

SENATE FILE NO. SF0071

Wyoming community facilities program.

Sponsored by: Senator(s) Ross, Anderson, J. and  
Schiffer and Representative(s) Berger,  
Hammons, Hinckley and Semlek

A BILL

for

1 AN ACT relating to the administration of government;  
2 establishing a program assisting local governments with  
3 community facility projects; establishing an account;  
4 providing for program administration by the business  
5 council; delegating rulemaking authority; authorizing  
6 grants, loans and cooperative agreements; requiring  
7 approval by the state loan and investment board; providing  
8 for a continuous appropriation and making appropriations;  
9 and providing for an effective date.

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

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13 **Section 1.** W.S. 9-12-801 through 9-12-804 are created  
14 to read:

15

16

ARTICLE 8

## 1 WYOMING COMMUNITY FACILITIES PROGRAM

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3 **9-12-801. Wyoming community facilities program;**  
4 **purpose; creation; administration by council; rulemaking**  
5 **authority; eligible projects.**

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7 (a) It is the purpose of this article to assist  
8 communities to preserve former school and government  
9 facilities that have existing or future community uses.

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11 (b) The council shall administer a Wyoming community  
12 facilities program as provided by this article, subject to  
13 the approval of grants and loans by the state loan and  
14 investment board as provided by this article.

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16 (c) Any qualifying community with a demonstrated need  
17 for a community facility, including a city, town, county,  
18 joint powers board or other local governmental entity, may  
19 submit an application to the council for a grant or loan  
20 under this program on forms prescribed by and subject to  
21 rules promulgated by the council. Application by a joint  
22 powers board shall require the approval of all  
23 participating agencies to the joint powers agreement.

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1           (d) Grants or loans may be recommended by the council  
2 and awarded by the state loan and investment board for  
3 economic development community facilities projects which  
4 provide:

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6           (i) Space for community gatherings and  
7 functions;

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9           (ii) Appropriate recreational, swimming and  
10 athletic facilities for community members, particularly  
11 youth;

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13           (iii) Other functions or uses determined by the  
14 council to be consistent with the purposes of this article.

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16           (e) In adopting rules and recommending grants and  
17 loans under this article, the council shall require all  
18 projects to be related to economic development or  
19 enhancement of quality of life in a community. Projects  
20 may consist of:

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22           (i) The expansion, renovation or remodeling of  
23 existing surplus government facilities;

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2 (ii) The purchase of an interest in or  
3 cooperative agreements for the expansion, renovation or  
4 conversion of school facilities to the extent the  
5 facilities exceed statewide school building and facility  
6 adequacy standards established by the school facilities  
7 commission under W.S. 21-15-115, and to the extent title to  
8 the facility is not held by a school district.

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10 (f) All grants, loans or cooperative agreements  
11 recommended by the council shall be referred by the council  
12 to the state loan and investment board for final approval  
13 or disapproval in accordance with this article.

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15 **9-12-802. Community facility qualifications;**  
16 **demonstration of need.**

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18 (a) To qualify for a grant or loan under this  
19 article, an applicant shall demonstrate:

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21 (i) A commitment by the applicant community to  
22 adequately maintain the project facility for which the  
23 grant or loan is requested during a reasonable period of  
24 time;

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2 (ii) A partnership or other working arrangement  
3 or agreement with other local governmental entities to  
4 ensure the viability of the project facility over a  
5 reasonable period of time;

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7 (iii) The project facility is not otherwise  
8 provided in the community or that such a facility exists  
9 except that the financing of that facility has not been  
10 paid in full;

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12 (iv) The project will not compete with existing  
13 governmental organizations or businesses;

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15 (v) The relationship of the project facility to  
16 a community economic development plan or to the enhancement  
17 of quality of life in the community;

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19 (vi) That all project costs will be funded at  
20 the time of receipt of a grant or loan under this article,  
21 with funding sources specified within the project  
22 application;

23

1           (vii) The availability of funds sufficient to  
2 maintain the project facility. The project application  
3 shall clearly identify maintenance funding sources  
4 sufficient to cover maintenance costs for a period of not  
5 less than ten (10) years;

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7           (viii) Any other criteria developed by the  
8 council consistent with the purposes of this article.

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10           **9-12-803. Community facility grant and loan; approval**  
11 **by state loan and investment board.**

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13           (a) Grants shall be awarded on a matching basis at  
14 match proportions recommended by the council and approved  
15 by the board.

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17           (b) Grants or loans may be used to fund project costs  
18 in accordance with approved applications and rules and  
19 regulations established by the council. Grant or loan  
20 funds may be used to contract with community development  
21 organizations and state development organizations in  
22 accordance with this article and approved project  
23 applications. For purposes of this subsection, "community  
24 development organizations" shall be as defined under W.S.

1 9-12-301(a)(ii) and "state development organizations" shall  
2 be as defined under W.S. 9-12-301(a)(iv).

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

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14 (d) Repayments of loans under this article shall be  
15 credited to the community facilities program account.

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17 (e) The council shall prioritize proposed cooperative  
18 agreements, grants and loans it recommends to the state  
19 loan and investment board in accordance with rules it  
20 adopts under this article.

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22 (f) The state loan and investment board shall adopt  
23 rules as necessary to implement its duties under this

1 article governing the approval or disapproval of projects  
2 recommended by the council.

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4 **9-12-804. Wyoming community facilities program**  
5 **account.**

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7 The community facilities program account is created within  
8 the special revenue fund and shall consist of funds  
9 credited to the account as provided by law. Funds in the  
10 account are continuously appropriated to the council to be  
11 used only for cooperative agreements, grants or loans  
12 authorized by the state loan and investment board under  
13 this article.

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15 **Section 2.** W.S. 9-12-102(a)(viii) is amended to read:

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17 **9-12-102. Definitions.**

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

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23 (viii) "This act" means W.S. 9-12-101 through

24 ~~9-12-603~~ 9-12-804.



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**Section 3.**

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(a) Five million dollars (\$5,000,000.00) is appropriated from the general fund to the Wyoming community facilities program account established under W.S. 9-12-804 as created under section 1 of this act.

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

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

(END)