

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

CHANGE IN SPONSORSHIP

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 12-0157.04 Chuck Brackney x2295

SENATE BILL 12-129

SENATE SPONSORSHIP

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

HOUSE SPONSORSHIP

Coram,

Senate Committees

Agriculture, Natural Resources, and Energy

House Committees

A BILL FOR AN ACT

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

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.

SENATE
3rd Reading Unamended
May 2, 2012

SENATE
Amended 2nd Reading
March 9, 2012

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.

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.