

HOUSE BILL NO. HB0075

Public property-amendments.

Sponsored by: Joint Appropriations Committee

A BILL

for

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

14

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

16

1 **Section 1.** W.S. 21-17-208 is created to read:

2

3 **21-17-208. University maintenance and capital**
4 **construction.**

5

6 (a) As used in this section:

7

8 (i) "Capital construction project" means as
9 defined by W.S. 9-2-3001(b)(ii);

10

11 (ii) "Major maintenance" means as defined by W.S.
12 9-2-3001(b)(ix);

13

14 (iii) "Property" means as defined by W.S.
15 9-2-3001(b)(x);

16

17 (iv) "Routine maintenance" means as defined by
18 W.S. 9-2-3001(b)(xii).

19

20 (b) As part of its administrative functions, the board
21 of trustees shall identify university property needs and
22 develop a prioritized list of capital construction projects.

23 The prioritized capital construction projects shall be

1 reported by the board to the state construction department
2 not later than June 1 of each year. Following review, analysis
3 and study, the state construction department shall forward
4 the prioritized list of university capital construction
5 projects to the state building commission. The state
6 construction department shall submit to the state building
7 commission a recommendation for funding university major
8 maintenance each biennium in preparation for the development
9 of the state budget. This recommendation shall be based on a
10 formula adopted by the state building commission pursuant to
11 W.S. 9-5-107(g) and upon forms and in a format specified by
12 the state budget department. At the end of each fiscal year,
13 the board of trustees shall submit a report to the state
14 construction department on major maintenance expenditures and
15 commitments incurred in the immediately preceding fiscal year
16 as required by W.S. 9-5-107(j) for purposes of W.S.
17 9-2-3004(c)(xi).

18

19 (c) With respect to University of Wyoming property the
20 board of trustees shall:

21

22 (i) Develop and implement schedules for routine
23 maintenance that are designed to eliminate maintenance

1 backlogs, establish proactive maintenance practices and
2 ensure that buildings and facilities and components,
3 equipment or systems of buildings and facilities reach their
4 full life expectancy;

5

6 (ii) Plan for the funding of components, equipment
7 and systems of buildings and facilities that have a life
8 expectancy that is less than the life expectancy of the
9 building or facility;

10

11 (iii) Maintain records of routine maintenance for
12 buildings and facilities and any components, equipment and
13 systems of buildings and facilities.

14

15 (d) Notwithstanding any other provision of law, the
16 proportional cost of major maintenance of any component,
17 equipment or system of a University of Wyoming building or
18 facility that is attributable to neglected routine
19 maintenance, as determined by the state construction
20 department under W.S. 9-2-3004(c)(xii), shall be entirely
21 borne by the university.

22

1 **Section 2.** W.S. 9-2-3001(b)(ii) and by creating new
2 paragraphs (viii) through (xii), 9-2-3004(c)(i), (vi) and by
3 creating new paragraphs (x) through (xiii), 9-2-3202(a) by
4 creating a new paragraph (xi), 9-4-207(d)(intro) and by
5 creating a new paragraph (iv), 9-5-107(d)(iii), by creating
6 new paragraphs (v) and (vi), (g)(intro), (i) and by creating
7 new subsections (j) through (o), 16-6-101(a)(v), 16-6-102(a)
8 and by creating a new subsection (g), 16-6-401(a)(ix),
9 16-6-1001(f)(i), 21-15-108(b), 21-15-109(a)(iii)(intro),
10 (iv), (vi), (viii), (e), (f) and by creating a new subsection
11 (g), 21-15-111(a)(iii) through (v) and by creating new
12 paragraphs (x) and (xi), 21-15-116(a)(intro) and by creating
13 a new paragraph (viii), 21-15-119(a)(i),
14 21-15-123(f)(v)(intro), (E) and (vi), 21-18-102(a) by
15 creating new paragraphs (xxiii) through (xxvi) and by
16 renumbering (xxiii) as (xxvii), 21-18-202(d)(v)(intro), (A)
17 and (C), 21-18-225(a)(intro), (b) by creating new paragraphs
18 (v) through (vii), (j) and by creating new subsections (n)
19 and (o) and 21-18-319(e)(ii) are amended to read:

20

21 **9-2-3001. State construction department created;**
22 **definitions.**

23

1 (b) As used in this article:

2

3 (ii) "Capital construction project" means new
4 construction, demolition, renovation, ~~and~~ capital renewal and
5 major maintenance of or to ~~any public building or facility~~
6 property and any other ~~public~~ improvement, alteration or
7 enlargement necessary for the ~~public building or facility,~~
8 ~~major maintenance as defined in W.S. 16-6-101(a)(v) and major~~
9 ~~building and facility repair and replacement as defined in~~
10 ~~W.S. 21-15-109(a)(iii)~~ property;

11

12 (viii) "Capital renewal" means capital
13 construction infrastructure upgrades and replacement projects
14 to systems external to a building or facility that are
15 necessary for the continued functionality of a property.
16 "Capital renewal" includes projects that do not qualify as
17 new construction and for which the costs exceed amounts
18 typically appropriated or expended on major maintenance for
19 a property such as water projects, sewer projects, electrical
20 projects and other major external infrastructure projects
21 that impact the life, health and safety of occupants in a
22 building or facility;

23

1 (ix) "Major building and facility repair and
2 replacement" or "major maintenance" means the repair or
3 replacement of complete or major portions of property systems
4 at irregular intervals, which is required to continue the use
5 of the property at its designed capacity for its designed
6 intended use and is typically accomplished by contractors due
7 to the personnel demand to accomplish the work in a timely
8 manner, the level of sophistication of the work or the need
9 for warranted work. The term includes, but is not limited to,
10 the following categories as hereafter defined:

11
12 (A) "Code compliance" means system
13 improvements or site improvements that are mandated by law,
14 regulation or code for the continued use of property;

15
16 (B) "Site improvements" means the repair,
17 replacement or upgrade of property components or equipment
18 that are not system improvements, including the repair,
19 replacement or upgrade of any of the following:

20
21 (I) Sidewalks;

22
23 (II) Parking lots;

1

2

(III) Athletic tracks;

3

4

(IV) Playground features;

5

6

(V) Outdoor security features;

7

8

(VI) Landscaping;

9

10

(VII) Drainage systems;

11

12

(VIII) Components or equipment similar

13

to those specified in subdivisions (I) through (VII) of this

14

subparagraph.

15

16

(C) "System improvements" means the repair,

17

replacement or upgrade of property components or equipment,

18

including any of the following:

19

20

(I) Structural systems;

21

22

(II) Fire protection systems;

23

1 (III) Indoor security features;

2

3 (IV) Electrical, lighting, plumbing,
4 heating, ventilation or air conditioning systems;

5

6 (V) Roofs;

7

8 (VI) Windows and doors;

9

10 (VII) Conveyance systems, including
11 elevators and escalators;

12

13 (VIII) Information technology systems;

14

15 (IX) Components or equipment similar to
16 those specified in subdivisions (I) through (VII) of this
17 subparagraph.

18

19 (x) "Property" means a building, facility or site
20 and any component, equipment or system of a building or
21 facility;

22

1 (xi) "Renovation" means work done to restore
2 property to a condition that is functional for its intended
3 use, to modernize or adapt a property to an approved new use
4 and capacity or for the purpose of making it code compliant,
5 including architectural and structural changes and the
6 modernization of mechanical and electrical systems.
7 "Renovation" includes the repair, strengthening or
8 restoration of major building systems or structures to a safe
9 condition. "Renovation" does not include work that consists
10 primarily of routine maintenance, minor repairs and
11 replacement due to normal use, wear and tear or deterioration;
12

13 (xii) "Routine maintenance" means activities
14 necessary to keep property in safe and good working order so
15 that the property may be used at its original or designed
16 capacity for its original or designed intended use. "Routine
17 maintenance" includes janitorial, groundskeeping and
18 maintenance tasks done on a routine basis by building
19 personnel and specialized equipment and building system
20 maintenance that is accomplished on a routine basis by
21 contractors.
22

23 **9-2-3004. Duties of the department.**

1

2 (c) The department shall:

3

4 (i) Review and make recommendations to the
5 governor concerning capital construction project and land
6 acquisition budget requests made by the state building
7 commission, school facilities commission, the University of
8 Wyoming, community college commission and any agency;

9

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

14

15 (x) Beginning September 1, 2025 and each odd
16 numbered year thereafter, submit to the state building
17 commission a recommendation for funding for the immediately
18 succeeding fiscal biennium for major maintenance for state
19 property, University of Wyoming property and community
20 college property. This recommendation shall be based on the
21 formula adopted by the state building commission pursuant to
22 W.S. 9-5-107(g);

23

1 (xi) At the end of each fiscal year, review major
2 maintenance expenditure and commitment reports submitted to
3 the department by state agencies, community colleges, the
4 University of Wyoming and school districts. For school
5 districts, the review shall be in accordance with W.S.
6 21-15-109(e). The department shall, in consultation with the
7 respective state agencies, community colleges and the
8 university of Wyoming, provide a report to the state building
9 commission on all major maintenance expenditures and
10 commitments incurred in the immediately preceding fiscal
11 year. The report shall specify if any impediments were
12 encountered in completing planned major maintenance on time
13 and within the amounts budgeted, if any expenditures or
14 commitments were necessitated earlier than anticipated or
15 before the end of the life expectancy of the component,
16 equipment or system and whether any expenditures or
17 commitments resulted in whole or in part from failure to
18 complete required routine maintenance;

19
20 (xii) In reviewing major maintenance expenditures
21 and commitments under paragraph (xi) of this subsection and
22 W.S. 21-15-109(e), if the department determines routine
23 maintenance was not performed for any component, equipment or

1 system, the department shall identify the component,
2 equipment or system as neglected. The department shall
3 compare the service life of the component, equipment or system
4 at the time of failure to the life expectancy of the
5 component, equipment or system and calculate the proportional
6 cost of the repair or replacement that is attributable to
7 neglected routine maintenance. Subject to review by the state
8 building commission under W.S. 9-5-107(k) and the school
9 facilities commission under W.S. 21-15-116(e), the department
10 shall report all neglected property and the proportional
11 costs attributable to neglected routine maintenance to the
12 respective governing body, which may include the state
13 building commission, the community college commission, the
14 respective community college district board of trustees, the
15 University of Wyoming board of trustees, the school
16 facilities commission and the select committee on school
17 facilities. The department shall submit a compiled report on
18 neglected property to the joint appropriations committee not
19 later than September 1 of each year;

20

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

1

2 **9-2-3202. Definitions; powers generally; duties of**
3 **governor; provisions construed; cooperation with legislature**
4 **and judiciary; divisions enumerated.**

5

6 (a) As used in this act:

7

8 (xi) "Routine maintenance" means as defined by
9 W.S. 9-2-3001(b)(xii).

10

11 **9-4-207. Disposition of unexpended appropriations.**

12

13 (d) Appropriations for the purposes specified in this
14 subsection shall be excluded from reverting pursuant to
15 subsections (a) through (c) of this section. Appropriations
16 which do not revert pursuant to this subsection shall be
17 expended only on the projects for which the funds were
18 appropriated except as provided pursuant to paragraph (iv) of
19 this subsection. Funds subject to this subsection are
20 appropriations:

21

22 (iv) For major maintenance as defined by W.S.
23 9-2-3001(b)(ix) for state property, University of Wyoming

1 property and community college property. Appropriations
2 subject to this paragraph that do not revert shall be expended
3 only on expenses incurred for major maintenance as defined by
4 W.S. 9-2-3001(b)(ix).

5
6 **9-5-107. Duties and responsibilities with respect to**
7 **state buildings; state capital construction needs assessment**
8 **and priorities; neglected routine maintenance; supplemental**
9 **major maintenance funding.**

10
11 (d) The state building commission shall adopt rules
12 implementing policies for the management of state buildings.
13 The rules shall establish:

14
15 (iii) Requirements for ~~planned~~ development and
16 implementation of routine maintenance schedules designed to
17 eliminate maintenance backlogs, ~~and to~~ establish proactive
18 maintenance practices and ensure that state buildings and
19 facilities and components, equipment and systems of state
20 buildings and facilities reach their full life expectancy;

21
22 (v) Requirements for planning for the funding of
23 components, equipment and systems of state buildings and

1 facilities that have a life expectancy that is less than the
2 life expectancy of the state building or facility;

3

4 (vi) Requirements for maintaining records of
5 routine maintenance for state buildings and facilities and
6 any components, equipment and systems of state buildings and
7 facilities.

8

9 (g) The state building commission shall adopt a formula
10 for major building and facility repair and replacement for
11 state property, University of Wyoming property and community
12 college ~~facilities~~ property. The formula shall:

13

14 (i) Be based on the gross square footage ~~of~~
15 ~~buildings and facilities~~ for not more than seven (7)
16 categories of buildings for state property, University of
17 Wyoming property and community college property and shall:

18

19 (A) For community college property, include
20 only buildings providing education programs comprising the
21 statewide college system strategic plan developed and
22 maintained under W.S. 21-18-202(a)(v);

23

1 (B) Specifically exclude student housing,
2 student unions and auxiliary services areas funded
3 exclusively through university or community college generated
4 revenues unless otherwise specified by law.

5
6 (j) At the end of each fiscal year, the state
7 construction department, any agency responsible for the
8 operation and management of a state building, the University
9 of Wyoming and the community college commission shall report
10 to the state building commission on the expenditures and
11 commitments made from any funds appropriated for major
12 building and facility repair and replacement for purposes of
13 W.S. 9-2-3004(c)(xi).

14
15 (k) Upon appeal by a state agency, community college or
16 the University of Wyoming, the state building commission
17 shall review determinations made by the state construction
18 department under W.S. 9-2-3004(c)(xii) for neglected routine
19 maintenance and may issue a final decision on a matter.

20
21 (m) Notwithstanding any other provision of law, the
22 proportional cost of major building and facility repair of
23 any component, equipment or system of a state building or

1 facility that is attributable to neglected routine
2 maintenance, as determined by the state construction
3 department under W.S. 9-2-3004(c)(xii), shall be borne
4 entirely by the state agency that is responsible for the
5 operation and management of the state building or facility.
6 This subsection shall not apply to buildings and facilities
7 for which maintenance is assigned to the general services
8 division of the department of administration and information
9 under W.S. 9-2-3204(b)(xx) and (xxi).

10
11 (n) To the extent the amount of funds appropriated in
12 any fiscal biennium pursuant to the formula adopted by the
13 state building commission for major building and facility
14 repair and replacement are insufficient to repair or replace
15 a failed component, equipment or system of a building or
16 facility, the state building commission, the community
17 college commission, the University of Wyoming or any agency
18 may separately identify and request in its capital
19 construction budget request submitted to the governor the
20 additional amount necessary to repair or replace the failed
21 component, equipment or system. Any supplemental funding
22 appropriated in response to a budget request submitted under
23 this paragraph shall be conditioned on the requesting entity

1 expending all funds appropriated in the fiscal biennium for
2 major building and facility repair and replacement to repair
3 or replace the failed component, equipment or a system, except
4 as otherwise provided by law.

5
6 (o) As used in this section:

7
8 (i) "Major building and facility repair and
9 replacement" or "major maintenance" means as defined by W.S.
10 9-2-3001(b)(ix);

11
12 (ii) "Property" means as defined by W.S.
13 9-2-3001(b)(x);

14
15 (iii) "Routine maintenance" means as defined by
16 W.S. 9-2-3001(b)(xii).

17
18 **16-6-101. Definitions.**

19
20 (a) As used in this act:

21
22 (v) "Major maintenance" means ~~the repair or~~
23 ~~replacement of complete or major portions of building and~~

1 ~~facility systems at irregular intervals which is required to~~
2 ~~continue the use of the building or facility at its original~~
3 ~~capacity for its original intended use and is typically~~
4 ~~accomplished by contractors due to the personnel demand to~~
5 ~~accomplish the work in a timely manner, the level of~~
6 ~~sophistication of the work or the need for warranted work~~ as
7 defined by W.S. 9-2-3001(b)(ix);

8
9 **16-6-102. Resident contractors; preference limitation**
10 **with reference to lowest bid or qualified response;**
11 **decertification; denial of application for residency.**

12
13 (a) If a contract is let by a public entity for a public
14 work, the ~~contract shall be let, if advertisement for bids or~~
15 ~~request for proposal is not required, to a resident of the~~
16 state following shall apply:

17
18 (i) If advertisement for bids is required, the
19 contract shall be let to the responsible certified resident
20 making the lowest bid if the certified resident's bid is not
21 more than five percent (5%) higher than that of the lowest
22 responsible nonresident bidder;

23

1 (ii) If advertisement for bids or request for
2 proposals are not required, the contract shall be let to a
3 resident of the state, provided that if the services required
4 are not offered by any known resident of the state, the public
5 entity may let the contract to a nonresident.

6
7 (g) Whenever an emergency arises requiring a contract
8 for a public work, a public entity may waive any applicable
9 requirement of this section if the requirement endangers the
10 health, welfare or safety of the public.

11
12 **16-6-401. Definitions.**

13
14 (a) As used in W.S. 16-6-401 through 16-6-403:

15
16 (ix) "Renovation" means ~~revision to a major~~
17 ~~facility which will affect more than fifty percent (50%) of~~
18 ~~the gross floor area in the building~~ as defined by W.S.
19 9-2-3001(b)(xi).

20
21 **16-6-1001. Capital construction projects restrictions;**
22 **preference requirements; waivers.**

23

1 (f) As used in this section:

2

3 (i) "Capital construction project" means ~~new~~
4 ~~construction, demolition, renovation and capital renewal of~~
5 ~~or to any public building or facility and any other public~~
6 ~~improvement necessary for the public building or facility,~~
7 ~~major maintenance~~ as defined ~~in~~ by W.S. ~~16-6-101(a)(v) and~~
8 ~~major building and facility repair and replacement as defined~~
9 ~~in W.S. 21-15-109(a)(iii)~~ 9-2-3001(b)(ii);

10

11 **21-15-108. Revenue bonds for grants and loans;**
12 **refunding revenue bonds.**

13

14 (b) The school facilities commission may borrow money
15 in a principal amount not to exceed one hundred million
16 dollars (\$100,000,000.00) by the issuance from time to time
17 of one (1) or more series of revenue bonds. The commission
18 may encumber revenues under subsection (a) of this section
19 for bonds in total amounts not to exceed one hundred million
20 dollars (\$100,000,000.00) issued for ~~school capital~~
21 ~~construction~~ projects and assistance as determined by the
22 commission and approved by the legislature under W.S.
23 21-15-119. Any bonds issued under this section, together with

1 any interest accruing thereon and any prior redemption
2 premiums due in connection therewith, are payable and
3 collectible solely out of revenues authorized under this
4 section. The bondholders may not look to any general or other
5 fund for payment of the bonds except the revenues pledged
6 therefore. The bonds shall not constitute an indebtedness or
7 a debt within the meaning of any constitutional or statutory
8 provision or limitation. The bonds shall not be considered or
9 held to be general obligations of the state but shall
10 constitute its special obligations and the commission shall
11 not pledge the state's full faith and credit for payment of
12 the bonds.

13

14 **21-15-109. Major building and facility repair and**
15 **replacement payments; computation; square footage allowance;**
16 **use of payment funds; accounting and reporting requirements;**
17 **neglected routine maintenance.**

18

19 (a) As used in this act:

20

21 (iii) "Major building and facility repair and
22 replacement" or "major maintenance" means ~~the repair or~~
23 ~~replacement of complete or major portions of school building~~

1 ~~and facility systems at irregular intervals which is required~~
2 ~~to continue the use of the building or facility at its~~
3 ~~original capacity for its original intended use and is~~
4 ~~typically accomplished by contractors due to the personnel~~
5 ~~demand to accomplish the work in a timely manner, the level~~
6 ~~of sophistication of the work or the need for warranted work.~~
7 ~~The term includes the following categories as hereafter~~
8 ~~defined:~~ as defined by W.S. 9-2-3001(b)(ix) for school
9 building and facility systems;

10
11 (iv) "Office building" means a school building or
12 facility primarily used in connection with or for the purpose
13 of district administrative functions, the major purpose or
14 use of which is not dedicated to the provision of educational
15 programs offered by the district in accordance with law;
16 ~~"Office building" shall include maintenance facilities and~~
17 ~~storage buildings in which supplies are stored;~~

18
19 (vi) "Routine maintenance" ~~and repair~~ means
20 ~~activities necessary to keep a school building or facility in~~
21 ~~safe and good working order so that it may be used at its~~
22 ~~original or designed capacity for its originally intended~~
23 ~~purposes, including janitorial, grounds keeping and~~

1 ~~maintenance tasks done on a routine basis and typically~~
2 ~~accomplished by district personnel with exceptions for any~~
3 ~~routine tasks accomplished by contractors such as elevator or~~
4 ~~other specialized equipment or building system maintenance~~ as
5 defined by W.S. 9-2-3001(b)(xii) for school buildings and
6 facilities;

7
8 (viii) "Warehouse building" means a school
9 building or facility primarily used for storage of ~~equipment,~~
10 materials and other district property and supplies, including
11 facilities in which school buses and school equipment is
12 stored, maintained or serviced.

13
14 (e) Amounts distributed under subsection (b) of this
15 section shall be deposited by the recipient district into a
16 separate account, the balance of which may accumulate from
17 year-to-year. Except as specified under subsection (f) of
18 this section and subject to subsection (g) of this section,
19 expenditures from the separate account, including any
20 interest earnings on the account, shall be restricted to
21 expenses incurred for major building and facility repair and
22 replacement ~~as defined in subsection (a) of this section~~ and
23 shall be in accordance with the district's facility plan under

1 W.S. 21-15-116. Account expenditures may include the expenses
2 of district personnel performing work described under
3 paragraph (a)(iii) of this section if approved by the
4 department and if documented within the district's facility
5 plan. The district's facility plan shall clearly specify
6 proposed major maintenance expenditures for addressing
7 district major building and facility repair and replacement
8 needs on a building-by-building basis, updated for the
9 applicable reporting period, which shall be aligned to the
10 statewide adequacy standards and prioritized based upon the
11 impact of the building or facility on the district's ability
12 to deliver the required educational program. The district
13 shall include plans for maintaining any district building or
14 facility which is under a lease agreement, specifying lease
15 revenues available to the district for maintenance of
16 facilities to the level required by statewide adequacy
17 standards. No expenditures shall be made from the separate
18 account unless the repair or replacement of the building or
19 facility systems for which the expenditure is to be made is
20 clearly specified within the district's facility plan or
21 otherwise approved by the department. In a manner and form
22 required by commission rule and regulation, each district
23 shall annually report to the department on the expenditures

1 made from the separate account during the applicable
2 reporting period, separating account expenditures on a
3 building-by-building basis. The department shall annually
4 review account expenditures. ~~and shall report expenditures to~~
5 The department shall, in consultation with each respective
6 school district, provide a report to the commission, ~~and~~ the
7 select committee on school facilities established under W.S.
8 28-11-301 and the joint appropriations committee on major
9 maintenance expenditures. The report shall specify if any
10 impediments were encountered in completing planned major
11 maintenance on time and within the amounts budgeted, if any
12 expenditures were necessitated earlier than anticipated or
13 before the end of the life expectancy of the component,
14 equipment or system and whether any expenditure resulted in
15 whole or in part from failure to complete required routine
16 maintenance. The department shall compile reported
17 building-by-building expenditure information for each
18 district and the district facility plan and include this
19 information in its annual report to the select committee
20 pursuant to W.S. 21-15-121. If any district expends funds
21 within the separate account for purposes not authorized by
22 this subsection or by rule and regulation of the commission,
23 the payments for that district shall be reduced by the amount

1 of the unauthorized expenditure in the school year following
2 the year in which the expenditure was discovered or the school
3 year in which notification was provided by the department,
4 whichever first occurs.

5
6 (f) Notwithstanding subsection (e) of this section and
7 subject to subsection (g) of this section, a district may
8 expend up to ten percent (10%) of the amount distributed
9 during any school year under subsection (b) of this section
10 for major building and facility repair and replacement needs
11 of the district which are not specified in the district's
12 facility plan, including expenditures for maintenance of
13 district enhancements. Expenditures shall be made under this
14 subsection only after the district's building and facility
15 repair and replacement needs specified in its facility plan
16 have been addressed in accordance with subsection (e) of this
17 section and the department has approved the district's
18 proposed expenditures under this subsection. Amounts not
19 expended for purposes of this subsection during any school
20 year may be accumulated by a district and earmarked within
21 the separate account established under subsection (e) of this
22 section for expenditure under this subsection in subsequent
23 school years, provided the unexpended amount during any

1 school year to be accumulated does not exceed ten percent
2 (10%) of the amount distributed to the district under
3 subsection (b) of this section for that school year. Each
4 district shall include expenditures under this subsection and
5 any amounts accumulated from year-to-year under this
6 subsection within the annual report required under subsection
7 (e) of this section. Nothing in this subsection shall
8 prohibit or limit the application of subparagraph (c)(i)(D)
9 of this section in computing a district's building and
10 facility gross square footage for purposes of determining
11 payment amounts under this section. If any school district
12 exceeds expenditure limitations prescribed by this subsection
13 or fails to comply with expenditure levels for facility
14 adequacy needs identified within its facility plan, the
15 payments for that district in the immediately succeeding year
16 shall be reduced by the excess expenditure amount including
17 any excess expenditure of amounts accumulated under this
18 subsection.

19

20 (g) Notwithstanding any other provision of law, no
21 expenditure shall be made from the separate account
22 established under subsection (e) of this section for the
23 proportional cost of major maintenance of any component,

1 equipment or system of a school building or facility that is
2 attributable to neglected routine maintenance as determined
3 by the state construction department under W.S.
4 9-2-3004(c)(xii). The payments for that district shall be
5 reduced by the proportional cost attributable to neglected
6 routine maintenance within the year following the year in
7 which the expenditure was identified by the department.

8
9 **21-15-111. Definitions.**

10
11 (a) As used in this act, unless the context requires
12 otherwise:

13
14 (iii) "Local enhancements to school buildings and
15 facilities" or "local enhancements" means any renovation,
16 capital renewal, construction, replacement, repair or other
17 improvement of or to any school building or facility initiated
18 by a school district which is designed to bring the building
19 or facility to a condition exceeding the statewide building
20 adequacy standards and the commission's facility design
21 standards and guidelines;

22

1 (iv) "Project" means replacement, renovation,
2 capital renewal or new construction projects which increase
3 the value of the school building or facility by improving the
4 functioning of the building or facility or the capacity of
5 the building or facility, or both, excluding major building
6 and facility repair and replacement as defined ~~under~~by W.S.
7 ~~21-15-109(a)(iii)~~9-2-3001(b)(ix), and routine maintenance
8 ~~and repair~~as defined ~~under~~by W.S. ~~21-15-109(a)(vi)~~
9 9-2-3001(b)(xii);

10
11 (v) "Remedy" or "remediation" means a course of
12 action addressing identified building and facility needs in
13 accordance with statewide adequacy standards developed under
14 this act, consisting of building or facility construction,
15 replacement, renovation, capital renewal, repair or any
16 combination thereof;

17
18 (x) "Capital renewal" means as defined by W.S.
19 9-2-3001(b)(viii) for school buildings and facilities;

20
21 (xi) "Renovation" means as defined by W.S.
22 9-2-3001(b)(xi) for school buildings and facilities.

23

1 21-15-116. School district facility plans;
2 development, review and approval; plan criteria;
3 administrative review; collaborative committee process.

4
5 (a) In accordance with rules and regulations of the
6 commission, long range comprehensive school building and
7 facility plans for each school district shall be developed by
8 the department in coordination with the applicable district,
9 which address district wide building and facility needs. The
10 facility plan shall identify building and facility needs
11 aligned with the statewide adequacy standards, actions to
12 remediate building and facility needs including new
13 construction, demolition as provided in this subsection,
14 renovation, capital renewal and major building and facility
15 repair and replacement expenditures, and any local
16 enhancements to buildings and facilities beyond statewide
17 adequacy standards. The facility plan shall include a
18 response to each school building and facility need identified
19 on a building-by-building, space-by-space basis. The plan
20 shall also review, and to the extent practical, identify and
21 prioritize nonconstruction alternatives to school building
22 and facility needs such as building closure, modification of
23 school boundaries, modification of school grade

1 configurations and similar approaches. Demolition or use,
2 lease or other methods of disposition of surplus buildings
3 and facilities shall be incorporated as part of the district
4 plan, including the disposition of any existing land owned by
5 the district. The plan shall not include the abandonment or
6 demolition of any school facility or building unless there
7 has first been a public hearing on the issue. The plan shall
8 also specify identified alternative methods of building
9 disposition, proposed allocation of costs incurred or
10 revenues resulting from disposition and allocation of
11 disposition revenues to offset any costs paid by the
12 department. In addition, district facility plans shall
13 include:

14

15 (viii) A plan for addressing school building and
16 facility routine maintenance needs. The routine maintenance
17 plan shall:

18

19 (A) Be designed to eliminate maintenance
20 backlogs, establish proactive maintenance practices and
21 ensure that school buildings and facilities and components,
22 equipment and systems of school buildings and facilities
23 reach their full life expectancy;

1

2

(B) Anticipate the funding of components, equipment and systems of school buildings and facilities that have a life expectancy that is less than the life expectancy of the school building or facility;

6

7

(C) Establish requirements for maintaining routine maintenance records for school buildings and facilities and any components, equipment and systems of school buildings and facilities.

11

12

21-15-119. Commission budget and funding recommendations.

14

15

(a) Notwithstanding W.S. 9-2-1012, the commission shall annually, not later than September 1, develop and submit a recommended budget for projects and school capital construction financing to the governor, through the state budget department and to the select committee on school facilities. The department shall prepare and provide information as requested by the commission. The commission shall include with its recommended budget to the select committee the prioritized schedules of projects specified in

23

1 W.S. 21-15-117 including the amounts allocated to each
2 project and the annual building status report specified under
3 W.S. 21-15-121. The recommended budget submitted by the
4 commission shall include:

5
6 (i) The estimated costs and proposed funding
7 amounts for all projects determined under W.S. 21-15-117 and
8 21-15-118 and proposed for that budget period, together with
9 estimated expenditures for major building and facility repair
10 and replacement program payments under W.S. 21-15-109 for the
11 same budget period. To the extent the amount of payments under
12 W.S. 21-15-109 for the same budget period are insufficient to
13 repair or replace a failed component, equipment or system of
14 a school building or facility, the recommended budget may
15 separately identify and request additional amounts necessary
16 to repair or replace the failed component, equipment or
17 system. Except as otherwise provided by law, any supplemental
18 funding appropriated in response to a budget recommendation
19 submitted under this paragraph shall be conditioned on the
20 school district expending amounts available in the separate
21 account established under W.S. 21-15-109(e) on major building
22 and facility repair and replacement, provided that a school
23 district shall not be required to expend more than fifty

1 percent (50%) of the projected balance of the separate account
2 after all planned expenses for major building and facility
3 repair are deducted;
4

5 **21-15-123. State construction department; duties and**
6 **authority relating to school facilities.**
7

8 (f) The state construction department shall:
9

10 (v) Enter into or approve ~~construction or~~
11 ~~renovation~~ project agreements with school districts, as
12 appropriate. Each agreement shall:
13

14 (E) Assure the state is not responsible or
15 liable for compliance with ~~construction or renovation~~ project
16 schedules or completion dates;
17

18 (vi) Review district proposals for the disposition
19 or demolition of buildings and facilities made surplus by an
20 approved ~~construction or renovation~~ project or by changes in
21 school population, including allocation of resulting costs
22 and revenues and report the proposals to the commission.
23 Disposition shall include options for use, lease, sale and

1 any other means of disposing of the surplus building or
2 facility. The costs and revenues incurred by the disposition
3 or demolition of the building or facility shall be accounted
4 for in each district's school facility plan and considered in
5 any building or facility remedy for that district, including
6 the allocation of revenues resulting from the disposition of
7 property rendered surplus to offset property demolition
8 costs. The department shall report this review to the
9 commission. The commission, after receiving a report of the
10 review by the department, shall approve the proposal related
11 to disposition or demolition submitted pursuant to this
12 paragraph unless the commission determines that the proposal
13 does not protect the financial interests of the state or is
14 not otherwise in the public interest. Any revenues resulting
15 from property disposition under this paragraph shall not be
16 considered or counted under W.S. 21-13-310(a)(xiv) or (xv);

17

18 **21-18-102. Definitions.**

19

20 (a) As used in this act:

21

1 (xxiii) "Capital construction project" or
2 "capital construction" means as defined by W.S.
3 9-2-3001(b)(ii);

4
5 (xxiv) "Capital renewal" means as defined by W.S.
6 9-2-3001(b)(viii);

7
8 (xxv) "Major maintenance" means as defined by W.S.
9 9-2-3001(b)(ix);

10
11 (xxvi) "Renovation" means as defined by W.S.
12 9-2-3001(b)(xi);

13
14 ~~(xxiii)~~ (xxvii) "This act" means W.S. 21-18-101
15 through 21-18-409.

16
17 **21-18-202. Powers and duties of the commission.**

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

21
22 (v) Approve ~~all new capital construction projects~~
23 the following expenditures in excess of two hundred fifty

1 thousand dollars (\$250,000.00) market value for which state
 2 funds are or could be eventually applied: ~~."New capital~~
 3 ~~construction projects" include:~~

4
 5 (A) ~~New~~ Capital construction projects,
 6 ~~renovation and capital renewal~~ excluding major maintenance,
 7 in excess of two hundred fifty thousand dollars (\$250,000.00)
 8 market value; ~~which is not necessary maintenance or repair;~~

9
 10 (C) Previously approved and uncompleted ~~new~~
 11 capital construction projects, excluding major maintenance,
 12 which have increased in total cost by ten percent (10%) or
 13 more since cost estimates were developed at the time of
 14 initial project approval under this paragraph and W.S.
 15 21-18-205(g).

16

17 **21-18-225. College maintenance and capital**
 18 **construction funding.**

19

20 (a) As part of its administrative functions, the
 21 community college commission shall identify community college
 22 building needs and develop a prioritized list of community
 23 college capital construction projects. The prioritized

1 community college capital construction projects shall be
2 reported by the commission to the state construction
3 department in accordance with subsection (g) of this section.
4 Following review, analysis and study, the state construction
5 department shall forward recommendations for community
6 college capital construction projects to the state building
7 commission. ~~The state construction department shall also~~
8 ~~submit major maintenance budget requests for college~~
9 ~~buildings to the legislature in accordance with this section.~~
10 ~~Major maintenance budget requests shall be based upon the~~
11 ~~square footage submitted by the commission under subsection~~
12 ~~(f) of this section and upon a formula adopted by the state~~
13 ~~building commission, and upon forms and in a format specified~~
14 ~~by the state budget department.~~ The state construction
15 department shall submit to the state building commission and
16 the joint appropriations committee a recommendation for
17 funding community college major maintenance each biennium in
18 preparation for the development of the state budget. This
19 recommendation shall be based on a formula adopted by the
20 state building commission pursuant to W.S. 9-5-107(g) and
21 upon forms and in a format specified by the state budget
22 department. At the end of each fiscal year, the commission
23 shall submit a report to the state construction department on

1 major maintenance expenditures incurred in the immediately
2 preceding fiscal year as required by W.S. 9-5-107(j) for
3 purposes of W.S. 9-2-3004(c)(xi). College building
4 maintenance budget requests submitted by the state
5 construction department to the legislature and capital
6 construction budget requests forwarded by the state building
7 commission to the legislature shall include only necessary
8 building square footage:

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

15
16 (v) Requirements for community colleges to develop
17 and implement routine maintenance schedules for community
18 college buildings and facilities that are designed to
19 eliminate maintenance backlogs, establish proactive
20 maintenance practices and ensure that community college
21 buildings and facilities and any components, equipment and
22 systems of college buildings and facilities reach their full
23 life expectancy;

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(vi) Plan for the funding of components, equipment and systems of college buildings and facilities that have a life expectancy that is less than the life expectancy of the college building or facility;

(vii) Maintain records of routine maintenance for college buildings and facilities and any components, equipment and systems of college buildings and facilities.

(j) Subject to amounts made available by legislative appropriation and to any conditions which may be attached to appropriation expenditures, the state construction department shall distribute state funds for ~~building—capital~~ construction projects approved and authorized by the legislature. Distributions of state funds for any approved and authorized capital construction project shall be in accordance with payment schedules established by rule and regulation of the department. Payments by the 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

1 district funds for the capital construction project. Payments
2 to districts shall also be attached to prescribed phases of
3 the capital construction project and the completion of
4 certain project phases. Construction phases for which
5 approval of the program is required shall be specified by the
6 state construction department rule and regulation, clearly
7 prescribing a process for program review and approval of
8 project plans and specifications, project development and
9 project changes and change orders. In carrying out duties
10 under this subsection, the department may execute powers
11 prescribed under W.S. 9-5-108(a)(iii) in coordination with
12 the state building commission and the appropriate community
13 college district. No scheduled payment shall be made by the
14 department without compliance with the prescribed process.

15
16 (n) The community college shall be responsible for
17 funding not less than fifty percent (50%) of the construction
18 costs from sources other than state general funds of any
19 renovation constructed on property owned by the community
20 college. For purposes of calculating community college
21 funding responsibilities under this subsection, "construction
22 costs" shall not include amounts appropriated for contingency

1 costs and administrative costs described in subsection (g) of
2 this section.

3
4 (o) Notwithstanding any other provision of law, the
5 proportional cost of major maintenance of any component,
6 equipment or system of a community college building or
7 facility that is attributable to neglected routine
8 maintenance, as determined by the state construction
9 department under W.S. 9-2-3004(c)(xii), shall be entirely
10 borne by the community college.

11
12 **21-18-319. Student dormitory capital construction**
13 **loans; rulemaking; requirements; reporting; definition.**

14
15 (e) As used in this section:

16
17 (ii) "Capital construction" ~~or~~ "construction"
18 includes new construction, demolition, renovation or capital
19 renewal.

20
21
22 **Section 3.** W.S. 9-5-107(h), 21-15-109(a)(iii)(A)
23 through (C) and 21-18-225(b)(iv) are repealed.

1

2 **Section 4.**

3

4 (a) The state construction department, state building
5 commission, community college commission and school
6 facilities commission shall promulgate all rules necessary to
7 implement this act.

8

9 (b) The board of trustees of the University of Wyoming
10 shall promulgate all regulations necessary to implement this
11 act.

12

13 **Section 5.**

14

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

17

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

22

1 **Section 6.**

2

3 (a) Except as provided in subsection (b) of this
4 section, this act is effective July 1, 2024.

5

6 (b) Sections 4 through 6 of this act are effective
7 immediately upon completion of all acts necessary for a bill
8 to become law as provided by Article 4, Section 8 of the
9 Wyoming Constitution.

10

11

(END)