

ENROLLED ACT NO. 43, SENATE

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING
2014 BUDGET SESSION

AN ACT relating to administration of government; providing for the rehabilitation and restoration of the capitol building and the remodeling and construction of other state properties; codifying and continuing a task force; specifying process and duties relating to specified capital construction projects; providing for reports; transferring unexpended appropriations and making other appropriations; providing for interfund borrowing and repayment of borrowed funds; amending, conforming or repealing related provisions; authorizing positions; and providing for an effective date.

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

Section 1. W.S. 9-5-110 through 9-5-113 are created to read:

9-5-110. State capitol building rehabilitation and restoration project; definitions.

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

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

(ii) "Department" means the department of administration and information;

(iii) "Oversight group" means the oversight group created by W.S. 9-5-111;

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

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

9-5-111. State capitol building rehabilitation and restoration project oversight group; creation; duties.

(a) There is created a state capitol building rehabilitation and restoration oversight group comprised of:

(i) The governor;

(ii) The president of the senate and majority and minority floor leaders of the senate;

(iii) The speaker of the house of representatives and majority and minority floor leaders of the house;

(iv) A member of the senate selected by the president of the senate and a member of the house selected by the speaker of the house not later than March 31, 2014 and by March 31 of each odd numbered year thereafter.

(b) A quorum of the oversight group shall consist of the governor and a majority of the legislative members of the oversight group. Except for approvals under W.S. 9-5-112(e) and (f), actions of the oversight group may be taken by vote of a majority of the legislative members in attendance or by their proxy vote and the governor.

(c) The oversight group shall have the powers and duties as provided by law.

(d) Staff and support for the oversight group shall be provided by the legislative service office. The

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construction management program of the department shall assist the staffing of the oversight group as directed by the governor.

(e) The oversight group shall continue in existence until December 31, 2019.

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

(a) The department shall proceed with level III design and construction for renovation, rehabilitation, restoration and addition to the state capitol building, the Herschler state office building and the connection between the two (2) buildings in accordance with presentations to the management council of the legislature on November 18, 2013 and January 9, 2014, and the provisions of W.S. 9-5-109 through 9-5-113. The project shall proceed as a single funded project with the following components:

(i) Capitol building restoration and rehabilitation;

(ii) Herschler state office building renovation, rehabilitation and additional construction including a structure connecting the Herschler building and the capitol building and addition to the Herschler building;

(iii) Temporary space accommodations within the Herschler building and in other state owned buildings, or in other leased buildings if determined by the governor necessary or advisable for the project, for current occupants of the Herschler building and capitol building;

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(iv) Restoration, rehabilitation and renovation of the Herschler building after temporary space accommodations are no longer needed;

(v) Furniture, fixtures and equipment for the project;

(vi) Contingency costs, costs of fees and other costs associated with the project.

(b) The level III design shall allocate space within the capitol building to meet legislative needs, needs of the governor's office and security needs in the capitol building as determined by the oversight group and the governor. In determining space allocations under this subsection the oversight group and the governor shall be guided by level II studies for the capitol building restoration and rehabilitation conducted in 2013. To the extent the oversight group and the governor determine that all such needs cannot be accommodated within the capitol building, legislative committee rooms and offices for committee chairmen and associated legislative session staff may be within the structure connecting the capitol building and Herschler state office building. If the governor and the oversight group determine that space will exist in the capitol building in excess of the needs of the legislature, the governor's office and capitol building security needs, then the department, in consultation with the advisory task force, shall provide one (1) or more design alternatives to the oversight group and governor for review and approval, allocating available remaining space to the statewide elected officials with offices within the capitol building as of April 1, 2014.

(c) The Herschler state office building rehabilitation, renovation and addition shall be designed

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to accommodate offices for elected state officials for which insufficient space is provided within the capitol building restoration, renovation and rehabilitation design.

(d) The department, in consultation with the advisory task force, shall provide alternatives for temporary location of elected officials and legislative functions during project construction. The alternatives shall be submitted to the governor and the oversight group for review and approval.

(e) No funds shall be expended for the purposes of construction until final design plans for the project have been submitted to the advisory task force for review and comment and to the governor and the oversight group for review and a majority of the legislative members of the oversight group has recommended approval and the governor has approved the plans.

(f) The department may expend funds appropriated by the legislature for the project to implement the design, renovation, restoration, rehabilitation, construction and other project components which have been included in the final design plans approved under subsection (e) of this section. Any change order to the approved final design plans in excess of one hundred thousand dollars (\$100,000.00) or in a cumulative amount in excess of one million dollars (\$1,000,000.00) shall require the approval of a majority of the legislative members of the oversight group and the governor.

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

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

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(i) The construction management program within the general services division of the department shall be the primary fiscal and contracting agent;

(ii) Level III design and construction shall proceed under the immediate direction and control of the governor in accordance with the provisions of W.S. 9-5-110 through 9-5-113;

(iii) In addition to those items required by law to be presented to the advisory task force for advice, as recommended by the oversight group and directed by the governor, the department shall consult with the advisory task force on other project items as the project progresses.

Section 2. W.S. 9-1-604, 9-5-101(b), 9-5-109(j) and by creating new subsections (k) through (r), 28-8-112 and 41-3-723(a) are amended to read:

9-1-604. Office in state capitol building; private practice prohibited; exception.

The attorney general shall keep an office in the state ~~capitol building~~ capital, shall not open an office elsewhere and shall not engage in any private practice except to consummate business pending at the time of his appointment if not in conflict with the duties of his office.

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

(b) The state building commission shall promulgate rules under which the general services division has charge

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and control of the capitol building with respect to its occupancy, repair and maintenance and shall collect all rents arising from the occupancy of the capitol building. All rents collected under this section shall be paid into the general fund. Rules with respect to the occupancy of the capitol building shall be subject to and in accordance with W.S. 9-5-112.

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

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

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

(m) The advisory task force shall be comprised of:

(i) Three (3) members of the senate appointed by the president of the senate, one (1) of whom shall be senate chairman of the select committee on legislative facilities;

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(ii) Three (3) members of the house of representatives appointed by the speaker of the house, one (1) of whom shall be the house chairman of the select committee on legislative facilities;

(iii) Five (5) members, one (1) each appointed by each of the five (5) statewide elected officials;

(iv) Two (2) members of the public with special expertise in the history of the capitol building, appointed by the chairmen of the select committee on legislative facilities who shall be nonvoting members;

(v) A staff member from the department of state parks and cultural resources, cultural resources division, appointed by the governor who shall be a nonvoting member; and

(vi) A staff member from the department of administration and information, construction management program, appointed by the governor who shall be a nonvoting member.

(n) The legislative members of the task force shall appoint co-chairmen to preside over meetings.

(o) The task force shall provide advice and recommendations as provided by law to the capitol building rehabilitation and restoration oversight group and the governor regarding the final design and execution of the capitol building and Herschler state office building project.

(p) The task force shall provide advice and recommendations to the state building commission regarding

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a long range vision for future development of a capitol complex master plan.

(q) Staff and support for the advisory task force shall be provided by the construction management program of the department. Members who are government employees or public officials shall be considered on official business of their agency when performing duties as members of the task force. Other members shall receive mileage and per diem in the same manner and amount as state legislators when performing duties. Mileage and per diem shall be paid by the appointing authority.

(r) The advisory task force shall terminate on December 31, 2019.

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

Adequate space in the state capitol building shall be provided for the conduct of activities of the legislature, its committees, the legislative service office and necessary legislative staff, and the management council and its staff subject to and in accordance with W.S. 9-5-112.

41-3-723. Hearing procedure generally.

(a) Immediately after the filing of such petition, the court wherein such petition is filed or a judge thereof in vacation, shall by order fix a place and time, not less than sixty (60) days nor more than ninety (90) days after the petition is filed, for hearing thereon and thereupon the clerk of said court shall cause notice by publication to be made of the pendency of the petition and of the time and place of hearing thereon; the clerk of said court shall also forthwith cause a copy of said notice to be mailed by U.S. registered mail to the board of county commissioners

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of each of the several counties having territory within the proposed district. At the same time, and in the same manner, the clerk of said court aforesaid shall forward to the state engineer, at his office in the ~~capitol building, in Cheyenne, Wyoming~~ capital, a copy of the notice of hearing, and a certified copy of such petition.

Section 3. Current members of the joint legislative and executive task force on capitol building rehabilitation and restoration created by 2013 Wyoming Session Laws, Chapter 73, Section 339 shall continue as members of the advisory task force created under section 2 of this act until replaced by the appointing authority. Appointments to the advisory task force shall be made by the appointing authority not later than March 31, 2014 and by March 31 in each odd numbered year thereafter.

Section 4.

(a) There is appropriated two hundred fifty-nine million dollars (\$259,000,000.00) from the capitol building rehabilitation and restoration account created by W.S. 9-5-109(j) to the department of administration and information for the purpose of this act.

(b) There is appropriated to the capitol building rehabilitation and restoration account thirty-seven million five hundred thousand dollars (\$37,500,000.00) from the general fund. The appropriation under this subsection:

(i) Shall be reduced dollar for dollar by any appropriation to the capitol building rehabilitation and restoration account provided by 2014 House Bill 1 as enacted into law;

(ii) Is effective June 30, 2014.

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(c) The state treasurer and the state auditor may utilize interfund loans from the permanent Wyoming mineral trust fund reserve account for deposit to the capitol building rehabilitation and restoration account as necessary to meet appropriations from that account and contract obligations of the department of administration and information incurred for purposes of this act.

(d) The governor shall include an appropriation request in each biennial budget and supplemental budget recommendation in an amount equal to the lesser of thirty-seven million five hundred thousand dollars (\$37,500,000.00) or the outstanding loan balance, including interest owed, until all loans from the permanent Wyoming mineral trust fund reserve account to the capitol building rehabilitation and restoration account are repaid. Any interfund loan pursuant to subsection (c) of this section shall be repaid with interest calculated at the rate provided for interfund borrowing under W.S. 21-13-316.

(e) There is appropriated from the capitol building rehabilitation and restoration account to the legislative service office ninety-five thousand dollars (\$95,000.00) for per diem, salary and mileage of legislators serving on the capitol building rehabilitation and restoration oversight group or advisory task force and for mileage and per diem for advisory task force members appointed under W.S. 9-5-109(m) (iv).

Section 5. 2013 Wyoming Session Laws, Chapter 73, Section 339 is repealed.

Section 6. 2012 Wyoming Session Laws, Chapter 26, Section 3, section 006, "A&I State Office Bldg 4,400,000 S0" and footnote 2 is repealed.

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Section 7. Any unexpended, unobligated funds remaining from the appropriations contained within 2003 Wyoming Session Laws, Chapter 131, Section 332(a)(i) through (iii) and (v) and 2007 Wyoming Session Laws, Chapter 136, Section 3, Section 006 "A&I - Capitol Bldg. Restoration" except for funds approved by the state building commission on November 6, 2013, and subsequently expended to continue work specifically related to capitol repair and as described by W.S. 9-5-108, which actions are hereby ratified, shall be transferred to the capitol building rehabilitation and restoration account created by W.S. 9-5-109(j).

Section 8. The department of administration and information is authorized an additional two (2) time limited, full-time positions within the construction management program for the purposes of this act. Each position shall only be filled if the director of the department determines it is necessary for purposes of this act and the governor approves the action. The department is authorized to expend from the funds appropriated under Section 4(a) of this act four hundred thousand dollars (\$400,000.00). Funds authorized under this section shall be for the period commencing with the effective date of this act through June 30, 2016. Funding for and the positions authorized in this section shall be included in the department's standard budget request for the 2017-2018 biennium if determined by the director and the governor to be necessary for purposes of this act. The positions authorized under this section shall terminate not later than June 30, 2018.

Section 9. Except as provided in Section 8 of this act, appropriations within this act remain in effect until the project as defined in W.S. 9-5-112 is completed.

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Appropriated funds under this act shall be expended only for the purposes specified, and any unused funds remaining at project completion shall revert to the capitol building rehabilitation and restoration account created by W.S. 9-5-109(j). The amounts appropriated in this act are intended to provide a maximum amount for the entire project as defined in W.S. 9-5-112 and shall not be construed to be an entitlement or guaranteed amount.

Section 10. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk