

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), (b) by creating a new
12 paragraph (iv), (e) through (g), (j), (k) and by creating a
13 new subsection (m) are amended to read:

14

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

1

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

6

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

10

11 (A) Include only buildings providing
12 education programs comprising the statewide college system
13 strategic plan developed and maintained under W.S.
14 21-18-202(a)(v);

15

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

19

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

24

1 (iii) Otherwise be computed in the same manner
2 as for major maintenance for school facilities under W.S.
3 21-15-109, including using the most current edition of the
4 R.S. Means construction cost index, as modified to reflect
5 current Wyoming construction costs determined by the
6 department of administration and information, division of
7 economic analysis, to calculate replacement cost.

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

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

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

24

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

1 information. College building maintenance budget requests
2 submitted by the construction management ~~division~~ program
3 to the 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 (i) Required for provision of those education
9 programs comprising the statewide college system strategic
10 plan developed and maintained under W.S. 21-18-202(a)(v) ;
11 and

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

16
17 (b) To carry out this section and in accordance with
18 rules and regulations of the state building commission
19 promulgated under W.S. 9-5-107(d) and (e) serving as
20 guidelines for implementation and administration of this
21 section, the commission shall establish and maintain:

22
23 (iv) Methodologies which require a seven (7)
24 year phase-in period for major maintenance following the

1 new construction of a community college facility. The
2 phase-in period shall be as follows:

3

4 (A) Year one (1) - zero percent (0%);

5

6 (B) Year two (2) - ten percent (10%);

7

8 (C) Year three (3) - ten percent (10%);

9

10 (D) Year four (4) - forty percent (40%);

11

12 (E) Year five (5) - sixty percent (60%);

13

14 (F) Year six (6) - eighty percent (80%);

15

16 (G) Year seven (7) and thereafter - one
17 hundred percent (100%).

18

19 (e) The commission may modify construction needs
20 prioritized under subsection (d) of this section in any
21 subsequent fiscal year as necessary to address statewide
22 needs as substantiated by data, condition assessments,
23 needs analysis and other information assembled by the
24 commission under this section. Needs receiving a lower

1 priority than previously assigned may be removed or
2 reprioritized by the commission. Construction needs
3 modified under this subsection shall be reported to the
4 construction management program of the general services
5 division of the department of administration and
6 information.

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

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

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

1 in developing and providing necessary plans, designs and
2 other information to the general services division for
3 purposes of this subsection. This request shall also
4 include funds for major maintenance for the square footage
5 reported by the commission under subsection (f) of this
6 section. The construction management ~~division~~program shall
7 consult with the community college commission in developing
8 recommendations under this subsection.

9

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

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

17

18 (k) Appropriations for major maintenance shall be
19 distributed by the construction management ~~division~~program
20 within the general services division of the department of
21 administration and information to community colleges in
22 amounts determined by the funding formula developed by the
23 ~~general services division~~state building commission,

1 subject to restrictions imposed on qualifying square
2 footage pursuant to this section.

3

4 (m) Notwithstanding any provision of law enacted
5 prior to January 1, 2014, biennial budget requests
6 submitted for major maintenance funding for community
7 college capital construction facilities authorized by the
8 legislature shall be calculated as provided in this
9 section.

10

11 **Section 2.** 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)