

SENATE FILE NO SF0035

Economic development-restructuring.

Sponsored by: Joint Minerals, Business and Economic  
Development Committee

A BILL

for

1 AN ACT relating to administration of government; creating  
2 the Wyoming business council; transferring economic  
3 development functions from existing entities to the council  
4 as specified; transferring agriculture marketing to the  
5 business council as specified; terminating specified  
6 agencies, commissions and other economic development  
7 entities; specifying nature, composition, powers and duties  
8 of council; providing for monitoring and reporting of  
9 economic development activities; transferring specified  
10 water development activities; transferring other state  
11 agency duties as specified; providing for termination of the  
12 council; and providing for effective dates.

13

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

15

16 **Section 1.**

17

1 (a) 1997 Wyoming Session Laws, Chapter 2, section 342,  
2 created the steering committee for business development to  
3 assess Wyoming's economic development program and to  
4 recommend a business plan for long term, sustainable  
5 economic growth. The committee discharged its statutory  
6 duty by submitting a business development plan for Wyoming,  
7 dated November, 1997. This act is intended to implement  
8 that business development plan, as modified by this act.

9  
10 (b) Except as otherwise provided in this act and to  
11 the extent not prohibited by law, the legislature hereby  
12 transfers all functions, programs and authority of the  
13 economic development and stabilization board, science,  
14 technology and energy authority, Wyoming travel commission,  
15 state telecommunications council, investment fund committee,  
16 small business development center advisory board, mid-  
17 American manufacturing technology center's industrial  
18 advisory board and partner steering committee, the  
19 department of agriculture promotion and marketing division,  
20 and the department of commerce division of economic and  
21 community development and division of tourism and state  
22 marketing to the Wyoming business council created under this  
23 act. All authority in agencies, authorities or programs  
24 transferred to the Wyoming business council under this act  
25 are under the control and are the responsibility of the

1 Wyoming business council as specified by law. The terms of  
2 all persons previously appointed to a board, commission or  
3 council within an agency, authority or program which is  
4 transferred to the Wyoming business council are terminated  
5 as of July 1, 1998. The validity of rules, regulations,  
6 contracts, agreements or other obligations of agencies,  
7 authorities or programs transferred to the Wyoming business  
8 council under this act is not affected by this act. No  
9 personnel of agencies, authorities or programs affected by  
10 this act are transferred to the Wyoming business council.

11

12 (c) The Wyoming business council shall review all  
13 programs, functions and duties assigned to it under this  
14 act, and other existing programs in state government related  
15 to economic development activities, and recommend  
16 legislative changes transferring, eliminating or modifying  
17 those programs, functions and duties. The recommendations  
18 shall be submitted to the joint minerals, business and  
19 economic development interim committee no later than October  
20 31, 1998.

21

22 (d) The Wyoming business council shall measure the  
23 effectiveness of this act in submitting its annual report  
24 pursuant to W.S. 9-12-113 using benchmarks which include:

25

1 (i) Operational benchmarks:

2

3 (A) Existing business and recruitment:

4

5 (I) The number of companies in  
6 identified retention programs;

7

8 (II) The number of jobs created, lost  
9 or retained and capital investment from recruited or  
10 retained companies;

11

12 (III) The percentage of new or lost  
13 employment in the ten (10) economic sectors of:

14

15 (1) Agriculture;

16

17 (2) Mining;

18

19 (3) Construction;

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21 (4) Manufacturing;

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23 (5) Transportation and utility;

24

25 (6) Wholesale;

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(7) Retail;

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(8) Finance, real estate and

5 insurance;

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(9) Services;

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(10) Government.

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(IV) The total spending in tourism, and

12 other measurements including average length-of-stay.

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14

(B) Entrepreneurship/enterprise development:

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16

(I) The number of new business starts

17 and failures;

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19

(II) The number of existing firms being

20 assisted/enrolled in development programs.

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(C) Community enhancement:

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24

(I) Communities/regions with current

25 comprehensive business development plans in place;

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(II) The amount in dollars of grant assistance procured.

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(ii) Economic performance benchmarks:

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(A) Per capita personal income levels;

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(B) Number of primary jobs created and lost;

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(C) Sector growth or decline in primary industries;

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(D) Exports and imports per capita;

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(E) Average earnings per job and average weekly wages per sector;

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(F) Fiscal stability and balanced revenue;

20

21

(G) Male/female wage rate disparity.

22

23

(iii) Quality of life benchmarks:

24

1 (A) Workforce skills and education:

2

3 (I) Average proficiency scores in  
4 mathematics and reading;

5

6 (II) High school completion rate.

7

8 (B) Community health and safety:

9

10 (I) Percent of population below  
11 poverty;

12

13 (II) Primary school enrollment rates;

14

15 (III) Infant mortality rate;

16

17 (IV) Crime rate;

18

19 (V) Air quality.

20

21 (C) Land use:

22

23 (I) Number of counties with current  
24 comprehensive land use plans.

1

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(iv) Other measures or adjustments the council  
deems appropriate.

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**Section 2.** W.S. 9-12-101 through 9-12-114 and 9-12-201  
and 9-12-202 are created to read:

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8

**9-12-101. Short title.**

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10 This chapter shall be known and may be cited as the "Wyoming  
11 Economic Development Act."

12

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

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(a) As used in this act, the following terms have the  
following meanings, except where the context clearly  
indicates otherwise:

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(i) "Board" means the board of directors of the  
council;

22

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(ii) "Council" means the Wyoming business  
council, the body corporate created by this article;



1           (iii) "Federal agency" means the United States,  
2 the President of the United States, and any department,  
3 corporation, agency, or instrumentality heretofore or  
4 hereafter created, designated, or established by the United  
5 States;

6

7           (iv) "Financial aid" means:

8

9           (A) The infusion of risk capital to persons  
10 by making investments for use in the development and  
11 exploitation of specific products;

12

13           (B) The purchase of securities;

14

15           (C) Royalty agreements;

16

17           (D) Loans and loan guarantees;

18

19           (E) Any contractual arrangement in which the  
20 council provides technological services to any person  
21 involving the development and exploitation of a specific  
22 product.

23

24           (v) "Person" means natural persons, firms,  
25 foundations, associations, corporations, business trusts,

1 partnerships, joint ventures, and public bodies, including  
2 but not limited to the state of Wyoming, any state, and any  
3 agency, department, institution, political subdivision or  
4 instrumentality of Wyoming or any state;

5

6 (vi) "Product" means any product, device,  
7 technique or process, which is or may be exploitable  
8 commercially and includes products, devices, techniques or  
9 processes which have advanced beyond the theoretic stage and  
10 are readily capable of being, or have been, reduced to  
11 practice but excludes pure research;

12

13 (vii) "Venture" means any contractual arrangement  
14 with any person whereby the council obtains rights from or  
15 in a product or proceeds therefrom in exchange for the  
16 granting of financial aid to the person;

17

18 (viii) "This act" means W.S. 9-12-101 through  
19 9-12-401.

20

21 9-12-103. Wyoming business council; creation;  
22 composition; compensation; termination; meetings; surety  
23 bonds; fiscal control.

24

1           (a) There is created the Wyoming business  
2 council. The council is a body corporate operating as a  
3 state instrumentality operated solely for the public  
4 benefit. As such it shall have, and is hereby vested with,  
5 the powers and duties conferred in this chapter. It shall  
6 be governed by a board of directors consisting of fifteen  
7 (15) voting directors, appointed by the governor with the  
8 advice and consent of the senate. The governor shall be a  
9 member and cochairman of the board, but shall not vote. The  
10 appointed directors shall have demonstrated leadership and  
11 business expertise. An equal number of directors shall be  
12 appointed to initial terms of one (1), two (2) and three (3)  
13 years. Thereafter, directors shall serve for terms of three  
14 (3) years. No appointed director shall serve more than two  
15 (2) successive three (3) year terms. If a vacancy occurs,  
16 the governor shall appoint a successor in accordance with  
17 W.S. 28-12-101. The governor may remove any board member he  
18 appoints for cause and shall remove any director who fails  
19 to attend three (3) consecutive regular meetings of the  
20 council. No appointed council member shall send a designee  
21 to attend a council meeting nor vote by proxy. The board  
22 shall select one (1) of its members to act as cochairman of  
23 the board. The board shall retain a chief executive  
24 officer. The chief executive officer serves at the pleasure

1 of the board. Fifteen (15) of the appointed directors shall  
2 be appointed at large.

3

4 (b) The appointed directors shall receive per diem for  
5 attending board meetings in the same amount as state  
6 legislators and shall receive no other compensation for  
7 serving on the board. The board shall fix the salary of the  
8 chief executive officer. Subject to the approval of the  
9 directors, the chief executive officer shall determine the  
10 terms of employment, tenure, duties, working conditions,  
11 promotion and termination of all other employees which the  
12 chief executive officer determines are necessary to carry  
13 out the purposes and functions of the council. Employees of  
14 the council shall be covered by the Wyoming Retirement Act,  
15 the State Employees and Officials Group Insurance Act and  
16 the Wyoming Deferred Compensation Act.

17

18 (c) The council shall exist until July 1, 2003. Upon  
19 termination of the council, all its rights and properties  
20 shall pass to and be vested in the state.

21

22 (d) The board shall determine the date, time, place  
23 and method of notice for all regular meetings of the board.  
24 A majority of the voting directors of the council  
25 constitutes a quorum for the transaction of any business or

1 the exercise of any power or function of the council.  
 2 Matters shall be decided by a majority vote of the voting  
 3 members of the board. In emergency circumstances, as  
 4 unanimously determined by the board members, the board may  
 5 take action by conference telephone or similar  
 6 communications equipment whereby all persons participating  
 7 in the meeting can hear each other at the same time. The  
 8 finding by the board that an emergency exists shall be  
 9 binding and conclusive unless clearly erroneous.

Blanket Bond: A bond or insurance policy covering a company in the event it loses money as the result of employee theft or fraud. It is important to note that blanket bonds generally only cover situations in which an employee commits fraud for personal gain...

(e) The council may execute and maintain at its expense a blanket surety bond covering each director, the chief executive officer and the employees or other officers of the council in the penal sum of two hundred fifty thousand dollars (\$250,000.00).

(f) The council may also form committees and advisory councils, which may include representatives who are not members of the board, to undertake more extensive study and discussion of the issues before the board.

(g) Except as specifically provided in this act, the following provisions do not apply to the council:

(i) W.S. 9-2-1001 through 9-2-1026.1;

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(ii) W.S. 9-3-101 through 9-3-105;

3

4

(iii) The Wyoming Administrative Procedure Act;

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(h) Except as specifically provided in this act, the provisions of W.S. 16-4-201 through 16-4-205 and 16-4-401 through 16-4-407 shall apply to the council.

9

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**9-12-104. General powers and duties of the council.**

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(a) Except as otherwise limited by this act, the council may:

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(i) Sue and be sued and procure necessary liability insurance;

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(ii) Have a seal;

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(iii) Make and execute contracts and other instruments;

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24

(iv) Adopt rules and regulations to implement the programs and functions assigned to the council by this act.

1 Any rule adopted by the council shall be submitted to the  
2 management council of the legislature in accordance with  
3 W.S. 28-9-101 through 28-9-108, approved by the governor as  
4 provided in W.S. 16-3-103(d) and filed with the secretary of  
5 state;

6  
7 (v) Acquire or contract to acquire by grant,  
8 purchase, option or otherwise, real, personal or mixed  
9 property or any interest in property, including patents,  
10 copyrights, trademarks or any other evidence of protection  
11 or exclusivity as to products;

12  
13 (vi) Own, hold, clear, improve and rehabilitate,  
14 and sell, assign, exchange, transfer, convey, lease and  
15 mortgage real, personal or mixed property or otherwise  
16 dispose of, or encumber the same;

17  
18 (vii) Grant options to purchase any interest in  
19 or asset arising out of an agreement;

20  
21 (viii) Provide advisory, consultative or  
22 educational services, technical assistance and advice to any  
23 person in order to carry out the purposes of the council;

24

1           (ix) Mortgage or pledge any or all of its  
2 revenue, income, or interest in or asset arising out of a  
3 venture agreement;

4

5           (x) Except as otherwise provided in this act,  
6 deposit any funds of the council in any financial  
7 institutions located within the state;

8

9           (xi) Procure insurance against any loss in  
10 connection with its property and other assets and operations  
11 in amounts and from insurers it deems desirable;

12

13           (xii) Engage the services of consultants on a  
14 contract basis for rendering professional, financial and  
15 technical assistance and advice, including for studies and  
16 investigation likely to lead to business development;

17

18           (xiii) Contract for and accept any gifts or  
19 grants or loans of funds or property or financial or other  
20 aid in any form from the federal government or any agency or  
21 instrumentality thereof, or from any other source and pass  
22 through or otherwise comply, subject to the provisions of  
23 this chapter, with the terms and conditions thereof;

24



1           (xiv) Enter into agreements with persons doing  
2 business or who will do business in this state for the  
3 advancement of financial assistance to those persons for  
4 research and the development of specific products,  
5 procedures and techniques to be developed and produced in  
6 this state conditioned upon contractual assurances that the  
7 benefits of increasing or maintaining employment and tax  
8 revenues shall remain in and accrue to this state;

9  
10           (xv) Consent to the modification of the terms of  
11 any mortgage, loan or contract to which the council is a  
12 party;

13  
14           (xvi) Organize, conduct, sponsor or cooperate in  
15 and assist the conduct of special institutes, conferences  
16 and demonstrations relating to the stimulation and  
17 formulation of business development;

18  
19           (xvii) Make investments in projects that have  
20 potential to stimulate economic development in the state;

21  
22           (xviii) Render advice and assistance and to  
23 provide services to state agencies, local and regional  
24 economic development entities, private firms and other

1 persons providing services or facilities for economic  
2 development in Wyoming;

3

4 (xix) Do all acts and things necessary or  
5 convenient to carry out the powers granted to it by this act  
6 or any other act.

7

8 (b) The board, consistent with this act, shall develop  
9 guidelines for each of the areas specified in subsection (a)  
10 of this section relative to definitions, types of grants or  
11 loans, level of funding and repayment requirements.

12

13 **9-12-105. Economic development services.**

14

15 (a) It shall be the duty of the council to encourage,  
16 stimulate and support the development and expansion of the  
17 economy of the state. The council is charged with the  
18 following duties and responsibilities:

19

20 (i) To see that there are prepared and carried  
21 out effective economic development marketing and promotional  
22 programs;

23

24 (ii) To make available, in conjunction and  
25 cooperation with localities, chambers of commerce,

1 industrial authorities and other public and private groups,  
2 to prospective new businesses basic information and  
3 pertinent factors of interest and concern to such  
4 businesses;

5

6 (iii) To formulate, promulgate and advance  
7 programs throughout the state for encouraging the location  
8 of new businesses in the state and the retention and growth  
9 of existing businesses;

10

11 (iv) To encourage and solicit private sector  
12 involvement, support and funding for economic development in  
13 the state;

14

15 (v) To encourage the coordination of the economic  
16 development efforts of public institutions, regions,  
17 communities and private industry and collect and maintain  
18 data on the development and utilization of economic  
19 development capabilities;

20

21 (vi) To establish such offices within and without  
22 the state that are necessary to the expansion and  
23 development of industries and trade;

24

Creating  
public-private  
partnerships.

1           (vii) To encourage the export of products and  
2 services from the state to national and international  
3 markets; and

4  
5           (viii) To advise the University of Wyoming and  
6 the Wyoming community college commission in designating  
7 technical training and other educational programs in  
8 Wyoming's community colleges and the University of Wyoming  
9 beneficial to economic development activities in this state.

10  
11           **9-12-106. Planning and research.**

12  
13           (a) It shall also be the duty of the council to:

14  
15           (i) Develop a comprehensive economic development  
16 strategy for the state, starting the first year of each new  
17 gubernatorial administration, consistent with the provisions  
18 of this act; and

19  
20           (ii) Conduct such studies and research, in  
21 collaboration with state agencies, university and community  
22 colleges, local and regional industrial authorities and  
23 organizations, and other persons within and without the  
24 state, as the council may deem necessary, to assist in the  
25 development of the comprehensive economic strategy and the

1 development of recommendations and advice on the improvement  
2 of economic development and related programs and strategies  
3 across the state.

4

5 (b) The council may establish a Wyoming market  
6 research center to conduct regional, national and  
7 international market research for Wyoming manufacturers and  
8 to conduct market feasibility studies for value added  
9 projects across all economic sectors, including agriculture.  
10 If a center is formed:

11

12 (i) The council and center shall develop a plan  
13 to phase-in fees for services and a formula for commissions  
14 payable by manufacturers for sales which are directly  
15 attributable to the center's research. The plan shall be  
16 directed to make the center self-sufficient by July 1, 2003;

17

18 (ii) The center may utilize the services of  
19 student interns from the University of Wyoming and community  
20 colleges to provide those students with practical marketing  
21 experience.

22

23 **9-12-107. Tourism promotion and development.**

24

25 (a) It shall also be the duty of the council to:

1

2 (i) Assemble and distribute information  
3 concerning the scenic and recreational opportunities and  
4 resources of Wyoming;

5

6 (ii) Encourage close cooperation between public  
7 and private agencies engaged in stimulating recognition of  
8 Wyoming recreational resources;

9

10 (iii) Implement programs to promote tourism in  
11 Wyoming.

12

13 (b) The council shall review and approve rebates and  
14 distribute those rebates from the Wyoming film and video  
15 reward account pursuant to W.S. 9-12-401.

16

17 **9-12-108. Coordination of business permits.**

18

19 (a) The council shall:

20

21 (i) Compile information on the federal, state and  
22 local requirements necessary to begin and operate a business  
23 in Wyoming and make this information available to the public  
24 on request;

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(ii) Develop application procedures to expedite the state licensing and permitting process;

(iii) Assist prospective businesses in obtaining the necessary federal, state and local permits and licenses;

(iv) Encourage and facilitate the participation of federal, state and local government agencies in permit and license coordination;

(v) Review permit requirements and the value to the state of these permits and prepare recommendations for changes for submission to the appropriate agency, the governor and the legislature.

(b) The council may request assistance from any state agency to carry out its duties under this section. State agencies shall cooperate with the request for assistance.

**9-12-109. Telecommunications development duties.**

1 (a) The council shall develop goals and plans, both  
2 long range and short range, to meet the telecommunication  
3 needs of the state and its citizens, in consultation with:

4  
5 (i) The affected public; and

6  
7 (ii) Appropriate state agencies, educational  
8 entities, private industry and other entities.

9  
10 (b) The council shall inventory current  
11 telecommunications infrastructure, solicit comments and  
12 recommendations on needs, practices and technologies for  
13 providing telecommunications services in the most efficient  
14 manner possible, accommodate economic growth and development  
15 in the state and enhance educational opportunities at all  
16 levels of instruction.

17  
18 **9-12-110. Promotion of agriculture.**

19  
20 The council shall encourage and promote the proper  
21 development of agriculture in the state including  
22 horticulture, apiculture, livestock, poultry, dairying and  
23 the kindred industries and including the development of new  
24 value-added agribusiness and product uses and markets for  
25 Wyoming agricultural products.



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**9-12-111. Exemptions from taxation; exceptions.**

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5 The exercise of the powers granted by this act constitutes  
6 the performance of an essential governmental function. The  
7 council shall not be required to pay any taxes levied by any  
8 municipality or political subdivision of the state, other  
9 than assessments for local improvements, upon its property  
10 or monies. The council's monies and the income therefrom,  
11 shall be free from taxation of every kind by the state,  
12 municipalities and political subdivisions of the state.

13

14

**9-12-112. Investment and management of funds; audit.**

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(a) Except as otherwise provided in this act, the  
council may invest funds not required for immediate  
disbursement in securities in which state funds may be  
invested as provided by law, sell securities it has  
purchased and deposit securities in any financial  
institution. Funds deposited in financial institutions shall  
be secured by obligations authorized as permissible security  
for state investments. In investing and managing its funds,  
the council shall exercise the judgment and care which  
persons of prudence, discretion and intelligence would

1 exercise under similar circumstances in managing the  
2 permanent disposition of their funds, considering the  
3 probable income and the probable safety of their capital.

4

5 (b) The council shall employ an independent certified  
6 public accountant to conduct an audit of the books and  
7 accounts of the council. The audit shall be conducted at  
8 least once in each year and copies of the audit report shall  
9 be filed with the secretary of state, the joint minerals,  
10 business and economic development committee and the  
11 legislative service office.

12

13 **9-12-113. Annual report and budget.**

14

15 (a) The council shall submit an annual report in the  
16 manner provided by W.S. 9-2-1014 and using the benchmarks  
17 prescribed in this act. In addition to the requirements of  
18 W.S. 9-2-1014, included within the annual report shall be:

19

20 (i) The status of the implementation of the  
21 comprehensive economic development strategy and recommended  
22 legislative and executive actions related to the  
23 implementation of the comprehensive economic development  
24 strategy;

25

1           (ii) The plans and recommendations developed for  
2 telecommunications under W.S. 9-12-109;

3

4           (iii) A summary of the total investments made by  
5 the council under the Wyoming partnership challenge loan  
6 program, article 3 of this chapter, including:

7

8           (A) The name of each borrower and the amount  
9 of each loan;

10

11           (B) An evaluation of the loan success in  
12 economic development using appropriate performance  
13 indicators as identified by the council;

14

15           (C) The cost of the loan program to the  
16 people of Wyoming in terms of:

17

18           (I) Forgone interest that could have  
19 been obtained if the funds had been invested by the state  
20 treasurer with the permanent funds of the state;

21

22           (II) Administrative and other costs  
23 associated with the program.

24

1 (D) Revenues and any other benefits obtained  
2 from the program.

3

4 (iv) The number and amount of rebates under W.S.  
5 9-12-401;

6

7 (v) Progress concerning the development of the  
8 research marketing center and its self-sufficiency under  
9 W.S. 9-12-106(b).

10

11 (b) The council shall submit its budget for review as  
12 provided by W.S. 9-2-1010 through 9-2-1014.

13

14 9-12-114. **Conflicts of interest.**

15

16 Council members shall be subject to the provisions of W.S.  
17 16-6-118 and shall abstain from voting in accordance with  
18 that section.

19

20

## ARTICLE 2

21

### SCIENCE, TECHNOLOGY AND ENERGY FINANCIAL AID

22

23 9-12-201. Assumption of science technology and energy  
24 authority functions.

1

2 In assuming the functions of the science energy and  
3 technology authority the council shall administer the  
4 program in accordance with the provisions of this act  
5 generally and the specific provisions of this article.

6

7 **9-12-202. Applications for financial aid from the**  
8 **council.**

9

10 (a) All applications for financial aid shall be  
11 submitted to the council who shall investigate and prepare a  
12 report concerning the advisability of approving the proposed  
13 financial aid for the applicant and concerning any other  
14 factors deemed relevant by the council.

15

16 (b) The investigation and report shall include such  
17 facts about the applicant under consideration as its  
18 history, wage standards, job opportunities, stability of  
19 employment, past and present financial condition and  
20 structure, pro-forma income statements, present and future  
21 markets and prospects, integrity of management as well as  
22 the feasibility of the proposed product to be granted  
23 financial aid, including the state of development of the  
24 product as well as the likelihood of its commercial  
25 feasibility.

1

2 (c) After consideration of the report, the council  
3 shall approve or deny the application. The applicant shall  
4 be promptly notified of the decision. In making the decision  
5 as to approval or denial of an application, the council  
6 shall give priority to those applicants whereby:

7

8 (i) The proceeds of the seed capital aid will  
9 only be used to cover the initial capitalization needs of  
10 the enterprise within Wyoming except as otherwise authorized  
11 in this article;

12

13 (ii) The enterprise has a reasonable chance of  
14 success;

15

16 (iii) Participation by the council is necessary  
17 to the success of the enterprise because funding for the  
18 enterprise is unavailable in the traditional capital  
19 markets, or because funding has been offered on terms that  
20 would substantially hinder the success of the enterprise;

21

22 (iv) The enterprise seed capital has the  
23 reasonable potential to create a substantial amount of  
24 primary employment within the state;

25

1           (v) The entrepreneur and other founders of the  
2 enterprise have already made or are contractually committed  
3 to make a substantial financial and time commitment to the  
4 enterprise;

5

6           (vi) There is a reasonable possibility that the  
7 council will recoup at least its initial investment from  
8 seed capital contracts; and

9

10           (vii) Binding commitments have been made to the  
11 council by the applicant for adequate reporting of financial  
12 data to the council including a requirement for an annual or  
13 other periodic audit of the books of the enterprise, and for  
14 control by the council over the management of the  
15 enterprise, so as to protect the investment including the  
16 right of access to financial and other records of the  
17 enterprise.

18

19           (d) In determining the level of financial support to  
20 be advanced, the council shall limit its proportion of  
21 financial aid consistent with the existence of a market  
22 failure in product development financing but shall not  
23 provide more than twenty percent (20%) of the funds of the  
24 council for any one (1) project. Any financial aid toward  
25 product development financing granted pursuant to this

1 section shall be equally matched or exceeded by the  
2 applicant.

3  
4 (e) Before granting any seed capital financial aid,  
5 the council shall enter into an agreement with the applicant  
6 providing for a return to the council which is commensurate  
7 with the level of risk and amount of the financial aid.

8  
9 **Section 3.** W.S. 9-1-202(a), 9-2-117(a)(vi),  
10 9-2-1026.1(a)(ii) and (iv), 9-2-1028(a)(i),  
11 9-4-701(a)(iv)(C)(I), (VIII), (h)(i) and (iii)(E),  
12 11-34-303(a) and (b), 17-11-104(a)(iv), 17-11-110(a),  
13 21-2-202(a)(xx), 21-18-104, 27-3-210(c), 27-3-607(c)(vii),  
14 35-12-110(b) by creating a new paragraph (xvi),  
15 37-15-407(b), 39-6-310(a)(iii), 39-6-412(j)(ii)(B)(I),  
16 40-11-102(b) and (c), 41-2-114(a)(iv)(E) and (F),  
17 41-2-117(a)(i)(J)(II), 41-2-118(a) by creating a new  
18 paragraph (xiii) and 41-2-210(e) and (g) are amended to  
19 read:

20  
21 **9-1-202. Removal of appointive officers and**  
22 **commissioners; reason for removal to be filed.**

23  
24 (a) Notwithstanding any other provision of law and  
25 except as otherwise provided in this section, any person may



1 be removed by the governor, at the governor's pleasure, if  
2 appointed by the governor to serve as head of a state  
3 agency, department or division, or as a member of a state  
4 board or commission. The governor may only remove a member  
5 of the Wyoming business council as provided in W.S.  
6 9-12-103.

7

8 **9-2-117. Office of rural health created; duties.**

9

10 (a) The office of rural health care is created within  
11 the department of health. The office shall:

12

13 (vi) In cooperation with the ~~state~~  
14 ~~telecommunications~~ Wyoming business council established  
15 under W.S. ~~9-2-1026.2~~ 9-12-103, coordinate and plan the  
16 development of a statewide telemedicine capability using  
17 existing telecommunications infrastructure and services to  
18 the extent possible. In accordance with W.S. ~~9-2-1026.2~~  
19 9-12-113, the office and the council shall report plans and  
20 recommendations to the governor and the legislature.

21

22 **9-2-1026.1. Duties performed through information**  
23 **technology division.**

24

1           (a) In addition to other duties prescribed by law, the  
2 department through the information technology division  
3 shall:

4  
5           (ii) In consultation with state agencies  
6 including state and educational institutions and the ~~state~~  
7 ~~telecommunications~~ Wyoming business council, develop  
8 recommendations for a current and long-range  
9 telecommunications transport service plan for state  
10 government and higher education involving telephone, radio,  
11 microwave, facsimile, closed circuit television,  
12 teleconferencing, interactive educational training, public  
13 radio, public television, data communications, transmission  
14 circuits, fiberoptics, satellites and cellular radio and the  
15 integration of these mediums into applicable  
16 telecommunications networks. The plan shall be submitted to  
17 the governor and director of the department for approval;

18  
19           (iv) Review all existing and future  
20 telecommunications planning, networks, systems and programs  
21 and recommend priorities therefor in accordance with the  
22 purposes of this section and W.S. ~~9-2-1026.2~~ 9-12-109;

23

24           **9-2-1028. Definitions.**

25

1 (a) As used in this act:

2

3 (i) "Agency" means any state office, department,  
4 board, commission, institution or other operating entity of  
5 the state excluding the University of Wyoming, community  
6 college districts, school districts, the ~~economic~~  
7 ~~development and stabilization board~~ Wyoming business council  
8 and the Wyoming department of transportation;

9

10 **9-4-701. Permissible investments; treasurer's rules**  
11 **and regulations.**

12

13 (a) With the approval of the farm loan board:

14

15 (iv) And:

16

17 (C) Notwithstanding any of the provisions of  
18 W.S. 9-4-701, 9-4-705 and 9-4-831 or any other statute  
19 pertaining to state treasurer investments, the state  
20 treasurer may invest and keep invested not more than three  
21 percent (3%) and in no event more than thirty million  
22 dollars (\$30,000,000.00) of the permanent mineral trust fund  
23 in the bonds or debentures of any proposed or existing  
24 Wyoming business engaged in a clean coal or coal enhancement  
25 process project, all subject to the following:

1

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25

(I) The project or enterprise shall have been favorably evaluated by the ~~investment fund committee created by W.S. 9-9-104 and favorably recommended in writing to the state treasurer by at least five (5) members of that committee~~ Wyoming business council created by W.S. 9-12-103;

(VIII) As a term and condition of the investment, the Wyoming business may be required to agree by assignment, contract or other written instrument approved by the attorney general, to pay to the state a royalty for each unit of clean coal or coal enhancement product that is produced outside the state by any process developed or enhanced by the business as a result of the investment. The amount of the royalty shall be negotiated by the ~~investment fund committee created by W.S. 9-9-104~~ Wyoming business council. The royalty shall apply only until the principal and interest due under the investment is repaid.

(h) To promote economic development and in addition to the authority under paragraph (a) (iii) of this section, the state treasurer is authorized to invest not to exceed twenty-five million dollars (\$25,000,000.00) of any state permanent funds available for investment through the

1 purchase of industrial development bonds issued by  
2 municipalities or counties under W.S. 15-1-701 through  
3 15-1-710 subject to the following terms and conditions:

4

5 (i) No investment shall be made under this  
6 subsection without the recommendation of the ~~investment fund~~  
7 ~~committee created by W.S. 9-10-103~~ Wyoming business council  
8 created by W.S. 9-12-103 and written approval of the  
9 governor and the attorney general;

10

11 (iii) No investment shall be made under this  
12 subsection unless the bonds provide:

13

14 (E) The principal and interest are secured  
15 by additional security as required by the state treasurer or  
16 governor, upon recommendation of the ~~investment fund~~  
17 ~~committee created by W.S. 9-10-103~~ Wyoming business council  
18 and with the approval of the attorney general.

19

20 **11-34-303. Area redevelopment programs; terms; rules**  
21 **and regulations; fund source.**

22

23 (a) The farm loan board, with the advice of the  
24 ~~department of commerce~~ Wyoming business council created by  
25 W.S. 9-12-103, may negotiate and make loans to departments

1 and agencies of state and local government, persons,  
2 corporations and associations in this state, not to exceed  
3 the aggregate sum of three hundred thousand dollars  
4 (\$300,000.00) at a reasonable rate of interest for a term  
5 not to exceed forty (40) years for repayment. Each loan  
6 shall not exceed ten percent (10%) of the cost of any  
7 project within a redevelopment area for industrial or  
8 commercial usage under the area redevelopment program  
9 provided for in chapter 28 of title 42 of the Federal Public  
10 Health and Welfare Act.

11

12 (b) ~~The department of commerce, with the approval of~~  
13 ~~the farm loan board,~~ shall make such rules and regulations  
14 concerning loans under this section as it deems advisable  
15 but the board shall require a mortgage or other lien upon  
16 all of the property of the project.

17

18 **17-11-104. Powers of corporation generally.**

19

20 (a) In furtherance of its purposes the corporation  
21 shall, subject to the restrictions and limitations herein  
22 contained, have the following powers:

23

24 (iv) To cooperate with and avail itself of the  
25 facilities of the United States department of commerce, the

1 Wyoming ~~natural resource board~~ business council created by  
2 W.S. 9-12-103 and any other similar state or federal  
3 governmental agencies; and to cooperate with and assist, and  
4 otherwise encourage organizations in the various communities  
5 of the state in the promotion, assistance, and development  
6 of the business prosperity and economic welfare of such  
7 communities or of this state or of any part thereof;

8

9 **17-11-110. Board of directors.**

10

11 (a) The business and affairs of the corporation shall  
12 be managed and conducted by a board of directors, which  
13 shall consist of not less than five (5) nor more than seven  
14 (7) members. One (1) member of the board shall be the  
15 ~~executive director~~ chief executive officer of the ~~economic~~  
16 ~~development and stabilization board~~ Wyoming business council  
17 or ~~his designee~~ other person designated by the council. The  
18 board of directors may exercise all the powers of the  
19 corporation except such as are conferred by law or by the  
20 articles of incorporation or the bylaws of the corporation  
21 upon the shareholders or members.

22

23 **21-2-202. Duties of the state superintendent.**

24

1 (a) In addition to any other duties assigned by law,  
2 the state superintendent shall:

3  
4 (xx) In cooperation with the state board, the  
5 Wyoming community college commission, University of Wyoming,  
6 ~~state telecommunications~~ the Wyoming business council,  
7 public service commission, department of transportation,  
8 department of administration and information, public  
9 libraries, school district boards of trustees, classroom  
10 teachers and other appropriate groups identified by the  
11 superintendent, develop and implement a statewide education  
12 technology plan which shall address staff training,  
13 curriculum integration and network connectivity in and  
14 between schools, communities and between the state and the  
15 world, and which shall have as its goal the provision of  
16 equal access to educational instruction and information.  
17 Not later than January 10 of each year and with the  
18 assistance of participating agencies, an annual report on  
19 the status of the statewide education technology plan shall  
20 be prepared and issued by the state superintendent;

21

22 **21-18-104. Small business development centers.**

23

24 The small business development centers shall be operated by  
25 ~~and located at the community colleges and the University of~~



1 Wyoming. ~~subject to appropriation.~~ The ~~community college~~  
2 ~~commission~~ university shall specify the organizational  
3 structure of the network of centers in consultation with the  
4 ~~department of commerce~~ Wyoming business council created by  
5 W.S. 9-12-103. The university shall integrate the  
6 operations of the centers with the Wyoming business council  
7 to the fullest extent permitted by federal law.

8

9 **27-3-210. Workforce development training fund**  
10 **established.**

11

12 (c) Expenditures from the workforce development  
13 training fund for purposes authorized in paragraphs (b) (i)  
14 and (ii) of this section shall be approved by the director  
15 of the department of employment. Expenditures from the  
16 workforce development training fund for purposes authorized  
17 in paragraphs (b) (iii) and (iv) of this section shall be  
18 approved by the director of the department of employment and  
19 ~~the director of the department of commerce~~ Wyoming business  
20 council based on procedures, criteria and performance  
21 measures established by regulations. The director of the  
22 department of employment shall report annually to the  
23 governor and the legislature on the expenditures made from  
24 the training fund in the preceding fiscal year and the  
25 results of the activities funded by the training fund.

1

2           **27-3-607. Cooperation by department with federal and**  
3 **state agencies; disclosure and submission of specified**  
4 **information; limitations.**

5

6           (c) The department may:

7

8                   (vii) Upon request, disclose information not  
9 otherwise restricted by law or contract to officers and  
10 employees of the industrial siting administration, the  
11 ~~economic development and stabilization board~~ Wyoming  
12 business council for economic development forecasting and  
13 economic development analysis and the bureau of labor  
14 statistics. Requirements for confidentiality of information  
15 under this act and the penalties for improper disclosure  
16 apply to the use of this information by officers and  
17 employees of the industrial siting administration, the  
18 ~~economic development and stabilization board~~ Wyoming  
19 business council and the bureau of labor statistics;

20

21           **35-12-110. Service of notice of application;**  
22 **information and recommendations; application deficiencies;**  
23 **procedure; jurisdiction; hearing.**

24

1 (b) The division shall obtain information and  
2 recommendations from the following state agencies relative  
3 to the impact of the proposed facility as it applies to each  
4 agency's area of expertise:

5

6 (xvi) The Wyoming business council.

7

8 **37-15-407. Annual report.**

9

10 (b) The commission's report shall be filed with the  
11 legislature, the governor and the ~~state telecommunications~~  
12 Wyoming business council.

13

14 **39-6-310. Tax credits for research to enhance natural**  
15 **gas production; administration; terms and conditions.**

16

17 (a) To promote research that will lead to expanded  
18 production or processing of natural gas in Wyoming, there is  
19 created the gas research review committee consisting of the  
20 following members:

21

22 (iii) The ~~executive director~~ chief executive  
23 officer of the ~~science, technology and energy authority~~

1 Wyoming business council or other person designated by the  
2 council;

3

4       **39-6-412. Imposition of excise taxes by political**  
5 **subdivisions.**

6

7       (j) All revenue collected by the department from the  
8 taxes imposed under subsection (b) of this section and W.S.  
9 39-6-518(b) shall be transferred to the state treasurer who  
10 shall first make any transfer required by W.S. 39-6-409(d)  
11 and:

12

13               (ii) For revenues collected under paragraph  
14 (b)(ii) of this section:

15

16               (B) Except as provided in subparagraph  
17 (j)(ii)(C) of this section, distribute the balance on a  
18 monthly basis to the treasurer of each county, city or town  
19 imposing the tax in an amount equal to the amount collected  
20 in each entity less the costs of collection as provided by  
21 subparagraph (j)(ii)(A) of this section. Amounts  
22 distributed under this subparagraph shall be used for the  
23 following purposes:

24

1 (I) At least ninety percent (90%) of  
2 the amount distributed shall be used to promote travel and  
3 tourism within the county, city or town imposing the tax.  
4 Expenditures for travel and tourism promotion shall be  
5 limited to promotional materials, television and radio  
6 advertising, printed advertising, promotion of tours and  
7 other specific tourism related objectives, provided that  
8 none of these funds shall be spent for capital construction  
9 or improvements and not more than forty thousand dollars  
10 (\$40,000.00) of these funds shall be spent for purposes of  
11 matching state general funds under the matching funds  
12 program administered by the Wyoming ~~travel commission~~  
13 business council. If the amount is collected under a tax  
14 imposed county wide, expenditures of this amount shall be  
15 made by a joint powers board established pursuant to law by  
16 the county and a majority of incorporated municipalities  
17 within the county. Membership of the board shall include at  
18 least one (1) representative appointed by each governmental  
19 entity made a party to the agreement and ~~the member of a~~  
20 person appointed by the Wyoming ~~travel commission~~ appointed  
21 business council to represent the district in which the  
22 county is located, and the majority of the board membership  
23 shall be comprised of representatives of the travel and  
24 tourism industry;

25

1           40-11-102. Application by public corporation to  
2 establish and operate zone; designation of agency to apply  
3 on behalf of state.

4  
5           (b) The Wyoming ~~economic development and stabilization~~  
6 ~~board~~ business council is the public agency ~~entity~~  
7 designated and authorized to apply, on behalf of the state  
8 of Wyoming, for foreign trade zone authority, sub-zone  
9 authority or port of entry pursuant to the act of congress  
10 and regulations issued pursuant to the act.

11  
12           (c) The designation of the ~~economic development and~~  
13 ~~stabilization board as the agency~~ Wyoming business council  
14 to apply on behalf of the state of Wyoming for foreign trade  
15 zone or sub-zone authority shall not prohibit other public  
16 corporations from applying for foreign trade zone authority  
17 pursuant to the act of congress.

18  
19           41-2-114. Development of water projects;  
20 rehabilitation of water projects.

21  
22           (a) The commission shall, on the basis of the state  
23 water plan or as otherwise directed by the legislature and  
24 after consultation with and advice from state agencies and

1 officials, other appropriate agencies and officials and  
2 members of the public, identify and select potential  
3 projects to be studied for inclusion in the Wyoming water  
4 development program pursuant to the following schedule:

5

6 (iv) Level III construction and operation plans  
7 shall proceed as authorized and approved by the legislature  
8 under the immediate direction and control of the  
9 commission. Preference in the marketing of hydroelectric  
10 power from any such project shall be given to utilities  
11 serving Wyoming municipalities and to rural electric  
12 cooperatives where economical and permissible under federal  
13 law. Pursuant to legislative authorization for water  
14 development projects and prior to completion of Level III  
15 construction the commission may:

16

17 (E) Contract for the sale, lease or delivery  
18 of water, water rights, water storage or hydroelectric  
19 power, and fix charges, rates, rents, fees and tolls with  
20 the advice of the ~~economic development and stabilization~~  
21 ~~board~~ Wyoming business council;

22

23 (F) Contract with, contribute to or receive  
24 contributions from any legal subdivision of the state,  
25 special district, private corporation or person for the

1 construction, operation, management and maintenance of any  
2 project or any interest in any facility or function of a  
3 project with the advice of the ~~economic development and~~  
4 ~~stabilization board~~ Wyoming business council.

5

6 41-2-117. Wyoming water development commission;  
7 membership; removal; terms.

8

9 (a) The Wyoming water development commission is  
10 created to consist of ten (10) members. The membership shall  
11 include:

12

13 (i) Nine (9) persons, two (2) shall be residents  
14 appointed from each water division of the state as defined  
15 in W.S. 41-3-501, at least one (1) will be a person having  
16 an adjudicated water right. One (1) resident of Wyoming  
17 shall be appointed at large and one (1) shall be an enrolled  
18 member of the Arapahoe or Shoshone Indian tribes who is  
19 resident on the Wind River Indian Reservation:

20

21 (J) To serve as consultants without vote the  
22 following are designated:

23

24 (II) The ~~administrator of the water~~  
25 ~~division of the department of economic planning development~~



1 chief executive officer of the Wyoming business council or  
2 other person designated by the council; and

3

4 **41-2-118. Powers, duties, salaries and expenses of**  
5 **commission.**

6

7 (a) The commission shall:

8

9 (xiii) Represent or advocate the state's  
10 interests in negotiations and construction of water projects  
11 assigned by the legislature or the governor.

12

13 **41-2-210. Projects authorized; financing; excess**  
14 **water.**

15

16 (e) All water in excess of the needs of the city of  
17 Cheyenne within the service area of the city produced by  
18 Stage II of the project shall be assigned to and marketed by  
19 the Wyoming water development commission for as long as the  
20 excess water is available or until July 1, 2036, whichever  
21 is earlier. The first option to purchase not more than  
22 eighty percent (80%) of the surplus water shall be extended  
23 to cities, towns and special districts within the North  
24 Platte basin for the benefit of their inhabitants at a

1 negotiated cost. Sales contracts entered into by the  
2 commission shall be administered by the ~~economic development~~  
3 ~~and stabilization board~~ commission. To optimize the amount  
4 of excess Stage II water available for marketing without  
5 jeopardizing water supplies necessary to meet the city of  
6 Cheyenne's municipal needs, the city shall develop a Stage  
7 II management plan acceptable to the water development  
8 commission and the state engineer. The board shall transfer  
9 thirty-seven and three-tenths percent (37.3%) of the  
10 proceeds from the sale of excess Stage II water to the city  
11 of Cheyenne which it shall apply to the repayment of the  
12 loan provided by subsection (c) of this section until the  
13 loan is repaid.

14

15 (g) All effluent from the city of Cheyenne's sewage  
16 treatment plant resulting from Stage II municipal water  
17 Cheyenne develops the ability and the need to recycle or use  
18 that water for municipal purposes. Sale contracts entered  
19 into by the commission shall be administered by the ~~economic~~  
20 ~~development and stabilization board~~ commission. The board  
21 shall provide thirty-seven and three-tenths percent (37.3%)  
22 of the proceeds of the sale of Stage II effluent to the city  
23 of Cheyenne for its use. The water development commission  
24 may withdraw up to sixty-two and seven-tenths percent  
25 (62.7%) of the Stage II effluent from sale and the city of

1 Cheyenne may withdraw up to thirty-seven and three-tenths  
2 percent (37.3%) of the Stage II effluent from sale. If  
3 either the city or the commission withdraws any portion of  
4 its share of Stage II effluent from the market its share of  
5 revenues generated by sale of the remainder shall be reduced  
6 proportionately. The sale or withdrawal from sale of Stage  
7 II effluent shall not be accomplished without consultation  
8 among the commission, the city and the state engineer.  
9 Because the effluent affected hereby is a by-product of the  
10 Stage II dams and pipeline projects, there are no  
11 restrictions on the city of Cheyenne's use of its share of  
12 the revenues generated by the sale of Stage II effluent.

13

14 **Section 4.** W.S. 9-10-101 and 9-10-102 are amended and  
15 renumbered as 9-12-301 through 9-12-302, 9-10-104 through  
16 9-10-108 are amended and renumbered as 9-12-303 through  
17 9-12-307 and 9-2-306 is amended and renumbered as 9-12-401  
18 to read:

19

20

## ARTICLE 3

21

## WYOMING PARTNERSHIP CHALLENGE LOAN PROGRAM

22

23 ~~9-10-101~~ 9-12-301. **Definitions.**

24

25 (a) As used in this ~~act~~ article:

1

2           ~~(i) "Board" means the economic development and~~  
3 ~~stabilization board;~~

4

5           ~~(ii)~~(i) "Business" means any proposed or existing  
6 enterprise which employs people within the state, provides  
7 services within the state, uses resources within the state  
8 or otherwise adds economic value to goods, services or  
9 resources within the state;

10

11           ~~(iii)~~(ii) "Community development organization"  
12 means a group of private citizens organized as a business  
13 entity authorized to do business in this state for the  
14 purpose of providing financing for new, existing, or  
15 expanding businesses and other economic or community  
16 development purposes in Wyoming, and which may take equity  
17 positions and shall take security positions in its  
18 borrowers' businesses and appropriate personal guarantees  
19 from the owners thereof;

20

21           ~~(iv) "Department" means the department of~~  
22 ~~commerce, division of economic and community development;~~

23

24           ~~(v)~~(iii) "Economic development account" means the  
25 economic development enterprise account within the revolving

1 investment fund created under article XVI, section 12 of the  
2 Wyoming constitution. The account shall consist of funds  
3 from payments as provided in W.S. ~~9-10-106~~ 9-12-306 and  
4 other funds as provided by law.†

5

6 ~~(vi) "Investment fund committee" means the~~  
7 ~~Wyoming investment fund committee created under this act;~~

8

9 ~~(vii) "This act" means W.S. 9-10-101 through~~  
10 ~~9-10-108.~~

11

12 ~~9-10-102~~ 9-12-302. Wyoming partnership challenge loan  
13 program; creation; rulemaking; administration account.

14

15 (a) The ~~board~~ council shall establish and the  
16 ~~department~~ shall administer a partnership challenge loan  
17 program under this ~~act~~ article and may contract for  
18 necessary professional services. Loans authorized under the  
19 program shall be limited to community development  
20 organizations and made in accordance with the provisions of  
21 W.S. ~~9-10-105~~ 9-12-304. Any community development  
22 organization may submit an application to the ~~department~~  
23 council to participate in the program on forms prescribed by  
24 and subject to rules promulgated by the ~~department~~ council.

25

1           (b) The ~~investment fund committee~~ council, shall  
2 establish all fees and interest rates to be charged for each  
3 loan as it is underwritten for this program. The interest  
4 rate for loans made under this ~~act~~ program shall be not less  
5 than four percent (4%) per annum. Fees on loans under the  
6 program shall be paid monthly and deposited into a program  
7 administration account within the earmarked revenue fund  
8 which is continuously appropriated to the ~~department~~ council  
9 to be expended solely for the purpose of administering this  
10 ~~act~~ article and loans authorized under it.

11

12           ~~(c) No member of the board, the investment fund~~  
13 ~~committee or the department's staff shall have any financial~~  
14 ~~interest in any community development organization~~  
15 ~~submitting an application or receiving or holding a loan~~  
16 ~~under this act.~~

17

18           ~~(d) The department shall provide administrative,~~  
19 ~~technical and clerical services to the investment fund~~  
20 ~~committee. If the investment fund committee recommends~~  
21 ~~approval of a loan under this act, the department shall take~~  
22 ~~all actions necessary to comply with this act, the board's~~  
23 ~~rules and regulations and all legal documentation pertaining~~  
24 ~~to the loan.~~

25

1           ~~9-10-104~~ 9-12-303. Council duties; actions on loan  
2 applications.

3  
4 All complete applications to participate in the loan program  
5 established under this ~~act~~ article which conform with the  
6 criteria established by law and rules promulgated under this  
7 ~~act~~ article which are submitted to the ~~department~~ council  
8 shall be ~~forwarded to and~~ considered by the ~~investment fund~~  
9 ~~committee~~ council. The ~~investment fund committee~~ council  
10 shall review the application and may communicate directly  
11 with the applicant and other lenders or potential lenders of  
12 the applicant. The ~~investment fund committee's~~  
13 ~~deliberations and communications with applicants and other~~  
14 ~~lenders or potential lenders of the applicant may be~~  
15 ~~confidential only to the extent necessary to protect~~  
16 ~~proprietary information of the applicant. The investment~~  
17 ~~fund committee~~ council shall ~~recommend to the board approval~~  
18 ~~or disapproval of~~ approve or disapprove each application it  
19 considers in accordance with this ~~act~~ article and rules  
20 promulgated under it. In making its ~~recommendation~~  
21 determination under this section, the ~~investment fund~~  
22 ~~committee~~ council shall consider whether approval of the  
23 application would cause unfair competition with any existing  
24 business in the area. The ~~investment fund committee~~ council  
25 shall ~~recommend to the board~~ establish loan amortization

1 schedules, terms and conditions for each loan ~~recommended~~  
2 ~~for approval~~ approved.

3

4 ~~9-10-105~~ 9-12-304. Criteria for loans.

5

6 (a) Loans under this ~~act~~ article may only be made by  
7 the ~~board, upon recommendation of the investment fund~~  
8 ~~committee,~~ council to community development organizations  
9 which meet the following eligibility criteria:

10

11 (i) The community development organization will  
12 contribute an amount of cash or cash equivalent at least  
13 equal to the loan it receives under this ~~act~~ article to a  
14 program of investment in its local economic development;

15

16 (ii) The community development organization will  
17 consolidate the loan it receives under this ~~act~~ article and  
18 its required contribution under paragraph (i) of this  
19 subsection and make loans to businesses and investments in  
20 support of businesses, such as infrastructure construction  
21 loans and occupational training loans;

22

23 (iii) The community development organization has  
24 been endorsed by a resolution of the legislative body of its  
25 municipality or county; and



1

2 (iv) As part of any agreement under this ~~aet~~  
3 article and to ensure funds loaned or committed under this  
4 section are invested by the community development  
5 organization in local economic development in a reasonable  
6 period of time, the ~~board~~ council shall reserve the right to  
7 terminate the agreement.

8

9 (b) Loans or loan commitments or any combination  
10 thereof shall be made under this ~~aet~~ article only:

11

12 (i) If the total amount to a single community  
13 development organization does not exceed two hundred fifty  
14 thousand dollars (\$250,000.00);

15

16 (ii) If there are sufficient funds in the  
17 economic development enterprise account to fully fund it and  
18 all other outstanding commitments and loans;

19

20 (iii) If funds provided by the state are  
21 adequately collateralized. The adequacy of the collateral  
22 shall be determined by the ~~investment fund committee~~  
23 council;

24

1 (iv) If the application for the loan or loan  
2 commitment is submitted on or after September 1, 1996.

3

4 ~~9-10-106~~ 9-12-305. Economic development enterprise  
5 fund account; deposits; continuous appropriation; loans.

6

7 Except for fees deposited in accordance with W.S.  
8 ~~9-10-102(b)~~ 9-12-302(b), all repayments of principal and  
9 interest to the state in connection with loans made under  
10 this ~~act~~ article and other funds as appropriated by the  
11 legislature for the challenge loan program shall be  
12 deposited into the economic development enterprise account  
13 within the revolving investment fund. All funds in the  
14 account may be used for and are continuously appropriated  
15 for loans authorized to be made under this ~~act~~ article. The  
16 total principal balance of outstanding loans shall not  
17 exceed the amounts appropriated by the legislature plus  
18 interest accrued and collected less any losses of loan  
19 principal or interest.

20

21 ~~9-10-107~~ 9-12-306. Audit.

22

23 (a) The director of the state department of audit or  
24 his designee shall annually examine the loan program created  
25 under this ~~act~~ article and submit his report of examination

1 to the governor, the legislature and the ~~investment fund~~  
2 ~~committee~~ council. This examination shall include a  
3 financial and compliance audit of the ~~investment fund~~  
4 ~~committee's~~ council's operations, and such financial audit  
5 of borrowers under this ~~act~~ article as the examiner deems  
6 appropriate. As a condition of any loan under this ~~act~~  
7 article, the borrower shall agree to allow the examiner to  
8 examine its books and records. The examiner shall treat all  
9 proprietary information received in the course of the  
10 examination or audit as confidential.

11

12 ~~(b) The department shall submit a semiannual report to~~  
13 ~~the legislature containing the following:~~

14

15 ~~(i) A summary of the investment fund committee's~~  
16 ~~and the board's activities;~~

17

18 ~~(ii) Total investments made by the board under~~  
19 ~~this act including the name of each borrower and the amount~~  
20 ~~of each loan;~~

21

22 ~~(iii) An evaluation of the loan success in~~  
23 ~~economic development using appropriate performance~~  
24 ~~indicators as identified by the department;~~

25

1           ~~(iv) The cost of the loan program to the people~~  
2 ~~of Wyoming in terms of:~~

3

4           ~~(A) Forgone interest that could have been~~  
5 ~~obtained if the funds had been invested by the state~~  
6 ~~treasurer with the permanent funds of the state;~~

7

8           ~~(B) Administrative and other costs~~  
9 ~~associated with the program.~~

10

11           ~~(v) Revenues and any other benefits obtained from~~  
12 ~~the program.~~

13

14           ~~9-10-108~~ 9-12-307. Penalty.

15

16 Any person who knowingly makes a false statement to the  
17 ~~department, investment fund committee or board~~ council in  
18 connection with an application under this ~~aet~~ article or who  
19 violates W.S. ~~9-10-102(e)~~ 9-12-302(c) is guilty of a felony  
20 punishable by imprisonment for not more than two (2) years,  
21 a fine of not more than two thousand dollars (\$2,000.00), or  
22 both.

23

24

#### ARTICLE 4

25

#### FILM AND VIDEO PROMOTION.

1

2       ~~9-2-306~~ 9-12-401. Wyoming film and video reward  
3 account; established; sales and use tax rebate program for  
4 motion picture industry; criteria; application;  
5 distributions; rulemaking authority.

6

7       (a) Upon completing any filming or production of a  
8 motion picture or video project in this state, a motion  
9 picture or video production company may upon application to  
10 the ~~travel commission~~ Wyoming business council and in  
11 accordance with this section, receive a refund of state  
12 sales and use taxes paid for purchases made in this state in  
13 connection with the filming or production of the motion  
14 picture or video project if the total purchases exceed five  
15 hundred thousand dollars (\$500,000.00). If the motion  
16 picture or video production company makes purchases in  
17 excess of five hundred thousand dollars (\$500,000.00), the  
18 ~~commission~~ council shall consider all the purchases to  
19 qualify the company for a refund under this section.  
20 Application under this section shall include:

21

22       (i) A financial expenditure report including  
23 copies of receipts of all expenditures made in this state,  
24 documenting qualification under this section;

25

1           (ii) An address in this state at which the  
2 records of expenditures qualifying for the tax refund will  
3 be maintained and the name of the person maintaining the  
4 records;

5

6           (iii) Proof that all expenditures claimed under  
7 this section during the period specified in the application  
8 were made by check drawn upon a Wyoming financial  
9 institution.

10

11           (b) Upon receipt of an application under this section,  
12 the ~~commission~~council shall determine total expenditures  
13 upon which state sales and use taxes were paid which qualify  
14 for the rebate under this section. Upon approval ~~by the~~  
15 ~~commission, the department of commerce~~council shall compute  
16 the amount of the refund by multiplying the total qualifying  
17 expenditures times three percent (3.0%). No rebate shall be  
18 paid under this section until production is completed in  
19 this state.

20

21           (c) The ~~department~~council may require an audit of  
22 reported expenditures contained within any application  
23 submitted under this section. Upon request, the department  
24 of audit shall conduct the audit, the costs of which shall

1 be paid from the account established under subsection (d) of  
2 this section.

3

4 (d) The Wyoming film and video reward account is  
5 established within the special revenue fund from which  
6 rebates authorized under this section shall be paid.  
7 Distributions shall be made upon certification by the  
8 ~~department~~ council and upon vouchers approved by the state  
9 auditor payable to the eligible motion picture or video  
10 production company.

11

12 (e) The ~~department in consultation with the commission~~  
13 council, shall promulgate necessary rules and regulations to  
14 administer rebates authorized under this section.

15

16 (f) The provisions of subsections (a) through (e) of  
17 this section shall not apply after June 30, 1999.

18

19 **Section 5.** W.S. 9-1-220, 9-2-301 through 9-2-305,  
20 9-2-1026.2, 9-2-1401 through 9-2-1409, 9-2-2001(c)(iii) and  
21 (v), (d)(v), (vi), (e)(ii), (iii), (g)(iii), (h)(iii) and  
22 (iv), 9-7-201 through 9-7-219, 9-10-101(a)(i), (iv), (vi)  
23 and (vii), 9-10-102(c) and (d), 9-10-103, 9-10-107(b),  
24 11-2-202(a)(iii), 35-12-110(b)(iii) and 1997 Wyoming Session  
25 Laws, Chapter 103, § 3(b) and (c) are repealed.

1

2           **Section 6.** Of any amounts appropriated by the  
3 legislature for expenditure by the business council through  
4 June 30, 2000, for the purposes of this act, no money shall  
5 be expended by the council until the council receives an  
6 amount from private sources equal to not less than ten  
7 percent (10%) of the total amounts appropriated. Nothing in  
8 this section shall apply to any amounts appropriated for  
9 tourism and state marketing. None of the monies received  
10 from private sources for tourism and state marketing shall  
11 be counted toward the ten percent (10%) requirement. The  
12 attorney general shall determine the terms and conditions  
13 under which funds from private sources required under this  
14 section have been received by the council for the purposes  
15 of this section. As used in this section, "received" means  
16 an irrevocable commitment to provide funds for expenditure  
17 to the council prior to June 30, 2000.

18

19           **Section 7.**

20

21           (a) Appointments to the Wyoming business council and  
22 organization of the council may begin upon passage of this  
23 subsection into law. This subsection is effective  
24 immediately upon completion of all acts necessary for a bill



1 to become law as provided by Article 4, Section 8 of the  
2 Wyoming Constitution.

3

4 (b) The remainder of this act is effective July 1,  
5 1998.

6

7

(END)