

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO.

Wyoming business council and programs-amendments.

Sponsored by: Joint Appropriations Committee

A BILL

for

1 AN ACT relating to the administration of government;
2 providing legislative liaisons to the Wyoming business
3 council; authorizing legislative liaisons to participate in
4 specified matters; amending the Wyoming business ready
5 community program as specified; amending the reversion of
6 appropriations to the business ready community account;
7 specifying applicability; providing an appropriation; and
8 providing for an effective date.

9

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

11

12 **Section 1.** W.S. 9-12-604 is created to read:

13

1 **9-12-604. Wyoming business ready community program;**
2 **legislative liaisons.**

3

4 (a) The legislative liaisons appointed under W.S. 9-
5 12-103(j) shall serve as liaisons to the council for
6 purposes of the Wyoming business ready community program.

7

8 (b) In carrying out subsection (a) of this section,
9 the legislative liaisons may:

10

11 (i) Attend any public or executive session
12 meeting of the council or the state loan and investment
13 board at which the Wyoming business ready community
14 program, applications submitted under the program or
15 recommendations for grants or loans under the program are
16 considered;

17

18 (ii) Review applications and materials provided
19 to the council for the Wyoming business ready community
20 program;

21

22 (iii) Provide comments to the council and, when
23 applicable, the state loan and investment board concerning

1 the Wyoming business ready community program and
2 applications for grants or loans under the program.

3
4 **Section 2.** W.S. 9-12-103 by creating a new subsection
5 (j), 9-12-601(b), (d) and (n), 9-12-602 and 9-12-603 are
6 amended to read:

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

11
12 (j) One (1) senator appointed by the president of the
13 senate and one (1) representative appointed by the speaker
14 of the house shall serve as nonvoting legislative liaisons
15 to the council. Legislative liaisons may attend council
16 meetings and participate in council activities as the
17 legislative liaisons determine to be necessary or
18 appropriate. For purposes of attending executive sessions
19 held pursuant to W.S. 16-4-405(a) only, legislative
20 liaisons shall be considered members of the governing body
21 of the council. The legislative liaisons shall serve two
22 (2) year terms but are eligible for reappointment and may
23 be removed by the officer appointing the member.

1 Legislative liaisons shall be paid salary, per diem and
2 mileage as provided in W.S. 28-5-101 when attending
3 meetings of the council or when attending meetings of the
4 state loan and investment board pursuant to W.S. 9-12-
5 604(b)(i).

6

7 **9-12-601. Wyoming business ready community program;**
8 **purpose; creation; rulemaking.**

9

10 (b) The council shall establish and administer a
11 Wyoming business ready community program as provided by
12 this article. Any city, town, county or the Eastern
13 Shoshone or Northern Arapaho tribe, or the cooperative
14 tribal governing body, may submit an application to the
15 council for a grant or loan under the program on forms
16 prescribed by and subject to rules promulgated by the
17 council. Grants or loans may be applied for by a joint
18 powers board with the approval of all participating
19 agencies to the joint powers agreement. Grants and loans
20 may be made by the council for planning projects and
21 infrastructure projects specified in this article that
22 promote economic or educational development. ~~7~~ ~~planning or~~
23 ~~infrastructure projects, including~~ Expenditures on eligible

1 projects shall be limited to the purchase of land,
2 buildings, facilities, telecommunications infrastructure,
3 rights of way, ~~airports,~~ sewer and water projects, roads,
4 landscaping, ~~recreational and convention facilities or~~
5 ~~other infrastructure determined by the council to be~~
6 ~~consistent with the purposes of this article~~ and for other
7 related costs specifically authorized in this article.
8 Eligible projects shall not include airports, recreational
9 facilities or convention facilities. No grant or loan shall
10 be awarded for the purchase, construction, improvement or
11 funding of any land, building, facility, infrastructure or
12 other asset unless the asset is or will be owned by the
13 applicant. In adopting rules and making grants and loans
14 under this article the council ~~shall require all projects~~
15 ~~to be related to economic or educational development,~~
16 ~~planning or infrastructure,~~ which shall not include
17 rehabilitation or expansion of existing infrastructure
18 unless the council determines the rehabilitation or
19 expansion is necessary to meet the purposes of this
20 article. Planning grants and loans shall be limited as
21 provided in subsection (m) of this section. All grants or
22 loans made under this article shall first be submitted to
23 the legislative liaisons for review and comment and then

1 referred by the council to the state loan and investment
2 board for final approval or disapproval. The state loan and
3 investment board may adopt rules as necessary to implement
4 its duties under this article.

5

6 *****
7 *****

8 **STAFF COMMENT**

9 Current Wyoming Business Council rules, Chapter 1, Section
10 7, address ownership and disposition of infrastructure
11 funded under the Wyoming business ready community program.
12 The rules provide that infrastructure funded by the program
13 shall be owned by the applicant or an agent of the
14 applicant. If the project is not owned by the applicant,
15 the rules require binding documentation signed by the
16 project owner providing that, in the event of dissolution
17 of the owner, the BRC-funded infrastructure shall revert to
18 the sponsoring applicant or a related city, town, county,
19 joint powers board or tribe acting as agent of the
20 applicant. The rules also allow infrastructure or
21 facilities constructed using BRC funds to be sold to a
22 private entity without advertising the sale or calling for
23 bids if the award recipient determines that the sale will
24 benefit the economic development goals and assist in
25 achieving growth milestones of the community and the sale
26 is held in accordance with W.S. 15-1-112(b) and any other
27 applicable statute. If the owner sells the infrastructure
28 or facility to a private entity before the end of the
29 project reporting requirements, the new owner is required
30 to fulfill the requirements of the grant agreement.

31

32 Per direction from the JAC Working Group, the amendments
33 above would require any land, building, facility,
34 infrastructure or other asset purchased, constructed,
35 improved or otherwise funded with grant or loan proceeds to
36 be owned by the applicant.

37

38 The JAC Working Group also wished to discuss whether to
39 require retention of the asset by the applicant after the
40 grant or loan is awarded. Language could be added to

1 prohibit an applicant receiving a grant or loan under this
 2 article from selling, transferring, donating or otherwise
 3 disposing of any land, building, facility, infrastructure
 4 or other asset purchased, constructed, improved or
 5 otherwise funded with grant or loan proceeds except as
 6 authorized by the council in accordance with rules
 7 promulgated by the council.

8
 9 Alternatively, the statute could require repayment of all
 10 or any portion of the grant or loan proceeds if the asset
 11 is sold, transferred, donated or otherwise disposed of
 12 within a specified period or under conditions established
 13 by statute or rule.

14 *****
 15 *****
 16

17 (d) Grants or loans shall be made under this article,
 18 only if the applicant demonstrates that upon receipt of the
 19 grant or loan, all projected project costs will be funded.
 20 Grants or loans for one (1) project may not exceed a
 21 maximum annual amount established by rule of the council.
 22 Multi-year projects may be awarded up to the maximum annual
 23 amount each year, for a period not to exceed ~~three (3)~~ four
 24 (4) years, as approved by the state loan and investment
 25 board. The application shall identify the source of all
 26 funds to be used for the project.

27
 28 (n) Grant and loan recipients shall report the
 29 expenditures and progress related to a loan or a grant to
 30 the council and the legislative liaisons at least annually

1 and more frequently if deemed necessary by the council. At
2 the end of the term of the grant or loan, the recipient
3 shall furnish a comprehensive report to the council and the
4 legislative liaisons that shall, at a minimum, include a
5 cumulative financial audit and a list of the
6 accomplishments as a result of the grant or loan.

7

8 **9-12-602. Wyoming business ready community program**
9 **account.**

10

11 There is created the business ready community account.
12 Funds shall be credited to the account as provided by law.
13 Subject to this subsection, funds in the account are
14 continuously appropriated to the council to be used only
15 for grants or loans authorized to be made under this
16 article. Any unexpended, unobligated funds appropriated to
17 the account on or after July 1, 2027 shall remain in effect
18 and shall not lapse or revert until June 30 of the fourth
19 fiscal year following the fiscal year in which the funds
20 are appropriated to the account. On that date, the funds
21 shall revert to the account from which they were
22 appropriated, except as otherwise authorized by law.

23

1 The bill could be clarified to specify whether legislative
2 liaisons have a formal role in reviewing applications under
3 those programs or whether the formal liaison review process
4 is limited to Business Ready Community program
5 applications.

6 *****
7 *****
8

9 Section 3. Nothing in this act shall be construed to
10 impair any existing contracts, agreements or other
11 obligations of the Wyoming business council executed before
12 the effective date of this act.

13
14 Section 4. There is appropriated thirty thousand
15 dollars (\$30,000.00) from the general fund to the
16 legislative service office for purposes of providing
17 salary, mileage and per diem authorized in W.S. 9-12-
18 103(j), as created by this act, to the legislative liaisons
19 to the Wyoming business council. This appropriation shall
20 be for the period beginning with the effective date of this
21 act and ending June 30, 2028. This appropriation shall not
22 be transferred or expended for any other purpose and any
23 unexpended, unobligated funds remaining from this
24 appropriation shall revert as provided by law on June 30,
25 2028.

26

1 **Section 5.** This act is effective July 1, 2027.

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(END)