HOUSE BILL NO. HB0010

COVID-19 large business relief program.

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

A BILL

for

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 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;

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(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

(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.

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

(A) Payroll costs for Wyoming employees;

(B) Business supplies;

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

(D) Other business expenses, including but not limited to rent or mortgage payments, utilities and other operational costs;
(E) Any other expenditure or expense related to business interruption due to the COVID-19 pandemic.

(v) 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 (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;

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

(viii) 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;

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

(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 December 30, 2020 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.

(x) 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;

(xi) 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.
(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.

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

Section 2. There is reappropriated to the Wyoming business council ten million dollars ($10,000,000.00) from any 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, this reappropriation shall be made from that account. Except as provided in this section, the 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. This appropriation shall not be transferred or expended for any other purpose, except that on or before November 1, 2020, the Wyoming business council shall estimate the total amount of funds expended, obligated and necessary for the stipends authorized in Section 1 of this act. Any funds reappropriated under this section in excess of the total amount estimated by the Wyoming business council are hereby reappropriated after November 1, 2020 to the office of the governor for the purposes specified in 2020 Wyoming Special Session Laws, Chapter 1. Any unobligated, unexpended funds remaining from this reappropriation on December 30, 2020 shall revert as provided by law.
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)