

**WORKING DRAFT**

HOUSE BILL NO. \_\_\_\_\_

State building commission repeal.

Sponsored by: Select Committee on Capital Financing and Investments

A BILL

for

1 AN ACT relating to administration of government; abolishing  
2 the state building commission; assigning functions and  
3 duties of the state building commission to the governor's  
4 office; and providing for an effective date.

5

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

7

8 **Section 1.** W.S. 9-2-1016... are amended to read:

9

10 **\*\*\* STAFF COMMENTS \*\*\***  
11 **This draft implements the motion calling for the**  
12 **repeal of the state building commission and**  
13 **transfer of its functions to the Governor's**  
14 **office.**

15

16 **9-2-1016. General services division.**

17

1           (b) For the purpose of this subsection the term  
2 "agencies" does not include the University of Wyoming,  
3 community college districts, or school districts. It does  
4 not include the department of transportation except as to  
5 paragraphs (xi), (xii) and (xiii) of this subsection. The  
6 department through the general services division shall:

7  
8           (viii) Supervise and approve disposition by sale  
9 or trade-in of all agencies' property which has been deemed  
10 to be no longer cost effective to the state. Real property  
11 in excess of forty (40) acres in one (1) tract or valued at  
12 fifteen thousand dollars (\$15,000.00) or more shall not be  
13 disposed of at less than current appraised value as  
14 authorized in accordance with rules of the ~~state building~~  
15 ~~commission~~ governor's office. No other property shall be  
16 disposed of at less than fair market value either for cash  
17 or in exchange for credit upon purchase of new property.  
18 All sales shall be public and based upon adequate notice  
19 except that state owned motor vehicles may be sold at  
20 public or dealer auction and except that for the first  
21 thirty (30) days after acquisition, any personal property  
22 may be made available to those entities qualifying under  
23 federal surplus property guidelines through the state  
24 surplus property warehouse. The proceeds of sale, less

1 costs of sale, shall be remitted to the treasurer for the  
2 benefit of the fund from which the property was purchased.  
3 This paragraph shall not apply to, nor shall the ~~department~~  
4 ~~or the state building commission~~ governor's office approve  
5 or supervise the disposition of land by the state  
6 transportation commission;

7  
8 (xix) Lease all property for the state in  
9 accordance with rules of the ~~state building commission~~  
10 governor's office. Leasing of property by the state shall  
11 be conducted on a bid and proposal basis with advertising  
12 of space needs and square footage in community or local  
13 newspapers. Leasing contracts may be entered into by  
14 noncompetitive negotiation only if:

15  
16 (xx) Maintain, repair and replace all state  
17 property in accordance with rules of the ~~state building~~  
18 ~~commission~~ governor's office;

19  
20 **9-5-101. Capitol building control; definitions.**

21  
22 (b) The ~~state building commission~~ governor's office  
23 shall promulgate rules under which the general services  
24 division has charge and control of the capitol building

1 with respect to its occupancy, repair and maintenance and  
2 shall collect all rents arising from the occupancy of the  
3 capitol building. All rents collected under this section  
4 shall be paid into the general fund.

5  
6 (d) As used in this article unless the context  
7 requires otherwise:

8  
9 (i) "Department" means the department of  
10 administration and information created under W.S. 9-2-1001.

11  
12 (ii) "Division" means the general services  
13 division of the department;

14  
15 (iii) "Governor's office" means the position or  
16 positions within the office of the governor designated by  
17 the governor to fulfill the functions assigned to that  
18 office under this article.

19  
20 **9-5-102. State office space and building sites;**  
21 **authority to buy and lease property; acceptance of**  
22 **donations, grants and devises.**

23

1           (a) In order to obtain building sites for additional  
2 office space and state uses and to insure the proper  
3 keeping of valuable state records and provide for the  
4 expansion of functions of the state, the general services  
5 division, with the approval of the ~~state building~~  
6 ~~commission~~ governor's office, may buy, take options to buy  
7 and lease property to be used for building sites for future  
8 state office buildings. The general services division, with  
9 the approval of the ~~commission~~ governor's office may lease  
10 acquired property until it is needed. The general services  
11 division, with the approval of the ~~state building~~  
12 ~~commission~~ governor's office, in cooperation with the  
13 department of employment, may acquire lands and buildings  
14 in the name of the state of Wyoming by purchase, lease  
15 agreement, gift or devise to provide suitable quarters for  
16 the administration of the Wyoming Employment Security Law  
17 and to develop improvements, maintain and repair the lands  
18 and buildings.

19

20           (b) To accomplish the purposes of subsection (a) of  
21 this section the general services division, with the  
22 approval of the ~~state building commission~~ governor's  
23 office, may accept donations, grants-in-aid and devises.

24

1       **9-5-103. Supervision and control of governor's**  
2 **residence.**

3

4 The governor's residence and the buildings, grounds and  
5 property thereto attached belonging to the state of Wyoming  
6 are under the supervision and control of the ~~state building~~  
7 ~~commission~~ governor's office.

8

9       **9-5-104. State office buildings; maintenance; rental;**  
10 **use of proceeds.**

11

12       (a) The general services division, in accordance with  
13 rules of the ~~state building commission~~ governor's office,  
14 may maintain, operate, lease, manage and equip state office  
15 buildings in Wyoming.

16

17       (b) Every department occupying space in a building  
18 authorized under subsection (a) of this section, if  
19 required to do so by the general services division, in  
20 accordance with rules of the ~~state building commission~~  
21 governor's office, shall pay to the state treasurer an  
22 annual rental plus a pro rata share of maintenance,  
23 janitorial services, utilities and other overhead costs  
24 necessary to maintain the building in as good a condition

1 as reasonable and proper use will permit. Payments shall be  
2 made to the state treasurer for deposit into a fund within  
3 the internal service fund to be allocated as follows:

4  
5 (i) An amount as determined by the ~~capital~~  
6 ~~building commission~~ governor's office into the revenue  
7 utilities and custodial account to be appropriated by the  
8 legislature for payment of utilities and custodial services  
9 only; and

10

11 **9-5-105. Purchase or lease of state lands and**  
12 **buildings.**

13

14 (a) Before purchasing any land for any state purpose,  
15 the state agency or board shall, in accordance with rules  
16 of the ~~state building commission~~ governor's office,  
17 determine if any land owned by the state is available and  
18 could be used for the state purpose. The agency or board  
19 shall, in accordance with rules of the ~~state building~~  
20 ~~commission~~ governor's office, negotiate with the agency or  
21 board owning or controlling the land for purchase or lease  
22 of the lands.

23

1 (b) Any state agency, assigned the operation,  
2 management or use of a state leased or owned building by  
3 statute shall follow rules of the ~~state building commission~~  
4 governor's office regarding to the operation, management  
5 and use of the building unless the agency adopts rules  
6 different than those of the ~~commission~~ governor's office in  
7 accordance with the provisions of W.S. 9-5-106.

8  
9 **9-5-106. Governor's office powers relative to use of**  
10 **state buildings; rules authorized; exceptions.**

11  
12 (a) The ~~state building commission~~ governor's office  
13 is authorized to adopt rules and regulations relative to  
14 the operation, management and use of any state leased or  
15 owned building. If the operation, management and use of a  
16 state leased or owned building is assigned by statute to  
17 any other state agency that agency may adopt rules and  
18 regulations relative to the operation, management and use  
19 of the building different than those of the ~~commission~~  
20 governor's office.

21  
22 (b) The ~~secretary to the commission under W.S. 9-2-~~  
23 ~~1016(b)(xxi) shall administratively~~ governor may designate  
24 a position or positions within his office to implement any

1 rules of ~~the state building commission~~ his office adopted  
2 under this ~~section~~ article or duties of his office under  
3 this article. The director of the department of  
4 administration and information may adopt rules and  
5 regulations which make violation of rules adopted by the  
6 ~~commission~~ governor's office under subsection (a) of this  
7 section grounds for disciplinary action for any state  
8 employee violating the rules of the ~~state building~~  
9 ~~commission~~ governor's office regarding operation,  
10 management or use of state buildings.

11

12 **9-5-107. General services division; duties and**  
13 **responsibilities with respect to state buildings; state**  
14 **capital construction needs assessment and priorities.**

15

16 (a) The general services division ~~of the department~~  
17 ~~of administration and information~~ shall, subject to the  
18 direction of the ~~state building commission~~ governor's  
19 office and with the assistance of other state agencies as  
20 necessary, conduct and maintain a comprehensive needs  
21 assessment of existing state buildings and of future space  
22 requirements for state agencies. The assessment shall be  
23 conducted in accordance with rules of the ~~state building~~  
24 ~~commission~~ governor's office adopted pursuant to subsection

1 (d) of this section and be designed to provide uniform  
2 statewide data describing the condition of state buildings  
3 and projecting building longevity and space requirements.  
4 Through the identification of building conditions and  
5 needs, the assessment shall enable the evaluation of  
6 capital construction and renovation requirements for all  
7 state buildings. The needs assessment shall be revised  
8 annually on or before October 1 of each year. The needs  
9 assessment shall specify construction and renovation  
10 requirements for the remainder of the current fiscal year  
11 and the succeeding four (4) fiscal years.

12

13 (b) On or before November 1 of each year and based  
14 upon the statewide needs assessment of state buildings  
15 performed under subsection (a) of this section, ~~the state~~  
16 ~~building commission~~ governor's office shall establish and  
17 prioritize construction and renovation needs for state  
18 buildings. The listing shall specifically identify and  
19 prioritize those buildings in need of building construction  
20 or renovation and the estimated costs of required  
21 construction or renovation during the current fiscal year  
22 and during the succeeding four (4) fiscal years.

23

1 (c) On or before December 1 of each year, the  
2 ~~commission~~ governor's office shall provide copies of the  
3 needs assessment and statewide construction and renovation  
4 priorities established under this section to members of the  
5 legislature.

6

7 (d) The ~~state building commission~~ governor's office  
8 shall adopt rules implementing policies for the management  
9 of state buildings. The rules shall establish:

10

11 (e) Rules and procedures adopted under this section  
12 by the ~~state building commission~~ governor's office shall be  
13 applicable to all state owned buildings unless the  
14 operation, management and use of the building has been  
15 assigned by statute to a specific state agency. The agency  
16 responsible for the operation and management of a state  
17 building exempted by the provisions of this subsection,  
18 shall provide the assessment required by subsections (a)  
19 through (c) of this section to the ~~state building~~  
20 ~~commission~~ governor's office for inclusion in the  
21 ~~commission's~~ governor's office report to the legislature.  
22 The rules adopted by the ~~commission~~ governor's office under  
23 subsection (d) of this section shall be used as guidelines  
24 for the management of state buildings assigned by statute

1 to other state agencies including the University of  
2 Wyoming, community college districts, department of  
3 transportation, game and fish commission and state  
4 institutions.

5  
6 (f) The ~~state building commission shall meet at least~~  
7 ~~quarterly and~~ governor's office shall promulgate rules  
8 specifying procedures under which public comment may be  
9 received regarding any actions of the ~~commission, excluding~~  
10 ~~promulgation of rules to which the Wyoming Administrative~~  
11 ~~Procedure Act is applicable~~ governor's office under this  
12 section or W.S. 9-5-108.

13

14 **9-5-108. Development of building projects;**  
15 **rehabilitation of building projects.**

16

17 (a) The ~~commission~~ governor's office shall, on the  
18 basis of a state needs assessment plan or as otherwise  
19 directed by the legislature and after consultation with and  
20 advice from state agencies and officials, other appropriate  
21 agencies and officials and members of the public, identify  
22 and select potential projects to be studied for inclusion  
23 in the Wyoming public buildings construction program  
24 pursuant to the following schedule:

1

2 (i) Level I reconnaissance studies shall, to the  
3 extent possible:

4

5 (H) Summarize public testimony received at  
6 meetings held by the ~~commission~~ governor's office in the  
7 county of the proposed construction; and

8

9 (J) Contain the ~~commission's~~ recommendation  
10 of the governor's office to the legislature whether to  
11 terminate further consideration of the proposed project or  
12 to continue the project at its current level of study, or  
13 to proceed with further activity under paragraph (ii),  
14 (iii) or (iv) of this subsection.

15

16 (ii) Level II feasibility studies shall to the  
17 extent possible:

18

19 (D) Summarize testimony received at public  
20 hearings held by the ~~commission~~ governor's office in the  
21 county of the proposed construction;

22

23 (iii) Level III construction and operation plans  
24 shall proceed as authorized and approved by the legislature  
25 under the immediate direction and control of the

1 commission. Pursuant to legislative authorization for  
2 public building construction projects and prior to  
3 completion of Level III construction the ~~commission~~  
4 governor's office may:

5  
6 (iv) After completion of Level III construction,  
7 the ~~commission~~governor's office shall turn over the  
8 project to the general services division of the department  
9 of administration and information for the operation and  
10 maintenance of state owned facilities constructed under the  
11 direction and control of the ~~commission~~governor's office.

12  
13 (b) State agencies shall cooperate fully with the  
14 ~~commission~~governor's office in the preparation of the  
15 studies. In the execution of these activities, the  
16 ~~commission~~governor's office shall:

17  
18 (c) The ~~commission~~governor's office may suspend the  
19 expenditure of time or funds on a project at any level of  
20 activity, if it is established that it would be in the  
21 public interest. The ~~commission~~governor's office shall  
22 report the reason for any suspension of activity to the  
23 legislature.

24

1 (d) Any agency seeking to rehabilitate an existing  
2 public building shall submit that request to the ~~commission~~  
3 governor's office. The ~~commission~~ governor's office shall  
4 review and develop plans and recommendations for the  
5 project as provided in this section.

6  
7 **24-2-109. Designation of state highways; vesting of**  
8 **county interest in state; commission authorized to acquire**  
9 **severed portions of land; land to be sold.**

10  
11 (b) Pursuant to W.S. 24-2-102:

12  
13 (iii) Any parcel of land acquired pursuant to  
14 paragraph (b)(ii) of this section and not otherwise used  
15 for highway purposes or traded for land used for highway  
16 purposes shall be offered for sale within two (2) years  
17 from the date of the completion of the project for which it  
18 was acquired. After written notice to the ~~state building~~  
19 ~~commission~~ governor's office, the sale or disposition of  
20 this land shall be in accordance with rules and regulations  
21 adopted by the transportation commission.

22  
23 **28-11-201. Appointment of members; powers and duties.**

24

1 (b) The select committee shall:

2

3 (iii) Monitor the establishment and  
4 implementation of state capital financing policy by ~~the~~  
5 ~~state building commission and~~ any ~~other~~ state entity  
6 charged with capital financing;

7

8 **Section 2.** W.S. 9-2-1016(b)(xxi), 9-2-1704(d)(iii)  
9 and 9-5-101(a) and (c) are repealed.

10

11 **Section 3.** Any assessment of state buildings and  
12 facilities maintained by the state building commission  
13 under W.S. 9-5-107 or 9-5-108, together with all official  
14 records and other information related thereto and powers  
15 and duties exercised thereunder, shall be transferred from  
16 the state building commission to the governor's office.  
17 All rules and regulations promulgated by the state building  
18 commission pursuant to W.S. 9-5-107 or 9-5-108 or  
19 pertaining to the use of state buildings or other functions  
20 transferred to the governor's office under this act shall  
21 remain in effect unaltered as rules and regulations of the  
22 governor's office until amended or repealed by that office.

23

24 **Section 4.** This act is effective July 1, 2005.

1

2       **Repealed provisions**

3

4           **9-2-1016. General services division.**

5

6           (b) For the purpose of this subsection the term  
7 "agencies" does not include the University of Wyoming,  
8 community college districts, or school districts. It does  
9 not include the department of transportation except as to  
10 paragraphs (xi), (xii) and (xiii) of this subsection. The  
11 department through the general services division shall:

12

13                   ~~(xxi) Designate the administrator of the~~  
14 ~~division to function as secretary to the state building~~  
15 ~~commission who will administratively implement the~~  
16 ~~commission's rules;~~

17

18           **9-2-1704. Reorganization plan; structure; time frame.**

19

20           (d) The entities of state government specified in  
21 this subsection are designated as separate operating  
22 agencies, which are separate and distinct from the  
23 departments and offices specified in subsection (a) of this  
24 section because of their quasi-judicial responsibility or  
25 because of their unique, specialized function which  
26 precludes their inclusion in another department. This act  
27 does not otherwise apply to separate operating agencies.  
28 Separate operating agencies are as follows:

29

30                   ~~(iii) State building commission;~~

31

32           **9-5-101. State building commission; composition; general**  
33 **powers and duties; conflicts of interest.**

34

35                   ~~(a) The five (5) elected state officers constitute~~  
36 ~~the state building commission.~~

37

38                   ~~(c) No member of the state building commission shall:~~

39

40                           ~~(i) Have a financial interest in any contract~~  
41 ~~entered into or made by the commission or by the general~~  
42 ~~services division;~~

43

1                   ~~(ii) Be a surety on any bond conditioned for the~~  
2 ~~performance of any contract entered into or made by the~~  
3 ~~commission or by the general services division;~~

4  
5                   ~~(iii) Be an agent of any contractor on any~~  
6 ~~contract entered into or made by the commission or by the~~  
7 ~~general services division.~~

8

9

(END)