

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

Date

June 3, 2021

Committee on Appropriations.

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

HB21-1289 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

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.

1 Renumber succeeding subsections accordingly.

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

3 Page 12, after line 3 insert:

4 "(e) WITH RESPECT TO GRANTS AWARDED PURSUANT TO
5 SUBSECTION (1)(b)(I) OF THIS SECTION AND FROM MONEY TRANSFERRED
6 TO THE DIGITAL INCLUSION GRANT PROGRAM FUND FROM THE ECONOMIC
7 RECOVERY AND RELIEF CASH FUND CREATED IN SECTION 24-75-228 (2)(a),
8 GRANTS MAY ONLY BE AWARDED FOR BROADBAND PROJECTS THAT,
9 PURSUANT TO TREASURY DEPARTMENT INTERIM REGULATIONS
10 IMPLEMENTING THE FEDERAL "AMERICAN RESCUE PLAN ACT OF 2021",
11 PUB.L. 117-2, PROVIDE BROADBAND INFRASTRUCTURE THAT IS DESIGNED
12 TO PROVIDE SERVICE TO UNSERVED OR UNDERSERVED HOUSEHOLDS AND
13 BUSINESSES AND THAT IS DESIGNED TO, UPON COMPLETION:

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

16 (II) IN CASES WHERE IT IS NOT PRACTICABLE, BECAUSE OF THE
17 EXCESSIVE COST OF THE PROJECT OR GEOGRAPHY OR TOPOGRAPHY OF THE
18 AREA TO BE SERVED BY THE PROJECT, PROVIDE SERVICE MEETING THE
19 STANDARDS SET FORTH IN SUBSECTION (1)(e)(I) OF THIS SECTION THAT:

20 (A) RELIABLY MEETS OR EXCEEDS ONE HUNDRED MEGABITS PER
21 SECOND DOWNLOAD SPEED AND IS BETWEEN AT LEAST TWENTY MEGABITS
22 PER SECOND AND ONE HUNDRED MEGABITS PER SECOND UPLOAD SPEED;
23 AND

24 (B) IS SCALABLE TO A MINIMUM OF ONE HUNDRED MEGABITS PER
25 SECOND DOWNLOAD SPEED AND ONE HUNDRED MEGABITS PER SECOND
26 UPLOAD SPEED.

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

33 (g) AS USED IN SUBSECTION (1)(e) OF THIS SECTION, "UNSERVED OR
34 UNDERSERVED HOUSEHOLDS AND BUSINESSES" MEANS ONE OR MORE
35 HOUSEHOLDS OR BUSINESSES THAT ARE NOT CURRENTLY SERVED BY A
36 WIRELINE CONNECTION THAT RELIABLY DELIVERS AT LEAST TWENTY-FIVE
37 MEGABITS PER SECOND DOWNSTREAM AND THREE MEGABITS PER SECOND

1 UPSTREAM."

2 Page 12, line 5 strike "TREASURY." and substitute "TREASURY AND
3 CONSISTS OF MONEY THE STATE RECEIVED FROM THE FEDERAL
4 CORONAVIRUS STATE FISCAL RECOVERY FUND CREATED IN THE FEDERAL
5 "AMERICAN RESCUE PLAN ACT OF 2021", PUB.L. 117-2 AND ANY MONEY
6 THAT THE GENERAL ASSEMBLY MAY APPROPRIATE."

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

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

15 Page 15, line 19 strike "GENERAL FUND" and substitute "ECONOMIC
16 RECOVERY AND RELIEF CASH FUND CREATED IN SECTION 24-75-228
17 (2)(a)".

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

21 Page 18, after line 15 insert:

22 "(e) WITH RESPECT TO GRANTS AWARDED PURSUANT TO THIS
23 SUBSECTION (8.7) AND FROM MONEY TRANSFERRED TO THE BROADBAND
24 STIMULUS ACCOUNT FROM THE ECONOMIC RECOVERY AND RELIEF CASH
25 FUND CREATED IN SECTION 24-75-228 (2)(a), GRANTS MAY ONLY BE
26 AWARDED FOR BROADBAND PROJECTS THAT, PURSUANT TO TREASURY
27 DEPARTMENT INTERIM REGULATIONS IMPLEMENTING THE FEDERAL
28 "AMERICAN RESCUE PLAN ACT OF 2021", PUB.L. 117-2, PROVIDE
29 BROADBAND INFRASTRUCTURE THAT IS DESIGNED TO PROVIDE SERVICE TO
30 UNSERVED OR UNDERSERVED HOUSEHOLDS AND BUSINESSES AND THAT IS
31 DESIGNED TO, UPON COMPLETION:

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

34 (II) IN CASES WHERE IT IS NOT PRACTICABLE, BECAUSE OF THE

1 EXCESSIVE COST OF THE PROJECT OR GEOGRAPHY OR TOPOGRAPHY OF THE
2 AREA TO BE SERVED BY THE PROJECT, PROVIDE SERVICE MEETING THE
3 STANDARDS SET FORTH IN SUBSECTION (8.7)(e)(I) OF THIS SECTION THAT:
4 (A) RELIABLY MEETS OR EXCEEDS ONE HUNDRED MEGABITS PER
5 SECOND DOWNLOAD SPEED AND IS BETWEEN AT LEAST TWENTY MEGABITS
6 PER SECOND AND ONE HUNDRED MEGABITS PER SECOND UPLOAD SPEED;
7 AND
8 (B) IS SCALABLE TO A MINIMUM OF ONE HUNDRED MEGABITS PER
9 SECOND DOWNLOAD SPEED AND ONE HUNDRED MEGABITS PER SECOND
10 UPLOAD SPEED.
11 (f) IF THE TREASURY DEPARTMENT MODIFIES ITS INTERIM
12 REGULATIONS IMPLEMENTING THE FEDERAL "AMERICAN RESCUE PLAN
13 ACT OF 2021", PUB.L. 117-2, GRANTS AWARDED PURSUANT TO
14 SUBSECTION (1)(e) OF THIS SECTION MAY ONLY BE AWARDED FOR
15 BROADBAND PROJECTS THAT COMPLY WITH THE MODIFIED FEDERAL
16 REGULATIONS.
17 (g) AS USED IN SUBSECTION (8.7)(e) OF THIS SECTION, "UNSERVED
18 OR UNDERSERVED HOUSEHOLDS AND BUSINESSES" MEANS ONE OR MORE
19 HOUSEHOLDS OR BUSINESSES THAT ARE NOT CURRENTLY SERVED BY A
20 WIRELINE CONNECTION THAT RELIABLY DELIVERS AT LEAST TWENTY-FIVE
21 MEGABITS PER SECOND DOWNSTREAM AND THREE MEGABITS PER SECOND
22 UPSTREAM."

23 Reletter succeeding paragraph accordingly.

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

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

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

35 Page 22, after line 5 insert:



1 "(e) WITH RESPECT TO GRANTS AWARDED PURSUANT TO THIS
2 SUBSECTION (9.5) AND FROM MONEY TRANSFERRED TO THE BROADBAND
3 STIMULUS ACCOUNT FROM THE ECONOMIC RECOVERY AND RELIEF CASH
4 FUND CREATED IN SECTION 24-75-228 (2)(a), GRANTS MAY ONLY BE
5 AWARDED FOR BROADBAND PROJECTS THAT, PURSUANT TO TREASURY
6 DEPARTMENT INTERIM REGULATIONS IMPLEMENTING THE FEDERAL
7 "AMERICAN RESCUE PLAN ACT OF 2021", PUB.L. 117-2, PROVIDE
8 BROADBAND INFRASTRUCTURE THAT IS DESIGNED TO PROVIDE SERVICE TO
9 UNSERVED OR UNDERSERVED HOUSEHOLDS AND BUSINESSES AND THAT IS
10 DESIGNED TO, UPON COMPLETION:

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

13 (II) IN CASES WHERE IT IS NOT PRACTICABLE, BECAUSE OF THE
14 EXCESSIVE COST OF THE PROJECT OR GEOGRAPHY OR TOPOGRAPHY OF THE
15 AREA TO BE SERVED BY THE PROJECT, PROVIDE SERVICE MEETING THE
16 STANDARDS SET FORTH IN SUBSECTION (9.5)(e)(I) OF THIS SECTION THAT:

17 (A) RELIABLY MEETS OR EXCEEDS ONE HUNDRED MEGABITS PER
18 SECOND DOWNLOAD SPEED AND IS BETWEEN AT LEAST TWENTY MEGABITS
19 PER SECOND AND ONE HUNDRED MEGABITS PER SECOND UPLOAD SPEED;
20 AND

21 (B) IS SCALABLE TO A MINIMUM OF ONE HUNDRED MEGABITS PER
22 SECOND DOWNLOAD SPEED AND ONE HUNDRED MEGABITS PER SECOND
23 UPLOAD SPEED.

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

30 (g) AS USED IN SUBSECTION (9.5)(e) OF THIS SECTION, "UNSERVED
31 OR UNDERSERVED HOUSEHOLDS AND BUSINESSES" MEANS ONE OR MORE
32 HOUSEHOLDS OR BUSINESSES THAT ARE NOT CURRENTLY SERVED BY A
33 WIRELINE CONNECTION THAT RELIABLY DELIVERS AT LEAST TWENTY-FIVE
34 MEGABITS PER SECOND DOWNSTREAM AND THREE MEGABITS PER SECOND
35 UPSTREAM."

36 Reletter succeeding paragraph accordingly.

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

38 Page 23, strike lines 8 and 9.



1 Renumber succeeding subsections accordingly.

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

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

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

11 Page 26, after line 5 insert:

12 "(d) WITH RESPECT TO GRANTS AWARDED FROM MONEY
13 TRANSFERRED TO THE INTERCONNECTIVITY GRANT PROGRAM FUND FROM
14 THE ECONOMIC RECOVERY AND RELIEF CASH FUND CREATED IN SECTION
15 24-75-228 (2)(a), GRANTS MAY ONLY BE AWARDED FOR BROADBAND
16 PROJECTS THAT, PURSUANT TO TREASURY DEPARTMENT INTERIM
17 REGULATIONS IMPLEMENTING THE FEDERAL "AMERICAN RESCUE PLAN
18 ACT OF 2021", PUB.L. 117-2, PROVIDE BROADBAND INFRASTRUCTURE
19 THAT IS DESIGNED TO PROVIDE SERVICE TO UNSERVED OR UNDERSERVED
20 HOUSEHOLDS AND BUSINESSES AND THAT IS DESIGNED TO, UPON
21 COMPLETION:

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

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

28 (A) RELIABLY MEETS OR EXCEEDS ONE HUNDRED MEGABITS PER
29 SECOND DOWNLOAD SPEED AND IS BETWEEN AT LEAST TWENTY MEGABITS
30 PER SECOND AND ONE HUNDRED MEGABITS PER SECOND UPLOAD SPEED;
31 AND

32 (B) IS SCALABLE TO A MINIMUM OF ONE HUNDRED MEGABITS PER
33 SECOND DOWNLOAD SPEED AND ONE HUNDRED MEGABITS PER SECOND
34 UPLOAD SPEED.

35 (e) IF THE TREASURY DEPARTMENT MODIFIES ITS INTERIM
36 REGULATIONS IMPLEMENTING THE FEDERAL "AMERICAN RESCUE PLAN

1 ACT OF 2021", PUB.L. 117-2, GRANTS AWARDED PURSUANT TO
2 SUBSECTION (4)(d) OF THIS SECTION MAY ONLY BE AWARDED FOR
3 BROADBAND PROJECTS THAT COMPLY WITH THE MODIFIED FEDERAL
4 REGULATIONS.

5 (f) AS USED IN SUBSECTION (4)(d) OF THIS SECTION, "UNSERVED OR
6 UNDERSERVED HOUSEHOLDS AND BUSINESSES" MEANS ONE OR MORE
7 HOUSEHOLDS OR BUSINESSES THAT ARE NOT CURRENTLY SERVED BY A
8 WIRELINE CONNECTION THAT RELIABLY DELIVERS AT LEAST TWENTY-FIVE
9 MEGABITS PER SECOND DOWNSTREAM AND THREE MEGABITS PER SECOND
10 UPSTREAM."

11 Reletter succeeding paragraph accordingly.

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

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

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

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

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

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

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

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

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

32 (3) (a) Sections 8 and 13 take effect only if House Bill 21-1109



1 also becomes law, in which case sections 8 and 13 take effect on the
2 effective date of this act, Senate Bill 21-291, or House Bill 21-1109,
3 whichever is the latest.

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

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