

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO.

State lands-fees for broadband and cellular development.

Sponsored by: HDraft Committee

A BILL

for

1 AN ACT relating to state lands; specifying and limiting
2 fees charged for broadband infrastructure and cellular
3 towers on state lands as specified; making conforming
4 amendments; requiring rulemaking; and providing for
5 effective dates.

6

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

8

9 **Section 1.** W.S. 36-1-122 is created to read:

10

11 **36-1-122. Permit issuance and fees for broadband and**
12 **cellular development on state and school trust lands.**

13

1 (a) As used in this section:

2

3 (i) "Broadband infrastructure" means
4 infrastructure for which the primary purpose is to provide
5 broadband internet service to end users or end-user
6 devices, including households, businesses, governmental
7 buildings, schools, public safety entities and community
8 facilities;

9

10 (ii) "Cellular tower" means a tower or antenna
11 that is used to provide cellular telecommunication,
12 personal communication or mobile telecommunication
13 services.

14

15 (b) No fees, rents or other charges that exceed one
16 percent (1%) of the reasonable market-based rate shall be
17 charged to or collected for the use of state lands and
18 school trust lands from any person who constructs or
19 maintains broadband infrastructure and cellular towers on
20 state lands or school trust lands, provided that:

21

22 (i) No construction or operation of broadband
23 infrastructure and cellular towers shall take place on

1 state lands or school trust lands without the person first
2 applying to the board of land commissioners;

3

4 (ii) The construction and operation of broadband
5 infrastructure and cellular towers on state lands or school
6 trust lands shall be in accordance with law;

7

8 (iii) The broadband infrastructure or cellular
9 tower constructed and maintained benefits:

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11 (A) The state of Wyoming, Wyoming residents,
12 students or businesses, if constructed on state lands;

13

14 (B) Wyoming public schools and Wyoming
15 students, if constructed on school trust lands.

16

17 (iv) Any person who causes damage or destruction
18 to any school trust land or state land as a result of
19 constructing, operating, maintaining, upgrading or removing
20 broadband infrastructure or a cellular tower on that land
21 shall be liable for those damages.

22

1 (b) Upon receiving an application from any person to
 2 construct, operate or maintain broadband infrastructure and
 3 cellular towers on state lands or school trust lands in
 4 accordance with this section, the board of land
 5 commissioners shall complete a preliminary review of the
 6 application not later than ten (10) business days after
 7 receipt of the application and shall issue all necessary
 8 permits, authorizations and licenses not later than twenty
 9 (20) business days after receipt of the application. Any
 10 application submitted in compliance with the provisions of
 11 this section for which permits, licenses and authorizations
 12 have not been issued within the time required by this
 13 subsection shall be deemed to have been approved and any
 14 permits, licenses and authorizations shall be deemed to
 15 have been issued.

16 *****
 17 *****

18 **STAFF COMMENT**

19
 20 **The newly created W.S. 36-1-122, above, which prohibits**
 21 **charging fees for broadband infrastructure and cellular**
 22 **towers placed on state and school lands, may implicate the**
 23 **following constitutional provisions:**

24
 25 **Article 7, Section 2. School revenues.**

26
 27 The following are declared to be perpetual funds for school
 28 purposes, of which the annual income only can be
 29 appropriated, to wit: Such per centum as has been or may
 30 hereafter be granted by congress on the sale of lands in

1 this state; all moneys arising from the sale or lease of
2 sections number sixteen and thirty-six in each township in
3 the state, and the lands selected or that may be selected
4 in lieu thereof; the proceeds of all lands that have been
5 or may hereafter be granted to this state, where by the
6 terms and conditions of the grant, the same are not to be
7 otherwise appropriated; the net proceeds of lands and other
8 property and effects that may come to the state by escheat
9 or forfeiture, or from unclaimed dividends or distributive
10 shares of the estates of deceased persons; all moneys,
11 stocks, bonds, lands and other property now belonging to
12 the common school funds. Provided, that the rents for the
13 ordinary use of said lands shall be applied to the support
14 of public schools and, when authorized by general law, not
15 to exceed thirty-three and one-third ($33 \frac{1}{3}$) per centum of
16 oil, gas, coal, or other mineral royalties arising from the
17 lease of any said school lands may be so applied.

18

19 **Article 18, Section 3. Board of land commissioners.**

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21 The governor, secretary of state, state treasurer, state
22 auditor and superintendent of public instruction shall
23 constitute a board of land commissioners, which under
24 direction of the legislature as limited by this
25 constitution, shall have direction, control, leasing and
26 disposal of lands of the state granted, or which may be
27 hereafter granted for the support and benefit of public
28 schools, subject to the further limitations that the sale
29 of all lands shall be at public auction, after such delay
30 (not less than the time fixed by congress) in portions at
31 proper intervals of time, and at such minimum prices (not
32 less than the minimum fixed by congress) as to realize the
33 largest possible proceeds. And said board, subject to the
34 limitations of this constitution and under such regulations
35 as may be provided by law shall have the direction,
36 control, disposition and care of all lands that have been
37 heretofore or may hereafter be granted to the state.

38

39 **Article 18, Section 4. Legislature to provide for**
40 **disposition of lands.**

41

42 The legislature shall enact the necessary laws for the
43 sale, disposal, leasing or care of all lands that have been
44 or may hereafter be granted to the state, and shall, at the
45 earliest practicable period, provide by law for the

1 location and selection of all lands that have been or may
2 hereafter be granted by congress to the state, and shall
3 pass laws for the suitable keeping, transfer and
4 disbursement of the land grant funds, and shall require of
5 all officers charged with the same or the safekeeping
6 thereof to give ample bonds for all moneys and funds
7 received by them.

8
9 **Article 18, Section 5. Special privileges prohibited.**

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11 Except a preference right to buy as in this constitution
12 otherwise provided, no law shall ever be passed by the
13 legislature granting any privileges to persons who may have
14 settled upon any of the school lands granted to the state
15 subsequent to the survey thereof by the general government,
16 by which the amount to be derived by the sale or other
17 disposition of such lands, shall be diminished directly or
18 indirectly.

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20 *****
21 *****
22

23 **Section 2.** Not later than October 1, 2021, the board
24 of land commissioners shall promulgate all rules necessary
25 to implement the provisions of this act.

26
27 **Section 3.**

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29 (a) Except as provided in subsection (b) of this
30 section, this act is effective July 1, 2021.

31
32 (b) Sections 2 and 3 of this act are effective
33 immediately upon completion of all acts necessary for a

1 bill to become law as provided by Article 4, Section 8 of
2 the Wyoming Constitution.

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(END)