

SENATE FLOOR AMENDMENT

Second Reading

BY SENATOR Coram

1 Amend the Appropriations Committee Report, dated June 3, 2021, page
2 1, after line 21 insert:

3 "Renumber succeeding sections accordingly."

4 Page 7 of the report, after line 12 insert:

5 "Page 27 of reengrossed bill, after line 2 insert:

6 **"SECTION 13.** In Colorado Revised Statutes, 43-1-1204, **amend**
7 (5) as follows:

8 **43-1-1204. Public-private initiative agreement - definition.**

9 (5) (a) EXCEPT AS PROVIDED IN SUBSECTION (5)(b) OF THIS SECTION:

10 (I) The department shall not enter into any exclusive arrangement,
11 lease, or other agreement for use of the public rights-of-way by a
12 telecommunications provider that in any way discriminates or prevents a
13 similar arrangement being made with any other telecommunications
14 provider;

15 (II) All leases of rights-of-way to telecommunications providers
16 must be done on a nondiscriminatory same-term basis; AND

17 (III) If a telecommunications provider compensates the state in
18 other than cash, a cash equivalent value must be imputed and attached to
19 the agreement, and any other telecommunications provider may have
20 equal access to the right-of-way for the cash equivalent. The cash
21 equivalent shall be an estimate of the fair market value of the service or
22 product provided to the state, and a telecommunications provider may ask
23 a court of competent jurisdiction to review the imputed monetary amount
24 which the court may lower to the reasonable fair market value if
25 necessary.

26 (b) (I) A BROADBAND PROVIDER'S USE OF THE PUBLIC
27 RIGHTS-OF-WAY IS NOT SUBJECT TO THE REQUIREMENTS SET FORTH IN
28 SUBSECTION (5)(a) OF THIS SECTION. ANY EXCLUSIVE ARRANGEMENT,
29 LEASE, OR OTHER AGREEMENT THAT THE DEPARTMENT ENTERS INTO WITH
30 A BROADBAND PROVIDER FOR USE OF A PUBLIC RIGHT-OF-WAY MUST
31 INCLUDE REASONABLE FEES THAT DIRECTLY RELATE TO THE PROCESSING
32 OF THE PERMITTING APPLICATION.

33 (II) AS USED IN THIS SECTION, "BROADBAND PROVIDER" HAS THE
34 MEANING SET FORTH IN SECTION 38-5.5-102 (3)."

35 Renumber succeeding sections accordingly."

- 1 Page 7 of the report, line 32, strike "13" and substitute "15".
- 2 Page 8, line 1, strike "13" and substitute "15".
- 3 Page 8, line 4, strike "12" and substitute "14".
- 4 Page 8, line 5, strike "12" and substitute "14".

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