

**Second Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 12-0157.04 Chuck Brackney x2295

**SENATE BILL 12-129**

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**SENATE SPONSORSHIP**

**Schwartz**, Aguilar, Bacon, Grantham, Harvey, Heath, Hodge, Hudak, Johnston, King S.,  
Lundberg, Newell, Roberts, Steadman, Tochtrop, White, Williams S.

**HOUSE SPONSORSHIP**

**Coram,**

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**Senate Committees**

Agriculture, Natural Resources, and Energy

**House Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING ACCESS TO AFFORDABLE BROADBAND INTERNET**  
102 **CONNECTIVITY IN NONCOMPETITIVE RURAL AREAS.**

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**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://www.leg.state.co.us/billsummaries>.)*

The bill creates definitions of "broadband" and "broadband access". It also requires the public utilities commission, in collaboration with the office of information technology and other broadband providers, to make recommendations regarding a strategy to connect more Coloradans in noncompetitive unserved and underserved markets to

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.*

broadband. The commission and the office of information technology, using existing office broadband data and mapping, must identify noncompetitive unserved and underserved areas of the state no later than January 1, 2013.

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

2           **SECTION 1. Legislative declaration.** The general assembly  
3 hereby finds and declares that more clarity is needed with regard to state  
4 support for broadband deployment. This clarity would enhance economic  
5 development and job creation opportunities, provide access to essential  
6 services such as health care and education, facilitate the delivery of  
7 government services, and promote civic engagement.

8           **SECTION 2.** In Colorado Revised Statutes, 24-37.5-102, amend  
9 (1); and add (1.2) as follows:

10           **24-37.5-102. Definitions - repeal.** As used in this article, unless  
11 the context otherwise requires:

12           (1) "Chief information officer" means the chief information  
13 officer appointed pursuant to section 24-37.5-103 "BROADBAND ACCESS"  
14 MEANS A BROADBAND CONNECTION ALLOWING USERS TO ACCESS THE  
15 INTERNET AND INTERNET-RELATED SERVICES AT A MINIMUM OF FOUR  
16 MEGABITS PER SECOND DOWNLOAD SPEED AND ONE MEGABIT PER SECOND  
17 UPLOAD SPEED."

18           (1.2) "CHIEF INFORMATION OFFICER" MEANS THE CHIEF  
19 INFORMATION OFFICER APPOINTED PURSUANT TO SECTION 24-37.5-103.

20           **SECTION 3.** In Colorado Revised Statutes, 24-37.5-105, add  
21 (12) as follows:

22           **24-37.5-105. Office - responsibilities - rules - broadband access**  
23 **- repeal.** (12) THE OFFICE OF INFORMATION TECHNOLOGY, IN

1 COLLABORATION WITH THE PUBLIC UTILITIES COMMISSION AND  
2 BROADBAND SERVICE PROVIDERS, SHALL USE ITS BEST EFFORT TO IDENTIFY  
3 AND MAP AREAS OF THE STATE WITHOUT BROADBAND ACCESS AS DEFINED  
4 IN SECTION 24-37.5-102. THE OFFICE SHALL COMPLETE A GEOGRAPHIC  
5 DATABASE OF AREAS OF THE STATE WITHOUT BROADBAND ACCESS NO  
6 LATER THAN JANUARY 1, 2013. THE OFFICE SHALL MAP ALL EXISTING  
7 PHYSICAL BROADBAND ASSETS OWNED BY THE STATE OF COLORADO,  
8 INCLUDING FIBER, TOWERS, CONDUIT, AND ACCESS POINTS, FOR ALL STATE  
9 AGENCIES, ENTITIES, AND DEPARTMENTS. STATE AGENCIES, ENTITIES, AND  
10 DEPARTMENTS MUST PROVIDE THE NECESSARY DATA TO THE OFFICE. THE  
11 OFFICE MAY ESTABLISH AN ADVISORY PANEL CONSISTING OF MEMBERS  
12 FROM STATE AND LOCAL GOVERNMENT, BROADBAND SERVICE PROVIDERS,  
13 AND OTHER KEY STAKEHOLDERS TO IDENTIFY WHETHER ADDITIONAL  
14 SUPPORT MECHANISMS ARE NECESSARY TO BRING BROADBAND ACCESS TO  
15 A MAXIMUM NUMBER OF AREAS OF THE STATE WITHOUT BROADBAND  
16 ACCESS. THE OFFICE MAY APPLY TO THE PUBLIC UTILITIES COMMISSION  
17 FOR GRANT FUNDS FOR THE PURPOSE OF THIS SUBSECTION (12). THE OFFICE  
18 IS RESPONSIBLE FOR IMPLEMENTING ONLY THOSE ASPECTS OF THIS  
19 SUBSECTION (12) FOR WHICH GRANT FUNDING IS RECEIVED. \_\_\_

20           **SECTION 4. Safety clause.** The general assembly hereby finds,  
21 determines, and declares that this act is necessary for the immediate  
22 preservation of the public peace, health, and safety.