

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO.

COVID-19 relief programs.

Sponsored by: Joint Appropriations Committee

A BILL

for

1 AN ACT relating to the emergency expenses of government;
2 authorizing temporary governmental programs in response to
3 the COVID-19 novel coronavirus pandemic; creating a grant
4 program; providing payments to eligible students; providing
5 funding for telemedicine and outdoor wireless internet
6 access points; providing limitations on new federal funds
7 as specified; requiring rulemaking; providing
8 appropriations; providing sunset dates for the temporary
9 programs; and providing for an effective date.

10

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

12

13 **Section 1.**

1

2 (a) As used in this section:

3

4 (i) "CARES Act" means the federal Coronavirus
5 Aid, Relief, and Economic Security (CARES) Act, P.L. No.
6 116-136, as may be amended;

7

8 (ii) "Council" means the Wyoming business
9 council;

10

11 (iii) "Covered period" means the period beginning
12 on the effective date of this act and ending December 30,
13 2020 except that if the period for which allowable costs
14 may be incurred under section 601 of the federal Social
15 Security Act, as created by section 5001 of the CARES Act,
16 is amended or superseded, "covered period" shall mean the
17 period beginning on the effective date of this act and
18 ending on the last date of the period specified by federal
19 law for which allowable costs may be incurred;

20

21 (iv) "COVID-19 related expenses" means actual
22 expenses incurred or that will be incurred in Wyoming by an
23 eligible rural health care entity due to the public health

1 emergency caused by COVID-19. "COVID-19 related expenses"
2 include the following:

3

4 (A) Establishment of public medical
5 facilities and other measures to increase COVID-19
6 treatment capacity or to improve mitigation measures,
7 including related construction costs;

8

9 (B) Improvements to the state's health care
10 delivery system and infrastructure to address COVID-19,
11 including related construction costs.

12

13 (v) "Eligible rural health care entity" means any
14 Wyoming entity licensed, certified, in the process of being
15 licensed or certified, or which demonstrates intent to
16 become licensed or certified upon project completion, by
17 the department of health as a health care facility that
18 normally provides twenty-four (24) hour per day care for
19 individuals, including the entity's owner, operator or
20 licensee.

21

22 (b) The rural health care entity construction program
23 is hereby created. Subject to the final approval of the

1 governor, the council shall establish and administer this
2 temporary program for the purpose of providing grants to
3 eligible rural health care entities. Grants awarded under
4 this section shall:

5

6 (i) Not be awarded until an eligible rural
7 health care entity submits, and the council and the
8 governor approve, an application. The application shall be
9 developed by the council and shall require each applicant
10 to certify that the applicant is an eligible rural health
11 care entity as defined by this section and knowingly making
12 a false statement to the council on the application is
13 prohibited and may result in the applicant being required
14 to repay all funds awarded under this section;

15

16 (ii) Be made only for COVID-19 related expenses
17 that meet the following criteria:

18

19 (A) Are necessary expenditures incurred due
20 to the public health emergency with respect to the COVID-
21 19;

22

1 (B) Were not accounted for in the budget
2 most recently approved as of March 27, 2020 for the state
3 or government;

4

5 (C) Were incurred by an eligible rural
6 health care entity or will be incurred during the covered
7 period.

8 *****

9 STAFF COMMENT

10 The CARES Act current guidance and frequently asked
11 questions promulgated by the Department of Treasury specify
12 that allowable expenditures of CARES Act funds include
13 "establishing temporary public medical facilities and other
14 measures to increase COVID-19 treatment capacity." The
15 guidance does not contemplate permanent construction as an
16 allowable expenditure.

17

18 The guidance does specify, "[T]hat for a cost to be
19 considered to have been incurred, performance or delivery
20 must occur during the covered period but payment of funds
21 need not be made during that time (though it is generally
22 expected that this will take place within 90 days of a cost
23 being incurred)...the touchstone in assessing the
24 determination of need for a good or service during the
25 covered period will be reasonableness at the time delivery
26 or performance was sought, e.g., the time of entry into a
27 procurement contract specifying a time for delivery."

28

29 Expenditure of CARES Act funds that are determined not to
30 be in compliance with Section 601(d) of the Social Security
31 Act, as added by section 5001 of the CARES Act are subject
32 to recoupment and will be booked as a debt of the state
33 owed to the Federal Government.

34

35 *****

36

1 (iii) Be conditioned upon the eligible rural
2 health care entity demonstrating in the application that it
3 has incurred or will incur COVID-19 related expenses
4 reimbursable by the grant provided in this section;

5

6 (iv) Be in an amount not to exceed:

7

8 (A) Twenty million dollars (\$20,000,000.00)
9 to any eligible rural health care entity; and

10

11 (B) Seventy-five percent (75%) of the total
12 cost of the eligible rural health care entity's COVID-19
13 related expenses included in the entity's grant application
14 submitted under this section.

15

16 (v) Be made only with funds provided to the
17 state government of Wyoming under section 601 of the
18 federal Social Security Act, as created by section 5001 of
19 the CARES Act. No other funds of any kind and from any
20 source shall be expended to pay grants awarded under this
21 section;

22

1 (vi) Subject to federal law, be conditioned upon
2 the eligible rural health care entity agreeing to:

3

4 (A) Continue to maintain a meaningful nexus
5 to the state of Wyoming for not less than three (3) years
6 after receiving a grant under this section;

7

8 (B) Comply with reporting requirements
9 established by the council sufficient to satisfy all
10 federal reporting requirements;

11

12 (C) Repay all funds provided under this
13 section if the eligible rural health care entity uses grant
14 funds for expenses not authorized by this section;

15

16 (D) Provide at least twenty-five percent
17 (25%) of the total cost of the eligible rural health care
18 entity's COVID-19 related expenses included in the entity's
19 grant application in matching funds, including cash,
20 donations or in-kind support.

21

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) No expenditure of funds shall be made under this
6 section except in accordance with state and federal laws,
7 regulations and orders.

8

9 (e) The council may conduct and contract for random
10 audits of eligible rural health care entities receiving
11 grants under this section to ensure funds are expended in
12 compliance with state and federal law.

13

14 (f) The rural health care entity construction program
15 shall terminate on the last day of the covered period.

16

17 (g) There is reappropriated to the council from any
18 federal funds provided to the state government of Wyoming
19 under section 601 of the federal Social Security Act, as
20 created by section 5001 of the CARES Act and appropriated
21 in 2020 Wyoming Special Session Laws, Chapter 1, Section
22 2(b), as authorized and made available for expenditure in

1 Section 2(c)(i) through (iii), the following amounts for
2 the following specified purposes:

3

4 (i) Seventy-five million dollars (\$75,000,000.00)
5 for making grants to rural health care entities for the
6 specific COVID-19 related expense of capital construction,
7 including infrastructure and major renovations of public
8 medical facilities;

9

10 (ii) One hundred seventy-five million dollars
11 (\$175,000,000.00) for making grants to rural health care
12 entities for any COVID-19 related expenses.

13

14 (h) If a COVID-19 relief account or other similarly
15 named account is created for the deposit of COVID-19
16 related emergency response funds, the reappropriation under
17 subsection (g) of this section shall be made from that
18 account. Except as provided in this subsection, the funds
19 reappropriated under subsection (g) of this section shall
20 only be expended for making the grants authorized by this
21 section and consistent with the terms of this act and the
22 federal gift, grant or appropriation from which the funds
23 originate. This reappropriation shall not be transferred

1 or expended for any other purpose except on or before
2 **October 15, 2020,** the council shall estimate the total
3 amount of funds expended, obligated and necessary for the
4 grants authorized by this section. Any funds
5 reappropriated under subsection (g) of this section in
6 excess of the total amount estimated by the council are
7 hereby reappropriated to the office of the governor for the
8 purposes specified in 2020 Wyoming Special Session Laws,
9 Chapter 3. Funds reappropriated to the office of the
10 governor shall be subject to any limitations imposed by
11 2020 Wyoming Special Session Laws, Chapter 3. Any
12 unobligated, unexpended funds remaining from this
13 reappropriation on the last day of the covered period shall
14 revert as provided by law.

15

16 **Section 2.**

17

18 (a) As used in this section:

19

20 (i) "CARES Act" means the federal Coronavirus
21 Aid, Relief, and Economic Security (CARES) Act, P.L. No.
22 116-136, as may be amended;

23

1 (ii) "Commission" means the Wyoming community
2 college commission;

3
4 (iii) "Covered period" means the period beginning
5 on the effective date of this act and ending December 30,
6 2020 except that if the period for which allowable costs
7 may be incurred under section 601 of the federal Social
8 Security Act, as created by section 5001 of the CARES Act,
9 is amended or superseded, "covered period" shall mean the
10 period beginning on the effective date of this act and
11 ending on the last date of the period specified by federal
12 law for which allowable costs may be incurred;

13
14 (iv) "COVID-19 safety procedures" means the
15 policies and procedures mandated by an eligible institution
16 of an eligible student to mitigate the spread of the novel
17 coronavirus causing the COVID-19 pandemic;

18
19 (v) "Department" means the department of
20 workforce services;

21

1 (vi) "Eligible institution" means the University
2 of Wyoming, a Wyoming community college or an accredited
3 private post-secondary educational institution;

4

5 (vii) "Eligible student" means a United States
6 citizen or a permanent resident alien who meets the
7 definition of an eligible noncitizen under Title IV of the
8 federal Higher Education Act of 1965, as amended, or
9 requirements of a subsequent similar federal enactment who
10 is enrolled in an eligible institution full-time or part-
11 time during the 2020-2021 academic year;

12 *****
13 **STAFF COMMENT**
14 **Members of the JAC's working group requested staff to note**
15 **amendments that may serve to limit use of funds to support**
16 **decreased enrollments at the institutions. One option**
17 **would be to define "eligible students" as students who**
18 **enroll on or after the effective date of the act.**

19 *****
20

21 (viii) "University" means the University of
22 Wyoming.

23

24 (b) The no COVID-19 on campus Wyoming program is
25 hereby created. The department, the commission and the
26 university shall jointly establish this temporary program.
27 The department shall administer the temporary program for

1 eligible students attending a private post-secondary
2 educational institution. The commission through the
3 colleges shall administer the temporary program for
4 eligible students of the Wyoming community colleges. The
5 university shall administer the temporary program for
6 eligible students at the university. The department, the
7 commission through the colleges, or the university, as
8 applicable, shall provide a payment pursuant to this
9 section to each eligible student. The program shall be
10 administered in accordance with the following:

11

12 (i) An eligible student at the university shall
13 receive a payment in an amount not to exceed six thousand
14 five hundred dollars (\$6,500.00). For part-time students
15 the university shall prorate the payment based on the
16 credit hours attempted;

17

18 (ii) An eligible student at a Wyoming community
19 college or an accredited private post-secondary educational
20 institution shall receive a payment in an amount not to
21 exceed four thousand two hundred dollars (\$4,200.00). For
22 part-time students the commission or department, as

1 applicable, shall prorate the payment based on the credit
2 hours attempted;

3

4 (iii) Payments under this section shall be made
5 within five (5) business days after the eligible
6 institution's final course drop date for the 2020 fall
7 semester;

8

9 (iv) Payments under this section shall only be
10 used toward the costs of attending the eligible
11 institution, including for tuition, mandatory fees, room
12 and board, books and supplies, travel expenses and personal
13 expenses. To the extent a payment under this section would,
14 when combined with any grant or scholarship from a student
15 financial aid program administered through the state, any
16 state institution or the federal government, in the 2020-
17 2021 academic year, exceed the cost of attendance at the
18 eligible institution, the payment under this section shall
19 be reduced by the amount necessary to not exceed that cost
20 of attendance;

21

22 (v) Payments shall only be provided to eligible
23 students who:

1

2 (A) Have been accepted by and are enrolled
3 in an eligible institution for the 2020-2021 academic year;

4

5 (B) Have demonstrated United States
6 citizenship or status as a permanent resident alien who
7 meets the definition of an eligible noncitizen, as
8 determined by the eligible institution at which the student
9 is enrolled; and

10

11 (C) Comply with subsection (c) of this
12 section.

13

14 (c) Payments under this section shall:

15

16 (i) Not be awarded until an eligible student
17 submits, and the department, commission or university, as
18 applicable, approves an application. The application shall
19 be developed by the department, commission and university
20 jointly and shall require each applicant to certify that
21 the student is an eligible student as defined by this
22 section and that knowingly making a false statement on the
23 application is prohibited and may result in the applicant

1 being required to repay all funds awarded under this
2 section. All eligible institutions shall make the
3 application available to students within thirty (30) days
4 of the effective date of this section;

5

6 (ii) Be conditioned upon the applicant certifying
7 to the department, commission or university, as applicable,
8 that the student consistently performs COVID-19 safety
9 procedures and will continue to consistently perform COVID-
10 19 safety procedures during the 2020-2021 academic year;

11 *****
12 **STAFF COMMENT**
13 **The Committee may wish to consider limiting performance to**
14 **the duration of the "covered period" for consistency with**
15 **the CARES Act guidance.**
16 *****
17

18 (iii) Be made only with funds provided to the
19 state government of Wyoming under section 601 of the
20 federal Social Security Act, as created by 5001 of the
21 CARES Act. No other funds of any kind and from any source
22 shall be expended on payments awarded under this section.
23 Nothing in this paragraph shall prohibit the eligible
24 institutions from awarding additional scholarships to any
25 student.

26

1 (d) Students shall make application for payments under
2 this section with the eligible institution at which the
3 student is enrolled not later than the eligible
4 institution's final course drop date for the 2020 fall
5 semester.

6

7 (e) Not more than twenty (20) days after the effective
8 date of this section, the department, commission and
9 university shall promulgate any emergency and regular rules
10 necessary to administer the program authorized by this
11 section.

12

13 (f) No expenditure of funds shall be made under this
14 section except in accordance with state and federal laws,
15 regulations and orders.

16

17 (g) The eligible institutions shall provide the
18 department, commission and university, respectively, with
19 all information sufficient to satisfy federal reporting
20 requirements.

21

22 (h) The no COVID-19 on campus Wyoming program shall
23 terminate on the last day of the covered period.

1

2 (j) To the extent any funds reappropriated to the
3 department, commission and university under subsection (k)
4 of this section remain after all payments to eligible
5 students are awarded, the excess funds may be expended on
6 costs incurred during the covered period to facilitate
7 compliance with COVID-19-related public health measures at
8 the eligible institutions.

9

10 (k) There is reappropriated to the following specified
11 entities from any federal funds provided to the state
12 government of Wyoming under section 601 of the federal
13 Social Security Act, as created by section 5001 of the
14 CARES Act and appropriated in 2020 Wyoming Special Session
15 Laws, Chapter 1, Section 2(b), as authorized and made
16 available for expenditure in Section 2(c)(i) through (iii),
17 the following amounts for the purposes of this section:

18

19 (i) To the Wyoming community college commission,
20 fifty million dollars (\$50,000,000.00);

21

22 (ii) To the University of Wyoming, sixty-six
23 million dollars (\$66,000,000.00);

1

2 (iii) To the department of workforce services,
3 five million dollars (\$5,000,000.00).

4

5 (m) If a COVID-19 relief account or other similarly
6 named account is created for the deposit of COVID-19
7 related emergency response funds, the reappropriation under
8 subsection (k) of this section shall be made from that
9 account. Except as provided in this subsection, the funds
10 reappropriated under subsection (k) of this section shall
11 only be expended for the purposes authorized by this
12 section and consistent with the terms of the federal gift,
13 grant or appropriation from which the funds originate. This
14 reappropriation shall not be transferred or expended for
15 any other purpose except that on or before November 30,
16 2020, the department, commission and university shall
17 estimate the total amount of funds expended, obligated and
18 necessary for the purposes of this section. Any funds
19 reappropriated under subsection (k) of this section in
20 excess of the total amount estimated by the department,
21 commission and university are hereby reappropriated to the
22 office of the governor for the purposes specified in 2020
23 Wyoming Special Session Laws, Chapter 1. Funds

1 reappropriated to the office of the governor shall be
2 subject to any limitations imposed by 2020 Wyoming Special
3 Session Laws, Chapter 1. Any unobligated, unexpended funds
4 remaining from this reappropriation on the last day of the
5 covered period shall revert as provided by law.

6

7 **Section 3.**

8

9 (a) As used in this section:

10

11 (i) "CARES Act" means the federal Coronavirus
12 Aid, Relief, and Economic Security (CARES) Act, P.L. No.
13 116-136, as may be amended;

14

15 (ii) "Covered period" means the period beginning
16 on the effective date of this act and ending December 30,
17 2020 except that if the period for which allowable costs
18 may be incurred under section 601 of the federal Social
19 Security Act, as created by section 5001 of the CARES Act,
20 is amended or superseded, "covered period" shall mean the
21 period beginning on the effective date of this act and
22 ending on the last date of the period specified by federal
23 law for which allowable costs may be incurred;

1

2 (iii) "Department" means the department of
3 enterprise technology services;

4

5 (iv) "Telemedicine" means a mode of delivery of
6 healthcare services provided through telecommunications
7 systems to facilitate the assessment, diagnosis,
8 consultation, treatment, education and care management for
9 a patient while the healthcare provider is located at a
10 different site from the patient;

11

12 (v) "Telemedicine cart" means a system of
13 integrated audio-visual equipment, software, displays and
14 network access that facilitates the delivery of
15 telemedicine.

16

17 (b) There is reappropriated to the department from
18 any federal funds provided to the state government of
19 Wyoming under section 601 of the federal Social Security
20 Act, as created by section 5001 of the CARES Act and
21 appropriated in 2020 Wyoming Special Session Laws, Chapter
22 1, Section 2(b), as authorized and made available for

1 expenditure in Section 2(c)(i) through (iii), the following
2 amounts for the following specified purposes:

3

4 (i) Five million dollars (\$5,000,000.00) for the
5 acquisition and installation of telemedicine carts in
6 school district facilities to facilitate the delivery of
7 telemedicine to ensure that necessary health care services
8 are accessible to students during the public health
9 emergency caused by COVID-19. Telemedicine carts shall be
10 allocated to school districts on a first come first served
11 basis upon submission of an application by a school
12 district to the state chief information officer on or
13 before **October 15, 2020**. The department shall coordinate
14 the acquisition and installation of telemedicine carts
15 school district facilities to ensure necessary health care
16 services are accessible to students on or before the end of
17 the covered period;

18

19 (ii) **One million three hundred thousand dollars**
20 **(\$1,300,000.00)** for acquisition and installation of
21 equipment, hardware and software necessary to establish and
22 operate outdoor wireless internet access points at school
23 district facilities. In cooperation with school districts,

1 the department shall coordinate the acquisition and
2 installation of outdoor wireless internet access points in
3 each of the three hundred eighteen (318) principle schools
4 in the state. The outdoor wireless internet access points
5 shall be used to facilitate compliance with COVID-19
6 related public health measures, including to facilitate
7 distance learning and to improve telework and telemedicine
8 capabilities for students, families and the community. In
9 cooperation with school districts, the department shall
10 ensure the outdoor wireless internet access points are
11 operable on or before the last day of the covered period.

12

13 (c) If a COVID-19 relief account or other similarly
14 named account is created for the deposit of COVID-19
15 related emergency response funds, the reappropriation under
16 subsection (b) of this section shall be made from that
17 account. Except as provided in this subsection, the funds
18 reappropriated under subsection (b) of this section shall
19 only be expended for the purposes authorized by this
20 section and consistent with the terms of this act and the
21 federal gift, grant or appropriation from which the funds
22 originate. This reappropriation shall not be transferred
23 or expended for any other purpose except on or before

1 **October 15, 2020,** the department shall estimate the total
2 amount of funds expended, obligated and necessary for the
3 purposes authorized by this section. Any funds
4 reappropriated under subsection (b) of this section in
5 excess of the total amount estimated by the department are
6 hereby reappropriated to the office of the governor for the
7 purposes specified in 2020 Wyoming Special Session Laws,
8 Chapter 3. Funds reappropriated to the office of the
9 governor shall be subject to any limitations imposed by
10 2020 Wyoming Special Session Laws, Chapter 3. Any
11 unobligated, unexpended funds remaining from this
12 reappropriation on the last day of the covered period shall
13 revert as provided by law.

14

15 **Section 4.** If federal funds that do not accrue to any
16 agency under W.S. 9-2-1006(a) are provided to the state
17 government of Wyoming for COVID-19 related purposes during
18 the period beginning on the effective date of this act and
19 ending June 30, 2022, eighty million dollars
20 (\$80,000,000.00) shall only be expended upon further
21 legislative appropriation in accordance with the terms of
22 the federal gift, grant or appropriation for last-mile
23 infrastructure to provide broadband internet service to end

1 users or end-user devices to facilitate compliance with
2 COVID-19 related public health measures.

3

4 **Section 5.** This act is effective immediately upon
5 completion of all acts necessary for a bill to become law
6 as provided by Article 4, Section 8 of the Wyoming
7 Constitution.

8

9

(END)