

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO. [BILL NUMBER]

Emergency appropriation-COVID-19 funds.

Sponsored by: HDraft Committee

A BILL

for

1 AN ACT relating to the emergency expenses of government;
2 providing legislative findings; authorizing emergency
3 governmental programs as specified; providing an
4 appropriation; and providing for an effective date.

5

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

7

8 **Section 1.**

9

10 (a) The legislature finds that:

11

12 (i) In December 2019, a novel coronavirus known
13 as severe acute respiratory syndrome coronavirus 2 (SARS-

1 CoV-2) was first detected in Wuhan, Hubei province,
2 People's Republic of China, leading to outbreaks of novel
3 coronavirus disease (COVID-19) that have now spread
4 globally;

5

6 (ii) On March 13, 2020, President Donald Trump
7 under the authority given to his office in the federal
8 Robert T. Stafford Disaster Relief and Emergency Assistance
9 Act (Stafford Act), declared a national emergency over the
10 coronavirus outbreak following a week of cancellations,
11 suspensions and growing case numbers nationwide;

12

13 (iii) On March 13, 2020, the governor declared a
14 state of emergency in Wyoming in anticipation of the spread
15 of COVID-19 to the state and on April 11, 2020, Wyoming
16 received a major disaster declaration under the Stafford
17 Act;

18

19 (iv) The governor, the state health officer,
20 local health officers, local officials and tribal leaders
21 responded with swift measures to contain the spread of
22 COVID-19, minimize the public's exposure to COVID-19 and

1 protect the health, safety and wellbeing of Wyoming
2 residents;

3

4 (v) The public health crisis caused by COVID-19:

5

6 (A) Resulted in death, hospitalizations,
7 sickness, mental health suffering and numerous other
8 adverse health impacts to the residents of Wyoming;

9

10 (B) Created economic devastation to
11 Wyoming's economy and the tax base for the state and local
12 governments;

13

14 (C) Resulted in the loss of employment and
15 income for Wyoming residents, the closure of businesses and
16 schools, destabilized housing and greatly exacerbated
17 financial insecurity in the state;

18

19 (D) Put extraordinary financial pressure on
20 individuals, families, homeowners, hospitals, health care
21 facilities, businesses, state agencies and local
22 governments.

23

1 (vi) While it is currently not possible to fully
2 assess the scope, duration and severity of the impact the
3 public health crisis has and will have on the residents of
4 Wyoming, the recovery efforts will require a dedicated
5 response by the executive, legislative and judicial
6 branches of Wyoming's state government, tribal governments
7 and local governments of Wyoming's counties, cities, towns
8 and political subdivisions;

9

10 (vii) The federal Coronavirus, Aid, Relief and
11 Economic Security (CARES) Act, Public Law 116-136, has
12 provided the state government of Wyoming with relief funds
13 of one billion two hundred fifty million dollars
14 (\$1,250,000,000.00) to cover costs that are necessary
15 expenditures incurred due to the public health emergency
16 with respect to COVID-19. Further federal stimulus aid may
17 be forthcoming to the states from the federal government to
18 address this crisis;

19

20 (viii) Under existing law, the governor may
21 accept and expend federal funds through supplemental
22 additions to approved budgets when the legislature is not
23 in session pursuant to W.S. 9-2-1005(b). The legislature

1 finds that due to the extraordinary circumstances of the
2 COVID-19 public health emergency and resulting economic
3 devastation, joint action of the legislative and executive
4 branches in determining how the CARES Act relief funds are
5 expended will result in the greatest benefit to the state;

6
7 (ix) Currently, the allowable expenditures of
8 the relief funds provided to the state under the CARES Act
9 are restricted and may not be used to fill shortfalls in
10 state and local government revenue. However, discussions
11 continue on how the relief funds may best be spent. State
12 and local governments, and the services and programs they
13 provide to the public, may be significantly reduced as a
14 result of the public health emergency and the economic
15 devastation it has brought. The deliberative, thoughtful
16 and prudent use of available federal funds through the
17 development of long-term strategies can help blunt the
18 worst of these economic impacts for the residents of
19 Wyoming.

20
21 (b) The legislature further finds that if the
22 restrictions on allowable expenditures of the CARES Act
23 relief funds were removed, four (4) classifications of

1 priority needs requiring funding from these and any future
2 federal stimulus funds are:

3

4 (i) COVID-19 emergency response. These are
5 expenditures that were incurred and that continue to be
6 incurred as a direct response of combating COVID-19 in
7 Wyoming, for which CARES Act relief funds may currently be
8 expended. There is also an immediate need for additional
9 state programs to respond to this crisis. This act and its
10 companion act, [HB/SF XXXX, 20LSO-0701], provide the
11 emergency funding and emergency authorization to create
12 certain time-limited programs to address the COVID-19
13 emergency;

14

15 (ii) Relief aid. These are payments to state and
16 local programs to support businesses, families and
17 individuals who have been economically impacted by the
18 public health crisis;

19

20 (iii) Economic development projects. If the
21 CARES Act is amended in future legislation to allow these
22 expenditures, these are capital construction, road
23 building, infrastructure, broadband and other potential

1 projects intended to invest in Wyoming by providing
2 employment opportunities for Wyoming residents to offset
3 the devastating impacts of the COVID-19 crisis and by
4 enhancing the infrastructure of the state;

5

6 (iv) Replacement of lost revenue for public
7 entities. If the CARES Act is amended in future federal
8 legislation to allow replacement of lost revenues, relief
9 funds could be used to allow state and local governments to
10 continue to provide a base level of critical services while
11 longer-term solutions to this economic crisis can be
12 implemented.

13

14 (c) The legislature intends to work with the executive
15 branch and local governments to enact legislation
16 addressing all four (4) of the identified priorities if
17 permissible in the near future. However, if the
18 legislature determines that no additional legislative
19 action is necessary and no further legislation is enacted,
20 the governor may expend any remaining CARES Act relief
21 funds pursuant to section 2 of this act. While it is
22 beyond the power of government to alleviate all hardships
23 associated with this public health and economic crisis,

1 long-term strategies to utilize available funds to address
2 this crisis will ultimately provide the greatest benefit to
3 the state and speed the road to economic recovery.

4

5 **Section 2.**

6

7 (a) To carry out the expenditure of federal funds
8 authorized by subsection (b) of this section, the governor
9 is authorized to establish by order or rule any emergency
10 program that is consistent with the terms of this act and
11 the federal gift, grant or appropriation if the program can
12 be fully supported by federal funds appropriated under this
13 act or other existing appropriations. Any emergency
14 program created under the authority granted in this
15 subsection shall expire on December 30, 2020 unless
16 expressly continued by act of the legislature.

17

18 (b) Subject to the limitations provided in subsection
19 (c) through (f) of this section, any federal funds provided
20 to the state for COVID-19 related purposes including from
21 the Coronavirus, Aid, Relief and Economic Security (CARES)
22 Act, Public Law 116-136, or other federal act that do not
23 accrue to any agency under W.S. 9-2-1006(a) are

1 appropriated to the office of the governor for the
2 emergency expenses of government that are consistent with
3 the terms of the federal gift, grant or appropriation and
4 as specified in this subsection. In accordance with W.S.
5 9-4-205(a), this appropriation of federal funds shall be
6 subject to further legislative review and appropriation.
7 This appropriation shall only be expended for the following
8 purposes:

9
10 (i) Any expenses incurred by state agencies to
11 respond to the public health emergency and the impacts
12 caused by COVID-19 as determined by the governor. Expenses
13 may include any costs incurred in implementing 2020 Special
14 Session House Bill/Senate File 00XX [20LSO-0701];

15
16 (ii) Any expenses incurred by cities, towns,
17 counties and other political subdivisions to respond to the
18 public health emergency and the impacts caused by COVID-19.
19 The allocation of distributions to entities under this
20 paragraph shall be subject to the approval of the state
21 loan and investment board;

22

1 (iii) To provide grants for expenses incurred by
 2 Wyoming public and non-profit hospitals and health care
 3 facilities to respond to the public health emergency caused
 4 by COVID-19 or to improve the state's health care
 5 infrastructure. Grants provided under this paragraph shall
 6 be subject to the approval of the state loan and investment
 7 board. The governor's office shall by order or rule, adopt
 8 provisions to ensure that adequate consideration is
 9 provided to the state for the expenditure of public funds
 10 on grants authorized under this paragraph;

11

12 (iv) For operational or capital construction
 13 expenses at the Wyoming life resource center and the
 14 Wyoming state hospital to improve the state's capacity to
 15 respond to the public health emergency caused by COVID-19;

16 *****

17 **STAFF COMMENT**
 18 **The Governor's staff indicated a desire for capital**
 19 **construction funding in a state facility to host a**
 20 **nonprofit entity to provide care for mental health**
 21 **patients, including those patients displaced by the COVID-**
 22 **19 emergency. This may be implemented as follows:**

23

24 (v) For capital construction expenses at state
 25 facilitates to improve the state's capacity to provide
 26 mental health services in response to the public health
 27 emergency caused by COVID-19;

28 *****

29

1 (v) For any COVID-19 related expenses and
2 expenditures of the judicial branch;

3

4 (vi) For any COVID-19 related expenses and
5 expenditures of the legislative branch;

6

7 (vii) For any other purposes authorized by
8 legislative act.

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11 **STAFF COMMENT**

12 **The Governor inquired with LSO about expenditures under the**
13 **draft legislation to address hunger initiatives and other**
14 **similar expenses. In response, the Management Council may**
15 **wish to consider adding the following new paragraph, or a**
16 **refined version of it, and renumbering as necessary:**

17

18 (vii) Any expenses incurred by the state to respond to
19 the public health emergency and the impacts caused by
20 COVID-19 for the necessary support of the poor as
21 determined by the governor;

22 *****

23

24 (c) The following conditions shall apply to the
25 appropriation of federal funds under subsection (b) of this
26 section:

27

28 (i) For the period beginning on the effective
29 date of this act and ending July 31, 2020, not more than

1 four hundred million dollars (\$400,000,000.00) shall be
2 expended or obligated;

3

4 (ii) Absent enactment of further legislation,
5 for the period beginning on August 1, 2020, and ending
6 September 30, 2020 not more than four hundred million
7 dollars (\$400,000,000.00) plus any funds remaining from the
8 expenditure authorized under paragraph (i) of this
9 subsection shall be expended or obligated. The expenditure
10 of funds under this paragraph may include reimbursement for
11 expenses incurred prior to August 1, 2020;

12

13 (iii) Absent enactment of further legislation,
14 for the period beginning on October 1, 2020 and ending
15 December 30, 2020, any remaining funds appropriated under
16 subsection (b) of this section may be expended or obligated
17 by the governor for any purpose that is consistent with the
18 terms of the federal gift, grant or appropriation or this
19 act. The expenditure of funds under this paragraph may
20 include reimbursement for expenses incurred prior to
21 October 1, 2020;

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STAFF COMMENT

The dates listed above governing the time periods for expenditure of funds are placeholders and may be further revised.

(iv) It is the intent of the legislature that this appropriation not be included in the office of the governor's standard budget for the immediately succeeding fiscal biennium;

(v) Expenditure of this appropriation shall be documented through the B-11 process described under W.S. 9-2-1005(b)(ii), (iii) and (g) and reported pursuant to W.S. 9-2-1013(b) but need not constitute a supplemental addition to an approved budget;

(vi) This appropriation shall not be revised, changed, redistributed or increased pursuant to W.S. 9-2-1005(b)(ii) and (iii);

(vii) This appropriation shall not be transferred or expended for any purpose not specified in this act.

1 (d) The attorney general shall review in writing the
2 legality of the distribution, expenditure and accounting of
3 federal funds authorized under subsection (b) of this
4 section. No expenditure of funds shall be made under this
5 section except in accordance with state and federal laws,
6 regulations and orders.

7

8 (e) As a condition of receiving any grant, aid or
9 distribution authorized under this section, the recipient
10 shall report to the governor and legislature the amount of
11 all federal loans, grants or aid provided for COVID-19
12 related purposes including from the Coronavirus, Aid,
13 Relief and Economic Security (CARES) Act, Public Law 116-
14 136, or other federal act for which the recipient:

15

16 (i) Is eligible, as determined by the recipient;

17

18 (ii) Has applied; or

19

20 (iii) Has received.

21

22 (f) The governor shall implement reporting
23 requirements on the recipient of any grant, distribution or

1 aid authorized under this section sufficient to comply with
2 all federal reporting requirements.

3

4 **Section 3.** 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)