

CORRECTED COPY

SENATE FILE NO. SF0146

State funded capital construction.

Sponsored by: Joint Appropriations Committee

A BILL

for

1 AN ACT relating to state funded capital construction;  
2 creating an account; authorizing the inclusion of  
3 construction contract provisions related to inflation;  
4 providing definitions; providing appropriations for  
5 purposes related to state funded capital construction;  
6 providing for capital construction grants for purposes of  
7 economic development; making appropriations subject to  
8 terms and conditions as specified; providing matching funds  
9 for specified projects; authorizing the expenditure of  
10 prior appropriations as specified; providing for the  
11 reversion of funds; creating a task force; authorizing the  
12 purchase of land for future construction; and providing for  
13 an effective date.

14

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

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1

2       **Section 1.** W.S. 9-4-226 is created to read:

3

4       **9-4-226. Wyoming state hospital demolition account.**

5

6 The Wyoming state hospital demolition account is created.

7 The state treasurer may accept federal grants and other

8 contributions, grants, gifts, transfers, bequests and

9 donations of money from any source for deposit into the

10 account. Funds within the account shall only be expended

11 upon legislative appropriation. All funds within the

12 account shall be invested by the state treasurer in

13 accordance with law and all investment earnings from the

14 account shall be credited to the general fund.

15

16       **Section 2.** W.S. 9-2-3006 by creating new subsections

17 (g) and (h) and 9-4-203(a)(xiii) are amended to read:

18

19       **9-2-3006. Procurement for capital construction**  
20 **projects.**

21

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1       (g) The department is authorized to develop a list of  
2 material commodities that have been subject to significant  
3 cost escalation as the result of documented price  
4 fluctuations in the market. Using unobligated, unexpended  
5 funds within available appropriations for capital  
6 construction, the department and, if applicable, the  
7 University of Wyoming may incorporate a provision in agency  
8 contracts or university contracts for any capital  
9 construction project to be performed by applying a material  
10 cost escalation factor and a material cost de-escalation  
11 factor. In no event shall the department approve a contract  
12 that contains a material cost escalation factor less than  
13 seven and one-half percent (7.5%) or greater than thirty  
14 percent (30%). The provisions of this subsection shall be  
15 implemented by:

16  
17       (i) The state building commission for state  
18 facilities and community college facilities except for  
19 facilities owned by the University of Wyoming;

20  
21       (ii) The school facilities commission for school  
22 facilities;

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1

2           (iii) The University of Wyoming, in consultation  
3 with the department, for facilities owned by the University  
4 of Wyoming.

5

6           (h) The department and the University of Wyoming  
7 shall expend appropriations designated for inflationary  
8 costs only after all other alternative project funding  
9 sources and appropriations have been obligated or exhausted  
10 and after a determination by the department or the  
11 University of Wyoming, as appropriate, that the authorized  
12 project cannot be completed without additional funds as the  
13 result of inflation-related cost increases.

14

15           **9-4-203. Definitions.**

16

17           (a) As used in this act:

18

19                   (xiii) "This act" means W.S. 9-4-201 through  
20 ~~9-4-224~~ 9-4-226.

21

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1           **Section 3.** 2019 Wyoming Session Laws, Chapter 206,  
2 Sections 4 and 7(a) and (b) are amended to read:

3  
4           **Section 4.** There is created the University  
5 of Wyoming student housing account. Funds from  
6 the account shall be expended for the University  
7 of Wyoming student housing project as provided in  
8 this act. The treasurer shall disburse funds from  
9 the account upon request of the University of  
10 Wyoming board of trustees. Funds in the account  
11 appropriated under Section 7(b) of this act may  
12 only be expended by the trustees of the  
13 university for the payment of principal and  
14 interest on any outstanding securities issued by  
15 the university as of March 1, 2019 and funds  
16 appropriated under Section 7(a) of this act may  
17 only be expended by the trustees of the  
18 university for other initial costs of  
19 construction for phase 1 and phase 2 of the  
20 student housing project. Funds in the account  
21 shall be invested by the state treasurer's  
22 office. Notwithstanding W.S. 9-2-1008 and

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1 9-4-207, any earnings from the account shall be  
2 credited to the legislative stabilization reserve  
3 account. The University of Wyoming shall repay on  
4 a twenty (20) year accrual schedule all funds  
5 expended by the university from the account at an  
6 annually adjusted interest rate of one-quarter of  
7 one percent (.25%) higher than the return  
8 received by the state in the immediately  
9 preceding fiscal year on the portion of the  
10 legislative stabilization reserve account that is  
11 not invested in equities. The interest rate shall  
12 be capped at a maximum rate of four and one-half  
13 percent (4.5%) per annum. All interest and  
14 principal payments made by the university in  
15 repayment of monies expended from the account  
16 shall be credited to the legislative  
17 stabilization reserve account. The University of  
18 Wyoming board of trustees may dedicate any  
19 available funds to repay funds expended from this  
20 account. Repayment of funds under this section  
21 shall commence on July 1 of the year following  
22 the year in which the funds were expended.

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1 Notwithstanding any other provision of law and  
2 subject to section 7(a) and (b) of this act, all  
3 unobligated and unencumbered funds in the account  
4 on June 30, 2029 shall revert to the legislative  
5 stabilization reserve account.

6  
7 **Section 7.**

8  
9 (a) There is continuously appropriated not  
10 more than fifteen million dollars  
11 (\$15,000,000.00) at any one (1) time, except as  
12 otherwise provided in this section from the  
13 legislative stabilization reserve account to the  
14 University of Wyoming student housing account  
15 created by this act. Funds from this  
16 appropriation may only be expended by the  
17 trustees of the university for initial costs of  
18 construction for phase 1 and phase 2 of the  
19 student housing project. All unexpended,  
20 unobligated funds appropriated under this  
21 subsection shall revert to the legislative  
22 stabilization reserve account on March 24, 2023.

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**Section 4.**

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(b) There is appropriated thirty-four million dollars (\$34,000,000.00) from the legislative stabilization reserve account to the University of Wyoming student housing account created by this act. Funds from this appropriation may only be expended by the trustees of the University of Wyoming for the payment of principal and interest on any outstanding securities issued by the university as of March 1, 2019. All unexpended, unobligated funds appropriated under this subsection shall revert to the legislative stabilization reserve account on March 24, 2023.

(a) As used in this act:

(i) "Appropriation" means the authorizations granted by the legislature under this act to make



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1 expenditures from and to incur obligations against the  
2 general fund and other funds as specified;

3

4 (ii) "FF" means federal funds;

5

6 (iii) "PR" means private funding sources;

7

8 (iv) "SR" means an agency's account within the  
9 special revenue fund;

10

11 (v) "S0" means other funds identified by  
12 footnote;

13

14 (vi) "S13" means the strategic investments and  
15 projects account.

16

17 (b) Appropriations for projects in this act remain in  
18 effect until the project is completed, unless otherwise  
19 provided. The amounts appropriated for projects under this  
20 act shall be expended only on the projects specified and  
21 any unexpended, unobligated funds remaining upon completion  
22 of a project shall revert to the accounts from which they

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1 were appropriated, unless otherwise provided. The amounts  
2 appropriated in this act are intended to provide a maximum  
3 amount for each project and shall not be construed to be an  
4 entitlement or guaranteed amount.

5

6 (c) When used in a footnote in this act, "this  
7 appropriation" shall be construed as a reference to that  
8 portion of the appropriated funds identified in the  
9 footnote.

10

11 [CAPITAL CONSTRUCTION]

12

13 **Section 5.**

14

15 (a) The following sums of money are appropriated  
16 for the capital construction projects specified:

17

18 (i) Appropriations and authorization for  
19 projects administered through the state construction  
20 department:

21

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APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
1 <b>Section 027. CAPITAL CONSTRUCTION PROJECTS</b>				
2				
3 PROGRAM				
4 SBC - State Facility				
5 Inflation Reserve <sup>1</sup> .	51,405,563			51,405,563
6 SBC - Cost Escalation/ 7 De-escalation Fund	7,058,700			7,058,700
8 AGR - State Fair Projects <sup>2</sup> .	500,000			500,000
9 AGR - Ft. Washakie Demo.	452,000			452,000
10 SCD - Riverton State 11 Office Bldg.	12,500,000			12,500,000
12 DOH - State Hospital Demo. <sup>3</sup> .			15,000,000 SO	15,000,000
13 DFS - Emerson Bldg. Rehab. <sup>4</sup> .	500,000			500,000
14 LCCC - Exterior Facade	5,779,006		4,687,463 PR	10,466,469
15 WWCC - Powerline Tech.	2,220,994		1,791,125 PR	4,012,119
16 EWC - Construction Tech.			3,386,811 PR	3,386,811
17 NWC - Orendorff Bldg.	4,000,000			4,000,000
18 WCCC - Military Campus Rec. <sup>5</sup> .	25,000			25,000
19 OSLI - Ranch A <sup>6</sup> .			1,000,000 S13	1,000,000
20 DOC - Women's Ctr. Roof	<u>3,920,000</u>	<u>          </u>	<u>          </u>	<u>3,920,000</u>
21 TOTALS	88,361,263	0	25,865,399	114,226,662

23 1. This appropriation shall only be expended in accordance with W.S.  
 24 9-2-3006(h), as created by section 2 of this act. Of this general fund  
 25 appropriation, twenty-six million seven hundred sixty-five thousand eight  
 26 hundred thirty-three dollars (\$26,765,833.00) is appropriated for  
 27 inflationary costs associated with previously appropriated and authorized  
 28 projects for state facilities managed by the state construction department  
 29 other than community college projects. Of this general fund appropriation,  
 30 twenty-four million six hundred thirty-nine thousand seven hundred thirty  
 31 dollars (\$24,639,730.00) is appropriated for inflationary costs associated

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APPROPRIATION	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
FOR	\$	\$	\$	\$

1 with previously appropriated and authorized projects for community college  
 2 facilities.

3  
 4 2. This appropriation shall only be expended on projects identified in the  
 5 2020 state fair master plan that are feasible to be completed within one (1)  
 6 to three (3) years. As a condition of this appropriation and prior to the  
 7 expenditure of general funds, the department of agriculture shall secure  
 8 matching funds in the ratio of five dollars (\$5.00) of appropriated general  
 9 funds to not less than one dollar (\$1.00) of matching funds from any other  
 10 source.

11  
 12 3. Of this other funds appropriation, up to fifteen million dollars  
 13 (\$15,000,000.00) or as much thereof as is available is appropriated from  
 14 the Wyoming state hospital demolition account, as created by section 1 of  
 15 this act, for purposes of the demolition and abatement of unused or  
 16 abandoned facilities on the campus of the Wyoming state hospital.

17  
 18 4. This appropriation is for the rehabilitation and renovation of the  
 19 Emerson building on the campus of the Wyoming life resource center.

20  
 21 5. The state construction department shall transfer this appropriation to  
 22 the Wyoming community college commission for distribution to any Wyoming  
 23 community college that achieves the formal designation of a military  
 24 friendly campus for purposes of constructing a military or veterans memorial  
 25 or display. Any unexpended, unobligated funds remaining from this  
 26 appropriation shall revert as provided by law on June 30, 2026.

27  
 28 6. This appropriation shall be deposited into the Ranch A account and shall  
 29 be expended only on major maintenance and the rehabilitation of Ranch A.

30

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APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
1                   (ii) Appropriations and authorizations for				
2 University of Wyoming projects:				
3				
4 <b>SECTION 067. CAPITAL CONSTRUCTION PROJECTS</b>				
5				
6 PROGRAM				
7 UW - Inflation Reserve <sup>1</sup> .	70,000,000			70,000,000
8 UW - AMK Ranch Reno. <sup>2</sup> .			10,000,000 PR	10,000,000
9 UW - Science Initiative	<u>12,250,000</u>	<u>        </u>	<u>        </u>	<u>12,250,000</u>
10 TOTALS	82,250,000	0	10,000,000	92,250,000

11

12 1. (a) This appropriation is for an inflationary reserve to be expended

13 only after all other alternative project funding sources and appropriations

14 have been obligated or exhausted and after a determination by the University

15 of Wyoming that the authorized project cannot be completed without

16 additional funds as a result of inflation-related cost increases.

17 Expenditure of this appropriation shall first be dedicated to the University

18 of Wyoming student housing project, including the north and south residence

19 halls.

20

21 (b) Upon the completion and signing of a construction contract for

22 the University of Wyoming student housing project, including the north and

23 south residence halls, and subject to section 11 of this act any unexpended,

24 unobligated funds of this appropriation may be expended for either the west

25 stands of the University of Wyoming war memorial stadium or the natatorium

26 to replace or expand Corbett pool.

27

28 2. No state funds shall be expended on this project.

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1 [AUTHORIZATION OF LEVEL I/II STUDY]

2

3 **Section 6.** In addition to the level I and level II  
4 reconnaissance and feasibility studies previously  
5 authorized under 2021 Wyoming Session Laws, Chapter 140,  
6 Section 3(a)(i) and from the other funds appropriation of  
7 eight hundred ninety-nine thousand eight hundred dollars  
8 (\$899,800.00)S13 made in section 3(a)(i) of that act, the  
9 state construction department is authorized to include the  
10 office, housekeeping area, locker room, storage and remodel  
11 project of the Wyoming law enforcement academy under the  
12 office of the attorney general for expenditure from those  
13 previously appropriated other funds.

14

15 [CASPER STATE OFFICE BUILDING - REVERSIONS]

16

17 **Section 7.**

18

19 (a) As determined by the state construction  
20 department and notwithstanding any other provision of law,  
21 any unexpended, unobligated funds appropriated for the  
22 construction of the state office building in Casper, also

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1 known as the Thyra Thomson state office building, shall  
2 revert to the Casper state facilities account.

3

4 (b) Not more than ten (10) business days after the  
5 reversion of funds specified in subsection (a) of this  
6 section is completed, the state construction department  
7 shall advise the state auditor of project completion of the  
8 Casper state office building. Upon receiving notice under  
9 this subsection from the state construction department, the  
10 state auditor shall transfer any unexpended, unobligated  
11 funds within the Casper state facilities account to the  
12 state building commission's contingency fund (unit 7201).  
13 All funds transferred to the state building commission  
14 under this subsection are hereby appropriated for purposes  
15 of the state building commission's contingency fund (unit  
16 7201).

17

18 [ECONOMIC DEVELOPMENT - CAPITAL CONSTRUCTION GRANTS]

19

20 **Section 8.**

21

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1           (a) There is appropriated four million dollars  
2     (\$4,000,000.00) from the general fund to the office of  
3     state lands and investments for purposes of providing a  
4     grant as provided in this subsection for infrastructure  
5     related to qualifying special events conducted on the  
6     grounds of any indoor or outdoor rodeo with a total seating  
7     capacity of not less than seven thousand five hundred  
8     (7,500). This appropriation shall be for the period  
9     beginning with the effective date of this act and ending  
10    June 30, 2026. Grant recipients that qualify under this  
11    subsection shall be selected by the state loan and  
12    investment board, subject to the following conditions:

13

14           (i) Any grant under this subsection shall only  
15    be awarded for infrastructure projects that create or  
16    enhance pedestrian transportation infrastructure to  
17    increase safety and avoid pedestrian and vehicle  
18    interactions, collisions and conflicts;

19

20           (ii) Expenditure of any grant by a recipient is  
21    conditioned upon a match of funds in the ratio of one  
22    dollar (\$1.00) of grant funds to not less than one dollar



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1 (\$1.00) from nonstate funds, including in-kind  
2 contributions to the project.

3

4 [RIVERTON STATE OFFICE BUILDING TASK FORCE]

5

6 **Section 9.**

7

8 (a) There is created the Riverton state office  
9 building task force. The task force shall be comprised of:

10

11 (i) Six (6) members of the legislature as  
12 follows:

13

14 (A) Three (3) members of the senate,  
15 appointed by the president of the senate;

16

17 (B) Three (3) members of the house of  
18 representatives, appointed by the speaker of the house of  
19 representatives.

20

21 (ii) The director of the state construction  
22 department or the director's designee;

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1

2           (iii) Not more than four (4) members appointed  
3 by the governor from state agencies with a physical  
4 presence in Riverton.

5

6           (b) The president of the senate and the speaker of  
7 the house shall each designate a co-chairman of the task  
8 force.

9

10           (c) Legislative members of the task force shall  
11 receive salary, mileage and per diem for attending  
12 meetings. Members appointed under paragraphs (a)(ii) and  
13 (iii) of this section who are government employees shall be  
14 considered to be on official business of their agency when  
15 performing duties as members of the task force.

16

17           (d) The task force shall serve in an advisory role  
18 and provide recommendations to the executive branch of  
19 state government for the procurement of professional  
20 services and completion of a level II feasibility study  
21 described in W.S. 9-5-108(a)(ii), level III construction  
22 and operation plans described in W.S. 9-5-108(a)(iii) and

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1 the construction or acquisition of a building for the  
2 Riverton state office building project. While serving in an  
3 advisory role, the task force shall:

4

5 (i) Receive and, when necessary, request  
6 information from the state construction department to stay  
7 informed on all aspects of the Riverton state office  
8 building project;

9

10 (ii) Closely monitor the procurement of  
11 professional services and progress on the planning and  
12 design of the Riverton state office building project;

13

14 (iii) When necessary or prudent, make  
15 recommendations to the state construction department  
16 regarding important aspects of the Riverton state office  
17 building project;

18

19 (iv) Provide interim reports on the activities  
20 of the task force to the joint appropriations committee not  
21 later than November 1 of each year that the task force is  
22 in existence;

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1

2           (v) Include in each interim report any  
3 recommendations for legislative action for consideration  
4 during the legislative session immediately following the  
5 report as necessary to complete or continue the Riverton  
6 state office building project.

7

8           (e) The task force shall be staffed by the state  
9 construction department, with assistance provided by the  
10 legislative service office. In staffing the task force, the  
11 state construction department shall:

12

13           (i) Coordinate and schedule all meetings,  
14 assemble all required meeting agendas and meeting materials  
15 for the task force and include and communicate with the  
16 legislative service office to allow the legislative service  
17 office to provide sufficient assistance to legislative  
18 members of the task force to fulfill their responsibilities  
19 as members of the task force;

20

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1           (ii) Act as a liaison between the task force and  
2 the executive branch of state government to communicate  
3 task force recommendations;

4  
5           (iii) Provide regular updates and progress  
6 reports to the task force and the state building commission  
7 regarding the Riverton state office building project;

8  
9           (iv) Provide other information and assistance to  
10 the task force as requested.

11  
12           (f) The task force shall terminate on June 30, 2028.

13  
14           (g) There is appropriated fifty thousand dollars  
15 (\$50,000.00) from the general fund to the legislative  
16 service office for the period beginning with the effective  
17 date of this act and ending June 30, 2028. This  
18 appropriation shall only be for purposes of providing  
19 salary, mileage and per diem of legislative members of the  
20 task force. Notwithstanding any other provision of law,  
21 this appropriation shall not be transferred or expended for  
22 any other purpose and any unexpended, unobligated funds

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1 remaining from this appropriation shall revert as provided  
2 by law on June 30, 2028.

3

4 [WYOMING STATE PENITENTIARY CAPITAL CONSTRUCTION ACCOUNT -  
5 APPROPRIATIONS]

6

7 **Section 10.**

8

9 (a) There is appropriated an amount not to exceed ten  
10 million dollars (\$10,000,000.00) from the Wyoming state  
11 penitentiary capital construction account to the state  
12 construction department for, in consultation with the  
13 department of corrections:

14

15 (i) Demolition of the north unit of the old  
16 state penitentiary in Rawlins;

17

18 (ii) Demolition of the administrative building  
19 at the Wyoming honor farm;

20

21 (iii) Relocation of utilities and information  
22 technology assets in the administrative building at the

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1 Wyoming honor farm to a suitable location on the campus of  
2 the honor farm.

3

4 (b) Only after the state construction department, in  
5 consultation with the department of corrections, has  
6 obligated sufficient funds to complete all activities  
7 specified in subsection (a) of this section, any  
8 unexpended, unobligated funds remaining in the Wyoming  
9 state penitentiary capital construction account are  
10 appropriated to the state construction department for  
11 purposes of acquiring land for a future state penitentiary  
12 by the state building commission in or near Rawlins.

13

14 [UNIVERSITY OF WYOMING CONSTRUCTION

15 REPORTING AND LIMITATIONS]

16

17 **Section 11.**

18

19 (a) Notwithstanding any other provision of law, the  
20 University of Wyoming shall not expend any funds from any  
21 source on the construction of the west stands of the University  
22 of Wyoming war memorial stadium or on the University of Wyoming

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1 natatorium to replace or expand Corbett pool without further  
2 express legislative authorization, provided that the University  
3 of Wyoming may expend appropriated funds for the routine  
4 maintenance, emergency maintenance, planning and design of the  
5 west stands of the University of Wyoming war memorial stadium  
6 or on the University of Wyoming Corbett pool in accordance with  
7 the requirements of any appropriations.

8

9 (b) Not later than July 10, 2023, and again not later  
10 than the tenth calendar day after the end of each calendar  
11 quarter, the University of Wyoming shall report to the joint  
12 appropriations committee on all of the following:

13

14 (i) The construction budget and timelines for the  
15 projects identified in this section and the University of  
16 Wyoming student housing project;

17

18 (ii) The status and progress of the projects  
19 identified in this section and the University of Wyoming  
20 student housing project;

21



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1           (iii) Any change orders completed for the projects  
2 identified in this section and the University of Wyoming  
3 student housing project;

4

5           (iv) The status of fundraising efforts to raise  
6 matching funds, and the source of any matching funds  
7 received, for purposes of the appropriations to the  
8 University of Wyoming in 2022 Wyoming Session Laws Chapter  
9 49, Section 4, Section 067.

10

11

[EFFECTIVE DATE]

12

13       **Section 12.** This act is effective immediately upon  
14 completion of all acts necessary for a bill to become law  
15 as provided by Article 4, Section 8 of the Wyoming  
16 Constitution.

17

18

(END)