

SENATE FILE NO. SF0066

American rescue plan act recovery funds appropriations.

Sponsored by: Joint Appropriations Committee

A BILL

for

1 AN ACT relating to the emergency expenses of government;
2 providing definitions; providing for appropriations; specifying
3 conditions on the appropriation and expenditure of COVID-19
4 relief funds; authorizing emergency government programs;
5 authorizing rulemaking; requiring reporting; amending and
6 repealing prior appropriations of COVID-19 relief funds; amending
7 a sunset date for emergency programs; specifying applicability;
8 and providing for an effective date.

9

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

11

12 **Section 1.**

13

14 (a) As used in this act:

15

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

3
4 (ii) "Appropriation" means the authorizations granted
5 by the legislature under this act to make expenditures from and
6 to incur obligations against the funds as specified;

7
8 (iii) "ARPD" means American Rescue Plan Act direct
9 funds, which are any unexpended, unobligated funds received by
10 the state of Wyoming through the Coronavirus State Fiscal
11 Recovery Fund established under section 602 of title VI of the
12 federal Social Security Act, as created by section 9901 of the
13 American Rescue Plan Act of 2021, P.L. 117-2. "ARPD" shall not
14 include expenditures authorized under the American Rescue Plan
15 Act of 2021, P.L. 117-2, section 602(c)(1)(C) for revenue
16 replacement for the provision of government services to the
17 extent of the state of Wyoming's reduction in revenue;

18
19 (iv) "This appropriation" when used in a footnote
20 shall be construed as a reference to that portion of the
21 appropriated funds identified in the footnote.

22

23 **Section 2.**

1

2 (a) The following sums of money, or so much thereof as is
3 necessary, are appropriated to the specified agencies to be
4 expended for the purposes and programs specified by this act
5 beginning March 27, 2022 and ending December 31, 2026. Unless
6 otherwise specifically provided, the conditions, terms and other
7 requirements on appropriations in this act are effective until
8 December 31, 2026.

9

APPROPRIATION	OTHER FUNDS
FOR	\$
1 Section 400. AMERICAN RESCUE PLAN DIRECT (ARPD) APPROPRIATIONS	
2	
3 AGENCY & PROGRAM	
4 001 - Discr. Health Response ^{1.}	50,000,000 ARPD
5 001 - Workforce Prgms ^{2.}	10,000,000 ARPD
6 024 - Outdoor Rec. Grant Prgm ^{3.}	10,000,000 ARPD
7 024 - Outdoor Rec. & Tourism ^{4.}	2,000,000 ARPD
8 045 - Tech. Needs for WyoLink ^{5.}	35,000,000 ARPD
9 045 - Air Service Financial Assistance ^{25.}	8,832,058 ARPD
10 048 - HHS Staffing Stabilization ^{6.}	10,000,000 ARPD
11 048 - HHS Innovation Fund ^{7.}	5,000,000 ARPD
12 048 - EMS Dispatch Cert. ^{8.}	84,000 ARPD
13 048 - 2-1-1 Capacity Building ^{9.}	1,750,000 ARPD
14 048 - EMS Stabilization Fund ^{10.}	5,000,000 ARPD
15 048 - EMS Regionalization Pilot ^{11.}	5,000,000 ARPD
16 048 - WYHS (FY2023) ^{12.}	2,749,894 ARPD
17 048 - HHS Cap. Imprv.	
18 & Provider Relief ^{13.}	5,000,000 ARPD
19 048 - 24-7 Suicide Prevention ^{26.}	2,100,000 ARPD
20 048 - Rural Health Clinics ^{27.}	15,000,000 ARPD
21 049 - Crisis Beds/ Stabilization Svcs ^{14.}	750,000 ARPD
22 057 - WYIN Loan & Grant Prgm ^{15.}	6,427,477 ARPD
23 060 - HHS Capital Construction ^{16.}	55,000,000 ARPD

APPROPRIATION	OTHER FUNDS
FOR	\$
1 060 - Local Gov. Support Projects ¹⁷ .	50,000,000 ARPD
2 060 - Eligible Water	
3 & Sewer Projects ¹⁸ .	50,000,000 ARPD
4 067 - Family Medicine	
5 Residency Program ¹⁹ .	708,407 ARPD
6 067 - WWAMI T&F Inflation ²⁰ .	1,579,948 ARPD
7 080 - SUD Treatment Backlog ²¹ .	1,200,000 ARPD
8 085 - Connect Wyoming 2 ²² .	25,000,000 ARPD
9 101 - Circuit Court eFiling ²³ .	2,140,000 ARPD
10 101 - PPE & Tests ²⁴ .	<u>150,000</u> ARPD
11 TOTAL	360,471,784

12

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

15

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

20

21 (i) Pre-apprenticeships and apprenticeships;

22

23 (ii) Targeted healthcare workforce programs;

24

APPROPRIATION

OTHER

FUNDS

FOR

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1 (iii) Targeted early childhood workforce programs;

2

3 (iv) Dislocated and underemployed talent transition programs;

4

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

7

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

10

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

13

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

17

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

21

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

24

APPROPRIATION

OTHER

FUNDS

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

7

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

13

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

19

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

APPROPRIATION

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

6

7 10. This appropriation to the department of health is for purposes of
8 providing grants to stabilize emergency medical services. The department shall
9 not provide any grant under this footnote if the grant will prolong a business
10 entity that otherwise does not have the resources needed to continue to
11 operate during the period of the grant.

12

13 11. This appropriation to the department of health is for purposes of
14 establishing an emergency medical services regionalization pilot opportunity
15 for the five (5) trauma regions across Wyoming and investigating alternative
16 options for emergency medical services that improve access and reduce costs.
17 Expenditure of this appropriation is conditioned upon a match of funds in the
18 ratio of one dollar (\$1.00) of appropriated funds to not less than one dollar
19 (\$1.00) from any other source.

20

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

APPROPRIATION

OTHER

FUNDS

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

7

8 14. This appropriation to the department of family services is for crisis
9 beds and stabilization services, provided that the department shall not expend
10 funds from this total appropriation to support the overall capacity of
11 residential and group home beds in excess of the number of certified beds on
12 January 1, 2020.

13

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

20

21 16. (a) This appropriation to the office of state lands and investments is
22 for purposes of providing grants for qualifying health and human services
23 infrastructure and capital construction investments. Grants from this

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OTHER

FUNDS

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1 appropriation shall be determined by the state loan and investment board. The
2 following conditions shall apply to all grants provided under this footnote:

3
4 (i) The maximum grant for any single project shall be seven
5 million five hundred thousand dollars (\$7,500,000.00);

6
7 (ii) A needs analysis determination shall be conducted by the
8 state loan and investment board and may include a review of the project
9 sponsor's financial information, including but not limited to revenue and
10 other projections, budgets, financial statements and audits;

11
12 (iii) Expenditure of the grant by the recipient is conditioned
13 upon a match of funds in the ratio of one dollar (\$1.00) of grant funds to not
14 less than one dollar (\$1.00) from any other source, including in-kind
15 contributions to the project, except that the state loan and investment board
16 may modify this matching requirement upon determination of need as provided in
17 paragraph (a)(ii) of this footnote.

18
19 (b) Of this appropriation to the office of state lands and investments,
20 seven million dollars (\$7,000,000.00) ARPD shall be for the purpose of
21 providing grants to community health center regional crisis stabilization
22 facilities and women's substance use disorder facilities.

23

APPROPRIATION

OTHER

FUNDS

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

9

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

16

17 (i) The maximum grant for any single project shall be four
 18 million five hundred thousand dollars (\$4,500,000.00);

19

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

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1 (b) If 2022 House Bill 0006 is enacted into law, this appropriation
2 shall not be effective.

3
4 19. This appropriation to the University of Wyoming is for the family medical
5 residency program.

6
7 20. This appropriation to the University of Wyoming WWAMI medical education
8 program is to be expended solely for student tuition and fees if determined in
9 writing by the Wyoming attorney general to be permissible under state and
10 federal law. The Wyoming attorney general's written determination shall be
11 provided to the state auditor's office before funds are released for the
12 university from this appropriation.

13
14 21. This appropriation to the department of corrections is for purposes of
15 resolving the substance use disorder treatment backlog created by the COVID-19
16 public health emergency.

17
18 22. (a) This appropriation to the Wyoming business council is for purposes
19 of increasing broadband connectivity to improve access to and meet the
20 increased need for reliable high-speed internet service. Of this
21 appropriation, expenditure of fifteen million dollars (\$15,000,000.00) ARPD is
22 conditioned upon a match of funds in the ratio of one dollar (\$1.00) of
23 appropriated funds to not less than one dollar (\$1.00) of private sector
24 matching funds from project participants. It is the intent of the legislature

APPROPRIATION

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1 that this appropriation leverage additional federal funds for broadband
 2 connectivity under the Infrastructure Investment and Jobs Act, P.L. 117-58 to
 3 the maximum extent possible and not less than one dollar (\$1.00) of
 4 appropriated funds to four dollars (\$4.00) of federal matching funds. Matching
 5 funds expended from this appropriation shall be distributed and expended in
 6 accordance with the following:

7
 8 (i) The Wyoming business council shall give priority to projects
 9 that:

10
 11 (A) Increase competition and availability of broadband
 12 services available in Wyoming rural unserved and underserved areas and in
 13 Wyoming cities, towns and counties that lack competition in broadband
 14 services. In prioritizing projects under this subparagraph, the council shall
 15 promulgate rules to permit a reasonable overlap of existing broadband
 16 infrastructure if the overlap enhances the competitiveness of broadband
 17 services available to consumers to be served by the project.

18
 19 (ii) For middle-mile broadband projects as defined by W.S.
 20 9-12-1501(h)(ii) that have received or expended funds from this appropriation,
 21 the Wyoming business council shall require middle-mile broadband project
 22 recipients to allow last-mile broadband providers access to those middle-mile
 23 conduits at a reasonable rate as determined by the council;

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FUNDS

FOR

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1 (iii) If a recipient of funds from this appropriation cannot
 2 agree with another provider on allowing access or in setting a reasonable rate
 3 as required by this subsection, the recipient or provider may petition the
 4 public service commission for a hearing in accordance with the Wyoming
 5 Administrative Procedure Act and with rules of the commission.

6
 7 23. This appropriation to the supreme court is for the implementation of
 8 electronic filing of court documents in the Wyoming circuit courts and for
 9 associated maintenance and support as a mechanism to employ technology to
 10 limit the number of members of the public who are present in courthouses as a
 11 mitigation strategy to slow the spread of COVID-19.

12
 13 24. This appropriation to the supreme court is for purposes of implementing
 14 COVID-19 mitigation measures including, but not limited to acquisition of
 15 personal protective equipment to slow the spread of COVID-19.

16
 17 25. This appropriation to the department of transportation is to provide aid
 18 to commercial air providers to mitigate financial hardship, including
 19 supporting payroll costs, lost pay and benefits for returning employees,
 20 support of operations and maintenance of existing equipment and facilities.

21
 22 26. This appropriation to the department of health is to procure twenty-four
 23 (24) hours per day suicide prevention services.

24

	OTHER
APPROPRIATION	FUNDS
FOR	\$

1 27. (a) This appropriation to the department of health is for purposes of
 2 providing grants to rural health clinics. The following conditions shall apply
 3 to this appropriation:

4
 5 (i) Up to thirteen million dollars (\$13,000,000.00) ARPD may be
 6 expended to provide grants related to costs incurred by rural health clinics;

7
 8 (ii) Not less than two million dollars (\$2,000,000.00) ARPD shall
 9 be expended to provide grants for rural telehealth pilot projects.

10

1 **Section 3.**

2

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

6

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

11

12 (ii) The appropriations in this act shall not be
13 revised, changed, redistributed or increased pursuant to W.S.
14 9-2-1005(b)(ii) and (iii);

15

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

19

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

23

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

5

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

14

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

17

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

20

21 (ii) Program expenditures;

22

23 (iii) Grant awards;

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(iv) Grant expenditures.

Section 4.

(a) Beginning March 27, 2022 and ending December 31, 2026, any American Rescue Plan Act capital project funds that the state applies for and receives, and which are not otherwise appropriated in the 2022 legislative budget session, are appropriated to the office of the governor for purposes that are consistent with this subsection and the terms of the American Rescue Plan Act. In expending any funds appropriated under this subsection, the governor shall give priority to applications for grant funding to library projects and multi-purpose facilities that have been submitted.

(b) As used in this section, "American Rescue Plan Act capital project funds" means any unexpended, unobligated funds allocated to the state of Wyoming from the American Rescue Plan Act of 2021, P.L. 117-2, Section 604 and that were appropriated in 2021 Wyoming Session Laws, Chapter 166, Section 5(b), as amended by this act.

1 **Section 5.** 2021 Wyoming Session Laws, Chapter 166, Section
2 4(a)(vi), Section 5(a) and (b)(intro), Section 6(d) and Section
3 7 is amended to read:

4

5 **Section 4.**

6

7 (a) The legislature finds that:

8

9 (vi) In the event that for whatever reason,
10 the legislature does not enact further legislation to
11 appropriate federal funds from the American Rescue
12 Plan Act or the CARES Act ~~by~~ for the period beginning
13 September 1, 2021 and ending March 26, 2022, the
14 governor is authorized by the terms of this act to
15 implement programs as specified to expend these funds.

16

17 **Section 5.**

18

19 (a) To carry out the expenditure of federal
20 funds authorized by subsection (b) of this section
21 through March 26, 2022, the governor is authorized to
22 establish by order or rule any emergency program that
23 is consistent with the terms of this act and the

1 federal gift, grant or appropriation if the program
2 can be fully supported by federal funds appropriated
3 under this act or other existing appropriations and
4 does not obligate the state to any expenditure of
5 State funds not previously appropriated by the
6 legislature. Any emergency program created under the
7 authority granted in this subsection shall expire on
8 ~~December 31, 2024~~ March 26, 2022 unless expressly
9 continued by act of the legislature.

10
11 (b) Subject to the limitations provided in
12 subsections (c) through (e) of this section, any
13 federal funds provided to the state for COVID-19
14 related purposes including from the American Rescue
15 Plan Act, P.L. 117-2, the Coronavirus Aid, Relief and
16 Economic Security (CARES) Act, P.L. 116-136, or other
17 similarly purposed federal act, that do not accrue to
18 any agency under W.S. 9-2-1006(a) and which are not
19 appropriated within sections 4(a) through (c) of this
20 act are appropriated to the office of the governor for
21 the emergency expenses of government that are
22 consistent with the terms of the federal gift, grant or
23 appropriation and subject to the provisions of this

1 subsection. This appropriation shall lapse on March
2 26, 2022. In accordance with W.S. 9-4-205(a), this
3 appropriation of federal funds shall be subject to
4 further legislative review and appropriation. This
5 appropriation shall only be expended for the following
6 purposes:

7
8 **Section 6.**

9
10 (d) To the extent not appropriated in subsections
11 (a) through (c) of this section, there is appropriated
12 all unexpended, unencumbered and unobligated funds
13 received by the state of Wyoming to the state auditor
14 from the American Rescue Plan Act of 2021, P.L. 117-2,
15 the Coronavirus Aid, Relief and Economic Security
16 (CARES) Act, P.L. 116-136 or other similarly purposed
17 federal act, including funds originally appropriated
18 in 2020 Wyoming Special Session Laws, Chapter 1,
19 Section 2(b), Chapter 2, Section 4(d) and Chapter 3,
20 Sections 2(h), 3(h) and 4(g). Through March 26, 2022,
21 the governor may transfer funds reappropriated under
22 this section to the state agency or entity designated
23 to approve the project, grant or procurements as

1 provided in section 5 of this act. This appropriation
2 shall not be transferred or expended for any purpose
3 except as provided in this subsection. Any unobligated,
4 unexpended funds remaining from this appropriation
5 upon the expiration of the later of the relevant
6 federal law, related federal legislation, reallocation
7 by the secretary of the United States department of
8 treasury, or any extension granted by the United
9 States department of treasury shall be deposited to the
10 general fund unless otherwise provided by federal law.

11
12 **Section 7.** Except as provided in this section,
13 the governor at all times retains the authority to
14 expend the federal funds in accordance with W.S.
15 9-2-1005(b)(ii) and (g), 9-2-1006(a) and 9-4-206.
16 After March 26, 2022, amounts authorized for
17 expenditure by legislative appropriation of federal
18 funds provided to the state from the American
19 Rescue Plan Act, P.L. 117-2, shall not be revised,
20 changed, redistributed or increased by the governor
21 except pursuant to legislative enactment.

22

1 **Section 6.** 2021 Wyoming Session Laws, Chapter 69, Section
2 313(j) and 2021 Wyoming Session Laws, Chapter 140, Section 9(d)
3 are repealed.

4
5 **Section 7.** Nothing in this act shall modify or impair any
6 existing contract or obligation of the state that is executed
7 or incurred on or before March 26, 2022.

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

12

13

(END)