State funded capital construction.

Sponsored by: Joint Appropriations Committee

A BILL

for

AN ACT relating to state funded capital construction; providing definitions; providing appropriations for purposes related to state funded capital construction; modifying prior appropriations; making certain appropriations subject to specified terms and conditions; creating a subcommittee; providing for the acceptance and purchase of real property; authorizing a temporary program; and providing for an effective date.

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

Section 1.
(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 and other funds as specified;

(ii) "FF" means federal funds;

(iii) "PR" means private funding sources;

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

(v) "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 as provided by law. 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.

Section 2.

(a) The following sums of money are appropriated for the specified capital construction projects with state funding administered through the state construction department:
### Section 027. CAPITAL CONSTRUCTION PROJECTS

<table>
<thead>
<tr>
<th>Program</th>
<th>General Appropriation</th>
<th>Federal Funds</th>
<th>Other Funds</th>
<th>Total Appropriation</th>
</tr>
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<tbody>
<tr>
<td>SBC- Contingency</td>
<td>8,000,000</td>
<td>S13 8,000,000</td>
<td></td>
<td>8,000,000</td>
</tr>
<tr>
<td>SCD- Lvl I &amp; Lvl II 1</td>
<td>500,000</td>
<td>S13 500,000</td>
<td></td>
<td>500,000</td>
</tr>
<tr>
<td>Mil- Army NG Vehicle Maint. Shop</td>
<td>16,895,000</td>
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<td></td>
<td>16,895,000</td>
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<tr>
<td>State Parks- Maint. Outdoor Rec. 2</td>
<td>6,000,000</td>
<td>SR 6,000,000</td>
<td></td>
<td>6,000,000</td>
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<tr>
<td>State Parks- Terr. Prison</td>
<td>210,000</td>
<td>SR 210,000</td>
<td></td>
<td>210,000</td>
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<tr>
<td>State Parks- Water Fac.</td>
<td>300,000</td>
<td>SR 300,000</td>
<td></td>
<td>300,000</td>
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<tr>
<td>State Parks- Quebec OI Fac.</td>
<td>25,000</td>
<td>SR 25,000</td>
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<tr>
<td>WWCC- Nursing Fac.</td>
<td>3,800,000</td>
<td>PR 3,800,000</td>
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<td>WWCC- Mechanical Rep.</td>
<td>11,740,000</td>
<td>S13 11,740,000</td>
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<tr>
<td>NWCCD- Construction Tech. Ctr. 3</td>
<td>10,000,000</td>
<td>PR 10,000,000</td>
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<tr>
<td>NWCCD- Academic Center Lvl II</td>
<td>350,000</td>
<td>PR 350,000</td>
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<tr>
<td>DOC- WWC HVAC Replace</td>
<td>2,588,000</td>
<td>S13 2,588,000</td>
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<tr>
<td>WDH- Facility Demolition</td>
<td>1,000,000</td>
<td>S131,000,000</td>
<td></td>
<td>4,000,000</td>
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<tr>
<td>State Facilities Const. 4</td>
<td></td>
<td></td>
<td></td>
<td>4,000,000</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td><strong>16,895,000</strong></td>
<td><strong>48,513,000</strong></td>
<td></td>
<td><strong>65,408,000</strong></td>
</tr>
</tbody>
</table>

1. (a) Of this other funds appropriation, the legislature is approving expenditure on any of the following projects:

   (i) Department of administration and information - master plan studies for Cheyenne area state buildings - levels I and II studies;

   (ii) Office of state parks and cultural resources - museum expansion - levels I and II studies;

   (iii) Department of family services - Wyoming girls' school Stolt administration-education building - levels I and II studies;
(iv) Department of family services – Wyoming boys’ school facility maintenance storage facility – levels I and II studies;

(v) Department of corrections – Wyoming women’s center main building expansion and maintenance addition;

(vi) Department of corrections – security electronics integration – level II study.

2. Of this other funds appropriation, three million dollars ($3,000,000.00) is appropriated for facility remedies of concessionaires within Hot Springs state park as determined by the department of state parks and cultural resources.

3. The northern Wyoming community college district is authorized to expend up to ten million dollars ($10,000,000.00) in other, community college funds to acquire property, construct a construction technology center or both.

4. Funds from this appropriation shall be deposited in the state facilities construction account. In addition to prior appropriations from the state facilities construction account, there is appropriated four million dollars ($4,000,000.00) from the state facilities construction account to the state construction department for abatement activities at the Wyoming life resource center.
Section 3.

(a) 2019 Wyoming Session Laws, Chapter 205, Section 5(a) is amended to read:

[CAPITOL COMPLEX]

Section 5.

(a) The state loan and investment board shall consult with the city of Cheyenne to identify the most efficient means to construct a stormwater interceptor to protect the capitol building and Herschler building from surface and subsurface stormwater runoff. The project authorized under this subsection may provide for the construction of water infrastructure, sewer infrastructure or surface improvements or for the compensation to the city of any related expenditures that would be efficiently addressed through the concurrent construction of the stormwater interceptor. Upon agreement between
the board and the city on the most efficient means to construct the interceptor and after the city's presentation to the board of plans to undertake necessary construction, improvements and compensation as authorized by this subsection, the board may grant the city not more than three million dollars ($3,000,000.00) to construct the stormwater interceptor, water infrastructure, sewer infrastructure or surface improvements or to compensate the city for any related expenditures that would be efficiently addressed through the concurrent construction of the stormwater interceptor. The project may provide protection for other facilities or residences in the city but shall be designed primarily to provide protection to the capitol building, Herschler building and other state facilities. Of the unobligated, unencumbered balance in the construction management flex contingency account, most recently appropriated to in 2015 Wyoming Session Laws, Chapter 142, Section 345, there is appropriated three million dollars ($3,000,000.00) to the state loan and
investment board. This appropriation shall only be expended for purposes of this subsection. 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, 2020-2022.

(b) In the event any funds appropriated under 2019 Wyoming Session Laws, Chapter 205, Section 5(a) revert as provided by law prior to the enactment of this act, the amount of any reversion is hereby reappropriated from the unobligated, unencumbered balance in the construction management flex contingency account to the state loan and investment board for the purposes of and with all requirements in 2019 Wyoming Session Laws, Chapter 205, Section 5(a).

Section 4.
(a) The chairman of the management council of the legislature shall appoint three (3) members of the management council and the governor shall appoint three (3) members of the state building commission or their designees to create a subcommittee to jointly oversee development of the design plans, construction of the interpretive exhibits and wayfinding in the capitol, the capitol extension and the Herschler building. The subcommittee shall:

(i) In developing recommendations for design and construction documents for the interpretive exhibits, be guided by the schematic design documents developed as part of the capitol square project which are on file with the legislative service office;

(ii) Report its recommendations to the management council and the state building commission for final approval.

(b) The legislative service office and construction management division of the state construction department shall staff the subcommittee created by this section. The legislative service office, the state construction
department, the department of education, the office of
tourism, the department of state parks and cultural
resources and other state entities as determined
appropriate by the subcommittee shall provide support for
the design and construction of the exhibits and wayfinding
systems.

(c) There is appropriated four million two hundred
fifty thousand dollars ($4,250,000.00) from the strategic
investments and projects account to the state construction
department. The state construction department shall be the
fiscal and contracting agent for expenditure of this
appropriation. After consultation with the subcommittee
created under this section, the state construction
department shall expend this appropriation for the purposes
of:

(i) Development of design and construction
documents and the construction of interpretative exhibits
for the capitol and the capitol extension in accordance
with the recommendations approved by the management council
and the state building commission;
(ii) Design, construction and installation of a wayfinding system and signage for the capitol, the capitol extension and the Herschler building in accordance with the recommendations approved by the management council and the state building commission.

(d) There is appropriated two hundred fifty thousand dollars ($250,000.00) from the strategic investments and projects account to the legislative service office. Subject to the approval of management council, this appropriation may be expended for any of the following purposes:

(i) Custom window treatments within meeting rooms occupied by the legislature in the capitol building;

(ii) Noise reduction and echo cancellation improvements in meeting rooms occupied by the legislature in the capitol building and the capital extension;

(iii) Acquisition of maquettes of the statues displayed in the capitol rotunda.

[NWCCD ACCEPTANCE OF GIFT]
Section 5. The northern Wyoming community college district is authorized to accept the transfer of ownership of two (2) facilities totaling approximately twenty-nine thousand seven hundred twenty (29,720) square feet to be used to house a construction technology program. These facilities shall be included within computation of major maintenance in accordance with W.S. 21-18-225 until the facilities are no longer owned by the community college district.

Section 6. Central Wyoming community college is authorized to purchase not more than five (5) acres in Teton County, Wyoming to be used as the site for the central Wyoming community college Jackson outreach center. Any facilities constructed on the site through authorized state or community college funds, from any source, shall be included within computation of major maintenance in accordance with W.S. 21-18-225 until the facilities are no longer owned by the community college.
[RURAL HEALTH CARE FACILITIES]

Section 7.

(a) As used in this section:

(i) "Board" means the state loan and investment board;

(ii) "COVID-related expenses" means actual expenses incurred in Wyoming for establishing public medical facilities and other measures to increase COVID-19 treatment capacity, including related construction costs;

(iii) "Office" means the office of state lands and investments;

(iv) "Eligible rural health care facility" means any Wyoming facility licensed or certified by the department of health that is a hospital or that normally provides twenty-four (24) hour per day care for individuals, including the facility’s owner, operator or licensee.
(b) The rural health care facility construction program is hereby created. The board shall establish and administer this temporary program for the purpose of providing grants to eligible rural health care facilities. Grants awarded under this section shall:

(i) Not be awarded until an eligible rural health care facility submits, and the board approves, an application. The application shall be developed by the board and shall require each applicant to certify that the applicant is an eligible rural health care facility as defined by this section and that knowingly making a false statement to the board on the application is prohibited and may result in the applicant being required to repay all funds awarded under this section;

(ii) Be made only for any COVID-related expenses that an eligible rural health care facility actually incurred between April 1, 2020 and December 1, 2020;

(iii) Be conditioned upon the eligible rural health care facility demonstrating to the board's
satisfaction in the application that it has incurred or will incur COVID-related expenses reimbursable by the grant provided in this section;

(iv) Be made only with funds provided to the state government of Wyoming under the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act, P.L. No. 116-136. No other funds of any kind and from any source shall be expended to pay grants awarded under this section;

(v) Subject to federal law, be conditioned upon the eligible rural health care facility agreeing to:

(A) Continue to maintain a meaningful nexus to the state of Wyoming for not less than three (3) years after receiving a grant under this section;

(B) Provide a report to the board not later than December 30, 2020 that describes how all grant funds were expended as authorized by paragraph (ii) of this subsection in response to the COVID-19 public health crisis;
(C) Repay all funds provided under this section plus interest at the rate of two percent (2%) per annum if the eligible rural health care facility uses grant funds for expenses not authorized by this section or by the CARES Act.

(c) The board shall promulgate any emergency and regular rules necessary to administer the program authorized by this section.

(d) The attorney general shall review in writing the legality of the program and any rules established for the program authorized by this section. No grant shall be awarded under this section without the written opinion of the attorney general certifying the legality of the transaction and all documents connected therewith.

(e) No expenditure of funds shall be made under this section except in accordance with state and federal laws, regulations and orders.

(f) The office, at the direction of the board, may conduct and contract for random audits of eligible rural
health care facilities receiving grants under this section to ensure funds are expended in compliance with state and federal law.

(g) There is reappropriated to the board seventy-five million dollars ($75,000,000.00) from any federal funds appropriated in 2020 Wyoming Special Session Laws, Chapter 1, Section 2(b) and as authorized and made available for expenditure in Section 2(c)(ii). If a COVID-19 relief account or other similarly named account is created for the deposit of COVID-19 related emergency response funds, this appropriation shall be made from that account. Except as provided in this section, the funds reappropriated under this section shall only be expended for making the grants authorized by this section and consistent with the terms of this act and the federal gift, grant or appropriation from which the funds originate. This reappropriation shall not be transferred or expended for any other purpose except on or before September 15, 2020, the office shall estimate the total amount of funds expended, obligated and necessary for the grants authorized by this section. Any funds reappropriated under this subsection in excess of the total amount estimated by the office are hereby reappropriated to
the office of the governor for the purposes specified in 2020 Wyoming Special Session Laws, Chapter 3. Funds reappropriated to the office of the governor shall be subject to any limitations imposed by 2020 Wyoming Special Session Laws, Chapter 3. Any unobligated, unexpended funds remaining from this reappropriation on December 30, 2020 shall revert as provided by law.

Section 8. 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)