

ENROLLED ACT NO. 94, SENATE

SIXTY-FIRST LEGISLATURE OF THE STATE OF WYOMING  
2011 GENERAL SESSION

AN ACT relating to counties; creating a program to assist counties impacted by energy development; providing authority to the state loan and investment board to issue grants to counties to reconstruct or replace roads impacted by energy development; creating the energy impacted county roads program account; providing for distributions from the account as specified; providing definitions; granting rulemaking authority; providing for reports; providing an appropriation; and providing for an effective date.

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

**Section 1.** W.S. 9-16-101 through 9-16-103 are created to read:

CHAPTER 16  
ENERGY IMPACTED COUNTY ROADS PROGRAM

**9-16-101. Energy impacted county roads program; definitions.**

(a) As used in this chapter:

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

(ii) "Energy impacted counties" means counties which are eligible for funding under this chapter as determined in accordance with W.S. 9-16-102;

(iii) "Energy impacted county road" means a county dedicated and maintained road serving a site or sites, on which energy development has occurred, which requires construction, reconstruction, rehabilitation or

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expansion as a result of energy development as determined by the board;

(iv) "Road" includes:

(A) Bridges and culverts;

(B) Rights of way; and

(C) Purchase of land to complete a county road and bridge project.

(v) "Program" means the energy impacted county road program created by W.S. 9-16-102.

**9-16-102. Energy impacted county roads program; creation, rulemaking.**

(a) The board shall establish and administer the energy impacted county roads program as provided by this chapter. Applications for a grant under the program shall be made on forms prescribed by and subject to rules promulgated by the board. Grants may be made by the board for energy impacted county road projects.

(b) The board may award grants to stockpile material for energy impacted county roads.

(c) In awarding grants, the board shall consider the following:

(i) Whether the county's total proposed energy impacted road projects exceed fifteen percent (15%) of the average total annual county expenditures for its road and bridge maintenance and construction expenditures for the preceding five (5) years;

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(ii) Whether the county has demonstrated that it has pursued alternative methods of funding including cost sharing from private sources;

(iii) That the funds will not supplant existing funding levels from traditional sources.

(d) After review of the applications the board shall as soon as practical notify the counties of its determination. Energy impacted counties shall remain eligible for grants under the program until the county no longer qualifies under subsection (c) of this section.

(e) Each application submitted to the board under the program shall contain only one (1) proposed energy impacted county road project.

(f) No one county may be eligible to receive an amount in excess of forty percent (40%) of the total funds available at the beginning of the state's fiscal year, without unanimous approval of the board.

(g) Upon completion of the projects, the county shall report the expenditures of all funds.

(h) The legislature may define, specify, authorize or limit the counties or areas within the state eligible for this program and the amounts of distribution.

(j) Funds from this appropriation shall not be used to hire more county employees.

**9-16-103. Energy impacted county roads program account.**

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(a) There is created the energy impacted county roads program account within the office of the treasurer. Funds in the account shall be continually distributed to energy impacted counties to further the purposes of the program at the direction of the board. Funds shall not revert to the general fund until directed by the legislature.

(b) The board shall submit an annual report of the grants awarded and the progress of the program created under this act to the joint appropriations and joint transportation, highways and military affairs interim committees on or before December 1 of each year.

**Section 2.** There is appropriated six million dollars (\$6,000,000.00) from the general fund to the energy impacted county roads program account. Pursuant to W.S. 9-16-102(j), these funds shall be used to address the impacts of oil development in the Niobrara or similar formations as determined by the state loan and investment board. Notwithstanding any other provision of law, any unexpended funds appropriated under this section shall not revert until further act of the legislature to revert the funds.

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**Section 3.** This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Chapter 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