American rescue plan act recovery funds appropriations.

Sponsored by: Joint Appropriations Committee

A BILL

for

AN ACT relating to the emergency expenses of government;
providing definitions; providing for appropriations; specifying
conditions on the appropriation and expenditure of COVID-19
relief funds; authorizing emergency government programs;
authorizing rulemaking; requiring reporting; amending and
repealing prior appropriations of COVID-19 relief funds; amending
a sunset date for emergency programs; specifying applicability;
and providing for an effective date.

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

Section 1.

(a) As used in this act:
(i) "Agency" means any governmental unit or branch of
government receiving an appropriation under this act;

(ii) "Appropriation" means the authorizations granted
by the legislature under this act to make expenditures from and
to incur obligations against the funds as specified;

(iii) "ARPD" means American Rescue Plan Act direct
funds, which are any unexpended, unobligated funds received by
the state of Wyoming through the Coronavirus State Fiscal
Recovery Fund established under section 602 of title VI of the
federal Social Security Act, as created by section 9901 of the
include expenditures authorized under the American Rescue Plan
Act of 2021, P.L. 117-2, section 602(c)(1)(C) for revenue
replacement for the provision of government services to the
extent of the state of Wyoming's reduction in revenue;

(iv) "This appropriation" when used in a footnote
shall be construed as a reference to that portion of the
appropriated funds identified in the footnote.

Section 2.
(a) The following sums of money, or so much thereof as is necessary, are appropriated to the specified agencies to be expended for the purposes and programs specified by this act beginning March 27, 2022 and ending December 31, 2026. Unless otherwise specifically provided, the conditions, terms and other requirements on appropriations in this act are effective until December 31, 2026.
Section 400. AMERICAN RESCUE PLAN DIRECT (ARPD) APPROPRIATIONS

<table>
<thead>
<tr>
<th>Agency &amp; Program</th>
<th>Appropriation</th>
<th>Funds</th>
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<tr>
<td>001 - Discr. Health Response 1.</td>
<td></td>
<td>50,000,000 ARPD</td>
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<td>001 - Workforce Prgms 2.</td>
<td></td>
<td>10,000,000 ARPD</td>
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<td>024 - Outdoor Rec. Grant Prgm 3.</td>
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<td>10,000,000 ARPD</td>
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<td>024 - Outdoor Rec. &amp; Tourism 4.</td>
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<td>2,000,000 ARPD</td>
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<td>045 - Tech. Needs for Wyolink 5.</td>
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<td>35,000,000 ARPD</td>
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<td>045 - Air Service Financial Assistance 25.</td>
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<td>8,832,058 ARPD</td>
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<td>048 - HHS Staffing Stabilization 6.</td>
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<td>10,000,000 ARPD</td>
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<td>048 - HHS Innovation Fund 7.</td>
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<td>5,000,000 ARPD</td>
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<td>048 - EMS Dispatch Cert. 8.</td>
<td></td>
<td>84,000 ARPD</td>
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<td>048 - 2-1-1 Capacity Building 9.</td>
<td></td>
<td>1,750,000 ARPD</td>
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<td>048 - EMS Stabilization Fund 10.</td>
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<td>5,000,000 ARPD</td>
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<td>048 - EMS Regionalization Pilot 11.</td>
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<td>5,000,000 ARPD</td>
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<td>048 - WYHS (FY2023) 12.</td>
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<td>2,749,894 ARPD</td>
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<td>048 - HHS Cap. Imprv.</td>
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<td>&amp; Provider Relief 13.</td>
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<td>5,000,000 ARPD</td>
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<td>048 - 24-7 Suicide Prevention 26.</td>
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<td>2,100,000 ARPD</td>
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<td>048 - Rural Health Clinics 27.</td>
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<td>15,000,000 ARPD</td>
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<td>049 - Crisis Beds/</td>
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<tr>
<td>Stabilization Svcs 14.</td>
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<td>750,000 ARPD</td>
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<td>057 - WYIN Loan &amp; Grant Prgm 15.</td>
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<td>6,427,477 ARPD</td>
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<td>060 - HHS Capital Construction 16.</td>
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<td>55,000,000 ARPD</td>
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<tr>
<td>APPROPRIATION</td>
<td>FUNDS</td>
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<td>060 - Local Gov. Support Projects</td>
<td>50,000,000 ARPD</td>
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<td>060 - Eligible Water &amp; Sewer Projects</td>
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<td>067 - Family Medicine Residency Program</td>
<td>708,407 ARPD</td>
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<td>067 - WWAMI T&amp;F Inflation</td>
<td>1,579,948 ARPD</td>
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<td>080 - SUD Treatment Backlog</td>
<td>1,200,000 ARPD</td>
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<td>085 - Connect Wyoming 2</td>
<td>25,000,000 ARPD</td>
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<td>101 - Circuit Court eFiling</td>
<td>2,140,000 ARPD</td>
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<td>101 - PPE &amp; Tests</td>
<td>150,000 ARPD</td>
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<td>TOTAL</td>
<td>360,471,784</td>
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1. This appropriation to the governor's office is for purposes of responding to the COVID-19 public health emergency.

2. (a) This appropriation to the governor's office is for distribution to or through the Wyoming business council, department of workforce services, University of Wyoming or Wyoming community college commission and community colleges for:

   (i) Pre-apprenticeships and apprenticeships;

   (ii) Targeted healthcare workforce programs;
(iii) Targeted early childhood workforce programs;

(iv) Dislocated and underemployed talent transition programs;

(v) Workforce development for targeted populations who do not qualify for other assistance, including prisoners released on parole;

(vi) Assistance to former Wyoming residents who have intent to return to Wyoming for careers;

(vii) Economic development training for state, local and private economic development professions.

(b) No funds from this appropriation shall be expended on post-secondary education other than for career and technical education determined by the governor to be critical to the Wyoming workforce.

3. This appropriation to the department of state parks and cultural resources is for products, projects and grants in response to the COVID-19 public health emergency that qualify as ARPD expenditures.

4. This appropriation to the department of state parks and cultural resources, office of outdoor recreation, is for qualifying ARPD expenditures.
5. This appropriation to the department of transportation is for qualifying ARPD state or local government expenditures related to the WyoLink statewide public safety interoperable radio communications system, hardware and network. This appropriation is for purposes of assisting Wyoming's continued response to the COVID-19 public health emergency and improved connectivity of first responders.

6. This appropriation to the department of health is for purposes of providing emergency funding for staff retention and for attracting employees to health and human services provider groups. The department of health shall provide priority for funding under this footnote to employees who care for vulnerable populations and at risk populations.

7. This appropriation to the department of health is for purposes of providing grants for health and human services innovations in rural health care, long-term care, provision of human services, community behavioral health, mental health and health information technology and digital medical innovation.

8. This appropriation to the department of health is for the establishment of emergency medical dispatch statewide certification, which could include training, hardware and other activities to improve emergency response times and patient outcomes related to the emergency response to the COVID-19 public health emergency.
9. This appropriation to the department of health is for purposes of enhancing the capacity of the Wyoming 2-1-1 directory of resources to provide comprehensive information and referrals to improve the emergency response to the COVID-19 public health emergency.

10. This appropriation to the department of health is for purposes of providing grants to stabilize emergency medical services. The department shall not provide any grant under this footnote if the grant will prolong a business entity that otherwise does not have the resources needed to continue to operate during the period of the grant.

11. This appropriation to the department of health is for purposes of establishing an emergency medical services regionalization pilot opportunity for the five (5) trauma regions across Wyoming and investigating alternative options for emergency medical services that improve access and reduce costs. Expenditure of this appropriation is conditioned upon a match of funds in the ratio of one dollar ($1.00) of appropriated funds to not less than one dollar ($1.00) from any other source.

12. This appropriation to the department of health, aging division, is for the Wyoming home services program. This appropriation shall be used in lieu of expenditure of state general funds for any qualifying ARPD expenditures for the Wyoming home services program.
13. This appropriation to the department of health is for purposes of providing grants to health and human services providers to improve existing infrastructure and to provide financial relief to providers who are at imminent risk of closure. Grants shall be distributed to providers as determined by the department.

14. This appropriation to the department of family services is for crisis beds and stabilization services, provided that the department shall not expend funds from this total appropriation to support the overall capacity of residential and group home beds in excess of the number of certified beds on January 1, 2020.

15. This appropriation to the Wyoming community college commission is for the Wyoming investment in nursing program. Notwithstanding the source of funding for this appropriation, it is the intent of the legislature that the standard budget of the Wyoming investment in nursing program within the Wyoming community college commission be requested from state general funds for the immediately succeeding fiscal biennium.

16. (a) This appropriation to the office of state lands and investments is for purposes of providing grants for qualifying health and human services infrastructure and capital construction investments. Grants from this
appropriation shall be determined by the state loan and investment board. The following conditions shall apply to all grants provided under this footnote:

(i) The maximum grant for any single project shall be seven million five hundred thousand dollars ($7,500,000.00);

(ii) A needs analysis determination shall be conducted by the state loan and investment board and may include a review of the project sponsor's financial information, including but not limited to revenue and other projections, budgets, financial statements and audits;

(iii) Expenditure of the grant by the recipient is conditioned upon a match of funds in the ratio of one dollar ($1.00) of grant funds to not less than one dollar ($1.00) from any other source, including in-kind contributions to the project, except that the state loan and investment board may modify this matching requirement upon determination of need as provided in paragraph (a)(ii) of this footnote.

(b) Of this appropriation to the office of state lands and investments, seven million dollars ($7,000,000.00)ARPD shall be for the purpose of providing grants to community health center regional crisis stabilization facilities and women's substance use disorder facilities.
17. This appropriation to the office of state lands and investments is for
administrative costs and merit based allocations of competitive grant funding
to cities, counties and tribal governments to address the COVID-19 public
health emergency or its negative economic impacts. Applications for eligible
water and wastewater projects shall receive a lower priority from this
appropriation than other eligible applications. Subject to the limitations
provided in this footnote, the allocations of the competitive grant funding
shall be determined by the state loan and investment board.

18. (a) This appropriation to the office of state lands and investments is
for the allocation of competitive grant funding to cities, counties and tribal
governments for eligible water and wastewater projects. The allocation of the
competitive grant funding shall be determined by the state loan and investment
board. The following conditions shall apply to all grants provided under this
footnote:

(i) The maximum grant for any single project shall be four
million five hundred thousand dollars ($4,500,000.00);

(ii) Expenditure of the grant by the recipient is conditioned
upon a match of funds in the ratio of eighty-five cents ($0.85) of grant funds
to not less than fifteen cents ($0.15) from matching funds provided by the
project sponsor.
(b) If 2022 House Bill 0006 is enacted into law, this appropriation shall not be effective.

19. This appropriation to the University of Wyoming is for the family medical residency program.

20. This appropriation to the University of Wyoming WWAMI medical education program is to be expended solely for student tuition and fees if determined in writing by the Wyoming attorney general to be permissible under state and federal law. The Wyoming attorney general's written determination shall be provided to the state auditor's office before funds are released for the university from this appropriation.

21. This appropriation to the department of corrections is for purposes of resolving the substance use disorder treatment backlog created by the COVID-19 public health emergency.

22. (a) This appropriation to the Wyoming business council is for purposes of increasing broadband connectivity to improve access to and meet the increased need for reliable high-speed internet service. Of this appropriation, expenditure of fifteen million dollars ($15,000,000.00) ARPD is conditioned upon a match of funds in the ratio of one dollar ($1.00) of appropriated funds to not less than one dollar ($1.00) of private sector matching funds from project participants. It is the intent of the legislature
that this appropriation leverage additional federal funds for broadband
connectivity under the Infrastructure Investment and Jobs Act, P.L. 117-58 to
the maximum extent possible and not less than one dollar ($1.00) of
appropriated funds to four dollars ($4.00) of federal matching funds. Matching
funds expended from this appropriation shall be distributed and expended in
accordance with the following:

(i) The Wyoming business council shall give priority to projects
that:

(A) Increase competition and availability of broadband
services available in Wyoming rural unserved and underserved areas and in
Wyoming cities, towns and counties that lack competition in broadband
services. In prioritizing projects under this subparagraph, the council shall
promulgate rules to permit a reasonable overlap of existing broadband
infrastructure if the overlap enhances the competitiveness of broadband
services available to consumers to be served by the project.

(ii) For middle-mile broadband projects as defined by W.S.
9-12-1501(h)(ii) that have received or expended funds from this appropriation,
the Wyoming business council shall require middle-mile broadband project
recipients to allow last-mile broadband providers access to those middle-mile
conduits at a reasonable rate as determined by the council;
(iii) If a recipient of funds from this appropriation cannot agree with another provider on allowing access or in setting a reasonable rate as required by this subsection, the recipient or provider may petition the public service commission for a hearing in accordance with the Wyoming Administrative Procedure Act and with rules of the commission.

23. This appropriation to the supreme court is for the implementation of electronic filing of court documents in the Wyoming circuit courts and for associated maintenance and support as a mechanism to employ technology to limit the number of members of the public who are present in courthouses as a mitigation strategy to slow the spread of COVID-19.

24. This appropriation to the supreme court is for purposes of implementing COVID-19 mitigation measures including, but not limited to acquisition of personal protective equipment to slow the spread of COVID-19.

25. This appropriation to the department of transportation is to provide aid to commercial air providers to mitigate financial hardship, including supporting payroll costs, lost pay and benefits for returning employees, support of operations and maintenance of existing equipment and facilities.

26. This appropriation to the department of health is to procure twenty-four (24) hours per day suicide prevention services.
27. (a) This appropriation to the department of health is for purposes of providing grants to rural health clinics. The following conditions shall apply to this appropriation:

(i) Up to thirteen million dollars ($13,000,000.00)ARPD may be expended to provide grants related to costs incurred by rural health clinics;

(ii) Not less than two million dollars ($2,000,000.00)ARPD shall be expended to provide grants for rural telehealth pilot projects.
Section 3.

(a) Funds appropriated under this act may be expended or obligated by the executive branch or judicial branch subject to the following conditions:

(i) It is the intent of the legislature that the appropriations in this act not be included in the respective agencies' standard budget for the immediately succeeding fiscal biennium, unless otherwise specifically provided;

(ii) The appropriations in this act shall not be revised, changed, redistributed or increased pursuant to W.S. 9-2-1005(b)(ii) and (iii);

(iii) The appropriations in this act shall not be transferred or expended for any purpose other than the purpose for which they are appropriated.

(b) No expenditure of funds shall be made under this act except in accordance with state and federal laws, regulations and orders.
(c) The governor shall implement reporting requirements on the recipient of any grant, distribution or aid authorized under this act sufficient to comply with all federal reporting requirements.

(d) The governor is authorized to establish by order or rule emergency programs for which funds are appropriated in this act that are consistent with the terms of the American Rescue Plan Act of 2021, P.L. 117-2, and that do not obligate the state to make any expenditure of state funds not appropriated by the legislature. Any emergency program under the authority granted in this act shall expire on December 31, 2026 unless expressly continued by act of the legislature.

(e) The governor shall report to the joint appropriations committee on a monthly basis on all of the following:

(i) The aggregate allocation of funds, appropriated in this act, by program;

(ii) Program expenditures;

(iii) Grant awards;
(iv) Grant expenditures.

Section 4.

(a) Beginning March 27, 2022 and ending December 31, 2026, any American Rescue Plan Act capital project funds that the state applies for and receives, and which are not otherwise appropriated in the 2022 legislative budget session, are appropriated to the office of the governor for purposes that are consistent with this subsection and the terms of the American Rescue Plan Act. In expending any funds appropriated under this subsection, the governor shall give priority to applications for grant funding to library projects and multi-purpose facilities that have been submitted.

(b) As used in this section, "American Rescue Plan Act capital project funds" means any unexpended, unobligated funds allocated to the state of Wyoming from the American Rescue Plan Act of 2021, P.L. 117-2, Section 604 and that were appropriated in 2021 Wyoming Session Laws, Chapter 166, Section 5(b), as amended by this act.
Section 5. 2021 Wyoming Session Laws, Chapter 166, Section 4(a)(vi), Section 5(a) and (b)(intro), Section 6(d) and Section 7 is amended to read:

Section 4.

(a) The legislature finds that:

(vi) In the event that for whatever reason, the legislature does not enact further legislation to appropriate federal funds from the American Rescue Plan Act or the CARES Act by for the period beginning September 1, 2021 and ending March 26, 2022, the governor is authorized by the terms of this act to implement programs as specified to expend these funds.

Section 5.

(a) To carry out the expenditure of federal funds authorized by subsection (b) of this section through March 26, 2022, 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 and does not obligate the state to any expenditure of State funds not previously appropriated by the legislature. Any emergency program created under the authority granted in this subsection shall expire on December 31, 2024. [March 26, 2022] unless expressly continued by act of the legislature.

(b) Subject to the limitations provided in subsections (c) through (e) of this section, any federal funds provided to the state for COVID-19 related purposes including from the American Rescue Plan Act, P.L. 117-2, the Coronavirus Aid, Relief and Economic Security (CARES) Act, P.L. 116-136, or other similarly purposed federal act, that do not accrue to any agency under W.S. 9-2-1006(a) and which are not appropriated within sections 4(a) through (c) of this act 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 subject to the provisions of this
subsection. This appropriation shall lapse on March 26, 2022. 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:

Section 6.

(d) To the extent not appropriated in subsections (a) through (c) of this section, there is appropriated all unexpended, unencumbered and unobligated funds received by the state of Wyoming to the state auditor from the American Rescue Plan Act of 2021, P.L. 117-2, the Coronavirus Aid, Relief and Economic Security (CARES) Act, P.L. 116-136 or other similarly purposed federal act, including funds originally appropriated in 2020 Wyoming Special Session Laws, Chapter 1, Section 2(b), Chapter 2, Section 4(d) and Chapter 3, Sections 2(h), 3(h) and 4(g). Through March 26, 2022, the governor may transfer funds reappropriated under this section to the state agency or entity designated to approve the project, grant or procurements as
provided in section 5 of this act. This appropriation shall not be transferred or expended for any purpose except as provided in this subsection. Any unobligated, unexpended funds remaining from this appropriation upon the expiration of the later of the relevant federal law, related federal legislation, reallocation by the secretary of the United States department of treasury, or any extension granted by the United States department of treasury shall be deposited to the general fund unless otherwise provided by federal law.

Section 7. Except as provided in this section, the governor at all times retains the authority to expend the federal funds in accordance with W.S. 9-2-1005(b)(ii) and (g), 9-2-1006(a) and 9-4-206. After March 26, 2022, amounts authorized for expenditure by legislative appropriation of federal funds provided to the state from the American Rescue Plan Act, P.L. 117-2, shall not be revised, changed, redistributed or increased by the governor except pursuant to legislative enactment.
Section 6. 2021 Wyoming Session Laws, Chapter 69, Section 313(j) and 2021 Wyoming Session Laws, Chapter 140, Section 9(d) are repealed.

Section 7. Nothing in this act shall modify or impair any existing contract or obligation of the state that is executed or incurred on or before March 26, 2022.

Section 8. 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)