

ORIGINAL SENATE  
FILE NO. 0077

ENROLLED ACT NO. 70, SENATE

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING  
2013 GENERAL SESSION

AN ACT relating to construction of community college facilities; transferring payment authority for construction of and major maintenance for community college facilities to the construction management division of the department of administration and information; specifying required reporting; transferring positions and support funding as specified; and providing for an effective date.

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

**Section 1.** W.S. 21-18-225(a), (f), (g), (j) and (k) is amended to read:

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

(a) As part of its administrative functions, the community college commission shall identify community college building needs, ~~and~~ and develop a prioritized list of community college capital construction projects. ~~and—The prioritized community college capital construction projects shall be reported by the commission to the construction management division of the department of administration and information in accordance with subsection (g) of this section. Following review, analysis and study, the construction management division shall~~ forward recommendations for community college capital construction projects to the state building commission. The ~~community college commission—~~construction management division shall also submit major maintenance budget requests for college buildings to the legislature in accordance with this section. Major maintenance budget requests shall be based upon the square footage submitted by the commission under subsection (f) of this section and upon a formula, forms, ~~and~~ and a format specified by the budget division of the

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department of administration and information. College building maintenance budget requests submitted by the ~~community college commission~~ construction management division to the legislature and capital construction budget requests forwarded by the state building commission to the legislature shall include only necessary building square footage required for provision of those education programs comprising the statewide college system strategic plan developed and maintained under W.S. 21-18-202(a)(v).

(f) In addition to subsection (d) of this section and on or before ~~November~~ August 1 of each odd-numbered year, the commission shall report college building square footage to the ~~general services~~ construction management division of the department of administration and information as necessary for computation of major maintenance funds for community college buildings. The reported square footage shall be restricted to that square footage necessary for the delivery of education programs comprising the statewide college system strategic plan.

(g) Upon prioritizing community college construction needs under subsection (d) of this section, the commission shall not later than ~~November 15~~ August 1 of each year, report the prioritized list to the ~~general services~~ construction management division of the department of administration and information. In accordance with W.S. 9-5-108(a)(ii), the ~~general services~~ construction management division shall review, analyze and study construction needs prioritized under subsection (d) of this section and conduct necessary value engineering analysis, schematic design review, safety and security assessments and other analysis and review prior to submission of recommendations to the state building commission. The state building commission shall consider and incorporate prioritized construction needs recommendations into

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legislation requesting necessary funding, developed under W.S. 9-5-108(a)(ii)(J), for submission to the legislature for review, authorization and approval. The legislation shall also include a separate appropriation for contingency costs associated with recommended construction projects and a separate appropriation for administrative costs of the ~~general services~~ construction management division for management of the recommended construction projects as required by subsection (j) of this section. The ~~community college commission~~ construction management division shall submit a separate budget request for project design and planning funds to be available to assist community colleges with costs incurred in developing and providing necessary plans, designs and other information to the general services division for purposes of this subsection. This request shall also include funds for major maintenance for the square footage reported by the commission under subsection (f) of this section. The ~~general services~~ construction management division shall consult with the community college commission in developing recommendations under this subsection.

(j) Subject to amounts made available by legislative appropriation and to any conditions which may be attached to appropriation expenditures, the ~~commission~~ construction management division of the department of administration and information shall distribute state funds for building construction approved and authorized by the legislature. Distributions of state funds for any approved and authorized construction project shall be in accordance with payment schedules established by rule and regulation of the ~~commission~~ division. Payments by the ~~commission~~ division shall be contingent upon the receipt of any local district funding as may be required by legislative authorization, or ~~commission approved upon receipt of other~~ documentation which may be required by the division certifying the timely

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receipt of ~~such~~ required local district funds for the capital construction project. ~~as may be required by legislative authorization, and~~ Payments to districts shall also ~~include the written approval of the general services division, department of administration and information, of~~ be attached to prescribed phases of the construction project and the completion of certain project phases. Construction phases for which approval of the division is required shall be specified by ~~commission~~ division rule and regulation, clearly prescribing a process for division review and approval of project plans and specifications, project development and project changes and change orders. In carrying out duties under this subsection, the division may execute powers prescribed under W.S. 9-5-108(a)(iii) in coordination with the state building commission and the appropriate community college district. No scheduled payment shall be made by the ~~commission~~ construction management division without ~~the approval of the division as required by~~ compliance with the prescribed process.

(k) Appropriations for major maintenance shall be distributed by the ~~commission~~ construction management division of the department of administration and information to community colleges in amounts determined by the funding formula developed by the general services division, ~~of the department of administration and information,~~ subject to restrictions imposed on qualifying square footage pursuant to this section.

## Section 2.

(a) For purposes of carrying out this act:

(i) For the period commencing July 1, 2013, and ending June 30, 2014, one (1) full-time position is transferred from the Wyoming community college commission

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FILE NO. 0077

ENROLLED ACT NO. 70, SENATE

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to the construction management division of the department of administration and information. In addition, the construction management division is authorized one (1) additional full-time position. These positions shall be included in the division's standard budget;

(ii) Effective for the period commencing July 1, 2013, and ending June 30, 2014, thirty-six thousand twenty-three dollars (\$36,023.00) shall be transferred from the Wyoming community college commission to the construction management division of the department of administration and information to partially fund and support the position transferred under paragraph (i) of this subsection. This position transfer and the associated funding amount shall be included in both the commission's and the division's standard budget;

(iii) In addition to paragraph (ii) of this subsection and for the period commencing July 1, 2013, and ending June 30, 2014, one hundred eight thousand dollars (\$108,000.00) from the community college construction management appropriation within the department of administration and information's 2013-2014 biennial budget shall be available to the construction management division for salary and benefits of the positions authorized under this section. This funding amount shall be included in the division's standard budget.

(b) Nothing in this section shall be construed to limit the authority of the governor to effect voluntary transfers of positions between agencies as otherwise authorized by law.

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FILE NO. 0077

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SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING  
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**Section 3.** This act is effective July 1, 2013.

(END)

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the Senate.

\_\_\_\_\_  
Chief Clerk