

SENATE FILE NO. SF0065

Wyoming business council-repeal.

Sponsored by: Joint Appropriations Committee

A BILL

for

1 AN ACT relating to the administration of the government;
2 repealing and terminating the Wyoming business council;
3 repealing the Wyoming Economic Development Act and
4 renumbering portions of the act; specifying requirements
5 and conditions for the repeal and termination; transferring
6 specified functions of the Wyoming business council to
7 other state entities; making conforming amendments;
8 repealing obsolete provisions; requiring reports;
9 specifying applicability; authorizing positions; providing
10 an appropriation; and providing for effective dates.

11

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

13

14 **Section 1.**

15

1 (a) On July 1, 2026, the Wyoming business council is
2 repealed, terminated and shall cease to function, subject
3 to the requirements of this act.

4

5 (b) On the effective date of this section, the
6 Wyoming business council shall:

7

8 (i) Not accept any new applications for grants,
9 loans, bonds or other funding for any programs operated by
10 the Wyoming business council or for any programs for which
11 the council has been delegated administration or operation;

12

13 (ii) Not process any pending applications for
14 grants, loans, financial aid, bonds or other funding for
15 any programs operated by the Wyoming business council or
16 for any programs for which the council has been delegated
17 administration or operation;

18

19 (iii) Not approve any grants or financial aid or
20 disburse any grant funds for financial aid for grants or
21 applications not approved or executed before the effective
22 date of this section. For purposes of this paragraph, the
23 business council may disburse grant funds and financial aid

1 encumbered or obligated before the effective date of this
2 section until July 1, 2026;

3
4 (iv) Not approve any loans or bonds or disburse
5 any funds for loans or bonds not approved or executed
6 before the effective date of this section;

7
8 (v) Take all actions necessary to transfer the
9 functions and programs specified in section 2 of this act
10 in accordance with section 2 of this act;

11
12 (vi) Take all actions necessary to effectuate
13 this act and wind up all activities of the Wyoming business
14 council not later than July 1, 2026.

15
16 (c) On the effective date of this section, no new
17 capital construction projects as defined in W.S.
18 9-2-3001(b)(ii) specified for or on behalf of the Wyoming
19 business council shall commence or begin construction.
20 Nothing in this subsection shall be construed to impair any
21 project commenced or in progress as of the effective date
22 of this section.

23

1 (d) Not later than April 30, 2026, the Wyoming
2 business council shall report to the joint appropriations
3 committee, the joint minerals, business and economic
4 development interim committee, the governor, the state
5 budget department, the state loan and investment board and
6 the Wyoming energy authority on all of the following:

7
8 (i) The total amount of grant funds and
9 financial aid obligated for disbursement but not disbursed
10 for grants and financial aid approved and executed before
11 the effective date of this section, itemized by program;

12
13 (ii) The number of loans executed by the
14 business council before the effective date of this section
15 that are still outstanding as of the date of the report
16 required under this subsection. In reporting information
17 under this paragraph, the business council shall itemize
18 each loan by program and report the recipient of each
19 outstanding loan, the terms and conditions of each
20 outstanding loan, the repayment schedule for each loan and
21 the amount remaining to be repaid for each outstanding
22 loan;

23

1 (iii) The number of bonds executed by the
2 business council before the effective date of this section
3 that are still outstanding as of the date of the report
4 required under this subsection. In reporting information
5 under this paragraph, the business council shall report
6 each outstanding bond, the terms and conditions of each
7 outstanding bond and any amount remaining to be paid or
8 repaid for each outstanding bond;

9

10 (iv) All real and personal property owned or
11 held by the business council as of the date of the report
12 required under this subsection. Information reported under
13 this paragraph shall include the program or function for
14 which the property is owned or held;

15

16 (v) Each program and function administered or
17 operated by the business council specified in section 2(d)
18 of this act;

19

20 (vi) Each set or group of funds received by the
21 business council specified in section 2(d) of this act;

22

1 (vii) The actions taken by the business council
2 to support or assist in the completion of the forensic
3 audit required under subsection (h) of this section;

4

5 (viii) All actions taken by the business council
6 to wind up the activities of the council and effectuate
7 this act;

8

9 (ix) All actions taken by the business council
10 to transfer the functions and programs specified with
11 section 2 of this act in accordance with section 2 of this
12 act;

13

14 (x) Whether any further legislative changes are
15 needed to effectuate this act and the purposes of this act.

16

17 (e) On July 1, 2026, the state budget department
18 shall assume all duties, assets, liabilities, investments,
19 equity positions, ownership interests and other interests
20 of the Wyoming business council with respect to all
21 existing loans, grants, financial aid and other obligations
22 of the Wyoming business council executed before the
23 effective date of this section, subject to the transfers

1 specified in section 2 of this act. The state budget
2 department shall administer the grants, financial aid,
3 bonds and loans in accordance with the terms and conditions
4 of those grants, financial aid, bonds and loans and in
5 accordance with all applicable laws as those laws existed
6 before their repeal on July 1, 2026.

7

8 (f) On July 1, 2026:

9

10 (i) All unexpended, unobligated funds held by
11 the Wyoming business council or that are in accounts
12 administered by the business council shall revert to the
13 account or source from which the funds were appropriated to
14 the Wyoming business council or the accounts administered
15 by the business council, except as otherwise provided in
16 this subsection;

17

18 (ii) All unexpended, unobligated funds in the
19 economic development account created in W.S.
20 9-12-301(a)(iii), the economic development enterprise fund
21 account created in W.S. 9-12-305 and the large project
22 account created in W.S. 9-12-308(a) shall be transferred by

1 the state auditor to the state budget department for
2 administration in accordance with this act;

3
4 (iii) All unexpended, unobligated funds within
5 the Wyoming workforce development-priority economic sector
6 partnership subaccount created in W.S. 9-12-1404(a)(iii),
7 as repealed by this act, shall be transferred by the state
8 auditor to the Wyoming workforce development-priority
9 economic sector account created in W.S. 9-2-2611(p), as
10 created by this act;

11
12 (iv) All unexpended, unobligated funds within
13 the broadband development subaccount created in W.S.
14 9-12-1404(a)(ii), as repealed by this act, shall be
15 transferred by the state auditor to the broadband
16 development account created in W.S. 9-1-225, as created by
17 this act;

18
19 (v) All funds appropriated to the Wyoming
20 business council, including funds appropriated during the
21 2026 budget session, for implementing the tourism program
22 and functions in accordance with W.S. 9-12-1001 and

1 9-12-1002 shall be transferred by the state auditor to the
2 office of tourism;

3

4 (vi) All funds appropriated to the Wyoming
5 business council during the 2026 budget session shall
6 revert to the account, fund or source from which the funds
7 were appropriated;

8

9 (vii) All real and personal property held by the
10 business council shall pass to and be vested in the state,
11 consistent with W.S. 9-12-103(c), as repealed by this act.
12 For purposes of this paragraph, the state agencies and
13 entities specified in this act shall administer the
14 property transferred under this paragraph in accordance
15 with the requirements of this act. The Wyoming energy
16 authority, the state budget department and the office of
17 the governor shall take all actions necessary to effectuate
18 the transfer of property specified in this paragraph.

19

20 (g) On July 1, 2026, the authorization for any
21 full-time positions, part-time positions and at-will
22 employment contract positions authorized for or allocated
23 to the Wyoming business council, including any positions

1 authorized during the 2026 budget session, shall cease and
2 be terminated.

3
4 (h) The state department of audit shall complete or
5 cause to be completed a forensic audit of the Wyoming
6 business council. The forensic audit shall be commenced as
7 soon as possible after the effective date of this section.
8 Upon the completion of the audit, the department of audit
9 shall report the results and findings of the audit to the
10 joint appropriations committee and the joint minerals,
11 business and economic development interim committee. If the
12 audit is unable to be completed by July 1, 2026, the
13 department of audit shall report to the joint
14 appropriations committee and the joint minerals, business
15 and economic development interim committee not later than
16 May 29, 2026 with that fact and the reasons for why the
17 audit will not be completed by July 1, 2026. The forensic
18 audit shall include, at a minimum:

19
20 (i) A list or accounting of all funds currently
21 held, received and expended by the Wyoming business
22 council;

1 (ii) A list or accounting of all accounts used
2 to hold funds appropriated to, held by or expended by the
3 business council, including all accounts associated with
4 the business council that are specified by law, any
5 accounts created by the business council and any accounts
6 created by the state auditor or any other state agency or
7 entity on behalf of the business council;

8
9 (iii) A list or accounting of all funds from
10 private sources donated to or otherwise provided to the
11 business council that are currently held or maintained by
12 the business council;

13
14 (iv) A review of whether the business council
15 has administered, held, expended and distributed funds in
16 accordance with all applicable laws;

17
18 (v) A review of whether the business council has
19 accounted for, held and expended funds in conformance with
20 generally accepted accounting principles.

21
22 (j) On the effective date of this section, the
23 Wyoming business council shall identify and hold all funds

1 received by the business council from private sources and
2 local governmental entities. For purposes of this
3 subsection, "private source" means any source that is not a
4 governmental entity. The following shall apply to funds
5 from private sources and local governmental entities
6 identified in this subsection:

7
8 (i) Not later than July 1, 2026, the business
9 council shall contact each private source and local
10 governmental entity with funds donated to or held by the
11 business council to consult with the private source or
12 local governmental entity as to the source's or entity's
13 wishes or directives for the disposition of the donated or
14 provided funds;

15
16 (ii) The business council shall refund or cause
17 to be refunded all unexpended, unobligated funds of each
18 private source and local governmental entity that requests
19 that donated or provided funds be refunded or returned to
20 the private source or local governmental entity;

21
22 (iii) A private source or local governmental
23 entity may direct the unexpended, unobligated funds of the

1 private source or local governmental entity to another
2 agency or entity in state government or for another
3 purpose. Not later than July 1, 2026, the business council
4 shall transfer or cause to be transferred all unexpended,
5 unobligated funds identified in this paragraph to the
6 appropriate state agency or entity in accordance with the
7 stated directives of the private sources and local
8 governmental entities;

9
10 (iv) For donated or provided funds from private
11 sources and local governmental entities who cannot be
12 reached or decline to direct the disposition of the donated
13 or provided funds, the funds shall be transferred to the
14 state budget department on July 1, 2026 to be used to
15 implement this act, unless:

16
17 (A) The terms and conditions of the
18 provided funds or donation restrict the use of the funds
19 for a specified purpose or program; or

20
21 (B) Another provision of law prohibits the
22 transfer of funds under this subsection.

23

1 **Section 2.**

2

3 (a) The Wyoming energy conservation improvement
4 program created in W.S. 9-12-1201 through 9-12-1203 is
5 hereby transferred to the Wyoming energy authority on July
6 1, 2026. All property, equipment, obligations and
7 unexpended funds of the Wyoming energy conservation
8 improvement program shall be transferred from the Wyoming
9 business council to the Wyoming energy authority on July 1,
10 2026, except as provided in this section.

11

12 (b) The Wyoming minerals to value added products
13 program created in W.S. 9-20-101 through 9-20-104 is hereby
14 transferred to the Wyoming energy authority on July 1,
15 2026. All property, equipment, obligations and unexpended
16 funds of the Wyoming minerals to value added products
17 program are transferred from the Wyoming business council
18 to the Wyoming energy authority on July 1, 2026, except as
19 provided in this section.

20

21 (c) The broadband development program created in W.S.
22 9-12-1501 through 9-12-1510 is hereby transferred to the
23 state loan and investment board on July 1, 2026. All

1 property, equipment, obligations and unexpended funds of
2 the broadband development program are transferred from the
3 Wyoming business council to the state loan and investment
4 board on July 1, 2026, except as provided in this section.

5
6 (d) Unless otherwise provided by this act, on July 1,
7 2026, the following functions and programs, and all
8 property, equipment, obligations and unexpended funds of
9 the following functions and programs, are hereby
10 transferred to the state budget department:

11
12 (i) Any funds held or invested by or for the
13 Wyoming business council for any programs for which the
14 business council has statutory authority or other delegated
15 authority to operate and administer, and the associated
16 programs and functions connected to or funded by those
17 funds;

18
19 (ii) Any funds received by the business council
20 from any nonstate source for disbursement or expenditure
21 for any purpose, program or function for which the business
22 council has statutory authority or other delegated
23 authority to operate and administer, and the associated

1 programs and functions connected to or funded by those
2 funds;

3

4 (iii) The administration of any funds or
5 accounts held or administered by the Wyoming business
6 council containing funds or created within the revolving
7 investment fund created under article 16, section 12 of the
8 Wyoming constitution;

9

10 (iv) Any other program, function or group of
11 funds assigned to the business council by law not otherwise
12 transferred or repealed in this act;

13

14 (v) Any other program, function or group of
15 funds delegated by another state agency or entity to the
16 business council, or for which the business council has
17 assumed authority, administration or oversight, not
18 otherwise transferred or repealed in this act.

19

20 (e) The following shall apply to the reorganization
21 specified in subsections (a) through (d) of this section:

22

1 (i) No plan of reorganization under W.S.
2 9-2-1707(a)(iii) for the transfer of the programs and
3 functions specified in this section shall be required;
4

5 (ii) Upon the transfer of the programs and
6 functions specified in this section, the agencies specified
7 in this section to assume those programs and functions
8 shall assume all duties and authorities granted under
9 Wyoming law related to the programs and functions assumed.
10

11 **Section 3.**
12

13 (a) Nothing in this act shall be construed to impair
14 any existing contracts, agreements or other obligations of
15 the Wyoming business council executed before the effective
16 date of this section.
17

18 (b) Beginning July 1, 2026, the state budget
19 department shall, to the greatest extent authorized by law,
20 fulfill existing agreements, contracts and other
21 obligations of the Wyoming business council in accordance
22 with the requirements of this act. To the extent that the
23 Wyoming business council has outstanding contracts,

1 agreements or other obligations that cannot be assumed
2 lawfully by the state budget department as provided in this
3 act, the office of the governor shall assume those
4 contracts, agreements or other obligations.

5
6 **Section 4.** W.S. 9-1-225 is created to read:

7
8 **9-1-225. Broadband development account.**

9
10 (a) The broadband development subaccount created in
11 W.S. 9-12-1404(a)(ii) is hereby continued as the broadband
12 development account. Funds within this account may be
13 expended by the state loan and investment board to:

14
15 (i) Provide funding for agreements entered into
16 pursuant to W.S. 9-12-1501 through 9-12-1510;

17
18 (ii) Provide the state's share of any matching
19 funds required for the state to receive federal funds under
20 any federal broadband program including, but not limited
21 to, the broadband equity, access and deployment program
22 established by the federal Infrastructure Investment and
23 Jobs Act, P.L. 117-58; 135 Stat. 429;

1

2 (iii) Pay the reasonable administrative expenses
3 of the state loan and investment board in an amount not to
4 exceed three hundred thousand dollars (\$300,000.00).

5

6 **Section 5.** W.S. 9-1-202(a), 9-2-1004 by creating new
7 subsections (d) and (e), 9-2-2601(d), 9-2-2604(c),
8 9-2-2610(a)(xii) and (xvi), 9-2-2611(a), (c), (m), (o)(ii)
9 and by creating a new subsection (p), 9-2-2906(b)(xii),
10 9-2-3001(b)(i), 9-4-715(n)(intro), 9-12-1002(a)(intro),
11 9-12-1501(a), (d), (e)(intro), (f), (g) and (h) by creating
12 a new paragraph (iii), 9-12-1502(a) and (b),
13 9-12-1503(a)(xiii), (b), (c)(intro) and (vi),
14 9-12-1504(a)(intro), (b) and (c), 9-12-1505(a), (b)(intro)
15 and (c), 9-12-1506(c), 9-12-1507(a)(intro), (i) and (b),
16 9-12-1509(a), (b)(intro), (iii), (iv), (v)(intro), (A) and
17 (c), 9-12-1510(a)(intro), (v)(A), (B) and (b),
18 9-23-102(a)(i), 9-23-105(f)(intro), (i)(intro), (ii) and
19 (h), 9-23-106(g), 10-3-601(c), 11-10-115(a)(vi), 15-1-709,
20 17-11-104(a)(iv), 17-11-110(a), 21-16-1905(b), 21-18-104,
21 27-13-102(a)(intro), 37-5-503(j) and by creating a new
22 subsection (k), 37-5-504(a)(xiii),
23 39-15-105(a)(viii)(S)(III)(4), 39-16-105(a)(viii)(H)(III)(4)

1 and 40-11-102(b), (c) and by creating a new subsection (d)
2 are amended to read:

3
4 **9-1-202. Removal of appointive officers and**
5 **commissioners; reason for removal to be filed.**

6
7 (a) Notwithstanding any other provision of law and
8 except as otherwise provided in this section, any person
9 may be removed by the governor, at the governor's pleasure,
10 if appointed by the governor to serve as head of a state
11 agency, department or division, or as a member of a state
12 board or commission. ~~The governor may only remove a member~~
13 ~~of the Wyoming business council as provided in W.S.~~
14 ~~9-12-103.~~

15
16 **9-2-1004. Duties of the department; receipt of**
17 **monthly statements of income, revenues and expenditures of**
18 **state agencies and offices; authority to contract;**
19 **purposes; administration of funds.**

20
21 (d) Beginning July 1, 2026, the department shall
22 administer funds within the revolving investment fund
23 created under article 16, section 12 of the Wyoming

1 constitution previously administered by the Wyoming
2 business council. Funds within the revolving investment
3 fund and specified within this subsection shall not be
4 expended except upon legislative appropriation.

5
6 (e) Beginning July 1, 2026, the department shall
7 administer any outstanding grants, loans, bonds and other
8 obligations assumed or entered into by the Wyoming business
9 council before the repeal of the Wyoming business council.
10 Not later than November 1, 2026 and each November 1
11 thereafter, the department shall report to the joint
12 appropriations committee and the joint minerals, business
13 and economic development interim committee on the status of
14 outstanding grant funds to be disbursed, outstanding loans,
15 outstanding bonds and other obligations assumed by the
16 board under this subsection. The report shall specify each
17 grant, loan, bond and other obligation still outstanding
18 and the amount, terms and conditions of each grant, loan,
19 bond and other obligation.

20
21 **9-2-2601. Department of workforce services; duties**
22 **and responsibilities; agreements with other agencies**

1 authorized; definition; merger with department of
2 employment.

3
4 (d) The department shall administer expenditures from
5 the workforce development training fund as provided in W.S.
6 9-2-2604. The department shall administer expenditures from
7 the Wyoming workforce development-priority economic sector
8 partnership ~~subaccount within the economic diversification~~
9 account as provided in W.S. 9-2-2609 through 9-2-2611. ~~and~~
10 ~~9-12-1404.~~

11
12 9-2-2604. Workforce development training fund
13 established.

14
15 (c) Expenditures from the workforce development
16 training fund for purposes authorized in subsection (b) of
17 this section shall be approved by the director of the
18 department of workforce services based on procedures,
19 criteria and performance measures established by
20 regulations. ~~Notification of expenditures approved under~~
21 ~~paragraphs (b) (iii) and (iv) of this section and a copy of~~
22 ~~the training fund application shall be provided to the~~
23 ~~Wyoming business council.~~ The director of the department of

1 workforce services shall report annually to the governor
2 and the legislature on the expenditures made from the
3 training fund in the preceding fiscal year and the results
4 of the activities funded by the training fund.

5
6 **9-2-2610. Definitions.**

7
8 (a) As used in this act:

9
10 (xii) "Priority economic sector business" means
11 an employer engaged in establishing or expanding operations
12 within a priority economic sector identified in the twenty
13 (20) year comprehensive economic diversification strategy
14 approved by the governor ~~pursuant to W.S. 9-12-1402~~ in
15 Wyoming that through the employment of knowledge or labor
16 add value to a product, process or export service that
17 results in the creation of new wealth;

18
19 (xvi) "Wyoming workforce development-priority
20 economic sector partnership ~~subaccount~~ account" or
21 ~~"subaccount"~~ "account" means the ~~subaccount~~ account created
22 in W.S. ~~9-12-1404(a)(iii)~~ 9-2-2611(p);

1 **9-2-2611. Priority economic sector business workforce**
2 **training programs; eligibility.**

3
4 (a) The department, in consultation with the
5 coordinator of economic diversification shall administer
6 the Wyoming workforce development-priority economic sector
7 partnership program. Using available monies within the
8 Wyoming workforce development-priority economic sector
9 partnership ~~subaccount~~account, the department may contract
10 to provide training funds for education or skills based
11 training for employees for priority economic sector
12 businesses in new jobs. The funds shall be provided to
13 eligible training providers in accordance with contracts
14 between the department, priority economic sector business
15 employers and eligible training providers, for the purpose
16 of providing employees with education and training required
17 for jobs in new or expanding priority economic sector
18 businesses in the state.

19
20 (c) An applicant shall provide a match of at least
21 one dollar (\$1.00) for every one dollar (\$1.00) requested
22 from the ~~subaccount~~account. The match may include new
23 loans and investments and expenditures for direct project

1 related costs such as new equipment and buildings. The
2 department may consider recent purchases of fixed assets
3 directly related to the proposal on a case-by-case basis. A
4 purchase of fixed assets directly related to the proposed
5 training activities that have been made within ninety (90)
6 days after submission of the application may be considered
7 eligible by the department.

8
9 (m) ~~The Wyoming business council shall assist the~~
10 ~~department with review of information provided under~~
11 ~~paragraphs (h) (i) and (ii) of this section, as requested by~~
12 ~~the department.~~ If the department determines that an

13 applicant meets the criteria established in this section
14 and has complied with the applicable procedures and review
15 processes established by the department, the department may
16 recommend funding for a priority economic sector business
17 workforce development program and the disbursement of funds
18 under contract to the eligible training provider. The
19 recipient eligible training provider shall use funds
20 received under the program in accordance with the
21 provisions of the contract. No funding shall be provided
22 for any program without the written opinion of the attorney
23 general certifying the legality of the transaction and all

1 documents connected therein. Upon recommendation of the
2 department, certification by the attorney general, and
3 approval by the governor or his designee, funding from the
4 Wyoming workforce development-priority economic sector
5 partnership ~~subaccount~~account may be distributed to the
6 eligible training provider.

7
8 (o) The department shall:

9
10 (ii) Report annually to the joint appropriations
11 committee on the expenditures made from the Wyoming
12 workforce development-priority economic sector partnership
13 ~~subaccount~~account in the preceding fiscal year and the
14 results of each partnership project's activities.

15
16 (p) The Wyoming workforce development-priority
17 economic sector partnership subaccount created in W.S.
18 9-12-1404(a)(iii) is hereby continued as the Wyoming
19 workforce development-priority economic sector partnership
20 account. Funds within this account may be expended:

21
22 (i) As approved by director of the department of
23 workforce services for administrative costs incurred by the

1 department of workforce services associated with
2 administration of the Wyoming workforce
3 development-priority economic sector partnership program
4 under W.S. 9-2-2609 through 9-2-2611; and

5
6 (ii) As approved by the governor or the
7 governor's designee to provide funding for agreements
8 entered into pursuant to W.S. 9-2-2609 through 9-2-2611.

9
10 **9-2-2906. Office of the state chief information**
11 **officer and director; authority; duties of department.**

12
13 (b) The department shall carry out the following
14 coordination and management functions:

15
16 (xii) Enhance statewide broadband adoption and
17 coordination among all governmental users in coordination
18 with the ~~Wyoming business council~~ state loan and investment
19 board and its broadband advisory council;

20
21 **9-2-3001. State construction department created;**
22 **definitions.**

1 (b) As used in this article:

2

3 (i) "Agency" means any school district, state
4 office, department, board, council, commission, separate
5 operating agency, institution or other instrumentality or
6 operating unit of the state excluding the University of
7 Wyoming, ~~the Wyoming business council~~ and the Wyoming
8 department of transportation. "Agency" shall include a
9 Wyoming community college if the community college is
10 conducting a capital construction project using state funds
11 that requires approval by the community college commission
12 or authorization by the legislature under W.S.
13 21-18-205(g);

14

15 **9-4-715. Permissible investments.**

16

17 (n) The state treasurer shall not invest state funds
18 for a specific public purpose authorized or directed by the
19 legislature in excess of a total of one billion dollars
20 (\$1,000,000,000.00), excluding investments made pursuant to
21 W.S. 37-5-406 or 37-5-605. By November 1 of each calendar
22 year, the state treasurer, in consultation with the board,
23 the Wyoming water development office, ~~the Wyoming business~~

1 ~~ecouncil~~ and the office of state lands and investments,
2 shall provide a report to the select committee on capital
3 financing and investments and the investment funds
4 committee on all state funds invested for a specific public
5 purpose authorized or directed by the legislature. The
6 report shall include:

7
8 **9-12-1002. General powers and duties of the board;**
9 **rulemaking authority.**

10
11 (a) The board shall be responsible for implementing
12 the tourism program, ~~and functions assigned to the Wyoming~~
13 ~~business council under the Wyoming Economic Development~~
14 ~~Act,~~ including the expenditure of all funds appropriated
15 for the tourism program and shall:

16
17 **9-12-1501. Broadband development program established;**
18 **purposes; eligibility; definitions.**

19
20 (a) A broadband funding program is established under
21 the ~~Wyoming business council~~ state loan and investment
22 board to provide funds to eligible applicants in order to
23 promote the expansion of access to broadband service in

1 unserved areas of the state. Upon request by the board, the
2 office of state lands and investments shall provide
3 administrative and technical support to the board for the
4 program.

5
6 (d) A governmental entity specified in subparagraph
7 (c)(ii)(A) or (B) of this section shall develop a request
8 for proposals, as prescribed by the ~~council~~board, on ~~such~~
9 a form ~~as may be~~ promulgated by the ~~council~~board, inviting
10 business entities to participate in a project proposed for
11 funding under this article. If no eligible business entity
12 responds to the request for proposal with a proposal
13 meeting the requirements specified, the governmental entity
14 specified in subparagraph (c)(ii)(A) or (B) may apply
15 individually, or jointly with any other governmental entity
16 specified in subparagraph (c)(ii)(A) or (B) of this
17 section.

18
19 (e) As used in this article, until established
20 otherwise by rule of the ~~Wyoming business council~~board
21 pursuant to subsection (f) of this section, "unserved area"
22 is an area in which there exists no fixed terrestrial

1 broadband service, or in which the maximum fixed
2 terrestrial broadband speed available:

3
4 (f) The Wyoming business council may, by rule
5 effective on July 1, 2022, modify the definition of
6 "unserved area" for purposes of this article, until July 1,
7 2026. Beginning on July 1, 2026, the board may, by rule,
8 modify the definition of "unserved area" for purposes of
9 this article. The rule shall only modify the definition by
10 providing for upload and download speeds exceeding those
11 specified in subsection (e) of this section as the business
12 council or board determines appropriate for technological
13 conditions prevailing as of ~~July 1, 2022~~ the date the rule
14 takes effect.

15
16 (g) The ~~Wyoming business council~~ board shall by rule
17 establish a definition of "business corridor" for purposes
18 of this article. An area shall not be considered a business
19 corridor unless multiple businesses are, or have undertaken
20 permitting, construction or other substantial steps to be,
21 located in proximity to each other.

22
23 (h) As used in this article:

1

2 (iii) "Board" means the state loan and
3 investment board.

4

5 **9-12-1502. Application process.**

6

7 (a) An eligible applicant shall submit an application
8 to the ~~council~~board on a form prescribed by the ~~council~~
9 board. The ~~council~~board shall develop administrative
10 procedures governing the application and funding process.
11 ~~by September 1, 2018.~~ The ~~council~~board shall be
12 responsible for receiving and reviewing applications,
13 entering into contracts and authorizing the distribution of
14 funds under this article, subject to approval by the
15 governor or his designee.

16

17 (b) The ~~council~~board shall provide for funding
18 periods not less frequently than biannually. At least
19 thirty (30) days prior to the first day of the funding
20 period for which applications may be submitted, the ~~council~~
21 board shall publish on its official website the specific
22 criteria and any quantitative weighting scheme or scoring

1 system the ~~council~~board will use to evaluate or rank
2 applications.

3

4 **9-12-1503. Application contents; application**
5 **modification.**

6

7 (a) An applicant for funding under this article shall
8 provide the following information on the application:

9

10 (xiii) Additional information requested by the
11 ~~council~~board.

12

13 (b) The ~~council~~board may require an applicant to
14 submit additional information to enable the ~~council~~board
15 to properly assess the application for funding. The ~~council~~
16 board may request an applicant to modify an application
17 based on current broadband access in the proposed
18 geographic broadband service area before awarding funding
19 under this article.

20

21 (c) The ~~council~~board shall, ~~after providing~~
22 ~~opportunity for public comment,~~ promulgate rules ~~on or~~
23 ~~before September 1, 2021~~ that identify the nature and type

1 of information provided by broadband providers to the
2 ~~council~~board that shall be treated as confidential, trade
3 secret or proprietary and that shall be protected from
4 disclosure to the public. The following information shall
5 not be considered confidential, trade secret or proprietary
6 and shall be subject to disclosure to the public:

7
8 (vi) Information deemed public information by
9 the ~~council~~board after a hearing on the issue.

10
11 **9-12-1504. Challenge process.**

12
13 (a) Within three (3) business days of the close of
14 the funding application process, the ~~council~~board shall
15 publish on its official website the proposed geographic
16 broadband service area and the proposed broadband service
17 speeds for each application submitted and shall notify each
18 broadband provider who is listed with the ~~council~~board as
19 providing broadband service in the proposed project area of
20 the application and proposed project. The notification to
21 each listed broadband provider shall include the shapefile
22 or map submitted by the applicant under W.S.
23 9-12-1503(a)(i). An existing broadband service provider

1 may, within fourteen (14) business days of publication of
2 the information, submit in writing to the ~~council~~board a
3 challenge to an application. A challenge shall contain
4 information demonstrating that:

5
6 (b) The ~~council~~board shall evaluate the information
7 submitted in a provider's challenge under this section, and
8 is prohibited from funding a project if the ~~council~~board
9 determines the provider is currently providing broadband
10 service or the provider's commitment to provide broadband
11 service that meets the requirements of subsection (a) of
12 this section in the proposed project area is credible.

13
14 (c) If the ~~council~~board denies funding to an
15 applicant as a result of a broadband service provider's
16 challenge made under this section, and the broadband
17 service provider does not fulfill the provider's commitment
18 to provide broadband service in the project area, the
19 challenging provider is prohibited from applying for
20 funding for a project under this article for the following
21 five (5) years_, and the ~~council~~board is prohibited from
22 denying funding to an applicant as a result of a challenge
23 by the same broadband service provider for the following

1 five (5) years, unless the ~~council~~board determines that
2 the broadband service provider's failure to fulfill the
3 provider's commitment was the result of factors beyond the
4 broadband service provider's control.

5
6 **9-12-1505. Funding determinations.**

7
8 (a) In evaluating applications and providing funding
9 under this article, the ~~council~~board shall give highest
10 priority to applications ~~which~~that the ~~council~~board
11 determines are public private partnerships.

12
13 (b) In evaluating applications and entering into
14 agreements to provide funding, the ~~council~~board shall give
15 priority to applications that meet one (1) or more of the
16 following criteria, with additional priority given for
17 meeting multiple criteria:

18
19 (c) The ~~council~~board shall endeavor to award grants
20 under this section to qualified applicants in
21 geographically diverse regions of the state.

22
23 **9-12-1506. Limitations.**

1

2 (c) The ~~council~~board shall,~~by rule,~~ adopt
3 ~~provisions~~rules to ensure that adequate consideration is
4 provided for the expenditure of public funds on projects
5 funded under this article.

6

7 **9-12-1507. Application evaluation report.**

8

9 (a) By June 30 of each year, ~~following adoption of~~
10 ~~the state broadband enhancement plan,~~ the ~~council~~board
11 shall publish on its website and provide to the joint
12 minerals, business and economic development interim
13 committee a list of all applications for funding under this
14 article received during the previous year and, for each
15 application:

16

17 (i) The results of any quantitative weighting
18 scheme or scoring system the ~~council~~board used to fund the
19 applications;

20

21 (b) Within ninety (90) days after a project's
22 proposed completion date, the ~~council~~board shall review
23 the project and provide in the report under subsection (a)

1 of this section, its determination of whether the project
2 was completed and services rendered in accordance with the
3 agreement under this article. If the ~~council~~board reports
4 that a project was not completed or services are not being
5 rendered in accordance with an agreement, it shall report
6 actions it has taken to enforce the agreement.

7
8 **9-12-1509. Broadband advisory council; broadband**
9 **coordinator.**

10
11 (a) The ~~business council~~board shall,~~in consultation~~
12 ~~with the economically needed diversity options for Wyoming~~
13 ~~(ENDOW) executive council,~~ establish a broadband advisory
14 council consisting of eleven (11) members. One (1) member
15 shall be the state chief information officer or ~~his~~the
16 officer's designee. Remaining members shall be appointed
17 by the ~~council~~board from the public at-large, with
18 geographic diversity and to include diverse interests,
19 including backgrounds in economic development, state or
20 local government entities, broadband providers, technology
21 related businesses, health care, education, library
22 services and public safety. At least one (1) representative
23 of the Northern Arapaho or Eastern Shoshone tribes of the

1 Wind River Indian Reservation shall be appointed to the
2 advisory council. One (1) senator appointed by the
3 president of the senate and one (1) representative
4 appointed by the speaker of the house shall serve as
5 legislative liaisons to the advisory council. Legislative
6 liaisons shall be paid salary, per diem and mileage as
7 provided in W.S. 28-5-101 when attending meetings of the
8 advisory council. Members of the advisory council shall
9 receive no salary, but shall be reimbursed under W.S.
10 9-3-102 and 9-3-103 for per diem and travel expenses
11 incurred in the performance of their duties.

12

13 (b) The advisory council shall provide advice and
14 make recommendations to the ~~business council~~ board on the
15 following subjects:

16

17 (iii) Coordination with ~~the ENDOW executive~~
18 ~~council,~~ the state chief information officer and local and
19 tribal governmental entities to ensure that state and local
20 policies are conducive to development of broadband
21 services;

22

1 (iv) Applications received under this article,
2 as requested by the ~~council~~board;

3
4 (v) Propose to the ~~council~~board;

5
6 (A) A state broadband enhancement plan, for
7 adoption by the ~~council not later than September 1, 2018~~
8 board;

9
10 (c) The ~~business council~~board shall, in consultation
11 with the ~~ENDOW executive council~~office of state lands and
12 investments and the governor's office, designate an
13 employee of the ~~business council~~board or the office of
14 state lands and investments as coordinator of broadband
15 services. The person designated shall have expertise in
16 telecommunications and specifically in the provision of
17 broadband services. As directed by the ~~business council~~
18 board, the coordinator shall staff the broadband advisory
19 council. The coordinator shall, with approval of the
20 ~~business council~~board, accomplish the tasks set forth in
21 paragraphs (b)(i) through (v) of this section and undertake
22 other duties as assigned by the ~~business council~~board in
23 consultation with the governor's office. The ~~business~~

1 ~~ecouncil~~board may contract with a consultant to provide
2 services to the broadband advisory council and to the
3 ~~business council~~board under this act.

4
5 **9-12-1510. Middle-mile broadband projects.**

6
7 (a) The ~~ecouncil~~board may fund middle-mile broadband
8 projects upon receiving an application as provided under
9 this article. The provisions of this article shall apply to
10 middle-mile broadband projects except as otherwise provided
11 by this section. The ~~ecouncil~~board shall not fund
12 middle-mile broadband projects under this article unless:

13
14 (v) The broadband provider agrees to:

15
16 (A) Allow the ~~ecouncil~~board to participate
17 in arbitration of determining reasonable rates in the event
18 of unsuccessful negotiations between the funding recipient
19 and another broadband provider for access to the
20 infrastructure; and

21
22 (B) Provide to the ~~ecouncil~~board upon the
23 ~~ecouncil's~~board's request any marketing information based

1 on current leases to assist the ~~council~~board in
2 determining reasonable rates for access to the
3 infrastructure for the project funded under this article.
4 Any information provided under this subparagraph shall be
5 confidential and shall not be disclosed by the ~~council~~
6 board.

7
8 (b) The ~~council~~board shall promulgate rules for the
9 funding of middle-mile broadband projects as provided by
10 this section.

11
12 **9-23-102. Definitions.**

13
14 (a) As used in this act:

15
16 (i) "Agency" means any school district, state
17 office, department, board, council, commission, separate
18 operating agency, institution or other instrumentality or
19 operating unit of the state excluding the University of
20 Wyoming, community college districts, ~~the Wyoming business~~
21 ~~council~~ and the Wyoming department of transportation;

22
23 **9-23-105. Selection procedures; emergency waiver.**

1

2 (f) Every agency, the University of Wyoming, each
3 community college district, ~~the Wyoming business council~~
4 and the Wyoming department of transportation shall base
5 selection of a firm for professional services in accordance
6 with the following:

7

8 (i) Except as provided in paragraph (ii) of this
9 subsection and subsection (g) of this section, the agency,
10 the University of Wyoming, each community college district,
11 ~~the Wyoming business council~~ and the Wyoming department of
12 transportation shall select firms that are resident firms
13 as defined by this act. Consideration between firms shall
14 be based upon:

15

16 (ii) Nonresident firms may be selected if no
17 firms on file, together with any applications submitted for
18 the project, are resident firms as defined by this act or
19 if the resident firms are determined not qualified by the
20 agency, the University of Wyoming, each community college
21 district, ~~the Wyoming business council~~ or the Wyoming
22 department of transportation. Consideration of qualified
23 nonresident firms shall be based upon the considerations

1 listed in subparagraphs (i)(A) through (G) of this
2 subsection.

3
4 (h) Whenever an emergency arises requiring
5 professional services, the principal representative of an
6 agency, the University of Wyoming, the community college
7 district, ~~the Wyoming business council~~ and the Wyoming
8 department of transportation may waive any applicable
9 requirement of W.S. 9-23-104 and this section if the
10 requirement endangers the health, welfare or safety of the
11 public.

12
13 **9-23-106. Contract procedure.**

14
15 (g) If selection of a resident firm is required under
16 this act, the contract for professional services entered
17 into by an agency, the University of Wyoming, each
18 community college district, ~~the Wyoming business council~~ or
19 the Wyoming department of transportation shall contain a
20 certification by the resident firm providing professional
21 services that the firm will comply with W.S.
22 9-23-102(a)(vi)(B). This subsection shall not be construed
23 to require a firm to comply with W.S. 9-23-102(a)(vi)(B) if

1 the proposed project is exempt from residence firm
2 selection by W.S. 9-23-105(g) or if selection of a resident
3 firm is waived in accordance with W.S. 9-23-105(h).

4

5 **10-3-601. Wyoming air services enhancement;**
6 **legislative findings; Wyoming aeronautics commission**
7 **authority to contract for services; requirements.**

8

9 (c) The commission has primary responsibility and may
10 consult with or delegate to the aeronautics division of the
11 Wyoming department of transportation, ~~Wyoming business~~
12 ~~council~~ or other entities as necessary, to develop criteria
13 and contracts for financial aid under this section.

14

15 **11-10-115. State fair board; membership; terms;**
16 **compensation.**

17

18 (a) There is created the state fair board consisting
19 of the following members:

20

21 (vi) One (1) voting member appointed by the
22 governor ~~from the~~ who is a representative of Wyoming
23 business ~~council~~ interests;

1

2 **15-1-709. Advice and information.**

3

4 The ~~executive director of the Wyoming business council and~~
5 ~~the~~ University of Wyoming shall furnish advice and
6 information in connection with a project when requested to
7 do so by a county or municipality.

8

9 **17-11-104. Powers of corporation generally.**

10

11 (a) In furtherance of its purposes the corporation
12 shall, subject to the restrictions and limitations herein
13 contained, have the following powers:

14

15 (iv) To cooperate with and avail itself of the
16 facilities of the United States department of commerce, ~~the~~
17 ~~Wyoming business council created by W.S. 9-12-103~~ and any
18 other similar state or federal governmental agencies; and
19 to cooperate with and assist, and otherwise encourage
20 organizations in the various communities of the state in
21 the promotion, assistance, and development of the business
22 prosperity and economic welfare of such communities or of
23 this state or of any part thereof;

1

2 **17-11-110. Board of directors.**

3

4 (a) The business and affairs of the corporation shall
5 be managed and conducted by a board of directors, which
6 shall consist of not less than five (5) nor more than seven
7 (7) members. ~~One (1) member of the board shall be the chief~~
8 ~~executive officer of the Wyoming business council or other~~
9 ~~person designated by the council.~~ The board of directors
10 may exercise all the powers of the corporation except such
11 as are conferred by law or by the articles of incorporation
12 or the bylaws of the corporation upon the shareholders or
13 members.

14

15 **21-16-1905. Administration; rules and regulations.**

16

17 (b) The commission shall promulgate rules necessary
18 to implement this article in consultation with the
19 University of Wyoming, the department of workforce
20 services, ~~the Wyoming business council~~ and other
21 stakeholders, including industry representatives. The rules
22 shall provide for a preference to award scholarships which
23 considers workforce shortages and economic development

1 needs of the communities, regions and the state. First
2 preference shall be given to students who received a
3 scholarship under this article in the immediately preceding
4 academic term and remain eligible to receive a scholarship
5 under W.S. 21-16-1904(c). Second preference shall be given
6 to students who have secured an industry sponsorship.
7 Preference may be given to students based on the length of
8 their Wyoming residency. Preference may be given to
9 students without a degree.

10
11 **21-18-104. Small business development centers.**

12
13 The small business development centers shall be operated by
14 the University of Wyoming. The university shall specify the
15 organizational structure of the network of centers. ~~in~~
16 ~~consultation with the Wyoming business council created by~~
17 ~~W.S. 9-12-103. The university shall integrate the~~
18 ~~operations of the centers with the Wyoming business council~~
19 ~~to the fullest extent permitted by federal law.~~

20
21 **27-13-102. Powers and duties; rules and regulations.**

1 (a) The division shall, in conjunction with the
2 department of education, ~~the business council,~~ the
3 department of workforce services, the workforce development
4 council, the University of Wyoming and the community
5 college commission, establish and maintain a plan to
6 implement the occupational transfer and retraining programs
7 and services for displaced workers created under this act.
8 The plan shall designate:

9
10 **37-5-503. Purposes; report; duties.**

11
12 (j) Before any appropriation is made to the
13 authority, the authority shall submit its budget for review
14 as provided by W.S. 9-2-1010 through 9-2-1014. Any
15 appropriation to the authority shall be expended only for
16 administrative purposes, which shall include planning and
17 research, and for purposes of operating the programs
18 specified in W.S. 37-5-701 through 37-5-703 and 37-5-801
19 through 37-5-804.

20
21 (k) The authority shall operate and administer:
22

1 (i) The Wyoming energy conservation improvement
2 program, pursuant to W.S. 37-5-701 through 37-5-703;

3
4 (ii) The Wyoming minerals to value added
5 products program, pursuant to W.S. 37-5-801 through
6 37-5-804.

7
8 **37-5-504. Powers of the authority.**

9
10 (a) The authority may:

11
12 (xiii) Work in consultation and coordination
13 with entities ~~including the Wyoming business council~~ to
14 develop, promote and identify markets for natural resources
15 associated with energy and facilitate supply for those
16 markets;

17
18 **39-15-105. Exemptions.**

19
20 (a) The following sales or leases are exempt from the
21 excise tax imposed by this article:

1 (viii) For the purpose of exempting sales of
2 services and tangible personal property as an economic
3 incentive, the following are exempt:

4
5 (S) Subject to meeting the applicable
6 provisions of this subparagraph, the following purchases by
7 a data processing services center as defined in W.S.
8 39-15-101(a)(xliv):

9
10 (III) For the purpose of claiming the
11 exemptions in subdivisions (I) and (II) of this
12 subparagraph, the purchaser shall demonstrate to the
13 department that he:

14
15 (4) Has ~~received certification~~
16 ~~from the Wyoming business council~~ provided sufficient
17 documentation to the department for the department to
18 determine that the purchaser has created or will create a
19 number of jobs in Wyoming that is appropriate to the size
20 and stage of development of the data processing services
21 center; ~~as determined by the Wyoming business council;~~

22
23 **39-16-105. Exemptions.**

1

2 (a) The following purchases or leases are exempt from
3 the excise tax imposed by this article:

4

5 (viii) For the purpose of exempting sales of
6 services and tangible personal property as an economic
7 incentive, the following are exempt:

8

9 (H) Subject to meeting the applicable
10 provisions of this subparagraph, the following purchases by
11 a data processing services center as defined in W.S.
12 39-15-101(a)(xliv):

13

14 (III) For the purpose of claiming the
15 exemptions in subdivisions (I) and (II) of this
16 subparagraph, the purchaser shall demonstrate to the
17 department that he:

18

19 (4) Has ~~received certification~~
20 ~~from the Wyoming business council~~ provided sufficient
21 documentation to the department for the department to
22 determine that the purchaser has created or will create a
23 number of jobs in Wyoming that is appropriate to the size

1 and stage of development of the data processing services
2 center;~~as determined by the Wyoming business council;~~

3
4 **40-11-102. Application by public corporation to**
5 **establish and operate zone; designation of agency to apply**
6 **on behalf of state.**

7
8 (b) The ~~Wyoming business council~~governor is ~~the~~
9 ~~public entity~~hereby designated and authorized to apply, on
10 behalf of the state of Wyoming, for foreign trade zone
11 authority, sub-zone authority or port of entry pursuant to
12 the act of congress and regulations issued pursuant to the
13 act.

14
15 (c) The designation of the ~~Wyoming business council~~
16 governor to apply on behalf of the state of Wyoming for
17 foreign trade zone or sub-zone authority shall not prohibit
18 other public corporations from applying for foreign trade
19 zone authority pursuant to the act of congress.

20
21 (d) Nothing in this section shall be construed to
22 alter or abrogate any foreign trade zone authority,

1 sub-zone authority or port of entry applied for by the
2 Wyoming business council before July 1, 2026.

3
4 **Section 6.** W.S. 9-12-1201 through 9-12-1203 as
5 37-5-701 through 37-5-703 and 9-20-101 through 9-20-104 as
6 37-5-801 through 37-5-804 are amended and renumbered to
7 read:

8
9 ARTICLE 7

10 WYOMING ENERGY PERFORMANCE PROGRAM

11
12 ~~9-12-1201~~ 37-5-701. **Definitions.**

13
14 (a) As used in this article:

15
16 (i) "Agency" means a branch, agency, department,
17 board, instrumentality or institution of the state of
18 Wyoming, a county, a municipal corporation, a school
19 district, a community college district, the University of
20 Wyoming, the cooperative tribal governing body, the Eastern
21 Shoshone Tribe, the Northern Arapaho Tribe, a joint powers
22 board formed pursuant to this act or a special district

1 specifically involved in providing facilities or functions
2 enumerated in W.S. 16-1-104(c);

3
4 (ii) "Energy conservation measure" means an
5 energy study, audit, improvement or equipment that is
6 designed to provide energy, water and operational cost
7 savings at least equivalent to the amount expended by a
8 facility owner for such energy study, audit, improvement or
9 equipment over a period of not more than twenty (20) years
10 after the date such improvement or equipment is installed
11 or becomes operational;

12
13 (iii) "Energy performance contract" means the
14 contract that allows a facility owner to accomplish energy
15 or water efficiency projects without upfront capital costs
16 or capital appropriations. An energy performance contract
17 shall not be considered to be a contract for public
18 improvement pursuant to W.S. 15-1-113;

19
20 (iv) "Energy services company" means the
21 contractor not organized under the auspices of a utility
22 regulated by the public service commission with
23 demonstrated technical, operational, financial and

1 managerial capabilities to design and implement energy
2 conservation measures and the ability to secure necessary
3 financial measures to ensure related guarantees for
4 operational cost savings and who is responsible for the
5 audit, design, implementation, measurement, verification
6 and guarantee of savings for individual projects;

7

8 (v) "Facility owner" means an agency or group of
9 agencies, a public hospital or other public entity
10 responsible for an individual facility or group of
11 facilities;

12

13 (vi) "Investment grade energy audit" means the
14 detailed engineering investigation and report of a
15 facility's current energy and water consuming equipment
16 inventory, condition, operation, maintenance and
17 performance, energy baseline, potential energy and water
18 efficiency upgrades, life cycle costs and risks for future
19 performance that provides the justification for the energy
20 performance contract project;

21

22 (vii) "Wyoming energy conservation improvement
23 program" means the ~~Wyoming business council~~ state energy

1 office program within the Wyoming energy authority designed
2 to enable and support development and implementation of
3 energy performance contract projects.

4
5 ~~9-12-1202~~ 37-5-702. **Energy performance contracting.**

6
7 The ~~council~~ Wyoming energy authority shall establish a
8 Wyoming energy conservation improvement program ~~which~~ that
9 provides support development and implementation of energy
10 performance contract projects to facility owners
11 voluntarily participating in the program. In order to
12 participate in the program, facility owners and energy
13 services companies shall be subject to the provisions of
14 this article and rules adopted pursuant to this article.

15
16 ~~9-12-1203~~ 37-5-703. **Energy performance contracting.**

17
18 (a) Upon receipt of a request from a facility owner,
19 the Wyoming ~~business council~~ energy authority shall provide
20 the facility owner with a list of energy service companies
21 interested in providing services to the facility owner and
22 qualified by the Wyoming ~~business council~~ energy authority

1 to participate in the Wyoming energy conservation
2 improvement program.

3

4 (b) The energy services company participating in the
5 Wyoming energy conservation improvement program shall
6 provide an investment grade audit showing the estimated
7 energy and operational cost savings that would result from
8 the proposed energy conservation measures. Before
9 executing any contract or lease purchase agreement under
10 subsection (c) of this section, the energy services company
11 shall provide the facility owner with plans for the
12 proposed energy conservation measures prepared by an
13 engineer licensed to practice in Wyoming.

14

15 (c) Notwithstanding W.S. 15-1-113 and subject to the
16 provisions of subsection (e) of this section, a facility
17 owner may enter into an installment payment contract or
18 lease purchase agreement for an energy or water
19 conservation measure which meets the criteria of this
20 section. Any documents related to negotiations entered
21 into pursuant to this section with individual energy
22 services companies by an agency or facility owner shall be
23 considered trade secrets pursuant to the provisions of the

1 Wyoming Public Records Act, W.S. 16-4-201 through 16-4-205.
2 After a contract has been executed by an agency, the
3 contract and all proposals from energy service companies
4 shall be open records available for public inspection in
5 accordance with the Wyoming Public Records Act.

6

7 (d) Energy performance contracts entered into
8 pursuant to the Wyoming energy conservation improvement
9 program shall require the energy services company to
10 provide to the facility owner an annual reconciliation of
11 the guaranteed energy savings. If the reconciliation
12 reveals a shortfall in annual energy savings, the energy
13 services company shall be liable for compensation to the
14 facility owner for such shortfall under the provisions of
15 the energy performance contract. If the reconciliation
16 reveals an excess in annual energy savings, the excess
17 savings shall be retained by the facility owner and shall
18 not be used to cover potential energy savings shortages in
19 subsequent contract years.

20

21 (e) An energy performance contract entered into
22 pursuant to the Wyoming energy conservation improvement
23 program may provide for financing, including tax exempt

1 financing, by a third party. The contract for third party
2 financing may be separate from the energy performance
3 contract. A separate contract for third party financing
4 shall include a provision that the third party financier
5 shall not be granted rights or privileges that exceed the
6 rights and privileges available to the energy services
7 company.

8
9 (f) The Wyoming ~~business council~~energy authority may
10 provide support under the Wyoming energy conservation
11 improvement program as requested by facility owners for
12 purposes of this section. The ~~Wyoming business council~~
13 ~~state energy office~~authority may fix, charge and collect
14 reasonable fees for any administrative support and
15 resources or other services provided by the ~~Wyoming~~
16 ~~business council~~authority pursuant to this subsection.

17
18 (g) If the facility owner fails to appropriate or
19 receive an appropriation of money for a periodic payment
20 due for improvements made through an energy performance
21 contract, any security interest in any property created
22 pursuant to the energy performance contract, may be

1 enforced by the holder of such a security interest against
2 the property.

3
4 (h) The term of an energy performance contract shall
5 not exceed twenty (20) years after the date on which the
6 work required by the energy performance contract to
7 implement all energy conservation measures is completed.

8
9 (j) The Wyoming ~~business council~~ energy authority
10 shall submit to the joint minerals, business and economic
11 development interim committee by October 1, an annual
12 report on the energy performance contracting performed
13 under the Wyoming energy conservation improvement program.
14 The report shall include the number of applications
15 submitted, the number of facility owners, the number of
16 energy performance contracts, the results of the investment
17 grade energy audits and the results of the energy
18 performance contracts.

19
20 ARTICLE 8

21 WYOMING MINERALS TO VALUE ADDED PRODUCTS PROGRAM

22
23 ~~9-20-101~~ 37-5-801. **Definitions.**

1

2 (a) As used in this ~~article~~act:

3

4 (i) "Account" means the minerals to value added
5 product program account created pursuant to W.S.
6 ~~9-20-104(a)~~37-5-804(a);

7

8 (ii) "Minerals to value added products facility"
9 includes a commercial scale mineral to liquid fuels or
10 other value added products facilities but shall not include
11 any facility which will derive fifty percent (50%) or more
12 of its anticipated revenues from the generation of
13 electricity;

14

15 (iii) "Program" means the minerals to value
16 added products program created pursuant to W.S. ~~9-20-102(a)~~
17 37-5-802(a);

18

19 (iv) "Tolling fee" means a negotiated fee for
20 the conversion of a feedstock mineral provided by the state
21 of Wyoming under a contract with the operator of a value
22 added facility;

23

1 (v) "This act" means W.S. ~~9-20-101~~37-5-801
2 through ~~9-20-104~~37-5-804.

3

4 ~~9-20-102~~37-5-802. Wyoming mineral to value added
5 product program; rulemaking authority.

6

7 (a) There is created the Wyoming minerals to value
8 added products program. The program is intended to aid
9 economic development of the state by providing mineral
10 product input guarantees to enable the recruitment and
11 operation of commercial scale minerals to value added
12 products facilities, which have demonstrated proof of
13 performance.

14

15 (b) The Wyoming ~~business council~~energy authority
16 shall establish and administer the program under this act.
17 Any commercial scale minerals to value added products
18 facility shall submit a proposal to the governor. The
19 governor may provide recommendations for the size and
20 parameters of the proposed contract. An application to
21 participate in the program shall then be submitted to and
22 reviewed by the Wyoming ~~business council under the process~~
23 ~~set forth in W.S. 9-12-601 through 9-12-603~~energy

1 authority board. The application shall be submitted on
2 forms prescribed by, and subject to rules promulgated by,
3 the Wyoming ~~business council~~ energy authority. In
4 determining whether to recommend a contract for approval,
5 the ~~Wyoming business council~~ authority shall consider if
6 the applicant has demonstrated a business plan, balance
7 sheet, sufficient cash flow, commitments to sell the
8 finished product and other indices necessary to demonstrate
9 the applicant's ability to perform under the contract as
10 determined by rule ~~and regulation~~ of the ~~Wyoming business~~
11 ~~council~~ authority.
12

13 (c) The Wyoming ~~business council~~ energy authority
14 shall provide recommendations for terms and conditions
15 contained in a proposed contract. The ~~Wyoming business~~
16 ~~council's~~ authority's recommendations shall be forwarded to
17 the state loan and investment board for final consideration
18 of the application.
19

20 (d) After an application to participate in the
21 program is approved by the state loan and investment board,
22 the Wyoming ~~business council~~ authority may complete
23 negotiations to contract to supply not more than twenty

1 percent (20%) of the expected mineral supply to the
2 facility for the duration of the contract. Total contract
3 amounts for any one (1) facility shall be set by rule of
4 the state loan and investment board based on the provisions
5 of this act and the expected return to the state of
6 Wyoming, but in no event shall a contract exceed fifty
7 million dollars (\$50,000,000.00).

8
9 (e) All complete applications to participate in the
10 minerals to value added products program established under
11 this act which conform to the criteria established by this
12 act and rules and regulations promulgated hereunder, shall
13 be considered. The Wyoming ~~business council~~ energy
14 authority shall review the application and may communicate
15 directly with the applicant. A determination by the state
16 loan and investment board to approve or disapprove an
17 application under this act is not appealable.

18
19 (f) If the Wyoming ~~business council~~ energy authority
20 receives multiple applications to enter a contract under
21 the program, consideration shall be given to whether the
22 applicant has demonstrated a past record of producing jobs

1 in Wyoming and whether the applicant has and is likely to
2 maintain a nexus to the state of Wyoming.

3
4 ~~9-20-103~~ 37-5-803. Criteria and procedures for
5 contracts.

6
7 (a) In determining whether to recommend or approve a
8 contract under this act, the Wyoming ~~business council~~
9 energy authority and state loan and investment board shall
10 consider if:

11
12 (i) There are sufficient funds in the account to
13 fully fund the contract and all other outstanding
14 commitments to the account;

15
16 (ii) The contract establishes the terms and
17 conditions of the contract as required by this act,
18 including, but not necessarily limited to:

19
20 (A) The duration of the contract to provide
21 feedstock minerals, including the end date for the
22 contract;

23

1 (B) Criteria to determine proof of
2 performance on the part of the minerals to value added
3 products facility prior to expenditure of funds by the
4 state of Wyoming under the contract;

5

6 (C) Tolling fees for the conversion of the
7 state's feedstock to a value added product;

8

9 (D) Procedures and mechanisms for the sale
10 of the finished product produced under the contract and the
11 deposit of the proceeds of those sales to the account as
12 provided in W.S. ~~9-20-104~~ 37-5-804.

13

14 (b) Contracts considered under this act shall be
15 subject to the following procedures:

16

17 (i) The proposed contract shall be submitted to
18 the Wyoming ~~business council~~ energy authority for review
19 and determination; ~~under the process set forth in W.S.~~
20 ~~9-12-601 through 9-12-603;~~

21

22 (ii) The Wyoming ~~business council's~~ energy
23 authority's recommendations shall be forwarded to the state

1 loan and investment board for final consideration of the
2 contract.

3

4 (c) The Wyoming ~~business council~~energy authority
5 shall only recommend, and the state loan and investment
6 board shall only approve, entering into contracts under
7 this act for minerals to value added products facility
8 projects ~~which~~that meet the following minimum
9 requirements:

10

11 (i) Are anticipated to have a beneficial
12 economic impact to the state of Wyoming and provide the
13 following minimum public benefits:

14

15 (A) The creation of a substantial expansion
16 of permanent jobs in the county or counties in which the
17 project will be located;

18

19 (B) A substantial increase in the assessed
20 valuation of the county or counties in which the projects
21 will be located;

22

1 (C) A substantial increase in the sales,
2 property or other tax revenues to the county or counties
3 where the project will be located;

4

5 (D) Promotion of a stable, balanced and
6 diversified economy; and

7

8 (E) Private investment in the county or
9 counties in buildings, equipment and direct project
10 infrastructure of not less than three (3) times the amount
11 of any contract.

12

13 (ii) Provide adequate consideration for the
14 state of Wyoming to enter the contract;

15

16 (iii) The feedstock materials supplied under the
17 contract shall have been produced substantially in Wyoming;

18

19 (iv) The contract shall not create debt of the
20 state of Wyoming beyond the current year's taxes;

21

22 (v) The facility to which the feedstock
23 materials is to be supplied has not previously been

1 supplied with feedstock materials from a contract entered
2 into under the program; and
3

4 (vi) The terms of the contract are such that the
5 state of Wyoming is likely to realize a positive return on
6 its investment under the contract.
7

8 (d) No contract shall be entered into under this act
9 without the written opinion of the attorney general
10 certifying the legality of the transaction and all
11 documents connected therewith.
12

13 (e) The governor, Wyoming ~~business council~~ energy
14 authority or state loan and investment board is authorized
15 to employ such experts as necessary to fully evaluate an
16 application and negotiate the terms and conditions of a
17 contract under this act. If experts are retained, the cost
18 for the experts shall be paid by the applicant.
19

20 (f) The Wyoming ~~business council~~ energy authority may
21 contract with such experts as necessary to assist in the
22 performance of its obligations under any contract entered

1 into, including assistance with ~~feed-steek~~feedstock
2 purchases and the sale of value added products.

3
4 ~~9-20-104~~37-5-804. Wyoming mineral to value added
5 product program account; purpose; creation; rulemaking.

6
7 (a) There is created a minerals to value added
8 products program account. Funds in the account shall be
9 used exclusively to promote minerals to value added
10 products facilities as provided in this act.

11
12 (b) Funds appropriated by the legislature for the
13 program shall be deposited into the account. All funds in
14 the account are continuously appropriated for contracts and
15 other expenses authorized under this act. The total
16 principal balance of outstanding contracts shall not exceed
17 the amounts appropriated by the legislature plus revenues
18 accrued and collected less any losses, currently available
19 in the account.

20
21 (c) Any unexpended balance in the account shall be
22 invested by the state treasurer and the interest earned
23 shall be credited to the account.

1

2 (d) Revenues generated from any contract entered into
3 under this act shall be deposited into the account and
4 continuously appropriated to the Wyoming ~~business council~~
5 energy authority to be expended solely for the purpose of
6 administering this act and contracts authorized hereunder,
7 except as provided in subsection (e) of this section.

8

9 (e) The Wyoming ~~business council~~ energy authority
10 shall report by November 1 of each year to the joint
11 appropriations committee and the joint minerals, business
12 and economic development interim committee on the status
13 and condition of the program and the account. The report
14 required under this subsection, and all its contents, shall
15 be a public record. In addition to factors listed in this
16 subsection, the Wyoming ~~business council's~~ energy
17 authority's report shall include the account fund balance
18 and anticipated potential expenditures, including
19 contracts, under the program for the next three (3) fiscal
20 years, respectively. The joint appropriations committee
21 shall then determine whether to introduce legislation to
22 appropriate a portion, or all, of the funds in the account

1 for purposes other than the program. The report shall
2 further include:

3
4 (i) A review of rules adopted by the Wyoming
5 ~~business council~~ energy authority or state loan and
6 investment board during the reporting period;

7
8 (ii) The portfolio of contracts entered into
9 under the program;

10
11 (iii) A risk analysis of the portfolio;

12
13 (iv) Any other relevant information as
14 determined by the state loan and investment board or the
15 Wyoming ~~business council~~ energy authority.

16
17 **Section 7.** W.S. 9-2-2018(e)(iii), 9-2-2610(a)(iv),
18 9-12-101 through 9-12-106, 9-12-108 through 9-12-308,
19 9-12-601 through 9-12-603, 9-12-801 through 9-12-804,
20 9-12-901 through 9-12-905, 9-12-1002(b), 9-12-1101 through
21 9-12-1105, 9-12-1301 through 9-12-1405, 26-4-103(m),
22 35-12-110(b)(xvi), 37-5-502(c)(ii) and 41-2-117(a)(i)(J)(II)
23 are repealed.

1

2 **Section 8.**

3

4 (a) There is authorized two (2) full-time positions
5 for the state budget department for purposes of
6 implementing this act. These positions shall be effective
7 for the period beginning July 1, 2026 and ending June 30,
8 2028. It is the intent of the legislature that these
9 full-time positions be included in the standard budget of
10 the state budget department for the immediately succeeding
11 fiscal biennium.

12

13 (b) There is appropriated two million dollars
14 (\$2,000,000.00) from the general fund to the state budget
15 department for purposes of funding the full-time positions
16 authorized in subsection (a) of this section. This
17 appropriation shall be for the period beginning July 1,
18 2026 and ending June 30, 2028. This appropriation shall not
19 be transferred or expended for any other purpose and any
20 unexpended, unobligated funds remaining from this
21 appropriation shall revert as provided by law on June 30,
22 2028. It is the intent of the legislature that the portions
23 of this appropriation associated with ongoing expenses of

1 the two (2) positions authorized in subsection (a) of this
2 section be included in the standard budget of the state
3 budget department for the immediately succeeding fiscal
4 biennium.

5

6 **Section 9.**

7

8 (a) Except as provided in subsection (b) of this
9 section, this act is effective July 1, 2026.

10

11 (b) Sections 1 through 3 and 9 of this act are
12 effective immediately upon completion of all acts necessary
13 for a bill to become law as provided by Article 4, Section
14 8 of the Wyoming Constitution.

15

16 (END)