

SENATE FILE NO. SF0132

ENDOW initiative.

Sponsored by: Senator(s) Bebout, Hastert and Von Flatern
and Representative(s) Greear, Harshman and
Miller

A BILL

for

1 AN ACT relating to economic diversification; providing for
2 an economic diversification council to oversee and promote
3 economic diversification activities in the state; providing
4 for the development of a comprehensive economic
5 diversification policy and strategy; providing for business
6 development and innovation zones; specifying duties of the
7 council and executive department in regard to
8 implementation of the policy and strategy; providing for a
9 coordinator of economic diversification; providing
10 legislative findings and specifying intent; creating an
11 account; providing an appropriation; specifying use of
12 funds; and providing for an effective date.

13

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

15

1 **Section 1.**

2

3 (a) The legislature finds that the governor has
4 undertaken an effort to develop a twenty (20) year
5 comprehensive and coordinated economic diversification
6 strategy to encourage the expansion and diversification of
7 Wyoming's existing energy and industrial sectors and to
8 stimulate new and emerging industries to create private
9 sector jobs and encourage business development,
10 entrepreneurship and innovation. The governor and
11 legislature have identified and invested in several
12 projects that have and will result in substantial public
13 benefit and are advancing the interests of Wyoming,
14 including, but not limited to: the Wyoming integrated test
15 center, NRG COSIA Carbon XPRIZE, the value added energy and
16 industrial plan, developing international markets for
17 Wyoming resources, and the outdoor recreation task force.
18 Economic diversification in Wyoming should be fostered
19 through the private sector and private/public partnerships
20 in the creation of business development and innovation
21 zones. Nothing in this act shall be construed to limit or
22 contravene the powers of the governor or legislature to
23 appropriate resources to capitalize on these or other

1 opportunities to diversify Wyoming's economy where they
2 exist.

3

4 (b) The legislature further finds that it is
5 beneficial to have a coordinated approach between the
6 legislative and executive branches of government to
7 determine appropriate policies, processes and procedures to
8 allocate resources to promote diversification of Wyoming's
9 economy. The governor's continued consultation with
10 legislative leadership will allow the executive and
11 legislative departments to continue to formulate and
12 advance economic policy, business development,
13 entrepreneurship and innovation, and take action to further
14 develop and diversify Wyoming's economy.

15

16 (c) This act creates an executive council supported
17 by the governor's office to oversee and promote these
18 efforts and to continually monitor, support and adjust
19 these activities through subsequent legislative and
20 executive department action. The provisions of this act
21 shall be interpreted in accordance with these findings and
22 stated intent.

23

1 **Section 2.** W.S. 9-12-1401 through 9-12-1404 are
2 created to read:

3

4 **9-12-1401. Economically needed diversity options for**
5 **Wyoming executive council; creation; appointment and terms**
6 **of members.**

7

8 (a) There is created the economically needed
9 diversity options for Wyoming (ENDOW) executive council.
10 The members shall represent existing, new and emerging
11 economic sectors or subsectors or have demonstrated
12 executive level experience. The council shall consist of
13 not more than fifteen (15) voting members, appointed by the
14 governor with the advice and consent of the senate. The
15 chairmen of the house and senate minerals, business and
16 economic development committees shall be ex officio,
17 non-voting members. The governor may remove any appointed
18 member as provided in W.S. 9-1-202. If an appointed
19 member's position is vacant the governor shall appoint a
20 new member as provided in W.S. 28-12-101. The governor, or
21 his designee, shall be a member and cochairman of the
22 council, but shall not vote. The council shall elect a

1 cochairman from among the appointed members. One-half plus
2 one (1) of the appointed members shall have initial terms
3 of four (4) years and the remaining members shall have
4 initial terms of two (2) years. Thereafter, appointed
5 members shall serve for terms of four (4) years.

6

7 (b) In appointing members the governor shall, to the
8 extent practicable, provide for diversity of members based
9 upon existing, new and emerging economic sectors and
10 subsectors. No more than two (2) members shall be
11 appointed to serve concurrently from the same economic
12 subsector.

13

14 (c) Members of the council shall not receive
15 compensation for their services, but when engaged in the
16 performance of their duties, they may receive travel
17 expenses, per diem and mileage expenses in the same manner
18 and amount as employees of the state.

19

20 (d) The council shall meet as often as necessary to
21 conduct business. Meetings shall be called by the
22 cochairmen. A majority of the voting members of the

1 council shall constitute a quorum for the transaction of
2 any business or the exercise of any power or function of
3 the council.

4

5 (e) The council shall be administered by the office
6 of the governor and staffed and supported by the Wyoming
7 business council, community college commission, University
8 of Wyoming and department of workforce services. The
9 council shall, where appropriate and authorized by the
10 governor, make use of the services and facilities of other
11 departments, boards, commissions and agencies of the state
12 of Wyoming.

13

14 (f) As used in this article:

15

16 (i) "Business development and innovation zone"
17 means large geographic areas within the state in which
18 state and federal permitting and other regulatory
19 requirements will be met for all or significant segments of
20 industry located in the zone or in which industries would
21 be benefitted substantially as a result of being located in
22 proximity to each other;

23

1 (ii) "Economic sector" and "economic subsector"
2 means a primary business activity identified respectively
3 as a sector or subsector in the most recent edition of the
4 North American Industry Classification System (NAICS)
5 manual.

6

7 **9-12-1402. General powers and duties of the council;
8 economic diversification policy and strategy; authority of
9 governor.**

10

11 (a) The ENDOW executive council shall:

12

13 (i) Receive and evaluate public input, opinions
14 and recommendations regarding the diversification of
15 Wyoming's economy and advise the governor and legislature
16 of any findings or recommendations. The council shall seek
17 the advice of departments, boards, commissions and agencies
18 of the state of Wyoming;

19

20 (ii) By August 30, 2017, prepare and submit to
21 the governor and legislature through the joint minerals,
22 business and economic development interim committee, an

1 exhaustive assessment of socioeconomic data, existing, new
2 and emerging economic sectors and subsectors of the
3 economy, identification of potential business development
4 and innovation zones, an inventory of existing workforce
5 strengths and deficiencies, economic trends and key
6 enablers for economic growth in the state that translate to
7 viable business development;

8

9 (iii) By December 31, 2017, prepare and submit
10 to the governor and legislature a report of its preliminary
11 findings and recommendations in the development of a
12 comprehensive economic diversification strategy. The
13 preliminary report shall evaluate investments necessary to
14 support new and emerging industries, knowledge transfer,
15 infrastructure, cooperation between the public sector and
16 private enterprise, and the relationship between tax burden
17 and economic diversification and make recommendations as
18 appropriate. The report shall identify specific areas
19 which should be designated as business development and
20 innovation zones. In identifying potential zones the
21 report shall review the establishment of zones including,
22 but not limited to, industries involving renewable energy
23 sources, advanced clean coal technologies, nuclear fuel

1 processing and enrichment, hybrid energy sources, enhanced
2 oil recovery, inland distribution ports, food and beverage
3 industry distribution, emerging research and technological
4 development, and value added manufacturing involving
5 Wyoming resources. The potential zones shall be described
6 by location in the state, including recommended boundaries.
7 The report shall also identify existing industries in these
8 areas which could be expanded and used to attract other
9 businesses in the same, related or mutually supporting
10 industries. The report shall identify existing
11 deficiencies and strengths in Wyoming's workforce and
12 workforce training programs;

13

14 (iv) By August 1, 2018, prepare and submit to
15 the governor for his approval a twenty (20) year
16 comprehensive economic diversification strategy. The
17 strategy shall contain explicit economic targets to guide
18 the evolution of Wyoming's economy in order to build a
19 sustainable and diversified, value added economy by 2038.
20 The strategy shall identify agency specific or collective
21 actions that can be implemented immediately without new
22 state appropriations and resources and agency specific and
23 collective actions that will require new state

1 appropriations or reallocation of state resources. The
2 strategy shall address the creation of business development
3 and innovation zones and plans to implement the zones. The
4 council may recommend to the governor modifications to the
5 twenty (20) year plan from time to time as it deems
6 advisable;

7

8 (v) In coordination with departments, boards,
9 commissions and agencies of the state of Wyoming, develop
10 four (4) year action plans with performance benchmarks,
11 including policy recommendations and budget requests. Each
12 plan shall specify a time period for creating business
13 development and innovation zones within the plan's four (4)
14 year period and a time schedule for full implementation of
15 steps necessary to establish each zone. The council shall
16 submit each action plan to the governor for his approval.
17 After approval by the governor, the council shall, in
18 coordination with departments, boards, commissions and
19 agencies of the state, implement the action plan and
20 provide regular progress reports in meeting targets and
21 shall identify adjustments to be made to the governor and
22 legislature;

23

1 (vi) Review with the Wyoming business council,
2 community college commission, University of Wyoming, the
3 department of workforce services, and other state agency
4 directors as determined by the governor and ENDOW executive
5 council to be necessary or desirable, agency enabling
6 legislation, rules and regulations, policies, procedures
7 and other governing mechanisms to determine amendments
8 which would better align agency functions with the economic
9 diversification strategy and to allow for implementation of
10 business development and innovation zones;

11

12 (vii) Engage the private sector in review of
13 state laws, rules and regulations, policies, procedures and
14 other governing mechanisms that inhibit economic
15 diversification efforts, including those which stand as
16 obstacles to the implementation of business development and
17 innovation zones, in order to determine amendments to the
18 same without compromising Wyoming's environmental and
19 workplace standards;

20

21 (viii) Have the authority to contract with
22 consultants through the Wyoming business council for
23 rendering of professional, financial and technical

1 assistance and advice, including for studies and
2 investigation likely to lead to economic diversification;

3

4 (ix) At the request of the governor, review and
5 make recommendations to the governor for approval on
6 projects submitted for grant and other funding
7 opportunities from nonstate sources which support the
8 economic diversification strategy;

9

10 (x) Conduct studies to identify services,
11 facilities and amenities that are attractive to businesses
12 and their employees seeking to relocate but which are
13 substantially lacking or deficient in Wyoming, and identify
14 potential solutions to address those deficiencies to create
15 working and community life climates attractive to a modern
16 day workforce;

17

18 (xi) Develop a performance evaluation system,
19 monitor progress and report to the governor the status of
20 programs and activities outlined as goals, objectives or
21 action items in the state's economic diversification
22 strategy.

1

2 (b) In carrying out his duties under this article the
3 governor, in consultation with the presiding officers of
4 the legislature, may convene advisors to obtain objective
5 advice in the formulation of economic diversification
6 policy, including assessing local, national and global
7 conditions and trends and evaluating the significance of
8 those factors relative to Wyoming.

9

10 **9-12-1403. Coordinator of economic diversification;**
11 **duties.**

12

13 (a) The governor shall designate a coordinator of
14 economic diversification, who shall be a qualified elector
15 of the state and who may be removed by the governor as
16 provided in W.S. 9-1-202. The coordinator shall:

17

18 (i) Provide administrative support for the ENDOW
19 executive council;

20

21 (ii) Direct and oversee the execution of
22 Wyoming's economic diversification strategies and

1 initiatives and the advancement of the interests of Wyoming
2 in policy, program and project development and
3 implementation to support diversification of the economy of
4 Wyoming. Unless law directs a different state entity to
5 undertake those programs and projects the coordinator may
6 initiate or implement those programs and projects;

7

8 (iii) Coordinate activities with the Wyoming
9 business council, community college commission, University
10 of Wyoming, department of workforce services, Wyoming
11 department of transportation, department of environmental
12 quality, office of state lands and investments and other
13 departments, boards, commissions, authorities and agencies
14 of the state of Wyoming to assure efficient use of state
15 resources in execution of Wyoming's economic
16 diversification strategy;

17

18 (iv) Compile detailed information on all
19 programs and projects undertaken for the purpose of
20 measuring trends, development and progress in the
21 diversification of the economy of Wyoming;

22

1 (v) Initiate, implement, sponsor, promote and
2 coordinate policy research, policy development and economic
3 analysis to support diversification of the economy of
4 Wyoming;

5
6 (vi) Where appropriate and authorized by the
7 governor, make use of the services and facilities of other
8 departments, boards, commissions and agencies of the state
9 of Wyoming.

10
11 **9-12-1404. Economic diversification account created;**
12 **authorized expenditures.**

13
14 (a) There is created an economic diversification
15 account. All monies in the account are continuously
16 appropriated to the office of the governor to be used
17 solely for the purposes of this article, including per
18 diem, mileage and other administrative expenses of the
19 ENDOW executive council. Notwithstanding W.S. 9-2-1008 and
20 9-4-207, funds in the account shall not lapse at the end of
21 the fiscal period. Interest earned on funds in the account
22 shall be deposited to the account.

23

1 (b) The governor may accept, and shall deposit to the
2 account, any gifts, contributions, donations, grants or
3 federal funds specifically designated for purposes of this
4 article.

5

6 **Section 3.** Notwithstanding W.S. 9-12-1401(a) and
7 28-12-101, senate confirmation of the appointed members of
8 the economically needed diversity options for Wyoming
9 executive council shall not be required until the 2019
10 legislative session.

11

12 **Section 4.** There is appropriated two million five
13 hundred thousand dollars (\$2,500,000.00) from the
14 legislative stabilization reserve account to the economic
15 diversification account created by this act. Of this
16 appropriation, not less than one million five hundred
17 thousand dollars (\$1,500,000.00) shall be earmarked for
18 expenditure under this act for workforce development
19 recommended by the ENDOW executive council to carry into
20 effect the state's economic diversification strategy.
21 These earmarked funds may be expended by the governor for
22 other purposes consistent with the provisions of this act
23 should the governor determine an immediate economic

1 diversification opportunity exists and the earmarked funds
2 are necessary to realize that opportunity.

3

4 **Section 5.** This act is effective immediately upon
5 completion of all acts necessary for a bill to become law
6 as provided by Article 4, Section 8 of the Wyoming
7 Constitution.

8

9

(END)