

5-18-2020

Hello Sublette County, this is Albert Sommers reporting to you at the end of first Special Session of the Wyoming Legislature since 2004. Governor Gordon has called the Legislature into a Special Session to create programs and provide authority for the executive branch to utilize federal dollars granted to the State of Wyoming to relieve impacts caused by the COVID crisis. Congress granted the State of Wyoming \$1.25 billion in the CARES Act.

The State of Wyoming, through the Governor and Legislature, has authority to spend money from the CARES Act dollars allotted to Wyoming, but it can spend only according to stringent federal guidance. By authority granted in the Wyoming Constitution, the Legislature has the “power of the purse,” which means the Legislature determines how money is spent, and when that authority can be granted to the Governor.

The Governor has authority in the Wyoming Constitution to call the Legislature into a Special Session, and if during a state emergency, the Special Session can be called in a location other than the seat of government, which is Cheyenne. Based upon this constitutional language, the Legislature determined that we can hold the Special Session through a virtual format, a big Zoom meeting. As Speaker Pro Tem of the Wyoming House of Representatives, I felt compelled to travel to the capitol to provide backup to the Speaker of the House during this Special Session. Whether a legislator traveled to the capitol or not, each member was on a virtual Zoom meeting sitting at a desk. There were only 18 or 19 House members at the capitol for the special session, while the rest of the members were participating from their home districts. During the session, only 16 members were seated on the floor of the House, in a spread-out arrangement, to comply with safe health practices. I participated from the Speaker Pro Tem office.

The Legislature addressed five bills in this Special Session, after passing special Joint Rules to allow for an expedited process to move bills faster between the bodies, and ultimately to get money faster to struggling people and businesses. The Legislature utilized the mirror bill process, which is how our budget bills are brought before the chambers each year. Four bills were brought to the Special Session by Management Council, after taking public comment and

debating them prior to the session. A fifth bill was brought by an individual Senator, and although it passed the Senate, the House rejected the bill. The Legislature passed three bills during the Special Session to help local government, health care, workers and businesses with economic impacts resulting from the global pandemic.

Mirror bill HB/SF 1001 appropriates CARES Act funds to the Governor for COVID-19 related expenses, including: expenses incurred by state entities, the Judiciary, the Legislature and local governments; grants to Wyoming health care providers and health care facilities, authority to address food insecurity; funding for costs experienced by Wyoming businesses that were directed by the state to cease or limit business operations in response to the public health emergency caused by COVID-19; and for other COVID-19 related purposes defined in the bill. The bill releases the funds in three phases, and authorizes the Governor to establish temporary emergency programs to carry out the appropriations authorized by the Legislature.

Mirror bill HB/SF1002 addresses worker's compensation issues, by defining COVID-19 as an "injury" that can be compensated under the worker's compensation program and that the nature of all employment covered by the worker's compensation program is presumed to increase the risk of contracting COVID-19. This disease injury will not result in an increase in the employer's premiums. Further, employers will get a Worker's Compensation rate holiday through June 2021. This bill allows the Governor to declare that Unemployment Insurance benefits related to COVID-19 will not be charged to an employer's account. The bill authorizes the Department of Workforce Services and the Governor to enter into an agreement with federal Department of Labor for a Workshare Program, which provides benefits to employers who reduce their workforce hours but do not lay-off or terminate employees. The CARES Act pays 50 percent of the costs of these temporary programs. The bill appropriates \$15 million for two new temporary programs for landlords, rent, security deposit, mortgage payments and hazard insurance assistance for residents. There was substantial debate around an amendment the Senate put on this bill that provided immunity to businesses from COVID-19 lawsuits. The House was concerned that the public did not have opportunity to comment on this immunity provision, when business immunity takes a basic constitutional right away from an individual. In the end, both bodies accepted an amendment to a current statute on immunity, to include

limited immunity for business entities who in good faith follow the instructions of a state, city, town or county health officer.

Mirror bill HB/SF1004 creates three grant programs designed to provide financial relief to Wyoming businesses impacted by the COVID-19 pandemic and by state orders that closed businesses or resulted in business interruptions. The first grant program is designed to be a quick hitting \$20,000 to \$50,000 grant for business owners. The second is a larger stipend program with a maximum stipend of \$300,000 but requiring documentation of expenses incurred and of how the stipend will be spent. The third program, titled the Coronavirus Mitigation Stipend Program, reimburses eligible businesses for COVID-related expenses (including sanitizing, protection and safety equipment, hiring additional employees, etc.). The maximum stipend in this program is \$500,000. This bill obligates \$225 million of the CARES act for business relief programs. Sublette County businesses need to stay tuned and keep in contact with the Sublette Chamber of Commerce and the Wyoming Business Council for program details as they roll out.

Mirror bill HB/SF1003 died in the House, after Senate amendments altered the bill beyond where the House was willing to go. Further, this bill was not an immediate need like the other three bills. The bill's original intent was to provide school districts, state agencies, and the Governor more flexibility to manage budgets during this crisis.

Legislative leadership will likely reconvene the 2020 Special Session on June 29, in order to address the next round of COVID related issues that will be examined by the Legislature's standing committees in the next few weeks. I can be reached at albert@albertsommers.com.

Thank you