

HOUSE BILL NO. HB0019

Municipal right-of-way franchise fees.

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

A BILL

for

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

5

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

7

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

9

10 **15-1-131. Communications companies franchise**
11 **agreements authorized; limitations; procedure; exceptions.**

12

13 (a) The governing body of a city or town may enter into
14 a franchise agreement with a communications company, as
15 defined by W.S. 1-26-813(b), for access to its public

1 rights-of-way if the governing body deems the franchise
2 agreement to be proper and the agreement meets the
3 requirements of this section.

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

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10 (i) Be fair and reasonable;

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12 (ii) Be competitively neutral and
13 nondiscriminatory;

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

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

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

23

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

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

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

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

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

1 negotiations, the date by which negotiations shall terminate
2 and the contact information for the proposed franchisee.

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4 (f) Any communications company with a cable television
5 franchise pursuant to 47 U.S.C. § 541 et seq. shall be exempt
6 from subsections (a), (c) and (e) of this section.

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

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11 **15-1-103. General powers of governing bodies.**

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

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

21

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

1

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

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4

(END)