ORIGINAL SENATE ENGROSSED
FILE NO. SF1001

ENROLLED ACT NO. 1, SENATE

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2020 SPECIAL SESSION

AN ACT relating to the emergency expenses of government; providing legislative findings; authorizing emergency governmental programs as specified; requiring reporting; providing an appropriation; specifying conditions on the appropriation and expenditure of funds; and providing for an effective date.

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

Section 1.

(a) The legislature finds that:

(i) In December 2019, a novel coronavirus known as severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) was first detected in Wuhan, Hubei province, People's Republic of China, leading to outbreaks of novel coronavirus disease (COVID-19) that have now spread globally;

(ii) On March 13, 2020, the president of the United States under the authority given to his office in the federal Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), declared a national emergency over the coronavirus outbreak following cancellations, suspensions and growing case numbers nationwide;

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

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(iv) The governor, the state health officer, local health officers, local officials and tribal leaders responded with swift measures to contain the spread of COVID-19, minimize the public's exposure to COVID-19 and protect the health, safety and well being of Wyoming residents;

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

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

(B) Resulted in the economic devastation to Wyoming's economy and the tax base for the state and local governments;

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

(D) Put extraordinary financial pressure on individuals, families, homeowners, hospitals, health care facilities, businesses, educational providers, state agencies and local governments.

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

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

(viii) Under existing law, the governor may accept and expend federal funds through supplemental additions to approved budgets when the legislature is not in session pursuant to W.S. 9-2-1005(b). The legislature finds that due to the extraordinary circumstances of the COVID-19 public health emergency and resulting economic devastation, joint action of the legislative and executive branches in determining how the CARES Act relief funds are expended will result in the greatest benefit to the state;

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

(x) Article 3, section 36 of the Wyoming Constitution limits the power of the legislature to make appropriations to persons, corporations or communities not

under the absolute control of the state and article 16, section 6 of the Wyoming Constitution limits the authority of the state to loan or make donations to or in aid of any individual, association or corporation, except for the necessary support of the poor. And article 7, section 20 of the Wyoming Constitution recognizes the duty of the legislature to protect and promote the health and morality of the people. The extraordinary circumstances of the COVID-19 public health emergency and resulting economic devastation justifies the distribution of CARES Act funds for the public purposes and expenses authorized by this act in accordance with these constitutional requirements. Nothing in this act shall be construed to authorize the distribution of federal funds through future legislation without regard to the limitations imposed by the Wyoming Constitution.

(b) The legislature further finds that four (4) classifications of priority needs requiring funding from these and any future federal stimulus funds are:

(i) COVID-19 emergency response. These are expenditures that were incurred and that continue to be incurred as a direct response of combating COVID-19 in Wyoming, for which CARES Act relief funds may currently be expended. There is also an immediate need for additional state programs to respond to this crisis. This act and its companion acts provide the emergency funding and emergency authorization to create certain time limited programs to address the COVID-19 emergency;

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

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(iii) Economic development projects. These are capital construction, road building, infrastructure, broadband and other potential projects intended to invest in Wyoming by providing employment opportunities for Wyoming residents to offset the devastating impacts of the COVID-19 crisis and by enhancing the infrastructure of the state;

(iv) Replacement of lost revenue for public entities. To the extent allowable under the CARES Act or other similarly purposed federal act, relief funds could be used to allow state and local governments to continue to provide a base level of critical services while longer term solutions to this economic crisis can be implemented.

(c) The legislature intends to work with the executive branch and local governments to enact legislation addressing all four (4) of the identified priorities if permissible in the near future. However, if the legislature determines that no additional legislative action is necessary and no further legislation is enacted, the governor may expend any remaining CARES Act relief funds pursuant to section 2 of this act. While it is beyond the power of government to alleviate all hardships associated with this public health and economic crisis, long-term strategies to utilize available funds to address this crisis will ultimately provide the greatest benefit to the state and speed the road to economic recovery.

Section 2.

(a) To carry out the expenditure of federal funds authorized by subsection (b) of this section, 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 appropriation if the program can be fully supported by federal funds appropriated under this

act or other existing appropriations. Any emergency program created under the authority granted in this subsection shall expire on December 30, 2020 unless expressly continued by act of the legislature.

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

(i) Any expenses incurred by state entities to respond to the public health emergency and the impacts caused by COVID-19 as determined by the governor. Expenses may include any costs incurred in implementing 2020 House Bill 1002 or 2020 Senate File 1002, if enacted into law, including expenditures made to adequately fund the worker's compensation account to pay for necessary and permissive liabilities created by 2020 House Bill 1002 or 2020 Senate File 1002, if enacted into law. As used in this paragraph, "state entity" includes any school district, state office, department, board, council, commission, separate operating agency, institution or other instrumentality or operating unit of the state and the University of Wyoming and Wyoming community colleges. Programs and services provided by a state entity or operated on behalf of a state entity by a third party shall be considered "state entities" for purposes of this paragraph;

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

(iii) To provide grants for expenses incurred by Wyoming health care providers, rural health care districts, hospital districts and health care facilities to respond to the public health emergency caused by COVID-19 or to improve the state's health care delivery system and infrastructure, including major renovations or capital construction of facilities. Grants provided under this paragraph shall be subject to the approval of the state loan and investment board. The governor shall by order or rule, adopt provisions to ensure that adequate consideration is provided to the state for the expenditure of public funds on grants authorized under this paragraph;

(iv) For operational or capital construction expenses at any hospital or other health care facility that is operated by a governmental entity, including the Wyoming life resource center and the Wyoming state hospital, to improve the state's capacity to respond to the public health emergency caused by COVID-19;

(v) For capital construction expenses to improve the state's capacity to provide mental health services in response to the public health emergency caused by COVID-19. Capital construction expenses authorized under this paragraph shall be subject to the approval of the state building commission;

(vi) Any expenses incurred by the state to respond to the public health emergency to address food

insecurity caused or exacerbated by COVID-19 as determined by the governor. Expenses authorized under this paragraph shall include but are not limited to expenses to produce and process food incurred by businesses, cooperatives and political subdivisions of the state which have suffered adverse market effects or experienced unusual levels of strain in the supply chain due to the impacts from the COVID-19 novel coronavirus;

(vii) Any COVID-19 related expenses and expenditures of the judicial branch;

(viii) Any COVID-19 related expenses and expenditures of the legislative branch;

(ix) Any other COVID-19 related purposes authorized by legislative act;

(x) To provide grants for expenses incurred in responding to the public health emergency and the impacts caused by COVID-19 on the Wind River Reservation. Grants provided under this paragraph shall be subject to the approval of the state loan and investment board. The state loan and investment board may enter into cooperative agreements with the business councils of the Eastern Shoshone and Northern Arapaho Tribes to facilitate grants under this paragraph;

(xi) For capital construction expenses to improve the state's emergency health care capacity in response to the public health emergency caused by COVID-19;

(xii) Any other COVID-19 related expenses necessary to provide funding for costs experienced by Wyoming businesses that were directed to cease or limit business operations under a statewide order issued by the

governor or the state health officer in response to the public health emergency caused by COVID-19.

(c) Funds appropriated under subsection (b) of this section may be expended or obligated by the governor subject to the following conditions:

(i) On the effective date of this act, up to four hundred fifty million dollars ($450,000,000.00) shall be available for expenditure or obligation;

(ii) Absent enactment of further legislation, on July 15, 2020 an additional four hundred million dollars ($400,000,000.00) plus any funds remaining from the amount authorized under paragraph (i) of this subsection shall be available for expenditure or obligation;

(iii) Absent enactment of further legislation, on September 15, 2020, any remaining funds shall be available for expenditure or obligation;

(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.

(d) The attorney general shall review in writing the legality of the distribution, expenditure and accounting of federal funds authorized under subsection (b) of this section.

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

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

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

(ii) Has applied; or

(iii) Has received.

(g) The governor shall implement reporting requirements on the recipient of any grant, distribution or aid authorized under this section sufficient to comply with all federal reporting requirements.

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Section 3. 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