

ENROLLED ACT NO. 72, SENATE

SIXTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING
2021 GENERAL SESSION

AN ACT relating to emergency expenses of government; authorizing expenditure of COVID-19 relief funds on previously approved projects, grants or procurements; authorizing the governor to recreate expired programs for COVID-19 aid and relief; authorizing emergency government programs as specified; providing certain exemptions from procurement statutes as specified; providing legislative findings; providing sunset dates for expenditure of the specified COVID-19 relief funds; providing an appropriation to restore funding for the operation of state government as specified; providing additional appropriations; providing reappropriations; specifying conditions on appropriations, reappropriations and expenditure of funds; requiring reporting; authorizing rulemaking; and providing for effective dates.

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

Section 1. The department of family services shall serve as the administrating agency for the federal emergency rental assistance program created under Division N, Title V, Sec. 501 of the federal Consolidated Appropriations Act of 2021 and any related subsequent federal legislation. The department shall be authorized to administer the emergency rental assistance program in Wyoming in accordance with applicable federal law and guidance and in a manner that insures maximum benefit to Wyoming residents. The department shall be authorized to designate to other state agencies or public entities administrative functions under this program. The department shall be further authorized to issue grants under this program to any entity for purposes of the provision of case management and other housing support, as permitted by relevant federal law and regulations. All actions taken by the department in connection with the

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administration of the emergency rental assistance program are exempt from the competitive bidding and other procurement requirements of chapter 6 of title 16 of the Wyoming Statutes provided however that the department shall make good faith efforts to obtain the most favorable pricing and other commercial terms from service providers. The program created under this section shall expire ninety (90) days after the later of the expiration of the program under relevant federal law or upon the expiration of any extension granted for the use of funds under the program by the United States department of treasury.

Section 2. Projects, grants or procurements which were approved to receive funds provided to the state of Wyoming through the federal Coronavirus Aid, Relief and Economic Security (CARES) Act, P.L. 116-136 by all necessary entities within the executive branch prior to December 30, 2020, shall be funded as provided in this section to the extent funds are available. The authority to approve the expenditure of funds authorized in this section shall expire ninety (90) days after the later of the expiration of the program under relevant federal law or upon the expiration of any extension granted for the use of funds under the program by the United States department of treasury. CARES Act funds shall be expended for projects, grants or procurements under this section if the agency or entity responsible for originally approving the application prior to December 30, 2020 determines that payment of funds for projects, grants or procurements under this section remains in the best interest of the state of Wyoming. In utilizing this discretion, the administering agency or entity may deny a payment of funds for a previously approved project, grant or procurement if the agency or entity finds there was no good cause for delay in undertaking a project or implementing the grant or

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procurement and the denial is in the best interest of the state. Funds shall be expended on projects, grants or procurements under this section pursuant to the relevant requirements under which the application was originally approved as contained within 2020 Wyoming Special Session Laws, Chapter 1 and Chapter 3.

Section 3.

(a) The governor may recreate any program originally created pursuant to the authority granted in 2020 Wyoming Special Session Laws, Chapter 1, Section 2 and Chapter 3, Sections 2 through 4 that expired on December 30, 2020 to the extent:

(i) Funds provided to the state of Wyoming through the federal Coronavirus Aid, Relief and Economic Security (CARES) Act, P.L. 116-136, which were encumbered but not completely expended by the executive branch for the benefit of the program recipients before December 30, 2020;

(ii) The governor and the agency authorized to administer the original program determines that recreation of the program is in the best interest of the state of Wyoming; and

(iii) Except as provided in paragraph (iv) of this section, the program is recreated under the relevant original requirements of the program as required by 2020 Wyoming Special Session Laws, Chapter 1, Section 2 and Chapter 3, Sections 2 through 4, as applicable, and all relevant requirements of rules and regulations adopted pursuant thereto;

(iv) Notwithstanding any other provision of law:

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(A) The programs recreated under this section shall expire ninety (90) days after the later of the expiration of the program under relevant federal law or upon the expiration of any extension granted for the use of funds under the program by the United States department of treasury;

(B) The agency responsible for administering the program may adopt rules, including emergency rules for the program as provided in section 5 of this act; and

(C) The agency responsible for administering the program shall report to the joint appropriations committee on the expenditure of funds, the recipients of those funds and the stated purpose for the award of funds no later than May 1, 2021 and then on the first day of each month thereafter through and including December 1, 2021.

Section 4.

(a) The legislature finds that:

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

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

(iii) These federal funds provide the state with the opportunity to continue the recovery from the decline

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related to the COVID-19 pandemic to the revenues of the state of Wyoming and the political subdivisions of the state as well as to further address the economic impact to the citizens of Wyoming from the pandemic;

(iv) It is in the best interest of the state of Wyoming if these funds are expended in a manner which maximizes the short term and long term benefits to the people of Wyoming. Such a response will take a coordinated and thoughtful effort of the legislative, executive and judicial branches of state government as well as input from all affected political subdivisions of the state and the various stakeholders and citizens of the state;

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

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

Section 5.

(a) To carry out the expenditure of federal funds authorized by subsection (b) of this section, the governor is authorized to establish by order or rule any emergency program that is consistent with the terms of this act and the federal gift, grant or appropriation if the program can

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be fully supported by federal funds appropriated under this act or other existing appropriations and does not obligate the state to any expenditure of state funds not previously appropriated by the legislature. Any emergency program created under the authority granted in this subsection shall expire on December 31, 2024 unless expressly continued by act of the legislature.

(b) Subject to the limitations provided in subsections (c) through (e) of this section, any federal funds provided to the state for COVID-19 related purposes including from the American Rescue Plan Act, P.L. 117-2, the Coronavirus Aid, Relief and Economic Security (CARES) Act, P.L. 116-136, or other similarly purposed federal act, that do not accrue to any agency under W.S. 9-2-1006(a) and which are not appropriated within sections 4(a) through (c) of this act are appropriated to the office of the governor for the emergency expenses of government that are consistent with the terms of the federal gift, grant or appropriation and subject to the provisions of this subsection. In accordance with W.S. 9-4-205(a), this appropriation of federal funds shall be subject to further legislative review and appropriation. This appropriation shall only be expended for the following purposes:

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

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(ii) To respond to the public health emergency with respect to COVID-19 or its negative economic impacts, including assistance to households, small businesses, and nonprofits or aid to impacted industries such as tourism, travel and hospitality;

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

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

(v) To make necessary investments in infrastructure and capital construction including water, sewer or broadband infrastructure in the state;

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

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(vii) To provide funding and endowments for training health care professionals and workforce training programs across the state;

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

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

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

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

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

(xiii) Any other COVID-19 related purposes authorized by federal law.

(c) No expenditure of funds shall be made under this section except in accordance with state and federal laws,

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regulations and orders. The governor shall by order or rule, adopt provisions to ensure that adequate consideration is provided to the state for the expenditure of public funds on grants authorized under this act.

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

- (i) Is eligible, as determined by the recipient;
- (ii) Has applied;
- (iii) Has received.

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

Section 6.

(a) There is appropriated to the department of family services all federal funds received by the state of Wyoming specifically for the federal emergency rental assistance program created under Division N, Title V, Sec. 501 of the federal Consolidated Appropriations Act of 2021 and any related subsequent federal legislation. This appropriation

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shall not be transferred or expended for any purpose, except as provided in this subsection. Any unobligated, unexpended funds remaining from this appropriation upon the expiration of the later of the relevant federal law, related federal legislation, reallocation by the secretary of the United States department of treasury, or any extension granted by the United States department of treasury shall be deposited to the general fund unless otherwise provided by federal law.

(b) There is reappropriated to the governor's office an amount not to exceed twenty million dollars (\$20,000,000.00) in total for all reappropriations under section 2 of this act from any unexpended, unobligated funds appropriated in 2020 Wyoming Special Session Laws, Chapter 1, Section 2(b), Chapter 2, Section 4(d) and Chapter 3, Sections 2(h), 3(h) and 4(g). The governor may immediately transfer funds reappropriated under this section to the state agency or entity designated to approve the project, grant or procurements as provided in section 2 of this act. Nothing in this section shall restrict the ability of a state agency to pay an invoice or obligation approved and completed prior to December 30, 2020 with funds appropriated in 2020 Wyoming Special Session Laws, Chapter 1, Section 2(b), Chapter 2, Section 4(d) and Chapter 3, Sections 2(h), 3(h) and 4(g). This reappropriation shall not be transferred or expended for any purpose except as provided in this subsection. Any unobligated, unexpended funds remaining from this appropriation upon the expiration of the later of the relevant federal law, related federal legislation, reallocation by the secretary of the United States department of treasury, or any extension granted by the United States department of treasury shall be deposited to the general fund unless otherwise provided by federal law.

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(c) There is reappropriated to the governor's office an amount not to exceed eighteen million dollars (\$18,000,000.00) in total for all programs recreated under section 3 of this act from any unexpended, unobligated funds appropriated in 2020 Wyoming Special Session Laws, Chapter 1, Section 2(b), Chapter 2, Section 4(d) and Chapter 3, Sections 2(h), 3(h) and 4(g). The governor may immediately transfer funds reappropriated under this section to the state agency or entity previously designated to administer the COVID-19 relief program as provided in section 3 of this act. Nothing in this section shall restrict the ability of a state agency to pay an invoice or obligation approved before December 30, 2020 with funds appropriated in 2020 Wyoming Special Session Laws, Chapter 1, Section 2(b), Chapter 2, Section 4(d) and Chapter 3, Sections 2(h), 3(h) and 4(g). This reappropriation shall not be transferred or expended for any purpose except as provided in this subsection. Any unobligated, unexpended funds remaining from this appropriation upon the expiration of the later of the relevant federal law, related federal legislation, reallocation by the secretary of the United States department of treasury, or any extension granted by the United States department of treasury shall be deposited to the general fund unless otherwise provided by federal law.

(d) To the extent not appropriated in subsections (a) through (c) of this section, there is appropriated all unexpended, unencumbered and unobligated funds received by the state of Wyoming to the state auditor from the American Rescue Plan Act of 2021, P.L. 117-2, the Coronavirus Aid, Relief and Economic Security (CARES) Act, P.L. 116-136 or other similarly purposed federal act, including funds originally appropriated in 2020 Wyoming Special Session

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Laws, Chapter 1, Section 2(b), Chapter 2, Section 4(d) and Chapter 3, Sections 2(h), 3(h) and 4(g). The governor may transfer funds reappropriated under this section to the state agency or entity designated to approve the project, grant or procurements as provided in section 5 of this act. This appropriation shall not be transferred or expended for any purpose except as provided in this subsection. Any unobligated, unexpended funds remaining from this appropriation upon the expiration of the later of the relevant federal law, related federal legislation, reallocation by the secretary of the United States department of treasury, or any extension granted by the United States department of treasury shall be deposited to the general fund unless otherwise provided by federal law.

(e) There is appropriated four million dollars (\$4,000,000.00) from the legislative stabilization reserve account to the state auditor for purposes specified in subsection (f) of this section. This appropriation shall be for the period beginning with the effective date of this section and ending June 30, 2022. This appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2022.

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

(g) The notification and reporting procedures contained in W.S. 9-2-1005(b)(ii), 9-2-1013(b) and 9-4-206

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shall apply to any transfer directed by the governor under this section irrespective of the amount of the transfer.

(h) The appropriations in this section shall supersede and take priority over any appropriation or reappropriation of the Coronavirus Aid, Relief and Economic Security (CARES) Act, P.L. 116-136 funds as provided in any law enacted during the 2021 legislative general session.

Section 7. The governor at all times retains the authority to expend the federal funds in accordance with W.S. 9-2-1005(b)(ii) and (g), 9-2-1006(a) and 9-4-206.

Section 8. Any agency or entity authorized by or under this act to administer any program, grant or other disbursement may adopt rules, including emergency rules, as necessary to fulfill its powers and duties in accordance with the Wyoming Administrative Procedure Act.

ORIGINAL SENATE
FILE NO. SF0118

ENGROSSED

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Section 9.

(a) Except as provided in subsection (b) of this section, 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.

(b) Section 5 of this act is effective September 1, 2021.

(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