HOUSE BILL NO. HB0067

Connect Wyoming program—funding and amendments.

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

A BILL

for

AN ACT relating to the emergency expenses of government related to broadband development and internet access; appropriating federal funds for the Connect Wyoming program for broadband development in Wyoming; specifying limitations on the types of projects funded with appropriated federal funds through the Connect Wyoming program; providing rulemaking authority; and providing for an effective date.

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

Section 1.

(a) As used in this section:
(i) "American Rescue Plan Act funds" means funds appropriated or disbursed to the state of Wyoming through the Coronavirus State Fiscal Recovery Fund established under section 602 of title VI of the federal Social Security Act and the Coronavirus Capital Projects Fund established under section 604 of title VI of the federal Social Security Act, as created by section 9901 of the American Rescue Plan Act of 2021, Pub. L. No. 117-2;

(ii) "Connect Wyoming" means the program created and administered by the council and the office of the governor that used available funds from the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116-136, for use as matching funds for federal grants available pursuant to section 60102 of the federal Infrastructure Investment and Jobs Act, Pub. L. No. 117-58, and for broadband development projects in Wyoming necessary to respond to the COVID-19 public health emergency by bringing faster and more reliable broadband internet service to Wyoming;

(iii) "Council" means the Wyoming business council;
(iv) "Low latency" means latency that is sufficiently low to allow multiple, simultaneous, real-time interactive applications;

(v) "Underserved area" means a project area without access to broadband service offered with a download speed of at least one hundred (100) megabits per second and an upload speed of at least twenty (20) megabits per second with low latency;

(vi) "Unserved area" means a project area without access to broadband service or to services operating with a download speed of at least twenty-five (25) megabits per second and upload speed of at least three (3) megabits per second with low latency.

(b) There is appropriated to the council one hundred fifty million dollars ($150,000,000.00) from any unexpended or unobligated American Rescue Plan Act funds that were appropriated in 2021 Wyoming Session Laws, Chapter 166, Section 5(b). This appropriation shall be used only for use as matching funds for federal grants available pursuant to
section 60102 of the federal Infrastructure Investment and
Jobs Act, Pub. L. No. 117-58, and for broadband internet
development projects through the Connect Wyoming program
and consistent with the terms of the American Rescue Plan
Act. This appropriation shall not be transferred or
expended for any other purpose. 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 law.

(c) In the event there are insufficient funds to
achieve the purposes of the appropriation in this
section, the appropriation in this section shall supersede
and take priority over any appropriation or reappropriation
of American Rescue Plan Act funds in any law enacted during
the 2021 legislative general session.

(d) Projects funded through the Connect Wyoming
program using funds appropriated in subsection (b) of this
section shall be located in underserved areas or unserved
areas in Wyoming and shall be limited to terrestrial projects.

(e) No expenditure of funds shall be made under this section except in accordance with state and federal laws, regulations and orders. The governor, in consultation with the council, shall by rule adopt provisions to ensure that adequate consideration is provided to the state for the expenditure of public funds on projects authorized under this act. Notwithstanding the definitions of "unserved area" and "underserved area" in this section, the governor may adopt rules to define "unserved area" and "underserved area," including alterations to the speed thresholds in those definitions in this section, in order to be consistent with and maximize the utilization of American Rescue Plan Act funds appropriated in this act. Any recipient of funds under this section shall comply with the provisions of 2021 Wyoming Session Laws, Chapter 166, Section 5(d) and (e).

(f) No new projects shall be funded through Connect Wyoming with funds appropriated in subsection (b) of this section after the later of December 31, 2024 or any other
(g) Projects funded with funds appropriated under subsection (b) of this section shall be designed to, upon completion:

(i) Reliably meet or exceed symmetrical one hundred (100) megabits per second download speed and upload speeds; or

(ii) In cases where it is not practicable, because of the excessive cost of the project or geography or topography of the area to be served by the project, to provide service that:

(A) Reliably meets or exceeds one hundred (100) megabits per second download speed and between at least twenty (20) megabits per second and one hundred (100) megabits per second upload speed; and
(B) Is scalable to a minimum of one hundred (100) megabits per second download speed and one hundred (100) megabits per second upload speed.

Section 2. The governor, in consultation with the Wyoming business council, shall promulgate all rules necessary to implement the provisions of this act.

Section 3. 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.