

ENROLLED ACT NO. 67, HOUSE OF REPRESENTATIVES

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING  
2018 BUDGET SESSION

**EXCERPTS FROM 2018 LAWS, CH 136**

AN ACT relating to state funded facilities; providing appropriations for state funded capital construction; providing for conditions and other requirements related to state funded capital construction projects; providing for loans from the permanent Wyoming mineral trust fund for capital construction of student dormitories; establishing accounts; dedicating and providing for the distribution of funds to school major maintenance and providing for continuous appropriations as specified; specifying duties of the state building commission, the state construction department and the department of administration and information; providing for review of security and potential relocation of the governor's residence; requiring reports; providing definitions; creating an advisory task force; creating a task force; imposing a moratorium on the expenditure of funds and disposition of property as specified; providing funding and conditions of mineral impacted road projects; providing for real property lease negotiations and disposition as specified; providing for matching funds to be used for higher education capital projects; providing for loans from the permanent Wyoming mineral trust fund for capital construction by local governments; providing additional appropriations; and providing for effective dates.

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

**Section 1.** W.S. 16-1-111, 21-18-319 and 36-8-1701 are created to read:

**16-1-111. Loans to political subdivisions; requirements; limitations; rulemaking.**

(a) The state loan and investment board may negotiate and make loans from the permanent Wyoming mineral trust fund to political subdivisions of this state as provided in this

ENROLLED ACT NO. 67, HOUSE OF REPRESENTATIVES

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING  
2018 BUDGET SESSION

section. The aggregate sum of all loans made under this section shall not exceed four hundred million dollars (\$400,000,000.00). The aggregate sum of loans made for infrastructure projects shall not exceed two hundred million dollars (\$200,000,000.00) and shall not exceed two hundred million dollars (\$200,000,000.00) for road or street projects. Loans may be made for infrastructure projects and street and road projects as provided in this section. The board shall adopt rules and procedures as it deems advisable or necessary to administer the program. The rules shall include requirements and standards which the board determines to be necessary or advisable in accordance with the following:

(i) To qualify for a loan an applicant shall demonstrate:

(A) A commitment to adequately maintain the project for which the loan is requested during a reasonable period of time;

(B) That all project costs will be funded at the time of receipt of the loan, with funding sources specified within the project application;

(C) Compliance with any other criteria developed by the board consistent with this section.

(ii) The determination of whether to make a loan shall include consideration of:

(A) The contribution of the project to health, safety and welfare;

(B) The applicant's need for the project and financial needs of the applicant in relation to the project;

ENROLLED ACT NO. 67, HOUSE OF REPRESENTATIVES

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING  
2018 BUDGET SESSION

(C) The ability of the applicant to repay the loan.

(b) Loans may be made to cities, towns, counties, school districts and community college districts for infrastructure projects. A loan under this subsection shall be at an interest rate of one percent (1%) plus seventy-five thousandths of one percent (.075%) for each year of the loan term in excess of five (5) years. In the event of prepayment of a loan, the interest rate shall be calculated at the actual loan period, but no refund of interest payment shall be made to the borrowing entity. Any loan made under this subsection shall be for a term of not fewer than five (5) years and not greater than twenty-five (25) years for repayment. Adequate security for loans shall be required and may include:

(i) A pledge of the revenues from the project for which the loan was granted;

(ii) A pledge of other revenues available to the entity receiving the loan;

(iii) A mortgage covering all or any part of the project or by a pledge of the lease of the project;

(iv) Any other security device or requirement deemed advantageous or necessary by the board.

(c) Loans may be made to cities, towns and counties for road or street projects. To qualify for a road or street project loan, in addition to the requirements of subsections (a) and (b) of this section, an applicant shall demonstrate that all related infrastructure including water and sewer is or will be in place at the time of receipt of the loan. No

ENROLLED ACT NO. 67, HOUSE OF REPRESENTATIVES

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING  
2018 BUDGET SESSION

loan shall be provided under this subsection to any city, town or county that has any outstanding or unpaid loan under this subsection. Any loan under this subsection shall be at an interest rate of one percent (1%) plus seventy-five thousandths of one percent (.075%) for each year of the loan term in excess of five (5) years. In the event of prepayment of a loan, the interest rate shall be calculated at the actual loan period, but no refund of interest payment shall be made to the borrowing entity. Any loan made under this subsection shall be for a term of not fewer than five (5) years and not greater than twenty-five (25) years for repayment. The total loans under this subsection provided in any one (1) year shall not exceed one hundred million dollars (\$100,000,000.00). Not more than thirty-five million dollars (\$35,000,000.00) of road or street loans shall be made in any one (1) year to:

- (i) Towns as defined in W.S. 15-1-101(a)(xiv);
- (ii) Cities as defined in W.S. 15-1-101(a)(iv);
- (iii) Counties.

(d) No loan shall be made without the written opinion of the attorney general certifying the legality of the transaction and all documents connected therewith. An election approving the project and borrowing for the project by the qualified electors of the borrowing entity shall be required only if the attorney general determines such an election is otherwise required by law.

(e) There is created a loss reserve account for loans made under this section. A loan origination fee of one-half of one percent (0.5%) of the loan shall be paid by the loan applicant and deposited to the loss reserve account for any loan approved under this section. If, as a result of default

ENROLLED ACT NO. 67, HOUSE OF REPRESENTATIVES

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING  
2018 BUDGET SESSION

in the payment of any loan made under this section, there occurs a nonrecoverable loss either to the corpus of, or interest due to the permanent Wyoming mineral trust fund, the board shall restore the loss to the permanent fund using any funds available in the loss reserve account. If the funds in the loss reserve account are insufficient to restore the full amount of the loss, the board shall submit a detailed report of the loss to the legislature and shall request an appropriation to restore the balance of the loss to the permanent fund. Beginning June 30, 2018, the state treasurer shall transfer funds quarterly from the permanent Wyoming mineral trust fund reserve account to the loss reserve account created in this subsection, in an amount necessary to ensure that as of the last day of each quarter there is an unobligated, unencumbered balance equal to five percent (5%) of the balance of outstanding loans under this section. Any funds transferred to the loss reserve account pursuant to this subsection which are not necessary to maintain the five percent (5%) balance shall be transferred back to the permanent Wyoming mineral trust fund reserve account on the last day of the quarter.

(f) As used in this section:

(i) "Board" means the state loan and investment board to include the office of state lands and investments;

(ii) "Infrastructure project" means a capital construction project which may lawfully be undertaken within the powers of the political subdivision authorized to receive a loan under this section;

(iii) "Road or street project" means the construction, maintenance or improvement of a public street, road or alley within a city, town or county.

ENROLLED ACT NO. 67, HOUSE OF REPRESENTATIVES

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING  
2018 BUDGET SESSION

**21-18-319. Student dormitory capital construction loans; rulemaking; requirements; reporting; definition.**

(a) The state loan and investment board may negotiate and make loans from the permanent Wyoming mineral trust fund to community college districts for capital construction of student dormitories, including the purchase of land, buildings, facilities and necessary rights-of-way. The aggregate sum of all outstanding loans made under this section shall not exceed sixty million dollars (\$60,000,000.00). The board shall adopt rules as it deems advisable or necessary to administer the loans authorized in this section.

(b) In making loans authorized in this section, the board shall establish in rule the requirements and standards which it determines to be advisable or necessary and in accordance with the following:

(i) To qualify for a loan a community college district shall demonstrate in its application:

(A) A commitment to adequately maintain the student dormitory for which the loan is requested for the full term of the loan or for the period in which there remains an outstanding loan balance;

(B) That all costs for the construction of the student dormitory will be funded at the time of receipt of the loan, with funding sources specified in the application.

(ii) The determination of whether to make a loan shall include consideration of:

ENROLLED ACT NO. 67, HOUSE OF REPRESENTATIVES

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING  
2018 BUDGET SESSION

(A) The community college district's need for the student dormitory and the financial needs of the community college district in relation to the student dormitory;

(B) The ability of the community college district to repay the loan.

(iii) Any community college district with a significant demonstrated need to increase student dormitory capacity on campus shall be granted first priority for loans;

(iv) Loans shall be at an interest rate of one percent (1%) plus seventy-five thousandths of one percent (.075%) for each year of the loan term in excess of five (5) years;

(v) Loans shall be for an initial term of not fewer than five (5) years and not greater than twenty-five (25) years for repayment;

(vi) Adequate security for loans shall be required and may include:

(A) A pledge of the revenues from the student dormitory for which the loan was granted;

(B) A pledge of other revenues available to the community college district receiving the loan;

(C) Any other security device or requirement deemed advantageous or necessary by the board.

(vii) Annual financial statements shall be required from any community college district receiving a loan. In addition, the expenditures and progress of the project related

ENROLLED ACT NO. 67, HOUSE OF REPRESENTATIVES

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING  
2018 BUDGET SESSION

to the loan shall be reported to the board at least annually or more frequently if deemed advisable by the board. At the end of the term of the loan, the community college district shall provide to the board a comprehensive report that shall, at minimum, include a financial review and a list of the accomplishments as a result of the loan;

(viii) No loan shall be made without the written opinion of the attorney general certifying the legality of the transaction and all documents connected therewith. An election by the qualified electors of the community college district approving the construction of student dormitories and borrowing of funds under this section shall be required only if the attorney general determines an election is otherwise required by law;

(ix) A loan origination fee of one-half of one percent (0.5%) of the loan amount shall be paid by the community college district to the board to be credited to a loss reserve account, which is hereby created:

(A) Revenues received by the board for deposit in the loss reserve account shall be transmitted to the state treasurer for deposit to the account;

(B) Funds in the loss reserve account shall be used to pay the administrative and legal expenses of the board in making collections and foreclosing on loans made pursuant to this section;

(C) If, as a result of default in the payment of any loan made under this section there occurs a nonrecoverable loss either to the corpus of, or interest due to the permanent Wyoming mineral trust fund, the board shall restore the loss to the fund using any funds available in the

ENROLLED ACT NO. 67, HOUSE OF REPRESENTATIVES

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING  
2018 BUDGET SESSION

loss reserve account. If the funds in the loss reserve account are insufficient to restore the full amount of the loss, the board shall submit a detailed report of the loss to the legislature and shall request an appropriation to restore the balance of the loss to the permanent Wyoming mineral trust fund.

(x) The board, whenever it deems necessary for the better protection of the permanent Wyoming mineral trust fund, may refinance any delinquent loan made under this section and reamortize the loan over not more than twenty-five (25) years from the date of refinancing. All costs of refinancing the loan shall be paid by the community college district that is delinquent on the original loan and no loan shall be refinanced where it appears refinancing will jeopardize the collection of the loan. A fee of one-half of one percent (0.5%) of the refinanced loan amount shall be paid by the community college district to the board to be credited to a loss reserve account created by paragraph (ix) of this subsection. The rate of interest for any refinanced loan shall be at the same rate specified under paragraph (iv) of this subsection.

(c) Loans to a community college district under this section shall not be used for any other infrastructure need of the community college district that is not directly associated with the development and construction of student dormitories.

(d) On or before June 30 of each year, the board shall report information on the administration of loans made pursuant to this section to the joint appropriations committee, the joint minerals, business and economic development interim committee and the joint education interim committee. The report shall include a list of all loan requests made in the previous twelve (12) months, the amount

ENROLLED ACT NO. 67, HOUSE OF REPRESENTATIVES

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING  
2018 BUDGET SESSION

approved by project, expenditures by project and the progress of each project as of the date of the report, including outstanding loan amounts, repayment schedules and any delinquencies.

(e) As used in this section:

(i) "Board" means the state loan and investment board and includes assistance provided by the office of state lands and investments;

(ii) "Capital construction" or "construction" includes new construction, renovation or capital renewal.

ARTICLE 17  
RANCH A

**36-8-1701. Ranch A account; use of funds.**

(a) There is created the Ranch A account. The board of land commissioners shall deposit all earnings, whether from lease or otherwise, generated by state owned property commonly known as "Ranch A" to the account. The board may accept gifts from any individual or entity for Ranch A and shall deposit those funds to the account. Funds in the account from any source are continuously appropriated to the board for purposes of capital construction projects, major maintenance and maintenance of the outdoor recreation area and the facilities comprising Ranch A. Notwithstanding W.S. 9-2-1008 and 9-4-207, any earnings from funds in the account shall be credited to the account and shall not lapse at the end of any fiscal period.

(b) As used in this section "Ranch A" means the following described property: In township 52 north, range 60

ENROLLED ACT NO. 67, HOUSE OF REPRESENTATIVES

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING  
2018 BUDGET SESSION

west, 6th p.m., section 18, lots 3, 4: SE1/4 SW1/4: SW1/4 SE1/4: 7.79 acres in NE1/4 SW1/4; section 19 lot 1, NE1/4 NW1/4. In township 52 north, range 61 west, 6th p.m., section 13: lot 4: W1/2 SE1/4: SE1/4 SE1/4; section 24 NE1/4 (less 1.0 acre): NE1/4 NW1/4: E1/2 NE1/4 NW1/4 SE1/4 less south 50 feet: W1/2 NW1/4 NE1/4 SE1/4 less south 50 feet. All containing six hundred twelve and ninety-four hundredths (612.94) acres more or less.

**Section 2.** W.S. 9-2-3004(c) by creating a new paragraph (viii), 9-4-220, 9-4-719(b) and 21-18-102(a)(xxiii) are amended to read:

**9-2-3004. Duties of the department.**

(c) The department shall:

(viii) Review the final design, drawings and plans of any capital construction project prior to commencing with bidding to ensure that energy efficient best practice techniques and processes are included in the design of any capital construction project funded with federal funds and for which the state is required to expend state funds to fully or partially pay for operations, routine maintenance or major maintenance expenses for the facility. Upon conclusion of each review, the department shall submit a report of findings to the joint appropriations committee and the joint transportation, highways and military affairs interim committee.

**9-4-220. Strategic investments and projects account created; purposes.**

(a) The strategic investments and projects account created by 2013 Wyoming Session Laws, Chapter 73, Section 4,

ENROLLED ACT NO. 67, HOUSE OF REPRESENTATIVES

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING  
2018 BUDGET SESSION

Section 300(e) is continued and codified. Funds within the account shall only be expended by legislative appropriation. Subject to subsection (b) of this section, the governor may include appropriation requests from funds available within the strategic investments and projects account within his biennial budget requests for one-time expenditures as he deems necessary. All funds within the account shall be invested by the state treasurer and all investment earnings from the account shall be credited to the general fund.

(b) For fiscal year 2021 and in each fiscal year thereafter unencumbered and unobligated funds available for expenditure in the strategic investments and projects account shall be expended for the following purposes and subject to the following:

(i) An amount equal to forty-five percent (45%) of the maximum amount which may be credited to the strategic investments and projects account pursuant to W.S. 9-4-719(q) shall be credited to a school major maintenance subaccount. Funds within the subaccount shall be expended only for school major maintenance obligations of the state. For purposes of accounting and investing only, the school major maintenance subaccount shall be treated as a separate account from the strategic investments and projects account;

(ii) Funds in excess of the amount calculated under paragraph (i) of this subsection may be expended as appropriated by the legislature.

**9-4-719. Investment earnings spending policy permanent funds.**

(b) There is created the permanent Wyoming mineral trust fund reserve account. Beginning July 1, 2016 for fiscal year

ENROLLED ACT NO. 67, HOUSE OF REPRESENTATIVES

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING  
2018 BUDGET SESSION

2017 and each fiscal year thereafter, the state treasurer shall transfer unobligated funds from this account to the general fund as necessary to ensure that an amount equal to two and one-half percent (2.5%) of the previous five (5) year average market value of the permanent Wyoming mineral trust fund, calculated on the first day of the fiscal year, is available for expenditure annually during each fiscal year. As soon as possible after the end of each of the fiscal years beginning on and after July 1, 2017, after making any transfer required pursuant to paragraph (i) of this subsection, revenues in this account in excess of one hundred fifty percent (150%) of the spending policy amount in subsection (d) of this section shall be credited to the permanent Wyoming mineral trust fund. For fiscal year 2021 and for each fiscal year thereafter:

(i) As soon as practicable after the end of the fiscal year, after making any other transfers provided by law from the permanent Wyoming mineral trust fund reserve account, but prior to calculating the balance of the account under this subsection, the state treasurer shall transfer from the account an amount equal to the difference between the full amount to be credited to the school major maintenance subaccount pursuant to W.S. 9-4-220(b)(i) and the amount actually credited to that subaccount in the applicable fiscal year.

**21-18-102. Definitions.**

(a) As used in this act:

(xxiii) "This act" means W.S. 21-18-101 through ~~21-18-317~~ 21-18-319.

ENROLLED ACT NO. 67, HOUSE OF REPRESENTATIVES

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING  
2018 BUDGET SESSION

[AMENDMENTS-CONDITIONAL APPROPRIATIONS FROM INVESTMENT  
EARNINGS DERIVED IN FISCAL YEAR 2018]

**Section 8.** 2016 Wyoming Session Laws, Chapter 97,  
Section 8 is amended to read:

[CONDITIONAL APPROPRIATIONS FROM INVESTMENT EARNINGS  
DERIVED IN FISCAL YEAR 2018]

**Section 8.** The following sums of money are appropriated for the capital construction projects specified from revenues credited to the strategic investments and projects account under W.S. 9-4-719(q) attributable to earnings from the fiscal year beginning July 1, 2017 and ending June 30, 2018. Appropriations for these projects remain in effect until the project is completed. Any unexpended, unobligated appropriations remaining in a capital construction project budget upon completion of the project shall be deposited into the capitol building rehabilitation and restoration account created by W.S. 9-5-109(j). To the extent funds are available, the appropriations shall be made available as soon as practicable on or after June 30, 2018, but not later than ninety (90) days after the end of the 2018 fiscal year. The amounts appropriated in this section are intended to provide a maximum amount for each project and shall not be construed to be an entitlement or guaranteed amount. In the event there are insufficient funds to accomplish the purposes of all appropriations in this section from earnings deposited to the strategic investment and projects account in fiscal year 2018 the state treasurer and the state auditor may utilize interfund loans from the legislative stabilization reserve account as authorized in section 9 of this act. If there are insufficient funds in the strategic investment and projects account and the legislative stabilization reserve account to accomplish the purposes of all

ENROLLED ACT NO. 67, HOUSE OF REPRESENTATIVES

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING  
2018 BUDGET SESSION

appropriations in this section, appropriations shall be made in priority order, with the total appropriation funded for each priority before funding the next priority as specified:

<u>Priority</u>	<u>Agency</u>	<u>Description</u>	<u>Amount (\$)</u>
I.	<u>006</u> <u>027</u>	State facilities construction account <sup>2,7.</sup>	<u>20,000,000</u> <u>37,000,000</u>
II.	067	University science initiative <sup>3.</sup>	<u>24,400,000</u> <u>9,400,000</u>
III.	<u>006</u> <u>027</u>	State facilities - Casper <sup>4.</sup>	<u>12,000,000</u> <u>15,000,000</u>
IV.	<u>006</u> <u>027</u>	<del>Capitol bldg. rehabilitation and restoration account<sup>5.</sup></del> <u>School capital construction account<sup>6.</sup></u>	<del>20,000,000</del> <u>4,200,000</u>
V.	<u>045</u>	<del>Mineral impacted roads<sup>5.</sup></del>	<del>To be determined.</del>

~~1. Funds from this appropriation shall be deposited in the capitol building rehabilitation and restoration account created by W.S. 9-5-109(j).~~

2. Funds from this appropriation shall be deposited in the state facilities construction account.

3. The state treasurer shall deposit this appropriation in the University of Wyoming science initiative account.

4. This appropriation shall be deposited in the Casper state facilities account.

~~5. To the extent highway funds are deposited to the mineral impacted road account pursuant to section 13 of this act, and have not been replenished under section 7 of this act, an amount necessary to completely restore those highway funds is appropriated for deposit to the highway fund. Funds deposited to the highway fund under this section shall not be subject to any reversion or lapse.~~

6. Funds from this appropriation shall be deposited in the school capital construction account as defined in W.S. 21-15-111(a)(i).

7. In addition to amounts appropriated in 2017 Wyoming Session Laws, Chapter 78 for the Wyoming state hospital and Wyoming life resource center, up to thirty-two million dollars (\$32,000,000.00) from the state facilities construction account is appropriated for the purposes of preconstruction and construction activities necessary to plan, contract for, construct and renovate facilities at the Wyoming state hospital and Wyoming life resource center, consistent with the Level III design study authorized by 2016 Wyoming Session Laws, Chapter 97, Section 4.

ENROLLED ACT NO. 67, HOUSE OF REPRESENTATIVES

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING  
2018 BUDGET SESSION

[MINERAL IMPACTED ROADS]

**Section 11.**

(a) Seven million five hundred thousand dollars (\$7,500,000.00) is appropriated from the legislative stabilization reserve account to the department of transportation for relocation, construction or improvement of roads and bridges directly impacted by development of coal resources. This appropriation shall be used to provide funding for a single project in which a county has provided a binding commitment to pay at least fifty percent (50%) of the anticipated cost of the project from county or private funding sources of up to fifteen million dollars (\$15,000,000.00) plus any project costs in excess of thirty million dollars (\$30,000,000.00). The department of transportation shall contribute the same sum as is appropriated from the legislative stabilization reserve account under this subsection, up to seven million five hundred thousand dollars (\$7,500,000.00), from any available funds within the department. No funds appropriated under this subsection shall be expended unless a county has executed an agreement with the department of transportation that stipulates:

ENROLLED ACT NO. 67, HOUSE OF REPRESENTATIVES

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING  
2018 BUDGET SESSION

(i) The anticipated cost of the project and construction management of the project;

(ii) All funds provided by the county shall be expended prior to the expenditure of any state funds on the project;

(iii) No funds shall be returned to the county if the actual cost of the project is less than the anticipated cost.

(b) The determination as to whether a binding commitment has been received shall be made by the attorney general.