

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO.

Department of transportation communication facilities.

Sponsored by: HDraft 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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1 **24-2-116. Department of transportation state-funded**
2 **communications facilities.**

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4 (a) Upon application by a telecommunications company,
5 ~~if the public service commission determines that it is~~
6 ~~necessary to provide telecommunications service to~~
7 ~~underserved areas of the state,~~ the Wyoming department of
8 transportation shall lease excess capacity on any state-
9 funded communication infrastructure or facility owned by
10 the department of transportation to the telecommunications
11 company. ~~For purposes of this section an area is~~
12 ~~underserved if private communication providers are~~
13 ~~unwilling or unable to provide the telecommunication~~
14 ~~service to a substantial number of households or persons in~~
15 ~~the geographic area.~~ The rate of the lease shall ~~be a~~ not
16 exceed twenty-five percent (25%) of the reasonable market-
17 based rate ~~as determined by the public service commission~~
18 or shall be for the provision of in-kind services as
19 negotiated by the department. No telecommunications company
20 may lease excess capacity on a state-funded communication
21 infrastructure or facility owned by the department pursuant
22 to this section unless the telecommunications company
23 establishes that excess capacity in that area is

1 unavailable from private commercial communication facility
2 owners. ~~The public service commission may adopt rules and~~
3 ~~regulations necessary to implement this section.~~ All
4 monies received from any lease executed pursuant to this
5 section shall be deposited into the ~~state general fund~~
6 WyoLink tower maintenance account, which is hereby created.
7 Funds in the account are continuously appropriated to the
8 department and shall only be used to maintain, reinforce
9 and repair WyoLink towers in Wyoming.

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11 (b) No broadband provider shall lease excess capacity
12 as provided in subsection (a) of this section unless the
13 broadband provider certifies that the lease will result in
14 the provision of broadband internet service with a fixed
15 terrestrial broadband download speed of not less than
16 twenty-five (25) megabits per second and an upload speed of
17 not less than three (3) megabits per second and broadband
18 network round-trip latency of not greater than one hundred
19 (100) milliseconds not less than eighty percent (80%) of
20 the time as measured by testing during peak period
21 measurements.

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23 (c) As used in this section:

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(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) and a cable operator as defined by 47 U.S.C. § 522(5);

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

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

(END)