

HOUSE BILL NO. HB0178

Beautification of Wyoming.

Sponsored by: Representative(s) Parady, Illoway and Nicholas

A BILL

for

1 AN ACT relating to the beautification of Wyoming; providing
2 for a percentage of an agency's budget to be used for
3 landscaping; providing that highway rights-of-way be
4 landscaped in cities and towns; providing for the location
5 of mining operations and processes involved in highway
6 construction; providing definitions; and providing for an
7 effective date.

8

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

10

11 **Section 1.** W.S. 16-6-901 through 16-6-909 are created
12 to read:

13

14

ARTICLE 9

15

WYOMING BEAUTIFICATION ACT

16

1 **16-6-901. Short title.**

2

3 This act shall be known, and may be cited, as the "Wyoming
4 Beautification Act."

5

6 **16-6-902. Definitions.**

7

8 (a) As used in this act:

9

10 (i) "Agency" means any state office, department,
11 board, commission or institution and any community college
12 district to which funds have been appropriated or otherwise
13 provided by the state;

14

15 (ii) "Building" means any permanent structure
16 and any appurtenant structure intended to function as an
17 office, courtroom, hearing or meeting room or other space
18 for carrying on the operation of any agency or information
19 center for use by the public, including parking areas and
20 storage areas;

21

22 (iii) "Department" means the department of
23 transportation established pursuant to W.S. 9-2-2004;

24

1 (iv) "Landscaping" means to modify or ornament a
2 natural landscape by altering the existing plant cover;

3

4 (v) "Landscaping materials" includes all
5 greenery, grass, bushes, trees, shrubs and other materials
6 commonly used in landscaping;

7

8 (vi) "Public lands" means the immediate area
9 around a building and includes the area typically used for
10 a lawn;

11

12 (vii) "Right-of-way" means the area over which a
13 right-of-way exists within the corridors of a town or city
14 limits as determined by the department;

15

16 (viii) "User" means that agency with principal
17 administrative responsibility for the actual use of any
18 building;

19

20 (ix) "This act" means W.S. 16-6-901 through
21 16-6-909.

22

23 **16-6-903. Beautification of public property; state**
24 **funds.**

1

2 The budget for any building to be constructed by or for an
3 agency shall include an amount for landscaping public land,
4 in an amount not less than one percent (1%) of the total
5 budget amount.

6

7 **16-6-904. Agencies and departments to supervise**
8 **projects.**

9

10 (a) In administering this act, each agency shall
11 designate landscaping areas in the public lands around its
12 buildings and the department shall also designate
13 landscaping for highway rights-of-way and shall accordingly
14 and as necessary, select or purchase and arrange for
15 landscaping within the agency, department or commission to
16 landscape and beautify the buildings and rights-of-way of
17 the state of Wyoming.

18

19 (b) The purchase of landscaping materials or the
20 commissioning of a landscaper shall be done in accordance
21 with W.S. 9-2-1016.

22

23 (c) The department and each agency shall, when
24 possible:

1

2 (i) Give preference to indigenous Wyoming
3 landscaping materials; and

4

5 (ii) Make every attempt to landscape the
6 affected public lands with landscaping materials suitable
7 for the climate.

8

9 **16-6-905. Expenses.**

10

11 A reasonable percentage of the total budgeted amount for
12 landscaping may be used throughout the budgetary period for
13 maintenance and upkeep.

14

15 **16-6-906. Leasing public rights-of-way to others.**

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17 In every contract in which the department grants an
18 easement or a public access to any person over a right-of-
19 way, the contract shall require the person to fulfill the
20 requirements of this act in the same manner as if the
21 department had control of the right-of-way.

22

23 **16-6-907. Mining operations; road construction.**

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1 (a) Mining operations, long term construction
2 processes, stockpiles and storage facilities conducted or
3 maintained by or for the department shall be located out of
4 sight of any highway, town or city unless that placement
5 would place the operation or process within sight of other
6 public thoroughways or towns or cities. Reasons for any
7 deviations from the requirement of this subsection shall be
8 in writing and maintained at the department.

9

10 (b) The requirements of subsection (a) of this
11 section shall not apply to mining operations which are to
12 be reclaimed within two (2) consecutive construction
13 seasons.

14

15 **16-6-908. Department to adopt beautification**
16 **standards.**

17

18 (a) The department shall adopt rules and regulations
19 which encourage and give priority to the following:

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21 (i) The use of decorative building materials for
22 bridges and other structures constructed by the department
23 within a ten (10) mile radius of a city and town;

24

1 (ii) The planting and maintaining of trees in
2 and around any entrance to a city or town; and

3

4 (iii) The planting of trees within highway
5 rights-of-ways within a city and town when such policies
6 are approved by the governing body of the city or town.

7

8 **16-6-909. Application.**

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10 (a) Nothing in this act shall limit the acquisition
11 or placement of landscaping materials acquired from other
12 nonstate sources nor shall this act limit the use of
13 architectural, functional or structural detailing or
14 garnishing in the landscaping of any building.

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16 (b) The requirements of this act shall apply only to
17 construction and other activities subject to this act if
18 the construction or other activity was initiated on or
19 after July 1, 2004.

20

21 **Section 2.** This act is effective July 1, 2004.

22

23

(END)