

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

April 5, 2005
Date

Committee on Local Government.

After consideration on the merits, the Committee recommends the following:

SB05-152 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 1 Amend reengrossed bill, page 3, line 27, strike "ONE HUNDRED FORTY-
2 FOUR" and substitute "TWO HUNDRED FIFTY-SIX".

- 3 Page 4, line 16, after the period, add "A PERSON THAT UTILIZES CABLE
4 TELEVISION SERVICE, TELECOMMUNICATIONS SERVICE, OR ADVANCED
5 SERVICE PROVIDED BY A LOCAL GOVERNMENT FOR LOCAL GOVERNMENTAL
6 OR INTERGOVERNMENTAL PURPOSES AND IS USED BY PERSONS ACCESSING
7 GOVERNMENT SERVICES IS NOT A SUBSCRIBER FOR PURPOSES OF THIS
8 ARTICLE.";

- 9 line 21, strike "PART 2 OF".

- 10 Page 5, line 5, strike "SERVICE:" and substitute "SERVICE TO ONE OR MORE
11 SUBSCRIBERS:";

- 12 strike line 6 and substitute the following:
13 (a) DIRECTLY;

- 14 (b) INDIRECTLY BY MEANS THAT INCLUDE BUT ARE NOT LIMITED TO
15 THE FOLLOWING:";

- 16 line 7, strike "(b)" and substitute "(I)";

- 17 line 10, strike "(c)" and substitute "(II)";

1 after line 10, insert the following:

2 "(III) THROUGH A SALE AND LEASE BACK ARRANGEMENT;"

3 Reletter succeeding paragraphs accordingly.

4 Page 5, line 13, after "FACILITIES", insert "DESIGNED OR CONSTRUCTED TO
5 PROVIDE CABLE TELEVISION SERVICE, TELECOMMUNICATIONS SERVICE, OR
6 ADVANCED SERVICE FOR INTERNAL LOCAL GOVERNMENT PURPOSES";

7 line 16, strike "SERVICE;" and substitute "SERVICE; OR";

8 strike lines 17 through 22 and substitute the following:

9 "(d) THROUGH SALE OR PURCHASE OF RESALE OR WHOLESALE
10 CABLE TELEVISION SERVICE, TELECOMMUNICATIONS SERVICE, OR
11 ADVANCED SERVICE FOR THE PURPOSE OF PROVIDING CABLE TELEVISION
12 SERVICE, TELECOMMUNICATIONS SERVICE, OR ADVANCED SERVICE TO ONE
13 OR MORE SUBSCRIBERS.

14 (3) NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO LIMIT THE
15 AUTHORITY OF A LOCAL GOVERNMENT TO LEASE SPACE ON MUNICIPAL
16 COMMUNICATIONS TOWERS TO A PRIVATE PROVIDER."

17 Page 6, strike lines 6 through 16.

18 Renumber succeeding subsection accordingly.

19 Page 6, strike lines 18 through 21 and substitute the following:

20 "SECTION SHALL POSE THE QUESTION AS A SINGLE SUBJECT AND SHALL
21 INCLUDE A DESCRIPTION OF THE NATURE OF THE PROPOSED SERVICE, THE
22 ROLE THAT THE LOCAL GOVERNMENT WILL HAVE IN PROVISION OF THE
23 SERVICE, AND THE INTENDED SUBSCRIBERS OF SUCH SERVICE. THE BALLOT
24 PROPOSITION".

25 Page 7, strike lines 2 and 3 and substitute the following:

26 "(a) NO PRIVATE PROVIDER OF CABLE TELEVISION SERVICE,
27 TELECOMMUNICATIONS SERVICE, OR ADVANCED SERVICE PROVIDES
28 SERVICE ANYWHERE WITHIN THE BOUNDARIES OF THE LOCAL
29 GOVERNMENT;"

1 strike lines 11 through 13 and substitute the following:

2 "(b) OF THIS SUBSECTION (1) TO PROVIDE THE SERVICE OR, IF THE
3 PROVIDER HAS AGREED, IT HAS NOT COMMENCED PROVIDING THE SERVICE
4 WITHIN FOURTEEN MONTHS OF THE RECEIPT OF THE REQUEST.";

5 strike lines 22 and 23 and substitute the following:

6 "REGULATIONS GOVERNING PROVISION OF SUCH SERVICE BY A PRIVATE
7 PROVIDER; EXCEPT THAT NOTHING HEREIN SHALL BE CONSTRUED TO
8 AFFECT THE JURISDICTION OF THE PUBLIC UTILITIES COMMISSION WITH
9 RESPECT TO MUNICIPAL UTILITIES."

10 Page 8, line 8, strike "BONDING;" and substitute "BONDING WHERE AN
11 ENTITY OTHER THAN THE LOCAL GOVERNMENT IS PERFORMING THE
12 WORK;"

13 line 22, strike "OR" and substitute "MAINTAINING, OR OPERATING";

14 line 23, strike "EQUIPPING";

15 line 24, strike "WITHIN";

16 strike line 25 and substitute "THAT THE LOCAL GOVERNMENT USES FOR";

17 line 26, strike "GOVERNMENTAL" and substitute "OR
18 INTERGOVERNMENTAL";

19

20 strike line 27 and substitute the following:

21 "(3) NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO APPLY TO
22 THE SALE OR LEASE BY A LOCAL GOVERNMENT TO PRIVATE PROVIDERS OF
23 EXCESS CAPACITY, PROVIDED:

24 (a) SUCH EXCESS CAPACITY IS INSUBSTANTIAL IN RELATION TO THE
25 CAPACITY UTILIZED BY THE LOCAL GOVERNMENT FOR ITS OWN PURPOSES;
26 AND

27 (b) THE OPPORTUNITY TO PURCHASE AND THE OPPORTUNITY TO USE
28 SUCH EXCESS CAPACITY IS MADE AVAILABLE TO ANY PRIVATE PROVIDER
29 IN A NONDISCRIMINATORY, NONEXCLUSIVE, AND COMPETITIVELY NEUTRAL
30 MANNER."

1 Page 9, strike lines 1 through 3 and substitute the following:

2 "(4) NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO LIMIT
3 EITHER THE AUTHORITY OF THE STATEWIDE INTERNET PORTAL AUTHORITY
4 CREATED IN SECTION 24-37.7-102, C.R.S., TO CARRY OUT ITS MISSION OR
5 TO INTEGRATE THE ELECTRONIC INFORMATION DELIVERY SYSTEMS OF
6 LOCAL GOVERNMENTS INTO THE STATEWIDE INTERNET PORTAL AS DEFINED
7 IN ARTICLE 37.7 OF TITLE 24, C.R.S.";

8 strike lines 15 through 21 and substitute the following:

9 "**29-27-304. Applicability.** THIS ARTICLE SHALL APPLY TO CABLE
10 TELEVISION SERVICE, TELECOMMUNICATIONS SERVICE, AND ADVANCED
11 SERVICE AND TO THE PURCHASE, LEASE, CONSTRUCTION, MAINTENANCE,
12 OR OPERATION OF ANY FACILITY FOR THE PURPOSE OF PROVIDING SUCH
13 SERVICE, FOR WHICH A LOCAL GOVERNMENT HAS NOT ENTERED INTO AN
14 AGREEMENT OR OTHERWISE TAKEN ANY SUBSTANTIAL ACTION PRIOR TO
15 MARCH 1, 2005, TO PROVIDE SUCH SERVICE OR PURCHASE, LEASE,
16 CONSTRUCT, MAINTAIN, OR OPERATE SUCH FACILITIES."

17 Renumber succeeding section accordingly.

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