

ENROLLED ACT NO. 86, SENATE

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING
2013 GENERAL SESSION

AN ACT relating to projects funded with abandoned mine land funds; authorizing application for funds and modifications of applications; authorizing redirection of funds and appropriating funds for specified uses; combining abandoned mine land funds with previous appropriations for specified projects; specifying reversion date for funds; providing legislative findings; and providing for an effective date.

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

Section 1. [University Arena Auditorium]

(a) 2012 Wyoming Session Laws, Chapter 27, section 1(c)(ii)(intro) and (B) is amended to read:

Section 1. [Future AML funding]

(c) The legislature authorizes the department of environmental quality to submit grant applications to the federal office of surface mining for distribution of a portion of funds specified in subsection (a) of this section to the University of Wyoming, the Wyoming wildlife and natural resources trust, the Wyoming water development commission and the Wyoming department of transportation for the period ending June 30, 2013 for distribution to the specified account or entity for the following projects:

(ii) Ten million dollars (\$10,000,000.00) to the University of Wyoming for athletics facilities matching funds for the renovation of the arena auditorium. After substitution of these funds with general funds as

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provided in 2012 Wyoming Session Laws, Chapter 27, section 4, and each qualifying ~~contributions~~ and revenue bonds contribution meeting the requirements of this paragraph ~~have~~ has been received, ~~and issued,~~ the state treasurer shall distribute ~~these~~ an equal amount of matching funds to the university and the project may commence. Funds subject to this paragraph shall not lapse until June 30, ~~2017~~ 2018. No funds from this source shall be distributed to the university until:

(B) ~~Ten million dollars (\$10,000,000.00) has been matched by~~ A matching qualifying ~~contributions~~ contribution of funds other than state of Wyoming funds, ~~which contributions shall meet~~ meeting the provisions of W.S. 21-16-1001 through 21-16-1003, including valuation of matching funds, has been received by the university.

(b) 2012 Wyoming Session Laws, Chapter 27, Section 1(c)(ii)(A) is repealed.

Section 2.

(a) 2012 Wyoming Session Laws, Chapter 27, Section 2(b)(iii)(intro) and by creating new subparagraphs (F) and (G) and (vi)(C) and (c) by creating a new paragraph (iii) and renumbering paragraphs (iii) through (vi) as (iv) through (vii) is amended to read:

Section 2. [AML FUNDING - REDIRECTION OF
PRIOR AUTHORIZATIONS]

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(b) The grant applications submitted by the department to the federal office of surface mining shall seek authority to redirect the funds for the following projects:

(iii) One million dollars (\$1,000,000.00) to the department of transportation for a compressed natural gas fueling station and conversion of existing vehicles or purchase of new vehicles for the department or the University of Wyoming powered by compressed natural gas, subject to the following conditions:

(F) Prior to the expenditure of any funds, the University of Wyoming shall present a budget for the purchase or conversion of vehicles which operate on compressed natural gas to the joint appropriations interim committee;

(G) None of these funds shall be expended except upon further legislative authorization.

(vi)(C) Nine million dollars (\$9,000,000.00) to the governor's office for the purpose of supporting the design or construction ~~and operation~~ of a commercial scale facility which converts minerals to value added products. ~~Applications for grants under this subparagraph shall be received by the clean coal task force. Grants authorized under this subparagraph shall be awarded by the governor after receiving the recommendation of the joint minerals, business and economic development interim committee in accordance with this section. Any grant supporting the construction shall only be expended for the~~

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development of final design documents for or actual cost to construct a commercial minerals to value added products conversion facility. The governor may take all actions necessary to ensure the legality of an expenditure of any portion of this appropriation. No funds shall be expended from this appropriation to provide salaries. ~~No funds shall be expended from this appropriation without~~ The expenditure of this appropriation shall be subject to the following:

(I) A dollar for dollar match of funds not from the state of Wyoming;

(II) A signed written agreement between the ~~University-state~~ of Wyoming ~~school of energy resources~~ and the grantee, providing that all data, information, studies and analysis produced with funds from this appropriation or matching funds involving the siting of a commercial scale minerals to value added products conversion facility shall be transferred to the state of Wyoming upon abandonment of the project by the grantee as directed by the governor;

(III) The governor may request a determination by the clean-coal-advanced conversion technologies task force and the joint minerals, business and economic development interim committee that the grant has a reasonable likelihood of leveraging a substantial future capital investment in a large plant siting in this state; ~~In the event of multiple grant requests, the task force shall consider and give weight to whether the applicant has demonstrated a past record of producing jobs in Wyoming and whether the applicant has and is likely to maintain a nexus to the state of Wyoming.~~

(IV) The grantee shall have entered into a contract or option for the purchase

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or lease of real property on which the minerals to value added products conversion facility is to be constructed and which is zoned to allow use of the property as a commercial facility;

(V) The facility shall have an anticipated construction cost of more than fifty million dollars (\$50,000,000.00);

(VI) The proposed use of grant funds shall be reviewed by the attorney general and the attorney general shall first determine that the use is lawful. The governor shall additionally determine that the facility will be of substantial benefit to the public;

(VII) The governor may require as a condition to any grant that the grantee enter into a cooperative agreement with an agency of the state of Wyoming or a Wyoming county, as designated by the governor, to oversee the expenditure of the grant funds;

(VIII) If the governor has received multiple applications for the grant funds before approval of any grant, the grant funds shall be allocated in the governor's sole determination between the grantees, giving weight to whether the applicant has demonstrated a past record of producing jobs in Wyoming and whether the applicant has and is likely to maintain a nexus to the state of Wyoming. No determination by the governor under this section is appealable.

(c) Except for funds specified in this subsection, funds appropriated under this section shall be for the period beginning with the effective date of this section and ending June 30, 2014. Notwithstanding W.S. 9-2-1008, 9-2-1012(e)

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and 9-4-207(a), any unexpended, unobligated funds
subject to:

(iii) Paragraph (b)(iii) of this
section shall not revert until June 30, 2016;

~~(iii)~~ (iv) Paragraph (b)(v) of this
section shall not revert until June 30, 2016;

~~(iv)~~ (v) Subparagraph (b)(vi)(C) of this
section shall not revert until June 30, 2016;

~~(v)~~ (vi) Paragraph (b)(vii) of this
section shall not revert until June 30, 2016; and

~~(vi)~~ (vii) Paragraph (b)(viii) of this
section shall not revert until June 30, 2016.

Section 3. [Engineering Building]

(a) The legislature authorizes the department of environmental quality to submit new grant applications or modify existing grant applications to the federal office of surface mining to redirect eleven million nine hundred fifty thousand dollars (\$11,950,000.00) previously authorized by 2008 Wyoming Session Laws, Chapter 48, Section 320(a)(vi) for a high plains gasification facility and technology center and one million fifty thousand dollars (\$1,050,000.00) previously authorized by 2011 Wyoming Session Laws, Chapter 88, Section 346(d)(i) for the high plains gasification - advanced technology center. These funds shall be redirected to an account for the purposes of construction of an engineering building at the University of Wyoming as provided in this section.

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(b) From funds within the abandoned mine land funds balancing account under W.S. 35-11-1210(e), there is appropriated, as available, fifteen million eight hundred thousand dollars (\$15,800,000.00) to an account for the purposes of construction of an engineering building at the University of Wyoming as provided in this section. Eight hundred thousand dollars (\$800,000.00) of these funds shall be available to be matched by qualifying contributions meeting the provisions of W.S. 21-16-1401 through 21-16-1403, including valuation of matching funds.

(c) All funds redirected or appropriated under this section, and any funds substituted for those funds pursuant to subsection (d) or (e) of this section, shall be held by the state treasurer in an account for distribution to the University of Wyoming upon further act of the legislature.

(d) The department of environmental quality, in consultation with the University of Wyoming and with the approval of the governor, may substitute other University of Wyoming purposes in its grant applications under this section as necessary or convenient to replace university block grant funds expended to satisfy requirements prohibiting the use of abandoned mine land funds to match federal funds, where matching fund requirements would unduly delay a project, or where the use of federal abandoned mine land funds would be impractical or untimely.

(e) 2012 Wyoming Session Laws, Chapter 27, Section 5(a)(ii) is repealed.

(f) Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207(a), any unexpended, unobligated funds subject to this section, including funds appropriated by 2012 Wyoming Session Laws, Chapter 26, Section 3, Section 067, footnote 1, shall not revert until June 30, 2018.

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(g) Up to three million dollars (\$3,000,000.00) from the account for the purposes of construction of an engineering building at the University of Wyoming in this section shall only be expended for endowments at the University of Wyoming to support programs of national significance within the college of engineering and applied sciences as follows:

(i) One million five hundred thousand dollars (\$1,500,000.00) to be matched by qualifying contributions meeting the provisions of W.S. 21-16-901 through 21-16-904, including valuation of matching funds, toward the development of a niche area of excellence in a coal research program; and

(ii) One million five hundred thousand dollars (\$1,500,000.00) to be matched by qualifying contributions meeting the provisions of W.S. 21-16-901 through 21-16-904, including valuation of matching funds toward the development of a niche area of excellence in a natural gas program;

(iii) The University of Wyoming shall develop a detailed plan which shall include requirements that would bring the areas of excellence in this subsection to national prominence, including faculty, graduate support, lab and equipment. The plan shall include a plan for income utilization which provides for long term utilization of funds through a strategy of retaining or reducing expenditure of these funds in any fiscal year when adequate funds for the program are available from other sources. No expenditures from the account shall be made until the matching funds are raised and the governor, after seeking input from an assembled panel of public and private interests for the advancement of the college of engineering

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and applied sciences, and the University of Wyoming board of trustees have approved the plan for the development of the programs. The University of Wyoming shall submit a report to the joint minerals, business and economic development interim committee on October 1, 2013 and October 1, 2014 on the progress in creating the endowment programs.

Section 4. [Gillette Madison Pipeline]

The legislature authorizes the department of environmental quality to submit new grant applications or modify existing grant applications to the federal office of surface mining to redirect thirty million dollars (\$30,000,000.00) previously authorized by 2009 Wyoming Session Laws, Chapter 159, Section 339(c)(i), for the joint UW/GE clean coal partnership project. These funds shall be redirected to the Wyoming water development office for deposit to the Gillette Madison pipeline account established pursuant to W.S. 99-3-1405(a)(iv).

Section 5. [AML Funding Reversion Date Changes]

2008 Wyoming Session Laws, Chapter 48, Section 320(e)(ii), as amended by 2009 Wyoming Session Laws, Chapter 159, Section 346 and by 2010 Wyoming Session Laws, Chapter 39, Section 322 is amended to read:

Section 320.

(e) Except for funds subject to paragraphs (a)(v), (vi) and (vii) and subsection (c) of this section, funds appropriated under this section shall be for the period beginning with the effective date of this section and ending June 30, 2009. Notwithstanding W.S. 9-2-1008,

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9-2-1012(e) and 9-4-207(a), any unexpended
unobligated funds subject to:

(ii) Paragraph (a)(vi) for the high
plains gasification facility and technology
center shall not revert until June 30, ~~2013~~2014;

Section 6. The legislature acknowledges the action of the governor in substituting general funds for the University Arena Auditorium renovation project authorized under 2012 Wyoming Session Laws, Chapter 27, section 1(c)(ii). The legislature further finds that the action resulted in no abandoned mine lands funds being expended for that project. The action is ratified as taken in accordance with 2012 Wyoming Session Laws, Chapter 27, section 4, and legislative intent in enacting that provision.

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

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk