

HOUSE BILL NO. HB0015

Department of transportation communication facilities.

Sponsored by: Joint Corporations, Elections & Political
Subdivisions Interim Committee

A BILL

for

1 AN ACT relating to the department of transportation;
2 amending leasing provisions for department of
3 transportation communications facilities for the provision
4 of broadband and telecommunications services; specifying
5 disposition of lease proceeds from communications
6 facilities; providing definitions; and providing for an
7 effective date.

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

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11 **Section 1.** W.S. 24-2-116 is amended to read:

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13 **24-2-116. Department of transportation state-funded**
14 **communications facilities.**

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1 (a) Upon application by a telecommunications company,
2 ~~if the public service commission determines that it is~~
3 ~~necessary to provide telecommunications service to~~
4 ~~underserved areas of the state,~~ the Wyoming department of
5 transportation ~~shall~~ may lease excess capacity on any
6 state-funded communication infrastructure ~~or facility~~ owned
7 by the department of transportation to the
8 telecommunications company. ~~For purposes of this section an~~
9 ~~area is underserved if private communication providers are~~
10 ~~unwilling or unable to provide the telecommunication~~
11 ~~service to a substantial number of households or persons in~~
12 ~~the geographic area. The rate of the lease shall be a~~
13 ~~reasonable market based rate as determined by the public~~
14 ~~service commission. No telecommunications company may lease~~
15 ~~excess capacity on a communication infrastructure or~~
16 ~~facility owned by the department pursuant to this section~~
17 ~~unless the telecommunications company establishes that~~
18 ~~excess capacity in that area is unavailable from private~~
19 ~~commercial communication facility owners. The public~~
20 ~~service commission may adopt rules and regulations~~
21 ~~necessary to implement this section.~~ All monies received
22 from any lease executed pursuant to this section shall be
23 deposited into the ~~state general fund~~ WyoLink tower

1 maintenance account, which is hereby created. Funds in the
2 account are continuously appropriated to the department and
3 shall only be used to maintain, reinforce and repair the
4 WyoLink network and towers.

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6 (b) As used in this section:

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8 (i) "Broadband provider" means a
9 telecommunications company as defined by W.S.
10 37-15-103(a)(xi), a communications company under W.S.
11 1-26-813(b) or a cable operator as defined by 47 U.S.C. §
12 522(5);

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14 (ii) "Telecommunications company" shall include
15 a broadband provider.

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17 **Section 2.** This act is effective July 1, 2021.

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(END)