

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO.

Wyoming business council-program elimination.

Sponsored by: Joint Appropriations Committee

A BILL

for

1 AN ACT relating to the administration of the government;
2 repealing specified programs assigned to or administered by
3 the Wyoming business council; specifying duties related to
4 the elimination of business council programs; prohibiting
5 actions related to the eliminated programs as specified;
6 specifying duties related to federal broadband funding
7 programs; specifying the disposition of funds allocated to
8 or held for the eliminated programs; making conforming
9 amendments; specifying applicability; and providing for
10 effective dates.

11

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

13

1 **Section 1.**

2

3 (a) The following programs of the Wyoming business
4 council are repealed effective July 1, 2027:

5

6 (i) The broadband funding program under W.S. 9-
7 12-1501 through 9-12-1510;

8

9 (ii) The brownfield revolving loan program;

10

11 (iii) The Wyoming workforce housing
12 infrastructure program under W.S. 9-12-901 through 9-12-
13 905;

14

15 (iv) The Wyoming energy conservation improvement
16 program under W.S. 9-12-1201 through 9-12-1203;

17

18 (v) The Wyoming community facilities program
19 under W.S. 9-12-801 through 9-12-804;

20

21 (vi) The large project loan program under W.S. 9-
22 12-308;

23

1 (vii) The startup:Wyoming program under W.S. 9-
2 12-105(b);

3

4 (viii) The kickstart:Wyoming program under W.S.
5 9-12-105(c);

6

7 (ix) The natural gas fueling infrastructure loan
8 program specified in W.S. 9-12-304(h);

9

10 (x) The Wyoming main street loan participation
11 program specified in W.S. 9-12-304(g);

12

13 (xi) The Wyoming partnership challenge loan
14 program established under W.S. 9-12-302;

15

16 (xii) The Wyoming small business investment
17 credit program created in W.S. 9-12-1301 through 9-12-1312;

18

19 (xiii) The science, technology and energy
20 financial aid functions assumed in W.S. 9-12-201 and 9-12-
21 202.

22

1 (b) The following accounts are hereby repealed
2 effective July 1, 2027:

3

4 (i) The brownfield revolving loan fund (fund
5 098);

6

7 (ii) The Wyoming workforce housing infrastructure
8 program account created in W.S. 9-12-905(a);

9

10 (iii) The broadband development subaccount
11 created in W.S. 9-12-1404(a)(ii);

12

13 (iv) The Wyoming community facilities program
14 account created in W.S. 9-12-804;

15

16 (v) The large project account within the
17 revolving investment fund created in W.S. 9-12-308(a).

18

19 (c) On July 1, 2027, all unexpended, unobligated funds
20 in the accounts and funds specified in subsection (b) of
21 this section shall revert to the general fund.

22

1 (d) On July 1, 2027, all unexpended, unobligated funds
2 in the startup:Wyoming subaccount created in W.S. 9-12-
3 1404(a)(v) that are allocated to or held for the
4 startup:Wyoming program in W.S. 9-12-105(b) and the
5 kickstart:Wyoming program in W.S. 9-12-105(c) shall revert
6 to the general fund.

7

8 **Section 2.**

9

10 (a) The following shall apply to the programs
11 specified for elimination in section 1(a) of this act:

12

13 (i) No plan of reorganization under W.S. 9-2-
14 1707(a)(iii) for the elimination of the programs specified
15 in section 1(a) of this act shall be required;

16

17 (ii) Beginning on the effective date of this
18 section, the Wyoming business council shall:

19

20 (A) Not accept any new applications for
21 grants, loans, bonds or other funding for the programs
22 specified in section 1(a) of this act;

23

1 (B) Not process any pending applications for
2 grants, loans, financial aid, bonds or other funding for
3 the programs specified in section 1(a) of this act;

4

5 (C) Not approve any grants or financial aid
6 or disburse any grant funds for financial aid for grants or
7 applications for the programs specified in section 1(a) of
8 this act that are not approved or executed before the
9 effective date of this section. For purposes of this
10 subparagraph, the business council may disburse grant funds
11 and financial aid encumbered or obligated before the
12 effective date of this section;

13

14 (iv) Not approve any loans or bonds or
15 disburse any funds for loans or bonds for the programs
16 specified in section 1(a) of this act that are not approved
17 or executed before the effective date of this section;

18

19 (v) Not encumber or obligate funds from any
20 of the accounts or funds specified in section 1(b) of this
21 act or for any of the programs specified in section 1(a) of
22 this act;

23

1 (vi) Take all actions necessary to
2 effectuate this act and wind up all activities of the
3 programs specified in section 1(a) of this act not later
4 than July 1, 2027, subject to subsection (b) of this
5 section.

6

7 (b) Nothing in this section shall be construed to:

8

9 (i) Affect the administration of any grants,
10 loans, bonds, financial aid or other funds disbursed for
11 the programs specified in section 1(a) of this act or from
12 the accounts specified in section 1(b) of this act before
13 the effective date of this section;

14

15 (ii) Impair any existing contracts, agreements or
16 other obligations of the Wyoming business council for the
17 programs specified in section 1(a) of this act or using
18 funds from the accounts specified in section 1(b) of this
19 act executed before the effective date of this section.

20

21 (c) Not later than October 1, 2027, the Wyoming
22 business council shall report to the joint appropriations

1 committee and the joint minerals, business and economic
2 development interim committee on:

3

4 (i) The amount of funds from each of the accounts
5 specified in section 1(b) of this act that reverted to the
6 general fund in accordance with section 1(c) of this act;

7

8 (ii) The amount of funds from the startup:Wyoming
9 subaccount that reverted to the general fund in accordance
10 with section 1(d) of this act;

11

12 (iii) All remaining obligations and encumbrances
13 of the programs and accounts specified in section 1 of this
14 act that were made before the effective date of this
15 section and that remain outstanding as of July 1, 2027.

16

17 **Section 3.** W.S. 9-12-102(a)(viii), 9-12-103(f), 9-12-
18 105(a) by creating a new paragraph (x), 9-12-
19 112(a)(ii)(intro) and (vi)(intro), 9-12-305, 9-12-306(b)
20 and 9-12-1404(a)(v) are amended to read:

21

22 **9-12-102. Definitions.**

23

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

4

5 (viii) "This act" means W.S. 9-12-101 through ~~9-~~
6 ~~12-1509~~ 9-12-1405.

7

8 **9-12-103. Wyoming business council; creation;**
9 **composition; compensation; termination; meetings; surety**
10 **bonds; fiscal control.**

11

12 (f) The council may also form committees and advisory
13 councils, which may include representatives who are not
14 members of the board, to undertake more extensive study and
15 discussion of the issues before the board. ~~The council~~
16 ~~shall form an advisory council for broadband development~~
17 ~~and designate a broadband coordinator in accordance with~~
18 ~~W.S. 9-12-1509.~~

19

20 **9-12-105. Economic development services.**

21

22 (a) It shall be the duty of the council to encourage,
23 stimulate and support the development and expansion of the

1 economy of the state. The council is charged with the
2 following duties and responsibilities:

3

4 (x) To administer any federal funds received for
5 any federal broadband program, including but not limited to
6 the broadband equity, access and deployment program
7 established by the federal Infrastructure Investment and
8 Jobs Act, P.L. 117-58, 135 Stat. 429.

9

10 **9-12-112. Annual report and budget.**

11

12 (a) The council shall submit an annual report in the
13 manner provided by W.S. 9-2-1014 and using the benchmarks
14 prescribed in this act. In addition to the requirements of
15 W.S. 9-2-1014, included within the annual report shall be:

16

17 (ii) A summary of the total investments made by
18 the council under ~~the Wyoming partnership challenge loan~~
19 ~~program,~~ article 3 of this chapter, including:

20

21 (vi) A summary of the total investments made, if
22 any, by the council under the workforce housing

1 infrastructure program under W.S. 9-12-901 through 9-12-905
2 before July 1, 2027, including:

3

4 **9-12-305. Economic development enterprise fund**
5 **account; deposits; continuous appropriation; loans.**

6

7 ~~Except for fees deposited in accordance with W.S. 9-12-~~
8 ~~302(b),~~ All repayments of principal and interest to the
9 state in connection with loans made under this article and
10 other funds as appropriated by the legislature for the
11 challenge loan program shall be deposited into the economic
12 development enterprise account within the revolving
13 investment fund. All funds in the account may be used for
14 and are continuously appropriated for loans authorized to
15 be made under this article. ~~Funds within the account may~~
16 ~~also be transferred upon direction of the governor to the~~
17 ~~large project account within the revolving investment fund~~
18 ~~if required to meet loans or loan guarantees approved under~~
19 ~~W.S. 9-12-308.~~ The total principal balance of outstanding
20 loans shall not exceed the amounts appropriated by the
21 legislature plus interest accrued and collected less any
22 losses of loan principal or interest.

23

1 **9-12-306. Audit; report.**

2

3 (b) On or before July 15 of each year, the council
4 shall submit a written report to the joint minerals,
5 business and economic development interim committee
6 reviewing rules adopted by the council during the reporting
7 period, presenting a portfolio of loans made under the
8 program ~~and under W.S. 9-12-308~~ showing the number of jobs
9 created as a result of loans in the portfolio including
10 whether the jobs are permanent or temporary and presenting
11 a risk analysis of the portfolio of loans prepared by the
12 state banking commissioner. The report, portfolio of loans
13 and risk analysis required under this subsection shall be
14 public records. The risk analysis prepared by the state
15 banking commissioner shall not be subject to the
16 limitations of W.S. 9-1-512.

17

18 **9-12-1404. Economic diversification account created;**
19 **authorized expenditures.**

20

21 (a) There is created an economic diversification
22 account. All monies in the account are continuously
23 appropriated to the office of the governor to be used for

1 the purposes of this article and as otherwise specified by
2 law, including per diem, mileage and other administrative
3 expenses of the ENDOW executive council. Notwithstanding
4 W.S. 9-2-1008 and 9-4-207, funds in the account or
5 subaccounts of the account shall not lapse at the end of
6 the fiscal period. Interest earned on funds in the account
7 shall be deposited to the account or appropriate
8 subaccount. Within the account shall be subaccounts. For
9 accounting and investment purposes only all subaccounts
10 shall be treated as separate accounts. The subaccounts are
11 as follows:

12

13 (v) The "~~startup:Wyoming~~" small business
14 innovation research matching program subaccount. Funds
15 within this subaccount may be expended as requested by the
16 Wyoming business council and approved by the governor or
17 his designee to provide funding pursuant to W.S. ~~9-12-~~
18 ~~105(b) through (f)~~ 9-12-105(d).

19

20 **Section 4.** W.S. 9-12-105(b) and (c), 9-12-201, 9-12-
21 202, 9-12-301(a)(ix) and (x), 9-12-302, 9-12-304(b)(i)(D)
22 and (E), (g) and (h), 9-12-308, 9-12-801 through 9-12-804,
23 9-12-901 through 9-12-905, 9-12-1201 through 9-12-1203, 9-

1 12-1301 through 9-12-1312, 9-12-1404(a)(ii), 9-12-1501
2 through 9-12-1507, 9-12-1508 through 9-12-1510 and 26-4-
3 103(m) are repealed.

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7 STAFF COMMENT

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9 The repealed statutes are generally as follows:
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- 11 • W.S. 9-12-105(b): The startup:Wyoming program.
- 12 • W.S. 9-12-105(c): The kickstart:Wyoming program.
- 13 • W.S. 9-12-201 and 9-12-202: Science, Technology, and
14 Energy Financial Aid.
- 15 • W.S. 9-12-301(a)(ix) and 9-12-304(b)(i)(D) and (g):
16 Wyoming Main Street Loan Participation Program.
- 17 • W.S. 9-12-301(a)(x) and 9-12-304(b)(i)(E) and (h):
18 Natural Gas Fueling Infrastructure Loan Program.
- 19 • W.S. 9-12-302: Wyoming Partnership Challenge Loan
20 Program.
- 21 • W.S. 9-12-308: Large Project Loan Program.
- 22 • W.S. 9-12-801 through 9-12-804: Wyoming Community
23 Facilities Program.
- 24 • W.S. 9-12-901 through 9-12-905: Wyoming Workforce
25 Housing Infrastructure Program.
- 26 • W.S. 9-12-1201 through 9-12-1203: Wyoming Energy
27 Performance Contracting Program.
- 28 • W.S. 9-12-1301 through 9-12-1312 and 26-4-103(m):
29 Wyoming Small Business Investment Credit Program.
- 30 • W.S. 9-12-1501 through 9-12-1510: Broadband
31 Development Program.
- 32 • W.S. 9-12-1404(a)(ii): Broadband Development
33 Subaccount.

34

35 There do not appear to be any statutes for the Brownfield
36 Revolving Loan Program.

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