

SENATE FILE NO. SF0119

Workforce development-priority economic sector program.

Sponsored by: Management Council

A BILL

for

1 AN ACT relating to economic development and  
2 diversification; establishing the Wyoming workforce  
3 development-priority economic sector partnership program;  
4 providing for funding of specified workforce training  
5 programs pursuant to agreements with employers, training  
6 providers and the department of workforce services;  
7 specifying conditions for funding; providing for  
8 administration of the program; modifying other department  
9 of workforce service training programs as specified;  
10 providing for subaccounts within the economic  
11 diversification account; providing an appropriation;  
12 providing a reappropriation of funds; providing for  
13 rulemaking; and providing for effective dates.

14

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

16

1           **Section 1.** W.S. 9-2-2609 through 9-2-2611 are created  
2 to read:

3

4           **9-2-2609. Purpose.**

5

6           (a) The Wyoming Workforce Development-Priority  
7 Economic Sector Partnership Act is created to meet the  
8 training needs of existing businesses in the state and to  
9 provide incentives to businesses to locate and expand  
10 within the state through government assisted new jobs  
11 training.

12

13           (b) It is the intent of the legislature to provide  
14 training funds to train and educate employees, which will  
15 result in the production of high wage and high skilled jobs  
16 that will increase the earning potential and employment  
17 opportunities for Wyoming employees and enhance and  
18 diversify the state's economy.

19

20           **9-2-2610. Definitions.**

21

22           (a) As used in this act:

23

1           (i) "Applicant" means an employer seeking  
2 funding under this act;

3  
4           (ii) "Business entity" means a corporation,  
5 association, partnership, limited liability company,  
6 limited liability partnership or other legal entity;

7  
8           (iii) "Department" means the department of  
9 workforce services created in W.S. 9-2-2018;

10  
11           (iv) "ENDOW council" means the economically  
12 needed diversity options for Wyoming executive council;

13  
14           (v) "Eligible training provider" means:

15  
16                   (A) The University of Wyoming;

17  
18                   (B) A Wyoming community college district;

19  
20                   (C) An entity operated by a tribal  
21 government of either the Northern Arapaho or Eastern  
22 Shoshone tribes on the Wind River Indian Reservation;

23

1                   (D) An entity approved to provide workforce  
2 training that is included on the eligible training provider  
3 list.

4

5                   (vi) "Eligible training provider list" means the  
6 list maintained by the department of those eligible  
7 training providers who may be used to provide workforce  
8 training under this act;

9

10                   (vii) "Employee" means an individual employed in  
11 a new job;

12

13                   (viii) "Employer" means an individual or  
14 business entity providing new jobs and entering into a  
15 contract under this act;

16

17                   (ix) "Full-time job" means a predominantly  
18 year-round position requiring an average of at least  
19 thirty-five (35) hours of work each week;

20

21                   (x) "New job" means a newly created full-time or  
22 part-time job in a priority economic sector business. The  
23 term does not include:

1

2 (A) Jobs for recalled employees returning  
3 to positions held previously, for replacement employees, or  
4 for employees newly hired as a result of a labor dispute,  
5 seasonal jobs, or other jobs that previously existed within  
6 the employment of the employer in the state; or

7

8 (B) Jobs created by an employer as the  
9 result of an acquisition of a Wyoming entity if those jobs  
10 previously existed in the state of Wyoming in the acquired  
11 company or entity unless it is demonstrated that the jobs:

12

13 (I) Are substantially different as a  
14 result of the acquisition; and

15

16 (II) Will require new training for the  
17 employee to meet new job requirements.

18

19 (xi) "Part-time job" means a predominantly  
20 year-round position requiring an average of twenty-five  
21 (25) to thirty-four (34) hours of work each week;

22

1           (xii) "Priority economic sector business" means  
2 an employer engaged in establishing or expanding operations  
3 within a priority economic sector identified in the twenty  
4 (20) year comprehensive economic diversification strategy  
5 approved by the governor pursuant to W.S. 9-12-1402 in  
6 Wyoming that through the employment of knowledge or labor  
7 add value to a product, process or export service that  
8 results in the creation of new wealth and at least one (1)  
9 of the following conditions applies:

10

11           (A) At least fifty percent (50%) of the  
12 sales of the employer occur outside of Wyoming;

13

14           (B) The employer is a manufacturing company  
15 with at least fifty percent (50%) of its sales to other  
16 Wyoming business entities that have fifty percent (50%) of  
17 their sales occurring outside of Wyoming; or

18

19           (C) The employer is a new business that  
20 provides, as determined by the department, a product or a  
21 service that is not available in Wyoming or a substantially  
22 similar product or service that is not available in

1 Wyoming, which results in state residents leaving the state  
2 to purchase the product or service.

3

4 (xiii) "Program" means a workforce training  
5 program implemented in accordance with the provisions of  
6 this act;

7

8 (xiv) "Program costs" means all necessary and  
9 incidental costs of providing program services. The term  
10 does not include the cost of equipment to be owned or used  
11 by the eligible training provider beyond the term of the  
12 contract with the department unless the eligible training  
13 provider is an entity specified in subparagraphs (v)(A)  
14 through (C) of this subsection and the department  
15 determines the equipment likely will be used to provide  
16 subsequent training in a priority economic sector program  
17 under this act or other program funded by the department;

18

19 (xv) "Program services" means training and  
20 education specifically directed to the new jobs, including:

21

22 (A) All direct training costs, such as:

23

1 (I) Program promotion;

2

3 (II) Instructor wages, per diem and  
4 travel;

5

6 (III) Curriculum development and  
7 training materials;

8

9 (IV) Lease of training equipment and  
10 training space;

11

12 (V) Purchase of training equipment  
13 subject to the limitations provided in paragraph (xiv) of  
14 this subsection;

15

16 (VI) Miscellaneous direct training  
17 costs;

18

19 (VII) Administrative costs; and

20

21 (VIII) Assessment and testing.

22

23 (B) In-house or on-the-job training; and



1

2

(C) Subcontracted services with eligible training providers.

4

5

(xvi) "Wyoming workforce development-priority economic sector partnership subaccount" or "subaccount" means the subaccount created in W.S. 9-12-1404(a)(i);

8

9

(xvii) "Wyoming workforce development-priority economic sector partnership program" means the workforce training program authorized by this act;

12

13

(xviii) "This act" means W.S. 9-2-2609 through 9-2-2611.

15

16

**9-2-2611. Priority economic sector business workforce training programs; eligibility.**

18

19

(a) The department, in consultation with the coordinator of economic diversification shall administer the Wyoming workforce development-priority economic sector partnership program. Using available monies within the Wyoming workforce development-priority economic sector

23

1 partnership subaccount, the department may contract to  
2 provide training funds for education or skills based  
3 training for employees for priority economic sector  
4 businesses in new jobs. The funds shall be provided to  
5 eligible training providers in accordance with contracts  
6 between the department, priority economic sector business  
7 employers and eligible training providers, for the purpose  
8 of providing employees with education and training required  
9 for jobs in new or expanding priority economic sector  
10 businesses in the state.

11

12 (b) To be eligible for funding under the Wyoming  
13 employer-workforce partnership program, an applicant shall  
14 demonstrate that it is a priority economic sector business.

15

16 (c) An applicant shall provide a match of at least  
17 one dollar (\$1.00) for every one dollar (\$1.00) requested  
18 from the subaccount. The match may include new loans and  
19 investments and expenditures for direct project related  
20 costs such as new equipment and buildings. The department  
21 may consider recent purchases of fixed assets directly  
22 related to the proposal on a case-by-case basis. A purchase  
23 of fixed assets directly related to the proposed training

1 activities that have been made within ninety (90) days  
2 after submission of the application may be considered  
3 eligible by the department.

4

5 (d) Except as provided in subsection (e) of this  
6 section, funding provided under this section may not exceed  
7 five thousand dollars (\$5,000.00) for each full-time  
8 position and two thousand five hundred dollars (\$2,500.00)  
9 for each part-time position for which an employee is being  
10 trained. Funding may be provided only for a new job that  
11 has an average weekly wage that meets or exceeds the lesser  
12 of two hundred forty percent (240%) of Wyoming's current  
13 minimum wage or the current average weekly wage of the  
14 county in which the employees are to be principally  
15 employed, provided minimum wage requirements are met. The  
16 department may consider the value of employee benefits in  
17 calculating the expected annual wage.

18

19 (e) The department may, in exceptional circumstances,  
20 consider a higher funding ceiling for jobs that will pay  
21 high wages and benefits if the need for higher training  
22 costs is documented in the application.

23

1           (f) Funding under this section shall be proportional  
2 to the number of jobs provided, the expected average annual  
3 wage of all jobs provided, and the underlying economic  
4 indicators of the region where the majority of the jobs  
5 will be created.

6

7           (g) Funding ceilings shall be determined by the  
8 availability of funding, the cost for each job and the  
9 quality of the priority economic sector business proposal.

10

11           (h) The funding application, at a minimum, shall  
12 contain:

13

14           (i) A business plan containing information that  
15 is sufficient for the department to obtain an adequate  
16 understanding of the business to be assisted, including the  
17 products or services offered, estimated market potential,  
18 management experience of principals, current financial  
19 position, and details of the proposed venture. In lieu of a  
20 business plan, the department may consider a copy of the  
21 current loan application to entities such as the federal  
22 business and industry guarantee program or the small  
23 business administration;

1

2           (ii) Financial statements and projections for  
3 the two (2) most recent years of operation and projections  
4 for each of the two (2) years following the distribution of  
5 funds, including but not limited to balance sheets, profit  
6 and loss statements, and cash flow statements. A business  
7 operating for less than two (2) years shall provide all  
8 available financial statements. Information provided under  
9 this paragraph shall be considered confidential and not  
10 subject to inspection as provided by W.S. 16-4-203(a) (i);

11

12           (iii) A hiring and training plan, which shall  
13 include:

14

15           (A) A breakdown of the jobs to be created  
16 or retained, including the number and type of jobs that are  
17 full-time, part-time, skilled, semiskilled or unskilled  
18 positions;

19

20           (B) A timetable for creating the positions  
21 and the total number of employees to be hired;

22

1 (C) An assurance that the business will  
2 comply with equal opportunity and nondiscrimination laws;

3

4 (D) Procedures for outreach, recruitment,  
5 screening, training and placement of employees;

6

7 (E) A description of the training  
8 curriculum and resources;

9

10 (F) Written commitments from any agency or  
11 organization participating in the implementation of the  
12 hiring plan; and

13

14 (G) A description of the type and method of  
15 training to be provided to employees, the starting wage and  
16 wages to be paid after training for each position, the job  
17 benefits to be paid or provided, and any payment to  
18 eligible training providers.

19

20 (j) A contract under this act shall contain  
21 provisions:

22

1           (i) Certifying that the amount of the funding  
2 already expended will be reimbursed in the event that the  
3 priority economic sector business ceases operation in the  
4 state of Wyoming within the funding contract period, which  
5 may be up to two (2) years;

6

7           (ii) Specifying that funding will be provided  
8 over the contract period only upon the department verifying  
9 the creation of eligible jobs, the hiring of employees for  
10 the jobs or the incurring of eligible training expenses;  
11 and

12

13           (iii) Providing the department with annual  
14 reports and a final closeout report that documents the  
15 wages paid to an employee upon completion of the training.

16

17           (k) The contract shall be signed by the person in the  
18 priority economic sector business who is assigned the  
19 duties and responsibilities for training and the overall  
20 success of the program and by the business's chief  
21 executive.

22

1           (m) The Wyoming business council shall assist the  
2 department with review of information provided under  
3 paragraphs (h)(i) and (ii) of this section, as requested by  
4 the department. If the department determines that an  
5 applicant meets the criteria established in this section  
6 and has complied with the applicable procedures and review  
7 processes established by the department, the department may  
8 recommend funding for a priority economic sector business  
9 workforce development program and the disbursement of funds  
10 under contract to the eligible training provider. The  
11 recipient eligible training provider shall use funds  
12 received under the program in accordance with the  
13 provisions of the contract. No funding shall be provided  
14 for any program without the written opinion of the attorney  
15 general certifying the legality of the transaction and all  
16 documents connected therein. Upon recommendation of the  
17 department, certification by the attorney general, and  
18 approval by the governor or his designee, funding from the  
19 Wyoming workforce development-priority economic sector  
20 partnership subaccount may be distributed to the eligible  
21 training provider.

22



1           (n) The department shall provide employers assistance  
2 in accessing workforce and education services outside the  
3 scope of this act for which employees may be eligible.  
4 These additional services shall not be used to replace  
5 funding provided under this act after the contract has been  
6 finalized.

7

8           (o) The department shall:

9

10           (i) Adopt rules to implement this act. At  
11 minimum the rules shall establish application procedures,  
12 requirements and qualifications for funding under this act;

13

14           (ii) Report annually to the joint appropriations  
15 committee on the expenditures made from the Wyoming  
16 workforce development-priority economic sector partnership  
17 subaccount in the preceding fiscal year and the results of  
18 each partnership project's activities.

19

20           **Section 2.** W.S. 9-2-2601(d) and (g)(vii) and  
21 9-12-1404 are amended to read:

22

1           **9-2-2601. Department of workforce services; duties**  
2 **and responsibilities; agreements with other agencies**  
3 **authorized; definition; merger with department of**  
4 **employment.**

5  
6           (d) The department shall administer expenditures from  
7 the workforce development training fund as provided in W.S.

8 9-2-2604. The department shall administer expenditures  
9 from the Wyoming employer-workforce partnership subaccount  
10 within the economic diversification account as provided in  
11 W.S. 9-2-2609 through 9-2-2611 and 9-12-1404.

12  
13           (g) The department shall take appropriate steps to:

14  
15                   (vii) Administer contracts pursuant to W.S.  
16 9-2-2608 and 9-2-2609 through 9-2-2611.

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

20  
21           (a) There is created an economic diversification  
22 account. All monies in the account are continuously  
23 appropriated to the office of the governor to be used

1 ~~solely~~ for the purposes of this article and as otherwise  
2 specified by law, including per diem, mileage and other  
3 administrative expenses of the ENDOW executive council.  
4 Notwithstanding W.S. 9-2-1008 and 9-4-207, funds in the  
5 account shall not lapse at the end of the fiscal period.  
6 Interest earned on funds in the account shall be deposited  
7 to the account or appropriate subaccount. Within the  
8 account shall be subaccounts. For account investment  
9 purposes only all subaccounts shall be treated as separate  
10 accounts. Subaccounts are as follows:

11  
12 (i) The Wyoming workforce development-priority  
13 economic sector partnership subaccount. Funds within this  
14 subaccount may be expended:

15  
16 (A) As approved by director of the  
17 department of workforce services for administrative costs  
18 incurred by the department of workforce services associated  
19 with administration of the Wyoming workforce  
20 development-priority economic sector partnership program  
21 under W.S. 9-2-2609 through 9-2-2611; and

22

1                   (B) As approved by the governor or his  
2 designee to provide funding for agreements entered into  
3 pursuant to W.S. 9-2-2609 through 9-2-2611.  
4

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

11           **Section 3.** 2017 Wyoming Session laws, Chapter 140,  
12 Section 4 is amended to read:  
13

14           **Section 4.** There is appropriated two  
15 million five hundred thousand dollars  
16 (\$2,500,000.00) from the legislative  
17 stabilization reserve account to the economic  
18 diversification account created by this act. ~~Of~~  
19 ~~this appropriation, not less than one million~~  
20 ~~five hundred thousand dollars (\$1,500,000.00)~~  
21 ~~shall be earmarked for expenditure under this act~~  
22 ~~for workforce development recommended by the~~  
23 ~~ENDOW executive council to carry into effect the~~

1 ~~state's economic diversification strategy. These~~  
2 ~~earmarked funds may be expended by the governor~~  
3 ~~for other purposes consistent with the provisions~~  
4 ~~of this act should the governor determine an~~  
5 ~~immediate economic diversification opportunity~~  
6 ~~exists and the earmarked funds are necessary to~~  
7 ~~realize that opportunity.~~

8  
9 **Section 4.**

10  
11 (a) There is appropriated three million five hundred  
12 thousand dollars (\$3,500,000.00) from revenues credited to  
13 the strategic investments and projects account under W.S.  
14 9-4-719(q) and (t) attributable to earnings from the fiscal  
15 year beginning July 1, 2018 and ending June 30, 2019, to  
16 the Wyoming workforce development-priority economic sector  
17 partnership subaccount created by W.S. 9-12-1404(a)(i).  
18 Notwithstanding any other provision of law, funds  
19 appropriated under this section shall not be transferred or  
20 expended for any purpose other than as provided in W.S.  
21 9-12-1404(a)(i). Notwithstanding W.S. 9-2-1008 and 9-4-207,  
22 funds in the subaccount shall not lapse at the end of the  
23 fiscal period.

1

2 (b) There is reappropriated from unencumbered,  
3 unobligated funds appropriated in 2017 Wyoming Session  
4 Laws, Chapter 140, Section 4, to the economic  
5 diversification account, one million five hundred thousand  
6 dollars (\$1,500,000.00) to the Wyoming workforce  
7 development-priority economic sector partnership subaccount  
8 created by W.S. 9-12-1404(a) (i).

9

10 **Section 5.** The department of workforce services may  
11 commence rulemaking pursuant to W.S. 9-2-2609 through  
12 9-2-2611 upon the effective date of this section.

13

14 **Section 6.**

15

16 (a) Subsection 4(b) and section 5 of this act are  
17 effective immediately upon completion of all acts necessary  
18 for a bill to become law as provided by Article 4, Section  
19 8 of the Wyoming Constitution.

20

21 (b) Except as provided in subsection (a) of this  
22 section, this act is effective July 1, 2018.

23

1

(END)