

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 17-0747.01 Jennifer Berman x3286

HOUSE BILL 17-1174

HOUSE SPONSORSHIP

Wilson, McLachlan, Valdez

SENATE SPONSORSHIP

Crowder and Guzman,

House Committees
Business Affairs and Labor

Senate Committees
Local Government

A BILL FOR AN ACT

101 **CONCERNING THE ESTABLISHMENT OF AN EXCEPTION FOR RURAL**
102 **COUNTIES FROM THE LIMITATIONS ON THE ESTABLISHMENT OF**
103 **A LOCAL IMPROVEMENT DISTRICT TO FUND THE CONSTRUCTION**
104 **OF A TELECOMMUNICATIONS SERVICE IMPROVEMENT FOR**
105 **ADVANCED SERVICE.**

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 improvement district to fund a telecommunications service improvement

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.

SENATE
3rd Reading Unamended
March 29, 2017

SENATE
Amended 2nd Reading
March 28, 2017

HOUSE
3rd Reading Unamended
March 15, 2017

HOUSE
Amended 2nd Reading
March 14, 2017

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 - definitions.** (1) (g) (I) ~~Any~~ A public utility or
6 telecommunications service improvement funded by a district established
7 pursuant to this part 6 shall be constructed only by or in agreement with
8 a public utility or telecommunications service provider duly authorized
9 by the public utilities commission, as applicable, to provide service,
10 facilities, plants, or systems in the area in which the public utility or
11 telecommunications service improvement is to be constructed and shall
12 be owned, operated, and maintained by ~~such~~ THE public utility or
13 telecommunications service provider. All other service improvements as
14 defined in ~~paragraph (a) of this subsection~~ (1) (a) OF THIS SECTION
15 funded pursuant to this part 6 shall be constructed by or in agreement with
16 the service provider and owned and operated by the service provider. ~~No~~
17 ~~NEITHER~~ A district formed pursuant to this part 6, nor the county that
18 forms the district, shall:

19 (A) Use the authority set forth ~~herein~~ IN THIS SECTION to provide,

1 directly or indirectly, any services as defined in ~~paragraph (a) of this~~
2 subsection ~~(1)~~. No district formed pursuant to this part 6, nor the county
3 that forms the district, shall (1)(a) OF THIS SECTION; OR

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

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

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

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

16 (B) "RURAL COUNTY" MEANS ANY COUNTY THAT HAS A
17 POPULATION OF FEWER THAN SIXTY THOUSAND INHABITANTS; AND

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

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.