

First Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 21-0895.01 Jennifer Berman x3286

HOUSE BILL 21-1289

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HOUSE SPONSORSHIP

Kennedy and Baisley, Titone

SENATE SPONSORSHIP

Bridges,

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House Committees

Transportation & Local Government

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING BROADBAND DEPLOYMENT, AND, IN CONNECTION  
102 THEREWITH, CODIFYING THE COLORADO BROADBAND OFFICE IN  
103 THE OFFICE OF INFORMATION TECHNOLOGY; CREATING THE  
104 DIGITAL INCLUSION GRANT PROGRAM, THE BROADBAND  
105 STIMULUS GRANT PROGRAM, AND THE INTERCONNECTIVITY  
106 GRANT PROGRAM; AND MAKING AN APPROPRIATION.

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Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

**Sections 1 and 2** of the bill extend the grant award distribution

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

and reporting dates for the connecting Colorado students grant program.

**Section 4** creates the Colorado broadband office (broadband office) in the office of information technology (office) as a **type 1** entity. Section 4 also creates the digital inclusion grant program fund and directs the state treasurer to transfer \$35 million from the general fund to the fund for use by the broadband office to implement the digital inclusion grant program to award grant money to proposed broadband deployment projects throughout the state. Grant recipients other than Indian tribe or nation recipients are prohibited from using the grant money for last-mile broadband deployment. **Section 3** requires the chief information officer in the office to appoint a director of the broadband office.

**Section 5** defines "community anchor institution", "critically unserved", and "income-qualified plan" in relation to grants awarded by the broadband deployment board (board) for proposed broadband deployment projects throughout the state.

**Section 6** creates the broadband stimulus grant program (grant program) and requires the board to implement the grant program by awarding grant money from the broadband stimulus account created in the broadband administrative fund. The state treasurer is directed to transfer \$35 million from the general fund to the account for this grant program. The board is encouraged to award money under the grant program to applicants that previously applied for broadband deployment grants from the board but were denied due to insufficient funding. An applicant seeking money under the grant program must submit an income-qualified plan to the board.

**Section 7** updates the legislative declaration related to the division of local government in the department of local affairs (division) to include language indicating the importance of broadband deployment, and **section 8** defines terms related to the division's work in deploying broadband.

**Section 9** requires the division to submit a copy of any application it receives for broadband deployment grant money to the board for the board to review and provide a recommendation regarding the application within 30 days after the division sends the copy to the board.

Section 9 also creates the interconnectivity grant program and requires the division to implement the grant program by awarding grant money for proposed projects that seek to achieve regional broadband deployment and provide interconnection between communities. Projects awarded money under this grant program, except for projects awarded to Indian tribes or nations, cannot use the money awarded for last-mile broadband deployment. To finance this grant program, section 9 also creates the interconnectivity grant program fund into which the state treasurer is directed to transfer \$5 million from the general fund.

**Section 10** appropriates:

- \$35 million from the digital inclusion grant program fund

to the office of information technology for use by the Colorado broadband office to implement the digital inclusion grant program;

- \$35 million from the broadband stimulus account in the broadband administrative fund to the department of regulatory agencies for use by the board to implement the broadband stimulus grant program; and
- \$5 million from the interconnectivity grant program fund to the department of local affairs for use by the division of local government to implement the interconnectivity grant program.

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

2           **SECTION 1.** In Colorado Revised Statutes, 22-103-103, **amend**  
3 (5) as follows:

4           **22-103-103. Connecting Colorado students grant program -**  
5 **created - application - awards.** (5) By ~~February~~ JUNE 30, 2021, the  
6 department shall distribute as grants to local education providers the  
7 entire amount appropriated to the fund for the 2020-21 budget year, less  
8 the amount allowed for expenses.

9           **SECTION 2.** In Colorado Revised Statutes, 22-103-104, **amend**  
10 (1) introductory portion as follows:

11           **22-103-104. Report.** (1) On or before ~~July 15~~ NOVEMBER 15,  
12 2021, the department shall submit a report to the state board of education,  
13 governor, and education committees of the senate and house of  
14 representatives or any successor committees, concerning implementation  
15 of the program. After the initial report, the department shall submit a  
16 report to the same parties within six months after the end of a budget year  
17 in which the department awards one or more grants. At a minimum, the  
18 report must describe:

19           **SECTION 3.** In Colorado Revised Statutes, 24-37.5-106, **amend**

1 (1)(u); and **add** (1)(v) as follows:

2 **24-37.5-106. Chief information officer - duties and**  
3 **responsibilities - broadband inventory fund created.** (1) The chief  
4 information officer shall:

5 (u) Assist the joint technology committee as necessary to facilitate  
6 the committee's oversight of the office; AND

7 (v) APPOINT A DIRECTOR OF THE COLORADO BROADBAND OFFICE  
8 CREATED IN SECTION 24-37.5-903 (1).

9 **SECTION 4.** In Colorado Revised Statutes, **add** part 9 to article  
10 37.5 of title 24 as follows:

11 PART 9

12 COLORADO BROADBAND OFFICE

13 **24-37.5-901. Legislative declaration.** (1) THE GENERAL  
14 ASSEMBLY HEREBY FINDS AND DETERMINES THAT:

15 (a) THE DEVELOPMENT OF FAST, AFFORDABLE, AND ACCESSIBLE  
16 BROADBAND INTERNET SERVICE THROUGHOUT THE STATE WILL:

17 (I) DRIVE JOB CREATION;

18 (II) PROMOTE INNOVATION;

19 (III) IMPROVE THE ECONOMIC VITALITY OF VARIOUS INDUSTRIES  
20 THROUGHOUT THE STATE AND THE STATE AS A WHOLE; AND

21 (IV) EXPAND MARKETS FOR COLORADO BUSINESSES;

22 (b) IMPROVED BROADBAND ACCESS WILL HELP SERVE THE  
23 ONGOING AND GROWING NEEDS OF COLORADO'S EDUCATION,  
24 HEALTH-CARE, AND PUBLIC SAFETY SYSTEMS; INDUSTRIES; BUSINESSES;  
25 GOVERNMENTAL OPERATIONS; AND CITIZENS; AND

26 (c) COMMUNITIES IN UNSERVED AREAS OF THE STATE NEED ACCESS  
27 TO BROADBAND TO HELP OVERCOME ECONOMIC, HEALTH-CARE,

1 EDUCATION, AND GOVERNMENT-ACCESS INEQUITIES ARISING FROM THEIR  
2 DIMINISHED ABILITY TO ACCESS BROADBAND.

3 (2) THE GENERAL ASSEMBLY DECLARES THAT IT IS IMPORTANT TO  
4 CREATE THE COLORADO BROADBAND OFFICE TO SERVE AS A CENTRAL  
5 GOVERNMENTAL ENTITY TO PLAN AND COORDINATE WITH OTHER STATE,  
6 PUBLIC, AND PRIVATE ENTITIES AND CITIZENS THROUGHOUT THE STATE TO  
7 DEVELOP AND IMPLEMENT STATEWIDE BROADBAND DEPLOYMENT AND  
8 ACCESS STRATEGIES AND PROGRAMS THAT SEEK TO ADVANCE THE GOALS  
9 LISTED IN SUBSECTION (1) OF THIS SECTION.

10 **24-37.5-902. Definitions.** AS USED IN THIS PART 9, UNLESS THE  
11 CONTEXT OTHERWISE REQUIRES:

12 (1) "BROADBAND" HAS THE MEANING SET FORTH IN SECTION  
13 40-15-102 (3.3).

14 (2) "COLORADO BROADBAND OFFICE" OR "BROADBAND OFFICE"  
15 MEANS THE COLORADO BROADBAND OFFICE CREATED IN SECTION  
16 24-37.5-903 (1).

17 (3) "COMMUNITY ANCHOR INSTITUTION" HAS THE MEANING SET  
18 FORTH IN SECTION 40-15-102 (5.2).

19 (4) "DEVICE" MEANS AN ELECTRONIC DEVICE THAT ENABLES  
20 ACCESS TO OR USE OF THE INTERNET.

21 (5) "DIGITAL INCLUSION GRANT PROGRAM" OR "GRANT PROGRAM"  
22 MEANS THE DIGITAL INCLUSION GRANT PROGRAM CREATED IN SECTION  
23 24-37.5-904 (1).

24 (6) "DIGITAL INCLUSION GRANT PROGRAM FUND" OR "FUND"  
25 MEANS THE FUND CREATED IN SECTION 24-37.5-904 (2) FOR USE BY THE  
26 BROADBAND OFFICE FOR IMPLEMENTING THE GRANT PROGRAM.

27 (7) "DIGITAL LITERACY" MEANS THE ABILITY TO USE

1 TECHNOLOGIES TO FIND, EVALUATE, ANALYZE, CREATE, AND  
2 COMMUNICATE INFORMATION.

3 (8) "LAST-MILE BROADBAND INFRASTRUCTURE" MEANS  
4 BROADBAND INFRASTRUCTURE THAT DELIVERS AN INTERNET CONNECTION  
5 TO AN END USER.

6 (9) "LOCAL GOVERNMENT" MEANS A STATUTORY OR HOME RULE  
7 MUNICIPALITY, COUNTY, CITY AND COUNTY, COUNCIL OF GOVERNMENTS,  
8 OR METROPOLITAN DISTRICT THAT LIES WHOLLY WITHIN THE  
9 UNINCORPORATED PART OF A COUNTY.

10 (10) "METROPOLITAN DISTRICT" HAS THE MEANING SET FORTH IN  
11 SECTION 32-1-103 (10).

12 (11) "TELEHEALTH" HAS THE MEANING SET FORTH IN SECTION  
13 10-16-123 (4)(e).

14 (12) "UNSERVED AREA" HAS THE MEANING SET FORTH IN SECTION  
15 40-15-102 (32).

16 **24-37.5-903. Colorado broadband office - creation -**  
17 **responsibilities - gifts, grants, or donations.** (1) THE COLORADO  
18 BROADBAND OFFICE IS HEREBY CREATED IN THE OFFICE. THE COLORADO  
19 BROADBAND OFFICE SHALL EXERCISE ITS POWERS AND PERFORM ITS  
20 DUTIES AND FUNCTIONS UNDER THE OFFICE AS IF THE COLORADO  
21 BROADBAND OFFICE WERE TRANSFERRED TO THE OFFICE BY A **TYPE 1**  
22 TRANSFER AS DEFINED IN SECTION 24-1-105.

23 (2) (a) THE CHIEF INFORMATION OFFICER SHALL APPOINT THE  
24 DIRECTOR OF THE BROADBAND OFFICE. THE DIRECTOR MAY EMPLOY STAFF  
25 AS NECESSARY TO CARRY OUT THE POWERS AND DUTIES OF THE  
26 BROADBAND OFFICE, SUBJECT TO THE AVAILABILITY OF APPROPRIATIONS  
27 TO THE OFFICE FOR USE BY THE BROADBAND OFFICE.

1           (b) THE BROADBAND OFFICE SHALL PROVIDE TECHNICAL  
2 ASSISTANCE TO APPLICANTS SEEKING GRANT AWARDS FROM THE GRANT  
3 PROGRAM OR OTHER STATE OR FEDERAL GRANT OPPORTUNITIES OFFERED  
4 FOR DEPLOYING BROADBAND SERVICE.

5           (c) IN CARRYING OUT ITS POWERS AND DUTIES, THE BROADBAND  
6 OFFICE MAY COLLABORATE WITH OTHER STATE AGENCIES, LOCAL  
7 GOVERNMENTS, BROADBAND EXPERTS, AND OTHER INTERESTED PARTIES.

8           (3) THE BROADBAND OFFICE SHALL:

9           (a) ENCOURAGE, FOSTER, DEVELOP, AND STRIVE TO IMPROVE THE  
10 AVAILABILITY OF AFFORDABLE, QUALITY BROADBAND WITHIN THE STATE;

11           (b) SERVE AS THE CENTRAL BROADBAND POLICY COORDINATION  
12 BODY FOR THE STATE;

13           (c) COORDINATE WITH OTHER STATE AGENCIES, LOCAL  
14 GOVERNMENTS, THE FEDERAL GOVERNMENT, INDIAN TRIBES AND  
15 NATIONS, OTHER RELEVANT BROADBAND PARTNERS, AND CONSUMERS  
16 THROUGHOUT THE STATE TO DEVELOP STRATEGIES AND PLANS FOR  
17 PROMOTING THE DEPLOYMENT OF BROADBAND INFRASTRUCTURE AND  
18 GREATER BROADBAND ACCESS;

19           (d) REVIEW EXISTING STATE BROADBAND INITIATIVES, POLICIES,  
20 AND PUBLIC AND PRIVATE INVESTMENTS;

21           (e) DEVELOP AND IMPLEMENT A STATEWIDE PLAN TO ENCOURAGE  
22 COST-EFFECTIVE BROADBAND ACCESS AND INCREASED BROADBAND  
23 USAGE, PARTICULARLY IN RURAL UNSERVED AREAS AND OTHER UNSERVED  
24 AREAS OF THE STATE. THE BROADBAND OFFICE SHALL SUBMIT THE  
25 STATEWIDE PLAN, AND ANY UPDATED VERSIONS OF THE STATEWIDE PLAN,  
26 TO THE CHIEF INFORMATION OFFICER, THE GOVERNOR, AND THE JOINT  
27 TECHNOLOGY COMMITTEE AND SHALL POST THE STATEWIDE PLAN ON ITS

1 PUBLIC WEBSITE. IN DEVELOPING A STATEWIDE PLAN AND ANY OTHER  
2 STRATEGIES FOR BROADBAND DEPLOYMENT, THE BROADBAND OFFICE  
3 SHALL CONSIDER:

4 (I) PARTNERSHIPS BETWEEN COMMUNITIES; INDIAN TRIBES AND  
5 NATIONS; NONPROFIT ORGANIZATIONS; LOCAL GOVERNMENTS; ELECTRIC  
6 UTILITIES AS DEFINED IN SECTION 40-2-202 (1), COOPERATIVE ELECTRIC  
7 ASSOCIATIONS AS DEFINED IN SECTION 40-9.5-102, MUNICIPALLY OWNED  
8 UTILITIES, AND NONPROFIT GENERATION AND TRANSMISSION ELECTRIC  
9 CORPORATIONS OR ASSOCIATIONS; RURAL TELECOMMUNICATIONS  
10 PROVIDERS AS DEFINED IN SECTION 40-15-102 (24.5); AND PUBLIC AND  
11 PRIVATE ENTITIES;

12 (II) FUNDING OPPORTUNITIES THAT ALLOW FOR THE  
13 COORDINATION OF PUBLIC FUNDING SOURCES, INCLUDING LOCAL  
14 GOVERNMENTS, STATE GOVERNMENT, AND THE FEDERAL GOVERNMENT,  
15 AND PRIVATE FUNDING SOURCES FOR THE PURPOSE OF DEPLOYING  
16 BROADBAND INTO RURAL UNSERVED AREAS AND OTHER UNSERVED AREAS  
17 OF THE STATE;

18 (III) BARRIERS TO THE DEPLOYMENT, ADOPTION, AND UTILIZATION  
19 OF BROADBAND, INCLUDING A CONSIDERATION OF THE AFFORDABILITY OF  
20 BROADBAND; AND

21 (IV) STATEWIDE BROADBAND GOALS AND WHETHER STATUTORY  
22 DEFINITIONS FOR BROADBAND IN UNSERVED AREAS NEED TO BE UPDATED  
23 IN RESPONSE TO ADVANCES MADE IN BROADBAND TECHNOLOGY.

24 (f) COLLECT BROADBAND DATA TO CREATE AND UPDATE MAPS  
25 THAT MEASURE THE PROGRESS OF BROADBAND DEPLOYMENT IN THE  
26 STATE;

27 (g) ENCOURAGE PUBLIC-PRIVATE PARTNERSHIPS TO INCREASE



1 DEPLOYMENT OF BROADBAND THROUGHOUT THE STATE; AND

2 (h) IN FURTHERANCE OF THE PURPOSES SET FORTH IN THIS PART 9,  
3 SEEK OR APPLY FOR, ACCEPT, AND EXPEND:

4 (I) GIFTS, GRANTS, OR DONATIONS FROM PUBLIC OR PRIVATE  
5 SOURCES; AND

6 (II) MONEY FROM THE FEDERAL GOVERNMENT FOR BROADBAND  
7 DEPLOYMENT. THE BROADBAND OFFICE MAY SEEK AND APPLY FOR ALL  
8 FEDERAL FUNDS FOR WHICH THE BROADBAND OFFICE IS ELIGIBLE TO  
9 RECEIVE.

10 (4) IN ADDITION TO THE POWERS AND FUNCTIONS SET FORTH IN  
11 SUBSECTION (3) OF THIS SECTION, THE BROADBAND OFFICE SHALL  
12 IMPLEMENT THE DIGITAL INCLUSION GRANT PROGRAM.

13 **24-37.5-904. Digital inclusion grant program - creation -**  
14 **award criteria - digital inclusion grant program fund - reporting.**

15 (1) (a) THE DIGITAL INCLUSION GRANT PROGRAM IS CREATED FOR THE  
16 PURPOSE OF ADVANCING THE STATE'S DIGITAL INCLUSION PRIORITIES,  
17 WHICH PRIORITIES INCLUDE:

18 (I) INCREASING BROADBAND USAGE AND ACCESS TO BROADBAND  
19 THROUGHOUT THE STATE;

20 (II) INCREASING BROADBAND SPEEDS THROUGHOUT THE STATE;

21 (III) IMPROVING THE RELIABILITY OF BROADBAND THROUGHOUT  
22 THE STATE;

23 (IV) ENHANCING DIGITAL LITERACY; AND

24 (V) MAKING ACCESS TO BROADBAND MORE AFFORDABLE.

25 (b) THE COLORADO BROADBAND OFFICE SHALL IMPLEMENT THE  
26 GRANT PROGRAM. DURING THE 2020-21 STATE FISCAL YEAR, THE  
27 BROADBAND OFFICE SHALL AWARD:

1 (I) GRANTS TOTALING UP TO TWENTY MILLION DOLLARS TO ONE OR  
2 MORE INDIAN TRIBES OR NATIONS FOR THE PURPOSE OF DEPLOYING  
3 ADDITIONAL INFRASTRUCTURE ON TRIBAL LANDS AND PROVIDING DEVICES  
4 TO INDIAN TRIBES OR NATIONS; AND

5 (II) GRANTS TOTALING UP TO FIFTEEN MILLION DOLLARS TO ONE  
6 OR MORE PROVIDERS OF TELEHEALTH SERVICES.

7 (c) IN REVIEWING GRANT APPLICATIONS AND AWARDING GRANTS  
8 PURSUANT TO THIS SECTION, THE BROADBAND OFFICE IS ENCOURAGED TO  
9 CONSULT WITH THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT  
10 CREATED IN SECTION 24-48.5-101 (1), THE DEPARTMENT OF LOCAL  
11 AFFAIRS, THE DEPARTMENT OF REGULATORY AGENCIES, THE DEPARTMENT  
12 OF TRANSPORTATION, AND ANY OTHER AGENCIES, ORGANIZATIONS, OR  
13 INDIVIDUALS WITH BROADBAND EXPERTISE.

14 (d) A GRANT AWARD RECIPIENT OTHER THAN AN INDIAN TRIBE OR  
15 NATION SHALL NOT USE THE GRANT MONEY FOR THE DEPLOYMENT OF  
16 LAST-MILE BROADBAND INFRASTRUCTURE.

17 (2) THE DIGITAL INCLUSION GRANT PROGRAM FUND IS HEREBY  
18 CREATED IN THE STATE TREASURY. WITHIN THREE DAYS AFTER THE  
19 EFFECTIVE DATE OF THIS SECTION, THE STATE TREASURER SHALL  
20 TRANSFER THIRTY-FIVE MILLION DOLLARS FROM THE GENERAL FUND TO  
21 THE FUND FOR USE BY THE BROADBAND OFFICE FOR THE PURPOSE OF  
22 REVIEWING AND AWARDING GRANTS UNDER THE GRANT PROGRAM. THE  
23 MONEY IN THE FUND IS SUBJECT TO APPROPRIATION BY THE GENERAL  
24 ASSEMBLY.

25 (3) (a) ON OR BEFORE JANUARY 1, 2022, AND NOTWITHSTANDING  
26 SECTION 24-1-136 (11)(a)(I), THE COLORADO BROADBAND OFFICE SHALL  
27 SUBMIT A WRITTEN REPORT TO THE GOVERNOR AND THE GENERAL

1 ASSEMBLY'S JOINT BUDGET COMMITTEE AND JOINT TECHNOLOGY  
2 COMMITTEE REGARDING THE BROADBAND OFFICE'S IMPLEMENTATION OF  
3 THE GRANT PROGRAM. AFTER SUBMITTING THE INITIAL REPORT, THE  
4 BROADBAND OFFICE SHALL SUBMIT SUBSEQUENT REPORTS REGARDING THE  
5 GRANT PROGRAM TO THE SAME PARTIES WITHIN SIX MONTHS AFTER THE  
6 END OF ANY STATE FISCAL YEAR IN WHICH THE BROADBAND OFFICE  
7 AWARDS ONE OR MORE GRANTS FROM THE FUND.

8 (b) REPORTS SUBMITTED PURSUANT TO THIS SUBSECTION (3) MUST  
9 INCLUDE:

10 (I) FOR EACH PROJECT AWARDED GRANT MONEY UNDER THE  
11 GRANT PROGRAM:

12 (A) A DESCRIPTION OF THE PROJECT;

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

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

16 (D) A MAP OF THE AREA TO BE SERVED OR ALREADY SERVED BY  
17 THE PROJECT;

18 (E) THE PERCENTAGE OF CUSTOMERS WHO ACTIVATED  
19 BROADBAND THROUGH THE BROADBAND NETWORK PROVIDED BY THE  
20 PROJECT AFTER A BROADBAND CONNECTION WAS CREATED UNDER THE  
21 PROJECT TO THEIR HOME OR ENTITY AND THE MEASURABLE SPEEDS MADE  
22 AVAILABLE TO THEM;

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

25 (G) THE NUMBER OF HOUSEHOLDS, COMMUNITY ANCHOR  
26 INSTITUTIONS, MUNICIPALITIES, AND COUNTIES SERVED BY THE PROJECT;

27 (II) THE NUMBER OF APPLICANTS TO THE GRANT PROGRAM, THE

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

5 (III) THE AMOUNT OF MONEY EXPENDED FROM THE FUND VERSUS  
6 THE AMOUNT OF MONEY OBLIGATED BUT NOT YET EXPENDED FROM THE  
7 FUND.

8 **SECTION 5.** In Colorado Revised Statutes, 40-15-102, **add** (5.2),  
9 (5.7), (9.2), and (24.7) as follows:

10 **40-15-102. Definitions.** As used in this article 15, unless the  
11 context otherwise requires:

12 (5.2) "COMMUNITY ANCHOR INSTITUTION" MEANS A:

13 (a) SCHOOL;

14 (b) LIBRARY;

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

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

19 (e) COMMUNITY SUPPORT ORGANIZATION, AGENCY, OR LOCAL  
20 GOVERNMENT FACILITY THAT PROVIDES OUTREACH, ACCESS, EQUIPMENT,  
21 OR SUPPORT SERVICES TO FACILITATE GREATER USE OF BROADBAND  
22 THROUGHOUT THE COMMUNITY, ESPECIALLY GREATER USE BY  
23 VULNERABLE POPULATIONS WITHIN THE COMMUNITY, SUCH AS  
24 LOW-INCOME, UNEMPLOYED, AND SENIOR POPULATIONS.

25 (5.7) "CRITICALLY UNSERVED", WHEN USED TO DESCRIBE A  
26 HOUSEHOLD OR AREA, MEANS A HOUSEHOLD OR AREA THAT LACKS ACCESS  
27 TO AT LEAST ONE NONSATELLITE PROVIDER OF BROADBAND INTERNET

1 SERVICE DELIVERED AT MEASURABLE SPEEDS OF EITHER AT LEAST TEN  
2 MEGABITS PER SECOND DOWNSTREAM AND ONE MEGABIT PER SECOND  
3 UPSTREAM OR AT MEASURABLE SPEEDS AT LEAST EQUAL TO ONE-HALF OF  
4 THE MINIMUM MEASURABLE SPEEDS THAT QUALIFY AS BROADBAND UNDER  
5 THE FCC DEFINITION AND ROUNDED UP TO THE NEAREST WHOLE NUMBER,  
6 WHICHEVER IS FASTER.

7 (9.2) "INCOME-QUALIFIED PLAN" MEANS A PLAN THAT AN  
8 APPLICANT SEEKING A BROADBAND STIMULUS GRANT PURSUANT TO  
9 SECTION 40-15-509.5 (8.7) INCLUDES IN THE APPLICATION TO  
10 DEMONSTRATE THAT, AS PART OF THE APPLICANT'S PROPOSED PROJECT,  
11 THE APPLICANT WOULD PROVIDE BROADBAND TO INCOME-QUALIFIED  
12 CUSTOMERS IN THE PROPOSED SERVICE AREA AT A REDUCED COST.

13 (24.7) "SCHOOL" MEANS A STATE INSTITUTION OF HIGHER  
14 EDUCATION AS DEFINED IN SECTION 23-1-108 (7)(g)(II), A SCHOOL  
15 DISTRICT CREATED PURSUANT TO ARTICLE 30 OF TITLE 22, A CHARTER  
16 SCHOOL AUTHORIZED PURSUANT TO PART 1 OF ARTICLE 30.5 OF TITLE 22,  
17 THE STATE CHARTER SCHOOL INSTITUTE ESTABLISHED IN SECTION  
18 22-30.5-503, AN INSTITUTE CHARTER SCHOOL AUTHORIZED PURSUANT TO  
19 PART 5 OF ARTICLE 30.5 OF TITLE 22, A BOARD OF COOPERATIVE SERVICES  
20 CREATED PURSUANT TO ARTICLE 5 OF TITLE 22, AN ADULT EDUCATION  
21 PROVIDER AS DEFINED IN SECTION 22-10-103 (1.5) BUT EXCLUDING A  
22 PRIVATE PROVIDER, OR AN INDIAN TRIBE OR NATION THAT OPERATES A  
23 PUBLIC SCHOOL IN COLORADO.

24 **SECTION 6.** In Colorado Revised Statutes, 40-15-509.5, **add**  
25 (4)(c) and (8.7) as follows:

26 **40-15-509.5. Broadband service - report - broadband**  
27 **deployment board - broadband administrative fund - creation -**

1 **definitions - rules - repeal.** (4) (c) (I) THE BROADBAND STIMULUS  
2 ACCOUNT, REFERRED TO IN THIS SUBSECTION (4)(c) AS THE "ACCOUNT",  
3 IS HEREBY CREATED IN THE FUND. WITHIN THREE DAYS AFTER THE  
4 EFFECTIVE DATE OF THIS SUBSECTION (4)(c), THE STATE TREASURER SHALL  
5 TRANSFER THIRTY-FIVE MILLION DOLLARS FROM THE GENERAL FUND TO  
6 THE ACCOUNT. THE MONEY IN THE ACCOUNT IS SUBJECT TO ANNUAL  
7 APPROPRIATION BY THE GENERAL ASSEMBLY FOR USE BY THE BOARD FOR  
8 THE PURPOSE OF REVIEWING AND AWARDING GRANTS UNDER THE  
9 BROADBAND STIMULUS GRANT PROGRAM CREATED IN SUBSECTION (8.7)  
10 OF THIS SECTION. ALL INTEREST EARNED FROM INVESTMENT OF MONEY IN  
11 THE ACCOUNT IS CREDITED TO THE ACCOUNT. ALL MONEY NOT EXPENDED  
12 FROM THE ACCOUNT AT THE END OF A FISCAL YEAR REMAINS IN THE  
13 ACCOUNT AND DOES NOT REVERT TO THE GENERAL FUND OR ANY OTHER  
14 FUND.

15 (II) THIS SUBSECTION (4)(c) IS REPEALED, EFFECTIVE SEPTEMBER  
16 1, 2023.

17 (8.7) (a) (I) THE BROADBAND STIMULUS GRANT PROGRAM IS  
18 HEREBY CREATED. AS PART OF THE GRANT PROGRAM, THE BOARD, IN ANY  
19 GRANT FUNDING CYCLE IN 2021 THAT OCCURS AFTER THE EFFECTIVE DATE  
20 OF THIS SUBSECTION (8.7):

21 (A) IS ENCOURAGED TO AWARD GRANT MONEY TO APPLICANTS  
22 THAT APPLIED FOR GRANTS UNDER SUBSECTION (8) OF THIS SECTION IN THE  
23 PREVIOUS FIVE YEARS, MET ALL OF THE AWARD CRITERIA SET FORTH IN  
24 SUBSECTION (8) OF THIS SECTION BUT WERE DENIED GRANTS DUE TO THE  
25 INSUFFICIENCY OF GRANT MONEY AVAILABLE AT THE TIME OF  
26 APPLICATION, AND, AS DETERMINED BY THE BOARD, CONTINUE TO MEET  
27 ALL OF THE AWARD CRITERIA SET FORTH IN SUBSECTION (8) OF THIS

1 SECTION; AND

2 (B) MAY ALSO AWARD GRANT MONEY TO NEW GRANT  
3 APPLICATIONS RECEIVED.

4 (II) AN APPLICANT SEEKING A BROADBAND STIMULUS GRANT  
5 UNDER THIS SUBSECTION (8.7) MUST MEET ALL OF THE GRANT AWARD  
6 CRITERIA SET FORTH IN SUBSECTION (8) OF THIS SECTION AND THE  
7 REQUIREMENTS SET FORTH IN THIS SUBSECTION (8.7).

8 (b) (I) THE BOARD SHALL AWARD GRANTS PURSUANT TO THIS  
9 SUBSECTION (8.7) WITH MONEY IN THE BROADBAND STIMULUS ACCOUNT  
10 CREATED IN SUBSECTION (4)(c) OF THIS SECTION UNTIL THE MONEY IN THE  
11 ACCOUNT IS FULLY EXPENDED.

12 (II) AN APPLICANT SEEKING GRANT MONEY UNDER THE  
13 BROADBAND STIMULUS GRANT PROGRAM MUST SUPPLEMENT A  
14 PREVIOUSLY SUBMITTED APPLICATION WITH OR INCLUDE WITH A NEW  
15 APPLICATION:

16 (A) INFORMATION DEMONSTRATING THAT ANY EASEMENTS  
17 NEEDED FOR THE PROPOSED PROJECT WILL BE IN PLACE AND THAT  
18 CONSTRUCTION MAY COMMENCE UPON THE BOARD'S APPROVAL OF THE  
19 APPLICATION; AND

20 (B) AN INCOME-QUALIFIED PLAN.

21 (III) IN AWARDING GRANTS PURSUANT TO THIS SUBSECTION (8.7),  
22 THE BOARD IS ENCOURAGED TO GIVE PRIORITY TO PROPOSED PROJECTS  
23 THAT WILL SERVE CRITICALLY UNSERVED AREAS OF THE STATE.

24 (c) ON OR BEFORE JANUARY 1, 2022, THE BOARD SHALL SUBMIT A  
25 REPORT TO THE GOVERNOR AND THE GENERAL ASSEMBLY'S JOINT BUDGET  
26 COMMITTEE AND JOINT TECHNOLOGY COMMITTEE REGARDING THE  
27 BOARD'S IMPLEMENTATION OF THIS SUBSECTION (8.7). AFTER THE INITIAL

1 REPORT AND NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE BOARD  
2 SHALL SUBMIT SUBSEQUENT REPORTS TO THE SAME PARTIES WITHIN SIX  
3 MONTHS AFTER THE END OF ANY STATE FISCAL YEAR IN WHICH THE BOARD  
4 AWARDS ONE OR MORE GRANTS PURSUANT TO THIS SUBSECTION (8.7).

5 (d) REPORTS SUBMITTED PURSUANT TO SUBSECTION (8.7)(c) OF  
6 THIS SECTION MUST INCLUDE:

7 (I) FOR EACH PROJECT AWARDED GRANT MONEY UNDER THE  
8 BROADBAND STIMULUS GRANT PROGRAM:

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

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

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

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

16 (E) THE PERCENTAGE OF CUSTOMERS WHO ACTIVATED  
17 BROADBAND THROUGH THE BROADBAND NETWORK PROVIDED BY THE  
18 PROJECT AFTER A BROADBAND CONNECTION WAS CREATED UNDER THE  
19 PROJECT TO THEIR HOME OR ENTITY AND THE MEASURABLE SPEEDS MADE  
20 AVAILABLE TO THEM;

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

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

25 (II) THE NUMBER OF APPLICANTS TO THE BROADBAND STIMULUS  
26 GRANT PROGRAM, THE AMOUNTS OF GRANT MONEY REQUESTED BY EACH  
27 APPLICANT, THE NUMBER OF GRANTS AWARDED UNDER THE BROADBAND



1 STIMULUS GRANT PROGRAM, AND THE AMOUNTS OF GRANT MONEY  
2 AWARDED TO EACH APPLICANT UNDER THE BROADBAND STIMULUS GRANT  
3 PROGRAM; AND

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

7 (e) THIS SUBSECTION (8.7) IS REPEALED, EFFECTIVE SEPTEMBER 1,  
8 2023.

9 **SECTION 7.** In Colorado Revised Statutes, 24-32-101, **add** (2)  
10 as follows:

11 **24-32-101. Legislative declaration.** (2) THE GENERAL ASSEMBLY  
12 FURTHER FINDS AND DECLARES THAT:

13 (a) THE PROVISION OF HIGH-SPEED BROADBAND PLAYS A CRITICAL  
14 ROLE IN ENHANCING LOCAL GOVERNMENT AND COMMUNITY  
15 DEVELOPMENT EFFORTS;

16 (b) REGIONAL, MULTIJURISDICTIONAL, AND COORDINATED  
17 APPROACHES TO BROADBAND PLANNING ARE CRITICAL TO ACHIEVING THE  
18 EFFICIENT DEPLOYMENT OF BROADBAND INFRASTRUCTURE AND  
19 TECHNOLOGY; AND

20 (c) PUBLIC-PRIVATE PARTNERSHIPS HELP LEVERAGE RESOURCES OF  
21 BOTH PRIVATE BROADBAND PROVIDERS AND LOCAL GOVERNMENTS TO  
22 ACHIEVE STATEWIDE BROADBAND DEPLOYMENT.

23 **SECTION 8.** In Colorado Revised Statutes, **amend** 24-32-102 as  
24 follows:

25 **24-32-102. Definitions.** As used in this part 1, unless the context  
26 otherwise requires:

27 (1) "BROADBAND" HAS THE MEANING SET FORTH IN SECTION

1 40-15-102 (3.3).

2 (2) "BROADBAND FACILITY" MEANS ANY INFRASTRUCTURE USED  
3 TO DELIVER BROADBAND OR PROVIDE BROADBAND.

4 (3) "COMMUNITY ANCHOR INSTITUTION" HAS THE MEANING SET  
5 FORTH IN SECTION 40-15-102 (5.2).

6 (4) "DIVISION" MEANS THE DIVISION OF LOCAL GOVERNMENT  
7 CREATED IN SECTION 24-32-103.

8 (5) "INTERCONNECTIVITY GRANT PROGRAM" MEANS THE GRANT  
9 PROGRAM CREATED IN SECTION 24-32-104 (4)(a).

10 (6) "INTERCONNECTIVITY GRANT PROGRAM FUND" MEANS THE  
11 FUND CREATED IN SECTION 24-32-104 (4)(c).

12 (7) "LAST-MILE BROADBAND INFRASTRUCTURE" MEANS  
13 BROADBAND INFRASTRUCTURE THAT DELIVERS AN INTERNET CONNECTION  
14 TO AN END USER.

15 ~~(7)~~ (8) (a) "LOCAL GOVERNMENT" MEANS A STATUTORY OR HOME  
16 RULE MUNICIPALITY, COUNTY, CITY AND COUNTY, COUNCIL OF  
17 GOVERNMENTS, OR METROPOLITAN DISTRICT THAT LIES WHOLLY WITHIN  
18 THE UNINCORPORATED PART OF A COUNTY.

19 (b) "Local government" includes all ~~municipal corporations~~, quasi  
20 municipalities ~~counties~~, and local improvement and service districts of  
21 this state.

22 (9) "METROPOLITAN DISTRICT" HAS THE MEANING SET FORTH IN  
23 SECTION 32-1-103 (10).

24 **SECTION 9.** In Colorado Revised Statutes, 24-32-104, **add**  
25 (1)(n) and (4) as follows:

26 **24-32-104. Functions of the division - definition -**  
27 **interconnectivity grant program - interconnectivity grant program**

1 **fund - reporting.** (1) The division shall perform the following functions:

2 (n) SUBMIT TO THE BROADBAND DEPLOYMENT BOARD CREATED IN  
3 SECTION 40-15-509.5 (5)(a) FOR THE BOARD'S REVIEW AND  
4 RECOMMENDATIONS A COPY OF EACH APPLICATION THAT THE DIVISION  
5 RECEIVES IN WHICH AN APPLICANT SEEKS GRANT MONEY FOR BROADBAND  
6 PLANNING OR INFRASTRUCTURE, WHICH GRANT THE DIVISION AWARDS  
7 FROM THE INTERCONNECTIVITY GRANT PROGRAM FUND OR THE LOCAL  
8 GOVERNMENT MINERAL IMPACT FUND CREATED IN SECTION 34-63-102  
9 (5)(a)(I). THE BROADBAND DEPLOYMENT BOARD SHALL REVIEW EACH  
10 APPLICATION SUBMITTED AND PROVIDE THE DIVISION ITS  
11 RECOMMENDATIONS REGARDING THE APPLICATION AS SOON AS  
12 PRACTICABLE BUT NO LATER THAN THIRTY DAYS AFTER THE DIVISION HAS  
13 FURNISHED A COPY OF THE APPLICATION TO THE BOARD.

14 (4) (a) AS PART OF THE DIVISION'S WORK TO IMPROVE BROADBAND  
15 SERVICE TO ITS LOCAL GOVERNMENT CONSTITUENTS, THE DIVISION SHALL  
16 IMPLEMENT THE INTERCONNECTIVITY GRANT PROGRAM, WHICH IS HEREBY  
17 CREATED, TO AWARD GRANT MONEY TO LOCAL GOVERNMENTS FOR  
18 PROPOSED PROJECTS THAT:

19 (I) ENGAGE IN REGIONAL PLANNING AMONG MULTIPLE LOCAL  
20 GOVERNMENTS TO:

21 (A) IDENTIFY REGIONAL BROADBAND INFRASTRUCTURE NEEDS;

22 (B) DETERMINE OPTIMAL REGIONAL CONFIGURATIONS OF  
23 BROADBAND INFRASTRUCTURE; AND

24 (C) IDENTIFY POTENTIAL PUBLIC-PRIVATE PARTNERSHIPS TO  
25 ACHIEVE OPTIMAL REGIONAL BROADBAND DEPLOYMENT; OR

26 (II) PROVIDE OR ENHANCE THE NETWORK CONNECTION BETWEEN  
27 COMMUNITIES, INCLUDING THE INTERCONNECTION BETWEEN COMMUNITY

1 ANCHOR INSTITUTIONS.

2 (b) A RECIPIENT OF MONEY UNDER THE GRANT PROGRAM:

3 (I) SHALL NOT USE THE MONEY TO DEPLOY LAST-MILE BROADBAND  
4 INFRASTRUCTURE; EXCEPT THAT AN INDIAN TRIBE OR NATION AWARDED  
5 GRANT MONEY MAY USE THE GRANT MONEY TO DEPLOY LAST-MILE  
6 BROADBAND INFRASTRUCTURE; AND

7 (II) IS ENCOURAGED TO CONTRACT WITH THE OWNER OF:

8 (A) ANY EXISTING BROADBAND INFRASTRUCTURE LOCATED IN THE  
9 AREA TO BE SERVED BY THE RECIPIENT'S PROPOSED PROJECT TO LEASE ANY  
10 EXCESS CAPACITY OR OBTAIN A RIGHT-OF-WAY FROM THE OWNER IN  
11 ORDER TO ATTACH THE RECIPIENT'S OWN BROADBAND FACILITIES IN THE  
12 RIGHT-OF-WAY; OR

13 (B) ANY EXISTING ELECTRIC EASEMENT, AS THAT TERM IS DEFINED  
14 IN SECTION 40-15-601 (5), LOCATED IN THE AREA TO BE SERVED BY THE  
15 RECIPIENT'S PROPOSED PROJECT TO LEASE ANY EXCESS CAPACITY OR  
16 INSTALL A BROADBAND FACILITY IN THE ELECTRIC EASEMENT PURSUANT  
17 TO PART 6 OF ARTICLE 15 OF TITLE 40.

18 (c) THE INTERCONNECTIVITY GRANT PROGRAM FUND IS HEREBY  
19 CREATED IN THE STATE TREASURY. WITHIN THREE DAYS AFTER THE  
20 EFFECTIVE DATE OF THIS SUBSECTION (4), THE STATE TREASURER SHALL  
21 TRANSFER FIVE MILLION DOLLARS FROM THE GENERAL FUND TO THE FUND  
22 FOR USE BY THE DIVISION FOR THE PURPOSE OF REVIEWING AND AWARDED  
23 GRANTS UNDER THE GRANT PROGRAM. THE MONEY IN THE FUND IS  
24 SUBJECT TO APPROPRIATION BY THE GENERAL ASSEMBLY.

25 (d) ON OR BEFORE JANUARY 1, 2022, AND, NOTWITHSTANDING  
26 SECTION 24-1-136 (11)(a)(I), WITHIN SIX MONTHS AFTER A STATE FISCAL  
27 YEAR IN WHICH THE DIVISION AWARDS ONE OR MORE GRANTS FOR

1 BROADBAND DEPLOYMENT, WHETHER OR NOT AWARDED UNDER THE  
2 GRANT PROGRAM, THE DIVISION SHALL SUBMIT A REPORT TO THE  
3 GOVERNOR AND THE GENERAL ASSEMBLY'S JOINT BUDGET COMMITTEE  
4 AND JOINT TECHNOLOGY COMMITTEE REGARDING GRANTS AWARDED IN  
5 THE MOST RECENT STATE FISCAL YEAR. REPORTS SUBMITTED UNDER THIS  
6 SUBSECTION (4)(d) MUST INCLUDE:

- 7 (I) FOR EACH PROJECT AWARDED GRANT MONEY:
  - 8 (A) A DESCRIPTION OF THE PROJECT, INCLUDING A DESCRIPTION OF
  - 9 THE USE OF THE GRANT MONEY IN PROVIDING BROADBAND;
  - 10 (B) A SUMMARY OF THE PROGRESS MADE ON THE PROJECT;
  - 11 (C) THE ESTIMATED COMPLETION DATE FOR THE PROJECT OR, IF
  - 12 ALREADY COMPLETED, THE DATE OF COMPLETION;
  - 13 (D) A MAP OF THE AREAS TO BE SERVED OR ALREADY SERVED BY
  - 14 THE PROJECT; AND
  - 15 (E) THE TYPE OF TECHNOLOGY DEPLOYED OR USED FOR
  - 16 BROADBAND PROVIDED THROUGH THE PROJECT;
- 17 (II) THE NUMBER OF GRANT APPLICANTS, THE AMOUNTS OF GRANT
- 18 MONEY REQUESTED BY EACH APPLICANT, THE NUMBER OF GRANTS
- 19 AWARDED, AND THE AMOUNTS OF GRANT MONEY AWARDED TO EACH
- 20 APPLICANT THAT RECEIVES AN AWARD; AND
- 21 (III) THE AMOUNT OF MONEY EXPENDED FOR GRANT AWARDS
- 22 VERSUS THE AMOUNT OF MONEY OBLIGATED BUT NOT YET EXPENDED FOR
- 23 GRANT AWARDS.

24 **SECTION 10. Appropriations.** (1) For the 2020-21 state fiscal  
25 year, \$35,000,000 is appropriated to the office of information technology  
26 for use by the Colorado broadband office. This appropriation is from the  
27 digital inclusion grant program fund created in section 24-37.5-904 (2),

1 C.R.S. The Colorado broadband office may use this appropriation to  
2 implement the digital inclusion grant program created in section  
3 24-37.5-904 (1)(a), C.R.S. Any money appropriated in this subsection (1)  
4 not expended prior to July 1, 2021, is further appropriated to the office of  
5 information technology for the 2021-22 state fiscal year for the same  
6 purpose.

7 (2) For the 2020-21 state fiscal year, \$35,000,000 is appropriated  
8 to the department of regulatory agencies for use by the broadband  
9 deployment board. This appropriation is from the broadband stimulus  
10 account in the broadband administrative fund created in section  
11 40-15-509.5 (4), C.R.S. The broadband deployment board may use this  
12 appropriation to implement the broadband stimulus grant program created  
13 in section 40-15-509.5 (8.7), C.R.S. Any money appropriated in this  
14 subsection (2) not expended prior to July 1, 2021, is further appropriated  
15 to the department for the 2021-22 state fiscal year for the same purpose.

16 (3) For the 2020-21 state fiscal year, \$5,000,000 is appropriated  
17 to the department of local affairs for use by the division of local  
18 government. This appropriation is from the interconnectivity grant  
19 program fund created in section 24-32-104 (4)(c), C.R.S. The division of  
20 local government may use this appropriation to implement the  
21 interconnectivity grant program created in section 24-32-104 (4)(a),  
22 C.R.S. Any money appropriated in this subsection (3) not expended prior  
23 to July 1, 2021, is further appropriated to the department of local affairs  
24 for use by the division of local government for the 2021-22 state fiscal  
25 year for the same purpose.

26 **SECTION 11. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, or safety.