

## HOUSE BILL NO. HB0204

Small business relief loan programs.

Sponsored by: Representative(s) Sherwood, Banks, Duncan,  
Eklund and Western and Senator(s) Furphy and  
Rothfuss

A BILL

for

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

7

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

9

10 **Section 1.**

11

12 (a) As used in this section:

13

14 (i) "Council" means the Wyoming business

15 council;

1

2

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

3

4

(A) Is independently owned and operated;

5

6

(B) Is headquartered in Wyoming or has its principal operations located in Wyoming; and

8

9

(C) On March 1, 2020, had employed not more than fifty (50) full-time employees.

11

12

(iii) "Principal operations located in Wyoming"

13 means:

14

15

(A) More than fifty percent (50%) of a business's primary work is located in Wyoming and not less than sixty percent (60%) of the business's employees are employed in Wyoming; or

19

20

(B) Not less than sixty percent (60%) of the business's payroll is paid to individuals residing in Wyoming.

23

1           (iv) "Wyoming bank" means a bank with a physical  
2 branch in Wyoming.

3

4           (b) The coronavirus small business loan refinance  
5 program is hereby created. The Wyoming business council  
6 shall establish and administer this temporary program for  
7 the purpose of providing refinance loans to eligible  
8 businesses adversely impacted by the COVID-19 pandemic.  
9 Refinance loans shall be awarded under this section in  
10 accordance with the following:

11

12           (i) Any eligible business may apply to the  
13 council for a refinance loan under this section. The  
14 application shall require the applicant to certify that it  
15 is an eligible business as defined by this section. The  
16 application shall also provide that knowingly making a  
17 false statement to the council on the application is  
18 prohibited and may result in the applicant being required  
19 to immediately repay all funds awarded under this section;

20

21           (ii) The council may contract with financial  
22 institutions and other businesses to carry out the program,

1 including by distributing refinance loans and collecting  
2 payments, under this section;

3

4 (iii) Refinance loans awarded under this section  
5 shall be used by the eligible business to meet existing  
6 loan obligations with Wyoming banks that the business has  
7 difficulty meeting due to impacts of the COVID-19 pandemic;

8

9 (iv) Before making a refinance loan award under  
10 this section, the eligible business shall demonstrate to  
11 the council's satisfaction that it has difficulty meeting  
12 existing loan obligations due to impacts caused by the  
13 COVID-19 pandemic;

14

15 (v) Refinance loans awarded under this section  
16 shall not exceed fifty thousand dollars (\$50,000.00) for  
17 each eligible business nor have a term longer than twenty  
18 (20) years;

19

20 (vi) No refinance loan shall be awarded after  
21 December 31, 2021;

22

1           (vii) Each refinance loan shall have an interest  
2 rate between one and one-half percent (1.5%) and two  
3 percent (2%) per annum, as set by the council;

4  
5           (viii) The amount of a refinance loan provided  
6 to an eligible business shall not exceed the value of the  
7 real property owned by the eligible business. The council  
8 may require the eligible business to have an independent  
9 appraisal conducted of the business's real property, at the  
10 business's expense, to ensure compliance with this  
11 paragraph, but shall not require an appraisal if the  
12 taxable value of the eligible business's real property, as  
13 shown in publicly available records, is equal to or greater  
14 than the amount of the refinance loan;

15  
16           (ix) The council may require the eligible  
17 business to secure the loan with appropriate assets;

18  
19           (x) Refinance loans shall be made only with  
20 funds appropriated from the general fund by this section.  
21 No other funds of any kind and from any source shall be  
22 loaned under this section;

23

1           (xi) Priority for refinance loans shall be given  
2 to eligible businesses in operation prior to March 1, 2020;

3

4           (xii) No applicant shall be required to pay any  
5 fee for receiving a refinance loan under this section,  
6 except an application filing fee not to exceed one hundred  
7 dollars (\$100.00);

8

9           (xiii) The council shall require an eligible  
10 business to obtain loan insurance to the benefit of the  
11 state in the event the eligible business defaults on the  
12 refinance loan.

13

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

17

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

22

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

4

5           (f) The council may conduct and contract for random  
6 audits of eligible businesses receiving refinance loans  
7 under this section to ensure funds are expended in  
8 compliance with state and federal law.

9

10          (g) There is appropriated to the Wyoming business  
11 council fifty million dollars (\$50,000,000.00) from the  
12 general fund for purposes of administering the coronavirus  
13 small business loan refinance program created by this  
14 section. This appropriation shall be for the period  
15 beginning with the effective date of this act and ending  
16 June 30, 2022. This appropriation shall not be transferred  
17 or expended for any other purpose and any unexpended,  
18 unobligated funds remaining from this appropriation shall  
19 revert as provided by law on June 30, 2022.

20

21          (h) The program created by this section shall  
22 terminate on December 31, 2041.

23

1           **Section 2.**

2

3           (a) As used in this section:

4

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

7

8                   (ii) "Critically-impacted industry" means, as  
9 determined by the council, an economic sector negatively  
10 impacted disproportionately by the COVID-19 pandemic  
11 compared to other economic sectors;

12

13                   (iii) "Eligible business" means a business that:

14

15                           (A) Is independently owned and operated;

16

17                           (B) Is headquartered in Wyoming or has its  
18 principal operations located in Wyoming; and

19

20                           (C) On March 1, 2020, had employed not more  
21 than fifty (50) full-time employees.

22



1 (iv) "Principal operations located in Wyoming"

2 means:

3

4 (A) More than fifty percent (50%) of a  
5 business's primary work is located in Wyoming and not less  
6 than sixty percent (60%) of the business's employee are  
7 employed in Wyoming; or

8

9 (B) Not less than sixty percent (60%) of  
10 the business's payroll is paid to individuals residing in  
11 Wyoming.

12

13 (v) "Wyoming bank" means a bank with a physical  
14 branch in Wyoming.

15

16 (b) The coronavirus small business loan forgiveness  
17 program is hereby created. The Wyoming business council  
18 shall establish and administer this temporary program for  
19 the purpose of providing funds to eligible businesses  
20 adversely impacted by the COVID-19 pandemic to meet  
21 existing loan obligations. Payments shall be awarded under  
22 this section in accordance with the following:

23

1           (i) Any eligible business may apply to the  
2 council for a payment under this section. The application  
3 shall require the applicant to certify that it is an  
4 eligible business as defined by this section. The  
5 application shall also provide that knowingly making a  
6 false statement to the council on the application is  
7 prohibited and may result in the applicant being required  
8 to immediately repay all funds awarded under this section;

9

10           (ii) The council may contract with financial  
11 institutions and other businesses to carry out the program,  
12 including by distributing payments, under this section;

13

14           (iii) Payments awarded under this section shall  
15 be used by the eligible business to meet existing loan  
16 obligations with Wyoming banks the business has difficulty  
17 meeting due to impacts of the COVID-19 pandemic;

18

19           (iv) Before making a payment under this section,  
20 the applicant shall demonstrate to the council's  
21 satisfaction the eligible business has difficulty meeting  
22 existing loan obligations due to impacts caused by the  
23 COVID-19 pandemic;

1

2 (v) The council shall award not more than three  
3 (3) payments of nine thousand dollars (\$9,000.00) each to  
4 any eligible business, unless the eligible business  
5 operates in a critically-impacted industry, in which case  
6 the council shall not award more than eight (8) payments of  
7 nine thousand dollars (\$9,000.00) each to any eligible  
8 business in the critically-impacted industry;

9

10 (vi) No payment shall be made to an eligible  
11 business to meet existing loans provided under the  
12 authority of the United States small business  
13 administration in 15 U.S.C. 695 or in section 7(a) of the  
14 Small Business Act (15 U.S.C. 636(a));

15

16 (vii) Payments shall be made only with funds  
17 appropriated from the general fund by this section. No  
18 other funds of any kind and from any source shall be loaned  
19 under this section;

20

21 (viii) Priority for payments shall be given to  
22 eligible business in operation prior to March 1, 2020.

23

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

4

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.

8

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.

12

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

17

18           (g) There is appropriated to the Wyoming business  
19 council one hundred million dollars (\$100,000,000.00) from  
20 the general fund for purposes of administering the  
21 coronavirus small business loan forgiveness program created  
22 by this section. This appropriation shall be for the period  
23 beginning with the effective date of this act and ending

1 June 30, 2022. This appropriation shall not be transferred  
2 or expended for any other purpose and any unexpended,  
3 unobligated funds remaining from this appropriation shall  
4 revert as provided by law on June 30, 2022.

5

6 (h) The program created by this section shall  
7 terminate on December 31, 2021.

8

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

13

14 (END)