

**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4 council are repealed effective July 1, 2027: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 Nothing in this paragraph shall be construed to prohibit or
11 limit the department of environmental quality from
12 administering brownfield loans or funding;

13

14 (iii) The Wyoming workforce housing
15 infrastructure program under W.S. 9-12-901 through 9-12-
16 905;

17

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

20

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

23

1 (vi) The large project loan program under W.S. 9-
2 12-308;

3

4 (vii) The startup:Wyoming program under W.S. 9-
5 12-105(b);

6

7 (viii) The kickstart:Wyoming program under W.S.
8 9-12-105(c);

9

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

12

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

15

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

18

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

21

1 (xiii) The science, technology and energy
2 financial aid functions assumed in W.S. 9-12-201 and 9-12-
3 202;

4
5 (xiv) The market expansion grant program;

6
7 (xv) The state trade expansion program.
8

9 (b) The following accounts are hereby repealed
10 effective July 1, 2027:
11

12 (i) The brownfield revolving loan fund (fund
13 098);
14

15 (ii) The Wyoming workforce housing infrastructure
16 program account created in W.S. 9-12-905(a);
17

18 (iii) The broadband development subaccount
19 created in W.S. 9-12-1404(a)(ii);
20

21 (iv) The Wyoming community facilities program
22 account created in W.S. 9-12-804;
23

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

3
4 (c) On July 1, 2027, all unexpended, unobligated funds
5 in the accounts and funds specified in subsection (b) of
6 this section shall revert to the general fund.

7
8 (d) On July 1, 2027, all unexpended, unobligated funds
9 in the startup:Wyoming subaccount created in W.S. 9-12-
10 1404(a)(v) that are allocated to or held for the
11 startup:Wyoming program in W.S. 9-12-105(b) and the
12 kickstart:Wyoming program in W.S. 9-12-105(c) shall revert
13 to the general fund.

14
15 **Section 2.**

16
17 (a) The following shall apply to the programs
18 specified for elimination in section 1(a) of this act:

19
20 (i) No plan of reorganization under W.S. 9-2-
21 1707(a)(iii) for the elimination of the programs specified
22 in section 1(a) of this act shall be required;

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

3

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

7

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

11

12 (C) Not approve any grants or financial aid
13 or disburse any grant funds for financial aid for grants or
14 applications for the programs specified in section 1(a) of
15 this act that are not approved or executed before the
16 effective date of this section. For purposes of this
17 subparagraph, the business council may disburse grant funds
18 and financial aid encumbered or obligated before the
19 effective date of this section;

20

21 (iv) Not approve any loans or bonds or
22 disburse any funds for loans or bonds for the programs

1 specified in section 1(a) of this act that are not approved
2 or executed before the effective date of this section;

3
4 (v) Not encumber or obligate funds from any
5 of the accounts or funds specified in section 1(b) of this
6 act or for any of the programs specified in section 1(a) of
7 this act;

8
9 (vi) Take all actions necessary to
10 effectuate this act and wind up all activities of the
11 programs specified in section 1(a) of this act not later
12 than July 1, 2027, subject to subsection (b) of this
13 section.

14
15 (b) Nothing in this section shall be construed to:

16
17 (i) Affect the administration of any grants,
18 loans, bonds, financial aid or other funds disbursed for
19 the programs specified in section 1(a) of this act or from
20 the accounts specified in section 1(b) of this act before
21 the effective date of this section;

22

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

6
7 (c) Not later than October 1, 2027, the Wyoming
8 business council shall report to the joint appropriations
9 committee and the joint minerals, business and economic
10 development interim committee on:

11
12 (i) The amount of funds from each of the accounts
13 specified in section 1(b) of this act that reverted to the
14 general fund in accordance with section 1(c) of this act;

15
16 (ii) The amount of funds from the startup:Wyoming
17 subaccount that reverted to the general fund in accordance
18 with section 1(d) of this act;

19
20 (iii) All remaining obligations and encumbrances
21 of the programs and accounts specified in section 1 of this
22 act that were made before the effective date of this
23 section and that remain outstanding as of July 1, 2027.

1

2 **Section 3.** W.S. 9-12-102(a)(viii), 9-12-103(f), 9-12-
3 105(a) by creating a new paragraph (x), 9-12-
4 112(a)(ii)(intro) and (vi)(intro), 9-12-305, 9-12-306(b)
5 and 9-12-1404(a)(v) are amended to read:

6

7 **9-12-102. Definitions.**

8

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

12

13 (viii) "This act" means W.S. 9-12-101 through ~~9-~~
14 ~~12-1509~~ 9-12-1405.

15

16 **9-12-103. Wyoming business council; creation;**
17 **composition; compensation; termination; meetings; surety**
18 **bonds; fiscal control.**

19

20 (f) The council may also form committees and advisory
21 councils, which may include representatives who are not
22 members of the board, to undertake more extensive study and
23 discussion of the issues before the board. ~~The council~~

~~shall form an advisory council for broadband development
and designate a broadband coordinator in accordance with
W.S. 9-12-1509.~~

9-12-105. Economic development services.

(a) It shall be the duty of the council to encourage, stimulate and support the development and expansion of the economy of the state. The council is charged with the following duties and responsibilities:

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

9-12-112. Annual report and budget.

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

1

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

5

6 (vi) A summary of the total investments made, if
7 any, by the council under the workforce housing
8 infrastructure program under W.S. 9-12-901 through 9-12-905
9 before July 1, 2027, including:

10

11 **9-12-305. Economic development enterprise fund**
12 **account; deposits; continuous appropriation; loans.**

13

14 ~~Except for fees deposited in accordance with W.S. 9-12-~~
15 ~~302(b),~~ All repayments of principal and interest to the
16 state in connection with loans made under this article and
17 other funds as appropriated by the legislature for the
18 challenge loan program shall be deposited into the economic
19 development enterprise account within the revolving
20 investment fund. All funds in the account may be used for
21 and are continuously appropriated for loans authorized to
22 be made under this article. ~~Funds within the account may~~
23 ~~also be transferred upon direction of the governor to the~~

1 ~~large project account within the revolving investment fund~~
2 ~~if required to meet loans or loan guarantees approved under~~
3 ~~W.S. 9-12-308.~~ The total principal balance of outstanding
4 loans shall not exceed the amounts appropriated by the
5 legislature plus interest accrued and collected less any
6 losses of loan principal or interest.

7
8 **9-12-306. Audit; report.**
9

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

1

2 **9-12-1404. Economic diversification account created;**
3 **authorized expenditures.**

4

5 (a) There is created an economic diversification
6 account. All monies in the account are continuously
7 appropriated to the office of the governor to be used for
8 the purposes of this article and as otherwise specified by
9 law, including per diem, mileage and other administrative
10 expenses of the ENDOW executive council. Notwithstanding
11 W.S. 9-2-1008 and 9-4-207, funds in the account or
12 subaccounts of the account shall not lapse at the end of
13 the fiscal period. Interest earned on funds in the account
14 shall be deposited to the account or appropriate
15 subaccount. Within the account shall be subaccounts. For
16 accounting and investment purposes only all subaccounts
17 shall be treated as separate accounts. The subaccounts are
18 as follows:

19

20 (v) The ~~"startup:Wyoming"~~ small business
21 innovation research matching program subaccount. Funds
22 within this subaccount may be expended as requested by the
23 Wyoming business council and approved by the governor or

his designee to provide funding pursuant to W.S. ~~9-12-105(b) through (f)~~ 9-12-105(d).

Section 4. W.S. 9-12-105(b) and (c), 9-12-201, 9-12-202, 9-12-301(a)(ix) and (x), 9-12-302, 9-12-304(b)(i)(D) and (E), (g) and (h), 9-12-308, 9-12-801 through 9-12-804, 9-12-901 through 9-12-905, 9-12-1201 through 9-12-1203, 9-12-1301 through 9-12-1312, 9-12-1404(a)(ii), 9-12-1501 through 9-12-1507, 9-12-1508 through 9-12-1510 and 26-4-103(m) are repealed.

STAFF COMMENT

The repealed statutes are generally as follows:

- W.S. 9-12-105(b): The startup:Wyoming program.
- W.S. 9-12-105(c): The kickstart:Wyoming program.
- W.S. 9-12-201 and 9-12-202: Science, Technology, and Energy Financial Aid.
- W.S. 9-12-301(a)(ix) and 9-12-304(b)(i)(D) and (g): Wyoming Main Street Loan Participation Program.
- W.S. 9-12-301(a)(x) and 9-12-304(b)(i)(E) and (h): Natural Gas Fueling Infrastructure Loan Program.
- W.S. 9-12-302: Wyoming Partnership Challenge Loan Program.
- W.S. 9-12-308: Large Project Loan Program.
- W.S. 9-12-801 through 9-12-804: Wyoming Community Facilities Program.
- W.S. 9-12-901 through 9-12-905: Wyoming Workforce Housing Infrastructure Program.

- 1 • W.S. 9-12-1201 through 9-12-1203: Wyoming Energy
- 2 Performance Contracting Program.
- 3 • W.S. 9-12-1301 through 9-12-1312 and 26-4-103(m):
- 4 Wyoming Small Business Investment Credit Program.
- 5 • W.S. 9-12-1501 through 9-12-1510: Broadband
- 6 Development Program.
- 7 • W.S. 9-12-1404(a)(ii): Broadband Development
- 8 Subaccount.

10 There do not appear to be any statutes for the Brownfield
11 Revolving Loan Program, the Market Expansion Grant Program,
12 and the State Trade Expansion Program.

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17 Section 5.

19 (a) Except as provided in subsection (b) of this
20 section, this act is effective July 1, 2027.

(b) Sections 2 and 5 of this act are effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

27 (END)