

CHAPTER 423

PUBLIC UTILITIES

SENATE BILL 09-162

BY SENATOR(S) Schwartz, Heath, Veiga, Foster, Gibbs, Groff, Hodge, Hudak, Newell, Shaffer B., Tapia, White, Williams;
also REPRESENTATIVE(S) Liston, McFadyen, Rice, Solano, Fischer, Nikkel, Riesberg, Roberts, Ryden, Schafer S., Stephens,
Todd, Waller.

AN ACT

**CONCERNING THE OPERATION OF THE PROJECT BY THE STATE'S CHIEF INFORMATION OFFICER TO
CREATE AN INVENTORY OF BROADBAND SERVICE AREAS, AND, IN CONNECTION THEREWITH,
AUTHORIZING THE ACCEPTANCE OF PUBLICLY FUNDED GIFTS, GRANTS, AND DONATIONS, AND
MAKING AN APPROPRIATION.**

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

SECTION 1. 24-37.5-106 (3) (e), (3) (f), and (3) (g), Colorado Revised Statutes, are amended to read:

24-37.5-106. Chief information officer - duties and responsibilities - broadband inventory fund created - repeal. (3) Broadband service areas - planning documents - statewide map. (e) The inventory shall be completed on or before ~~April~~ NOVEMBER 1, 2009, and made available to the general assembly in accordance with section 24-1-136 (9). In addition, the chief information officer shall publish, on a publicly available web site, the aggregate data on which the inventory is based.

(f) **Funding.** (I) The office ~~of information technology~~ may accept allocations from the high cost support mechanism created pursuant to section 40-15-208, C.R.S., if necessary, as well as PUBLIC OR private gifts, grants, and donations, for the purpose of implementing this subsection (3). Any such gifts, grants, and donations shall be held in the broadband inventory fund, also referred to in this section as the "fund", which fund is hereby created in the state treasury. The fund shall also consist of moneys appropriated and transferred to the fund. Earnings from investment of moneys in the fund shall be credited to the fund. Moneys in the fund shall be annually appropriated to the chief information officer for the purpose of implementing this subsection (3).

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(II) It is the intent of the general assembly that the office ~~of information technology~~ solicit gifts, grants, and donations from all available sources for the purposes of this section, only drawing upon the high cost support mechanism pursuant to subparagraph (III) of this paragraph (f) as a last resort, and that no general fund moneys be used to pay for the implementation of this subsection (3).

(III) On or before September 1, 2008, the chief information officer shall estimate the amount necessary to finance the implementation of this subsection (3). If, by that time, moneys in the fund created pursuant to subparagraph (I) of this paragraph (f) do not equal or exceed that amount, the public utilities commission shall direct payments of up to one hundred thousand dollars into the fund from the high cost support mechanism created in section 40-15-208, ~~(3)~~, C.R.S.

(g) **Repeal.** This subsection (3) is repealed, effective ~~July 1, 2009~~ JANUARY 1, 2010.

SECTION 2. Appropriation. In addition to any other appropriation, there is hereby appropriated, to the governor's office, office of information technology, for the fiscal year beginning July 1, 2008, the sum of three hundred thirty-one thousand five hundred thirty-seven dollars (\$331,537), or so much thereof as may be necessary, from the broadband inventory fund created in section 24-37.5-106, Colorado Revised Statutes, for the implementation of this act. This amount may include up to one hundred thousand dollars (\$100,000) in grants received from the local government mineral impact fund created in section 34-63-102 (5), Colorado Revised Statutes, pursuant to the authority granted in section 34-63-102 (7) (a), Colorado Revised Statutes.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 4, 2009