

SENATE FILE NO. SF0138

Small business innovation research-matching funds.

Sponsored by: Senator(s) Rothfuss, Coe, Cooper and Von
Flatern and Representative(s) Byrd and Krone

A BILL

for

1 AN ACT relating to economic development; creating the small
2 business innovation research matching funds program;
3 providing for administration of the program; providing
4 eligibility requirements under the program; providing for
5 repayment of funds awarded under the program as specified;
6 creating the small business innovation research matching
7 funds account; providing rulemaking authority; providing
8 for an appropriation; and providing for an effective date.

9

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

11

12 **Section 1.** W.S. 9-12-1401 and 9-12-1402 are created
13 to read:

14

15

ARTICLE 14

1 SMALL BUSINESS INNOVATION RESEARCH

2

3 **9-12-1401. Small business innovation research**
4 **matching funds program; eligibility; rulemaking authority.**

5

6 (a) There is created the Wyoming small business
7 innovation research matching funds program. The program
8 shall match federal funds approved for Wyoming technology
9 based companies by the University of Wyoming research
10 office as provided herein. The program shall be
11 administered by the Wyoming business council in
12 consultation with the University of Wyoming research
13 office.

14

15 (b) To be eligible to receive funding under the
16 program, an entity shall:

17

18 (i) Be headquartered in Wyoming and organized
19 under the laws of the state of Wyoming;

20

21 (ii) Maintain a meaningful nexus to the state of
22 Wyoming, including after commercialization of a product,

1 concept, design or any other marketable asset developed
2 with the assistance of funds from this program;

3
4 (iii) Have received funding under the federal
5 small business innovation research and small business
6 technology transfer programs through the University of
7 Wyoming research office;

8
9 (iv) Propose a product, concept, design or any
10 other marketable asset which has a probability of providing
11 an economic return to the state of Wyoming through creation
12 of jobs, expanded tax base and diversification of the
13 state's economy;

14
15 (v) Agree to provide a report to the Wyoming
16 business council on or before July 1 of each year in the
17 following manner:

18
19 (A) Prior to commercialization, the entity
20 shall report on the progress of the entity to commercialize
21 a product, concept, design or any other marketable asset
22 developed with the assistance of funds from this program;

23

1 (B) If any entity commercializes a product,
2 concept, design or any other marketable asset, and
3 continues to market the product, concept or design or
4 asset, the entity shall report for up to ten (10) years on:

5
6 (I) The number of jobs the entity has
7 created;

8
9 (II) A salary range per job;

10
11 (III) The taxable assets of the
12 entity; and

13
14 (IV) All revenues from sales of the
15 product, concept, design or any other marketable asset of
16 the entity.

17
18 (vi) Comply with the requirements of rules and
19 regulations developed pursuant to this section.

20
21 (c) Matching funds shall be awarded to recipients as
22 determined by the Wyoming business council in an amount not
23 to exceed:

1

2 (i) For a recipient of a phase I award, a match
3 up to one hundred percent (100%) of the award, not to
4 exceed one hundred thousand dollars (\$100,000.00);

5

6 (ii) For a recipient of a phase II award, a
7 match up to twenty-five percent (25%) of the award, not to
8 exceed two hundred fifty thousand dollars (\$250,000.00).
9 Matching funds under this section shall be awarded to the
10 recipient as soon as practicable after approval of the
11 matching fund application.

12

13 (d) An entity shall repay all matching funds awarded
14 under this section if:

15

16 (i) The entity commercializes a product,
17 concept, design or any other marketable asset developed
18 with the assistance of funds from this program; and

19

20 (ii) The entity fails to maintain a significant
21 nexus with the state of Wyoming within ten (10) years of
22 commercializing a product, concept, design or any other
23 marketable asset developed with the assistance of funds

1 from this program and continues to market the product,
2 concept, design or asset.

3

4 (e) The Wyoming business council in consultation with
5 the University of Wyoming research office shall promulgate
6 rules necessary to carry out the provisions of this section
7 and W.S. 9-12-1402. Rules and regulations under this
8 section shall include but not be limited to:

9

10 (i) Application procedures;

11

12 (ii) The number and amount of matching funds
13 available for award in any fiscal year;

14

15 (iii) Timing of issuance of matching funds
16 awarded;

17

18 (iv) Eligibility requirements under the matching
19 fund program as specified in subsection (b) of this
20 section;

21

1 (v) Provide for repayment of matching funds
2 under this section as provided in subsection (d) of this
3 section;

4

5 (vi) Provide for product, concept, design or
6 asset review and requirements under the program consistent
7 with this section.

8

9 (f) Not later than October 15, 2018 and every October
10 15 thereafter, the Wyoming business council and the
11 University of Wyoming research office shall report to the
12 joint minerals, business and economic development interim
13 committee concerning the program. The report shall
14 include:

15

16 (i) A yearly and total summary of the number and
17 amounts of matching funds awarded under the program;

18

19 (ii) A description of an entity and a product,
20 concept, design or any other marketable asset developed
21 which was commercialized with the assistance of funds from
22 this program within the prior five (5) years;

23

1 (iii) The realized economic impact of the
2 program on the state, including jobs created, salary range
3 per job created and potential impact to the local
4 community.

5
6 (g) As used in this section, "commercialization"
7 means the creation by an entity of commercial processes,
8 products, and services derived in whole or in part from
9 research undertaken with matching funds awarded under this
10 section, which results in realized revenues to the entity
11 of at least three (3) times the matching funds awarded
12 under this section.

13

14 **9-12-1402. Small business innovation research**
15 **matching funds account.**

16

17 There is created the Wyoming small business innovation
18 research matching funds program account. Funds shall be
19 credited to the account as provided by law. Funds in the
20 account are continuously appropriated to the Wyoming
21 business council to be used only for matching fund awards
22 authorized to be made under W.S. 9-12-301.

23

1 **Section 2.** There is appropriated all unexpended,
2 unobligated and unencumbered funds from the Wyoming
3 business council science, technology and education
4 authority account as of the effective date of this act to
5 the Wyoming small business innovation research matching
6 funds program account.

7

8 **Section 3.** This act is effective July 1, 2015.

9

10 (END)