

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO.

Public property and buildings-amendments.

Sponsored by: Joint Appropriations Committee

A BILL

for

1 AN ACT relating to public property and buildings; amending
2 and creating provisions related to budgeting, expenditure
3 of funds, planning and reporting for capital construction
4 projects, major maintenance and routine maintenance for
5 public buildings, facilities and sites; conforming and
6 repealing definitions; amending requirements for
7 contracting for public works; specifying duties related to
8 capital construction projects, major maintenance and
9 routine maintenance for the state construction department,
10 the state building commission, school districts, the board
11 of trustees of the University of Wyoming and the community
12 college commission; repealing major maintenance funding
13 requirements; requiring reports; requiring rulemaking;

1 specifying applicability; and providing for effective
2 dates.

3

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

5

6 *****
7 *****

8 **STAFF COMMENT**

9 This bill is drafted from the JAC's engrossed 2024 House
10 Bill 75. One additional amendment was adopted by the Senate
11 and the changes made by that amendment are shown in
12 highlighted text.

13

14 This bill draft also includes significant definitional and
15 technical changes identified during LSO's internal review.

16 *****
17 *****

18

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

20

21 **21-17-208. University maintenance and capital**
22 **construction.**

23

24 (a) As used in this section:

25

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

28

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

3

4 (iii) "Property" means as defined by W.S.
5 9-2-3001(b)(x);

6

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

9

10 *****
11 *****

12 **STAFF COMMENT**

13 The House Appropriations Committee amendment to 2024 HB 75
14 created a non-codified section specifying that the act
15 shall not apply to the University of Wyoming until January
16 1, 2028. This bill draft also places that delayed effective
17 date within the text of the statutes that will be codified.

18

19 The committee may wish to review whether any of the delayed
20 effective dates should be revised to 2026 or sooner e.g.,
21 to accommodate the preparation of the 2027-2028 budget and
22 ensure major maintenance funding can be appropriated for
23 University property through appropriations acts.

24 *****
25 *****

26

27 (b) Beginning January 1, 2028, as part of its
28 administrative functions, the board of trustees shall
29 identify University of Wyoming property needs and develop a
30 prioritized list of capital construction projects. The
31 prioritized capital construction projects shall be reported

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

6

7 (c) Beginning January 1, 2028, the state construction
8 department shall submit to the state building commission a
9 recommendation for funding university major maintenance
10 each biennium in preparation for the development of the
11 state budget. This recommendation for major maintenance
12 shall be based on a formula adopted by the state building
13 commission pursuant to W.S. 9-5-107(g) and upon forms and
14 in a format specified by the state budget department. At
15 the end of each fiscal year, the board of trustees shall
16 submit a report to the state construction department on
17 major maintenance expenditures and commitments incurred in
18 the immediately preceding fiscal year as required by W.S.
19 9-5-107(j) for purposes of W.S. 9-2-3004(c)(xi).

20

21 (d) Beginning January 1, 2028, with respect to
22 University of Wyoming property, the board of trustees
23 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 (d) Beginning January 1, 2028, and notwithstanding
20 any other provision of law, the proportional cost of major
21 maintenance of any component, equipment or system of a
22 University of Wyoming building or facility that is
23 attributable to neglected routine maintenance, as

1 determined by the state construction department under W.S.
2 9-2-3004(c)(xii), shall be borne entirely by the
3 university.

4
5 **Section 2.** W.S. 9-2-3001(b)(ii) and by creating new
6 paragraphs (viii) through (xii), 9-2-3004(c)(i), (vi) and
7 by creating new paragraphs (x) through (xiv), 9-2-3202(a)
8 by creating a new paragraph (xi), 9-4-207(d)(intro) and by
9 creating a new paragraph (iv), 9-5-107(d)(iii), by creating
10 new paragraphs (v) and (vi), (g)(intro), (i) and by
11 creating new subsections (j) through (o), 16-6-101(a)(v),
12 16-6-102(a) and by creating a new subsection (g),
13 16-6-401(a)(ix), 16-6-1001(f)(i), 21-15-108(b),
14 21-15-109(a)(iii)(intro), (iv), (vi) and (viii), (e), (f)
15 and by creating a new subsection (g), 21-15-111(a)(iii)
16 through (v) and by creating new paragraphs (x) and (xi),
17 21-15-116(a)(intro) and by creating a new paragraph (viii),
18 21-15-119(a)(i), 21-15-123(f)(v)(intro), (E) and (vi),
19 21-18-102(a) by creating new paragraphs (xxiii) through
20 (xxvi) and by renumbering (xxiii) as (xxvii),
21 21-18-202(d)(v)(intro), (A) and (C), 21-18-225(a)(intro),
22 (b) by creating new paragraphs (v) through (vii),
23 (d)(intro) and (e), (g), (h), (j) and by creating new

1 subsections (n) and (o) and 21-18-319(e)(ii) are amended to
2 read:

3

4 9-2-3001. State construction department created;
5 definitions.

6

7 *****
8 *****

9

STAFF COMMENT

10 Based on internal LSO review, the definitions in this
11 section and terminology used throughout the bill draft have
12 been revised for consistency. The committee may wish to
13 consider further changes to simplify and distinguish the
14 defined terms.

15 *****
16 *****

17

18 (b) As used in this article:

19

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

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

(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

1 warranted work. The terms include, but are not limited to,
2 the following categories as hereafter defined:

3
4 (A) "Code compliance" means the repair,
5 replacement or upgrade of a component, equipment or system
6 of a property that is mandated by law, regulation or code
7 to continue the use of the property at its designed
8 capacity for its designed intended use;

9
10 (B) "Site improvements" means the repair,
11 replacement or upgrade of a component, equipment or system
12 of a site, including the repair, replacement or upgrade of
13 any of the following:

14
15 (I) Sidewalks;

16
17 (II) Parking lots;

18
19 (III) Athletic tracks;

20
21 (IV) Playground features;

22
23 (V) Outdoor security features;

1

2

(VI) Landscaping;

3

4

(VII) Drainage systems;

5

6

(VIII) Campus roads or streets;

7

8

(IX) Components, equipment or systems

9

similar to those specified in subdivisions (I) through

10

(VIII) of this subparagraph.

11

12

(C) "System improvements" means the repair,

13

replacement or upgrade of a component, equipment or system

14

of a building or facility, including any of the following:

15

16

(I) Structural systems;

17

18

(II) Fire protection systems;

19

20

(III) Indoor security features;

21

22

(IV) Electrical, lighting, plumbing,

23

heating, ventilation or air conditioning systems;

1

2

(V) Roofs;

3

4

(VI) Windows and doors;

5

6

(VII) Conveyance systems, including
elevators and escalators;

8

9

(VIII) Information technology systems;

10

11

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

14

15

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

17

18

(xi) "Renovation" means work done to restore
property to a condition that is functional for its original
or designed intended use and capacity, to provide for the
full modernization or replacement of mechanical and
electrical systems, to modernize or adapt property to an
approved new use and capacity or for the purpose of making

23

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

9
10 (xii) "Routine maintenance" means activities
11 necessary to keep a property and the components, equipment
12 and systems of a property in safe and good working order so
13 that the property may be used at its original or designed
14 capacity for its original or designed intended use.
15 "Routine maintenance" includes janitorial, groundskeeping
16 and maintenance tasks done on a routine basis by building
17 personnel and specialized equipment and building system
18 maintenance that is accomplished on a routine basis by
19 contractors.

20
21 **9-2-3004. Duties of the department.**

22
23 (c) The department shall:

1

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

7

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

12

13 (x) Not later than September 1 of each odd
14 numbered year, submit to the state building commission a
15 recommendation for funding for the immediately succeeding
16 fiscal biennium for major maintenance for state property,
17 community college property and, beginning January 1, 2028,
18 for University of Wyoming property. This recommendation
19 shall be based on the formula adopted by the state building
20 commission pursuant to W.S. 9-5-107(g);

21

22 (xi) At the end of each fiscal year, review
23 major maintenance expenditure and commitment reports

1 submitted to the department by state agencies, community
2 colleges, school districts and, beginning January 1, 2028,
3 by the University of Wyoming. For school districts, the
4 review shall be in accordance with W.S. 21-15-109(e). The
5 department shall, in consultation with the respective state
6 agencies, community colleges and, beginning January 1,
7 2028, for the University of Wyoming, provide a report to
8 the state building commission on all major maintenance
9 expenditures and commitments incurred in the immediately
10 preceding fiscal year. The report shall specify if any
11 impediments were encountered in completing planned major
12 maintenance on time and within the amounts budgeted, if any
13 expenditures or commitments were necessitated earlier than
14 anticipated or before the end of the life expectancy of the
15 component, equipment or system and whether any expenditures
16 or commitments resulted in whole or in part from failure to
17 perform or properly perform required routine maintenance;

18

19 (xii) Identify property as neglected if the
20 department, in reviewing major maintenance expenditures and
21 commitments, determines routine maintenance was not
22 performed or not properly performed for a property or a
23 component, equipment or system of a property. For all

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

21

22 (xiii) Review and approve any renovation that
23 changes the intended capacity or designed intended use of a

1 property that receives state appropriations for major
2 maintenance;

3
4 (xiv) Develop and maintain a twenty (20) year
5 statewide strategic plan and comprehensive system for
6 monitoring and reporting appropriations and expenditures
7 for capital construction projects and routine maintenance
8 for state property, community college property and,
9 beginning January 1, 2028, University of Wyoming property.

10

11 *****
12 *****
13 STAFF COMMENT
14 New subparagraph (xiv) above was requested by the JAC this
15 interim and is new to this bill draft.
16 *****
17 *****
18

19

20 9-2-3202. Definitions; powers generally; duties of
21 governor; provisions construed; cooperation with
22 legislature and judiciary; divisions enumerated.

23

24 (a) As used in this act:

25

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, beginning January 1, 2028, for University of
18 Wyoming property. Appropriations subject to this paragraph
19 that do not revert may be expended on any expenses incurred
20 for major maintenance as defined by W.S. 9-2-3001(b)(ix).

21

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

1 **assessment and priorities; neglected routine maintenance;**
2 **supplemental 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 for state property, University of
11 Wyoming property and community college property and shall:

12

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

17

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

22

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, beginning January 1, 2028, the
 5 University of Wyoming, shall report to the state building
 6 commission on the expenditures and commitments made from
 7 any funds appropriated for major building and facility
 8 repair and replacement for purposes of W.S.
 9 9-2-3004(c)(xi).

10
 11 (k) Upon appeal by a state agency, community college
 12 or the University of Wyoming, the state building commission
 13 shall review determinations made by the state construction
 14 department under W.S. 9-2-3004(c)(xii) for neglected
 15 routine maintenance and may issue a final decision on a
 16 matter.

18 *****
 19 *****
 20 **STAFF COMMENT**
 21 The appeal process specified under subsection (k) above
 22 does not specify timelines, whether the State Building
 23 Commission must issue a final decision on a neglected
 24 property determination, and whether that action can be
 25 appealed.

26
 27 The Committee may wish to clarify that the appeals shall be
 28 in accordance with the Wyoming Administrative Procedure Act

1 similar to W.S. 21-15-115, which provides "Any school
2 district aggrieved by a decision of the department or the
3 commission under this act may seek review in accordance
4 with the Wyoming Administrative Procedure Act. In
5 accordance with W.S. 16-3-112, review of a decision of the
6 department shall be before the commission."

7 *****
8 *****
9

10 (m) Notwithstanding any other provision of law, the
11 proportional cost of major maintenance for state property
12 that is attributable to neglected routine maintenance, as
13 determined by the state construction department under W.S.
14 9-2-3004(c)(xii), shall be borne entirely by the state
15 agency that is responsible for the operation and management
16 of the state property. This subsection shall not apply to
17 state property for which maintenance is assigned to the
18 general services division of the department of
19 administration and information under W.S. 9-2-3204(b)(xx)
20 and (xxi).

21
22 (n) To the extent the amount of funds appropriated in
23 any fiscal biennium pursuant to the formula adopted by the
24 state building commission under subsection (g) of this
25 section for major maintenance are insufficient to repair,
26 replace or improve a failed component, equipment or system
27 of a property, the state building commission, the community

1 college commission, any agency and, beginning January 1,
2 2028, the University of Wyoming, may separately identify
3 and request in its capital construction budget request
4 submitted to the governor the additional amount necessary
5 for the major maintenance. Any supplemental funding
6 appropriated in response to a budget request submitted
7 under this subsection shall be conditioned on the
8 requesting entity expending all funds appropriated in the
9 fiscal biennium for major maintenance on the failed
10 component, equipment or a system, except as otherwise
11 provided by law.

12

13 (o) As used in this section:

14

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

17

18 (ii) "Property" means as defined by W.S.
19 9-2-3001(b)(x);

20

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

23

1 **16-6-101. Definitions.**

2

3 (a) As used in this act:

4

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

14

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

18

19 (a) If a contract is let by a public entity for a
20 public work, the contract shall be let to a resident of the
21 state. If advertisement for bids or request for proposal
22 is not required, the contract shall be let to a resident of
23 the state. If advertisement for bids is required, the

1 contract shall be let to the responsible certified resident
2 making the lowest bid if the certified resident's bid is
3 not more than five percent (5%) higher than that of the
4 lowest responsible nonresident bidder.

6 *****
7 *****

8 STAFF COMMENT

9 The engrossed version of 2024 House Bill 75 read:

10
11 (a) If a contract is let by a public entity for a
12 public work, the ~~contract shall be let, if advertisement~~
13 ~~for bids or request for proposal is not required, to a~~
14 ~~resident of the state~~ following shall apply:

15
16 (i) If advertisement for bids is required, the
17 contract shall be let to the responsible certified resident
18 making the lowest bid if the certified resident's bid is
19 not more than five percent (5%) higher than that of the
20 lowest responsible nonresident bidder;

21
22 (ii) If advertisement for bids or request for
23 proposals are not required, the contract shall be let to a
24 resident of the state, provided that if the services
25 required are not offered by any known resident of the
26 state, the public entity may let the contract to a
27 nonresident.

28 *****
29 *****

30
31
32 (g) Whenever an emergency arises requiring a contract
33 for a public work, a public entity may waive any applicable
34 requirement of this section if the requirement endangers

1 the health, welfare or safety of the public or if the
2 waiver is necessary to protect public property.

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

1 ~~as hereafter defined:~~ mean as defined by W.S.
2 9-2-3001(b)(ix) for school building and facility systems;

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 and subject to subsection (g) of this section,
13 expenditures from the separate account, including any
14 interest earnings on the account, shall be restricted to
15 expenses incurred for major building and facility repair
16 and replacement ~~as defined in subsection (a) of this~~
17 ~~section~~ and shall be in accordance with the district's
18 facility plan under W.S. 21-15-116. Account expenditures
19 may include the expenses of district personnel performing
20 work described under paragraph (a)(iii) of this section if
21 approved by the department and if documented within the
22 district's facility plan. The district's facility plan
23 shall clearly specify proposed major maintenance

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

1 respective school district, provide a report to the
2 commission, ~~and~~ the select committee on school facilities
3 established under W.S. 28-11-301 and the joint
4 appropriations committee on major maintenance expenditures.
5 The report shall specify if any impediments were
6 encountered in completing planned major maintenance on time
7 and within the amounts budgeted, if any expenditures were
8 necessitated earlier than anticipated or before the end of
9 the life expectancy of the component, equipment or system
10 and whether any expenditure resulted in whole or in part
11 from failure to perform or properly perform required
12 routine maintenance. The department shall compile reported
13 building-by-building expenditure information for each
14 district and the district facility plan and include this
15 information in its annual report to the select committee
16 pursuant to W.S. 21-15-121. If any district expends funds
17 within the separate account for purposes not authorized by
18 this subsection or by rule and regulation of the
19 commission, the payments for that district shall be reduced
20 by the amount of the unauthorized expenditure in the school
21 year following the year in which the expenditure was
22 discovered or the school year in which notification was
23 provided by the department, whichever first occurs.

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

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

16

17 (g) Notwithstanding any other provision of law, no
18 expenditure shall be made from the separate account
19 established under subsection (e) of this section for the
20 proportional cost of major maintenance for school buildings
21 and facilities that is attributable to neglected routine
22 maintenance as determined by the state construction
23 department under W.S. 9-2-3004(c)(xii). The payments for

1 that district shall be reduced by the proportional cost
2 attributable to neglected routine maintenance within the
3 year following the year in which the expenditure was
4 identified by the department.

5

6 **21-15-111. Definitions.**

7

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

10

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

19

20 (iv) "Project" means replacement, renovation,
21 capital renewal or new construction projects ~~which~~ that
22 increase the value of the school building or facility by
23 improving the functioning of the building or facility or

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

6

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

13

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

16

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

19

20 **21-15-116. School district facility plans;**
 21 **development, review and approval; plan criteria;**
 22 **administrative review; collaborative committee process.**

23

1 (a) In accordance with rules and regulations of the
2 commission, long range comprehensive school building and
3 facility plans for each school district shall be developed
4 by the department in coordination with the applicable
5 district, which address district wide building and facility
6 needs. The facility plan shall identify building and
7 facility needs aligned with the statewide adequacy
8 standards, actions to remediate building and facility needs
9 including new construction, demolition as provided in this
10 subsection, renovation, capital renewal and major building
11 and facility repair and replacement expenditures, and any
12 local enhancements to buildings and facilities beyond
13 statewide adequacy standards. The facility plan shall
14 include a response to each school building and facility
15 need identified on a building-by-building, space-by-space
16 basis. The plan shall also review, and to the extent
17 practical, identify and prioritize nonconstruction
18 alternatives to school building and facility needs such as
19 building closure, modification of school boundaries,
20 modification of school grade configurations and similar
21 approaches. Demolition or use, lease or other methods of
22 disposition of surplus buildings and facilities shall be
23 incorporated as part of the district plan, including the

1 disposition of any existing land owned by the district. The
2 plan shall not include the abandonment or demolition of any
3 school facility or building unless there has first been a
4 public hearing on the issue. The plan shall also specify
5 identified alternative methods of building disposition,
6 proposed allocation of costs incurred or revenues resulting
7 from disposition and allocation of disposition revenues to
8 offset any costs paid by the department. In addition,
9 district facility plans shall include:

10

11 (viii) A plan for addressing school building and
12 facility routine and major maintenance needs. The routine
13 and major maintenance plan shall:

14

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

20

21 (B) Anticipate the funding of major
22 building and facility repair for the components, equipment
23 and systems of school buildings and facilities that have a

1 life expectancy that is less than the life expectancy of
2 the school building or facility of which the component,
3 equipment or system is part;

4

5 (C) Establish requirements for maintaining
6 routine maintenance records for school buildings and
7 facilities and the components, equipment and systems of
8 school buildings and facilities.

9

10 **21-15-119. Commission budget and funding**
11 **recommendations.**

12

13 (a) Notwithstanding W.S. 9-2-1012, the commission
14 shall annually, not later than September 1, develop and
15 submit a recommended budget for projects and school capital
16 construction financing to the governor, through the state
17 budget department and to the select committee on school
18 facilities. The department shall prepare and provide
19 information as requested by the commission. The commission
20 shall include with its recommended budget to the select
21 committee the prioritized schedules of projects specified
22 in W.S. 21-15-117 including the amounts allocated to each
23 project and the annual building status report specified

1 under W.S. 21-15-121. The recommended budget submitted by
2 the commission shall include:

3

4 (i) The estimated costs and proposed funding
5 amounts for all projects determined under W.S. 21-15-117
6 and 21-15-118 and proposed for that budget period, together
7 with estimated expenditures for major building and facility
8 repair and replacement program payments under W.S.
9 21-15-109 for the same budget period. To the extent the
10 amount of payments under W.S. 21-15-109 for the same budget
11 period are insufficient to repair, replace or improve a
12 failed component, equipment or system of a school building
13 or facility, the recommended budget may separately identify
14 and request additional amounts necessary to repair, replace
15 or improve the failed component, equipment or system.
16 Except as otherwise provided by law, any supplemental
17 funding appropriated in response to a budget recommendation
18 submitted under this paragraph shall be conditioned on the
19 school district expending amounts available in the separate
20 account established under W.S. 21-15-109(e) on major
21 building and facility repair and replacement, provided that
22 a school district shall not be required to expend more than
23 fifty percent (50%) of the projected balance of the

1 separate account after all planned expenses for major
2 building and facility repair are deducted;

3

4 **21-15-123. State construction department; duties and**
5 **authority relating to school facilities.**

6

7 (f) The state construction department shall:

8

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

12

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

16

17 (vi) Review district proposals for the
18 disposition or demolition of buildings and facilities made
19 surplus by an approved ~~construction or renovation~~ project
20 or by changes in school population, including allocation of
21 resulting costs and revenues and report the proposals to
22 the commission. Disposition shall include options for use,
23 lease, sale and any other means of disposing of the surplus

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

17

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

19

20 (a) As used in this act:

21

1 (xxiii) "Capital construction project" or
2 "capital construction" means as defined by W.S.
3 9-2-3001(b)(ii);

4
5 (xxiv) "Capital renewal" means as defined by
6 W.S. 9-2-3001(b)(viii);

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

10
11 (xxvi) "Renovation" means as defined by W.S.
12 9-2-3001(b)(xi);

13
14 ~~(xxiii)~~(xxvii) "This act" means W.S. 21-18-101
15 through 21-18-409.

16
17 **21-18-202. Powers and duties of the commission.**

18
19 (d) The commission shall perform the following
20 approval functions:

21
22 (v) Approve ~~all new capital construction~~
23 ~~projects~~ the following expenditures in excess of two

1 hundred fifty thousand dollars (\$250,000.00) market value
2 for which state funds are or could be eventually applied;
3 ~~"New capital construction projects" include:~~

4
5 (A) ~~New~~ Capital construction projects,
6 ~~renovation and capital renewal~~ excluding major maintenance,
7 in excess of two hundred fifty thousand dollars
8 (\$250,000.00) market value; ~~which is not necessary~~
9 ~~maintenance or repair;~~

10

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

17

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

20

21 (a) As part of its administrative functions, the
22 community college commission shall identify community
23 college building needs and develop a prioritized list of

1 community college capital construction projects. The
2 prioritized community college capital construction projects
3 shall be reported by the commission to the state
4 construction department in accordance with subsection (g)
5 of this section. Following review, analysis and study, the
6 state construction department shall forward recommendations
7 for community college capital construction projects to the
8 state building commission. The state construction
9 department shall also submit ~~major maintenance budget~~
10 ~~requests for college buildings to the legislature in~~
11 ~~accordance with this section. Major maintenance budget~~
12 ~~requests shall be based upon the square footage submitted~~
13 ~~by the commission under subsection (f) of this section and~~
14 ~~upon a formula adopted by the state building commission,~~
15 ~~and upon forms and in a format specified by the state~~
16 ~~budget department~~ to the state building commission and the
17 joint appropriations committee a recommendation for funding
18 community college major maintenance each biennium in
19 preparation for the development of the state budget. This
20 recommendation shall be based on a formula adopted by the
21 state building commission pursuant to W.S. 9-5-107(g) and
22 upon forms and in a format specified by the state budget
23 department. At the end of each fiscal year, the commission

1 shall submit a report to the state construction department
2 on major maintenance expenditures incurred in the
3 immediately preceding fiscal year as required by W.S.
4 9-5-107(j) for purposes of W.S. 9-2-3004(c)(xi). College
5 building maintenance budget requests submitted by the state
6 construction department to the legislature and capital
7 construction budget requests forwarded by the state
8 building commission to the legislature shall include only
9 necessary building square footage:

10

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

16

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

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

(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 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

1 section in any subsequent fiscal year as necessary to
2 address statewide needs as substantiated by data, condition
3 assessments, needs analysis and other information assembled
4 by the commission under this section. Needs receiving a
5 lower priority than previously assigned may be removed or
6 reprioritized by the commission. Capital construction
7 project needs modified under this subsection shall be
8 reported to the state construction department.

9

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

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

21

22 (h) The community college commission shall provide
23 copies of the needs assessment, capital construction

1 project priorities and major maintenance square footage
2 established under this section to members of the
3 legislature on or before December 1 of each year.

4

5 (j) Subject to amounts made available by legislative
6 appropriation and to any conditions which may be attached
7 to appropriation expenditures, the state construction
8 department shall distribute state funds for building
9 capital construction projects approved and authorized by
10 the legislature. Distributions of state funds for any
11 approved and authorized capital construction project shall
12 be in accordance with payment schedules established by rule
13 and regulation of the department. Payments by the
14 department shall be contingent upon the receipt of any
15 local district funding as may be required by legislative
16 authorization, or upon receipt of other documentation which
17 may be required by the program certifying the timely
18 receipt of required local district funds for the capital
19 construction project. Payments to districts shall also be
20 attached to prescribed phases of the capital construction
21 project and the completion of certain project phases.
22 Construction phases for which approval of the program is
23 required shall be specified by the state construction

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

10
11 (n) The community college district shall be
12 responsible for funding not less than fifty percent (50%)
13 of the costs of a capital construction project from sources
14 other than state general funds for any new construction or
15 renovation constructed on property owned by the community
16 college district. For purposes of calculating community
17 college district funding responsibilities under this
18 subsection, "construction costs" shall not include amounts
19 appropriated for contingency costs and administrative costs
20 described in subsection (g) of this section.

21
22 (o) Notwithstanding any other provision of law, the
23 proportional cost of major maintenance for community

1 college buildings, facilities and sites that is
2 attributable to neglected routine maintenance, as
3 determined by the state construction department under W.S.
4 9-2-3004(c)(xii), shall be borne entirely by the community
5 college.

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

10 (e) As used in this section:

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

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

18 *****
19 *****

20 STAFF COMMENT

21 The repealed provisions are:

23 9-5-107. Duties and responsibilities with respect to
24 state buildings; state capital construction needs
25 assessment and priorities.

26 ~~(h) As used in this section "major building and~~
27 ~~facility repair and replacement" means the repair or~~

1 ~~replacement of complete or major portions of building and~~
2 ~~facility systems at irregular intervals which is:~~

3 ~~(i) Required to continue the use of the building~~
4 ~~or facility at its original capacity for its original~~
5 ~~intended use, including for compliance with the Americans~~
6 ~~with Disabilities Act, and including installing fire~~
7 ~~suppression systems in residential facilities; and~~

8 ~~(ii) Typically accomplished by contractors due~~
9 ~~to the personnel demand to accomplish the work in a timely~~
10 ~~manner, the level of sophistication of the work or the need~~
11 ~~for warranted work.~~

12
13 **21-15-109. Major building and facility repair and**
14 **replacement payments; computation; square footage**
15 **allowance; use of payment funds; accounting and reporting**
16 **requirements.**

17 (a) As used in this act:

18 ~~(iii) "Major building and facility repair and~~
19 ~~replacement" means the repair or replacement of complete or~~
20 ~~major portions of school building and facility systems at~~
21 ~~irregular intervals which is required to continue the use~~
22 ~~of the building or facility at its original capacity for~~
23 ~~its original intended use and is typically accomplished by~~
24 ~~contractors due to the personnel demand to accomplish the~~
25 ~~work in a timely manner, the level of sophistication of the~~
26 ~~work or the need for warranted work. The term includes the~~
27 ~~following categories as hereafter defined:~~

28 ~~(A) "Code compliance" means system improvements~~
29 ~~or site improvements that are mandated in writing by an~~
30 ~~authority having jurisdiction for the continued use of a~~
31 ~~school building or facility;~~

32 ~~(B) "Site improvements" means the repair,~~
33 ~~replacement or upgrade of those components or equipment of~~
34 ~~school district buildings and facilities that are not~~
35 ~~system improvements, including the repair, replacement or~~
36 ~~upgrade of:~~

37 ~~(I) Sidewalks;~~

38 ~~(II) Parking lots;~~

39 ~~(III) Athletic tracks;~~

40 ~~(IV) Playground features;~~

41 ~~(V) Outdoor security features;~~

42 ~~(VI) Landscaping;~~

43 ~~(VII) Drainage systems; or~~

44 ~~(VIII) Similar components or equipment.~~

1 ~~(C) "System improvements" means the repair,~~
 2 ~~replacement or upgrade of components or equipment of school~~
 3 ~~district buildings, including:~~
 4 ~~(I) Structural systems;~~
 5 ~~(II) Fire protection systems;~~
 6 ~~(III) Indoor security features;~~
 7 ~~(IV) Electrical, plumbing, heating,~~
 8 ~~ventilation or air conditioning systems;~~
 9 ~~(V) Roofs;~~
 10 ~~(VI) Windows;~~
 11 ~~(VII) Information technology systems; or~~
 12 ~~(VIII) Similar components or equipment.~~

14 **21-18-225. College maintenance and capital**
 15 **construction funding.**

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

21 ~~(iv) Methodologies which require a seven (7)~~
 22 ~~year phase-in period for major maintenance following the~~
 23 ~~new construction of a community college facility. The~~
 24 ~~phase-in period shall be as follows:~~

- 25 ~~(A) Year one (1) zero percent (0%);~~
- 26 ~~(B) Year two (2) ten percent (10%);~~
- 27 ~~(C) Year three (3) ten percent (10%);~~
- 28 ~~(D) Year four (4) forty percent (40%);~~
- 29 ~~(E) Year five (5) sixty percent (60%);~~
- 30 ~~(F) Year six (6) eighty percent (80%);~~
- 31 ~~(G) Year seven (7) and thereafter one~~
 32 ~~hundred percent (100%).~~

33 *****
 34 *****
 35

36 **Section 4.**

37
 38 (a) The state construction department, state building
 39 commission, community college commission and school

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

3

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

7

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

11

12 *****
13 *****

14 **STAFF COMMENT**

15 The committee may wish to clarify which provisions of the
16 act should not apply to the exempted projects. The
17 committee may also wish to describe the projects with more
18 specificity so that it is clear whether the act applies to
19 any student housing project, law school project, etc.
20 undertaken in the future or just the existing projects.

21 *****
22 *****

1 **Section 6.**

2

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

5

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

10

11

(END)