

SENATE FILE NO. SF0149

Capitol complex oversight.

Sponsored by: Management Council

A BILL

for

1 AN ACT relating to state property and buildings; specifying
2 boundaries of the state capitol complex; providing for
3 management and operation of state property and facilities
4 within the state capitol building and state capitol complex;
5 transferring duties and obligations of the state capitol
6 building rehabilitation and restoration oversight group as
7 specified; repealing the existing advisory task force for
8 capitol renovation; amending authority of the state building
9 commission; making legislative findings; repealing executed
10 provisions; specifying legislative areas; restricting
11 alterations of the capitol building and grounds as specified;
12 requiring review of modifications to the master plan for the
13 state capitol complex; and providing for effective dates.

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

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

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

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8 (d) The commission shall oversee development of and
9 updates to a master plan for maintenance preservation,
10 restoration, rehabilitation, construction and enhancement
11 within the capitol complex. The commission shall review all
12 proposals to remodel or construct a building, monument or
13 other improvement within the capitol complex for conformance
14 with the master plan. The commission shall notify the
15 management council of the legislature of any proposed
16 adoption of or modifications to the master plan for the
17 capitol complex not less than sixty (60) days prior to taking
18 any action to adopt or modify the plan.

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20 (e) As used in this article:

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22 (i) "Capitol complex" means all state owned
23 grounds and facilities within the area bounded by 26th Street

1 to the north, Pioneer Avenue to the west, 22nd Street to the
2 south, and Warren Avenue to the east, the Pioneer building on
3 Pioneer Avenue and the historic Wyoming governor's mansion
4 and grounds located at the corner of House and 21st streets,
5 all within the city of Cheyenne, Wyoming;

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

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10 **9-5-102. State building commission; authority to buy**
11 **and lease property; acceptance of donations, grants and**
12 **devises.**

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14 (a) In order to obtain building sites for additional
15 office space and state uses and to insure the proper keeping
16 of valuable state records and provide for the expansion of
17 functions of the state, the general services division, with
18 the approval of the state building commission, may buy, take
19 options to buy and lease property to be used for building
20 sites for future state office buildings. The general services
21 division, with the approval of the commission may lease
22 acquired property until it is needed. The general services
23 division, with the approval of the state building commission,

1 in cooperation with the department of workforce services, may
2 acquire lands and buildings in the name of the state of
3 Wyoming by purchase, lease agreement, gift or devise to
4 provide suitable quarters for the administration of the
5 Wyoming Employment Security Law and to develop improvements,
6 maintain and repair the lands and buildings. The commission
7 shall not approve the exercise of any authority under this
8 section for any property which is or would be within the
9 boundaries of the capitol complex which is inconsistent with
10 the master plan for the capitol complex without providing at
11 least sixty (60) days' notice of the proposed action to the
12 management council of the legislature.

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14 **9-5-106. State building commission; powers relative to**
15 **use of state buildings; rules authorized; exceptions.**

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17 (d) No rule promulgated under W.S. 9-5-101 through
18 9-5-108 shall apply to facilities occupied by:

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20 (i) The legislature or the members thereof unless
21 the legislative management council has specifically concurred
22 therein. For purposes of this paragraph "facilities occupied
23 by the legislature" shall include those rooms and areas

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

3
4 (e) The state building commission shall not approve of
5 any architectural or structural alteration to the capitol
6 building or grounds without providing notice to the
7 management council of the legislature and without a
8 legislative session convening and adjourning after notice was
9 provided to the management council. Routine maintenance and
10 repair necessary to keep the capitol building in safe and
11 good working order, including janitorial, grounds keeping and
12 maintenance tasks done on a routine basis, shall be conducted
13 in a manner not to alter the capitol building structurally or
14 architecturally to the extent practicable. Major maintenance
15 and repair shall also be conducted in a manner not to alter
16 the capitol building structurally or architecturally to the
17 extent practicable. Emergency maintenance which would
18 structurally or architecturally alter the capitol building
19 shall only be undertaken prior to a legislative session
20 convening and adjourning after notification under this
21 subsection if the maintenance is immediately necessary to
22 keep the capitol building in good working order or to prevent
23 harm to the building. The state building commission shall

1 provide prior notification to the management council of the
2 legislature of any planned major maintenance activity and
3 shall immediately notify the management council of any
4 emergency major maintenance activity.

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

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15 (i) Maintenance and preservation of the capitol
16 building and grounds and the extension;

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18 (ii) Management of meeting rooms and common spaces
19 with a goal of maximizing authorized uses;

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

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2 **28-8-112. Space in state capitol building and**
3 **annexation.**

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

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14 (i) On the garden level of the capitol building,
15 the west half of the capitol building, inclusive of hallways,
16 and the room on the northwest corner of the east half of the
17 garden level;

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

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

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

(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, the learning center, media room, visitor center and the room designated as a "leg. copy" room on page 13 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. During legislative sessions the legislature shall have regulation of the passageways connecting the meeting rooms in the extension;

(v) That area on the first floor, west wing of the Herschler building designated as "legislature" on page 14 of the presentation to the capitol building rehabilitation and restoration oversight group on March 9, 2016, and as

1 subsequently reduced on the north side by action of the state
2 capitol building rehabilitation and restoration oversight
3 group on August 22, 2018, as reflected in the minutes of the
4 meeting on file with the legislative service office;

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6 (vi) During legislative sessions, the presiding
7 officers of the house and senate shall have the regulation of
8 passageways adjacent to or contiguous with the meeting rooms
9 specified in subparagraph (ii)(A) and paragraph (iv) of this
10 subsection;

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12 (vii) All areas devoted to mechanical systems
13 within the areas specified in paragraphs (i) through (vi) of
14 this subsection shall not be considered areas for the conduct
15 of activities of the legislature but shall be managed by the
16 state building commission.

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18 **Section 2.** W.S. 9-5-109(k) through (r), 9-5-110(a)(i)
19 and (iii), 9-5-111, 9-5-112(b), (d) and (e) and
20 9-5-113(a)(iii) are repealed.

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22 **Section 3.** On January 1, 2020, the duties and powers of
23 the state capitol building oversight group under W.S. 9-5-109

1 through 9-5-113 as to the state capitol building and Herschler
2 state office rehabilitation, restoration and renovation
3 project described in W.S. 9-5-112, shall be assumed by the
4 state building commission. On January 1, 2020 all
5 appropriations, property, contracts, agreements, obligations
6 and authority of the state capitol building oversight group
7 shall be transferred to the state building commission. To the
8 extent a power or duty previously within the authority of the
9 oversight group is required to be exercised after December
10 31, 2019, the power or duty shall be exercised by the state
11 building commission in accordance with provisions of law
12 governing the project.

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

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

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15 The legislature occupies more than half of the state capitol
16 building, the underground extension to the capitol building
17 and a portion of the Herschler building. In the renovation of
18 the capitol building, historic legislative meeting rooms were
19 enlarged to accommodate the public. All but two (2)
20 legislative meeting rooms were removed from the second and
21 third floors of the capitol building to the underground
22 extension and to the first floor of the capitol building.
23 Having appropriated millions of dollars to the project and

1 occupying significant portions of the project for legislative
2 chambers, passages and committee meeting rooms, the
3 legislature has great interest in ensuring that the project
4 area is maintained and utilized to the greatest extent
5 possible and the investment protected. At the same time, the
6 governor and other statewide elected officials occupy
7 significant portions of the capitol building and other spaces
8 within the project area and have resultant interests in those
9 areas.

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

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

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6 **Section 5.**

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

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13 (b) The repeal of W.S. 9-5-110(a)(iii), 9-5-111 and
14 9-5-112(b) under Section 2 of this act are effective January
15 1, 2020.

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(END)