

ENROLLED ACT NO. 77, SENATE

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2019 GENERAL SESSION

AN ACT relating to state property and buildings; specifying boundaries of the state capitol complex; providing for management and operation of state property and facilities within the state capitol building and state capitol complex; transferring duties and obligations of the state capitol building rehabilitation and restoration oversight group as specified; repealing the existing advisory task force for capitol renovation; amending authority of the state building commission; making legislative findings; repealing executed provisions; specifying legislative areas; restricting alterations of the capitol building and grounds as specified; requiring review of, adoption of and modifications to the master plan for the state capitol complex; specifying severability; and providing for effective dates.

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

Section 1. W.S. 9-5-101(b) and by creating new subsections (d) and (e), 9-5-102(a), 9-5-106(d)(i) and by creating new subsections (e) through (g) and 28-8-112 are amended to read:

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

(b) The state building commission shall promulgate rules under which the general services division has charge and control of the capitol building with respect to its ~~occupancy~~, repair and maintenance and shall collect all rents arising from the occupancy of the capitol building. ~~All rents collected under this section shall be paid into the general fund. Rules with respect to the occupancy of the capitol building shall be subject to and in accordance with W.S. 9-5-112~~ The state building commission may also promulgate

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rules governing occupancy of the capitol building for executive department officials.

(d) The commission shall oversee the development, creation and modification of a master plan for maintenance, preservation, restoration, rehabilitation, construction and enhancement within the capitol complex. During the development, creation or modification of the capitol complex master plan the commission may consult with members of the state capitol building rehabilitation and restoration oversight group or members of management council, as applicable. The commission shall have final approval authority of the capitol complex master plan. The commission shall review all proposals to remodel or construct a building, monument or other improvement within the capitol complex for conformance with the master plan. The commission shall notify the management council of the legislature of any proposed adoption of or modifications to the master plan for the capitol complex not less than sixty (60) days prior to taking any action to adopt or modify the plan.

(e) As used in this article:

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

(ii) "Commission" means the state building commission.

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

(a) In order to obtain building sites for additional office space and state uses and to insure the proper keeping of valuable state records and provide for the expansion of functions of the state, the general services division, with the approval of the state building commission, may buy, take options to buy and lease property to be used for building sites for future state office buildings. The general services division, with the approval of the commission may lease acquired property until it is needed. The general services division, with the approval of the state building commission, in cooperation with the department of workforce services, may acquire lands and buildings in the name of the state of Wyoming by purchase, lease agreement, gift or devise to provide suitable quarters for the administration of the Wyoming Employment Security Law and to develop improvements, maintain and repair the lands and buildings. The commission shall not approve the exercise of any authority under this section for any property which is or would be within the boundaries of the capitol complex which is inconsistent with the master plan for the capitol complex without providing at least sixty (60) days' notice of the proposed action to the management council of the legislature.

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

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

(i) The legislature or the members thereof unless the legislative management council has specifically concurred

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therein. For purposes of this paragraph "facilities occupied by the legislature" shall include those rooms and areas specified in W.S. 28-8-112(a)(i) through (vi) and other facilities specified by law; or

(e) No architectural or structural alteration to the capitol building or its grounds shall be made without approval of the state building commission. Except for emergency maintenance as provided for in this subsection, the state building commission shall not approve of any architectural or structural alteration to the capitol building or grounds without providing notice to the management council of the legislature and without a legislative session convening and adjourning after notice was provided to the management council. Routine maintenance and repair necessary to keep the capitol building in safe and good working order, including janitorial, grounds keeping and maintenance tasks done on a routine basis, shall be conducted in a manner not to alter the capitol building structurally or architecturally to the extent practicable. Major maintenance and repair shall also be conducted in a manner not to alter the capitol building structurally or architecturally to the extent practicable. Emergency maintenance which would structurally or architecturally alter the capitol building shall only be undertaken prior to a legislative session convening and adjourning after notification under this subsection if the maintenance is immediately necessary to keep the capitol building in good working order or to prevent harm to the building. The state building commission shall provide prior notification to the management council of the legislature of any planned major maintenance activity and shall immediately notify the management council of any emergency major maintenance activity.

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(f) In managing areas of the capitol building and grounds and the extension from the capitol building to and under the Herschler building, the state building commission and the management council of the legislature shall enter into memoranda of understanding and other agreements as they determine appropriate to provide effective, comprehensive and coordinated visitor, civic education and other services to the public. The agreements shall also provide for:

(i) Maintenance and preservation of the capitol building and grounds and the extension by the general services division subject to direction by the commission;

(ii) Management of meeting rooms and common spaces with a goal of maximizing authorized uses. An elected statewide official's request to schedule a meeting room under control of the legislature shall be accommodated so long as the meeting room was not previously scheduled for use by the legislature or a committee of the legislature;

(iii) Coordination of programs for exhibits, artwork, art collections, statuary and furnishings to reflect and maintain the historic aspects of the capitol building.

(g) The following definitions shall apply to this section, subject to further definition by rule of the commission, provided the rules shall not be less restrictive than the following:

(i) "Architectural alteration" of a building means a material modification to the finish or architectural details of a floor, wall or ceiling, including casing, trim and other attachments thereto, and excluding repair or replacement which attempts to retain existing finishes and architectural details;

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(ii) "Structural alteration" of a building means any change in the supporting members of a building, such as bearing walls, columns, beams and girders, or a material change in the dimensions or configurations of a floor, ceiling or wall;

(iii) "Architectural or structural alteration" of grounds shall include material modification of contours or placement or removal of pathways or statues.

28-8-112. Space in state capitol building and annexation.

(a) ~~Adequate space~~The following areas in the state capitol building, including the extension from the capitol building to and under the Herschler building and within the Herschler building, shall be rooms and halls provided for the conduct of activities of the legislature, its committees, the legislative service office and necessary legislative staff, and the management council: ~~subject to and in accordance with W.S. 9-5-112.~~

(i) On the garden level of the capitol building, rooms in the west half of the capitol building and the room on the northwest corner of the east half of the garden level;

(ii) On the first floor of the capitol building:

(A) The two (2) meeting rooms adjacent to the west wall of the building and the hospitality room contiguous to the north meeting room;

(B) The room on the southeast corner of the west half of the first floor.

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(iii) The second and third floors of the capitol building, inclusive of hallways and stairways on those floors;

(iv) Within the extension from the capitol building to and under the Herschler building, the six (6) meeting rooms, three (3) rooms in the east wing under the Herschler building, dedicated to a learning center, media room and visitor center, and the room designated as a "leg. copy" room on page 34 of the presentation to the capitol building rehabilitation and restoration oversight group on March 9, 2016, which presentation is on file with the legislative service office;

(v) That area on the first floor, west wing of the Herschler building designated as "legislature" on page 35 (bearing the label "Herschler First Floor - Proposed assignments), of the presentation to the capitol building rehabilitation and restoration oversight group on March 9, 2016, and as subsequently reduced on the north side by action of the state capitol building rehabilitation and restoration oversight group on August 22, 2018, as reflected in the minutes of the meeting on file with the legislative service office;

(vi) During legislative sessions, the presiding officers of the house and senate shall have the regulation of passageways on the second and third floors of the capitol building and passageways adjacent to or contiguous with the meeting rooms specified in subparagraph (ii)(A) and paragraph (iv) of this subsection;

(vii) All areas devoted to mechanical systems within the areas specified in paragraphs (i) through (vi) of

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this subsection shall not be considered areas for the conduct of activities of the legislature and shall be managed by the state building commission.

Section 2. W.S. 9-5-109(k) through (r), 9-5-110(a)(i) and (iii), 9-5-111, 9-5-112(b), (d) and (e) and 9-5-113(a)(iii) are repealed.

Section 3. On January 1, 2020, the duties and powers of the state capitol building oversight group under W.S. 9-5-109 through 9-5-113 as to the state capitol building and Herschler state office rehabilitation, restoration and renovation project described in W.S. 9-5-112, shall be assumed by the state building commission. On January 1, 2020 all appropriations, property, contracts, agreements, obligations and authority of the state capitol building oversight group shall be transferred to the state building commission. To the extent a power or duty previously within the authority of the oversight group is required to be exercised after December 31, 2019, the power or duty shall be exercised by the state building commission in accordance with provisions of law governing the project.

Section 4. As the state capitol building and Herschler state office building rehabilitation, restoration and renovation project described in W.S. 9-5-112 is completed, the Legislature finds that investment of state funds should be safeguarded to the fullest extent possible. The first act of the first Legislature of the state of Wyoming conferred upon the presiding officers of the House and Senate the power to regulate "such parts of the capitol and its passages as are or may be set apart for the use of the Senate [and House] and its officers."

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

The legislature occupies more than half of the state capitol building, the underground extension to the capitol building and a portion of the Herschler building. In the renovation of the capitol building, historic legislative meeting rooms were enlarged to accommodate the public. All but two (2) legislative meeting rooms were removed from the second and third floors of the capitol building to the underground extension and to the first floor of the capitol building. Having appropriated millions of dollars to the project and occupying significant portions of the project for legislative chambers, passages and committee meeting rooms, the legislature has great interest in ensuring that the project area is maintained and utilized to the greatest extent possible and the investment protected. At the same time, since territorial days, the legislature has by law authorized a capitol building commission, comprised of appointed members and later of specified elected officials, to have charge of the capitol building. Concomitantly with that delegation of authority the legislature mandated by law for rooms to be occupied within the capitol building for various officials, often non-elected. In addition to their duties as members of the state building commission, the governor and other

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statewide elected officials occupy significant portions of the capitol building and other spaces within the project area and have resultant interests in those areas.

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

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

Section 5. If any provision or clause of this act or its application is held invalid, the invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable. It is the legislative intent that the provisions of this section shall be liberally construed.

Section 6.

(a) Except as provided in subsection (b) of this section, this act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

ORIGINAL SENATE
FILE NO. SF0149

ENGROSSED

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(b) The provisions of W.S. 9-5-106(e) and (g), as created by section 1 of this act, and the repeal of W.S. 9-5-110(a)(iii), 9-5-111 and 9-5-112(b) under Section 2 of this act are effective January 1, 2020.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk