution.

20

21

(END)