

CHAPTER 134

GOVERNMENT - COUNTY

HOUSE BILL 17-1174

BY REPRESENTATIVE(S) Wilson, McLachlan, Valdez, Arndt, Becker K., Beckman, Catlin, Esgar, Garnett, Gray, Hamner, Hansen, Herod, Hooton, Kraft-Tharp, Michaelson Jenet, Mitsch Bush, Rosenthal, Salazar, Singer, Weissman, Winter, Young, Duran; also SENATOR(S) Crowder and Guzman, Cooke, Coram, Donovan, Fenberg, Fields, Gardner, Hill, Holbert, Jahn, Jones, Kefalas, Martinez Humenik, Merrifield, Priola, Scott, Tate, Zenzinger.

AN ACT

CONCERNING THE ESTABLISHMENT OF AN EXCEPTION FOR RURAL COUNTIES FROM THE LIMITATIONS ON THE ESTABLISHMENT OF A LOCAL IMPROVEMENT DISTRICT TO FUND THE CONSTRUCTION OF A TELECOMMUNICATIONS SERVICE IMPROVEMENT FOR ADVANCED SERVICE.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 30-20-603, **amend** (1)(g) as follows:

30-20-603. Improvements and funding authorized - how instituted - conditions - definitions. (1) (g) (I) ~~Any~~ A public utility or telecommunications service improvement funded by a district established pursuant to this part 6 shall be constructed only by or in agreement with a public utility or telecommunications service provider duly authorized by the public utilities commission, as applicable, to provide service, facilities, plants, or systems in the area in which the public utility or telecommunications service improvement is to be constructed and shall be owned, operated, and maintained by ~~such~~ THE public utility or telecommunications service provider. All other service improvements as defined in ~~paragraph (a) of this subsection~~ (1)(a) OF THIS SECTION funded pursuant to this part 6 shall be constructed by or in agreement with the service provider and owned and operated by the service provider. ~~No~~ NEITHER A district formed pursuant to this part 6, nor the county that forms the district, shall:

(A) Use the authority set forth ~~herein~~ IN THIS SECTION to provide, directly or indirectly, any services as defined in ~~paragraph (a) of this subsection~~ (1). ~~No district formed pursuant to this part 6, nor the county that forms the district, shall~~ (1)(a) OF THIS SECTION; OR

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(B) Have any right, title, or interest in any service improvement as defined in ~~paragraph (a) of this subsection~~ (1)(a) OF THIS SECTION funded by a district established pursuant to this part 6.

(II) IN COMPLIANCE WITH THE PROCEDURES SET FORTH IN SUBSECTION (1)(g)(I) OF THIS SECTION, A RURAL COUNTY MAY ESTABLISH A LOCAL IMPROVEMENT DISTRICT ONLY IN AN UNSERVED AREA TO CONTRACT WITH A TELECOMMUNICATIONS SERVICE PROVIDER OR AN ADVANCED SERVICE PROVIDER TO FUND THE CONSTRUCTION OF AN ADVANCED SERVICE IMPROVEMENT.

(III) FOR PURPOSES OF THIS SUBSECTION (1)(g):

(A) "ADVANCED SERVICE" HAS THE SAME MEANING AS "BROADBAND SERVICE" AS IT IS DEFINED IN SECTION 40-15-102 (3.3).

(B) "RURAL COUNTY" MEANS ANY COUNTY THAT HAS A POPULATION OF FEWER THAN SIXTY THOUSAND INHABITANTS.

(C) "UNSERVED AREA" HAS THE SAME MEANING AS SET FORTH IN SECTION 40-15-102 (32)(a).

SECTION 2. Act subject to petition - effective date - applicability.

(1) Except as otherwise provided in this section, this act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) Section 30-20-603 (1)(g)(II)(B), Colorado Revised Statutes, as amended in section 1 of this act, takes effect only if Senate Bill 17-042 does not become law.

(3) This act applies to local improvement districts formed on or after the applicable effective date of this act.

Approved: April 18, 2017