HOUSE BILL NO. HB0069

Broadband development—amendments and programs.

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

A BILL

for

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

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

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

9-12-1511. Matching grants; requirements.

(a) The council or a state agency as defined by W.S. 9-2-1002(a)(i) may apply for, receive and expend grants from a federal agency that requires the provision of
matching funds in order to receive the grant in accordance with the following:

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

(A) Broadband projects to take place in Wyoming;

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

(C) Telehealth purposes for Wyoming residents and businesses.

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

(iii) The council may utilize funds in the broadband development subaccount specified in W.S.
9-12-1404(a)(ii) to use as the state's share of any matching funds required in order to receive a grant from a federal agency, provided that the total amount of funds from the broadband development subaccount expended for matching grants under this subsection in any one (1) year shall not exceed one million five hundred thousand dollars ($1,500,000.00) or fifteen percent (15%) of the total balance of the broadband development subaccount, whichever is less;

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

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

Section 2. W.S. 9-12-102(a)(viii), 9-12-1404(a)(ii), 9-12-1501(h) by creating a new paragraph (iii) and
9-12-1507 by creating a new subsection (c) are amended to read:

9-12-102. Definitions.

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

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

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

(a) There is created an economic diversification account. All monies in the account are continuously appropriated to the office of the governor to be used for the purposes of this article and as otherwise specified by law, including per diem, mileage and other administrative expenses of the ENDOW executive council. Notwithstanding W.S. 9-2-1008 and 9-4-207, funds in the account or subaccounts of the account shall not lapse at the end of
the fiscal period. Interest earned on funds in the account shall be deposited to the account or appropriate subaccount. Within the account shall be subaccounts. For accounting and investment purposes only all subaccounts shall be treated as separate accounts. The subaccounts are as follows:

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

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

(h) As used in this article:

(iii) "Telehealth" means a mode of delivery of health care services provided through telecommunications systems to facilitate the assessment, diagnosis,
consultation, treatment, education or care management for a patient while the health care provider is located at a different site from the patient.

9-12-1507. Application evaluation report.

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

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

(ii) The number of grants received from federal agencies during the previous year pursuant to W.S. 9-12-1511, the purpose of each grant, the federal agency providing the grant, the amount of each grant and the amount of matching funds used or expended from the broadband development subaccount specified in W.S. 9-12-1404(a)(ii);
(iii) The amount of total grant funds expended under grants authorized by W.S. 9-12-1511, including an itemization of grant funds provided by federal agencies and the grant funds provided from the broadband development subaccount.

Section 3.

(a) As used in this section, "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, as created by section 9901 of the American Rescue Plan Act of 2021, P.L. 117-2.

(b) The Wyoming business council is authorized two (2) at-will employment contract positions beginning on the effective date of this section and ending June 30, 2024. One (1) position is authorized as a position to assist the broadband coordinator and others with applying for and securing any available grants, including those offered by the federal government, related to broadband expansion and development. One (1) position is authorized as a position
to assist the coordinator with outreach efforts with broadband providers and other stakeholders. It is the intent of the legislature that the two (2) positions authorized in this subsection not be included in the Wyoming business council's standard budget for the fiscal biennium beginning July 1, 2024.

(c) There is appropriated to the Wyoming business council three hundred twenty thousand dollars ($320,000.00) 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 funding the positions authorized in subsection (b) of this section 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.
(d) On or before June 30, 2023 and again on or before June 30, 2024, the Wyoming business council shall report to the joint appropriations committee on the work of the two (2) positions authorized in subsection (b) of this section. The reports submitted under this subsection shall include all broadband grants applied for, received and expended in the fiscal year in which the report is submitted.

Section 4. There is transferred from the broadband development subaccount created in W.S. 9-12-1404(a)(ii), as amended by section 1 of this act, three hundred fifty thousand dollars ($350,000.00) to the Wyoming business council on the effective date of this section. Funds transferred under this section shall be expended for purposes of W.S. 9-12-1509, notwithstanding W.S. 9-12-1404(a)(ii) and except as otherwise provided in this section. Of this transfer, not more than two hundred thousand dollars ($200,000.00) shall be expended for creating or updating maps of broadband conduits or infrastructure and maps of broadband internet service and access in Wyoming. This transfer shall not be further transferred or expended for any other purpose.
Notwithstanding W.S. 9-2-1008 and 9-4-207, funds transferred under this section shall not revert at the end of the fiscal biennium.

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

Section 6.

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

(b) Sections 3 through 6 of this act are 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.