

**DRAFT ONLY  
NOT APPROVED FOR  
INTRODUCTION**

HOUSE BILL NO.

COVID-19 large business relief program.

Sponsored by: Joint Minerals, Business & Economic  
Development Interim Committee

A BILL

for

1 AN ACT relating to the emergency expenses of government  
2 related to business relief; authorizing an emergency  
3 governmental program related to economic development and  
4 business relief as specified; providing an appropriation;  
5 providing a sunset date for the created program; providing  
6 rulemaking authority; and 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:

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

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

(A) Was established on or before the date of enactment of any order issued by the state or any local government of Wyoming that required closures of businesses in response to the COVID-19 pandemic;

(B) Is a publicly or privately owned business and not a government-owned business or a government entity;

(C) Paid not less than:

(1) One million dollars (\$1,000,000.00) in 2019 for taxes assessed on real property owned by the eligible business in the state of Wyoming; or

1                                   (2)           Ten           million           dollars  
2   (\$10,000,000.00) in gross payroll in 2019 to the business's  
3   employees employed in Wyoming.

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5                                   (D) Has its principal operations located in  
6   Wyoming; and

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8                                   (E) On March 31, 2020, employed in Wyoming  
9   not less than one hundred (100) full-time employees whose  
10   work was principally performed in Wyoming.

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12                                   (iii) "Required closure" means the closure of a  
13   business that was ordered by the state or any local  
14   government of Wyoming in an order issued or in effect  
15   beginning March 15, 2020 in response to the COVID-19  
16   pandemic. "Required closure" shall also include the  
17   interruption or curtailment of a business's normal business  
18   as a result of any closures or public health orders or as a  
19   result of the public health crisis with respect to COVID-  
20   19.

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22                                   (b) The coronavirus large business relief stipend  
23   program is hereby created. The Wyoming business council

1 shall establish and administer this temporary program for  
2 the purpose of providing stipends to eligible businesses  
3 adversely impacted by the COVID-19 pandemic or by required  
4 closures. Stipends shall be awarded under this section in  
5 accordance with the following:

6

7 (i) Any eligible business may apply to the  
8 council for a stipend under this section not later than a  
9 deadline established by the council. The application shall  
10 require the applicant to certify that it is an eligible  
11 business as defined by this section. The application shall  
12 also provide that knowingly making a false statement to the  
13 council on the application is prohibited and may result in  
14 the applicant being required to repay all funds awarded  
15 under this section;

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17 (ii) The council may contract with financial  
18 institutions and other businesses to carry out the program  
19 created by this section and distribute stipends awarded  
20 under this section;

21

22 (iii) No stipend shall be awarded under this  
23 section without the applicant first submitting an

1 expenditure plan for the stipend on a simple form provided  
2 by the council. The council may request that the applicant  
3 provide any additional information necessary to determine  
4 the adequacy of the applicant's submitted plan;

5

6 (iv) Stipends awarded under this section shall  
7 be used by the eligible business for the following  
8 expenditures and expenses associated with the COVID-19  
9 pandemic:

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11 (A) Payroll costs for Wyoming employees;

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13 (B) Business supplies;

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15 (C) Business equipment including equipment  
16 necessary to resuming normal business operations and  
17 equipment necessary to modify business operations in  
18 response to the COVID-19 pandemic or to public health  
19 guidelines;

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21 (D) Other business expenses, including but  
22 not limited to rent or mortgage payments, utilities and  
23 other operational costs;

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2                   (E) Any other expenditure or expense  
3 related to business interruption due to the COVID-19  
4 pandemic.

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6                   (v) Before making a stipend under this section,  
7 the applicant shall demonstrate to the council's  
8 satisfaction that the eligible business incurred actual  
9 losses of sales, revenues or production in April 2020, May  
10 2020 and June 2020 of not less than twenty-five percent  
11 (25%), as compared to the corresponding sales, revenues or  
12 production for the same months in 2019, which resulted from  
13 the COVID-19 pandemic or as a result of business  
14 interruptions due to a required closure or a public health  
15 order;

16

17                   (vi) The council shall calculate the stipend for  
18 each eligible business that applied in an amount equal to  
19 the actual losses that the eligible business incurred  
20 during April, May and June 2020, not to exceed the amount  
21 specified in paragraph (vii) of this subsection;

22

1           (vii) Stipends awarded under this section shall  
2 not exceed one million five hundred thousand dollars  
3 (\$1,500,000.00) for each eligible business;

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5           (viii) Stipends shall be made only with funds  
6 provided to the state government of Wyoming under the  
7 federal CARES Act. No other funds of any kind and from any  
8 source shall be expended on the stipends awarded under this  
9 section;

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11           (ix) Subject to federal law, stipends awarded  
12 under this section shall be conditioned upon the eligible  
13 business agreeing to:

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15           (A) Continue to maintain principal  
16 operations in the state of Wyoming for not less than three  
17 (3) years after receiving a stipend under this section;

18

19           (B) Continue maintaining not less than  
20 ninety percent (90%) of the eligible business's gross  
21 payroll as of March 31, 2020 until not earlier than March  
22 31, 2023;

23

1                   (C) Provide a report to the council not  
2 later than December 30, 2020 that describes how the funds  
3 were expended as authorized by paragraph (iv) of this  
4 subsection in response to the COVID-19 public health  
5 crisis;

6  
7                   (D) Repay all funds provided under this  
8 section plus interest at the rate of two percent (2%) per  
9 annum if the eligible business uses stipend funds for  
10 expenses not authorized by this section or if the eligible  
11 business fails to comply with the requirements of this  
12 paragraph.

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14                  (x) In awarding stipends under this section, the  
15 council shall not award stipends to eligible businesses  
16 that, as of July 1, 2020, had received funding from the  
17 federal paycheck protection program or any other funding  
18 available through the CARES Act and federal programs in  
19 response to the COVID-19 pandemic;

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21                  (xi) Stipends shall not be reduced based on any  
22 amounts that an eligible business has received from any of  
23 the programs established in 2020 Wyoming Special Session



1 Laws Chapter 3. No eligible business shall receive a  
2 stipend under this section for any losses or expenses  
3 reimbursed or awarded under another program.

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5 (c) The council shall promulgate any emergency and  
6 regular rules necessary to administer the program  
7 authorized by this section.

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9 (d) The attorney general shall review in writing the  
10 legality of the program and any rules established for the  
11 program authorized by this section.

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

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17 (f) The council may conduct and contract for random  
18 audits of eligible businesses receiving stipends awarded  
19 under this section to ensure funds are expended in  
20 compliance with state and federal law.

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22 (g) The program created by this section shall  
23 terminate on December 30, 2020.

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2       **Section 2.** There is reappropriated to the Wyoming  
3 business council ten million dollars (\$10,000,000.00) from  
4 any funds appropriated in 2020 Wyoming Special Session  
5 Laws, Chapter 1, Section 2(b) and as authorized and made  
6 available for expenditure in Section 2(c)(ii). If a COVID-  
7 19 relief account or other similarly named account is  
8 created for the deposit of COVID-19 related emergency  
9 response funds, this reappropriation shall be made from  
10 that account. Except as provided in this section, the funds  
11 reappropriated under this section shall be used only for  
12 the establishment and operation of the program authorized  
13 in Section 1 of this act and consistent with the terms of  
14 the federal gift, grant or appropriation from which the  
15 funds originate. This appropriation shall not be  
16 transferred or expended for any other purpose, except that  
17 on or before November 1, 2020, the Wyoming business council  
18 shall estimate the total amount of funds expended,  
19 obligated and necessary for the stipends authorized in  
20 Section 1 of this act. Any funds reappropriated under this  
21 section in excess of the total amount estimated by the  
22 Wyoming business council are hereby reappropriated after  
23 November 1, 2020 to the office of the governor for the

1 purposes specified in 2020 Wyoming Special Session Laws,  
2 Chapter 1. Any unobligated, unexpended funds remaining from  
3 this reappropriation on December 30, 2020 shall revert as  
4 provided by law.

5

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

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11

(END)