

ORIGINAL SENATE
FILE NO. 0015

ENROLLED ACT NO. 2, SENATE

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING
2014 BUDGET SESSION

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

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

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

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

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

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

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

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

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

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

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

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

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

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 develop a prioritized list of

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community college capital construction projects. The prioritized community college capital construction projects shall be reported by the commission to the construction management program within the general services 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~~program shall forward recommendations for community college capital construction projects to the state building commission. The construction management ~~division~~program 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 adopted by the state building commission, and upon forms and in a format specified by the budget division of the department of administration and information. College building maintenance budget requests submitted by the construction management ~~division~~program to the legislature and capital construction budget requests forwarded by the state building commission to the legislature shall include only necessary building square footage:

(i) 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) ~~;~~ and

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

(b) To carry out this section and in accordance with rules and regulations of the state building commission

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promulgated under W.S. 9-5-107(d) and (e) serving as guidelines for implementation and administration of this section, the commission shall establish and maintain:

(iv) Methodologies which require a seven (7) year phase-in period for major maintenance following the new construction of a community college facility. The phase-in period shall be as follows:

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

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

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

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

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

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

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

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

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(f) In addition to subsection (d) of this section and on or before ~~August~~June 1 of each odd-numbered year, the commission shall report college building square footage to the construction management program within the general services 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 and exclude student housing, student unions and auxiliary services areas funded exclusively through college generated revenues.

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

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construction management ~~division~~program for management of the recommended construction projects as required by subsection (j) of this section. The construction management ~~division~~program 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 construction management ~~division~~program 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 construction management ~~division~~program 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 division. Payments by the ~~division~~program shall be contingent upon the receipt of any local district funding as may be required by legislative authorization, or upon receipt of other documentation which may be required by the ~~division~~program certifying the timely receipt of required local district funds for the capital construction project. Payments to districts shall also be attached to prescribed phases of the construction project and the completion of certain project phases. Construction phases for which approval of the ~~division~~program is required shall be specified by ~~division~~department of administration and information rule and regulation, clearly prescribing a

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process for ~~division~~program 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~~construction management program 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 construction management ~~division~~program without compliance with the prescribed process.

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

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

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

(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