

SENATE FILE NO. SF0103

State capital construction.

Sponsored by: Senator(s) Perkins, Hicks, Landen, Moniz and
Schuler and Representative(s) Kirkbride,
Nicholas, Obermueller, Stith, Sweeney and
Walters

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; renaming the select committee; authorizing
5 additional temporary members of the committee; specifying the
6 expanded duties of the committee; repealing requirement for
7 quarterly meetings; and providing for an effective date.

8

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

10

11 **Section 1.** W.S. 9-2-1013(d)(i), 9-2-3004(c)(viii),
12 9-5-107(b),(c) and (e), 9-5-108(a)(intro), (i)(J), (ii)(J),
13 (b)(v), by creating a new paragraph (vii) and (c),
14 21-15-109(e), 21-15-114(a)(xv), 21-15-115(c), 21-15-117(c),

1 21-15-119(a)(intro), 21-15-121(a)(intro),
 2 21-18-225(a)(intro) and (g), 28-11-301(a), (b)(i), (iii),
 3 (iv) by creating a new paragraph (vi), by amending and
 4 renumbering (vi) as (vii), (c)(i) through (iii) and (d) are
 5 amended to read:

6

7 **9-2-1013. State budget; distribution of copies to**
 8 **legislators; copies and reports of authorizations; interfund**
 9 **loans.**

10

11 (d) In addition to the items contained in subsection
 12 (a) of this section and notwithstanding any other
 13 recommendations made by the governor, the state budget shall
 14 also include the governor's recommendations for
 15 appropriations for the ensuing two (2) years, or if a
 16 supplemental budget request, the remainder of the budget
 17 period, subject to the following:

18

19 (i) The state budget shall include the governor's
 20 recommendations for a total appropriation from the school
 21 foundation program account and based upon recommendations of
 22 the select committee on school facilities and state capital
 23 construction committee under W.S. 28-11-301, a total

1 appropriation for school capital construction purposes for
2 both fiscal years;

3

4 **9-2-3004. Duties of the department.**

5

6 (c) The department shall:

7

8 (viii) Review the final design, drawings and plans
9 of any capital construction project prior to commencing with
10 bidding to ensure that energy efficient best practice
11 techniques and processes are included in the design of any
12 capital construction project funded with federal funds and
13 for which the state is required to expend state funds to fully
14 or partially pay for operations, routine maintenance or major
15 maintenance expenses for the facility. Upon conclusion of
16 each review, the department shall submit a report of findings
17 to the joint appropriations committee and the ~~joint~~
18 ~~transportation, highways and military affairs interim~~ select
19 committee on school facilities and state capital
20 construction.

21

1 **9-5-107. Duties and responsibilities with respect to**
2 **state buildings; state capital construction needs assessment**
3 **and priorities.**

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

19
20 (c) On or before December 1 of each year, the commission
21 shall provide copies of the needs assessment and statewide
22 construction and renovation priorities established under this
23 section, together with any recommendations of the select

1 committee on school facilities and state capital construction
2 and the commission's response to the recommendations, to
3 members of the legislature.
4

5 (e) Rules and procedures adopted under this section by
6 the state building commission shall be applicable to all state
7 owned buildings unless the operation, management and use of
8 the building has been assigned by statute to a specific state
9 agency. On or before September 1 of each year the agency
10 responsible for the operation and management of a state
11 building exempted by the provisions of this subsection, shall
12 provide the assessment required by subsections (a) through
13 (c) of this section to the select committee on school
14 facilities and state capital construction and to the state
15 building commission. The select committee on school
16 facilities and state capital construction may provide
17 recommended modifications to the agency not later than
18 November 1. The agency shall provide any modifications to
19 the assessment or other response to the committee's
20 recommendations to the state building commission for
21 inclusion in the commission's report to the legislature. The
22 rules adopted by the commission under subsection (d) of this
23 section shall be used as guidelines for the management of

1 state buildings assigned by statute to other state agencies
2 including the University of Wyoming, community college
3 districts, department of transportation, game and fish
4 commission and state institutions.

5

6 **9-5-108. Development of building projects;**
7 **rehabilitation of building projects.**

8

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

18

19 (i) Level I reconnaissance studies shall, to the
20 extent possible:

21

22 (J) Following consultation with the select
23 committee on school facilities and state capital

1 construction, contain the commission's recommendation to the
2 legislature whether to terminate further consideration of the
3 proposed project or to continue the project at its current
4 level of study, or to proceed with further activity under
5 paragraph (ii), (iii) or (iv) of this subsection.

6

7 (ii) Level II feasibility studies shall to the
8 extent possible:

9

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

15

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

19

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

23

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

3
4 (A) Of any public hearing or meeting
5 conducted under this subsection or subsection (a) of this
6 section:

7
8 (B) Prior to exercising the power of eminent
9 domain or entering into any contract or agreement under the
10 authority of paragraph (a)(iii) of this section.

11
12 (c) The commission may suspend the expenditure of time
13 or funds on a project at any level of activity, if it is
14 established that it would be in the public interest. The
15 commission shall report the reason for any suspension of
16 activity to the ~~legislature~~select committee on school
17 facilities and state capital construction.

18
19 **21-15-109. Major building and facility repair and**
20 **replacement payments; computation; square footage allowance;**
21 **use of payment funds; accounting and reporting requirements.**

22

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

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

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

5

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

8

9 (a) The school facilities commission shall:

10

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

15

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

18

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

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

7

8 **21-15-119. Commission budget and funding**
9 **recommendations.**

10

11 (a) Notwithstanding W.S. 9-2-1012, the commission shall
12 annually, not later than September 1, develop and submit a
13 recommended budget for projects and school capital
14 construction financing to the governor, through the budget
15 division of the department of administration and information
16 and to the select committee on school facilities and state
17 capital construction. The department shall prepare and
18 provide information as requested by the commission. The
19 commission shall include with its recommended budget to the
20 select committee the comprehensive assessment specified in
21 W.S. 21-15-115(b), the prioritized list of projects specified
22 in W.S. 21-15-117 including the amounts allocated to each
23 project and the annual building status report specified under

1 W.S. 21-15-121. The recommended budget submitted by the
2 commission shall include:

3

4 **21-15-121. Annual school building status report to**
5 **select committee on state capital construction.**

6

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

14

15 **21-18-225. College maintenance and capital**
16 **construction funding.**

17

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

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

20

21 (g) Upon prioritizing community college construction
22 needs under subsection (d) of this section, the commission
23 shall not later than June 1 of each year, report the

1 prioritized list to the state construction department. In
2 accordance with W.S. 9-5-108(a)(ii), the state construction
3 department shall review, analyze and study construction needs
4 prioritized under subsection (d) of this section and conduct
5 necessary value engineering analysis, schematic design
6 review, safety and security assessments and other analysis
7 and review prior to submission of recommendations to the state
8 building commission. The department's recommendations shall
9 be submitted to the select committee on school facilities and
10 state capital construction at the same time. In consultation
11 with the select committee, the state building commission
12 shall consider and incorporate prioritized construction needs
13 recommendations into legislation requesting necessary
14 funding, developed under W.S. 9-5-108(a)(ii)(J), for
15 submission to the legislature for review, authorization and
16 approval. The legislation shall also include a separate
17 appropriation for contingency costs associated with
18 recommended construction projects and a separate
19 appropriation for administrative costs of the state
20 construction department for management of the recommended
21 construction projects as required by subsection (j) of this
22 section. The state construction department shall submit a
23 separate budget request for project design and planning funds

1 to be available to assist community colleges with costs
2 incurred in developing and providing necessary plans, designs
3 and other information to the state construction department
4 for purposes of this subsection. This request shall also
5 include funds for major maintenance for the square footage
6 reported by the commission under subsection (f) of this
7 section. The state construction department shall consult with
8 the community college commission in developing
9 recommendations under this subsection.

10

11 ARTICLE 3

12

13 SELECT COMMITTEE ON STATE CAPITAL CONSTRUCTION

14

15

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

18

19 (a) Not later than March 31 following each general
20 session, the president of the senate shall appoint five (5)
21 members of the senate and the speaker of the house shall
22 appoint five (5) members of the house to a select committee
23 on school facilities and state capital construction.

Appointments to the committee by each presiding officer shall
reflect as nearly as possible the percentage of the elected

1 membership of the majority and minority parties of each house,
2 provided that not more than four (4) members appointed by
3 each presiding officer shall be from the same political party.
4 The president and speaker may additionally each authorize one
5 (1) member of their respective houses to attend committee
6 meetings and to serve as a nonvoting member of the committee
7 for the committee's consideration of any project proposed to
8 be situated within the geographic boundaries of the member's
9 district.

10

11 (b) The select committee shall:

12

13 (i) Select from among its voting members a
14 chairman and vice-chairman;

15

16 (iii) Monitor:

17

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

23

1 (B) The needs assessments for state
2 facilities, prioritization of these needs and remediation of
3 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 9-5-108;
6

7 (C) The development, prioritization and
8 recommendations for funding community college facility needs
9 by the state construction department and the state building
10 commission pursuant to W.S. 21-18-225.
11

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

19 (vi) Consult with the state building commission
20 regarding budget recommendations and proposed legislation for
21 state facility needs as provided in W.S. 9-5-108 and for
22 community college facility needs as provided in W.S.
23 21-18-225;

1

2 ~~(vi)~~(vii) Review school facilities commission and
3 state building commission proposals for rules and regulations
4 and provide recommendations to the pertinent commission
5 concerning the proposed regulations.

6

7 (c) The state construction department shall:

8

9 (i) Provide the select committee with notice of
10 all school facilities commission and state building
11 commission meetings;

12

13 (ii) Provide the committee with school facilities
14 commission and department reports and studies pertaining to
15 school building and facility remediation projects, state
16 facility projects and community college facility projects;

17

18 (iii) Provide information to the select committee
19 upon request to assist the select committee in monitoring
20 progress under paragraph (b)(iii) of this section and in
21 reviewing budget recommendations under ~~paragraph~~paragraphs
22 (b)(v) and (vi) of this section;

23

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

2

3 (i) Prepared by the school facilities commission
4 for each separate project contained within the total budget
5 request submitted under W.S. 21-15-119 and may request
6 additional documentation associated with the development of
7 the project for inclusion within the budget request;

8

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

13

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

17

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

19

20 **Section 3.** This act is effective July 1, 2019.

21

22

(END)