

ENROLLED ACT NO. 134, HOUSE OF REPRESENTATIVES

FIFTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2003 GENERAL SESSION

AN ACT relating to administration of government; establishing a program to provide funding for cities, towns, counties and joint powers boards for infrastructure development; establishing an account for the program; providing funding for the program; providing for administration; authorizing cooperative agreements; providing for a continuous appropriation and making other appropriations; providing for the review of rules; and providing for an effective date.

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

Section 1. W.S. 9-12-601 through 9-12-603 are created to read:

ARTICLE 6
COMMUNITY INFRASTRUCTURE PROGRAM

9-12-601. Wyoming business ready community program; purpose; creation; rulemaking.

(a) It is the purpose of this article to promote economic development at the city, town and county level in order to create additional economic health and a stronger state economy.

(b) The council shall establish and administer a Wyoming business ready community program as provided by this article. Any city, town or county may submit an application to the council for a grant or loan under the program on forms prescribed by and subject to rules promulgated by the council. Grants or loans may be applied for by a joint powers board with the approval of all participating agencies to the joint powers agreement. Grants and loans may be made by the council for economic

ORIGINAL HOUSE
BILL NO. 0264

ENROLLED ACT NO. 134, HOUSE OF REPRESENTATIVES

FIFTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2003 GENERAL SESSION

development infrastructure projects, including the purchase of land, telecommunications infrastructure, rights of way, airports, sewer and water projects, roads, or other infrastructure determined by the council to be consistent with the purposes of this article. In adopting rules and making grants and loans under this article the council shall require all projects to be related to economic development infrastructure, which shall not include rehabilitation or expansion of existing infrastructure unless the applicant demonstrates the rehabilitation or expansion is necessary to retain an existing business or to facilitate the relocation of a business to the locality of the applicant. All grants, loans or cooperative agreements made under this article shall be referred by the council to the state loan and investment board for final approval or disapproval. The state loan and investment board may adopt rules as necessary to implement its duties under this article.

(c) Grants shall be matching grants as determined by the council. Loans shall be made at no or low interest rates.

(d) Grants or loans shall be made under this article, only if the applicant demonstrates that upon receipt of the grant or loan, all projected project costs will be funded. The application shall identify the source of all funds to be used for the project.

(e) Grants or loans may be used to fund project costs in accordance with approved applications and rules of the council. Grant or loan funds may be used to contract with community development organizations and state development organizations in accordance with the purposes of this article and approved applications.

ORIGINAL HOUSE
BILL NO. 0264

ENROLLED ACT NO. 134, HOUSE OF REPRESENTATIVES

FIFTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2003 GENERAL SESSION

(f) Loans provided under this article shall be adequately collateralized as determined by the council. No loans shall be made without the written opinion of the attorney general certifying the legality of the transaction and all documents connected therewith. An election approving the project and borrowing for the project by the qualified electors of the borrowing entity shall be required only if the attorney general determines such an election is otherwise required by law.

(g) Repayments of loans under this section shall be credited to the business ready community account.

(h) The council may also enter into cooperative agreements with the Eastern Shoshone Tribe and the Northern Arapaho Tribe in order to promote the purposes of this article.

(j) As used in this article:

(i) "Community development organization" means as defined by W.S. 9-12-301(a)(ii);

(ii) "State development organization" means as defined by W.S. 9-12-301(a)(iv).

9-12-602. Wyoming business ready community program account.

There is created within the special revenue fund, the business ready community account. Funds shall be credited to the account as provided by law. Funds in the account are continuously appropriated to the council to be used only for cooperative agreements, grants or loans authorized to be made under this article.

ORIGINAL HOUSE
BILL NO. 0264

ENROLLED ACT NO. 134, HOUSE OF REPRESENTATIVES

FIFTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2003 GENERAL SESSION

9-12-603. Council duties; actions on grant and loan applications.

All complete applications to participate in the grant and loan program established under this article which conform with the criteria established by law and rules promulgated under this article which are submitted to the council shall be considered by the council. The council shall approve or disapprove each application it considers in accordance with this article and rules of the council.

Section 2. W.S. 9-4-601(b)(i)(intro), (iv) and by creating a new paragraph (v) and 9-12-102(a)(viii) are amended to read:

9-4-601. Distribution and use; funds, accounts, cities and towns benefited; exception for bonus payments.

(b) The state treasurer shall ascertain and withhold all bonus payments received from the federal government attributable to coal, oil shale or geothermal leases of federal land within Wyoming and shall distribute it as follows:

(i) Fifty percent (50%), the first seven million five hundred thousand dollars (\$7,500,000.00) of which shall be distributed as follows, but for the fiscal years beginning July 1, 2004 and July 1, 2005 any amount in excess of seven million five hundred thousand dollars (\$7,500,000.00) shall be deposited in accordance with paragraph (v) of this subsection, and thereafter any amount in excess of seven million five hundred thousand dollars (\$7,500,000.00) per year shall be deposited into the school capital construction account established under W.S. 21-15-111(a)(i):

ORIGINAL HOUSE
BILL NO. 0264

ENROLLED ACT NO. 134, HOUSE OF REPRESENTATIVES

FIFTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2003 GENERAL SESSION

~~(iv) For the fiscal year commencing July 1, 1994, and for each fiscal year thereafter~~ And:

(A) Ten percent (10%) but not to exceed one million six hundred thousand dollars (\$1,600,000.00) per year, to an earmarked revenue fund account which may be expended by the community college commission in accordance with and in addition to appropriations available under W.S. 21-18-205(c). For the fiscal years beginning July 1, 2004 and July 1, 2005, any amount in excess of one million six hundred thousand dollars (\$1,600,000.00) shall be deposited in accordance with paragraph (v) of this subsection. Thereafter any amount in excess of one million six hundred thousand dollars (\$1,600,000.00) together with any unexpended revenues within the account at the end of any biennial budget period shall be credited to the school capital construction account established under W.S. 21-15-111(a) (i);

(B) For the fiscal years beginning July 1, 2004 and July 1, 2005, forty percent (40%) to be deposited in accordance with paragraph (v) of this subsection and thereafter to the school capital construction account established under W.S. 21-15-111(a) (i).

(v) For the fiscal years beginning July 1, 2004 and July 1, 2005, after making the distributions provided for in paragraphs (i) and (iv) of this subsection the following amounts, as limited by and as reduced in accordance with this paragraph, shall be deposited in the business ready community account established by W.S. 9-12-602. The amounts specified shall be deposited to the business ready community account in the fiscal year specified but only if as of July 1 of the specified fiscal year, using the most recent consensus revenue estimating group estimates, there is projected to be a positive

ORIGINAL HOUSE
BILL NO. 0264

ENROLLED ACT NO. 134, HOUSE OF REPRESENTATIVES

FIFTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2003 GENERAL SESSION

balance in the school capital construction account as of June 30 of that fiscal year, after all appropriations from that account for the purposes specified in W.S. 21-15-111(a)(i), for that fiscal year are deducted. Amounts deposited to the business ready community account pursuant to this paragraph shall be deposited as provided by W.S. 9-4-602. These deposits shall be reduced as necessary to maintain a projected positive balance in the school capital construction account after all appropriations from that account for the purposes specified in W.S. 21-15-111(a)(i), for the applicable fiscal year, are deducted. After the amounts are deposited in the business ready community account in accordance with this paragraph, any remaining amounts shall be deposited in the school capital construction account established under W.S. 21-15-111(a)(i):

(A) For the fiscal year commencing July 1, 2004 - seven million five hundred thousand dollars (\$7,500,000.00);

(B) For the fiscal year commencing July 1, 2005 - ten million dollars (\$10,000,000.00).

9-12-102. Definitions.

(a) As used in this act, the following terms have the following meanings, except where the context clearly indicates otherwise:

(viii) "This act" means W.S. 9-12-101 through ~~9-12-401~~ 9-12-603.

Section 3. There is appropriated from the general fund to the business ready community account created by W.S. 9-12-602, five million dollars (\$5,000,000.00). There

ORIGINAL HOUSE
BILL NO. 0264

ENROLLED ACT NO. 134, HOUSE OF REPRESENTATIVES

FIFTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2003 GENERAL SESSION

is additionally appropriated to the business ready community account, three million four hundred thousand dollars (\$3,400,000.00) from the capital construction account funded by W.S. 9-4-601(a) (vi) and (b) (i).

Section 4. In addition to the requirements of W.S. 9-12-104(a) (iv), the business council shall provide proposed rules implementing this act to the joint minerals, business and economic development interim committee not later than July 1, 2003. Prior to September 1, 2003, the proposed rules shall also be provided to the management council of the legislature as required by W.S. 9-12-104(a) (iv). No rule shall be adopted by the business council implementing this act nor shall any application for a grant or loan under this act be accepted by the council until at least thirty (30) days after the rules have been submitted to the management council.

ORIGINAL HOUSE
BILL NO. 0264

ENROLLED ACT NO. 134, HOUSE OF REPRESENTATIVES

FIFTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2003 GENERAL SESSION

Section 5. This act is effective July 1, 2003.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk