

HOUSE BILL NO. HB0114

Community colleges-amendments.

Sponsored by: Joint Education Interim Committee

A BILL

for

1 AN ACT relating to community colleges; establishing a
2 statewide college system operations and facility funding
3 mechanism based upon a prescribed system wide strategic
4 planning process attaching state funding to state
5 interests; providing for system operational budgeting and
6 program approval and termination aligned with strategic
7 planning; accordingly aligning system components and system
8 accountability measures; creating a mechanism for
9 prioritizing and funding system capital construction needs;
10 modifying facility major maintenance funding and
11 accordingly restricting use of specified revenues;
12 delegating authority and imposing duties upon the community
13 college commission, the department of administration and
14 information and upon community college districts; granting
15 rulemaking authority; imposing reporting requirements;
16 prescribing initial strategic plan development; providing
17 transitional funding thresholds and funding considerations;

1 providing appropriations and authorizing positions; and
2 providing for effective dates.

3

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

5

6 **Section 1.** W.S. 21-18-225 is created to read:

7

8 **21-18-225. College maintenance and capital**
9 **construction funding.**

10

11 (a) As part of its administrative functions, the
12 community college commission shall forward prioritized
13 community college building needs for development of capital
14 construction budget recommendations by the state building
15 commission in accordance with this section. The community
16 college commission 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 made upon forms and in a format specified
20 by the budget division of the department of administration
21 and information. College building maintenance budget
22 requests submitted by the commission and capital
23 construction budget requests forwarded by the state
24 building commission shall include only necessary building

1 square footage required for provision of those education
2 programs comprising the statewide college system strategic
3 plan developed and maintained under W.S. 21-18-202(a)(v).

4

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

10

11 (i) A statewide community college building data
12 base comprised of building inventory, specific building
13 condition, square footage, usage, space utilization and
14 building capacity data;

15

16 (ii) Statewide planning and reporting criteria
17 and guidelines for use by community college districts in
18 developing and maintaining comprehensive long-range plans
19 for district building needs as required under W.S.
20 21-18-304(a)(xi), providing necessary guidance to college
21 districts for separating future building space needs and
22 requests attached to the statewide college system strategic
23 plan from other district space requests;

24

1 (iii) Methodologies for use by community college
2 districts in computing future student enrollments, building
3 space demands and future building needs in establishing
4 long-range plans addressing district building needs.

5
6 (c) The commission shall conduct and maintain a
7 comprehensive assessment of community college buildings and
8 future space requirements as defined by the statewide
9 strategic plan. The comprehensive building assessment
10 shall be designed and maintained to provide timely and
11 uniform statewide data on building condition and building
12 longevity and future space requirements. The needs
13 assessment shall be revised annually to reflect current
14 conditions and shall be capable of providing data
15 sufficient to accommodate a five (5) year planning cycle.

16
17 (d) On or before November 1 of each year, the
18 commission shall, based upon the assessment performed under
19 subsection (c) of this section and upon facility plans and
20 annual reports submitted by each college pursuant to W.S.
21 21-18-304(a)(xi), prioritize community college construction
22 needs for the current fiscal year and the succeeding four
23 (4) fiscal years based upon:

24

1 (i) Criteria for statewide capacity for education
2 programs aligned to the statewide college system strategic
3 plan;

4
5 (ii) Analysis of student enrollment changes based
6 upon commission approved enrollment projection methodology,
7 to determine the need for changes in statewide building
8 capacities over time for delivering statewide education
9 program needs identified within the strategic plan;

10

11 (iii) A methodology and process established by
12 the commission for identifying the most critical building
13 needs.

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

1 general services division of the department of
2 administration and information.

3

4 (f) In addition to subsection (d) of this section and
5 on or before November 1 of each year, the commission shall
6 report college building square footage to the general
7 services division of the department of administration and
8 information as necessary for computation of major building
9 and facility repair and replacement funds for community
10 college buildings. The reported square footage shall be
11 restricted to that square footage necessary for the
12 delivery of education programs comprising the statewide
13 college system strategic plan.

14

15 (g) Upon prioritizing community college construction
16 needs under subsection (d) of this section, the commission
17 shall not later than November 15 of each year, report the
18 prioritized list to the general services division of the
19 department of administration and information. In
20 accordance with W.S. 9-5-108(a)(ii), the general services
21 division shall review, analyze and study construction needs
22 prioritized under subsection (d) of this section and
23 conduct necessary value engineering analysis, schematic
24 design review, safety and security assessments and other

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

22

23 (h) The community college commission shall provide
24 copies of the needs assessment, construction priorities and

1 major maintenance square footage established under this
2 section to members of the legislature on or before December
3 1 of each year.

4
5 (j) Subject to amounts made available by legislative
6 appropriation and to any conditions which may be attached
7 to appropriation expenditures, the commission shall
8 distribute state funds for building construction approved
9 and authorized by the legislature. Distributions of state
10 funds for any approved and authorized construction project
11 shall be in accordance with payment schedules established
12 by rule and regulation of the commission. Payments by the
13 commission shall be contingent upon the receipt of any
14 local district funding for the capital construction project
15 as may be required by legislative authorization, and shall
16 also include the written approval of the general services
17 division, department of administration and information, of
18 prescribed phases of the construction project and the
19 completion of certain project phases. Construction phases
20 for which approval of the division is required shall be
21 specified by commission rule and regulation, clearly
22 prescribing a process for division review and approval of
23 project plans and specifications, project development and
24 project changes and change orders. In carrying out duties

1 under this subsection, the division may execute powers
2 prescribed under W.S. 9-5-108(a)(iii) in coordination with
3 the commission and the appropriate community college
4 district. No scheduled payment shall be made by the
5 commission without the approval of the division as required
6 by the prescribed process.

7

8 (k) Appropriations for major building and facility
9 repair and replacement shall be distributed by the
10 commission to community colleges in amounts determined by
11 the funding formula developed by the general services
12 division of the department of administration and
13 information, subject to restrictions imposed on qualifying
14 square footage pursuant to this section.

15

16 **Section 2.** W.S. 21-18-202(a) by creating a new
17 paragraph (v), (c)(ii), (d)(i), (ii), (e)(v)(A), (B),
18 (C)(intro) and by creating a new subsection (h),
19 21-18-203(a), 21-18-205(c), (e) and (f) and 21-18-304(a) by
20 creating a new paragraph (xi) are amended to read:

21

22 **21-18-202. Powers and duties of the commission.**

23

1 (a) The commission shall perform the following general
2 functions:

3

4 (v) Develop and maintain a statewide college
5 system strategic plan for the delivery of educational
6 programs in Wyoming by each college pursuant to subsection
7 (h) of this section.

8

9 (c) The commission shall perform the following
10 administrative functions:

11

12 (ii) In accordance with W.S. 21-18-203(a),
13 prepare budget requests for the operation and support of
14 the colleges and the commission, and pursuant to W.S.
15 21-18-225, prepare budget requests for major building and
16 facility repair and replacement;

17

18 (d) The commission shall perform the following
19 approval functions:

20

21 (i) Approve all new ~~credit certificate and degree~~
22 programs qualifying for state funding pursuant to the
23 statewide community college strategic plan developed under
24 subsection (h) of this section;

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(ii) Review existing ~~certificate and degree~~ programs, determine the most effective and efficient delivery of programs qualifying for state funding pursuant to the statewide community college system strategic plan and terminate state funding for those programs ~~with consistently low enrollment~~ which are inconsistent with the statewide community college system strategic plan;

(e) The commission shall perform the following review and report functions:

(v) (A) The commission shall provide annual reports to the legislature and governor on the performance of individual community colleges and the college system as well as on the achievement of statewide priorities as ~~defined by the legislature and as~~ specified in the statewide college system strategic plan. The commission and the colleges shall work together in a collaborative effort in defining the report formats and the methodology and data elements required in preparing the reports and a reasonable time line for completion of reports;

1 (B) For the reporting effort under this
2 paragraph, the commission shall maintain a management
3 information system and each community college shall
4 maintain accurate administrative records to provide the
5 necessary data to the commission for these studies and
6 reports. ~~The core measurements defined by the American~~
7 ~~Association of Community Colleges shall be used.~~ The
8 colleges shall provide the commission with all data
9 required in preparing each of the reports the commission
10 shall request. The commission and the colleges shall
11 safeguard all institutional and individual student record
12 data under the provisions of the Privacy Act of 1974 and
13 the Family Educational Rights and Privacy Act or subsequent
14 similar enactments;

15

16 (C) Reports provided by the commission to
17 the legislature and governor shall be attached with and
18 aligned to the college system performance benchmarks,
19 outcome measures and other performance indicators specified
20 in and defined by the strategic plan.

21

22 (h) The commission shall prior to the beginning of
23 each biennial budget period, review, update and modify the
24 statewide college system strategic plan. The plan shall

1 clearly prescribe the components of the educational program
2 and attach program components to statewide system
3 priorities. This plan shall serve as the basis for state
4 operational and capital construction budget requests and
5 funding of the statewide college system for the applicable
6 biennial budget period. In developing, reviewing and
7 updating the strategic plan, the commission shall:

8
9 (i) Consult with the seven (7) community
10 colleges, state and local governmental agencies and other
11 agencies and organizations representing state economic and
12 industry sectors;

13
14 (ii) Include mechanisms within the planning
15 process which assure statewide access to academic programs,
16 career-technical education and training programs, dual and
17 concurrent enrollment programs, remedial and continuing
18 education programs responding to needs of students,
19 employers and the state workforce, including program access
20 through outreach or coordinated electronic system
21 technology;

22
23 (iii) Develop performance benchmarks, outcome
24 measures and other performance indicators which serve as

1 the basis for annual reporting to the legislature and the
 2 governor under paragraph (e)(v) of this section, including
 3 but not limited to:

4
 5 (A) Student goal attainment and retention;

6
 7 (B) Persistence;

8
 9 (C) Degree and certificate completion
 10 rates;

11
 12 (D) Placement rate of graduates in the
 13 workforce;

14
 15 (E) Licensure and certification pass rates;

16
 17 (F) Demonstration of critical literacy
 18 skills;

19
 20 (G) Success in subsequent, related
 21 coursework;

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 23 (H) Number and rate of students who
 24 transfer.

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21-18-203. Budget procedure.

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(iv) Attach performance indicators to funding incentives to achieve established results.

(a) In collaboration with the boards of the community colleges, the commission shall submit state appropriation requests on behalf of the community college system in compliance with the statewide community college system strategic plan, which are based upon amounts appropriated to the system by the legislature for the biennial period immediately preceding the biennium for which the budget request is to be made. Exception budget requests may be made for any biennial budget period by the commission on behalf of the college system which are in addition to the prior period adjusted amount and unless otherwise specified by the commission, are limited exclusively to the fiscal period for which the request is submitted and shall not be included in any subsequent biennial budget request. The requests shall be made upon forms and in a format to be determined by the budget division of the department of administration and information.

1 **21-18-205. Appropriation and distribution of state**
2 **funds; restrictions; budget authority.**

3
4 (c) State funding for the assistance of community
5 colleges shall be appropriated to the community college
6 commission unless otherwise specified by law. Subject to
7 the provisions of this section, funds appropriated for each
8 biennium shall be distributed by the commission to
9 community colleges in amounts determined by a funding
10 allocation model adopted by rule of the commission. Funding
11 allocation model components for fixed and variable costs
12 shall be defined by and computed in accordance with
13 guidelines and procedures prescribed by rule and regulation
14 of the commission, applied to the distribution of state
15 appropriations for each biennial budget period and
16 recalibrated at a schedule specified by rule and regulation
17 of the commission, but in no event less than once every
18 four (4) years. The commission ~~may~~ shall maintain a
19 contingency reserve account in accordance with this
20 subsection utilizing any revenue derived under W.S.
21 9-4-601(b)(iv)(A) to be ~~distributed as a component of the~~
22 ~~funding allocation model~~ allocated to community colleges
23 for specific use by the colleges for emergency repairs and
24 preventive maintenance of building square footage required

1 for provision of those education programs comprising the
2 statewide college system strategic plan. If the
3 unobligated, unencumbered balance of the contingency
4 reserve account established under this subsection is at
5 least thirty-five million dollars (\$35,000,000.00) as of
6 July 1 of any fiscal year, the revenues under W.S.
7 9-4-601(b)(iv)(A) may be distributed by the commission in
8 the same manner as state appropriations for major building
9 and facility repair and replacement.

10
11 (e) The commission may by exception budget, request
12 additional state funding to be designated as special
13 purpose funding, accounted for and distributed separately
14 from distributions under the funding allocation model.
15 Special purpose funding under this subsection shall be
16 limited to amounts and for the period of time specified by
17 the legislature and shall not be included in any subsequent
18 biennial budget unless specifically requested by the
19 commission and approved by the legislature. Funds
20 appropriated pursuant to this subsection shall be
21 distributed in amounts and at times determined by the
22 commission, subject to the following:

23

1 (i) Special purpose funding, accounted for
2 separately, to be designated as adjustments to funding
3 allocation model distributions for the effects of
4 enrollment growth shall not be transferred to or expended
5 for any other purpose. Any amount of this special purpose
6 funding request remaining unexpended or unencumbered at the
7 end of the budget period for which appropriated shall
8 revert according to law;

9
10 (ii) Special purpose funding may be requested
11 under this subsection for use by the commission in funding
12 new programs addressing unanticipated and emerging
13 statewide needs during the biennial budget period which are
14 consistent with the statewide community college system
15 strategic plan. Funds appropriated by the legislature for
16 purposes of this paragraph shall be accounted for
17 separately and shall not be transferred or expended for any
18 other purpose or as part of state assistance under
19 subsection (c) of this section. Any unexpended or
20 unencumbered amount of special purpose funding under this
21 paragraph remaining at the end of the budget period for
22 which appropriated shall revert as provided by law.

23

1 (f) Up to eight percent (8%) of each community
2 college's unrestricted operating funds for a biennium may
3 be carried forward into the next biennium by each community
4 college. The cumulative total amount of unrestricted
5 operating funds carried forward from previous bienniums
6 under this subsection shall never exceed eight percent (8%)
7 of the community college's current biennium unrestricted
8 operating funds. Funds carried forward in accordance with
9 this subsection shall not lapse pursuant to W.S. 9-4-207
10 and commencing with the 2011-2012 biennium and each
11 biennium thereafter, a portion of the funds carried forward
12 shall be expended only for emergency needs, as defined by
13 rule and regulation of the commission and associated with
14 the operation of education programs included within the
15 statewide college system strategic plan. Determination of
16 the unrestricted operating funds carried forward under this
17 subsection which are subject to the expenditure limitation
18 imposed under this subsection shall, for each community
19 college, be based upon the proportion of that college's
20 total operating revenues comprised of state appropriations,
21 as computed for the immediately preceding fiscal year.

22

23 **21-18-304. District board generally; duties.**

24

1 (a) The community college district board shall:

2

3 (xi) Develop and maintain a comprehensive plan of
4 district buildings addressing district long-term building
5 needs, clearly distinguishing those building needs
6 associated with education space needs attached to the
7 statewide college system strategic plan developed by the
8 community college commission under W.S. 21-18-202(a)(v)
9 from other district needs which may be included within the
10 district's long-term plan. Building plans and capital
11 construction requests shall be submitted to the commission
12 in a form and format specified by commission rule and
13 regulation. In addition, the board shall provide planning,
14 design and other information required by the department of
15 administration and information under W.S. 21-18-225(g) and
16 shall cooperate with the department and the commission as
17 necessary to undertake any building construction project
18 receiving state funds and addressing needs prioritized by
19 the commission in accordance with W.S. 21-18-225.

20

21 **Section 3.** W.S. 21-18-202(b)(vii), (e)(v)(C)(I)
22 through (XIII) and (D) is repealed.

23

24 **Section 4.** [INITIAL STRATEGIC PLAN DEVELOPMENT]

1

2 (a) In executing W.S. 21-18-202(h), as amended by
3 section 2 of this act, and prior to development of
4 2011-2012 biennial budget requests required by W.S.
5 21-18-202(c)(ii), as amended by section 2 of this act, and
6 W.S. 21-18-225, as created by section 1 of this act, the
7 commission shall:

8

9 (i) Following discussions with and consideration
10 of contributions by the seven (7) community colleges, state
11 and local governmental agencies and other agencies and
12 organizations representing state economic and industry
13 sectors required under W.S. 21-18-202(h)(i), as amended
14 under section 2 of this act, report preliminary recommended
15 components of the statewide strategic plan to the governor,
16 to members of the joint appropriations and joint education
17 interim committees of the legislature and to members of the
18 community college planning task force created by 2008
19 Wyoming session laws, chapter 48, section 327;

20

21 (ii) Schedule and conduct a joint meeting of the
22 commission and representatives of the governor, the
23 legislative joint appropriations and joint education
24 interim committees and representatives of the community

1 college planning task force, for purposes of joint
2 consideration of the preliminary statewide strategic plan
3 components and state interests identified and incorporated
4 into the plan;

5

6 (iii) On or before July 31, 2009, prepare a draft
7 statewide strategic plan forwarded as result of the joint
8 meeting conducted in accordance with paragraph (ii) of this
9 subsection, which shall be of sufficient content and scope
10 to guide budget development under paragraph (iv) of this
11 subsection;

12

13 (iv) Utilize the draft statewide strategic plan
14 forwarded under paragraph (iii) of this subsection as the
15 basis for assembling 2011-2012 biennial budget
16 recommendations for operational and facility major
17 maintenance funding required under W.S. 21-18-202(c)(ii),
18 as amended by section 2 of this act, and facility
19 prioritization and funding under W.S. 21-18-225, as created
20 under section 1 of this act;

21

22 (v) Submit the draft statewide strategic plan
23 forwarded under paragraph (iii) of this subsection to each
24 president of the seven (7) community colleges. After

1 review of the draft plan, each president shall report back
2 to the commission prior to the timelines specified under
3 paragraph (vi) of this subsection and the November 1, 2009,
4 final report date required under 2008 Wyoming Session Laws,
5 chapter 84, section 2. Upon approval of a majority of the
6 seven (7) college presidents, the commission shall forward
7 the draft statewide strategic plan pursuant to paragraph
8 (vi) of this subsection;

9

10 (vi) Prior to completion of the final statewide
11 strategic plan by November 1, 2009 as required by and in
12 accordance with 2008 Wyoming session laws, chapter 84,
13 section 2, and following approval of the majority of
14 college presidents under paragraph (v) of this subsection,
15 convene an additional joint meeting of the commission and
16 representatives of the governor, the legislative joint
17 appropriations and joint education interim committees and
18 representatives of the community college planning task
19 force. Recommendations for components of the statewide
20 strategic plan, to be applied to the 2011-2012 biennium,
21 shall be presented to meeting participants by the
22 commission. No meeting shall occur unless a representative
23 from each of the participants designated under this
24 paragraph is in attendance. Based upon discussions

1 resulting from this meeting, a statewide strategic plan
2 reflecting meeting discussions shall be forwarded by the
3 commission to the governor, members of the joint
4 appropriations and joint education interim committees and
5 members of the community college planning task force;

6
7 (vii) Allow any participant of the joint meeting
8 conducted under paragraph (vi) of this subsection to,
9 within thirty (30) days after receipt of a plan forwarded
10 under paragraph (vi) of this subsection, file an exception
11 to or a concern with the forwarded plan. On or before
12 January 1, 2010, the commission shall provide specific
13 recommendations addressing any filed exceptions or concerns
14 to the joint appropriations and joint education interim
15 committees;

16
17 (viii) Report the final statewide strategic plan
18 developed under this section and 2008 Wyoming session laws,
19 chapter 84, section 2, and applicable to the 2011-2012
20 biennium, to the governor and members of the legislature
21 prior to the commencement date of the 2010 budget session
22 of the legislature, together with any specific
23 recommendations forwarded under paragraph (vii) of this
24 subsection.

1

2 **Section 5.** [CONSIDERATION OF COLLEGE RESERVES]

3

4 (a) In computing the distribution of state
5 appropriations in accordance with W.S. 21-18-205(c) as
6 amended by section 2 of this act, for the biennium
7 commencing July 1, 2010, and ending June 30, 2012, the
8 commission shall not consider the balance of any
9 unrestricted operating funds carried forward by any college
10 from previous biennial budget periods pursuant to W.S.
11 21-18-205(f), as amended by section 2 of this act and
12 existing on June 30, 2010. In addition, this balance of
13 funds carried forward and existing on June 30, 2010, shall
14 not be restricted in any manner by the commission.

15

16 (b) In addition to subsection (a) of this section and
17 in computing the 2011-2012 biennial budget request for the
18 community college system under W.S. 21-18-203(a), as
19 amended by section 2 of this act, the commission shall
20 adjust the total 2009-2010 state appropriations to the
21 community college system, as approved and adopted by the
22 legislature, combined with the total amount collected from
23 the college four (4) mill levy required under W.S.
24 21-18-205(a)(ii) as considered by the funding allocation

1 model during this same period, by adding to this amount the
2 sum of the reserve fund balance authorized under W.S.
3 21-18-205(f) and existing for each college as of June 30,
4 2007. The total amount computed under this subsection
5 shall constitute the baseline amount for purposes of
6 determining the 2011-2012 biennial budget request.

7

8 **Section 6.** [HOLD HARMLESS]

9

10 (a) Using computations of community college district
11 distributions under the funding allocation model pursuant
12 to W.S. 21-18-202(c)(i) and 21-18-205(c), as amended by
13 section 2 of this act, the community college commission
14 shall ensure that the total state appropriations
15 distributed to each college under the funding allocation
16 model for each fiscal year during the biennium commencing
17 July 1, 2010, and ending June 30, 2012, when combined with
18 the total amount of revenues from the four (4) mill levy
19 required under W.S. 21-18-205(a)(ii) as considered by the
20 funding allocation model for that district during that same
21 biennial period, shall not be less than one hundred percent
22 (100%) of the total amount of state appropriations
23 distributed to that college district during the biennial
24 period beginning July 1, 2008, and ending June 30, 2010,

1 adjusted by adding to this amount the sum of the total
2 amount collected by that district under the required four
3 (4) mill levy considered by the funding allocation model in
4 that biennium and any reserve fund balance existing on June
5 30, 2007, for that college district.

6
7 (b) In addition to subsection (a) of this section, the
8 commission shall, using computations of community college
9 district distributions under the funding allocation model,
10 ensure that the total state appropriations distributed to
11 each college district, when combined with the total amount
12 of revenues from the four (4) mill levy required under W.S.
13 21-18-205(a)(ii) as considered by the funding allocation
14 model for that district during that same fiscal period, is
15 as follows:

16
17 (i) For the fiscal year beginning July 1, 2012,
18 and ending June 30, 2013, not less than ninety percent
19 (90%) of the total state appropriations distributed to that
20 college district during the fiscal year beginning July 1,
21 2009, and ending June 30, 2010, plus the sum of the total
22 amount collected by that district under the required four
23 (4) mill levy considered by the funding allocation model
24 for that fiscal year and fifty percent (50%) of any reserve

1 fund balance existing on June 30, 2007, for that college
2 district; and

3
4 (ii) For the fiscal year beginning July 1, 2013,
5 and ending June 30, 2014, not less than eighty percent
6 (80%) of the total state appropriations distributed to that
7 college district during the fiscal year beginning July 1,
8 2009, and ending June 30, 2010, plus the sum of the total
9 amount collected by that district under the required four
10 (4) mill levy considered by the funding allocation model
11 for that fiscal year and fifty percent (50%) of any reserve
12 fund balance existing on June 30, 2007, for that college
13 district.

14

15 **Section 7.** [APPROPRIATIONS AND POSITION AUTHORIZATIONS]

16

17 (a) The Wyoming community college commission is
18 authorized two (2) additional full-time positions to carry
19 out duties prescribed under W.S. 21-18-203(a) and
20 21-18-205(e), as amended by section 2 of this act, and in
21 establishing state community college system budgets and
22 administering the allocation of state appropriations as
23 required by this act. For purposes of this subsection, two
24 hundred thousand dollars (\$200,000.00) is appropriated from

1 the general fund to the community college commission for
2 the period commencing on the effective date of this
3 subsection and ending June 30, 2010. This appropriation
4 shall be expended for the costs of the additional positions
5 only.

6
7 (b) One hundred fifty thousand dollars (\$150,000.00)
8 is appropriated from the general fund to the Wyoming
9 community college commission for an additional full-time
10 position within the commission to manage data requirements
11 associated with the administration of the strategic
12 planning responsibilities imposed by W.S. 21-18-202(h), as
13 amended by section 2 of this act. This appropriation is
14 for the period commencing on the effective date of this
15 subsection and ending June 30, 2010, and the expenditure of
16 this appropriation shall be restricted to funding the
17 additional position authorized by this subsection.

18
19 (c) For the period commencing July 1, 2009, and ending
20 June 30 2010, two hundred fifty thousand dollars
21 (\$250,000.00) is appropriated from the general fund to the
22 community college commission. To commence efforts to
23 process community college building needs, this
24 appropriation shall be distributed by the commission to

1 those community colleges whose capital construction
2 requests have been prioritized by the commission in
3 accordance with W.S. 21-18-225(d), as created by section 1
4 of this act, to be expended by the colleges to defer the
5 costs associated with developing and assembling planning,
6 design and other information necessary to commence review,
7 analysis and study by the general services division of the
8 department of administration and information required under
9 W.S. 21-18-225(g), as created under section 1 of this act.
10 The amount distributed to each college shall be determined
11 by the commission and shall be distributed as assistance
12 covering a portion of the total costs of planning and
13 document preparation. Prior to November 1, 2009, the
14 commission shall report the amounts distributed under this
15 subsection, together with the recipient college districts,
16 to the joint education interim committee and the community
17 college planning task force. No amount of this
18 appropriation shall be expended for planning and document
19 preparation of any portion of a project which is not
20 aligned with the statewide college system strategic plan
21 developed and maintained by the commission under W.S.
22 21-18-202(a)(v), as amended by section 2 of this act.
23

1 (d) The community college commission is authorized one
2 (1) additional full-time position to coordinate the
3 commission's community college capital construction process
4 established by W.S. 21-18-225, as created by section 1 of
5 this act, with the general services division, department of
6 administration and information. This position shall also
7 work with the colleges to ensure required and necessary
8 planning information and documentation is prepared and
9 submitted to the general services division as necessary to
10 perform necessary review, study and analysis for
11 development of recommendations to the state building
12 commission. One hundred seventy-five thousand dollars
13 (\$175,000.00) is appropriated from the general fund to the
14 commission for the period commencing with the effective
15 date of this subsection and ending June 30, 2010. This
16 appropriation shall only be expended for the costs of the
17 additional position.

18

19 (e) Three hundred thousand dollars (\$300,000.00) is
20 appropriated from the general fund to the community college
21 commission to develop and maintain the comprehensive
22 assessment of community college buildings and future space
23 requirements as required under W.S. 21-18-225(c), as
24 created by section 1 of this act, and to integrate the

1 existing college facilities data base as maintained by the
2 commission with the state facilities data base maintained
3 by the department of administration and information, as
4 necessary to administer W.S. 21-18-225, as created by
5 section 1 of this act. This appropriation shall be
6 expended only for purposes of this subsection and shall be
7 for the period commencing upon the effective date of this
8 subsection, and ending June 30, 2010.

9

10 (f) Three hundred sixty thousand dollars (\$360,000.00)
11 is appropriated from the general fund to the general
12 services division within the department of administration
13 and information, for the addition of not more than three
14 (3) at-will employee positions within the construction
15 management office of the division, as authorized under W.S.
16 9-2-1022(a)(xi)(F), and for necessary position support
17 costs. This appropriation shall be for the period beginning
18 with the effective date of this subsection and ending June
19 30, 2010, and shall be expended only for additional at-will
20 employee positions and for position support costs necessary
21 to:

22

23 (i) Conduct planning and review of community
24 college building needs prioritized by the community college

1 commission under W.S. 21-18-225(d), as created by section 1
2 of this act;

3

4 (ii) Develop necessary recommendations for
5 projects addressing prioritized community college building
6 needs for consideration by the state building commission
7 under W.S. 21-18-225(g), as created by section 1 of this
8 act;

9

10 (iii) Supervise construction of authorized
11 community college projects and review and approve
12 prescribed phases of authorized construction projects prior
13 to release of state funds by the commission, as required
14 under W.S. 21-18-225(j), as created by section 1 of this
15 act.

16

17 (g) One hundred fifty thousand dollars (\$150,000.00)
18 is appropriated from the general fund to the community
19 college commission to develop guidelines and criteria
20 necessary for segregating variable and fixed cost data as
21 used in establishing components and component proportions
22 for the funding allocation model in accordance with W.S.
23 21-18-205(c), as amended by section 2 of this act.
24 Established guidelines and criteria shall be used by

1 community college districts in reporting cost data to the
2 commission. Guidelines and criteria shall be adopted by
3 the commission in sufficient time to enable use in model
4 computations effective for the biennium commencing July 1,
5 2010, and ending June 30, 2012. The appropriation under
6 this subsection shall be for the period commencing upon the
7 effective date of this subsection and ending June 30, 2010,
8 shall be expended for purposes specified in this subsection
9 only and may be used for contractual services as necessary
10 to obtain required analytical expertise in carrying out
11 this subsection.

12

13 **Section 8.** [EFFECTIVE DATES]

14

15 (a) Except as provided by subsection (b) of this
16 section, this act is effective July 1, 2009.

17

18 (b) Notwithstanding subsection (a) of this section,
19 sections 4 and 7(a), (b), (d), (e), (f) and (g) are
20 effective immediately upon completion of all acts necessary
21 for a bill to become law as provided by Article 4, Section
22 8 of the Wyoming Constitution.

23

24

(END)