

ENROLLED ACT NO. 50, SENATE

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING  
2018 BUDGET SESSION

AN ACT relating to economic development; providing standards for the state treasurer to set interest rates for specified loans and terms of loan participations made from the large project account; authorizing the state treasurer to require a loan guarantee from the principal of a borrower; authorizing the state treasurer to retain service providers for large project account loans; requiring a borrower to pay specified costs relating to retained experts and service providers; clarifying language relating to the economic analysis requirement for certain economic development projects; and providing for an effective date.

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

**Section 1.** 2014 Wyoming Session Laws, Chapter 46, Section 2(e)(intro), (ii), (vii) and (viii) is amended to read:

**Section 2.**

(e) The state treasurer shall establish the terms of any loan, loan participation or loan guarantee issued under this section in accordance with the following:

(ii) ~~The treasurer shall adopt interest rates to be charged for~~ Loans under this section as shall bear interest at a fixed or adjustable rate. The interest rate shall be:

(A) Indexed to a rate not less than the rate of the United States treasury note or bond that most closely matches the remaining term of the loan, plus any additional premium determined by the treasurer to be reasonably

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commensurate with the risk profile of the loan;  
and

(B) Approved by the state loan and investment board pursuant to this act and following consideration by the Wyoming business council;

(vii) When appropriate, the state treasurer may require continuing loan guarantees by affiliates and principals of the borrower;

(viii) Except as provided in this paragraph, the state treasurer shall secure assure that the lead lender secures a first security interest in the entire project sufficient to adequately protect the investment of loan proceeds or proceeds guaranteed by the state under this section. The security interest shall be shared pro rata with the state in percentage of the loan or loan guarantee. If necessary, the state treasurer may allow the lead lender to accept substitute security which will protect repayment to the state on a basis substantially equivalent to a first security interest on the project. The state treasurer shall insure that any alternate security is sufficient to prudently protect the state's pro rata interest; ~~in the entire project and any alternate security places the state before any other lender in priority of payment on the entire project in the event of default;~~ and

**Section 2.** 2014 Wyoming Session Laws, Chapter 46, Section 2(e)(intro), (ix) and (h), as amended by 2016

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Wyoming Session Laws, Chapter 41, Section 3, is amended to read:

**Section 2.**

(e) The state treasurer shall establish the terms of any loan, loan participation or loan guarantee issued under this section in accordance with the following:

(ix) The state treasurer shall charge a loan origination fee or loan guarantee fee of one percent (1.0%) of the total loan or guaranteed loan amount. Funds collected under this paragraph shall be deposited in the large project account within the revolving investment fund or used to pay the costs of experts and service providers retained by the state treasurer pursuant to subsection (h) of this section.

(h) The state treasurer is authorized to employ-retain such experts and service providers as necessary to fully evaluate, and negotiate and implement the terms and conditions of the loan and loan guarantees. ~~The cost of any expert employed~~ If an expert or service provider is retained by the state treasurer under this subsection, any costs incurred which exceed the loan origination fee or loan guarantee fee shall be paid by the applicant.

**Section 3.** 2017 Wyoming Session Laws, Chapter 150, Section 2, is amended to read:

**Section 2.** In conducting a fiduciary

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analysis on an economic development project considered for funding ~~under section 1 of this act~~ from the large project account from funds transferred pursuant to W.S. 9-12-305, the state treasurer shall perform an economic and fiscal analysis regarding consequential state and local impacts. The analysis shall identify any induced revenues and induced costs associated with a project under consideration for each year for the ten (10) years following completion of the project. A local cost analysis shall consider impacts on public education, public safety, fire protection, public utilities and the courts and shall determine whether projects contribute more in tax revenue than they cost in public funds. Any analysis required by this section shall be conducted by an entity qualified to provide the analysis using nationally accepted econometric modeling techniques. Any analysis required by this section shall be paid for using funds appropriated by this act.

ORIGINAL SENATE  
FILE NO. SF0015

ENGROSSED

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**Section 4.** This act is effective July 1, 2018.

(END)

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the Senate.

\_\_\_\_\_  
Chief Clerk