

**HB0075****Public property-amendments.**

Sponsored By: Joint Appropriations Committee

AN ACT relating to public property and buildings; amending and creating provisions related to budgeting, expenditure of funds and reporting for capital construction projects, major maintenance and routine maintenance; conforming and repealing definitions; amending requirements for contracting for public works; specifying duties related to capital construction projects, major maintenance and routine maintenance for the state construction department, the state building commission, school districts, the board of trustees of the University of Wyoming and the community college commission; repealing major maintenance funding requirements; requiring reports; requiring rulemaking; specifying applicability; and providing for effective dates.

1/22/2024 Bill Number Assigned
1/24/2024 H Received for Introduction
2/13/2024 H Introduced and Referred to H02 - Appropriations 45-16-1-0-0

ROLL CALL

Ayes: Representative(s) Allred, Andrew, Banks, Berger, Brown, Burkhart, Jr, Byron, Chadwick, Chestek, Clouston, Conrad, Crago, Davis, Eklund, Harshman, Henderson, Hornok, Larsen, Lloyd, Larson, Jt, Lawley, Neiman, Newsome, Nicholas, Niemiec, Northrup, Oakley, Obermueller, O'hearn, Olsen, Ottman, Provenza, Sherwood, Singh, Speaker Sommers, Stith, Storer, Tarver, Trujillo, Walters, Washut, Western, Wylie, Yin, Zwonitzer, Dan, Zwonitzer, Dave

Nays: Representative(s) Allemand, Bear, Haroldson, Heiner, Jennings, Knapp, Locke, Pendergraft, Penn, Rodriguez-Williams, Slagle, Smith, Strock, Styvar, Ward, Winter

Excused: Representative Angelos

Ayes 45 **Nays** 16 **Excused** 1 **Absent** 0 **Conflicts** 0

2/22/2024 H02 - Appropriations:Recommend Amend and Do Pass 6-0-1-0-0

ROLL CALL

Ayes: Representative(s) Larsen, Nicholas, Sherwood, Stith, Walters, Zwonitzer

Excused: Representative Henderson

Ayes 6 **Nays** 0 **Excused** 1 **Absent** 0 **Conflicts** 0

2/22/2024 H Placed on General File

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Page 1-line 7 After "routine maintenance" insert "for".

Page 1-line 12 After "requiring rulemaking;" insert "specifying applicability;".

Page 3-line 3 Delete "recommendations for" and insert "the prioritized list of".

Page 3-line 4 After "commission." delete balance of line.

Page 3-lines 5 through 12 Delete entirely and insert: "The state construction department shall submit to the state building commission a recommendation for funding university major maintenance each biennium in

preparation for the development of the state budget. This recommendation shall be based on a formula adopted by the state building commission pursuant to W.S. 9-5-107(g) and upon forms and in a format specified by the state budget department. At the end of each fiscal year, the board of trustees shall submit a report to the state construction department on major maintenance expenditures and commitments incurred in the immediately preceding fiscal year as required by W.S. 9-5-107(j) for purposes of W.S. 9-2-3004(c)(xi).".

- Page 4-line 15 Delete "9-2-3004(c)(xi)" and insert "9-2-3004(c)(xii)".
- Page 4-line 20 Delete "and (xi)" and insert "through (xiii)".
- Page 5-line 1 After "16-6-102(a)" insert "and by creating a new subsection (g)".
- Page 6-line 22 Delete "original capacity for its original" and insert "designed capacity for its designed".
- Page 9-line 19 Delete "purpose and" and insert "use, to modernize or adapt a property to an approved new use and capacity or".
- Page 10-line 8 Delete "originally intended purposes" and insert "original or designed intended use".
- Page 11-lines 16 through 23 Delete entirely.
- Page 12-line 1 Delete "equipment or system. If" and insert:
- "(xi) At the end of each fiscal year, review major maintenance expenditure and commitment reports submitted to the department by state agencies, community colleges, the University of Wyoming and school districts. For school districts, the review shall be in accordance with W.S. 21-15-109(e). The department shall, in consultation with the respective state agencies, community colleges and the university of Wyoming, provide a report to the state building commission on all major maintenance expenditures and commitments incurred in the immediately preceding fiscal year. The report shall specify if any impediments were encountered in completing planned major maintenance on time and within the amounts budgeted, if any expenditures or commitments were necessitated earlier than anticipated or before the end of the life expectancy of the component, equipment or system and whether any expenditures or commitments resulted in whole or in part from failure to complete required routine maintenance;
- (xii) In reviewing major maintenance expenditures and commitments under paragraph (xi) of this subsection and W.S. 21-15-109(e), if".
- Page 12-line 2 Before "component" delete "the" and insert "any".
- Page 12-line 15 After "college commission," insert "the respective community college district board of trustees,".
- Page 12-after line 20 Insert the following and renumber as necessary:

"(xiii) Review and approve any renovation that changes the intended use or capacity of a property that receives appropriations for major maintenance."

Page 16-line 6 Delete entirely and insert "(j) At the end of each fiscal year,".

Page 16-line 10 Delete "and the joint".

Page 16-line 11 Delete "appropriations committee".

Page 16-line 13 After "replacement" insert "for purposes of W.S. 9-2-3004(c)(xi)".

Page 16-line 18 Delete "9-2-3004(c)(xi)" and insert "9-2-3004(c)(xii)".

Page 17-line 3 Delete "9-2-3004(c)(xi)" and insert "9-2-3004(c)(xii)".

Page 20-after line 5 Insert:

"(g) Whenever an emergency arises requiring a contract for a public work, a public entity may waive any applicable requirement of this section if the requirement endangers the health, welfare or safety of the public."

Page 25-line 23 After "expenditures" insert "," and strike balance of the line.

Page 26-line 1 Before "the commission" insert "The department shall, in consultation with each respective school district, provide a report to"; strike "and" and insert ",".

Page 26-line 2 After "28-11-301" insert "and the joint appropriations committee on major maintenance expenditures. The report shall specify if any impediments were encountered in completing planned major maintenance on time and within the amounts budgeted, if any expenditures were necessitated earlier than anticipated or before the end of the life expectancy of the component, equipment or system and whether any expenditure resulted in whole or in part from failure to complete required routine maintenance".

Page 28-line 6 After "(g)" delete balance of line.

Page 28-lines 7 and 8 Delete entirely.

Page 28-line 9 Delete the line through "expectancy."

Page 28-line 16 Delete "9-2-3004(c)(xi)" and insert "9-2-3004(c)(xii)".

Page 29-line 10 After "adequacy standards" insert "and the commission's facility design standards and guidelines".

Page 38-line 21 Strike "The state construction department shall".

Page 38-lines 22 and 23 Strike all existing language and delete all new language.

Page 39-lines 1 through 6 Strike all existing language and delete all new language.

Page 39-line 7 Strike "department." and insert "The state construction department shall submit to the state building commission and the joint appropriations committee a recommendation for funding community college major maintenance each biennium in preparation for the development of the state budget. This recommendation shall be based on a formula adopted by the state building commission pursuant to W.S. 9-5-107(g) and upon forms and in a format specified by the state budget department. At the end of each fiscal year, the commission shall submit a report to the state construction department on major maintenance expenditures incurred in the immediately preceding fiscal year as required by W.S. 9-5-107(j) for purposes of W.S. 9-2-3004(c)(xi).".

Page 42-line 11 Delete "9-2-3004(c)(xi)" and insert "9-2-3004(c)(xii)".

Page 43-after line 13 Insert:

"Section 5.

(a) This act shall not apply to the University of Wyoming until January 1, 2028.

(b) Notwithstanding subsection (a) of this section, this act shall not apply to the University of Wyoming dorm project, law school project, west stands project or aquatics center project."

Page 44-line 1 Delete "**Section 5.**" and insert "**Section 6.**".

Page 44-line 6 Delete "and 5" and insert "through 6". NICHOLAS, CHAIRMAN

2/23/2024 H COW:Passed
2/26/2024 H 2nd Reading:Passed
2/27/2024 H 3rd Reading:Passed 55-7-0-0-0

ROLL CALL

Ayes: Representative(s) Allred, Andrew, Angelos, Banks, Bear, Berger, Brown, Burkhardt, Jr, Byron, Chadwick, Chestek, Clouston, Conrad, Crago, Davis, Eklund, Haroldson, Harshman, Heiner, Henderson, Hornok, Jennings, Knapp, Larsen, Lloyd, Larson, Jt, Lawley, Neiman, Newsome, Nicholas, Niemiec, Northrup, Oakley, Obermueller, O'hearn, Olsen, Pendergraft, Provenza, Rodriguez-Williams, Sherwood, Singh, Slagle, Speaker Sommers, Stith, Storer, Styvar, Tarver, Trujillo, Walters, Washut, Western, Winter, Wylie, Yin, Zwonitzer, Dan, Zwonitzer, Dave

Nays: Representative(s) Allemand, Locke, Ottman, Penn, Smith, Strock, Ward

Ayes 55 **Nays** 7 **Excused** 0 **Absent** 0 **Conflicts** 0

2/28/2024	S Received for Introduction
2/28/2024	S Introduced and Referred to S02 - Appropriations
2/28/2024	S02 - Appropriations:Recommend Do Pass 3-0-2-0-0

ROLL CALL

Ayes: Senator(s) Anderson, Gierau, Nethercott

Excused: Senator(s) Kinskey, Salazar

Ayes 3 **Nays** 0 **Excused** 2 **Absent** 0 **Conflicts** 0

2/28/2024 S Placed on General File

2/29/2024 S COW:Passed

3/1/2024 S 2nd Reading:Passed

3/4/2024 S 3rd Reading:Failed 15-13-3-0-0

ROLL CALL

Ayes: Senator(s) Anderson, Baldwin, Barlow, Biteman, Boner, Bouchard, Brennan, Dockstader, Ellis, Furphy, Gierau, Jones, Nethercott, Salazar, Schuler

Nays: Senator(s) Case, French, Hicks, Hutchings, Ide, Kolb, Landen, Laursen, McKeown, President Driskill, Rothfuss, Scott, Steinmetz

Excused: Senator(s) Cooper, Kinsley, Pappas

Ayes 15 **Nays** 13 **Excused** 3 **Absent** 0 **Conflicts** 0

HB0075S3001/ADOPTED

(TO ENGROSSED COPY)

(CORRECTED COPY)

Page 8-after line 10 Insert and renumber as necessary:

"(VIII) Campus roads or streets;"

Page 8-line 12 Delete "(VIII)" and insert "(IX)".

Page 8-line 13 Delete "(VII)" and insert "(VIII)".

Page 10-line 3 After "use," insert "to provide for the full modernization or replacement of mechanical and electrical systems,".

Page 20-lines 13 through 22 Delete entirely.

Page 21-lines 1 through 5 Delete entirely and insert:

"(a) If a contract is let by a public entity for a public work, the contract shall be let to a resident of the state. If advertisement for bids or request for proposal is not required, the contract shall be let to a resident of the state. If advertisement for bids is required, the contract shall be let to the responsible certified resident making the lowest bid if the certified resident's bid is not more than five percent (5%) higher than that of the lowest responsible nonresident bidder."

Page 21-line 10 After "public" insert "or is needed to protect public property".

Page 43-line 18 After "of any" insert "new construction or". NETHERCOTT