

First Regular Session
Seventy-third General Assembly
STATE OF COLORADO

ENGROSSED

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

LLS NO. 21-0895.01 Jennifer Berman x3286

HOUSE BILL 21-1289

HOUSE SPONSORSHIP

Kennedy and Baisley, Titone

SENATE SPONSORSHIP

Bridges and Priola,

House Committees

Transportation & Local Government
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING BROADBAND DEPLOYMENT, AND, IN CONNECTION**
102 **THEREWITH, CODIFYING THE COLORADO BROADBAND OFFICE IN**
103 **THE OFFICE OF INFORMATION TECHNOLOGY; CREATING THE**
104 **DIGITAL INCLUSION GRANT PROGRAM, THE BROADBAND**
105 **STIMULUS GRANT PROGRAM, AND THE INTERCONNECTIVITY**
106 **GRANT PROGRAM; AND MAKING AN APPROPRIATION.**

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://leg.colorado.gov>.)

Sections 1 and 2 of the bill extend the grant award distribution

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
Amended 2nd Reading
May 19, 2021

and reporting dates for the connecting Colorado students grant program.

Section 4 creates the Colorado broadband office (broadband office) in the office of information technology (office) as a **type 1** entity. Section 4 also creates the digital inclusion grant program fund and directs the state treasurer to transfer \$35 million from the general fund to the fund for use by the broadband office to implement the digital inclusion grant program to award grant money to proposed broadband deployment projects throughout the state. Grant recipients other than Indian tribe or nation recipients are prohibited from using the grant money for last-mile broadband deployment. **Section 3** requires the chief information officer in the office to appoint a director of the broadband office.

Section 5 defines "community anchor institution", "critically unserved", and "income-qualified plan" in relation to grants awarded by the broadband deployment board (board) for proposed broadband deployment projects throughout the state.

Section 6 creates the broadband stimulus grant program (grant program) and requires the board to implement the grant program by awarding grant money from the broadband stimulus account created in the broadband administrative fund. The state treasurer is directed to transfer \$35 million from the general fund to the account for this grant program. The board is encouraged to award money under the grant program to applicants that previously applied for broadband deployment grants from the board but were denied due to insufficient funding. An applicant seeking money under the grant program must submit an income-qualified plan to the board.

Section 7 updates the legislative declaration related to the division of local government in the department of local affairs (division) to include language indicating the importance of broadband deployment, and **section 8** defines terms related to the division's work in deploying broadband.

Section 9 requires the division to submit a copy of any application it receives for broadband deployment grant money to the board for the board to review and provide a recommendation regarding the application within 30 days after the division sends the copy to the board.

Section 9 also creates the interconnectivity grant program and requires the division to implement the grant program by awarding grant money for proposed projects that seek to achieve regional broadband deployment and provide interconnection between communities. Projects awarded money under this grant program, except for projects awarded to Indian tribes or nations, cannot use the money awarded for last-mile broadband deployment. To finance this grant program, section 9 also creates the interconnectivity grant program fund into which the state treasurer is directed to transfer \$5 million from the general fund.

Section 10 appropriates:

- \$35 million from the digital inclusion grant program fund

to the office of information technology for use by the Colorado broadband office to implement the digital inclusion grant program;

- \$35 million from the broadband stimulus account in the broadband administrative fund to the department of regulatory agencies for use by the board to implement the broadband stimulus grant program; and
- \$5 million from the interconnectivity grant program fund to the department of local affairs for use by the division of local government to implement the interconnectivity grant program.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 22-103-103, **amend**
3 (5) as follows:

4 **22-103-103. Connecting Colorado students grant program -**
5 **created - application - awards.** (5) By ~~February~~ JUNE 30, 2021, the
6 department shall distribute as grants to local education providers the
7 entire amount appropriated to the fund for the 2020-21 budget year, less
8 the amount allowed for expenses.

9 **SECTION 2.** In Colorado Revised Statutes, 22-103-104, **amend**
10 (1) introductory portion as follows:

11 **22-103-104. Report.** (1) On or before ~~July 15~~ NOVEMBER 15,
12 2021, the department shall submit a report to the state board of education,
13 governor, and education committees of the senate and house of
14 representatives or any successor committees, concerning implementation
15 of the program. After the initial report, the department shall submit a
16 report to the same parties within six months after the end of a budget year
17 in which the department awards one or more grants. At a minimum, the
18 report must describe:

19 **SECTION 3.** In Colorado Revised Statutes, 24-37.5-106, **amend**

1 (1)(u); and **add** (1)(v) as follows:

2 **24-37.5-106. Chief information officer - duties and**
3 **responsibilities - broadband inventory fund created.** (1) The chief
4 information officer shall:

5 (u) Assist the joint technology committee as necessary to facilitate
6 the committee's oversight of the office; AND

7 (v) APPOINT A DIRECTOR OF THE COLORADO BROADBAND OFFICE
8 CREATED IN SECTION 24-37.5-903 (1).

9 **SECTION 4.** In Colorado Revised Statutes, 24-37.5-106, **as**
10 **repealed and reenacted by House Bill 21-1236 add** (2)(f) as follows:

11 **24-37.5-106. Chief information officer - duties and**
12 **responsibilities.** (2) The chief information officer shall:

13 (f) APPOINT A DIRECTOR OF THE COLORADO BROADBAND OFFICE
14 CREATED IN SECTION 24-37.5-903 (1).

15 **SECTION 5.** In Colorado Revised Statutes, **add** part 9 to article
16 37.5 of title 24 as follows:

17 PART 9

18 COLORADO BROADBAND OFFICE

19 **24-37.5-901. Legislative declaration.** (1) THE GENERAL
20 ASSEMBLY HEREBY FINDS AND DETERMINES THAT:

21 (a) THE DEVELOPMENT OF FAST, AFFORDABLE, AND ACCESSIBLE
22 BROADBAND INTERNET SERVICE THROUGHOUT THE STATE WILL:

23 (I) DRIVE JOB CREATION;

24 (II) PROMOTE INNOVATION;

25 (III) IMPROVE THE ECONOMIC VITALITY OF VARIOUS INDUSTRIES
26 THROUGHOUT THE STATE AND THE STATE AS A WHOLE; AND

27 (IV) EXPAND MARKETS FOR COLORADO BUSINESSES;

1 (b) IMPROVED BROADBAND ACCESS WILL HELP SERVE THE
2 ONGOING AND GROWING NEEDS OF COLORADO'S EDUCATION,
3 HEALTH-CARE, AND PUBLIC SAFETY SYSTEMS; INDUSTRIES; BUSINESSES;
4 GOVERNMENTAL OPERATIONS; AND CITIZENS; AND

5 (c) COMMUNITIES IN UNSERVED AREAS OF THE STATE NEED ACCESS
6 TO BROADBAND TO HELP OVERCOME ECONOMIC, HEALTH-CARE,
7 EDUCATION, AND GOVERNMENT-ACCESS INEQUITIES ARISING FROM THEIR
8 DIMINISHED ABILITY TO ACCESS BROADBAND.

9 (2) THE GENERAL ASSEMBLY DECLARES THAT IT IS IMPORTANT TO
10 CREATE THE COLORADO BROADBAND OFFICE TO SERVE AS A CENTRAL
11 GOVERNMENTAL ENTITY TO PLAN AND COORDINATE WITH OTHER STATE,
12 PUBLIC, AND PRIVATE ENTITIES AND CITIZENS THROUGHOUT THE STATE TO
13 DEVELOP AND IMPLEMENT STATEWIDE BROADBAND DEPLOYMENT AND
14 ACCESS STRATEGIES AND PROGRAMS THAT SEEK TO ADVANCE THE GOALS
15 LISTED IN SUBSECTION (1) OF THIS SECTION.

16 **24-37.5-902. Definitions.** AS USED IN THIS PART 9, UNLESS THE
17 CONTEXT OTHERWISE REQUIRES:

18 (1) "BROADBAND" HAS THE MEANING SET FORTH IN SECTION
19 40-15-102 (3.3).

20 (2) "COLORADO BROADBAND OFFICE" OR "BROADBAND OFFICE"
21 MEANS THE COLORADO BROADBAND OFFICE CREATED IN SECTION
22 24-37.5-903 (1).

23 (3) "COMMUNITY ANCHOR INSTITUTION" MEANS A:

24 (a) SCHOOL;

25 (b) LIBRARY;

26 (c) HOSPITAL OR OTHER HEALTH-CARE FACILITY LICENSED OR
27 CERTIFIED PURSUANT TO SECTION 25-1.5-103;

1 (d) LAW ENFORCEMENT, EMERGENCY MEDICAL SERVICE PROVIDER,
2 OR OTHER PUBLIC SAFETY AGENCY; OR

3 (e) COMMUNITY SUPPORT ORGANIZATION, AGENCY, OR LOCAL
4 GOVERNMENT FACILITY THAT PROVIDES OUTREACH, ACCESS, EQUIPMENT,
5 OR SUPPORT SERVICES TO FACILITATE GREATER USE OF BROADBAND
6 THROUGHOUT THE COMMUNITY, ESPECIALLY GREATER USE BY
7 VULNERABLE POPULATIONS WITHIN THE COMMUNITY, SUCH AS
8 LOW-INCOME, UNEMPLOYED, AND SENIOR POPULATIONS.

9 (4) "DEVICE" MEANS AN ELECTRONIC DEVICE THAT ENABLES
10 ACCESS TO OR USE OF THE INTERNET.

11 (5) "DIGITAL INCLUSION GRANT PROGRAM" OR "GRANT PROGRAM"
12 MEANS THE DIGITAL INCLUSION GRANT PROGRAM CREATED IN SECTION
13 24-37.5-904 (1).

14 (6) "DIGITAL INCLUSION GRANT PROGRAM FUND" OR "FUND"
15 MEANS THE FUND CREATED IN SECTION 24-37.5-904 (2) FOR USE BY THE
16 BROADBAND OFFICE FOR IMPLEMENTING THE GRANT PROGRAM.

17 (7) "DIGITAL LITERACY" MEANS THE ABILITY TO USE
18 TECHNOLOGIES TO FIND, EVALUATE, ANALYZE, CREATE, AND
19 COMMUNICATE INFORMATION.

20 (8) "LAST-MILE BROADBAND INFRASTRUCTURE" MEANS
21 BROADBAND INFRASTRUCTURE THAT DELIVERS AN INTERNET CONNECTION
22 TO AN END USER.

23 (9) "LOCAL GOVERNMENT" MEANS A STATUTORY OR HOME RULE
24 MUNICIPALITY, COUNTY, CITY AND COUNTY, COUNCIL OF GOVERNMENTS,
25 OR METROPOLITAN DISTRICT THAT LIES WHOLLY WITHIN THE
26 UNINCORPORATED PART OF A COUNTY.

27 (10) "METROPOLITAN DISTRICT" HAS THE MEANING SET FORTH IN

1 SECTION 32-1-103 (10).

2 (11) "SCHOOL" MEANS A STATE INSTITUTION OF HIGHER
3 EDUCATION AS DEFINED IN SECTION 23-1-108 (7)(g)(II), A SCHOOL
4 DISTRICT CREATED PURSUANT TO ARTICLE 30 OF TITLE 22, A CHARTER
5 SCHOOL AUTHORIZED PURSUANT TO PART 1 OF ARTICLE 30.5 OF TITLE 22,
6 THE STATE CHARTER SCHOOL INSTITUTE ESTABLISHED IN SECTION
7 22-30.5-503, AN INSTITUTE CHARTER SCHOOL AUTHORIZED PURSUANT TO
8 PART 5 OF ARTICLE 30.5 OF TITLE 22, A BOARD OF COOPERATIVE SERVICES
9 CREATED PURSUANT TO ARTICLE 5 OF TITLE 22, AN ADULT EDUCATION
10 PROVIDER AS DEFINED IN SECTION 22-10-103 (1.5) BUT EXCLUDING A
11 PRIVATE PROVIDER, OR AN INDIAN TRIBE OR NATION THAT OPERATES A
12 PUBLIC SCHOOL IN COLORADO.

13 (12) "TELEHEALTH" HAS THE MEANING SET FORTH IN SECTION
14 10-16-123 (4)(e).

15 (13) "UNSERVED AREA" HAS THE MEANING SET FORTH IN SECTION
16 40-15-102 (32).

17 **24-37.5-903. Colorado broadband office - creation -**
18 **responsibilities - gifts, grants, or donations.** (1) THE COLORADO
19 BROADBAND OFFICE IS HEREBY CREATED IN THE OFFICE. THE COLORADO
20 BROADBAND OFFICE SHALL EXERCISE ITS POWERS AND PERFORM ITS
21 DUTIES AND FUNCTIONS UNDER THE OFFICE AS IF THE COLORADO
22 BROADBAND OFFICE WERE TRANSFERRED TO THE OFFICE BY A **TYPE 1**
23 TRANSFER AS DEFINED IN SECTION 24-1-105.

24 (2) (a) THE CHIEF INFORMATION OFFICER SHALL APPOINT THE
25 DIRECTOR OF THE BROADBAND OFFICE. THE DIRECTOR MAY EMPLOY STAFF
26 AS NECESSARY TO CARRY OUT THE POWERS AND DUTIES OF THE
27 BROADBAND OFFICE, SUBJECT TO THE AVAILABILITY OF APPROPRIATIONS

1 TO THE OFFICE FOR USE BY THE BROADBAND OFFICE.

2 (b) THE BROADBAND OFFICE SHALL PROVIDE TECHNICAL
3 ASSISTANCE TO APPLICANTS SEEKING GRANT AWARDS FROM THE GRANT
4 PROGRAM OR OTHER STATE OR FEDERAL GRANT OPPORTUNITIES OFFERED
5 FOR DEPLOYING BROADBAND SERVICE.

6 (c) IN CARRYING OUT ITS POWERS AND DUTIES, THE BROADBAND
7 OFFICE MAY COLLABORATE WITH OTHER STATE AGENCIES, LOCAL
8 GOVERNMENTS, BROADBAND EXPERTS, AND OTHER INTERESTED PARTIES.

9 (3) THE BROADBAND OFFICE SHALL:

10 (a) ENCOURAGE, FOSTER, DEVELOP, AND STRIVE TO IMPROVE THE
11 AVAILABILITY OF AFFORDABLE, QUALITY BROADBAND WITHIN THE STATE;

12 (b) SERVE AS THE CENTRAL BROADBAND POLICY COORDINATION
13 BODY FOR THE STATE;

14 (c) COORDINATE WITH OTHER STATE AGENCIES, LOCAL
15 GOVERNMENTS, THE FEDERAL GOVERNMENT, INDIAN TRIBES AND
16 NATIONS, OTHER RELEVANT BROADBAND PARTNERS, AND CONSUMERS
17 THROUGHOUT THE STATE TO DEVELOP STRATEGIES AND PLANS FOR
18 PROMOTING THE DEPLOYMENT OF BROADBAND INFRASTRUCTURE AND
19 GREATER BROADBAND ACCESS;

20 (d) REVIEW EXISTING STATE BROADBAND INITIATIVES, POLICIES,
21 AND DEPLOYMENT BY PUBLIC OR PRIVATE ENTITIES IN ORDER TO
22 PRIORITIZE INVESTMENT;

23 (e) DEVELOP AND IMPLEMENT A STATEWIDE PLAN TO ENCOURAGE
24 COST-EFFECTIVE BROADBAND ACCESS AND INCREASED BROADBAND
25 USAGE, PARTICULARLY IN RURAL UNSERVED AREAS AND OTHER UNSERVED
26 AREAS OF THE STATE. THE BROADBAND OFFICE SHALL SUBMIT THE
27 STATEWIDE PLAN, AND ANY UPDATED VERSIONS OF THE STATEWIDE PLAN,

1 TO THE CHIEF INFORMATION OFFICER, THE GOVERNOR, AND THE JOINT
2 TECHNOLOGY COMMITTEE AND SHALL POST THE STATEWIDE PLAN ON ITS
3 PUBLIC WEBSITE. IN DEVELOPING A STATEWIDE PLAN AND ANY OTHER
4 STRATEGIES FOR BROADBAND DEPLOYMENT, THE BROADBAND OFFICE
5 SHALL CONSIDER:

6 (I) PARTNERSHIPS BETWEEN COMMUNITIES; INDIAN TRIBES AND
7 NATIONS; NONPROFIT ORGANIZATIONS; LOCAL GOVERNMENTS; ELECTRIC
8 UTILITIES AS DEFINED IN SECTION 40-2-202 (1), COOPERATIVE ELECTRIC
9 ASSOCIATIONS AS DEFINED IN SECTION 40-9.5-102, MUNICIPALLY OWNED
10 UTILITIES, AND NONPROFIT GENERATION AND TRANSMISSION ELECTRIC
11 CORPORATIONS OR ASSOCIATIONS; RURAL TELECOMMUNICATIONS
12 PROVIDERS AS DEFINED IN SECTION 40-15-102 (24.5); AND PUBLIC AND
13 PRIVATE ENTITIES;

14 (II) FUNDING OPPORTUNITIES THAT ALLOW FOR THE
15 COORDINATION OF PUBLIC FUNDING SOURCES, INCLUDING LOCAL
16 GOVERNMENTS, STATE GOVERNMENT, AND THE FEDERAL GOVERNMENT,
17 AND PRIVATE FUNDING SOURCES FOR THE PURPOSE OF DEPLOYING
18 BROADBAND INTO RURAL UNSERVED AREAS AND OTHER UNSERVED AREAS
19 OF THE STATE;

20 (III) BARRIERS TO THE DEPLOYMENT, ADOPTION, AND UTILIZATION
21 OF BROADBAND, INCLUDING A CONSIDERATION OF THE AFFORDABILITY OF
22 BROADBAND; AND

23 (IV) STATEWIDE BROADBAND GOALS AND WHETHER STATUTORY
24 DEFINITIONS FOR BROADBAND IN UNSERVED AREAS NEED TO BE UPDATED
25 IN RESPONSE TO ADVANCES MADE IN BROADBAND TECHNOLOGY.

26 (f) COLLECT BROADBAND DATA TO CREATE AND UPDATE MAPS
27 THAT MEASURE THE PROGRESS OF BROADBAND DEPLOYMENT IN THE

1 STATE;

2 (g) ENCOURAGE PUBLIC-PRIVATE PARTNERSHIPS TO INCREASE
3 DEPLOYMENT OF BROADBAND THROUGHOUT THE STATE; AND

4 (h) IN FURTHERANCE OF THE PURPOSES SET FORTH IN THIS PART 9,
5 SEEK OR APPLY FOR, ACCEPT, AND EXPEND:

6 (I) GIFTS, GRANTS, OR DONATIONS FROM PUBLIC OR PRIVATE
7 SOURCES; AND

8 (II) MONEY FROM THE FEDERAL GOVERNMENT FOR BROADBAND
9 DEPLOYMENT. THE BROADBAND OFFICE MAY SEEK AND APPLY FOR ALL
10 FEDERAL FUNDS FOR WHICH THE BROADBAND OFFICE IS ELIGIBLE TO
11 RECEIVE.

12 (4) (a) SUBJECT TO THE REQUIREMENT SET FORTH IN SUBSECTION
13 (4)(b)(II) OF THIS SECTION, THE BROADBAND OFFICE MAY RECEIVE
14 CONSUMER COMPLAINTS REGARDING BROADBAND SERVICE.

15 (b) (I) THE CHIEF INFORMATION OFFICER MAY SEEK, ACCEPT, AND
16 EXPEND GIFTS, GRANTS, OR DONATIONS FROM PUBLIC AND PRIVATE
17 SOURCES FOR THE PURPOSE OF IMPLEMENTING THIS SUBSECTION (4). THE
18 CHIEF INFORMATION OFFICER SHALL TRANSMIT ANY GIFTS, GRANTS, OR
19 DONATIONS RECEIVED PURSUANT TO THIS SUBSECTION (4) TO THE STATE
20 TREASURER WHO SHALL CREDIT THE MONEY TO THE DIGITAL INCLUSION
21 GRANT PROGRAM FUND.

22 (II) THE BROADBAND OFFICE SHALL NOT IMPLEMENT THIS
23 SUBSECTION (4) UNTIL SUFFICIENT FUNDING IS RECEIVED FROM GIFTS,
24 GRANTS, OR DONATIONS TO IMPLEMENT THIS SUBSECTION (4).

25 (5) IN ADDITION TO THE POWERS AND FUNCTIONS SET FORTH IN
26 SUBSECTIONS (3) AND (4) OF THIS SECTION, THE BROADBAND OFFICE SHALL
27 IMPLEMENT THE DIGITAL INCLUSION GRANT PROGRAM.

1 **24-37.5-904. Digital inclusion grant program - creation -**
2 **award criteria - digital inclusion grant program fund - reporting.**

3 (1) (a) THE DIGITAL INCLUSION GRANT PROGRAM IS CREATED FOR THE
4 PURPOSE OF ADVANCING THE STATE'S DIGITAL INCLUSION PRIORITIES,
5 WHICH PRIORITIES INCLUDE:

6 (I) INCREASING BROADBAND USAGE AND ACCESS TO BROADBAND
7 THROUGHOUT THE STATE;

8 (II) IMPROVING THE RELIABILITY AND AVAILABILITY OF
9 BROADBAND ON TRIBAL LANDS;

10 (III) ENHANCING DIGITAL LITERACY; AND

11 (IV) MAKING ACCESS TO BROADBAND MORE AFFORDABLE.

12 (b) THE COLORADO BROADBAND OFFICE SHALL IMPLEMENT THE
13 GRANT PROGRAM. DURING THE 2020-21 STATE FISCAL YEAR, THE
14 BROADBAND OFFICE SHALL AWARD:

15 (I) GRANTS TOTALING UP TO TWENTY MILLION DOLLARS TO ONE OR
16 MORE INDIAN TRIBES OR NATIONS FOR THE PURPOSE OF DEPLOYING
17 ADDITIONAL INFRASTRUCTURE ON TRIBAL LANDS AND PROVIDING DEVICES
18 TO INDIAN TRIBES OR NATIONS; AND

19 (II) GRANTS TOTALING UP TO FIFTEEN MILLION DOLLARS TO ONE
20 OR MORE PROVIDERS OF TELEHEALTH SERVICES.

21 (c) IN REVIEWING GRANT APPLICATIONS AND AWARDED GRANTS
22 PURSUANT TO THIS SECTION, THE BROADBAND OFFICE IS ENCOURAGED TO
23 CONSULT WITH THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT
24 CREATED IN SECTION 24-48.5-101 (1), THE DEPARTMENT OF LOCAL
25 AFFAIRS, THE DEPARTMENT OF REGULATORY AGENCIES, THE DEPARTMENT
26 OF TRANSPORTATION, AND ANY OTHER AGENCIES, ORGANIZATIONS, OR
27 INDIVIDUALS WITH BROADBAND EXPERTISE.

1 (d) A GRANT AWARD RECIPIENT OTHER THAN AN INDIAN TRIBE OR
2 NATION SHALL NOT USE THE GRANT MONEY FOR THE DEPLOYMENT OF
3 LAST-MILE BROADBAND INFRASTRUCTURE.

4 (2) THE DIGITAL INCLUSION GRANT PROGRAM FUND IS HEREBY
5 CREATED IN THE STATE TREASURY. WITHIN THREE DAYS AFTER THE
6 EFFECTIVE DATE OF THIS SECTION, THE STATE TREASURER SHALL
7 TRANSFER THIRTY-FIVE MILLION DOLLARS FROM THE GENERAL FUND TO
8 THE FUND FOR USE BY THE BROADBAND OFFICE FOR THE PURPOSE OF
9 REVIEWING AND AWARDING GRANTS UNDER THE GRANT PROGRAM. THE
10 MONEY IN THE FUND IS SUBJECT TO APPROPRIATION BY THE GENERAL
11 ASSEMBLY.

12 (3) (a) ON OR BEFORE JANUARY 1, 2022, AND NOTWITHSTANDING
13 SECTION 24-1-136 (11)(a)(I), THE COLORADO BROADBAND OFFICE SHALL
14 SUBMIT A WRITTEN REPORT TO THE GOVERNOR AND THE GENERAL
15 ASSEMBLY'S JOINT BUDGET COMMITTEE AND JOINT TECHNOLOGY
16 COMMITTEE REGARDING THE BROADBAND OFFICE'S IMPLEMENTATION OF
17 THE GRANT PROGRAM. AFTER SUBMITTING THE INITIAL REPORT, THE
18 BROADBAND OFFICE SHALL SUBMIT SUBSEQUENT REPORTS REGARDING THE
19 GRANT PROGRAM TO THE SAME PARTIES WITHIN SIX MONTHS AFTER THE
20 END OF ANY STATE FISCAL YEAR IN WHICH THE BROADBAND OFFICE
21 AWARDS ONE OR MORE GRANTS FROM THE FUND.

22 (b) REPORTS SUBMITTED PURSUANT TO THIS SUBSECTION (3) MUST
23 INCLUDE:

24 (I) FOR EACH PROJECT AWARDED GRANT MONEY UNDER THE
25 GRANT PROGRAM:

26 (A) A DESCRIPTION OF THE PROJECT;

27 (B) A SUMMARY OF THE PROGRESS MADE ON THE PROJECT;

1 (C) THE ESTIMATED COMPLETION DATE FOR THE PROJECT OR, IF
2 ALREADY COMPLETED, THE DATE OF COMPLETION;

3 (D) A MAP OF THE AREA TO BE SERVED OR ALREADY SERVED BY
4 THE PROJECT;

5 (E) THE PERCENTAGE OF CUSTOMERS WHO ACTIVATED
6 BROADBAND THROUGH THE BROADBAND NETWORK PROVIDED BY THE
7 PROJECT AFTER A BROADBAND CONNECTION WAS CREATED UNDER THE
8 PROJECT TO THEIR HOME OR ENTITY AND THE MEASURABLE SPEEDS MADE
9 AVAILABLE TO THEM;

10 (F) THE TYPE OF TECHNOLOGY DEPLOYED OR USED FOR
11 BROADBAND PROVIDED THROUGH THE PROJECT; AND

12 (G) THE NUMBER OF HOUSEHOLDS, COMMUNITY ANCHOR
13 INSTITUTIONS, MUNICIPALITIES, AND COUNTIES SERVED BY THE PROJECT;

14 (II) THE NUMBER OF APPLICANTS TO THE GRANT PROGRAM, THE
15 AMOUNTS OF GRANT MONEY REQUESTED BY EACH APPLICANT, THE
16 NUMBER OF GRANTS AWARDED UNDER THE GRANT PROGRAM, AND THE
17 AMOUNTS OF GRANT MONEY AWARDED TO EACH APPLICANT UNDER THE
18 GRANT PROGRAM; AND

19 (III) THE AMOUNT OF MONEY EXPENDED FROM THE FUND VERSUS
20 THE AMOUNT OF MONEY OBLIGATED BUT NOT YET EXPENDED FROM THE
21 FUND.

22 **SECTION 6.** In Colorado Revised Statutes, 40-15-102, **add** (5.2),
23 (5.7), (9.2), and (24.7) as follows:

24 **40-15-102. Definitions.** As used in this article 15, unless the
25 context otherwise requires:

26 (5.2) "COMMUNITY ANCHOR INSTITUTION" MEANS A:

27 (a) SCHOOL;

- 1 (b) LIBRARY;
- 2 (c) HOSPITAL OR OTHER HEALTH-CARE FACILITY LICENSED OR
- 3 CERTIFIED PURSUANT TO SECTION 25-1.5-103;
- 4 (d) LAW ENFORCEMENT, EMERGENCY MEDICAL SERVICE PROVIDER,
- 5 OR OTHER PUBLIC SAFETY AGENCY; OR
- 6 (e) COMMUNITY SUPPORT ORGANIZATION, AGENCY, OR LOCAL
- 7 GOVERNMENT FACILITY THAT PROVIDES OUTREACH, ACCESS, EQUIPMENT,
- 8 OR SUPPORT SERVICES TO FACILITATE GREATER USE OF BROADBAND
- 9 THROUGHOUT THE COMMUNITY, ESPECIALLY GREATER USE BY
- 10 VULNERABLE POPULATIONS WITHIN THE COMMUNITY, SUCH AS
- 11 LOW-INCOME, UNEMPLOYED, AND SENIOR POPULATIONS.

12 (5.7) "CRITICALLY UNSERVED", WHEN USED TO DESCRIBE A
13 HOUSEHOLD OR AREA, MEANS A HOUSEHOLD OR AREA THAT LACKS ACCESS
14 TO AT LEAST ONE NONSATELLITE PROVIDER OF BROADBAND INTERNET
15 SERVICE DELIVERED AT MEASURABLE SPEEDS OF EITHER AT LEAST TEN
16 MEGABITS PER SECOND DOWNSTREAM AND ONE MEGABIT PER SECOND
17 UPSTREAM OR AT MEASURABLE SPEEDS AT LEAST EQUAL TO ONE-HALF OF
18 THE MINIMUM MEASURABLE SPEEDS THAT QUALIFY AS BROADBAND UNDER
19 THE FCC DEFINITION AND ROUNDED UP TO THE NEAREST WHOLE NUMBER,
20 WHICHEVER IS FASTER.

21 (9.2) "INCOME-QUALIFIED PLAN" MEANS A PLAN THAT AN
22 APPLICANT SEEKING A BROADBAND STIMULUS GRANT PURSUANT TO
23 SECTION 40-15-509.5 (8.7) INCLUDES IN THE APPLICATION TO
24 DEMONSTRATE THAT, AS PART OF THE APPLICANT'S PROPOSED PROJECT,
25 THE APPLICANT WOULD PROVIDE BROADBAND TO INCOME-QUALIFIED
26 CUSTOMERS IN THE PROPOSED SERVICE AREA AT A REDUCED COST.

27 (24.7) "SCHOOL" MEANS A STATE INSTITUTION OF HIGHER

1 EDUCATION AS DEFINED IN SECTION 23-1-108 (7)(g)(II), A SCHOOL
2 DISTRICT CREATED PURSUANT TO ARTICLE 30 OF TITLE 22, A CHARTER
3 SCHOOL AUTHORIZED PURSUANT TO PART 1 OF ARTICLE 30.5 OF TITLE 22,
4 THE STATE CHARTER SCHOOL INSTITUTE ESTABLISHED IN SECTION
5 22-30.5-503, AN INSTITUTE CHARTER SCHOOL AUTHORIZED PURSUANT TO
6 PART 5 OF ARTICLE 30.5 OF TITLE 22, A BOARD OF COOPERATIVE SERVICES
7 CREATED PURSUANT TO ARTICLE 5 OF TITLE 22, AN ADULT EDUCATION
8 PROVIDER AS DEFINED IN SECTION 22-10-103 (1.5) BUT EXCLUDING A
9 PRIVATE PROVIDER, OR AN INDIAN TRIBE OR NATION THAT OPERATES A
10 PUBLIC SCHOOL IN COLORADO.

11 **SECTION 7.** In Colorado Revised Statutes, 40-15-509.5, **add**
12 (4)(c) and (8.7) as follows:

13 **40-15-509.5. Broadband service - report - broadband**
14 **deployment board - broadband administrative fund - creation -**
15 **definitions - rules - repeal.** (4) (c) (I) THE BROADBAND STIMULUS
16 ACCOUNT, REFERRED TO IN THIS SUBSECTION (4)(c) AS THE "ACCOUNT",
17 IS HEREBY CREATED IN THE FUND. WITHIN THREE DAYS AFTER THE
18 EFFECTIVE DATE OF THIS SUBSECTION (4)(c), THE STATE TREASURER SHALL
19 TRANSFER THIRTY-FIVE MILLION DOLLARS FROM THE GENERAL FUND TO
20 THE ACCOUNT. THE MONEY IN THE ACCOUNT IS SUBJECT TO ANNUAL
21 APPROPRIATION BY THE GENERAL ASSEMBLY FOR USE BY THE BOARD FOR
22 THE PURPOSE OF REVIEWING AND AWARDING GRANTS UNDER THE
23 BROADBAND STIMULUS GRANT PROGRAM CREATED IN SUBSECTION (8.7)
24 OF THIS SECTION. ALL INTEREST EARNED FROM INVESTMENT OF MONEY IN
25 THE ACCOUNT IS CREDITED TO THE ACCOUNT. ALL MONEY NOT EXPENDED
26 FROM THE ACCOUNT AT THE END OF A FISCAL YEAR REMAINS IN THE
27 ACCOUNT AND DOES NOT REVERT TO THE GENERAL FUND OR ANY OTHER

1 FUND.

2 (II) THIS SUBSECTION (4)(c) IS REPEALED, EFFECTIVE SEPTEMBER
3 1, 2023.

4 (8.7) (a) (I) THE BROADBAND STIMULUS GRANT PROGRAM IS
5 HEREBY CREATED. AS PART OF THE GRANT PROGRAM, THE BOARD, IN ANY
6 GRANT FUNDING CYCLE IN 2021 THAT OCCURS AFTER THE EFFECTIVE DATE
7 OF THIS SUBSECTION (8.7):

8 (A) IS ENCOURAGED TO AWARD GRANT MONEY TO APPLICANTS
9 THAT APPLIED FOR GRANTS UNDER SUBSECTION (8) OF THIS SECTION IN THE
10 PREVIOUS FIVE YEARS, MET ALL OF THE AWARD CRITERIA SET FORTH IN
11 SUBSECTION (8) OF THIS SECTION BUT WERE DENIED GRANTS DUE TO THE
12 INSUFFICIENCY OF GRANT MONEY AVAILABLE AT THE TIME OF
13 APPLICATION, AND, AS DETERMINED BY THE BOARD, CONTINUE TO MEET
14 ALL OF THE AWARD CRITERIA SET FORTH IN SUBSECTION (8) OF THIS
15 SECTION; AND

16 (B) MAY ALSO AWARD GRANT MONEY TO NEW GRANT
17 APPLICATIONS RECEIVED.

18 (II) AN APPLICANT SEEKING A BROADBAND STIMULUS GRANT
19 UNDER THIS SUBSECTION (8.7) MUST MEET ALL OF THE GRANT AWARD
20 CRITERIA SET FORTH IN SUBSECTION (8) OF THIS SECTION AND THE
21 REQUIREMENTS SET FORTH IN THIS SUBSECTION (8.7).

22 (b) (I) THE BOARD SHALL AWARD GRANTS PURSUANT TO THIS
23 SUBSECTION (8.7) WITH MONEY IN THE BROADBAND STIMULUS ACCOUNT
24 CREATED IN SUBSECTION (4)(c) OF THIS SECTION UNTIL THE MONEY IN THE
25 ACCOUNT IS FULLY EXPENDED.

26 (II) AN APPLICANT SEEKING GRANT MONEY UNDER THE
27 BROADBAND STIMULUS GRANT PROGRAM MUST SUPPLEMENT A

1 PREVIOUSLY SUBMITTED APPLICATION WITH OR INCLUDE WITH A NEW
2 APPLICATION AN INCOME-QUALIFIED PLAN.

3 (III) IN AWARDING GRANTS PURSUANT TO THIS SUBSECTION (8.7),
4 THE BOARD IS ENCOURAGED TO GIVE PRIORITY TO PROPOSED PROJECTS
5 THAT WILL SERVE CRITICALLY UNSERVED AREAS OF THE STATE.

6 (c) ON OR BEFORE JANUARY 1, 2022, THE BOARD SHALL SUBMIT A
7 REPORT TO THE GOVERNOR AND THE GENERAL ASSEMBLY'S JOINT BUDGET
8 COMMITTEE AND JOINT TECHNOLOGY COMMITTEE REGARDING THE
9 BOARD'S IMPLEMENTATION OF THIS SUBSECTION (8.7). AFTER THE INITIAL
10 REPORT AND NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE BOARD
11 SHALL SUBMIT SUBSEQUENT REPORTS TO THE SAME PARTIES WITHIN SIX
12 MONTHS AFTER THE END OF ANY STATE FISCAL YEAR IN WHICH THE BOARD
13 AWARDS ONE OR MORE GRANTS PURSUANT TO THIS SUBSECTION (8.7).

14 (d) REPORTS SUBMITTED PURSUANT TO SUBSECTION (8.7)(c) OF
15 THIS SECTION MUST INCLUDE:

16 (I) FOR EACH PROJECT AWARDED GRANT MONEY UNDER THE
17 BROADBAND STIMULUS GRANT PROGRAM:

18 (A) A DESCRIPTION OF THE PROJECT, INCLUDING A DESCRIPTION OF
19 THE USE OF THE GRANT MONEY IN PROVIDING BROADBAND;

20 (B) A SUMMARY OF THE PROGRESS MADE ON THE PROJECT;

21 (C) THE ESTIMATED COMPLETION DATE FOR THE PROJECT OR, IF
22 ALREADY COMPLETED, THE DATE OF COMPLETION;

23 (D) A MAP OF THE AREAS TO BE SERVED OR ALREADY SERVED BY
24 THE PROJECT;

25 (E) THE PERCENTAGE OF CUSTOMERS WHO ACTIVATED
26 BROADBAND THROUGH THE BROADBAND NETWORK PROVIDED BY THE
27 PROJECT AFTER A BROADBAND CONNECTION WAS CREATED UNDER THE

1 PROJECT TO THEIR HOME OR ENTITY AND THE MEASURABLE SPEEDS MADE
2 AVAILABLE TO THEM;

3 (F) THE TYPE OF TECHNOLOGY DEPLOYED OR USED FOR
4 BROADBAND PROVIDED THROUGH THE PROJECT; AND

5 (G) THE NUMBER OF HOUSEHOLDS, COMMUNITY ANCHOR
6 INSTITUTIONS, MUNICIPALITIES, AND COUNTIES SERVED BY THE PROJECT.

7 (II) THE NUMBER OF APPLICANTS TO THE BROADBAND STIMULUS
8 GRANT PROGRAM, THE AMOUNTS OF GRANT MONEY REQUESTED BY EACH
9 APPLICANT, THE NUMBER OF GRANTS AWARDED UNDER THE BROADBAND
10 STIMULUS GRANT PROGRAM, AND THE AMOUNTS OF GRANT MONEY
11 AWARDED TO EACH APPLICANT UNDER THE BROADBAND STIMULUS GRANT
12 PROGRAM; AND

13 (III) THE AMOUNT OF MONEY EXPENDED FROM THE BROADBAND
14 STIMULUS ACCOUNT VERSUS THE AMOUNT OF MONEY OBLIGATED BUT NOT
15 YET EXPENDED FROM THE BROADBAND STIMULUS ACCOUNT.

16 (e) THIS SUBSECTION (8.7) IS REPEALED, EFFECTIVE SEPTEMBER 1,
17 2023.

18 **SECTION 8.** In Colorado Revised Statutes, 24-37.5-118, as
19 **relocated and amended by House Bill 21-1109 amend (4); and add**
20 **(9.5), (16)(d.5), and (16)(i.5) as follows:**

21 **24-37.5-118. Broadband service - report - broadband**
22 **deployment board - broadband administrative fund - creation -**
23 **legislative declaration - definitions - rules - repeal.** (4) (a) There is
24 hereby created in the state treasury the broadband administrative fund,
25 referred to in this section as the "fund". The fund consists of all money
26 allocated from the HCSM for the administration of the board and all
27 money that the general assembly may appropriate to the fund. The money

1 in the fund is subject to annual appropriation by the general assembly for
2 the purposes set forth in this section. All interest earned from the
3 investment of money in the fund is credited to the fund. All money not
4 expended at the end of any state fiscal year remains in the fund and does
5 not revert to the general fund or any other fund.

6 (b) (I) THE BROADBAND STIMULUS ACCOUNT, REFERRED TO IN THIS
7 SUBSECTION (4)(b) AS THE "ACCOUNT", IS HEREBY CREATED IN THE FUND.
8 WITHIN THREE DAYS AFTER THE EFFECTIVE DATE OF THIS SUBSECTION
9 (4)(b), THE STATE TREASURER SHALL TRANSFER THIRTY-FIVE MILLION
10 DOLLARS FROM THE GENERAL FUND TO THE ACCOUNT. THE MONEY IN THE
11 ACCOUNT IS SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL
12 ASSEMBLY FOR USE BY THE BOARD FOR THE PURPOSE OF REVIEWING AND
13 AWARDED GRANTS UNDER THE BROADBAND STIMULUS GRANT PROGRAM
14 CREATED IN SUBSECTION (9.5) OF THIS SECTION. ALL INTEREST EARNED
15 FROM INVESTMENT OF MONEY IN THE ACCOUNT IS CREDITED TO THE
16 ACCOUNT. ALL MONEY NOT EXPENDED FROM THE ACCOUNT AT THE END
17 OF A FISCAL YEAR REMAINS IN THE ACCOUNT AND DOES NOT REVERT TO
18 THE GENERAL FUND OR ANY OTHER FUND.

19 (II) THIS SUBSECTION (4)(b) IS REPEALED, EFFECTIVE SEPTEMBER
20 1, 2023.

21 (9.5) (a) (I) THE BROADBAND STIMULUS GRANT PROGRAM IS
22 HEREBY CREATED. AS PART OF THE GRANT PROGRAM, THE BOARD, IN ANY
23 GRANT FUNDING CYCLE IN 2021 THAT OCCURS AFTER THE EFFECTIVE DATE
24 OF THIS SUBSECTION (9.5):

25 (A) IS ENCOURAGED TO AWARD GRANT MONEY TO APPLICANTS
26 THAT APPLIED FOR GRANTS UNDER SUBSECTION (9) OF THIS SECTION IN THE
27 PREVIOUS FIVE YEARS, MET ALL OF THE AWARD CRITERIA SET FORTH IN

1 SUBSECTION (9) OF THIS SECTION BUT WERE DENIED GRANTS DUE TO THE
2 INSUFFICIENCY OF GRANT MONEY AVAILABLE AT THE TIME OF
3 APPLICATION, AND, AS DETERMINED BY THE BOARD, CONTINUE TO MEET
4 ALL OF THE AWARD CRITERIA SET FORTH IN SUBSECTION (9) OF THIS
5 SECTION; AND

6 (B) MAY ALSO AWARD GRANT MONEY TO NEW GRANT
7 APPLICATIONS RECEIVED.

8 (II) AN APPLICANT SEEKING A BROADBAND STIMULUS GRANT
9 UNDER THIS SUBSECTION (9.5) MUST MEET ALL OF THE GRANT AWARD
10 CRITERIA SET FORTH IN SUBSECTION (9) OF THIS SECTION AND THE
11 REQUIREMENTS SET FORTH IN THIS SUBSECTION (9.5).

12 (b) (I) THE BOARD SHALL AWARD GRANTS PURSUANT TO THIS
13 SUBSECTION (9.5) WITH MONEY IN THE BROADBAND STIMULUS ACCOUNT
14 CREATED IN SUBSECTION (4)(b) OF THIS SECTION UNTIL THE MONEY IN THE
15 ACCOUNT IS FULLY EXPENDED.

16 (II) AN APPLICANT SEEKING GRANT MONEY UNDER THE
17 BROADBAND STIMULUS GRANT PROGRAM MUST SUPPLEMENT A
18 PREVIOUSLY SUBMITTED APPLICATION WITH OR INCLUDE WITH A NEW
19 APPLICATION AN INCOME-QUALIFIED PLAN.

20 (III) IN AWARDING GRANTS PURSUANT TO THIS SUBSECTION (9.5),
21 THE BOARD IS ENCOURAGED TO GIVE PRIORITY TO PROPOSED PROJECTS
22 THAT WILL SERVE CRITICALLY UNSERVED AREAS OF THE STATE.

23 (c) ON OR BEFORE JANUARY 1, 2022, THE BOARD SHALL SUBMIT A
24 REPORT TO THE GOVERNOR AND THE GENERAL ASSEMBLY'S JOINT BUDGET
25 COMMITTEE AND JOINT TECHNOLOGY COMMITTEE REGARDING THE
26 BOARD'S IMPLEMENTATION OF THIS SUBSECTION (9.5). AFTER THE INITIAL
27 REPORT THE BOARD SHALL SUBMIT SUBSEQUENT REPORTS TO THE SAME

1 PARTIES WITHIN SIX MONTHS AFTER THE END OF ANY STATE FISCAL YEAR
2 IN WHICH THE BOARD AWARDS ONE OR MORE GRANTS PURSUANT TO THIS
3 SUBSECTION (9.5).

4 (d) REPORTS SUBMITTED PURSUANT TO SUBSECTION (9.5)(c) OF
5 THIS SECTION MUST INCLUDE:

6 (I) FOR EACH PROJECT AWARDED GRANT MONEY UNDER THE
7 BROADBAND STIMULUS GRANT PROGRAM:

8 (A) A DESCRIPTION OF THE PROJECT, INCLUDING A DESCRIPTION OF
9 THE USE OF THE GRANT MONEY IN PROVIDING BROADBAND;

10 (B) A SUMMARY OF THE PROGRESS MADE ON THE PROJECT;

11 (C) THE ESTIMATED COMPLETION DATE FOR THE PROJECT OR, IF
12 ALREADY COMPLETED, THE DATE OF COMPLETION;

13 (D) A MAP OF THE AREAS TO BE SERVED OR ALREADY SERVED BY
14 THE PROJECT;

15 (E) THE PERCENTAGE OF CUSTOMERS WHO ACTIVATED
16 BROADBAND THROUGH THE BROADBAND NETWORK PROVIDED BY THE
17 PROJECT AFTER A BROADBAND CONNECTION WAS CREATED UNDER THE
18 PROJECT TO THEIR HOMES OR ENTITIES AND THE MEASURABLE SPEEDS
19 MADE AVAILABLE TO THEM;

20 (F) THE TYPE OF TECHNOLOGY DEPLOYED OR USED FOR
21 BROADBAND PROVIDED THROUGH THE PROJECT; AND

22 (G) THE NUMBER OF HOUSEHOLDS, COMMUNITY ANCHOR
23 INSTITUTIONS, MUNICIPALITIES, AND COUNTIES SERVED BY THE PROJECT.

24 (II) THE NUMBER OF APPLICANTS TO THE BROADBAND STIMULUS
25 GRANT PROGRAM, THE AMOUNTS OF GRANT MONEY REQUESTED BY EACH
26 APPLICANT, THE NUMBER OF GRANTS AWARDED UNDER THE BROADBAND
27 STIMULUS GRANT PROGRAM, AND THE AMOUNTS OF GRANT MONEY

1 AWARDED TO EACH APPLICANT UNDER THE BROADBAND STIMULUS GRANT
2 PROGRAM; AND

3 (III) THE AMOUNT OF MONEY EXPENDED FROM THE BROADBAND
4 STIMULUS ACCOUNT VERSUS THE AMOUNT OF MONEY OBLIGATED BUT NOT
5 YET EXPENDED FROM THE BROADBAND STIMULUS ACCOUNT.

6 (e) THIS SUBSECTION (9.5) IS REPEALED, EFFECTIVE SEPTEMBER 1,
7 2023.

8 (16) As used in this section:

9 (d.5) "COMMUNITY ANCHOR INSTITUTION" HAS THE MEANING SET
10 FORTH IN SECTION 24-37.5-902 (3).

11 (i.5) "INCOME-QUALIFIED PLAN" MEANS A PLAN THAT AN
12 APPLICANT SEEKING A BROADBAND STIMULUS GRANT PURSUANT TO
13 SUBSECTION (9.5) OF THIS SECTION INCLUDES IN THE APPLICATION TO
14 DEMONSTRATE THAT, AS PART OF THE APPLICANT'S PROPOSED PROJECT,
15 THE APPLICANT WOULD PROVIDE BROADBAND TO INCOME-QUALIFIED
16 CUSTOMERS IN THE PROPOSED SERVICE AREA AT A REDUCED COST.

17 **SECTION 9.** In Colorado Revised Statutes, 24-32-101, **add** (2)
18 as follows:

19 **24-32-101. Legislative declaration.** (2) THE GENERAL ASSEMBLY
20 FURTHER FINDS AND DECLARES THAT:

21 (a) THE PROVISION OF HIGH-SPEED BROADBAND PLAYS A CRITICAL
22 ROLE IN ENHANCING LOCAL GOVERNMENT AND COMMUNITY
23 DEVELOPMENT EFFORTS;

24 (b) REGIONAL, MULTIJURISDICTIONAL, AND COORDINATED
25 APPROACHES TO BROADBAND PLANNING ARE CRITICAL TO ACHIEVING THE
26 EFFICIENT DEPLOYMENT OF BROADBAND INFRASTRUCTURE AND
27 TECHNOLOGY; AND

1 (c) PUBLIC-PRIVATE PARTNERSHIPS HELP LEVERAGE RESOURCES OF
2 BOTH PRIVATE BROADBAND PROVIDERS AND LOCAL GOVERNMENTS TO
3 ACHIEVE STATEWIDE BROADBAND DEPLOYMENT.

4 **SECTION 10.** In Colorado Revised Statutes, **amend** 24-32-102
5 as follows:

6 **24-32-102. Definitions.** As used in this part 1, unless the context
7 otherwise requires:

8 (1) "BROADBAND" HAS THE MEANING SET FORTH IN SECTION
9 40-15-102 (3.3).

10 (2) "BROADBAND FACILITY" MEANS ANY INFRASTRUCTURE USED
11 TO DELIVER BROADBAND OR PROVIDE BROADBAND.

12 (3) "COMMUNITY ANCHOR INSTITUTION" HAS THE MEANING SET
13 FORTH IN SECTION 24-37.5-902 (3).

14 (4) "DIVISION" MEANS THE DIVISION OF LOCAL GOVERNMENT
15 CREATED IN SECTION 24-32-103.

16 (5) "INTERCONNECTIVITY GRANT PROGRAM" MEANS THE GRANT
17 PROGRAM CREATED IN SECTION 24-32-104 (4)(a).

18 (6) "INTERCONNECTIVITY GRANT PROGRAM FUND" MEANS THE
19 FUND CREATED IN SECTION 24-32-104 (4)(c).

20 (7) "LAST-MILE BROADBAND INFRASTRUCTURE" MEANS
21 BROADBAND INFRASTRUCTURE THAT DELIVERS AN INTERNET CONNECTION
22 TO AN END USER.

23 ~~(7)~~ (8) (a) "LOCAL GOVERNMENT" MEANS A STATUTORY OR HOME
24 RULE MUNICIPALITY, COUNTY, CITY AND COUNTY, COUNCIL OF
25 GOVERNMENTS, OR METROPOLITAN DISTRICT THAT LIES WHOLLY WITHIN
26 THE UNINCORPORATED PART OF A COUNTY.

27 (b) "Local government" includes all ~~municipal corporations~~; quasi

1 municipalities ~~counties~~, and local improvement and service districts of
2 this state.

3 (9) "METROPOLITAN DISTRICT" HAS THE MEANING SET FORTH IN
4 SECTION 32-1-103 (10).

5 **SECTION 11.** In Colorado Revised Statutes, 24-32-104, **add**
6 (1)(n) and (4) as follows:

7 **24-32-104. Functions of the division - definition -**
8 **interconnectivity grant program - interconnectivity grant program**
9 **fund - reporting.** (1) The division shall perform the following functions:

10 (n) ~~SUBMIT TO THE COLORADO BROADBAND OFFICE CREATED IN~~
11 ~~SECTION 24-37.5-903 (1) FOR THE BROADBAND OFFICE'S REVIEW AND~~
12 ~~RECOMMENDATIONS A COPY OF EACH APPLICATION THAT THE DIVISION~~
13 ~~RECEIVES IN WHICH AN APPLICANT SEEKS GRANT MONEY FOR BROADBAND~~
14 ~~PLANNING OR INFRASTRUCTURE, WHICH GRANT THE DIVISION AWARDS~~
15 ~~FROM THE INTERCONNECTIVITY GRANT PROGRAM FUND. THE COLORADO~~
16 ~~BROADBAND OFFICE SHALL REVIEW EACH APPLICATION SUBMITTED AND~~
17 ~~PROVIDE THE DIVISION ITS RECOMMENDATIONS REGARDING THE~~
18 ~~APPLICATION AS SOON AS PRACTICABLE BUT NO LATER THAN THIRTY DAYS~~
19 ~~AFTER THE DIVISION HAS FURNISHED A COPY OF THE APPLICATION TO THE~~
20 ~~COLORADO BROADBAND OFFICE.~~

21 (4) (a) AS PART OF THE DIVISION'S WORK TO IMPROVE BROADBAND
22 SERVICE TO ITS LOCAL GOVERNMENT CONSTITUENTS, THE DIVISION SHALL
23 IMPLEMENT THE INTERCONNECTIVITY GRANT PROGRAM, WHICH IS HEREBY
24 CREATED, TO AWARD GRANT MONEY TO LOCAL GOVERNMENTS FOR
25 PROPOSED PROJECTS THAT:

26 (I) ENGAGE IN REGIONAL PLANNING AMONG MULTIPLE LOCAL
27 GOVERNMENTS TO:

1 (A) IDENTIFY REGIONAL BROADBAND INFRASTRUCTURE NEEDS;

2 (B) DETERMINE OPTIMAL REGIONAL CONFIGURATIONS OF
3 BROADBAND INFRASTRUCTURE; AND

4 (C) IDENTIFY POTENTIAL PUBLIC-PRIVATE PARTNERSHIPS TO
5 ACHIEVE OPTIMAL REGIONAL BROADBAND DEPLOYMENT; OR

6 (II) PROVIDE OR ENHANCE THE NETWORK CONNECTION BETWEEN
7 COMMUNITIES, INCLUDING THE INTERCONNECTION BETWEEN COMMUNITY
8 ANCHOR INSTITUTIONS.

9 (b) A RECIPIENT OF MONEY UNDER THE GRANT PROGRAM:

10 (I) SHALL NOT USE THE MONEY TO DEPLOY LAST-MILE BROADBAND
11 INFRASTRUCTURE OR TO PROVIDE BROADBAND INTERNET SERVICE AS
12 DEFINED IN SECTION 40-15-102 (3.5); EXCEPT THAT AN INDIAN TRIBE OR
13 NATION AWARDED GRANT MONEY MAY USE THE GRANT MONEY TO DEPLOY
14 LAST-MILE BROADBAND INFRASTRUCTURE; AND

15 (II) IS ENCOURAGED TO CONTRACT WITH THE OWNER OF:

16 (A) ANY EXISTING BROADBAND INFRASTRUCTURE LOCATED IN THE
17 AREA TO BE SERVED BY THE RECIPIENT'S PROPOSED PROJECT TO LEASE ANY
18 EXCESS CAPACITY OR OBTAIN A RIGHT-OF-WAY FROM THE OWNER IN
19 ORDER TO ATTACH THE RECIPIENT'S OWN BROADBAND FACILITIES IN THE
20 RIGHT-OF-WAY; OR

21 (B) ANY EXISTING ELECTRIC EASEMENT, AS THAT TERM IS DEFINED
22 IN SECTION 40-15-601 (5), LOCATED IN THE AREA TO BE SERVED BY THE
23 RECIPIENT'S PROPOSED PROJECT TO LEASE ANY EXCESS CAPACITY OR
24 INSTALL A BROADBAND FACILITY IN THE ELECTRIC EASEMENT PURSUANT
25 TO PART 6 OF ARTICLE 15 OF TITLE 40.

26 (c) THE INTERCONNECTIVITY GRANT PROGRAM FUND IS HEREBY
27 CREATED IN THE STATE TREASURY. WITHIN THREE DAYS AFTER THE

1 EFFECTIVE DATE OF THIS SUBSECTION (4), THE STATE TREASURER SHALL
2 TRANSFER FIVE MILLION DOLLARS FROM THE GENERAL FUND TO THE FUND
3 FOR USE BY THE DIVISION FOR THE PURPOSE OF REVIEWING AND AWARDING
4 GRANTS UNDER THE GRANT PROGRAM. THE MONEY IN THE FUND IS
5 SUBJECT TO APPROPRIATION BY THE GENERAL ASSEMBLY.

6 (d) ON OR BEFORE JANUARY 1, 2022, AND WITHIN SIX MONTHS
7 AFTER A STATE FISCAL YEAR IN WHICH THE DIVISION AWARDS ONE OR
8 MORE GRANTS FOR BROADBAND DEPLOYMENT, WHETHER OR NOT
9 AWARDED UNDER THE GRANT PROGRAM, THE DIVISION SHALL SUBMIT A
10 REPORT TO THE COLORADO BROADBAND OFFICE REGARDING GRANTS
11 AWARDED IN THE MOST RECENT STATE FISCAL YEAR. REPORTS SUBMITTED
12 UNDER THIS SUBSECTION (4)(d) MUST INCLUDE:

13 (I) FOR EACH PROJECT AWARDED GRANT MONEY:

14 (A) A DESCRIPTION OF THE PROJECT, INCLUDING A DESCRIPTION OF
15 THE USE OF THE GRANT MONEY IN PROVIDING BROADBAND;

16 (B) A SUMMARY OF THE PROGRESS MADE ON THE PROJECT;

17 (C) THE ESTIMATED COMPLETION DATE FOR THE PROJECT OR, IF
18 ALREADY COMPLETED, THE DATE OF COMPLETION;

19 (D) A MAP OF THE AREAS TO BE SERVED OR ALREADY SERVED BY
20 THE PROJECT; AND

21 (E) THE TYPE OF TECHNOLOGY DEPLOYED OR USED FOR
22 BROADBAND PROVIDED THROUGH THE PROJECT;

23 (II) THE NUMBER OF GRANT APPLICANTS, THE AMOUNTS OF GRANT
24 MONEY REQUESTED BY EACH APPLICANT, THE NUMBER OF GRANTS
25 AWARDED, AND THE AMOUNTS OF GRANT MONEY AWARDED TO EACH
26 APPLICANT THAT RECEIVES AN AWARD; AND

27 (III) THE AMOUNT OF MONEY EXPENDED FOR GRANT AWARDS

1 VERSUS THE AMOUNT OF MONEY OBLIGATED BUT NOT YET EXPENDED FOR
2 GRANT AWARDS.

3 **SECTION 12. Appropriations.** (1) For the 2020-21 state fiscal
4 year, \$35,000,000 is appropriated to the office of information technology
5 for use by the Colorado broadband office. This appropriation is from the
6 digital inclusion grant program fund created in section 24-37.5-904 (2),
7 C.R.S. The Colorado broadband office may use this appropriation to
8 implement the digital inclusion grant program created in section
9 24-37.5-904 (1)(a), C.R.S. Any money appropriated in this subsection (1)
10 not expended prior to July 1, 2021, is further appropriated to the office of
11 information technology for the 2021-22 state fiscal year for the same
12 purpose.

13 (2) For the 2020-21 state fiscal year, \$35,000,000 is appropriated
14 to the department of regulatory agencies for use by the broadband
15 deployment board. This appropriation is from the broadband stimulus
16 account in the broadband administrative fund created in section
17 40-15-509.5 (4), C.R.S. The broadband deployment board may use this
18 appropriation to implement the broadband stimulus grant program created
19 in section 40-15-509.5 (8.7), C.R.S. Any money appropriated in this
20 subsection (2) not expended prior to July 1, 2021, is further appropriated
21 to the department for the 2021-22 state fiscal year for the same purpose.

22 (3) For the 2020-21 state fiscal year, \$5,000,000 is appropriated
23 to the department of local affairs for use by the division of local
24 government. This appropriation is from the interconnectivity grant
25 program fund created in section 24-32-104 (4)(c), C.R.S. The division of
26 local government may use this appropriation to implement the
27 interconnectivity grant program created in section 24-32-104 (4)(a),

1 C.R.S. Any money appropriated in this subsection (3) not expended prior
2 to July 1, 2021, is further appropriated to the department of local affairs
3 for use by the division of local government for the 2021-22 state fiscal
4 year for the same purpose.

5 **SECTION 13. Appropriations.** (1) For the 2020-21 state fiscal
6 year, \$35,000,000 is appropriated to the office of the governor for use by
7 the office of information technology for use by the Colorado broadband
8 office. This appropriation is from the digital inclusion grant program fund
9 created in section 24-37.5-904 (2), C.R.S. The Colorado broadband office
10 may use this appropriation to implement the digital inclusion grant
11 program created in section 24-37.5-904 (1)(a), C.R.S. Any money
12 appropriated in this subsection (1) not expended prior to July 1, 2021, is
13 further appropriated to the office of the governor for use by the office of
14 information technology for the 2021-22 state fiscal year for the same
15 purpose.

16 (2) For the 2020-21 state fiscal year, \$35,000,000 is appropriated
17 to the office of the governor for use by the office of information
18 technology for the broadband deployment board. This appropriation is
19 from the broadband stimulus account in the broadband administrative
20 fund created in section 24-37.5-118 (4), C.R.S. The broadband
21 deployment board may use this appropriation to implement the broadband
22 stimulus grant program created in section 24-37.5-118 (9.5), C.R.S. Any
23 money appropriated in this subsection (2) not expended prior to July 1,
24 2021, is further appropriated to the office of the governor for use by the
25 office of information technology for the 2021-22 state fiscal year for the
26 same purpose.

27 (3) For the 2020-21 state fiscal year, \$5,000,000 is appropriated

1 to the department of local affairs for use by the division of local
2 government. This appropriation is from the interconnectivity grant
3 program fund created in section 24-32-104 (4)(c), C.R.S. The division of
4 local government may use this appropriation to implement the
5 interconnectivity grant program created in section 24-32-104 (4)(a),
6 C.R.S. Any money appropriated in this subsection (3) not expended prior
7 to July 1, 2021, is further appropriated to the department of local affairs
8 for use by the division of local government for the 2021-22 state fiscal
9 year for the same purpose.

10 **SECTION 14. Effective date.** (1) Except as provided in
11 subsections (2) and (3) of this section, this act takes effect upon passage.

12 (2) Section 4 takes effect only if House Bill 21-1236 becomes
13 law, in which case section 4 takes effect on the effective date of this act
14 or House Bill 21-1236, whichever is later.

15 (3) (a) Sections 8 and 13 take effect only if House Bill 21-1109
16 becomes law, in which case sections 8 and 13 take effect on the effective
17 date of this act or House Bill 21-1109, whichever is later.

18 (b) Sections 6, 7, and 12 take effect only if House Bill 21-1109
19 does not become law, in which case sections 6, 7, and 12 take effect on
20 the effective date of this act.

21 **SECTION 15. Safety clause.** The general assembly hereby finds,
22 determines, and declares that this act is necessary for the immediate
23 preservation of the public peace, health, or safety.