

ENROLLED ACT NO. 47, HOUSE OF REPRESENTATIVES

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2020 BUDGET SESSION

AN ACT relating to cities and towns; authorizing franchise fee agreements for access to public rights-of-way; providing limitations on franchise fee agreements as specified; providing exceptions; and providing for an effective date.

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

Section 1. W.S. 15-1-131 is created to read:

15-1-131. Communications companies franchise agreements authorized; limitations; procedure; exceptions.

(a) The governing body of a city or town may enter into a franchise agreement with a communications company, as defined by W.S. 1-26-813(b), for access to its public rights-of-way if the governing body deems the franchise agreement to be proper and the agreement meets the requirements of this section.

(b) All franchise agreements entered into by a governing body with a communications company under this section or with a cable company pursuant to 47 U.S.C. § 541 et seq. shall:

(i) Be fair and reasonable;

(ii) Be competitively neutral and nondiscriminatory;

(iii) Comply with all requirements of applicable federal and state laws and ordinance;

(iv) Not unreasonably impair or inhibit the deployment of communications services;

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(v) To the extent practical encourage the deployment of communications services to serve consumers.

(c) Franchise fees assessed under a franchise agreement entered into pursuant to this section shall:

(i) Be passed through to customers unless otherwise agreed;

(ii) Not be assessed on revenues from internet access service.

(d) A communications company assessed a franchise fee on local exchange services by a governing body may not be assessed any additional franchise fees by that governing body, including an assessment on any other communications services.

(e) A communications company proposing to enter into a franchise agreement shall provide to the governing body of the city or town a request for negotiations. Negotiations between the governing body and a proposed franchisee shall not exceed one hundred eighty (180) days unless agreed to by the parties in writing. A request made under this subsection shall include, at a minimum, the date of the request for negotiations, the proposed date for the start of negotiations, the date by which negotiations shall terminate and the contact information for the proposed franchisee.

(f) Any holder of a cable franchise pursuant to 47 U.S.C. § 541 et seq. shall be exempt from subsections (a), (c) and (e) of this section. Subject to federal law and the provisions of this subsection, a governing body may assess a franchise fee on gross revenues as determined in accordance

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with generally accepted accounting principles for the provision of cable service over a cable system operated by a holder of a cable franchise pursuant to 47 U.S.C. § 541 et seq. As used in this subsection, "gross revenues" shall not include any taxes, fees or assessments collected by a holder of a cable franchise from subscribers that are passed through to a government agency, including the user fee assessed by the federal communications commission, franchise fees, sales taxes and utility taxes. Nothing in this subsection shall be construed to prohibit or alter any decision by a governing body to not impose the franchise fee authorized by this section or any decision by a governing body to enter into an agreement with a holder of a cable franchise to impose a franchise fee on only a portion of the gross revenues from the provision of cable service subject to franchise fees under federal law and the provisions of this subsection.

Section 2. W.S. 15-1-103(a)(xxxiii)(intro) is amended to read:

15-1-103. General powers of governing bodies.

(a) The governing bodies of all cities and towns may:

(xxxiii) Grant franchises for such terms as the governing body deems proper to any utility company, and, for communication companies, in accordance with W.S. 15-1-131, provided no franchise may be entered into with any person in which that person is given an exclusive right for any purpose whatsoever and:

Section 3. Any existing franchises on the effective date of this act may continue until termination.

ORIGINAL HOUSE
BILL NO. HB0019

ENGROSSED

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Section 4. This act is effective July 1, 2020.

(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