

**SF0149**

**Capitol complex oversight.**

Sponsored By: Management Council

AN ACT relating to state property and buildings; specifying boundaries of the state capitol complex; providing for management and operation of state property and facilities within the state capitol building and state capitol complex; transferring duties and obligations of the state capitol building rehabilitation and restoration oversight group as specified; repealing the existing advisory task force for capitol renovation; amending authority of the state building commission; making legislative findings; repealing executed provisions; specifying legislative areas; restricting alterations of the capitol building and grounds as specified; requiring review of, adoption of and modifications to the master plan for the state capitol complex; specifying severability; and providing for effective dates.

1/23/2019 Bill Number Assigned  
1/24/2019 S Received for Introduction  
1/25/2019 S Introduced and Referred to S02 - Appropriations  
2/1/2019 S02 - Appropriations:Recommend Amend and Do Pass 5-0-0-0-0

**ROLL CALL**

**Ayes:** Senator(s) Agar, Bebout, Gierau, Hicks, Kinskey  
**Ayes** 5    **Nays** 0    **Excused** 0    **Absent** 0    **Conflicts** 0

2/1/2019 S Placed on General File

**SF0149SS001/ADOPTED**

Page 5-line 21 After "management of" insert "shared use"; after "rooms" delete balance of line and insert ".".  
Page 5-line 22 Delete line through "public."  
Page 5-line 23 Delete "spaces" and insert "rooms".  
Page 6-line 1 After "maximizing" insert "authorized uses;" and delete balance of line.  
Page 6-line 2 Delete entirely.  
Page 7-line 21 Delete "July 1, 2019" and insert "March 1, 2019".  
Page 8-after line 2 Insert:  
    "(e) For purposes of W.S. 9-5-114 and this section, subject to subsequent reallocation of space as provided in subsection (d) of this section:  
        (i) The following shall be areas considered to be occupied solely by executive officials or the executive department:  
            (A) All rooms in the garden level on the east half of the capitol building, excluding:  
                (I) The room on the northwest corner of the east half of the garden level.  
                (B) All rooms on the first floor of the capitol building excluding:  
                    (I) The two (2) meeting rooms adjacent to the west wall of the building and the hospitality room contiguous to the north meeting room;  
                    (II) The room on the southeast corner of the west half of the first floor.  
                (C) Within the extension from the capitol building extending under the Herschler building, rooms designated as the security operations center in the presentation to the capitol building rehabilitation and restoration oversight group on March 9, 2016.

(ii) The following shall be areas considered to be occupied solely by the legislative department:

(A) All rooms in the garden level on the west half of the capitol building and the room identified in subdivision (i)(A)(I) of this subsection;

(B) All rooms on the second and third floors of the capitol building other than the two (2) story, grand meeting room on the north side of the building;

(C) Within the extension from the capitol building extending under the Herschler building, the room designated as a legislative copy room in the presentation to the capitol building rehabilitation and restoration oversight group on March 9, 2016;

(D) That area on the first floor, west wing of the Herschler building designated as legislative area in the presentation to the capitol building rehabilitation and restoration oversight group on March 9, 2016, and as subsequently reduced on the north side by action of the oversight group on August 22, 2018.

(iii) The following shall be considered "common space" or "shared use space":

(A) All areas devoted to mechanical systems, hallways, the rotunda and stairways. All restrooms not wholly within an area designated as space to be occupied by an executive official or department or the legislative department; and

(B) All other space within the capitol square which is not specified in paragraph (i) or (ii) of this subsection as being occupied solely by the executive or legislative department.

(iv) In administering areas within their jurisdiction under W.S. 9-5-114 and this section, the council and the commission shall comply with the provisions of this subsection. To the extent a capitol complex area's designation is not addressed in this subsection or is unclear, the council and the commission shall be guided by presentations to the capitol building rehabilitation and restoration oversight group and the most recent actions of the oversight group in accepting or modifying recommended space allocations on or before March 1, 2019, as reflected in official minutes of the oversight group on file with the legislative service office."

Page 10-line 11 Delete "underground to" and insert "under".

Page 10-line 13 Delete "within the" and insert "on the first floor west wing of the".

Page 20-line 13 Delete "Section 1" and insert "Section 2". HICKS, ACTING CHAIRMAN

2/4/2019 S COW:Passed

2/5/2019 S 2nd Reading:Passed

#### **SF0149S3001/ADOPTED**

Page 10-line 13 Delete ", the Idelman".

Page 10-line 14 Delete "Mansion, the Kendrick House". PAPPAS

#### **SF0149S3002/ADOPTED**

Delete the Senate standing committee amendment (SF0149SS001/A) and the Pappas third reading amendment (SF0149S3001/A) entirely and further amend as follows:

Page 1-line 2 Delete "state capitol square and".

Page 1-line 4 Delete "square" insert "building".

Page 1-line 5 After "complex;" delete balance of the line.

Page 1-lines 6 through 9 Delete entirely and insert "transferring duties and obligations of the state capitol building

rehabilitation and restoration oversight group as specified;".

Page 1-line 10

Delete the line through "project;".

Page 1-line 12

After "commission" insert ";" and delete balance of the line.

Page 1-line 13

Delete the line through "funding;".

Page 1-line 15

Delete entirely and insert "specifying legislative areas; restricting alterations of the capitol building and grounds as specified; requiring review of modifications to the master plan for the state capitol complex;".

Page 2-lines 4 through 22 Delete entirely.

Pages 3 through 18 Delete entirely.

Page 19-lines 1 through 15 Delete entirely.

Page 19-after line 15 Insert:

"Section 1. W.S. 9-5-101 by creating new subsections (d) and (e), 9-5-102(a), 9-5-106(d) and by creating new subsections (e) and (f) and 28-8-112 are amended to read:

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

(d) The commission shall oversee development of and updates to a master plan for maintenance preservation, restoration, rehabilitation, construction and enhancement within the capitol complex. The commission shall review all proposals to remodel or construct a building, monument or other improvement within the capitol complex for conformance with the master plan. The commission shall notify the management council of the legislature of any proposed adoption of or modifications to the master plan for the capitol complex not less than sixty (60) days prior to taking any action to adopt or modify the plan.

(e) As used in this article:

(i) "Capitol complex" means all state owned grounds and facilities within the area bounded by 26th Street to the north, Pioneer Avenue to the West, 22nd Street to the south, and Warren Avenue to the east, the Pioneer building on Pioneer Avenue and the historic Wyoming governor's mansion and grounds located at the corner of House and 21st streets, all within the city of Cheyenne, Wyoming;

(ii) "Commission" means the state building commission.

**9-5-102. State building commission; authority to buy and lease property; acceptance of donations, grants and devises.**

(a) In order to obtain building sites for additional office space and state uses and to insure the proper keeping of valuable state records and provide for the expansion of functions of the state, the general services division, with the approval of the state building commission, may buy, take options to buy and lease property to be used for building sites for future state office buildings. The general services division, with the approval of the commission may lease acquired property until it is needed. The general services division, with the approval of the state building commission, in cooperation with the department of workforce services, may acquire lands and buildings in the name of the state of Wyoming by purchase, lease agreement, gift or devise to provide suitable quarters for the administration of the Wyoming Employment Security Law and to develop improvements, maintain and repair the lands and buildings. The commission shall not approve the exercise of any authority under this section for any property which is or would be within the boundaries of the capitol complex which is inconsistent with the master plan for the capitol complex without providing at least sixty (60) days' notice of the proposed action to the management council of the legislature.

**9-5-106. State building commission; powers relative to use of state buildings; rules authorized; exceptions.**

(d) No rule promulgated under W.S. 9-5-101 through 9-5-108 shall apply to facilities occupied by:

(i) The legislature or the members thereof unless the legislative management council has specifically concurred therein. For purposes of this paragraph "facilities occupied by the legislature" shall include those rooms and areas specified in W.S. 28-8-112(a)(i) through (vi) and other facilities specified by law; or

(e) The state building commission shall not approve of any architectural or structural alteration to the capitol building or grounds without providing notice to the management council of the legislature and without a legislative session convening and adjourning after notice was provided to the management council. Routine maintenance and repair necessary to keep the capitol building in safe and good working order, including janitorial, grounds keeping and maintenance tasks done on a routine basis, shall be conducted in a manner not to alter the capitol building structurally or architecturally to the extent practicable. Major maintenance and repair shall also be conducted in a manner not to alter the capitol building structurally or architecturally to the extent practicable. Emergency maintenance which would structurally or architecturally alter the capitol building shall only be undertaken prior to a legislative session convening and adjourning after notification under this subsection if the maintenance is immediately necessary to keep the capitol building in good working order or to prevent harm to the building. The state building commission shall provide prior notification to the management council of the legislature of any planned major maintenance activity and shall immediately notify the management council of any emergency major maintenance activity.

(f) In managing areas of the capitol building and grounds and the extension from the capitol building to and under the Herschler building, the state building commission and the management council of the legislature shall enter into memoranda of understanding and other agreements as they determine appropriate to provide effective, comprehensive and coordinated visitor, civic education and other services to the public. The agreements shall also provide for:

(i) Maintenance and preservation of the capitol building and grounds and the extension;

(ii) Management of meeting rooms and common spaces with a goal of maximizing authorized uses;

(iii) Coordination of programs for exhibits, artwork, art collections, statuary and furnishings to reflect and maintain the historic aspects of the capitol building.

**28-8-112. Space in state capitol building and annexation.**

(a) ~~Adequate space~~ The following areas in the state capitol building, including the extension from the capitol building to and under the Herschler building and within the Herschler building, shall be ~~provided for rooms and halls provided for~~ the conduct of activities of the legislature, its committees, the legislative service office and necessary legislative staff, and the management council: ~~subject to and in accordance with W.S. 9-5-112.~~

(i) On the garden level of the capitol building, the west half of the capitol building, inclusive of hallways, and the room on the northwest corner of the east half of the garden level;

(ii) On the first floor of the capitol building:

(A) The two (2) meeting rooms adjacent to the west wall of the building and the hospitality room contiguous to the north meeting room;

(B) The room on the southeast corner of the west half of the first floor.

(iii) The second and third floors of the capitol building, inclusive of hallways and stairways on those floors;

(iv) Within the extension from the capitol building to and under the Herschler building, the six (6) meeting rooms, the learning center, media room, visitor center and the room designated as a "leg. copy" room on page 13 of the presentation to the capitol building rehabilitation and restoration oversight group on March 9, 2016, which presentation is on file with the legislative service office. During legislative sessions the legislature shall have regulation of the passageways connecting the meeting rooms in the extension;

(v) That area on the first floor, west wing of the Herschler building designated as "legislature" on page 14 of the presentation to the capitol building rehabilitation and restoration oversight group on March 9, 2016, and as subsequently reduced on the north side by action of the state capitol building rehabilitation and restoration oversight group on August 22, 2018, as reflected in the minutes of the meeting on file with the legislative service office;

(vi) During legislative sessions, the presiding officers of the house and senate shall have the regulation of passageways adjacent to or contiguous with the meeting rooms specified in subparagraph (ii)(A) and paragraph (iv) of this subsection;

(vii) All areas devoted to mechanical systems within the areas specified in paragraphs (i) through (vi) of this subsection shall be not be considered areas for the conduct of activities of the legislature but shall be managed by the state building commission."

Page 19-line 17 Delete "**Section 3.**" insert "**Section 2.**".

Page 19-line 21 Delete entirely.

Page 20-lines 1 through 18 Delete entirely.

Page 20-line 20 Delete "**Section 5.**" insert "**Section 3.**".

Page 20-line 22 Delete "(a) The" insert "On January 1, 2020, the".

Page 21-line 3 After "shall" delete balance of the line.

Page 21-line 4 Delete the line through "building" and insert "be assumed by the state building commission"; delete "Upon the".

Page 21-line 5 Delete the line through "subsection" and insert "On January 1, 2020".

Page 21-line 8 Delete "preservation council" and insert "state building commission".

Page 21-line 10 Delete "the grand re-opening" and insert "December 31, 2019".

Page 21-line 11 Delete "Wyoming capitol square".

Page 21-line 12 Delete "preservation council" insert "state building commission".

Page 21-line 15 and 16 Delete entirely.

Page 21-line 18 Delete "**Section 6.**" and insert "**Section 4.**".

Page 22-line 16 Delete "the" insert "the"; before "shall" insert "".

Page 22-line 21 Delete "significant"; after "building." insert "In the renovation of the capitol building historic legislative meeting rooms were enlarged to accommodate the public. All but two (2) legislative meeting rooms were removed from the second and third floors of the capitol building to the underground extension and to the first floor of the capitol building.".

Page 23-line 5 After "officials" delete ","; after "occupy" insert "significant".

Page 24-line 5 Delete "**Section 7.**" and insert "**Section 5.**".

Page 24-line 8 After "immediately" insert "upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution".

Page 24-line 10 Delete entirely.  
Page 24-line 11 Delete "of this act," and insert "(b)".  
Page 24-line 12 Delete "Section 3" insert "Section 2"; after "act" insert "are effective January 1, 2020."; delete balance of the line.  
Page 24-line 13 and 14 Delete entirely. BEBOUT, DOCKSTADER, PERKINS, ROTHFUSS  
2/6/2019 S 3rd Reading:Passed 20-9-1-0-0

#### ROLL CALL

**Ayes:** Senator(s) Agar, Baldwin, Bebout, Boner, Bouchard, Coe, Dockstader, Gierau, Hicks, James, Kinskey, Landen, Moniz, Pappas, Perkins, Rothfuss, Schuler, Scott, Von Flatern, Wasserburger  
**Nays:** Senator(s) Anderson, Anselmi-Dalton, Biteman, Case, Ellis, Hutchings, Kost, Nethercott, Steinmetz  
**Excused:** Senator Driskill  
**Ayes** 20      **Nays** 9      **Excused** 1      **Absent** 0      **Conflicts** 0

2/7/2019 H Received for Introduction  
2/7/2019 H Introduced and Referred to H02 - Appropriations  
2/11/2019 Rerefer to H12 - Rules  
2/14/2019 H12 - Rules:Recommend Amend and Do Pass 12-0-1-0-0

#### ROLL CALL

**Ayes:** Representative(s) Barlow, Brown, Connolly, Harshman, Laursen, Lindholm, Miller, Nicholas, Pelkey, Sommers, Walters, Wilson  
**Excused:** Representative Greear  
**Ayes** 12      **Nays** 0      **Excused** 1      **Absent** 0      **Conflicts** 0

2/14/2019 H Placed on General File

#### SF0149HS001/ADOPTED (TO ENGROSSED COPY)

Page 1-line 12 After "review of" insert ", adoption of and".  
Page 2-line 1 After "9-5-101" insert "(b) and".  
Page 2-after line 6 Insert:  
"(b) The state building commission shall promulgate rules under which the general services division has charge and control of the capitol building with respect to its ~~occupancy~~, repair and maintenance and shall collect all rents arising from the occupancy of the capitol building. ~~All rents collected under this section shall be paid into the general fund. Rules with respect to the occupancy of the capitol building shall be subject to and in accordance with W.S. 9-5-112. The state building commission may also promulgate rules governing occupancy of the capitol building for executive department officials.~~".  
Page 2-line 9 After "maintenance" insert ".".  
Page 8-line 11 After "rooms," delete "the" and insert "three (3) rooms in the east wing under the Herschler building, dedicated to a"; after "room" delete "." and insert "and".  
Page 8-line 12 After "center" insert ".".  
Page 8-line 13 Delete "13" and insert "34".  
Page 8-line 15 Delete "." and insert "i".  
Page 8-lines 16 through 18 Delete entirely.  
Page 8-line 21 Delete "14" and insert "35 (bearing the label 'Herschler First Floor - Proposed assignments'),".  
Page 9-line 15 Delete "but" and insert "and".  
Page 12-line 15 Delete "square" insert "building".

Page 12-line 16 Delete "square" insert "building".  
Page 12-line 22 After "building" insert "." and delete balance of the line.  
Page 12-line 23 Delete entirely. HARSHMAN, CHAIRMAN

**SF0149HW001/ADOPTED**

**(TO ENGROSSED COPY)**

Page 1-line 13 After ";" insert "specifying severability;".  
Page 2-line 3 Delete "and (f)" and insert "through (g)".  
Page 2-line 8 After "oversee" insert "the"; after "development" insert ", creation and modification"; delete "and".  
Page 2-line 9 Delete "updates to".  
Page 2-line 11 After "complex." insert "During the development, creation or modification of the capitol complex master plan the commission may consult with members of the state capitol building rehabilitation and restoration oversight group or members of management council, as applicable. The commission shall have final approval authority of the capitol complex master plan.".  
Page 5-line 4 After "(e)" insert "No architectural or structural alteration to the capitol building or its grounds shall be made without approval of the state building commission. Except for emergency maintenance as provided for in this subsection,".  
Page 6-line 16 After "extension" insert "by the general services division subject to direction by the commission".  
Page 6-line 19 After "uses" insert ". An elected statewide official's request to schedule a meeting room under control of the legislature shall be accommodated so long as the meeting room was not previously scheduled for use by the legislature or a committee of the legislature".  
Page 6-after line 23 Insert:  
"(g) The following definitions shall apply to this section, subject to further definition by rule of the commission, provided the rules shall not be less restrictive than the following:  
(i) "Architectural alteration" of a building means a material modification to the finish or architectural details of a floor, wall or ceiling, including casing, trim and other attachments thereto, and excluding repair or replacement which attempts to retain existing finishes and architectural details;  
(ii) "Structural alteration" of a building means any change in the supporting members of a building, such as bearing walls, columns, beams and girders, or a material change in the dimensions or configurations of a floor, ceiling or wall;  
(iii) "Architectural or structural alteration" of grounds shall include material modification of contours or placement or removal of pathways or statues.".  
Page 7-line 14 After "building," insert "rooms in".  
Page 7-line 15 Delete ", inclusive of hallways,".  
Page 9-line 8 After "passageways" insert "on the second and third floors of the capitol building and passageways".  
Page 12-line 5 After "time," insert "since territorial days, the legislature has by law authorized a capitol building commission, comprised of appointed members and later of specified elected officials, to have charge of the capitol building. Concomitantly with that delegation of authority the legislature mandated by law for rooms to be occupied within the capitol building for various

officials, often non-elected. In addition to their duties as members of the state building commission,".

Page 13-after line 4     Insert:

"**Section 5.** If any provision or clause of this act or its application is held invalid, the invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable. It is the legislative intent that the provisions of this section shall be liberally construed.".

Page 13-line 6             Delete "**Section 5.**" and insert "**Section 6.**".

Page 13-line 13            After "The" insert "provisions of W.S. 9-5-106(e) and (g), as created by section 1 of this act, and the".  
HARSHMAN

2/21/2019     H COW:Passed  
2/22/2019     H 2nd Reading:Laid Back  
2/25/2019     H 2nd Reading:Passed

**SF0149H3001/WITHDRAWN**

2/26/2019     H 3rd Reading:Passed 53-6-1-0-0

**ROLL CALL**

**Ayes:** Representative(s) Barlow, Blake, Burkhart, Burlingame, Clausen, Clifford, Connolly, Crank, Dayton-Selman, Duncan, Eklund, Eyre, Flitner, Freeman, Furphy, Greear, Haley, Hallinan, Harshman, Henderson, Hunt, Kinner, Kirkbride, Larsen, Laursen, Lindholm, Loucks, MacGuire, Miller, Newsome, Nicholas, Obermueller, Olsen, Paxton, Pelkey, Piiparinen, Pownall, Roscoe, Salazar, Schwartz, Simpson, Sommers, Stith, Styvar, Sweeney, Tass, Walters, Washut, Western, Wilson, Winter, Yin, Zwonitzer

**Nays:** Representative(s) Blackburn, Brown, Clem, Edwards, Gray, Jennings

**Excused:** Representative Northrup

**Ayes** 53     **Nays** 6     **Excused** 1     **Absent** 0     **Conflicts** 0

2/27/2019     S Received for Concurrence  
2/27/2019     S Concur:Passed 23-6-1-0-0

**ROLL CALL**

**Ayes:** Senator(s) Anderson, Anselmi-Dalton, Baldwin, Bebout, Boner, Bouchard, Coe, Dockstader, Driskill, Gierau, Hicks, Kinskey, Kost, Landen, Moniz, Nethercott, Pappas, Perkins, Rothfuss, Schuler, Scott, Von Flatern, Wasserburger

**Nays:** Senator(s) Biteman, Case, Ellis, Hutchings, James, Steinmetz

**Excused:** Senator Agar

**Ayes** 23     **Nays** 6     **Excused** 1     **Absent** 0     **Conflicts** 0

2/27/2019     Assigned Number SEA No. 0077  
2/27/2019     S President Signed SEA No. 0077  
2/27/2019     H Speaker Signed SEA No. 0077  
3/15/2019     Governor Signed SEA No. 0077  
3/15/2019     Assigned Chapter Number 197