

HOUSE BILL NO. HB0013

Integrated test center-governance.

Sponsored by: Joint Minerals, Business & Economic
Development Interim Committee

A BILL

for

1 AN ACT relating to the administration of the government;
2 codifying and continuing the integrated test center;
3 specifying oversight and powers of the integrated test
4 center; requiring reports; specifying budget procedures for
5 the center; making conforming amendments; providing for the
6 transfer and assumption of obligations, funds and duties;
7 and providing for an effective date.

8

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

10

11 **Section 1.**

12

13 (a) The integrated test center established in 2014
14 Wyoming session laws, chapter 26, section 334(h)(ii) and
15 (n), as amended by 2015 Wyoming session laws, chapter 142,

1 section 334(h)(ii) and (o), shall be transferred to the
2 University of Wyoming school of energy resources on the
3 effective date of this act. All property, implements,
4 fixtures, facilities, equipment, obligations, rights and
5 unexpended funds of the integrated test center owned or
6 held by the state of Wyoming shall be transferred to the
7 University of Wyoming school of energy resources on the
8 effective date of this act.

9

10 (b) The governor's office, Wyoming energy authority
11 and school of energy resources shall, to the greatest
12 extent possible, take all actions necessary to transfer any
13 existing agreements or contracts of the integrated test
14 center to the school of energy resources.

15

16 **Section 2.** W.S. 21-17-117.1 is created to read:

17

18 **21-17-117.1. Integrated test center; governance;**
19 **duties; powers.**

20

21 (a) The integrated test center established in 2014
22 Wyoming session laws, chapter 26, section 334(h)(ii) and
23 (n), as amended by 2015 Wyoming session laws, chapter 142,

1 section 334(h)(ii) and (o), is hereby codified and
2 continued as the integrated test center.

3

4 (b) The University of Wyoming school of energy
5 resources, under direction from the energy resources
6 council, shall oversee and operate the integrated test
7 center.

8

9 (c) The school of energy resources, under direction
10 from the energy resources council, shall establish the
11 structure and policies for the operation of the integrated
12 test center consistent with the objectives of this section
13 and W.S. 21-17-117.

14

15 (d) In operating the integrated test center, the
16 school of energy resources shall:

17

18 (i) Design, construct and operate a facility to
19 study the capture, sequestration, utilization and
20 management of carbon dioxide emissions or other emissions
21 and other research projects. For purposes of this
22 paragraph, an integrated test center designed and
23 constructed under 2014 Wyoming session laws, chapter 26,

1 section 334(n) shall be deemed to satisfy the requirements
2 of this paragraph;

3

4 (ii) Provide opportunities for testing and
5 research projects at the facility specified in paragraph
6 (i) of this subsection;

7

8 (iii) Enter into leases in accordance with the
9 following:

10

11 (A) The school of energy resources shall
12 enter into leases or shall assign existing leases with
13 owners of real property where the facility specified in
14 paragraph (i) of this subsection is located. Any lease
15 entered into under this subparagraph shall offer the owner
16 of the real property the right of first refusal to purchase
17 the state's ownership interest in the physical plant at
18 fair market value after conclusion of all integrated test
19 center activities by the school of energy resources and its
20 partners and research tenants;

21

22 (B) The school of energy resources shall
23 enter into subleases with persons and entities who wish to

1 perform research or other projects at the facility before
2 those persons or entities become tenants and begin work at
3 the facility;

4
5 (C) Signed agreements between all partners,
6 research tenants and lessors regarding the integrated test
7 center and the school of energy resources shall include
8 provisions retaining sovereign immunity for the state of
9 Wyoming and the University of Wyoming and provisions for
10 the indemnification from any liability, damages and legal
11 fees incurred by the University of Wyoming or the state of
12 Wyoming from any claims, causes of action, injuries or
13 judgments resulting from the use of the integrated test
14 center by an employee, contractor or guest of a partner,
15 research tenant or lessor.

16
17 (iv) Prioritize space at the facility
18 established under paragraph (i) of this subsection and
19 resources to projects that the school of energy resources
20 and the energy resources council determine would:

21

1 (A) Have a high likelihood for commercial
2 success and are at the correct developmental stage for
3 testing at the integrated test center;

4

5 (B) Increase the knowledge base within the
6 state of Wyoming on the capture, sequestration, utilization
7 and management of carbon dioxide emissions or other
8 emissions with the potential benefit of improving the
9 future marketability of Wyoming energy sources;

10

11 (C) Increase the national and international
12 exposure of the state of Wyoming and its agencies,
13 institutions, instrumentalities and political subdivisions
14 as participants and locations for innovation in energy;

15

16 (D) Add ancillary or supplemental value to
17 Wyoming products or byproducts; or

18

19 (E) Lead to the development of methods or
20 products that may advance the future use of Wyoming's
21 natural resources.

22

1 (e) The state of Wyoming, by and through the
2 University of Wyoming school of energy resources, shall
3 have sole ownership of the physical plant of any test
4 facility constructed in accordance with paragraph (d)(i) of
5 this section that was constructed with state funds. State
6 ownership shall not extend to the real property on which
7 the physical plant is located nor to any improvement,
8 equipment or fixture purchased with funds that are not
9 state funds.

10

11 (f) Not later than October 1 of each year and as part
12 of the report required under W.S. 21-17-117, the school of
13 energy resources shall report to the joint minerals,
14 business and economic development interim committee and the
15 joint appropriations committee on:

16

17 (i) The work of the integrated test center in
18 the past fiscal year, including the work and use of the
19 research facility established under paragraph (d)(i) of
20 this section;

21

22 (ii) All accomplishments of the integrated test
23 center in the past fiscal year and benefits accruing to

1 Wyoming's economy as a result of the integrated test
2 center's work;

3

4 (iii) The current occupancy of the integrated
5 test center, including lessees and the projects lessees are
6 conducting at the integrated test center.

7

8 **Section 3.** W.S. 21-17-117(c)(iv), by creating a new
9 paragraph (v) and (f) is amended to read:

10

11 **21-17-117. School of energy resources; creation**
12 **authorized; University of Wyoming energy resources council**
13 **established; reports; budget submittal.**

14

15 (c) The school of energy resources shall:

16

17 (iv) Notwithstanding any other provision of this
18 chapter, develop and submit a budget for the school for
19 approval by the energy resources council and then shall
20 submit the budget for review in accordance with W.S.
21 9-2-1010 through 9-2-1014. The school of energy resources
22 may include in the budget submitted under this paragraph a
23 budget for the integrated test center specified in W.S.

1 21-17-117.1. The school of energy resources shall submit
2 its budget to the governor after approval by the energy
3 resources council created in subsection (e) of this
4 section. The school of energy resources shall submit a copy
5 of its budget for informational purposes to the
6 university's board of trustees;

7

8 (v) Oversee and manage the integrated test
9 center in accordance with W.S. 21-17-117.1.

10

11 (f) The university shall report annually, not later
12 than October 1, to the joint minerals, business and
13 economic development interim committee, the joint
14 appropriations committee and the joint education interim
15 committee regarding all revenues to and expenditures by the
16 school of energy resources during the preceding fiscal
17 year, any budget prepared and submitted under paragraph
18 (c)(iv) of this section, accomplishments of the school of
19 energy resources and its benefits to Wyoming's energy
20 economy. The report submitted under this subsection shall
21 include a report on the integrated test center in
22 accordance with W.S. 21-17.117.1(f).

23

1 **Section 4.** Nothing in this act shall be construed to
2 impair existing agreements, contracts or other obligations
3 of the integrated test center that were entered into by the
4 integrated test center, the Wyoming energy authority, the
5 office of the governor or the University of Wyoming school
6 of energy resources before the effective date of this act.

7

8 **Section 5.** This act is effective immediately upon
9 completion of all acts necessary for a bill to become law
10 as provided by Article 4, Section 8 of the Wyoming
11 Constitution.

12

13

(END)