

ENROLLED ACT NO. 18, HOUSE OF REPRESENTATIVES

SIXTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING  
2021 GENERAL SESSION

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

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

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

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

(a) Upon application by a telecommunications company, ~~if the public service commission determines that it is necessary to provide telecommunications service to underserved areas of the state,~~ the Wyoming department of transportation ~~shall~~ may lease excess capacity on any state-funded communication infrastructure ~~or facility owned operated~~ by the department of transportation to the telecommunications company. ~~For purposes of this section an area is underserved if private communication providers are unwilling or unable to provide the telecommunication service to a substantial number of households or persons in the geographic area. The rate of the lease shall be a reasonable market based rate as determined by the public service commission. No telecommunications company may lease excess capacity on a communication infrastructure or facility owned by the department pursuant to this section unless the telecommunications company establishes that excess capacity in that area is unavailable from private commercial communication facility owners. The public~~

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~~service commission may adopt rules and regulations necessary to implement this section.~~ All monies received from any lease executed pursuant to this section shall be deposited into ~~the state general fund and separately accounted for in the department's internal service fund specified by W.S. 9-4-204(t)(ii)(B) and governed by W.S. 9-4-205(e).~~ Monies received and deposited under this section are continuously appropriated to the department and shall only be used to maintain, reinforce and repair the WyoLink network and towers.

(b) As used in this section:

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

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

ORIGINAL HOUSE  
BILL NO. HB0015

ENGROSSED

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

(END)

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the House.

\_\_\_\_\_  
Chief Clerk