

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; providing an appropriation; authorizing
7 positions; and providing for an effective date.

8

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

10

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

13

14

ARTICLE 4

15

STATE CAPITAL CONSTRUCTION COMMISSION

16

1 **9-5-401. Definitions.**

2

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

5

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

8

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

23

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

3

4 (c) Commission members shall receive the same salary,
5 mileage and per diem for attending and traveling to and
6 from commission meetings in the same manner and amount as
7 members of the Wyoming legislature.

8

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

10

11 (a) The commission shall:

12

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

15

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

21

22 (iii) Review plans, specifications, designs and
23 cost estimates for the construction, reconstruction,
24 rehabilitation, improvement, alteration or repair of any

1 state construction project subject to W.S. 9-5-107. In
2 conducting these activities the commission shall coordinate
3 with the school facilities commission as appropriate;

4

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

8

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

11

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

15

16 (vii) Plan for all state agency office and other
17 space needs and construction projects required for those
18 space needs in accordance with the provisions of W.S.
19 9-5-107, 9-5-108 and rules, procedures and criteria adopted
20 pursuant to those sections;

21

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

23

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

10

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

15

16 **9-5-404. Assistance by state agencies.**

17

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

23

1 **Section 2.** W.S. 9-2-1013(d) (i), 9-5-107(a) through
2 (c), (d) (intro), (e) and (f), 9-5-108(a) (intro), (i) (H),
3 (J), (ii) (D), (iii) (intro), (iv), (b) (intro), (c) through
4 (e), 24-2-109(b) (iii), 28-11-201(b) by creating a new
5 paragraph (vi), by creating a new subsection (d) and by
6 renumbering (d) as (e) are amended to read:

7

8 **9-2-1013. State budget; distribution of copies to**
9 **legislators; copies and reports of authorizations.**

10

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

18

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

1 budget shall include the governor's recommendations for
2 appropriations for state capital construction based upon
3 recommendations of the state building commission under W.S.
4 9-5-107 for both fiscal years;

5

6 **9-5-107. State building commission and state capital**
7 **construction commission; duties and responsibilities with**
8 **respect to state buildings; state capital construction**
9 **needs assessment and priorities.**

10

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

1 enable the evaluation of capital construction and
2 renovation requirements for all state buildings. The needs
3 assessment shall be revised annually on or before ~~October~~
4 September 1 of each year. The needs assessment shall
5 specify construction and renovation requirements for the
6 remainder of the current fiscal year and the succeeding
7 four (4) fiscal years.

8
9 (b) On or before ~~November 1~~ September 15 of each year
10 and based upon the statewide needs assessment of state
11 buildings performed under subsection (a) of this section,
12 the state building commission shall establish and
13 prioritize construction and renovation needs for state
14 buildings. The listing shall specifically identify and
15 prioritize those buildings in need of building construction
16 or renovation and the estimated costs of required
17 construction or renovation during the current fiscal year
18 and during the succeeding four (4) fiscal years. The
19 listing shall include information on building needs of the
20 University of Wyoming and community college districts
21 submitted pursuant to subsection (e) of this section.
22 Building needs of the university and community college
23 districts may be included within the state building
24 commission's recommendations for funding under this

1 section, but nothing in this section shall limit the
2 university or community college districts from prioritizing
3 and funding building needs independently from this section.
4 The listing shall contain a budget recommendation to
5 implement this section and to fulfill the needs on the
6 list.

7
8 (c) On or before ~~December 1~~ September 15, of each
9 year, the state building commission shall provide copies of
10 the needs assessment, ~~and~~ statewide construction and
11 renovation priorities established under this section and
12 proposed program construction schedule under W.S. 9-5-108
13 to ~~members of the legislature~~ the joint appropriations
14 interim committee and to the select committee on capital
15 financing and investments.

16
17 (d) The state building commission shall adopt rules
18 implementing policies for the management and assessment of
19 state buildings. The rules shall establish:

20
21 (e) Except as otherwise provided, rules and
22 procedures adopted under this section by the state building
23 commission shall be applicable to all state owned
24 buildings. ~~unless the operation, management and use of the~~

1 ~~building has been assigned by statute to a specific state~~
2 ~~agency. The agency responsible for the operation and~~
3 ~~management of a state building exempted by the provisions~~
4 ~~of this subsection,~~ Community college districts and the
5 University of Wyoming shall not be subject to rules and
6 procedures of the state building commission adopted under
7 this section but shall provide the assessment required by
8 subsections (a) through (c) of this section to the state
9 building commission for inclusion in the commission's
10 report to the ~~legislature~~ joint appropriations interim
11 committee and the select committee on capital financing and
12 investments. The rules adopted by the commission under
13 subsection (d) of this section shall be used as guidelines
14 for the management of ~~state buildings assigned by statute~~
15 ~~to other state agencies including~~ the University of
16 Wyoming, and community college districts, ~~department of~~
17 ~~transportation, game and fish commission and state~~
18 ~~institutions.~~

19

20 (f) The state building commission shall meet at least
21 quarterly and shall promulgate rules specifying procedures
22 under which public comment may be received regarding any
23 actions of the state building commission or state capital
24 construction commission, ~~excluding promulgation of rules to~~

1 ~~which the Wyoming Administrative Procedure Act is~~
2 ~~applicable~~ under this section and W.S. 9-5-108. The
3 promulgation of rules, procedures and criteria and
4 decisions of the state building commission or state capital
5 construction commission relating to the recommendation and
6 prioritization of projects under this section and W.S.
7 9-5-108 are specifically exempt from all provisions of the
8 Wyoming Administrative Procedure Act including provisions
9 for judicial review under W.S. 16-3-114 and 16-3-115.

10
11 **9-5-108. Development of building projects;**
12 **rehabilitation of building projects.**

13
14 (a) The state capital construction commission shall,
15 on the basis of a state needs assessment plan or as
16 otherwise directed by the legislature or state building
17 commission and after consultation with and advice from
18 state agencies and officials, other appropriate agencies
19 and officials and members of the public, identify and
20 select potential projects to be studied for inclusion in
21 the Wyoming public buildings construction program pursuant
22 to the following schedule:

23
24 (i) Level I reconnaissance studies shall, to the

1 extent possible:

2

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

6

7 (J) Contain the state building commission's
8 recommendation to the legislature whether to terminate
9 further consideration of the proposed project or to
10 continue the project at its current level of study, or to
11 proceed with further activity under paragraph (ii), (iii)
12 or (iv) of this subsection.

13

14 (ii) Level II feasibility studies shall to the
15 extent possible:

16

17 (D) Summarize testimony received at public
18 hearings held by the state capital construction commission
19 in the county of the proposed construction;

20

21 (iii) Level III construction and operation plans
22 shall proceed as authorized and approved by the legislature
23 under the direction of the state building commission and
24 the immediate ~~direction and~~ control of the state capital

1 construction commission. Pursuant to legislative
2 authorization for public building construction projects and
3 prior to completion of Level III construction the state
4 capital construction commission as directed by the state
5 building commission may:

6
7 (iv) After completion of Level III construction,
8 the state building commission shall turn over the project
9 to the general services division of the department of
10 administration and information for the operation and
11 maintenance of state owned facilities constructed under the
12 direction and control of the commission.

13
14 (b) State agencies shall cooperate fully with the
15 state capital construction commission in the preparation of
16 the studies. In the execution of these activities, subject
17 to the direction of the state building commission the state
18 capital construction commission shall:

19
20 (c) The state building commission may suspend the
21 expenditure of time or funds on a project at any level of
22 activity, if it is established that it would be in the
23 public interest. The state building commission shall report
24 the reason for any suspension of activity to the

1 legislature.

2

3 (d) Any agency seeking to rehabilitate an existing
4 public building shall submit that request to the state
5 capital construction commission. The state capital
6 construction commission shall review and develop plans and
7 recommendations for the project as provided in this
8 section.

9

10 (e) As used in this section, "project" means any
11 state owned public building and all works and facilities
12 necessary for the planning, construction and utilization of
13 a state owned public building, including the improvement of
14 any feature, facility, function or portion of a project.
15 ~~"Project" does not include those projects for which the~~
16 ~~operation, management and use of the building, works or the~~
17 ~~facility has been assigned by law to a specific state~~
18 ~~agency~~ Projects of the University of Wyoming and community
19 college districts shall not be subject to the provisions of
20 this section, unless the governing body of the university
21 or community college district requests and the state
22 building commission agrees to include the project in the
23 construction program under this section.

24

1 **24-2-109. Designation of state highways; vesting of**
2 **county interest in state; commission authorized to acquire**
3 **severed portions of land; land to be sold.**

4
5 (b) Pursuant to W.S. 24-2-102:

6
7 (iii) Any parcel of land acquired pursuant to
8 paragraph (b)(ii) of this section and not otherwise used
9 for highway purposes or traded for land used for highway
10 purposes shall be offered for sale within two (2) years
11 from the date of the completion of the project for which it
12 was acquired. After written notice to the state building
13 commission and state capital construction commission, the
14 sale or disposition of this land shall be in accordance
15 with rules and regulations adopted by the transportation
16 commission.

17
18 **28-11-201. Appointment of members; powers and duties.**

19
20 (b) The select committee shall:

21
22 (vi) Monitor progress with regard to all
23 projects subject to W.S. 9-5-107 and 9-5-108 and other
24 projects specified by law.

1

2 (d) The state capital construction commission and
3 state building commission shall provide information to the
4 select committee upon request to assist the select
5 committee in monitoring progress of projects under W.S.
6 9-5-107 and 9-5-108.

7

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

9

10 (i) Secure consulting services, if necessary, to
11 provide technical assistance regarding state investment
12 policy;

13

14 (ii) Review budgets and expenditures related to
15 any aspect of state investment policy and its
16 implementation;

17

18 (iii) Review budgets and expenditures related to
19 any aspect of state capital financing policy and its
20 implementation.

21

22 **Section 3.** W.S. 9-2-1016(b)(xxi) and (xxii) is
23 repealed.

24

1 **Section 4.** There is appropriated from the general
2 fund to the state capital construction commission five
3 hundred thousand dollars (\$500,000.00) for purposes of this
4 act.

5

6 **Section 5.** The state capital construction commission
7 is authorized three (3) full-time positions.

8

9 **Section 6.** This act is effective July 1, 2004.

10

11

(END)