

ENROLLED ACT NO. 59, SENATE

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AN ACT relating to administration of government; reorganizing state capital construction entities into a state construction department; specifying powers and duties of the department; providing for appointment of director; removing the construction management program and associated functions from the department of administration and information and generally transferring functions of the program to the state construction department; transferring school facilities department to the state construction department; authorizing the transfer of positions and funds; providing for subsequent budgeting of the state construction department; making conforming amendments; and providing for an effective date.

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

**Section 1.**

(a) The construction management program within the department of administration and information, associated construction management functions within the department of administration and information, and the school facilities department are transferred by a type 1 transfer to the state construction department created by this act. All positions, personnel, appropriations, property, equipment and authority in agencies and programs transferred to the state construction department by this act are under the control of the state construction department as provided by this act. The validity of rules, regulations, contracts, agreements or other obligations of agencies or programs transferred by this act is not affected by this act.

(b) Notwithstanding any other provision of law, the governor may authorize the use of authorized positions within the department of administration and information construction management program, other positions within the

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department of administration and information associated with transferred functions, positions within the school facilities department and funds appropriated for those positions and for the construction management program, and for the school facilities department to staff and fund the state construction department for the fiscal biennium commencing July 1, 2016. For the fiscal biennium commencing July 1, 2018, the director of the state construction department shall submit an estimated budget to the governor and the governor shall submit a recommended budget for the department in accordance with W.S. 9-2-3005.

(c) Notwithstanding any other provision of this act or other law, the governor may transfer those positions and associated funding from the department of administration and information which are not currently within the construction management program to the state construction department as necessary to implement the provisions of this act and may likewise not transfer positions and associated funding currently within the construction management program to the state construction department if the governor determines the position is necessary to support other functions within the department of administration and information and not necessary to support functions of the state construction department. The governor shall report to the legislature not later than October 15, 2016 regarding positions and functions which he determines should be transferred to or from the state construction department in order to more effectively or efficiently carry out those functions.

(d) Notwithstanding W.S. 9-2-3003, the governor may appoint a temporary director for the state construction department upon the effective date of this act. Thereafter the governor shall submit any proposed appointment of a director of the department to the senate in accordance with W.S. 28-12-101 through 28-12-103.

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**Section 2.** W.S. 9-2-2020 and 9-2-3001 through 9-2-3005 are created to read:

**9-2-2020. State construction department created.**

As part of the reorganization of Wyoming state government, there is created the state construction department consisting of the existing construction management program within the department of administration and information, associated construction management functions of the department of administration and information, and the school facilities department. The state construction department shall not be subject to a transition period as defined in W.S. 9-2-1703(a)(ix). A reorganization plan shall not be required of the director.

ARTICLE 30  
STATE CONSTRUCTION DEPARTMENT

**9-2-3001. State construction department created.**

There is created the state construction department.

**9-2-3002. Department divisions.**

(a) The department shall consist of the following divisions:

- (i) State construction management division;
- (ii) School facilities division.

**9-2-3003. Director and division administrators; appointment; removal.**

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(a) The governor shall appoint a director of the department with the advice and consent of the senate.

(b) With the approval of the governor, the director may appoint administrators for each of the divisions. The governor may remove the director and division administrators as provided in W.S. 9-1-202.

(c) The director's and administrator's salaries shall be determined by the governor.

(d) The director shall be the chief administrative officer of the department with general supervision and control of all activities, functions and employees of the department. He shall devote his entire time to the performance and supervision of the duties conferred on him by law. The director may:

(i) Employ professional, technical and other assistants to work in the department, along with other employees necessary to carry out the purpose of this article;

(ii) Formulate the policies and programs to be carried out by the department through its respective divisions;

(iii) Authorize a designee to carry out any duties assigned, unless specifically precluded from doing so by law.

**9-2-3004. Duties of the department.**

(a) The department shall staff the state building commission as provided in W.S. 9-5-101 through 9-5-108, and as required by the commission unless staffing of the commission is otherwise specified by law. The administrator

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of the state construction management division shall function as secretary to the state building commission and the department shall administratively implement the commission's rules relating to the state capital construction.

(b) The department shall staff the school facilities commission as provided in title 21 of the Wyoming statutes, and as required by the commission unless staffing of the commission is otherwise specified by law. The administrator of the school facilities division shall function as secretary to the school facilities commission and the department shall administratively implement the commission's rules.

(c) The department shall:

(i) Review and make recommendations to the governor concerning capital construction budget requests made by the state building commission, school facilities commission, the University of Wyoming, community college commission and any state agency;

(ii) Adopt capital construction procurement policies and standards and ensure compliance with the policies and standards by state agencies and school districts using any state funds for capital construction projects. The University of Wyoming and Wyoming community colleges may adhere to the standards and policies to the extent feasible, as determined by the university or affected college. The university and Wyoming community colleges shall adhere to any other capital construction requirement specified by law;

(iii) For the procurement of construction of public projects, facilities or structures, be authorized to accept the recommendations of agencies on the award or

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rejection and readvertisement of bids based upon the qualifications and responsibilities of bidders;

(iv) Oversee bonding for the procurement of capital construction projects. Bidders shall provide a bond or other form of guarantee satisfactory to the state of Wyoming as hereafter provided:

(A) A bid bond or other form of bid guarantee satisfactory to the state may be required in an amount equal to ten percent (10%) of the aggregate amount of the bid or contract when a contract to be awarded under the solicitation is expected to exceed one thousand five hundred dollars (\$1,500.00). The bond may be provided by a surety company authorized to do business in the state of Wyoming;

(B) A bid bond or other form of bid guarantee satisfactory to the state may be retained by the state as surety throughout the term of the awarded contract provided the amount of the contract is less than twenty-five thousand dollars (\$25,000.00);

(C) Before any contract exceeding twenty-five thousand dollars (\$25,000.00) in amount, for the construction, alteration or repair of any public building or public work or improvement of the state is awarded to any person, the person shall furnish to the state a performance and payment bond executed by a surety company authorized to do business in the state of Wyoming or other form of surety satisfactory to the state, in an amount equal to one hundred percent (100%) of the contract price;

(D) This paragraph does not limit the authority of the state to require a performance bond or

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other security in addition to bonds, or in circumstances other than the circumstances specified by this subsection;

(E) The department may accept bids submitted by persons who combine their bonding capacity in any way so as to meet the bonding requirements of this paragraph.

(v) Provide the appropriate staff to serve as staff of the state building commission in carrying out the duties of the department under this article and construction management functions under W.S. 9-5-101 through 9-5-108;

(vi) Plan for all construction projects in accordance with the provisions of W.S. 9-5-107, 9-5-108 and rules, procedures and criteria adopted pursuant to those sections;

(vii) Adopt reasonable rules and regulations pursuant to the Wyoming Administrative Procedure Act to administer this article.

**9-2-3005. Department budget.**

(a) The department shall not develop or use a standard budget, base budget and exception budget as provided in W.S. 9-2-1002 through 9-2-1014. The department of administration and information budget division shall transmit on or before August 15 of each odd numbered year, to the state construction department its budget as approved by the legislature for the previous biennium. The director of the department shall develop an estimated budget for the subsequent fiscal biennium by revising the current budget, taking into account the duties and functions of the department and the most efficient means of performing those duties and functions and prepare and submit to the

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department of administration and information an estimated budget for the subsequent fiscal biennium. The estimated budget shall identify differences from the current budget, itemizing and explaining in writing the reason for each change.

(b) The information developed in budget documents shall include:

(i) Appropriations or other allotted revenues authorized to the department including all types of revenue regardless of source and final fund destination, federal fund identification and expected length of continuance of the federal funding;

(ii) Expenditures, obligations, encumbrances and balances of funds appropriated to the department from whatever source derived;

(iii) Estimates of revenues and future needs of the department;

(iv) Program changes, descriptions and activities of the department;

(v) An explanation of and reasons for anticipated receipts and expenditures of the department;

(vi) An assurance that the budget estimate was prepared in accordance with the department plan prepared according to W.S. 28-1-115 and 28-1-116;

(vii) Recommended transfers of appropriations and positions from other agencies within the executive branch to the state construction department.



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(c) On or before September 15 of each odd numbered year the director shall return the completed estimated budget to the department of administration and information.

(d) The director of the department of administration and information and administrator of the budget division after compiling the requested budget estimate and related information shall include the estimated budget with those collected from the several agencies of the state and shall submit the overall state budget estimate and related information along with their comments and recommendations to the governor no later than November 1 of each year.

(e) The governor may, upon examining the budget estimate and requests and after consultation with the director of the state construction department approve, disapprove, alter or revise the estimate and requests in accordance with applicable state and federal laws.

(f) The submission of the department's budget and expenditures therefrom, including preparation of supplemental budgets for presentation in general sessions shall be made within the time frame of W.S. 9-2-1012 and shall otherwise be in accordance with the provisions of W.S. 9-2-1002 through 9-2-1014.

**Section 3.** W.S. 9-2-1016(b)(xxi) and (xxiii), 9-2-1704(d)(xv), 9-5-101(c)(i) through (iii), 9-5-107(a), 9-5-109(m)(vi) and (q), 9-5-110(a)(ii), 9-5-111(d), 9-5-113(a)(i), 16-6-1001(a)(i)(D)(I), (III) and (E), 21-3-110(a)(x)(intro), (A)(intro), (B) and (xxvii), 21-3-111(a)(xx), 21-13-309(m)(v)(B)(IV)(4) and (vi)(intro), 21-15-109(b), 21-15-111(a)(ix), 21-15-116(g), 21-15-123(e) and (f)(intro), 21-18-225(a)(intro), (e) through (g), (j) and (k), 21-18-304(a)(xi) and 28-11-301(b)(iii) through (v) and (c)(intro), (i), (ii) and (iv) are amended to read:

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**9-2-1016. General services division**

(b) For the purpose of this subsection the term "agencies" does not include the University of Wyoming, community college districts, or school districts. It does not include the department of transportation except as to paragraphs (xi), (xii) and (xiii) of this subsection. The department through the general services division shall:

(xxi) ~~Designate the manager of the construction management program within the division to function as secretary to the state building commission who will~~ Administratively implement the state building commission's rules relating to the leasing, routine maintenance, management, operation and equipping of state office buildings as provided in W.S. 9-1-501 through 9-1-508;

(xxiii) Plan for all agency office and other space needs ~~and construction projects required for those space needs~~ in accordance with the provisions of W.S. 9-5-107, 9-5-108 and rules, procedures and criteria adopted pursuant to that section.

**9-2-1704. Reorganization plan; structure; time frame.**

(d) The entities of state government specified in this subsection are designated as separate operating agencies, which are separate and distinct from the departments and offices specified in subsection (a) of this section because of their quasi-judicial responsibility or because of their unique, specialized function which precludes their inclusion in another department. This act does not otherwise apply to separate operating agencies. Separate operating agencies are as follows:

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(xv) School facilities commission established under W.S. 21-15-113; ~~and the school facilities department established under W.S. 21-15-123;~~

**9-5-101. State building commission; composition; general powers and duties; conflicts of interest.**

(c) No member of the state building commission shall:

(i) Have a financial interest in any contract entered into or made by the commission, ~~or by~~ the general services division or by the state construction department;

(ii) Be a surety on any bond conditioned for the performance of any contract entered into or made by the commission, ~~or by~~ the general services division or by the state construction department;

(iii) Be an agent of any contractor on any contract entered into or made by the commission, ~~or by~~ the general services division or by the state construction department.

**9-5-107. Duties and responsibilities with respect to state buildings; state capital construction needs assessment and priorities.**

(a) The ~~general services division of the~~ state construction department ~~of administration and information~~ shall, subject to the direction of the state building commission and with the assistance of other state agencies as necessary, conduct and maintain a comprehensive needs assessment of existing state buildings and of future space requirements for state agencies. The assessment shall be conducted in accordance with rules of the state building commission adopted pursuant to subsection (d) of this section and be designed to provide uniform statewide data

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describing the condition of state buildings and projecting building longevity and space requirements. Through the identification of building conditions and needs, the assessment shall enable the evaluation of capital construction and renovation requirements for all state buildings. The needs assessment shall be revised annually on or before October 1 of each year. The needs assessment shall specify construction and renovation requirements for the remainder of the current fiscal year and the succeeding four (4) fiscal years.

**9-5-109. Advisory task force on capitol building rehabilitation and restoration; composition; duties; account created.**

(m) The advisory task force shall be comprised of:

(vi) A staff member from the state construction department, ~~of administration and information, construction management program,~~ appointed by the governor who shall be a nonvoting member.

(q) Staff and support for the advisory task force shall be provided by the state construction management program ~~of the~~ department. Members who are government employees or public officials shall be considered on official business of their agency when performing duties as members of the task force. Other members shall receive mileage and per diem in the same manner and amount as state legislators when performing duties. Mileage and per diem shall be paid by the appointing authority.

**9-5-110. State capitol building rehabilitation and restoration project; definitions.**

(a) As used in W.S. 9-5-109 through 9-5-113:

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(ii) "Department" means the state construction department; ~~of administration and information;~~

**9-5-111. State capitol building rehabilitation and restoration project oversight group; creation; duties.**

(d) Staff and support for the oversight group shall be provided by the legislative service office. The state construction management program of the department shall assist the staffing of the oversight group as directed by the governor.

**9-5-113. Capitol building rehabilitation and restoration project; design and construction execution.**

(a) Notwithstanding W.S. 9-5-101 through 9-5-108, for all components of the project:

(i) The state construction management program within the general services division of the department shall be the primary fiscal and contracting agent;

**16-6-1001. Capital construction projects restrictions; preference requirements; waivers.**

(a) Unless otherwise prohibited by federal law, any funds appropriated or authorized for expenditure for capital construction projects shall be subject to the restrictions of this section which shall be construed where possible as complimentary and consistent with other statutory requirements relating to competitive bidding and contractor preferences. To the extent the restrictions in this section are inconsistent with other state statutes, this section shall supersede all such inconsistent provisions and shall govern. This section shall be applied as follows:

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(i) This paragraph shall apply to any alternate design and construction delivery method as defined in W.S. 16-6-701(a)(v):

(D) Any waiver shall be approved in writing by the following persons:

(I) For projects to be completed by the state of Wyoming, by the director of the state construction department; ~~of administration and information;~~

(III) For projects subject to review by the ~~school facilities~~ state construction department under title 21 of Wyoming statutes, by the director of the ~~school facilities commission~~ state construction department and the chairman of the board of the school facilities commission;

(E) Any approved waiver shall be documented in writing and provided to the governor. Notice of all approved waivers shall also be published on a website maintained by the state construction ~~management division of the~~ department, ~~of administration and information,~~ including a statement of the grounds for the waiver.

**21-3-110. Duties of boards of trustees.**

(a) The board of trustees in each school district shall:

(x) Subject to review by the ~~school facilities~~ state construction department under W.S. 21-15-115 for any project involving state capital construction assistance, fix the site of each school building and facility considering the needs of the people of each portion of the district. If the district enters into an agreement to lease buildings and facilities owned by the district and

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the buildings and facilities are included within the statewide database maintained by the ~~school facilities~~ state construction department under W.S. 21-15-123(f)(iv), the district shall, except as provided under W.S. 21-15-109(c)(i)(A)(II) and (III) and (B), ensure the lease agreement requires sufficient payment from the lessee to cover expenses necessary to adequately maintain the facility or building in accordance with statewide adequacy standards prescribed by the commission. If the district enters into an agreement to lease buildings and facilities under which the district is the lessee and the building is to be used for the provision of the required educational program within the district, the lease agreement shall require the lessor to adequately maintain the buildings and facilities in accordance with standards prescribed by the commission. The district shall be reimbursed for the lease payment if the square footage of the leased facility is not included within the district's total square footage for purposes of major maintenance computations under W.S. 21-15-109, subject to the following:

(A) If the lease payment is for educational facilities used in the actual operation of a charter school, the ~~school facilities~~ state construction department shall pay the district the contract amount approved by the department for the lease payment by the charter school if:

(B) If the lease payment is for facilities leased to the district by a state institution which meets state adequacy standards prescribed by rule and regulation of the commission, the amount of the lease reimbursement paid by the ~~school facilities~~ state construction department shall not include the amount received by the institution from the state for major building and facility repair and replacement costs attributable to the facility, as computed by the ~~construction management program within the general~~

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~~services division of the department of administration and information.~~

(xxvii) Cooperate with the ~~school facilities~~ state construction department in developing facility plans for the district addressing district-wide building and facility needs in accordance with W.S. 21-15-116 and rule and regulation of the school facilities commission;

**21-3-111. Powers of boards of trustees.**

(a) The board of trustees in each school district within the state may:

(xx) Enter into school building construction and renovation project agreements with the state construction department as authorized under W.S. 21-15-123(f) (v);

**21-13-309. Determination of amount to be included in foundation program for each district.**

(m) In determining the amount to be included in the foundation program for each district, the state superintendent shall:

(v) Based upon ADM computations and identified school configurations within each district pursuant to paragraph (iv) of this subsection, compute the foundation program amount for each district as prescribed by the education resource block grant model adopted by the Wyoming legislature as defined under W.S. 21-13-101(a)(xiv), as contained within the spreadsheets and accompanying reports referenced under W.S. 21-13-101(a)(xvii), on file with the secretary of state and maintained by the state superintendent pursuant to W.S. 21-2-202(e). The following criteria shall be used by the state superintendent in the administration of the education resource block grant model:



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(B) Alternative schools qualifying for separate consideration under the education resource block grant model may be established by a school district for offering educational programs to students with educational needs which the district finds are not appropriately met by other schools in the district, excluding charter schools established under W.S. 21-3-301 through 21-3-314. Alternative schools included within a district's configuration of schools identified under paragraph (iv) of this subsection shall for purposes of the education resource block grant model:

(IV) On and after July 1, 2014, and if not qualifying under subdivision (I) of this subparagraph, be approved by the state superintendent subject to the following:

(4) Educational space for the school is provided through facilities operated and maintained by the district and approved by the ~~school facilities~~ state construction department as meeting statewide adequacy standards. After two (2) evaluations by the state superintendent under subdivision (IV)(3) of this subparagraph that demonstrate academic progress or success of an alternative school's educational program, the alternative school shall be included in the district's five (5) year plan under W.S. 21-15-116 and the school's long-term facility needs shall be evaluated by the ~~school facilities~~ state construction department. Notwithstanding subparagraph (m)(vi)(C) of this section, the ~~school facilities~~ state construction department shall not approve any district plan which includes educational space for the alternative school within a separate facility unless the district provides sufficient documentation and evidence that the school cannot be collocated within a facility

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containing educational space for another school with similar grade configurations operated by the district.

(vi) Except for charter schools established under W.S. 21-3-301 through 21-3-314 and alternative schools approved under subdivision (v)(B)(IV) of this subsection, any alteration of the configuration of grades within a district, school or school facility which differs from the configuration of grades during the immediately preceding school year as reported under paragraph (iv) of this subsection shall be considered a reconfiguration and shall be documented by the district and reported to the state superintendent and the ~~state superintendent of the school facilities~~ director of the state construction department. Following review and evaluation, the director of the department of education and the director of the ~~school facilities~~ state construction department shall, each acting independently, approve or deny the reconfiguration for purposes of application to the education resource block grant model and the determination of school facility needs and remedies. The following shall apply:

**21-15-109. Major building and facility repair and replacement payments; computation; square footage allowance; use of payment funds; accounting and reporting requirements.**

(b) To the extent funds are available, on July 1 of each year, the ~~school facilities~~ state construction department shall, based upon square footage computations computed on September 1 of the prior school year, distribute major building and facility repair and replacement payments to each school district from the capital construction account. If funds within the account are not sufficient for payments on July 1 of any school year, the department shall distribute payments from the account on or before September 30 and March 31 of that

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school year. Major building and facility repair and replacement payments shall be computed in accordance with subsection (c) of this section.

**21-15-111. Definitions.**

(a) As used in this act, unless the context requires otherwise:

(ix) "Department" means the ~~school-facilities~~ state construction department created by ~~this act~~ W.S. 9-2-3001.

**21-15-116. School district facility plans; development, review and approval; plan criteria; administrative review; collaborative committee process.**

(g) In expending funds appropriated by the legislature for projects submitted by the commission under W.S. 21-15-119, and commensurate with school district efforts undertaken in facility planning required under subsection (a) of this section, the ~~school-facilities~~ state construction department shall require school district boards of trustees to incorporate a collaborative committee process, advisory to the board, which assists the school district with planning district remedies for school buildings, ranging from site selection to project planning and design. The collaborative committee process for remedy development may include project stakeholders comprised of students, parents, teachers, principals, district administration, school board of trustee members, representative legislators, at-large members of the community and others. Although advisory to district boards, the collaborative committee shall assist the boards with informing the respective community and in developing community-based input into project development.

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**21-15-123. State construction department; duties and authority relating to school facilities.**

(e) ~~The director is the chief administrative officer of the department with general supervision and control of all activities, functions and employees of the department, under the direction and supervision of the commission. He shall devote his entire time to the performance and supervision of the duties conferred on him by the commission and by law.~~ The director of the state construction department or his designee shall ~~also~~ review and evaluate school district requests for the alteration of grade configurations pursuant to W.S. 21-13-309(m)(vi), and shall evaluate the request in the best financial and educational interests of the state, taking into consideration the most efficient and cost effective approach in order to deliver quality educational services.

(f) The ~~school facilities~~ state construction department shall:

**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 community college capital construction projects. The prioritized community college capital construction projects shall be reported by the commission to the state 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 state construction management program department shall forward recommendations for community college capital construction projects to the state building commission. The state

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construction ~~management program~~ department 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 state construction ~~management program~~ department to the legislature and capital construction budget requests forwarded by the state building commission to the legislature shall include only necessary building square footage:

(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 state construction ~~management program of the general services division of the~~ department ~~of administration and information.~~

(f) In addition to subsection (d) of this section and on or before June 1 of each odd-numbered year, the commission shall report college building square footage to the state 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

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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 June 1 of each year, report the prioritized list to the state 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 state construction management program department 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 state construction management program department for management of the recommended construction projects as required by subsection (j) of this section. The state construction management program department 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 state construction department for purposes of this subsection. This request shall also include funds for

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major maintenance for the square footage reported by the commission under subsection (f) of this section. The state construction ~~management program~~ department 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 state construction ~~management 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~~ department. Payments by the ~~program~~ department 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 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 program is required shall be specified by the state construction ~~department of administration and information~~ rule and regulation, clearly prescribing a process for 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 ~~construction management program~~ department 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~~ department without compliance with the prescribed process.

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(k) Appropriations for major maintenance shall be distributed by the state construction ~~management 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 state building commission, subject to restrictions imposed on qualifying square footage pursuant to this section.

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

(a) The community college district board shall:

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

**28-11-301. Appointment of members; powers and duties; related duties of school facilities commission.**

(b) The select committee shall:



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(iii) Monitor the assessment of statewide school facility needs, prioritization of these needs and remediation of identified needs, as undertaken by the school facilities commission and the ~~school facilities~~ state construction department pursuant to ~~law~~ title 21 of Wyoming statutes;

(iv) Develop knowledge and expertise among its members regarding issues pertaining to school facilities and commission and state construction department programs and procedures to maintain statewide facility adequacy;

(v) Not later than November 1 of each year, prepare and submit budget recommendations based upon information reported by the commission and the state construction department under W.S. 21-15-119 and 21-15-121, addressing statewide building and facility needs to the joint appropriations committee and the governor. Based upon reports submitted under W.S. 21-15-119 and 21-15-121, the select committee may report recommendations to the legislature including any necessary implementing legislation;

(c) The ~~school facilities~~ state construction department shall:

(i) Provide the select committee with notice of all school facilities commission meetings;

(ii) Provide the committee with school facilities commission and department reports and studies pertaining to school building and facility remediation projects;

(iv) Using accepted accounting standards, account for all funds appropriated by the legislature for each fiscal period and not less than four (4) times during

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each fiscal year, report expenditures of appropriated amounts and separately identify and report any expenditures which are modified from those amounts specified within the proposed budget submitted to the select committee under W.S. 21-15-119. Any such modification of expenditures of legislative appropriations shall be executed only upon the express approval and authorization of the school facilities commission, shall be within the sole authority of the commission and shall not be delegated by the commission.

**Section 4.** W.S. 9-2-1016(b)(xvii), (xviii) and (xxii) and 21-15-123(a) through (d) are repealed.

**Section 5.** This act is effective July 1, 2016.

(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