

HOUSE BILL NO. HB0263

State coronavirus recovery funding.

Sponsored by: Representative(s) Nicholas

A BILL

for

1 AN ACT relating to emergency funding of government;
 2 authorizing emergency government programs as specified;
 3 providing legislative findings; requiring reporting;
 4 providing for rulemaking; authorizing the expenditure of a
 5 portion of the state's remaining CARES Act and American
 6 Rescue Plan Act funds; providing appropriations;
 7 reappropriating funds; providing an appropriation to
 8 restore funding for the operation of state government as
 9 specified; specifying conditions on appropriations and
 10 expenditure of funds; and providing for effective dates.

11

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

13

14 **Section 1.**

15

16 (a) The legislature finds that:

1

2 (i) On March 11, 2021 the American Rescue Plan
3 Act, P.L. 117-2 was signed into law;

4

5 (ii) The American Rescue Plan Act provides
6 approximately one billion two hundred million dollars
7 (\$1,200,000,000.00) in discretionary funds to the state of
8 Wyoming and the political subdivisions of the state;

9

10 (iii) These federal funds provide the state with
11 the opportunity to continue the recovery from the decline
12 related to the COVID-19 pandemic to the revenues of the
13 state of Wyoming and the political subdivisions of the
14 state as well as to further address the economic impact to
15 the citizens of Wyoming from the pandemic;

16

17 (iv) It is in the best interest of the state of
18 Wyoming if these funds are expended in a manner which
19 maximizes the short term and long term benefits to the
20 people of Wyoming. Such a response will take a coordinated
21 and thoughtful effort of the legislative, executive and
22 judicial branches of state government as well as input from

1 all affected political subdivisions of the state and the
2 various stakeholders and citizens of the state;

3

4 (v) To act in the best interest of the state of
5 Wyoming, the legislature is anticipated to meet in special
6 session during the spring or summer of 2021 to enact
7 programs and expenditures after receiving public testimony
8 and developing legislation through meetings and discussion
9 with all interested parties;

10

11 (vi) In the event that for whatever reason, the
12 legislature does not enact further legislation to
13 appropriate federal funds from the American Rescue Plan Act
14 or the CARES Act by September 1, 2021, the governor is
15 authorized by the terms of this act to implement programs
16 as specified to expend these funds;

17

18 (vii) The governor at all times retains the
19 authority to expend these federal funds if an emergency
20 financial situation exists, general fund appropriations can
21 be conserved or agency program requirements have
22 significantly changed, as provided in W.S. 9-2-1005(b)(ii),
23 9-2-1006(a) and 9-4-206.

1

2 **Section 2.**

3

4 (a) To carry out the expenditure of federal funds
5 authorized by subsection (b) of this section, the governor
6 is authorized to establish by order or rule any emergency
7 program that is consistent with the terms of this act and
8 the federal gift, grant or appropriation if the program can
9 be fully supported by federal funds appropriated under this
10 act or other existing appropriations and does not obligate
11 the state to any expenditure of state funds not previously
12 appropriated by the legislature. Any emergency program
13 created under the authority granted in this subsection
14 shall expire on December 31, 2024 unless expressly
15 continued by act of the legislature.

16

17 (b) Subject to the limitations provided in
18 subsections (c) through (e) of this section, any federal
19 funds provided to the state for COVID-19 related purposes
20 including from the American Rescue Plan Act, P.L. 117-2,
21 the Coronavirus Aid, Relief and Economic Security (CARES)
22 Act, P.L. 116-136, or other similarly purposed federal act,
23 that do not accrue to any agency under W.S. 9-2-1006(a) and

1 which were not appropriated within 2021 Senate File 0118,
2 section 4(a) and (b) as enacted into law are appropriated
3 to the office of the governor for the emergency expenses of
4 government that are consistent with the terms of the
5 federal gift, grant or appropriation and subject to the
6 provisions of this subsection. In accordance with W.S.
7 9-4-205(a), this appropriation of federal funds shall be
8 subject to further legislative review and appropriation.
9 This appropriation shall only be expended for the following
10 purposes:

11

12 (i) For any expenses incurred by state entities,
13 school districts or Wyoming community college districts to
14 respond to the public health emergency and the impacts
15 caused by COVID-19 as determined by the governor. As used
16 in this paragraph, "state entity" includes any state
17 office, department, board, council, commission, separate
18 operating agency, institution or other instrumentality or
19 operating unit of the state including the University of
20 Wyoming;

21

22 (ii) To respond to the public health emergency
23 with respect to COVID-19 or its negative economic impacts,

1 including assistance to households, small businesses, and
2 nonprofits or aid to impacted industries such as tourism,
3 travel and hospitality;

4

5 (iii) To respond to workers performing essential
6 work during the COVID-19 public health emergency by
7 providing premium pay to eligible workers of the state, a
8 political subdivision or tribal government that are
9 performing such essential work, or by providing grants to
10 eligible employers that have eligible workers who perform
11 essential work;

12

13 (iv) For the provision of government services to
14 the extent of the reduction in revenue of the state,
15 political subdivision or tribal government due to the
16 COVID-19 public health emergency relative to revenues
17 collected in the most recent full fiscal year of the state
18 prior to the emergency;

19

20 (v) To make necessary investments in water,
21 sewer, or broadband infrastructure in the state;

22

1 (vi) To provide grants for expenses incurred by
2 Wyoming health care providers and health care facilities,
3 including capital construction and building delay expenses
4 incurred to respond to the public health emergency caused
5 by COVID-19 or to improve the state's health care delivery
6 system and infrastructure for responding to public health
7 emergency caused by COVID-19. Grants provided under this
8 paragraph shall be administered by a state entity as
9 determined by the governor;

10

11 (vii) For expenses incurred by the Wyoming life
12 resource center and the Wyoming state hospital, including
13 operational expenses and capital construction and building
14 delay expenses incurred to respond to the public health
15 emergency caused by COVID-19 or to improve the state's
16 health care delivery system and infrastructure for
17 responding to the public health emergency caused by COVID-
18 19;

19

20 (viii) For any expenses incurred by the state to
21 respond to the public health emergency to address food
22 insecurity caused or exacerbated by COVID-19 as determined
23 by the governor;

1

2 (ix) For any COVID-19 related expenses and
3 expenditures of the judicial branch;

4

5 (x) For any COVID-19 related expenses and
6 expenditures of the legislative branch;

7

8 (xi) To cover other costs to the state or
9 citizens of businesses of the state to address the negative
10 impact caused by the COVID-19 pandemic. Business relief
11 programs under this act shall be administered by a state
12 entity as determined by the governor;

13

14 (xii) Any other COVID-19 related purposes
15 authorized by federal law.

16

17 (c) No expenditure of funds shall be made under this
18 section except in accordance with state and federal laws,
19 regulations and orders. The governor shall by order or
20 rule, adopt provisions to ensure that adequate
21 consideration is provided to the state for the expenditure
22 of public funds on grants authorized under this act.

23

1 (d) As a condition of receiving any grant, aid or
2 distribution authorized under this section, the recipient
3 shall report to the governor, and the governor shall
4 further provide to the legislature, the amount of all
5 federal loans, grants or aid provided for COVID-19 related
6 purposes including from the American Rescue Plan Act, P.L.
7 117-2, the Coronavirus Aid, Relief and Economic Security
8 (CARES) Act, P.L. 116-136 or other similarly purposed
9 federal act for which the recipient:

10

11 (i) Is eligible, as determined by the recipient;

12

13 (ii) Has applied;

14

15 (iii) Has received.

16

17 (e) The governor's office shall implement by rule
18 reporting requirements for recipients of any grant,
19 distribution or aid authorized under this section
20 sufficient to comply with all federal reporting
21 requirements.

22

23 **Section 3.**

1

2 (a) Except as provided in this section and section 4
3 of this act, there is appropriated all unexpended,
4 unencumbered and unobligated funds received by the state of
5 Wyoming to the state auditor from the American Rescue Plan
6 Act of 2021, P.L. 117-2, the Coronavirus Aid, Relief and
7 Economic Security (CARES) Act, P.L. 116-136 or other
8 similarly purposed federal act, including funds originally
9 appropriated in 2020 Wyoming Special Session Laws, Chapter
10 1, Section 2(b), Chapter 2, Section 4(d) and Chapter 3,
11 Sections 2(h), 3(h) and 4(g). The governor may immediately
12 transfer funds reappropriated under this section to the
13 state agency or entity designated to approve the project,
14 grant or procurements as provided in section 1 of this act.
15 All transfers authorized under this section shall be
16 approved by the governor and reported to the legislature
17 and the joint appropriations committee as provided in W.S.
18 9-2-1005(b)(ii) and (g), 9-2-1013(b) and 9-4-206. This
19 appropriation shall not be transferred or expended for any
20 purpose except as provided in this subsection. Any
21 unobligated, unencumbered and unexpended funds remaining
22 from this reappropriation on December 31, 2024 shall be

1 deposited to the general fund unless otherwise provided by
2 federal law.

3

4 (b) Funds appropriated in 2021 Senate File 0118,
5 section 4 as enacted into law shall not be included within
6 the appropriation under subsection (a) of this section.

7

8 (c) Excluding the appropriations or reappropriations
9 provided for in 2021 Senate File 0118, section 4 as enacted
10 into law. The appropriation in this section shall supersede
11 and take priority over any appropriation or reappropriation
12 of the Coronavirus Aid, Relief and Economic Security
13 (CARES) Act, P.L. 116-136 funds as provided in any law
14 enacted during the 2021 legislative general session until
15 September 1, 2021 at which time any remaining CARES Act
16 funds shall be expended as provided in those enacted laws.

17

18 **Section 4.**

19

20 (a) There is appropriated fifteen million dollars
21 (\$15,000,000.00) from the legislative stabilization reserve
22 account to the state auditor for purposes specified in
23 subsection (b) of this section. This appropriation shall be

1 for the period beginning with the effective date of this
2 section and ending June 30, 2022. This appropriation shall
3 not be transferred or expended for any other purpose and
4 any unexpended, unobligated funds remaining from this
5 appropriation shall revert as provided by law on June 30,
6 2022.

7

8 (b) The governor may direct the state auditor to
9 transfer funds appropriated under subsection (a) of this
10 section to any state agency to offset budget reductions
11 that would cause the agency to fail to meet any maintenance
12 of effort requirements imposed under the American Rescue
13 Plan Act of 2021, P.L. 117-2.

14

15 (c) The notification and reporting procedures
16 contained in W.S. 9-2-1005(b)(ii) and 9-2-1013(b) shall
17 apply to any transfer directed by the governor under this
18 section irrespective of the amount of the transfer.

19

20 **Section 5.** Any agency or entity authorized by or
21 under this act to administer any program, grant or other
22 disbursement may adopt rules, including emergency rules, as

1 necessary to fulfill its powers and duties in accordance
2 with the Wyoming Administrative Procedure Act.

3

4 **Section 6.**

5

6 (a) Except as provided in subsection (b) of this
7 section, this act is effective immediately upon completion
8 of all acts necessary for a bill to become law as provided
9 by Article 4, Section 8 of the Wyoming Constitution.

10

11 (b) Section 2 of this act is effective September 1,
12 2021.

13

14 (END)