

SENATE FILE NO. SF0149

Capitol complex oversight.

Sponsored by: Management Council

A BILL

for

1 AN ACT relating to state property and buildings; specifying
2 boundaries of the state capitol square and state capitol
3 complex; providing for management and operation of state
4 property and facilities within the state capitol square and
5 state capitol complex; creating a Wyoming capitol square
6 preservation council; specifying membership of the council;
7 providing duties and powers; transferring duties and powers
8 of the capitol oversight group to the capitol square
9 preservation council; amending contract provisions for the
10 capitol oversight project; repealing the existing advisory
11 task force for capitol renovation; amending authority of the
12 state building commission to reflect authority of the capitol
13 square preservation council; reallocating funding; making
14 legislative findings; repealing executed provisions;
15 providing for an appropriation; reducing an appropriation;
16 and providing for effective dates.

1

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

3

4 **Section 1.** W.S. 9-5-114 and 9-5-115 are created to
5 read:

6

7 **9-5-114. Wyoming capitol square preservation council;**
8 **creation; authority; rules; staffing.**

9

10 (a) There is created a Wyoming capitol square
11 preservation council comprised of:

12

13 (i) The five (5) state elected officials;

14

15 (ii) The president of the senate and a member of
16 the senate selected by the president;

17

18 (iii) The speaker of the house of representatives
19 and a member of the house selected by the speaker;

20

21 (iv) A member of the legislature selected jointly
22 by the senate president and speaker of the house. At least

1 one (1) legislative member of the council shall be a member
2 of a minority party.

3

4 (b) The presiding officer of the house opposite of the
5 legislative member selected pursuant to paragraph (a)(iv) of
6 this section and the governor shall serve as cochairmen. A
7 quorum of the council shall consist of a majority of the
8 members of the council. The council shall meet at the call
9 of both cochairmen or by a call of a majority of the members
10 of the council. Actions of the council shall be taken by a
11 majority vote of the members in attendance. No member shall
12 authorize a designee to act as their personal representative
13 to the council.

14

15 (c) The council may adopt rules and regulations to
16 implement the functions assigned to the council. Any rule
17 adopted by the council shall be submitted to the management
18 council of the legislature in accordance with W.S. 28-9-101
19 through 28-9-108, approved by the governor as provided in
20 W.S. 16-3-103(d) and filed with the secretary of state, but
21 is not otherwise subject to the Wyoming Administrative
22 Procedure Act. The council shall promulgate rules specifying
23 procedures under which public comment may be received

1 regarding any actions of the council. The council shall be
2 an agency for purposes of the provisions of W.S. 9-5-107(e),
3 and 16-4-401 through 16-4-408 when at a meeting called to
4 execute a power or duty of the council under this section.

5

6 (d) Staff and support for the council shall be provided
7 by the legislative service office.

8

9 **9-5-115. Wyoming capitol square preservation council**
10 **duties; staffing; jurisdiction limited.**

11

12 (a) The Wyoming capitol square preservation council
13 shall:

14

15 (i) Develop plans and recommendations for the
16 maintenance, preservation, restoration, rehabilitation,
17 construction and enhancement of the capitol square;

18

19 (ii) Review and approve or disapprove requests to
20 architecturally or structurally alter buildings and grounds
21 within the capitol square;

22

1 (iii) Manage common spaces and oversee visitor
2 services within the capitol square;

3

4 (iv) Oversee the development of and updates to a
5 master plan for maintenance preservation, restoration,
6 rehabilitation construction and enhancement within the
7 capitol complex. The council shall review all proposals to
8 remodel or construct a building, monument or other
9 improvement within the capitol complex for conformance with
10 the master plan. The council's review of proposals shall be
11 conducted in coordination with level 1 reconnaissance and
12 level 2 feasibility studies for development of building
13 projects under W.S. 9-5-108.

14

15 (b) Within the capitol square, subject to council
16 oversight, the legislative service office shall be
17 responsible for:

18

19 (i) Meeting room management. Legislative use shall
20 be provided as a first priority in the scheduling and
21 management of meeting rooms and areas which are also available
22 to the executive department and to the public. Subject to
23 legislative prioritization, these spaces shall be managed

1 with the goal of maximizing compatible uses by all authorized
2 users;

3

4 (ii) Development and management of visitor
5 services and exhibit programs;

6

7 (iii) Management of a student civic and education
8 center, visitor's center and media center;

9

10 (iv) Oversight of installation of temporary and
11 permanent exhibits, artwork, statuary and furniture that have
12 been approved by the council;

13

14 (v) Development and implementation of an art
15 collections policy and an art program designed to purchase or
16 accept by donation or permanent loan artwork for display
17 within the capitol square;

18

19 (vi) Oversight of maintenance. Building and
20 grounds maintenance and cleaning shall be provided by the
21 general service division of the department of administration
22 and information pursuant to a memorandum of understanding

1 between the legislative service office and the department of
2 administration and information;

3

4 (vii) Review and present to the council plans and
5 proposals for alterations, improvements, additions,
6 renovations or other requests that are structural or
7 architectural to the capitol square.

8

9 (c) The council shall not have jurisdiction over
10 day-to-day management:

11

12 (i) Of areas occupied solely by either the
13 legislative department or executive official or executive
14 department within the capitol square;

15

16 (ii) Or other jurisdiction of other buildings in
17 the capitol complex outside of the capitol square, other than
18 master planning responsibilities specified in this section.

19

20 (d) The council shall not modify space allocations
21 within the capitol square existing as of July 1, 2019, as a
22 result of the capitol building and restoration project

1 pursuant to W.S. 9-5-109 through 9-5-113, without the
2 approval of the state building commission.

3

4 **Section 2.** W.S. 9-1-103, 9-5-101(b) and by creating a
5 new subsection (d), 9-5-102(a), 9-5-104(a) and (b)(intro),
6 9-5-105(b) and by creating a new subsection (c),
7 9-5-106(d)(i), (ii), by creating a new paragraph (iii) and by
8 creating a new subsection (e), 9-5-107(a) through (c) and
9 (e), 9-5-112(f), 9-5-113 by creating a new subsection (b) and
10 28-8-112(d) are amended to read:

11

12 **9-1-103. State elected officials representation on**
13 **boards and commissions; designees; limitations.**

14

15 A state elected official may authorize a designee to act as
16 the official's personal representative to any board or
17 commission of which the official is a member. The designee
18 shall have the right to speak on behalf of the official and
19 to vote and take other lawful action on behalf of the official
20 as a member of the board or commission. The provisions of
21 this section shall not apply to the Wyoming capitol square
22 preservation council, nor to any board or commission to which
23 the state elected official is appointed by the Wyoming

1 constitution or which is comprised solely of state elected
2 officials.

3

4 **9-5-101. State building commission; composition;**
5 **general powers and duties; conflicts of interest.**

6

7 (b) The state building commission shall promulgate
8 rules under which the general services division has charge
9 and control of the capitol ~~building square~~ with respect to
10 its ~~occupancy, repair and maintenance and shall collect all~~
11 ~~rents arising from the occupancy of the capitol building. All~~
12 ~~rents collected under this section shall be paid into the~~
13 ~~general fund. Rules with respect to the occupancy of the~~
14 ~~capitol building shall be subject to and in accordance with~~
15 ~~W.S. 9-5-112 day to day management within areas occupied~~
16 ~~solely by an executive official or department. Rules of the~~
17 ~~commission affecting the capitol square shall apply to the~~
18 ~~extent the Wyoming capitol square preservation council has~~
19 ~~not adopted a rule in conflict with the commission rule.~~

20

21 (d) As used in this article:

22

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

8
9 (ii) "Capitol square" means the state capitol
10 building, the extension to the state capitol building
11 extending underground to the Herschler building, those areas
12 of shared use by the legislative department and executive
13 department within the Herschler building, the Idelman
14 Mansion, the Kendrick House and all grounds owned by the state
15 of Wyoming within the boundaries south of 26th Street, east
16 of Carey Avenue, north of 24th Street and west of Central
17 Avenue all within Cheyenne Wyoming;

18
19 (iii) "Commission" means the state building
20 commission;

21
22 (iv) "Council" means the Wyoming capitol square
23 preservation council.

1

2 **9-5-102. State building commission; authority to buy**
3 **and lease property; acceptance of donations, grants and**
4 **devises.**

5

6 (a) In order to obtain building sites for additional
7 office space and state uses and to insure the proper keeping
8 of valuable state records and provide for the expansion of
9 functions of the state, the general services division, with
10 the approval of the state building commission, may buy, take
11 options to buy and lease property to be used for building
12 sites for future state office buildings. The general services
13 division, with the approval of the commission may lease
14 acquired property until it is needed. The general services
15 division, with the approval of the state building commission,
16 in cooperation with the department of workforce services, may
17 acquire lands and buildings in the name of the state of
18 Wyoming by purchase, lease agreement, gift or devise to
19 provide suitable quarters for the administration of the
20 Wyoming Employment Security Law and to develop improvements,
21 maintain and repair the lands and buildings. The state
22 building commission shall not approve the exercise of any
23 authority under this section for any property which is or

1 would be within the boundaries of the capitol complex which
2 is inconsistent with the master plan for the capitol complex
3 or rule of the Wyoming capitol square preservation council
4 governing the capitol square without approval of the council.

5
6 **9-5-104. State building commission; state office**
7 **buildings; authority to maintain; rental; use of proceeds.**

8
9 (a) The general services division, in accordance with
10 rules of the state building commission, may maintain,
11 operate, lease, manage and equip state office buildings in
12 Wyoming. The authority of the general services division under
13 this subsection for the capitol square is subject to the
14 provisions of W.S. 9-5-114 and 9-5-115 and shall be exercised
15 pursuant to a memorandum of understanding in accordance with
16 the provisions of W.S. 9-5-115.

17
18 (b) Every department occupying space in a building
19 authorized under subsection (a) of this section, if required
20 to do so by the general services division, in accordance with
21 rules of the state building commission, shall pay to the
22 general services division an annual rental plus a pro rata
23 share of maintenance, janitorial services, utilities and

1 other overhead costs necessary to maintain the building in as
2 good a condition as reasonable and proper use will permit.

3 With regard to the capitol square, the provisions of this
4 section shall be implemented pursuant to a memorandum of
5 understanding between the commission and the Wyoming capitol
6 square preservation council. Payments under this subsection

7 shall be made to the general services division for deposit
8 into a separate account, with receipt and acknowledgement
9 submitted to the state treasurer, to be allocated as follows:

10
11 **9-5-105. Purchase or lease of state lands and**
12 **buildings; state building commission authority.**

13
14 (b) Any state agency, assigned the operation,
15 management or use of a state leased or owned building by
16 statute shall follow rules of the state building commission
17 regarding ~~to~~ the operation, management and use of the building
18 unless the agency adopts rules different than those of the
19 commission in accordance with the provisions of W.S. 9-5-106.

20 The Wyoming capitol square preservation council may adopt
21 rules of the state building commission in whole or in part
22 for the capitol square or may adopt its own rules governing
23 the operation, management and use of the capitol square.

1

2 (c) For any building or property which is or would be
3 within the boundaries of the capitol complex, the authority
4 under this section shall also be subject to the master plan
5 for the complex.

6

7 **9-5-106. State building commission; powers relative to**
8 **use of state buildings; rules authorized; exceptions.**

9

10 (d) No rule promulgated under W.S. 9-5-101 through
11 9-5-108 shall apply to facilities:~~occupied by:~~

12

13 (i) Occupied by the legislature or the members
14 thereof unless the legislative management council has
15 specifically concurred therein;~~or~~

16

17 (ii) Occupied by the judiciary or the members
18 thereof unless the judicial council has specifically
19 concurred therein;~~or~~ or

20

21 (iii) Within the capitol square if the Wyoming
22 capitol square preservation council has adopted a rule in
23 conflict with the commission rule.

1

2 (e) For purposes of this section, the Wyoming capitol
3 square preservation council is authorized to adopt rules
4 relative to the operation, management and use of the capitol
5 square as provided by W.S. 9-5-114 and 9-5-115.

6

7 **9-5-107. Duties and responsibilities with respect to**
8 **state buildings; state capital construction needs assessment**
9 **and priorities.**

10

11 (a) The state construction department shall, subject to
12 the direction of the state building commission and with the
13 assistance of other state agencies as necessary, conduct and
14 maintain a comprehensive needs assessment of existing state
15 buildings and of future space requirements for state
16 agencies. The assessment shall be conducted in accordance
17 with rules of the state building commission adopted pursuant
18 to subsection (d) of this section and be designed to provide
19 uniform statewide data describing the condition of state
20 buildings and projecting building longevity and space
21 requirements. The needs assessment for state buildings and
22 space requirements for the capitol complex shall be
23 segregated from other state building and space needs and

1 subject to separate rules adopted by the state building
2 commission in congruity with the provisions of the capitol
3 complex master plan adopted pursuant to W.S. 9-5-115. Through
4 the identification of building conditions and needs, the
5 ~~assessment~~assessments shall enable the evaluation of capital
6 construction and renovation requirements for all state
7 buildings. The needs ~~assessment~~assessments shall be revised
8 annually on or before October 1 of each year. The needs
9 ~~assessment~~assessments shall specify construction and
10 renovation requirements for the remainder of the current
11 fiscal year and the succeeding four (4) fiscal years.

12

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

1 the Wyoming capitol square preservation council and in
2 congruity with the provisions of the capitol complex master
3 plan.

4

5 (c) On or before December 1 of each year, the commission
6 shall provide copies of the needs ~~assessment~~assessments and
7 statewide construction and renovation priorities established
8 under this section to members of the legislature.

9

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

1 game and fish commission and state institutions. For purposes
2 of this subsection, the Wyoming capitol square preservation
3 council is authorized to adopt rules and regulations relative
4 to the operation, management and use of the capitol square as
5 provided by W.S. 9-5-114 and 9-5-115.

6
7 **9-5-112. Capitol building rehabilitation and**
8 **restoration project; components; oversight.**

9
10 (f) The department may expend funds appropriated by the
11 legislature for the project to implement the design,
12 renovation, restoration, rehabilitation, construction and
13 other project components which have been included in the final
14 design plans approved under subsection (e) of this section.
15 Any change order to the approved final design plans in excess
16 of one hundred thousand dollars (\$100,000.00) or in a
17 cumulative amount in excess of one million dollars
18 (\$1,000,000.00) shall require the approval of the governor
19 and a majority of the other ~~voting~~ members of the ~~oversight~~
20 ~~group which consist of the legislator members and the state~~
21 ~~treasurer~~ Wyoming capitol square preservation council.

22

1 **9-5-113. Capitol building rehabilitation and**
2 **restoration project; design and construction execution.**

3
4 (b) Nothing in W.S. 9-5-110 through 9-5-113 shall be
5 construed to limit the authority of the governor or the
6 treasurer under article 3, section 31 of the Wyoming
7 constitution.

8
9 **28-8-112. Space in state capitol building.**

10
11 Adequate space in the state capitol building shall be provided
12 for the conduct of activities of the legislature, its
13 committees, the legislative service office and necessary
14 legislative staff, and the management council subject to and
15 in accordance with W.S. ~~9-5-112~~9-5-115(d).

16
17 **Section 3.** W.S. 9-5-109(k) through (r), 9-5-110(a)(i)
18 and (iii), 9-5-111, 9-5-112(b), (d) and (e) and
19 9-5-113(a)(iii) are repealed.

20
21 **Section 4.**

1 (a) There is appropriated one hundred thousand dollars
2 (\$100,000.00) from the general fund to the legislative
3 service office. This appropriation shall be for the period
4 beginning with the effective date of this section and ending
5 June 30, 2020. The legislative service office shall include
6 this additional funding, together with any additional
7 requests for staff or funding for duties under this act,
8 within its 2020 budget request to the legislative management
9 council.

10
11 (b) The general fund appropriation to the department of
12 administration and information for general services provided
13 in 2018 Wyoming Session Laws Chapter 134, Section 1, Section
14 006, for the budget period ending June 30, 2020 is reduced by
15 the amount appropriated in subsection (a) of this section.
16 The director of the department of administration and
17 information shall reduce the budget allocated to the general
18 services division by the amount specified in this subsection.

19
20 **Section 5.**

21
22 (a) The duties and powers of the state capitol building
23 oversight group under W.S. 9-5-109 through 9-5-113 as to the

1 state capitol building and Herschler state office
2 rehabilitation, restoration and renovation project described
3 in W.S. 9-5-112, shall cease immediately following the grand
4 re-opening of the Wyoming capitol building. Upon the
5 effective date of this subsection all appropriations,
6 property, contracts, agreements, obligations and authority of
7 the state capitol building oversight group shall be
8 transferred to the preservation council. To the extent a power
9 or duty previously within the authority of the oversight group
10 is required to be exercised after the grand re-opening, the
11 power or duty shall be exercised by the Wyoming capitol square
12 preservation council in accordance with provisions of law
13 governing the project.

14

15 (b) The grand re-opening date of the capitol building
16 shall be certified by the governor to the secretary of state.

17

18 **Section 6.** As the state capitol building and Herschler
19 state office building rehabilitation, restoration and
20 renovation project described in W.S. 9-5-112 is completed,
21 the Legislature finds that investment of state funds should
22 be safeguarded to the fullest extent possible. The first act
23 of the first Legislature of the state of Wyoming conferred

1 upon the presiding officers of the House and Senate the power
2 to regulate "such parts of the capitol and its passages as
3 are or may be set apart for the use of the Senate [and House]
4 and its officers."

5

6 At the time of enactment of this 1890 statute, "passage" was
7 defined as an avenue leading to the various divisions of a
8 building; "a gallery or corridor or hall". The Century
9 Dictionary, 4314 (1889). The word "hall" at that time was
10 defined as a building, large room or compartment of a building
11 devoted to some public or common use. The 1890 law, enacted
12 contemporaneously with the Wyoming Constitution makes clear
13 the authority of the Legislature to oversee common areas of
14 the capitol building connecting its meeting rooms. This is
15 consistent with Wyoming Constitution, Article 3, section 12,
16 which states that "the Legislature shall have all other powers
17 necessary to the legislature of a free state."

18

19 The legislature occupies more than half of the state capitol
20 building, the underground extension to the capitol building
21 and a significant portion of the Herschler building. Having
22 appropriated millions of dollars to the project and occupying
23 significant portions of the project for legislative chambers,

1 passages and committee meeting rooms, the legislature has
2 great interest in ensuring that the project area is maintained
3 and utilized to the greatest extent possible and the
4 investment protected. At the same time, the governor and other
5 statewide elected officials, occupy portions of the capitol
6 building and other spaces within the project area and have
7 resultant interests in those areas.

8

9 All elected officials and other occupants are, however, but
10 tenants in the "people's house" and no individual or body
11 representing one (1) branch of government should have the
12 ability to modify the historic nature of the capitol building
13 and other components of the capitol square. Maintenance and
14 potential changes to the capitol square are appropriately
15 overseen by joint action of executive and legislative
16 representatives. With this enactment the legislature intends
17 to ensure that all legitimate interests in the capitol complex
18 are protected, and most significantly safeguard the
19 overarching interest in the preservation of the historic
20 capitol building and other buildings within the capitol
21 square.

22

1 Nothing in this act shall be construed to limit the authority
2 of the governor and treasurer under article 3, section 31 of
3 the Wyoming constitution.

4

5 **Section 7.**

6

7 (a) Except as provided in subsection (b) of this
8 section, this act is effective immediately.

9

10 (b) The amendment to W.S. 9-5-112(f) made in Section 2
11 of this act, the repeal of W.S. 9-5-110(a)(iii), 9-5-111 and
12 9-5-112(b) under Section 3 of this act and Section 5(a) of
13 this act are effective upon the certification by the governor
14 as provided for in Section 5(b) of this act.

15

16

(END)