

HOUSE BILL NO. HB0010

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:

13

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

1

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

3

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

8

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

12

13 (C) Paid not less than:

14

15 (1) One million dollars
16 (\$1,000,000.00) in 2019 for taxes assessed on real property
17 owned by the eligible business in the state of Wyoming; or

18

19 (2) Ten million dollars
20 (\$10,000,000.00) in gross payroll in 2019 to the business's
21 employees employed in Wyoming.

22

1 (D) Has its principal operations located in
2 Wyoming; and

3
4 (E) On March 31, 2020, employed in Wyoming
5 not less than one hundred (100) full-time employees whose
6 work was principally performed in Wyoming.

7
8 (iii) "Required closure" means the closure of a
9 business that was ordered by the state or any local
10 government of Wyoming in an order issued or in effect
11 beginning March 15, 2020 in response to the COVID-19
12 pandemic. "Required closure" shall also include the
13 interruption or curtailment of a business's normal business
14 as a result of any closures or public health orders or as a
15 result of the public health crisis with respect to COVID-
16 19;

17
18 (iv) "Covered period" means the period beginning
19 on the effective date of this act and ending December 31,
20 2021 except that if the period for which allowable costs
21 may be incurred under section 601 of the federal Social
22 Security Act, as created by section 5001 of the CARES Act
23 and as amended by section 1001 of Division M of the

1 Consolidated Appropriations Act, also known as the
2 Coronavirus Response and Relief Supplemental Appropriations
3 Act, is further amended or superseded, "covered period"
4 shall mean the period beginning on the effective date of
5 this act and ending on the last date of the period
6 specified by federal law for which allowable costs may be
7 incurred.

8
9 (b) The coronavirus large business relief stipend
10 program is hereby created. The Wyoming business council
11 shall establish and administer this temporary program for
12 the purpose of providing stipends to eligible businesses
13 adversely impacted by the COVID-19 pandemic or by required
14 closures. Stipends shall be awarded under this section in
15 accordance with the following:

16
17 (i) Any eligible business may apply to the
18 council for a stipend under this section not later than a
19 deadline established by the council. The application shall
20 require the applicant to certify that it is an eligible
21 business as defined by this section. The application shall
22 also provide that knowingly making a false statement to the
23 council on the application is prohibited and may result in

1 the applicant being required to repay all funds awarded
2 under this section;

3

4 (ii) The council may contract with financial
5 institutions and other businesses to carry out the program
6 created by this section and distribute stipends awarded
7 under this section;

8

9 (iii) No stipend shall be awarded under this
10 section without the applicant first submitting an
11 expenditure plan for the stipend on a simple form provided
12 by the council. The council may request that the applicant
13 provide any additional information necessary to determine
14 the adequacy of the applicant's submitted plan;

15

16 (iv) Before making a stipend under this section,
17 the applicant shall demonstrate to the council's
18 satisfaction that the eligible business incurred actual
19 losses of sales, revenues or production in April 2020, May
20 2020 and June 2020 of not less than twenty-five percent
21 (25%), as compared to the corresponding sales, revenues or
22 production for the same months in 2019, which resulted from
23 the COVID-19 pandemic or as a result of business

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

3

4 (v) The stipend for each eligible business shall
5 be determined by calculating the actual losses of sales,
6 revenues or production and any COVID-19 related expense and
7 subtracting from that amount any costs or expenses the
8 eligible business did not incur that it otherwise would
9 have normally incurred but for the COVID-19 public health
10 emergency and further subtracting any federal or state
11 funding that the eligible business has received or is
12 scheduled to receive to compensate the eligible business
13 for the actual losses of sales, revenues or production. For
14 purposes of this subsection, any funds received or funds
15 received and to be forgiven under the federal paycheck
16 protection program shall be included in the calculation of
17 federal or state funding received;

18

19 (vi) Stipends awarded under this section shall
20 not exceed one million five hundred thousand dollars
21 (\$1,500,000.00) for each eligible business;

22

1 (vii) Stipends shall be made only with funds
2 provided to the state government of Wyoming under the
3 federal CARES Act. No other funds of any kind and from any
4 source shall be expended on the stipends awarded under this
5 section;

6

7 (viii) Subject to federal law, stipends awarded
8 under this section shall be conditioned upon the eligible
9 business agreeing to:

10

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

14

15 (B) Provide a report to the council not
16 later than the last day of the covered period that
17 describes how the funds were expended as authorized by
18 paragraph (iv) of this subsection in response to the COVID-
19 19 public health crisis;

20

21 (C) Repay all funds provided under this
22 section plus interest at the rate of two percent (2%) per
23 annum if the eligible business uses stipend funds for

1 expenses not authorized by this section or if the eligible
2 business fails to comply with the requirements of this
3 paragraph.

4

5 (ix) In awarding stipends under this section,
6 the council shall not award stipends to eligible businesses
7 that, as of July 1, 2020, had received funding from the
8 federal paycheck protection program or any other funding
9 available through the CARES Act and federal programs in
10 response to the COVID-19 pandemic;

11

12 (x) Stipends shall not be reduced based on any
13 amounts that an eligible business has received from any of
14 the programs established in 2020 Wyoming Special Session
15 Laws, Chapter 3. No eligible business shall receive a
16 stipend under this section for any losses or expenses
17 reimbursed or awarded under another program;

18

19 (xi) The council shall only accept applications
20 for stipends under this section for a period of twenty-one
21 (21) calendar days;

22

1 (xii) The council shall rank all applications
2 received during the period specified in paragraph (xi) of
3 this subsection. The council shall rank, prioritize and
4 first provide stipends to those eligible businesses with
5 the largest percentage of decrease between actual losses of
6 sales, revenues or production plus any COVID-19 related
7 expense incurred in the months of April 2020, May 2020 and
8 June 2020 with the amount of corresponding sales, revenues
9 or production in the same months in 2019, minus any costs
10 or expenses the eligible business did not incur that it
11 otherwise would have normally incurred but for the COVID-19
12 public health emergency and minus any federal or state
13 funding that the eligible business has received or is
14 scheduled to receive to compensate the eligible business
15 for the actual losses of sales, revenues or production in
16 the months April 2020, May 2020 and June 2020.

17

18 (c) The council shall promulgate any emergency and
19 regular rules necessary to administer the program
20 authorized by this section.

21

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

4

5 (e) 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 (f) The council may conduct and contract for random
10 audits of eligible businesses receiving stipends awarded
11 under this section to ensure funds are expended in
12 compliance with state and federal law.

13

14 (g) The program created by this section shall
15 terminate on the last day of the covered period.

16

17 **Section 2.** There is reappropriated to the Wyoming
18 business council in an amount determined by the legislature
19 from any unexpended, unobligated funds appropriated in 2020
20 Wyoming Special Session Laws, Chapter 1, Section 2(b) and
21 as authorized and made available for expenditure in Section
22 2(c)(ii). If a COVID-19 relief account or other similarly
23 named account is created for the deposit of COVID-19

1 related emergency response funds, any reappropriation shall
2 be made from that account and be limited to unobligated,
3 unexpended funds appropriated in the 2020 Wyoming Special
4 Session Laws, Chapter 1, Section 2(b) and as authorized and
5 made available for expenditure in section 2(c)(ii). Except
6 as provided in this section, any funds reappropriated under
7 this section shall be used only for the establishment and
8 operation of the program authorized in section 1 of this
9 act and consistent with the terms of the federal gift,
10 grant or appropriation from which the funds originate. Any
11 appropriation made for the purposes of this act shall not
12 be transferred or expended for any other purpose. Any
13 unobligated, unexpended funds reappropriated by the
14 legislature for the purposes of this act remaining on the
15 last day of the covered period shall revert as provided by
16 law.

17

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

22

23

(END)