

PROPOSED  
HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1620  
(Reference to Senate engrossed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 9-461.17, Arizona Revised Statutes, is amended  
3 to read:

4 9-461.17. Telecommunications utility relocation; cost  
5 reimbursement; definitions

6 A. ~~To the fullest extent allowed by law,~~ If any construction  
7 project in any municipality that is undertaken individually or jointly by  
8 an intergovernmental contract and that is funded in whole or in part by  
9 voter-approved municipal bond proceeds requires that a telecommunications  
10 utility adjust or otherwise relocate the telecommunications utility's  
11 facilities, the municipality shall reimburse the telecommunications  
12 utility, or cause the telecommunications utility to be reimbursed, for the  
13 telecommunications utility's relocation costs incurred on facilities  
14 located within the municipal boundaries.

15 B. If the telecommunications utility has existing land rights, the  
16 municipality shall provide at the municipality's expense the  
17 telecommunications utility with equal land rights in the new location of  
18 the relocated facilities. If the telecommunications utility's existing  
19 facilities are located in the right-of-way under a permit, the  
20 municipality shall provide at the municipality's expense the  
21 telecommunications utility with rights in the new location of the  
22 relocated facilities equivalent to the telecommunications utility's  
23 existing rights under the permit.

24 C. A telecommunications utility shall submit a verified itemized  
25 claim to the municipality for reimbursement of relocation costs within one  
26 hundred eighty days after each calendar quarter in which a  
27 telecommunications utility incurs relocation costs.

28 D. The municipality shall:

29 1. Review each verified itemized claim submitted pursuant to  
30 subsection C of this section. The review may include an audit conducted  
31 pursuant to standard industry accounting principles.

32 2. Reimburse the telecommunications utility for the relocation  
33 costs within ninety days after receipt of the verified itemized claim.

34 3. Reimburse verified itemized claims from all affected  
35 telecommunications utilities in the order of receipt.

36 4. AT LEAST THIRTY DAYS BEFORE A REQUEST TO RELOCATE A  
37 TELECOMMUNICATIONS UTILITY'S FACILITY, PROVIDE THE TELECOMMUNICATIONS  
38 UTILITY WITH PUBLIC NOTICE OF ANY VOTER-APPROVED MUNICIPAL BOND PROJECT.

1           5. DEVELOP A REIMBURSEMENT PROCESS FOR A TELECOMMUNICATIONS UTILITY  
2 TO APPLY FOR REIMBURSEMENT OF THE RELOCATION COSTS OF THE  
3 TELECOMMUNICATIONS UTILITY'S FACILITIES.

4           E. The reimbursement limitation for paid claims of relocation costs  
5 for telecommunications utility facilities for which there are no existing  
6 land rights is not more than two percent of the total project monies. The  
7 total of the project monies is the total dollar amount of all  
8 voter-approved municipal bond proceeds that fund a construction project  
9 from time to time.

10          F. The total amount of reimbursement paid for claims of relocation  
11 costs of all telecommunications utility facilities for which there are no  
12 existing land rights may not exceed the reimbursement limitation.

13          G. If a verified itemized claim causes the total amount of all  
14 claims for telecommunications utility relocation costs to exceed the  
15 reimbursement limitation, that claim shall be reduced so that the total  
16 amount of reimbursement paid for all claims for which there are no  
17 existing land rights equals the reimbursement limitation.

18          H. If the dollar amount of the reimbursement limitation increases  
19 as a result of an increase in total project funds after the previous  
20 reimbursement limitation is exhausted, within thirty days after the  
21 reimbursement limitation is increased the municipality shall resume  
22 processing previously submitted and new verified itemized claims under  
23 this section.

24          I. The reimbursement limitation does not apply to any claims for  
25 reimbursement of relocation costs for telecommunications utility  
26 facilities with existing land rights or any amounts paid by the  
27 municipality to provide equivalent land or permit rights. These claims and  
28 amounts are excluded from the reimbursement limitation.

29          J. This section does not:

30           1. Apply to a construction project funded in whole or in part with  
31 voter-approved municipal bond proceeds if approval of the bonds was  
32 referred to the voters, or the initiative petition for the bonds was  
33 applied for, before January 1, 2017.

34           2. Prohibit a municipality from complying with other applicable  
35 law, or with an agreement, that requires the municipality to reimburse a  
36 telecommunications utility for more relocation costs than this section  
37 provides.

38          K. For the purposes of this section:

39           1. "Intergovernmental contract" means the joint exercise of powers  
40 authorized by title 11, chapter 7, article 3.

41           2. "Municipality" includes a charter city.

42           3. "Relocation costs" means all costs of relocating a  
43 telecommunications utility's facilities that the telecommunications  
44 utility incurs as a direct result of the construction and operation of a  
45 construction project. Relocation costs do not include profit but may  
46 include a reasonable allocation of general overhead expenses.

House Amendments to S.B. 1620

1           4. "Telecommunications utility" means any public service  
2 corporation, licensed cable television operator, video service provider,  
3 telephone line or telegraph line corporation, agricultural improvement  
4 district or other person engaged in the transmission, sale or delivery of  
5 telecommunications, telephone, cable television, video, internet or  
6 telegraph service directly to the public or to other users as to be  
7 effectively available directly to the public."  
8 Amend title to conform

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