

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 21-0895.01 Jennifer Berman x3286

HOUSE BILL 21-1289

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House Committees

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Appropriations

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.

SENATE
3rd Reading Unamended
June 4, 2021

SENATE
Amended 2nd Reading
June 3, 2021

HOUSE
3rd Reading Unamended
May 20, 2021

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. Legislative declaration.** (1) The general assembly
3 finds and declares that, pursuant to 31 CFR 35.6 (e)(2), providing grants
4 for the deployment of broadband infrastructure is an eligible use of
5 money received by the state under the federal "American Rescue Plan Act
6 of 2021", Pub.L. 117-2. For this purpose, Senate Bill 21-291 creates the
7 economic recovery and relief cash fund to appropriate money to
8 departments or transfer money to another cash fund for uses to address
9 the negative economic impacts of COVID-19, including using the money
10 for necessary investments in broadband infrastructure.

11 (2) Pursuant to 31 CFR 35.6 (b)(1)(viii), providing grants for
12 establishing and operating telehealth capabilities is an eligible use of
13 money received by the state under the federal "American Rescue Plan Act
14 of 2021", Pub.L. 117-2. The economic recovery and relief cash fund
15 created in Senate Bill 21-291 may be used for this purpose as well.

16 (3) The general assembly further finds and declares that, pursuant
17 to subsection (1) of this section, the general assembly may transfer money
18 from the economic recovery and relief cash fund created in section
19 24-75-228 (2)(a) to other cash funds for use in making broadband

1 deployment grants in a manner that complies with federal regulations on
2 use of the money.

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

5 **22-103-103. Connecting Colorado students grant program -**
6 **created - application - awards.** (5) By ~~February 1~~ JUNE 30, 2021, the
7 department shall distribute as grants to local education providers the
8 entire amount appropriated to the fund for the 2020-21 budget year, less
9 the amount allowed for expenses.

10 **SECTION 3.** In Colorado Revised Statutes, 22-103-104, **amend**
11 (1) introductory portion as follows:

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

20 **SECTION 4.** In Colorado Revised Statutes, 24-37.5-106, **amend**
21 (1)(u); and **add** (1)(v) as follows:

22 **24-37.5-106. Chief information officer - duties and**
23 **responsibilities - broadband inventory fund created.** (1) The chief
24 information officer shall:

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

27 (v) APPOINT A DIRECTOR OF THE COLORADO BROADBAND OFFICE

1 CREATED IN SECTION 24-37.5-903 (1).

2 **SECTION 5.** In Colorado Revised Statutes, 24-37.5-106, as
3 **repealed and reenacted by House Bill 21-1236 add (2)(f) as follows:**

4 **24-37.5-106. Chief information officer - duties and**
5 **responsibilities. (2) The chief information officer shall:**

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

8 **SECTION 6.** In Colorado Revised Statutes, **add 24-37.5-119 as**
9 **follows:**

10 **24-37.5-119. Digital access to government services - strategic**
11 **plan - reporting - legislative declaration - definitions - repeal. (1) THE**
12 **GENERAL ASSEMBLY FINDS AND DECLARES THAT:**

13 **(a) THE COVID-19 PANDEMIC HAS HIGHLIGHTED THE FACT THAT**
14 **COLORADO RESIDENTS NEED DIGITAL ACCESS TO GOVERNMENT SERVICES**
15 **TO ALLOW THEM TO SAFELY ACCESS GOVERNMENT SERVICES WHILE**
16 **CARRYING ON NECESSARY BUSINESS AND OTHER ACTIVITIES;**

17 **(b) EVEN AS THE COVID-19 PANDEMIC SUBSIDES, IT REMAINS**
18 **IMPORTANT TO PROVIDE DIGITAL ACCESS TO GOVERNMENT SERVICES TO**
19 **MODERNIZE GOVERNMENT OPERATIONS, SAVE TAXPAYERS TIME AND**
20 **MONEY, AND IMPROVE ACCESSIBILITY TO GOVERNMENT SERVICES AND**
21 **INFORMATION THROUGHOUT THE STATE; AND**

22 **(c) THE OFFICE IS WELL POSITIONED TO ADVANCE AND INNOVATE**
23 **THE STATE'S ADOPTION OF, AND INCREASE ITS OFFERINGS FOR, DIGITAL**
24 **ACCESS TO GOVERNMENT SERVICES, WHICH OFFERINGS WOULD FURTHER**
25 **MAXIMIZE THE VALUE OF THE STATE'S INVESTMENT IN BROADBAND**
26 **DEPLOYMENT.**

27 **(2)(a) THE OFFICE SHALL ENTER INTO AN ENTERPRISE AGREEMENT**

1 WITH A THIRD-PARTY VENDOR TO DEVELOP AND IMPLEMENT A STRATEGIC
2 PLAN TO EXPAND AND IMPROVE DIGITAL ACCESS TO GOVERNMENT
3 SERVICES THROUGH THE USE OF BROADBAND.

4 (b) IN DEVELOPING THE STRATEGIC PLAN, THE OFFICE AND THE
5 VENDOR SHALL CONSULT WITH STAKEHOLDERS THROUGHOUT THE STATE
6 THAT REPRESENT VARIOUS INTERESTED PARTIES INCLUDING:

7 (I) RESIDENTS OF THE STATE;

8 (II) GROUPS REPRESENTING OR ADVOCATING FOR HISTORICALLY
9 MARGINALIZED COMMUNITIES OR RESIDENTS OF THE STATE;

10 (III) AGENCIES;

11 (IV) THE STATEWIDE INTERNET PORTAL AUTHORITY CREATED
12 PURSUANT TO SECTION 24-37.7-102; AND

13 (V) LOCAL AND REGIONAL GOVERNMENT OFFICIALS.

14 (3) (a) ON OR BEFORE JULY 1, 2022, THE OFFICE SHALL REPORT TO
15 THE JOINT TECHNOLOGY COMMITTEE ON THE DEVELOPMENT AND
16 IMPLEMENTATION OF THE STRATEGIC PLAN.

17 (b) THIS SUBSECTION (3) IS REPEALED, EFFECTIVE SEPTEMBER 1,
18 2022.

19 (4) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
20 REQUIRES:

21 (a) "AGENCY" HAS THE MEANING SET FORTH IN SECTION 24-4-102
22 (3).

23 (b) "COVID-19" MEANS THE CORONAVIRUS DISEASE 2019 CAUSED
24 BY THE SEVERE ACUTE RESPIRATORY SYNDROME CORONAVIRUS 2, ALSO
25 KNOWN AS SARS-CoV-2.

26 **SECTION 7.** In Colorado Revised Statutes, **add** part 9 to article
27 37.5 of title 24 as follows:

1 PART 9

2 COLORADO BROADBAND OFFICE

3 **24-37.5-901. Legislative declaration.** (1) THE GENERAL
4 ASSEMBLY HEREBY FINDS AND DETERMINES THAT:

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

- 7 (I) DRIVE JOB CREATION;
8 (II) PROMOTE INNOVATION;
9 (III) IMPROVE THE ECONOMIC VITALITY OF VARIOUS INDUSTRIES
10 THROUGHOUT THE STATE AND THE STATE AS A WHOLE; AND

11 (IV) EXPAND MARKETS FOR COLORADO BUSINESSES;
12 (b) IMPROVED BROADBAND ACCESS WILL HELP SERVE THE
13 ONGOING AND GROWING NEEDS OF COLORADO'S EDUCATION,
14 HEALTH-CARE, AND PUBLIC SAFETY SYSTEMS; INDUSTRIES; BUSINESSES;
15 GOVERNMENTAL OPERATIONS; AND CITIZENS; AND

16 (c) COMMUNITIES IN UNSERVED AREAS OF THE STATE NEED ACCESS
17 TO BROADBAND TO HELP OVERCOME ECONOMIC, HEALTH-CARE,
18 EDUCATION, AND GOVERNMENT-ACCESS INEQUITIES ARISING FROM THEIR
19 DIMINISHED ABILITY TO ACCESS BROADBAND.

20 (2) THE GENERAL ASSEMBLY DECLARES THAT IT IS IMPORTANT TO
21 CREATE THE COLORADO BROADBAND OFFICE TO SERVE AS A CENTRAL
22 GOVERNMENTAL ENTITY TO PLAN AND COORDINATE WITH OTHER STATE,
23 PUBLIC, AND PRIVATE ENTITIES AND CITIZENS THROUGHOUT THE STATE TO
24 DEVELOP AND IMPLEMENT STATEWIDE BROADBAND DEPLOYMENT AND
25 ACCESS STRATEGIES AND PROGRAMS THAT SEEK TO ADVANCE THE GOALS
26 LISTED IN SUBSECTION (1) OF THIS SECTION.

27 **24-37.5-902. Definitions.** AS USED IN THIS PART 9, UNLESS THE

1 CONTEXT OTHERWISE REQUIRES:

2

3 (1) "COLORADO BROADBAND OFFICE" OR "BROADBAND OFFICE"
4 MEANS THE COLORADO BROADBAND OFFICE CREATED IN SECTION
5 24-37.5-903 (1).

6 (2) COMMUNITY ANCHOR INSTITUTION" MEANS A:

7 (a) SCHOOL;

8 (b) LIBRARY;

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

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

13 (e) COMMUNITY SUPPORT ORGANIZATION, AGENCY, OR LOCAL
14 GOVERNMENT FACILITY THAT PROVIDES OUTREACH, ACCESS, EQUIPMENT,
15 OR SUPPORT SERVICES TO FACILITATE GREATER USE OF BROADBAND
16 THROUGHOUT THE COMMUNITY, ESPECIALLY GREATER USE BY
17 VULNERABLE POPULATIONS WITHIN THE COMMUNITY, SUCH AS
18 LOW-INCOME, UNEMPLOYED, AND SENIOR POPULATIONS.

19 (3) "DEVICE" MEANS AN ELECTRONIC DEVICE THAT ENABLES
20 ACCESS TO OR USE OF THE INTERNET.

21 (4) "DIGITAL INCLUSION GRANT PROGRAM" OR "GRANT PROGRAM"
22 MEANS THE DIGITAL INCLUSION GRANT PROGRAM CREATED IN SECTION
23 24-37.5-904 (1).

24 (5) "DIGITAL INCLUSION GRANT PROGRAM FUND" OR "FUND"
25 MEANS THE FUND CREATED IN SECTION 24-37.5-904 (2) FOR USE BY THE
26 BROADBAND OFFICE FOR IMPLEMENTING THE GRANT PROGRAM.

27 (6) "DIGITAL LITERACY" MEANS THE ABILITY TO USE

1 TECHNOLOGIES TO FIND, EVALUATE, ANALYZE, CREATE, AND
2 COMMUNICATE INFORMATION.

3 (7) "LAST-MILE BROADBAND INFRASTRUCTURE" MEANS
4 BROADBAND INFRASTRUCTURE THAT DELIVERS AN INTERNET CONNECTION
5 TO AN END USER.

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

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

12 (10) "SCHOOL" MEANS A STATE INSTITUTION OF HIGHER
13 EDUCATION AS DEFINED IN SECTION 23-1-108 (7)(g)(II) INCLUDING THE
14 AURARIA HIGHER EDUCATION CENTER GOVERNED PURSUANT TO ARTICLE
15 70 OF TITLE 23, A SCHOOL DISTRICT CREATED PURSUANT TO ARTICLE 30 OF
16 TITLE 22, A CHARTER SCHOOL AUTHORIZED PURSUANT TO PART 1 OF
17 ARTICLE 30.5 OF TITLE 22, THE STATE CHARTER SCHOOL INSTITUTE
18 ESTABLISHED IN SECTION 22-30.5-503, AN INSTITUTE CHARTER SCHOOL
19 AUTHORIZED PURSUANT TO PART 5 OF ARTICLE 30.5 OF TITLE 22, A BOARD
20 OF COOPERATIVE SERVICES CREATED PURSUANT TO ARTICLE 5 OF TITLE 22,
21 AN ADULT EDUCATION PROVIDER AS DEFINED IN SECTION 22-10-103 (1.5)
22 BUT EXCLUDING A PRIVATE PROVIDER, OR AN INDIAN TRIBE OR NATION
23 THAT OPERATES A PUBLIC SCHOOL IN COLORADO.

24 (11) "TELEHEALTH" HAS THE MEANING SET FORTH IN SECTION
25 10-16-123 (4)(e).

26 (12) "UNSERVED AREA" HAS THE MEANING SET FORTH IN SECTION
27 40-15-102 (32).

1 **24-37.5-903. Colorado broadband office - creation -**
2 **responsibilities - gifts, grants, or donations.** (1) THE COLORADO
3 BROADBAND OFFICE IS HEREBY CREATED IN THE OFFICE. THE COLORADO
4 BROADBAND OFFICE SHALL EXERCISE ITS POWERS AND PERFORM ITS
5 DUTIES AND FUNCTIONS UNDER THE OFFICE AS IF THE COLORADO
6 BROADBAND OFFICE WERE TRANSFERRED TO THE OFFICE BY A **TYPE 1**
7 TRANSFER AS DEFINED IN SECTION 24-1-105.

8 (2) (a) THE CHIEF INFORMATION OFFICER SHALL APPOINT THE
9 DIRECTOR OF THE BROADBAND OFFICE. THE DIRECTOR MAY EMPLOY STAFF
10 AS NECESSARY TO CARRY OUT THE POWERS AND DUTIES OF THE
11 BROADBAND OFFICE, SUBJECT TO THE AVAILABILITY OF APPROPRIATIONS
12 TO THE OFFICE FOR USE BY THE BROADBAND OFFICE.

13 (b) THE BROADBAND OFFICE SHALL PROVIDE TECHNICAL
14 ASSISTANCE TO APPLICANTS SEEKING GRANT AWARDS FROM THE GRANT
15 PROGRAM OR OTHER STATE OR FEDERAL GRANT OPPORTUNITIES OFFERED
16 FOR DEPLOYING BROADBAND SERVICE.

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

20 (3) THE BROADBAND OFFICE SHALL:

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

23 (b) SERVE AS THE CENTRAL BROADBAND POLICY COORDINATION
24 BODY FOR THE STATE;

25 (c) COORDINATE WITH OTHER STATE AGENCIES, LOCAL
26 GOVERNMENTS, THE FEDERAL GOVERNMENT, INDIAN TRIBES AND
27 NATIONS, OTHER RELEVANT BROADBAND PARTNERS, AND CONSUMERS

1 THROUGHOUT THE STATE TO DEVELOP STRATEGIES AND PLANS FOR
2 PROMOTING THE DEPLOYMENT OF BROADBAND INFRASTRUCTURE AND
3 GREATER BROADBAND ACCESS;

4 (d) REVIEW EXISTING STATE BROADBAND INITIATIVES, POLICIES,
5 AND DEPLOYMENT BY PUBLIC OR PRIVATE ENTITIES IN ORDER TO
6 PRIORITIZE INVESTMENT;

7 (e) DEVELOP AND IMPLEMENT A STATEWIDE PLAN TO ENCOURAGE
8 COST-EFFECTIVE BROADBAND ACCESS AND INCREASED BROADBAND
9 USAGE, PARTICULARLY IN RURAL UNSERVED AREAS AND OTHER UNSERVED
10 AREAS OF THE STATE. THE BROADBAND OFFICE SHALL SUBMIT THE
11 STATEWIDE PLAN, AND ANY UPDATED VERSIONS OF THE STATEWIDE PLAN,
12 TO THE CHIEF INFORMATION OFFICER, THE GOVERNOR, AND THE JOINT
13 TECHNOLOGY COMMITTEE AND SHALL POST THE STATEWIDE PLAN ON ITS
14 PUBLIC WEBSITE. IN DEVELOPING A STATEWIDE PLAN AND ANY OTHER
15 STRATEGIES FOR BROADBAND DEPLOYMENT, THE BROADBAND OFFICE
16 SHALL CONSIDER:

17 (I) PARTNERSHIPS BETWEEN COMMUNITIES; INDIAN TRIBES AND
18 NATIONS; NONPROFIT ORGANIZATIONS; LOCAL GOVERNMENTS; ELECTRIC
19 UTILITIES AS DEFINED IN SECTION 40-2-202 (1), COOPERATIVE ELECTRIC
20 ASSOCIATIONS AS DEFINED IN SECTION 40-9.5-102, MUNICIPALLY OWNED
21 UTILITIES, AND NONPROFIT GENERATION AND TRANSMISSION ELECTRIC
22 CORPORATIONS OR ASSOCIATIONS; RURAL TELECOMMUNICATIONS
23 PROVIDERS AS DEFINED IN SECTION 40-15-102 (24.5); AND PUBLIC AND
24 PRIVATE ENTITIES;

25 (II) FUNDING OPPORTUNITIES THAT ALLOW FOR THE
26 COORDINATION OF PUBLIC FUNDING SOURCES, INCLUDING LOCAL
27 GOVERNMENTS, STATE GOVERNMENT, AND THE FEDERAL GOVERNMENT,

1 AND PRIVATE FUNDING SOURCES FOR THE PURPOSE OF DEPLOYING
2 BROADBAND INTO RURAL UNSERVED AREAS AND OTHER UNSERVED AREAS
3 OF THE STATE;

4 (III) BARRIERS TO THE DEPLOYMENT, ADOPTION, AND UTILIZATION
5 OF BROADBAND, INCLUDING A CONSIDERATION OF THE AFFORDABILITY OF
6 BROADBAND; AND

7 (IV) STATEWIDE BROADBAND GOALS AND WHETHER STATUTORY
8 DEFINITIONS FOR BROADBAND IN UNSERVED AREAS NEED TO BE UPDATED
9 IN RESPONSE TO ADVANCES MADE IN BROADBAND TECHNOLOGY.

10 (f) COLLECT BROADBAND DATA TO CREATE AND UPDATE MAPS
11 THAT MEASURE THE PROGRESS OF BROADBAND DEPLOYMENT IN THE
12 STATE;

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

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

17 (I) GIFTS, GRANTS, OR DONATIONS FROM PUBLIC OR PRIVATE
18 SOURCES; AND

19 (II) MONEY FROM THE FEDERAL GOVERNMENT FOR BROADBAND
20 DEPLOYMENT. THE BROADBAND OFFICE MAY SEEK AND APPLY FOR ALL
21 FEDERAL FUNDS FOR WHICH THE BROADBAND OFFICE IS ELIGIBLE TO
22 RECEIVE.

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

26 (b) (I) THE CHIEF INFORMATION OFFICER MAY SEEK, ACCEPT, AND
27 EXPEND GIFTS, GRANTS, OR DONATIONS FROM PUBLIC AND PRIVATE

1 SOURCES FOR THE PURPOSE OF IMPLEMENTING THIS SUBSECTION (4). THE
2 CHIEF INFORMATION OFFICER SHALL TRANSMIT ANY GIFTS, GRANTS, OR
3 DONATIONS RECEIVED PURSUANT TO THIS SUBSECTION (4) TO THE STATE
4 TREASURER WHO SHALL CREDIT THE MONEY TO THE DIGITAL INCLUSION
5 GRANT PROGRAM FUND.

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

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

12 **24-37.5-904. Digital inclusion grant program - creation -**
13 **award criteria - digital inclusion grant program fund - definition -**
14 **reporting.** (1) (a) THE DIGITAL INCLUSION GRANT PROGRAM IS CREATED

15 FOR THE PURPOSE OF ADVANCING THE STATE'S DIGITAL INCLUSION
16 PRIORITIES, WHICH PRIORITIES INCLUDE:

17 (I) INCREASING BROADBAND USAGE AND ACCESS TO BROADBAND
18 THROUGHOUT THE STATE;

19 (II) IMPROVING THE RELIABILITY AND AVAILABILITY OF
20 BROADBAND ON TRIBAL LANDS;

21 (III) ENHANCING DIGITAL LITERACY; AND

22 (IV) MAKING ACCESS TO BROADBAND MORE AFFORDABLE.

23 (b) THE COLORADO BROADBAND OFFICE SHALL IMPLEMENT THE
24 GRANT PROGRAM. DURING THE 2020-21 STATE FISCAL YEAR, THE
25 BROADBAND OFFICE SHALL AWARD:

26 (I) GRANTS TOTALING UP TO TWENTY MILLION DOLLARS TO ONE OR
27 MORE INDIAN TRIBES OR NATIONS FOR THE PURPOSE OF DEPLOYING

1 ADDITIONAL INFRASTRUCTURE ON TRIBAL LANDS AND PROVIDING DEVICES
2 TO INDIAN TRIBES OR NATIONS; AND

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

5 (c) IN REVIEWING GRANT APPLICATIONS AND AWARDING GRANTS
6 PURSUANT TO THIS SECTION, THE BROADBAND OFFICE IS ENCOURAGED TO
7 CONSULT WITH THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT
8 CREATED IN SECTION 24-48.5-101 (1), THE DEPARTMENT OF LOCAL
9 AFFAIRS, THE DEPARTMENT OF REGULATORY AGENCIES, THE DEPARTMENT
10 OF TRANSPORTATION, AND ANY OTHER AGENCIES, ORGANIZATIONS, OR
11 INDIVIDUALS WITH BROADBAND EXPERTISE.

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

15 (e) WITH RESPECT TO GRANTS AWARDED PURSUANT TO
16 SUBSECTION (1)(b)(I) OF THIS SECTION AND FROM MONEY TRANSFERRED
17 TO THE DIGITAL INCLUSION GRANT PROGRAM FUND FROM THE ECONOMIC
18 RECOVERY AND RELIEF CASH FUND CREATED IN SECTION 24-75-228 (2)(a),
19 GRANTS MAY ONLY BE AWARDED FOR BROADBAND PROJECTS THAT,
20 PURSUANT TO TREASURY DEPARTMENT INTERIM REGULATIONS
21 IMPLEMENTING THE FEDERAL "AMERICAN RESCUE PLAN ACT OF 2021",
22 PUB.L. 117-2, PROVIDE BROADBAND INFRASTRUCTURE THAT IS DESIGNED
23 TO PROVIDE SERVICE TO UNSERVED OR UNDERSERVED HOUSEHOLDS AND
24 BUSINESSES AND THAT IS DESIGNED TO, UPON COMPLETION:

25 (I) RELIABLY MEET OR EXCEED SYMMETRICAL ONE HUNDRED
26 MEGABITS PER SECOND DOWNLOAD AND UPLOAD SPEEDS; OR

27 (II) IN CASES WHERE IT IS NOT PRACTICABLE, BECAUSE OF THE

1 EXCESSIVE COST OF THE PROJECT OR GEOGRAPHY OR TOPOGRAPHY OF THE
2 AREA TO BE SERVED BY THE PROJECT, PROVIDE SERVICE MEETING THE
3 STANDARDS SET FORTH IN SUBSECTION (1)(e)(I) OF THIS SECTION THAT:

4 (A) RELIABLY MEETS OR EXCEEDS ONE HUNDRED MEGABITS PER
5 SECOND DOWNLOAD SPEED AND IS BETWEEN AT LEAST TWENTY MEGABITS
6 PER SECOND AND ONE HUNDRED MEGABITS PER SECOND UPLOAD SPEED;

7 AND

8 (B) IS SCALABLE TO A MINIMUM OF ONE HUNDRED MEGABITS PER
9 SECOND DOWNLOAD SPEED AND ONE HUNDRED MEGABITS PER SECOND
10 UPLOAD SPEED.

11 (f) IF THE TREASURY DEPARTMENT MODIFIES ITS INTERIM
12 REGULATIONS IMPLEMENTING THE FEDERAL "AMERICAN RESCUE PLAN
13 ACT OF 2021", PUB.L. 117-2, GRANTS AWARDED PURSUANT TO
14 SUBSECTION (1)(e) OF THIS SECTION MAY ONLY BE AWARDED FOR
15 BROADBAND PROJECTS THAT COMPLY WITH THE MODIFIED FEDERAL
16 REGULATIONS.

17 (g) AS USED IN SUBSECTION (1)(e) OF THIS SECTION, "UNSERVED OR
18 UNDERSERVED HOUSEHOLDS AND BUSINESSES" MEANS ONE OR MORE
19 HOUSEHOLDS OR BUSINESSES THAT ARE NOT CURRENTLY SERVED BY A
20 WIRELINE CONNECTION THAT RELIABLY DELIVERS AT LEAST TWENTY-FIVE
21 MEGABITS PER SECOND DOWNSTREAM AND THREE MEGABITS PER SECOND
22 UPSTREAM.

23 (2) THE DIGITAL INCLUSION GRANT PROGRAM FUND IS HEREBY
24 CREATED IN THE STATE TREASURY AND CONSISTS OF MONEY THE STATE
25 RECEIVED FROM THE FEDERAL CORONAVIRUS STATE FISCAL RECOVERY
26 FUND CREATED IN THE FEDERAL "AMERICAN RESCUE PLAN ACT OF 2021",
27 PUB.L. 117-2 AND ANY MONEY THAT THE GENERAL ASSEMBLY MAY

1 APPROPRIATE. WITHIN THREE DAYS AFTER THE EFFECTIVE DATE OF THIS
2 SECTION, THE STATE TREASURER SHALL TRANSFER THIRTY-FIVE MILLION
3 DOLLARS FROM THE ECONOMIC RECOVERY AND RELIEF CASH FUND
4 CREATED IN SECTION 24-75-228 (2)(a) TO THE FUND FOR USE BY THE
5 BROADBAND OFFICE FOR THE PURPOSE OF REVIEWING AND AWARDED
6 GRANTS UNDER THE GRANT PROGRAM. THE MONEY IN THE FUND IS
7 SUBJECT TO APPROPRIATION BY THE GENERAL ASSEMBLY.

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

18 (b) REPORTS SUBMITTED PURSUANT TO THIS SUBSECTION (3) MUST
19 INCLUDE:

20 (I) FOR EACH PROJECT AWARDED GRANT MONEY UNDER THE
21 GRANT PROGRAM:

22 (A) A DESCRIPTION OF THE PROJECT;

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

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

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

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

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

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

10 (II) THE NUMBER OF APPLICANTS TO THE GRANT PROGRAM, THE
11 AMOUNTS OF GRANT MONEY REQUESTED BY EACH APPLICANT, THE
12 NUMBER OF GRANTS AWARDED UNDER THE GRANT PROGRAM, AND THE
13 AMOUNTS OF GRANT MONEY AWARDED TO EACH APPLICANT UNDER THE
14 GRANT PROGRAM; AND

15 (III) THE AMOUNT OF MONEY EXPENDED FROM THE FUND VERSUS
16 THE AMOUNT OF MONEY OBLIGATED BUT NOT YET EXPENDED FROM THE
17 FUND.

18 **SECTION 8.** In Colorado Revised Statutes, 40-15-102, **add** (5.2),
19 (5.7), (9.2), and (24.7) as follows:

20 **40-15-102. Definitions.** As used in this article 15, unless the
21 context otherwise requires:

22 (5.2) "COMMUNITY ANCHOR INSTITUTION" MEANS A:

23 (a) SCHOOL;

24 (b) LIBRARY;

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

27 (d) LAW ENFORCEMENT, EMERGENCY MEDICAL SERVICE PROVIDER,

1 OR OTHER PUBLIC SAFETY AGENCY; OR

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

8 (5.7) "CRITICALLY UNSERVED", WHEN USED TO DESCRIBE A
9 HOUSEHOLD OR AREA, MEANS A HOUSEHOLD OR AREA THAT LACKS ACCESS
10 TO AT LEAST ONE NONSATELLITE PROVIDER OF BROADBAND INTERNET
11 SERVICE DELIVERED AT MEASURABLE SPEEDS OF EITHER AT LEAST TEN
12 MEGABITS PER SECOND DOWNSTREAM AND ONE MEGABIT PER SECOND
13 UPSTREAM OR AT MEASURABLE SPEEDS AT LEAST EQUAL TO ONE-HALF OF
14 THE MINIMUM MEASURABLE SPEEDS THAT QUALIFY AS BROADBAND UNDER
15 THE FCC DEFINITION AND ROUNDED UP TO THE NEAREST WHOLE NUMBER,
16 WHICHEVER IS FASTER.

17 (9.2) "INCOME-QUALIFIED PLAN" MEANS A PLAN THAT AN
18 APPLICANT SEEKING A BROADBAND STIMULUS GRANT PURSUANT TO
19 SECTION 40-15-509.5 (8.7) INCLUDES IN THE APPLICATION TO
20 DEMONSTRATE THAT, AS PART OF THE APPLICANT'S PROPOSED PROJECT,
21 THE APPLICANT WOULD PROVIDE BROADBAND TO INCOME-QUALIFIED
22 CUSTOMERS IN THE PROPOSED SERVICE AREA AT A REDUCED COST.

23 (24.7) "SCHOOL" MEANS A STATE INSTITUTION OF HIGHER
24 EDUCATION AS DEFINED IN SECTION 23-1-108 (7)(g)(II) INCLUDING THE
25 AURARIA HIGHER EDUCATION CENTER GOVERNED PURSUANT TO ARTICLE
26 70 OF TITLE 23, A SCHOOL DISTRICT CREATED PURSUANT TO ARTICLE 30 OF
27 TITLE 22, A CHARTER SCHOOL AUTHORIZED PURSUANT TO PART 1 OF

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

8 **SECTION 9.** In Colorado Revised Statutes, 40-15-509.5, **add**
9 (4)(c) and (8.7) as follows:

10 **40-15-509.5. Broadband service - report - broadband**
11 **deployment board - broadband administrative fund - creation -**
12 **definitions - rules - repeal.** (4) (c) (I) THE BROADBAND STIMULUS
13 ACCOUNT, REFERRED TO IN THIS SUBSECTION (4)(c) AS THE "ACCOUNT",
14 IS HEREBY CREATED IN THE FUND AND CONSISTS OF MONEY THE STATE
15 RECEIVED FROM THE FEDERAL CORONAVIRUS STATE FISCAL RECOVERY
16 FUND CREATED IN THE FEDERAL "AMERICAN RESCUE PLAN ACT OF 2021",
17 PUB.L. 117-2 AND ANY MONEY THAT THE GENERAL ASSEMBLY MAY
18 APPROPRIATE. WITHIN THREE DAYS AFTER THE EFFECTIVE DATE OF THIS
19 SUBSECTION (4)(c), THE STATE TREASURER SHALL TRANSFER THIRTY-FIVE
20 MILLION DOLLARS FROM THE ECONOMIC RECOVERY AND RELIEF CASH
21 FUND CREATED IN SECTION 24-75-228 (2)(a) TO THE ACCOUNT. THE
22 MONEY IN THE ACCOUNT IS SUBJECT TO ANNUAL APPROPRIATION BY THE
23 GENERAL ASSEMBLY FOR USE BY THE BOARD FOR THE PURPOSE OF
24 REVIEWING AND AWARDED GRANTS UNDER THE BROADBAND STIMULUS
25 GRANT PROGRAM CREATED IN SUBSECTION (8.7) OF THIS SECTION. ALL
26 INTEREST EARNED FROM INVESTMENT OF MONEY IN THE ACCOUNT IS
27 CREDITED TO THE ACCOUNT. ALL MONEY NOT EXPENDED FROM THE

1 ACCOUNT AT THE END OF A FISCAL YEAR REMAINS IN THE ACCOUNT AND
2 DOES NOT REVERT TO THE ECONOMIC RECOVERY AND RELIEF CASH FUND
3 CREATED IN SECTION 24-75-228 (2)(a) OR ANY OTHER FUND.

4 (II) THIS SUBSECTION (4)(c) IS REPEALED, EFFECTIVE SEPTEMBER
5 1, 2023.

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

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

18 (B) MAY ALSO AWARD GRANT MONEY TO NEW GRANT
19 APPLICATIONS RECEIVED.

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

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

1 (II) AN APPLICANT SEEKING GRANT MONEY UNDER THE
2 BROADBAND STIMULUS GRANT PROGRAM MUST SUPPLEMENT A
3 PREVIOUSLY SUBMITTED APPLICATION WITH OR INCLUDE WITH A NEW
4 APPLICATION AN INCOME-QUALIFIED PLAN.

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

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

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

18 (I) FOR EACH PROJECT AWARDED GRANT MONEY UNDER THE
19 BROADBAND STIMULUS GRANT PROGRAM:

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

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

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

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

27 (E) THE PERCENTAGE OF CUSTOMERS WHO ACTIVATED

1 BROADBAND THROUGH THE BROADBAND NETWORK PROVIDED BY THE
2 PROJECT AFTER A BROADBAND CONNECTION WAS CREATED UNDER THE
3 PROJECT TO THEIR HOME OR ENTITY AND THE MEASURABLE SPEEDS MADE
4 AVAILABLE TO THEM;

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

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

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

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

18 (e) WITH RESPECT TO GRANTS AWARDED PURSUANT TO THIS
19 SUBSECTION (8.7) AND FROM MONEY TRANSFERRED TO THE BROADBAND
20 STIMULUS ACCOUNT FROM THE ECONOMIC RECOVERY AND RELIEF CASH
21 FUND CREATED IN SECTION 24-75-228 (2)(a), GRANTS MAY ONLY BE
22 AWARDED FOR BROADBAND PROJECTS THAT, PURSUANT TO TREASURY
23 DEPARTMENT INTERIM REGULATIONS IMPLEMENTING THE FEDERAL
24 "AMERICAN RESCUE PLAN ACT OF 2021", PUB.L. 117-2, PROVIDE
25 BROADBAND INFRASTRUCTURE THAT IS DESIGNED TO PROVIDE SERVICE TO
26 UNSERVED OR UNDERSERVED HOUSEHOLDS AND BUSINESSES AND THAT IS
27 DESIGNED TO, UPON COMPLETION:

1 (I) RELIABLY MEET OR EXCEED SYMMETRICAL ONE HUNDRED
2 MEGABITS PER SECOND DOWNLOAD AND UPLOAD SPEEDS; OR

3 (II) IN CASES WHERE IT IS NOT PRACTICABLE, BECAUSE OF THE
4 EXCESSIVE COST OF THE PROJECT OR GEOGRAPHY OR TOPOGRAPHY OF THE
5 AREA TO BE SERVED BY THE PROJECT, PROVIDE SERVICE MEETING THE
6 STANDARDS SET FORTH IN SUBSECTION (8.7)(e)(I) OF THIS SECTION THAT:

7 (A) RELIABLY MEETS OR EXCEEDS ONE HUNDRED MEGABITS PER
8 SECOND DOWNLOAD SPEED AND IS BETWEEN AT LEAST TWENTY MEGABITS
9 PER SECOND AND ONE HUNDRED MEGABITS PER SECOND UPLOAD SPEED;

10 AND

11 (B) IS SCALABLE TO A MINIMUM OF ONE HUNDRED MEGABITS PER
12 SECOND DOWNLOAD SPEED AND ONE HUNDRED MEGABITS PER SECOND
13 UPLOAD SPEED.

14 (f) IF THE TREASURY DEPARTMENT MODIFIES ITS INTERIM
15 REGULATIONS IMPLEMENTING THE FEDERAL "AMERICAN RESCUE PLAN
16 ACT OF 2021", PUB.L. 117-2, GRANTS AWARDED PURSUANT TO
17 SUBSECTION (1)(e) OF THIS SECTION MAY ONLY BE AWARDED FOR
18 BROADBAND PROJECTS THAT COMPLY WITH THE MODIFIED FEDERAL
19 REGULATIONS.

20 (g) AS USED IN SUBSECTION (8.7)(e) OF THIS SECTION, "UNSERVED
21 OR UNDERSERVED HOUSEHOLDS AND BUSINESSES" MEANS ONE OR MORE
22 HOUSEHOLDS OR BUSINESSES THAT ARE NOT CURRENTLY SERVED BY A
23 WIRELINE CONNECTION THAT RELIABLY DELIVERS AT LEAST TWENTY-FIVE
24 MEGABITS PER SECOND DOWNSTREAM AND THREE MEGABITS PER SECOND
25 UPSTREAM.

26 (h) THIS SUBSECTION (8.7) IS REPEALED, EFFECTIVE SEPTEMBER 1,
27 2023.

1 **SECTION 10.** In Colorado Revised Statutes, 24-37.5-118, as
2 **relocated and amended by House Bill 21-1109 amend (4); and add**
3 **(9.5), (16)(d.5), and (16)(i.5) as follows:**

4 **24-37.5-118. Broadband service - report - broadband**
5 **deployment board - broadband administrative fund - creation -**
6 **legislative declaration - definitions - rules - repeal.** (4) (a) There is
7 hereby created in the state treasury the broadband administrative fund,
8 referred to in this section as the "fund". The fund consists of all money
9 allocated from the HCSM for the administration of the board and all
10 money that the general assembly may appropriate to the fund. The money
11 in the fund is subject to annual appropriation by the general assembly for
12 the purposes set forth in this section. All interest earned from the
13 investment of money in the fund is credited to the fund. All money not
14 expended at the end of any state fiscal year remains in the fund and does
15 not revert to the general fund or any other fund.

16 (b) (I) THE BROADBAND STIMULUS ACCOUNT, REFERRED TO IN THIS
17 SUBSECTION (4)(b) AS THE "ACCOUNT", IS HEREBY CREATED IN THE FUND
18 AND CONSISTS OF MONEY THE STATE RECEIVED FROM THE FEDERAL
19 CORONAVIRUS STATE FISCAL RECOVERY FUND CREATED IN THE FEDERAL
20 "AMERICAN RESCUE PLAN ACT OF 2021", PUB.L. 117-2 AND ANY MONEY
21 THAT THE GENERAL ASSEMBLY MAY APPROPRIATE. WITHIN THREE DAYS
22 AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (4)(b), THE STATE
23 TREASURER SHALL TRANSFER THIRTY-FIVE MILLION DOLLARS FROM THE
24 ECONOMIC RECOVERY AND RELIEF CASH FUND CREATED IN SECTION
25 24-75-228 (2)(a) TO THE ACCOUNT. THE MONEY IN THE ACCOUNT IS
26 SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY FOR USE
27 BY THE BOARD FOR THE PURPOSE OF REVIEWING AND AWARDED GRANTS

1 UNDER THE BROADBAND STIMULUS GRANT PROGRAM CREATED IN
2 SUBSECTION (9.5) OF THIS SECTION. ALL INTEREST EARNED FROM
3 INVESTMENT OF MONEY IN THE ACCOUNT IS CREDITED TO THE ACCOUNT.
4 ALL MONEY NOT EXPENDED FROM THE ACCOUNT AT THE END OF A FISCAL
5 YEAR REMAINS IN THE ACCOUNT AND DOES NOT REVERT TO THE ECONOMIC
6 RECOVERY AND RELIEF CASH FUND CREATED IN SECTION 24-75-228 (2)(a)
7 OR ANY OTHER FUND.

8 (II) THIS SUBSECTION (4)(b) IS REPEALED, EFFECTIVE SEPTEMBER
9 1, 2023.

10 (9.5) (a) (I) THE BROADBAND STIMULUS GRANT PROGRAM IS
11 HEREBY CREATED. AS PART OF THE GRANT PROGRAM, THE BOARD, IN ANY
12 GRANT FUNDING CYCLE IN 2021 THAT OCCURS AFTER THE EFFECTIVE DATE
13 OF THIS SUBSECTION (9.5):

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

22 (B) MAY ALSO AWARD GRANT MONEY TO NEW GRANT
23 APPLICATIONS RECEIVED.

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

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

5 (II) AN APPLICANT SEEKING GRANT MONEY UNDER THE
6 BROADBAND STIMULUS GRANT PROGRAM MUST SUPPLEMENT A
7 PREVIOUSLY SUBMITTED APPLICATION WITH OR INCLUDE WITH A NEW
8 APPLICATION AN INCOME-QUALIFIED PLAN.

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

12 (c) ON OR BEFORE JANUARY 1, 2022, THE BOARD SHALL SUBMIT A
13 REPORT TO THE GOVERNOR AND THE GENERAL ASSEMBLY'S JOINT BUDGET
14 COMMITTEE AND JOINT TECHNOLOGY COMMITTEE REGARDING THE
15 BOARD'S IMPLEMENTATION OF THIS SUBSECTION (9.5). AFTER THE INITIAL
16 REPORT THE BOARD SHALL SUBMIT SUBSEQUENT REPORTS TO THE SAME
17 PARTIES WITHIN SIX MONTHS AFTER THE END OF ANY STATE FISCAL YEAR
18 IN WHICH THE BOARD AWARDS ONE OR MORE GRANTS PURSUANT TO THIS
19 SUBSECTION (9.5).

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

22 (I) FOR EACH PROJECT AWARDED GRANT MONEY UNDER THE
23 BROADBAND STIMULUS GRANT PROGRAM:

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

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

27 (C) THE ESTIMATED COMPLETION DATE FOR THE PROJECT OR, IF

1 ALREADY COMPLETED, THE DATE OF COMPLETION;

2 (D) A MAP OF THE AREAS TO BE SERVED OR ALREADY SERVED BY

3 THE PROJECT;

4 (E) THE PERCENTAGE OF CUSTOMERS WHO ACTIVATED

5 BROADBAND THROUGH THE BROADBAND NETWORK PROVIDED BY THE

6 PROJECT AFTER A BROADBAND CONNECTION WAS CREATED UNDER THE

7 PROJECT TO THEIR HOMES OR ENTITIES AND THE MEASURABLE SPEEDS

8 MADE AVAILABLE TO THEM;

9 (F) THE TYPE OF TECHNOLOGY DEPLOYED OR USED FOR

10 BROADBAND PROVIDED THROUGH THE PROJECT; AND

11 (G) THE NUMBER OF HOUSEHOLDS, COMMUNITY ANCHOR

12 INSTITUTIONS, MUNICIPALITIES, AND COUNTIES SERVED BY THE PROJECT.

13 (II) THE NUMBER OF APPLICANTS TO THE BROADBAND STIMULUS

14 GRANT PROGRAM, THE AMOUNTS OF GRANT MONEY REQUESTED BY EACH

15 APPLICANT, THE NUMBER OF GRANTS AWARDED UNDER THE BROADBAND

16 STIMULUS GRANT PROGRAM, AND THE AMOUNTS OF GRANT MONEY

17 AWARDED TO EACH APPLICANT UNDER THE BROADBAND STIMULUS GRANT

18 PROGRAM; AND

19 (III) THE AMOUNT OF MONEY EXPENDED FROM THE BROADBAND

20 STIMULUS ACCOUNT VERSUS THE AMOUNT OF MONEY OBLIGATED BUT NOT

21 YET EXPENDED FROM THE BROADBAND STIMULUS ACCOUNT.

22 (e) WITH RESPECT TO GRANTS AWARDED PURSUANT TO THIS

23 SUBSECTION (9.5) AND FROM MONEY TRANSFERRED TO THE BROADBAND

24 STIMULUS ACCOUNT FROM THE ECONOMIC RECOVERY AND RELIEF CASH

25 FUND CREATED IN SECTION 24-75-228 (2)(a), GRANTS MAY ONLY BE

26 AWARDED FOR BROADBAND PROJECTS THAT, PURSUANT TO TREASURY

27 DEPARTMENT INTERIM REGULATIONS IMPLEMENTING THE FEDERAL

1 "AMERICAN RESCUE PLAN ACT OF 2021", PUB.L. 117-2, PROVIDE
2 BROADBAND INFRASTRUCTURE THAT IS DESIGNED TO PROVIDE SERVICE TO
3 UNSERVED OR UNDERSERVED HOUSEHOLDS AND BUSINESSES AND THAT IS
4 DESIGNED TO, UPON COMPLETION:

5 (I) RELIABLY MEET OR EXCEED SYMMETRICAL ONE HUNDRED
6 MEGABITS PER SECOND DOWNLOAD AND UPLOAD SPEEDS; OR

7 (II) IN CASES WHERE IT IS NOT PRACTICABLE, BECAUSE OF THE
8 EXCESSIVE COST OF THE PROJECT OR GEOGRAPHY OR TOPOGRAPHY OF THE
9 AREA TO BE SERVED BY THE PROJECT, PROVIDE SERVICE MEETING THE
10 STANDARDS SET FORTH IN SUBSECTION (9.5)(e)(I) OF THIS SECTION THAT:

11 (A) RELIABLY MEETS OR EXCEEDS ONE HUNDRED MEGABITS PER
12 SECOND DOWNLOAD SPEED AND IS BETWEEN AT LEAST TWENTY MEGABITS
13 PER SECOND AND ONE HUNDRED MEGABITS PER SECOND UPLOAD SPEED;

14 AND

15 (B) IS SCALABLE TO A MINIMUM OF ONE HUNDRED MEGABITS PER
16 SECOND DOWNLOAD SPEED AND ONE HUNDRED MEGABITS PER SECOND
17 UPLOAD SPEED.

18 (f) IF THE TREASURY DEPARTMENT MODIFIES ITS INTERIM
19 REGULATIONS IMPLEMENTING THE FEDERAL "AMERICAN RESCUE PLAN
20 ACT OF 2021", PUB.L. 117-2, GRANTS AWARDED PURSUANT TO
21 SUBSECTION (1)(e) OF THIS SECTION MAY ONLY BE AWARDED FOR
22 BROADBAND PROJECTS THAT COMPLY WITH THE MODIFIED FEDERAL
23 REGULATIONS.

24 (g) AS USED IN SUBSECTION (9.5)(e) OF THIS SECTION, "UNSERVED
25 OR UNDERSERVED HOUSEHOLDS AND BUSINESSES" MEANS ONE OR MORE
26 HOUSEHOLDS OR BUSINESSES THAT ARE NOT CURRENTLY SERVED BY A
27 WIRELINE CONNECTION THAT RELIABLY DELIVERS AT LEAST TWENTY-FIVE

1 MEGABITS PER SECOND DOWNSTREAM AND THREE MEGABITS PER SECOND
2 UPSTREAM.

3 (h) THIS SUBSECTION (9.5) IS REPEALED, EFFECTIVE SEPTEMBER 1,
4 2023.

5 (16) As used in this section:

6 (d.5) "COMMUNITY ANCHOR INSTITUTION" HAS THE MEANING SET
7 FORTH IN SECTION 24-37.5-902 (2).

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

14 **SECTION 11.** In Colorado Revised Statutes, 24-32-101, **add** (2)
15 as follows:

16 **24-32-101. Legislative declaration.** (2) THE GENERAL ASSEMBLY
17 FURTHER FINDS AND DECLARES THAT:

18 (a) THE PROVISION OF HIGH-SPEED BROADBAND PLAYS A CRITICAL
19 ROLE IN ENHANCING LOCAL GOVERNMENT AND COMMUNITY
20 DEVELOPMENT EFFORTS;

21 (b) REGIONAL, MULTIJURISDICTIONAL, AND COORDINATED
22 APPROACHES TO BROADBAND PLANNING ARE CRITICAL TO ACHIEVING THE
23 EFFICIENT DEPLOYMENT OF BROADBAND INFRASTRUCTURE AND
24 TECHNOLOGY; AND

25 (c) PUBLIC-PRIVATE PARTNERSHIPS HELP LEVERAGE RESOURCES OF
26 BOTH PRIVATE BROADBAND PROVIDERS AND LOCAL GOVERNMENTS TO
27 ACHIEVE STATEWIDE BROADBAND DEPLOYMENT.

1 **SECTION 12.** In Colorado Revised Statutes, **amend** 24-32-102
2 as follows:

3 **24-32-102. Definitions.** As used in this part 1, unless the context
4 otherwise requires:

5
6 (1) "BROADBAND FACILITY" MEANS ANY INFRASTRUCTURE USED
7 TO DELIVER BROADBAND OR PROVIDE BROADBAND.

8 (2) "COMMUNITY ANCHOR INSTITUTION" HAS THE MEANING SET
9 FORTH IN SECTION 24-37.5-902 (2).

10 (3) "DIVISION" MEANS THE DIVISION OF LOCAL GOVERNMENT
11 CREATED IN SECTION 24-32-103.

12 (4) "INTERCONNECTIVITY GRANT PROGRAM" MEANS THE GRANT
13 PROGRAM CREATED IN SECTION 24-32-104 (4)(a).

14 (5) "INTERCONNECTIVITY GRANT PROGRAM FUND" MEANS THE
15 FUND CREATED IN SECTION 24-32-104 (4)(c).

16 (6) "LAST-MILE BROADBAND INFRASTRUCTURE" MEANS
17 BROADBAND INFRASTRUCTURE THAT DELIVERS AN INTERNET CONNECTION
18 TO AN END USER.

19 ~~(+)~~ (7) (a) "LOCAL GOVERNMENT" MEANS A STATUTORY OR HOME
20 RULE MUNICIPALITY, COUNTY, CITY AND COUNTY, COUNCIL OF
21 GOVERNMENTS, OR METROPOLITAN DISTRICT THAT LIES WHOLLY WITHIN
22 THE UNINCORPORATED PART OF A COUNTY.

23 (b) "Local government" includes all ~~municipal corporations~~, quasi
24 municipalities ~~counties~~, and local improvement and service districts of
25 this state.

26 (8) "METROPOLITAN DISTRICT" HAS THE MEANING SET FORTH IN
27 SECTION 32-1-103 (10).

1 **SECTION 13.** In Colorado Revised Statutes, 24-32-104, add
2 (1)(n) and (4) as follows:

3 **24-32-104. Functions of the division - definition -**
4 **interconnectivity grant program - interconnectivity grant program**
5 **fund - reporting.** (1) The division shall perform the following functions:

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

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

22 (I) ENGAGE IN REGIONAL PLANNING AMONG MULTIPLE LOCAL
23 GOVERNMENTS TO:

24 (A) IDENTIFY REGIONAL BROADBAND INFRASTRUCTURE NEEDS;

25 (B) DETERMINE OPTIMAL REGIONAL CONFIGURATIONS OF
26 BROADBAND INFRASTRUCTURE; AND

27 (C) IDENTIFY POTENTIAL PUBLIC-PRIVATE PARTNERSHIPS TO

1 ACHIEVE OPTIMAL REGIONAL BROADBAND DEPLOYMENT; OR

2 (II) PROVIDE OR ENHANCE THE NETWORK CONNECTION BETWEEN
3 COMMUNITIES, INCLUDING THE INTERCONNECTION BETWEEN COMMUNITY
4 ANCHOR INSTITUTIONS.

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

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

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

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

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

22 (c) THE INTERCONNECTIVITY GRANT PROGRAM FUND IS HEREBY
23 CREATED IN THE STATE TREASURY AND CONSISTS OF MONEY THE STATE
24 RECEIVED FROM THE FEDERAL CORONAVIRUS STATE FISCAL RECOVERY
25 FUND CREATED IN THE FEDERAL "AMERICAN RESCUE PLAN ACT OF 2021",
26 PUB.L. 117-2 AND ANY MONEY THAT THE GENERAL ASSEMBLY MAY
27 APPROPRIATE. WITHIN THREE DAYS AFTER THE EFFECTIVE DATE OF THIS

1 SUBSECTION (4), THE STATE TREASURER SHALL TRANSFER FIVE MILLION
2 DOLLARS FROM THE ECONOMIC RECOVERY AND RELIEF CASH FUND
3 CREATED IN SECTION 24-75-228 (2)(a) TO THE FUND FOR USE BY THE
4 DIVISION FOR THE PURPOSE OF REVIEWING AND AWARDING GRANTS UNDER
5 THE GRANT PROGRAM. THE MONEY IN THE FUND IS SUBJECT TO
6 APPROPRIATION BY THE GENERAL ASSEMBLY.

7 (d) WITH RESPECT TO GRANTS AWARDED FROM MONEY
8 TRANSFERRED TO THE INTERCONNECTIVITY GRANT PROGRAM FUND FROM
9 THE ECONOMIC RECOVERY AND RELIEF CASH FUND CREATED IN SECTION
10 24-75-228 (2)(a), GRANTS MAY ONLY BE AWARDED FOR BROADBAND
11 PROJECTS THAT, PURSUANT TO TREASURY DEPARTMENT INTERIM
12 REGULATIONS IMPLEMENTING THE FEDERAL "AMERICAN RESCUE PLAN
13 ACT OF 2021", PUB.L. 117-2, PROVIDE BROADBAND INFRASTRUCTURE
14 THAT IS DESIGNED TO PROVIDE SERVICE TO UNSERVED OR UNDERSERVED
15 HOUSEHOLDS AND BUSINESSES AND THAT IS DESIGNED TO, UPON
16 COMPLETION:

17 (I) RELIABLY MEET OR EXCEED SYMMETRICAL ONE HUNDRED
18 MEGABITS PER SECOND DOWNLOAD AND UPLOAD SPEEDS; OR

19 (II) IN CASES WHERE IT IS NOT PRACTICABLE, BECAUSE OF THE
20 EXCESSIVE COST OF THE PROJECT OR GEOGRAPHY OR TOPOGRAPHY OF THE
21 AREA TO BE SERVED BY THE PROJECT, PROVIDE SERVICE MEETING THE
22 STANDARDS SET FORTH IN SUBSECTION (4)(d)(I) OF THIS SECTION THAT:

23 (A) RELIABLY MEETS OR EXCEEDS ONE HUNDRED MEGABITS PER
24 SECOND DOWNLOAD SPEED AND IS BETWEEN AT LEAST TWENTY MEGABITS
25 PER SECOND AND ONE HUNDRED MEGABITS PER SECOND UPLOAD SPEED;
26 AND

27 (B) IS SCALABLE TO A MINIMUM OF ONE HUNDRED MEGABITS PER

1 SECOND DOWNLOAD SPEED AND ONE HUNDRED MEGABITS PER SECOND
2 UPLOAD SPEED.

3 (e) IF THE TREASURY DEPARTMENT MODIFIES ITS INTERIM
4 REGULATIONS IMPLEMENTING THE FEDERAL "AMERICAN RESCUE PLAN
5 ACT OF 2021", PUB.L. 117-2, GRANTS AWARDED PURSUANT TO
6 SUBSECTION (4)(d) OF THIS SECTION MAY ONLY BE AWARDED FOR
7 BROADBAND PROJECTS THAT COMPLY WITH THE MODIFIED FEDERAL
8 REGULATIONS.

9 (f) AS USED IN SUBSECTION (4)(d) OF THIS SECTION, "UNSERVED OR
10 UNDERSERVED HOUSEHOLDS AND BUSINESSES" MEANS ONE OR MORE
11 HOUSEHOLDS OR BUSINESSES THAT ARE NOT CURRENTLY SERVED BY A
12 WIRELINE CONNECTION THAT RELIABLY DELIVERS AT LEAST TWENTY-FIVE
13 MEGABITS PER SECOND DOWNSTREAM AND THREE MEGABITS PER SECOND
14 UPSTREAM.

15 (g) ON OR BEFORE JANUARY 1, 2022, AND WITHIN SIX MONTHS
16 AFTER A STATE FISCAL YEAR IN WHICH THE DIVISION AWARDS ONE OR
17 MORE GRANTS FOR BROADBAND DEPLOYMENT, WHETHER OR NOT
18 AWARDED UNDER THE GRANT PROGRAM, THE DIVISION SHALL SUBMIT A
19 REPORT TO THE COLORADO BROADBAND OFFICE REGARDING GRANTS
20 AWARDED IN THE MOST RECENT STATE FISCAL YEAR. REPORTS SUBMITTED
21 UNDER THIS SUBSECTION (4)(e) MUST INCLUDE:

- 22 (I) FOR EACH PROJECT AWARDED GRANT MONEY:
- 23 (A) A DESCRIPTION OF THE PROJECT, INCLUDING A DESCRIPTION OF
- 24 THE USE OF THE GRANT MONEY IN PROVIDING BROADBAND;
- 25 (B) A SUMMARY OF THE PROGRESS MADE ON THE PROJECT;
- 26 (C) THE ESTIMATED COMPLETION DATE FOR THE PROJECT OR, IF
- 27 ALREADY COMPLETED, THE DATE OF COMPLETION;

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

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

5 (II) THE NUMBER OF GRANT APPLICANTS, THE AMOUNTS OF GRANT
6 MONEY REQUESTED BY EACH APPLICANT, THE NUMBER OF GRANTS
7 AWARDED, AND THE AMOUNTS OF GRANT MONEY AWARDED TO EACH
8 APPLICANT THAT RECEIVES AN AWARD; AND

9 (III) THE AMOUNT OF MONEY EXPENDED FOR GRANT AWARDS
10 VERSUS THE AMOUNT OF MONEY OBLIGATED BUT NOT YET EXPENDED FOR
11 GRANT AWARDS.

12 **SECTION 14. Appropriations.** (1) For the 2020-21 state fiscal
13 year, \$35,000,000 is appropriated to the office of information technology
14 for use by the Colorado broadband office. This appropriation is from the
15 digital inclusion grant program fund created in section 24-37.5-904 (2),
16 C.R.S., and of money the state received from the federal coronavirus state
17 fiscal recovery fund. The Colorado broadband office may use this
18 appropriation to implement the digital inclusion grant program created in
19 section 24-37.5-904 (1)(a), C.R.S. Any money appropriated in this
20 subsection (1) not expended prior to July 1, 2021, is further appropriated
21 to the office of information technology for the 2021-22 state fiscal year
22 for the same purpose.

23 (2) For the 2020-21 state fiscal year, \$35,000,000 is appropriated
24 to the department of regulatory agencies for use by the broadband
25 deployment board. This appropriation is from the broadband stimulus
26 account in the broadband administrative fund created in section
27 40-15-509.5 (4), C.R.S., and of money the state received from the federal

1 coronavirus state fiscal recovery fund. The broadband deployment board
2 may use this appropriation to implement the broadband stimulus grant
3 program created in section 40-15-509.5 (8.7), C.R.S. Any money
4 appropriated in this subsection (2) not expended prior to July 1, 2021, is
5 further appropriated to the department for the 2021-22 state fiscal year for
6 the same purpose.

7 (3) For the 2020-21 state fiscal year, \$5,000,000 is appropriated
8 to the department of local affairs for use by the division of local
9 government. This appropriation is from the interconnectivity grant
10 program fund created in section 24-32-104 (4)(c), C.R.S., and of money
11 the state received from the federal coronavirus state fiscal recovery fund.
12 The division of local government may use this appropriation to implement
13 the interconnectivity grant program created in section 24-32-104 (4)(a),
14 C.R.S. Any money appropriated in this subsection (3) not expended prior
15 to July 1, 2021, is further appropriated to the department of local affairs
16 for use by the division of local government for the 2021-22 state fiscal
17 year for the same purpose.

18 **SECTION 15. Appropriations.** (1) For the 2020-21 state fiscal
19 year, \$35,000,000 is appropriated to the office of the governor for use by
20 the office of information technology for use by the Colorado broadband
21 office. This appropriation is from the digital inclusion grant program fund
22 created in section 24-37.5-904 (2), C.R.S., and of money the state
23 received from the federal coronavirus state fiscal recovery fund. The
24 Colorado broadband office may use this appropriation to implement the
25 digital inclusion grant program created in section 24-37.5-904 (1)(a),
26 C.R.S. Any money appropriated in this subsection (1) not expended prior
27 to July 1, 2021, is further appropriated to the office of the governor for

1 use by the office of information technology for the 2021-22 state fiscal
2 year for the same purpose.

3 (2) For the 2020-21 state fiscal year, \$35,000,000 is appropriated
4 to the office of the governor for use by the office of information
5 technology for the broadband deployment board. This appropriation is
6 from the broadband stimulus account in the broadband administrative
7 fund created in section 24-37.5-118 (4), C.R.S., and of money the state
8 received from the federal coronavirus state fiscal recovery fund. The
9 broadband deployment board may use this appropriation to implement the
10 broadband stimulus grant program created in section 24-37.5-118 (9.5),
11 C.R.S. Any money appropriated in this subsection (2) not expended prior
12 to July 1, 2021, is further appropriated to the office of the governor for
13 use by the office of information technology for the 2021-22 state fiscal
14 year for the same purpose.

15 (3) For the 2020-21 state fiscal year, \$5,000,000 is appropriated
16 to the department of local affairs for use by the division of local
17 government. This appropriation is from the interconnectivity grant
18 program fund created in section 24-32-104 (4)(c), C.R.S., and of money
19 the state received from the federal coronavirus state fiscal recovery fund.
20 The division of local government may use this appropriation to implement
21 the interconnectivity grant program created in section 24-32-104 (4)(a),
22 C.R.S. Any money appropriated in this subsection (3) not expended prior
23 to July 1, 2021, is further appropriated to the department of local affairs
24 for use by the division of local government for the 2021-22 state fiscal
25 year for the same purpose.

26 **SECTION 16. Effective date.** (1) Except as provided in
27 subsections (2) and (3) of this section, this act takes effect only if Senate

1 Bill 21-291 becomes law, in which case this act takes effect on the
2 effective date of this act or Senate Bill 21-291, whichever is later.

3 (2) Section 5 of this act takes effect only if House Bill 21-1236
4 also becomes law, in which case section 5 takes effect on the effective
5 date of this act, Senate Bill 21-291, or House Bill 21-1236, whichever is
6 the latest.

7 (3) (a) Sections 10 and 15 of this act take effect only if House Bill
8 21-1109 also becomes law, in which case sections 10 and 15 take effect
9 on the effective date of this act, Senate Bill 21-291, or House Bill
10 21-1109, whichever is the latest.

11 (b) Sections 8, 9, and 14 of this act take effect only if House Bill
12 21-1109 does not become law, in which case sections 8, 9, and 14 take
13 effect on the effective date of this act or Senate Bill 21-291, whichever
14 is later.

15 **SECTION 17. Safety clause.** The general assembly hereby finds,
16 determines, and declares that this act is necessary for the immediate
17 preservation of the public peace, health, or safety.