

ENROLLED ACT NO. 18, SENATE

SIXTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING
2022 BUDGET SESSION

AN ACT relating to the emergency expenses of government; limiting expenditure of COVID-19 relief funds; amending a sunset date for emergency programs; providing an appropriation; specifying applicability; specifying conflict of law provisions; and providing for an effective date.

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

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

Section 4.

(a) The legislature finds that:

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

Section 5.

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

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

(b) Subject to the limitations provided in subsections (c) through (e) of this section, any federal funds provided to the state for COVID-19 related purposes including from the American Rescue Plan Act, P.L. 117-2, the Coronavirus Aid, Relief and Economic Security (CARES) Act, P.L. 116-136, or other similarly purposed federal act, that do not accrue to any agency under W.S. 9-2-1006(a) and which are not appropriated within sections 4(a) through (c) of this act are appropriated to the office of the governor for the emergency expenses of government that are consistent with the terms of the federal gift, grant or appropriation and subject to the provisions of this subsection. This appropriation shall lapse on March 26, 2022. In accordance with W.S. 9-4-205(a), this appropriation of federal funds shall be subject to further legislative review and appropriation. This appropriation shall only be expended for the following purposes:

Section 6.

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(d) To the extent not appropriated in subsections (a) through (c) of this section, there is appropriated all unexpended, unencumbered and unobligated funds received by the state of Wyoming to the state auditor from the American Rescue Plan Act of 2021, P.L. 117-2, the Coronavirus Aid, Relief and Economic Security (CARES) Act, P.L. 116-136 or other similarly purposed federal act, including funds originally 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). Through March 26, 2022, the governor may transfer funds reappropriated under this section to the state agency or entity designated to approve the project, grant or procurements as provided in section 5 of this act. 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 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 shall be deposited to the general fund unless otherwise provided by federal law.

Section 7. Except as provided in this section, the governor at all times retains the authority to expend the federal funds in accordance with W.S. 9-2-1005(b)(ii) and (g), 9-2-1006(a) and 9-4-206. After March 26, 2022, amounts authorized for expenditure by legislative appropriation of federal funds provided to the

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state from the American Rescue Plan Act, P.L. 117-2, shall not be revised, changed, redistributed or increased by the governor except pursuant to legislative enactment.

Section 2.

(a) On March 27, 2022, there is appropriated from any unexpended, unobligated American Rescue Plan Act funds fifty million dollars (\$50,000,000.00) to the office of the governor for purposes of responding to the COVID-19 public health emergency and that are consistent with the terms of the American Rescue Plan Act or any subsequent federal legislation that is enacted which expands the allowable purposes of American Rescue Plan Act funds.

(b) Expenditures under this section shall be reported to the legislature through the B-11 process as authorized by W.S. 9-2-1005(b)(ii) and reported pursuant to W.S. 9-2-1013(b).

(c) As used in this section, "American Rescue Plan Act funds" means funds appropriated or disbursed to the state of Wyoming under title VI of the federal Social Security Act, as created by section 9901 of the American Rescue Plan Act of 2021, P.L. 117-2.

(d) The appropriation in subsection (a) of this section shall not be effective if 2022 Senate File 0066 is enacted into law.

Section 3.

(a) Beginning March 27, 2022 and ending December 31, 2026, any American Rescue Plan Act capital project funds

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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 the terms of the American Rescue Plan Act or any subsequent federal legislation that is enacted which expands the allowable purposes of American Rescue Plan Act capital project funds.

(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.

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

Section 5. To the extent any provision of this act conflicts with any provision of 2022 Senate File 0066, as enacted into law, the provisions of this act shall control.

ORIGINAL SENATE
FILE NO. SF0098

ENGROSSED

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Section 6. 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 Senate.

Chief Clerk