

HOUSE BILL NO. HB0120

Capitol building rehabilitation.

Sponsored by: Representative(s) Jaggi, Blackburn,
Halverson, Jennings, Laursen, Lindholm,
Miller, Piiparinen, Reeder and Steinmetz

A BILL

for

1 AN ACT relating to the capitol building rehabilitation
2 project; amending provisions related to project oversight
3 and components; eliminating project components as
4 specified; providing duties and authority to the state
5 building commission; eliminating the capitol building
6 rehabilitation and restoration oversight group and related
7 provisions; providing definitions; modifying a definition;
8 imposing limitations on expenditures; transferring funds as
9 specified; repealing an appropriation; requiring the
10 development of a project budget; requiring a report;
11 repealing provisions related to interfund borrowing,
12 repayment of borrowed funds and other superseded
13 provisions; and providing for an effective date.

14

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

1

2 **Section 1.** W.S. 9-5-109(j), (k) and (o),
3 9-5-110(a)(i), (iv) and by creating new paragraphs (v) and
4 (vi), 9-5-112(a)(intro), (i), (v), by creating a new
5 paragraph (vii), (b), (e) and (f) and 9-5-113(a)(iii) are
6 amended to read:

7

8 **9-5-109. Advisory task force on capitol building**
9 **rehabilitation; composition; duties; account created.**

10

11 (j) There is created the capitol building
12 rehabilitation ~~and restoration~~ account. Funds in the
13 account shall only be expended upon appropriation by the
14 legislature to implement projects approved by the
15 legislature. Notwithstanding any other provision of law,
16 funds within the account shall not be transferred or
17 expended for any other purpose. Notwithstanding W.S.
18 9-2-1008, 9-2-1012(e), 9-4-207(a) or any other provision of
19 law, funds within the account shall not lapse or revert
20 until directed by the legislature. Earnings on monies
21 within the account shall be deposited to the account.

22

1 (k) There is created the advisory task force on
2 capitol building rehabilitation. ~~and restoration.~~

3
4 (o) The task force shall provide advice and
5 recommendations as provided by law to the ~~capitol building~~
6 ~~rehabilitation and restoration oversight group and the~~
7 ~~governor~~ state building commission regarding the final
8 design and execution of the capitol building ~~and Herschler~~
9 ~~state office building~~ project, as defined by W.S.
10 9-5-110 (a) (iv).

11
12 **9-5-110. State capitol building rehabilitation**
13 **project; definitions.**

14
15 (a) As used in W.S. 9-5-109 through 9-5-113:

16
17 (i) "Advisory task force" means the joint
18 legislative and executive advisory task force on capitol
19 building rehabilitation ~~and restoration~~ created by W.S.
20 9-5-109(k);

21
22 (iv) "Project" means the state capitol building
23 ~~and Herschler state office~~ rehabilitation, ~~restoration and~~

1 ~~renovation~~ project described in W.S. 9-5-112, including all
 2 components of the project;~~;~~

3
 4 (v) "Building systems" means heating and air
 5 conditioning systems, electrical systems, plumbing systems
 6 and other similar architectural, mechanical, electrical and
 7 control systems along with their respective subsystems,
 8 equipment and components of the capitol building;

9
 10 (vi) "Life safety systems" means fire
 11 suppression systems, fire escapes, smoke evacuation
 12 systems, security systems and other similar systems
 13 necessary to protect the health, safety and welfare of
 14 occupants and visitors of the capitol building.

15
 16 **9-5-112. Capitol building rehabilitation project;**
 17 **components; oversight.**

18
 19 (a) The department shall proceed with level III
 20 design and construction for ~~renovation, rehabilitation,~~
 21 ~~restoration and addition to~~ of the state capitol building,
 22 ~~the Herschler state office building and the connection~~
 23 ~~between the two (2) buildings~~ in accordance with

1 ~~presentations to the management council of the legislature~~
2 ~~on November 18, 2013 and January 9, 2014, and the~~
3 ~~provisions of W.S. 9-5-109 through 9-5-113~~ the provisions
4 of W.S. 9-5-110 through 9-5-113 and all other applicable
5 laws. The project shall proceed as a single funded project
6 with the following components:

7
8 (i) Capitol building restoration ~~and~~
9 ~~rehabilitation~~ necessary to continue the use of the capitol
10 building as the seat of the Wyoming government, which shall
11 only include repairs and modifications necessary to:

12
13 (A) Update life safety systems in the
14 capitol building;

15
16 (B) Repair defective or deteriorating
17 structural features, both on the interior and exterior of
18 the capitol building, including the foundation, as
19 necessary to protect the state's asset in the state capitol
20 building;

21

1 (C) Repair and update building systems as
2 necessary to protect the state's asset in the capitol
3 building;

4
5 (D) Provide necessary technological and
6 communication system upgrades; and

7
8 (E) Comply with any applicable building
9 codes and the Americans with Disabilities Act of 1990, 42
10 U.S.C. § 12101 et seq., as amended.

11
12 (v) Furniture, fixtures and equipment necessary
13 for the project and which need to be replaced as a result
14 of repairs and modifications made under paragraph (i) of
15 this subsection;

16
17 (vii) Repair or replacement of the central
18 utility plant as necessary.

19
20 (b) The level III design shall allocate space within
21 the capitol building to meet legislative needs, needs of
22 the governor's office, provide an office for each statewide
23 elected official, a deputy and a secretary housed in the

1 capitol building as of July 1, 2015 and security needs in
2 the capitol building as determined by the ~~oversight group~~
3 ~~and the governor~~ state building commission. In determining
4 space allocations under this subsection the ~~oversight group~~
5 ~~and the governor~~ state building commission shall be guided
6 by level II studies for the capitol building ~~restoration~~
7 ~~and~~ rehabilitation conducted in 2013. To the extent the
8 ~~oversight group and the governor determine~~ state building
9 commission determines that all such needs cannot be
10 accommodated within the capitol building, legislative
11 committee rooms and offices for committee chairmen and
12 associated legislative session staff may be within ~~the~~
13 ~~structure connecting~~ buildings in close proximity to the
14 capitol building. ~~and Herschler state office building. If~~
15 ~~the governor and the oversight group determine that space~~
16 ~~will exist in the capitol building in excess of the needs~~
17 ~~of the legislature, the governor's office and capitol~~
18 ~~building security needs, then the department, in~~
19 ~~consultation with the advisory task force, shall provide~~
20 ~~one (1) or more design alternatives to the oversight group~~
21 ~~and governor for review and approval, allocating available~~
22 ~~remaining space to the statewide elected officials with~~
23 ~~offices within the capitol building as of April 1, 2014.~~

1

2 (e) No funds shall be expended for the purposes of
3 construction until:

4

5 (i) A budget for the project has been submitted
6 and approved by the state building commission; and

7

8 (ii) Final design plans for the project have
9 been submitted to the advisory task force for review and
10 comment and to the ~~governor and the oversight group~~ state
11 building commission for review and a majority of the
12 ~~legislative members of the oversight group~~ members of the
13 state building commission has ~~recommended approval and the~~
14 ~~governor has~~ approved the plans.

15

16 (f) As provided in this subsection, the department
17 may expend funds appropriated by the legislature for the
18 project to implement the design, ~~renovation, restoration,~~
19 rehabilitation, construction and other project components
20 which have been included in the final design plans approved
21 under subsection (e) of this section. No funds shall be
22 expended for any purpose related to the Herschler state
23 office building or any other purpose not related to the

1 project. Any change order to the approved final design
2 plans in excess of one hundred thousand dollars
3 (\$100,000.00) or in a cumulative amount in excess of one
4 million dollars (\$1,000,000.00) shall require the approval
5 of a majority of the ~~legislative members of the oversight~~
6 ~~group and the governor~~ members of the state building
7 commission. The department, in consultation with the
8 professional program manager, architect of record and
9 construction manager at risk, shall develop a budget to
10 implement the project as provided in W.S. 9-5-110 through
11 9-5-113. The department shall present the budget to the
12 state building commission not later than July 1, 2016. Any
13 contract related to the state capitol building
14 rehabilitation project executed after April 1, 2016 shall
15 conform to the contracting requirements provided by title
16 16, chapter 6 of Wyoming statutes, article 3, section 31 of
17 the Wyoming Constitution, W.S. 9-2-1027 through 9-2-1033
18 and rules adopted pursuant to W.S. 9-2-1016. Additionally,
19 a contract shall be awarded only if at least three (3)
20 responsible bids have been considered by the department.
21 The department may award a contract after having considered
22 less than (3) responsible bids only upon reasonable effort
23 to solicit additional bids.

1

2 **9-5-113. Capitol building rehabilitation project;**
3 **design and construction execution.**

4

5 (a) Notwithstanding W.S. 9-5-101 through 9-5-108, for
6 all components of the project:

7

8 (iii) In addition to those items required by law
9 to be presented to the advisory task force for advice, as
10 recommended by the ~~oversight group~~ state building
11 commission and directed by the governor, the department
12 shall consult with the advisory task force on other project
13 items as the project progresses.

14

15 **Section 2.** W.S. 9-5-110(a)(iii), 9-5-111,
16 9-5-112(a)(ii), (iv), (c) and (d), 2014 Wyoming Session
17 Laws, Chapter 40, Section 4(c), (d) and (e) are repealed.

18

19 **Section 3.** Nothing in this act shall be construed to
20 modify obligations of the state of Wyoming under contracts
21 with private parties executed prior to the effective date
22 of this act except to the extent necessitated by the

1 reduction in the scope of the state capitol building
2 rehabilitation project.

3

4 **Section 4.** Funds within the capitol building
5 rehabilitation account shall remain in effect until the
6 project as defined in W.S. 9-5-112 is completed. Funds in
7 this account shall be expended only for the purposes
8 specified, and any unused funds remaining at project
9 completion shall be transferred to the school capital
10 construction account. The amounts appropriated to this
11 account shall not be construed to be an entitlement or
12 guaranteed amount.

13

14 **Section 5.** Any unencumbered, unexpended, unobligated
15 funds which are deposited in the capitol building
16 rehabilitation account created as a result of legislation
17 enacted during the 2016 session shall be transferred to the
18 school capital construction account.

19

1 **Section 6.** This act is effective immediately upon
2 completion of all acts necessary for a bill to become law
3 as provided by Article 4, Section 8 of the Wyoming
4 Constitution.

5

6

(END)