

HOUSE FLOOR AMENDMENT

Second Reading

BY REPRESENTATIVE Kennedy

1 Amend the Transportation and Local Government Committee Report,
2 dated May 4, 2021, page 1, after line 8 insert:

3 "Page 5 of the printed bill, strike lines 17 and 18 and substitute:

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

5 (a) SCHOOL;

6 (b) LIBRARY;

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

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

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

17 Page 6 of the bill, after line 11 insert:

18 "(11) "SCHOOL" MEANS A STATE INSTITUTION OF HIGHER
19 EDUCATION AS DEFINED IN SECTION 23-1-108 (7)(g)(II), A SCHOOL
20 DISTRICT CREATED PURSUANT TO ARTICLE 30 OF TITLE 22, A CHARTER
21 SCHOOL AUTHORIZED PURSUANT TO PART 1 OF ARTICLE 30.5 OF TITLE 22,
22 THE STATE CHARTER SCHOOL INSTITUTE ESTABLISHED IN SECTION
23 22-30.5-503, AN INSTITUTE CHARTER SCHOOL AUTHORIZED PURSUANT TO
24 PART 5 OF ARTICLE 30.5 OF TITLE 22, A BOARD OF COOPERATIVE SERVICES
25 CREATED PURSUANT TO ARTICLE 5 OF TITLE 22, AN ADULT EDUCATION
26 PROVIDER AS DEFINED IN SECTION 22-10-103 (1.5) BUT EXCLUDING A
27 PRIVATE PROVIDER, OR AN INDIAN TRIBE OR NATION THAT OPERATES A
28 PUBLIC SCHOOL IN COLORADO."

29 Renumber succeeding subsections accordingly."

30 Page 2 of the report, after line 15 insert:

31 "Page 17 of the bill, after line 8 insert:

32 "**SECTION 8.** In Colorado Revised Statutes, 24-37.5-118, as
33 **relocated and amended by House Bill 21-1109 amend (4); and add**

1 (9.5), (16)(d.5), and (16)(i.5) as follows:
2 **24-37.5-118. Broadband service - report - broadband**
3 **deployment board - broadband administrative fund - creation -**
4 **legislative declaration - definitions - rules - repeal.** (4) (a) There is
5 hereby created in the state treasury the broadband administrative fund,
6 referred to in this section as the "fund". The fund consists of all money
7 allocated from the HCSM for the administration of the board and all
8 money that the general assembly may appropriate to the fund. The money
9 in the fund is subject to annual appropriation by the general assembly for
10 the purposes set forth in this section. All interest earned from the
11 investment of money in the fund is credited to the fund. All money not
12 expended at the end of any state fiscal year remains in the fund and does
13 not revert to the general fund or any other fund.
14 (b) (I) THE BROADBAND STIMULUS ACCOUNT, REFERRED TO IN THIS
15 SUBSECTION (4)(b) AS THE "ACCOUNT", IS HEREBY CREATED IN THE FUND.
16 WITHIN THREE DAYS AFTER THE EFFECTIVE DATE OF THIS SUBSECTION
17 (4)(b), THE STATE TREASURER SHALL TRANSFER THIRTY-FIVE MILLION
18 DOLLARS FROM THE GENERAL FUND TO THE ACCOUNT. THE MONEY IN THE
19 ACCOUNT IS SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL
20 ASSEMBLY FOR USE BY THE BOARD FOR THE PURPOSE OF REVIEWING AND
21 AWARDED GRANTS UNDER THE BROADBAND STIMULUS GRANT PROGRAM
22 CREATED IN SUBSECTION (9.5) OF THIS SECTION. ALL INTEREST EARNED
23 FROM INVESTMENT OF MONEY IN THE ACCOUNT IS CREDITED TO THE
24 ACCOUNT. ALL MONEY NOT EXPENDED FROM THE ACCOUNT AT THE END
25 OF A FISCAL YEAR REMAINS IN THE ACCOUNT AND DOES NOT REVERT TO
26 THE GENERAL FUND OR ANY OTHER FUND.
27 (II) THIS SUBSECTION (4)(b) IS REPEALED, EFFECTIVE SEPTEMBER
28 1, 2023.
29 (9.5) (a) (I) THE BROADBAND STIMULUS GRANT PROGRAM IS
30 HEREBY CREATED. AS PART OF THE GRANT PROGRAM, THE BOARD, IN ANY
31 GRANT FUNDING CYCLE IN 2021 THAT OCCURS AFTER THE EFFECTIVE DATE
32 OF THIS SUBSECTION (9.5):
33 (A) IS ENCOURAGED TO AWARD GRANT MONEY TO APPLICANTS
34 THAT APPLIED FOR GRANTS UNDER SUBSECTION (9) OF THIS SECTION IN THE
35 PREVIOUS FIVE YEARS, MET ALL OF THE AWARD CRITERIA SET FORTH IN
36 SUBSECTION (9) OF THIS SECTION BUT WERE DENIED GRANTS DUE TO THE
37 INSUFFICIENCY OF GRANT MONEY AVAILABLE AT THE TIME OF
38 APPLICATION, AND, AS DETERMINED BY THE BOARD, CONTINUE TO MEET
39 ALL OF THE AWARD CRITERIA SET FORTH IN SUBSECTION (9) OF THIS
40 SECTION; AND
41 (B) MAY ALSO AWARD GRANT MONEY TO NEW GRANT
42 APPLICATIONS RECEIVED.
43 (II) AN APPLICANT SEEKING A BROADBAND STIMULUS GRANT

1 UNDER THIS SUBSECTION (9.5) MUST MEET ALL OF THE GRANT AWARD
2 CRITERIA SET FORTH IN SUBSECTION (9) OF THIS SECTION AND THE
3 REQUIREMENTS SET FORTH IN THIS SUBSECTION (9.5).

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

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

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

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

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

25 (I) FOR EACH PROJECT AWARDED GRANT MONEY UNDER THE
26 BROADBAND STIMULUS GRANT PROGRAM:

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

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

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

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

34 (E) THE PERCENTAGE OF CUSTOMERS WHO ACTIVATED
35 BROADBAND THROUGH THE BROADBAND NETWORK PROVIDED BY THE
36 PROJECT AFTER A BROADBAND CONNECTION WAS CREATED UNDER THE
37 PROJECT TO THEIR HOMES OR ENTITIES AND THE MEASURABLE SPEEDS
38 MADE AVAILABLE TO THEM;

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

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

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

1 GRANT PROGRAM, THE AMOUNTS OF GRANT MONEY REQUESTED BY EACH
2 APPLICANT, THE NUMBER OF GRANTS AWARDED UNDER THE BROADBAND
3 STIMULUS GRANT PROGRAM, AND THE AMOUNTS OF GRANT MONEY
4 AWARDED TO EACH APPLICANT UNDER THE BROADBAND STIMULUS GRANT
5 PROGRAM; AND

6 (III) THE AMOUNT OF MONEY EXPENDED FROM THE BROADBAND
7 STIMULUS ACCOUNT VERSUS THE AMOUNT OF MONEY OBLIGATED BUT NOT
8 YET EXPENDED FROM THE BROADBAND STIMULUS ACCOUNT.

9 (e) THIS SUBSECTION (9.5) IS REPEALED, EFFECTIVE SEPTEMBER 1,
10 2023.

11 (16) As used in this section:

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

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

20 Renumber succeeding sections accordingly.

21 Page 18 of the bill, strike line 5 and substitute "FORTH IN SECTION
22 24-37.5-902 (3)".

23 Page 3 of the report, strike lines 4 through 9 and substitute:

24 **"SECTION 13. Appropriations.** (1) For the 2020-21 state fiscal
25 year, \$35,000,000 is appropriated to the office of the governor for use by
26 the office of information technology for use by the Colorado broadband
27 office. This appropriation is from the digital inclusion grant program fund
28 created in section 24-37.5-904 (2), C.R.S. The Colorado broadband office
29 may use this appropriation to implement the digital inclusion grant
30 program created in section 24-37.5-904 (1)(a), C.R.S. Any money
31 appropriated in this subsection (1) not expended prior to July 1, 2021, is
32 further appropriated to the office of the governor for use by the office of
33 information technology for the 2021-22 state fiscal year for the same
34 purpose.

35 (2) For the 2020-21 state fiscal year, \$35,000,000 is appropriated
36 to the office of the governor for use by the office of information
37 technology for the broadband deployment board. This appropriation is
38 from the broadband stimulus account in the broadband administrative
39 fund created in section 24-37.5-118 (4), C.R.S. The broadband

1 deployment board may use this appropriation to implement the broadband
2 stimulus grant program created in section 24-37.5-118 (9.5), C.R.S. Any
3 money appropriated in this subsection (2) not expended prior to July 1,
4 2021, is further appropriated to the office of the governor for use by the
5 office of information technology for the 2021-22 state fiscal year for the
6 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. The division of
11 local government may use this appropriation to implement the
12 interconnectivity grant program created in section 24-32-104 (4)(a),
13 C.R.S. Any money appropriated in this subsection (3) not expended prior
14 to July 1, 2021, is further appropriated to the department of local affairs
15 for use by the division of local government for the 2021-22 state fiscal
16 year for the same purpose.

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

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

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

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

28 Renumber succeeding section accordingly."

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