

HOUSE BILL NO. HB0136

Capital construction amendments.

Sponsored by: Representative(s) Larsen, L, Walters and
Wylie and Senator(s) Gierau

A BILL

for

1 AN ACT relating to the administration of government;
2 amending requirements for state capital construction
3 projects and maintenance of state buildings; amending
4 definitions relating to procurement of materials, goods,
5 services and projects for capital construction and
6 maintenance by state agencies; allowing contracts for
7 public works to be let to nonresidents under specified
8 circumstances; and providing for an effective date.

9

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

11

12 **Section 1.** W.S. 9-2-3001(b)(ii), 9-2-3202(a) by
13 creating paragraph (xi), 16-6-102(a), 16-6-401(a)(ix),
14 16-6-1001(f)(i), 21-18-202(d)(v)(intro) and (A) and
15 21-18-319(e)(ii) are amended to read:

1

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

4

5 (b) As used in this article:

6

7 (ii) "Capital construction project" means new
8 construction, demolition, or renovation ~~and capital renewal~~
9 as defined by W.S. 16-6-401(a)(ix) of or to any public
10 ~~building or facility property~~ and any other public
11 improvement, alteration or enlargement necessary for the
12 public ~~building or facility property~~, major maintenance as
13 defined in W.S. 16-6-101(a)(v), capital renewal as defined
14 in W.S. 21-18-202(d)(v)(A)(II) and major building and
15 facility repair and replacement as defined in W.S.
16 21-15-109(a)(iii). "Capital construction project" shall
17 include state or federally funded projects let by an agency
18 or the University of Wyoming that do not involve public
19 property if the project would otherwise meet the definition
20 of a capital construction project;

21

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

4
5 (a) As used in this act:

6
7 (xi) "Routine maintenance and repair" means
8 activities necessary to keep a public building, property or
9 facility in safe and good working order so that it may be
10 used at its original or designed capacity for its
11 originally intended purposes, including janitorial, grounds
12 keeping and maintenance tasks done on a routine basis by
13 agency personnel with exceptions for any routine tasks
14 accomplished by contractors such as elevator or other
15 specialized equipment or building system maintenance.

16
17 **16-6-102. Resident contractors; preference**
18 **limitations; decertification; denial of application for**
19 **residency.**

20
21 (a) If a contract is let by a public entity for a
22 public work, the ~~contract shall be let, if advertisement~~

1 ~~for bids or request for proposal is not required, to a~~
2 ~~resident of the state.~~ following shall apply:

3
4 (i) If advertisement for bids is required, the
5 contract shall be let to the responsible certified resident
6 making the lowest bid if the certified resident's bid is
7 not more than five percent (5%) higher than that of the
8 lowest responsible nonresident bidder;

9
10 (ii) If advertisement for bids or request for
11 proposal is not required, the contract shall be let to a
12 resident of the state, provided that if the services
13 required are not offered by any known resident of the
14 state, the public entity may let the contract to a
15 nonresident.

16
17 **16-6-401. Definitions.**

18
19 (a) As used in W.S. 16-6-401 through 16-6-403:

20
21 (ix) "Renovation" means ~~revision to a major~~
22 ~~facility which will affect more than fifty percent (50%) of~~
23 ~~the gross floor area in the building.~~ work done to a public

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

11

12 **16-6-1001. Capital construction projects**
 13 **restrictions; preference requirements; waivers.**

14

15 (f) As used in this section:

16

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

1

2 **21-18-202. Powers and duties of the commission.**

3

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

6

7 (v) Approve all ~~new~~ capital construction
8 projects in excess of one hundred thousand dollars
9 (\$100,000.00) for which state funds are or could be
10 eventually applied. "~~New~~ Capital construction projects"
11 include:

12

13 (A) New construction, demolition,
14 renovation and capital renewal in excess of one hundred
15 thousand dollars (\$100,000.00) market value which is not
16 ~~necessary~~ routine maintenance ~~or~~ and repair as defined by
17 W.S. 9-2-3202(a)(xi). For purposes of this subparagraph:

18

19 (I) "Renovation" as defined by W.S.
20 16-6-401(a)(ix) refers to capital construction projects
21 that are constructed on property owned by community
22 colleges. The community colleges shall be responsible for
23 funding not less than fifty percent (50%) of the

1 construction cost from sources other than state general
2 funds;

3
4 (II) "Capital renewal" means capital
5 construction infrastructure upgrades and replacement
6 projects that are necessary for continued functionality of
7 a public facility or public property that are not new
8 construction and are not funded solely with major
9 maintenance funds.

10

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

13

14 (e) As used in this section:

15

16 (ii) "Capital construction" ~~or~~ "construction"
17 includes new construction, demolition, renovation as
18 defined by W.S. 21-18-202(d)(v)(A)(I) or capital renewal.

19

20 **Section 2.** This act is effective July 1, 2023.

21

22

(END)