

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

Date

February 24, 2021

Committee on Transportation & Local Government.

After consideration on the merits, the Committee recommends the following:

HB21-1109 be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation:

- 1 Amend printed bill, page 3, line 10, after "40-15-102," insert "**amend**
- 2 (17.5); and".

- 3 Page 3, strike lines 15 through 17 and substitute "HOUSEHOLD OR AREA,
- 4 MEANS A HOUSEHOLD OR AREA THAT LACKS ACCESS TO AT LEAST ONE
- 5 NONSATELLITE PROVIDER OF".

- 6 Page 3, line 18, after "OF" insert "EITHER".

- 7 Page 3, strike line 20 and substitute "UPSTREAM OR AT MEASURABLE
- 8 SPEEDS AT LEAST EQUAL TO ONE-HALF OF THE MINIMUM MEASURABLE
- 9 SPEEDS THAT QUALIFY AS BROADBAND UNDER THE FCC DEFINITION AND
- 10 ROUNDED UP TO THE NEAREST WHOLE NUMBER, WHICHEVER IS FASTER."

- 11 Page 3, after line 20 insert:
 - 12 (17.5) (a) "Local entity" means elected members of a county or
 - 13 municipal government OR THE ELECTED MEMBERS OF A METROPOLITAN
 - 14 DISTRICT THAT LIES WHOLLY WITHIN THE UNINCORPORATED PART OF A
 - 15 COUNTY.
 - 16 (b) For purposes of this subsection (17.5):
 - 17 (I) "METROPOLITAN DISTRICT" HAS THE MEANING SET FORTH IN
 - 18 SECTION 32-1-103 (10); AND
 - 19 (II) "Municipal government" means a home rule or statutory city,
 - 20 town, or city and county or a territorial charter city."

- 1 Page 4, line 1, after "(5)(b)," insert "(8)(a)(II)(B),".
- 2 Page 4, line 3, after "(8)(a)(VI)," insert "(8)(a)(VII),".
- 3 Page 4, line 21, strike "THE GOVERNOR" and substitute "AN APPOINTING
4 AUTHORITY".
- 5 "Page 6, line 7, after "RURAL" insert "WIRELINE".".
- 6 Page 6, line 8, strike "GOVERNOR;" and substitute "MINORITY LEADER OF
7 THE SENATE;".
- 8 Page 6, lines 11 and 12, strike "MINORITY LEADER OF THE SENATE;" and
9 substitute "GOVERNOR;".
- 10 Page 7, line 4, strike "FIVE" and substitute "SIX".
- 11 Page 7, strike lines 11 through 13 and substitute:
- 12 "(a) (II) To prove that the area to be served is an unserved area,
13 the applicant:
- 14 (B) May submit to the board EITHER the written certification of a
15 local entity as described in subsection (8)(a)(III) of this section OR A
16 SPEED TEST PERFORMED IN ACCORDANCE WITH SUBSECTION (8)(a)(VII) OF
17 THIS SECTION.
- 18 (V) (A) THE BOARD SHALL DEVELOP A REQUEST FOR PROPOSAL
19 PROCESS UNDER WHICH, FOR EACH CALENDAR YEAR, THE BOARD RESERVES
20 UP TO SIXTY PERCENT OF THE HCSM MONEY ALLOCATED FOR".
- 21 Page 7, after line 18 insert:
- 22 "(B) ALL APPLICATION AND APPEAL PROCESSES AND CRITERIA SET
23 FORTH IN THIS SUBSECTION (8) APPLY TO THE REQUEST FOR PROPOSAL
24 PROCESS; EXCEPT THAT THE REQUIREMENT TO PROVE THAT AN AREA TO BE
25 SERVED BY A PROPOSED PROJECT IS AN UNSERVED AREA AS SET FORTH IN
26 SUBSECTION (8)(a)(I) OF THIS SECTION DOES NOT APPLY AND SUBSECTIONS
27 (8)(a)(II), (8)(a)(III), (8)(b), AND (8)(c.5) OF THIS SECTION DO NOT APPLY.
28 SUBSECTION (8)(d)(II) OF THIS SECTION ONLY APPLIES TO THE REQUEST
29 FOR PROPOSAL PROCESS IN THE LIMITED MANNER INDICATED IN THAT
30 SUBSECTION.
- 31 (C) THE BOARD, IN IMPLEMENTING THE REQUEST FOR PROPOSAL



1 PROCESS, NEED NOT COMPLY WITH THE "PROCUREMENT CODE", ARTICLES
2 101 TO 112 OF TITLE 24.

3 (D) THIS SUBSECTION (8)(a)(V) IS REPEALED, EFFECTIVE JANUARY
4 1, 2025."

5 Page 7, line 19, strike "(B)" and substitute "(VI) (A)".

6 Page 7, strike line 22 and substitute "IN THE STATE. THE BOARD SHALL
7 UTILIZE THE MAPS SUBMITTED WHEN REVIEWING ANY APPLICATION OR
8 APPEAL PURSUANT TO THIS SECTION.

9 (B) WITH REGARD TO THE REQUEST FOR PROPOSAL PROCESS SET
10 FORTH IN SUBSECTION (8)(a)(V) OF THIS SECTION, BASED ON THE".

11 Page 8, strike lines 2 through 6.

12 Page 8, strike lines 7 through 10 and substitute:

13 "(VII) IF AN APPLICANT FILING AN APPLICATION OR AN APPELLANT
14 FILING AN APPEAL PURSUANT TO SUBSECTION (8)(j)(III) OF THIS SECTION
15 SUBMITS, AS PART OF THE APPLICATION OR APPEAL, A SPEED TEST
16 PERFORMED ON AN INCUMBENT PROVIDER'S NETWORK, THE SPEED TEST
17 SHALL BE PERFORMED IN".

18 Page 9, line 26, after "THIRD-PARTY" insert "PERFORMANCE-TESTING".

19 Page 10, line 20, after "POLYGON" insert "OR LOCATION COORDINATES".

20 Page 10, strike lines 26 and 27 and substitute:

21 "(10.5) (a) The board may apply for OR OTHERWISE RECEIVE
22 federal funding of broadband deployment projects and programs. IF THE
23 BOARD RECEIVES ANY FEDERAL FUNDING, THE BOARD SHALL UTILIZE THE
24 REQUEST FOR PROPOSAL PROCESS ESTABLISHED UNDER SUBSECTION
25 (8)(a)(V) OF THIS SECTION TO DISTRIBUTE THE FEDERAL FUNDS AS SOON
26 AS PRACTICABLE, SO LONG AS SUCH PROCESS COMPLIES WITH FEDERAL
27 REQUIREMENTS FOR USE OF THE FUNDS.

28 (b) The HCSM third-party contractor".

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