

ORIGINAL HOUSE
BILL NO. HB0086

ENROLLED ACT NO. 17, HOUSE OF REPRESENTATIVES

SIXTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2025 GENERAL SESSION

AN ACT relating to public property and buildings; amending and creating provisions related to budgeting, planning and reporting for capital construction projects, major maintenance and routine maintenance for public buildings, facilities and sites; conforming and repealing definitions; amending requirements for contracting for public works; specifying duties related to capital construction projects, major maintenance and routine maintenance for the state construction department, the state building commission, the school districts, the board of trustees of the University of Wyoming and the community college commission; repealing major maintenance funding requirements; requiring reports; requiring rulemaking; specifying applicability; and providing for effective dates.

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

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

21-17-208. University property maintenance and capital construction.

(a) As used in this section:

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

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

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

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

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(b) As part of its administrative functions, the board of trustees shall identify University of Wyoming property needs and develop a prioritized list of capital construction projects. The prioritized capital construction projects shall be reported by the board to the state construction department not later than June 1 of each year. Following review, analysis and study, the state construction department shall forward the prioritized list of university capital construction projects to the state building commission.

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

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

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

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

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

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

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

(b) As used in this article:

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

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

(ix) "Major building and facility repair and replacement" and "major maintenance" mean the repair, replacement or upgrade of complete or major portions of any component, equipment or system of a property at irregular intervals that is required to continue the use of the property at its designed capacity for its designed 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. The terms include, but are not limited to, the following categories as hereafter defined:

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

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

(I) Sidewalks;

(II) Parking lots;

(III) Athletic tracks;

(IV) Playground features;

(V) Outdoor security features;

(VI) Landscaping;

(VII) Drainage systems;

(VIII) Campus roads or streets;

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

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

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(I) Structural systems;

(II) Fire protection systems;

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

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

(xi) "Renovation" means work done to restore property to a condition that is functional for its original or designed intended use and capacity, to modernize or adapt property to an approved new use and capacity or for the purpose of making it code compliant, including architectural and structural changes and the modernization of mechanical and electrical systems. "Renovation" includes the repair, strengthening or restoration of major building systems or structures to a safe condition. "Renovation" does not include work that consists primarily of routine

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maintenance, minor repairs and replacement due to normal use, wear and tear or deterioration;

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

9-2-3004. Duties of the department.

(c) The department shall:

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

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

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

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

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

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

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

(a) As used in this act:

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

9-4-207. Disposition of unexpended appropriations.

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

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

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

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

(iii) Requirements for planned-development and implementation of routine maintenance schedules designed to eliminate maintenance backlogs, and to establish proactive maintenance practices and ensure that state property and the components, equipment and systems of state property reach their full life expectancy;

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

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

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

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

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

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

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

(k) To the extent the amount of funds appropriated in any fiscal biennium pursuant to the formula adopted by the state building commission under subsection (g) of this section for major maintenance are insufficient to repair, replace or upgrade a poor component, equipment or system of

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a property, the state building commission, the community college commission, any agency and the University of Wyoming may separately identify and request in its capital construction budget request submitted to the governor the additional amount necessary for the major maintenance. Any supplemental funding appropriated in response to a budget request submitted under this subsection shall be conditioned on the requesting entity expending all funds appropriated in the fiscal biennium for major maintenance on the poor component, equipment or a system, except as otherwise provided by law.

(m) As used in this section:

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

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

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

16-6-101. Definitions.

(a) As used in this act:

(v) "Major maintenance" means ~~the repair or replacement of complete or major portions of building and facility systems at irregular intervals which is required to continue the use of the building or facility at its 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~~

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

16-6-401. Definitions.

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

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

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

(f) As used in this section:

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

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

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

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obligations of the state but shall constitute its special obligations and the commission shall not pledge the state's full faith and credit for payment of the bonds.

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

(a) As used in this act:

(iii) "Major building and facility repair and replacement" ~~means the repair or replacement of complete or major portions of and~~ "major maintenance" mean as defined by W.S. 9-2-3001(b)(ix) for school building and facility systems; ~~at irregular intervals which is required to continue the use of the building or facility at its 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. The term includes the following categories as hereafter defined:~~

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

(vi) "Routine maintenance" ~~and repair~~ means ~~activities necessary to keep a school building or facility~~

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~~in safe and good working order so that it may be used at its original or designed capacity for its originally intended purposes, including janitorial, grounds keeping and maintenance tasks done on a routine basis and typically accomplished by district personnel with exceptions for any routine tasks accomplished by contractors such as elevator or other specialized equipment or building system maintenance~~ as defined by W.S. 9-2-3001(b)(xii) for school buildings and facilities;

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

(e) Amounts distributed under subsection (b) of this section shall be deposited by the recipient district into a separate account, the balance of which may accumulate from year-to-year. Except as specified under subsection (f) of this section, expenditures from the separate account, including any interest earnings on the account, shall be restricted to expenses incurred for major building and facility repair and replacement ~~as defined in subsection (a) of this section~~ and shall be in accordance with the district's facility plan under W.S. 21-15-116. Account expenditures may include the expenses of district personnel performing work described under paragraph (a)(iii) of this section if approved by the department and if documented within the district's facility plan. The district's facility plan shall clearly specify proposed major maintenance expenditures for addressing district major building and facility repair and replacement needs on a building-by-building basis, updated for the applicable reporting period, which shall be aligned to the statewide

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adequacy standards and prioritized based upon the impact of the building or facility on the district's ability to deliver the required educational program. The district shall include plans for maintaining any district building or facility which is under a lease agreement, specifying lease revenues available to the district for maintenance of facilities to the level required by statewide adequacy standards. No expenditures shall be made from the separate account unless the repair or replacement of the building or facility systems for which the expenditure is to be made is clearly specified within the district's facility plan or otherwise approved by the department. In a manner and form required by commission rule and regulation, each district shall annually report to the department on the expenditures made from the separate account during the applicable reporting period, separating account expenditures on a building-by-building basis. The department shall annually review account expenditures. and—The department shall, report expenditures to in consultation with each respective school district, provide a report to the commission, and the select committee on school facilities established under W.S. 28-11-301 and the joint appropriations committee on major maintenance expenditures. The department shall compile reported building-by-building expenditure information for each district and the district facility plan and include this information in its annual report to the select committee pursuant to W.S. 21-15-121. If any district expends funds within the separate account for purposes not authorized by this subsection or by rule and regulation of the commission, the payments for that district shall be reduced by the amount of the unauthorized expenditure in the school year following the year in which the expenditure was discovered or the school year in which notification was provided by the department, whichever first occurs.

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21-15-111. Definitions.

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

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

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

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

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

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

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

(a) In accordance with rules and regulations of the commission, long range comprehensive school building and facility plans for each school district shall be developed by the department in coordination with the applicable district, which address district wide building and facility needs. The facility plan shall identify building and facility needs aligned with the statewide adequacy standards, actions to remediate building and facility needs including new construction, demolition as provided in this subsection, renovation, capital renewal and major building and facility repair and replacement expenditures, and any local enhancements to buildings and facilities beyond statewide adequacy standards. The facility plan shall include a response to each school building and facility need identified on a building-by-building, space-by-space basis. The plan shall also review, and to the extent practical, identify and prioritize nonconstruction alternatives to school building and facility needs such as building closure, modification of school boundaries, modification of school grade configurations and similar approaches. Demolition or use, lease or other methods of disposition of surplus buildings and facilities shall be incorporated as part of the district plan, including the disposition of any existing land owned by the district. The plan shall not include the abandonment or demolition of any school facility or building unless there has first been a public hearing on the issue. The plan shall also specify identified alternative methods of building disposition,

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proposed allocation of costs incurred or revenues resulting from disposition and allocation of disposition revenues to offset any costs paid by the department. In addition, district facility plans shall include:

(v) A plan for addressing district major building and facility repair and replacement needs as required under W.S. 21-15-109(e) and routine maintenance needs. The routine and major maintenance plan shall:

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

(B) Anticipate the funding of major building and facility repair for the 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 of which the component, equipment or system is part;

(C) Establish requirements for maintaining routine maintenance records for school buildings and facilities and the 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

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budget department and to the select committee on school facilities. The department shall prepare and provide information as requested by the commission. The commission shall include with its recommended budget to the select committee the prioritized schedules of projects specified in W.S. 21-15-117 including the amounts allocated to each project and the annual building status report specified under W.S. 21-15-121. The recommended budget submitted by the commission shall include:

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

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(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;

(vi) Review district proposals for the disposition or demolition of buildings and facilities made surplus by an approved ~~construction or renovation~~ project or by changes in school population, including allocation of resulting costs and revenues and report the proposals to the commission. Disposition shall include options for use, lease, sale and any other means of disposing of the surplus building or facility. The costs and revenues incurred by the disposition or demolition of the building or facility shall be accounted for in each district's school facility plan and considered in any building or facility remedy for that district, including the allocation of revenues resulting from the disposition of property rendered surplus to offset property demolition costs. The department shall report this review to the commission. The commission, after receiving a report of the review by the department, shall approve the proposal related to disposition or demolition submitted pursuant to this paragraph unless the commission determines that the proposal does not protect the financial interests of the state or is not otherwise in the public interest. Any revenues resulting from property disposition under this paragraph shall not be considered or counted under W.S. 21-13-310(a)(xiv) or (xv);

21-18-102. Definitions.

(a) As used in this act:

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(xxiii) "Capital construction project" and "capital construction" mean 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:

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

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

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

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

(a) As part of its administrative functions, the community college commission shall identify community college building needs and develop a prioritized list of community college capital construction projects. The prioritized community college capital construction projects shall be reported by the commission to the state construction department in accordance with subsection (g) of this section. Following review, analysis and study, the state construction department shall forward recommendations for community college capital construction projects to the state building commission. The state construction department shall also submit ~~major maintenance budget requests for college buildings to the legislature in accordance with this section. Major maintenance budget requests shall be based upon the square footage submitted by the commission under subsection (f) of this section and upon a formula adopted by the state building commission, and upon forms and in a format specified by the state budget department~~ to the state building commission and the joint appropriations committee a recommendation for funding community college major maintenance each biennium in preparation for the development of the state budget. This recommendation shall be based on a formula adopted by the state building commission pursuant to W.S. 9-5-107(g) and upon forms and in a format specified by the state budget

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department. At the end of each fiscal year, the commission shall submit a report to the state construction department on major maintenance expenditures incurred in the immediately preceding fiscal year as required by W.S. 9-5-107(j). College building maintenance budget requests submitted by the state construction department to the legislature and capital construction budget requests forwarded by the state building commission to the legislature shall include only necessary building square footage:

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

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

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

(vii) Maintain records of routine maintenance for community college buildings, facilities and sites and

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any components, equipment and systems of community college buildings, facilities and sites.

(d) On or before November 1 of each year, the commission shall, based upon the assessment performed under subsection (c) of this section and upon facility plans and annual reports submitted by each college pursuant to W.S. 21-18-304(a)(xi), prioritize community college capital construction project needs for the current fiscal year and the succeeding four (4) fiscal years based upon:

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

(g) Upon prioritizing community college capital construction project needs under subsection (d) of this section, the commission shall not later than June 1 of each year, report the prioritized list to the state construction department. In accordance with W.S. 9-5-108(a)(ii), the state construction department shall review, analyze and study construction needs prioritized under subsection (d) of this section and conduct necessary value engineering analysis, schematic design review, safety and security assessments and other analysis and review prior to submission of recommendations to the state building commission. The state building commission shall consider and incorporate prioritized capital construction project

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needs recommendations into legislation requesting necessary funding, developed under W.S. 9-5-108(a)(ii)(J), for submission to the legislature for review, authorization and approval. The legislation shall also include a separate appropriation for contingency costs associated with recommended capital construction projects and a separate appropriation for administrative costs of the state construction department for management of the recommended capital construction projects as required by subsection (j) of this section. The state construction department shall submit a separate budget request for project design and planning funds to be available to assist community colleges with costs incurred in developing and providing necessary plans, designs and other information to the state construction department for purposes of this subsection. This request shall also include funds for major maintenance for the square footage reported by the commission under subsection (f) of this section. The state construction department shall consult with the community college commission in developing recommendations under this subsection.

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

(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

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

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

(e) As used in this section:

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

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

Section 4.

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

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

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

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Section 6.

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

(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.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk