

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO.

Wyoming business council-program amendments and repeal.

Sponsored by: Joint Minerals, Business & Economic
Development Interim Committee

A BILL

for

1 AN ACT relating to the administration of the government;
2 amending the functions, duties and requirements of the
3 Wyoming business council; amending requirements and
4 standards for programs administered by the Wyoming business
5 council; repealing programs of the Wyoming business council
6 as specified; transferring specified functions of the
7 Wyoming business council as specified; prohibiting actions
8 related to the eliminated programs as specified; repealing
9 accounts; specifying the disposition of funds allocated to
10 or held for the eliminated programs; making conforming
11 amendments; requiring reports; specifying applicability;
12 and providing for effective dates.

1

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

3

4 **Section 1.**

5

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7 council are repealed effective July 1, 2027:

8

9 (i) The science, technology and energy financial
10 aid functions assumed under W.S. 9-12-201 and 9-12-202;

11

12 (ii) The partnership loans to community
13 development organizations and state development
14 organizations under W.S. 9-12-302;

15

16 (iii) The Wyoming main street loan participation
17 program specified in W.S. 9-12-304(g);

18

19 (iv) The natural gas fueling infrastructure loan
20 program specified in W.S. 9-12-304(h);

21

22 (v) The large project loan program specified in
23 W.S. 9-12-308;

1

2 (vi) The Wyoming community facilities program
3 created in W.S. 9-12-801 through 9-12-804;

4

5 (vii) The Wyoming workforce housing
6 infrastructure program created in W.S. 9-12-901 through 9-
7 12-905;

8

9 (viii) The Wyoming small business investment
10 credit program created in W.S. 9-12-1301 through 9-12-1312.

11

12 (b) The following accounts are hereby repealed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

14

15 (i) The large project account within the
16 revolving investment fund specified in W.S. 9-12-308(a);

17

18 (ii) The brownfield revolving loan fund (fund
19 098);

20

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

23

1 (iv) The workforce housing infrastructure program
2 account created in W.S. 9-12-905;

3
4 (v) The economic diversification account created
5 in W.S. 9-12-1404(a). For purposes of this paragraph, the
6 subaccounts created in W.S. 9-12-1404(a)(i) through (v)
7 shall continue as separate accounts as provided for in
8 section 3 of this act.

9
10 (c) On July 1, 2027, all unexpended, unobligated funds
11 in the accounts and funds specified in subsection (b) of
12 this section shall revert to the general fund, except as
13 provided in subsection (d) of this section.

14
15 (d) On July 1, 2027, all unexpended, unobligated funds
16 in the large project account within the revolving
17 investment fund specified in W.S. 9-12-308(a) shall revert
18 to the revolving investment fund created pursuant to
19 article 16, section 12 of the Wyoming constitution.

20
21 **Section 2.**
22

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

3
4 (i) No plan of reorganization under W.S. 9-2-
5 1707(a)(iii) for the elimination of the programs specified
6 in section 1(a) of this act shall be required;

7
8 (ii) Beginning on the effective date of this
9 section, the Wyoming business council shall:

10
11 (A) Not accept any new applications for
12 grants, loans, bonds or other funding for the programs
13 specified in section 1(a) of this act;

14
15 (B) Not process any pending applications for
16 grants, loans, financial aid, bonds or other funding for
17 the programs specified in section 1(a) of this act;

18
19 (C) Not approve any grants or financial aid
20 or disburse any funds for financial aid or grants or
21 applications for the programs specified in section 1(a) of
22 this act that are not approved or executed before the
23 effective date of this section. For purposes of this

1 subparagraph, the business council may disburse grant funds
2 and financial aid encumbered or obligated before the
3 effective date of this section;

4
5 (iii) Not approve any loans or bonds or disburse
6 any funds for loans or bonds for the programs specified in
7 section 1(a) of this act that are not approved or executed
8 before the effective date of this section;

9
10 (iv) Not encumber or obligate funds from any of
11 the accounts or funds specified in section 1(b) of this act
12 or for any of the programs specified in section 1(a) of
13 this act;

14
15 (v) Take all actions necessary to effectuate this
16 act and wind up all activities of the programs specified in
17 section 1(a) of this act not later than July 1, 2027,
18 subject to subsection (b) of this section.

19
20 (b) Nothing in this section shall be construed to:

21
22 (i) Affect the administration of any grants,
23 loans, bonds, financial aid or other funds disbursed for

1 the programs specified in section 1(a) of this act or from
2 the accounts repealed in section 1(b) of this act before
3 the effective date of this section;

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

10
11 (c) Not later than October 1, 2027, the Wyoming
12 business council shall report to the joint appropriations
13 committee and the joint minerals, business and economic
14 development interim committee on:

15
16 (i) The amount of funds from each of the accounts
17 specified in section 1(b) of this act that reverted to the
18 general fund in accordance with section 1(c) of this act;

19
20 (ii) The amount of funds from the large project
21 account within the revolving investment fund that reverted
22 to the revolving investment fund created pursuant to

1 article 16, section 12 of the Wyoming constitution in
2 accordance with section 1(d) of this act;

3

4 (iii) All remaining obligations and encumbrances
5 of the programs and accounts specified in section 1 of this
6 act that were made before the effective date of this
7 section and that remain outstanding as of July 1, 2027.

8

9 **Section 3.** W.S. 9-1-202(a), 9-2-2601(d), 9-2-
10 2610(a)(xii) and (xvi), 9-2-2611(a), (c), (m) and (o)(ii),
11 9-12-102(a)(viii), 9-12-103(a) and (f), 9-12-105(b)(intro),
12 (c)(intro) and (i)(C) and (d)(intro), (i)(C) and (E)(I),
13 (ii)(intro), (iv)(intro) and (v)(intro), 9-12-109(a), 9-12-
14 112(a)(ii)(intro), 9-12-302(a), 9-12-304(b)(i)(A), 9-12-
15 305, 9-12-306(b), 9-12-601(b) and (k)(i) and (ii), 9-12-
16 1102(a), 9-12-1103(a)(ii), 9-12-1104 by creating a new
17 subsection (d), 9-12-1404(a)(intro), (i), (ii)(intro),
18 (iii)(intro), (iv) and (v) and (b), 9-12-1405(a) and
19 (b)(intro), 9-12-1501(b), 9-12-1509(c) and 10-7-103(c)(ii)
20 are amended to read:

21

22 **9-1-202. Removal of appointive officers and**
23 **commissioners; reason for removal to be filed.**

1

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

10

11 **9-2-2601. Department of workforce services; duties**
12 **and responsibilities; agreements with other agencies**
13 **authorized; definition; merger with department of**
14 **employment.**

15

16 (d) The department shall administer expenditures from
17 the workforce development training fund as provided in W.S.
18 9-2-2604. The department shall administer expenditures from
19 the Wyoming workforce development-priority economic sector
20 partnership ~~subaccount within the economic diversification~~
21 account as provided in W.S. 9-2-2609 through 9-2-2611 and
22 9-12-1404.

23

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

2

3 (a) As used in this act:

4

5 (xii) "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~~ or the
10 Wyoming business council in Wyoming that through the
11 employment of knowledge or labor add value to a product,
12 process or export service that results in the creation of
13 new wealth;

14

15 (xvi) "Wyoming workforce development-priority
16 economic sector partnership ~~subaccount~~ account" or
17 ~~"subaccount"~~ "account" means the ~~subaccount~~ account created
18 in W.S. 9-12-1404(a) (iii);

19

20 **9-2-2611. Priority economic sector business workforce**
21 **training programs; eligibility.**

22

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

16

17 (c) An applicant shall provide a match of at least
18 one dollar (\$1.00) for every one dollar (\$1.00) requested
19 from the ~~subaccount~~account. The match may include new
20 loans and investments and expenditures for direct project
21 related costs such as new equipment and buildings. The
22 department may consider recent purchases of fixed assets
23 directly related to the proposal on a case-by-case basis. A

1 purchase of fixed assets directly related to the proposed
2 training activities that have been made within ninety (90)
3 days after submission of the application may be considered
4 eligible by the department.

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

1 Wyoming workforce development-priority economic sector
2 partnership ~~subaccount~~account may be distributed to the
3 eligible training provider.

4
5 (o) The department shall:

6
7 (ii) Report annually to the joint appropriations
8 committee on the expenditures made from the Wyoming
9 workforce development-priority economic sector partnership
10 ~~subaccount~~account in the preceding fiscal year and the
11 results of each partnership project's activities.

12
13 **9-12-102. Definitions.**

14
15 (a) As used in this act, the following terms have the
16 following meanings, except where the context clearly
17 indicates otherwise:

18
19 (viii) "This act" means W.S. 9-12-101 through ~~9-~~
20 ~~12-1509~~9-12-1510.

1 **9-12-103. Wyoming business council; creation;**
2 **composition; compensation; termination; meetings; surety**
3 **bonds; fiscal control.**

4
5 (a) There is created the Wyoming business council.
6 The council is a body corporate operating as a state
7 instrumentality operated solely for the public benefit. As
8 such it shall have, and is hereby vested with, the powers
9 and duties conferred in this chapter. Beginning March 1,
10 2022, it shall be governed by a board of directors
11 consisting of thirteen (13) voting directors, appointed by
12 the governor with the advice and consent of the senate. The
13 governor shall be a member and cochairman of the board, but
14 shall not vote. One (1) senator appointed by the president
15 of the senate and one (1) representative appointed by the
16 speaker of the house of representatives shall serve as
17 nonvoting legislative liaisons to the council. The
18 appointed directors shall have demonstrated leadership and
19 business expertise. ~~An equal number of directors shall be~~
20 ~~appointed to initial terms of one (1), two (2) and three~~
21 ~~(3) years. Thereafter, D~~irectors shall serve for terms of
22 three (3) years. No appointed director shall serve more
23 than two (2) successive three (3) year terms. If a vacancy

1 occurs, the governor shall appoint a successor in
2 accordance with W.S. 28-12-101. The governor may remove any
3 board member he appoints for cause and shall remove any
4 director who fails to attend three (3) consecutive regular
5 meetings of the council. No appointed council member shall
6 send a designee to attend a council meeting nor vote by
7 proxy. The board shall select one (1) of its ~~members~~
8 ~~directors~~ to act as cochairman of the board. The board
9 shall retain a chief executive officer. The chief
10 executive officer serves at the pleasure of the board. All
11 of the appointed directors shall be appointed at large and
12 at least twelve (12) of the appointed directors shall be
13 residents of Wyoming.

14

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

22

23 **9-12-105. Economic development services.**

1

2 (b) The council, ~~in consultation with the coordinator~~
3 ~~of economic diversification,~~ shall implement the
4 "startup:Wyoming" program in priority economic sectors
5 identified ~~in the approved twenty (20) year comprehensive~~
6 ~~economic diversification strategy under W.S. 9-12-~~
7 ~~1402(a)(iv)~~ by the council or the governor. The program
8 shall:

9

10 (c) The council shall administer a
11 "kickstart:Wyoming" program to provide funding to early
12 stage ventures of Wyoming based entrepreneurs. Funding
13 under this subsection shall be provided upon approval of
14 the council. The council shall adopt rules for funding
15 under this subsection. ~~in consultation with the coordinator~~
16 ~~of economic diversification.~~ Funding shall be in amounts
17 ranging from five thousand dollars (\$5,000.00) to ~~fifty~~
18 ~~thousand dollars (\$50,000.00)~~ one hundred fifty thousand
19 dollars (\$150,000.00) and be provided under the following
20 conditions:

21

22 (i) To individuals who reside in Wyoming and to
23 business entities which are, or agree in writing to be,

1 headquartered in Wyoming and organized under the laws of
2 the state of Wyoming and which:

3
4 (C) Agree to provide ~~a report~~ reports to
5 the council on the progress to commercialize the service,
6 product, concept, design or any other marketable asset
7 developed with the assistance of the funds.

8
9 (d) The council shall administer a ~~small business~~
10 ~~innovation research~~ federal innovation matching program in
11 accordance with this subsection. The program shall match
12 federal funds approved for Wyoming based companies as
13 provided in this subsection. The program shall be
14 administered by the council. ~~in consultation with the~~
15 ~~University of Wyoming research office.~~ The following shall
16 apply to the program under this subsection:

17
18 (i) To be eligible to receive funding, an entity
19 shall:

20
21 (C) Have received funding under the federal
22 small business innovation research program, ~~and the~~ small

1 business technology transfer ~~programs~~ program or any other
2 federal innovation grant program;

3
4 (E) Agree to provide a report to the
5 council on or before July 1 of each year in the following
6 manner:

7
8 (I) ~~Prior to commercialization~~ For
9 five (5) years after an award under this subsection, the
10 entity shall report on the progress of the entity to
11 commercialize the service, product, concept, design or any
12 other marketable asset developed with the assistance of
13 funds from this program. The report shall include, at a
14 minimum, all of the following:

15
16 (1) The number of jobs the entity
17 has created;

18
19 (2) A salary range per job;

20
21 (3) The taxable assets of the
22 entity;

23

1 (4) All revenues from sales of
2 the service, product, concept, design or any other
3 marketable asset of the entity;

4
5 (5) Progress to commercialization,
6 including proposed timelines.

7
8 (ii) Matching funds shall be awarded to
9 recipients as determined by the council in an amount not to
10 exceed ~~÷~~ one hundred percent (100%) of the federal grant
11 award.

12
13 (iv) An entity shall repay all matching funds
14 provided under this subsection plus interest at the rate of
15 four percent (4%) per annum compounded annually from the
16 date the matching funds were granted through the ending
17 date of the grant agreement. The council may, through the
18 grant agreement or other contract require repayment from an
19 entity if:

20
21 (v) The council shall adopt rules for the
22 program. ~~in consultation with the coordinator of economic~~

1 ~~diversification.~~ The rules shall include but not be limited
2 to:

3
4 **9-12-109. Promotion of agriculture; financing of**
5 **agriculture processing projects; revenue bonds.**

6
7 (a) The council shall encourage and promote the
8 development of agriculture in the state including
9 horticulture, apiculture, livestock, poultry, dairying and
10 the kindred industries and including the development of new
11 value-added agribusiness, agriculture innovation and
12 technologies and product uses and markets for Wyoming
13 agricultural products.

14
15 **9-12-112. Annual report and budget.**

16
17 (a) The council shall submit an annual report in the
18 manner provided by W.S. 9-2-1014 and using the benchmarks
19 prescribed in this act. In addition to the requirements of
20 W.S. 9-2-1014, included within the annual report shall be:

21
22 (ii) A summary of the total investments made by
23 the council ~~under~~ through the ~~Wyoming partnership challenge~~

1 ~~loan program,~~ loans available under article 3 of this
2 chapter, including:

3
4 **9-12-302. Wyoming challenge loan program; creation;**
5 **rulemaking; administration account.**

6
7 (a) The council shall establish and administer a
8 ~~partnership~~ challenge loan program under this article and
9 may contract for necessary professional services. Loans
10 authorized under the program shall be limited, ~~except as~~
11 ~~otherwise provided under W.S. 9-12-304(c) through (k), to~~
12 ~~community development organizations and state development~~
13 organizations to the loans specified in W.S. 9-12-304(c),
14 (d), (j) and (k) and made in accordance with the provisions
15 of W.S. 9-12-304. ~~Any community development organization or~~
16 ~~state development organization may submit an application to~~
17 ~~the council to participate in the program on forms~~
18 ~~prescribed by and subject to rules promulgated by the~~
19 ~~council.~~

20
21 **9-12-304. Criteria for loans.**
22

1 (b) Loans, loan commitments or loan guarantees or any
2 combination thereof shall be made under this article only:

3
4 (i) If the total amount to:

5
6 (A) A ~~single community development~~
7 ~~organization, or to a~~ business for an economic disaster
8 loan as provided under subsection (c) of this section, does
9 not exceed one million dollars (\$1,000,000.00);

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

4

5 (b) The council shall establish and administer a
6 Wyoming business ready community program as provided by
7 this article. Any city, town, county or the Eastern
8 Shoshone or Northern Arapaho tribe, or the cooperative
9 tribal governing body, may submit an application to the
10 council for a grant or loan under the program on forms
11 prescribed by and subject to rules promulgated by the
12 council. Grants or loans may be applied for by a joint
13 powers board with the approval of all participating
14 agencies to the joint powers agreement. Grants and loans
15 may be made by the council for economic or educational
16 development, planning or infrastructure projects, including
17 the purchase of land, buildings, facilities,
18 telecommunications infrastructure, rights of way, airports,
19 sewer and water projects, roads, landscaping, recreational
20 and convention facilities or other infrastructure
21 determined by the council to be consistent with the
22 purposes of this article. In adopting rules and making
23 grants and loans under this article the council shall

1 require all projects to be related to economic or
2 educational development, planning or infrastructure, which
3 shall not include rehabilitation or expansion of existing
4 infrastructure unless the council determines the
5 rehabilitation or expansion is necessary to meet the
6 purposes of this article. Planning grants and loans shall
7 be ~~limited as provided in subsection (m) of this section~~
8 available in accordance with this section. All grants or
9 loans made under this article shall be referred by the
10 council to the state loan and investment board for final
11 approval or disapproval. The state loan and investment
12 board may adopt rules as necessary to implement its duties
13 under this article.

14
15 (k) As used in this article:

16
17 (i) "Community development organization" means
18 ~~as defined by W.S. 9-12-301(a)(ii)~~ a group of private
19 citizens organized as a business entity authorized to do
20 business in this state for the purpose of providing
21 financing for new, existing or expanding businesses and
22 other economic or community development purposes throughout
23 its community or county, and which may take equity

1 positions and shall take security positions in its
2 borrowers' businesses and appropriate personal guarantees
3 from the owners thereof;

4
5 (ii) "State development organization" means ~~as~~
6 ~~defined by W.S. 9-12-301(a)(iv)~~ a corporation organized
7 under W.S. 17-11-101 through 17-11-120 with the authority
8 to provide financing for new, existing or expanding
9 businesses and to fulfill other economic or community
10 development purposes throughout the state of Wyoming, and
11 which may take equity positions and shall take security
12 positions in its borrowers' businesses and appropriate
13 personal guarantees from the owners thereof.

14
15 **9-12-1102. Wyoming main street advisory board.**

16
17 (a) There is created a Wyoming main street advisory
18 board. The board shall consist of seven (7) members
19 appointed by the governor. ~~, not more than seventy-five~~
20 ~~percent (75%) of whom shall be from the same political~~
21 ~~party.~~ Board members shall elect from their membership a
22 chairman, vice-chairman and secretary.

1 **9-12-1103. Duties of the board.**

2
3 (a) The board shall:

4
5 (ii) Assist the council in annually ~~review~~
6 reviewing the program and report findings and
7 recommendations, including recommendations for future
8 legislation, to the governor;

9
10 **9-12-1104. Duties of the council; annual report.**

11
12 (d) Not later than September 1 of each year, the
13 council shall provide a comprehensive annual evaluation of
14 the Wyoming main street program to the joint minerals,
15 business and economic development interim committee. The
16 report shall include findings and recommendations,
17 including recommendations for future legislation.

18
19 *****
20 *****

21 **STAFF COMMENT**

22
23 For reference, I have included the entire text of W.S. 9-
24 12-1404. The subparagraphs that are not amended would be
25 removed from any final version of the bill draft.
26

ARTICLE 14

ECONOMIC DIVERSIFICATION

**9-12-1404. Economic diversification accounts created;
authorized expenditures.**

(a) ~~There is created an economic diversification~~
~~account. All monies in the account are continuously~~
~~appropriated to the office of the governor to be used for~~
~~the purposes of this article and as otherwise specified by~~
~~law, including per diem, mileage and other administrative~~
~~expenses of the ENDOW executive council.~~ For purposes of
economic diversification and development, the following
accounts are created. Notwithstanding W.S. 9-2-1008 and 9-
4-207, funds in ~~the~~ each account ~~or subaccounts of the~~
~~account~~ shall not lapse at the end of the fiscal period.
~~Interest earned on funds in the account~~ The state treasurer
shall invest funds in each account in accordance with law,
and earnings on each account shall be deposited to the
~~account or~~ appropriate ~~subaccount~~ account. ~~Within the~~
~~account shall be subaccounts.~~ ~~For accounting and~~

1 ~~investment purposes only all subaccounts shall be treated~~
2 ~~as separate accounts.~~ The ~~subaccounts~~ accounts are as
3 follows:
4

5 (i) The agriculture marketing ~~subaccount~~
6 account. Funds within this ~~subaccount~~ account may be
7 expended as requested by the Wyoming business council and
8 approved by the governor or his designee to provide funding
9 for purposes of W.S. 9-12-109 and as specified by law;
10

11 (ii) The broadband development ~~subaccount~~
12 account. Funds within this ~~subaccount~~ account may be
13 expended as requested by the Wyoming business council and
14 approved by the governor or his designee to:
15

16 (A) Provide funding for agreements entered
17 into pursuant to W.S. 9-12-1501 through 9-12-1510;
18

19 (B) Provide the state's share of any
20 matching funds required for the state to receive federal
21 funds under any federal broadband program including, but
22 not limited to, the broadband equity, access and deployment

1 program established by the federal Infrastructure
2 Investment and Jobs Act, P.L. 117-58; 135 Stat. 429;

3
4 (C) Pay the reasonable administrative
5 expenses of the Wyoming business council in an amount not
6 to exceed three hundred thousand dollars (\$300,000.00).

7
8 (iii) The Wyoming workforce development-priority
9 economic sector partnership ~~subaccount~~account. Funds
10 within this ~~subaccount~~account may be expended:

11
12 (A) As approved by director of the
13 department of workforce services for administrative costs
14 incurred by the department of workforce services associated
15 with administration of the Wyoming workforce development-
16 priority economic sector partnership program under W.S. 9-
17 2-2609 through 9-2-2611; and

18
19 (B) As approved by the governor or his
20 designee to provide funding for agreements entered into
21 pursuant to W.S. 9-2-2609 through 9-2-2611;

1 (iv) The Wyoming research and innovation
2 ~~subaccount~~account. Funds within this ~~subaccount~~account
3 may be expended as requested by the Wyoming business
4 council and approved by the governor or his designee to
5 provide funding for agreements entered into pursuant to
6 W.S. 9-12-1405;

7
8 (v) The "startup:Wyoming" ~~subaccount~~account.
9 Funds within this ~~subaccount~~account may be expended as
10 requested by the Wyoming business council and approved by
11 the governor or his designee to provide funding pursuant to
12 W.S. 9-12-105(b) through (f).

13
14 (b) The ~~governor~~council may accept, and shall
15 deposit to the appropriate account, ~~or to the appropriate~~
16 ~~subaccount within the account,~~ any gifts, contributions,
17 donations, grants or federal funds specifically designated
18 for purposes of ~~this article or other ENDOW related program~~
19 the appropriate account or program for which funds from the
20 account may be expended.

1 **9-12-1405. Wyoming research and innovation program**
2 **fund created; authorized expenditures from the fund;**
3 **rulemaking.**

4
5 (a) The council shall administer a Wyoming research
6 and innovation program under which matching funds necessary
7 to access federal research and development grant funds or
8 other nonstate funds may be provided as specified in this
9 section. To be eligible to receive funding under the
10 program an entity shall present to the council its proposal
11 to apply for or an existing application for an externally
12 funded grant specific to a priority economic sector
13 identified ~~in the approved twenty (20) year comprehensive~~
14 ~~economic diversification strategy under W.S. 9-12-~~
15 ~~1402(a)(iv) by rule of the council.~~ The entity shall
16 demonstrate that further research funding from nonstate
17 funds is likely to be provided if funding is provided under
18 this section.

19
20 (b) The Wyoming business council, in consultation
21 with ~~the ENDOW executive council and~~ the University of
22 Wyoming, shall promulgate rules necessary to carry out the
23 provisions of this section. The rules shall include but not

1 be limited to application procedures, eligibility
2 requirements, the amount of funding which may be provided
3 for any single project, provision for ensuring adequate
4 consideration to the state in exchange for funding any
5 project which does not solely involve a state agency or
6 institution or political subdivision of the state,
7 recapture of funding if the recipient of funds breaches any
8 agreement under the program and prioritization for funding
9 requests. In establishing provisions for adequate
10 consideration to the state, the council may include, but is
11 not limited to, assessment of the following:

12

13 **9-12-1501. Broadband development program established;**
14 **purposes; eligibility; definitions.**

15

16 (b) Funds may be provided under this article for the
17 acquisition, deployment and installation of infrastructure
18 that supports broadband service at a minimum of at least
19 ~~twenty-five (25)~~ one hundred (100) megabits per second
20 download and ~~three (3)~~ twenty (20) megabits per second
21 upload in residential areas and ~~nine hundred (900) megabits~~
22 one (1) gigabit per second download speed and thirty-five

1 (35) megabits per second upload speed in business
2 corridors.

3
4 **9-12-1509. Advisory council; broadband coordinator.**

5
6 (c) The business council shall, ~~in consultation with~~
7 ~~the ENDOW executive council and the governor's office,~~
8 designate an employee of the business council as
9 coordinator of broadband services. The person designated
10 shall have expertise in telecommunications and specifically
11 in the provision of broadband services. ~~As directed by the~~
12 ~~business council, the coordinator shall staff the broadband~~
13 ~~advisory council.~~ The coordinator shall, with approval of
14 the business council, accomplish the tasks set forth in
15 paragraphs (b)(i) through (v) of this section and undertake
16 other duties as assigned by the business council in
17 consultation with the governor's office. The business
18 council may contract with a consultant to provide services
19 to ~~the broadband advisory council and to~~ the business
20 council under this act.

1 10-7-103. Wyoming commercial air service improvement
2 council; creation; transfer of rights, duties, obligations
3 and liabilities.

4
5 (c) With the advice and consent of the commission and
6 subject to the requirements of this section, the governor
7 shall appoint the remaining nine (9) voting members to the
8 council. Appointments to the council shall include, to the
9 extent practicable, at least one (1) resident of each
10 county served by an airport with commercial air service and
11 shall include:

12
13 (ii) Two (2) ~~business~~ members ~~of the~~
14 ~~economically needed diversity options for Wyoming (ENDOW)~~
15 ~~executive council or other~~ who are business representatives
16 participating in ~~ENDOW executive council~~ economic
17 development or diversification initiatives;

18
19 **Section 4.** W.S. 9-12-1201 through 9-12-1203 as 37-5-
20 701 through 37-5-703 are amended and renumbered to read:

21

22 ARTICLE 7

23 WYOMING ENERGY PERFORMANCE PROGRAM

1

2 ~~9-12-1201~~ 37-5-701. **Definitions.**

3

4 (a) As used in this article:

5

6 (i) "Agency" means a branch, agency, department,
7 board, instrumentality or institution of the state of
8 Wyoming, a county, a municipal corporation, a school
9 district, a community college district, the University of
10 Wyoming, the cooperative tribal governing body, the Eastern
11 Shoshone Tribe, the Northern Arapaho Tribe, a joint powers
12 board formed pursuant to this act or a special district
13 specifically involved in providing facilities or functions
14 enumerated in W.S. 16-1-104(c);

15

16 (ii) "Energy conservation measure" means an
17 energy study, audit, improvement or equipment that is
18 designed to provide energy, water and operational cost
19 savings at least equivalent to the amount expended by a
20 facility owner for such energy study, audit, improvement or
21 equipment over a period of not more than twenty (20) years
22 after the date such improvement or equipment is installed
23 or becomes operational;

1

2 (iii) "Energy performance contract" means the
3 contract that allows a facility owner to accomplish energy
4 or water efficiency projects without upfront capital costs
5 or capital appropriations. An energy performance contract
6 shall not be considered to be a contract for public
7 improvement pursuant to W.S. 15-1-113;

8

9 (iv) "Energy services company" means the
10 contractor not organized under the auspices of a utility
11 regulated by the public service commission with
12 demonstrated technical, operational, financial and
13 managerial capabilities to design and implement energy
14 conservation measures and the ability to secure necessary
15 financial measures to ensure related guarantees for
16 operational cost savings and who is responsible for the
17 audit, design, implementation, measurement, verification
18 and guarantee of savings for individual projects;

19

20 (v) "Facility owner" means an agency or group of
21 agencies, a public hospital or other public entity
22 responsible for an individual facility or group of
23 facilities;

1

2 (vi) "Investment grade energy audit" means the
3 detailed engineering investigation and report of a
4 facility's current energy and water consuming equipment
5 inventory, condition, operation, maintenance and
6 performance, energy baseline, potential energy and water
7 efficiency upgrades, life cycle costs and risks for future
8 performance that provides the justification for the energy
9 performance contract project;

10

11 (vii) "Wyoming energy conservation improvement
12 program" means the ~~Wyoming business council~~ state energy
13 office program within the Wyoming energy authority designed
14 to enable and support development and implementation of
15 energy performance contract projects;

16

17 (viii) "Authority" means the Wyoming energy
18 authority created by W.S. 37-5-502.

19

20 ~~9-12-1202~~ 37-5-702. **Energy performance contracting.**

21

22 The ~~council~~ Wyoming energy authority shall establish a
23 Wyoming energy conservation improvement program ~~which~~ that

1 provides support development and implementation of energy
2 performance contract projects to facility owners
3 voluntarily participating in the program. In order to
4 participate in the program, facility owners and energy
5 services companies shall be subject to the provisions of
6 this article and rules adopted pursuant to this article.

7
8 ~~9-12-1203~~ 37-5-703. **Energy performance contracting.**

9
10 (a) Upon receipt of a request from a facility owner,
11 the Wyoming ~~business council~~ energy authority shall provide
12 the facility owner with a list of energy service companies
13 interested in providing services to the facility owner and
14 qualified by the Wyoming ~~business council~~ energy authority
15 to participate in the Wyoming energy conservation
16 improvement program.

17
18 (b) The energy services company participating in the
19 Wyoming energy conservation improvement program shall
20 provide an investment grade audit showing the estimated
21 energy and operational cost savings that would result from
22 the proposed energy conservation measures. Before
23 executing any contract or lease purchase agreement under

1 subsection (c) of this section, the energy services company
2 shall provide the facility owner with plans for the
3 proposed energy conservation measures prepared by an
4 engineer licensed to practice in Wyoming.

5
6 (c) Notwithstanding W.S. 15-1-113 and subject to the
7 provisions of subsection (e) of this section, a facility
8 owner may enter into an installment payment contract or
9 lease purchase agreement for an energy or water
10 conservation measure which meets the criteria of this
11 section. Any documents related to negotiations entered
12 into pursuant to this section with individual energy
13 services companies by an agency or facility owner shall be
14 considered trade secrets pursuant to the provisions of the
15 Wyoming Public Records Act, W.S. 16-4-201 through 16-4-205.
16 After a contract has been executed by an agency, the
17 contract and all proposals from energy service companies
18 shall be open records available for public inspection in
19 accordance with the Wyoming Public Records Act.

20
21 (d) Energy performance contracts entered into
22 pursuant to the Wyoming energy conservation improvement
23 program shall require the energy services company to

1 provide to the facility owner an annual reconciliation of
2 the guaranteed energy savings. If the reconciliation
3 reveals a shortfall in annual energy savings, the energy
4 services company shall be liable for compensation to the
5 facility owner for such shortfall under the provisions of
6 the energy performance contract. If the reconciliation
7 reveals an excess in annual energy savings, the excess
8 savings shall be retained by the facility owner and shall
9 not be used to cover potential energy savings shortages in
10 subsequent contract years.

11

12 (e) An energy performance contract entered into
13 pursuant to the Wyoming energy conservation improvement
14 program may provide for financing, including tax exempt
15 financing, by a third party. The contract for third party
16 financing may be separate from the energy performance
17 contract. A separate contract for third party financing
18 shall include a provision that the third party financier
19 shall not be granted rights or privileges that exceed the
20 rights and privileges available to the energy services
21 company.

22

1 (f) The Wyoming ~~business council~~energy authority may
2 provide support under the Wyoming energy conservation
3 improvement program as requested by facility owners for
4 purposes of this section. The ~~Wyoming business council~~
5 ~~state energy office~~authority may fix, charge and collect
6 reasonable fees for any administrative support and
7 resources or other services provided by the ~~Wyoming~~
8 ~~business council~~authority pursuant to this subsection.

9
10 (g) If the facility owner fails to appropriate or
11 receive an appropriation of money for a periodic payment
12 due for improvements made through an energy performance
13 contract, any security interest in any property created
14 pursuant to the energy performance contract, may be
15 enforced by the holder of such a security interest against
16 the property.

17
18 (h) The term of an energy performance contract shall
19 not exceed twenty (20) years after the date on which the
20 work required by the energy performance contract to
21 implement all energy conservation measures is completed.

22

1 (j) The Wyoming ~~business council~~energy authority
2 shall submit to the joint minerals, business and economic
3 development interim committee by October 1, an annual
4 report on the energy performance contracting performed
5 under the Wyoming energy conservation improvement program.
6 The report shall include the number of applications
7 submitted, the number of facility owners, the number of
8 energy performance contracts, the results of the investment
9 grade energy audits and the results of the energy
10 performance contracts.

11

12 **Section 5.** W.S. 9-12-1001 and 9-12-1002 are renumbered
13 as W.S. 9-30-101 and 9-30-102.

14

15 *****
16 *****
17 **STAFF COMMENT**
18
19 **Section 4 above rennumbers two statutes that provide for the**
20 **Wyoming Tourism Board and its duties into a separate**
21 **chapter of statute in Title 9.**

22

23 *****
24 *****

25

26 **Section 6.** W.S. 9-2-2610(a)(iv), 9-12-105(a)(ix),
27 (d)(i)(E)(II) and (ii)(A) and (B), 9-12-108(c), 9-12-
28 112(a)(vi), 9-12-114, 9-12-201, 9-12-202, 9-12-301(a)(ii),

(iv) and (vii) through (x), 9-12-304(a), (b) (i) (C) through (E) and (e) through (h), 9-12-308, 9-12-601(m), 9-12-801 through 9-12-804, 9-12-901 through 9-12-905, 9-12-1103(a) (iii), 9-12-1301 through 9-12-1312, 9-12-1401 through 9-12-1403, 9-12-1509(a) and (b) and 26-4-103(m) are repealed.

STAFF COMMENT

Below is a brief summary of the statutes repealed in this bill draft.

- W.S. 9-2-2610(a) (iv): Definition of "ENDOW council."
- W.S. 9-12-105(a) (ix): Requirement to adopt a state broadband enhancement plan.
- W.S. 9-12-105(d) (i) (E) (II): Reporting requirements for the Small Business Innovation (Federal Innovation) Program (moved to W.S. 9-12-105(d) (i) (E) (I)).
- W.S. 9-12-105(d) (ii) (A) and (B): Matching funds award amount for the Small Business Innovation (Federal Innovation) program (moved to W.S. 9-12-105(d) (ii) (intro)).
- W.S. 9-12-108(c): ENDOW proposal for diversification.
- W.S. 9-12-112(a) (vi): Reporting requirements for the Workforce Housing Infrastructure Program (repealed in this bill draft).
- W.S. 9-12-114: ENDOW/proposal for startup-Wyoming investments.
- W.S. 9-12-201 and 9-12-202: The Science, Technology, and Energy Financial Aid Program.
- W.S. 9-12-301(a) (ii), (iv) and (vii) through (x), 9-12-304(a), (b) (i) (C) through (E) and (e) through (h): The following loan options within the Partnership Challenge Loan Program:

- 1 ○ Challenge loans to community development
- 2 organizations and state development
- 3 organizations.
- 4 ○ Wyoming Main Street Loan Participation Program.
- 5 ○ Natural Gas Fueling Infrastructure Loan Program.
- 6 ○ Guarantee Loan Participation (previously frozen
- 7 in 2022).
- 8 ○ Loan Guarantee (previously frozen in 2022).
- 9 • W.S. 9-12-308: Large Project Loan Program.
- 10 • W.S. 9-12-601(m): Funding limits for planning grants
- 11 and loans under the Business Ready Community Program.
- 12 • W.S. 9-12-801 through 9-12-804: Wyoming Community
- 13 Facilities Program.
- 14 • W.S. 9-12-901 through 9-12-905: Wyoming Workforce
- 15 Housing Infrastructure Program.
- 16 • W.S. 9-12-1103(a)(iii): Mainstreet Program/Reporting
- 17 Requirement (moved to W.S. 9-12-1104(d)).
- 18 • W.S. 9-12-1301 through 9-12-1312 and 26-4-103(m):
- 19 Wyoming Small Business Investment Credit Program.
- 20 • W.S. 9-12-1401 through 9-12-1403: Economically Needed
- 21 Diversity Options for Wyoming (ENDOW).
- 22 • W.S. 9-12-1509(a) and (b): Broadband Advisory Council.

23
24 *****
25 *****
26

27 **Section 7.**

28
29 (a) Except as provided in subsection (b) of this
30 section, this act is effective July 1, 2027.

31
32 (b) Sections 2 and 7 of this act are effective
33 immediately upon completion of all acts necessary for a
34 bill to become law as provided by Article 4, Section 8 of
35 the Wyoming Constitution.

1

2

(END)