

HOUSE BILL NO. HB0214

State capital construction planning.

Sponsored by: Select Committee on Capital Financing and Investments

A BILL

for

1 AN ACT relating to state capital construction; creating a  
2 capital construction commission; specifying composition,  
3 powers and duties of the commission; modifying duties of  
4 the state building commission and state agencies relating  
5 to state capital construction; making conforming  
6 amendments; and providing for an effective date.

7

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

9

10 **Section 1.** W.S. 9-5-401 through 9-5-404 are created  
11 to read:

12

13

ARTICLE 4

14

STATE CAPITAL CONSTRUCTION COMMISSION

15

16

**9-5-401. Definitions.**

1

2 As used in this article "commission" means the state  
3 capital construction commission created by W.S. 9-5-402.

4

5 **9-5-402. State capital construction commission;**  
6 **membership; removal; terms; salary.**

7

8 (a) The state capital construction commission is  
9 created to consist of seven (7) members appointed by the  
10 state building commission with the advice and consent of  
11 the senate. Members may be removed as provided in W.S.  
12 9-1-202. Not more than four (4) members shall be of the  
13 same political party. Appointments are for a term of four  
14 (4) years, except that three (3) of the first appointees  
15 shall serve two (2) year terms. No person shall be  
16 appointed for more than two (2) consecutive terms. No more  
17 than two (2) residents of any county shall be appointed to  
18 the commission. The commission shall dissolve July 1,  
19 2008, unless established as a separate operating agency or  
20 placed within an existing department of state government by  
21 further act of the legislature.

22

23 (b) The commission shall biennially elect a chairman  
24 and a secretary from its members.

1

2 (c) Commission members shall receive a salary of one  
3 hundred fifty dollars (\$150.00) and necessary per diem and  
4 traveling expenses as provided in W.S. 9-3-102 and 9-3-103,  
5 for attending and traveling to and from commission  
6 meetings.

7

8 **9-5-403. Powers; duties; staff.**

9

10 (a) The commission shall:

11

12 (i) Meet quarterly and as necessary and as the  
13 state building commission may direct;

14

15 (ii) Submit an annual report of its activities,  
16 expenses and recommendations and other items to the state  
17 building commission as provided by W.S. 9-5-107, the joint  
18 appropriations interim committee and the select committee  
19 on capital financing and investments;

20

21 (iii) Review plans, specifications, designs and  
22 cost estimates for the construction, reconstruction,  
23 rehabilitation, improvement, alteration or repair of any  
24 state construction project subject to W.S. 9-5-107. In

1 conducting these activities the commission shall coordinate  
2 with the school facilities commission as appropriate;

3

4 (iv) Make recommendations for priorities of  
5 state construction projects in accordance with W.S. 9-5-107  
6 and 9-5-108;

7

8 (v) Adopt rules and regulations to carry out its  
9 duties under W.S. 9-5-107 and 9-5-108;

10

11 (vi) Have authority to contract for  
12 professional, financial and technical assistance upon  
13 approval of the state building commission;

14

15 (vii) Plan for all state agency office and other  
16 space needs and construction projects required for those  
17 space needs in accordance with the provisions of W.S.  
18 9-5-101 through 9-5-108 and rules, procedures and criteria  
19 adopted pursuant to those sections;

20

21 (viii) Perform other duties as directed by law.

22

23 (b) The commission shall employ a director who shall  
24 have demonstrated competency in capital construction. The

1 director shall receive an annual salary determined by the  
2 commission and may be removed from office as provided under  
3 W.S. 9-1-202(b). In addition to other powers granted under  
4 this act, the director may hire necessary staff as approved  
5 by legislative appropriation who shall provide  
6 administrative support to the commission and the state  
7 building commission.

8

9 (c) Any member of the commission who has a personal  
10 or private interest in any matter proposed or pending  
11 before the commission shall publicly disclose this fact to  
12 the commission and shall not vote thereon.

13

14 **9-5-404. Assistance by state agencies.**

15

16 Upon request of the commission, any state agency may lend  
17 technical assistance, render advice and attend meetings  
18 with the members, director and employees of the commission  
19 as the commission requires in carrying out its functions  
20 and duties.

21

22 **Section 2.** W.S. 9-2-1013(d)(i), 9-5-105(a),  
23 9-5-106(b), 9-5-107(a) through (c), (d)(intro), (e) and  
24 (f), 9-5-108(a)(intro), (i)(H), (J), (ii)(D), (iii)(intro),

1 (iv), (b) (intro), (c) through (e), 24-2-109(b) (iii),  
2 28-11-201(b) by creating a new paragraph (vi), by creating  
3 a new subsection (d) and by renumbering (d) as (e) are  
4 amended to read:

5

6 **9-2-1013. State budget; distribution of copies to**  
7 **legislators; copies and reports of authorizations.**

8

9 (d) In addition to the items contained in subsection  
10 (a) of this section and notwithstanding any other  
11 recommendations made by the governor, the state budget  
12 shall also include the governor's recommendations for  
13 appropriations for the ensuing two (2) years, or if a  
14 supplemental budget request, the remainder of the budget  
15 period, subject to the following:

16

17 (i) The state budget shall include the  
18 governor's recommendations for a total appropriation from  
19 the school foundation program account and based upon  
20 recommendations of the school facilities commission under  
21 W.S. 21-15-119, a total appropriation for school capital  
22 construction purposes for both fiscal years. The state  
23 budget shall include the governor's recommendations for  
24 appropriations for state capital construction based upon

1 recommendations of the state building commission under W.S.  
2 9-5-107 for both fiscal years;

3  
4 **9-5-105. Purchase or lease of state lands and**  
5 **buildings; state building commission authority.**

6  
7 (a) Before purchasing any land for any state purpose,  
8 the state agency or board shall, in accordance with rules  
9 of the state building commission, determine if any land  
10 owned by the state is available and could be used for the  
11 state purpose. The agency or board shall, in accordance  
12 with rules of the state building commission, negotiate with  
13 the agency or board owning or controlling the land for  
14 purchase or lease of the lands. In planning for state  
15 agency office and other needs and construction projects  
16 required for those needs, the state building commission and  
17 the state capital construction commission shall, prior to  
18 recommending additional construction, determine the  
19 feasibility of leasing space in existing buildings within  
20 the vicinity.

21  
22 **9-5-106. State building commission; powers relative**  
23 **to use of state buildings; rules authorized; exceptions.**

24

1           (b) ~~The secretary to the commission under W.S.~~  
2 ~~9-2-1016(b)(xxi) shall administratively implement any rules~~  
3 ~~of the state building commission adopted under this~~  
4 ~~section.~~ The director of the department of administration  
5 and information may adopt rules and regulations which make  
6 violation of rules adopted by the commission under  
7 subsection (a) of this section grounds for disciplinary  
8 action for any state employee violating the rules of the  
9 state building commission regarding operation, management  
10 or use of state buildings.

11

12           **9-5-107. State building commission and state capital**  
13 **construction commission; duties and responsibilities with**  
14 **respect to state buildings; state capital construction**  
15 **needs assessment and priorities.**

16

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



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

14

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

1 listing shall include information on building needs of the  
2 University of Wyoming, community college districts state  
3 agencies submitted pursuant to subsection (e) of this  
4 section. Building needs of the university and community  
5 college districts may be included within the state building  
6 commission's recommendations for funding under this  
7 section, but nothing in this section shall limit the  
8 university or community college districts from prioritizing  
9 and funding building needs independently from this section.  
10 Building needs of state agencies, the construction or  
11 renovation of which is not funded by state general funds,  
12 shall not be included within the state building  
13 commission's recommendations for funding, but shall be  
14 prioritized by those agencies independently from this  
15 section. The listing shall contain a budget recommendation  
16 to implement this section and to fulfill the needs on the  
17 list.

18  
19 (c) On or before ~~December 1~~ September 15, of each  
20 year, the state building commission shall provide copies of  
21 the needs assessment, ~~and~~ statewide construction and  
22 renovation priorities established under this section and  
23 proposed program construction schedule under W.S. 9-5-108  
24 to ~~members of the legislature~~ the joint appropriations

1 interim committee and to the select committee on capital  
2 financing and investments.

3

4 (d) The state building commission shall adopt rules  
5 implementing policies for the management and assessment of  
6 state buildings. The rules shall establish:

7

8 (e) Rules and procedures adopted under this section  
9 by the state building commission shall be applicable to all  
10 state owned buildings unless the operation, management and  
11 use of the building has been assigned by statute to a  
12 specific state agency and no state general funds are used  
13 for the construction or renovation of the building. The  
14 agency responsible for the operation and management of a  
15 state building exempted by the provisions of this  
16 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  
19 report to the ~~legislature~~ joint appropriations interim  
20 committee and the select committee on capital financing and  
21 investments. The rules adopted by the commission under  
22 subsection (d) of this section shall be used as guidelines  
23 for the management of ~~state~~ buildings ~~assigned~~ by ~~statute~~  
24 to other state agencies and for which no state general

1 funds are used for the construction or renovation of the  
2 building, including the University of Wyoming, community  
3 college districts, department of transportation, game and  
4 fish commission and state institutions.

5  
6 (f) The state building commission shall meet at least  
7 quarterly and shall promulgate rules specifying procedures  
8 under which public comment may be received regarding any  
9 actions of the state building commission or state capital  
10 construction commission, ~~excluding promulgation of rules to~~  
11 ~~which the Wyoming Administrative Procedure Act is~~  
12 ~~applicable~~ under this section and W.S. 9-5-108. The  
13 promulgation of rules, procedures and criteria and  
14 decisions of the state building commission or state capital  
15 construction commission relating to the recommendation and  
16 prioritization of projects under this section and W.S.  
17 9-5-108 are specifically exempt from all provisions of the  
18 Wyoming Administrative Procedure Act including provisions  
19 for judicial review under W.S. 16-3-114 and 16-3-115.

20  
21 **9-5-108. Development of building projects;**  
22 **rehabilitation of building projects.**

23  
24 (a) The state capital construction commission shall,

1 on the basis of a state needs assessment plan or as  
2 otherwise directed by the legislature or state building  
3 commission and after consultation with and advice from  
4 state agencies and officials, other appropriate agencies  
5 and officials and members of the public, identify and  
6 select potential projects to be studied for inclusion in  
7 the Wyoming public buildings construction program pursuant  
8 to the following schedule:

9

10 (i) Level I reconnaissance studies shall, to the  
11 extent possible:

12

13 (H) Summarize public testimony received at  
14 meetings held by the state capital construction commission  
15 in the county of the proposed construction; and

16

17 (J) Contain the state building commission's  
18 recommendation to the legislature whether to terminate  
19 further consideration of the proposed project or to  
20 continue the project at its current level of study, or to  
21 proceed with further activity under paragraph (ii), (iii)  
22 or (iv) of this subsection.

23

24 (ii) Level II feasibility studies shall to the

1 extent possible:

2

3 (D) Summarize testimony received at public  
4 hearings held by the state capital construction commission  
5 in the county of the proposed construction;

6

7 (iii) Level III construction and operation plans  
8 shall proceed as authorized and approved by the legislature  
9 under the direction of the state building commission and  
10 the immediate ~~direction and~~ control of the state capital  
11 construction commission. Pursuant to legislative  
12 authorization for public building construction projects and  
13 prior to completion of Level III construction the state  
14 capital construction commission as directed by the state  
15 building commission may:

16

17 (iv) After completion of Level III construction,  
18 the state building commission shall turn over the project  
19 to the general services division of the department of  
20 administration and information for the operation and  
21 maintenance of state owned facilities constructed under the  
22 direction and control of the commission.

23

24 (b) State agencies shall cooperate fully with the

1 state capital construction commission in the preparation of  
2 the studies. In the execution of these activities, subject  
3 to the direction of the state building commission the state  
4 capital construction commission shall:

5  
6 (c) The state building commission may suspend the  
7 expenditure of time or funds on a project at any level of  
8 activity, if it is established that it would be in the  
9 public interest. The state building commission shall report  
10 the reason for any suspension of activity to the  
11 legislature.

12  
13 (d) Any agency seeking to rehabilitate an existing  
14 public building shall submit that request to the state  
15 capital construction commission. The state capital  
16 construction commission shall review and develop plans and  
17 recommendations for the project as provided in this  
18 section.

19  
20 (e) As used in this section, "project" means any  
21 state owned public building and all works and facilities  
22 necessary for the planning, construction and utilization of  
23 a state owned public building, including the improvement of  
24 any feature, facility, function or portion of a project.

1 "Project" does not include those projects for which the  
2 operation, management and use of the building, works or the  
3 facility has been assigned by law to a specific state  
4 agency and for which no state general funds are used for  
5 the construction or renovation of the building. Projects of  
6 the University of Wyoming and community college districts  
7 shall not be subject to the provisions of this section,  
8 unless the governing body of the university or community  
9 college district requests and the state building commission  
10 agrees to include the project in the construction program  
11 under this section.

12

13 **24-2-109. Designation of state highways; vesting of**  
14 **county interest in state; commission authorized to acquire**  
15 **severed portions of land; land to be sold.**

16

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

18

19 (iii) Any parcel of land acquired pursuant to  
20 paragraph (b)(ii) of this section and not otherwise used  
21 for highway purposes or traded for land used for highway  
22 purposes shall be offered for sale within two (2) years  
23 from the date of the completion of the project for which it  
24 was acquired. After written notice to the state building



1 commission and state capital construction commission, the  
2 sale or disposition of this land shall be in accordance  
3 with rules and regulations adopted by the transportation  
4 commission.

5

6 **28-11-201. Appointment of members; powers and duties.**

7

8 (b) The select committee shall:

9

10 (vi) Monitor progress with regard to all  
11 projects subject to W.S. 9-5-107 and 9-5-108 and other  
12 projects specified by law.

13

14 (d) The state capital construction commission and  
15 state building commission shall provide information to the  
16 select committee upon request to assist the select  
17 committee in monitoring progress of projects under W.S.  
18 9-5-107 and 9-5-108.

19

20 ~~(d)~~ (e) The select committee may:

21

22 (i) Secure consulting services, if necessary, to  
23 provide technical assistance regarding state investment  
24 policy;

