

This document summarizes the Governor's vetoes exercised on 2023 House Bill 0195. Due to insertion of veto explanations, pagination in this document will not match the original enrolled act. See the Governor's veto message for vetoes on the original act.

ORIGINAL HOUSE
BILL NO. HB0195

ENGROSSED

ENROLLED ACT NO. 91, HOUSE OF REPRESENTATIVES

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2023 GENERAL SESSION

AN ACT relating to the emergency expenses of government; providing definitions; providing appropriations; amending and repealing prior appropriations of COVID-19 relief funds; specifying conditions on the appropriation and expenditure of COVID-19 relief funds; amending prior conditions on the reduction and prioritization of COVID-19 relief funds; providing for the reversion of unexpended funds; authorizing emergency government programs; authorizing rulemaking; requiring reporting; specifying applicability; providing for priority of appropriations; and providing for an effective date.

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

Section 1.

(a) As used in this act:

(i) "Agency" means any governmental unit or branch of government receiving an appropriation under this act;

(ii) "Appropriation" means the authorizations granted by the legislature under this act to make expenditures from and to incur obligations against the funds as specified;

(iii) "ARPD" means American Rescue Plan Act direct funds, which are any unexpended, unobligated funds received by the state of Wyoming through the Coronavirus State Fiscal Recovery Fund established under section 602 of title VI of the federal Social Security Act, as created by

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section 9901 of the American Rescue Plan Act of 2021, P.L. 117-2. "ARPD" shall not include expenditures authorized under the American Rescue Plan Act of 2021, P.L. 117-2, section 602(c)(1)(C) for revenue replacement for the provision of government services to the extent of the state of Wyoming's reduction in revenue;

(iv) "This appropriation" when used in a footnote shall be construed as a reference to that portion of the appropriated funds identified in the footnote.

Section 2. 2022 Wyoming Session Laws, Chapter 50, Section 2, Section 400 is amended to read:

Section 2.

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APPROPRIATION	OTHER FUNDS
FOR	\$
Section 400. AMERICAN RESCUE PLAN DIRECT (ARPD) APPROPRIATIONS	
AGENCY & PROGRAM	
001 - Discr. Health Response ¹ .	50,000,000 ARPD
	<u>4,414,100</u> ARPD
001 - Workforce Prgms ² .	10,000,000 ARPD
024 - Outdoor Rec. Grant Prgm ³ .	10,000,000 ARPD
	<u>22,000,000</u> ARPD
024 - Outdoor Rec. & Tourism ⁴ .	2,000,000 ARPD
045 - Tech. Needs for WyoLink ⁵ .	35,000,000 ARPD
045 - Air Service Financial Assistance ²⁵ .	8,832,058 ARPD
048 - HHS Staffing Stabilization ⁶ .	13,000,000 ARPD
048 - HHS Innovation Fund ⁷ .	5,000,000 ARPD
048 - EMS Dispatch Cert. ⁸ .	84,000 ARPD
048 - 2-1-1 Capacity Building ⁹ .	1,750,000 ARPD
048 - EMS Stabilization Fund ¹⁰ .	5,000,000 ARPD
048 - EMS Regionalization Pilot ¹¹ .	10,000,000 ARPD
048 - WYHS (FY2023) ¹².	2,749,894 ARPD
048 - HHS Cap. Imprv. & Provider Relief ¹³ .	5,000,000 ARPD
048 - 24-7 Suicide Prevention ²⁶ .	2,100,000 ARPD
048 - Mental Health Provider Training Phase II ²⁸ .	200,000 ARPD
048 - First Responder & Law Enforcement Mental Health Support ²⁹ .	1,000,000 ARPD
049 - Food Insecurity - <u>Network Evaluation System Improv.</u> ³⁰ .	250,000 ARPD
	<u>3,250,000</u> ARPD
057 - WYIN Loan & Grant Prgm ¹⁵ .	6,427,477 ARPD
060 - HHS Capital Construction ¹⁶ .	85,000,000 ARPD
	<u>125,000,000</u> ARPD
060 - Local Gov. Support Projects ¹⁷ .	50,000,000 ARPD
	<u>70,300,000</u> ARPD
060 - Eligible Water & Sewer Projects ¹⁸ .	50,000,000 ARPD
	<u>80,000,000</u> ARPD
067 - Family Medicine Residency Program ¹⁹ .	708,407 ARPD
067 - WWAMI T&F Inflation ²⁰.	1,579,948 ARPD
067 - College of Health Sciences ³¹.	500,000 ARPD
080 - SUD Treatment Backlog ²¹ .	1,200,000 ARPD
085 - Connect Wyoming 2 ²² .	25,000,000 ARPD
101 - Circuit Court eFiling ²³ .	2,140,000 ARPD
101 - PPE, & Tests <u>and Mental Health Diversion</u> ²⁴ .	150,000 ARPD
101 - Equal Justice Wyoming ³² .	817,900 ARPD
TOTALS	<u>431,239,684</u>
	<u>440,373,942</u>

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FOR	\$

1. This appropriation to the governor's office is for purposes of responding to the COVID-19 public health emergency.

2. (a) This appropriation to the governor's office is for distribution to or through the Wyoming business council, department of workforce services, University of Wyoming or Wyoming community college commission and community colleges for:

(i) Pre-apprenticeships and apprenticeships;

(ii) Targeted healthcare workforce programs;

(iii) Targeted early childhood workforce programs;

(iv) Dislocated and underemployed talent transition programs;

(v) Workforce development for targeted populations who do not qualify for other assistance, including prisoners released on parole;

(vi) Assistance to former Wyoming residents who have intent to return to Wyoming for careers;

(vii) Economic development training for state, local and private economic development professions.

(b) No funds from this appropriation shall be expended on post-secondary education other than for career and technical education programs determined by the governor to be critical to the Wyoming workforce.

3. This appropriation to the department of state parks and cultural resources is for products, projects and grants in response to the COVID-19 public health emergency that qualify as ARPD expenditures.

4. This appropriation to the department of state parks and cultural resources, office of outdoor recreation, is for qualifying ARPD expenditures.

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FOR	\$

5. This appropriation to the department of transportation is for qualifying ARPD state or local government expenditures related to the WyoLink statewide public safety interoperable radio communications system, hardware and network. This appropriation is for purposes of assisting Wyoming's continued response to the COVID-19 public health emergency and improved connectivity of first responders.

6. This appropriation to the department of health is for purposes of providing emergency funding for staff retention and for attracting employees to health and human services provider groups. The department of health shall provide priority for funding under this footnote to employees who care for vulnerable populations and at risk populations.

7. This appropriation to the department of health is for purposes of providing grants for health and human services innovations in rural health care, long-term care, provision of human services, community behavioral health, mental health and health information technology and digital medical innovation.

8. This appropriation to the department of health is for the establishment of emergency medical dispatch statewide certification, which could include training, hardware and other activities to improve emergency response times and patient outcomes related to the emergency response to the COVID-19 public health emergency.

9. This appropriation to the department of health is for purposes of enhancing the capacity of the Wyoming 2-1-1 directory of resources to provide comprehensive information and referrals to improve the emergency response to the COVID-19 public health emergency.

10. This appropriation to the department of health is for purposes of providing grants to stabilize emergency medical services.

11. This appropriation to the department of health is for purposes of establishing an emergency medical services regionalization pilot opportunity for the five (5) trauma regions across Wyoming and investigating alternative options for emergency medical services that improve access and reduce costs. Expenditure of this appropriation is conditioned upon a match of funds.

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~~12. This appropriation to the department of health, aging division, is for the Wyoming home services program. This appropriation shall be used in lieu of expenditure of state general funds for any qualifying ARPD expenditures for the Wyoming home services program.~~

13. This appropriation to the department of health is for purposes of providing grants to health and human services providers to improve existing infrastructure and to provide financial relief to providers who are at imminent risk of closure. Grants shall be distributed to providers as determined by the department.

15. This appropriation to the Wyoming community college commission is for the Wyoming investment in nursing program. Notwithstanding the source of funding for this appropriation, it is the intent of the legislature that the standard budget of the Wyoming investment in nursing program within the Wyoming community college commission be requested from state general funds for the immediately succeeding fiscal biennium.

16. (a) Of this appropriation to the office of state lands and investments ~~sixty three million dollars (\$63,000,000.00)ARPD~~ eighty-eight million dollars (\$88,000,000.00)ARPD shall be for purposes of providing grants for qualifying health and human services infrastructure and capital construction investments. Grants from this appropriation shall be determined by the state loan and investment board. The following conditions shall apply to all grants provided under subsections (a) through (c) of this footnote:

(i) The maximum grant for any single project shall be ten million dollars (\$10,000,000.00);

(ii) A needs analysis determination shall be conducted by the state loan and investment board and may include a review of the project sponsor's financial information, including but not limited to revenue and other projections, budgets, financial statements and audits;

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(iii) Expenditure of the grant by the recipient is conditioned upon a match of funds in the ratio of one dollar (\$1.00) of grant funds to not less than one dollar (\$1.00) from any other source, including in-kind contributions to the project, except that the state loan and investment board may modify this matching requirement upon determination of need as provided in paragraph (a)(ii) of this footnote~~;~~

~~(iv) The state loan and investment board shall only consider applications for grants available under subsections (a) through (c) of this footnote that were submitted on and before January 23, 2023 [for grants under subsections (a) through (c) of this footnote].~~
[BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MARCH 17, 2023.]

(b) Of this appropriation to the office of state lands and investments, seven million dollars (\$7,000,000.00)ARPD shall be for the purpose of providing grants to community mental health center regional crisis stabilization facilities and women's substance use disorder facilities.

(c) Of this appropriation to the office of state lands and investments, fifteen million dollars (\$15,000,000.00)ARPD shall be for the purpose of providing grants to rural health clinics. Grants from this appropriation shall be determined by the state loan and investment board. The following conditions shall apply to this appropriation:

(i) Up to thirteen million dollars (\$13,000,000.00)ARPD may be expended to provide grants related to costs incurred by rural health clinics for qualifying infrastructure and capital construction investments;

(ii) Up to two million dollars (\$2,000,000.00)ARPD may be expended to provide grants for rural telehealth pilot projects.

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(d) Of this appropriation to the office of state lands and investments, fifteen million dollars (\$15,000,000.00) ARPD shall be for the purpose of providing supplemental grants for projects approved in 2022 by the state loan and investment board under subsection (a) of this footnote. These supplemental grants shall only be for purposes of inflation related costs. The maximum supplemental grant for any single project under this subsection shall be five million dollars (\$5,000,000.00).

17. (a) This appropriation to the office of state lands and investments is for administrative costs and merit based allocations of competitive grant funding to cities, counties and tribal governments to address the COVID-19 public health emergency or its negative economic impacts. Applications for eligible water and wastewater projects shall receive a lower priority from this appropriation than other eligible applications. Subject to the limitations provided in this footnote, the allocations of the competitive grant funding shall be determined by the state loan and investment board.

(b) Of this appropriation to the office of state lands and investments, five million dollars (\$5,000,000.00) ARPD shall be for the purpose of providing grants to cities, counties and tribal governments in Wyoming for unmet affordable housing needs through infrastructure, including utilities.

18. (a) This appropriation to the office of state lands and investments is for the allocation of competitive grant funding to cities, counties, special districts and tribal governments for eligible water and wastewater projects. The allocation of the competitive grant funding shall be determined by the state loan and investment board. The following conditions shall apply to all grants provided under this footnote:

(i) The maximum grant for any single project shall be seven million five hundred thousand dollars (\$7,500,000.00);

(ii) Expenditure of the grant by the recipient is conditioned upon a match of funds in the ratio of eighty-five cents (\$0.85) of grant funds to not less than fifteen cents (\$0.15) from matching funds provided by the project sponsor; ~~;~~

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(iii) The state loan and investment board shall only consider applications for grants available under this footnote that were submitted on and before January 23, [2023 for grants under this footnote]. [BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MARCH 17, 2023.]

19. This appropriation to the University of Wyoming is for the family medical residency program.

~~20. This appropriation to the University of Wyoming WWAMI medical education program is to be expended solely for student tuition and fees if determined in writing by the Wyoming attorney general to be permissible under state and federal law. The Wyoming attorney general's written determination shall be provided to the state auditor's office before funds are released for the university from this appropriation.~~

21. This appropriation to the department of corrections is for purposes of resolving the substance use disorder treatment backlog created by the COVID-19 public health emergency.

22. (a) This appropriation to the Wyoming business council is for purposes of increasing broadband connectivity to improve access to and meet the increased need for reliable high-speed internet service. In administering funds distributed and expended under this footnote, the Wyoming business council shall:

(i) Include performance requirements in its contracts with grant recipients, which performance requirements shall, at a minimum, require the grant recipient and any successor in interest to offer and provide continuous service to broadband customers during at least the first seven (7) years after substantial completion of the relevant project for which grant funds were expended;

(ii) Strive to increase the availability of broadband services available in Wyoming rural, unserved and underserved areas in Wyoming cities, towns and counties;

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(iii) For middle-mile broadband projects as defined by W.S. 9-12-1501(h)(ii) that receive or expend funds from this appropriation, require project recipients to allow last-mile broadband providers access to those middle-mile conduits at a reasonable rate as determined by the council;

(iv) For any projects that receive or expend funds from this appropriation, implement buildout requirements that include milestones and network performance testing requirements, as determined by the council.

(b) Of the appropriation in subsection (a) of this footnote, expenditure of fifteen million dollars (\$15,000,000.00) ARPD is conditioned upon a match of funds in the ratio of one dollar (\$1.00) of appropriated funds to not less than fifty cents (\$0.50) of private sector matching funds from project participants. Private sector matching funds provided under this subsection shall be accounted for in the aggregate of appropriated funds expended and not on a per project basis. Private sector matching funds provided under this subsection shall include future maintenance commitments that will be expended within the first three (3) years of the life of the project and any other allowable expense authorized by the Infrastructure Investment and Jobs Act, P.L. 117-58.

(c) It is the intent of the legislature that the appropriation in subsection (a) of this footnote leverage additional federal funds for broadband connectivity under the Infrastructure Investment and Jobs Act, P.L. 117-58 to the maximum extent possible and not less than one dollar (\$1.00) of appropriated funds to four dollars (\$4.00) of federal matching funds.

23. This appropriation to the supreme court is for the implementation of electronic filing of court documents in the Wyoming circuit courts and for associated maintenance and support as a mechanism to employ technology to limit the number of members of the public who are present in courthouses as a mitigation strategy to slow the spread of COVID-19.

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24. This appropriation to the supreme court is for purposes of implementing COVID-19 mitigation measures including, but not limited to acquisition of personal protective equipment to slow the spread of COVID-19. The supreme court may expend any funds not expended on COVID-19 mitigation measures for the study, planning and design of diversionary treatments and systems of care for defendants with mental and substance abuse illnesses.

25. This appropriation to the department of transportation is to provide aid to commercial air providers to mitigate financial hardship, including supporting payroll costs, lost pay and benefits for returning employees, support of operations and maintenance of existing equipment and facilities.

26. This appropriation to the department of health is to procure twenty-four (24) hours per day suicide prevention services.

28. This appropriation to the department of health is for the purpose of training one hundred three (103) mental health first aid trainers across the state to include two (2) trainers in each county, one (1) trainer in each school district, one (1) trainer in each community college district and one (1) trainer in the University of Wyoming. This appropriation is intended to increase access to mental health first aid trainers for purposes of training community members to assist residents experiencing mental health or substance abuse challenges due to the COVID-19 pandemic.

29. (a) This appropriation to the department of health is for the purpose of establishing a grant program for emergency medical service providers and county and municipal law enforcement agencies to deliver and improve access to mental health services for first responders as defined by W.S. 27-14-102(a)(xxxi) and law enforcement officers. An emergency medical service provider or county or municipal law enforcement agency seeking a grant under this footnote shall apply to the department detailing the provider's or agency's grant proposal on an application provided by the department. Grant proposals shall be evaluated by the department and prioritized for grant funding based on the following criteria:

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(i) The degree to which the proposal will reasonably achieve the intent of this program;

(ii) The adequacy of the proposal's approach to ensuring that any mental health programming funded through the receipt of a grant can be independently sustained by the emergency medical service provider or county or municipal law enforcement agency into the future.

30. ~~This~~ Of this appropriation to the department of family services, two hundred twenty-five thousand dollars (\$225,000.00)ARPD is for the purpose of planning a system to maximize state and local food distribution and minimize waste of donated and publicly purchased food to feed needy children, families and elderly persons with the intent to identify best practices and opportunities for enhancement and improvement. Of this appropriation, three million twenty-five thousand dollars (\$3,025,000.00)ARPD is to provide one (1) time grant funds to Wyoming organizations and entities to implement recommendations from the assessment and evaluation of the food distribution system to Wyoming citizens who face food insecurity.

~~31. This appropriation to the University of Wyoming's college of health sciences is for purposes of setting up and developing an accredited physician assistant training program capable of educating and training cohorts of five (5) Wyoming physician assistant students per year. The program shall work and align as closely as possible with current medical education and training programs. The physician assistant program may allow students to participate remotely from any Wyoming community college as practicable.~~

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32. This appropriation to the supreme court is for purposes of assisting with the provision of civil legal needs of low-income individuals, clients with special needs and other vulnerable populations and improving access to legal services during the COVID-19 pandemic through equal justice Wyoming. This appropriation shall be used by the supreme court to implement a common case management system for nonprofit civil legal aid providers, create an online triage portal for low-income individuals allowing for increased access to civil legal services, broaden access for limited English proficient individuals to the court system through remote interpretation and upgrade the equal justice Wyoming website, which serves as the central information repository for clients seeking legal assistance.

Section 3.

(a) The following sums of money, or so much thereof as is necessary, are appropriated to the specified agencies to be expended for the purposes and programs specified by this act beginning April 1, 2023 and ending December 31, 2026. Unless otherwise specifically provided, the conditions, terms and other requirements on appropriations in this act are effective until December 31, 2026.

(b) The following sums of money are intended to provide a maximum amount for each appropriation and shall not be construed to be entitlements or guaranteed amounts. If the total appropriations under this section exceed the unexpended, unobligated American Rescue Plan Act direct funds available to the state:

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(i) The governor shall reduce and prioritize appropriations to executive branch agencies and the University of Wyoming to not exceed the total unexpended, unobligated funds;

(ii) The supreme court, in consultation with the governor, shall reduce and prioritize appropriations for supreme court projects, to not exceed the total unexpended, unobligated funds.

Section 401. AMERICAN RESCUE PLAN DIRECT (ARPD) 2023 APPROPRIATIONS

AGENCY & PROGRAM	
048 - Behavioral Health Redesign ¹ .	5,000,000 ARPD
049 - Family Resource Centers ⁶ .	2,750,000 ARPD
049 - High Needs and High-Risk Youth ² .	4,000,000 ARPD
049 - Difficult to Employ Self-Sufficiency Program ⁴ .	2,252,500 ARPD
053 - Workforce Programs II ³ .	2,500,000 ARPD
101 - Treatment Courts Transfer ⁵ .	100,000 ARPD
TOTALS	<u>16,602,500</u>

1. This appropriation to the department of health, behavioral health division, is for implementation and infrastructure changes for behavioral health redesign as provided in 2021 Wyoming Session Laws, Chapter 79 and 2022 Wyoming Session Laws, Chapter 31. This appropriation shall be used in lieu of the expenditure of state general funds for any qualifying ARPD expenditures for the implementation of the behavioral health redesign.

2. This appropriation to the department of family services is to provide educational, behavioral health, child welfare and juvenile delinquency services to children who have profound and complex diagnoses including mental health, intellectual disabilities and severe behavioral issues.

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3. (a) This appropriation to the department of workforce services is for distribution to or through the Wyoming business council, department of workforce services, University of Wyoming or Wyoming community college commission and community colleges for:

- (i) Pre-apprenticeships and apprenticeships;
- (ii) Targeted healthcare workforce programs;
- (iii) Targeted early childhood workforce programs;
- (iv) Dislocated and underemployed talent transition programs;
- (v) Workforce development for targeted populations who do not qualify for other assistance, including prisoners released on parole;
- (vi) Assistance to former Wyoming residents who demonstrate an intent to return to Wyoming for careers;
- (vii) Economic development training for state, local and private economic development professions.

(b) No funds from this appropriation shall be expended on post-secondary education other than for career and technical education determined by the governor to be critical to the Wyoming workforce.

4. This appropriation to the department of family services is to develop an integrated case management model for clients who are among the most difficult to employ and whose barriers have kept them from re-entering the workforce after the COVID-19 pandemic.

5. This appropriation to the supreme court is to implement, expand and improve court supervised treatment programs within the judicial branch. This appropriation shall only be effective if 2023 Senate File 0023 is enacted into law.

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6. This appropriation to the department of family services is for the purposes of developing a program to provide grants, collect and monitor data and provide technical assistance to communities to establish or strengthen family resource centers.

Section 4.

(a) Funds appropriated under this act may be expended or obligated by the executive branch or judicial branch subject to the following conditions:

(i) It is the intent of the legislature that the appropriations in this act not be included in the respective agencies' standard budget for the immediately succeeding fiscal biennium, unless otherwise specifically provided;

(ii) The appropriations in this act shall not be revised, changed, redistributed or increased pursuant to W.S. 9-2-1005(b)(ii) and (iii);

(iii) The appropriations in this act shall not be transferred or expended for any purpose other than the purpose for which they are appropriated.

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

(c) The governor shall implement reporting requirements on the recipient of any grant, distribution or aid authorized under this act sufficient to comply with all federal reporting requirements.

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(d) The governor is authorized to establish by order or rule emergency programs for which funds are appropriated in this act that are consistent with the terms of the American Rescue Plan Act of 2021, P.L. 117-2, and that do not obligate the state to make any expenditure of state funds not appropriated by the legislature. Any emergency program under the authority granted in this act shall expire on December 31, 2026 unless expressly continued by act of the legislature.

(e) The governor shall report to the joint appropriations committee on a monthly basis on all of the following:

(i) The aggregate allocation of funds appropriated in this act, by program;

(ii) Program expenditures;

(iii) Grant awards;

(iv) Grant expenditures.

Section 5.

(a) Any unexpended funds appropriated in this act and in 2022 Wyoming Session Laws, Chapter 50, Section 2, Section 400 remaining at project completion, as determined by the recipient agency, shall revert and are hereby reappropriated in equal amounts to:

(i) The office of state lands and investments for purposes of providing grant funding for qualifying health and human services infrastructure and capital construction investments. Grants provided under this paragraph shall be in accordance with 2022 Wyoming Session

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Laws, Chapter 50, Section 2, Section 400, Footnote 16(a), as amended by this act, provided that the state loan and investment board shall prioritize grants for projects that are ready for construction and that will be completed before December 31, 2026;

(ii) The office of state lands and investments for purposes of providing grant funding to cities, counties, special districts and tribal governments for eligible water and wastewater projects. Grants provided under this paragraph shall be in accordance with 2022 Wyoming Session Laws, Chapter 50, Section 2, Section 400, Footnote 18(a), as amended by this act, provided that the state loan and investment board shall prioritize grants for projects that are ready for construction and that will be completed before December 31, 2026.

Section 6. Nothing in this act shall be construed to modify or impair any existing contract or obligation of the state that is executed or incurred on or before the effective date of this act.

Section 7. To the extent the total sum of appropriations made under any law enacted through the 2023 general session exceed the amount of unexpended, unobligated American Rescue Plan Act direct funds available for expenditure, the appropriations made under this act and 2022 Wyoming Session Laws, Chapter 50, Section 2, Section 400 as amended by section 2 of this act, shall be given precedence.

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Section 8. 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