

CHAPTER 357

GOVERNMENT - STATE

SENATE BILL 21-060

BY SENATOR(S) Donovan, Bridges, Buckner, Danielson, Fenberg, Fields, Jaquez Lewis, Moreno, Pettersen, Story, Garcia; also REPRESENTATIVE(S) Roberts, Amabile, Bernett, Bird, Boesenecker, Caraveo, Cutter, Duran, Esgar, Exum, Froelich, Gonzales-Gutierrez, Hooton, Jackson, Jodeh, Kipp, Lontine, McCluskie, McCormick, McLachlan, Michaelson Jenet, Mullica, Ortiz, Ricks, Snyder, Titone, Valdez A., Valdez D., Weissman, Woodrow, Young.

AN ACT**CONCERNING BROADBAND DEPLOYMENT, AND, IN CONNECTION THEREWITH, IMPLEMENTING A PROGRAM TO PROVIDE FINANCIAL ASSISTANCE FOR INCOME-ELIGIBLE HOUSEHOLDS TO ACCESS BROADBAND SERVICE.**

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

SECTION 1. Legislative declaration. (1) The general assembly hereby finds and declares that, pursuant to 31 CFR 35.6 (b)(8), providing financial assistance for broadband service to low-income households affected by the COVID-19 public health emergency is an eligible use of money received by the state under the federal "American Rescue Plan Act of 2021", Pub.L. 117-2. For this purpose, Senate Bill 21-291 creates the economic recovery and relief cash fund to appropriate money to departments or transfer money to another cash fund for uses to address the negative impacts of COVID-19, including using the money for assistance to individuals and households.

(2) The general assembly further finds and declares that, pursuant to subsection (1) of this section, the general assembly may appropriate money from the economic recovery and relief cash fund created in section 24-75-228 (2)(a) to the office of the governor for use by the office of information technology to provide financial assistance to income-eligible households for broadband service.

SECTION 2. In Colorado Revised Statutes, 24-37.5-904, **as added by House Bill 21-1289, amend** (1)(b)(II); and **add** (1.5) as follows:

24-37.5-904. Digital inclusion grant program - income-eligible household reimbursement program - creation - award criteria - digital inclusion grant

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

program fund - definition - reporting - repeal. (1) (b) The Colorado broadband office shall implement the grant program. During the 2020-21 state fiscal year, the broadband office shall award:

(II) Grants totaling up to ~~fifteen~~ TEN million dollars to one or more providers of telehealth services; EXCEPT THAT, IF PURSUANT TO SUBSECTION (1.5)(e) OF THIS SECTION, THE BROADBAND OFFICE DOES NOT IMPLEMENT THE REIMBURSEMENT PROGRAM CREATED IN SUBSECTION (1.5) OF THIS SECTION, THE BROADBAND OFFICE SHALL AWARD GRANTS TOTALING UP TO FIFTEEN MILLION DOLLARS TO ONE OR MORE PROVIDERS OF TELEHEALTH SERVICES.

(1.5)(a) ON OR BEFORE JANUARY 1, 2022, AND SUBJECT TO SUBSECTIONS (1.5)(d) AND (1.5)(e) OF THIS SECTION, THE BROADBAND OFFICE SHALL CONTRACT WITH A NONPROFIT ORGANIZATION, PREFERABLY A NONPROFIT ORGANIZATION THAT HAS AN EXISTING PLATFORM OR SYSTEM FOR ADMINISTERING GRANT MONEY, HAS EXPERIENCE IN ADMINISTERING INCOME-QUALIFIED UTILITY ASSISTANCE PROGRAMS, AND HAS EXPERIENCE IN VERIFYING INCOME FOR STATEWIDE ASSISTANCE PROGRAMS, TO DEVELOP A PROGRAM, REFERRED TO IN THIS SUBSECTION (1.5) AS THE "PROGRAM", TO MAKE ACCESS TO BROADBAND SERVICE MORE AFFORDABLE BY REIMBURSING COLORADO SUBSCRIBERS FOR COSTS INCURRED IN ACCESSING BROADBAND SERVICE. IN CHOOSING A NONPROFIT ORGANIZATION WITH WHICH TO CONTRACT, THE BROADBAND OFFICE NEED NOT COMPLY WITH THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF THIS TITLE 24. HOUSEHOLDS THAT ARE INCOME ELIGIBLE TO PARTICIPATE IN THE PROGRAM ARE THOSE HOUSEHOLDS THAT:

(I) HAVE A HOUSEHOLD INCOME THAT DOES NOT EXCEED THE HIGHER OF TWO HUNDRED PERCENT OF THE FEDERAL POVERTY LEVEL OR EIGHTY PERCENT OF THE AREA MEDIAN INCOME; OR

(II) ARE LOCATED IN CRITICALLY UNSERVED AREAS OF THE STATE. A HOUSEHOLD IS ELIGIBLE FOR REIMBURSEMENT UNDER THIS SUBSECTION (1.5)(a)(II) ONLY:

(A) FOR BROADBAND SERVICE PROVIDED BY A SATELLITE PROVIDER; AND

(B) WITH RESPECT TO THE HOUSEHOLD'S PRIMARY RESIDENCE.

(b) A HOUSEHOLD MEETING THE CRITERIA SET FORTH IN SUBSECTION (1.5)(a) OF THIS SECTION MAY APPLY TO THE PROGRAM ANNUALLY IN THE FORM AND MANNER DETERMINED BY THE BROADBAND OFFICE TO REQUEST REIMBURSEMENT TO COVER UP TO ONE-HALF OF THE COST OF BROADBAND SERVICE, NOT TO EXCEED A TOTAL REIMBURSEMENT OF SIX HUNDRED DOLLARS PER YEAR. A HOUSEHOLD THAT RECEIVES REIMBURSEMENT PURSUANT TO THIS SUBSECTION (1.5)(b) MUST DEMONSTRATE THAT IT STILL MEETS THE CRITERIA SET FORTH IN SUBSECTION (1.5)(a) OF THIS SECTION TO RECEIVE REIMBURSEMENT IN A SUBSEQUENT YEAR.

(c) WITH REGARD TO THE NONPROFIT ORGANIZATION WITH WHICH THE BROADBAND OFFICE CONTRACTS TO ADMINISTER THE PROGRAM, THE BROADBAND OFFICE SHALL DIRECT THAT THE NONPROFIT ORGANIZATION:

(I) USE A PORTION OF THE MONEY TRANSMITTED TO THE NONPROFIT ORGANIZATION FOR IMPLEMENTING THE PROGRAM TO COVER ITS DIRECT AND

INDIRECT COSTS IN ADMINISTERING THE PROGRAM; AND

(II) PERIODICALLY REPORT TO THE BROADBAND OFFICE, IN A FORM AND MANNER DETERMINED BY THE BROADBAND OFFICE, REGARDING ITS ADMINISTRATION OF THE PROGRAM.

(d) THE BROADBAND OFFICE, IN CONSULTATION WITH THE NONPROFIT ORGANIZATION WITH WHICH IT CONTRACTS TO IMPLEMENT THE PROGRAM, MAY EXPLORE ALTERNATIVE MECHANISMS FOR PAYMENT ASSISTANCE FOR INCOME-ELIGIBLE HOUSEHOLDS IF THE BROADBAND OFFICE DETERMINES THAT A REIMBURSEMENT PROGRAM IS NOT COST-EFFECTIVE. IF THE BROADBAND OFFICE ADOPTS AN ALTERNATIVE MECHANISM FOR PROVIDING PAYMENT ASSISTANCE UNDER THIS SUBSECTION (1.5)(d), THE BROADBAND OFFICE SHALL INCLUDE A DESCRIPTION OF THE MECHANISM CHOSEN AS PART OF ITS REPORTING REQUIREMENTS UNDER SUBSECTION (1.5)(g) OF THIS SECTION.

(e) IF THE BROADBAND OFFICE DOES NOT FIND A NONPROFIT ORGANIZATION WITH WHICH TO CONTRACT TO IMPLEMENT THE PROGRAM, THE PROGRAM SHALL NOT BE IMPLEMENTED AND THE BROADBAND OFFICE SHALL USE THE MONEY ALLOCATED FOR IMPLEMENTATION OF THE PROGRAM TO AWARD ADDITIONAL GRANTS FOR TELEHEALTH SERVICES UNDER SUBSECTION (1)(b)(II) OF THIS SECTION.

(f) (I) THE BROADBAND OFFICE AND THE NONPROFIT WITH WHICH IT CONTRACTS MAY USE UP TO FIVE MILLION DOLLARS OF THE MONEY TRANSFERRED PURSUANT TO SUBSECTION (1)(e) OF THIS SECTION TO THE DIGITAL INCLUSION GRANT PROGRAM FUND FROM THE ECONOMIC RECOVERY AND RELIEF CASH FUND CREATED IN SECTION 24-75-228 (2)(a) TO IMPLEMENT THE PROGRAM, INCLUDING THE MONEY REQUIRED TO COVER THE BROADBAND OFFICE'S AND THE NONPROFIT ORGANIZATION'S ADMINISTRATIVE COSTS INCURRED IN IMPLEMENTING THE PROGRAM. THE BROADBAND OFFICE AND THE NONPROFIT ORGANIZATION MAY USE UP TO FIVE HUNDRED THOUSAND DOLLARS PER YEAR TO COVER THEIR DIRECT AND INDIRECT COSTS IN ADMINISTERING THE PROGRAM.

(II) ALL MONEY USED FOR IMPLEMENTATION OF THE PROGRAM MUST BE OBLIGATED BY DECEMBER 31, 2024.

(g) ON OR BEFORE FEBRUARY 1, 2022, AND ON OR BEFORE FEBRUARY 1 EACH YEAR THEREAFTER, THE BROADBAND OFFICE SHALL SUBMIT A WRITTEN REPORT TO THE GOVERNOR AND THE GENERAL ASSEMBLY'S JOINT BUDGET COMMITTEE AND JOINT TECHNOLOGY COMMITTEE REGARDING THE BROADBAND OFFICE'S IMPLEMENTATION OF THE PROGRAM. REPORTS SUBMITTED PURSUANT TO THIS SUBSECTION (1.5)(g) MUST INCLUDE:

(I) THE NUMBER OF HOUSEHOLDS RECEIVING ASSISTANCE UNDER THE PROGRAM IN THE PREVIOUS CALENDAR YEAR; AND

(II) RECOMMENDATIONS ON HOW TO MAKE THE PROGRAM MORE SUCCESSFUL, INCLUDING ANY LEGISLATIVE CHANGES NEEDED TO IMPROVE THE SUCCESS OF THE PROGRAM.

(h) THIS SUBSECTION (1.5) IS REPEALED, EFFECTIVE SEPTEMBER 1, 2026.

SECTION 3. Effective date. This act takes effect only if House Bill 21-1289 and Senate Bill 21-291 become law, and, in which case, this act takes effect one day after the passage of House Bill 21-1289 or one day after the passage of SB21-291, whichever occurs latest.

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Approved: June 27, 2021