

ENROLLED ACT NO. 55, HOUSE OF REPRESENTATIVES

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

AN ACT relating to the emergency expenses of government related to business relief; authorizing an emergency governmental program related to economic development and business relief as specified; providing for an appropriation; providing a sunset date for the created program; providing rulemaking authority; and providing for an effective date.

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

Section 1.

(a) As used in this section:

(i) "Council" means the Wyoming business council;

(ii) "Eligible business" means a business that:

(A) Was established on or before the date of enactment of any order issued by the state or any local government of Wyoming that required closures of businesses in response to the COVID-19 pandemic;

(B) Is a publicly or privately owned business and not a government-owned business or a government entity;

(C) Paid not less than:

(1) One million dollars (\$1,000,000.00) in 2019 for taxes assessed on real property owned by the eligible business in the state of Wyoming; or

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(2) Ten million dollars (\$10,000,000.00) in gross payroll in 2019 to the business's employees employed in Wyoming.

(D) Has its principal operations located in Wyoming; and

(E) On March 31, 2020, employed in Wyoming not less than one hundred (100) full-time employees whose work was principally performed in Wyoming.

(iii) "Required closure" means the closure of a business that was ordered by the state or any local government of Wyoming in an order issued or in effect beginning March 15, 2020 in response to the COVID-19 pandemic. "Required closure" shall also include the interruption or curtailment of a business's normal business as a result of any closures or public health orders or as a result of the public health crisis with respect to COVID-19;

(iv) "Covered period" means the period beginning on the effective date of this act and ending December 31, 2021 except that if the period for which allowable costs may be incurred under section 601 of the federal Social Security Act, as created by section 5001 of the CARES Act and as amended by section 1001 of Division M of the Consolidated Appropriations Act, also known as the Coronavirus Response and Relief Supplemental Appropriations Act, is further amended or superseded, "covered period" shall mean the period beginning on the effective date of this act and ending on the last date of the period specified by federal law for which allowable costs may be incurred.

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(b) The coronavirus large business relief stipend program is hereby created. The Wyoming business council shall establish and administer this temporary program for the purpose of providing stipends to eligible businesses adversely impacted by the COVID-19 pandemic or by required closures. Stipends shall be awarded under this section in accordance with the following:

(i) Any eligible business may apply to the council for a stipend under this section not later than a deadline established by the council. The application shall require the applicant to certify that it is an eligible business as defined by this section. The application shall also provide that knowingly making a false statement to the council on the application is prohibited and may result in the applicant being required to repay all funds awarded under this section;

(ii) The council may contract with financial institutions and other businesses to carry out the program created by this section and distribute stipends awarded under this section;

(iii) No stipend shall be awarded under this section without the applicant first submitting an expenditure plan for the stipend on a simple form provided by the council. The council may request that the applicant provide any additional information necessary to determine the adequacy of the applicant's submitted plan;

(iv) Before making a stipend under this section, the applicant shall demonstrate to the council's satisfaction that the eligible business incurred actual losses of sales, revenues or production in April 2020, May 2020 and June 2020 of not less than twenty-five percent

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(25%), as compared to the corresponding sales, revenues or production for the same months in 2019, which resulted from the COVID-19 pandemic or as a result of business interruptions due to a required closure or a public health order;

(v) The stipend for each eligible business shall be determined by calculating the actual losses of sales, revenues or production and any COVID-19 related expense and subtracting from that amount any costs or expenses the eligible business did not incur that it otherwise would have normally incurred but for the COVID-19 public health emergency and further subtracting any federal or state funding that the eligible business has received or is scheduled to receive to compensate the eligible business for the actual losses of sales, revenues or production. For purposes of this subsection, any funds received or funds received and to be forgiven under the federal paycheck protection program shall be included in the calculation of federal or state funding received;

(vi) Stipends awarded under this section shall not exceed one million five hundred thousand dollars (\$1,500,000.00) for each eligible business;

(vii) Stipends shall be made only with funds provided to the state government of Wyoming under the federal CARES Act. No other funds of any kind and from any source shall be expended on the stipends awarded under this section;

(viii) Subject to federal law, stipends awarded under this section shall be conditioned upon the eligible business agreeing to:

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(A) Continue to maintain principal operations in the state of Wyoming for not less than three (3) years after receiving a stipend under this section;

(B) Provide a report to the council not later than the last day of the covered period that describes how the funds were expended as authorized by paragraph (iv) of this subsection in response to the COVID-19 public health crisis;

(C) Repay all funds provided under this section plus interest at the rate of two percent (2%) per annum if the eligible business uses stipend funds for expenses not authorized by this section or if the eligible business fails to comply with the requirements of this paragraph.

(ix) In awarding stipends under this section, the council shall not award stipends to eligible businesses that, as of July 1, 2020, had received funding from the federal paycheck protection program or any other funding available through the CARES Act and federal programs in response to the COVID-19 pandemic;

(x) Stipends shall not be reduced based on any amounts that an eligible business has received from any of the programs established in 2020 Wyoming Special Session Laws, Chapter 3. No eligible business shall receive a stipend under this section for any losses or expenses reimbursed or awarded under another program;

(xi) The council shall only accept applications for stipends under this section for a period of twenty-one (21) calendar days;

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(xii) The council shall rank all applications received during the period specified in paragraph (xi) of this subsection. The council shall rank, prioritize and first provide stipends to those eligible businesses with the largest percentage of decrease between actual losses of sales, revenues or production plus any COVID-19 related expense incurred in the months of April 2020, May 2020 and June 2020 with the amount of corresponding sales, revenues or production in the same months in 2019, minus any costs or expenses the eligible business did not incur that it otherwise would have normally incurred but for the COVID-19 public health emergency and minus any federal or state funding that the eligible business has received or is scheduled to receive to compensate the eligible business for the actual losses of sales, revenues or production in the months April 2020, May 2020 and June 2020.

(c) The council shall promulgate any emergency and regular rules necessary to administer the program authorized by this section.

(d) The attorney general shall review in writing the legality of the program and any rules established for the program authorized by this section.

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

(f) The council may conduct and contract for random audits of eligible businesses receiving stipends awarded under this section to ensure funds are expended in compliance with state and federal law.

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(g) The program created by this section shall terminate on the last day of the covered period.

Section 2. There is reappropriated to the Wyoming business council an amount determined by the legislature from any unexpended, unobligated funds appropriated in 2020 Wyoming Special Session Laws, Chapter 1, Section 2(b) and as authorized and made available for expenditure in Section 2(c)(ii). If a COVID-19 relief account or other similarly named account is created for the deposit of COVID-19 related emergency response funds, any reappropriation shall be made from that account and be limited to unobligated, unexpended funds appropriated in the 2020 Wyoming Special Session Laws, Chapter 1, Section 2(b) and as authorized and made available for expenditure in section 2(c)(ii). If CARES Act funds are not available for any portion of this reappropriation, the joint appropriations committee or any other committee tasked with developing legislation shall consider appropriating additional COVID-19 relief funds from any subsequent federal COVID-19 relief package. Except as provided in this section, any funds reappropriated under this section shall be used only for the establishment and operation of the program authorized in section 1 of this act and consistent with the terms of the federal gift, grant or appropriation from which the funds originate. Any appropriation made for the purposes of this act shall not be transferred or expended for any other purpose. Any unobligated, unexpended funds reappropriated by the legislature for the purposes of this act remaining on the last day of the covered period shall revert as provided by law.

ORIGINAL HOUSE
BILL NO. HB0010

ENGROSSED

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Section 3. 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 House.

Chief Clerk