

HOUSE BILL NO. HB0086

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

15

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

1

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

3

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

6

7 (a) As used in this section:

8

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

11

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

14

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

17

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

20

21 (b) As part of its administrative functions, the
22 board of trustees shall identify University of Wyoming
23 property needs and develop a prioritized list of capital

1 construction projects. The prioritized capital construction
2 projects shall be reported by the board to the state
3 construction department not later than June 1 of each year.
4 Following review, analysis and study, the state
5 construction department shall forward the prioritized list
6 of university capital construction projects to the state
7 building commission.

8

9 (c) The state construction department shall submit to
10 the state building commission a recommendation for funding
11 university major maintenance each biennium in preparation
12 for the development of the state budget. This
13 recommendation for major maintenance shall be based on a
14 formula adopted by the state building commission pursuant
15 to W.S. 9-5-107(g) and upon forms and in a format specified
16 by the state budget department. At the end of each fiscal
17 year, the board of trustees shall submit a report to the
18 state construction department on major maintenance
19 expenditures and commitments incurred in the immediately
20 preceding fiscal year as required by W.S. 9-5-107(j).

21

22 (d) With respect to University of Wyoming
23 property, the board of trustees shall:

1

2 (i) Develop and implement schedules for routine
3 maintenance that are designed to eliminate maintenance
4 backlogs, establish proactive maintenance practices and
5 ensure that university property and the components,
6 equipment and systems of university property reach their
7 full life expectancy;

8

9 (ii) Plan for the funding of major maintenance
10 for the components, equipment and systems of university
11 property that have a life expectancy that is less than the
12 life expectancy of university property of which the
13 component, equipment or system is part;

14

15 (iii) Maintain records of routine maintenance
16 for university property and the components, equipment and
17 systems of university property.

18

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

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

15

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

18

19 (b) As used in this article:

20

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

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

6
7 (viii) "Capital renewal" means capital
8 construction infrastructure upgrades and replacement
9 projects to systems external to a building or facility that
10 are necessary for the continued functionality of a building
11 or facility. "Capital renewal" includes projects that do
12 not qualify as new construction and for which the costs
13 exceed amounts typically appropriated or expended on major
14 maintenance for a property such as water projects, sewer
15 projects, electrical projects and other major
16 infrastructure projects external to a building or facility
17 that impact the life, health and safety of occupants in a
18 building or facility;

19
20 (ix) "Major building and facility repair and
21 replacement" and "major maintenance" mean the repair,
22 replacement or upgrade of complete or major portions of any
23 component, equipment or system of a property at irregular

1 intervals that is required to continue the use of the
2 property at its designed capacity for its designed intended
3 use and is typically accomplished by contractors due to the
4 personnel demand to accomplish the work in a timely manner,
5 the level of sophistication of the work or the need for
6 warranted work. The terms include, but are not limited to,
7 the following categories as hereafter defined:

8
9 (A) "Code compliance" means the repair,
10 replacement or upgrade of a component, equipment or system
11 of a property that is mandated by law, regulation or code
12 to continue the use of the property at its designed
13 capacity for its designed intended use;

14
15 (B) "Site improvements" means the repair,
16 replacement or upgrade of a component, equipment or system
17 of a site, including the repair, replacement or upgrade of
18 any of the following:

19
20 (I) Sidewalks;

21
22 (II) Parking lots;

23

1 (III) Athletic tracks;

2

3 (IV) Playground features;

4

5 (V) Outdoor security features;

6

7 (VI) Landscaping;

8

9 (VII) Drainage systems;

10

11 (VIII) Campus roads or streets;

12

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

16

17 (C) "System improvements" means the repair,
18 replacement or upgrade of a component, equipment or system
19 of a building or facility, including any of the following:

20

21 (I) Structural systems;

22

23 (II) Fire protection systems;

1

2

(III) Indoor security features;

3

4

5

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

6

7

(V) Roofs;

8

9

(VI) Windows and doors;

10

11

12

(VII) Conveyance systems, including elevators and escalators;

13

14

(VIII) Information technology systems;

15

16

17

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

18

19

20

(x) "Property" means a building, facility or site;

21

22

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

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

1

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

3

4 (c) The department shall:

5

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

11

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

16

17 (x) Not later than September 1 of each odd
18 numbered year, submit to the state building commission a
19 recommendation for funding for the immediately succeeding
20 fiscal biennium for major maintenance for state property,
21 community college property and University of Wyoming
22 property. This recommendation shall be based on the formula

1 adopted by the state building commission pursuant to W.S.
2 9-5-107(g);

3
4 (xi) Review and approve any renovation that
5 changes the intended capacity or designed intended use of a
6 property that receives appropriations for major
7 maintenance;

8
9 (xii) Develop and maintain a twenty (20) year
10 statewide strategic facility plan and comprehensive system
11 for monitoring and reporting appropriations and
12 expenditures for capital construction projects, major
13 maintenance, and routine maintenance for state property,
14 community college property, school district property and
15 University of Wyoming property.

16
17 **9-2-3202. Definitions; powers generally; duties of**
18 **governor; provisions construed; cooperation with**
19 **legislature and judiciary; divisions enumerated.**

20
21 (a) As used in this act:

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

3
4 **9-4-207. Disposition of unexpended appropriations.**

5
6 (d) Appropriations for the purposes specified in this
7 subsection shall be excluded from reverting pursuant to
8 subsections (a) through (c) of this section.
9 Appropriations ~~which~~that do not revert pursuant to this
10 subsection shall be expended only on the projects for which
11 the funds were appropriated or as authorized by paragraph
12 (iv) of this subsection. Funds subject to this subsection
13 are appropriations:

14
15 (iv) For major maintenance as defined by W.S.
16 9-2-3001(b)(ix) for state property, community college
17 property and University of Wyoming property. Appropriations
18 subject to this paragraph that do not revert may be
19 expended on any expenses incurred for major maintenance as
20 defined by W.S. 9-2-3001(b)(ix).

21
22 **9-5-107. Duties and responsibilities with respect to**
23 **state property; state capital construction needs assessment**

1 and priorities; neglected routine maintenance; supplemental
2 major maintenance funding.

3
4 (d) The state building commission shall adopt rules
5 implementing policies for the management of state ~~buildings~~
6 property. The rules shall establish:

7
8 (iii) Requirements for ~~planned development and~~
9 implementation of routine maintenance schedules designed to
10 eliminate maintenance backlogs, ~~and to~~ establish proactive
11 maintenance practices and ensure that state property and
12 the components, equipment and systems of state property
13 reach their full life expectancy;

14
15 (v) Requirements for planning for the funding of
16 major maintenance for the components, equipment and systems
17 of state property that have a life expectancy that is less
18 than the life expectancy of the state property of which the
19 component, equipment or system is part;

20
21 (vi) Requirements for maintaining records of
22 routine maintenance for state property and the components,
23 equipment and systems of state property.

1

2 (g) The state building commission shall adopt a
3 formula for major ~~building and facility repair and~~
4 ~~replacement for~~ maintenance for state property, community
5 college ~~facilities~~ property and University of Wyoming
6 property. The formula shall:

7

8 (i) Be based on the gross square footage ~~of~~
9 ~~buildings and facilities~~ for not more than seven (7)
10 categories of buildings each for state property, community
11 college property and University of Wyoming property and
12 shall:

13

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

18

19 (B) Specifically exclude student housing,
20 student unions and auxiliary services areas funded
21 exclusively through university or community college
22 generated revenues unless otherwise specified by law.

23

1 (j) At the end of each fiscal year, the state
2 construction department, any agency responsible for the
3 operation and management of a state property, the community
4 college commission and the University of Wyoming shall
5 report to the state building commission on the expenditures
6 and commitments made from any funds appropriated for major
7 maintenance.

8
9 (k) To the extent the amount of funds appropriated in
10 any fiscal biennium pursuant to the formula adopted by the
11 state building commission under subsection (g) of this
12 section for major maintenance are insufficient to repair,
13 replace or upgrade a poor component, equipment or system of
14 a property, the state building commission, the community
15 college commission, any agency and the University of
16 Wyoming may separately identify and request in its capital
17 construction budget request submitted to the governor the
18 additional amount necessary for the major maintenance. Any
19 supplemental funding appropriated in response to a budget
20 request submitted under this subsection shall be
21 conditioned on the requesting entity expending all funds
22 appropriated in the fiscal biennium for major maintenance

1 on the poor component, equipment or a system, except as
2 otherwise provided by law.

3
4 (m) As used in this section:

5
6 (i) "Major maintenance" means as defined by W.S.
7 9-2-3001(b)(ix);

8
9 (ii) "Property" means as defined by W.S.
10 9-2-3001(b)(x);

11
12 (iii) "Routine maintenance" means as defined by
13 W.S. 9-2-3001(b)(xii).

14
15 **16-6-101. Definitions.**

16
17 (a) As used in this act:

18
19 (v) "Major maintenance" means ~~the repair or~~
20 ~~replacement of complete or major portions of building and~~
21 ~~facility systems at irregular intervals which is required~~
22 ~~to continue the use of the building or facility at its~~
23 ~~original capacity for its original intended use and is~~

~~typically accomplished by contractors due to the personnel demand to accomplish the work in a timely manner, the level of sophistication of the work or the need for warranted work as defined by W.S. 9-2-3001(b)(ix);~~

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

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

(g) Whenever an emergency arises requiring a contract for a public work, a public entity may waive any applicable

1 requirement of this section if the requirement endangers
2 the health, welfare or safety of the public.

3
4 **16-6-401. Definitions.**

5
6 (a) As used in ~~W.S. 16-6-401 through 16-6-403~~ this
7 article:

8
9 (ix) "Renovation" means ~~revision to a major~~
10 ~~facility which will affect more than fifty percent (50%) of~~
11 ~~the gross floor area in the building~~ as defined by W.S.
12 9-2-3001(b)(xi).

13
14 **16-6-1001. Capital construction projects**
15 **restrictions; preference requirements; waivers.**

16
17 (f) As used in this section:

18
19 (i) "Capital construction project" means new
20 ~~construction, demolition, renovation and capital renewal of~~
21 ~~or to any public building or facility and any other public~~
22 ~~improvement necessary for the public building or facility,~~
23 ~~major maintenance~~ as defined ~~in~~ by W.S. ~~16-6-101(a)(v)~~ and

1 ~~major building and facility repair and replacement as~~
2 ~~defined in W.S. 21-15-109(a)(iii)~~ 9-2-3001(b)(ii);

3
4 **21-15-108. Revenue bonds for grants and loans;**
5 **refunding revenue bonds.**

6
7 (b) The school facilities commission may borrow money
8 in a principal amount not to exceed one hundred million
9 dollars (\$100,000,000.00) by the issuance from time to time
10 of one (1) or more series of revenue bonds. The commission
11 may encumber revenues under subsection (a) of this section
12 for bonds in total amounts not to exceed one hundred
13 million dollars (\$100,000,000.00) issued for ~~school capital~~
14 ~~construction~~ projects and assistance as determined by the
15 commission and approved by the legislature under W.S.
16 21-15-119. Any bonds issued under this section, together
17 with any interest accruing thereon and any prior redemption
18 premiums due in connection therewith, are payable and
19 collectible solely out of revenues authorized under this
20 section. The bondholders may not look to any general or
21 other fund for payment of the bonds except the revenues
22 pledged therefore. The bonds shall not constitute an
23 indebtedness or a debt within the meaning of any

1 constitutional or statutory provision or limitation. The
2 bonds shall not be considered or held to be general
3 obligations of the state but shall constitute its special
4 obligations and the commission shall not pledge the state's
5 full faith and credit for payment of the bonds.

6
7 **21-15-109. Major building and facility repair and**
8 **replacement payments; computation; square footage**
9 **allowance; use of payment funds; accounting and reporting**
10 **requirements; neglected routine maintenance.**

11
12 (a) As used in this act:

13
14 (iii) "Major building and facility repair and
15 replacement" ~~means the repair or replacement of complete or~~
16 ~~major portions of~~ and "major maintenance" mean as defined
17 by W.S. 9-2-3001(b)(ix) for school building and facility
18 systems; ~~at irregular intervals which is required to~~
19 ~~continue the use of the building or facility at its~~
20 ~~original capacity for its original intended use and is~~
21 ~~typically accomplished by contractors due to the personnel~~
22 ~~demand to accomplish the work in a timely manner, the level~~
23 ~~of sophistication of the work or the need for warranted~~

1 ~~work. The term includes the following categories as~~
2 ~~hereafter defined:~~

3
4 (iv) "Office building" means a school building
5 or facility primarily used in connection with or for the
6 purpose of district administrative functions, the major
7 purpose or use of which is not dedicated to the provision
8 of educational programs offered by the district in
9 accordance with law~~;~~. ~~"Office building" shall include~~
10 ~~maintenance facilities and storage buildings in which~~
11 ~~supplies are stored;~~

12
13 (vi) "Routine maintenance" ~~and repair~~ means
14 ~~activities necessary to keep a school building or facility~~
15 ~~in safe and good working order so that it may be used at~~
16 ~~its original or designed capacity for its originally~~
17 ~~intended purposes, including janitorial, grounds keeping~~
18 ~~and maintenance tasks done on a routine basis and typically~~
19 ~~accomplished by district personnel with exceptions for any~~
20 ~~routine tasks accomplished by contractors such as elevator~~
21 ~~or other specialized equipment or building system~~
22 ~~maintenance~~ as defined by W.S. 9-2-3001(b)(xii) for school
23 buildings and facilities;

1

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

7

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

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

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

16

17 **21-15-111. Definitions.**

18

19 (a) As used in this act, unless the context requires
20 otherwise:

21

22 (iii) "Local enhancements to school buildings
23 and facilities" or "local enhancements" means any

1 renovation, capital renewal, construction, replacement,
2 repair or other improvement of or to any school building or
3 facility initiated by a school district which is designed
4 to bring the building or facility to a condition exceeding
5 the statewide building adequacy standards and the
6 commission's facility design standards and guidelines;

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

17
18 (v) "Remedy" or "remediation" means a course of
19 action addressing identified building and facility needs in
20 accordance with statewide adequacy standards developed
21 under this act, consisting of building or facility
22 construction, replacement, renovation, capital renewal,
23 repair or any combination thereof;

1

2 (x) "Capital renewal" means as defined by W.S.
3 9-2-3001(b)(viii) for school buildings and facilities;

4

5 (xi) "Renovation" means as defined by W.S.
6 9-2-3001(b)(xi) for school buildings and facilities.

7

8 **21-15-116. School district facility plans;**
9 **development, review and approval; plan criteria;**
10 **administrative review; collaborative committee process.**

11

12 (a) In accordance with rules and regulations of the
13 commission, long range comprehensive school building and
14 facility plans for each school district shall be developed
15 by the department in coordination with the applicable
16 district, which address district wide building and facility
17 needs. The facility plan shall identify building and
18 facility needs aligned with the statewide adequacy
19 standards, actions to remediate building and facility needs
20 including new construction, demolition as provided in this
21 subsection, renovation, capital renewal and major building
22 and facility repair and replacement expenditures, and any
23 local enhancements to buildings and facilities beyond

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

21

22 (v) A plan for addressing district major
23 building and facility repair and replacement needs as

1 required under W.S. 21-15-109(e) and routine maintenance
2 needs. The routine and major maintenance plan shall:

3
4 (A) Be designed to eliminate maintenance
5 backlogs, establish proactive maintenance practices and
6 ensure that school buildings and facilities and components,
7 equipment and systems of school buildings and facilities
8 reach their full life expectancy;

9
10 (B) Anticipate the funding of major
11 building and facility repair for the components, equipment
12 and systems of school buildings and facilities that have a
13 life expectancy that is less than the life expectancy of
14 the school building or facility of which the component,
15 equipment or system is part;

16
17 (C) Establish requirements for maintaining
18 routine maintenance records for school buildings and
19 facilities and the components, equipment and systems of
20 school buildings and facilities.

21

22 **21-15-119. Commission budget and funding**
23 **recommendations.**

1

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

15

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

poor component, equipment or system of a school building or facility, the recommended budget may separately identify and request additional amounts necessary to repair, replace or upgrade the poor component, equipment or system. Except as otherwise provided by law, any supplemental funding appropriated in response to a budget recommendation submitted under this paragraph shall be conditioned on the school district amounts available in the separate account established under W.S. 21-15-109(e) for major building and facility repair and replacement;

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

(f) The state construction department shall:

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

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

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

1 under this paragraph shall not be considered or counted
2 under W.S. 21-13-310(a)(xiv) or (xv);

3

4 **21-18-102. Definitions.**

5

6 (a) As used in this act:

7

8 (xxiii) "Capital construction project" and
9 "capital construction" mean as defined by W.S.
10 9-2-3001(b)(ii);

11

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

14

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

17

18 (xxvi) "Renovation" means as defined by W.S.
19 9-2-3001(b)(xi);

20

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

23

1 21-18-202. Powers and duties of the commission.

2

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

5

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

11

12 (A) ~~New~~ Capital construction projects,
13 ~~renovation and capital renewal~~ excluding major maintenance,
14 in excess of two hundred fifty thousand dollars
15 (\$250,000.00) market value; ~~which is not necessary~~
16 ~~maintenance or repair;~~

17

18 (C) Previously approved and uncompleted ~~new~~
19 capital construction projects, excluding major maintenance,
20 which have increased in total cost by ten percent (10%) or
21 more since cost estimates were developed at the time of
22 initial project approval under this paragraph and W.S.
23 21-18-205(g).

1

2 **21-18-225. College maintenance and capital**
3 **construction funding.**

4

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

1 joint appropriations committee a recommendation for funding
2 community college major maintenance each biennium in
3 preparation for the development of the state budget. This
4 recommendation shall be based on a 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. At the end of each fiscal year, the commission
8 shall submit a report to the state construction department
9 on major maintenance expenditures incurred in the
10 immediately preceding fiscal year as required by W.S.
11 9-5-107(j). College building maintenance budget requests
12 submitted by the state construction department to the
13 legislature and capital construction budget requests
14 forwarded by the state building commission to the
15 legislature shall include only necessary building square
16 footage:

17

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

23

1 (v) Requirements for community college districts
2 to develop and implement routine maintenance schedules that
3 are designed to eliminate maintenance backlogs, establish
4 proactive maintenance practices and ensure that community
5 college buildings, facilities and sites and the components,
6 equipment and systems of community college buildings,
7 facilities and sites reach their full life expectancy;

8
9 (vi) Plan for the funding of the major
10 maintenance for the components, equipment and systems of
11 community college buildings, facilities and sites that have
12 a life expectancy that is less than the life expectancy of
13 the building, facility or site of which the component,
14 equipment or system is part;

15
16 (vii) Maintain records of routine maintenance
17 for community college buildings, facilities and sites and
18 any components, equipment and systems of community college
19 buildings, facilities and sites.

20
21 (d) On or before November 1 of each year, the
22 commission shall, based upon the assessment performed under
23 subsection (c) of this section and upon facility plans and

1 annual reports submitted by each college pursuant to W.S.
2 21-18-304(a)(xi), prioritize community college capital
3 construction project needs for the current fiscal year and
4 the succeeding four (4) fiscal years based upon:

5
6 (e) The commission may modify capital construction
7 project needs prioritized under subsection (d) of this
8 section in any subsequent fiscal year as necessary to
9 address statewide needs as substantiated by data, condition
10 assessments, needs analysis and other information assembled
11 by the commission under this section. Needs receiving a
12 lower priority than previously assigned may be removed or
13 reprioritized by the commission. Capital construction
14 project needs modified under this subsection shall be
15 reported to the state construction department.

16
17 (g) Upon prioritizing community college capital
18 construction project needs under subsection (d) of this
19 section, the commission shall not later than June 1 of each
20 year, report the prioritized list to the state construction
21 department. In accordance with W.S. 9-5-108(a)(ii), the
22 state construction department shall review, analyze and
23 study construction needs prioritized under subsection (d)

1 of this section and conduct necessary value engineering
2 analysis, schematic design review, safety and security
3 assessments and other analysis and review prior to
4 submission of recommendations to the state building
5 commission. The state building commission shall consider
6 and incorporate prioritized capital construction project
7 needs recommendations into legislation requesting necessary
8 funding, developed under W.S. 9-5-108(a)(ii)(J), for
9 submission to the legislature for review, authorization and
10 approval. The legislation shall also include a separate
11 appropriation for contingency costs associated with
12 recommended capital construction projects and a separate
13 appropriation for administrative costs of the state
14 construction department for management of the recommended
15 capital construction projects as required by subsection (j)
16 of this section. The state construction department shall
17 submit a separate budget request for project design and
18 planning funds to be available to assist community colleges
19 with costs incurred in developing and providing necessary
20 plans, designs and other information to the state
21 construction department for purposes of this subsection.
22 This request shall also include funds for major maintenance
23 for the square footage reported by the commission under

1 subsection (f) of this section. The state construction
2 department shall consult with the community college
3 commission in developing recommendations under this
4 subsection.

5

6 (h) The community college commission shall provide
7 copies of the needs assessment, capital construction
8 project priorities and major maintenance square footage
9 established under this section to members of the
10 legislature on or before December 1 of each year.

11

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

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

17

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

20

21 (e) As used in this section:

22

1 (ii) "Capital construction" ~~or~~—"construction"
2 includes new construction, demolition, renovation or
3 capital renewal.

4

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

7

8 **Section 4.**

9

10 (a) The state construction department, the state
11 building commission, the community college commission and
12 the school facilities commission shall promulgate all rules
13 necessary to implement this act.

14

15 (b) Subject to section 5 of this act, the board of
16 trustees of the University of Wyoming shall promulgate all
17 regulations necessary to implement this act.

18

19 **Section 5.** This act shall not apply to the University
20 of Wyoming student housing project, law school project, war
21 memorial west stands project or aquatics center project.

1

2 **Section 6.**

3

4 (a) Except as provided in subsection (b) of this
5 section, this act is effective July 1, 2025.

6

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

11

12 (END)