

CHAPTER 75

PUBLIC UTILITIES

SENATE BILL 96-010

BY SENATOR Feeley;
also REPRESENTATIVES Foster, Armstrong, Paschall, and Prinster.

AN ACT

CONCERNING LIMITATIONS ON THE POWERS OF MUNICIPALITIES TO PLACE CONDITIONS ON THE USE OF RIGHTS-OF-WAY, AND, IN CONNECTION THEREWITH, PROHIBITING DISCRIMINATION AGAINST PROVIDERS OF CERTAIN TYPES OF TELECOMMUNICATIONS SERVICES.

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

SECTION 1. Title 38, Colorado Revised Statutes, 1982 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW ARTICLE to read:

ARTICLE 5.5**Rights-of-way: Telecommunications Providers**

38-5.5-101. Legislative declaration. (1) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT:

(a) THE PASSAGE OF HOUSE BILL 95-1335 ENACTED AT THE FIRST REGULAR SESSION OF THE SIXTIETH GENERAL ASSEMBLY ESTABLISHED A POLICY WITHIN THE STATE TO ENCOURAGE COMPETITION AMONG THE VARIOUS TELECOMMUNICATIONS PROVIDERS, TO REDUCE THE BARRIERS TO ENTRY FOR THOSE PROVIDERS, TO AUTHORIZE AND ENCOURAGE COMPETITION WITHIN THE LOCAL EXCHANGE TELECOMMUNICATIONS MARKET, AND TO ENSURE THAT ALL CONSUMERS BENEFIT FROM SUCH COMPETITION AND EXPANSION.

(b) THE STATED GOALS OF HOUSE BILL 95-1335 WERE THAT ALL CITIZENS HAVE ACCESS TO A WIDER RANGE OF TELECOMMUNICATIONS SERVICES AT RATES THAT ARE REASONABLY COMPARABLE WITHIN THE STATE, THAT BASIC SERVICE BE AVAILABLE AND AFFORDABLE TO ALL CITIZENS, AND THAT UNIVERSAL ACCESS TO ADVANCED TELECOMMUNICATIONS SERVICES WOULD BE AVAILABLE TO ALL CONSUMERS. SUCH GOALS ARE ESSENTIAL TO THE ECONOMIC AND SOCIAL WELL-BEING OF THE CITIZENS

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

OF COLORADO AND CAN BE ACCOMPLISHED ONLY IF TELECOMMUNICATIONS PROVIDERS ARE ALLOWED TO DEVELOP UBIQUITOUS, SEAMLESS, STATEWIDE TELECOMMUNICATIONS NETWORKS. TO REQUIRE TELECOMMUNICATIONS COMPANIES TO SEEK AUTHORITY FROM EVERY POLITICAL SUBDIVISION WITHIN THE STATE TO CONDUCT BUSINESS IS UNREASONABLE, IMPRACTICAL, AND UNDULY BURDENSOME. IN ADDITION, THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT SINCE THE PUBLIC RIGHTS-OF-WAY ARE DEDICATED TO AND HELD ON A NONPROPRIETARY BASIS IN TRUST FOR THE USE OF THE PUBLIC, THEIR USE BY TELECOMMUNICATIONS COMPANIES IS CONSISTENT WITH SUCH POLICY AND APPROPRIATE FOR THE PUBLIC GOOD.

(2) THE GENERAL ASSEMBLY FURTHER FINDS, DETERMINES, AND DECLARES THAT NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO ALTER OR DIMINISH THE AUTHORITY OF POLITICAL SUBDIVISIONS OF THE STATE TO LAWFULLY EXERCISE THEIR POLICE POWERS WITH RESPECT TO ACTIVITIES OF TELECOMMUNICATIONS PROVIDERS WITHIN THEIR BOUNDARIES, AND, SUBJECT TO SUCH RESERVATION OF AUTHORITY, THAT:

(a) THE CONSTRUCTION, MAINTENANCE, OPERATION, OVERSIGHT, AND REGULATION OF TELECOMMUNICATIONS PROVIDERS AND THEIR FACILITIES IS A MATTER OF STATEWIDE CONCERN AND INTEREST;

(b) TELECOMMUNICATIONS PROVIDERS OPERATING UNDER THE AUTHORITY OF THE FEDERAL COMMUNICATIONS COMMISSION OR THE COLORADO PUBLIC UTILITIES COMMISSION PURSUANT TO ARTICLE 15 OF TITLE 40, C.R.S., REQUIRE NO ADDITIONAL AUTHORIZATION OR FRANCHISE BY ANY MUNICIPALITY OR OTHER POLITICAL SUBDIVISION OF THE STATE TO CONDUCT BUSINESS WITHIN A GIVEN GEOGRAPHIC AREA AND THAT NO SUCH POLITICAL SUBDIVISION HAS JURISDICTION TO REGULATE TELECOMMUNICATIONS PROVIDERS BASED UPON THE CONTENT, NATURE, OR TYPE OF TELECOMMUNICATIONS SERVICE OR SIGNAL THEY PROVIDE EXCEPT TO THE EXTENT GRANTED BY FEDERAL OR STATE LEGISLATION;

(c) TELECOMMUNICATIONS PROVIDERS HAVE A RIGHT TO OCCUPY AND UTILIZE THE PUBLIC RIGHTS-OF-WAY FOR THE EFFICIENT CONDUCT OF THEIR BUSINESS;

(d) ACCESS TO RIGHTS-OF-WAY AND OVERSIGHT OF THAT ACCESS MUST BE COMPETITIVELY NEUTRAL, AND NO TELECOMMUNICATIONS PROVIDER SHOULD ENJOY ANY COMPETITIVE ADVANTAGE OR SUFFER A COMPETITIVE DISADVANTAGE BY VIRTUE OF A SELECTIVE OR DISCRIMINATORY EXERCISE OF THE POLICE POWER BY A LOCAL GOVERNMENT.

38-5.5-102. Definitions. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "POLITICAL SUBDIVISION" MEANS A COUNTY, CITY AND COUNTY, CITY, TOWN, SERVICE AUTHORITY, SCHOOL DISTRICT, LOCAL IMPROVEMENT DISTRICT, LAW ENFORCEMENT AUTHORITY, WATER, SANITATION, FIRE PROTECTION, METROPOLITAN, IRRIGATION, DRAINAGE, OR OTHER SPECIAL DISTRICT, OR ANY OTHER KIND OF MUNICIPAL, QUASI-MUNICIPAL, OR PUBLIC CORPORATION ORGANIZED PURSUANT TO LAW.

(2) "PUBLIC HIGHWAY" OR "HIGHWAY" FOR PURPOSES OF THIS ARTICLE INCLUDES ALL ROADS, STREETS, AND ALLEYS AND ALL OTHER DEDICATED RIGHTS-OF-WAY AND UTILITY EASEMENTS OF THE STATE OR ANY OF ITS POLITICAL SUBDIVISIONS, WHETHER LOCATED WITHIN THE BOUNDARIES OF A POLITICAL SUBDIVISION OR OTHERWISE.

(3) "TELECOMMUNICATIONS PROVIDER" OR "PROVIDER" MEANS A PERSON THAT PROVIDES TELECOMMUNICATIONS SERVICE, AS DEFINED IN SECTION 40-15-102 (29), C.R.S., WITH THE EXCEPTION OF CABLE SERVICES AS DEFINED BY SECTION 602(5) OF THE FEDERAL "CABLE COMMUNICATIONS POLICY ACT OF 1984", 47 U.S.C. SEC. 522(c), PURSUANT TO AUTHORITY GRANTED BY THE PUBLIC UTILITIES COMMISSION OF THIS STATE OR BY THE FEDERAL COMMUNICATIONS COMMISSION. "TELECOMMUNICATIONS PROVIDER" OR "PROVIDER" DOES NOT MEAN A PERSON OR BUSINESS USING ANTENNAS, SUPPORT TOWERS, EQUIPMENT, AND BUILDINGS USED TO TRANSMIT HIGH POWER OVER-THE-AIR BROADCAST OF AM AND FM RADIO, VHF AND UHF TELEVISION, AND ADVANCED TELEVISION SERVICES, INCLUDING HIGH DEFINITION TELEVISION. THE TERM "TELECOMMUNICATIONS PROVIDER" IS SYNONYMOUS WITH "TELECOMMUNICATION PROVIDER".

38-5.5-103. Use of public highways - discrimination prohibited - content regulation prohibited. (1) ANY DOMESTIC OR FOREIGN TELECOMMUNICATIONS PROVIDER AUTHORIZED TO DO BUSINESS UNDER THE LAWS OF THIS STATE SHALL HAVE THE RIGHT TO CONSTRUCT, MAINTAIN, AND OPERATE CONDUIT, CABLE, SWITCHES, AND RELATED APPURTENANCES AND FACILITIES ALONG, ACROSS, UPON, AND UNDER ANY PUBLIC HIGHWAY IN THIS STATE, SUBJECT TO THE PROVISIONS OF THIS ARTICLE AND OF ARTICLE 1.5 OF TITLE 9, C.R.S.; AND THE CONSTRUCTION, MAINTENANCE, OPERATION, AND REGULATION OF SUCH FACILITIES, INCLUDING THE RIGHT TO OCCUPY AND UTILIZE THE PUBLIC RIGHTS-OF-WAY, BY TELECOMMUNICATIONS PROVIDERS ARE HEREBY DECLARED TO BE MATTERS OF STATEWIDE CONCERN. SUCH FACILITIES SHALL BE SO CONSTRUCTED AND MAINTAINED AS NOT TO OBSTRUCT OR HINDER THE USUAL TRAVEL ON SUCH HIGHWAY.

(2) NO POLITICAL SUBDIVISION SHALL DISCRIMINATE AMONG OR GRANT A PREFERENCE TO COMPETING TELECOMMUNICATIONS PROVIDERS IN THE ISSUANCE OF PERMITS OR THE PASSAGE OF ANY ORDINANCE FOR THE USE OF ITS RIGHTS-OF-WAY, NOR CREATE OR ERECT ANY UNREASONABLE REQUIREMENTS FOR ENTRY TO THE RIGHTS-OF-WAY FOR SUCH PROVIDERS.

(3) NO POLITICAL SUBDIVISION SHALL REGULATE TELECOMMUNICATIONS PROVIDERS BASED UPON THE CONTENT OR TYPE OF SIGNALS THAT ARE CARRIED OR CAPABLE OF BEING CARRIED OVER THE PROVIDER'S FACILITIES; EXCEPT THAT NOTHING IN THIS SUBSECTION (3) SHALL BE CONSTRUED TO PREVENT SUCH REGULATION BY A POLITICAL SUBDIVISION WHEN THE AUTHORITY TO SO REGULATE HAS BEEN GRANTED TO THE POLITICAL SUBDIVISION UNDER FEDERAL LAW.

38-5.5-104. Right-of-way across state land. ANY DOMESTIC OR FOREIGN TELECOMMUNICATIONS PROVIDER AUTHORIZED TO DO BUSINESS UNDER THE LAWS OF THIS STATE SHALL HAVE THE RIGHT TO CONSTRUCT, MAINTAIN, AND OPERATE LINES OF COMMUNICATION, SWITCHES, AND RELATED FACILITIES AND OBTAIN PERMANENT RIGHT-OF-WAY THEREFOR OVER, UPON, UNDER, AND ACROSS ALL PUBLIC LANDS OWNED BY OR UNDER THE CONTROL OF THE STATE, UPON THE PAYMENT OF SUCH JUST COMPENSATION AND UPON COMPLIANCE WITH SUCH REASONABLE CONDITIONS AS MAY

BE REQUIRED BY THE STATE BOARD OF LAND COMMISSIONERS.

38-5.5-105. Power of companies to contract. ANY DOMESTIC OR FOREIGN TELECOMMUNICATIONS PROVIDER SHALL HAVE POWER TO CONTRACT WITH ANY PERSON OR CORPORATION, THE OWNER OF ANY LANDS OR ANY FRANCHISE, EASEMENT, OR INTEREST THEREIN OVER OR UNDER WHICH THE PROVIDER'S CONDUITS, CABLE, SWITCHES, AND RELATED APPURTENANCES AND FACILITIES ARE PROPOSED TO BE LAID OR CREATED FOR THE RIGHT-OF-WAY FOR THE CONSTRUCTION, MAINTENANCE, AND OPERATION OF SUCH FACILITIES AND FOR THE ERECTION, MAINTENANCE, OCCUPATION, AND OPERATION OF OFFICES AT SUITABLE DISTANCES FOR THE PUBLIC ACCOMMODATION.

38-5.5-106. Consent necessary to use of streets. (1) (a) NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO AUTHORIZE ANY TELECOMMUNICATIONS PROVIDER TO ERECT ANY POLES OR CONSTRUCT ANY CONDUIT, CABLE, SWITCH, OR RELATED APPURTENANCES AND FACILITIES ALONG, THROUGH, IN, UPON, UNDER, OR OVER ANY PUBLIC HIGHWAY WITHIN A POLITICAL SUBDIVISION WITHOUT FIRST OBTAINING THE CONSENT OF THE AUTHORITIES HAVING POWER TO GIVE THE CONSENT OF SUCH POLITICAL SUBDIVISION.

(b) A TELECOMMUNICATIONS PROVIDER THAT, ON OR BEFORE THE EFFECTIVE DATE OF THIS SECTION, EITHER HAS OBTAINED CONSENT OF THE POLITICAL SUBDIVISION HAVING POWER TO GIVE SUCH CONSENT OR IS LAWFULLY OCCUPYING A PUBLIC HIGHWAY IN A POLITICAL SUBDIVISION SHALL NOT BE REQUIRED TO APPLY FOR ADDITIONAL OR CONTINUED CONSENT OF SUCH POLITICAL SUBDIVISION UNDER THIS SECTION.

(2) CONSENT FOR THE USE OF A PUBLIC HIGHWAY WITHIN A POLITICAL SUBDIVISION SHALL BE BASED UPON A LAWFUL EXERCISE OF THE POLICE POWER OF SUCH POLITICAL SUBDIVISION AND SHALL NOT BE UNREASONABLY WITHHELD, NOR SHALL ANY PREFERENCE OR DISADVANTAGE BE CREATED THROUGH THE GRANTING OR WITHHOLDING OF SUCH CONSENT.

38-5.5-107. Permissible taxes, fees, and charges. (1) (a) NO POLITICAL SUBDIVISION SHALL LEVY A TAX, FEE, OR CHARGE FOR ANY RIGHT OR PRIVILEGE OF ENGAGING IN A BUSINESS OR FOR USE OF A PUBLIC HIGHWAY OTHER THAN:

(I) A LICENSE FEE OR TAX AUTHORIZED UNDER SECTION 31-15-501 (1) (c), C.R.S., OR ARTICLE XX OF THE STATE CONSTITUTION; AND

(II) A STREET OR PUBLIC HIGHWAY CONSTRUCTION PERMIT FEE, TO THE EXTENT THAT SUCH PERMIT FEE APPLIES TO ALL PERSONS SEEKING A CONSTRUCTION PERMIT.

(b) ALL FEES AND CHARGES LEVIED BY A POLITICAL SUBDIVISION SHALL BE REASONABLY RELATED TO THE COSTS DIRECTLY INCURRED BY THE POLITICAL SUBDIVISION IN PROVIDING SERVICES RELATING TO THE GRANTING OR ADMINISTRATION OF PERMITS. SUCH FEES AND CHARGES ALSO SHALL BE REASONABLY RELATED IN TIME TO THE OCCURRENCE OF SUCH COSTS. IN ANY CONTROVERSY CONCERNING THE APPROPRIATENESS OF A FEE OR CHARGE, THE POLITICAL SUBDIVISION SHALL HAVE THE BURDEN OF PROVING THAT THE FEE OR CHARGE IS REASONABLY RELATED TO THE DIRECT COSTS INCURRED BY THE POLITICAL

SUBDIVISION. ALL COSTS OF CONSTRUCTION SHALL BE BORNE BY THE PROVIDER.

(2) (a) ANY TAX, FEE, OR CHARGE IMPOSED BY A POLITICAL SUBDIVISION SHALL BE COMPETITIVELY NEUTRAL AMONG TELECOMMUNICATIONS PROVIDERS.

(b) NOTHING IN THIS ARTICLE OR IN ARTICLE 32 OF TITLE 31, C.R.S., SHALL INVALIDATE A TAX OR FEE IMPOSED IF SUCH TAX OR FEE CANNOT LEGALLY BE IMPOSED UPON ANOTHER PROVIDER OR SERVICE BECAUSE OF THE REQUIREMENTS OF STATE OR FEDERAL LAW OR BECAUSE SUCH OTHER PROVIDER IS EXEMPT FROM TAXATION OR LACKS A TAXABLE NEXUS WITH THE POLITICAL SUBDIVISION IMPOSING THE TAX OR FEE.

(c) IF A POLITICAL SUBDIVISION IMPOSES A TAX ON A PROVIDER AND SUCH TAX DOES NOT APPLY TO OTHER PROVIDERS OF COMPARABLE TELECOMMUNICATIONS SERVICES DUE TO THE LANGUAGE OF THE ORDINANCE OR RESOLUTION THAT IMPOSES THE TAX, THEN THE GOVERNING BODY OF THE POLITICAL SUBDIVISION SHALL TAKE ONE OF THE FOLLOWING TWO COURSES OF ACTION:

(I) IF IT CAN DO SO WITHOUT VIOLATING THE ELECTION REQUIREMENTS OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, THE GOVERNING BODY SHALL AMEND THE ORDINANCE OR RESOLUTION THAT IMPOSES THE TAX SO AS TO EXTEND THE TAX TO PROVIDERS OF COMPARABLE TELECOMMUNICATIONS SERVICES; OR

(II) IF AN ELECTION IS REQUIRED UNDER SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, THE GOVERNING BODY SHALL CAUSE AN ELECTION TO BE HELD IN ACCORDANCE WITH SAID SECTION 20 TO AUTHORIZE THE EXTENSION OF THE TAX TO PROVIDERS OF COMPARABLE TELECOMMUNICATIONS SERVICES. IF THE EXTENSION OF THE TAX IS NOT APPROVED BY THE VOTERS AT SUCH ELECTION, THEN THE EXISTING TAX SHALL NO LONGER APPLY TO THE PROVIDERS THAT HAD BEEN SUBJECT TO THE TAX IMMEDIATELY BEFORE THE ELECTION.

(3) TAXES, FEES, AND CHARGES IMPOSED SHALL NOT BE COLLECTED THROUGH THE PROVISION OF IN-KIND SERVICES BY TELECOMMUNICATIONS PROVIDERS, NOR SHALL ANY POLITICAL SUBDIVISION REQUIRE THE PROVISION OF IN-KIND SERVICES AS A CONDITION OF CONSENT TO USE A HIGHWAY.

(4) THE TERMS OF ALL AGREEMENTS BETWEEN POLITICAL SUBDIVISIONS AND TELECOMMUNICATIONS PROVIDERS REGARDING USE OF HIGHWAYS SHALL BE MATTERS OF PUBLIC RECORD AND SHALL BE MADE AVAILABLE UPON REQUEST PURSUANT TO ARTICLE 72 OF TITLE 24, C.R.S.

38-5.5-108. Pole attachment agreements - limitations on required payments.

(1) NO MUNICIPALLY OWNED UTILITY SHALL REQUEST OR RECEIVE FROM A TELECOMMUNICATIONS PROVIDER OR A CABLE TELEVISION PROVIDER AS DEFINED IN SECTION 602(5) OF THE FEDERAL "CABLE POLICY ACT OF 1984", IN EXCHANGE FOR PERMISSION TO ATTACH TELECOMMUNICATIONS DEVICES TO POLES, ANY PAYMENT IN EXCESS OF THE AMOUNT THAT WOULD BE AUTHORIZED IF THE MUNICIPALLY OWNED UTILITY WERE REGULATED PURSUANT TO 47 U.S.C. SEC. 224, AS AMENDED.

(2) NO MUNICIPALITY SHALL REQUEST OR RECEIVE FROM A TELECOMMUNICATIONS PROVIDER, IN EXCHANGE FOR OR AS A CONDITION UPON A GRANT OF PERMISSION TO

ATTACH TELECOMMUNICATIONS DEVICES TO POLES, ANY IN-KIND PAYMENT.

SECTION 2. 38-5-101, Colorado Revised Statutes, 1982 Repl. Vol., is amended to read:

38-5-101. Use of public highways. Any domestic or foreign ~~telegraph, telephone,~~ electric light power, gas, or pipeline company authorized to do business under the laws of this state or any city or town owning electric power producing or distribution facilities shall have the right to construct, maintain, and operate lines of ~~telegraph, telephone,~~ electric light, wire or power or pipeline along, across, upon, and under any public highway in this state, subject to the provisions of this article. Such lines of ~~telegraph, telephone,~~ electric light, wire or power, or pipeline shall be so constructed and maintained as not to obstruct or hinder the usual travel on such highway.

SECTION 3. 38-5-102, Colorado Revised Statutes, 1982 Repl. Vol., is amended to read:

38-5-102. Right-of-way across state land. Any domestic or foreign ~~telegraph, telephone,~~ electric light power, gas, or pipeline company authorized to do business under the laws of this state, or any city or town owning electric power producing or distribution facilities shall have the right to construct, maintain, and operate lines of ~~telegraph, telephone,~~ electric light wire or power or pipeline and obtain permanent right-of-way therefor over, upon, under, and across all public lands owned by or under the control of the state, upon the payment of such compensation and upon compliance with such reasonable conditions as may be required by the state board of land commissioners.

SECTION 4. 38-5-103, Colorado Revised Statutes, 1982 Repl. Vol., is amended to read:

38-5-103. Power of companies to contract. Such ~~telegraph, telephone,~~ electric light power, gas, or pipeline company, or such city or town shall have power to contract with any person or corporation, the owner of any lands or any franchise, easement, or interest therein over or under which the line of ~~telegraph, telephone,~~ electric light wire power or pipeline is proposed to be laid or created for the right-of-way for the construction, maintenance, and operation of its ~~telegraph, telephone,~~ electric light wires, pipes, poles, regulator stations, substations, or other property and for the erection, maintenance, occupation, and operation of offices at suitable distances for the public accommodation.

SECTION 5. 38-5-107 (1), Colorado Revised Statutes, 1982 Repl. Vol., is amended to read:

38-5-107. Companies, cities, and towns carrying high voltage - crossings - arbitration. (1) Any person, corporation, or city or town seeking to secure a right-of-way for lines of ~~telegraph, telephone,~~ electric light or for the transmission of electric power for any purpose over, under, or across any right-of-way of any other person, corporation, or city or town for such purposes or seeking to erect or construct its lines of wire under or over the lines of wire already constructed by such other person, corporation, or city or town for any such purposes upon, under, along, or across any public highway or upon, under, along, or across any public lands owned

or controlled by the state of Colorado before constructing such lines or wires over, under, or across such rights-of-way or wires of other persons, corporations, or cities or towns, where either of said lines or wires carry a current at an electrical pressure of five thousand volts or more, shall agree with such other persons, corporations, or cities or towns as to the conditions under or upon which such overhead or underneath construction or crossing shall be made, looking to the due protection and safeguard of the wires of the person, corporation, or city or town already having a right-of-way for such wires and looking to the safety of life, health, and property. In case of an inability to agree upon the conditions under or upon which such overhead or underneath crossings shall be made, the person, corporation, or city or town owning and operating or controlling the lines of wires already built or constructed and the person, corporation, or city or town seeking to construct new lines or wires or to make said crossings shall each select a person as an arbitrator, which two persons shall determine said conditions under or upon which such overhead or underneath construction or crossing shall be made. In case of a disagreement in regard thereto by the arbitrators, they shall select a third person to act with them, and the decision made by any two of said arbitrators shall be final and binding upon the person, corporation, or city or town so seeking to make or construct the crossings, who shall construct the crossings in a manner determined by such arbitrators.

SECTION 6. 38-5-108, Colorado Revised Statutes, 1982 Repl. Vol., is amended to read:

38-5-108. Consent necessary to use of streets. Nothing in this article shall be construed to authorize any person, partnership, association, corporation, or city or town to erect any poles, construct any ~~telegraph, telephone,~~ electric light power line, or pipeline, or extend any wires or lines along, through, in, upon, under, or over any streets or alleys of any city or incorporated town without first obtaining the consent of the municipal authorities having power to give the consent of such city or incorporated town.

SECTION 7. No appropriation. The general assembly has determined that this act can be implemented within existing appropriations, and therefore no separate appropriation of state moneys is necessary to carry out the purpose of this act.

SECTION 8. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 12, 1996