

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Appropriations.

HB21-1289 be amended as follows:

1 Amend reengrossed bill, page 3, after line 1 insert:

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

22 Page 5, strike lines 18 and 19.

23 Renumber succeeding subsections accordingly.

24 Page 11, line 2, after "**fund**" insert "**- definition**".

25 Page 12, after line 3 insert:

26 "(e) WITH RESPECT TO GRANTS AWARDED PURSUANT TO
27 SUBSECTION (1)(b)(I) OF THIS SECTION AND FROM MONEY TRANSFERRED
28 TO THE DIGITAL INCLUSION GRANT PROGRAM FUND FROM THE ECONOMIC
29 RECOVERY AND RELIEF CASH FUND CREATED IN SECTION 24-75-228 (2)(a),
30 GRANTS MAY ONLY BE AWARDED FOR BROADBAND PROJECTS THAT,
31 PURSUANT TO TREASURY DEPARTMENT INTERIM REGULATIONS
32 IMPLEMENTING THE FEDERAL "AMERICAN RESCUE PLAN ACT OF 2021",
33 PUB.L. 117-2, PROVIDE BROADBAND INFRASTRUCTURE THAT IS DESIGNED
34 TO PROVIDE SERVICE TO UNSERVED OR UNDERSERVED HOUSEHOLDS AND
35 BUSINESSES AND THAT IS 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 (1)(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 (1)(e) OF THIS SECTION, "UNSERVED OR
21 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 Page 12, line 5 strike "TREASURY." and substitute "TREASURY AND
27 CONSISTS OF MONEY THE STATE RECEIVED FROM THE FEDERAL
28 CORONAVIRUS STATE FISCAL RECOVERY FUND CREATED IN THE FEDERAL
29 "AMERICAN RESCUE PLAN ACT OF 2021", PUB.L. 117-2 AND ANY MONEY
30 THAT THE GENERAL ASSEMBLY MAY APPROPRIATE."

31 Page 12, line 7 strike "GENERAL FUND" and substitute "ECONOMIC
32 RECOVERY AND RELIEF CASH FUND CREATED IN SECTION 24-75-228
33 (2)(a)".

34 Page 15, line 17 strike "FUND." and substitute "FUND AND CONSISTS OF
35 MONEY THE STATE RECEIVED FROM THE FEDERAL CORONAVIRUS STATE
36 FISCAL RECOVERY FUND CREATED IN THE FEDERAL "AMERICAN RESCUE
37 PLAN ACT OF 2021", PUB.L. 117-2 AND ANY MONEY THAT THE GENERAL
38 ASSEMBLY MAY APPROPRIATE."

39 Page 15, line 19 strike "GENERAL FUND" and substitute "ECONOMIC

1 RECOVERY AND RELIEF CASH FUND CREATED IN SECTION 24-75-228
2 (2)(a)".

3 Page 15, line 27 strike "GENERAL FUND" and substitute "ECONOMIC
4 RECOVERY AND RELIEF CASH FUND CREATED IN SECTION 24-75-228
5 (2)(a)".

6 Page 18, after line 15 insert:

7 "(e) WITH RESPECT TO GRANTS AWARDED PURSUANT TO THIS
8 SUBSECTION (8.7) AND FROM MONEY TRANSFERRED TO THE BROADBAND
9 STIMULUS ACCOUNT FROM THE ECONOMIC RECOVERY AND RELIEF CASH
10 FUND CREATED IN SECTION 24-75-228 (2)(a), GRANTS MAY ONLY BE
11 AWARDED FOR BROADBAND PROJECTS THAT, PURSUANT TO TREASURY
12 DEPARTMENT INTERIM REGULATIONS IMPLEMENTING THE FEDERAL
13 "AMERICAN RESCUE PLAN ACT OF 2021", PUB.L. 117-2, PROVIDE
14 BROADBAND INFRASTRUCTURE THAT IS DESIGNED TO PROVIDE SERVICE TO
15 UNSERVED OR UNDERSERVED HOUSEHOLDS AND BUSINESSES AND THAT IS
16 DESIGNED TO, UPON 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 (8.7)(e)(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
28 SECOND DOWNLOAD SPEED AND ONE HUNDRED MEGABITS PER SECOND
29 UPLOAD SPEED.

30 (f) IF THE TREASURY DEPARTMENT MODIFIES ITS INTERIM
31 REGULATIONS IMPLEMENTING THE FEDERAL "AMERICAN RESCUE PLAN
32 ACT OF 2021", PUB.L. 117-2, GRANTS AWARDED PURSUANT TO
33 SUBSECTION (1)(e) OF THIS SECTION MAY ONLY BE AWARDED FOR
34 BROADBAND PROJECTS THAT COMPLY WITH THE MODIFIED FEDERAL
35 REGULATIONS.

36 (g) AS USED IN SUBSECTION (8.7)(e) OF THIS SECTION, "UNSERVED
37 OR UNDERSERVED HOUSEHOLDS AND BUSINESSES" MEANS ONE OR MORE
38 HOUSEHOLDS OR BUSINESSES THAT ARE NOT CURRENTLY SERVED BY A
39 WIRELINE CONNECTION THAT RELIABLY DELIVERS AT LEAST TWENTY-FIVE
40 MEGABITS PER SECOND DOWNSTREAM AND THREE MEGABITS PER SECOND

1 UPSTREAM."

2 Reletter succeeding paragraph accordingly.

3 Page 19, line 7 strike "FUND." and substitute "FUND AND CONSISTS OF
4 MONEY THE STATE RECEIVED FROM THE FEDERAL CORONAVIRUS STATE
5 FISCAL RECOVERY FUND CREATED IN THE FEDERAL "AMERICAN RESCUE
6 PLAN ACT OF 2021", PUB.L. 117-2 AND ANY MONEY THAT THE GENERAL
7 ASSEMBLY MAY APPROPRIATE."

8 Page 19, line 10 strike "GENERAL FUND" and substitute "ECONOMIC
9 RECOVERY AND RELIEF CASH FUND CREATED IN SECTION 24-75-228
10 (2)(a)".

11 Page 19, line 18 strike "GENERAL FUND" and substitute "ECONOMIC
12 RECOVERY AND RELIEF CASH FUND CREATED IN SECTION 24-75-228
13 (2)(a)".

14 Page 22, after line 5 insert:

15 "(e) WITH RESPECT TO GRANTS AWARDED PURSUANT TO THIS
16 SUBSECTION (9.5) AND FROM MONEY TRANSFERRED TO THE BROADBAND
17 STIMULUS ACCOUNT FROM THE ECONOMIC RECOVERY AND RELIEF CASH
18 FUND CREATED IN SECTION 24-75-228 (2)(a), GRANTS MAY ONLY BE
19 AWARDED FOR BROADBAND PROJECTS THAT, PURSUANT TO TREASURY
20 DEPARTMENT INTERIM REGULATIONS IMPLEMENTING THE FEDERAL
21 "AMERICAN RESCUE PLAN ACT OF 2021", PUB.L. 117-2, PROVIDE
22 BROADBAND INFRASTRUCTURE THAT IS DESIGNED TO PROVIDE SERVICE TO
23 UNSERVED OR UNDERSERVED HOUSEHOLDS AND BUSINESSES AND THAT IS
24 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
28 EXCESSIVE COST OF THE PROJECT OR GEOGRAPHY OR TOPOGRAPHY OF THE
29 AREA TO BE SERVED BY THE PROJECT, PROVIDE SERVICE MEETING THE
30 STANDARDS SET FORTH IN SUBSECTION (9.5)(e)(I) OF THIS SECTION THAT:

31 (A) RELIABLY MEETS OR EXCEEDS ONE HUNDRED MEGABITS PER
32 SECOND DOWNLOAD SPEED AND IS BETWEEN AT LEAST TWENTY MEGABITS
33 PER SECOND AND ONE HUNDRED MEGABITS PER SECOND UPLOAD SPEED;
34 AND

35 (B) IS SCALABLE TO A MINIMUM OF ONE HUNDRED MEGABITS PER
36 SECOND DOWNLOAD SPEED AND ONE HUNDRED MEGABITS PER SECOND
37 UPLOAD SPEED.

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

7 (g) AS USED IN SUBSECTION (9.5)(e) OF THIS SECTION, "UNSERVED
8 OR UNDERSERVED HOUSEHOLDS AND BUSINESSES" MEANS ONE OR MORE
9 HOUSEHOLDS OR BUSINESSES THAT ARE NOT CURRENTLY SERVED BY A
10 WIRELINE CONNECTION THAT RELIABLY DELIVERS AT LEAST TWENTY-FIVE
11 MEGABITS PER SECOND DOWNSTREAM AND THREE MEGABITS PER SECOND
12 UPSTREAM."

13 Reletter succeeding paragraph accordingly.

14 Page 22, line 10, strike "(3)" and substitute "(2)".

15 Page 23, strike lines 8 and 9.

16 Renumber succeeding subsections accordingly.

17 Page 23, line 13, strike "(3)" and substitute "(2)".

18 Page 25, line 27 strike "TREASURY." and substitute "TREASURY AND
19 CONSISTS OF MONEY THE STATE RECEIVED FROM THE FEDERAL
20 CORONAVIRUS STATE FISCAL RECOVERY FUND CREATED IN THE FEDERAL
21 "AMERICAN RESCUE PLAN ACT OF 2021", PUB.L. 117-2 AND ANY MONEY
22 THAT THE GENERAL ASSEMBLY MAY APPROPRIATE."

23 Page 26, line 2 strike "GENERAL FUND" and substitute "ECONOMIC
24 RECOVERY AND RELIEF CASH FUND CREATED IN SECTION 24-75-228
25 (2)(a)".

26 Page 26, after line 5 insert:

27 "(d) WITH RESPECT TO GRANTS AWARDED FROM MONEY
28 TRANSFERRED TO THE INTERCONNECTIVITY GRANT PROGRAM FUND FROM
29 THE ECONOMIC RECOVERY AND RELIEF CASH FUND CREATED IN SECTION
30 24-75-228 (2)(a), GRANTS MAY ONLY BE AWARDED FOR BROADBAND
31 PROJECTS THAT, PURSUANT TO TREASURY DEPARTMENT INTERIM
32 REGULATIONS IMPLEMENTING THE FEDERAL "AMERICAN RESCUE PLAN
33 ACT OF 2021", PUB.L. 117-2, PROVIDE BROADBAND INFRASTRUCTURE
34 THAT IS DESIGNED TO PROVIDE SERVICE TO UNSERVED OR UNDERSERVED

1 HOUSEHOLDS AND BUSINESSES AND THAT IS DESIGNED TO, UPON
2 COMPLETION:

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

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

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

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

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

22 (f) AS USED IN SUBSECTION (4)(d) OF THIS SECTION, "UNSERVED OR
23 UNDERSERVED HOUSEHOLDS AND BUSINESSES" MEANS ONE OR MORE
24 HOUSEHOLDS OR BUSINESSES THAT ARE NOT CURRENTLY SERVED BY A
25 WIRELINE CONNECTION THAT RELIABLY DELIVERS AT LEAST TWENTY-FIVE
26 MEGABITS PER SECOND DOWNSTREAM AND THREE MEGABITS PER SECOND
27 UPSTREAM."

28 Reletter succeeding paragraph accordingly.

29 Page 26, line 12, strike "(4)(d)" and substitute "(4)(e)".

30 Page 27, line 7 strike "C.R.S." and substitute "C.R.S., and of money the
31 state received from the federal coronavirus state fiscal recovery fund."

32 Page 27, line 17, strike "C.R.S." and substitute "C.R.S., and of money the
33 state received from the federal coronavirus state fiscal recovery fund."

34 Page 27, line 25, strike "C.R.S." and substitute "C.R.S., and of money the
35 state received from the federal coronavirus state fiscal recovery fund."

36 Page 28, line 9, strike "C.R.S." and substitute "C.R.S., and of money the
37 state received from the federal coronavirus state fiscal recovery fund."

1 Page 28, line 20, strike "C.R.S." and substitute "C.R.S., and of money the
2 state received from the federal coronavirus state fiscal recovery fund."

3 Page 29, line 3, strike "C.R.S." and substitute "C.R.S., and of money the
4 state received from the federal coronavirus state fiscal recovery fund."

5 Page 29, strike lines 11 through 20 and substitute "subsections (2) and (3)
6 of this section, this act takes effect only if Senate Bill 21-291 becomes
7 law, in which case this act takes effect on the effective date of this act or
8 Senate Bill 21-291, whichever is later.

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

12 (3) (a) Sections 8 and 13 take effect only if House Bill 21-1109
13 also becomes law, in which case sections 8 and 13 take effect on the
14 effective date of this act, Senate Bill 21-291, or House Bill 21-1109,
15 whichever is the latest.

16 (b) Sections 6, 7, and 12 take effect only if House Bill 21-1109
17 does not become law, in which case sections 6, 7, and 12 take effect on
18 the effective date of this act or Senate Bill 21-291, whichever is later."

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