

**Bill No.:** SF0146 **Effective:** **Immediately**

**LSO No.:** **23LSO-0409**

**Enrolled Act No.:** SEA No. 0084

**Chapter No.:** 187

**Prime Sponsor:** Joint Appropriations Committee

**Catch Title:** **State funded capital construction.**

**Subject:** State funded capital construction.

**Summary/Major Elements:**

- This act creates two accounts: (1) the Wyoming State Hospital Demolition Account; and (2) the University of Wyoming 2023 Capital Projects Account.
- The act authorizes the State Construction Department and the University of Wyoming to incorporate a provision in state agency contracts and use unobligated, unexpended funds within available appropriations for capital construction to apply a material cost escalation (or de-escalation) factor. Any escalation factor included in an agency contract cannot be less than seven and one-half percent (7.5%) and cannot exceed thirty percent (30%).
- The act requires the State Construction Department and the University of Wyoming to expend appropriations designated for inflationary costs only after all other alternative project funding sources and appropriations have been obligated or exhausted and only after the Department or University determines that the authorized project cannot be completed without additional funds due to inflation-related cost increases.
- The act reverts 2019 appropriations of \$49 million from the Legislative Stabilization Reserve Account to the University of Wyoming for purposes of student housing. Any unexpended funds from that appropriation revert to the Legislative Stabilization Reserve Account on March 24, 2023.
- The act provides funding for state construction projects administered by the State Construction Department, including community-college projects and other state-agency projects, in the following approximate amounts:
  - \$78.3 million in General Funds.
  - \$25.9 million in Other Funds.
- The act appropriates \$57,250,000 in General Funds and \$10,000,000 from Private Funding Sources for capital-construction projects for the University of Wyoming, as follows:

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- \$45 million in General Funds to the University of Wyoming 2023 Capital Projects Account.
  - \$12,250,000 in General Funds to the University Science Initiative.
  - \$10 million in private-source funds for the AMK Ranch Renovation Project.
- The act authorizes the State Construction Department to include the office, housekeeping area, locker room, storage, and remodel of the Wyoming Law Enforcement Academy in a Level I and Level II reconnaissance and feasibility study from Other Funds appropriated in 2021.
  - The act requires any unexpended, unobligated funds appropriated for the construction of the Thyra Thomson State Office Building in Casper to revert to the Casper State Facilities Account, after which funds are to be transferred and appropriated to the State Building Commission's Contingency Fund.
  - The act appropriates \$4 million from the General Fund to the Office of State Lands and Investments for purposes of providing grants for pedestrian transportation infrastructure associated with an indoor or outdoor rodeo with a total seating capacity of not less than seven thousand five hundred (7,500). Expenditure of a grant awarded from this appropriation is conditioned on a dollar-for-dollar match from any other source, including in-kind contributions.
  - The act establishes the Riverton State Office Task Force, which includes six legislators, the director of the State Construction Department (or the director's designee), and not more than four (4) members that the Governor appoints from state agencies with a physical presence in Riverton.
  - The Riverton State Office Task Force is required to serve in an advisory role and provide recommendations regarding the procurement of a building for a state office in Riverton. The Legislative Service Office is required to staff the task force, which terminates on June 30, 2028. There is \$50,000 appropriated from the General Fund to the Legislative Service Office for purposes of providing salary, mileage, and per diem for the legislative members.
  - The act appropriates up to \$10 million from the Wyoming State Penitentiary Capital Construction Account to the State Construction Department for projects related to: (1) the demolition of the North Unit at the Old State Penitentiary in Rawlins; (2) the demolition of the Wyoming Honor Farm Administrative Building; and (3) the relocation of utilities and information-technology assets from the administrative building to another suitable location at the Honor Farm.
  - The act appropriates \$120 million from the University of Wyoming 2023 Capital Projects Account to the University of Wyoming for construction of any or all of: (1) the student housing project; (2) the West Stands of War Memorial Stadium; and (3) Corbett Pool at the Natatorium. The act authorizes the State Treasurer and the State Auditor to utilize interfund

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loans of up to \$75 million from the Legislative Stabilization Reserve Account to the University of Wyoming 2023 Capital Projects Account for the specified projects.

- The act requires the University of Wyoming to report after each calendar quarter to the Joint Appropriations Committee on the budget, construction status, timelines, fundraising, and matching efforts of all University construction projects supported by appropriations in this act.
- The act prohibits the University of Wyoming from engaging in any new capital construction projects until the specified projects are completed. Major-maintenance projects, emergency projects, projects entirely from private funds, and projects at the agriculture and research extension centers are excluded from this prohibition.

#### **Governor Vetoes:**

- The Governor exercised line-item vetoes to:
  - Reduce an appropriation for the Riverton State Office from \$12.5 million to \$2.5 million.
  - Amend the requirements and duties of the Riverton State Office Task Force created in this act. Among other things, the task force is not required to be staffed by the State Construction Department, but the Legislative Service Office. The vetoes also struck language regarding the construction of a state-office building in Riverton to limit the task force to studying a potential state office in Riverton.

#### **Comments:**

- This act is effective immediately.
- This act is commonly known as the state capital construction, or "cap-con," bill.
- This act imposes reporting requirements on the University of Wyoming to report to the Joint Appropriations Committee quarterly.

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