

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 the state
8 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; and providing for effective dates.

13

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

15

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

1

2 **21-17-208. University maintenance and capital**
3 **construction.**

4

5 (a) As used in this section:

6

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

9

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

12

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

15

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

18

19 (b) As part of its administrative functions, the board
20 of trustees shall identify university property needs and
21 develop a prioritized list of capital construction projects.
22 The prioritized capital construction projects shall be
23 reported by the board to the state construction department

1 not later than June 1 of each year. Following review, analysis
2 and study, the state construction department shall forward
3 recommendations for university capital construction projects
4 to the state building commission. The state construction
5 department shall separately identify and include budget
6 requests for university major maintenance, which shall be
7 submitted to the legislature in accordance with this section.
8 Budget requests for major maintenance shall be based upon the
9 square footage submitted by the university and the formula
10 adopted by the state building commission pursuant to W.S.
11 9-5-107(g) and upon forms and in a format specified by the
12 state budget department.

13

14 (c) With respect to University of Wyoming property the
15 board of trustees shall:

16

17 (i) Develop and implement schedules for routine
18 maintenance that are designed to eliminate maintenance
19 backlogs, establish proactive maintenance practices and
20 ensure that buildings and facilities and components,
21 equipment or systems of buildings and facilities reach their
22 full life expectancy;

23

1 (ii) Plan for the funding of components, equipment
2 and systems of buildings and facilities that have a life
3 expectancy that is less than the life expectancy of the
4 building or facility;

5

6 (iii) Maintain records of routine maintenance for
7 buildings and facilities and any components, equipment and
8 systems of buildings and facilities.

9

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

17

18 **Section 2.** W.S. 9-2-3001(b)(ii) and by creating new
19 paragraphs (viii) through (xii), 9-2-3004(c)(i), (vi) and by
20 creating new paragraphs (x) and (xi), 9-2-3202(a) by creating
21 a new paragraph (xi), 9-4-207(d)(intro) and by creating a new
22 paragraph (iv), 9-5-107(d)(iii), by creating new paragraphs
23 (v) and (vi), (g)(intro), (i) and by creating new subsections

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

14

15 **9-2-3001. State construction department created;**
 16 **definitions.**

17

18 (b) As used in this article:

19

20 (ii) "Capital construction project" means new
 21 construction, demolition, renovation, ~~and~~ capital renewal and
 22 major maintenance of or to ~~any public building or facility~~
 23 property and any other ~~public~~ improvement, alteration or

1 enlargement necessary for the ~~public building or facility,~~
2 ~~major maintenance as defined in W.S. 16-6-101(a)(v) and major~~
3 ~~building and facility repair and replacement as defined in~~
4 ~~W.S. 21-15-109(a)(iii)~~ property;

5
6 (viii) "Capital renewal" means capital
7 construction infrastructure upgrades and replacement projects
8 to systems external to a building or facility that are
9 necessary for the continued functionality of a property.

10 "Capital renewal" includes projects that do not qualify as
11 new construction and for which the costs exceed amounts
12 typically appropriated or expended on major maintenance for
13 a property such as water projects, sewer projects, electrical
14 projects and other major external infrastructure projects
15 that impact the life, health and safety of occupants in a
16 building or facility;

17
18 (ix) "Major building and facility repair and
19 replacement" or "major maintenance" means the repair or
20 replacement of complete or major portions of property systems
21 at irregular intervals, which is required to continue the use
22 of the property at its original capacity for its original
23 intended use and is typically accomplished by contractors due

1 to the personnel demand to accomplish the work in a timely
 2 manner, the level of sophistication of the work or the need
 3 for warranted work. The term includes, but is not limited to,
 4 the following categories as hereafter defined:

5
 6 (A) "Code compliance" means system
 7 improvements or site improvements that are mandated by law,
 8 regulation or code for the continued use of property;

9
 10 (B) "Site improvements" means the repair,
 11 replacement or upgrade of property components or equipment
 12 that are not system improvements, including the repair,
 13 replacement or upgrade of any of the following:

14
 15 (I) Sidewalks;

16
 17 (II) Parking lots;

18
 19 (III) Athletic tracks;

20
 21 (IV) Playground features;

22
 23 (V) Outdoor security features;

1

2

(VI) Landscaping;

3

4

(VII) Drainage systems;

5

6

(VIII) Components or equipment similar

7

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

8

subparagraph.

9

10

(C) "System improvements" means the repair,

11

replacement or upgrade of property components or equipment,

12

including any of the following:

13

14

(I) Structural systems;

15

16

(II) Fire protection systems;

17

18

(III) Indoor security features;

19

20

(IV) Electrical, lighting, plumbing,

21

heating, ventilation or air conditioning systems;

22

23

(V) Roofs;

1

(VI) Windows and doors;

2

3

4

(VII) Conveyance systems, including
elevators and escalators;

5

6

7

(VIII) Information technology systems;

8

9

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

10

11

12

13

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

14

15

16

17

(xi) "Renovation" means work done to restore
property to a condition that is functional for its intended
purpose and for the purpose of making it code compliant,
including architectural and structural changes and the
modernization of mechanical and electrical systems.

18

19

20

21

22

"Renovation" includes the repair, strengthening or
restoration of major building systems or structures to a safe

23

1 condition. "Renovation" does not include work that consists
2 primarily of routine maintenance, minor repairs and
3 replacement due to normal use, wear and tear or deterioration;
4

5 (xii) "Routine maintenance" means activities
6 necessary to keep property in safe and good working order so
7 that the property may be used at its original or designed
8 capacity for its originally intended purposes. "Routine
9 maintenance" includes janitorial, groundskeeping and
10 maintenance tasks done on a routine basis by building
11 personnel and specialized equipment and building system
12 maintenance that is accomplished on a routine basis by
13 contractors.
14

15 **9-2-3004. Duties of the department.**
16

17 (c) The department shall:
18

19 (i) Review and make recommendations to the
20 governor concerning capital construction project and land
21 acquisition budget requests made by the state building
22 commission, school facilities commission, the University of
23 Wyoming, community college commission and any agency;

1
2 (vi) Plan for all capital construction projects in
3 accordance with the provisions of W.S. 9-5-107, 9-5-108 and
4 rules, procedures and criteria adopted pursuant to those
5 sections;

6
7 (x) Beginning September 1, 2025 and each odd
8 numbered year thereafter, submit to the state building
9 commission a recommendation for funding for the immediately
10 succeeding fiscal biennium for major maintenance for state
11 property, University of Wyoming property and community
12 college property. This recommendation shall be based on the
13 formula adopted by the state building commission pursuant to
14 W.S. 9-5-107(g);

15
16 (xi) Review major maintenance expenditure
17 requests submitted by state agencies, community colleges and
18 the University of Wyoming. For school districts, the
19 department shall review major maintenance expenditures in
20 accordance with W.S. 21-15-109(e) and (g). For any component,
21 equipment or system of a building or facility that fails to
22 reach its full life expectancy, the department shall request
23 and review the routine maintenance records for the component,

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

21

1 **9-2-3202. Definitions; powers generally; duties of**
2 **governor; provisions construed; cooperation with legislature**
3 **and judiciary; divisions enumerated.**

4
5 (a) As used in this act:

6
7 (xi) "Routine maintenance" means as defined by
8 W.S. 9-2-3001(b)(xii).

9
10 **9-4-207. Disposition of unexpended appropriations.**

11
12 (d) Appropriations for the purposes specified in this
13 subsection shall be excluded from reverting pursuant to
14 subsections (a) through (c) of this section. Appropriations
15 which do not revert pursuant to this subsection shall be
16 expended only on the projects for which the funds were
17 appropriated except as provided pursuant to paragraph (iv) of
18 this subsection. Funds subject to this subsection are
19 appropriations:

20
21 (iv) For major maintenance as defined by W.S.
22 9-2-3001(b)(ix) for state property, University of Wyoming
23 property and community college property. Appropriations

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

4
5 **9-5-107. Duties and responsibilities with respect to**
6 **state buildings; state capital construction needs assessment**
7 **and priorities; neglected routine maintenance; supplemental**
8 **major maintenance funding.**

9
10 (d) The state building commission shall adopt rules
11 implementing policies for the management of state buildings.
12 The rules shall establish:

13
14 (iii) Requirements for ~~planned~~ development and
15 implementation of routine maintenance schedules designed to
16 eliminate maintenance backlogs, ~~and to~~ establish proactive
17 maintenance practices and ensure that state buildings and
18 facilities and components, equipment and systems of state
19 buildings and facilities reach their full life expectancy;

20
21 (v) Requirements for planning for the funding of
22 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) Not later than October 31 of each odd numbered year,
7 the state construction department, any agency responsible for
8 the operation and management of a state building, the
9 University of Wyoming and the community college commission
10 shall report to the state building commission and the joint
11 appropriations committee on the expenditures and commitments
12 made from any funds appropriated for major building and
13 facility repair and replacement.

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)(xi) 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)(xi), 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 **16-6-401. Definitions.**

8
9 (a) As used in W.S. 16-6-401 through 16-6-403:

10
11 (ix) "Renovation" means ~~revision to a major~~
12 ~~facility which will affect more than fifty percent (50%) of~~
13 ~~the gross floor area in the building~~ as defined by W.S.
14 9-2-3001(b)(xi).

15
16 **16-6-1001. Capital construction projects restrictions;**
17 **preference requirements; waivers.**

18
19 (f) As used in this section:

20
21 (i) "Capital construction project" means ~~new~~
22 ~~construction, demolition, renovation and capital renewal of~~
23 ~~or to any public building or facility and any other public~~

1 ~~improvement necessary for the public building or facility,~~
2 ~~major maintenance~~ as defined ~~in~~ by W.S. ~~16-6-101(a)(v)~~ and
3 ~~major building and facility repair and replacement as defined~~
4 ~~in W.S. 21-15-109(a)(iii)~~ 9-2-3001(b)(ii);

5

6 **21-15-108. Revenue bonds for grants and loans;**
7 **refunding revenue bonds.**

8

9 (b) The school facilities commission may borrow money
10 in a principal amount not to exceed one hundred million
11 dollars (\$100,000,000.00) by the issuance from time to time
12 of one (1) or more series of revenue bonds. The commission
13 may encumber revenues under subsection (a) of this section
14 for bonds in total amounts not to exceed one hundred million
15 dollars (\$100,000,000.00) issued for ~~school—capital~~
16 ~~construction~~ projects and assistance as determined by the
17 commission and approved by the legislature under W.S.
18 21-15-119. Any bonds issued under this section, together with
19 any interest accruing thereon and any prior redemption
20 premiums due in connection therewith, are payable and
21 collectible solely out of revenues authorized under this
22 section. The bondholders may not look to any general or other
23 fund for payment of the bonds except the revenues pledged

1 therefore. The bonds shall not constitute an indebtedness or
2 a debt within the meaning of any constitutional or statutory
3 provision or limitation. The bonds shall not be considered or
4 held to be general obligations of the state but shall
5 constitute its special obligations and the commission shall
6 not pledge the state's full faith and credit for payment of
7 the bonds.

8

9 **21-15-109. Major building and facility repair and**
10 **replacement payments; computation; square footage allowance;**
11 **use of payment funds; accounting and reporting requirements;**
12 **neglected routine maintenance.**

13

14 (a) As used in this act:

15

16 (iii) "Major building and facility repair and
17 replacement" or "major maintenance" means ~~the repair or~~
18 ~~replacement of complete or major portions of school building~~
19 ~~and facility systems at irregular intervals which is required~~
20 ~~to continue the use of the building or facility at its~~
21 ~~original capacity for its original intended use and is~~
22 ~~typically accomplished by contractors due to the personnel~~
23 ~~demand to accomplish the work in a timely manner, the level~~

1 ~~of sophistication of the work or the need for warranted work.~~
2 ~~The term includes the following categories as hereafter~~
3 ~~defined:~~ as defined by W.S. 9-2-3001(b)(ix) for school
4 building and facility systems;

5
6 (iv) "Office building" means a school building or
7 facility primarily used in connection with or for the purpose
8 of district administrative functions, the major purpose or
9 use of which is not dedicated to the provision of educational
10 programs offered by the district in accordance with law;
11 ~~"Office building" shall include maintenance facilities and~~
12 ~~storage buildings in which supplies are stored;~~

13
14 (vi) "Routine maintenance" and repair means
15 ~~activities necessary to keep a school building or facility in~~
16 ~~safe and good working order so that it may be used at its~~
17 ~~original or designed capacity for its originally intended~~
18 ~~purposes, including janitorial, grounds keeping and~~
19 ~~maintenance tasks done on a routine basis and typically~~
20 ~~accomplished by district personnel with exceptions for any~~
21 ~~routine tasks accomplished by contractors such as elevator or~~
22 ~~other specialized equipment or building system maintenance~~ as

1 defined by W.S. 9-2-3001(b)(xii) for school buildings and
2 facilities;

3

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

9

10 (e) Amounts distributed under subsection (b) of this
11 section shall be deposited by the recipient district into a
12 separate account, the balance of which may accumulate from
13 year-to-year. Except as specified under subsection (f) of
14 this section and subject to subsection (g) of this section,
15 expenditures from the separate account, including any
16 interest earnings on the account, shall be restricted to
17 expenses incurred for major building and facility repair and
18 replacement ~~as defined in subsection (a) of this section~~ and
19 shall be in accordance with the district's facility plan under
20 W.S. 21-15-116. Account expenditures may include the expenses
21 of district personnel performing work described under
22 paragraph (a)(iii) of this section if approved by the
23 department and if documented within the district's facility

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

1 the commission and the select committee on school facilities
2 established under W.S. 28-11-301. The department shall
3 compile reported building-by-building expenditure
4 information for each district and the district facility plan
5 and include this information in its annual report to the
6 select committee pursuant to W.S. 21-15-121. If any district
7 expends funds within the separate account for purposes not
8 authorized by this subsection or by rule and regulation of
9 the commission, the payments for that district shall be
10 reduced by the amount of the unauthorized expenditure in the
11 school year following the year in which the expenditure was
12 discovered or the school year in which notification was
13 provided by the department, whichever first occurs.

14

15 (f) Notwithstanding subsection (e) of this section and
16 subject to subsection (g) of this section, a district may
17 expend up to ten percent (10%) of the amount distributed
18 during any school year under subsection (b) of this section
19 for major building and facility repair and replacement needs
20 of the district which are not specified in the district's
21 facility plan, including expenditures for maintenance of
22 district enhancements. Expenditures shall be made under this
23 subsection only after the district's building and facility

1 repair and replacement needs specified in its facility plan
2 have been addressed in accordance with subsection (e) of this
3 section and the department has approved the district's
4 proposed expenditures under this subsection. Amounts not
5 expended for purposes of this subsection during any school
6 year may be accumulated by a district and earmarked within
7 the separate account established under subsection (e) of this
8 section for expenditure under this subsection in subsequent
9 school years, provided the unexpended amount during any
10 school year to be accumulated does not exceed ten percent
11 (10%) of the amount distributed to the district under
12 subsection (b) of this section for that school year. Each
13 district shall include expenditures under this subsection and
14 any amounts accumulated from year-to-year under this
15 subsection within the annual report required under subsection
16 (e) of this section. Nothing in this subsection shall
17 prohibit or limit the application of subparagraph (c)(i)(D)
18 of this section in computing a district's building and
19 facility gross square footage for purposes of determining
20 payment amounts under this section. If any school district
21 exceeds expenditure limitations prescribed by this subsection
22 or fails to comply with expenditure levels for facility
23 adequacy needs identified within its facility plan, the

1 payments for that district in the immediately succeeding year
2 shall be reduced by the excess expenditure amount including
3 any excess expenditure of amounts accumulated under this
4 subsection.

5
6 (g) The department shall request and review the routine
7 maintenance records for any component, equipment or system of
8 a school building or facility for which funds are expended
9 that fails to reach its full life expectancy. Notwithstanding
10 any other provision of law, no expenditure shall be made from
11 the separate account established under subsection (e) of this
12 section for the proportional cost of major maintenance of any
13 component, equipment or system of a school building or
14 facility that is attributable to neglected routine
15 maintenance as determined by the state construction
16 department under W.S. 9-2-3004(c)(xi). The payments for that
17 district shall be reduced by the proportional cost
18 attributable to neglected routine maintenance within the year
19 following the year in which the expenditure was identified by
20 the department.

21
22 **21-15-111. Definitions.**

23

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

3
4 (iii) "Local enhancements to school buildings and
5 facilities" or "local enhancements" means any renovation,
6 capital renewal, construction, replacement, repair or other
7 improvement of or to any school building or facility initiated
8 by a school district which is designed to bring the building
9 or facility to a condition exceeding the statewide building
10 adequacy standards;

11
12 (iv) "Project" means replacement, renovation,
13 capital renewal or new construction projects which increase
14 the value of the school building or facility by improving the
15 functioning of the building or facility or the capacity of
16 the building or facility, or both, excluding major building
17 and facility repair and replacement as defined ~~under~~by W.S.
18 ~~21-15-109(a)(iii)~~9-2-3001(b)(ix), and routine maintenance
19 ~~and repair~~as defined ~~under~~by W.S. ~~21-15-109(a)(vi)~~
20 9-2-3001(b)(xii);

21
22 (v) "Remedy" or "remediation" means a course of
23 action addressing identified building and facility needs in

1 accordance with statewide adequacy standards developed under
 2 this act, consisting of building or facility construction,
 3 replacement, renovation, capital renewal, repair or any
 4 combination thereof;

5

6 (x) "Capital renewal" means as defined by W.S.
 7 9-2-3001(b)(viii) for school buildings and facilities;

8

9 (xi) "Renovation" means as defined by W.S.
 10 9-2-3001(b)(xi) for school buildings and facilities.

11

12 **21-15-116. School district facility plans;**
 13 **development, review and approval; plan criteria;**
 14 **administrative review; collaborative committee process.**

15

16 (a) In accordance with rules and regulations of the
 17 commission, long range comprehensive school building and
 18 facility plans for each school district shall be developed by
 19 the department in coordination with the applicable district,
 20 which address district wide building and facility needs. The
 21 facility plan shall identify building and facility needs
 22 aligned with the statewide adequacy standards, actions to
 23 remediate building and facility needs including new

1 construction, demolition as provided in this subsection,
2 renovation, capital renewal and major building and facility
3 repair and replacement expenditures, and any local
4 enhancements to buildings and facilities beyond statewide
5 adequacy standards. The facility plan shall include a
6 response to each school building and facility need identified
7 on a building-by-building, space-by-space basis. The plan
8 shall also review, and to the extent practical, identify and
9 prioritize nonconstruction alternatives to school building
10 and facility needs such as building closure, modification of
11 school boundaries, modification of school grade
12 configurations and similar approaches. Demolition or use,
13 lease or other methods of disposition of surplus buildings
14 and facilities shall be incorporated as part of the district
15 plan, including the disposition of any existing land owned by
16 the district. The plan shall not include the abandonment or
17 demolition of any school facility or building unless there
18 has first been a public hearing on the issue. The plan shall
19 also specify identified alternative methods of building
20 disposition, proposed allocation of costs incurred or
21 revenues resulting from disposition and allocation of
22 disposition revenues to offset any costs paid by the

1 department. In addition, district facility plans shall
2 include:

3
4 (viii) A plan for addressing school building and
5 facility routine maintenance needs. The routine maintenance
6 plan shall:

7
8 (A) Be designed to eliminate maintenance
9 backlogs, establish proactive maintenance practices and
10 ensure that school buildings and facilities and components,
11 equipment and systems of school buildings and facilities
12 reach their full life expectancy;

13
14 (B) Anticipate the funding of components,
15 equipment and systems of school buildings and facilities that
16 have a life expectancy that is less than the life expectancy
17 of the school building or facility;

18
19 (C) Establish requirements for maintaining
20 routine maintenance records for school buildings and
21 facilities and any components, equipment and systems of
22 school buildings and facilities.

23

1 **21-15-119. Commission budget and funding**
2 **recommendations.**

3
4 (a) Notwithstanding W.S. 9-2-1012, the commission shall
5 annually, not later than September 1, develop and submit a
6 recommended budget for projects and school capital
7 construction financing to the governor, through the state
8 budget department and to the select committee on school
9 facilities. The department shall prepare and provide
10 information as requested by the commission. The commission
11 shall include with its recommended budget to the select
12 committee the prioritized schedules of projects specified in
13 W.S. 21-15-117 including the amounts allocated to each
14 project and the annual building status report specified under
15 W.S. 21-15-121. The recommended budget submitted by the
16 commission shall include:

17
18 (i) The estimated costs and proposed funding
19 amounts for all projects determined under W.S. 21-15-117 and
20 21-15-118 and proposed for that budget period, together with
21 estimated expenditures for major building and facility repair
22 and replacement program payments under W.S. 21-15-109 for the
23 same budget period. To the extent the amount of payments under

1 W.S. 21-15-109 for the same budget period are insufficient to
2 repair or replace a failed component, equipment or system of
3 a school building or facility, the recommended budget may
4 separately identify and request additional amounts necessary
5 to repair or replace the failed component, equipment or
6 system. Except as otherwise provided by law, any supplemental
7 funding appropriated in response to a budget recommendation
8 submitted under this paragraph shall be conditioned on the
9 school district expending amounts available in the separate
10 account established under W.S. 21-15-109(e) on major building
11 and facility repair and replacement, provided that a school
12 district shall not be required to expend more than fifty
13 percent (50%) of the projected balance of the separate account
14 after all planned expenses for major building and facility
15 repair are deducted;

16

17 **21-15-123. State construction department; duties and**
18 **authority relating to school facilities.**

19

20 (f) The state construction department shall:

21

1 (v) Enter into or approve ~~construction or~~
2 ~~renovation~~ project agreements with school districts, as
3 appropriate. Each agreement shall:
4

5 (E) Assure the state is not responsible or
6 liable for compliance with ~~construction or renovation~~ project
7 schedules or completion dates;
8

9 (vi) Review district proposals for the disposition
10 or demolition of buildings and facilities made surplus by an
11 approved ~~construction or renovation~~ project or by changes in
12 school population, including allocation of resulting costs
13 and revenues and report the proposals to the commission.
14 Disposition shall include options for use, lease, sale and
15 any other means of disposing of the surplus building or
16 facility. The costs and revenues incurred by the disposition
17 or demolition of the building or facility shall be accounted
18 for in each district's school facility plan and considered in
19 any building or facility remedy for that district, including
20 the allocation of revenues resulting from the disposition of
21 property rendered surplus to offset property demolition
22 costs. The department shall report this review to the
23 commission. The commission, after receiving a report of the

1 review by the department, shall approve the proposal related
2 to disposition or demolition submitted pursuant to this
3 paragraph unless the commission determines that the proposal
4 does not protect the financial interests of the state or is
5 not otherwise in the public interest. Any revenues resulting
6 from property disposition under this paragraph shall not be
7 considered or counted under W.S. 21-13-310(a)(xiv) or (xv);

8

9 **21-18-102. Definitions.**

10

11 (a) As used in this act:

12

13 (xxiii) "Capital construction project" or
14 "capital construction" means as defined by W.S.
15 9-2-3001(b)(ii);

16

17 (xxiv) "Capital renewal" means as defined by W.S.
18 9-2-3001(b)(viii);

19

20 (xxv) "Major maintenance" means as defined by W.S.
21 9-2-3001(b)(ix);

22

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

3

4 ~~(xxiii)~~(xxvii) "This act" means W.S. 21-18-101
5 through 21-18-409.

6

7 **21-18-202. Powers and duties of the commission.**

8

9 (d) The commission shall perform the following approval
10 functions:

11

12 (v) Approve ~~all new capital construction projects~~
13 the following expenditures in excess of two hundred fifty
14 thousand dollars (\$250,000.00) market value for which state
15 funds are or could be eventually applied; ~~."New capital~~
16 ~~construction projects" include:~~

17

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

22

1 (C) Previously approved and uncompleted new
2 capital construction projects, excluding major maintenance,
3 which have increased in total cost by ten percent (10%) or
4 more since cost estimates were developed at the time of
5 initial project approval under this paragraph and W.S.
6 21-18-205(g).

7

8 **21-18-225. College maintenance and capital**
9 **construction funding.**

10

11 (a) As part of its administrative functions, the
12 community college commission shall identify community college
13 building needs and develop a prioritized list of community
14 college capital construction projects. The prioritized
15 community college capital construction projects shall be
16 reported by the commission to the state construction
17 department in accordance with subsection (g) of this section.
18 Following review, analysis and study, the state construction
19 department shall forward recommendations for community
20 college capital construction projects to the state building
21 commission. The state construction department shall also
22 submit separately identify and include major maintenance
23 budget requests for college buildings, which shall be

1 submitted to the legislature in accordance with this section.
2 Major maintenance budget requests shall be based upon the
3 square footage submitted by the commission under subsection
4 (f) of this section and upon ~~a~~the formula adopted by the
5 state building commission pursuant to W.S. 9-5-107(g), and
6 upon forms and in a format specified by the state budget
7 department. College building maintenance budget requests
8 submitted by the state construction department to the
9 legislature and capital construction budget requests
10 forwarded by the state building commission to the legislature
11 shall include only necessary building square footage:

12

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

18

19 (v) Requirements for community colleges to develop
20 and implement routine maintenance schedules for community
21 college buildings and facilities that are designed to
22 eliminate maintenance backlogs, establish proactive
23 maintenance practices and ensure that community college

1 buildings and facilities and any components, equipment and
2 systems of college buildings and facilities reach their full
3 life expectancy;

4

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

9

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

13

14 (j) Subject to amounts made available by legislative
15 appropriation and to any conditions which may be attached to
16 appropriation expenditures, the state construction department
17 shall distribute state funds for ~~building~~capital
18 construction projects approved and authorized by the
19 legislature. Distributions of state funds for any approved
20 and authorized capital construction project shall be in
21 accordance with payment schedules established by rule and
22 regulation of the department. Payments by the department
23 shall be contingent upon the receipt of any local district

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

18

19 (n) The community college shall be responsible for
20 funding not less than fifty percent (50%) of the construction
21 costs from sources other than state general funds of any
22 renovation constructed on property owned by the community
23 college. For purposes of calculating community college

1 funding responsibilities under this subsection, "construction
2 costs" shall not include amounts appropriated for contingency
3 costs and administrative costs described in subsection (g) of
4 this section.

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

13
14 **21-18-319. Student dormitory capital construction**
15 **loans; rulemaking; requirements; reporting; definition.**

16
17 (e) As used in this section:

18
19 (ii) "Capital construction" ~~or—"construction"~~
20 includes new construction, demolition, renovation or capital
21 renewal.

22

23

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

3

4 **Section 4.**

5

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

10

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

14

1 **Section 5.**

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 and 5 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)