

SENATE FILE NO. SF0071

Wyoming community facilities program.

Sponsored by: Senator(s) Ross, Anderson, J. and
Schiffer and Representative(s) Hammons,
Hinckley and Semlek

A BILL

for

1 AN ACT relating to the administration of government;
2 establishing a program assisting local governments with
3 community facility projects; establishing an account;
4 providing for program administration by the business
5 council; delegating rulemaking authority; authorizing
6 grants, loans and cooperative agreements; requiring
7 approval by the state loan and investment board; providing
8 for a continuous appropriation and making an appropriation;
9 and providing for an effective date.

10

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

12

13 **Section 1.** W.S. 9-12-801 through 9-12-804 are created
14 to read:

15

16

ARTICLE 8

1 WYOMING COMMUNITY FACILITIES PROGRAM

2

3 **9-12-801. Wyoming community facilities program;**
4 **purpose; creation; administration by council; rulemaking**
5 **authority; eligible projects.**

6

7 (a) It is the purpose of this article to further
8 promote economic development at the city, town and county
9 level in order to create additional economic health, a
10 stronger state economy and enhance the attractiveness of
11 Wyoming communities as a place to live.

12

13 (b) The council shall administer a Wyoming community
14 facilities program as provided by this article, subject to
15 the approval of grants and loans by the state loan and
16 investment board as provided by this article.

17

18 (c) Any qualifying community with a demonstrated need
19 for a community facility, including a city, town, county,
20 joint powers board or other local governmental entity, may
21 submit an application to the council for a grant or loan
22 under this program on forms prescribed by and subject to
23 rules promulgated by the council. Application by a joint

1 powers board shall require the approval of all
2 participating agencies to the joint powers agreement.

3

4 (d) Grants or loans may be recommended by the council
5 and awarded by the state loan and investment board for
6 economic development community facilities projects which
7 provide:

8

9 (i) Space for community gatherings and
10 functions;

11

12 (ii) Appropriate recreational, swimming and
13 athletic facilities for community members, particularly
14 youth;

15

16 (iii) Other functions or uses determined by the
17 council to be consistent with the purposes of this article.

18

19 (e) In adopting rules and recommending grants and
20 loans under this article, the council shall require all
21 projects to be related to economic development or
22 enhancement of quality of life in a community. Projects
23 may consist of:

24

1 (i) New construction;

2

3 (ii) The expansion, renovation or remodeling of
4 existing facilities;

5

6 (iii) Acquisition of land, development of
7 infrastructure serving a facility or other portions of
8 facility development subject to criteria specified by the
9 council, if the completed project otherwise meets the
10 requirements of this article and the applicant demonstrates
11 the remaining costs of the project are fully funded upon
12 receipt of assistance under this article;

13

14 (iv) The construction of, purchase of an
15 interest in or cooperative agreements for the expansion,
16 renovation or conversion of school facilities to the extent
17 the facilities exceed statewide school building and
18 facility adequacy standards established by the school
19 facilities commission under W.S. 21-15-115, and to the
20 extent title to the facility is not held by a school
21 district.

22

23 (f) All grants, loans or cooperative agreements
24 recommended by the council shall be referred by the council

1 to the state loan and investment board for final approval
2 or disapproval in accordance with this article.

3

4 **9-12-802. Community facility qualifications;**
5 **demonstration of need.**

6

7 (a) To qualify for a grant or loan under this
8 article, an applicant shall demonstrate:

9

10 (i) A commitment by the applicant community to
11 adequately maintain the project facility for which the
12 grant or loan is requested during a reasonable period of
13 time;

14

15 (ii) A partnership or other working arrangement
16 or agreement with other local governmental entities to
17 ensure the viability of the project facility over a
18 reasonable period of time;

19

20 (iii) The project facility is not otherwise
21 provided in the community or that such a facility exists
22 except that the financing of that facility has not been
23 paid in full;

24

1 (iv) The relationship of the project facility to
2 a community economic development plan or to the enhancement
3 of quality of life in the community;

4
5 (v) That all project costs will be funded at the
6 time of receipt of a grant or loan under this article, with
7 funding sources specified within the project application;

8
9 (vi) The availability of funds sufficient to
10 maintain the project facility. The project application
11 shall clearly identify maintenance funding sources
12 sufficient to cover maintenance costs for a period of not
13 less than ten (10) years;

14
15 (vii) Any other criteria developed by the
16 council consistent with the purposes of this article.

17
18 **9-12-803. Community facility grant and loan; approval**
19 **by state loan and investment board.**

20
21 (a) Grants shall be awarded on a matching basis at
22 match proportions recommended by the council and approved
23 by the board, subject to a maximum grant proportion of not

1 more than seventy-five percent (75%) of the total project
2 costs.

3

4 (b) Grants or loans may be used to fund project costs
5 in accordance with approved applications and rules and
6 regulations established by the council. Grant or loan
7 funds may be used to contract with community development
8 organizations and state development organizations in
9 accordance with this article and approved project
10 applications. For purposes of this subsection, "community
11 development organizations" shall be as defined under W.S.
12 9-12-301(a)(ii) and "state development organizations" shall
13 be as defined under W.S. 9-12-301(a)(iv).

14

15 (c) Loans provided under this article shall be
16 adequately collateralized as determined by the council. No
17 loans shall be made without the written opinion of the
18 attorney general certifying the legality of the transaction
19 and all documents connected therewith. An election
20 approving the project and borrowing for the project by the
21 qualified electors of the borrowing entity shall be
22 required only if the attorney general determines such an
23 election is otherwise required by law.

24

1 (d) Repayments of loans under this article shall be
2 credited to the community facilities program account.

3

4 (e) The council shall prioritize proposed cooperative
5 agreements, grants and loans it recommends to the state
6 loan and investment board in accordance with rules it
7 adopts under this article.

8

9 (f) The state loan and investment board may adopt
10 rules as necessary to implement its duties under this
11 article governing the approval or disapproval of projects
12 recommended by the council.

13

14 **9-12-804. Wyoming community facilities program**
15 **account.**

16

17 The community facilities program account is created within
18 the special revenue fund and shall consist of funds
19 credited to the account as provided by law. Funds in the
20 account are continuously appropriated to the council to be
21 used only for cooperative agreements, grants or loans
22 authorized by the state loan and investment board under
23 this article.

24

1 **Section 2.** W.S. 9-12-102(a)(viii) is amended to read:

2

3 **9-12-102. Definitions.**

4

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

8

9 (viii) "This act" means W.S. 9-12-101 through
10 ~~9-12-603~~ 9-12-804.

11

12 **Section 3.** Thirty million dollars (\$30,000,000.00) is
13 appropriated from the general fund to the Wyoming community
14 facilities program account established under W.S. 9-12-804
15 as created under section 1 of this act.

16

17 **Section 4.** This act is effective immediately upon
18 completion of all acts necessary for a bill to become law
19 as provided by Article 4, Section 8 of the Wyoming
20 Constitution.

21

22

(END)