

HOUSE BILL NO. HB0116

Impact assistance to local governments.

Sponsored by: Representative(s) Throne

A BILL

for

1 AN ACT relating to cities, towns and counties; creating a
2 program to provide assistance to local governments impacted
3 by industrial projects or energy development as specified;
4 providing authority to the state loan and investment board
5 to issue grants to local governments to address the effects
6 of industrial projects or energy development; providing
7 authority for the office of state lands and investments to
8 administer the program; granting rulemaking authority;
9 providing definitions; providing an appropriation; and
10 providing for an effective date.

11

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

13

14 **Section 1.** W.S. 9-17-101 through 9-17-106 are created
15 to read:

16

17

CHAPTER 17

1 IMPACT ASSISTANCE

2

3 ARTICLE 1

4 IMPACT ASSISTANCE FOR DEVELOPMENT

5

6 **9-17-101. Definitions.**

7

8 (a) As used in this article:

9

10 (i) "Board" means the state loan and investment
11 board;

12

13 (ii) "Development" means any industrial
14 facility, mine, oil and gas development, or any project
15 that generates or produces energy subject to the
16 requirements of W.S. 9-17-104(a)(iii);

17

18 (iii) "Local government" shall include only
19 counties, cities and towns.

20

21 **9-17-102. Impact assistance grant program; amount;**
22 **conditions; rulemaking authority; reports.**

23

1 (a) The state loan and investment board may make
2 grants to one (1) or more counties, cities or towns, from
3 the impact assistance account pursuant to W.S. 9-17-101
4 through 9-17-106. The office of state lands and
5 investments shall administer the program. In determining
6 the amount to be granted, the board shall consider
7 anticipated revenues to the applicant under W.S.
8 39-15-111(c) and (p) and 39-16-111(d) and (p) and any
9 expected increase in ad valorem tax distributions to the
10 applicant under W.S. 39-13-111 as a result of the
11 development identified in the application under W.S.
12 9-17-103.

13

14 (b) In making grants pursuant to this section, the
15 board shall adopt rules and establish requirements and
16 standards as it determines to be necessary and advisable.

17

18 (c) The board may determine to make grants under this
19 section and may impose conditions and limits on the grants
20 as it finds, in its discretion, are necessary to protect
21 state funds. A decision by the board not to make a grant
22 under this section is not subject to judicial review under
23 the Wyoming Administrative Procedure Act.

24

1 (d) As a condition of receiving a grant under this
2 article, a city, town or county shall attest that the grant
3 proceeds will only be expended to address the identified
4 impact under W.S. 9-17-103.

5
6 (e) The board shall submit an annual report of the
7 grants awarded and the progress of the program created
8 under this article to the joint appropriations interim
9 committee on or before December 1 of each year.

10
11 **9-17-103. Impact assistance.**

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13 (a) A county, city or town which may be impacted by
14 development may individually or jointly with any other
15 county, city or town impacted by the same development,
16 apply to the state loan and investment board for a grant
17 under this article. The application shall be filed with
18 the office of state lands and investments, in a form as
19 prescribed by rules and regulations of the board, and shall
20 contain the following information:

21
22 (i) A description of the nature and location of
23 the development;

1 (ii) Whether the local government has
2 demonstrated that it has pursued alternative methods of
3 funding to address impacts of the development including
4 cost sharing from private sources;

5

6 (iii) That the funds will not supplant existing
7 funding levels from traditional sources;

8

9 (iv) An evaluation of potential impacts from the
10 development together with any plans and proposals for
11 alleviating social and economic impacts upon local
12 governments proposed by the proponents of the proposed
13 development. These potential impacts may include impacts
14 to:

15

16 (A) Scenic resources;

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18 (B) Recreational resources;

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20 (C) Archaeological and historical
21 resources;

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23 (D) Land use patterns;

24

- 1 (E) Economic base;
- 2
- 3 (F) Housing;
- 4
- 5 (G) Transportation;
- 6
- 7 (H) Sewer and water facilities;
- 8
- 9 (J) Solid waste facilities;
- 10
- 11 (K) Police and fire facilities;
- 12
- 13 (M) Educational facilities;
- 14
- 15 (N) Health and hospital facilities;
- 16
- 17 (O) Water supply;
- 18
- 19 (P) Other relevant areas;
- 20
- 21 (Q) Agriculture;
- 22
- 23 (R) Terrestrial and aquatic wildlife;
- 24

1 (S) Threatened, endangered and rare species
2 and other species of concern identified in the state
3 wildlife action plan as prepared by the Wyoming game and
4 fish department.

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6 (v) Estimated time of commencement of
7 construction, construction period and cost for all phases
8 of the development;

9

10 (vi) A listing of government infrastructure
11 improvements convenient or necessary for the development,
12 and estimated costs of the infrastructure improvements;

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14 (vii) Anticipated sales and use tax revenue
15 distributions under W.S. 39-15-111(c) and (p) and
16 39-16-111(d) and (p) and anticipated increases in ad
17 valorem tax distributions to the applicant under W.S.
18 39-13-111 as a result of the development;

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20 (viii) For joint applications, the recommended
21 apportionment of grant proceeds to each applicant;

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23 (ix) Any other information the applicant
24 considers relevant or required by board rule or regulation.

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2 **9-17-104. Action on application; hearing;**
3 **recommendation.**

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5 (a) Not more than forty-five (45) days after
6 receiving a completed application, the board shall
7 determine the applicant's eligibility for a grant under
8 this article. All local governments making application
9 shall be permitted to provide any studies, investigations,
10 reports or other documentary evidence, which the applicant
11 wishes the board to consider. In the discretion of the
12 board, a public hearing may be held to gather information
13 on any application received. The contested case procedures
14 of the Wyoming Administrative Procedure Act do not apply to
15 a hearing under this article. The board shall deny the
16 application, or approve the application if the board
17 determines that the following are met and considering the
18 totality of the circumstances, determines that a grant
19 should be issued:

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21 (i) The development is more likely than not to
22 occur within any county making application or within the
23 boundaries of the county in which any city or town making
24 application is located;

1

2 (ii) The proposed impact mitigation measures
3 contained in the application are convenient or necessary
4 for the anticipated development;

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6 (iii) The development will have an aggregate
7 estimated construction cost of less than the cost necessary
8 for a project to qualify as an industrial facility under
9 W.S. 35-12-102(a)(vii) and rules and regulations of the
10 industrial siting council currently in effect, excluding
11 all local government expenditures.

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13 **9-17-105. Board determination not subject to review.**

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15 No finding by the board under this article is subject to
16 judicial review under the Wyoming Administrative Procedure
17 Act.

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19 **9-17-106. Impact assistance account.**

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21 There is created the impact assistance program account.
22 Funds in the account shall be distributed to impacted local
23 governments in accordance with and to further the purposes
24 of this article. At such time and under such conditions as

1 the legislature may specify, funds in the account may
2 revert to the general fund.

3

4 **Section 2.** There is appropriated fifty million
5 dollars (\$50,000,000.00) from the general fund to the
6 impact assistance program account. Notwithstanding any
7 other provision of law, any unexpended funds appropriated
8 under this section shall not revert until further act of
9 the legislature to revert the funds.

10

11 **Section 3.** This act is effective July 1, 2012.

12

13 (END)