

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO. _____

Works of art in public buildings.

Sponsored by: Joint Travel, Recreation, Wildlife and
Cultural Resources Interim Committee

A BILL

for

1 AN ACT relating to art in public buildings; providing for
2 placement of art in renovations of public buildings;
3 providing for placement of art in school buildings;
4 removing limitation on expenditures for art in public
5 buildings; providing for maintenance of all art in public
6 buildings; requiring school facilities commission and
7 community colleges using state funding to incorporate works
8 of art for public display in capital construction projects;
9 and providing for an effective date.

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

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1 **Section 1.** W.S. 16-6-801(a)(i), (iv) and by creating
2 a new paragraph (ix), 16-6-802(a) and (b), 21-15-119(a) by
3 creating a new paragraph (iv) and 21-18-205(g) are amended
4 to read:

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6 **16-6-801. Definitions.**

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8 (a) As used in this article:

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10 (i) "Agency" means any state office, department,
11 board, commission, university, school district or
12 institution and any community college district to which
13 funds have been appropriated, bonded or otherwise provided
14 by the state for the design and original construction or
15 major renovation of any ~~new~~-building;

16
17 (iv) "Building" means any permanent structure
18 and any appurtenant structure intended to function as an
19 office, courtroom, hearing or meeting room or other space
20 for carrying on the operation of any agency and any
21 auditorium, meeting room, classroom or other educational
22 facility, library or museum space, or information center
23 for use by the public, excluding utility lines, water

1 projects, fish ponds, ~~school buildings,~~ city buildings,
2 county buildings, public restrooms at state parks, separate
3 structures which are not part of a larger construction
4 project intended solely as storage, warehouse or
5 maintenance and repair facilities;

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7 (ix) "Major renovation" means the renovation of
8 any building for which the total cost is one hundred
9 thousand dollars (\$100,000.00) or more.

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11 **16-6-802. Construction of new public buildings; state**
12 **funds.**

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14 (a) The original construction or major renovation of
15 any ~~new~~ building shall include works of art for public
16 display, which shall be included by the agency in
17 determining total construction costs of the building at an
18 amount equal to one percent (1%) of total costs ~~but not to~~
19 ~~exceed one hundred thousand dollars (\$100,000.00)~~ on any
20 one (1) project, or in the case of school district or
21 community college buildings, an amount equal to one percent
22 (1%) of the total state funded portion of the costs on any
23 one (1) project. Any new construction project for which

1 the total cost is less than one hundred thousand dollars
2 (\$100,000.00) is exempt from this subsection.

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4 (b) Except as provided in subsection (c) of this
5 section, prior to transferring or authorizing the
6 expenditure of any state funds for the original
7 construction or major renovation of any ~~new~~-building, the
8 state auditor shall transfer to the state treasurer an
9 amount equal to the amount specified under subsection (a)
10 of this section for works of art. Upon receipt, the state
11 treasurer shall deposit the amount transferred into a
12 separate account, together with any grants, gifts or other
13 funds received or appropriated by the state for the sole
14 purpose of acquiring works of art for placement in
15 buildings. Amounts deposited within the separate account
16 shall be expended by the department for the acquisition of
17 works of art by purchase, lease, commission or otherwise,
18 the maintenance of any works of art placed in public
19 buildings ~~pursuant to this article~~ and for the
20 administration of this article.

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22 (c) Prior to transferring or authorizing the
23 expenditure of any state funds for the original

1 construction or major renovation of any school district or
2 community college district building, the state auditor
3 shall transfer to the state treasurer an amount equal to
4 the amount specified under subsection (a) of this section
5 for works of art. Upon receipt, the state treasurer shall
6 deposit the amount transferred into a separate account,
7 together with any grants, gifts or other funds received or
8 appropriated by the state for the sole purpose of acquiring
9 works of art for placement in school district or community
10 college district buildings. Amounts deposited within the
11 separate account under this subsection shall be expended by
12 the department for the acquisition of works of art by
13 purchase, lease, commission or otherwise, the maintenance
14 of any works of art placed in school district or community
15 college district buildings and for the administration of
16 this article.

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18 **16-6-803. Department of commerce to acquire works of**
19 **art; advisory panel to consult in acquisition; procedure;**
20 **public education programs; approval by local school**
21 **district or community college district board.**

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1 (b) The acquisition of works of art from funds within
2 the separate ~~account~~accounts established under W.S. 16-6-
3 802(b) and (c) shall not require advertisement for bids.

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5 (g) Notwithstanding any other provision of this
6 article, works of art selected pursuant to this section for
7 placement in school district or community college district
8 buildings shall not be placed until the works of art are
9 approved by the local school district board or the
10 community college district board in which the building is
11 located.

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13 **21-15-119. Commission budget and funding**
14 **recommendations.**

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16 (a) Notwithstanding W.S. 9-2-1012, the commission
17 shall annually, not later than November 1, and after review
18 by and in conjunction with the select committee on school
19 facilities, prepare and submit a recommended budget for
20 projects and school capital construction financing to the
21 governor, through the budget division of the department of
22 administration and information. The recommended budget
23 submitted by the commission shall include:

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(iv) An amount for purchase of works of art for public display as required under W.S. 16-6-801 through 16-6-805, which amount is in addition to and not part of any facility remedy as defined under W.S. 21-15-111(a)(v) or any major building and facility repair and replacement project defined under W.S. 21-15-109(a)(iii), and which amount shall not be funded from the capital construction account.

21-18-205. Appropriation and distribution of state funds; restrictions; budget authority.

(g) No state funds shall be used for the maintaining, operating or equipping of any capital construction project in excess of one million dollars (\$1,000,000.00) which was not approved by the commission and authorized by the legislature. All state funds authorized for capital construction projects shall be subject to the provisions of W.S. 16-6-801 through 16-6-805.

Section 2. This act is effective July 1, 2009.

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(END)