Federal emergency COVID-19 relief funding.

Sponsored by: Joint Appropriations Committee

A BILL

for

1 AN ACT relating to emergency expenses of government;
2 authorizing expenditure of COVID-19 relief for expenditure
3 of funds on previously approved projects, grants or
4 procurements; providing a sunset date for expenditure of
5 the specified COVID-19 relief funds; designating the
6 department of family services as the administrating agency
7 for the federal emergency rental assistance program;
8 providing for other state agencies and entities to assist
9 in the administration of the program; providing certain
10 exemptions from procurement statutes as specified;
11 providing an appropriation; providing reappropriations;
12 specifying conditions on the reappropriations and
13 expenditure of funds; authorizing rulemaking; and providing
14 for an effective date.
15
Be It Enacted by the Legislature of the State of Wyoming:

Section 1. The department of family services shall serve as the administrating agency for the federal emergency rental assistance program created under Division N, Title V, Sec. 501 of the federal Consolidated Appropriations Act of 2021 and any related subsequent federal legislation. The department shall be authorized to administer the emergency rental assistance program in Wyoming in accordance with applicable federal law and guidance and in a manner that insures maximum benefit to Wyoming residents. The department shall be authorized to designate to other state agencies, or public entities administrative functions under this program. The department shall be further authorized to issue grants under this program to any entity for purposes of the provision of case management and other housing support, as permitted by relevant federal law and regulations. All actions taken by the department in connection with the administration of the emergency rental assistance program are exempt from the competitive bidding and other procurement requirements of chapter 6 of title 16 of the
Wyoming Statutes provided however that the department shall make good faith efforts to obtain the most favorable pricing and other commercial terms from service providers. The program created under this section shall expire ninety (90) days after the later of the expiration of the program under relevant federal law or upon the expiration of any extension granted for the use of funds under the program by the United States department of treasury.

Section 2. Projects, grants or procurements which were approved to receive funds provided to the state of Wyoming through the federal Coronavirus Aid, Relief and Economic Security (CARES) Act, P.L. 116-136 by all necessary entities within the executive branch prior to December 30, 2020, shall be funded as provided in this section to the extent funds are available. The authority to approve the expenditure of funds authorized in this section shall expire on December 31, 2021 unless continued by act of the legislature. CARES Act funds shall be expended for projects, grants or procurements under this section if the agency or entity responsible for originally approving the application prior to December 30, 2020 determines that
payment of funds for projects, grants or procurements under this section remains in the best interest of the state of Wyoming. In utilizing this discretion, the administrating agency or entity may deny a payment of funds for a previously approved project, grant or procurement if the agency or entity finds there was no good cause for delay in undertaking a project or implementing the grant or procurement and the denial is in the best interest of the state. Funds shall be expended on projects, grants or procurements under this section pursuant to the relevant requirements under which the application was originally approved as contained within 2020 Wyoming Special Session Laws, Chapter 1 and Chapter 3.

Section 3.

(a) There is appropriated to the department of family services all federal funds received by the state of Wyoming specifically for the federal emergency rental assistance program created under Division N, Title V, Sec. 501 of the federal Consolidated Appropriations Act of 2021 and any related subsequent federal legislation. This appropriation
shall not be transferred or expended for any purpose, except as provided in this subsection. Any unobligated, unexpended funds remaining from this appropriation shall revert as provided by law upon the expiration of the later of the relevant federal law, related federal legislation, reallocation by the secretary of the United States department of treasury, or any extension granted by the United States department of treasury.

(b) There is reappropriated to the governor's office an amount not to exceed twenty million dollars ($20,000,000.00) in total for all reappropriations under section 2 of this act from any unexpended, unobligated funds appropriated in 2020 Wyoming Special Session Laws, Chapter 1, Section 2(b), Chapter 2, Section 4(d) and Chapter 3, Sections 2(h), 3(h) and 4(g). The governor may immediately transfer funds reappropriated under this section to the state agency or entity designated to approve the project, grant or procurements as provided in section 2 of this act. All transfers authorized under this section shall be approved by the governor and reported to the legislature and the joint appropriations committee as
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provided in W.S. 9-4-206, 9-2-1005(b)(ii) and (g) and 9-2-1013(b). Nothing in this section shall restrict the ability of a state agency to pay an invoice or obligation approved and completed prior to December 30, 2020 with funds appropriated in 2020 Wyoming Special Session Laws, Chapter 1, Section 2(b), Chapter 2, Section 4(d) and Chapter 3, Sections 2(h), 3(h) and 4(g). This reappropriation shall not be transferred or expended for any purpose except as provided in this subsection. Any unobligated, unexpended funds remaining from this reappropriation on December 31, 2021 shall revert as provided by law.

Section 4. Any agency or entity authorized by or under this act to administer any program, grant or other disbursement may adopt rules, including emergency rules, as necessary to fulfill its powers and duties in accordance with the Wyoming Administrative Procedure Act.
Section 5. 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.