

SENATE FILE NO. SF0015

Community college major maintenance.

Sponsored by: Joint Appropriations Interim Committee

A BILL

for

1 AN ACT relating to community colleges; modifying community
2 college major maintenance provisions; providing for
3 uniformity in the calculations for major maintenance
4 funding for community colleges; correcting references;
5 authorizing rulemaking; and providing for an effective
6 date.

7

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

9

10 **Section 1.** W.S. 9-5-107 by creating new subsections
11 (g) and (h) and 21-18-225(a), (e) through (g), (j), (k) and
12 by creating a new subsection (m) are amended to read:

13

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

17

1 (g) The state building commission shall adopt a
2 formula for major building and facility repair and
3 replacement for community college facilities. The formula
4 shall:

5
6 (i) Be based on the gross square footage of
7 buildings and facilities for not more than seven (7)
8 categories of buildings and shall:

9
10 (A) Include only buildings providing
11 education programs comprising the statewide college system
12 strategic plan developed and maintained under W.S.
13 21-18-202(a)(v);

14
15 (B) Specifically exclude student housing,
16 student unions and auxiliary services areas funded
17 exclusively through community college generated revenues.

18
19 (ii) Use a multiplier to maintain facilities in
20 fair condition based on criteria from organizations with
21 expertise in the area of major maintenance funding;

22
23 (iii) Otherwise be computed in the same manner
24 as for major maintenance for school facilities under W.S.

1 21-15-109, including using the most current edition of the
2 R.S. Means construction cost index, as modified to reflect
3 current Wyoming construction costs determined by the
4 department of administration and information, division of
5 economic analysis, to calculate replacement cost.

6
7 (h) As used in this section "major building and
8 facility repair and replacement" means the repair or
9 replacement of complete or major portions of building and
10 facility systems at irregular intervals which is:

11
12 (i) Required to continue the use of the building
13 or facility at its original capacity for its original
14 intended use, including for compliance with the Americans
15 with Disabilities Act, and including installing fire
16 suppression systems in residential facilities; and

17
18 (ii) Typically accomplished by contractors due
19 to the personnel demand to accomplish the work in a timely
20 manner, the level of sophistication of the work or the need
21 for warranted work.

22
23 **21-18-225. College maintenance and capital**
24 **construction funding.**

1

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

1 to the legislature and capital construction budget requests
2 forwarded by the state building commission to the
3 legislature shall include only necessary building square
4 footage:

5

6 (i) Required for provision of those education
7 programs comprising the statewide college system strategic
8 plan developed and maintained under W.S. 21-18-202 (a) (v) ;
9 and

10

11 (ii) For major maintenance, exclude student
12 housing, student unions and auxiliary services areas funded
13 exclusively through college generated revenues.

14

15 (e) The commission may modify construction needs
16 prioritized under subsection (d) of this section in any
17 subsequent fiscal year as necessary to address statewide
18 needs as substantiated by data, condition assessments,
19 needs analysis and other information assembled by the
20 commission under this section. Needs receiving a lower
21 priority than previously assigned may be removed or
22 reprioritized by the commission. Construction needs
23 modified under this subsection shall be reported to the
24 construction management program of the general services

1 division of the department of administration and
2 information.

3

4 (f) In addition to subsection (d) of this section and
5 on or before ~~August~~June 1 of each odd-numbered year, the
6 commission shall report college building square footage to
7 the construction management program within the general
8 services division of the department of administration and
9 information as necessary for computation of major
10 maintenance funds for community college buildings. The
11 reported square footage shall be restricted to that square
12 footage necessary for the delivery of education programs
13 comprising the statewide college system strategic plan and
14 exclude student housing, student unions and auxiliary
15 services areas funded exclusively through college generated
16 revenues.

17

18 (g) Upon prioritizing community college construction
19 needs under subsection (d) of this section, the commission
20 shall not later than ~~August~~June 1 of each year, report the
21 prioritized list to the construction management program of
22 the general services division of the department of
23 administration and information. In accordance with W.S.
24 9-5-108(a)(ii), the construction management division

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

1 reported by the commission under subsection (f) of this
2 section. The construction management ~~division~~program shall
3 consult with the community college commission in developing
4 recommendations under this subsection.

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

1 specified by ~~division~~department of administration and
2 information rule and regulation, clearly prescribing a
3 process for ~~division~~program review and approval of project
4 plans and specifications, project development and project
5 changes and change orders. In carrying out duties under
6 this subsection, the ~~division~~construction management
7 program may execute powers prescribed under W.S.
8 9-5-108(a)(iii) in coordination with the state building
9 commission and the appropriate community college district.
10 No scheduled payment shall be made by the construction
11 management ~~division~~program without compliance with the
12 prescribed process.

13

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

22

23 (m) Notwithstanding any provision of law enacted
24 prior to January 1, 2014, biennial budget requests

1 submitted for major maintenance funding for community
2 college capital construction facilities authorized by the
3 legislature shall be calculated as provided in this
4 section.

5

6 **Section 2.** This act is effective immediately upon
7 completion of all acts necessary for a bill to become law
8 as provided by Article 4, Section 8 of the Wyoming
9 Constitution.

10

11

(END)