

HOUSE BILL NO. HB0255

Capitol square preservation council.

Sponsored by: Representative(s) Nicholas and Harshman

A BILL

for

1 AN ACT relating to state property and buildings; specifying
2 boundaries of the state capitol square; providing for
3 management and operation of state property and facilities
4 within the state capitol square and state capitol complex;
5 creating a Wyoming capitol square preservation council;
6 specifying membership of the council; providing duties and
7 powers; transferring duties and powers of the state
8 building commission to the capitol square preservation
9 council; amending contract provisions for the capitol
10 oversight project; reallocating funding; providing for an
11 appropriation; reducing an appropriation; and providing for
12 an effective date.

13

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

15

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

3

4 **9-5-114. Wyoming capitol square preservation council;**
5 **creation; authority; rules; staffing.**

6

7 (a) There is created a Wyoming capitol square
8 preservation council comprised of:

9

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

11

12 (ii) The president of the senate and a member of
13 the senate selected by the president;

14

15 (iii) The speaker of the house of
16 representatives and a member of the house selected by the
17 speaker;

18

19 (iv) A member of the legislature selected
20 jointly by the senate president and speaker of the house.
21 At least one (1) legislative member of the council shall be
22 a member of a minority party.

23

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

11

12 (c) The council may adopt rules and regulations to
13 implement the functions assigned to the council. Any rule
14 adopted by the council shall be submitted to the management
15 council of the legislature in accordance with W.S. 28-9-101
16 through 28-9-108, approved by the governor as provided in
17 W.S. 16-3-103(d) and filed with the secretary of state, but
18 is not otherwise subject to the Wyoming Administrative
19 Procedure Act. The council shall promulgate rules
20 specifying procedures under which public comment may be
21 received regarding any actions of the council. The council
22 shall be an agency for purposes of the provisions of W.S.
23 9-5-107(e) and 16-4-401 through 16-4-408 when at a meeting

1 called to execute a power or duty of the council under this
2 section.

3

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

6

7 **9-5-115. Wyoming capitol square preservation council**
8 **duties; staffing; jurisdiction limited.**

9

10 (a) The Wyoming capitol square preservation council
11 shall:

12

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

16

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

20

21 (iii) Manage common spaces and oversee visitor
22 services within the capitol square;

23

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

11

12 (b) Within the capitol square, the council shall be
13 responsible for:

14

15 (i) Meeting room management. Legislative use
16 shall be provided as a first priority in the scheduling and
17 management of meeting rooms and areas which are also
18 available to the executive department and to the public.
19 Subject to legislative prioritization, these spaces shall
20 be managed with the goal of maximizing compatible uses by
21 all authorized users;

22

1 (ii) Development and management of visitor
2 services and exhibit programs;

3
4 (iii) Management of a student civic and
5 education center, visitor's center and media center;

6
7 (iv) Oversight of installation of temporary and
8 permanent exhibits, artwork, statuary and furniture that
9 have been approved by the council;

10
11 (v) Development and implementation of an art
12 collections policy and an art program designed to purchase
13 or accept by donation or permanent loan artwork for display
14 within the capitol square;

15
16 (vi) Oversight of maintenance. Building and
17 grounds maintenance and cleaning shall be provided by the
18 general service division of the department of
19 administration and information pursuant to a memorandum of
20 understanding between the legislative service office and
21 the department of administration and information.

22

1 (c) The council shall not have jurisdiction over
2 day-to-day management:

3

4 (i) Of areas occupied solely by either the
5 legislative department or executive official or executive
6 department within the capitol square;

7

8 (ii) Other buildings in the capitol complex
9 outside of the capitol square, other than master planning
10 responsibilities specified in this section.

11

12 (d) The council shall not modify space allocations
13 within the capitol square but may recommend that the
14 legislative management council develop legislation to
15 effectuate space allocation amendments.

16

17 **Section 2.** W.S. 9-1-103, 9-5-101(b), (e) and by
18 creating new paragraphs (iii) and (iv), 9-5-102(a),
19 9-5-104(a) and (b)(intro), 9-5-105(b) and by creating a new
20 subsection (c), 9-5-106(d) and by creating a new subsection
21 (h), 9-5-107(a) through (c) and (e), 9-5-112(f) and 9-5-113
22 by creating a new subsection (b) are amended to read:

23

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

3

4 A state elected official may authorize a designee to act as
5 the official's personal representative to any board or
6 commission of which the official is a member. The designee
7 shall have the right to speak on behalf of the official and
8 to vote and take other lawful action on behalf of the
9 official as a member of the board or commission. The
10 provisions of this section shall not apply to the Wyoming
11 capitol square preservation council, nor to any board or
12 commission to which the state elected official is appointed
13 by the Wyoming constitution or which is comprised solely of
14 state elected officials.

15

16 **9-5-101. State building commission; composition;**
17 **general powers and duties; conflicts of interest.**

18

19 (b) The state building commission shall promulgate
20 rules under which the general services division has charge
21 and control of the capitol ~~building-square~~ with respect to
22 its ~~repair and maintenance and shall collect all rents~~
23 ~~arising from the occupancy of the capitol building. The~~

1 ~~state building commission may also promulgate rules~~
2 ~~governing occupancy of the capitol building for executive~~
3 ~~department officials~~ day to day management within areas
4 occupied solely by an executive official or department.

5 Rules of the commission affecting the capitol square shall
6 apply to the extent the Wyoming capitol square preservation
7 council has not adopted a rule in conflict with the
8 commission rule.

9

10 (e) As used in this article:

11

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

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

1 for any property which is or would be within the boundaries
2 of the capitol complex which is inconsistent with the
3 master plan for the capitol complex ~~without providing at~~
4 ~~least sixty (60) days' notice of the proposed action to the~~
5 ~~management council of the legislature~~ or rule of the
6 Wyoming capitol square preservation council governing the
7 capitol square without approval of the council.

8

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

11

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

20

21 (b) Every department occupying space in a building
22 authorized under subsection (a) of this section, if
23 required to do so by the general services division, in

1 accordance with rules of the state building commission,
2 shall pay to the general services division an annual rental
3 plus a pro rata share of maintenance, janitorial services,
4 utilities and other overhead costs necessary to maintain
5 the building in as good a condition as reasonable and
6 proper use will permit. With regard to the capitol square,
7 the provisions of this section shall be implemented
8 pursuant to a memorandum of understanding between the
9 commission and the Wyoming capitol square preservation
10 council. Payments under this subsection shall be made to
11 the general services division for deposit into a separate
12 account, with receipt and acknowledgement submitted to the
13 state treasurer, to be allocated as follows:

14

15 **9-5-105. Purchase or lease of state lands and**
16 **buildings; state building commission authority.**

17

18 (b) Any state agency, assigned the operation,
19 management or use of a state leased or owned building by
20 statute shall follow rules of the state building commission
21 regarding ~~to~~ the operation, management and use of the
22 building unless the agency adopts rules different than
23 those of the commission in accordance with the provisions

1 of W.S. 9-5-106. The Wyoming capitol square preservation
2 council may adopt rules of the state building commission in
3 whole or in part for the capitol square or may adopt its
4 own rules governing the operation, management and use of
5 the capitol square.

6

7 (c) For any building or property which is or would be
8 within the boundaries of the capitol complex, the authority
9 under this section shall also be subject to the master plan
10 for the complex.

11

12 **9-5-106. State building commission; powers relative**
13 **to use of state buildings; rules authorized; exceptions.**

14

15 (d) No rule promulgated under W.S. 9-5-101 through
16 9-5-108 shall apply to facilities ~~:occupied by:~~

17

18 (i) Occupied by the legislature or the members
19 thereof unless the legislative management council has
20 specifically concurred therein. For purposes of this
21 paragraph "facilities occupied by the legislature" shall
22 include those rooms and areas specified in W.S.

1 28-8-112(a)(i) through (vi) and other facilities specified
2 by law;~~or~~

3
4 (ii) Occupied by the judiciary or the members
5 thereof unless the judicial council has specifically
6 concurred therein;~~or~~ or

7
8 (iii) Within the capitol square if the Wyoming
9 capitol square preservation council has adopted a rule in
10 conflict with the commission rule.

11
12 (h) For purposes of this section, the Wyoming capitol
13 square preservation council is authorized to adopt rules
14 relative to the operation, management and use of the
15 capitol square as provided by W.S. 9-5-114 and 9-5-115.

16
17 **9-5-107. Duties and responsibilities with respect to**
18 **state buildings; state capital construction needs**
19 **assessment and priorities.**

20
21 (a) The state construction department shall, subject
22 to the direction of the state building commission and with
23 the assistance of other state agencies as necessary,

1 conduct and maintain a comprehensive needs assessment of
2 existing state buildings and of future space requirements
3 for state agencies. The assessment shall be conducted in
4 accordance with rules of the state building commission
5 adopted pursuant to subsection (d) of this section and be
6 designed to provide uniform statewide data describing the
7 condition of state buildings and projecting building
8 longevity and space requirements. The needs assessment for
9 state buildings and space requirements for the capitol
10 complex shall be segregated from other state building and
11 space needs and subject to separate rules adopted by the
12 state building commission in congruity with the provisions
13 of the capitol complex master plan adopted pursuant to W.S.
14 9-5-115. Through the identification of building conditions
15 and needs, the ~~assessment~~assessments shall enable the
16 evaluation of capital construction and renovation
17 requirements for all state buildings. The needs ~~assessment~~
18 assessments shall be revised annually on or before October
19 1 of each year. The needs ~~assessment~~assessments shall
20 specify construction and renovation requirements for the
21 remainder of the current fiscal year and the succeeding
22 four (4) fiscal years.

23

1 (b) On or before November 1 of each year and based
2 upon the statewide needs ~~assessment~~assessments of state
3 buildings performed under subsection (a) of this section,
4 the state building commission shall establish and
5 prioritize construction and renovation needs for state
6 buildings. The listing shall specifically identify and
7 prioritize those buildings in need of building construction
8 or renovation and the estimated costs of required
9 construction or renovation during the current fiscal year
10 and during the succeeding four (4) fiscal years. The
11 prioritization for construction and renovation needs for
12 the capitol square shall be developed by the Wyoming
13 capitol square preservation council and in congruity with
14 the provisions of the capitol complex master plan.

15
16 (c) On or before December 1 of each year, the
17 commission shall provide copies of the needs ~~assessment~~
18 assessments and statewide construction and renovation
19 priorities established under this section to members of the
20 legislature.

21
22 (e) Rules and procedures adopted under this section
23 by the state building commission shall be applicable to all

1 state owned buildings unless the operation, management and
2 use of the building has been assigned by statute to a
3 specific state agency. The agency responsible for the
4 operation and management of a state building exempted by
5 the provisions of this subsection, shall provide the
6 assessment required by subsections (a) through (c) of this
7 section to the state building commission for inclusion in
8 the commission's report to the legislature. The rules
9 adopted by the commission under subsection (d) of this
10 section shall be used as guidelines for the management of
11 state buildings assigned by statute to other state agencies
12 including the University of Wyoming, community college
13 districts, department of transportation, game and fish
14 commission and state institutions. For purposes of this
15 subsection, the Wyoming capitol square preservation council
16 is authorized to adopt rules and regulations relative to
17 the operation, management and use of the capitol square as
18 provided by W.S. 9-5-114 and 9-5-115.

19

20 **9-5-112. Capitol building rehabilitation and**
21 **restoration project; components; oversight.**

22

1 (f) The department may expend funds appropriated by
2 the legislature for the project to implement the design,
3 renovation, restoration, rehabilitation, construction and
4 other project components which have been included in the
5 final design plans approved under subsection (e) of this
6 section. Any change order to the approved final design
7 plans in excess of one hundred thousand dollars
8 (\$100,000.00) or in a cumulative amount in excess of one
9 million dollars (\$1,000,000.00) shall require the approval
10 of the governor and a majority of the other ~~voting~~ members
11 of the ~~oversight group which consist of the legislator~~
12 ~~members and the state treasurer~~ Wyoming capitol square
13 preservation council.

14

15 **9-5-113. Capitol building rehabilitation and**
16 **restoration project; design and construction execution.**

17

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

22

1 **Section 3.** W.S. 9-5-101(d) and 9-5-106(e) through (g)
2 are repealed.

3
4 **Section 4.** There is appropriated one hundred thousand
5 dollars (\$100,000.00) from the general fund to the
6 legislative service office. This appropriation shall be
7 for the period beginning with the effective date of this
8 act and ending June 30, 2022. The legislative service
9 office shall include this additional funding, together with
10 any additional requests for staff or funding for duties
11 under this act, within its 2022 budget request to the
12 legislative management council.

13
14 **Section 5.** The duties and powers of the state
15 building commission under W.S. 9-5-109 through 9-5-113 as
16 to the state capitol building and Herschler state office
17 rehabilitation, restoration and renovation project
18 described in W.S. 9-5-112, as transferred from the state
19 capitol building oversight group by 2019 Wyoming Session
20 Laws, Chapter 197, Section 3, shall be assumed by the
21 Wyoming capitol square preservation council. Upon the
22 effective date of this act all appropriations, property,
23 contracts, agreements, obligations and authority of the

1 state building commission shall be transferred to the
2 preservation council. To the extent a power or duty
3 previously within the authority of the state building
4 commission is required to be exercised after the effective
5 date of this act, the power or duty shall be exercised by
6 the Wyoming capitol square preservation council in
7 accordance with provisions of law governing the project.

8

9 **Section 6.** Nothing in this act shall be construed to
10 limit the authority of the governor and treasurer under
11 article 3, section 31 of the Wyoming constitution.

12

13 **Section 7.** This act is effective July 1, 2021.

14

15

(END)