

HOUSE BILL NO. HB0069

Broadband development-amendments and programs.

Sponsored by: Select Committee on Blockchain, Financial
Technology and Digital Innovation Technology

A BILL

for

1 AN ACT relating to economic development; authorizing the
2 use of broadband development subaccount funds as matching
3 grant funds as specified; authorizing positions; requiring
4 reports; reappropriating and transferring funds; requiring
5 rulemaking; and providing for effective dates.

6

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

8

9 **Section 1.** W.S. 9-12-1511 is created to read:

10

11 **9-12-1511. Matching grants; requirements.**

12

13 (a) The council or a state agency as defined by W.S.
14 9-2-1002(a)(i) may apply for, receive and expend grants
15 from a federal agency that requires the provision of

1 matching funds in order to receive the grant in accordance
2 with the following:

3

4 (i) Any grant applied for under this subsection
5 shall be for:

6

7 (A) Broadband projects to take place in
8 Wyoming;

9

10 (B) Projects to improve broadband internet
11 access or opportunities for improving internet access for
12 Wyoming residents; or

13

14 (C) Telehealth purposes for Wyoming
15 residents and businesses.

16

17 (ii) Any application by a state agency shall be
18 submitted to the council in accordance with rules
19 established by the council. The council shall submit the
20 application on behalf of the state agency;

21

22 (iii) The council may utilize funds in the
23 broadband development subaccount specified in W.S.

1 9-12-1404(a)(ii) to use as the state's share of any
2 matching funds required in order to receive a grant from a
3 federal agency, provided that the total amount of funds
4 from the broadband development subaccount expended for
5 matching grants under this subsection in any one (1) year
6 shall not exceed one million five hundred thousand dollars
7 (\$1,500,000.00) or fifteen percent (15%) of the total
8 balance of the broadband development subaccount, whichever
9 is less;

10

11 (iv) The council or state agency receiving the
12 grant from a federal agency shall expend the funds in
13 accordance with the terms and conditions of the federal
14 grant and in accordance with rules established by the
15 council;

16

17 (v) Any grant applied for, received or expended
18 under this section shall comply with all rules promulgated
19 under W.S. 9-12-1506(c).

20

21 **Section 2.** W.S. 9-12-102(a)(viii), 9-12-1404(a)(ii),
22 9-12-1501(h) by creating a new paragraph (iii) and

1 9-12-1507 by creating a new subsection (c) are amended to
2 read:

3

4 **9-12-102. Definitions.**

5

6 (a) As used in this act, the following terms have the
7 following meanings, except where the context clearly
8 indicates otherwise:

9

10 (viii) "This act" means W.S. 9-12-101 through
11 ~~9-12-1509~~ 9-12-1511.

12

13 **9-12-1404. Economic diversification account created;**
14 **authorized expenditures.**

15

16 (a) There is created an economic diversification
17 account. All monies in the account are continuously
18 appropriated to the office of the governor to be used for
19 the purposes of this article and as otherwise specified by
20 law, including per diem, mileage and other administrative
21 expenses of the ENDOW executive council. Notwithstanding
22 W.S. 9-2-1008 and 9-4-207, funds in the account or
23 subaccounts of the account shall not lapse at the end of

1 the fiscal period. Interest earned on funds in the account
2 shall be deposited to the account or appropriate
3 subaccount. Within the account shall be subaccounts. For
4 accounting and investment purposes only all subaccounts
5 shall be treated as separate accounts. The subaccounts are
6 as follows:

7

8 (ii) The broadband development subaccount.
9 Funds within this subaccount may be expended as requested
10 by the Wyoming business council and approved by the
11 governor or his designee to provide funding for agreements
12 entered into pursuant to W.S. 9-12-1501 through 9-12-1510
13 and to provide matching funds for grants in accordance with
14 W.S. 9-12-1511;

15

16 **9-12-1501. Broadband development program established;**
17 **purposes; eligibility; definitions.**

18

19 (h) As used in this article:

20

21 (iii) "Telehealth" means a mode of delivery of
22 health care services provided through telecommunications
23 systems to facilitate the assessment, diagnosis,

1 consultation, treatment, education or care management for a
2 patient while the health care provider is located at a
3 different site from the patient.

4
5 **9-12-1507. Application evaluation report.**

6
7 (c) As part of the report submitted to the joint
8 minerals, business and economic development interim
9 committee under subsection (a) of this section, the council
10 shall submit:

11
12 (i) A list of all funds utilized as matching
13 funds for grants under W.S. 9-12-1511;

14
15 (ii) The number of grants received from federal
16 agencies during the previous year pursuant to W.S.
17 9-12-1511, the purpose of each grant, the federal agency
18 providing the grant, the amount of each grant and the
19 amount of matching funds used or expended from the
20 broadband development subaccount specified in W.S.
21 9-12-1404(a)(ii);

22

1 (iii) The amount of total grant funds expended
2 under grants authorized by W.S. 9-12-1511, including an
3 itemization of grant funds provided by federal agencies and
4 the grant funds provided from the broadband development
5 subaccount.

6
7 **Section 3.**

8
9 (a) As used in this section, "American Rescue Plan
10 Act funds" means funds appropriated or disbursed to the
11 state of Wyoming through the Coronavirus State Fiscal
12 Recovery Fund established under section 602 of title VI of
13 the federal Social Security Act, as created by section 9901
14 of the American Rescue Plan Act of 2021, P.L. 117-2.

15
16 (b) The Wyoming business council is authorized two
17 (2) at-will employment contract positions beginning on the
18 effective date of this section and ending June 30, 2024.
19 One (1) position is authorized as a position to assist the
20 broadband coordinator and others with applying for and
21 securing any available grants, including those offered by
22 the federal government, related to broadband expansion and
23 development. One (1) position is authorized as a position

1 to assist the coordinator with outreach efforts with
2 broadband providers and other stakeholders. It is the
3 intent of the legislature that the two (2) positions
4 authorized in this subsection not be included in the
5 Wyoming business council's standard budget for the fiscal
6 biennium beginning July 1, 2024.

7

8 (c) There is appropriated to the Wyoming business
9 council three hundred twenty thousand dollars (\$320,000.00)
10 from any unexpended or unobligated American Rescue Plan Act
11 funds that were appropriated in 2021 Wyoming Session Laws,
12 Chapter 166, Section 5(b). This appropriation shall be used
13 only for funding the positions authorized in subsection (b)
14 of this section and consistent with the terms of the
15 American Rescue Plan Act. This appropriation shall not be
16 transferred or expended for any other purpose. Any
17 unobligated, unexpended funds remaining from this
18 appropriation upon the expiration of the later of the
19 relevant federal law, related federal legislation,
20 reallocation by the secretary of the United States
21 department of treasury, or any extension granted by the
22 United States department of treasury shall be deposited to
23 the general fund unless otherwise provided by law.

1

2 (d) On or before June 30, 2023 and again on or before
3 June 30, 2024, the Wyoming business council shall report to
4 the joint appropriations committee on the work of the two
5 (2) positions authorized in subsection (b) of this section.
6 The reports submitted under this subsection shall include
7 all broadband grants applied for, received and expended in
8 the fiscal year in which the report is submitted.

9

10 **Section 4.** There is transferred from the broadband
11 development subaccount created in W.S. 9-12-1404(a)(ii), as
12 amended by section 1 of this act, three hundred fifty
13 thousand dollars (\$350,000.00) to the Wyoming business
14 council on the effective date of this section. Funds
15 transferred under this section shall be expended for
16 purposes of W.S. 9-12-1509, notwithstanding W.S.
17 9-12-1404(a)(ii) and except as otherwise provided in this
18 section. Of this transfer, not more than two hundred
19 thousand dollars (\$200,000.00) shall be expended for
20 creating or updating maps of broadband conduits or
21 infrastructure and maps of broadband internet service and
22 access in Wyoming. This transfer shall not be further
23 transferred or expended for any other purpose.

1 Notwithstanding W.S. 9-2-1008 and 9-4-207, funds
2 transferred under this section shall not revert at the end
3 of the fiscal biennium.

4

5 **Section 5.** The Wyoming business council shall
6 promulgate all rules necessary to implement the provisions
7 of this act.

8

9 **Section 6.**

10

11 (a) Except as provided in subsection (b) of this
12 section, this act is effective July 1, 2022.

13

14 (b) Sections 3 through 6 of this act are effective
15 immediately upon completion of all acts necessary for a
16 bill to become law as provided by Article 4, Section 8 of
17 the Wyoming Constitution.

18

19 (END)