

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO.

Public property and buildings-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
3 of funds and reporting for capital construction projects,
4 major maintenance and routine maintenance; conforming and
5 repealing definitions; amending requirements for
6 contracting for public works; specifying duties of the
7 state construction department, the state building
8 commission, the board of trustees of the University of
9 Wyoming, and the community college commission related to
10 capital construction projects, major maintenance and
11 routine maintenance; repealing major maintenance funding
12 requirements; requiring repots; requiring rulemaking; and
13 providing for effective dates.

1

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

3

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

5

6 **21-17-208. University maintenance and capital**
7 **construction.**

8

9 (a) As part of its administrative functions, the board
10 of trustees shall identify university property needs and
11 develop a prioritized list of capital construction
12 projects. The prioritized capital construction projects
13 shall be reported by the board to the state construction
14 department not later than June 1 of each year. Following
15 review, analysis and study, the state construction
16 department shall forward recommendations for university
17 capital construction projects to the state building
18 commission. The state construction department shall
19 separately identify and include budget requests for
20 university major maintenance, which shall be submitted to
21 the legislature in accordance with this section. Budget
22 requests for major maintenance shall be based upon the
23 square footage submitted by the university and the formula

1 adopted by the state building commission pursuant to W.S.
2 9-5-107(g) and upon forms and in a format specified by the
3 state budget department.

4

5 (b) With respect to University of Wyoming property the
6 board of trustees shall:

7

8 (i) Develop and implement schedules for routine
9 maintenance that are designed to eliminate maintenance
10 backlogs, establish proactive maintenance practices and
11 ensure that buildings and facilities and components,
12 equipment or systems of buildings and facilities reach
13 their full life expectancy;

14

15 (ii) Plan to the greatest extent possible for the
16 funding of components, equipment and systems of buildings
17 and facilities that have a life expectancy that is less
18 than the life expectancy of the building or facility;

19

20 (iii) Maintain records of routine maintenance for
21 buildings and facilities and any components, equipment and
22 systems of buildings and facilities.

23

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

8

9 (d) As used in this section:

10

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

13

14 (ii) "Major maintenance" means as defined by W.S.
15 9-2-3001(b)(ix);

16

17 (iii) "Property" means as defined by W.S. 9-2-
18 3001(b)(x);

19

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

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) and (vi) by
3 creating new paragraphs (x) and (xi), 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) and by
6 creating new paragraphs (v) and (vi), (g)(intro) and (i)
7 and by creating new subsections (j) through (n), 16-6-
8 101(a)(v), 16-6-102(a), 16-6-401(a)(ix), 16-6-1001(f)(i),
9 21-15-108(b), 21-15-109(a)(iii)(intro), (iv), (vi), (viii),
10 (e), (f) and by creating a new subsection (g),
11 21-15-111(a)(iii) through (v) and by creating new
12 paragraphs (x) and (xi), 21-15-116(a)(intro) and by
13 creating a new paragraph (viii), 21-15-119(a)(i), 21-15-
14 123(f)(v)(intro) and (E) and (vi), 21-18-102(a) by creating
15 new paragraphs (xxiii) through (xxvi) and by renumbering
16 (xxiii) as (xxvii), 21-18-202(d)(v)(intro) and (A) and (C),
17 21-18-225(a)(intro), (b) by creating new paragraphs (v)
18 through (vii), (j) and by creating new subsections (n) and
19 (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
5 and major maintenance of or to ~~any public building or~~
6 ~~facility~~ property and any other ~~public~~ improvement,
7 alteration or enlargement necessary for the ~~public building~~
8 ~~or facility, major maintenance as defined in W.S.~~
9 ~~16-6-101(a)(v) and major building and facility repair and~~
10 ~~replacement as defined in W.S. 21-15-109(a)(iii)~~ property;

11

12 (viii) "Capital renewal" means capital
13 construction infrastructure upgrades and replacement
14 projects to systems external to a building or facility that
15 are necessary for the continued functionality of a
16 property. "Capital renewal" includes projects that do not
17 qualify as new construction and for which the costs exceed
18 amounts typically appropriated or expended on major
19 maintenance for a property such as water projects, sewer
20 projects, electrical projects and other major external
21 infrastructure projects that impact the life, health and
22 safety of occupants in a 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
 4 systems at irregular intervals, which is required to
 5 continue the use of the property at its original capacity
 6 for its original intended use and is typically accomplished
 7 by contractors due to the personnel demand to accomplish
 8 the work in a timely manner, the level of sophistication of
 9 the work or the need for warranted work. The term includes,
 10 but is not limited to, the following categories as
 11 hereafter defined:

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

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

21
 22 (I) Sidewalks;

23

1 (II) Parking lots;

2

3 (III) Athletic tracks;

4

5 (IV) Playground features;

6

7 (V) Outdoor security features;

8

9 (VI) Landscaping;

10

11 (VII) Drainage systems;

12

13 (VIII) Components or equipment similar
14 to those specified in subdivisions (I) through (VII) of
15 this subparagraph.

16

17 (C) "System improvements" means the repair,
18 replacement or upgrade of property components or equipment,
19 including any of the following:

20

21 (I) Structural systems;

22

23 (II) Fire protection systems;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

(III) Indoor security features;

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

(V) Roofs;

(VI) Windows and doors;

(VII) Conveyance systems, including elevators and escalators;

(VIII) Information technology systems;

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

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

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

12
13 (xii) "Routine maintenance" means activities
14 necessary to keep property in safe and good working order
15 so that the property may be used at its original or
16 designed capacity for its originally intended purposes.
17 "Routine maintenance" includes janitorial, groundskeeping
18 and 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
11 in accordance with the provisions of W.S. 9-5-107, 9-5-108
12 and rules, procedures and criteria adopted pursuant to
13 those 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
22 to W.S. 9-5-107(g);

23

1 (xi) Review major maintenance expenditure
2 requests submitted by state agencies, community colleges
3 and the University of Wyoming. For school districts, the
4 department shall review major maintenance expenditures in
5 accordance with W.S. 21-15-109(e) and (g). For any
6 component, equipment or system of a building or facility
7 that fails to reach its full life expectancy, the
8 department shall request and review the routine maintenance
9 records for the component, equipment or system. If the
10 department determines routine maintenance was not performed
11 for the component, equipment or system, the department
12 shall identify the component, equipment or system as
13 neglected. The department shall compare the service life of
14 the component, equipment or system at the time of failure
15 to the life expectancy of the component, equipment or
16 system and calculate the proportional cost of the repair or
17 replacement that is attributable to neglected routine
18 maintenance. The department shall report all neglected
19 property and the proportional costs attributable to
20 neglected routine maintenance to the respective governing
21 body, which may include the state building commission, the
22 community college commission, the University of Wyoming
23 board of trustees, the school facilities commission and the

1 select committee on school facilities. The department shall
2 submit a compiled report on neglected property to the joint
3 appropriations committee not later than September 1 of each
4 year.

5

6 **9-2-3202. Definitions; powers generally; duties of**
7 **governor; provisions construed; cooperation with**
8 **legislature and judiciary; divisions enumerated.**

9

10 (a) As used in this act:

11

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

14

15 **9-4-207. Disposition of unexpended appropriations.**

16

17 (d) Appropriations for the purposes specified in this
18 subsection shall be excluded from reverting pursuant to
19 subsections (a) through (c) of this section.
20 Appropriations which do not revert pursuant to this
21 subsection shall be expended only on the projects for which
22 the funds were appropriated except as provided pursuant to

1 paragraph (iv) of this subsection. Funds subject to this
2 subsection are appropriations:

3
4 (iv) For major maintenance as defined by W.S. 9-
5 2-3001(b)(ix) for state property, University of Wyoming
6 property and community college property. Appropriations
7 subject to this paragraph that do not revert shall be
8 expended only on expenses incurred for major maintenance as
9 defined by W.S. 9-2-3001(b)(ix).

10

11 **9-5-107. Duties and responsibilities with respect to**
12 **state buildings; state capital construction needs**
13 **assessment and priorities; neglected routine maintenance;**
14 **supplemental major maintenance funding.**

15

16 (d) The state building commission shall adopt rules
17 implementing policies for the management of state
18 buildings. The rules shall establish:

19

20 (iii) Requirements for ~~planned~~ development and
21 implementation of routine maintenance schedules designed to
22 eliminate maintenance backlogs, ~~and to~~ establish proactive
23 maintenance practices and ensure that state buildings and

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

3
4 (v) Requirements for planning to the greatest
5 extent possible for the funding of components, equipment
6 and systems of state buildings and facilities that have a
7 life expectancy that is less than the life expectancy of
8 the state building or facility;

9
10 (vi) Requirements for maintaining records of
11 routine maintenance for state buildings and facilities and
12 any components, equipment and systems of state buildings
13 and facilities.

14
15 (g) The state building commission shall adopt a
16 formula for major building and facility repair and
17 replacement for state property, University of Wyoming
18 property and community college ~~facilities~~property. The
19 formula shall:

20
21 (i) Be based on the gross square footage ~~of~~
22 ~~buildings and facilities~~ for not more than seven (7)

1 categories of buildings for state property, University of
2 Wyoming property and community college property and shall:

3
4 (A) For community college property, include
5 only buildings providing education programs comprising the
6 statewide college system strategic plan developed and
7 maintained under W.S. 21-18-202(a)(v);

8
9 (B) Specifically exclude student housing,
10 student unions and auxiliary services areas funded
11 exclusively through university or community college
12 generated revenues unless otherwise specified by law.

13
14 (j) Not later than October 31 of each odd numbered
15 year, the state construction department, any agency
16 responsible for the operation and management of a state
17 building, the University of Wyoming and the community
18 college commission shall report to the state building
19 commission and the joint appropriations committee on the
20 expenditures and commitments made from any funds
21 appropriated for major building and facility repair and
22 replacement.

23

1 (k) Notwithstanding any other provision of law, the
2 proportional cost of major building and facility repair of
3 any component, equipment or system of a state building or
4 facility that is attributable to neglected routine
5 maintenance, as determined by the state construction
6 department under W.S. 9-2-3004(c)(x), shall be borne
7 entirely by the state agency that is responsible for the
8 operation and management of the state building or facility.
9 This subsection shall not apply to buildings and facilities
10 for which maintenance is assigned to the general services
11 division of the department of administration and
12 information under W.S. 9-2-3204(b)(xx) and (xxi).

13

14 (m) To the extent the amount of funds appropriated in
15 any fiscal biennium pursuant to the formula adopted by the
16 state building commission for major building and facility
17 repair and replacement are insufficient to repair or
18 replace a failed component, equipment or system of a
19 building or facility, the state building commission, the
20 community college commission, the University of Wyoming or
21 any agency may separately identify and request in its
22 capital construction budget request submitted to the
23 governor the additional amount necessary to repair or

1 replace the failed component, equipment or system. Any
2 supplemental funding appropriated in response to a budget
3 request submitted under this paragraph shall be conditioned
4 on the requesting entity expending all funds appropriated
5 in the fiscal biennium for major building and facility
6 repair and replacement to repair or replace the failed
7 component, equipment or a system, except as otherwise
8 provided by law.

9
10 (n) As used in this section:

11
12 (i) "Major building and facility repair and
13 replacement" or "major maintenance" means as defined by
14 W.S. 9-2-3001(b)(ix);

15
16 (ii) "Property" means as defined by W.S. 9-2-
17 3001(b)(x);

18
19 (iii) "Routine maintenance" means as defined by
20 W.S. 9-2-3001(b)(xii).

21
22 **16-6-101. Definitions.**

23

1 (a) As used in this act:

2

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

12

13 **16-6-102. Resident contractors; preference limitation**
14 **with reference to lowest bid or qualified response;**
15 **decertification; denial of application for residency.**

16

17 (a) If a contract is let by a public entity for a
18 public work, the ~~contract shall be let, if advertisement~~
19 ~~for bids or request for proposal is not required, to a~~
20 ~~resident of the state.~~ following shall apply:

21

22 (i) If advertisement for bids is required, the
23 contract shall be let to the responsible certified resident

1 making the lowest bid if the certified resident's bid is
2 not more than five percent (5%) higher than that of the
3 lowest responsible nonresident bidder;

4

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

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**
22 **restrictions; 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 W.S. 16-6-101(a)(v) and~~
8 ~~major building and facility repair and replacement as~~
9 ~~defined in W.S. 21-15-109(a)(iii)~~ as defined by W.S.
10 9-2-3001(b)(ii);

11

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

14

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

1 15-119. Any bonds issued under this section, together with
2 any interest accruing thereon and any prior redemption
3 premiums due in connection therewith, are payable and
4 collectible solely out of revenues authorized under this
5 section. The bondholders may not look to any general or
6 other fund for payment of the bonds except the revenues
7 pledged therefore. The bonds shall not constitute an
8 indebtedness or a debt within the meaning of any
9 constitutional or statutory provision or limitation. The
10 bonds shall not be considered or held to be general
11 obligations of the state but shall constitute its special
12 obligations and the commission shall not pledge the state's
13 full faith and credit for payment of the bonds.

14

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

19

20 (a) As used in this act:

21

22 (iii) "Major building and facility repair and
23 replacement" or "major maintenance" means ~~the repair or~~

1 ~~replacement of complete or major portions of school~~
2 ~~building and facility systems at irregular intervals which~~
3 ~~is required to continue the use of the building or facility~~
4 ~~at its original capacity for its original intended use and~~
5 ~~is typically accomplished by contractors due to the~~
6 ~~personnel demand to accomplish the work in a timely manner,~~
7 ~~the level of sophistication of the work or the need for~~
8 ~~warranted work. The term includes the following categories~~
9 ~~as hereafter defined:~~ as defined by W.S. 9-2-3001(b)(ix)
10 for school building and facility systems;
11

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

20
21 (vi) "Routine maintenance" ~~and repair~~ means
22 ~~activities necessary to keep a school building or facility~~
23 ~~in safe and good working order so that it may be used at~~

1 ~~its original or designed capacity for its originally~~
2 ~~intended purposes, including janitorial, grounds keeping~~
3 ~~and maintenance tasks done on a routine basis and typically~~
4 ~~accomplished by district personnel with exceptions for any~~
5 ~~routine tasks accomplished by contractors such as elevator~~
6 ~~or other specialized equipment or building system~~
7 ~~maintenance~~ as defined by W.S. 9-2-3001(b)(xii) for school
8 buildings and facilities;
9

10 (viii) "Warehouse building" means a school
11 building or facility primarily used for storage of
12 ~~equipment,~~ materials and other district property and
13 supplies, including facilities in which school buses and
14 school equipment is stored, maintained or serviced.
15

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

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

1 otherwise approved by the department. In a manner and form
2 required by commission rule and regulation, each district
3 shall annually report to the department on the expenditures
4 made from the separate account during the applicable
5 reporting period, separating account expenditures on a
6 building-by-building basis. The department shall annually
7 review account expenditures and shall report expenditures
8 to the commission and the select committee on school
9 facilities established under W.S. 28-11-301. The department
10 shall compile reported building-by-building expenditure
11 information for each district and the district facility
12 plan and include this information in its annual report to
13 the select committee pursuant to W.S. 21-15-121. If any
14 district expends funds within the separate account for
15 purposes not authorized by this subsection or by rule and
16 regulation of the commission, the payments for that
17 district shall be reduced by the amount of the unauthorized
18 expenditure in the school year following the year in which
19 the expenditure was discovered or the school year in which
20 notification was provided by the department, whichever
21 first occurs.

22

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

1 and any amounts accumulated from year-to-year under this
2 subsection within the annual report required under
3 subsection (e) of this section. Nothing in this subsection
4 shall prohibit or limit the application of subparagraph
5 (c)(i)(D) of this section in computing a district's
6 building and facility gross square footage for purposes of
7 determining payment amounts under this section. If any
8 school district exceeds expenditure limitations prescribed
9 by this subsection or fails to comply with expenditure
10 levels for facility adequacy needs identified within its
11 facility plan, the payments for that district in the
12 immediately succeeding year shall be reduced by the excess
13 expenditure amount including any excess expenditure of
14 amounts accumulated under this subsection.

15

16 (g) The department shall request and review the
17 routine maintenance records for any component, equipment or
18 system of a school building or facility for which funds are
19 expended that fails to reach its full life expectancy.
20 Notwithstanding any other provision of law, no expenditure
21 shall be made from the separate account established under
22 subsection (e) of this section for the proportional cost of
23 major maintenance of any component, equipment or system of

1 a school building or facility that is attributable to
 2 neglected routine maintenance as determined by the state
 3 construction department under W.S. 9-2-3004(c)(x). The
 4 payments for that district shall be reduced by the
 5 proportional cost attributable to neglected routine
 6 maintenance within the year following the year in which the
 7 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
 15 and facilities" or "local enhancements" means any
 16 renovation, capital renewal, construction, replacement,
 17 repair or other improvement of or to any school building or
 18 facility initiated by a school district which is designed
 19 to bring the building or facility to a condition exceeding
 20 the statewide building adequacy standards;

21

22 (iv) "Project" means replacement, renovation,
 23 capital renewal or new construction projects which increase

1 the value of the school building or facility by improving
2 the functioning of the building or facility or the capacity
3 of the building or facility, or both, excluding major
4 building and facility repair and replacement ~~defined under~~
5 ~~W.S. 21-15-109(a)(iii)~~ as defined by W.S. 9-2-3001(b)(ix),
6 and routine maintenance ~~and repair defined under W.S.~~
7 ~~21-15-109(a)(vi)~~ as defined by W.S. 9-2-3001(b)(xii);

8
9 (v) "Remedy" or "remediation" means a course of
10 action addressing identified building and facility needs in
11 accordance with statewide adequacy standards developed
12 under this act, consisting of building or facility
13 construction, replacement, renovation, capital renewal,
14 repair or any combination thereof;

15
16 (x) "Capital renewal" means as defined by W.S. 9-
17 2-3001(b)(viii) for school buildings and facilities;

18
19 (xi) "Renovation" means as defined by W.S. 9-2-
20 3001(b)(xi) for school buildings and facilities.

21

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

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

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

(B) To the greatest extent possible, 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;

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

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

(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

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

6
7 (i) The estimated costs and proposed funding
8 amounts for all projects determined under W.S. 21-15-117
9 and 21-15-118 and proposed for that budget period, together
10 with estimated expenditures for major building and facility
11 repair and replacement program payments under W.S. 21-15-
12 109 for the same budget period. To the extent the amount of
13 payments under W.S. 21-15-109 for the same budget period
14 are insufficient to repair or replace a failed component,
15 equipment or system of a school building or facility, the
16 recommended budget may separately identify and request
17 additional amounts necessary to repair or replace the
18 failed component, equipment or system. Except as otherwise
19 provided by law, any supplemental funding appropriated in
20 response to a budget recommendation submitted under this
21 paragraph shall be conditioned on the school district
22 expending amounts available in the separate account
23 established under W.S. 21-15-109(e) on major building and

1 facility repair and replacement, provided that a school
 2 district shall not be required to expend more than fifty
 3 percent (50%) of the projected balance of the separate
 4 account after all planned expenses for major building and
 5 facility repair are deducted;

6

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

9

10 (f) The state construction department shall:

11

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

15

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

19

20 (vi) Review district proposals for the
 21 disposition or demolition of buildings and facilities made
 22 surplus by an approved ~~construction or renovation~~ project
 23 or by changes in school population, including allocation of

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

20

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

22

23 (a) As used in this act:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

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

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

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

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

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

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

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

1 (v) Approve ~~all new capital construction~~
 2 ~~projects~~ the following expenditures in excess of two
 3 hundred fifty thousand dollars (\$250,000.00) market value
 4 for which state funds are or could be eventually applied;
 5 ~~"New capital construction projects" include:~~

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

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

19
 20 **21-18-225. College maintenance and capital**
 21 **construction funding.**

22

1 (a) As part of its administrative functions, the
2 community college commission shall identify community
3 college building needs and develop a prioritized list of
4 community college capital construction projects. The
5 prioritized community college capital construction projects
6 shall be reported by the commission to the state
7 construction department in accordance with subsection (g)
8 of this section. Following review, analysis and study, the
9 state construction department shall forward recommendations
10 for community college capital construction projects to the
11 state building commission. The state construction
12 department shall ~~also submit~~ separately identify and
13 include major maintenance budget requests for college
14 buildings, which shall be submitted to the legislature in
15 accordance with this section. Major maintenance budget
16 requests shall be based upon the square footage submitted
17 by the commission under subsection (f) of this section and
18 upon ~~a~~ the formula adopted by the state building commission
19 pursuant to W.S. 9-5-107(g), and upon forms and in a format
20 specified by the state budget department. College building
21 maintenance budget requests submitted by the state
22 construction department to the legislature and capital
23 construction budget requests forwarded by the state

1 building commission to the legislature shall include only
2 necessary building square footage:

3

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

9

10 (v) Requirements for community colleges to
11 develop and implement routine maintenance schedules for
12 community college buildings and facilities that are
13 designed to eliminate maintenance backlogs, establish
14 proactive maintenance practices and ensure that community
15 college buildings and facilities and any components,
16 equipment and systems of college buildings and facilities
17 reach their full life expectancy;

18

19 (vi) Plan to the greatest extent possible for the
20 funding of components, equipment and systems of college
21 buildings and facilities that have a life expectancy that
22 is less than the life expectancy of the college building or
23 facility;

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

(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 district funds for the capital construction project. Payments to districts shall also be attached to prescribed phases of the capital construction project and the completion of certain project phases. Construction phases for which approval of the program is

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

11

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

21

22 (o) Notwithstanding any other provision of law, the
23 proportional cost of major maintenance of any component,

1 equipment or system of a community college building or
2 facility that is attributable to neglected routine
3 maintenance, as determined by the state construction
4 department under W.S. 9-2-3004(c)(x), shall be entirely
5 borne by the community college.

6

7 **21-18-319. Student dormitory capital construction**
8 **loans; rulemaking; requirements; reporting; definition.**

9

10 (e) As used in this section:

11

12 (ii) "Capital construction" ~~or "construction"~~
13 includes new construction, demolition, renovation or
14 capital renewal.

15

16

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

19

20 **Section 4.**

21

22 (a) The state construction department, state building
23 commission, community college commission and school

1 facilities commission shall promulgate all rules necessary
2 to implement this act.

3

4 (b) The board of trustees of the University of Wyoming
5 shall promulgate all regulations necessary to implement
6 this act.

7

8 **Section 5.**

9

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

12

13 (b) Sections 4 and 5 of this act are effective
14 immediately upon completion of all acts necessary for a
15 bill to become law as provided by Article 4, Section 8 of
16 the Wyoming Constitution.

17

18 (END)