

SENATE FILE NO. SF0118

Federal emergency COVID-19 relief funding.

Sponsored by: Joint Appropriations Committee

A BILL

for

1 AN ACT relating to emergency expenses of government;
2 authorizing expenditure of COVID-19 relief for expenditure
3 of funds on previously approved projects, grants or
4 procurements; providing a sunset date for expenditure of
5 the specified COVID-19 relief funds; designating the
6 department of family services as the administrating agency
7 for the federal emergency rental assistance program;
8 providing for other state agencies and entities to assist
9 in the administration of the program; authorizing the
10 governor to recreate expired programs for COVID-19 aid and
11 relief; providing certain exemptions from procurement
12 statutes as specified; providing an appropriation;
13 providing reappropriations; specifying conditions on the
14 reappropriations and expenditure of funds; authorizing
15 rulemaking; and providing for an effective date.

16

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

2

3 **Section 1.** The department of family services shall
4 serve as the administrating agency for the federal
5 emergency rental assistance program created under Division
6 N, Title V, Sec. 501 of the federal Consolidated
7 Appropriations Act of 2021 and any related subsequent
8 federal legislation. The department shall be authorized to
9 administer the emergency rental assistance program in
10 Wyoming in accordance with applicable federal law and
11 guidance and in a manner that insures maximum benefit to
12 Wyoming residents. The department shall be authorized to
13 designate to other state agencies, or public entities
14 administrative functions under this program. The
15 department shall be further authorized to issue grants
16 under this program to any entity for purposes of the
17 provision of case management and other housing support, as
18 permitted by relevant federal law and regulations. All
19 actions taken by the department in connection with the
20 administration of the emergency rental assistance program
21 are exempt from the competitive bidding and other
22 procurement requirements of chapter 6 of title 16 of the
23 Wyoming Statutes provided however that the department shall

1 make good faith efforts to obtain the most favorable
2 pricing and other commercial terms from service providers.
3 The program created under this section shall expire ninety
4 (90) days after the later of the expiration of the program
5 under relevant federal law or upon the expiration of any
6 extension granted for the use of funds under the program by
7 the United States department of treasury.

8

9 **Section 2.** Projects, grants or procurements which
10 were approved to receive funds provided to the state of
11 Wyoming through the federal Coronavirus Aid, Relief and
12 Economic Security (CARES) Act, P.L. 116-136 by all
13 necessary entities within the executive branch prior to
14 December 30, 2020, shall be funded as provided in this
15 section to the extent funds are available. The authority to
16 approve the expenditure of funds authorized in this section
17 shall expire on December 31, 2021 unless continued by act
18 of the legislature. CARES Act funds shall be expended for
19 projects, grants or procurements under this section if the
20 agency or entity responsible for originally approving the
21 application prior to December 30, 2020 determines that
22 payment of funds for projects, grants or procurements under
23 this section remains in the best interest of the state of

1 Wyoming. In utilizing this discretion, the administrating
2 agency or entity may deny a payment of funds for a
3 previously approved project, grant or procurement if the
4 agency or entity finds there was no good cause for delay in
5 undertaking a project or implementing the grant or
6 procurement and the denial is in the best interest of the
7 state. Funds shall be expended on projects, grants or
8 procurements under this section pursuant to the relevant
9 requirements under which the application was originally
10 approved as contained within 2020 Wyoming Special Session
11 Laws, Chapter 1 and Chapter 3.

12

13 **Section 3.**

14

15 (a) The governor may recreate any program originally
16 created pursuant to the authority granted in 2020 Wyoming
17 Special Session Laws, Chapter 1, Section 2 and Chapter 3,
18 Sections 2 through 4 that expired on December 30, 2020 to
19 the extent:

20

21 (i) Funds provided to the state of Wyoming
22 through the federal Coronavirus Aid, Relief and Economic
23 Security (CARES) Act, P.L. 116-136, were encumbered but not

1 completely expended by the executive branch for the benefit
2 of the program recipients before December 30, 2020;

3

4 (ii) The governor and the agency authorized to
5 administer the original program determines that recreation
6 of the program is in the best interest of the state of
7 Wyoming; and

8

9 (iii) The program is recreated under the
10 original requirements of the program as required by 2020
11 Wyoming Special Session Laws, Chapter 1, Section 2 and
12 Chapter 3, Sections 2 through 4, as applicable, and all
13 rules and regulations adopted pursuant thereto.

14

15 **Section 4.**

16

17 (a) There is appropriated to the department of family
18 services all federal funds received by the state of Wyoming
19 specifically for the federal emergency rental assistance
20 program created under Division N, Title V, Sec. 501 of the
21 federal Consolidated Appropriations Act of 2021 and any
22 related subsequent federal legislation. This appropriation
23 shall not be transferred or expended for any purpose,

1 except as provided in this subsection. Any unobligated,
2 unexpended funds remaining from this appropriation shall
3 revert as provided by law upon the expiration of the later
4 of the relevant federal law, related federal legislation,
5 reallocation by the secretary of the United States
6 department of treasury, or any extension granted by the
7 United States department of treasury.

8

9 (b) There is reappropriated to the governor's office
10 an amount not to exceed twenty million dollars
11 (\$20,000,000.00) in total for all reappropriations under
12 section 2 of this act from any unexpended, unobligated
13 funds appropriated in 2020 Wyoming Special Session Laws,
14 Chapter 1, Section 2(b), Chapter 2, Section 4(d) and
15 Chapter 3, Sections 2(h), 3(h) and 4(g). The governor may
16 immediately transfer funds reappropriated under this
17 section to the state agency or entity designated to approve
18 the project, grant or procurements as provided in section 2
19 of this act. All transfers authorized under this section
20 shall be approved by the governor and reported to the
21 legislature and the joint appropriations committee as
22 provided in W.S. 9-4-206, 9-2-1005(b)(ii) and (g) and
23 9-2-1013(b). Nothing in this section shall restrict the

1 ability of a state agency to pay an invoice or obligation
2 approved and completed prior to December 30, 2020 with
3 funds appropriated in 2020 Wyoming Special Session Laws,
4 Chapter 1, Section 2(b), Chapter 2, Section 4(d) and
5 Chapter 3, Sections 2(h), 3(h) and 4(g). This
6 reappropriation shall not be transferred or expended for
7 any purpose except as provided in this subsection. Any
8 unobligated, unexpended funds remaining from this
9 reappropriation on December 31, 2021 shall revert as
10 provided by law.

11

12 (c) There is reappropriated to the governor's office
13 an amount not to exceed eighteen million dollars
14 (\$18,000,000.00) in total for all programs recreated under
15 section 3 of this act from any unexpended, unobligated
16 funds appropriated in 2020 Wyoming Special Session Laws,
17 Chapter 1, Section 2(b); Chapter 2, Section 4(d) and
18 Chapter 3, Sections 2(h), 3(h) and 4(g). The governor may
19 immediately transfer funds reappropriated under this
20 section to the state agency or entity previously designated
21 to administer the COVID-19 relief program as provided in
22 section 3 of this act. All transfers authorized under this
23 section shall be approved by the governor and reported to

1 the legislature and the joint appropriations committee as
2 provided in W.S. 9-2-1005(b)(ii) and (g), 9-2-1013(b) and
3 9-4-206. Nothing in this section shall restrict the ability
4 of a state agency to pay an invoice or obligation approved
5 before December 30, 2020 with funds appropriated in 2020
6 Wyoming Special Session Laws, Chapter 1, Section 2(b);
7 Chapter 2, Section 4(d) and Chapter 3, Sections 2(h), 3(h)
8 and 4(g). This reappropriation shall not be transferred or
9 expended for any purpose except as provided in this
10 subsection. Any unobligated, unexpended funds remaining
11 from this reappropriation on December 31, 2021 shall revert
12 as provided by law.

13

14 **Section 5.** Any agency or entity authorized by or
15 under this act to administer any program, grant or other
16 disbursement may adopt rules, including emergency rules, as
17 necessary to fulfill its powers and duties in accordance
18 with the Wyoming Administrative Procedure Act.

19

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

5

6

(END)