

HOUSE BILL NO. HB0010

COVID-19 large business relief program.

Sponsored by: Joint Minerals, Business & Economic
Development Interim Committee

A BILL

for

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

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

9

10 **Section 1.**

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12 (a) As used in this section:

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

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

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(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

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

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

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

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8 (iii) "Required closure" means the closure of a
9 business that was ordered by the state or any local
10 government of Wyoming in an order issued or in effect
11 beginning March 15, 2020 in response to the COVID-19
12 pandemic. "Required closure" shall also include the
13 interruption or curtailment of a business's normal business
14 as a result of any closures or public health orders or as a
15 result of the public health crisis with respect to COVID-
16 19.

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18 (b) The coronavirus large business relief stipend
19 program is hereby created. The Wyoming business council
20 shall establish and administer this temporary program for
21 the purpose of providing stipends to eligible businesses
22 adversely impacted by the COVID-19 pandemic or by required

1 closures. Stipends shall be awarded under this section in
2 accordance with the following:

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

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

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19 (iii) No stipend shall be awarded under this
20 section without the applicant first submitting an
21 expenditure plan for the stipend on a simple form provided
22 by the council. The council may request that the applicant

1 provide any additional information necessary to determine
2 the adequacy of the applicant's submitted plan;

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4 (iv) Stipends awarded under this section shall
5 be used by the eligible business for the following
6 expenditures and expenses associated with the COVID-19
7 pandemic:

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9 (A) Payroll costs for Wyoming employees;

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11 (B) Business supplies;

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13 (C) Business equipment including equipment
14 necessary to resume normal business operations and
15 equipment necessary to modify business operations in
16 response to the COVID-19 pandemic or to public health
17 guidelines;

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19 (D) Other business expenses, including but
20 not limited to rent or mortgage payments, utilities and
21 other operational costs;

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1 (E) Any other expenditure or expense
2 related to business interruption due to the COVID-19
3 pandemic.

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5 (v) Before making a stipend under this section,
6 the applicant shall demonstrate to the council's
7 satisfaction that the eligible business incurred actual
8 losses of sales, revenues or production in April 2020, May
9 2020 and June 2020 of not less than twenty-five percent
10 (25%), as compared to the corresponding sales, revenues or
11 production for the same months in 2019, which resulted from
12 the COVID-19 pandemic or as a result of business
13 interruptions due to a required closure or a public health
14 order;

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16 (vi) The council shall calculate the stipend for
17 each eligible business that applied in an amount equal to
18 the actual losses that the eligible business incurred
19 during April 2020, May 2020 and June 2020, not to exceed
20 the amount specified in paragraph (vii) of this subsection;
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1 (vii) Stipends awarded under this section shall
2 not exceed one million five hundred thousand dollars
3 (\$1,500,000.00) for each eligible business;

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

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

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

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19 (B) Provide a report to the council not
20 later than December 30, 2020 that describes how the funds
21 were expended as authorized by paragraph (iv) of this
22 subsection in response to the COVID-19 public health
23 crisis;

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

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

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

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

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

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

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

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18 (g) The program created by this section shall
19 terminate on December 30, 2020.

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21 **Section 2.** There is reappropriated to the Wyoming
22 business council ten million dollars (\$10,000,000.00) from
23 any funds appropriated in 2020 Wyoming Special Session

1 Laws, Chapter 1, Section 2(b) and as authorized and made
2 available for expenditure in Section 2(c)(ii). If a COVID-
3 19 relief account or other similarly named account is
4 created for the deposit of COVID-19 related emergency
5 response funds, this reappropriation shall be made from
6 that account. Except as provided in this section, the funds
7 reappropriated under this section shall be used only for
8 the establishment and operation of the program authorized
9 in Section 1 of this act and consistent with the terms of
10 the federal gift, grant or appropriation from which the
11 funds originate. This appropriation shall not be
12 transferred or expended for any other purpose, except that
13 on or before November 1, 2020, the Wyoming business council
14 shall estimate the total amount of funds expended,
15 obligated and necessary for the stipends authorized in
16 Section 1 of this act. Any funds reappropriated under this
17 section in excess of the total amount estimated by the
18 Wyoming business council are hereby reappropriated after
19 November 1, 2020 to the office of the governor for the
20 purposes specified in 2020 Wyoming Special Session Laws,
21 Chapter 1. Any unobligated, unexpended funds remaining from
22 this reappropriation on December 30, 2020 shall revert as
23 provided by law.

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

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(END)