

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 17-0747.01 Jennifer Berman x3286

HOUSE BILL 17-1174

HOUSE SPONSORSHIP

Wilson, McLachlan, Valdez

SENATE SPONSORSHIP

(None),

House Committees
Business Affairs and Labor

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE ESTABLISHMENT OF AN EXCEPTION FOR RURAL
102 COUNTIES FROM THE REQUIREMENT THAT A COUNTY MUST
103 FIRST CONTRACT WITH A TELECOMMUNICATIONS SERVICE
104 PROVIDER BEFORE ESTABLISHING A LOCAL IMPROVEMENT
105 DISTRICT TO FUND THE CONSTRUCTION OF A
106 TELECOMMUNICATIONS SERVICE IMPROVEMENT.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Under current law, a county seeking to establish a local

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

improvement district to fund a telecommunications service improvement may only construct the improvement if the county has an agreement with a telecommunications service provider to provide service, facilities, plants, or systems in the area in which the improvement will be constructed. The improvement must then be owned, operated, and maintained by the telecommunications service provider. Neither the county nor the district created by the county is authorized to provide telecommunications services under the agreement or to have any right or interest in the service improvement.

The bill exempts a rural county with a population of fewer than 50,000 inhabitants from the requirements and limitations imposed on counties seeking to establish a local improvement district to fund a telecommunications service improvement.

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

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

4 **30-20-603. Improvements and funding authorized - how**
5 **instituted - conditions - definition.** (1) (g) (I) ~~Any~~ EXCEPT AS PROVIDED
6 IN SUBSECTION (1)(g)(II)(A) OF THIS SECTION, A public utility or
7 telecommunications service improvement funded by a district established
8 pursuant to this part 6 shall be constructed only by or in agreement with
9 a public utility or telecommunications service provider duly authorized
10 by the public utilities commission, as applicable, to provide service,
11 facilities, plants, or systems in the area in which the public utility or
12 telecommunications service improvement is to be constructed and shall
13 be owned, operated, and maintained by ~~such~~ THE public utility or
14 telecommunications service provider. All other service improvements as
15 defined in ~~paragraph (a) of this subsection~~ ~~(1)~~ (1)(a) OF THIS SECTION
16 funded pursuant to this part 6 shall be constructed by or in agreement with
17 the service provider and owned and operated by the service provider. ~~No~~
18 EXCEPT AS PROVIDED IN SUBSECTION (1)(g)(II)(A) OF THIS SECTION,

1 NEITHER A district formed pursuant to this part 6, nor the county that
2 forms the district, shall:

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

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

10 (II) (A) THE REQUIREMENTS AND PROHIBITIONS SET FORTH IN
11 SUBSECTION (1)(g)(I) OF THIS SECTION DO NOT APPLY TO A
12 TELECOMMUNICATIONS SERVICE IMPROVEMENT FUNDED BY A DISTRICT
13 ESTABLISHED BY A COUNTY THAT HAS A POPULATION OF FEWER THAN
14 FIFTY THOUSAND INHABITANTS.

15 (B) NOTWITHSTANDING SUBSECTION (1)(g)(II)(A) OF THIS
16 SECTION, A DISTRICT OR COUNTY THAT FORMS THE DISTRICT SHALL
17 COMPLY WITH THE REQUIREMENTS OF ARTICLE 27 OF TITLE 29 BEFORE
18 DIRECTLY OR INDIRECTLY PROVIDING ADVANCED SERVICE OR
19 TELECOMMUNICATIONS SERVICE.

20 **SECTION 2. Act subject to petition - effective date -**
21 **applicability.** (1) Except as otherwise provided in this section, this act
22 takes effect at 12:01 a.m. on the day following the expiration of the
23 ninety-day period after final adjournment of the general assembly (August
24 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a
25 referendum petition is filed pursuant to section 1 (3) of article V of the
26 state constitution against this act or an item, section, or part of this act
27 within such period, then the act, item, section, or part will not take effect

1 unless approved by the people at the general election to be held in
2 November 2018 and, in such case, will take effect on the date of the
3 official declaration of the vote thereon by the governor.

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

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