

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO. _____

Wyoming community enhancement program.

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

A BILL

for

1 AN ACT relating to economic development; creating the
2 Wyoming community enhancement program to promote economic
3 development for cities, towns, counties, joint powers
4 boards and tribal entities; authorizing grants and loans
5 for historic or cultural preservation and community
6 enhancement projects; specifying eligibility criteria;
7 establishing an account; providing appropriations and for a
8 continuous appropriation; modifying the business ready
9 community program; amending a definition; authorizing
10 rulemaking; providing for a report; repealing the Wyoming
11 community facilities program; and providing for an
12 effective date.

13

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

2

3 **Section 1.** W.S. 9-12-1201 and 9-12-1202 are created
4 to read:

5

6

ARTICLE 12

7

WYOMING COMMUNITY ENHANCEMENT PROGRAM

8

9 **9-12-1201. Wyoming community enhancement program;**
10 **purpose; creation; state objectives; administration by**
11 **council; rulemaking authority; eligible projects; match**
12 **requirement; repayment requirement.**

13

14 (a) It is the purpose of this article to promote
15 economic development at the city, town and county level in
16 order to create additional economic health and a stronger
17 state economy by enhancing the visibility and livability of
18 Wyoming communities.

19

20 (b) The council shall establish and administer a
21 Wyoming community enhancement program as provided by this
22 article.

23

1 (c) Any city, town or county may submit an
2 application to the council for a grant or loan under the
3 program on forms prescribed by the council and subject to
4 rules and regulations promulgated by the council. Grants
5 and loans may be applied for by a joint powers board with
6 the approval of all participating agencies to the joint
7 powers agreement.

8

9 (d) Grant and loan funds may be used to contract with
10 a school district, other local governmental entity or a
11 not-for-profit community development corporation. Grants
12 and loans may be made by the council for projects that meet
13 one (1) or more of the following state objectives:

14

15 (i) Historic preservation;

16

17 (ii) Cultural preservation;

18

19 (iii) Enhancements to places of social and
20 physical activity.

21 [Staff Note: There may be a constitutional issue if the
22 political subdivision donates money any not-for-profit
23 entity.]

1

2 (e) Projects may consist of, but are not limited to,
3 construction of new facilities, rehabilitation of existing
4 facilities, acquisition of land or buildings, development
5 of infrastructure serving a facility, conversion of former
6 school facilities to community centers, landscaping,
7 recreation facilities and convention centers.

8

9 (f) To qualify for a grant or loan under this
10 article, an applicant shall demonstrate:

11

12 (i) That the project is consistent with local
13 economic and community development plans;

14

15 (ii) That a business plan has been developed for
16 the project;

17

18 (iii) That all project costs will be fully
19 funded upon receipt of the grant or loan;

20

21 (iv) That there will be funding for on-going
22 operations and maintenance of the project for a period of
23 at least three (3) years;

1

2

(v) Any other criteria developed by the council consistent with the purposes of this article.

4

5

(g) Grants shall be matching grants as determined by the council. Loans shall be made at no or low interest rates.

8

9

(h) Grants or loans for one (1) project may not exceed a maximum annual amount established by rule of the council. Multi-year projects may be awarded up to the maximum annual amount each year, for a period not to exceed three (3) years, as approved by the council. The application shall identify the source of all funds to be used for the project.

16

17

(j) Loans provided under this article shall be adequately collateralized as determined by the council. No loans shall be made without the written opinion of the attorney general certifying the legality of the transaction and all documents connected therewith. An election approving the project and borrowing for the project by the qualified electors of the borrowing entity shall be

1 required only if the attorney general determines such an
2 election is otherwise required by law.

3

4 (k) Repayments of loans under this article shall be
5 credited to the Wyoming community enhancement account
6 created pursuant to W.S. 9-12-1202.

7

8 (m) The council may also enter into cooperative
9 agreements with the Eastern Shoshone Tribe and the Northern
10 Arapaho Tribe in order to promote the purposes of this
11 article.

12

13 (n) All grants, loans or cooperative agreements
14 recommended by the council shall be referred by the council
15 to the state loan and investment board for final approval
16 or disapproval in accordance with this article.

17

18 (o) The state loan and investment board shall adopt
19 rules as necessary to implement its duties under this
20 article.

21

22 (p) The Wyoming business council shall submit to the
23 joint minerals, business and economic development interim

1 committee by October 1, 2009 a report identifying the
2 actions taken and monies expended pursuant to this article
3 and shall submit the report by October 1, annually
4 thereafter.

5 [Staff Note: Do you want the report requirement here or
6 should the report language be added to W.S. 9-12-112?]

7

8 **9-12-1202. Wyoming community enhancement account.**

9

10 (a) There is created a separate account, which shall
11 be referred to as the Wyoming community enhancement
12 account, to implement this article. Funds shall be
13 credited to the account as provided by law.

14

15 (b) Interest and repayments of principal on loans
16 under this article shall be redeposited in the account.

17

18 (c) Accrued interest and other earnings on unexpended
19 funds within the account shall be credited to the account.

20 All funds including any earned interest and repayments of
21 principal on loans under this article remaining in the
22 account at the end of a biennium shall not lapse and shall

1 not revert as provide in W.S. 9-4-207 but shall remain in
2 the account to implement the purposes of this section.

3

4 (d) Funds in the account are continuously
5 appropriated to the Wyoming business council. Any
6 unexpended or unobligated funds remaining in the account at
7 the end of the biennium shall not lapse and shall not
8 revert as provided in W.S. 9-4-207.

9

10 **Section 2.** W.S. 9-12-102(a)(viii) and 9-12-601(b) are
11 amended to read:

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
20 9-12-905 and 9-12-1201 and 9-12-1202.

21

22 **9-12-601. Wyoming business ready community program;**
23 **purpose; creation; rulemaking.**

1

2 (b) The council shall establish and administer a
3 Wyoming business ready community program as provided by
4 this article. Any city, town or county may submit an
5 application to the council for a grant or loan under the
6 program on forms prescribed by and subject to rules
7 promulgated by the council. Grants or loans may be applied
8 for by a joint powers board with the approval of all
9 participating agencies to the joint powers agreement.
10 Grants and loans may be made by the council for economic or
11 educational development infrastructure projects, including
12 the purchase of land, buildings, facilities,
13 telecommunications infrastructure, rights of way, airports,
14 sewer and water projects, roads, ~~landscaping, recreational~~
15 ~~and~~ convention facilities or other infrastructure
16 determined by the council to be consistent with the
17 purposes of this article. In adopting rules and making
18 grants and loans under this article the council shall
19 require all projects to be related to economic or
20 educational development infrastructure, which shall not
21 include rehabilitation or expansion of existing
22 infrastructure unless the council determines the
23 rehabilitation or expansion is necessary to meet the

1 purposes of this article. All grants, loans or cooperative
2 agreements made under this article shall be referred by the
3 council to the state loan and investment board for final
4 approval or disapproval. The state loan and investment
5 board may adopt rules as necessary to implement its duties
6 under this article.

7

8 **Section 3.** W.S. 9-12-801 through 9-12-804 are
9 repealed.

10

11 **Section 4.** There is appropriated thirty-five million
12 dollars (\$35,000,000.00) from the general fund to the
13 Wyoming community enhancement account. This appropriation
14 shall be for the period beginning with the effective date
15 of this act and ending June 30, 2010. This appropriation
16 shall only be expended for the purpose of funding community
17 enhancement projects. Notwithstanding any other provision
18 of law, this appropriation shall not be transferred or
19 expended for any other purpose and any unexpended,
20 unobligated funds remaining from this appropriation shall
21 not revert as provided by law on June 30, 2010. This
22 appropriation shall be included in the Wyoming business
23 council's 2011-2012 standard biennial budget request.

1

2

Section 5. This act is effective July 1, 2009.

3

4

(END)