

SENATE FILE NO. SF0111

Wyoming community infrastructure program.

Sponsored by: Senator(s) Meier and Von Flatern and  
Representative(s) Martin

A BILL

for

1 AN ACT relating to economic development; establishing a  
2 program to provide funding for community infrastructure for  
3 cities, towns, counties and joint powers boards;  
4 establishing an account; providing for administration of  
5 the program and account; providing rulemaking authority;  
6 requiring a report; providing for a continuous  
7 appropriation and making other appropriations; and  
8 providing for an effective date.

9

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

11

12 **Section 1.** W.S. 9-12-901 through 9-12-905 are created  
13 to read:

14

15

ARTICLE 9

16

COMMUNITY INFRASTRUCTURE PROGRAM

1

2       **9-12-901. Definitions.**

3

4       (a) As used in this article:

5

6               (i) "Administrator" means the person providing  
7 professional services under contract with the Wyoming  
8 business council to administer the program under this  
9 article;

10

11              (ii) "Oversizing infrastructure" means enlarging  
12 infrastructure to a housing subdivision or development, or  
13 through a housing subdivision or development only if  
14 determined by the council to be consistent with the  
15 purposes of this article.

16

17       **9-12-902. Wyoming community infrastructure program;**  
18 **agreements; purpose; creation; rulemaking.**

19

20       (a) It is the purpose of this article to promote  
21 development of infrastructure at the city, town and county  
22 level to create additional housing to Wyoming's growing  
23 workforce and necessary for economic health and a stronger  
24 state economy.

1

2 (b) The program created under this article shall be  
3 administered by the council.

4

5 (c) The council shall establish a Wyoming community  
6 infrastructure program. The council may contract for  
7 necessary professional services by an administrator with  
8 experience in utility infrastructure construction, to  
9 administer the program. A city, town or county may submit  
10 an application to the council or administrator for a loan  
11 under the program on forms prescribed by and subject to  
12 rules promulgated by the council. Any joint powers board  
13 may apply upon the approval of all participating agencies  
14 to the joint powers agreement.

15

16 (d) Eligible oversizing infrastructure projects shall  
17 include, without limitation:

18

19 (i) Payment for the additional costs of over-  
20 sizing water and sewer distribution lines to or through a  
21 subdivision to accommodate future expansion;

22

23 (ii) Other infrastructure determined by the  
24 council or administrator to be consistent with the purposes

1 of this article.

2

3 (e) Eligible oversizing infrastructure projects shall  
4 not include:

5

6 (i) Rights of way;

7

8 (ii) Streets, roads and bridges;

9

10 (iii) Curbs, gutters and sidewalks;

11

12 (iv) Traffic signals;

13

14 (v) Parks;

15

16 (vi) Street lighting;

17

18 (vii) Public space improvements;

19

20 (viii) Landscaping;

21

22 (ix) Refinancing of existing projects that have  
23 been financed previously with other resources;

24

1           (x) Financing any project that does not provide  
2 for the construction of additional infrastructure or  
3 expansion of existing infrastructure unless the council or  
4 administrator determines the additional infrastructure or  
5 expansion of existing infrastructure is necessary to meet  
6 the purposes of this article.

7

8           (f) In adopting rules and making funds available  
9 under this article, the council or administrator shall  
10 require all projects to be related to oversizing  
11 infrastructure development and restricted to the purposes  
12 pursuant to subsection (d) of this section, by land use  
13 restriction agreements or such other restrictions as the  
14 council may deem appropriate.

15

16           (g) In adopting rules and making funds available  
17 under this article, the council or administrator shall  
18 provide a competitive application and scoring system  
19 adequate to measure the benefits of each application. The  
20 application scoring system shall target the projects based  
21 on ranking criteria which addresses:

22

23           (i) The need for the proposed oversizing  
24 infrastructure;

1

2           (ii) The affordability of the proposed  
3 oversizing infrastructure;

4

5           (iii) The amount of additional infrastructure to  
6 be developed;

7

8           (iv) The cost of the proposed oversizing  
9 infrastructure;

10

11           (v) The extent of involvement of the local  
12 governmental entity;

13

14           (vi) The extent to which the oversizing project  
15 is part of an overall community development plan;

16

17           (vii) The extent to which the oversizing project  
18 demonstrates readiness;

19

20           (viii) Any other criteria determined by the  
21 council to be consistent with the purposes of this article.

22

23           (h) Funding for eligible Wyoming community  
24 infrastructure projects shall be by loans. Loans shall be

1 made upon forms specified by the council and supported by  
2 any collateral required by the council. The council or  
3 administrator shall establish interest rates to be charged  
4 for loans under the program. Interest rates shall be  
5 established in recognition of the repayment abilities and  
6 needs of the local governmental entity eligible for loans  
7 under the program. The council or administrator shall  
8 establish loan amortization schedules, terms and conditions  
9 for each loan approved.

10  
11 (j) Funding for eligible Wyoming community  
12 infrastructure projects shall be made available to an  
13 applicant under this article only if the applicant  
14 demonstrates that upon receipt of the funds all projected  
15 project costs shall be funded. Funding for any one (1)  
16 project may not exceed a maximum annual amount established  
17 by rule of the council. Multi-year projects may be awarded  
18 up to the maximum annual amount each year, for a period not  
19 to exceed three (3) years, as approved by the council. The  
20 application shall identify the source of all funds to be  
21 used for the project.

22  
23 (k) Funding may be used to pay eligible project costs  
24 in accordance with approved applications and rules of the

1 council.

2

3 (m) As a condition of any loan under this article,  
4 the borrower shall agree to allow the council or  
5 administrator to examine its books and records. The  
6 council or administrator shall treat all proprietary  
7 information received in the course of the examination or  
8 audit as confidential.

9

10 **9-12-903. Criteria for loans.**

11

12 (a) Loans shall be made under this article only:

13

14 (i) If there are sufficient funds in the Wyoming  
15 community infrastructure account to fully fund it and all  
16 other outstanding loans;

17

18 (ii) If loan funds provided by the state are  
19 adequately collateralized. The adequacy of the collateral  
20 shall be determined by the council.

21

22 (b) The council shall establish criteria for  
23 determining the maximum loan amounts.

24

1           **9-12-904. Wyoming community infrastructure program**  
2           **account.**

3

4           (a) There is created the Wyoming community  
5 infrastructure account to be administered by the council.

6

7           (b) Interest and repayments of principal on loans  
8 under this article shall be redeposited into the Wyoming  
9 community infrastructure account.

10

11           (c) Funds and accrued interest on unexpended funds  
12 within the Wyoming community infrastructure account shall  
13 be credited to the Wyoming community infrastructure  
14 account.

15

16           (d) Funds in the Wyoming community infrastructure  
17 account are continuously appropriated to the Wyoming  
18 community infrastructure account to be used only for loans  
19 authorized to be made under this article.

20

21           (e) The total principal balance of outstanding loans  
22 shall not exceed the amounts appropriated by the  
23 legislature plus interest accrued and collected less any  
24 losses of loan principal or interest.

1

2       **9-12-905. Wyoming business council duties; actions on**  
3       **loan applications.**

4

5       (a) All complete applications to participate in the  
6       program established under this article, which conform with  
7       the criteria established by law and rules promulgated under  
8       this article, which are submitted to the council or  
9       administrator shall be considered by the council or  
10      administrator. The council or administrator shall approve  
11      or disapprove each application considered in accordance  
12      with this article and rules promulgated by the council.

13

14      (b) The council shall provide a written status report  
15      no later than September 1 of each year to the joint  
16      minerals, business and economic development interim  
17      committee covering the activities under this article. The  
18      report shall include:

19

20           (i) A summary of the total loans made by the  
21      council, including:

22

23           (A) The name of each borrower and the  
24      amount of each loan;

1

2 (B) An evaluation of the loan success in  
3 providing oversizing infrastructure using appropriate  
4 performance indicators as identified by the council;

5

6 (C) The cost of the loan program to the  
7 people of Wyoming in terms of administrative and other  
8 costs associated with the program.

9

10 (c) The council may charge applicants a fee to cover  
11 any administrative costs of the program.

12

13 (d) The council shall adopt rules and regulations as  
14 required to implement this article. The rules and  
15 regulations shall be adopted and filed pursuant to the  
16 Wyoming Administrative Procedure Act.

17

18 **Section 2.** W.S. 9-12-102(a)(viii) and 9-12-307 are  
19 amended to read:

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21 **9-12-102. Definitions.**

22

23 (a) As used in this act, the following terms have the  
24 following meanings, except where the context clearly

1 indicates otherwise:

2

3 (viii) "This act" means W.S. 9-12-101 through  
4 ~~9-12-804~~ 9-12-905.

5

6 **9-12-307. Penalty.**

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8 Any person who knowingly makes a false statement to the  
9 council in connection with an application under this  
10 article or article 9 of this chapter or who violates W.S.  
11 9-12-302(c) is guilty of a felony punishable by  
12 imprisonment for not more than two (2) years, a fine of not  
13 more than two thousand dollars (\$2,000.00), or both.

14

15 **Section 3.**

16

17 (a) There is appropriated from the budget reserve  
18 account to the Wyoming community infrastructure account  
19 created by W.S. 9-12-904, twenty million dollars  
20 (\$20,000,000.00) to meet the purposes of this act.

21

22 (b) There is authorized one (1) part-time at-will  
23 contract position to the Wyoming business council for the  
24 purpose of implementing this act. There is appropriated

1 from the general fund to the Wyoming business council  
2 seventy thousand dollars (\$70,000.00) or as much thereof as  
3 is necessary to fund this one (1) position.

4

5 **Section 4.** This act is effective July 1, 2006.

6

7 (END)