



WYOMING LEGISLATIVE SERVICE OFFICE

Research Memo

06 RM 034

Date: July 18, 2006

Author: Don C. Richards, Senior Research Analyst

Re: Energy Savings Standard for State Buildings, et al

QUESTIONS

1. Provide a brief summary and a copy of legislation sponsored by Representative Hunsaker in Utah relating to energy savings in state buildings.
2. Briefly summarize current Wyoming statutes relating to energy savings, and identify similar proposals offered for introduction in the Wyoming Legislature.

ANSWERS -

DISCUSSION OF UTAH'S 2006 HB 80, ENERGY SAVINGS IN STATE BUILDINGS

1. Broadly, Utah's 2006 HB 80 ('06 Utah Laws, Ch. 278) authorizes and mandates certain statewide energy efficiency efforts to be administered (primarily) by the Utah's Division of Facilities Construction and Management. See Attachment A for a complete copy of the adopted legislation.

In sum, the legislation adds the following duties upon the Utah Division of Facilities and Construction Management:

- develop and administer the state building energy efficiency program;
- provide information and assistance to state agencies to improve energy efficiency;
- analyze state agency energy consumption to identify opportunities for improved efficiency;
- establish an advisory group to assist in the development and implementation of state building energy efficiency; and
- prepare an annual report that includes identified strategies and goals for the future and achievements of the previous year.

In addition, the legislation permits the State Building Board to "require an entity that benefits from a capital improvement project to repay the capital improvement funds from savings that result from the project." Beyond these main points, the bill modifies certain definitions and revises the disposition of funding acquired through the result of energy savings; however, these changes appear to be directly related to Utah's current statutory language.

CURRENT WYOMING STATUTORY PROVISIONS BROADLY RELATED TO ENERGY SAVINGS

2. Two current Wyoming statutes provide guidance as to the energy efficiency of public building construction.

W.S. 16-6-401 through 403 addresses capital construction of public agencies, defined as every state office, officer, board, commission, committee, bureau, department and all political subdivisions of the state. The statute requires that two or more life-cycle cost analyses, which includes the initial cost, reasonably expected fuel costs over the life of the building, and reasonable costs of maintenance and operation as they pertain to

energy systems be included in the design phase, be available to the public, and be a consideration in the selection of a building design.

W.S. 21-15-115 and 118 requires the School Facilities Commission to establish and maintain uniform statewide standards, which shall include "building performance standards and guidelines including energy efficiency criteria." Copies of both sets (I. "Life-cycle cost analyses" and II. "School Facilities Commission") of current statutes are reproduced below.

I. ARTICLE 4 - PUBLIC FACILITY LIFE-CYCLE COST ANALYSES

16-6-401. Definitions.

- (a) As used in W.S. 16-6-401 through 16-6-403:
- (i) "Economic life" means the projected or anticipated useful life of a major facility as expressed by a term of years;
 - (ii) "Energy-consumption analysis" means the evaluation of all energy systems and components by demand and type of energy including the internal energy load imposed on a major facility by its occupants, equipment and components, and the external energy load imposed on a major facility by the climatic conditions of its location. The energy-consumption projections shall take into account daily and seasonal variations in energy system output during normal operations;
 - (iii) "Energy systems" means all utilities, including heating, air-conditioning, ventilating, lighting and the supplying of domestic hot water;
 - (iv) "Initial cost" means the monies required for the capital construction or renovation of a major facility;
 - (v) "Life-cycle cost analysis" means a study to compute life-cycle costs, as required in this act [§§ 16-6-401 through 16-6-403];
 - (vi) "Life-cycle cost" means the cost of a major facility including its initial cost, the cost of the energy consumed over its economic life and the cost of its operation and maintenance;
 - (vii) "Major facility" means any publicly owned building having eighteen thousand (18,000) square feet or more of gross floor area;
 - (viii) "Public agency" means every state office, officer, board, commission, committee, bureau, department and all political subdivisions of the state; and
 - (ix) "Renovation" means revision to a major facility which will affect more than fifty percent (50%) of the gross floor area in the building.

16-6-402. Computation of life-cycle costs.

- (a) Life-cycle costs shall be the sum of:
- (i) Initial cost;
 - (ii) The reasonably expected fuel costs over the life of the building based on the energy consumption analysis; and
 - (iii) The reasonable costs of maintenance and operation as they pertain to energy systems.
- (b) Life-cycle costs shall be computed for two (2) or more alternatives for construction of the facility.

16-6-403. Life-cycle cost analyses.

Public agencies shall, prior to the construction or renovation of any major facility, include in the design phase a provision requiring that life-cycle cost analyses be prepared for two (2) or more alternatives for the construction of the facility. These life-cycle cost analyses shall be available to the public. The life-cycle costs shall be a consideration in the selection of a building design by a public agency.

II. Excerpt from the School Facilities Commission statutes:**21-15-115. Statewide standards for school building and facility adequacy; adequacy assessment.**

(a) The commission shall by rule and regulation establish and maintain uniform statewide standards for the adequacy of school buildings and facilities necessary for providing educational programs prescribed by law for the public schools. If a building owned by a district meets the applicable standards under this subsection for use by the district to educate students and was previously used for the purpose of educating students, no municipal or county zoning requirements shall be construed or applied so as to prevent the district from using the building for the purpose of educating students, or to require the district to make any modification to the building as a condition of using the building for the purpose of educating students. The uniform standards shall at minimum include:

- (i) Requirements for educating students in a safe environment including all applicable building, health, safety and environmental codes and standards required by law for all public buildings;
- (ii) Building site requirements;
- (iii) Building performance standards and guidelines including energy efficiency criteria;

21-15-118. Building and facility construction and renovation projects.

(a) Upon determination by the commission following review under W.S. 21-15-117, and appropriation by the legislature in accordance with W.S. 21-15-119, the commission shall proceed with projects authorized and approved by the legislature as follows:

- (i) If a minor capital outlay remedy, initiate directly and in cooperation with a school district, necessary action to complete the remedy; or
- (ii) If a major capital outlay remedy:
 - (A) With the assistance of the involved school district, develop the necessary schematic design documents;
 - (B) Conduct a value engineering analysis of the project;
 - (C) Perform an energy efficiency assessment of the project

Beyond these two statutory examples of public facility energy evaluations, at least two statutory provisions that appear to be targeted primarily toward private, residential building consumption of energy may be worth noting. The first is W.S. 34-22-101 et seq, which establishes the beneficial use of solar energy as a property right and permits local governments to encourage the use of solar energy systems. The second is W.S. 37-16-101 et seq. This provision provides for consumers to generate their own electricity to supplement the need for utility-provided electricity or even be compensated for excess electricity generated and supplied to the electric utility. Copies of both provisions are shown below:

CHAPTER 22 - SOLAR RIGHTS**34-22-101. Short title.**

This act may be cited as the "Solar Rights Act".

34-22-102. Definitions.

(a) As used in this act:

(i) "Solar collector" is one (1) of the following which is capable of collecting, storing or transmitting at least twenty-five thousand (25,000) BTU's on a clear winter solstice day:

(A) A wall, clerestory or skylight window designed to transmit solar energy into a structure for heating purposes;

(B) A greenhouse attached to another structure and designed to provide

part of the heating load for the structure to which it is attached;

(C) A trombe wall, "drum wall" or other wall or roof structural element designed to collect and transmit solar energy into a structure;

(D) A photovoltaic collector designed to convert solar energy into electric energy;

(E) A plate-type collector designed to use solar energy to heat air, water or other fluids for use in hot water or space heating or for other applications; or

(F) A massive structural element designed to collect solar energy and transmit it to internal spaces for heating.

(ii) "Solar right" is a property right to an unobstructed line-of-sight path from a solar collector to the sun which permits radiation from the sun to impinge directly on the solar collector. The extent of the solar right shall be described by that illumination provided by the path of the sun on the winter solstice day which is put to a beneficial use or otherwise limited by this act;

(iii) "Winter solstice day" is the solstice on or about December 21 which marks the beginning of winter in the northern hemisphere and is the time when the sun reaches its southernmost point;

(iv) "Local government" means a city, town or county;

(v) "This act" means W.S. 34-22-101 through 34-22-106.

34-22-103. Declaration of solar rights.

(a) The beneficial use of solar energy is a property right.

(b) In disputes over the use of solar energy:

(i) Beneficial use shall be the basis, the measure and the limit of the solar right, except as otherwise provided by written contract. If the amount of solar energy which a solar user can beneficially use varies with the season of the year, then the extent of the solar right shall vary likewise;

(ii) Priority in time shall have the better right, except as provided in this act; and

(iii) Nothing in this act diminishes the right of eminent domain.

(c) Solar rights are property rights and as such shall be freely transferable within the bounds of law.

34-22-104. Restrictions on solar rights.

(a) The solar right to radiation of the sun before 9:00 a.m. or after 3:00 p.m. Mountain Standard Time is de minimus and may be infringed without compensation to the owner of the solar collector.

(b) A solar right which is not applied to a beneficial use for a period of five (5) years or more shall be deemed abandoned and without priority.

(c) Solar collectors shall be located on the solar user's property so as not to unreasonably or unnecessarily restrict the uses of neighboring property. Unless otherwise permitted by the local government, no solar right attaches to a solar collector, or a portion of a solar collector, which would be shaded by a ten (10) foot wall located on the property line on a winter solstice day.

34-22-105. County and municipal authority.

(a) Land-use regulations of local governments may encourage the use of solar energy systems. To encourage the use of solar energy systems, local governments may regulate:

(i) The height, location, setback and energy efficiency of structures;

(ii) The height and location of vegetation with respect to property lines;

(iii) The platting and orientation of land developments; and

- (iv) The type and location of energy systems or their components.
- (b) The local government shall establish permit systems for the use and application of solar energy. Where a local government establishes a permit system for the use and application of solar energy:
 - (i) A solar permit shall be granted before a solar right may be established;
 - (ii) The local government shall grant a solar permit to any proposed or existing solar collector which complies with this act. If a local government sets height or locational limits on structures or vegetation, the local government may restrict the solar permit to the airspace above or surrounding the restrictions. The extent of the solar right granted by this act shall not exceed the extent of the solar right granted by the solar permit;
 - (iii) The solar right vests on the date the solar permit is granted. The solar collector shall be put to beneficial use within two (2) years except the local government may allow additional time for good cause shown. The local government shall certify the right and its beneficial use within two (2) years of its vesting;
 - (iv) The priority of new construction with regard to interference in solar rights shall vest as of the date the building permit is applied for;
 - (v) Cities and towns shall regulate solar rights within their boundaries. Counties shall regulate solar rights within the county and outside city limits. Local governments which agree may regulate solar rights jointly;
 - (vi) Existing solar collector users shall apply for permits within five (5) years after the date permit systems are established by their local governments. The priority date for these solar rights shall be the first date the solar collector was beneficially used.
- (c) No local government shall prohibit the construction or use of solar collectors except for reasons of public health and safety.

34-22-106. Recording solar rights.

The granting of solar permits and the transfer of solar rights shall be recorded pursuant to W.S. 34-1-101 through 34-1-140. The instrument granting a solar permit shall include a description of the collector surface, or that portion of the collector surface to which the solar permit is granted. The description shall include the dimensions of the collector surface, the direction of orientation, the height above ground level and the location of the collector on the solar user's property.

CHAPTER 16 - ELECTRIC UTILITIES

ARTICLE 1 - NET METERING

37-16-101. Definitions.

- (a) As used in this chapter unless the context or a specific article otherwise requires:
 - (i) "Commission" means public service commission of Wyoming;
 - (ii) "Customer-generator" means a user of a net metering system;
 - (iii) "Electrical company" means any person, corporation or governmental subdivision, excluding municipalities, authorized and operating under the constitution and laws of the state of Wyoming which is primarily engaged in the generation or sale of electric energy;
 - (iv) "Electric cooperative" means any nonprofit, member-owned cooperative organized under the laws of the state of Wyoming and engaged in the business of distributing electric energy in the state of Wyoming;
 - (v) "Electric utility" means any electrical company, irrigation district or electric cooperative that is engaged in the business of distributing electricity to retail

- electric customers in the state;
- (vi) "Irrigation district" means an irrigation district under W.S. 41-7-201;
 - (vii) "Net metering" means measuring the difference between the electricity supplied by an electric utility and the electricity generated by a customer-generator that is fed back to the electric utility over the applicable billing period;
 - (viii) "Net metering system" means a facility for the production of electrical energy that:
 - (A) Uses as its fuel either solar, wind, biomass or hydropower;
 - (B) Has a generating capacity of not more than twenty-five (25) kilowatts;
 - (C) Is located on the customer-generator's premises;
 - (D) Operates in parallel with the electric utility's transmission and distribution facilities; and
 - (E) Is intended primarily to offset part or all of the customer-generator's requirements for electricity.
- (b) A person acting as a customer-generator under this act shall not be considered a "public utility" as defined by W.S. 37-1-101.

37-16-102. Electric utility requirements.

- (a) An electric utility:
 - (i) Shall offer to make available to each of its eligible customer-generators that has installed a net metering system an energy meter that is capable of registering the flow of electricity in two (2) directions;
 - (ii) May, at its own expense and with the written consent of the customer-generator, install one (1) or more additional meters to monitor the flow of electricity in each direction;
 - (iii) Shall not charge a customer-generator any fee or charge that would increase the customer-generator's minimum monthly charge to an amount greater than that of other customers of the electric utility in the same rate class as the customer-generator.

37-16-103. Calculation requirements.

- (a) Consistent with other provisions of this chapter, the net energy measurement shall be calculated in the following manner:
 - (i) The electric utility shall measure the net electricity produced or consumed during the billing period, in accordance with normal metering practices;
 - (ii) If the electricity supplied by the electric utility exceeds the electricity generated by the customer generator, the customer-generator shall be billed for the appropriate customer charges for that month, in accordance with W.S. 37-16-102;
 - (iii) If the electricity supplied by the customer-generator exceeds that supplied by the electric utility, the customer-generator shall be credited or compensated for the excess kilowatt-hours generated during the month with the kilowatt-hour credit or compensation appearing on the bill for the following month for all metered locations of customer-generators supplied by the electric utility.
- (b) At the beginning of each calendar year, any remaining unused kilowatt-hour credit accumulated during the previous year shall be sold to the electric utility, at the electric utility's filed avoided cost.

HISTORIC PROPOSED LEGISLATION

Finally, in 1993, Senator Vinich introduced SF0157, State Building Energy Conservation Act. The first section (roughly the first three pages) appears to be similar in terms of the goals of the 2006 Utah legislation in that it establishes a state building energy conservation program. The bulk of the legislation relates to the issuance of revenue bonds to fund such a program. (The bill returned from Committee without recommendation and subsequently died on General File.) A copy of the legislation is included as Attachment B.

If you have any further questions, do not hesitate to contact me at 777-7881. If you desire draft legislation on this topic, please consult the LSO Legal Services Division.

c: Dave Gruver, Assistant Director

ATTACHMENT A

Enrolled Copy

H.B. 80

1 **ENERGY SAVINGS IN STATE BUILDINGS**

2 2006 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Fred R. Hunsaker**

5 Senate Sponsor: Peter C. Knudson

6

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies a portion of the Quality Growth Act and statutes governing the State
10 Building Energy Efficiency Program, the State Building Board, and the Division of
11 Facilities Construction and Management.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ modifies definitions;
- 15 ▶ eliminates the requirement for state agencies to place 50% of net energy savings in
16 the LeRay McAllister Critical Land Conservation Fund;
- 17 ▶ provides that the Division of Facilities Construction and Management shall develop
18 and administer the State Building Energy Efficiency Program;
- 19 ▶ requires the Division of Facilities Construction and Management to:
 - 20 • develop incentives to encourage state entities to conserve energy and reduce
21 energy costs;
 - 22 • procure energy efficient products where practicable;
 - 23 • analyze energy consumption by state agencies;
 - 24 • establish an advisory group to assist with development and implementation of
25 the program; and
 - 26 • provide a yearly energy savings report to the governor in addition to the
27 Legislature;
- 28 ▶ requires state government entities to appoint a staff member to coordinate and
29 report on energy saving efforts;

- 30 ▶ reduces the maximum term for energy savings agreements entered into by state
- 31 agencies, modifies terms in the definition of energy savings agreement, and requires
- 32 the agency to obtain the preapproval of the governor and to notify the Office of
- 33 Legislative Fiscal Analyst before entering into an agreement;
- 34 ▶ provides that DFCM may establish energy savings design procedures for
- 35 improvements to existing state facilities;
- 36 ▶ permits the State Building Board to require an entity that benefits from a capital
- 37 improvement project to repay the capital improvement funds from savings resulting
- 38 from the project;
- 39 ▶ modifies provisions related to the State Building Board's rulemaking in relation to
- 40 life cycle cost-effectiveness of state facilities;
- 41 ▶ provides that life-cycle effectiveness shall be determined using the most prudent
- 42 cost of owning and operating a facility; and
- 43 ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

- 11-38-102, as last amended by Chapter 16, Laws of Utah 2003
- 11-38-301, as last amended by Chapter 256, Laws of Utah 2002
- 63-9-63, as enacted by Chapter 164, Laws of Utah 1985
- 63-9-67, as enacted by Chapter 24, Laws of Utah 1999
- 63-38-3, as last amended by Chapter 16, Laws of Utah 2003
- 63-38-8.1, as last amended by Chapter 71, Laws of Utah 2005
- 63A-5-103, as last amended by Chapter 142, Laws of Utah 1998
- 63A-5-104, as last amended by Chapter 351, Laws of Utah 2004

58 **63A-5-204**, as last amended by Chapter 34, Laws of Utah 2004

59 **63A-5-206**, as last amended by Chapters 231 and 254, Laws of Utah 2005

60 REPEALS:

61 **63-38-18**, as enacted by Chapter 24, Laws of Utah 1999

62

63 *Be it enacted by the Legislature of the state of Utah:*

64 Section 1. Section **11-38-102** is amended to read:

65 **11-38-102. Definitions.**

66 As used in this chapter:

67 (1) "Affordable housing" means housing occupied or reserved for occupancy by
68 households with a gross household income equal to or less than 80% of the median gross
69 income of the applicable municipal or county statistical area for households of the same size.

70 (2) "Agricultural land" has the same meaning as "land in agricultural use" under
71 Section 59-2-502.

72 (3) "Brownfield sites" means abandoned, idled, or underused commercial or industrial
73 land where expansion or redevelopment is complicated by real or perceived environmental
74 contamination.

75 (4) "Commission" means the Quality Growth Commission established in Section
76 11-38-201.

77 (5) "Fund" means the LeRay McAllister Critical Land Conservation Fund established
78 in Section 11-38-301.

79 (6) "Infill development" means residential, commercial, or industrial development on
80 unused or underused land, excluding open land and agricultural land, within existing, otherwise
81 developed urban areas.

82 (7) "Local entity" means a county, city, or town.

83 (8) "OPB" means the Governor's Office of Planning and Budget established under
84 Section 63-38d-201.

85 (9) (a) "Open land" means land that is:

86 (i) preserved in or restored to a predominantly natural, open, and undeveloped
 87 condition; and
 88 (ii) used for:
 89 (A) wildlife habitat;
 90 (B) cultural or recreational use;
 91 (C) watershed protection; or
 92 (D) another use consistent with the preservation of the land in or restoration of the land
 93 to a predominantly natural, open, and undeveloped condition.

94 (b) (i) "Open land" does not include land whose predominant use is as a developed
 95 facility for active recreational activities, including baseball, tennis, soccer, golf, or other
 96 sporting or similar activity.

97 (ii) The condition of land does not change from a natural, open, and undeveloped
 98 condition because of the development or presence on the land of facilities, including trails,
 99 waterways, and grassy areas, that:

- 100 (A) enhance the natural, scenic, or aesthetic qualities of the land; or
- 101 (B) facilitate the public's access to or use of the land for the enjoyment of its natural,
 102 scenic, or aesthetic qualities and for compatible recreational activities.

103 [~~(10) "State agency" includes each executive, legislative, and judicial branch~~
 104 ~~department, agency, board, commission, or division, however denominated, and each state~~
 105 ~~educational institution.~~]

106 [~~(11) "State Building Energy Efficiency Program" has the meaning as defined in~~
 107 ~~Section 63-9-67.~~]

108 [~~(12)~~ (10) "Surplus land" means real property owned by the Department of
 109 Administrative Services, the Department of Agriculture and Food, the Department of Natural
 110 Resources, or the Department of Transportation that the individual department determines not
 111 to be necessary for carrying out the mission of the department.

112 Section 2. Section 11-38-301 is amended to read:

113 **11-38-301. LeRay McAllister Critical Land Conservation Fund.**

114 (1) There is created a restricted special revenue fund entitled the "LeRay McAllister
115 Critical Land Conservation Fund," consisting of:

116 (a) money appropriated or otherwise made available by the Legislature;

117 (b) contributions of money, property, or equipment from federal agencies, political
118 subdivisions of the state, persons, or corporations; and

119 (c) proceeds that a department chooses to place into the fund from the sale of surplus
120 land under Subsection (2)~~[, and]~~.

121 ~~[(d) funds from the State Building Energy Efficiency Program.]~~

122 (2) The Department of Administrative Services, the Department of Agriculture and
123 Food, the Department of Natural Resources, and the Department of Transportation may place
124 proceeds from the sale of surplus land into the fund.

125 (3) The total amount of money in the fund may not exceed \$6,000,000.

126 Section 3. Section **63-9-63** is amended to read:

127 **63-9-63. Legislative findings and policy.**

128 (1) The Legislature finds the following:

129 (a) The operation of facilities owned and controlled by the state consumes significant
130 amounts of energy.

131 (b) Facilities owned and controlled by the state present a significant opportunity for
132 energy cost savings through the implementation of conservation measures.

133 (c) Principles which produce efficient facility management in the private sector are
134 equally applicable to the management of public buildings and facilities.

135 (d) There exists, in the private sector, favorable alternative methods of financing
136 energy conservation measures which are not readily adaptable to financing state facility energy
137 efficiency improvements due to current budgetary practices.

138 (e) Maximization of energy conservation efforts in light of limited resources requires
139 careful advance planning by responsible agencies.

140 (2) The Legislature declares that it is the policy of the state to:

141 (a) undertake aggressive programs designed to reduce energy use in state facilities in

142 order to reduce the operating costs of state government and to set an example of energy
143 efficiency for the public[-];

144 (b) utilize, to the greatest practical extent, alternative funding sources and methods of
145 financing energy efficiency improvements in state facilities in a manner which minimizes the
146 necessity for increased appropriations[-];

147 (c) employ private sector management incentive principles, to the extent practicable, to
148 implement the policies in Subsections (2)(a) and (b)[-];

149 (d) develop incentives to encourage state entities to conserve energy, reduce energy
150 costs, and utilize renewable energy sources where practicable; and

151 (e) procure and use energy efficient products where practicable.

152 Section 4. Section **63-9-67** is amended to read:

153 **63-9-67. State Building Energy Efficiency Program.**

154 (1) For purposes of this section:

155 (a) "Division" means the Division of Facilities Construction and Management
156 established in Section 63A-5-201.

157 ~~[(a)]~~ (b) "Energy efficiency measures" means actions taken or initiated by a state
158 agency that reduce the state agency's energy use, increase the state agency's energy efficiency,
159 reduce source energy consumption, reduce water consumption, or lower the costs of energy or
160 water to the state agency.

161 ~~[(b)]~~ (c) "Energy savings agreement" means an agreement entered into by a state
162 agency [~~participating in the State Building Energy Efficiency Program~~] whereby the state
163 agency implements energy efficiency measures and finances the costs associated with
164 implementation of energy efficiency measures [~~from~~] using the stream of expected savings in
165 [~~energy~~] utility costs resulting from implementation of the energy efficiency measures as the
166 funding source for repayment.

167 ~~[(c)]~~ "Fund" has the meaning as defined in Section 11-38-102.;

168 ~~[(d)]~~ "Net savings" means ~~savings in energy costs that a state agency realizes after~~
169 ~~taking into account the costs of implementing the energy efficiency measures or conservation~~

170 activities that produce the savings:]

171 ~~[(e)]~~ (d) "State agency" ~~[has the meaning as defined in Section 11-38-102.]~~ means each
172 executive, legislative, and judicial branch department, agency, board, commission, or division,
173 and includes a state institution of higher education as defined in Section 53B-3-102.

174 ~~[(f)]~~ (e) "State Building Energy Efficiency Program" means a program ~~[that the~~
175 ~~governor may establish by executive order recommending to or requiring state agencies to~~
176 ~~implement]~~ established under this section for the purpose of improving energy efficiency
177 measures and reducing the energy costs for state facilities.

178 (f) (i) "State facility" means any building, structure, or other improvement that is
179 constructed on property owned by the state, its departments, commissions, institutions, or
180 agencies, or a state institution of higher education.

181 (ii) "State facility" does not mean:

182 (A) an unoccupied structure that is a component of the state highway system;

183 (B) a privately owned structure that is located on property owned by the state, its
184 departments, commissions, institutions, or agencies, or a state institution of higher education;
185 or

186 (C) a structure that is located on land administered by the School and Institutional
187 Trust Lands Administration under a lease, permit, or contract with the School and Institutional
188 Trust Lands Administration.

189 (2) The division shall:

190 (a) develop and administer the state building energy efficiency program, which shall
191 include guidelines and procedures to improve energy efficiency in the maintenance and
192 management of state facilities;

193 (b) provide information and assistance to state agencies in their efforts to improve
194 energy efficiency;

195 (c) analyze energy consumption by state agencies to identify opportunities for
196 improved energy efficiency;

197 (d) establish an advisory group composed of representatives of state agencies to

198 provide information and assistance in the development and implementation of the state
199 building energy efficiency program; and

200 ~~[(2)(a)] (e) [The person or agency overseeing the state building energy efficiency~~
201 ~~program, as designated by the governor in an executive order establishing the program, shall]~~
202 ~~submit [a report annually] to the governor and to the Capital Facilities and Administrative~~
203 ~~Services Appropriations Subcommittee of the Legislature[-] an annual report that:~~

204 (i) identifies strategies for long-term improvement in energy efficiency;
205 (ii) identifies goals for energy conservation for the upcoming year; and
206 ~~[(b) Each report under Subsection (2)(a) shall:]~~

207 ~~[(f) specify the amount that represents 50% of the net savings realized by all state~~
208 ~~agencies from participating in the state building energy efficiency program; and]~~

209 ~~[(ii) detail] (iii) details energy management programs and strategies that were~~
210 ~~undertaken in the previous year to improve the energy efficiency of state agencies and the~~
211 ~~energy savings achieved.~~

212 ~~[(c) The amount specified under Subsection (2)(b)(i) may be placed into the fund;~~
213 ~~subject to legislative appropriation during the general session following submission of the~~
214 ~~report under Subsection (2)(a).]~~

215 (3) Each state agency shall:

216 (a) designate a staff member that is responsible for coordinating energy efficiency
217 efforts within the agency;

218 (b) provide energy consumption and costs information to the division;
219 (c) develop strategies for improving energy efficiency and reducing energy costs; and
220 (d) provide the division with information regarding the agency's energy efficiency and
221 reduction strategies.

222 ~~[(3) Notwithstanding Subsection (2), a state agency may fulfill the terms of an~~
223 ~~agreement entered into before the effective date of this section providing for the state agency's~~
224 ~~payment for energy efficiency measures.]~~

225 (4) (a) A state agency may enter into an energy savings agreement for a term of up to

226 [25] 20 years.

227 (b) Before entering into an energy savings agreement, the state agency shall:

228 (i) utilize the division to oversee the project unless the project is exempt from the
229 division's oversight or the oversight is delegated to the agency under the provisions of Section
230 63A-5-206;

231 (ii) obtain the prior approval of the governor or the governor's designee; and

232 (iii) provide the Office of Legislative Fiscal Analyst with a copy of the proposed
233 agreement before the agency enters into the agreement.

234 Section 5. Section **63-38-3** is amended to read:

235 **63-38-3. Appropriations governed by chapter -- Restrictions on expenditures --**
236 **Transfer of funds.**

237 (1) All moneys appropriated by the Legislature are appropriated upon the terms and
238 conditions set forth in this chapter, and any department, agency, or institution, except the
239 Legislature and its committees, or where specifically exempted by the appropriating act, which
240 accepts moneys appropriated by the Legislature, does so subject to this chapter.

241 (2) (a) In providing that certain appropriations are to be expended in accordance with a
242 schedule or other restrictions, if any, set forth after each appropriations item, it is the intent of
243 the Legislature to limit the amount of money to be expended from each appropriations item for
244 certain specified purposes.

245 (b) Each schedule:

246 (i) is a restriction or limitation upon the expenditure of the respective appropriation
247 made;

248 (ii) does not itself appropriate any money; and

249 (iii) is not itself an item of appropriation.

250 (c) [~~Except as provided in Subsections 63-9-67(2) and 63-38-18(2), an~~] An
251 appropriation or any surplus of any appropriation may not be diverted from any department,
252 agency, institution, or division to any other department, agency, institution, or division.

253 (d) The money appropriated subject to a schedule or restriction may be used only for

254 the purposes authorized.

255 (e) (i) If any department, agency, or institution for which money is appropriated
256 requests the transfer of moneys appropriated to it from one purpose or function to another
257 purpose or function within an item of appropriation, the director of the Governor's Office of
258 Planning and Budget shall require a new work program to be submitted for the fiscal year
259 involved setting forth the purpose and necessity for such transfer.

260 (ii) The director and fiscal officer shall review the proposed change and submit their
261 findings and recommendations to the governor, who may permit the transfer.

262 (iii) The state fiscal officer shall notify the Legislature through the Office of the
263 Legislative Fiscal Analyst of action taken by the governor.

264 (f) [~~Except as provided in Subsections 63-9-67(2) and 63-38-18(2), monies~~] Monies
265 may not be transferred from one item of appropriation to any other item of appropriation.

266 (3) This section does not apply to the Investigation Account of the Water Resources
267 Construction Fund. The investigation account shall continue to be governed by Section
268 73-10-8.

269 Section 6. Section **63-38-8.1** is amended to read:

270 **63-38-8.1. Nonlapsing authority.**

271 (1) As used in this section:

272 (a) (i) "Agency" means each department, commission, board, council, agency,
273 institution, officer, corporation, fund, division, office, committee, authority, laboratory, library,
274 unit, bureau, panel, or other administrative unit of the state.

275 (ii) "Agency" does not include those entities whose unappropriated and unencumbered
276 balances are made nonlapsing by the operation of Subsection 63-38-8(2).

277 (b) "Appropriation balance" means the unexpended and unencumbered balance of a
278 line item appropriation made by the Legislature to an agency that exists at the end of a fiscal
279 year.

280 (c) "Nonlapsing" means that an agency's appropriation balance is not closed out to the
281 appropriate fund at the end of a fiscal year as required by Section 63-38-8.

282 (d) "One-time project" means a project or program that can be completed with the
283 appropriation balance and includes such items as employee incentive awards and bonuses,
284 purchase of equipment, and one-time training.

285 (e) "One-time projects list" means:

286 (i) a prioritized list of one-time projects, upon which an agency would like to spend
287 any appropriation balance; and

288 (ii) for each project, the maximum amount the agency is estimating for the project.

289 (f) "Program" means a service provided by an agency to members of the public, other
290 agencies, or to employees of the agency.

291 (2) Notwithstanding the requirements of Section 63-38-8, an agency may~~[-(a)]~~, by
292 following the procedures and requirements of this section, retain and expend any appropriation
293 balance~~[-and]~~.

294 ~~[(b) comply with the requirements of Subsections 63-9-67(2) and 63-38-18(2).]~~

295 (3) (a) Each agency that wishes to preserve any part or all of its appropriation balance
296 as nonlapsing shall include a one-time projects list as part of the budget request that it submits
297 to the governor and the Legislature at the annual general session of the Legislature immediately
298 before the end of the fiscal year in which the agency may have an appropriation balance.

299 (b) An agency may not include a proposed expenditure on its one-time projects list if:

300 (i) the expenditure creates a new program;

301 (ii) the expenditure enhances the level of an existing program; or

302 (iii) the expenditure will require a legislative appropriation in the next fiscal year.

303 (c) The governor:

304 (i) may approve some or all of the items from an agency's one-time projects list; and

305 (ii) shall identify and prioritize any approved one-time projects in the budget that he
306 submits to the Legislature.

307 (4) The Legislature:

308 (a) may approve some or all of the specific items from an agency's one-time projects
309 list as authorized expenditures of an agency's appropriation balance;

310 (b) shall identify any authorized one-time projects in the appropriate line item
311 appropriation; and

312 (c) may prioritize one-time projects in intent language.

313 Section 7. Section 63A-5-103 is amended to read:

314 **63A-5-103. Board -- Powers.**

315 (1) The State Building Board shall:

316 (a) in cooperation with state institutions, departments, commissions, and agencies,
317 prepare a master plan of structures built or contemplated;

318 (b) submit to the governor and the Legislature a comprehensive five-year building plan
319 for the state containing the information required by Subsection (2);

320 (c) amend and keep current the five-year building program for submission to the
321 governor and subsequent legislatures;

322 (d) as a part of the long-range plan, recommend to the governor and Legislature any
323 changes in the law that are necessary to insure an effective, well-coordinated building program
324 for all state institutions;

325 (e) in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act,
326 make rules;

327 (i) that are necessary to discharge its duties and the duties of the Division of Facilities
328 Construction and Management [by following the procedures and requirements of Title 63,
329 Chapter 46a, Utah Administrative Rulemaking Act]; and

330 (ii) to establish standards and requirements for life cycle cost-effectiveness of state
331 facility projects;

332 (f) with support from the Division of Facilities Construction and Management,
333 establish design criteria, standards, and procedures for [the use of state agencies and
334 institutions in the planning for] planning, design, and construction of new state [buildings and]
335 facilities and for improvements to existing state facilities, including life-cycle costing,
336 cost-effectiveness studies, and other methods and procedures that [demonstrate] address:

337 (i) the need for the building or facility;

- 338 (ii) the effectiveness of its design;
- 339 (iii) the efficiency of energy use; and
- 340 (iv) the usefulness of the building or facility over its lifetime;
- 341 (g) prepare and submit a yearly request to the governor and the Legislature for a
- 342 designated amount of square footage by type of space to be leased by the Division of Facilities
- 343 Construction and Management in that fiscal year; and
- 344 (h) assure the efficient use of all building space.
- 345 (2) In order to provide adequate information upon which the State Building Board may
- 346 make its recommendation under Subsection (1), any state agency requesting new full-time
- 347 employees for the next fiscal year shall report those anticipated requests to the building board
- 348 at least 90 days before the annual general session in which the request is made.
- 349 (3) (a) The State Building Board shall ensure that the five-year building plan required
- 350 by Subsection (1)(c) includes:
- 351 (i) a list that prioritizes construction of new buildings for all structures built or
- 352 contemplated based upon each agency's, department's, commission's, and institution's present
- 353 and future needs;
- 354 (ii) information, and space use data for all state-owned and leased facilities;
- 355 (iii) substantiating data to support the adequacy of any projected plans;
- 356 (iv) a summary of all statewide contingency reserve and project reserve balances as of
- 357 the end of the most recent fiscal year;
- 358 (v) a list of buildings that have completed a comprehensive facility evaluation by an
- 359 architect/engineer or are scheduled to have an evaluation;
- 360 (vi) for those buildings that have completed the evaluation, the estimated costs of
- 361 needed improvements; and
- 362 (vii) for projects recommended in the first two years of the five-year building plan:
- 363 (A) detailed estimates of the cost of each project;
- 364 (B) the estimated cost to operate and maintain the building or facility on an annual
- 365 basis;

366 (C) the estimated number of new agency full-time employees expected to be housed in
367 the building or facility;

368 (D) the estimated cost of new or expanded programs and personnel expected to be
369 housed in the building or facility;

370 (E) the estimated lifespan of the building with associated costs for major component
371 replacement over the life of the building; and

372 (F) the estimated cost of any required support facilities.

373 (b) [~~The~~] In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking
374 Act, the State Building Board may make rules prescribing the format for submitting the
375 information required by this Subsection (3).

376 (4) (a) [~~The~~] In accordance with Title 63, Chapter 46a, Utah Administrative
377 Rulemaking Act, the State Building Board may make rules establishing circumstances under
378 which bids may be modified when all bids for a construction project exceed available funds as
379 certified by the director.

380 (b) In making those rules, the State Building Board shall provide for the fair and
381 equitable treatment of bidders.

382 Section 8. Section **63A-5-104** is amended to read:

383 **63A-5-104. Capital development and capital improvement process -- Approval**
384 **requirements -- Limitations on new projects -- Emergencies.**

385 (1) As used in this section:

386 (a) "Capital developments" means any:

387 (i) remodeling, site, or utility projects with a total cost of \$1,500,000 or more;

388 (ii) new facility with a construction cost of \$250,000 or more; or

389 (iii) purchase of real property where an appropriation is requested to fund the purchase.

390 (b) "Capital improvements" means any:

391 (i) remodeling, alteration, replacement, or repair project with a total cost of less than
392 \$1,500,000;

393 (ii) site and utility improvement with a total cost of less than \$1,500,000; or

- 394 (iii) new facility with a total construction cost of less than \$250,000.
- 395 (c) (i) "New facility" means the construction of any new building on state property
396 regardless of funding source.
- 397 (ii) "New facility" includes:
- 398 (A) an addition to an existing building; and
- 399 (B) the enclosure of space that was not previously fully enclosed.
- 400 (iii) "New facility" does not mean:
- 401 (A) the replacement of state-owned space that is demolished, if the total construction
402 cost of the replacement space is less than \$1,500,000; or
- 403 (B) the construction of facilities that do not fully enclose a space.
- 404 (d) "Replacement cost of existing state facilities" means the replacement cost, as
405 determined by the Division of Risk Management, of state facilities, excluding auxiliary
406 facilities as defined by the State Building Board.
- 407 (e) "State funds" means public monies appropriated by the Legislature.
- 408 (2) The State Building Board, on behalf of all state agencies, commissions,
409 departments, and institutions shall submit its capital development recommendations and
410 priorities to the Legislature for approval and prioritization.
- 411 (3) (a) Except as provided in Subsections (3)(b), (d), and (e), a capital development
412 project may not be constructed on state property without legislative approval.
- 413 (b) Legislative approval is not required for a capital development project if the State
414 Building Board determines that:
- 415 (i) the requesting higher education institution has provided adequate assurance that:
- 416 (A) state funds will not be used for the design or construction of the facility; and
- 417 (B) the higher education institution has a plan for funding in place that will not require
418 increased state funding to cover the cost of operations and maintenance to, or state funding for,
419 immediate or future capital improvements to the resulting facility; and
- 420 (ii) the use of the state property is:
- 421 (A) appropriate and consistent with the master plan for the property; and

- 422 (B) will not create an adverse impact on the state.
- 423 (c) (i) The Division of Facilities Construction and Management shall maintain a record
424 of facilities constructed under the exemption provided in Subsection (3)(b).
- 425 (ii) For facilities constructed under the exemption provided in Subsection (3)(b), a
426 higher education institution may not request:
- 427 (A) increased state funds for operations and maintenance; or
428 (B) state capital improvement funding.
- 429 (d) Legislative approval is not required for:
- 430 (i) the renovation, remodeling, or retrofitting of an existing facility with nonstate funds;
431 (ii) facilities to be built with nonstate funds and owned by nonstate entities within
432 research park areas at the University of Utah and Utah State University;
- 433 (iii) facilities to be built at This is the Place State Park by This is the Place Foundation
434 with funds of the foundation, including grant monies from the state, or with donated services or
435 materials;
- 436 (iv) capital projects that are funded by the Navajo Trust Fund Board from Navajo Trust
437 Fund monies and the Uintah Basin Revitalization Fund that do not provide a new facility for a
438 state agency or higher education institution; or
- 439 (v) capital projects on school and institutional trust lands that are funded by the School
440 and Institutional Trust Lands Administration from the Land Grant Management Fund and that
441 do not fund construction of a new facility for a state agency or higher education institution.
- 442 (e) (i) Legislative approval is not required for capital development projects to be built
443 for the Department of Transportation as a result of an exchange of real property under Section
444 72-5-111.
- 445 (ii) When the Department of Transportation approves those exchanges, it shall notify
446 the president of the Senate, the speaker of the House, and the cochairs of the Capital Facilities
447 and Administrative Services Subcommittee of the Legislature's Joint Appropriation Committee
448 about any new facilities to be built under this exemption.
- 449 (4) (a) The State Building Board, on behalf of all state agencies, commissions,

450 departments, and institutions shall by January 15 of each year, submit a list of anticipated
451 capital improvement requirements to the Legislature for review and approval.

452 (b) Unless otherwise directed by the Legislature, the building board shall prioritize
453 capital improvements from the list submitted to the Legislature up to the level of appropriation
454 made by the Legislature.

455 (c) In prioritizing capital improvements, the building board shall consider the results of
456 facility evaluations completed by an architect/engineer as stipulated by the building board's
457 facilities maintenance standards.

458 (d) The building board may require an entity that benefits from a capital improvement
459 project to repay the capital improvement funds from savings that result from the project.

460 (5) The Legislature may authorize:

461 (a) the total square feet to be occupied by each state agency; and

462 (b) the total square feet and total cost of lease space for each agency.

463 (6) (a) Except as provided in Subsection (6)(b), the Legislature may not fund the design
464 or construction of any new capital development projects, except to complete the funding of
465 projects for which partial funding has been previously provided, until the Legislature has
466 appropriated 1.1% of the replacement cost of existing state facilities to capital improvements.

467 (b) (i) As used in this Subsection (6)(b), "operating deficit" means that estimated
468 General Fund or Uniform School Fund revenues are less than budgeted for the current or next
469 fiscal year.

470 (ii) If the Legislature determines that an operating deficit exists, the Legislature may, in
471 eliminating the deficit, reduce the amount appropriated to capital improvements to 0.9% of the
472 replacement cost of state buildings.

473 (7) (a) If, after approval of capital development and capital improvement priorities by
474 the Legislature under this section, emergencies arise that create unforeseen critical capital
475 improvement projects, the State Building Board may, notwithstanding the requirements of Title
476 63, Chapter 38, Budgetary Procedures Act, reallocate capital improvement funds to address
477 those projects.

- 478 (b) The building board shall report any changes it makes in capital improvement
479 allocations approved by the Legislature to:
- 480 (i) the Office of Legislative Fiscal Analyst within 30 days of the reallocation; and
 - 481 (ii) the Legislature at its next annual general session.
- 482 (8) (a) The State Building Board may adopt a rule allocating to institutions and
483 agencies their proportionate share of capital improvement funding.
- 484 (b) The building board shall ensure that the rule:
- 485 (i) reserves funds for the Division of Facilities Construction and Management for
486 emergency projects; and
 - 487 (ii) allows the delegation of projects to some institutions and agencies with the
488 requirement that a report of expenditures will be filed annually with the Division of Facilities
489 Construction and Management and appropriate governing bodies.
- 490 (9) It is the intent of the Legislature that in funding capital improvement requirements
491 under this section the General Fund be considered as a funding source for at least half of those
492 costs.

493 Section 9. Section **63A-5-204** is amended to read:

494 **63A-5-204. Specific powers and duties of director.**

- 495 (1) As used in this section, "capitol hill facilities" and "capitol hill grounds" have the
496 same meaning as provided in Section 63C-9-102.
- 497 (2) (a) The director shall:
- 498 (i) recommend rules to the executive director for the use and management of facilities
499 and grounds owned or occupied by the state for the use of its departments and agencies;
 - 500 (ii) supervise and control the allocation of space, in accordance with legislative
501 directive through annual appropriations acts or other specific legislation, to the various
502 departments, commissions, institutions, and agencies in all buildings or space owned, leased, or
503 rented by or to the state, except capitol hill facilities and capitol hill grounds and except as
504 otherwise provided by law;
 - 505 (iii) comply with the procedures and requirements of Title 63A, Chapter 5, Part 3,

506 Division of Facilities Construction and Management Leasing;
507 (iv) except as provided in Subsection (2)(b), acquire, as authorized by the Legislature
508 through the appropriations act or other specific legislation, and hold title to, in the name of the
509 division, all real property, buildings, fixtures, or appurtenances owned by the state or any of its
510 agencies;
511 (v) adopt and use a common seal, of a form and design determined by the director, and
512 of which courts shall take judicial notice;
513 (vi) file a description and impression of the seal with the Division of Archives;
514 (vii) collect and maintain all deeds, abstracts of title, and all other documents
515 evidencing title to or interest in property belonging to the state or any of its departments, except
516 institutions of higher education and the School and Institutional Trust Lands Administration;
517 (viii) report all properties acquired by the state, except those acquired by institutions of
518 higher education, to the director of the Division of Finance for inclusion in the state's financial
519 records;
520 (ix) before charging a rate, fee, or other amount for services provided by the division's
521 internal service fund to an executive branch agency, or to a subscriber of services other than an
522 executive branch agency:
523 (A) submit the proposed rates, fees, and cost analysis to the Rate Committee
524 established in Section 63A-1-114; and
525 (B) obtain the approval of the Legislature as required by Section 63-38-3.5;
526 (x) conduct a market analysis by July 1, 2005, and periodically thereafter, of proposed
527 rates and fees, which analysis shall include a comparison of the division's rates and fees with
528 the fees of other public or private sector providers where comparable services and rates are
529 reasonably available; [and]
530 (xi) implement the State Building Energy Efficiency Program under Section 63-9-67;
531 and
532 [~~(xi)~~] (xii) take all other action necessary for carrying out the purposes of this chapter.
533 (b) Legislative approval is not required for acquisitions by the division that cost less

534 than \$250,000.

535 (3) (a) The director shall direct or delegate maintenance and operations, preventive
536 maintenance, and facilities inspection programs and activities for any department, commission,
537 institution, or agency, except:

538 (i) the State Capitol Preservation Board; and

539 (ii) state institutions of higher education.

540 (b) The director may choose to delegate responsibility for these functions only when
541 the director determines that:

542 (i) the department or agency has requested the responsibility;

543 (ii) the department or agency has the necessary resources and skills to comply with
544 facility maintenance standards approved by the State Building Board; and

545 (iii) the delegation would result in net cost savings to the state as a whole.

546 (c) The State Capitol Preservation Board and state institutions of higher education are
547 exempt from Division of Facilities Construction and Management oversight.

548 (d) Each state institution of higher education shall comply with the facility
549 maintenance standards approved by the State Building Board.

550 (e) Except for the State Capitol Preservation Board, agencies and institutions that are
551 exempt from division oversight shall annually report their compliance with the facility
552 maintenance standards to the division in the format required by the division.

553 (f) The division shall:

554 (i) prescribe a standard format for reporting compliance with the facility maintenance
555 standards;

556 (ii) report agency and institution compliance or noncompliance with the standards to
557 the Legislature; and

558 (iii) conduct periodic audits of exempt agencies and institutions to ensure that they are
559 complying with the standards.

560 (4) (a) In making any allocations of space under Subsection (2), the director shall:

561 (i) conduct studies to determine the actual needs of each department, commission,

562 institution, or agency; and

563 (ii) comply with the restrictions contained in this Subsection (4).

564 (b) The supervision and control of the legislative area is reserved to the Legislature.

565 (c) The supervision and control of the judicial area is reserved to the judiciary for trial
566 courts only.

567 (d) The director may not supervise or control the allocation of space for entities in the
568 public and higher education systems.

569 (e) The supervision and control of capitol hill facilities and capitol hill grounds is
570 reserved to the State Capitol Preservation Board.

571 (5) The director may:

572 (a) hire or otherwise procure assistance and services, professional, skilled, or
573 otherwise, that are necessary to carry out the director's responsibilities, and may expend funds
574 provided for that purpose either through annual operating budget appropriations or from
575 nonlapsing project funds;

576 (b) sue and be sued in the name of the division; and

577 (c) hold, buy, lease, and acquire by exchange or otherwise, as authorized by the
578 Legislature, whatever real or personal property that is necessary for the discharge of the
579 director's duties.

580 (6) Notwithstanding the provisions of Subsection (2)(a)(iv), the following entities may
581 hold title to any real property, buildings, fixtures, and appurtenances held by them for purposes
582 other than administration that are under their control and management:

583 (a) the Office of Trust Administrator;

584 (b) the Department of Transportation;

585 (c) the Division of Forestry, Fire and State Lands;

586 (d) the Department of Natural Resources;

587 (e) the Utah National Guard;

588 (f) any area vocational center or other institution administered by the State Board of
589 Education; and

590 (g) any institution of higher education.

591 (7) The director shall ensure that any firm performing testing and inspection work
592 governed by the American Society for Testing Materials Standard E-329 on public buildings
593 under the director's supervision shall:

594 (a) fully comply with the American Society for Testing Materials standard
595 specifications for agencies engaged in the testing and inspection of materials known as ASTM
596 E-329; and

597 (b) carry a minimum of \$1,000,000 of errors and omissions insurance.

598 (8) Notwithstanding Subsections (2)(a)(iii) and (iv), the School and Institutional Trust
599 Lands Administration may hold title to any real property, buildings, fixtures, and appurtenances
600 held by it that are under its control.

601 Section 10. Section **63A-5-206** is amended to read:

602 **63A-5-206. Construction, alteration, and repair of state facilities -- Powers of**
603 **director -- Exceptions -- Expenditure of appropriations -- Notification to local**
604 **governments for construction or modification of certain facilities.**

605 (1) As used in this section:

606 [~~(a) "Analysis" means an economic assessment of competing design and maintenance~~
607 ~~alternatives, the object of which is to reduce cost and conserve energy.]~~

608 [~~(b)~~] (a) "Capital developments" and "capital improvements" have the same meaning as
609 provided in Section 63A-5-104.

610 [~~(c)~~] (b) "Compliance agency" has the same meaning as provided in Subsection
611 58-56-3(4).

612 [~~(d)~~] (c) (i) "Facility" means any building, structure, or other improvement that is
613 constructed on property owned by the state, its departments, commissions, institutions, or
614 agencies.

615 (ii) "Facility" does not mean an unoccupied structure that is a component of the state
616 highway system.

617 [~~(e)~~] (d) "Life cycle cost-effective" means, as provided for in rules adopted by the State

618 Building Board, in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking
 619 Act, the [lowest] most prudent cost of owning and operating a facility [~~over a 25-year period~~],
 620 including the initial cost, energy costs, operation and maintenance costs, repair costs, and the
 621 costs of energy conservation and renewable energy systems.

622 [(f)] (e) "Local government" means the county, municipality, or local school district
 623 that would have jurisdiction to act as the compliance agency if the property on which the
 624 project is being constructed were not owned by the state.

625 [(g)] (f) "Renewable energy system" means a system designed to use solar, wind,
 626 geothermal power, wood, or other replenishable energy source to heat, cool, or provide
 627 electricity to a building.

628 (2) (a) Except as provided in Subsections (3) and (4), the director shall exercise direct
 629 supervision over the design and construction of all new facilities, and all alterations, repairs,
 630 and improvements to existing facilities if the total project construction cost, regardless of the
 631 funding source, is greater than \$100,000.

632 (b) The director shall prepare or have prepared by private firms or individuals designs,
 633 plans, and specifications for the projects administered by the division.

634 (c) Before proceeding with construction, the director and the officials charged with the
 635 administration of the affairs of the particular department, commission, institution, or agency
 636 shall approve the location, design, plans, and specifications.

637 (3) Projects for the construction of new facilities and alterations, repairs, and
 638 improvements to existing facilities are not subject to Subsection (2) if the project:

639 (a) occurs on property under the jurisdiction of the State Capitol Preservation Board;

640 (b) is within a designated research park at the University of Utah or Utah State
 641 University;

642 (c) occurs within the boundaries of This is the Place State Park and is administered by
 643 This is the Place Foundation except that This is the Place Foundation may request the director
 644 to administer the design and construction; or

645 (d) is for the creation and installation of art under Title 9, Chapter 6, Part 4, Utah

646 Percent-for-Art Act.

647 (4) (a) (i) The State Building Board may authorize the delegation of control over
648 design, construction, and all other aspects of any project to entities of state government on a
649 project-by-project basis or for projects within a particular dollar range and a particular project
650 type.

651 (ii) The state entity to whom control is delegated shall assume fiduciary control over
652 project finances, shall assume all responsibility for project budgets and expenditures, and shall
653 receive all funds appropriated for the project, including any contingency funds contained in the
654 appropriated project budget.

655 (iii) Delegation of project control does not exempt the state entity from complying with
656 the codes and guidelines for design and construction adopted by the division and the State
657 Building Board.

658 (iv) State entities that receive a delegated project may not access, for the delegated
659 project, the division's statewide contingency reserve and project reserve authorized in Section
660 63A-5-209.

661 (b) For facilities that will be owned, operated, maintained, and repaired by an entity
662 that is not a state agency or institution and that are located on state property, the State Building
663 Board may authorize the owner to administer the design and construction of the project instead
664 of the division.

665 (5) Notwithstanding any other provision of this section, if a donor donates land to an
666 eligible institution of higher education and commits to build a building or buildings on that
667 land, and the institution agrees to provide funds for the operations and maintenance costs from
668 sources other than state funds, and agrees that the building or buildings will not be eligible for
669 state capital improvement funding, the higher education institution may:

670 (a) oversee and manage the construction without involvement, oversight, or
671 management from the division; or

672 (b) arrange for management of the project by the division.

673 (6) (a) The role of compliance agency as provided in Title 58, Chapter 56, Utah

674 Uniform Building Standards Act, shall be provided by:

675 (i) the director, for projects administered by the division;

676 (ii) the entity designated by the State Capitol Preservation Board, for projects under
677 Subsection (3)(a);

678 (iii) the local government, for projects exempt from the division's administration under
679 Subsection (3)(b) or administered by This is the Place Foundation under Subsection (3)(c);

680 (iv) the state entity or local government designated by the State Building Board, for
681 projects under Subsection (4); or

682 (v) the institution, for projects exempt from the division's administration under
683 Subsection (5)(a).

684 (b) For the installation of art under Subsection (3)(d), the role of compliance agency
685 shall be provided by the entity that is acting in this capacity for the balance of the project as
686 provided in Subsection (6)(a).

687 (c) The local government acting as the compliance agency under Subsection (6)(a)(iii)
688 may:

689 (i) only review plans and inspect construction to enforce the building codes as adopted
690 by the Uniform Building Codes Commission; and

691 (ii) charge a building permit fee of no more than the amount it could have charged if
692 the land upon which the improvements are located were not owned by the state.

693 (d) (i) The use of state property and any improvements constructed on state property,
694 including improvements constructed by nonstate entities, is not subject to the zoning authority
695 of local governments as provided in Sections 10-9a-304 and 17-27a-304.

696 (ii) The state entity controlling the use of the state property shall consider any input
697 received from the local government in determining how the property shall be used.

698 (7) Before construction may begin, the director shall review the design of projects
699 exempted from the division's administration under Subsection (4) to determine if the design:

700 (a) complies with any restrictions placed on the project by the State Building Board;
701 and

702 (b) is appropriate for the purpose and setting of the project.

703 (8) ~~[(a)]~~ The director shall ensure that state-owned facilities, except for facilities under
704 the control of the State Capitol Preservation Board, are life cycle cost-effective.

705 ~~[(b) The estimated cost of the analysis shall be included in each program budget~~
706 ~~document and in the project funding request submitted to the State Building Board, the~~
707 ~~governor, and the Legislature.]~~

708 ~~[(c) The final cost estimate shall reflect the most life cycle cost-effective building.]~~

709 ~~[(d) The State Building Board, in consultation with the director and the State Energy~~
710 ~~Manager, shall make rules to implement this Subsection (8) by following the procedures and~~
711 ~~requirements of Title 63, Chapter 46a, Utah Administrative Rulemaking Act.]~~

712 ~~[(e) The State Building Board may exempt a facility from being life cycle~~
713 ~~cost-effective pursuant to rules, after reviewing and concurring with a written request and~~
714 ~~justification from the director.]~~

715 (9) The director may expend appropriations for statewide projects from funds provided
716 by the Legislature for those specific purposes and within guidelines established by the State
717 Building Board.

718 (10) (a) The director, with the approval of the Office of Legislative Fiscal Analyst,
719 shall develop standard forms to present capital development and capital improvement cost
720 summary data.

721 (b) The director shall:

722 (i) within 30 days after the completion of each capital development project, submit cost
723 summary data for the project on the standard form to the Office of Legislative Fiscal Analyst;
724 and

725 (ii) upon request, submit cost summary data for a capital improvement project to the
726 Office of Legislative Fiscal Analyst on the standard form.

727 (11) Notwithstanding the requirements of Title 63, Chapter 38, Budgetary Procedures
728 Act, the director may:

729 (a) accelerate the design of projects funded by any appropriation act passed by the

730 Legislature in its annual general session;

731 (b) use any unencumbered existing account balances to fund that design work; and

732 (c) reimburse those account balances from the amount funded for those projects when
733 the appropriation act funding the project becomes effective.

734 (12) (a) The director, his designee, or the state entity to whom control has been
735 designated under Subsection (4), shall notify in writing the elected representatives of local
736 government entities directly and substantively affected by any diagnostic, treatment, parole,
737 probation, or other secured facility project exceeding \$250,000, if:

738 (i) the nature of the project has been significantly altered since prior notification;

739 (ii) the project would significantly change the nature of the functions presently
740 conducted at the location; or

741 (iii) the project is new construction.

742 (b) At the request of either the state entity or the local government entity,
743 representatives from the state entity and the affected local entity shall conduct or participate in
744 a local public hearing or hearings to discuss these issues.

745 (13) (a) (i) Before beginning the construction of student housing on property owned by
746 the state or a public institution of higher education, the director shall provide written notice of
747 the proposed construction, as provided in Subsection (13)(a)(ii), if any of the proposed student
748 housing buildings is within 300 feet of privately owned residential property.

749 (ii) Each notice under Subsection (13)(a)(i) shall be provided to the legislative body
750 and, if applicable, the mayor of:

751 (A) the county in whose unincorporated area the privately owned residential property is
752 located; or

753 (B) the municipality in whose boundaries the privately owned residential property is
754 located.

755 (b) (i) Within 21 days after receiving the notice required by Subsection (13)(a)(i), a
756 county or municipality entitled to the notice may submit a written request to the director for a
757 public hearing on the proposed student housing construction.

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758 (ii) If a county or municipality requests a hearing under Subsection (13)(b)(i), the
759 director and the county or municipality shall jointly hold a public hearing to provide
760 information to the public and to allow the director and the county or municipality to receive
761 input from the public about the proposed student housing construction.

762 Section 11. **Repealer.**

763 This bill repeals:

764 Section **63-38-18, Refund for electrical service to be deposited into the LeRay**
765 **McAllister Fund.**

ATTACHMENT B

House of Intro			Second House		
_____	To Com. No.	_____	_____	To Com No.	_____
_____	Stand Report	Do ___ Amd ___ Not ___	_____	Stand Report	Do ___ Amd ___ Not ___
_____	Com Whole	Do ___ Amd ___ Not ___	_____	Com Whole	Do ___ Amd ___ Not ___
_____	2nd Reading	Amd ___	_____	2nd Reading	Amd ___
_____	3rd Reading	Amd ___ Pass ___ Fail ___	_____	3rd Reading	Amd ___ Pass ___ Fail ___

1993

STATE OF WYOMING

93LSO-0654.01

SENATE FILE NO. 0157

State Building Energy Conservation Act.

Sponsored by: Senator(s) VINICH

A BILL

for

1 AN ACT to create W.S. 16-10-101 through 16-10-119 relating
 2 to a state building energy conservation program; estab-
 3 lishing the program; providing for the issuance of revenue
 4 bonds to fund the program; providing for an appropriation;
 5 and providing for an effective date.

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

7 Section 1. W.S. 16-10-101 through 16-10-119 are cre-
 8 ated to read:

9 CHAPTER 10

10 STATE BUILDING ENERGY CONSERVATION PROGRAM

1 16-10-101. Short title. This act may be cited as the
2 "State Building Energy Conservation Program."

3 16-10-102. Definitions.

4 (a) As used in this act:

5 (i) "Cost" means the expenses related to plan-
6 ning, design, construction and installation of energy con-
7 servation improvements and any administrative expenses of
8 the department of commerce incurred in the performance of
9 its duties under the energy conservation program;

10 (ii) "Department" means the department of com-
11 merce;

12 (iii) "Energy Conservation Program" means a pro-
13 gram for the financing, acquisition, construction and
14 installation of energy saving equipment, systems and
15 improvements in state-owned buildings, structures and
16 facilities;

17 (iv) "Energy conservation program bonds"
18 includes all series of bonds issued to finance any portion
19 of the energy conservation program;

20 (v) "State agency" means:

1 (A) Each executive, legislative or judicial
2 branch department, office or agency; and

3 (B) The University of Wyoming.

4 (vi) "This act" means W.S. 16-10-101 through
5 16-10-119.

6 16-10-103. Development of state energy conservation
7 program.

8 (a) State agencies shall submit to the department of
9 commerce, on forms provided by the department of commerce,
10 a list of facilities operated by that agency that have a
11 potential for energy savings, based on age, energy use,
12 function and conditions of the buildings.

13 (b) Based on criteria in subsection (a) of this sec-
14 tion, the department shall select certain facilities for
15 in-depth energy analyses to identify the technical and
16 financial feasibility of making energy conservation
17 improvements to the facilities.

18 (c) All energy analyses will be performed by licensed
19 professional engineers.

20 (d) Upon completion of the energy analyses the

1 department shall submit its findings to the governor,
2 along with a prioritized list of projects recommended for
3 funding under the energy conservation program. The
4 department shall rank projects in terms of cost-
5 effectiveness to the state.

6 (e) The department shall compile a report that shall
7 include the following:

8 (i) A listing of all requests submitted by state
9 agencies;

10 (ii) A summary of review of agency requests; and

11 (iii) A summary of the energy analyses conducted
12 by the department, including the estimated cost of each
13 proposed project, and the estimated energy cost savings of
14 each proposed project.

15 16-10-104. Submission to the farm loan board.

16 (a) The governor shall submit to the farm loan board
17 for its approval, the proposed projects to be funded by
18 the energy conservation program. The governor shall
19 include in his submission:

20 (i) The report prepared by the department;

1 (ii) A description of the improvements to be
2 financed;

3 (iii) The estimated cost of each project; and

4 (iv) The proposed method of financing the
5 improvements.

6 (b) The governor shall also include within his
7 report, a written statement by the department that the
8 estimated annual energy savings to be derived from the
9 installation of the energy saving equipment or improve-
10 ments, upon completion, are expected to equal or exceed
11 the annual debt service to be paid on the energy conserva-
12 tion program bonds proposed to be issued to fund the costs
13 of such equipment or improvements. Such statements of
14 estimated savings will be based on the current prices for
15 various types of energy.

16 16-10-105. Funding for initial expenses. Any funds
17 appropriated for initial expenses under this act shall be
18 apportioned among the approved projects based upon energy
19 cost savings, as determined by the farm loan board in con-
20 sultation with the department, and shall be repaid as a
21 project cost through bond proceeds.

1 16-10-106. Duties of Department.

2 (a) The department may:

3 (i) Analyze state utility data to identify high
4 potential energy conservation projects;

5 (ii) Perform comprehensive energy analyses on
6 state-owned buildings, structures and facilities, con-
7 tracting with private engineers when necessary;

8 (iii) Train facility maintenance staff in energy
9 saving techniques and maintenance of energy improvements,
10 monitor energy conservation projects to ensure that cost
11 savings are realized and are adequate to cover the debt
12 service for the bonds issued to fund the improvements.

13 16-10-107. Revenue bonds; issuance.

14 (a) The farm loan board may issue bonds in principal
15 amounts the farm loan board determines necessary to pro-
16 vide sufficient funds for funding the energy conservation
17 program, including the payment of interest, the establish-
18 ment of reserves and for the purpose of defraying all
19 other costs. All bonds issued under this act are negotia-
20 ble instruments under the laws of the state unless
21 expressly provided to the contrary on the face of the

1 bonds.

2 (b) All bonds issued by the farm loan board are pay-
3 able solely out of special funds consisting of all or part
4 of its revenues, receipts, monies and assets, as desig-
5 nated in the proceedings under which the bonds are autho-
6 rized. The bonds shall bear interest at the rates, be
7 executed and delivered at times and in denominations, be
8 of terms and maturities, be in bearer form or in regis-
9 tered form as to principal and interest or principal
10 alone, and bear manual or facsimile signatures and seals
11 as determined by the farm loan board.

12 (c) Bonds may be payable in installments and may bear
13 maturities not exceeding fifteen (15) years from the date
14 issued as determined by the farm loan board.

15 (d) As determined by the farm loan board, bonds and
16 interest may be payable at a time or place whether within
17 or without the state. Bonds may contain other provisions
18 not inconsistent with this act.

19 (e) Any bonds issued by the farm loan board may con-
20 tain an option to redeem all or any part as may be speci-
21 fied. The price of redemption, the terms and conditions
22 and the procedure of notice shall be set forth in the pro-

1 ceedings of the farm loan board and may appear on the face
2 of the bonds.

3 (f) Any bonds of the farm loan board may be sold at,
4 above or below par value, at public or private sale, in a
5 manner and from time to time as determined by the farm
6 loan board. The farm loan board may pay legal fees,
7 expenses, premiums and commissions which it finds neces-
8 sary or advantageous in connection with the issuance and
9 sale.

10 (g) Additional bonds for a particular purpose may be
11 issued provided the later issues shall recognize and pro-
12 tect any prior pledge or mortgage made for any prior
13 issue. Bonds may be issued providing that any later
14 issues for financial aid for the same applicant may be on
15 a parity with the earlier bonds.

16 (h) The farm loan board may provide for the issuance
17 of its bonds to refund any bonds of the farm loan board
18 then outstanding, including the payment of any redemption
19 premium and any interest or premium accrued or to accrue
20 to, the earliest or subsequent date of redemption, pur-
21 chase or maturity of the bonds. Refunding shall be accom-
22 plished in the manner prescribed by W.S. 16-5-101 through

1 16-5-119 to the extent it is not inconsistent with this
2 act.

3 16-10-108. Revenue bonds; amount authorized.

4 (a) The farm loan board shall not issue bonds in an
5 aggregate amount exceeding a total of ten million dollars
6 (\$10,000,000.00) including bonds which have been refunded.

7 (b) When any bonds are issued under the farm loan
8 board of subsection (a) of this section, the total dollar
9 principal amount on the face of the bonds shall be sub-
10 tracted from the total authorization under subsection (a)
11 of this section and may not again be reissued or reused
12 even though the bonds have been retired, redeemed or
13 refunded.

14 16-10-109. Revenue bonds; security therefor.

15 (a) The principal and interest on any bonds issued by
16 the farm loan board may be secured by a pledge of any rev-
17 enues and receipts of the farm loan board or assignment of
18 royalty agreements or other assets purchased.

19 (b) Each pledge, agreement, mortgage or other instru-
20 ment made for the benefit or security of any bonds of the
21 farm loan board is valid and binding from the time when

1 made. The revenues, receipts, monies and assets pledged
2 are immediately subject to the lien of the pledge without
3 delivery or further act. The lien is valid and binding
4 against persons having claims of any kind against the farm
5 loan board whether or not the persons have actual notice
6 of the lien. Neither the resolution nor the indenture or
7 other instrument by which a pledge is created need be
8 recorded or filed.

9 (c) Any resolution or trust indenture under which
10 bonds of the farm loan board are authorized may contain
11 provisions for vesting in a trustee the properties,
12 rights, powers and duties in trust as the farm loan board
13 determines. This may include any or all of the rights,
14 powers and duties of the trustee appointed by the holders
15 of any issue of bonds pursuant to W.S. 16-10-115, in which
16 event the provisions of W.S. 16-10-115 authorizing the
17 appointment of a trustee by the holders of bonds shall not
18 apply.

19 16-10-110. Revenue bonds; debt service reserve funds;
20 use of monies therein.

21 (a) Prior to the delivery of each bond issue, the
22 farm loan board may create one (1) or more debt service
23 reserve funds and, at the time the farm loan board deter-

1 mines, shall pay into the funds an amount, as determined
2 by the farm loan board, from:

3 (i) Proceeds of the sale of bonds to the extent
4 provided in the resolution of the farm loan board autho-
5 rizing the issuance; and

6 (ii) Other monies which may be received or made
7 available to the farm loan board from any other source for
8 this purpose.

9 (b) Unless otherwise provided, the monies held in or
10 credited to any debt service reserve fund established
11 under this section shall be used solely for the payment of
12 the principal of bonds of the farm loan board secured by
13 the reserve fund, as the bonds mature or are redeemed
14 prior to maturity, the purchase of such bonds of the farm
15 loan board, the payment of interest on such bonds of the
16 farm loan board or the payment of any redemption premium
17 required to be paid when the bonds are redeemed prior to
18 maturity. Money in any debt service reserve fund shall
19 not be withdrawn if it would reduce the amount of the fund
20 to less than the amount which is pledged in the proceed-
21 ings authorizing the issuance of the bonds secured by the
22 debt service reserve fund, except for the purpose of pay-

1 ing principal and interest on bonds maturing and becoming
2 due, and for the payment of which other monies of the farm
3 loan board are not available.

4 16-10-111. Revenue bonds; disposition of monies
5 received. Monies received under this act, whether as pro-
6 ceeds from the sale of bonds or as revenues, receipts or
7 income, shall be held as trust funds to be applied solely
8 as provided in the proceedings under which the bonds are
9 authorized. The trustee shall hold and apply the monies
10 for the purposes authorized by this act and by the pro-
11 ceedings authorizing the bonds and included in the trust
12 agreement securing the bonds.

13 16-10-112. Exemptions from taxation; exceptions. The
14 exercise of the powers granted by this act constitutes the
15 performance of an essential governmental function. The
16 farm loan board shall not be required to pay any taxes
17 levied by any municipality or political subdivision of the
18 state, other than assessments for local improvements, upon
19 its property or monies. Except for estate taxes, the farm
20 loan board's monies and any bonds issued under this act
21 and the income therefrom, shall be free from taxation of
22 every kind by the state, municipalities and political sub-
23 divisions of the state.

1 16-10-113. Bonds as legal investments. The bonds of
2 the farm loan board are legal investments which may be
3 used as collateral for public funds of the state, insur-
4 ance companies, banks, savings and loan associations,
5 investment companies, trustees and other fiduciaries which
6 may properly and legally invest funds in their control or
7 belonging to them in bonds of the farm loan board.

8 16-10-114. State pledge not to impair bondholder's
9 rights and remedies. The state pledges to the holders of
10 any bonds issued under this act, that the state will not
11 limit or alter the rights vested in the farm loan board to
12 fulfill the terms of agreements made with the holders, or
13 in any way impair the rights and remedies of the holders
14 until the bonds together with the interest, with interest
15 on any unpaid installments of interest, and all costs and
16 expenses in connection with any action or proceeding by or
17 on behalf of the holders are fully met and discharged.
18 The farm loan board is authorized to include this pledge
19 of the state in any agreement with the holders of the
20 bonds.

21 16-10-115. Appointment of trustee by bondholders;
22 powers and duties thereof.

1 (a) If the farm loan board defaults in the payment of
2 principal of or interest on any bonds after they become
3 due, whether at maturity or upon call for redemption, and
4 the default continues for a period of thirty (30) days, or
5 if the farm loan board fails or refuses to comply with the
6 provisions of this act, or defaults in any agreement made
7 with the holders of any bonds, the holders of twenty-five
8 percent (25%) in aggregate principal amount of the bonds
9 of the issue then outstanding, by instrument or instru-
10 ments filed in the office of the secretary of state, may
11 appoint a trustee to represent the holders of the bonds
12 for the purposes herein provided.

13 (b) The trustee may, and upon written request of the
14 holders of twenty-five percent (25%) in principal amount
15 of such bonds then outstanding shall, in his or its own
16 name:

17 (i) By suit action or proceeding enforce all
18 rights of the bondholders to require the farm loan board
19 to carry out any other agreements with the holders of the
20 bonds and to perform its duties under this act;

21 (ii) Bring suit upon the bonds;

22 (iii) By action or suit, require the farm loan

1 board to account as if it were the trustee of an express
2 trust for the holders of the bonds;

3 (iv) By action or suit, enjoin any acts or
4 things which may be unlawful or in violation of the rights
5 of the holders of the bonds;

6 (v) Declare all the bonds due and payable, and
7 if all defaults are made good, then, with the consent of
8 the holders of twenty-five percent (25%) of the principal
9 amount of the bonds then outstanding, to annul the decla-
10 ration and its consequences.

11 (c) In addition, the trustee has all the powers nec-
12 essary or appropriate for the exercise of any functions
13 specifically set forth in this act or incident to the gen-
14 eral representation of bondholders in the enforcement and
15 protection of their rights.

16 16-10-116. Investment and management of funds.

17 (a) The farm loan board may invest funds not required
18 for immediate disbursement in securities in which state
19 funds may be invested as provided by law, sell securities
20 it has purchased and deposit securities in any financial
21 institution. Funds deposited in financial institutions

1 shall be secured by obligations authorized as permissible
2 security for state investments. In investing and managing
3 its funds, the farm loan board shall exercise the judgment
4 and care which persons of prudence, discretion and intel-
5 ligence would exercise under similar circumstances in man-
6 aging the permanent disposition of their funds, consider-
7 ing the probable income and the probable safety of their
8 capital.

9 (b) Notwithstanding the provisions of this section,
10 the farm loan board may contract with the holders of any
11 of its bonds, as to the custody, collection, securing,
12 investment and payment of any monies of the farm loan
13 board, of any monies held in trust or otherwise for the
14 payment of bonds, and may carry out the contract. Monies
15 held in trust or otherwise for the payment of bonds or in
16 any way to secure bonds and deposits of monies may be
17 secured in the same manner as monies of the farm loan
18 board and all banks and trust companies are authorized to
19 give security of these deposits.

20 16-10-117. Annual report and budget.

21 (a) The farm loan board shall submit an annual report
22 in the manner provided by W.S. 9-2-1014 for activities

1 under this act.

2 (b) This section shall not impair or affect any
3 pledge of special funds of the farm loan board to the pay-
4 ment of the revenue bonds authorized by this act.

5 16-10-118. Treasurer to invest in bonds of farm loan
6 board. The state treasurer may invest in the bonds of the
7 farm loan board an amount not to exceed the lesser of
8 twenty-five percent (25%) of any bond issue or ten million
9 dollars (\$10,000,000.00) in permanent funds of the state.

10 16-10-119. Bonds issued not obligations of state.
11 Bonds issued by the farm loan board are obligations of the
12 farm loan board and are not obligations of this state or
13 any municipality or county and are not enforceable against
14 the state or any municipality or county. Payment of the
15 bonds shall be made only from income and revenue pledged
16 or held in trust for the bondholders.

17 Section 2. There is appropriated from the petroleum
18 violation funds account within the trust and agency fund
19 one hundred fifty thousand dollars (\$150,000.00) to the
20 department for expenses incurred in obtaining energy anal-
21 yses of proposed projects, and any other expenses incurred
22 while selecting candidate proposals, issuing bonds, or

1 servicing bond debt until energy conservation equipment or
2 improvements have been completely installed. This appro-
3 priation is contingent upon approval of the use of these
4 funds for this purpose by the United States department of
5 energy and the concurrence of the governor.

6 Section 3. This act is effective immediately upon
7 completion of all acts necessary for a bill to become law
8 as provided by Article 4, Section 8 of the Wyoming Consti-
9 tution.

10

(END)

FISCAL NOTE

<u>Anticipated REVENUE to:</u>	<u>FY 1994</u>	<u>FY 1995</u>	<u>FY 1996</u>
_____	_____	_____	_____
_____	_____	_____	_____
TOTAL ESTIMATED REVENUE	_____	_____	_____

=====

<u>Anticipated COST to:</u>	<u>FY 1994</u>	<u>FY 1995</u>	<u>FY 1996</u>
_____	_____	_____	_____
_____	_____	_____	_____
TOTAL ESTIMATED COST	_____	_____	_____

=====

<u>Anticipated SAVINGS to:</u>	<u>FY 1994</u>	<u>FY 1995</u>	<u>FY 1996</u>
_____	_____	_____	_____
_____	_____	_____	_____
TOTAL ESTIMATED SAVINGS	_____	_____	_____

=====

<u>Anticipated Change in Personnel:</u>	<u>FY 1994</u>	<u>FY 1995</u>	<u>FY 1996</u>
Full-Time	_____	_____	_____
Part-Time	_____	_____	_____
Temporary	_____	_____	_____
Time-Limited, Other	_____	_____	_____
TOTAL PERSONNEL IMPACT	_____	_____	_____

=====

This bill provides for an appropriation of \$150,00.00 from the Trust & Agency fund.

SF 151