DRAFT ONLY
NOT APPROVED FOR INTRODUCTION

HOUSE BILL NO.

Wyoming business council-program elimination.

Sponsored by: Joint Appropriations Committee

A BILL

for

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

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

Section 1.

(a) The following programs of the Wyoming business council are repealed effective July 1, 2027:

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

(ii) The brownfield revolving loan program. Nothing in this paragraph shall be construed to prohibit or limit the department of environmental quality from administering brownfield loans or funding;

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

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

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

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

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

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

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

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

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

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

(xiii) The market expansion grant program;

(xiv) The state trade expansion program;

(xv) The Wyoming business ready community program created in W.S. 9-12-601 through 9-12-603.

(b) The following accounts are hereby repealed effective July 1, 2027:

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

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

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

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

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

(vi) The business ready community account created in W.S. 9-12-602.

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

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

Section 2.

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

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

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

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

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

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

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

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

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

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

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

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

(ii) Impair any existing contracts, agreements or other obligations of the Wyoming business council for the

programs specified in section 1(a) of this act or using funds from the accounts specified in section 1(b) of this act executed before the effective date of this section.

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

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

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

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

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

9-12-102. Definitions.

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

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

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

(f) The council may also form committees and advisory councils, which may include representatives who are not members of the board, to undertake more extensive study and 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:

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

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

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

9-12-306. Audit; report.

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

9-12-1404. Economic diversification account 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. Notwithstanding W.S. 9-2-1008 and 9-4-207, funds in the account or subaccounts of the account shall not lapse at the end of the fiscal period. Interest earned on funds in the account shall be deposited to the account or appropriate subaccount. Within the account shall be subaccounts. For accounting and investment purposes only all subaccounts shall be treated as separate accounts. The subaccounts are as follows:

(v) The ~~"startup:Wyoming"~~ small business innovation research matching program subaccount. Funds within this subaccount may be expended as requested by the 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).

9-20-102. Wyoming mineral to value added product program; rulemaking authority.

(b) The Wyoming business council shall establish and administer the program under this act. Any commercial scale minerals to value added products facility shall submit a proposal to the governor. The governor may provide recommendations for the size and parameters of the proposed contract. An application to participate in the program shall then be submitted to and reviewed by the Wyoming business council. ~~under the process set forth in W.S. 9-12-601 through 9-12-603.~~ The application shall be submitted on forms prescribed by, and subject to rules promulgated by, the Wyoming business council. In determining whether to recommend a contract for approval, the Wyoming business council shall consider if the applicant has demonstrated a business plan, balance sheet, sufficient cash flow, commitments to sell the finished product and other indices necessary to demonstrate the applicant's ability to perform under the contract as determined by rule and regulation of the Wyoming business council.

9-20-103. Criteria and procedures for contracts.

(b) Contracts considered under this act shall be subject to the following procedures:

(i) The proposed contract shall be submitted to the Wyoming business council for review and determination<u>;</u> ~~under the process set forth in W.S. 9-12-601 through 9-12-603;~~

Section 4. W.S. 9-12-105(b) and (c), 9-12-201, 9-12-202, 9-12-301(a)(ix) and (x), 9-12-304(b)(i)(D) and (E), (g) and (h), 9-12-308, W.S. 9-12-601 through 9-12-603, 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.

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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. 9-12-304(b)(i)(D) and (E), (g) and (h): Wyoming Main Street Loan Participation Program.**

- **W.S. 9-12-308: Large Project Loan Program.**
- **W.S. 9-12-601 through 9-12-603: Wyoming Business Ready Community 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.**
- **W.S. 9-12-1201 through 9-12-1203: Wyoming Energy Performance Contracting Program.**
- **W.S. 9-12-1301 through 9-12-1312 and 26-4-103(m): Wyoming Small Business Investment Credit Program.**
- **W.S. 9-12-1501 through 9-12-1510: Broadband Development Program.**
- **W.S. 9-12-1404(a)(ii): Broadband Development Subaccount.**

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

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Section 5.

(a) Except as provided in subsection (b) of this 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.

(END)