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

"Renumber succeeding sections accordingly.".

Page 7 of the report, after line 12 insert:

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

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

43-1-1204. Public-private initiative agreement - definition. (5) (a) **EXCEPT AS PROVIDED IN SUBSECTION (5)(b) OF THIS SECTION:**

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

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

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

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

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

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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