

SENATE FILE NO. SF1001

Emergency appropriation-COVID-19 funds-2.

Sponsored by: Management Council

A BILL

for

1 AN ACT relating to the emergency expenses of government;
2 providing legislative findings; authorizing emergency
3 governmental programs as specified; requiring reporting;
4 providing an appropriation; specifying conditions on the
5 appropriation and expenditure of funds; and providing for
6 an effective date.

7

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

9

10 **Section 1.**

11

12 (a) The legislature finds that:

13

14 (i) In December 2019, a novel coronavirus known
15 as severe acute respiratory syndrome coronavirus 2 (SARS-
16 CoV-2) was first detected in Wuhan, Hubei province,

1 People's Republic of China, leading to outbreaks of novel
2 coronavirus disease (COVID-19) that have now spread
3 globally;

4

5 (ii) On March 13, 2020, the president of the
6 United States under the authority given to his office in
7 the federal Robert T. Stafford Disaster Relief and
8 Emergency Assistance Act (Stafford Act), declared a
9 national emergency over the coronavirus outbreak following
10 cancellations, suspensions and growing case numbers
11 nationwide;

12

13 (iii) On March 13, 2020, the governor declared a
14 state of emergency in Wyoming in anticipation of the spread
15 of COVID-19 to the state and on April 11, 2020, Wyoming
16 received a major disaster declaration under the Stafford
17 Act;

18

19 (iv) The governor, the state health officer,
20 local health officers, local officials and tribal leaders
21 responded with swift measures to contain the spread of
22 COVID-19, minimize the public's exposure to COVID-19 and

1 protect the health, safety and well being of Wyoming
2 residents;

3

4 (v) The public health crisis caused by COVID-19:

5

6 (A) Resulted in death, hospitalizations,
7 sickness, mental health suffering and numerous other
8 adverse health impacts to the residents of Wyoming;

9

10 (B) Created economic devastation to
11 Wyoming's economy and the tax base for the state and local
12 governments;

13

14 (C) Resulted in the loss of employment and
15 income for Wyoming residents, the closure of businesses and
16 schools, destabilized housing and greatly exacerbated
17 financial insecurity in the state;

18

19 (D) Put extraordinary financial pressure on
20 individuals, families, homeowners, hospitals, health care
21 facilities, businesses, educational providers, state
22 agencies and local governments.

23

1 (vi) While it is currently not possible to fully
2 assess the scope, duration and severity of the impact the
3 public health crisis has and will have on the residents of
4 Wyoming, the recovery efforts will require a dedicated
5 response by the executive, legislative and judicial
6 branches of Wyoming's state government, tribal governments
7 and local governments of Wyoming's counties, cities, towns
8 and political subdivisions;

9

10 (vii) The federal Coronavirus Aid, Relief and
11 Economic Security (CARES) Act, P.L. 116-136, has provided
12 the state government of Wyoming with relief funds of one
13 billion two hundred fifty million dollars
14 (\$1,250,000,000.00) to cover costs that are necessary
15 expenditures incurred due to the public health emergency
16 with respect to COVID-19. Further federal stimulus aid may
17 be forthcoming to the states from the federal government to
18 address this crisis;

19

20 (viii) Under existing law, the governor may
21 accept and expend federal funds through supplemental
22 additions to approved budgets when the legislature is not
23 in session pursuant to W.S. 9-2-1005(b). The legislature

1 finds that due to the extraordinary circumstances of the
2 COVID-19 public health emergency and resulting economic
3 devastation, joint action of the legislative and executive
4 branches in determining how the CARES Act relief funds are
5 expended will result in the greatest benefit to the state;

6

7 (ix) Currently, the allowable expenditures of
8 the relief funds provided to the state under the CARES Act
9 are restricted and may not be used to fill shortfalls in
10 state and local government revenue. However, discussions
11 continue on how the relief funds may best be spent. State
12 and local governments, and the services and programs they
13 provide to the public, may be significantly reduced as a
14 result of the public health emergency and the economic
15 devastation it has brought. The deliberative, thoughtful
16 and prudent use of available federal funds through the
17 development of long-term strategies can help blunt the
18 worst of these economic impacts for the residents of
19 Wyoming.

20

21 (b) The legislature further finds that four (4)
22 classifications of priority needs requiring funding from
23 these and any future federal stimulus funds are:

1

2 (i) COVID-19 emergency response. These are
3 expenditures that were incurred and that continue to be
4 incurred as a direct response of combating COVID-19 in
5 Wyoming, for which CARES Act relief funds may currently be
6 expended. There is also an immediate need for additional
7 state programs to respond to this crisis. This act and its
8 companion acts provide the emergency funding and emergency
9 authorization to create certain time limited programs to
10 address the COVID-19 emergency;

11

12 (ii) Relief aid. These are payments to state
13 and local programs to support businesses, families and
14 individuals who have been economically impacted by the
15 public health crisis;

16

17 (iii) Economic development projects. These are
18 capital construction, road building, infrastructure,
19 broadband and other potential projects intended to invest
20 in Wyoming by providing employment opportunities for
21 Wyoming residents to offset the devastating impacts of the
22 COVID-19 crisis and by enhancing the infrastructure of the
23 state;

1

2 (iv) Replacement of lost revenue for public
3 entities. To the extent allowable under the CARES Act or
4 other similarly purposed federal act, relief funds could be
5 used to allow state and local governments to continue to
6 provide a base level of critical services while longer term
7 solutions to this economic crisis can be implemented.

8

9 (c) The legislature intends to work with the
10 executive branch and local governments to enact legislation
11 addressing all four (4) of the identified priorities if
12 permissible in the near future. However, if the
13 legislature determines that no additional legislative
14 action is necessary and no further legislation is enacted,
15 the governor may expend any remaining CARES Act relief
16 funds pursuant to section 2 of this act. While it is
17 beyond the power of government to alleviate all hardships
18 associated with this public health and economic crisis,
19 long-term strategies to utilize available funds to address
20 this crisis will ultimately provide the greatest benefit to
21 the state and speed the road to economic recovery.

22

23 **Section 2.**

1

2 (a) To carry out the expenditure of federal funds
3 authorized by subsection (b) of this section, the governor
4 is authorized to establish by order or rule any emergency
5 program that is consistent with the terms of this act and
6 the federal gift, grant or appropriation if the program can
7 be fully supported by federal funds appropriated under this
8 act or other existing appropriations. Any emergency
9 program created under the authority granted in this
10 subsection shall expire on December 30, 2020 unless
11 expressly continued by act of the legislature.

12

13 (b) Subject to the limitations provided in subsection
14 (c) through (g) of this section, any federal funds provided
15 to the state for COVID-19 related purposes including from
16 the Coronavirus Aid, Relief and Economic Security (CARES)
17 Act, Public Law 116-136, or other similarly purposed
18 federal act that do not accrue to any agency under W.S.
19 9-2-1006(a) are appropriated to the office of the governor
20 for the emergency expenses of government that are
21 consistent with the terms of the federal gift, grant or
22 appropriation and as specified in this subsection. In
23 accordance with W.S. 9-4-205(a), this appropriation of

1 federal funds shall be subject to further legislative
2 review and appropriation. This appropriation shall only be
3 expended for the following purposes:

4
5 (i) Any expenses incurred by state entities to
6 respond to the public health emergency and the impacts
7 caused by COVID-19 as determined by the governor. Expenses
8 may include any costs incurred in implementing 2020 Special
9 Session House Bill and Senate File 0002. As used in this
10 paragraph, "state entity" includes any school district,
11 state office, department, board, council, commission,
12 separate operating agency, institution or other
13 instrumentality or operating unit of the state and the
14 University of Wyoming and Wyoming community colleges;

15
16 (ii) Any expenses incurred by cities, towns,
17 counties and other political subdivisions to respond to the
18 public health emergency and the impacts caused by COVID-19.
19 The allocation of distributions to entities under this
20 paragraph shall be subject to the approval of the state
21 loan and investment board;

22

1 (iii) To provide grants for expenses incurred by
2 Wyoming health care providers and health care facilities to
3 respond to the public health emergency caused by COVID-19
4 or to improve the state's health care delivery system and
5 infrastructure. Grants provided under this paragraph shall
6 be subject to the approval of the state loan and investment
7 board. The governor shall by order or rule, adopt
8 provisions to ensure that adequate consideration is
9 provided to the state for the expenditure of public funds
10 on grants authorized under this paragraph;

11

12 (iv) For operational or capital construction
13 expenses at the Wyoming life resource center and the
14 Wyoming state hospital to improve the state's capacity to
15 respond to the public health emergency caused by COVID-19;

16

17 (v) For capital construction expenses to improve
18 the state's capacity to provide mental health services in
19 response to the public health emergency caused by COVID-19.
20 Capital construction expenses authorized under this
21 paragraph shall be subject to the approval of the state
22 building commission;

23

1 (vi) Any expenses incurred by the state to
2 respond to the public health emergency to address food
3 insecurity caused or exacerbated by COVID-19 as determined
4 by the governor;

5

6 (vii) Any COVID-19 related expenses and
7 expenditures of the judicial branch;

8

9 (viii) Any COVID-19 related expenses and
10 expenditures of the legislative branch;

11

12 (ix) Any other COVID-19 related purposes
13 authorized by legislative act.

14

15 (c) Funds appropriated under subsection (b) of this
16 section may be expended or obligated by the governor
17 subject to the following conditions:

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19 (i) On the effective date of this act, up to
20 four hundred fifty million dollars (\$450,000,000.00) shall
21 be available for expenditure or obligation;

22

1 (ii) Absent enactment of further legislation, on
2 July 15, 2020 an additional four hundred million dollars
3 (\$400,000,000.00) plus any funds remaining from the amount
4 authorized under paragraph (i) of this subsection shall be
5 available for expenditure or obligation;

6

7 (iii) Absent enactment of further legislation,
8 on September 15, 2020, any remaining funds shall be
9 available for expenditure or obligation;

10

11 (iv) It is the intent of the legislature that
12 this appropriation not be included in the office of the
13 governor's standard budget for the immediately succeeding
14 fiscal biennium;

15

16 (v) Expenditure of this appropriation shall be
17 documented through the B-11 process described under W.S.
18 9-2-1005(b)(ii), (iii) and (g) and reported pursuant to
19 W.S. 9-2-1013(b) but need not constitute a supplemental
20 addition to an approved budget;

21

1 (vi) This appropriation shall not be revised,
2 changed, redistributed or increased pursuant to W.S.
3 9-2-1005(b)(ii) and (iii);

4

5 (vii) This appropriation shall not be
6 transferred or expended for any purpose not specified in
7 this act.

8

9 (d) The attorney general shall review in writing the
10 legality of the distribution, expenditure and accounting of
11 federal funds authorized under subsection (b) of this
12 section.

13

14 (e) No expenditure of funds shall be made under this
15 section except in accordance with state and federal laws,
16 regulations and orders.

17

18 (f) As a condition of receiving any grant, aid or
19 distribution authorized under this section, the recipient
20 shall report to the governor and legislature the amount of
21 all federal loans, grants or aid provided for COVID-19
22 related purposes including from the Coronavirus Aid, Relief
23 and Economic Security (CARES) Act, Public Law 116-136, or

1 other similarly purposed federal act for which the
2 recipient:

3

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

5

6 (ii) Has applied; or

7

8 (iii) Has received.

9

10 (g) The governor shall implement reporting
11 requirements on the recipient of any grant, distribution or
12 aid authorized under this section sufficient to comply with
13 all federal reporting requirements.

14

15 **Section 3.** This act is effective immediately upon
16 completion of all acts necessary for a bill to become law
17 as provided by Article 4, Section 8 of the Wyoming
18 Constitution.

19

20

(END)