



Notice of Intent to Adopt Rules

A copy of the proposed rules may be obtained at <https://rules.wyo.gov>

Revised August 2023

1. General Information			
a. Agency/Board Name*			
b. Agency/Board Address		c. City	d. Zip Code
e. Name of Agency Liaison		f. Agency Liaison Telephone Number	
g. Agency Liaison Email Address			
h. Date of Public Notice		i. Comment Period End Date	
j. Public Comment URL or Email Address:			
k. Program			
Amended Program Name (if applicable):			
* <input type="checkbox"/> By checking this box, the agency is indicating it is exempt from certain sections of the Administrative Procedure Act including public comment period requirements. Please contact the agency for details regarding these rules.			
2. Legislative Enactment			
For purposes of this Section 2, "new" only applies to regular non-emergency rules promulgated in response to a Wyoming legislative enactment not previously addressed in whole or in part by prior rulemaking and does not include rules adopted in response to a federal mandate.			
a. Are these non-emergency regular rules new as per the above description and the definition of "new" in Chapter 1 of the Rules on Rules?			
<input type="checkbox"/> No. <input type="checkbox"/> Yes. If the rules are new, please provide the Legislative Chapter Number and Year Enacted:		Chapter:	Year:
3. Rule Type and Information			
For purposes of this Section 3, "New" means an emergency or regular rule that has never been previously created.			
a. Provide the Chapter Number, Title and Proposed Action for Each Chapter. Please use the "Additional Rule Information" form to identify additional rule chapters.			
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed	
Amended Chapter Name (if applicable):			
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed	
Amended Chapter Name (if applicable):			
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed	
Amended Chapter Name (if applicable):			
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed	
Amended Chapter Name (if applicable):			
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed	
Amended Chapter Name (if applicable):			
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed	
Amended Chapter Name (if applicable):			

4. Public Comments and Hearing Information

a. A public hearing on the proposed rules has been scheduled. No. Yes. Please complete the boxes below.

Date:	Time:	City:	Location:
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b. What is the manner in which interested persons may present their views on the rulemaking action?

By submitting written comments to the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: _____

A public hearing will be held if requested by 25 persons, a government subdivision, or by an association having not less than 25 members. Requests for a public hearing may be submitted:

To the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: _____

c. Any person may urge the Agency not to adopt the rules and request the Agency to state its reasons for overruling the consideration urged against adoption. Requests for an agency response must be made prior to, or within thirty (30) days after adoption, of the rule, addressed to the Agency and Agency Liaison listed in Section 1 above.

5. Federal Law Requirements

a. These rules are created/amended/repealed to comply with federal law or regulatory requirements. No. Yes. Please complete the boxes below.

Applicable Federal Law or Regulation Citation:

Indicate one (1):

The proposed rules meet, but do not exceed, minimum federal requirements.

The proposed rules exceed minimum federal requirements.

Any person wishing to object to the accuracy of any information provided by the Agency under this item should submit their objections prior to final adoption to:

To the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: _____

6. State Statutory Requirements

a. Indicate one (1):

The proposed rule change *MEETS* minimum substantive statutory requirements.

The proposed rule change *EXCEEDS* minimum substantive statutory requirements. Please attach a statement explaining the reason that the rules exceed the requirements.

b. The Agency has completed a takings assessment as required by W.S. 9-5-304. A copy of the assessment used to evaluate the proposed rules may be obtained:

By contacting the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: _____

7. Additional APA Provisions

a. Complete all that apply in regards to uniform rules:

These rules are not impacted by the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j).

The following chapters do not differ from the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j):

(Provide chapter numbers)

These chapters differ from the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j) (see Statement of Principal Reasons).

(Provide chapter numbers)

b. Checklist

The Statement of Principal Reasons is attached to this Notice and, in compliance with *Tri-State Generation and Transmission Association, Inc. v. Environmental Quality Council*, 590 P.2d 1324 (Wyo. 1979), includes a brief statement of the substance or terms of the rule and the basis and purpose of the rule.

If applicable: In consultation with the Attorney General's Office, the Agency's Attorney General representative concurs that strike and underscore is not required as the proposed amendments are pervasive (Chapter 3, *Types of Rules Filings*, Section 1, Proposed Rules, of the Rules on Rules).

8. Authorization

a. I certify that the foregoing information is correct.

Printed Name of Authorized Individual

Title of Authorized Individual

Date of Authorization



Wyoming State Construction Department

Governor Mark Gordon

Delbert McOmie, Director

Date: October 18, 2024

To: Interested Parties

From: Delbert McOmie, Director of the State Construction Department
Suzanne Norton, Secretary of the State Building Commission
Hon. Mark Gordon, Chairman of the State Building Commission

Subject: Statement of Principal Reasons for State Construction Department Rules, State Building Commission Program. Amending Chapters 1, 4 and 6 within that Program

The State Building Commission (Commission) has approved the following revision of its rules and regulations, which were last amended in 2022. The proposed changes allow concealed carry of firearms in public areas of the Capitol and Capitol Extension.

The Department worked with the Rules Working Group of the Commission, including Working Group Chairman, Auditor Racines, Working Group Member, Superintendent Degenfelder, and the Attorney General's Office in developing the proposed rules. Changes to the existing rules include:

(1) Chapter 1 § 4. Definitions, amended:

- (e) include a definition of the Capitol Extension,
- (j) include a definition of Constitutional carry,
- (bb) include a definition of Permitted carry,
- (kk) include a definition for Security Personnel.

(2) Chapter 4 § 5. Occupancy, use, repair, and maintenance or construction projects in public buildings, amended:

- (f) revisions to include uniform language regarding Security Personnel,
- (g) exceptions to 5(f) describing lawful carry in the Capitol Building and extension by:
 - (i) peace officers, security personnel and
 - (ii) individuals lawfully engaging in Permitted carry or Constitutional carry in Public areas in compliance with all other applicable laws and regulations; and to describe Security Personnel authorizations, and responsibilities of persons carrying a concealed firearm.

(3) Chapter 4 § 6. Legislative and judicial facilities; agencies with independent statutory authority for the operation, management, and use of public buildings, amended:

Clarifying the application of W.S. 6-8-104(t)(iii) during use by the judiciary of Capitol or Capitol Extension meeting rooms as a courtroom.

(4) Chapter 6 § 10. Conduct, amended:

(h) to include compliance with directives by Security Personnel pursuant to Chapter 4 § 5(g).

(5) Corrections and renumbering as necessary.

CHAPTER 1

General Provisions and Administration

Section 1. Wyoming State Building Commission. The Wyoming State Building Commission was established by Wyoming Statute § 9-5-101, as amended, and has the powers and duties established in W.S. §§ 9-5-101 through 108.

Section 2. Authority. These rules are promulgated in accordance with the Wyoming Administrative Procedures Act, W.S. § 16-3-101 et. seq.; W.S. §§ 9-5-101 through 9-5-108.

Section 3. Secretary. The administrator of the Construction Management Division of the State Construction Department shall function as Secretary to the Commission.

Section 4. Definitions. The following definitions shall prevail in these rules.

(a) “Agency” means any state office, department, board, council, commission, separate operating agency, institution, or other instrumentality or operating unit of the state unless that entity is specifically exempted from the jurisdiction and authority of the Commission per statute and rules adopted pursuant to statute in accordance with W.S. 9-5-106(a) and 9-5-106(c). Counties, cities, towns, and municipalities are not instrumentalities of the state for the purposes of these rules.

(b) “Alteration” means remodeling, improving, extending, or making other changes to a facility, including the movement of groups of personnel or state agencies between assigned office space, but excluding preventive maintenance repairs. The term includes planning, engineering, architectural work, and other similar actions.

(c) “A&I” means the State of Wyoming, Department of Administration and Information.

(d) “Business day” means any day other than Saturday, Sunday or a legal holiday in this state as designated in W.S. 8-4-101;

(e) “Capitol Extension” means the underground extension from the Capitol Building to the Herschler building, but does not include the Herschler building from the ground level up.

(f) “Chairman” means the Governor of the State of Wyoming or, upon the Governor’s designation, an alternate Commission member.

(g) “Construction Management” means the State of Wyoming, State Construction Department, Construction Management Division.

(h) “Commercial activity” means an activity undertaken for the primary purpose of producing a profit for the benefit of an individual or organization organized for profit. Activities incidental to the primary purpose of expressing ideas or advocating for or against causes are not commercial activities for purposes of these rules.

(i) “Commission” means the Wyoming State Building Commission.

(j) “Constitutional Carry” means the carrying of a concealed firearm in a manner conforming with the provisions of W.S. § 6-8-104(a)(iv).

(k) “Contract security officer” means a person hired to provide security in any public building and includes persons hired to provide security at events, but does not include such a person when he or she is off duty and is not actively working in his or her capacity as a contract security officer.

(l) “Cost replacement value” or “CRV” means the amount that an agency would have to pay to replace an asset at the present time, according to its current worth.

(m) “Current appraised value” means the value of State-owned real property as assessed by a professional real estate appraiser within twelve (12) months of the intended disposition of the real property.

(n) “Dangerous weapon” means all items described in W.S. § 6-1-104 (a)(iv) and any other implement or device capable of being used as a deadly weapon that has no reasonable use related to government business. Ordinary pocket knives not exceeding seven (7) inches in overall length when open are not considered a dangerous weapon under this rule.

(o) “Emergency” includes, but is not limited to, bombings and bomb threats, civil disturbances, fires, explosions, electrical failures, epidemics, loss of water pressure, chemical and gas leaks, medical emergencies, tornadoes, floods, winter storms, accidents, hail storms, and earthquakes.

(p) “Public Event” includes protests, picketing, speechmaking, marching, holding vigils or religious services, press conferences, historical reenactments, celebrations, entertainments, exhibitions, parades, fairs, pageants, sporting events, and all other similar activities that involve the communication or expression of views or ideas, that are engaged in by one or more persons, the conduct of which has the effect, intent, or propensity to draw a crowd or onlookers. “Public Event” also includes a temporarily attended or unattended display presented by members of the public, including, but not limited to, sculptures, photographs, public interest demonstratives, public service, and educational presentations, and historic displays. “Public Event” does not include casual use of State Capitol Properties by visitors or tourists, governmental use by State employees or elected officials acting in their official capacities, including members of the legislature, nor Primarily Personal Events such as weddings, funerals, private receptions, and birthday parties.

(q) “Fair market value” means the estimated price on the open market that a purchaser would be warranted in paying and a seller justified in accepting provided both parties were fully informed and acted intelligently, independently, and voluntarily.

(r) “General Services” means the State of Wyoming, Department of Administration and Information, General Services Division.

(s) “General Services Administrator” means the administrator of the General Services Division of the Department of Administration & Information.

(t) “General Services Purchasing Section” means the State of Wyoming, Department of Administration and Information, General Services Division, Purchasing Section.

(u) “Life cycle cost” is the total cost of owning, operating, and maintaining a building over its useful life, including its fuel and energy costs, determined by systematically evaluating and comparing alternative building systems. In the case of leased buildings, the life cycle cost shall be calculated over the effective remaining term of the lease.

(v) “Maintenance” means the upkeep of property only to the extent necessary to offset deterioration. Maintenance includes:

(i) Maintaining utility systems (such as electrical systems, water supply and sewage systems, heating, and plumbing), doors, windows, walls, roofs, parking lots, sidewalks, landscaping, building foundations, signage, walls, and air-conditioning equipment;

(ii) Maintaining equipment and fixtures necessary for fire protection;

(iii) Addressing the interim tenants’ needs, and needs of personnel employed at the site; and

(iv) Addressing any special or particularized requirements for preserving certain types of equipment unique to the facility.

(w) “Major maintenance” means “major building and facility repair and replacement” as that phrase is defined in W.S. § 9-5-107(h).

(x) “Management” means safeguarding the State’s interest in property in an economic manner consistent with best business practices.

(y) “Nationally recognized standards” encompasses any standard or modification thereof that has been adopted and promulgated by a nationally recognized standards-producing organization.

(z) “Nonprofit organization” means an organization identified in 26 U.S.C. § 501(c).

(aa) “Occupant agency” means an agency authorized to own or occupy a facility that is under the Commission’s statutory jurisdiction. For common areas, such as meeting rooms and

lobbies, in buildings with more than one occupant agency, A&I is deemed the occupant agency. The Legislative Service Office and Judicial Council may assume the rights and authorities of an occupant agency or an agency for purposes of Public Events permitted in accordance with Chapter 6 of these Rules.

(bb) “Permitted carry” means the carrying of a concealed firearm with a permit issued pursuant to W.S. § 6-8-104(a)(ii) or (iii).

(cc) “Primarily Personal Event” means any event that is inherently of a primarily private nature or one to which the general public is not invited. This includes, but is not limited to, weddings, funerals, private receptions, and birthday celebrations. “Primarily Personal Event” does not include events hosted by private parties for the benefit of governmental parties, but which are not open to the general public.

(dd) “Protection” means providing adequate measures to prevent and extinguish fires, special inspections to determine and eliminate fire and other hazards, and guards to protect property against theft, vandalism, and unauthorized entry.

(ee) “Public area” means any area of a public building under the Commission’s control and custody and any area of a public building occupied by the Legislature or Judiciary to the extent the legislative Management Council or Judicial Council has concurred per W.S. 9-6-106(d)(i)-(ii) that is ordinarily open to the public or is designated by the occupant agency as open to members of the public pursuant to Chapter 6 § 12 of these rules. Examples may include lobbies, courtyards, auditoriums, and meeting rooms.

(ff) “Public building” means any building that is subject to the jurisdiction of the Commission, including buildings that the State leases or acquires under General Services’ leasing and purchasing authority and facilities occupied by the Legislature and Judiciary to the extent the legislative Management Council or Judicial Council has concurred per W.S. § 9-5-106(d)(i)-(ii).

(gg) “Real property” means any interest in land together with the improvements, structures, and fixtures located thereon and appurtenances thereto under the control of any agency that occupies a building subject to the Commission’s rulemaking authority for operating, managing, and using public buildings under W.S. § 9-5-106(a).

(hh) “Repairs” means additions or changes necessary to protect and maintain property, deter or prevent excessive or rapid deterioration or obsolescence, and restore property damaged by storm, flood, fire, accident, earthquake, or other incident, and does not include demolition.

(ii) “SCD” means the State of Wyoming, State Construction Department.

(jj) “Secretary” means the administrator of the Construction Management Division of the State Construction Department.

(kk) “Security Personnel” means any persons employed by, under contract with, or on loan to the State of Wyoming to provide security services to Public buildings, including but not limited to Wyoming Highway Patrol, Contract security officers, and other peace officers.

(ll) “State Capitol Properties” means the Capitol Complex as that term is defined in W.S. § 9-5-101(e)(i), the Emerson Building, and the related parking lots and parking facilities with each separate location being referred to as a “State Capitol Property.”

Section 5. Administration. With the Commission’s approval, the Secretary or General Services Administrator may sign the Commission’s contracts, agreements, memoranda of understanding, or other documents on behalf of the Chairman.

Section 6. Charges for producing public records. The Commission hereby incorporates by reference the following uniform rules:

(a) Chapter 2 – Uniform Procedures, Fees, Costs, and Charges for Inspecting, Copying, and Producing Public Records adopted by the Department of Administration and Information and effective on September 6, 2016, found at: <http://rules.wyo.gov>.

(b) For these rules incorporated by reference:

(i) The Commission has determined that incorporation of the full text in these rules would be cumbersome or inefficient given the length or nature of the rules;

(ii) The incorporation by reference does not include any later amendments or editions of the incorporated matter beyond the applicable date identified in subsection (a) of this section; and

(iii) The incorporated rules are maintained at the SCD’s office and are available for public inspection and copying at the same location.

Section 7. Naming of public buildings. The Commission may, after soliciting public comment and by resolution passed by the majority of its members, name any new public building constructed or otherwise acquired by the State or rename any public building currently owned by the State.

CHAPTER 4

Operation, Management, and Use of Public Buildings

Section 1. Authority. The State Building Commission, pursuant to Wyoming Statute §§ 9-5-106(a) and 9-5-107, is authorized to promulgate rules and regulations relative to the operation, management, and use of public buildings.

Section 2. Purpose. This Chapter describes the general procedures relevant to the operation, management, and use of public buildings; authorizes General Services to promulgate policies that shall bind all agencies to which these rules apply for the operation, management, and use of public buildings; and provides exceptions to these rules and General Services' policies for particular buildings.

Section 3. State facility management. Agencies shall manage, operate, and use public buildings in a manner that provides for quality space and services consistent with their operational needs and accomplishes overall government objectives. Buildings and building systems management, operation, and use must:

- (a) Be cost effective and energy efficient;
- (b) Be adequate to meet the agency's missions; and
- (c) Be conducted in an appropriate manner to maintain and preserve the building and building systems, consistent with available funding.

Section 4. Operation, management, and use policies and procedures.

(a) General Services shall adopt operation, management, and use policies (General Services policies). All agencies and their employees shall comply with the adopted General Services policies.

(b) Each occupant agency shall annually train its employees to ensure they have an awareness and understanding of the General Services policies.

(c) Occupant agencies may develop policies to address requests by another agency or government entity to use their facilities. General Services shall develop use policies for common spaces, such as meeting rooms and lobbies, in public buildings occupied by more than one agency to ensure agencies and other branches of State Government fair and equitable access to such spaces, including events put on by private parties for governmental parties, but which are not open to the general public.

(d) Exemptions. All exemptions from this Chapter must be requested in writing for prior approval from the General Services Administrator or designee. The General Services Administrator shall approve or deny all requests in writing.

Section 5. Occupancy, use, repair, and maintenance or construction projects in public buildings.

(a) The Commission's Chapter 6 rules govern the use of those portions of public buildings subject to Commission control and regulation.

(b) All rents resulting from occupancy of the Capitol Complex shall be collected by General Services and paid into the general fund.

(c) All proposed construction or renovation projects shall be reviewed and approved by the Commission, the Governor, the State Treasurer, State Historic Preservation Office, General Services, and SCD before beginning any work. Except for emergency maintenance, the Commission shall not approve any construction or renovation project that amounts to 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.

(d) Security in the State Capitol Properties shall be provided by the Wyoming Highway Patrol, Division O, and contract security officers. Security may be provided in all other public buildings by contract security officers.

(e) Persons who reasonably appear to pose a threat to themselves, the general public, or the occupants of a public building shall be denied access to the public building and may be escorted from the grounds according to the discretion of the persons providing security to that public building.

(f) Except as otherwise provided herein, no dangerous weapon may be carried in public buildings, except those lawfully carried by peace officers, including Security Personnel. The Security Personnel are authorized to request that any persons carrying a dangerous weapon in a public building relinquish the weapon. The weapon shall be returned to the person when he or she leaves the public building, unless Security Personnel have probable cause to detain either the person or the weapon. If a person carrying a dangerous weapon refuses to relinquish the weapon to Security Personnel, that person shall be denied access to the public building.

(g) Notwithstanding subsection 5(f) of this Chapter, no dangerous weapon may be carried in the Capitol Building and the Capitol Extension, except those lawfully carried by:

(i) Peace officers and Security Personnel; and

(ii) Individuals lawfully engaging in Permitted carry or Constitutional carry in Public areas in compliance with all other applicable laws and regulations.

The Security Personnel are authorized to request proof of residency, age, or of a lawful permit under W.S. § 6-8-104(a)(ii) or (a)(iii).

The Security Personnel are further authorized to request that any persons carrying a dangerous weapon, including concealed firearms carried pursuant to Permitted carry or Constitutional carry, in the Capitol Building or Capitol Extension relinquish the weapon for failure to comply with applicable law or regulation, or unsafe behavior. The weapon shall be returned to the person when he or she leaves the public building, unless Security Personnel have probable cause to detain either the person or the weapon. If a person carrying a dangerous weapon refuses to relinquish the weapon to Security Personnel, that person shall be denied access to the public building.

A person who carries a concealed firearm is solely responsible for any injury or property damage involving the firearm. Nothing contained herein shall be construed as a waiver of the State's sovereign immunity.

Section 6. Legislative and judicial facilities; agencies with independent statutory authority for the operation, management, and use of public buildings. This Chapter of the Commission's rules shall apply to facilities occupied by the Legislature or the members thereof to the extent the legislative management council specifically concurs under W.S. § 9-5-106(d)(i), and facilities occupied by the judiciary or the members thereof to the extent the judicial council specifically concurs under W.S. § 9-5-106(d)(ii). To the extent that the judiciary utilizes the Capitol Building or Capitol Extension as a courtroom, the space so used shall be considered a courtroom within the meaning of W.S. 6-8-104(t)(iii) during such use by the judiciary. This rule shall be subject to any memoranda of understanding or other agreements entered into between the Commission and the legislative management council under W.S. § 9-5-106(f) with regard to the Capitol Complex. For those rooms or facilities with joint executive and legislative control, any agency, State employee, or elected official shall inform General Services of its intent to utilize the space. General Services shall ensure that legislative uses shall take priority if there is a conflict between a requested use by an agency, State employee, or elected official. The Commission's rules shall apply to facilities occupied by any agency assigned the operation, management, and use of a public building under W.S. § 9-5-106(a), unless that agency adopts rules that are different from and inconsistent with those of the Commission.

Section 7. Emergency closure of State buildings. In the event of an emergency or a public health order encouraging social distancing, the General Services Administrator shall, in consultation with the Governor's Office, have the authority to close state buildings to the public until such time as they can safely be reopened. The Commission shall have the authority to overrule such closures by a majority vote.

Section 8. Policies to enforce public health emergency orders. When a public health emergency has been declared, the Secretary, in consultation with the Governor, may adopt, and General Services may administer and enforce a policy in conformity with any County health order for as long as that County health order remains in effect. Any policy adopted by the Secretary shall be promptly communicated to the members of the Commission and subject to ratification at the next Commission meeting to remain in effect.

CHAPTER 6

Occasional Use of Public Buildings

Section 1. Authority. The Commission is authorized pursuant to Wyoming Statute § 9-5-106(a) to adopt rules and regulations relative to the operation, management and use of all public buildings. These rules shall be administratively implemented by the Secretary of the Commission per W.S. § 9-5-106(b) in coordination with the General Services Administrator.

Section 2. Purpose. This Chapter is designed to be implemented by agencies to provide maximum public access and enjoyment of state buildings while protecting state assets and limiting detrimental effects of public use on the performance of government functions. This Chapter shall be interpreted at all times in a content-neutral manner consistent with the Wyoming and United States Constitutions and other applicable law; and in a manner consistent with executed leases for leased facilities to the extent practicable.

Section 3. Scope. This Chapter establishes rules and regulations for the occasional use of public areas of public buildings within the jurisdiction of the Commission for events with a public purpose. Agencies assigned the operation, management or use of any building by law shall use these rules unless the agency acts to adopt different rules under W.S. § 9-5-105(b).

Section 4. Public use of public buildings.

- (a) Public buildings shall not be used for Primarily Personal Events.
- (b) Public buildings shall only be used for Public Events pursuant to a valid permit issued in accordance with this Chapter.
- (c) Nothing in this Chapter shall be read to prohibit the casual use of public areas of State Capitol Properties by visitors or tourists, ordinary use by those accessing government services, and governmental use by State officials, employees, or other representatives acting in their official capacities. Lying in state shall be considered a governmental use for the purposes of this Chapter. Events organized by private parties for government parties and to which the public is not invited shall be considered governmental use for the purposes of this Chapter and shall be governed by policies adopted pursuant to Chapter 4 § 4(c) of these Rules, rather than by this Chapter.

Section 5. Application for permit.

- (a) Any person or organization not affiliated with the State that wishes to use a public area for a Public Event must file an application for a permit with the Secretary. Applications may be found at [Construction Management's website](#). Any agency's use of a public area shall take precedence over any Public Event proposed in a permit application if the agency would use the

same public area at the same time as the applicant person or organization not affiliated with the State.

- (b) Permit applicants must submit the following information to the extent applicable:
 - (i) Their full names, mailing addresses, email addresses, and telephone numbers;
 - (ii) The organization sponsoring the proposed use of the public area;
 - (iii) The persons responsible for supervising the applicant's use of the public area;
 - (iv) Documentation showing that the persons completing and submitting that application have authority to represent the applicant sponsoring organization;
 - (v) A description of the proposed Public Event and related use of the public area, including the location, the dates and times during which they are to be conducted, the number of persons to be involved, and the activities to be conducted as part of the use of State Capitol Property;
 - (vi) Any request under Section 9(a) and (b) of this Chapter for an occupant agency to provide services for the Public Event beyond those services normally provided at the building during normal hours of building operation;
 - (vii) Any request under Section 9(c) of this Chapter to make alterations to public areas; and
 - (viii) Any request under Section 10(e) of this Chapter for permission to distribute, post, or otherwise affix any item.

Section 6. Permits.

- (a) The Secretary shall issue permits in a timely and expedient manner after receiving the completed applications unless the permit is denied in accordance with Section 7 of this Chapter.
- (b) A permit may not be issued more than six (6) months in advance unless the Commission approves doing so. After the expiration of a permit, the Secretary may issue a new permit after an applicant submits a new permit application. In that case, applicants may incorporate by reference all required information contained in the earlier application.
- (c) The Secretary shall issue permits on a first-come, first-served, basis when more than one permit is requested for the same area and times.

(d) Before approving a permit application, the Secretary shall coordinate with the General Services Administrator, and, if a permit involves demonstrations or activities that may lead to civil disturbances, the pertinent local law enforcement organization responsible for ensuring safety in the building or community in which the requested activity shall occur. In the event that additional law enforcement personnel are required, the Secretary may require the applicant to pay the cost for these additional personnel as a condition of his approval of the permit request.

(e) The Secretary shall report quarterly to the Commission the permit applications received, approved, or denied since the previous quarterly report from the Secretary. In addition, the Commission may request at any time that the Secretary provide a report of the permit applications received, approved, or denied since the previous report.

Section 7. Disapproving of applications or cancellation or modification of permits.

(a) The Secretary shall deny any permit application or cancel an issued permit if:

(i) The applicant fails or failed to submit all information required under Section 4(b) of this Chapter, or the applicant submits or submitted false information;

(ii) The requested use is a commercial activity as defined in Chapter 1, Section 4(g) of these Rules;

(iii) The requested use is a Primarily Personal Event as defined in Chapter 1, Section 4(z) of these Rules;

(iv) The use does or would most likely interfere with public access to the public area; disrupt official State business; interfere with approved uses of the property by tenants or the public as set forth in this rule; damage any property; endanger the health, safety, or welfare of the public; or would otherwise be contrary to law;

(v) The use is intended to or would actually impede any pending judicial proceeding;

(vi) The use is obscene within the meaning of the term obscene as defined in W.S. § 6-4-301(a)(iii) or by the United States Supreme Court pursuant to the United States Constitution;

(vii) The use violates the prohibition against the use of public funds, time, personnel, facilities, or equipment for political or campaign activity in W.S. § 9-13-105(b), unless the use is permitted pursuant to that statute, the Wyoming Constitution, or the United States Constitution;

(viii) The occupying agency denied the applicant's requests under Section 9 of this rule to provide services for the Public Event beyond those services normally provided at the

building during normal hours of building operation, or to make Alterations to the public area. Alternatively, the Secretary may grant the permit with conditions related to the denied requests; or

(ix) An existing public health order or emergency declaration is in place that would effectively prohibit the Public Event as requested or a public health order is issued after the Secretary has granted the applicant's request that would effectively prohibit the Public Event as requested. The Secretary shall offer an applicant the opportunity to resubmit the Public Event request with amendments and planned alterations to the proposed Public Event to comply with the public health order or emergency declaration.

(b) The Secretary may reject a permit application if he receives the request less than ten (10) business days prior to the intended use.

(c) In granting a permit application, the Secretary may place conditions on the permit he believes necessary to ensure a permittee's compliance with this rule. If appropriate, the Secretary may grant a permit for a location other than that proposed by the applicant.

(d) The Secretary shall make each determination in a viewpoint and content-neutral manner and without discrimination based on the identity or stated views of the applicant.

(e) Upon denying an application or canceling a permit, the Secretary shall promptly notify the applicant or permittee in writing of the reasons for the action.

(f) If the applicant or permittee disagrees with the denial of a permit application, the cancellation of a permit, or any conditions placed on their permit to use a public area of a public building, and wishes to pursue the matter further, the applicant or permittee shall request the Secretary's reconsideration, in writing, within ten (10) business days from the applicant or permittee's receipt of notice of the application denial, permit cancellation, or issuance of the permit with conditions. The request must state with specificity all grounds for the reconsideration, including an explanation of why the applicant believes the Secretary's initial determination was mistaken.

(g) The Secretary shall issue a written decision within ten (10) business days of receipt of a request for reconsideration. The decision shall constitute a final agency action.

(h) Modification of permits. When necessitated by unforeseen circumstances, the Secretary may modify a previously issued permit to include additional conditions. In lieu of cancellation under Section 7(a)(ix) of this Chapter, the Secretary may modify a previously issued permit to comply with issued public health orders.

Section 8. Schedule and hours of use.

(a) The Secretary may reserve certain time periods for using public areas:

(i) For official government business; or

(ii) For maintenance, repair, and construction.

(b) A permittee may use public areas during regular working hours of agencies provided that its use or uses do not interfere with State business.

(c) Certain public areas delineated in the policies adopted pursuant to Section 12 of this Chapter may be available after normal working hours. In considering an application for a Public Event after normal working hours, the Secretary may consider security, administrative, custodial, maintenance, and other logistical concerns. When a permit is issued for a Public Event to take place after normal working hours, occupant agencies must lock, barricade, or identify by signs, as appropriate, all adjacent areas not approved for non-government use in order to restrict permittees' access to approved areas.

Section 9. Services and costs.

(a) Occupant agencies may provide to permittees at no cost:

(i) Space; and

(ii) Services normally provided at the building in question during normal hours of building operation, such as security, cleaning, heating, ventilation, and air-conditioning. The occupant agency must approve an applicant's request to provide the applicant's own services, such as security and cleaning, before permit approval.

(b) Permittees shall reimburse occupant agencies for services over and above those normally provided during normal business hours and any additional costs imposed on occupant agencies by virtue of the Public Event's occurrence. Occupant agencies may provide the services free of charge if the cost is insignificant or if the service is in the public interest.

(c) Permittees shall not make Alterations to public areas, except with the prior written approval of the General Services Administrator. Permittees making alterations must ensure the safety of visitors, tourists, State officials, employees and other representatives acting in their official capacities, and prevent damage to property and must restore the building to the condition it was in prior to the alteration or alterations.

(d) Permittees are responsible for furnishing any items that are necessary for the proposed use.

Section 10. Conduct. The Secretary or the head of the occupant agency or designee may revoke a permit for a permittee's failure to comply with the following conduct requirements. A permittee shall:

(a) Not use the public area in violation of the permit and its conditions;

(b) Not misrepresent his or her identity to the public or in a permit application;

(c) Not conduct any activities related to use of the public area in a misleading or fraudulent manner;

(d) Not discriminate on the basis of race, creed, religion, age, color, disability, sex, or national origin in conducting activities related to use of the public area;

(e) Not distribute any item, nor post or otherwise affix any item, for which prior written approval has not been obtained;

(f) Not leave leaflets or other materials unattended in the public area unless the permit specifies that the permittee may do so and then only for the duration specified in the permit;

(g) Comply with General Services' adopted operation, management, and use policies, standards, and guidelines; and

(h) Comply with a directive made by any Security Personnel pursuant to Chapter 4, § 5(g) to relinquish a dangerous weapon.

Section 10. Non-affiliation with the State. Occupant agencies and the Secretary reserve the right to advise the public through signs or announcements that a permittee is present and is not affiliated with state government.

Section 11. Building-specific policies delineating public spaces. An occupant agency may adopt policies on a building-by-building or agency-wide basis to delineate public areas and areas available for occasional public use in the building or buildings it occupies, provided that an occupant agency's policies cannot conflict with this Chapter or the policies of the Commission. The Commission shall adopt the policy for the State Capitol Complex in consultation with the Management Council of the Legislature. Agencies shall not impose permitting restrictions or approval processes in addition to those contained in this Chapter. Agencies shall not discriminate based on the viewpoints of applicants or permittees.

Section 12. Enforcement. Occupant agencies may utilize those persons providing security or contact state or local law enforcement to remove individuals or groups using public areas in violation of this Chapter.

CHAPTER 1

General Provisions and Administration

Section 1. Wyoming State Building Commission. The Wyoming State Building Commission was established by Wyoming Statute § 9-5-101, as amended, and has the powers and duties established in W.S. §§ 9-5-101 through 108.

Section 2. Authority. These rules are promulgated in accordance with the Wyoming Administrative Procedures Act, W.S. § 16-3-101 et. seq.; W.S. §§ 9-5-101 through 9-5-108.

Section 3. Secretary. The administrator of the Construction Management Division of the State Construction Department shall function as Secretary to the Commission.

Section 4. Definitions. The following definitions shall prevail in these rules.

(a) “Agency” means any state office, department, board, council, commission, separate operating agency, institution, or other instrumentality or operating unit of the state unless that entity is specifically exempted from the jurisdiction and authority of the Commission per statute and rules adopted pursuant to statute in accordance with W.S. 9-5-106(a) and 9-5-106(c). Counties, cities, towns, and municipalities are not instrumentalities of the state for the purposes of these rules.

(b) “Alteration” means remodeling, improving, extending, or making other changes to a facility, including the movement of groups of personnel or state agencies between assigned office space, but excluding preventive maintenance repairs. The term includes planning, engineering, architectural work, and other similar actions.

(c) “A&I” means the State of Wyoming, Department of Administration and Information.

(d) “Business day” means any day other than Saturday, Sunday or a legal holiday in this state as designated in W.S. 8-4-101;

(e) “Capitol Extension” means the underground extension from the Capitol Building to the Herschler building, but does not include the Herschler building from the ground level up.

(f) “Chairman” means the Governor of the State of Wyoming or, upon the Governor’s designation, an alternate Commission member.

(fg) “Construction Management” means the State of Wyoming, State Construction Department, Construction Management Division.

(~~g~~h) “Commercial activity” means an activity undertaken for the primary purpose of producing a profit for the benefit of an individual or organization organized for profit. Activities incidental to the primary purpose of expressing ideas or advocating for or against causes are not commercial activities for purposes of these rules.

(~~h~~i) “Commission” means the Wyoming State Building Commission.

(~~j~~) “Constitutional Carry” means the carrying of a concealed firearm in a manner conforming with the provisions of W.S. § 6-8-104(a)(iv).

(~~k~~) “Contract security officer” means a person hired to provide security in any public building and includes persons hired to provide security at events, but does not include such a person when he or she is off duty and is not actively working in his or her capacity as a contract security officer.

(~~l~~) “Cost replacement value” or “CRV” means the amount that an agency would have to pay to replace an asset at the present time, according to its current worth.

(~~m~~) “Current appraised value” means the value of State-owned real property as assessed by a professional real estate appraiser within twelve (12) months of the intended disposition of the real property.

(~~n~~) “Dangerous weapon” means all items described in W.S. § 6-1-104 (a)(iv) and any other implement or device capable of being used as a deadly weapon that has no reasonable use related to government business. Ordinary pocket knives not exceeding seven (7) inches in overall length when open are not considered a dangerous weapon under this rule.

(~~o~~) “Emergency” includes, but is not limited to, bombings and bomb threats, civil disturbances, fires, explosions, electrical failures, epidemics, loss of water pressure, chemical and gas leaks, medical emergencies, tornadoes, floods, winter storms, accidents, hail storms, and earthquakes.

(~~p~~) “Public Event” includes protests, picketing, speechmaking, marching, holding vigils or religious services, press conferences, historical reenactments, celebrations, entertainments, exhibitions, parades, fairs, pageants, sporting events, and all other similar activities that involve the communication or expression of views or ideas, that are engaged in by one or more persons, the conduct of which has the effect, intent, or propensity to draw a crowd or onlookers. “Public Event” also includes a temporarily attended or unattended display presented by members of the public, including, but not limited to, sculptures, photographs, public interest demonstratives, public service, and educational presentations, and historic displays. “Public Event” does not include casual use of State Capitol Properties by visitors or tourists, governmental use by State employees or elected officials acting in their official capacities, including members of the legislature, nor Primarily Personal Events such as weddings, funerals, private receptions, and birthday parties.

(~~oq~~) “Fair market value” means the estimated price on the open market that a purchaser would be warranted in paying and a seller justified in accepting provided both parties were fully informed and acted intelligently, independently, and voluntarily.

(~~pr~~) “General Services” means the State of Wyoming, Department of Administration and Information, General Services Division.

(~~qs~~) “General Services Administrator” means the administrator of the General Services Division of the Department of Administration & Information.

(~~rt~~) “General Services Purchasing Section” means the State of Wyoming, Department of Administration and Information, General Services Division, Purchasing Section.

(~~su~~) “Life cycle cost” is the total cost of owning, operating, and maintaining a building over its useful life, including its fuel and energy costs, determined by systematically evaluating and comparing alternative building systems. In the case of leased buildings, the life cycle cost shall be calculated over the effective remaining term of the lease.

(~~tv~~) “Maintenance” means the upkeep of property only to the extent necessary to offset deterioration. Maintenance includes:

(i) Maintaining utility systems (such as electrical systems, water supply and sewage systems, heating, and plumbing), doors, windows, walls, roofs, parking lots, sidewalks, landscaping, building foundations, signage, walls, and air-conditioning equipment;

(ii) Maintaining equipment and fixtures necessary for fire protection;

(iii) Addressing the interim tenants’ needs, and needs of personnel employed at the site; and

(iv) Addressing any special or particularized requirements for preserving certain types of equipment unique to the facility.

(~~tw~~) “Major maintenance” means “major building and facility repair and replacement” as that phrase is defined in W.S. § 9-5-107(h).

(~~vx~~) “Management” means safeguarding the State’s interest in property in an economic manner consistent with best business practices.

(~~wy~~) “Nationally recognized standards” encompasses any standard or modification thereof that has been adopted and promulgated by a nationally recognized standards-producing organization.

(~~xz~~) “Nonprofit organization” means an organization identified in 26 U.S.C. § 501(c).

(~~yaa~~) “Occupant agency” means an agency authorized to own or occupy a facility that is under the Commission’s statutory jurisdiction. For common areas, such as meeting rooms and

lobbies, in buildings with more than one occupant agency, A&I is deemed the occupant agency. The Legislative Service Office and Judicial Council may assume the rights and authorities of an occupant agency or an agency for purposes of Public Events permitted in accordance with Chapter 6 of these Rules.

(bb) “Permitted carry” means the carrying of a concealed firearm with a permit issued pursuant to W.S. § 6-8-104(a)(ii) or (iii).

(zcc) “Primarily Personal Event” means any event that is inherently of a primarily private nature or one to which the general public is not invited. This includes, but is not limited to, weddings, funerals, private receptions, and birthday celebrations. “Primarily Personal Event” does not include events hosted by private parties for the benefit of governmental parties, but which are not open to the general public.

(aadd) “Protection” means providing adequate measures to prevent and extinguish fires, special inspections to determine and eliminate fire and other hazards, and guards to protect property against theft, vandalism, and unauthorized entry.

(bbe) “Public area” means any area of a public building under the Commission’s control and custody and any area of a public building occupied by the Legislature or Judiciary to the extent the legislative Management Council or Judicial Council has concurred per W.S. 9-6-106(d)(i)-(ii) that is ordinarily open to the public or is designated by the occupant agency as open to members of the public pursuant to Chapter 6 § 12 of these rules. Examples may include lobbies, courtyards, auditoriums, and meeting rooms.

(eeff) “Public building” means any building that is subject to the jurisdiction of the Commission, including buildings that the State leases or acquires under General Services’ leasing and purchasing authority and facilities occupied by the Legislature and Judiciary to the extent the legislative Management Council or Judicial Council has concurred per W.S. § 9-5-106(d)(i)-(ii).

(ddgg) “Real property” means any interest in land together with the improvements, structures, and fixtures located thereon and appurtenances thereto under the control of any agency that occupies a building subject to the Commission’s rulemaking authority for operating, managing, and using public buildings under W.S. § 9-5-106(a).

(eehh) “Repairs” means additions or changes necessary to protect and maintain property, deter or prevent excessive or rapid deterioration or obsolescence, and restore property damaged by storm, flood, fire, accident, earthquake, or other incident, and does not include demolition.

(ffii) “SCD” means the State of Wyoming, State Construction Department.

(ggjj) “Secretary” means the administrator of the Construction Management Division of the State Construction Department.

(kk) “Security Personnel” means any persons employed by, under contract with, or on loan to the State of Wyoming to provide security services to Public buildings, including but not limited to Wyoming Highway Patrol, Contract security officers, and other peace officers.

(hhll) “State Capitol Properties” means the Capitol Complex as that term is defined in W.S. § 9-5-101(e)(i), the Emerson Building, and the related parking lots and parking facilities with each separate location being referred to as a “State Capitol Property.”

Section 5. Administration. With the Commission’s approval, the Secretary or General Services Administrator may sign the Commission’s contracts, agreements, memoranda of understanding, or other documents on behalf of the Chairman.

Section 6. Charges for producing public records. The Commission hereby incorporates by reference the following uniform rules:

(a) Chapter 2 – Uniform Procedures, Fees, Costs, and Charges for Inspecting, Copying, and Producing Public Records adopted by the Department of Administration and Information and effective on September 6, 2016, found at: <http://rules.wyo.gov>.

(b) For these rules incorporated by reference:

(i) The Commission has determined that incorporation of the full text in these rules would be cumbersome or inefficient given the length or nature of the rules;

(ii) The incorporation by reference does not include any later amendments or editions of the incorporated matter beyond the applicable date identified in subsection (a) of this section; and

(iii) The incorporated rules are maintained at the SCD’s office and are available for public inspection and copying at the same location.

Section 7. Naming of public buildings. The Commission may, after soliciting public comment and by resolution passed by the majority of its members, name any new public building constructed or otherwise acquired by the State or rename any public building currently owned by the State.

CHAPTER 4

Operation, Management, and Use of Public Buildings

Section 1. Authority. The State Building Commission, pursuant to Wyoming Statute §§ 9-5-106(a) and 9-5-107, is authorized to promulgate rules and regulations relative to the operation, management, and use of public buildings.

Section 2. Purpose. This Chapter describes the general procedures relevant to the operation, management, and use of public buildings; authorizes General Services to promulgate policies that shall bind all agencies to which these rules apply for the operation, management, and use of public buildings; and provides exceptions to these rules and General Services' policies for particular buildings.

Section 3. State facility management. Agencies shall manage, operate, and use public buildings in a manner that provides for quality space and services consistent with their operational needs and accomplishes overall government objectives. Buildings and building systems management, operation, and use must:

- (a) Be cost effective and energy efficient;
- (b) Be adequate to meet the agency's missions; and
- (c) Be conducted in an appropriate manner to maintain and preserve the building and building systems, consistent with available funding.

Section 4. Operation, management, and use policies and procedures.

(a) General Services shall adopt operation, management, and use policies (General Services policies). All agencies and their employees shall comply with the adopted General Services policies.

(b) Each occupant agency shall annually train its employees to ensure they have an awareness and understanding of the General Services policies.

(c) Occupant agencies may develop policies to address requests by another agency or government entity to use their facilities. General Services shall develop use policies for common spaces, such as meeting rooms and lobbies, in public buildings occupied by more than one agency to ensure agencies and other branches of State Government fair and equitable access to such spaces, including events put on by private parties for governmental parties, but which are not open to the general public.

(d) Exemptions. All exemptions from this Chapter must be requested in writing for prior approval from the General Services Administrator or designee. The General Services Administrator shall approve or deny all requests in writing.

Section 5. Occupancy, use, repair, and maintenance or construction projects in public buildings.

(a) The Commission's Chapter 6 rules govern the use of those portions of public buildings subject to Commission control and regulation.

(b) All rents resulting from occupancy of the Capitol Complex shall be collected by General Services and paid into the general fund.

(c) All proposed construction or renovation projects shall be reviewed and approved by the Commission, the Governor, the State Treasurer, State Historic Preservation Office, General Services, and SCD before beginning any work. Except for emergency maintenance, the Commission shall not approve any construction or renovation project that amounts to 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.

(d) Security in the State Capitol Properties shall be provided by the Wyoming Highway Patrol, Division O, and contract security officers. Security may be provided in all other public buildings by contract security officers.

(e) Persons who reasonably appear to pose a threat to themselves, the general public, or the occupants of a public building shall be denied access to the public building and may be escorted from the grounds according to the discretion of the persons providing security to that public building.

(f) Except as otherwise provided herein, no dangerous weapon may be carried in public buildings, except those lawfully carried by peace officers, including ~~contract security officers~~ Security Personnel. The ~~persons providing security~~ Security Personnel are authorized to request that any persons carrying a dangerous weapon in a public building relinquish the weapon. The weapon shall be returned to the person when he or she leaves the public building, unless ~~Division O and contract Security Personnel officers, as applicable,~~ have probable cause to detain either the person or the weapon. If a person carrying a dangerous weapon refuses to relinquish the weapon to ~~law enforcement officers~~ Security Personnel, that person shall be denied access to the public building.

(g) Notwithstanding subsection 5(f) of this Chapter, no dangerous weapon may be carried in the Capitol Building and the Capitol Extension, except those lawfully carried by:

(i) Peace officers and Security Personnel; and

(ii) Individuals lawfully engaging in Permitted carry or Constitutional carry in Public areas in compliance with all other applicable laws and regulations.

The Security Personnel are authorized to request proof of residency, age, or of a lawful permit under W.S. § 6-8-104(a)(ii) or (a)(iii).

The Security Personnel are further authorized to request that any persons carrying a dangerous weapon, including concealed firearms carried pursuant to Permitted carry or Constitutional carry, in the Capitol Building or Capitol Extension relinquish the weapon for failure to comply with applicable law or regulation, or unsafe behavior. The weapon shall be returned to the person when he or she leaves the public building, unless Security Personnel have probable cause to detain either the person or the weapon. If a person carrying a dangerous weapon refuses to relinquish the weapon to Security Personnel, that person shall be denied access to the public building.

A person who carries a concealed firearm is solely responsible for any injury or property damage involving the firearm. Nothing contained herein shall be construed as a waiver of the State's sovereign immunity.

Section 6. Legislative and judicial facilities; agencies with independent statutory authority for the operation, management, and use of public buildings. This Chapter of the Commission's rules shall apply to facilities occupied by the Legislature or the members thereof to the extent the legislative management council specifically concurs under W.S. § 9-5-106(d)(i), and facilities occupied by the judiciary or the members thereof to the extent the judicial council specifically concurs under W.S. § 9-5-106(d)(ii). To the extent that the judiciary utilizes the Capitol Building or Capitol Extension as a courtroom, the space so used shall be considered a courtroom within the meaning of W.S. 6-8-104(t)(iii) during such use by the judiciary. This rule shall be subject to any memoranda of understanding or other agreements entered into between the Commission and the legislative management council under W.S. § 9-5-106(f) with regard to the Capitol Complex. For those rooms or facilities with joint executive and legislative control, any agency, State employee, or elected official shall inform General Services of its intent to utilize the space. General Services shall ensure that legislative uses shall take priority if there is a conflict between a requested use by an agency, State employee, or elected official. The Commission's rules shall apply to facilities occupied by any agency assigned the operation, management, and use of a public building under W.S. § 9-5-106(a), unless that agency adopts rules that are different from and inconsistent with those of the Commission.

Section 7. Emergency closure of State buildings. In the event of an emergency or a public health order encouraging social distancing, the General Services Administrator shall, in consultation with the Governor's Office, have the authority to close state buildings to the public until such time as they can safely be reopened. The Commission shall have the authority to overrule such closures by a majority vote.

Section 8. Policies to enforce public health emergency orders. When a public health emergency has been declared, the Secretary, in consultation with the Governor, may adopt, and General Services may administer and enforce a policy in conformity with any County health order for as long as that County health order remains in effect. Any policy adopted by the Secretary shall be promptly communicated to the members of the Commission and subject to ratification at the next Commission meeting to remain in effect.

CHAPTER 6

Occasional Use of Public Buildings

Section 1. Authority. The Commission is authorized pursuant to Wyoming Statute § 9-5-106(a) to adopt rules and regulations relative to the operation, management and use of all public buildings. These rules shall be administratively implemented by the Secretary of the Commission per W.S. § 9-5-106(b) in coordination with the General Services Administrator.

Section 2. Purpose. This Chapter is designed to be implemented by agencies to provide maximum public access and enjoyment of state buildings while protecting state assets and limiting detrimental effects of public use on the performance of government functions. This Chapter shall be interpreted at all times in a content-neutral manner consistent with the Wyoming and United States Constitutions and other applicable law; and in a manner consistent with executed leases for leased facilities to the extent practicable.

Section 3. Scope. This Chapter establishes rules and regulations for the occasional use of public areas of public buildings within the jurisdiction of the Commission for events with a public purpose. Agencies assigned the operation, management or use of any building by law shall use these rules unless the agency acts to adopt different rules under W.S. § 9-5-105(b).

Section 4. Public use of public buildings.

- (a) Public buildings shall not be used for Primarily Personal Events.
- (b) Public buildings shall only be used for Public Events pursuant to a valid permit issued in accordance with this Chapter.
- (~~c~~) Nothing in this Chapter shall be read to prohibit the casual use of public areas of State Capitol Properties by visitors or tourists, ordinary use by those accessing government services, and governmental use by State officials, employees, or other representatives acting in their official capacities. Lying in state shall be considered a governmental use for the purposes of this Chapter. Events organized by private parties for government parties and to which the public is not invited shall be considered governmental use for the purposes of this Chapter and shall be governed by policies adopted pursuant to Chapter 4 § 4(c) of these Rules, rather than by this Chapter.

Section 5. Application for permit.

- (a) Any person or organization not affiliated with the State that wishes to use a public area for a Public Event must file an application for a permit with the Secretary. Applications may be found at [Construction Management's website](#). Any agency's use of a public area shall take precedence over any Public Event proposed in a permit application if the agency would use the

same public area at the same time as the applicant person or organization not affiliated with the State.

- (b) Permit applicants must submit the following information to the extent applicable:
 - (i) Their full names, mailing addresses, email addresses, and telephone numbers;
 - (ii) The organization sponsoring the proposed use of the public area;
 - (iii) The persons responsible for supervising the applicant's use of the public area;
 - (iv) Documentation showing that the persons completing and submitting that application have authority to represent the applicant sponsoring organization;
 - (v) A description of the proposed Public Event and related use of the public area, including the location, the dates and times during which they are to be conducted, the number of persons to be involved, and the activities to be conducted as part of the use of State Capitol Property;
 - (vi) Any request under Section 9(a) and (b) of this Chapter for an occupant agency to provide services for the Public Event beyond those services normally provided at the building during normal hours of building operation;
 - (vii) Any request under Section 9(c) of this Chapter to make alterations to public areas; and
 - (viii) Any request under Section 10(e) of this Chapter for permission to distribute, post, or otherwise affix any item.

Section 6. Permits.

- (a) The Secretary shall issue permits in a timely and expedient manner after receiving the completed applications unless the permit is denied in accordance with Section 7 of this Chapter.
- (b) A permit may not be issued more than six (6) months in advance unless the Commission approves doing so. After the expiration of a permit, the Secretary may issue a new permit after an applicant submits a new permit application. In that case, applicants may incorporate by reference all required information contained in the earlier application.
- (c) The Secretary shall issue permits on a first-come, first-served, basis when more than one permit is requested for the same area and times.

(d) Before approving a permit application, the Secretary shall coordinate with the General Services Administrator, and, if a permit involves demonstrations or activities that may lead to civil disturbances, the pertinent local law enforcement organization responsible for ensuring safety in the building or community in which the requested activity shall occur. In the event that additional law enforcement personnel are required, the Secretary may require the applicant to pay the cost for these additional personnel as a condition of his approval of the permit request.

(e) The Secretary shall report quarterly to the Commission the permit applications received, approved, or denied since the previous quarterly report from the Secretary. In addition, the Commission may request at any time that the Secretary provide a report of the permit applications received, approved, or denied since the previous report.

Section 7. Disapproving of applications or cancellation or modification of permits.

(a) The Secretary shall deny any permit application or cancel an issued permit if:

(i) The applicant fails or failed to submit all information required under Section 4(b) of this Chapter, or the applicant submits or submitted false information;

(ii) The requested use is a commercial activity as defined in Chapter 1, Section 4(g) of these Rules;

(iii) The requested use is a Primarily Personal Event as defined in Chapter 1, Section 4(z) of these Rules;

(iv) The use does or would most likely interfere with public access to the public area; disrupt official State business; interfere with approved uses of the property by tenants or the public as set forth in this rule; damage any property; endanger the health, safety, or welfare of the public; or would otherwise be contrary to law;

(v) The use is intended to or would actually impede any pending judicial proceeding;

(vi) The use is obscene within the meaning of the term obscene as defined in W.S. § 6-4-301(a)(iii) or by the United States Supreme Court pursuant to the United States Constitution;

(vii) The use violates the prohibition against the use of public funds, time, personnel, facilities, or equipment for political or campaign activity in W.S. § 9-13-105(b), unless the use is permitted pursuant to that statute, the Wyoming Constitution, or the United States Constitution;

(viii) The occupying agency denied the applicant's requests under Section 9 of this rule to provide services for the Public Event beyond those services normally provided at the

building during normal hours of building operation, or to make Alterations to the public area. Alternatively, the Secretary may grant the permit with conditions related to the denied requests; or

(ix) An existing public health order or emergency declaration is in place that would effectively prohibit the Public Event as requested or a public health order is issued after the Secretary has granted the applicant's request that would effectively prohibit the Public Event as requested. The Secretary shall offer an applicant the opportunity to resubmit the Public Event request with amendments and planned alterations to the proposed Public Event to comply with the public health order or emergency declaration.

(b) The Secretary may reject a permit application if he receives the request less than ten (10) business days prior to the intended use.

(c) In granting a permit application, the Secretary may place conditions on the permit he believes necessary to ensure a permittee's compliance with this rule. If appropriate, the Secretary may grant a permit for a location other than that proposed by the applicant.

(d) The Secretary shall make each determination in a viewpoint and content-neutral manner and without discrimination based on the identity or stated views of the applicant.

(e) Upon denying an application or canceling a permit, the Secretary shall promptly notify the applicant or permittee in writing of the reasons for the action.

(f) If the applicant or permittee disagrees with the denial of a permit application, the cancellation of a permit, or any conditions placed on their permit to use a public area of a public building, and wishes to pursue the matter further, the applicant or permittee shall request the Secretary's reconsideration, in writing, within ten (10) business days from the applicant or permittee's receipt of notice of the application denial, permit cancellation, or issuance of the permit with conditions. The request must state with specificity all grounds for the reconsideration, including an explanation of why the applicant believes the Secretary's initial determination was mistaken.

(g) The Secretary shall issue a written decision within ten (10) business days of receipt of a request for reconsideration. The decision shall constitute a final agency action.

(h) Modification of permits. When necessitated by unforeseen circumstances, the Secretary may modify a previously issued permit to include additional conditions. In lieu of cancellation under Section 7(a)(ix) of this Chapter, the Secretary may modify a previously issued permit to comply with issued public health orders.

Section 8. Schedule and hours of use.

(a) The Secretary may reserve certain time periods for using public areas:

(i) For official government business; or

(ii) For maintenance, repair, and construction.

(b) A permittee may use public areas during regular working hours of agencies provided that its use or uses do not interfere with State business.

(c) Certain public areas delineated in the policies adopted pursuant to Section 12 of this Chapter may be available after normal working hours. In considering an application for a Public Event after normal working hours, the Secretary may consider security, administrative, custodial, maintenance, and other logistical concerns. When a permit is issued for a Public Event to take place after normal working hours, occupant agencies must lock, barricade, or identify by signs, as appropriate, all adjacent areas not approved for non-government use in order to restrict permittees' access to approved areas.

Section 9. Services and costs.

(a) Occupant agencies may provide to permittees at no cost:

(i) Space; and

(ii) Services normally provided at the building in question during normal hours of building operation, such as security, cleaning, heating, ventilation, and air-conditioning. The occupant agency must approve an applicant's request to provide the applicant's own services, such as security and cleaning, before permit approval.

(b) Permittees shall reimburse occupant agencies for services over and above those normally provided during normal business hours and any additional costs imposed on occupant agencies by virtue of the Public Event's occurrence. Occupant agencies may provide the services free of charge if the cost is insignificant or if the service is in the public interest.

(c) Permittees shall not make Alterations to public areas, except with the prior written approval of the General Services Administrator. Permittees making alterations must ensure the safety of visitors, tourists, State officials, employees and other representatives acting in their official capacities, and prevent damage to property and must restore the building to the condition it was in prior to the alteration or alterations.

(d) Permittees are responsible for furnishing any items that are necessary for the proposed use.

Section 10. Conduct. The Secretary or the head of the occupant agency or designee may revoke a permit for a permittee's failure to comply with the following conduct requirements. A permittee shall:

(a) Not use the public area in violation of the permit and its conditions;

(b) Not misrepresent his or her identity to the public or in a permit application;

(c) Not conduct any activities related to use of the public area in a misleading or fraudulent manner;

(d) Not discriminate on the basis of race, creed, religion, age, color, disability, sex, or national origin in conducting activities related to use of the public area;

(e) Not distribute any item, nor post or otherwise affix any item, for which prior written approval has not been obtained;

(f) Not leave leaflets or other materials unattended in the public area unless the permit specifies that the permittee may do so and then only for the duration specified in the permit;

(g) Comply with General Services' adopted operation, management, and use policies, standards, and guidelines; and

(h) Comply with a directive made by any Security Personnel pursuant to Chapter 4, § 5(g) to relinquish a dangerous weapon.

Section 10. Non-affiliation with the State. Occupant agencies and the Secretary reserve the right to advise the public through signs or announcements that a permittee is present and is not affiliated with state government.

Section 11. Building-specific policies delineating public spaces. An occupant agency may adopt policies on a building-by-building or agency-wide basis to delineate public areas and areas available for occasional public use in the building or buildings it occupies, provided that an occupant agency's policies cannot conflict with this Chapter or the policies of the Commission. The Commission shall adopt the policy for the State Capitol Complex in consultation with the Management Council of the Legislature. Agencies shall not impose permitting restrictions or approval processes in addition to those contained in this Chapter. Agencies shall not discriminate based on the viewpoints of applicants or permittees.

Section 12. Enforcement. Occupant agencies may utilize those persons providing security or contact state or local law enforcement to remove individuals or groups using public areas in violation of this Chapter.