

ENROLLED ACT NO. 84, SENATE

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2023 GENERAL SESSION

AN ACT relating to state funded capital construction; creating accounts; authorizing the inclusion of construction contract provisions related to inflation; providing definitions; providing appropriations for purposes related to state funded capital construction; providing for capital construction grants for purposes of economic development; making appropriations subject to terms and conditions as specified; providing matching funds for specified projects; authorizing the expenditure of prior appropriations as specified; providing for the reversion of funds; creating a task force; authorizing the purchase of land for future construction; providing for interfund borrowing; providing for reports; and providing for an effective date.

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

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

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

The Wyoming state hospital demolition account is created. The state treasurer may accept federal grants and other contributions, grants, gifts, transfers, bequests and donations of money from any source for deposit into the account. Funds within the account shall only be expended upon legislative appropriation. All funds within the account shall be invested by the state treasurer in accordance with law and all investment earnings from the account shall be credited to the general fund.

Section 2. W.S. 9-2-3006 by creating new subsections (g) and (h) and 9-4-203(a)(xiii) are amended to read:

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9-2-3006. Procurement for capital construction projects.

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

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

(ii) The school facilities commission for school facilities;

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

(h) The department and the University of Wyoming shall expend appropriations designated for inflationary costs only after all other alternative project funding sources and appropriations have been obligated or exhausted and after a determination by the department or the

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University of Wyoming, as appropriate, that the authorized project cannot be completed without additional funds as the result of inflation-related cost increases.

9-4-203. Definitions.

(a) As used in this act:

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

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

Section 4. There is created the University of Wyoming student housing account. Funds from the account shall be expended for the University of Wyoming student housing project as provided in this act. The treasurer shall disburse funds from the account upon request of the University of Wyoming board of trustees. Funds in the account appropriated under Section 7(b) of this act may only be expended by the trustees of the university for the payment of principal and interest on any outstanding securities issued by the university as of March 1, 2019 and funds appropriated under Section 7(a) of this act may only be expended by the trustees of the university for other initial costs of construction for phase 1 and phase 2 of the student housing project. Funds in the account shall be invested by the state treasurer's office. Notwithstanding W.S. 9-2-1008 and 9-4-207, any earnings from the account shall be credited to the legislative stabilization reserve

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account. The University of Wyoming shall repay on a twenty (20) year accrual schedule all funds expended by the university from the account at an annually adjusted interest rate of one-quarter of one percent (.25%) higher than the return received by the state in the immediately preceding fiscal year on the portion of the legislative stabilization reserve account that is not invested in equities. The interest rate shall be capped at a maximum rate of four and one-half percent (4.5%) per annum. All interest and principal payments made by the university in repayment of monies expended from the account shall be credited to the legislative stabilization reserve account. The University of Wyoming board of trustees may dedicate any available funds to repay funds expended from this account. Repayment of funds under this section shall commence on July 1 of the year following the year in which the funds were expended. Notwithstanding any other provision of law and subject to section 7(a) and (b) of this act, all unobligated and unencumbered funds in the account on June 30, 2029 shall revert to the legislative stabilization reserve account.

Section 7.

(a) There is continuously appropriated not more than fifteen million dollars (\$15,000,000.00) at any one (1) time, except as otherwise provided in this section from the legislative stabilization reserve account to the University of Wyoming student housing account created by this act. Funds from this

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appropriation may only be expended by the trustees of the university for initial costs of construction for phase 1 and phase 2 of the student housing project. All unexpended, unobligated funds appropriated under this subsection shall revert to the legislative stabilization reserve account on March 24, 2023.

(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.

Section 4.

(a) As used in this act:

(i) "Appropriation" means the authorizations granted by the legislature under this act to make expenditures from and to incur obligations against the general fund and other funds as specified;

(ii) "FF" means federal funds;

(iii) "PR" means private funding sources;

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

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

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

(b) Appropriations for projects in this act remain in effect until the project is completed, unless otherwise provided. The amounts appropriated for projects under this act shall be expended only on the projects specified and any unexpended, unobligated funds remaining upon completion of a project shall revert to the accounts from which they were appropriated, unless otherwise provided. The amounts appropriated in this act are intended to provide a maximum amount for each project and shall not be construed to be an entitlement or guaranteed amount.

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

[CAPITAL CONSTRUCTION]

Section 5.

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

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

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APPROPRIATION	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
FOR	\$	\$	\$	\$
Section 027. CAPITAL CONSTRUCTION PROJECTS				
PROGRAM				
SBC - State Facility				
Inflation Reserve ¹ .	51,405,563			51,405,563
SBC - Cost Escalation/ De-escalation Fund	7,058,700			7,058,700
AGR - State Fair Projects ² .	500,000			500,000
AGR - Ft. Washakie Demo.	452,000			452,000
SCD - Riverton State Office Bldg.	12,500,000			12,500,000
DOH - State Hospital Demo. ³ .			15,000,000 S0	15,000,000
DFS - Emerson Bldg. Rehab. ⁴ .	500,000			500,000
LCCC - Exterior Facade	5,779,006		4,687,463 PR	10,466,469
WWCC - Powerline Tech.	2,220,994		1,791,125 PR	4,012,119
EWC - Construction Tech.			3,386,811 PR	3,386,811
NWC - Orendorff Bldg.	4,000,000			4,000,000
WCCC - Military Campus Rec. ⁵ .	25,000			25,000
OSLI - Ranch A ⁶ .			1,000,000 S13	1,000,000
DOC - Women's Ctr. Roof	3,920,000			3,920,000
TOTALS	88,361,263	0	25,865,399	114,226,662

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

2. This appropriation shall only be expended on projects identified in the 2020 state fair master plan that are feasible to be completed within one (1) to three (3) years. As a condition of this appropriation and prior to the expenditure of general funds, the department of agriculture shall secure matching funds in the ratio of five dollars (\$5.00) of appropriated general

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

funds to not less than one dollar (\$1.00) of matching funds from any other source.

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

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

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

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

(ii) Appropriations and authorizations for University of Wyoming projects:

SECTION 067. CAPITAL CONSTRUCTION PROJECTS

PROGRAM				
UW - 2023 Capital Projects				
Acct. 1.	45,000,000			45,000,000
UW - AMK Ranch Reno.			10,000,000 PR	10,000,000
UW - Science Initiative	12,250,000			12,250,000
TOTALS	57,250,000	0	10,000,000	67,250,000

1. This appropriation shall be deposited to the University of Wyoming 2023 capital projects account.

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[AUTHORIZATION OF LEVEL I/II STUDY]

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

[CASPER STATE OFFICE BUILDING - REVERSIONS]

Section 7.

(a) As determined by the state construction department and notwithstanding any other provision of law, any unexpended, unobligated funds appropriated for the construction of the state office building in Casper, also known as the Thyra Thomson state office building, shall revert to the Casper state facilities account.

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

[ECONOMIC DEVELOPMENT - CAPITAL CONSTRUCTION GRANTS]

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Section 8.

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

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

(ii) Expenditure of any grant by a recipient is conditioned upon a match of funds in the ratio of one dollar (\$1.00) of grant funds to not less than one dollar (\$1.00) from any other source, including in-kind contributions to the project.

[RIVERTON STATE OFFICE BUILDING TASK FORCE]

Section 9.

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

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

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

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

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

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

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

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

(d) The task force shall serve in an advisory role and provide recommendations to the executive branch of state government for the procurement of professional services and completion of a level II feasibility study described in W.S. 9-5-108(a)(ii), level III construction and operation plans described in W.S. 9-5-108(a)(iii) and the construction or acquisition of a building for the Riverton state office building project. While serving in an advisory role, the task force shall:

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

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

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

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

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

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

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

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

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

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

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

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

[WYOMING STATE PENITENTIARY CAPITAL CONSTRUCTION ACCOUNT -
APPROPRIATIONS]

Section 10.

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

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

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

(iii) Relocation of utilities and information technology assets in the administrative building at the Wyoming honor farm to a suitable location on the campus of the honor farm.

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

[UNIVERSITY OF WYOMING 2023 CAPITAL PROJECTS ACCOUNT]

Section 11.

(a) There is appropriated one hundred twenty million dollars (\$120,000,000.00) from the University of Wyoming 2023 capital projects account, which is hereby created, to the University of Wyoming for construction of any or all of the following projects, the University of Wyoming student housing project, the west stands of the University of Wyoming war memorial stadium and the natatorium to replace or expand Corbett pool.

(b) The state treasurer and the state auditor shall utilize interfund loans from the legislative stabilization reserve account for deposit to the University of Wyoming 2023 capital projects account as necessary to meet appropriations from that account and contract obligations of the University of Wyoming incurred for purposes of this section. No interfund loans authorized under this section shall be made after completion of the projects specified in subsection (a) of this section.

(c) The state treasurer, after consultation with the state auditor, shall include an appropriation request in each biennial budget and supplemental budget request in an amount equal to the lesser of forty million dollars (\$40,000,000.00) or the outstanding loan balance until all loans from the legislative stabilization reserve account to the University of Wyoming 2023 capital projects account are

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repaid. In no event shall the total appropriation requests under this subsection exceed seventy-five million dollars (\$75,000,000.00).

[UNIVERSITY OF WYOMING CONSTRUCTION
REPORTING AND LIMITATIONS]

Section 12.

(a) Not later than July 10, 2023, and again not later than the tenth calendar day after the end of each calendar quarter, the University of Wyoming shall report to the joint appropriations committee on the budget, construction status, timelines, fundraising and matching efforts of all University of Wyoming construction projects supported by state appropriations provided in this act.

(b) The University of Wyoming shall not engage in any new capital construction projects until the University of Wyoming construction projects supported by state appropriations provided in this act are completed and all buildings constructed are occupied or being used for their intended purpose, except for major maintenance projects, emergency projects, projects at the agriculture experiment stations, projects funded entirely by private funds or projects related to research or instructional needs.

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[EFFECTIVE DATE]

Section 13. 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