



Opting Out of Broadband Legislation SB - 152

Presenters Name:

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What is Broadband?

Broadband is a high-speed/high-bandwidth internet connection usually running across fiber-optic, wireless, and/or microwave connections



Senate Bill 152

- One of the biggest impediments to local governments enhancing broadband infrastructure is a law passed in 2005, which has since been commonly referred to as “Senate Bill (SB) 152. SB 152 prohibits most uses of municipal money for infrastructure to improve local broadband service without first going to a vote of the people.
- SB 152 specifically requires that an election be held before a local government may “engage or offer to engage in providing” various telecommunication services. The term “providing” is given an expansive definition in the statute, which restricts both the direct and “indirect” provision of service (“indirect”, in turn, is given its own broadly restrictive definition.





Opting Out – What it Does and Doesn't Do



An affirmative vote to exempt the City from SB 152 does **NOT** require the City to enter the telecommunications business but does restore local authority and flexibility taken away by SB 152.

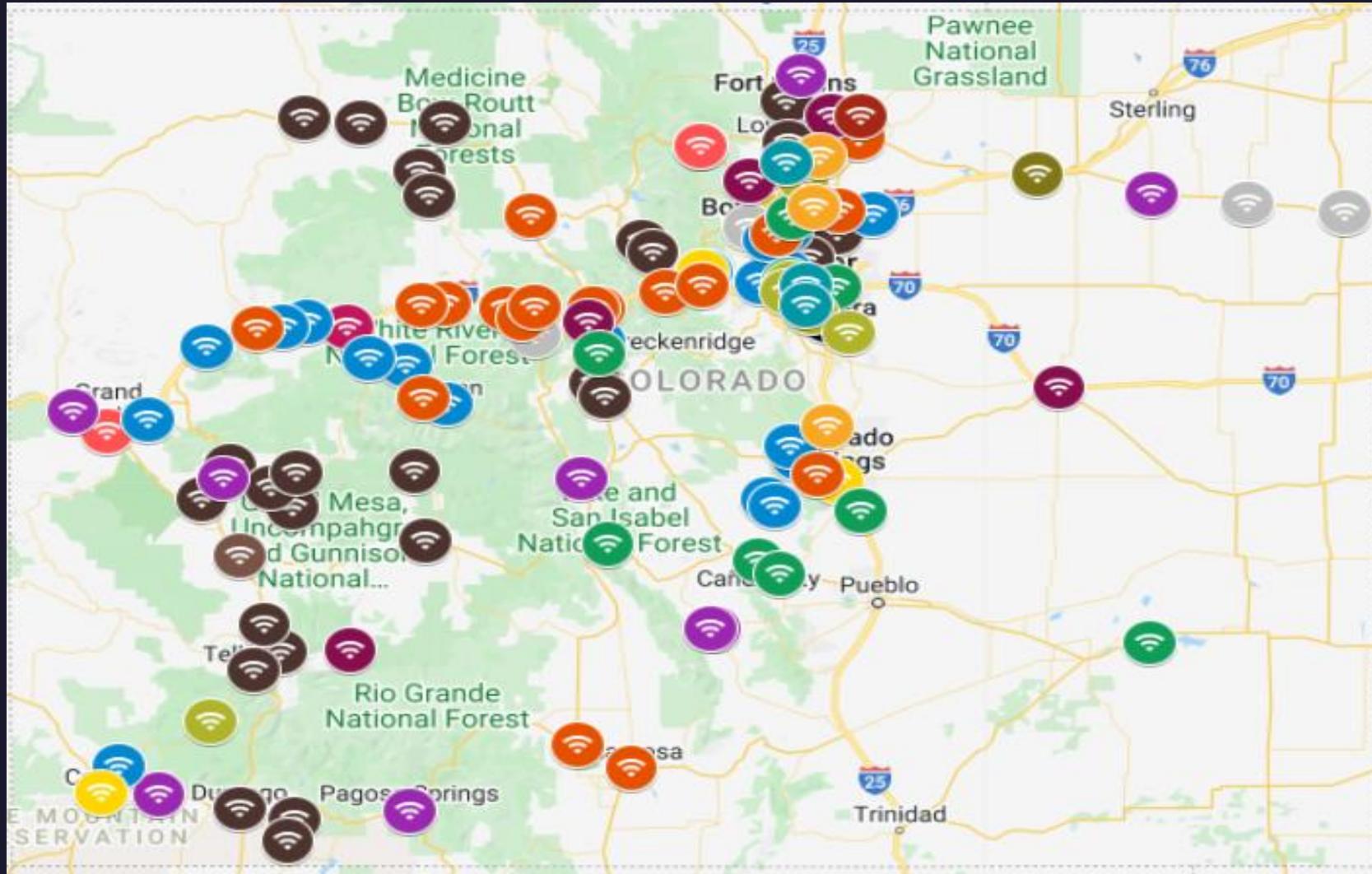


Opting Out - Benefits



- Entices existing private sector service providers to increase or improve broadband access to our community
- Attracts new service providers, increases competition, drives down costs, and reestablishes local control
- Allows for public-private partnerships to leverage funding and services between the City of Pueblo, economic development organizations, and the telecommunications industry
- Provides the City the authority to create and implement a strategic plan using public funds, as applicable, for broadband projects driving our community's future
- Increases opportunity for grant funding related to “middle-mile” infrastructure initiatives, i.e., those not directly attaching to a customer
- Promotes better access and quality of life for citizens, supports local business innovation and entrepreneurship, drives affordability, improves education and healthcare services, promotes high tech green jobs, and develops new avenues for a connected community and smart city initiatives
- Opting out provides a path to become a Gigabit City, which is a key to our future

Colorado Municipalities Opted Out of SB 05-152



Source: Colorado Municipal League, <https://www.cml.org/home/topics-key-issues/broadband-in-colorado>



Recommendation:

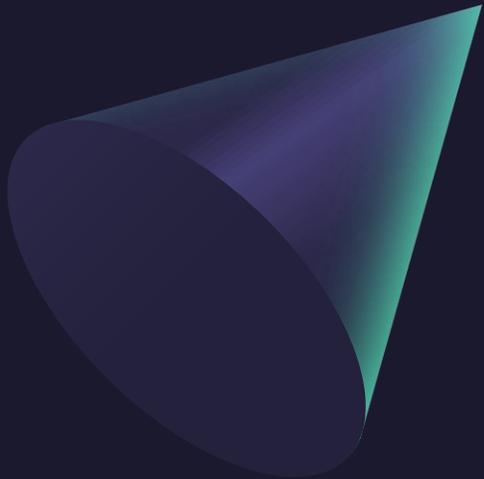
Consider and approve a November 2022 ballot issue opting-out of SB-152 and work toward taking back local control and improving our Broadband service for our community

Timeline:

City Council will have to pass and approve an Ordinance preferably on or before August 8, 2022 but no later than August 22, 2022 to place the issue on the ballot.

Resources

- Colorado Counties, Inc. and Colorado Municipal League, SB05-152 Opt-Out Kit, [sb-152-opt-out-kit.pdf \(cml.org\)](https://www.cml.org/sb-152-opt-out-kit.pdf)
- Colorado Municipal League, Broadband in Colorado, [Broadband in Colorado | CML](#)
- State of Colorado Broadband Office, [Broadband 101 | Colorado Broadband Office](#) and [Local Governments | Colorado Broadband Office](#)
- Colorado General Assembly, [http://www.leg.state.co.us/clics2005a/csl.nsf/billcontainers/FA216226F45192FE87256F41007B483C/\\$FILE/152_enr.pdf](http://www.leg.state.co.us/clics2005a/csl.nsf/billcontainers/FA216226F45192FE87256F41007B483C/$FILE/152_enr.pdf)



Questions and Answers?

