

SB21-060

## SENATE FLOOR AMENDMENT

Second Reading

BY SENATOR Donovan

- 1 Strike the Appropriations Committee Report, dated June 3, 2021.
- 2 Strike the Business, Labor, and Technology Committee Report, dated  
3 April 5, 2021.
- 4 Amend printed bill, strike everything after the enacting clause and  
5 substitute:

6 **"SECTION 1.** In Colorado Revised Statutes, 40-15-509.5, **add**  
7 (6.5) and (8)(a)(V) as follows:

8 **40-15-509.5. Broadband service - report - broadband**  
9 **deployment board - broadband administrative fund - creation -**  
10 **program to provide reimbursement for broadband service -**  
11 **definitions - rules - repeal.** (6.5) (a) ON OR BEFORE JANUARY 1, 2022,  
12 THE BOARD SHALL CONTRACT WITH A NONPROFIT ORGANIZATION THAT  
13 HAS AN EXISTING PLATFORM OR SYSTEM FOR ADMINISTERING GRANT  
14 MONEY AND HAS EXPERIENCE IN ADMINISTERING INCOME-QUALIFIED  
15 UTILITY ASSISTANCE PROGRAMS AND IN VERIFYING INCOME FOR  
16 STATEWIDE ASSISTANCE PROGRAMS TO DEVELOP A PROGRAM TO  
17 REIMBURSE COLORADO SUBSCRIBERS, AT UP TO SIX HUNDRED DOLLARS  
18 PER HOUSEHOLD PER YEAR, FOR ACCESS TO BROADBAND SERVICE TO  
19 HOUSEHOLDS THAT:

20 (I) INCLUDE ONE OR MORE CHILDREN ENROLLED IN KINDERGARTEN  
21 THROUGH TWELFTH GRADE WHO ARE ELIGIBLE FOR FREE OR  
22 REDUCED-PRICE LUNCH PURSUANT TO THE FEDERAL "RICHARD B. RUSSELL  
23 NATIONAL SCHOOL LUNCH ACT", 42 U.S.C. SEC. 1751 ET SEQ., AS  
24 AMENDED;

25 (II) HAVE AN INCOME THAT DOES NOT EXCEED THE HIGHER OF THE  
26 FEDERAL POVERTY LEVEL OR THIRTY PERCENT OF AREA MEDIAN INCOME;  
27 OR

28 (III) ARE LOCATED IN CRITICALLY UNSERVED AREAS OF THE STATE.  
29 A HOUSEHOLD IS ELIGIBLE FOR REIMBURSEMENT UNDER THIS SUBSECTION  
30 (6.5)(a)(III) ONLY:

31 (A) FOR BROADBAND SERVICE PROVIDED BY A SATELLITE  
32 PROVIDER;

33 (B) WITH RESPECT TO THE HOUSEHOLD'S PRIMARY RESIDENCE;  
34 AND

35 (C) IF THE BOARD DETERMINES THAT BUILD-OUT OF BROADBAND  
36 SERVICE IS UNLIKELY.

37 (b) A HOUSEHOLD MEETING THE CRITERIA DESCRIBED IN  
38 SUBSECTION (6.5)(a) OF THIS SECTION MAY APPLY TO THE PROGRAM

1 ANNUALLY IN THE FORM AND MANNER DETERMINED BY THE BOARD TO  
2 REQUEST REIMBURSEMENT TO COVER UP TO ONE-HALF OF THE COST OF  
3 BROADBAND SERVICE, NOT TO EXCEED A TOTAL REIMBURSEMENT OF SIX  
4 HUNDRED DOLLARS PER YEAR. A HOUSEHOLD THAT HAS RECEIVED  
5 REIMBURSEMENT PURSUANT TO THIS SUBSECTION (6.5) MUST  
6 DEMONSTRATE THAT IT STILL MEETS THE CRITERIA SET FORTH IN  
7 SUBSECTION (6.5)(a) OF THIS SECTION TO RECEIVE REIMBURSEMENT IN A  
8 SUBSEQUENT YEAR.

9 (c) WITH REGARD TO THE NONPROFIT ORGANIZATION WITH WHICH  
10 THE BOARD CONTRACTS TO ADMINISTER THE REIMBURSEMENT PROGRAM,  
11 THE BOARD:

12 (I) SHALL USE MONEY IN THE FUND TO PAY THE NONPROFIT  
13 ORGANIZATION'S ADMINISTRATIVE COSTS IN AN AMOUNT NOT TO EXCEED  
14 TWO HUNDRED FIFTY THOUSAND DOLLARS PER YEAR. IF THE NONPROFIT  
15 ORGANIZATION EXPENDS ALL OF THE MONEY PROVIDED IN A GIVEN YEAR,  
16 THE NONPROFIT ORGANIZATION SHALL NOT ADMINISTER ADDITIONAL  
17 REIMBURSEMENTS FOR THE REMAINDER OF THE YEAR.

18 (II) SHALL DETERMINE REPORTING REQUIREMENTS FOR THE  
19 NONPROFIT ORGANIZATION REGARDING ITS ADMINISTRATION OF THE  
20 PROGRAM; AND

21 (III) NEED NOT COMPLY WITH THE "PROCUREMENT CODE",  
22 ARTICLES 101 TO 112 OF TITLE 24, IN CHOOSING THE NONPROFIT  
23 ORGANIZATION.

24 (d) A PORTION OF THE HCSM MONEY ALLOCATED FOR  
25 BROADBAND DEPLOYMENT SHALL BE RESERVED FOR REIMBURSEMENT  
26 PURSUANT TO THIS SUBSECTION (6.5).

27 (8) The board shall direct the commission to transfer money, in a  
28 manner consistent with this section, from the account for broadband  
29 deployment established in the HCSM to approved grant applicants. The  
30 board shall develop criteria for awarding money for new projects to  
31 deploy broadband in unserved areas, including:

32 (a) (V) ON OR BEFORE NOVEMBER 1, 2021, THE DEPARTMENT OF  
33 TRANSPORTATION SHALL SUBMIT A MAP OR MAPS TO THE BOARD  
34 IDENTIFYING ANY BROADBAND INFRASTRUCTURE OR EXCESS CAPACITY  
35 THAT THE DEPARTMENT COULD LEASE FOR THE DEPLOYMENT OF  
36 BROADBAND IN THE STATE.

37 **SECTION 2.** In Colorado Revised Statutes, 24-37.5-119, as  
38 **relocated and amended by House Bill 21-1109, add (7.5) and**  
39 **(9)(a)(VIII) as follows:**

40 **24-37.5-119. Broadband service - report - broadband**  
41 **deployment board - broadband administrative fund - creation - rules**  
42 **- program to provide reimbursement for broadband service -**  
43 **legislative declaration - definitions - repeal. (7.5) (a) ON OR BEFORE**

1 JANUARY 1, 2022, THE BOARD SHALL CONTRACT WITH A NONPROFIT  
2 ORGANIZATION THAT HAS AN EXISTING PLATFORM OR SYSTEM FOR  
3 ADMINISTERING GRANT MONEY AND HAS EXPERIENCE IN ADMINISTERING  
4 INCOME-QUALIFIED UTILITY ASSISTANCE PROGRAMS AND IN VERIFYING  
5 INCOME FOR STATEWIDE ASSISTANCE PROGRAMS TO DEVELOP A PROGRAM  
6 TO REIMBURSE COLORADO SUBSCRIBERS, AT UP TO SIX HUNDRED DOLLARS  
7 PER HOUSEHOLD PER YEAR, FOR ACCESS TO BROADBAND SERVICE TO  
8 HOUSEHOLDS THAT:

9 (I) INCLUDE ONE OR MORE CHILDREN ENROLLED IN KINDERGARTEN  
10 THROUGH TWELFTH GRADE WHO ARE ELIGIBLE FOR FREE OR  
11 REDUCED-PRICE LUNCH PURSUANT TO THE FEDERAL "RICHARD B. RUSSELL  
12 NATIONAL SCHOOL LUNCH ACT", 42 U.S.C. SEC. 1751 ET SEQ., AS  
13 AMENDED;

14 (II) HAVE AN INCOME THAT DOES NOT EXCEED THE HIGHER OF THE  
15 FEDERAL POVERTY LEVEL OR THIRTY PERCENT OF AREA MEDIAN INCOME;  
16 OR

17 (III) ARE LOCATED IN CRITICALLY UNSERVED AREAS OF THE STATE.  
18 A HOUSEHOLD IS ELIGIBLE FOR REIMBURSEMENT UNDER THIS SUBSECTION  
19 (7.5)(a)(III) ONLY:

20 (A) FOR BROADBAND SERVICE PROVIDED BY A SATELLITE  
21 PROVIDER;

22 (B) WITH RESPECT TO THE HOUSEHOLD'S PRIMARY RESIDENCE;  
23 AND

24 (C) IF THE BOARD DETERMINES THAT BUILD-OUT OF BROADBAND  
25 SERVICE IS UNLIKELY.

26 (b) A HOUSEHOLD MEETING THE CRITERIA DESCRIBED IN  
27 SUBSECTION (7.5)(a) OF THIS SECTION MAY APPLY TO THE PROGRAM  
28 ANNUALLY IN THE FORM AND MANNER DETERMINED BY THE BOARD TO  
29 REQUEST REIMBURSEMENT TO COVER UP TO ONE-HALF OF THE COST OF  
30 BROADBAND SERVICE, NOT TO EXCEED A TOTAL REIMBURSEMENT OF SIX  
31 HUNDRED DOLLARS PER YEAR. A HOUSEHOLD THAT HAS RECEIVED  
32 REIMBURSEMENT PURSUANT TO THIS SUBSECTION (7.5) MUST  
33 DEMONSTRATE THAT IT STILL MEETS THE CRITERIA SET FORTH IN  
34 SUBSECTION (7.5)(a) OF THIS SECTION TO RECEIVE REIMBURSEMENT IN A  
35 SUBSEQUENT YEAR.

36 (c) WITH REGARD TO THE NONPROFIT ORGANIZATION WITH WHICH  
37 THE BOARD CONTRACTS TO ADMINISTER THE REIMBURSEMENT PROGRAM,  
38 THE BOARD:

39 (I) SHALL USE MONEY IN THE FUND TO PAY THE NONPROFIT  
40 ORGANIZATION'S ADMINISTRATIVE COSTS IN AN AMOUNT NOT TO EXCEED  
41 TWO HUNDRED FIFTY THOUSAND DOLLARS PER YEAR. IF THE NONPROFIT  
42 ORGANIZATION EXPENDS ALL OF THE MONEY PROVIDED IN A GIVEN YEAR,  
43 THE NONPROFIT ORGANIZATION SHALL NOT ADMINISTER ADDITIONAL

1 REIMBURSEMENTS FOR THE REMAINDER OF THE YEAR.

2 (II) SHALL DETERMINE REPORTING REQUIREMENTS FOR THE  
3 NONPROFIT ORGANIZATION REGARDING ITS ADMINISTRATION OF THE  
4 PROGRAM; AND

5 (III) NEED NOT COMPLY WITH THE "PROCUREMENT CODE",  
6 ARTICLES 101 TO 112 OF THIS TITLE 24, IN CHOOSING THE NONPROFIT  
7 ORGANIZATION.

8 (d) A PORTION OF THE HCSM MONEY ALLOCATED FOR  
9 BROADBAND DEPLOYMENT SHALL BE RESERVED FOR REIMBURSEMENT  
10 PURSUANT TO THIS SUBSECTION (7.5).

11 (9) The board shall direct the commission to transfer money, in a  
12 manner consistent with this section, from the HCSM account dedicated  
13 for broadband deployment pursuant to subsection (3) of this section to  
14 approved grant applicants. The board shall develop criteria for awarding  
15 money for new projects to deploy broadband in unserved areas, including:

16 (a) (VIII) ON OR BEFORE NOVEMBER 1, 2021, THE DEPARTMENT  
17 OF TRANSPORTATION SHALL SUBMIT A MAP OR MAPS TO THE BOARD  
18 IDENTIFYING ANY BROADBAND INFRASTRUCTURE OR EXCESS CAPACITY  
19 THAT THE DEPARTMENT COULD LEASE FOR THE DEPLOYMENT OF  
20 BROADBAND IN THE STATE.

21 **SECTION 3. Appropriation.** For the 2021-22 state fiscal year,  
22 \$298,883 is appropriated to the department of regulatory agencies for use  
23 by the executive director's office and administrative services. This  
24 appropriation is from the broadband administrative fund created in  
25 section 40-15-509.5 (4)(a), C.R.S., and is based on an assumption that the  
26 department will require an additional 1.0 FTE. To implement this act, the  
27 office may use this appropriation for broadband deployment board  
28 administration.

29 **SECTION 4. Appropriation.** For the 2021-22 state fiscal year,  
30 \$298,883 is appropriated to the office of the governor for use by the  
31 office of information technology. This appropriation is from the  
32 broadband administrative fund created in section 24-37.5-119 (4), C.R.S.,  
33 and is based on an assumption that the department will require an  
34 additional 1.0 FTE. To implement this act, the office may use this  
35 appropriation for broadband deployment board administration.

36 **SECTION 5. Effective date.** (1) This act takes effect upon  
37 passage except that:

38 (a) Sections 2 and 4 of this act take effect only if House Bill  
39 21-1109 becomes law, in which case sections 2 and 4 take effect on the  
40 effective date of this act or House Bill 21-1109, whichever is later; and

41 (b) Sections 1 and 3 of this act take effect only if House Bill  
42 21-1109 does not become law, in which case sections 1 and 3 take effect  
43 on the effective date of this act.

1           **SECTION 6. Safety clause.** The general assembly hereby finds,  
2 determines, and declares that this act is necessary for the immediate  
3 preservation of the public peace, health, or safety."

4 Page 1, line 101, strike "**DEPLOYMENT.**" and substitute "**DEPLOYMENT,**  
5 **AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**"

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