

S.F. No. 0100**Economic diversification-broadband services.**

Sponsored By: Management Council

AN ACT relating to economic diversification; creating a broadband development program; specifying requirements for providing funds for projects under the program; providing for administration by the Wyoming business council; requiring rules and specifying procedures; providing for the establishment of a broadband advisory council; providing for the position of broadband coordinator; providing appropriations; restricting appropriations as specified; modifying other appropriations; and providing for an effective date.

2/13/2018 Bill Number Assigned
 2/14/2018 S Received for Introduction
 2/15/2018 S Introduced and Referred to S09 - Minerals 27-2-1-0-0

ROLL CALL

Ayes: Senator(s) Anderson, Anselmi-Dalton, Baldwin, Barnard, Bebout, Boner, Bouchard, Burns, Christensen, Coe, Dockstader, Driskill, Ellis, Emerich, Hastert, Kinskey, Landen, Meier, Moniz, Nethercott, Pappas, Perkins, Peterson, Rothfuss, Scott, Von Flatern, Wasserburger

Nays: Senator(s) Case, Hicks

Excused: Senator Agar

Ayes 27 **Nays** 2 **Excused** 1 **Absent** 0 **Conflicts** 0

2/21/2018 S09 - Minerals:Recommend Amend and Do Pass 4-0-1-0-0

ROLL CALL

Ayes: Senator(s) Anderson, Coe, Rothfuss, Von Flatern

Excused: Senator Perkins

Ayes 4 **Nays** 0 **Excused** 1 **Absent** 0 **Conflicts** 0

2/21/2018 S Rerefer to S02 - Appropriations

2/22/2018 S02 - Appropriations:Recommend Do Pass 5-0-0-0-0

ROLL CALL

Ayes: Senator(s) Burns, Dockstader, Driskill, Hastert, Landen

Ayes 5 **Nays** 0 **Excused** 0 **Absent** 0 **Conflicts** 0

2/22/2018 S Placed on General File

SF0100SS001/ADOPTED

That Substitute No. 1 for SF0100 DO PASS. VON FLATERN, CHAIRMAN

SF0100SW001/ADOPTED**[TO SUBSTITUTE BILL No. 1]**

Page 22-line 13 After "to the account" insert "or appropriate subaccount".

Page 22-line 15 Delete "account" insert "accounts".

Page 23-lines 9 through 12 Delete entirely and insert:

"(a) There is appropriated from the legislative stabilization reserve account:".

Page 23-line 16 After "9-12-1509" Delete balance of line and insert ";;".

Page 23-lines 17 through 19 Delete entirely.

Page 24-after line 8 Insert:

"(b) Upon the effective date of this section:

(i) The appropriation contained in 2018 House Bill 0001, section 321(a)(ii) to the economic diversification account created by W.S. 9-12-1404(a) shall be reduced two million dollars (\$2,000,000.00);

(ii) 2018 House Bill 0001, section 321(a)(ii)(B) shall not be effective;

(iii) The appropriation contained in 2018 House Bill 0001, section 321(a)(iii) to the economic diversification account created by W.S. 9-12-1404(a) shall be reduced eight million three hundred fifty thousand dollars (\$8,350,000.00)". VON FLATERN

SF0100SW002/ADOPTED

[TO SUBSTITUTE BILL No. 1]

Page 2-line 5

After "state." insert "For purposes of this article, "unserved" means broadband service at or below ten (10) megabits per second download and one (1) megabits per second upload speed.". ROTHFUSS

2/22/2018 S COW:Passed

SF0100S2001/ADOPTED

[TO SUBSTITUTE BILL No. 1]

Delete the Rothfuss committee of the whole amendment (SF0100SW002/A) entirely and further amend as follows:

Page 1-line 16

After "**established**" insert "; **purposes; eligibility; definitions**".

Page 4-after line 2

Insert:

"(e) As used in this article, until established otherwise by rule of the Wyoming business council pursuant to subsection (f) of this section, "unserved area" is an area within a proposed project in which there exists no fixed terrestrial broadband service, or in which the maximum fixed terrestrial broadband speed available:

(i) To residential customers is ten (10) megabits per second download and one (1) megabit per second upload;

(ii) To a business corridor within a municipality:

(A) With a population of less than two thousand (2,000), is twenty-five (25) megabits per second download and three (3) megabits per second upload;

(B) With a population of two thousand (2,000) or more, is fifty (50) megabits per second download and five (5) megabits per second upload.

(iii) To a business corridor in an incorporated area of a county, is twenty-five (25) megabits per second download and three (3) megabits per second upload.

(f) The Wyoming business council shall, by rule effective on July 1, 2020, establish a definition of "unserved area" for purposes of this article. The rule shall provide for speeds exceeding those specified in subsection (e) of this section and otherwise modify the provisions of subsection (e) as the business council determines appropriate for technological and economic conditions prevailing as of July 1, 2020."

Page 18-line 21

Delete "On July 1," insert "Not later than March 1,".

Page 18-line 23

After "corridors" insert ", all in accordance with W.S. 9-12-1501(f)". ROTHFUSS

2/23/2018 S 2nd Reading:Passed

SF0100S3001/ADOPTED

[TO SUBSTITUTE BILL No. 1]

Delete the Rothfuss committee of the whole amendment (SF0100SW002/A) entirely.

Delete the Rothfuss second reading amendment (SF0100S2001/A) entirely.

Further amend as follows:

Page 1-line 16 After **"established"** insert **"; purposes; eligibility; definitions"**.

Page 4-after line 2 Insert:

"(e) As used in this article, until established otherwise by rule of the Wyoming business council pursuant to subsection (f) of this section, "unserved area" is an area in which there exists no fixed terrestrial broadband service, or in which the maximum fixed terrestrial broadband speed available:

(i) To residential customers is ten (10) megabits per second download and one (1) megabit per second upload;

(ii) To a business corridor within a municipality:

(A) With a population of less than two thousand (2,000), is twenty-five (25) megabits per second download and three (3) megabits per second upload;

(B) With a population of two thousand (2,000) or more, is fifty (50) megabits per second download and five (5) megabits per second upload.

(iii) To a business corridor in an unincorporated area of a county, is twenty-five (25) megabits per second download and three (3) megabits per second upload.

(f) The Wyoming business council shall, by rule effective on July 1, 2020, modify the definition of "unserved area" for purposes of this article. The rule shall only modify the definition by providing for upload and download speeds exceeding those specified in subsection (e) of this section as the business council determines appropriate for technological conditions prevailing as of July 1, 2020.

(g) The Wyoming business council shall by rule establish a definition of "business corridor" for purposes of this article. An area shall not be considered a business corridor unless multiple businesses are, or have undertaken permitting, construction or other substantial steps to be, located in proximity to each other such that the provision of broadband services at the speeds specified in subsections (e) and (f) of this section is technologically and economically feasible."

Page 18-line 21 Delete "On July 1, 2020" insert "Not later than March 1, 2020".

Page 18-line 22 After "to" insert "upload and download speeds specified in".". ROTHFUSS

2/27/2018 S 3rd Reading:Passed 25-5-0-0-0

ROLL CALL

Ayes: Senator(s) Anderson, Anselmi-Dalton, Baldwin, Barnard, Bebout, Boner, Burns, Christensen, Coe, Driskill, Ellis, Emerich, Hastert, Hicks, Kinskey, Landen, Meier, Moniz, Nethercott, Pappas, Perkins, Peterson, Rothfuss, Von Flatern, Wasserburger

Nays: Senator(s) Agar, Bouchard, Case, Dockstader, Scott

Ayes 25 **Nays** 5 **Excused** 0 **Absent** 0 **Conflicts** 0

3/1/2018 H Received for Introduction
3/1/2018 H Introduced and Referred to H02 - Appropriations
3/2/2018 H02 - Appropriations:Recommend Amend and Do Pass 7-0-0-0

ROLL CALL

Ayes: Representative(s) Burkhart, Larsen, Nicholas, Schwartz, Sommers, Walters, Wilson

Ayes 7 **Nays** 0 **Excused** 0 **Absent** 0 **Conflicts** 0

3/2/2018 H Placed on General File

SF0100HS001/ADOPTED

(TO ENGROSSED COPY)

Page 1-line 9 After "specified;" insert "modifying other appropriations;".
Page 9-line 8 After "entities" insert "who are listed with the council as".
Page 19-line 2 Before "council" insert "business".
Page 20-line 22 Before "council" insert "business".
Page 21-line 1 Before "council" insert "business".
Page 21-line 2 Before "council" insert "business". NICHOLAS, CHAIRMAN

SF0100HW001/ADOPTED

(TO ENGROSSED COPY)

Page 14-line 5 Delete "as determined" insert "by reference to standards published". SOMMERS

3/5/2018 H COW:Passed

SF0100H2001/ADOPTED

(TO ENGROSSED COPY)

Page 9-line 4 After "project" insert ". The application shall identify the amount of funding for the project to be provided by each governmental entity and by any business entity participating in the project. Funding provided by any other state source shall be specifically identified".

Page 15-after line 15 Insert:

"(c) The council shall adopt by rule provisions to ensure that adequate consideration is provided for the expenditure of public funds on projects funded under this article.". SOMMERS

SF0100H2002/ADOPTED

(TO ENGROSSED COPY)

Page 14-line 20 Delete "9-2-1506" and insert "9-12-1506".
Page 15-line 17 Delete "9-2-1507" and insert "9-12-1507".
SOMMERS

3/6/2018 H 2nd Reading:Passed

SF0100H3001/ADOPTED

(TO ENGROSSED COPY)

Page 15-after line 15 Delete the Sommers second reading amendment (SF0100H2001/AE) to this line entirely and insert:

"(c) The council shall, by rule, adopt provisions to ensure that adequate consideration is provided for the expenditure of public funds on projects funded under this article.". ZWONITZER

SF0100H3002/ADOPTED

(TO ENGROSSED COPY)

Page 25-line 6
Page 25-line 7

After "subaccount" delete balance of line.
Delete "9-12-1404(a)(i)" and insert "within the economic diversification account".

Page 25-line 12
Page 25-line 13

Delete "as provided in W.S."
Delete "9-12-1404(a)(i)" and insert "to provide funding for agreements entered into pursuant to W.S. 9-12-1501 through 9-12-1508, as requested by the Wyoming business council and approved by the governor or his designee.". NICHOLAS

SF0100H3003/WITHDRAWN

SF0100H3004/ADOPTED

(TO ENGROSSED COPY)

Page 26-line 7
Page 26-line 8

After "reduced" delete balance of line.
Delete entirely and insert "eight million dollars (\$8,000,000.00)". NICHOLAS

SF0100H3005/WITHDRAWN

3/7/2018 H 3rd Reading:Passed 46-13-1-0-0

ROLL CALL

Ayes: Representative(s) Allen, Barlow, Blake, Bovee, Brown, Burkhart, Byrd, Connolly, Court, Crank, Dayton, Eklund, Eyre, Flitner, Freeman, Furphy, Gierau, Greear, Haley, Halverson, Harshman, Henderson, Hunt, Kinner, Kirkbride, Larsen, Laursen, Lindholm, MacGuire, Miller, Nicholas, Northrup, Obermueller, Olsen, Paxton, Pelkey, Pownall, Schwartz, Sommers, Steinmetz, Stith, Sweeney, Walters, Wilson, Winters, Zwonitzer

Nays: Representative(s) Biteman, Blackburn, Clausen, Clem, Edwards, Gray, Hallinan, Jennings, Lone, Loucks, Madden, Salazar, Simpson

Excused: Representative Piiparinen

Ayes 46 **Nays** 13 **Excused** 1 **Absent** 0 **Conflicts** 0

3/7/2018 S Received for Concurrence

3/8/2018 S Concur:Passed 27-2-1-0-0

ROLL CALL

Ayes: Senator(s) Anderson, Anselmi-Dalton, Baldwin, Barnard, Bebout, Boner, Burns, Christensen, Coe, Dockstader, Driskill, Ellis, Emerich, Hastert, Hicks, Kinskey, Landen, Meier, Moniz, Nethercott, Pappas, Perkins, Peterson, Rothfuss, Scott, Von Flatern, Wasserburger

Nays: Senator(s) Bouchard, Case

Excused: Senator Agar

Ayes 27 **Nays** 2 **Excused** 1 **Absent** 0 **Conflicts** 0

3/8/2018 Assigned Number SEA No. 0036

3/9/2018 S President Signed SEA No. 0036

3/10/2018 H Speaker Signed SEA No. 0036

3/14/2018 Governor Signed SEA No. 0036

3/14/2018 Assigned Chapter Number 126