

ENROLLED ACT NO. 64, SENATE

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING  
2017 GENERAL SESSION

AN ACT relating to economic diversification; providing for an economic diversification council to oversee and promote economic diversification activities in the state; providing for the development of a comprehensive economic diversification policy and strategy; providing for business development and innovation zones; specifying duties of the council and executive department in regard to implementation of the policy and strategy; providing for a coordinator of economic diversification; providing legislative findings and specifying intent; creating an account; providing an appropriation; specifying use of funds; and providing for an effective date.

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

**Section 1.**

(a) The legislature finds that the legislature and the governor have undertaken an effort to develop a twenty (20) year comprehensive and coordinated economic diversification strategy to encourage the expansion and diversification of Wyoming's existing energy and industrial sectors and to stimulate new and emerging industries to create private sector jobs and encourage business development, entrepreneurship and innovation. The governor and legislature have identified and invested in several projects that have and will result in substantial public benefit and are advancing the interests of Wyoming, including, but not limited to: the Wyoming integrated test center, NRG COSIA Carbon XPRIZE, the value added energy and industrial plan, developing international markets for Wyoming resources, and the outdoor recreation task force. Economic diversification in Wyoming should be fostered through the private sector and private/public partnerships in the creation of business development and innovation

ENROLLED ACT NO. 64, SENATE

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING  
2017 GENERAL SESSION

zones. Nothing in this act shall be construed to limit or contravene the powers of the governor or legislature to appropriate resources to capitalize on these or other opportunities to diversify Wyoming's economy where they exist.

(b) The legislature further finds that it is beneficial to have a coordinated approach between the legislative and executive branches of government to determine appropriate policies, processes and procedures to allocate resources to promote diversification of Wyoming's economy. The governor's continued consultation with legislative leadership will allow the executive and legislative departments to continue to formulate and advance economic policy, business development, entrepreneurship and innovation, and take action to further develop and diversify Wyoming's economy.

(c) This act creates an executive council supported by the governor's office to oversee and promote these efforts and to continually monitor, support and adjust these activities through subsequent legislative and executive department action. The provisions of this act shall be interpreted in accordance with these findings and stated intent.

**Section 2.** W.S. 9-12-1401 through 9-12-1404 are created to read:

**9-12-1401. Economically needed diversity options for Wyoming executive council; creation; appointment and terms of members.**

ENROLLED ACT NO. 64, SENATE

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING  
2017 GENERAL SESSION

(a) There is created the economically needed diversity options for Wyoming (ENDOW) executive council. The members shall represent existing, new and emerging economic sectors or subsectors or have demonstrated executive level experience. The council shall consist of not more than fifteen (15) voting members, appointed by the governor with the advice and consent of the senate. The presiding officers of the house and senate and the chairmen of the house and senate minerals, business and economic development committees shall be ex officio, nonvoting members. The governor may remove any appointed member as provided in W.S. 9-1-202. If an appointed member's position is vacant the governor shall appoint a new member as provided in W.S. 28-12-101. The governor, or his designee, shall be a member and cochairman of the council, but shall not vote. The council shall elect a cochairman from among the appointed members. One-half plus one (1) of the appointed members shall have initial terms of four (4) years and the remaining members shall have initial terms of two (2) years. Thereafter, appointed members shall serve for terms of four (4) years.

(b) In appointing members the governor shall, to the extent practicable, provide for diversity of members based upon existing, new and emerging economic sectors and subsectors. No more than two (2) members shall be appointed to serve concurrently from the same economic subsector.

(c) Members of the council shall not receive compensation for their services, but when engaged in the performance of their duties, they may receive travel expenses, per diem and mileage expenses in the same manner and amount as employees of the state.

ENROLLED ACT NO. 64, SENATE

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING  
2017 GENERAL SESSION

(d) The council shall meet as often as necessary to conduct business. Meetings shall be called by the cochairmen. A majority of the voting members of the council shall constitute a quorum for the transaction of any business or the exercise of any power or function of the council.

(e) The council shall be administered by the office of the governor and staffed and supported by the Wyoming business council, community college commission, University of Wyoming and department of workforce services. The council shall, where appropriate and authorized by the governor, make use of the services and facilities of other departments, boards, commissions and agencies of the state of Wyoming.

(f) As used in this article:

(i) "Business development and innovation zone" means defined geographic areas within the state in which local, state and federal permitting and other regulatory requirements will be met for all or significant segments of industry located in the zone or in which industries or businesses would be benefitted substantially as a result of being located in proximity to each other;

(ii) "Economic sector" and "economic subsector" means a primary business activity identified respectively as a sector or subsector in the most recent edition of the North American Industry Classification System (NAICS) manual.

ENROLLED ACT NO. 64, SENATE

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING  
2017 GENERAL SESSION

**9-12-1402. General powers and duties of the council; economic diversification policy and strategy; authority of governor.**

(a) The ENDOW executive council shall:

(i) Receive and evaluate public input, opinions and recommendations regarding the diversification of Wyoming's economy and advise the governor and legislature of any findings or recommendations. The council shall seek the advice of departments, boards, commissions and agencies of the state of Wyoming;

(ii) By August 30, 2017, prepare and submit to the governor and legislature through the joint minerals, business and economic development interim committee, an exhaustive assessment of socioeconomic data, which shall include an examination of state and local fiscal sustainability, existing, new and emerging economic sectors and subsectors of the economy, identification of potential business development and innovation zones, an inventory of existing workforce strengths and deficiencies, economic trends and key enablers for economic growth in the state that translate to viable business development;

(iii) By December 31, 2017, prepare and submit to the governor and legislature a report of its preliminary findings and recommendations in the development of a comprehensive economic diversification strategy. The preliminary report shall evaluate investments necessary to support new and emerging industries or economic sectors, knowledge transfer, infrastructure, international trade, and cooperation between the public sector and private

ENROLLED ACT NO. 64, SENATE

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING  
2017 GENERAL SESSION

enterprise, assess the relationship between incremental state and local tax revenues, costs of public services and economic diversification and make recommendations as appropriate. The report shall identify specific areas which should be designated as business development and innovation zones. In identifying potential zones the report shall review the establishment of zones including, but not limited to, industries involving agriculture and agricultural business, renewable energy sources, advanced clean coal technologies, nuclear fuel processing and enrichment, hybrid energy sources, enhanced oil recovery, inland distribution ports, international trade, food and beverage industry distribution, promotion, marketing and development of the international trust and fiduciary business and related sectors, emerging research and technological development, existing, new and emerging economic sectors and subsectors, and value added manufacturing involving Wyoming resources. The potential zones shall be described by location in the state, including recommended boundaries. The report shall also identify existing industries in these areas which could be expanded and used to attract other businesses in the same, related or mutually supporting industries. The report shall identify existing deficiencies and strengths in Wyoming's workforce and workforce training programs;

(iv) By August 1, 2018, prepare and submit to the governor for his approval a twenty (20) year comprehensive economic diversification strategy. The strategy shall contain explicit economic targets to guide the evolution of Wyoming's economy in order to build a sustainable and diversified, value added economy by 2038. The strategy shall identify agency specific or collective actions that can be implemented immediately without new state appropriations and resources and agency specific and

ENROLLED ACT NO. 64, SENATE

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING  
2017 GENERAL SESSION

collective actions that will require new state appropriations or reallocation of state resources. The strategy shall address the creation of business development and innovation zones and plans to implement the zones. The council may recommend to the governor modifications to the twenty (20) year plan from time to time as it deems advisable;

(v) In coordination with departments, boards, commissions and agencies of the state of Wyoming, develop four (4) year action plans with performance benchmarks, including policy recommendations and budget requests. Each plan shall specify a time period for creating business development and innovation zones within the plan's four (4) year period and a time schedule for full implementation of steps necessary to establish each zone. The council shall submit each action plan to the governor for his approval. After approval by the governor, the council shall, in coordination with departments, boards, commissions and agencies of the state, implement the action plan and provide regular progress reports in meeting targets and shall identify adjustments to be made to the governor and legislature;

(vi) Review with the Wyoming business council, community college commission, University of Wyoming, the department of workforce services, and other state agency directors as determined by the governor and ENDOW executive council to be necessary or desirable, agency enabling legislation, rules and regulations, policies, procedures and other governing mechanisms to determine amendments which would better align agency functions with the economic diversification strategy and to allow for implementation of business development and innovation zones;

ENROLLED ACT NO. 64, SENATE

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING  
2017 GENERAL SESSION

(vii) Engage the private sector in review of state laws, rules and regulations, policies, procedures and other governing mechanisms that inhibit economic diversification efforts, including those which stand as obstacles to the implementation of business development and innovation zones, in order to determine amendments to the same without compromising Wyoming's environmental and workplace standards;

(viii) Have the authority to contract with consultants through the Wyoming business council for rendering of professional, financial and technical assistance and advice, including for studies and investigation likely to lead to economic diversification;

(ix) At the request of the governor, review and make recommendations to the governor for approval on projects submitted for grant and other funding opportunities from nonstate sources which support the economic diversification strategy;

(x) Conduct studies to identify services, facilities and amenities that are attractive to businesses and their employees seeking to relocate but which are substantially lacking or deficient in Wyoming, and identify potential solutions to address those deficiencies to create working and community life climates attractive to a modern day workforce;

(xi) Develop a performance evaluation system, monitor progress and report to the governor the status of programs and activities outlined as goals, objectives or action items in the state's economic diversification strategy.



ENROLLED ACT NO. 64, SENATE

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING  
2017 GENERAL SESSION

(b) In carrying out his duties under this article the governor, in consultation with the presiding officers of the legislature, may convene advisors to obtain objective advice in the formulation of economic diversification policy, including assessing local, national and global conditions and trends and evaluating the significance of those factors relative to Wyoming.

**9-12-1403. Coordinator of economic diversification; duties.**

(a) The governor shall designate a coordinator of economic diversification, who shall be a qualified elector of the state and who may be removed by the governor as provided in W.S. 9-1-202. The coordinator shall:

(i) Provide administrative support for the ENDOW executive council;

(ii) Direct and oversee the execution of Wyoming's economic diversification strategies and initiatives and the advancement of the interests of Wyoming in policy, program and project development and implementation to support diversification of the economy of Wyoming. Unless law directs a different state entity to undertake those programs and projects the coordinator may initiate or implement those programs and projects;

(iii) Coordinate activities with the Wyoming business council, community college commission, University of Wyoming, department of workforce services, Wyoming department of transportation, department of environmental

ENROLLED ACT NO. 64, SENATE

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING  
2017 GENERAL SESSION

quality, office of state lands and investments and other departments, boards, commissions, authorities and agencies of the state of Wyoming to assure efficient use of state resources in execution of Wyoming's economic diversification strategy;

(iv) Compile detailed information on all programs and projects undertaken for the purpose of measuring trends, development and progress in the diversification of the economy of Wyoming;

(v) Initiate, implement, sponsor, promote and coordinate policy research, policy development and economic analysis to support diversification of the economy of Wyoming;

(vi) Where appropriate and authorized by the governor, make use of the services and facilities of other departments, boards, commissions and agencies of the state of Wyoming.

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

(a) There is created an economic diversification account. All monies in the account are continuously appropriated to the office of the governor to be used solely for the purposes of this article, including per diem, mileage and other administrative expenses of the ENDOW executive council. Notwithstanding W.S. 9-2-1008 and 9-4-207, funds in the account shall not lapse at the end of the fiscal period. Interest earned on funds in the account shall be deposited to the account.

ENROLLED ACT NO. 64, SENATE

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING  
2017 GENERAL SESSION

(b) The governor may accept, and shall deposit to the account, any gifts, contributions, donations, grants or federal funds specifically designated for purposes of this article.

**Section 3.** Notwithstanding W.S. 9-12-1401(a) and 28-12-101, senate confirmation of the appointed members of the economically needed diversity options for Wyoming executive council shall not be required until the 2018 legislative session.

**Section 4.** There is appropriated two million five hundred thousand dollars (\$2,500,000.00) from the legislative stabilization reserve account to the economic diversification account created by this act. Of this appropriation, not less than one million five hundred thousand dollars (\$1,500,000.00) shall be earmarked for expenditure under this act for workforce development recommended by the ENDOW executive council to carry into effect the state's economic diversification strategy. These earmarked funds may be expended by the governor for other purposes consistent with the provisions of this act should the governor determine an immediate economic diversification opportunity exists and the earmarked funds are necessary to realize that opportunity.

ORIGINAL SENATE  
FILE NO. SF0132

ENGROSSED

ENROLLED ACT NO. 64, SENATE

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING  
2017 GENERAL SESSION

**Section 5.** 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)

\_\_\_\_\_  
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