

## 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; and providing for an  
12 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 XPRIIZE, 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;

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 ENDOW executive council to  
5 be necessary or desirable, agency enabling legislation,  
6 rules and regulations, policies, procedures and other  
7 governing mechanisms to determine amendments which would  
8 better align agency functions with the economic  
9 diversification strategy and to allow for implementation of  
10 business development and innovation zones. The ENDOW  
11 executive council shall, where appropriate and authorized  
12 by the governor, review with other state agency directors  
13 agency enabling legislation, rules and regulations,  
14 policies, procedures and other governing mechanisms to  
15 determine amendments which would better align agency  
16 functions with the economic diversification strategy;

17

18           (vii) Engage the private sector in review of  
19 state laws, rules and regulations, policies, procedures and  
20 other governing mechanisms that inhibit economic  
21 diversification efforts, including those which stand as  
22 obstacles to the implementation of business development and  
23 innovation zones, in order to determine amendments to the

1 same without compromising Wyoming's environmental and  
2 workplace standards;

3

4 (viii) Have the authority to contract with  
5 consultants through the Wyoming business council for  
6 rendering of professional, financial and technical  
7 assistance and advice, including for studies and  
8 investigation likely to lead to economic diversification;

9

10 (ix) At the request of the governor, review and  
11 make recommendations to the governor for approval on  
12 projects submitted for grant and other funding  
13 opportunities from nonstate sources which support the  
14 economic diversification strategy;

15

16 (x) Conduct studies to identify services,  
17 facilities and amenities that are attractive to businesses  
18 and their employees seeking to relocate but which are  
19 substantially lacking or deficient in Wyoming, and identify  
20 potential solutions to address those deficiencies to create  
21 working and community life climates attractive to a modern  
22 day workforce;

1

2           (xi) Develop a performance evaluation system,  
3 monitor progress and report to the governor the status of  
4 programs and activities outlined as goals, objectives or  
5 action items in the state's economic diversification  
6 strategy.

7

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

15

16           **9-12-1403. Coordinator of economic diversification;**  
17 **duties.**

18

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

1

2           (i) Provide administrative support for the ENDOW  
3 executive council;

4

5           (ii) Direct and oversee the execution of  
6 Wyoming's economic diversification strategies and  
7 initiatives and the advancement of the interests of Wyoming  
8 in policy, program and project development and  
9 implementation to support diversification of the economy of  
10 Wyoming. Unless law directs a different state entity to  
11 undertake those programs and projects the coordinator may  
12 initiate or implement those programs and projects;

13

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

1

2 (iv) Compile detailed information on all  
3 programs and projects undertaken for the purpose of  
4 measuring trends, development and progress in the  
5 diversification of the economy of Wyoming;

6

7 (v) Initiate, implement, sponsor, promote and  
8 coordinate policy research, policy development and economic  
9 analysis to support diversification of the economy of  
10 Wyoming;

11

12 (vi) Where appropriate and authorized by the  
13 governor, make use of the services and facilities of other  
14 departments, boards, commissions and agencies of the state  
15 of Wyoming.

16

17 **9-12-1404. Economic diversification account created;**  
18 **authorized expenditures.**

19

20 (a) There is created an economic diversification  
21 account. All monies in the account are continuously  
22 appropriated to the office of the governor to be used  
23 solely for the purposes of this article, including per

1 diem, mileage and other administrative expenses of the  
2 ENDOW executive council. Notwithstanding W.S. 9-2-1008 and  
3 9-4-207, funds in the account shall not lapse at the end of  
4 the fiscal period. Interest earned on funds in the account  
5 shall be deposited to the account.

6  
7 (b) The governor may accept, and shall deposit to the  
8 account, any gifts, contributions, donations, grants or  
9 federal funds specifically designated for purposes of this  
10 article.

11  
12 **Section 3.** Notwithstanding W.S. 9-12-1401(a) and  
13 28-12-101, senate confirmation of the appointed members of  
14 the economically needed diversity options for Wyoming  
15 executive council shall not be required until the 2019  
16 legislative session.

17  
18 **Section 4.** There is appropriated two million five  
19 hundred thousand dollars (\$2,500,000.00) from the  
20 legislative stabilization reserve account to the economic  
21 diversification account created by this act.

22

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

5

6

(END)