

SENATE FILE NO. SF1004

COVID-19 business relief programs-2.

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; providing legislative findings;
3 authorizing emergency governmental programs related to
4 economic development and business relief as specified;
5 providing appropriations; providing a sunset date for
6 created emergency programs; providing rulemaking authority;
7 authorizing transfers of appropriations as specified; and
8 providing for an effective date.

9

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

11

12 **Section 1.**

13

14 (a) The legislature finds that:

15

1 (i) In December 2019, a novel coronavirus known
2 as severe acute respiratory syndrome coronavirus 2 (SARS-
3 CoV-2) was first detected in China, leading to outbreaks of
4 novel coronavirus disease (COVID-19) that have now spread
5 globally;

6

7 (ii) On March 13, 2020, the president of the
8 United States and the governor of Wyoming declared
9 emergencies in anticipation of the spread of COVID-19 and
10 following nationwide cancellations, suspensions, and
11 growing cases of COVID-19;

12

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

19

20 (iv) Among other actions, the governor and the
21 state health officer enacted statewide orders that limited
22 gatherings to ten (10) people or less and that required
23 many Wyoming businesses to close or to severely curtail

1 their operations in order to protect the health and safety
2 of all Wyoming residents;

3

4 (v) The public health crisis and the required
5 closures have caused Wyoming businesses to experience an
6 unprecedented and unforeseen loss of revenue and income.
7 Accordingly, it is unclear whether those businesses will be
8 able to adequately recover and continue contributing to
9 Wyoming's economy;

10

11 (vi) The Wyoming businesses that have been
12 affected by the public health crisis and required closures
13 also help provide critical products, supplies and services
14 to Wyoming residents and industries;

15

16 (vii) While it is not currently possible to
17 fully assess the scope, duration and severity of the impact
18 of the public health crisis to Wyoming businesses, the
19 recovery efforts will require a dedicated response by
20 Wyoming's state government, tribal governments and local
21 governments of Wyoming's counties, cities, towns and
22 political subdivisions;

23

1 (viii) The federal Coronavirus Aid, Relief, and
2 Economic Security (CARES) Act, P.L. No. 116-136, has
3 provided the state government of Wyoming with relief funds
4 of one billion two hundred fifty million dollars
5 (\$1,250,000,000.00) to cover costs that are necessary
6 expenditures incurred due to the public health crisis with
7 respect to COVID-19. Further federal stimulus aid may be
8 forthcoming to the states from the federal government to
9 address this crisis;

10

11 (ix) Due to the extraordinary circumstances of
12 the COVID-19 public health crisis and resulting economic
13 devastation, joint action of the legislature and executive
14 branches in determining how the CARES Act relief funds are
15 expended will result in the greatest benefit to the state;

16

17 (x) Among other things, payments to state and
18 local programs to support Wyoming businesses and economic
19 development projects are a priority need requiring funding
20 from these and any future federal stimulus funds.

21

22 (b) In order to address the harms that Wyoming
23 businesses experienced because of the public health crisis

1 and to ensure the availability of and an adequate supply of
2 goods and services to Wyoming's residents and industries,
3 the legislature finds that the state has an obligation to
4 use a portion of the CARES Act relief funds and any other
5 federal stimulus funds made available to the state to
6 ensure that Wyoming businesses can remain open and
7 contribute to Wyoming's economy.

8

9 **Section 2.**

10

11 (a) As used in this section:

12

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

15

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

17

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

22

23 (B) Is independently owned and operated;

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(C) Is headquartered in Wyoming or has its principal operations located in Wyoming; and

(D) On March 31, 2020, had employed fifty (50) full-time employees or less.

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

(b) The Wyoming business interruption stipend program is hereby created. The Wyoming business council shall establish and administer this temporary program to reimburse eligible businesses for the costs of business interruptions caused by required closures. Stipends awarded under this section shall:

1 (i) Not be awarded until an eligible business
2 submits, and the council approves, an application. The
3 application shall be developed by the council and shall
4 require each applicant to certify that the business is an
5 eligible business as defined by this section and that
6 knowingly making a false statement to the council on the
7 application is prohibited and may result in the applicant
8 being required to repay all funds awarded under this
9 section;

10

11 (ii) Be conditioned upon the applicant
12 certifying to the council that the eligible business has
13 incurred actual losses as a result of business
14 interruptions due to a required closure;

15

16 (iii) Be fifteen thousand dollars (\$15,000.00),
17 plus the greater of an additional two thousand dollars
18 (\$2,000.00) for every one (1) full-time employee and an
19 additional one thousand dollars (\$1,000.00) for every one
20 (1) part-time employee that the eligible business had
21 employed in Wyoming on March 31, 2020 or two thousand
22 dollars (\$2,000.00) for every full-time equivalent employee
23 which for purposes of this paragraph shall be determined by

1 dividing all verifiable Wyoming employee hours worked
2 between April 1, 2019 and March 31, 2020 by two thousand
3 eighty (2080) hours and with the business owner counted as
4 one (1) full-time equivalent employee. In no event shall a
5 stipend issued under this section exceed fifty thousand
6 dollars (\$50,000.00);

7

8 (iv) Be made only with funds provided to the
9 state government of Wyoming under the federal CARES Act. No
10 other funds of any kind and from any source shall be
11 expended on the payment of stipends awarded under this
12 section.

13

14 (c) In awarding stipends under this section, the
15 council shall give preference to those eligible businesses
16 that, as of the date of submitting an application for a
17 stipend under subsection (b) of this section, has not
18 received any funding from the paycheck protection program
19 established by the Coronavirus Aid, Relief, and Economic
20 Security (CARES) Act, P.L. No. 116-136.

21

1 (d) The council shall promulgate any emergency and
2 regular rules necessary to administer the program
3 authorized by this section.

4

5 (e) The attorney general shall review in writing the
6 legality of the program and any rules established for the
7 program authorized by this section.

8

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

12

13 (g) The council may conduct and contract for random
14 audits of eligible businesses receiving stipends under this
15 section to ensure awarded funds are expended in compliance
16 with state and federal law.

17

18 (h) There is appropriated to the Wyoming business
19 council fifty million dollars (\$50,000,000.00) from any
20 funds appropriated in 2020 House Bill 1001, Section 2(b)
21 and as authorized and made available for expenditure in
22 Section 2(c)(i), or 2020 Senate File 1001, Section 2(b) and
23 as authorized and made available for expenditure in Section

1 2(c)(i), if enacted into law. If a COVID-19 relief account
2 or other similarly named account is created for the deposit
3 of COVID-19 related emergency response funds, this
4 appropriation shall be made from that account. This
5 appropriation shall be used only for the establishment and
6 operation of the program authorized by this section. Except
7 as provided by Section 5 of this act, this appropriation
8 shall not be transferred or expended for any other purpose.
9 Any unobligated, unexpended funds remaining from this
10 appropriation on December 30, 2020 shall revert as provided
11 by law.

12

13 (j) The program created by this section shall
14 terminate on December 30, 2020.

15

16 **Section 3.**

17

18 (a) As used in this section:

19

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

22

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

1

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

6

7 (B) Is independently owned and operated;

8

9 (C) Is headquartered in Wyoming or has its
10 principal operations located in Wyoming; and

11

12 (D) On March 31, 2020, had employed one
13 hundred (100) full-time employees or less.

14

15 (iii) "Financial institution" means a bank,
16 mortgage banking company, trust company, savings bank,
17 savings and loan association, credit union, national
18 banking association, federal savings and loan association
19 or federal credit union maintaining an office in this state
20 and authorized to do business and make loans in this state;

21

1 (iv) "Nonrecourse loan" means a loan for which
2 the only recourse for the lender to pursue in case of
3 default is the collateral provided for the loan;

4
5 (v) "Required closure" means the closure of a
6 business that was ordered by the state or any local
7 government of Wyoming in an order issued or in effect
8 beginning March 15, 2020 in response to the COVID-19
9 pandemic. "Required closure" shall also include the
10 interruption of a business's normal business as a result of
11 any closures or public health orders.

12
13 (b) The coronavirus business relief loan program is
14 hereby created. The Wyoming business council shall
15 establish and administer this temporary program for the
16 purpose of providing loans to eligible businesses adversely
17 impacted by the COVID-19 pandemic or by required closures.
18 Loans shall be issued under this section in accordance with
19 the following:

20
21 (i) Any eligible business may apply to the
22 council for a loan under this section. The application
23 shall require the applicant to certify that it is an

1 eligible business as defined by this section. The
2 application shall also provide that knowingly making a
3 false statement to the council on the application is
4 prohibited and may result in the applicant being required
5 to repay all funds awarded under this section;

6

7 (ii) The business council may authorize
8 financial institutions to serve as servicers for loans made
9 under this section. Any financial institution serving as a
10 servicer may accept applications from eligible businesses
11 on forms provided by the council, provided that any form
12 supplied by the council includes the information required
13 in paragraph (i) of this subsection and that the financial
14 institution forwards any application received to the
15 council for approval;

16

17 (iii) Loans issued under this section shall be
18 nonrecourse loans. Loans shall be made under terms and
19 conditions prescribed by the council, subject to the
20 following:

21

22 (A) The interest rate for any loan made
23 under this section shall be zero percent (0%) per annum.

1 The council shall pay a fee of two percent (2%) of the
2 amount of each loan to the financial institution for each
3 loan that the financial institution services as a fee for
4 servicing the loans authorized and made under this section;

5

6 (B) The council shall provide the necessary
7 funds from the appropriation provided in subsection (j) of
8 this section for disbursement to the eligible businesses
9 receiving the proceeds of the loan;

10

11 (C) In the event of default of any loan
12 made under this section, the interest of the council shall
13 have priority over any claim of the business receiving the
14 financing.

15

16 (iv) The type and adequacy of the collateral
17 shall be determined by the council;

18

19 (v) Before making a loan under this section, the
20 applicant shall demonstrate to the council's satisfaction
21 the actual losses that the eligible business has incurred
22 as a result of the COVID-19 pandemic or as a result of

1 business interruptions due to a required closure or a
2 public health order;

3

4 (vi) Loans made under this section shall not
5 exceed three hundred thousand dollars (\$300,000.00) for
6 each eligible business;

7

8 (vii) Loans shall be made only with funds
9 provided to the state government of Wyoming under the
10 federal CARES Act. No other funds of any kind and from any
11 source shall be expended on the payment of loans or the
12 disbursement of loan proceeds made under this section;

13

14 (viii) Loans made under this section shall have
15 a term of ten (10) years. Notwithstanding any other
16 provision of law, no principal payments shall be due for
17 the first two (2) years of the loan term. The council shall
18 issue a credit against any remaining principal for:

19

20 (A) Any and all state taxes paid or
21 remitted and any and all fees imposed by statute paid
22 during the loan term;

23

1 (B) An amount equal to twelve percent (12%)
2 of the eligible business's gross payroll during the loan
3 term.

4

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

8

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.

12

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

17

18 (f) Before December 30, 2020, the council shall
19 review all outstanding loans for potential forgiveness of
20 those loans in accordance with state and federal law,
21 provided that any eligible business receiving a loan under
22 this section shall provide tax and payroll records to the
23 council for the next three (3) years.

1

2 (g) The council may conduct and contract for random
3 audits of eligible businesses receiving loans made under
4 this section to ensure funds are expended in compliance
5 with state and federal law.

6

7 (h) No loans shall be made under this section on or
8 after December 30, 2020.

9

10 (j) There is appropriated to the Wyoming business
11 council one hundred seventy-five million dollars
12 (\$175,000,000.00) from any funds appropriated in 2020 House
13 Bill 1001, Section 2(b) and as authorized and made
14 available for expenditure in Section 2(c)(i), or 2020
15 Senate File 1001, Section 2(b) and as authorized and made
16 available for expenditure in Section 2(c)(i), if enacted
17 into law. If a COVID-19 relief account or other similarly
18 named account is created for the deposit of COVID-19
19 related emergency response funds, this appropriation shall
20 be made from that account. This appropriation shall be used
21 only for the establishment and operation of the program
22 authorized by this section. Except as provided in Section 5
23 of this act, this appropriation shall not be transferred or

1 expended for any other purpose. Any unobligated, unexpended
2 funds remaining from this appropriation on December 30,
3 2020 shall revert as provided by law.

4

5 **Section 4.**

6

7 (a) As used in this section:

8

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

11

12 (ii) "COVID-related expenses" means actual
13 expenses incurred in Wyoming for the health and safety of
14 Wyoming employees and expenses incurred by Wyoming
15 employers to comply with public health guidelines for the
16 health and safety of Wyoming employees as a result of the
17 COVID-19 pandemic and include cleaning products,
18 sanitizers, personal protection equipment, other safety
19 equipment, expenses related to training to implement
20 necessary and required protocols to continue operating the
21 business and expenses related to hiring and paying
22 employees necessary to implement protocols associated with

1 screening, safety, security, cleaning and sanitizing
2 business premises;

3

4 (iii) "Eligible business" means a business that
5 was established on or before the date of enactment of any
6 order issued by the state or any local government of
7 Wyoming that established required closures of businesses in
8 response to the COVID-19 pandemic.

9

10 (b) The coronavirus mitigation stipend program is
11 hereby created. The Wyoming business council shall
12 establish and administer this temporary program for the
13 purpose of providing stipends to reimburse eligible
14 businesses adversely impacted by the COVID-19 pandemic for
15 COVID-related expenses. Stipends issued under this section
16 shall:

17

18 (i) Not be awarded until an eligible business
19 submits, and the council approves, an application. The
20 application shall be developed by the council and shall
21 require each applicant to certify that the business is an
22 eligible business as defined by this section and that
23 knowingly making a false statement to the council on the

1 application is prohibited and may result in the applicant
2 being required to repay all funds awarded under this
3 section;

4

5 (ii) Be made only to reimburse COVID-related
6 expenses that an eligible business actually incurred
7 between March 1, 2020 and December 1, 2020;

8

9 (iii) Be conditioned upon the eligible business
10 demonstrating to the council's satisfaction in the
11 application that it has incurred COVID-related expenses
12 reimbursable by the stipend provided in this section;

13

14 (iv) Be in an amount not to exceed five hundred
15 thousand dollars (\$500,000.00);

16

17 (v) Be made only with funds provided to the
18 state government of Wyoming under the federal CARES Act. No
19 other funds of any kind and from any source shall be
20 expended to pay stipends awarded under this section.

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) The attorney general shall review in writing the
6 legality of the program and any rules established for the
7 program authorized by this section.

8

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

12

13 (f) The council may conduct and contract for random
14 audits of eligible businesses receiving loans made under
15 this section to ensure funds are expended in compliance
16 with state and federal law.

17

18 (g) There is appropriated to the Wyoming business
19 council fifty million dollars (\$50,000,000.00) from any
20 funds appropriated in 2020 House Bill 1001, Section 2(b)
21 and as authorized and made available for expenditure in
22 Section 2(c)(i), or 2020 Senate File 1001, Section 2(b) and
23 as authorized and made available for expenditure in Section

1 2(c)(i), if enacted into law. If a COVID-19 relief account
2 or other similarly named account is created for the deposit
3 of COVID-19 related emergency response funds, this
4 appropriation shall be made from that account. This
5 appropriation shall be used only for the establishment and
6 operation of the program authorized by this section. This
7 appropriation shall not be transferred or expended for any
8 other purpose. Any unobligated, unexpended funds remaining
9 from this appropriation on December 30, 2020 shall revert
10 as provided by law.

11

12 (h) The program created by this section shall
13 terminate on December 30, 2020.

14

15 **Section 5.**

16

17 (a) Notwithstanding W.S. 9-2-1005(a) and (c), the
18 governor is authorized to transfer for the period beginning
19 with the effective date of this act and ending December 30,
20 2020:

21

22 (i) Between the programs created by Sections 2,
23 3 and 4 of this act and between any programs created by

1 2020 House Bill 1002 or 2020 Senate File 1002 if enacted
2 into law, twenty-five percent (25%) of the total
3 appropriation for the individual program when determined by
4 the governor as beneficial or necessary for the state to
5 respond to the public health crisis and the impacts caused
6 by COVID-19;

7
8 (ii) Between any other agency or program
9 receiving funds appropriated in 2020 House Bill 1001,
10 Section 2(b) or in 2020 Senate File 1001, Section 2(b), and
11 between any of the programs created by Sections 2, 3 and 4
12 of this act, twenty-five percent (25%) of the total
13 appropriation for the individual program created by
14 Sections 2, 3 and 4 and for the individual program created
15 by 2020 House Bill 1002, Section 4 or by 2020 Senate File
16 1002, Section 4, when determined by the governor as
17 beneficial or necessary for the state to respond to the
18 public health crisis and the impacts caused by COVID-19.
19 Any transfer made under this paragraph shall be subject to
20 the limitations on the authorization for expenditure of the
21 appropriation in 2020 House Bill 1001, Section 2(b) as
22 provided by 2020 House Bill 1001, Section 2(c) and to the
23 limitations on the authorization for expenditure of the

1 appropriation in 2020 Senate File 1001, Section 2(b) as
2 provided by 2020 Senate File 1001, Section 2(c).

3

4 (b) All transfers authorized under this section shall
5 be approved by the governor and reported to the joint
6 appropriations committee and the joint minerals, business
7 and economic development interim committee through the B-11
8 process as authorized by W.S. 9-2-1005(b)(ii) and reported
9 pursuant to W.S. 9-2-1013(b). The transfers authorized by
10 this section shall be separately tracked and reported.

11

12 **Section 6.** If 2020 House Bill 1001 and 2020 Senate
13 File 1001 are not enacted into law, then the appropriations
14 in Sections 2(h), 3(j) and 4(g) of this act shall be
15 appropriated from any federal funds made available for
16 expenditure through the Coronavirus Aid, Relief, and
17 Economic Security (CARES) Act, P.L. No. 116-136, or from
18 any other available federal funds related to the COVID-19
19 emergency response.

20

21 **Section 7.** This act is effective immediately upon
22 completion of all acts necessary for a bill to become law

1 as provided by Article 4, Section 8 of the Wyoming
2 Constitution.

3

4

(END)