

HOUSE BILL NO. HB0330

Wyoming community enhancement program.

Sponsored by: Representative(s) Berger, Hammons, Harvey,  
Iekel, Martin, Semlek, Wasserburger and  
Zwonitzer and Senator(s) Anderson, J.,  
Decaria, Job, Mockler, Ross, Schiffer and  
Sessions

A BILL

for

1 AN ACT relating to a community enhancement program;  
2 creating a community enhancement program to promote  
3 economic development for cities, towns, counties and joint  
4 powers boards; authorizing grants and loans for historic or  
5 cultural preservation and community enhancement projects;  
6 specifying eligibility criteria; establishing an account;  
7 providing appropriations; modifying the business ready  
8 community program; amending a definition; and providing for  
9 an effective date.

10

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

12

13 **Section 1.** W.S. 9-12-801 and 9-12-802 are created to  
14 read:

15

ARTICLE 8

## 1 COMMUNITY ENHANCEMENT PROGRAM

2

3 **9-12-801. Community enhancement program; purpose;**  
4 **creation; state objectives; administration by council;**  
5 **rulemaking authority; eligible projects; match requirement;**  
6 **repayment requirement.**

7

8 (a) It is the purpose of this article to promote  
9 economic development at the city, town and county level in  
10 order to create additional economic health and a stronger  
11 state economy by enhancing the visibility and livability of  
12 Wyoming communities.

13

14 (b) The council shall establish and administer a  
15 Wyoming community enhancement program as provided by this  
16 article. Any city, town or county may submit an  
17 application to the council for a grant or loan under the  
18 program on forms prescribed by the council and subject to  
19 rules and regulations promulgated by the council. Grants  
20 and loans may be applied for by a joint powers board with  
21 the approval of all participating agencies to the joint  
22 powers agreement. Grant and loan funds may be used to  
23 contract with a school district, other local governmental  
24 entity or a not-for-profit community development

1 corporation. Grants and loans may be made by the council  
2 for projects that meet one (1) or more of the following  
3 state objectives:

4

5 (i) Historic preservation;

6

7 (ii) Cultural preservation;

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9 (iii) Enhancements to places of social and  
10 physical activity.

11

12 (c) Projects may consist of, but are not limited to,  
13 construction of new facilities, rehabilitation of existing  
14 facilities, including recreation facilities and convention  
15 centers, landscaping, acquisition of land or buildings,  
16 development of infrastructure serving a facility being  
17 constructed or rehabilitated with a grant awarded under  
18 this article and conversion of former school facilities to  
19 community centers.

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21 (d) To qualify for a grant or loan under this  
22 article, an applicant shall demonstrate:

23

1           (i) That the project is consistent with local  
2 economic and community development plans;

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4           (ii) That a business plan has been developed for  
5 the project;

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7           (iii) That all project costs will be fully  
8 funded upon receipt of the grant or loan;

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10           (iv) That there will be funding for on-going  
11 operations and maintenance of the project for a period of  
12 at least three (3) years;

13

14           (v) The project meets any other criteria  
15 developed by the council consistent with the purposes of  
16 this article.

17

18           (e) Grants or loans for one (1) project may not  
19 exceed a maximum annual amount established by rule of the  
20 council. Multi-year projects may be awarded up to the  
21 maximum annual amount each year, for a period not to exceed  
22 three (3) years, as approved by the council. The  
23 application shall identify the source of all funds to be  
24 used for the project.

1

2 (f) Loans provided under this article shall be  
3 adequately collateralized as determined by the council. No  
4 loans shall be made without the written opinion of the  
5 attorney general certifying the legality of the transaction  
6 and all documents connected therewith. An election  
7 approving the project and borrowing for the project by the  
8 qualified electors of the borrowing entity shall be  
9 required only if the attorney general determines such an  
10 election is otherwise required by law.

11

12 (g) Repayments of loans under this article shall be  
13 credited to the community enhancement account.

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15 **9-12-802. Community enhancement account.**

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17 There is created a separate account, which shall be  
18 referred to as the community enhancement account, to  
19 implement this article. Funds in the account are  
20 continuously appropriated to the Wyoming business council.  
21 Any unexpended or unobligated funds remaining in the  
22 account at the end of the biennium shall not lapse and  
23 shall not revert as provided in W.S. 9-4-207.

24

1           **Section 2.** W.S. 9-12-102(a)(viii) and 9-12-601(b) are  
2 amended to read:

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4           **9-12-102. Definitions.**

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

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10                   (viii) "This act" means W.S. 9-12-101 through  
11 ~~9-12-603~~ 9-12-802.

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13           **9-12-601. Wyoming business ready community program;**  
14 **purpose; creation; rulemaking.**

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16           (b) The council shall establish and administer a  
17 Wyoming business ready community program as provided by  
18 this article. Any city, town or county may submit an  
19 application to the council for a grant or loan under the  
20 program on forms prescribed by and subject to rules  
21 promulgated by the council. Grants or loans may be applied  
22 for by a joint powers board with the approval of all  
23 participating agencies to the joint powers agreement.  
24 Grants and loans may be made by the council for economic or

1 educational development infrastructure projects, including  
2 the purchase of land, buildings, facilities,  
3 telecommunications infrastructure, rights of way, airports,  
4 sewer and water projects, roads, ~~landscaping, recreational~~  
5 ~~and convention facilities~~ or other infrastructure  
6 determined by the council to be consistent with the  
7 purposes of this article. In adopting rules and making  
8 grants and loans under this article the council shall  
9 require all projects to be related to economic or  
10 educational development infrastructure, which shall not  
11 include rehabilitation or expansion of existing  
12 infrastructure unless the applicant demonstrates the  
13 rehabilitation or expansion is necessary to retain an  
14 existing business or to facilitate the relocation of a  
15 business to the locality of the applicant. All grants,  
16 loans or cooperative agreements made under this article  
17 shall be referred by the council to the state loan and  
18 investment board for final approval or disapproval. The  
19 state loan and investment board may adopt rules as  
20 necessary to implement its duties under this article.

21

22 **Section 3.**

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1           (a) There is appropriated ten million dollars  
2           (\$10,000,000.00) from the general fund to the community  
3           enhancement account created in section 1 of this act to  
4           implement the purposes of this act.

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6           (b) There is appropriated from the general fund to  
7           the Wyoming business council for the fiscal year beginning  
8           July 1, 2005, two hundred fifty-two thousand three hundred  
9           fifty dollars (\$252,350.00) for personnel, information,  
10          marketing, research, consulting and other costs associated  
11          with implementing this act.

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13          (c) A report shall be provided annually on or before  
14          February 1 by the Wyoming business council to the joint  
15          minerals, business and economic development interim  
16          committee.

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18           **Section 4.** This act is effective July 1, 2005.

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(END)