

**DRAFT ONLY  
NOT APPROVED FOR  
INTRODUCTION**

HOUSE BILL NO.

Broadband and telehealth access projects.

Sponsored by: Representative(s) Sommers

A BILL

for

1 AN ACT relating to the support of broadband internet and  
2 telehealth access; appropriating federal funds for  
3 broadband access projects and telehealth access projects as  
4 specified; providing requirements for projects funded under  
5 this act; defining terms; requiring rulemaking; and  
6 providing for an effective date.

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

9

10 **Section 1.**

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12 (a) As used in this act:

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1           (i) "American Rescue Plan Act funds" means funds  
2 appropriated or disbursed to the state of Wyoming through  
3 the Coronavirus Capital Projects Fund established under  
4 section 604 of title VI of the federal Social Security Act,  
5 as created by section 9901 of the American Rescue Plan Act  
6 of 2021, Pub. L. No. 117-2;

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8           (ii) "Broadband internet access project" means a  
9 project for which a local governmental entity establishes  
10 one (1) or more public access points for wireless internet  
11 access within the boundaries of the local governmental  
12 entity;

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14           (iii) "Council" means the Wyoming business  
15 council;

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17           (iv) "Health care provider" means a person or  
18 facility licensed, certified or otherwise authorized by the  
19 laws of this state to provide health care in the ordinary  
20 course of business or practice of a profession and who  
21 provides health care within the state of Wyoming and  
22 includes nursing homes, but does not include a person who

1 provides health care solely through the sale or dispensing  
2 of drugs or medical devices;

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4 (v) "Local governmental entity" means any unit of  
5 local government or any branch, subdivision or agency  
6 thereof or any school district, community college district  
7 or special district;

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9 (vi) "Low latency" means latency that is  
10 sufficiently low to allow multiple, simultaneous, real-time  
11 interactive applications;

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13 (vii) "Telehealth" means a mode of delivery of  
14 healthcare services provided through telecommunications  
15 systems to facilitate the assessment, diagnosis,  
16 consultation, treatment, education and care management for  
17 a patient while the healthcare provider is located at a  
18 different site from the patient;

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21 (viii) "Underserved area" means a project area  
22 without access to broadband service offered with a download  
23 speed of at least one hundred (100) megabits per second and

1 an upload speed of at least twenty (20) megabits per second  
2 with low latency;

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

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11 \*\*\*\*\*

12 STAFF COMMENT

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14 Given the changes from the previous version the Task Force  
15 considered (specifically, those in Section 2(b) of the bill  
16 draft), the definitions of "low latency," "underserved  
17 area," and "unserved area" have been included in this bill  
18 draft. These definitions come directly from the other bill  
19 draft (22LSO-0026) that the Task Force voted upon at its  
20 last meeting.

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22 \*\*\*\*\*  
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24

25 Section 2.

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27 (a) The council shall establish a program to provide  
28 grants using American Rescue Plan Act funds for local  
29 governmental entities to complete broadband internet access  
30 projects in Wyoming cities, towns and counties. As part of

1 this program, the council shall provide grants to local  
2 governmental entities to enter into contracts with  
3 commercial broadband providers not exceeding five (5) years  
4 in length for the provision of wireless internet at public  
5 wireless access points within the local governmental  
6 entity's boundaries. Each grant provided under this section  
7 shall not exceed XXX dollars per grant per local  
8 governmental entity.

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10 (b) The council shall adopt rules to prioritize  
11 applications that demonstrate one (1) or more of the  
12 following:

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14 (i) A significant number of unserved or  
15 underserved households are located within the proposed  
16 project area;

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18 (ii) The wireless internet access point will be  
19 located in an area populated by an economically  
20 disadvantaged population;

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22 (iii) No quality wireless internet exists within  
23 the applicant's proposed project area;

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STAFF COMMENT

The Task Force may wish to consider what is meant by "quality wireless internet" (for example, whether that means exceeding the threshold for unserved (25/3) or some other metric).

Upon request by Co-Chairman Sommers, the working group reviewed paragraph (iv) below and recommends its deletion from the bill draft.

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(iv) The applicant provides information to show how the applicant will minimize negative impacts, if any, on:

(A) Broadband investment by commercial broadband providers in proximity to the area for which the grant will be provided;

(B) Existing wireless internet offerings of commercial broadband providers and other local businesses.

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1           **Section 3.** The Wyoming department of health shall  
2 establish a program to provide American Rescue Plan Act  
3 funds for grants to health care providers to purchase and  
4 use telehealth equipment to provide telehealth services to  
5 Wyoming residents. Each grant provided under this section  
6 shall not exceed XXX dollars per grant per health care  
7 provider.

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9           **Section 4.**

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11           (a) There is appropriated to the council eight million  
12 dollars (\$8,000,000.00) from any unexpended or unobligated  
13 American Rescue Plan Act funds that were appropriated in  
14 2021 Wyoming Session Laws, Chapter 166, Section 5(b). This  
15 appropriation shall be used only for grants for broadband  
16 internet access projects as provided by section 2 of this  
17 act and consistent with the terms of the American Rescue  
18 Plan Act. This appropriation shall not be transferred or  
19 expended for any other purpose. Any unobligated, unexpended  
20 funds remaining from this appropriation upon the expiration  
21 of the later of the relevant federal law, related federal  
22 legislation, reallocation by the secretary of the United  
23 States department of treasury, or any extension granted by

1 the United States department of treasury shall be deposited  
2 to the general fund unless otherwise provided by law.

3

4 (b) There is appropriated to the department of health  
5 one million dollars (\$1,000,000.00) from any unexpended or  
6 unobligated American Rescue Plan Act funds that were  
7 appropriated in 2021 Wyoming Session Laws, Chapter 166,  
8 Section 5(b). This appropriation shall be used only for  
9 grants for health care providers as provided by section 3  
10 of this act and consistent with the terms of the American  
11 Rescue Plan Act. This appropriation shall not be  
12 transferred or expended for any other purpose. Any  
13 unobligated, unexpended funds remaining from this  
14 appropriation upon the expiration of the later of the  
15 relevant federal law, related federal legislation,  
16 reallocation by the secretary of the United States  
17 department of treasury, or any extension granted by the  
18 United States department of treasury shall be deposited to  
19 the general fund unless otherwise provided by law.

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21 (c) The appropriations in this act shall supersede and  
22 take priority over any unexpended appropriation or

1 reappropriation of American Rescue Plan Act funds in any  
2 law enacted during the 2021 legislative general session.

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4 (d) No expenditure of funds shall be made under this  
5 act except in accordance with state and federal laws,  
6 regulations and orders. Any recipient of funds under this  
7 section shall comply with the provisions of 2021 Wyoming  
8 Session Laws, Chapter 166, Section 5(d) and (e).

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10 (e) The governor, in consultation with the council and  
11 the department of health, shall promulgate all rules  
12 necessary for the provision of grants for telehealth  
13 equipment and for broadband internet access projects as  
14 provided for by this act, including rules as required under  
15 2021 Wyoming Session Laws, Chapter 166, Section 5(e) and  
16 rules to ensure that adequate consideration is provided to  
17 the state for the expenditure of public funds on projects  
18 authorized in this act.

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20 (f) No grants shall be provided with funds  
21 appropriated in this act after the later of December 31,  
22 2024 or any other deadline set in relevant federal law,

1 related federal legislation or any extension granted by the  
2 United States department of treasury.

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4       **Section 5.** This act is effective immediately upon  
5 completion of all acts necessary for a bill to become law  
6 as provided by Article 4, Section 8 of the Wyoming  
7 Constitution.

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(END)