

SENATE FILE NO. SF0020

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 exempting the University of Wyoming from requirements for
5 placement of art in public buildings; removing limitation
6 on expenditures for art in public buildings; providing for
7 maintenance of all art in public buildings; requiring
8 school facilities commission and community colleges using
9 state funding to incorporate works of art for public
10 display in capital construction projects; providing an
11 appropriation; and providing for an effective date.

12

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

14

15 **Section 1.** W.S. 16-6-801(a)(i), (iv), (v) and by
16 creating a new paragraph (ix), 16-6-802, 16-6-803(b) and by

1 creating a new subsection (g), 21-15-119(a) by creating a
2 new paragraph (iv) and 21-18-205(g) are amended to read:

3

4 **16-6-801. Definitions.**

5

6 (a) As used in this article:

7

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

14

15 (iv) "Building" means any permanent structure
16 and any appurtenant structure intended to function as an
17 office, courtroom, hearing or meeting room or other space
18 for carrying on the operation of any agency and any
19 auditorium, meeting room, classroom or other educational
20 facility, library or museum space, or information center
21 for use by the public, excluding utility lines, water
22 projects, fish ponds, ~~school~~ University of Wyoming
23 buildings, city buildings, county buildings, public
24 restrooms at state parks, separate structures which are not

1 part of a larger construction project intended solely as
2 storage, warehouse or maintenance and repair facilities;

3

4 (v) "Construction cost" means the cost for the
5 actual design and original construction of any new building
6 or major renovation of any existing building which is
7 funded in total or in part by appropriated state funds,
8 excluding land acquisition. The phrase does not include
9 the cost for any building funded in part by city or county
10 funds;

11

12 (ix) "Major renovation" means the renovation of
13 any building for which the total construction cost is five
14 hundred thousand dollars (\$500,000.00) or more.

15

16 **16-6-802. Construction of new public buildings and**
17 **major renovations; state funds.**

18

19 (a) The original construction or major renovation of
20 any ~~new~~-building shall include works of art for public
21 display, which shall be included by the agency in
22 determining total construction costs of the building at an
23 amount equal to one percent (1%) of total costs ~~but not to~~
24 ~~exceed one hundred thousand dollars (\$100,000.00)~~ on any

1 one (1) project, or in the case of school district or
2 community college buildings, an amount equal to one percent
3 (1%) of the total state funded portion of the costs on any
4 one (1) project. Any new construction project for which
5 the total cost is less than one hundred thousand dollars
6 (\$100,000.00) is exempt from this subsection.

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

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

(c) Prior to transferring or authorizing the expenditure of any state funds for the original construction or major renovation of any school district or community college district building, the state auditor shall transfer to the state treasurer an amount equal to the amount specified under subsection (a) of this section for works of art. Upon receipt, the state treasurer shall deposit the amount transferred into a separate account, together with any grants, gifts or other funds received or appropriated by the state for the sole purpose of acquiring works of art for placement in school district or community college district buildings. Amounts deposited within the separate account under this subsection shall be expended by the department for the acquisition of works of art by purchase, lease, commission or otherwise, the maintenance of any works of art placed in school district or community college district buildings and for the administration of this article.

16-6-803. Department of state parks and cultural resources to acquire works of art; advisory panel to consult in acquisition; procedure; public education

1 **programs; approval by local school district or community**
2 **college district board.**

3

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

8

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

16

17 **21-15-119. Commission budget and funding**
18 **recommendations.**

19

20 (a) Notwithstanding W.S. 9-2-1012, the commission
21 shall annually, not later than November 1, and after review
22 by and in conjunction with the select committee on school
23 facilities, prepare and submit a recommended budget for
24 projects and school capital construction financing to the

1 governor, through the budget division of the department of
2 administration and information. The recommended budget
3 submitted by the commission shall include:

4
5 (iv) An amount for purchase of works of art for
6 public display as required under W.S. 16-6-801 through
7 16-6-805, which amount is in addition to and not part of
8 any facility remedy as defined under W.S. 21-15-111(a)(v)
9 or any major building and facility repair and replacement
10 project defined under W.S. 21-15-109(a)(iii), and which
11 amount shall not be funded from the capital construction
12 account.

13
14 **21-18-205. Appropriation and distribution of state**
15 **funds; restrictions; budget authority.**

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

24

1 **Section 2.** There is appropriated one hundred thousand
2 dollars (\$100,000.00) from the general fund to the separate
3 account created pursuant to W.S. 16-6-802(b). This
4 appropriation shall only be expended for the purposes
5 described in W.S. 16-6-802(b). Notwithstanding any other
6 provision of law, this appropriation shall not be
7 transferred or expended for any other purpose.
8 Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207,
9 these funds which are unexpended, unobligated or
10 unencumbered as of June 30, 2010 shall not revert to the
11 general fund but shall be retained by the department for
12 the purposes specified in this section. This appropriation
13 shall not be included in the department of state parks and
14 cultural resources' 2011-2012 standard biennial budget
15 request.

16

17 **Section 3.** This act is effective July 1, 2009.

18

19

(END)