

**DRAFT ONLY
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INTRODUCTION**

SENATE FILE NO. [bill number]

Workforce development-priority economic sector program.

Sponsored by: Senator(s) SDraft

A BILL

for

1 AN ACT relating to economic development and
2 diversification; establishing the Wyoming workforce
3 development-priority economic sector partnership program;
4 providing for funding of specified workforce training
5 programs pursuant to agreements with employers, training
6 providers and the department of workforce services;
7 specifying conditions for funding; providing for
8 administration of the program; modifying other department
9 of workforce service training programs as specified;
10 providing for subaccounts within the economic
11 diversification account; providing an appropriation; and
12 providing for effective dates.

13

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

2

3 **Section 1.** W.S. 9-2-2609 through 9-2-2611 are created
4 to read:

5

6 **9-2-2609. Purpose.**

7

8 (a) The Wyoming Workforce Development-Priority
9 Economic Sector Partnership Act is created to meet the
10 training needs of existing businesses in the state and to
11 provide incentives to businesses to locate and expand
12 within the state through government assisted new jobs
13 training.

14

15 (b) It is the intent of the legislature to provide
16 training funds to train and educate employees, which will
17 result in the production of high-wage and high-skilled jobs
18 that will increase the earning potential and employment
19 opportunities for Wyoming employees and enhance and
20 diversify the state's economy.

21

1 **9-2-2610. Definitions.**

2

3 (a) As used in this act:

4

5 (i) "Department" means the department of
6 workforce services created in W.S. 9-2-2018;

7

8 (ii) "ENDOW council" means the economically
9 needed diversity options for Wyoming executive council;

10

11 (iii) "Eligible training provider" means:

12

13 (A) The University of Wyoming;

14

15 (B) A Wyoming community college district;

16

17 (C) An entity operated by a tribal
18 government of either the Northern Arapaho or Eastern
19 Shoshone tribes on the Wind River Indian Reservation;

20

1 (D) An entity approved to provide workforce
2 training that is included on the eligible training provider
3 list.

4

5 (iv) "Eligible training provider list" means the
6 list maintained by the department of those eligible
7 training providers who may be used to provide workforce
8 training under this act;

9

10 (v) "Employee" means an individual employed in a
11 new job;

12

13 (vi) "Employer" means an individual,
14 corporation, partnership or association providing new jobs
15 and entering into a contract under this act;

16

17 (vii) "Full-time job" means a predominantly
18 year-round position requiring an average of at least
19 thirty-five (35) hours of work each week;

20

1 (viii) "New job" means a newly created full-time
2 or part-time job in a priority economic sector business.
3 The term does not include:

4

5 (A) Jobs for recalled employees returning
6 to positions held previously, for replacement employees, or
7 for employees newly hired as a result of a labor dispute,
8 seasonal jobs, or other jobs that previously existed within
9 the employment of the employer in the state; or

10

11 (B) Jobs created by an employer as the
12 result of an acquisition of a Wyoming entity if those jobs
13 previously existed in the state of Wyoming in the acquired
14 company or entity unless it is demonstrated that the jobs:

15

16 (I) Are substantially different as a
17 result of the acquisition; and

18

19 (II) Will require new training for the
20 employee to meet new job requirements.

21

1 (ix) "Part-time job" means a predominantly
2 year-round position requiring an average of twenty-five
3 (25) to thirty-four (34) hours of work each week;

4

5 (x) "Priority economic sector business" means
6 an employer engaged in establishing or expanding operations
7 within a priority economic sector identified in the twenty
8 (20) year comprehensive economic diversification strategy
9 approved by the governor pursuant to W.S. 9-12-1402 in
10 Wyoming that through the employment of knowledge or labor
11 add value to a product, process or export service that
12 results in the creation of new wealth and at least one (1)
13 of the following conditions applies:

14

15 (A) At least fifty percent (50%) of the
16 sales of the employer occur outside of Wyoming;

17

18 (B) The employer is a manufacturing company
19 with at least fifty percent (50%) of its sales to other
20 Wyoming business entities that have fifty percent (50%) of
21 their sales occurring outside of Wyoming; or

1

2 (C) The employer is a new business that
3 provides, as determined by the department, a product or a
4 service that is not available in Wyoming or a substantially
5 similar product or service that is not available in
6 Wyoming, which results in state residents leaving the state
7 to purchase the product or service.

8

9 (xi) "Program" means a workforce training
10 program implemented in accordance with the provisions of
11 this act;

12

13 (xii) "Program costs" means all necessary and
14 incidental costs of providing program services. The term
15 does not include the cost of equipment to be owned or used
16 by the eligible training provider beyond the term of the
17 contract with the department unless the eligible training
18 provider is an entity specified in subparagraphs (iii)(A)
19 through (C) of this section and the department determines
20 the equipment likely will be used to provide subsequent

1 training in a priority economic sector program under this
2 act or other program funded by the department;

3

4 (xiii) "Program services" means training and
5 education specifically directed to the new jobs, including:

6

7 (A) All direct training costs, such as:

8

9 (I) Program promotion;

10

11 (II) Instructor wages, per diem and
12 travel;

13

14 (III) Curriculum development and
15 training materials;

16

17 (IV) Lease of training equipment and
18 training space;

19

1 (V) Miscellaneous direct training

2 costs;

3

4 (VI) Administrative costs; and

5

6 (VII) Assessment and testing.

7

8 (B) In-house or on-the-job training; and

9

10 (C) Subcontracted services with eligible
11 training providers.

12

13 (xiv) "Wyoming workforce development-priority
14 economic sector partnership subaccount" or "subaccount"
15 means the subaccount created in W.S. 9-12-1404(a)(i);

16

17 (xv) "Wyoming workforce development-priority
18 economic sector partnership program" means the workforce
19 training program authorized by this act;

20

1 (xvi) "This act" means W.S. 9-2-2609 through
2 9-2-2611.

3

4 **9-2-2611. Priority economic sector business**
5 **workforce training programs; eligibility.**

6

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

22

1 (b) To be eligible for funding under the Wyoming
2 employer-workforce partnership program, an applicant shall
3 demonstrate that it is a priority economic sector business.
4

5 (c) An applicant shall provide a match of at least
6 one dollar (\$1.00) for every one dollar (\$1.00) requested
7 from the subaccount. The match may include new loans and
8 investments and expenditures for direct project related
9 costs such as new equipment and buildings. The department
10 may consider recent purchases of fixed assets directly
11 related to the proposal on a case-by-case basis. A purchase
12 of fixed assets directly related to the proposed training
13 activities that have been made within ninety (90) days
14 after submission of the application may be considered
15 eligible by the department.
16

17 (d) Except as provided in subsection (e) of this
18 section, funding provided under this section may not exceed
19 five thousand dollars (\$5,000.00) for each full-time
20 position and two thousand five hundred dollars (\$2,500.00)
21 for each part-time position for which an employee is being
22 trained. Funding may be provided only for a new job that

1 has an average weekly wage that meets or exceeds the lesser
2 of two hundred forty percent (240%) of Wyoming's current
3 minimum wage or the current average weekly wage of the
4 county in which the employees are to be principally
5 employed, provided minimum wage requirements are met. The
6 department may consider the value of employee benefits in
7 calculating the expected annual wage.

8

9 (e) The department may, in exceptional circumstances,
10 consider a higher funding ceiling for jobs that will pay
11 high wages and benefits if the need for higher training
12 costs is documented in the application.

13

14 (f) Funding under this section shall be proportional
15 to the number of jobs provided, the expected average annual
16 wage of all jobs provided, and the underlying economic
17 indicators of the region where the majority of the jobs
18 will be created.

19

1 (g) Funding ceilings shall be determined by the
2 availability of funding, the cost for each job and the
3 quality of the priority economic sector business proposal.

4

5 (h) The funding application, at a minimum, shall
6 contain:

7

8 (i) A business plan containing information that
9 is sufficient for the department to obtain an adequate
10 understanding of the business to be assisted, including the
11 products or services offered, estimated market potential,
12 management experience of principals, current financial
13 position, and details of the proposed venture. In lieu of a
14 business plan, the department may consider a copy of the
15 current loan application to entities such as the federal
16 business and industry guarantee program or the small
17 business administration;

18

19 (ii) Financial statements and projections for
20 the two (2) most recent years of operation and projections
21 for each of the two (2) years following the distribution of

1 funds, including but not limited to balance sheets, profit
2 and loss statements, and cash flow statements. A business
3 operating for less than two (2) years shall provide all
4 available financial statements. Information provided under
5 this paragraph shall be considered confidential and not
6 subject to inspection as provided by W.S. 16-4-203(a)(i);

7

8 (iii) A hiring and training plan, which shall
9 include:

10

11 (A) A breakdown of the jobs to be created
12 or retained, including the number and type of jobs that are
13 full-time, part-time, skilled, semiskilled or unskilled
14 positions;

15

16 (B) A timetable for creating the positions
17 and the total number of employees to be hired;

18

19 (C) An assurance that the business will
20 comply with equal opportunity and nondiscrimination laws;

21

1 (D) Procedures for outreach, recruitment,
2 screening, training and placement of employees;

3

4 (E) A description of the training
5 curriculum and resources;

6

7 (F) Written commitments from any agency or
8 organization participating in the implementation of the
9 hiring plan; and

10

11 (G) A description of the type and method of
12 training to be provided to employees, the starting wage and
13 wages to be paid after training for each position, the job
14 benefits to be paid or provided, and any payment to
15 eligible training providers.

16

17 (j) A contract under this act shall contain
18 provisions:

19

20 (i) Certifying that the amount of the funding
21 already expended will be reimbursed in the event that the

1 priority economic sector business ceases operation in the
2 state of Wyoming within the funding contract period, which
3 may be up to two (2) years;

4

5 (ii) Specifying that the employer may receive
6 funds over the contract period only upon documenting the
7 creation of eligible jobs, the hiring of employees for the
8 jobs or the incurring of eligible training expenses; and

9

10 (iii) Providing the department with annual
11 reports and a final closeout report that documents the
12 wages paid to an employee upon completion of the training.

13

14 (k) The contract shall be signed by the person in the
15 priority economic sector business who is assigned the
16 duties and responsibilities for training and the overall
17 success of the program and by the business's chief
18 executive.

19

20 (m) The Wyoming business council shall assist the
21 department with review of information provided under

1 paragraphs (h)(i) and (ii) of this section, as requested by
2 the department. If the department determines that an
3 applicant meets the criteria established in this section
4 and has complied with the applicable procedures and review
5 processes established by the department, the department may
6 recommend funding for a priority economic sector business
7 workforce development program and the disbursement of funds
8 under contract to the eligible training provider. The
9 recipient eligible training provider shall use funds
10 received under the program in accordance with the
11 provisions of the contract. No funding shall be provided
12 for any program without the written opinion of the attorney
13 general certifying the legality of the transaction and all
14 documents connected therein. Upon recommendation of the
15 department, certification by the attorney general, and
16 approval by the governor or his designee, funding from the
17 Wyoming workforce development-priority economic sector
18 partnership subaccount may be distributed to eligible
19 training provider.

20

21 (n) The department shall provide employers assistance
22 in accessing workforce and education services outside the

1 scope of this act for which employees may be eligible.
2 These additional services shall not be used to replace
3 funding provided under this act after the contract has been
4 finalized.

5

6 (o) The department shall:

7

8 (i) Adopt rules to implement this act. At
9 minimum the rules shall establish application procedures,
10 requirements and qualifications for funding under this act;

11

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

17

18 **Section 2.** W.S. 9-2-2601(d) and (g)(vii),
19 9-2-2604(b)(iii) and (iv), and 9-12-1404 are amended to
20 read:

21

1 **9-2-2601. Department of workforce services; duties**
2 **and responsibilities; agreements with other agencies**
3 **authorized; definition; merger with department of**
4 **employment.**

5

6 (d) The department shall administer expenditures from
7 the workforce development training fund as provided in W.S.

8 9-2-2604. The department shall administer expenditures
9 from the Wyoming employer-workforce partnership subaccount
10 within the economic diversification account as provided in
11 W.S. 9-12-1404 and 9-2-2609 through 9-2-2611.

12

13 (g) The department shall take appropriate steps to:

14

15 (vii) Administer contracts pursuant to W.S.
16 9-2-2608 and 9-2-2609 through 9-2-2611.

17

18 **9-2-2604. Workforce development training fund**
19 **established.**

20

21 (b) Revenues in the Wyoming workforce development
22 training fund may be expended for the following:

1

2 (iii) To provide workforce development programs
3 designed to train, retrain or upgrade work skills for
4 existing Wyoming workers. In providing programs under this
5 section the department shall give priority to training for
6 employment in priority economic sectors identified in the
7 twenty (20) year comprehensive economic diversification
8 strategy approved by the governor pursuant to W.S.
9 9-12-1402; and

10

11 (iv) To provide training for skills necessary
12 for specific economic development initiatives. Training
13 provided pursuant to this paragraph may be coordinated with
14 training programs provided under W.S. 9-2-2609 through
15 9-2-2611, in order to allow workers to undertake training
16 provided by the department in conjunction with and training
17 by an eligible training provider under an
18 employer-workforce agreement under W.S. 9-2-2609 through
19 9-2-2611.

20

21 **9-12-1404. Economic diversification account created;**
22 **authorized expenditures.**

1

2 (a) There is created an economic diversification
3 account. All monies in the account are continuously
4 appropriated to the office of the governor to be used
5 ~~solely~~ for the purposes of this article and as otherwise
6 specified by law, including per diem, mileage and other
7 administrative expenses of the ENDOW executive council.
8 Notwithstanding W.S. 9-2-1008 and 9-4-207, funds in the
9 account shall not lapse at the end of the fiscal period.
10 Interest earned on funds in the account shall be deposited
11 to the account. Within the account shall be subaccounts, as
12 follows:

13

14 (i) The subaccount. Funds within this
15 subaccount may be expended:

16

17 (A) As approved by director of the
18 department of workforce services for administrative costs
19 incurred by the department of workforce services associated
20 with administration of the employer partnership program
21 under W.S. 9-2-2609; and

22

1 (B) As approved by the governor or his
2 designee to provide funding for agreements entered into
3 pursuant to W.S. 9-2-2609 through 9-2-2611.

4
5 (b) The governor may accept, and shall deposit to the
6 account, or to the appropriate subaccount within the
7 account, any gifts, contributions, donations, grants or
8 federal funds specifically designated for purposes of this
9 article or other ENDOW related program.

10
11 **Section 2.** There is appropriated twenty million
12 dollars (\$20,000,000.00) from revenues credited to the
13 strategic investments and projects account under W.S.
14 9-4-719(q) and (t) attributable to earnings from the fiscal
15 year beginning July 1, 2018 and ending June 30, 2019, to
16 the employer-workforce partnership subaccount Wyoming
17 created by W.S. 9-12-1404(a)(i). Notwithstanding any other
18 provision of law, funds appropriated under this section
19 shall not be transferred or expended for any purpose other
20 than as provided in W.S. 9-12-1404(a)(i). Notwithstanding
21 W.S. 9-2-1008 and 9-4-207, funds in the account shall not
22 lapse at the end of the fiscal period.

1

2 **Section 3.** The department of workforce services may
3 commence rulemaking pursuant to W.S. 9-2-2609 through
4 9-2-2611 upon the effective date of this section.

5

6 **Section 4.**

7

8 (a) Section 3 of this act is effective immediately
9 upon completion of all acts necessary for a bill to become
10 law as provided by Article 4, Section 8 of the Wyoming
11 Constitution.

12

13 (b) Except as provided in subsection (a) of this
14 section, this act is effective July 1, 2018.

15

16

(END)