

## CHAPTER 371

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**GOVERNMENT - STATE**

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**HOUSE BILL 21-1289**

BY REPRESENTATIVE(S) Kennedy and Baisley, Titone, Amabile, Bacon, Bennett, Bird, Bockenfeld, Boesecker, Cutter, Duran, Esgar, Exum, Froelich, Gonzales-Gutierrez, Gray, Herod, Hooton, Jackson, Jodeh, Kipp, Lontine, McCluskie, McCormick, McLachlan, Michaelson Jenet, Ortiz, Ricks, Sirota, Snyder, Soper, Sullivan, Valdez A., Valdez D., Young, Garnett, Lynch, Mullica, Roberts, Woodrow;  
also SENATOR(S) Bridges and Priola, Buckner, Fenberg, Ginal, Jaquez Lewis, Moreno, Pettersen, Rankin, Simpson, Sonnenberg, Garcia.

**AN ACT**

**CONCERNING BROADBAND DEPLOYMENT, AND, IN CONNECTION THEREWITH, CODIFYING THE COLORADO BROADBAND OFFICE IN THE OFFICE OF INFORMATION TECHNOLOGY; CREATING THE DIGITAL INCLUSION GRANT PROGRAM, THE BROADBAND STIMULUS GRANT PROGRAM, AND THE INTERCONNECTIVITY GRANT PROGRAM; AND MAKING AN APPROPRIATION.**

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

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

(2) Pursuant to 31 CFR 35.6 (b)(1)(viii), providing grants for establishing and operating telehealth capabilities is an eligible use of money received by the state under the federal "American Rescue Plan Act of 2021", Pub.L. 117-2. The economic recovery and relief cash fund created in Senate Bill 21-291 may be used for this purpose as well.

(3) The general assembly further finds and declares that, pursuant to subsection (1) of this section, the general assembly may transfer money from the economic recovery and relief cash fund created in section 24-75-228 (2)(a) to other cash funds

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*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

for use in making broadband deployment grants in a manner that complies with federal regulations on use of the money.

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

**22-103-103. Connecting Colorado students grant program - created - application - awards.** (5) By ~~February 1~~ JUNE 30, 2021, the department shall distribute as grants to local education providers the entire amount appropriated to the fund for the 2020-21 budget year, less the amount allowed for expenses.

**SECTION 3.** In Colorado Revised Statutes, 22-103-104, **amend** (1) introductory portion as follows:

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

**SECTION 4.** In Colorado Revised Statutes, 24-37.5-106, **amend** (1)(u); and **add** (1)(v) as follows:

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

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

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

**SECTION 5.** In Colorado Revised Statutes, 24-37.5-106, **as repealed and reenacted by House Bill 21-1236**, **add** (2)(f) as follows:

**24-37.5-106. Chief information officer - duties and responsibilities.** (2) The chief information officer shall:

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

**SECTION 6.** In Colorado Revised Statutes, **add** 24-37.5-121 as follows:

**24-37.5-121. Digital access to government services - strategic plan - reporting - legislative declaration - definitions - repeal.** (1) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

(a) THE COVID-19 PANDEMIC HAS HIGHLIGHTED THE FACT THAT COLORADO RESIDENTS NEED DIGITAL ACCESS TO GOVERNMENT SERVICES TO ALLOW THEM TO SAFELY ACCESS GOVERNMENT SERVICES WHILE CARRYING ON NECESSARY BUSINESS

AND OTHER ACTIVITIES;

(b) EVEN AS THE COVID-19 PANDEMIC SUBSIDES, IT REMAINS IMPORTANT TO PROVIDE DIGITAL ACCESS TO GOVERNMENT SERVICES TO MODERNIZE GOVERNMENT OPERATIONS, SAVE TAXPAYERS TIME AND MONEY, AND IMPROVE ACCESSIBILITY TO GOVERNMENT SERVICES AND INFORMATION THROUGHOUT THE STATE; AND

(c) THE OFFICE IS WELL POSITIONED TO ADVANCE AND INNOVATE THE STATE'S ADOPTION OF, AND INCREASE ITS OFFERINGS FOR, DIGITAL ACCESS TO GOVERNMENT SERVICES, WHICH OFFERINGS WOULD FURTHER MAXIMIZE THE VALUE OF THE STATE'S INVESTMENT IN BROADBAND DEPLOYMENT.

(2) (a) THE OFFICE SHALL ENTER INTO AN ENTERPRISE AGREEMENT WITH A THIRD-PARTY VENDOR TO DEVELOP AND IMPLEMENT A STRATEGIC PLAN TO EXPAND AND IMPROVE DIGITAL ACCESS TO GOVERNMENT SERVICES THROUGH THE USE OF BROADBAND.

(b) IN DEVELOPING THE STRATEGIC PLAN, THE OFFICE AND THE VENDOR SHALL CONSULT WITH STAKEHOLDERS THROUGHOUT THE STATE THAT REPRESENT VARIOUS INTERESTED PARTIES INCLUDING:

(I) RESIDENTS OF THE STATE;

(II) GROUPS REPRESENTING OR ADVOCATING FOR HISTORICALLY MARGINALIZED COMMUNITIES OR RESIDENTS OF THE STATE;

(III) AGENCIES;

(IV) THE STATEWIDE INTERNET PORTAL AUTHORITY CREATED PURSUANT TO SECTION 24-37.7-102; AND

(V) LOCAL AND REGIONAL GOVERNMENT OFFICIALS.

(3) (a) ON OR BEFORE JULY 1, 2022, THE OFFICE SHALL REPORT TO THE JOINT TECHNOLOGY COMMITTEE ON THE DEVELOPMENT AND IMPLEMENTATION OF THE STRATEGIC PLAN.

(b) THIS SUBSECTION (3) IS REPEALED, EFFECTIVE SEPTEMBER 1, 2022.

(4) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "AGENCY" HAS THE MEANING SET FORTH IN SECTION 24-4-102 (3).

(b) "COVID-19" MEANS THE CORONAVIRUS DISEASE 2019 CAUSED BY THE SEVERE ACUTE RESPIRATORY SYNDROME CORONAVIRUS 2, ALSO KNOWN AS SARS-CoV-2.

**SECTION 7.** In Colorado Revised Statutes, **add** part 9 to article 37.5 of title 24 as follows:

PART 9  
COLORADO BROADBAND OFFICE

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

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

(I) DRIVE JOB CREATION;

(II) PROMOTE INNOVATION;

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

(IV) EXPAND MARKETS FOR COLORADO BUSINESSES;

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

(c) COMMUNITIES IN UNSERVED AREAS OF THE STATE NEED ACCESS TO BROADBAND TO HELP OVERCOME ECONOMIC, HEALTH-CARE, EDUCATION, AND GOVERNMENT-ACCESS INEQUITIES ARISING FROM THEIR DIMINISHED ABILITY TO ACCESS BROADBAND.

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

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

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

(2) "COMMUNITY ANCHOR INSTITUTION" MEANS A:

(a) SCHOOL;

(b) LIBRARY;

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

(d) LAW ENFORCEMENT, EMERGENCY MEDICAL SERVICE PROVIDER, OR OTHER

PUBLIC SAFETY AGENCY; OR

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

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

(4) "DIGITAL INCLUSION GRANT PROGRAM" OR "GRANT PROGRAM" MEANS THE DIGITAL INCLUSION GRANT PROGRAM CREATED IN SECTION 24-37.5-904 (1).

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

(6) "DIGITAL LITERACY" MEANS THE ABILITY TO USE TECHNOLOGIES TO FIND, EVALUATE, ANALYZE, CREATE, AND COMMUNICATE INFORMATION.

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

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

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

(10) "SCHOOL" MEANS A STATE INSTITUTION OF HIGHER EDUCATION AS DEFINED IN SECTION 23-1-108 (7)(g)(II) INCLUDING THE AURARIA HIGHER EDUCATION CENTER GOVERNED PURSUANT TO ARTICLE 70 OF TITLE 23, A SCHOOL DISTRICT CREATED PURSUANT TO ARTICLE 30 OF TITLE 22, A CHARTER SCHOOL AUTHORIZED PURSUANT TO PART 1 OF ARTICLE 30.5 OF TITLE 22, THE STATE CHARTER SCHOOL INSTITUTE ESTABLISHED IN SECTION 22-30.5-503, AN INSTITUTE CHARTER SCHOOL AUTHORIZED PURSUANT TO PART 5 OF ARTICLE 30.5 OF TITLE 22, A BOARD OF COOPERATIVE SERVICES CREATED PURSUANT TO ARTICLE 5 OF TITLE 22, AN ADULT EDUCATION PROVIDER AS DEFINED IN SECTION 22-10-103 (1.5) BUT EXCLUDING A PRIVATE PROVIDER, OR AN INDIAN TRIBE OR NATION THAT OPERATES A PUBLIC SCHOOL IN COLORADO.

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

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

**24-37.5-903. Colorado broadband office - creation - responsibilities - gifts, grants, or donations.** (1) THE COLORADO BROADBAND OFFICE IS HEREBY CREATED IN THE OFFICE. THE COLORADO BROADBAND OFFICE SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AND FUNCTIONS UNDER THE OFFICE AS IF THE COLORADO

BROADBAND OFFICE WERE TRANSFERRED TO THE OFFICE BY A **TYPE 1** TRANSFER AS DEFINED IN SECTION 24-1-105.

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

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

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

(3) THE BROADBAND OFFICE SHALL:

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

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

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

(d) REVIEW EXISTING STATE BROADBAND INITIATIVES, POLICIES, AND DEPLOYMENT BY PUBLIC OR PRIVATE ENTITIES IN ORDER TO PRIORITIZE INVESTMENT;

(e) DEVELOP AND IMPLEMENT A STATEWIDE PLAN TO ENCOURAGE COST-EFFECTIVE BROADBAND ACCESS AND INCREASED BROADBAND USAGE, PARTICULARLY IN RURAL UNSERVED AREAS AND OTHER UNSERVED AREAS OF THE STATE. THE BROADBAND OFFICE SHALL SUBMIT THE STATEWIDE PLAN, AND ANY UPDATED VERSIONS OF THE STATEWIDE PLAN, TO THE CHIEF INFORMATION OFFICER, THE GOVERNOR, AND THE JOINT TECHNOLOGY COMMITTEE AND SHALL POST THE STATEWIDE PLAN ON ITS PUBLIC WEBSITE. IN DEVELOPING A STATEWIDE PLAN AND ANY OTHER STRATEGIES FOR BROADBAND DEPLOYMENT, THE BROADBAND OFFICE SHALL CONSIDER:

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

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

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

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

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

(g) ENCOURAGE PUBLIC-PRIVATE PARTNERSHIPS TO INCREASE DEPLOYMENT OF BROADBAND THROUGHOUT THE STATE; AND

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

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

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

(4) (a) SUBJECT TO THE REQUIREMENT SET FORTH IN SUBSECTION (4)(b)(II) OF THIS SECTION, THE BROADBAND OFFICE MAY RECEIVE CONSUMER COMPLAINTS REGARDING BROADBAND SERVICE.

(b) (I) THE CHIEF INFORMATION OFFICER MAY SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS, OR DONATIONS FROM PUBLIC AND PRIVATE SOURCES FOR THE PURPOSE OF IMPLEMENTING THIS SUBSECTION (4). THE CHIEF INFORMATION OFFICER SHALL TRANSMIT ANY GIFTS, GRANTS, OR DONATIONS RECEIVED PURSUANT TO THIS SUBSECTION (4) TO THE STATE TREASURER WHO SHALL CREDIT THE MONEY TO THE DIGITAL INCLUSION GRANT PROGRAM FUND.

(II) THE BROADBAND OFFICE SHALL NOT IMPLEMENT THIS SUBSECTION (4) UNTIL SUFFICIENT FUNDING IS RECEIVED FROM GIFTS, GRANTS, OR DONATIONS TO IMPLEMENT THIS SUBSECTION (4).

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

**24-37.5-904. Digital inclusion grant program - creation - award criteria - digital inclusion grant program fund - definition - reporting.** (1) (a) THE DIGITAL INCLUSION GRANT PROGRAM IS CREATED FOR THE PURPOSE OF ADVANCING

THE STATE'S DIGITAL INCLUSION PRIORITIES, WHICH PRIORITIES INCLUDE:

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

(II) IMPROVING THE RELIABILITY AND AVAILABILITY OF BROADBAND ON TRIBAL LANDS;

(III) ENHANCING DIGITAL LITERACY; AND

(IV) MAKING ACCESS TO BROADBAND MORE AFFORDABLE.

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

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

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

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

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

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

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

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



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

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

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

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

(2) THE DIGITAL INCLUSION GRANT PROGRAM FUND IS HEREBY CREATED IN THE STATE TREASURY AND CONSISTS OF MONEY THE STATE RECEIVED FROM THE FEDERAL CORONAVIRUS STATE FISCAL RECOVERY FUND CREATED IN THE FEDERAL "AMERICAN RESCUE PLAN ACT OF 2021", PUB.L. 117-2, AND ANY MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE. WITHIN THREE DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION, THE STATE TREASURER SHALL TRANSFER THIRTY-FIVE MILLION DOLLARS FROM THE ECONOMIC RECOVERY AND RELIEF CASH FUND CREATED IN SECTION 24-75-228(2)(a) TO THE FUND FOR USE BY THE BROADBAND OFFICE FOR THE PURPOSE OF REVIEWING AND AWARDED GRANTS UNDER THE GRANT PROGRAM. THE MONEY IN THE FUND IS SUBJECT TO APPROPRIATION BY THE GENERAL ASSEMBLY.

(3) (a) ON OR BEFORE JANUARY 1, 2022, AND NOTWITHSTANDING SECTION 24-1-136(1)(a)(I), THE COLORADO BROADBAND OFFICE SHALL SUBMIT A WRITTEN REPORT TO THE GOVERNOR AND THE GENERAL ASSEMBLY'S JOINT BUDGET COMMITTEE AND JOINT TECHNOLOGY COMMITTEE REGARDING THE BROADBAND OFFICE'S IMPLEMENTATION OF THE GRANT PROGRAM. AFTER SUBMITTING THE INITIAL REPORT, THE BROADBAND OFFICE SHALL SUBMIT SUBSEQUENT REPORTS REGARDING THE GRANT PROGRAM TO THE SAME PARTIES WITHIN SIX MONTHS AFTER THE END OF ANY STATE FISCAL YEAR IN WHICH THE BROADBAND OFFICE AWARDS ONE OR MORE GRANTS FROM THE FUND.

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

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

(A) A DESCRIPTION OF THE PROJECT;

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

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

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

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

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

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

(II) THE NUMBER OF APPLICANTS TO THE GRANT PROGRAM, THE AMOUNTS OF GRANT MONEY REQUESTED BY EACH APPLICANT, THE NUMBER OF GRANTS AWARDED UNDER THE GRANT PROGRAM, AND THE AMOUNTS OF GRANT MONEY AWARDED TO EACH APPLICANT UNDER THE GRANT PROGRAM; AND

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

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

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

(5.2) "COMMUNITY ANCHOR INSTITUTION" MEANS A:

(a) SCHOOL;

(b) LIBRARY;

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

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

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

(5.7) "CRITICALLY UNSERVED", WHEN USED TO DESCRIBE A HOUSEHOLD OR AREA, MEANS A HOUSEHOLD OR AREA THAT LACKS ACCESS TO AT LEAST ONE NONSATELLITE PROVIDER OF BROADBAND INTERNET SERVICE DELIVERED AT MEASURABLE SPEEDS OF EITHER AT LEAST TEN MEGABITS PER SECOND DOWNSTREAM AND ONE MEGABIT PER SECOND UPSTREAM OR AT MEASURABLE SPEEDS AT LEAST EQUAL TO ONE-HALF OF THE MINIMUM MEASURABLE SPEEDS THAT QUALIFY AS

BROADBAND UNDER THE FCC DEFINITION AND ROUNDED UP TO THE NEAREST WHOLE NUMBER, WHICHEVER IS FASTER.

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

(24.7) "SCHOOL" MEANS A STATE INSTITUTION OF HIGHER EDUCATION AS DEFINED IN SECTION 23-1-108 (7)(g)(II) INCLUDING THE AURARIA HIGHER EDUCATION CENTER GOVERNED PURSUANT TO ARTICLE 70 OF TITLE 23, A SCHOOL DISTRICT CREATED PURSUANT TO ARTICLE 30 OF TITLE 22, A CHARTER SCHOOL AUTHORIZED PURSUANT TO PART 1 OF ARTICLE 30.5 OF TITLE 22, THE STATE CHARTER SCHOOL INSTITUTE ESTABLISHED IN SECTION 22-30.5-503, AN INSTITUTE CHARTER SCHOOL AUTHORIZED PURSUANT TO PART 5 OF ARTICLE 30.5 OF TITLE 22, A BOARD OF COOPERATIVE SERVICES CREATED PURSUANT TO ARTICLE 5 OF TITLE 22, AN ADULT EDUCATION PROVIDER AS DEFINED IN SECTION 22-10-103 (1.5) BUT EXCLUDING A PRIVATE PROVIDER, OR AN INDIAN TRIBE OR NATION THAT OPERATES A PUBLIC SCHOOL IN COLORADO.

**SECTION 9.** In Colorado Revised Statutes, 40-15-509.5, add (4)(c) and (8.7) as follows:

**40-15-509.5. Broadband service - report - broadband deployment board - broadband administrative fund - creation - definitions - rules - repeal.**

(4)(c)(I) THE BROADBAND STIMULUS ACCOUNT, REFERRED TO IN THIS SUBSECTION (4)(c) AS THE "ACCOUNT", IS HEREBY CREATED IN THE FUND AND CONSISTS OF MONEY THE STATE RECEIVED FROM THE FEDERAL CORONAVIRUS STATE FISCAL RECOVERY FUND CREATED IN THE FEDERAL "AMERICAN RESCUE PLAN ACT OF 2021", PUB.L. 117-2, AND ANY MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE. WITHIN THREE DAYS AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (4)(c), THE STATE TREASURER SHALL TRANSFER THIRTY-FIVE MILLION DOLLARS FROM THE ECONOMIC RECOVERY AND RELIEF CASH FUND CREATED IN SECTION 24-75-228 (2)(a) TO THE ACCOUNT. THE MONEY IN THE ACCOUNT IS SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY FOR USE BY THE BOARD FOR THE PURPOSE OF REVIEWING AND AWARDING GRANTS UNDER THE BROADBAND STIMULUS GRANT PROGRAM CREATED IN SUBSECTION (8.7) OF THIS SECTION. ALL INTEREST EARNED FROM INVESTMENT OF MONEY IN THE ACCOUNT IS CREDITED TO THE ACCOUNT. ALL MONEY NOT EXPENDED FROM THE ACCOUNT AT THE END OF A FISCAL YEAR REMAINS IN THE ACCOUNT AND DOES NOT REVERT TO THE ECONOMIC RECOVERY AND RELIEF CASH FUND CREATED IN SECTION 24-75-228 (2)(a) OR ANY OTHER FUND.

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

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

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

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

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

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

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

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

(c) ON OR BEFORE JANUARY 1, 2022, THE BOARD SHALL SUBMIT A REPORT TO THE GOVERNOR AND THE GENERAL ASSEMBLY'S JOINT BUDGET COMMITTEE AND JOINT TECHNOLOGY COMMITTEE REGARDING THE BOARD'S IMPLEMENTATION OF THIS SUBSECTION (8.7). AFTER THE INITIAL REPORT AND NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE BOARD SHALL SUBMIT SUBSEQUENT REPORTS TO THE SAME PARTIES WITHIN SIX MONTHS AFTER THE END OF ANY STATE FISCAL YEAR IN WHICH THE BOARD AWARDS ONE OR MORE GRANTS PURSUANT TO THIS SUBSECTION (8.7).

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

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

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

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

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

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

(E) THE PERCENTAGE OF CUSTOMERS WHO ACTIVATED BROADBAND THROUGH

THE BROADBAND NETWORK PROVIDED BY THE PROJECT AFTER A BROADBAND CONNECTION WAS CREATED UNDER THE PROJECT TO THEIR HOME OR ENTITY AND THE MEASURABLE SPEEDS MADE AVAILABLE TO THEM;

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

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

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

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

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

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

(II) IN CASES WHERE IT IS NOT PRACTICABLE, BECAUSE OF THE EXCESSIVE COST OF THE PROJECT OR GEOGRAPHY OR TOPOGRAPHY OF THE AREA TO BE SERVED BY THE PROJECT, PROVIDE SERVICE MEETING THE STANDARDS SET FORTH IN SUBSECTION (8.7)(e)(I) OF THIS SECTION THAT:

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

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

(f) IF THE TREASURY DEPARTMENT MODIFIES ITS INTERIM REGULATIONS IMPLEMENTING THE FEDERAL "AMERICAN RESCUE PLAN ACT OF 2021", PUB.L. 117-2, GRANTS AWARDED PURSUANT TO SUBSECTION (8.7)(e) OF THIS SECTION MAY ONLY BE AWARDED FOR BROADBAND PROJECTS THAT COMPLY WITH THE MODIFIED FEDERAL REGULATIONS.

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

(h) THIS SUBSECTION (8.7) IS REPEALED, EFFECTIVE SEPTEMBER 1, 2023.

**SECTION 10.** In Colorado Revised Statutes, 24-37.5-119, as relocated and amended by House Bill 21-1109, amend (4); and add (9.5), (16)(d.5), and (16)(i.5) as follows:

**24-37.5-119. Broadband service - report - broadband deployment board - broadband administrative fund - creation - legislative declaration - definitions - rules - repeal.** (4) (a) There is hereby created in the state treasury the broadband administrative fund, referred to in this section as the "fund". The fund consists of all money allocated from the HCSM for the administration of the board and all money that the general assembly may appropriate to the fund. The money in the fund is subject to annual appropriation by the general assembly for the purposes set forth in this section. All interest earned from the investment of money in the fund is credited to the fund. All money not expended at the end of any state fiscal year remains in the fund and does not revert to the general fund or any other fund.

(b) (I) THE BROADBAND STIMULUS ACCOUNT, REFERRED TO IN THIS SUBSECTION (4)(b) AS THE "ACCOUNT", IS HEREBY CREATED IN THE FUND AND CONSISTS OF MONEY THE STATE RECEIVED FROM THE FEDERAL CORONAVIRUS STATE FISCAL RECOVERY FUND CREATED IN THE FEDERAL "AMERICAN RESCUE PLAN ACT OF 2021", PUB.L. 117-2, AND ANY MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE. WITHIN THREE DAYS AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (4)(b), THE STATE TREASURER SHALL TRANSFER THIRTY-FIVE MILLION DOLLARS FROM THE ECONOMIC RECOVERY AND RELIEF CASH FUND CREATED IN SECTION 24-75-228 (2)(a) TO THE ACCOUNT. THE MONEY IN THE ACCOUNT IS SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY FOR USE BY THE BOARD FOR THE PURPOSE OF REVIEWING AND AWARDED GRANTS UNDER THE BROADBAND STIMULUS GRANT PROGRAM CREATED IN SUBSECTION (9.5) OF THIS SECTION. ALL INTEREST EARNED FROM INVESTMENT OF MONEY IN THE ACCOUNT IS CREDITED TO THE ACCOUNT. ALL MONEY NOT EXPENDED FROM THE ACCOUNT AT THE END OF A FISCAL YEAR REMAINS IN THE ACCOUNT AND DOES NOT REVERT TO THE ECONOMIC RECOVERY AND RELIEF CASH FUND CREATED IN SECTION 24-75-228 (2)(a) OR ANY OTHER FUND.

(II) THIS SUBSECTION (4)(b) IS REPEALED, EFFECTIVE SEPTEMBER 1, 2023.

(9.5) (a) (I) THE BROADBAND STIMULUS GRANT PROGRAM IS HEREBY CREATED. AS PART OF THE GRANT PROGRAM, THE BOARD, IN ANY GRANT FUNDING CYCLE IN 2021 THAT OCCURS AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (9.5):

(A) IS ENCOURAGED TO AWARD GRANT MONEY TO APPLICANTS THAT APPLIED FOR GRANTS UNDER SUBSECTION (9) OF THIS SECTION IN THE PREVIOUS FIVE YEARS, MET ALL OF THE AWARD CRITERIA SET FORTH IN SUBSECTION (9) OF THIS SECTION BUT WERE DENIED GRANTS DUE TO THE INSUFFICIENCY OF GRANT MONEY AVAILABLE AT

THE TIME OF APPLICATION, AND, AS DETERMINED BY THE BOARD, CONTINUE TO MEET ALL OF THE AWARD CRITERIA SET FORTH IN SUBSECTION (9) OF THIS SECTION; AND

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

(II) AN APPLICANT SEEKING A BROADBAND STIMULUS GRANT UNDER THIS SUBSECTION (9.5) MUST MEET ALL OF THE GRANT AWARD CRITERIA SET FORTH IN SUBSECTION (9) OF THIS SECTION AND THE REQUIREMENTS SET FORTH IN THIS SUBSECTION (9.5).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(f) IF THE TREASURY DEPARTMENT MODIFIES ITS INTERIM REGULATIONS IMPLEMENTING THE FEDERAL "AMERICAN RESCUE PLAN ACT OF 2021", PUB.L. 117-2, GRANTS AWARDED PURSUANT TO SUBSECTION (9.5)(e) OF THIS SECTION MAY ONLY BE AWARDED FOR BROADBAND PROJECTS THAT COMPLY WITH THE MODIFIED FEDERAL REGULATIONS.

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



DOWNSTREAM AND THREE MEGABITS PER SECOND UPSTREAM.

(h) THIS SUBSECTION (9.5) IS REPEALED, EFFECTIVE SEPTEMBER 1, 2023.

(16) As used in this section:

(d.5) "COMMUNITY ANCHOR INSTITUTION" HAS THE MEANING SET FORTH IN SECTION 24-37.5-902 (2).

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

**SECTION 11.** In Colorado Revised Statutes, 24-32-101, **add** (2) as follows:

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

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

(b) REGIONAL, MULTI-JURISDICTIONAL, AND COORDINATED APPROACHES TO BROADBAND PLANNING ARE CRITICAL TO ACHIEVING THE EFFICIENT DEPLOYMENT OF BROADBAND INFRASTRUCTURE AND TECHNOLOGY; AND

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

**SECTION 12.** In Colorado Revised Statutes, **amend** 24-32-102 as follows:

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

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

(2) "COMMUNITY ANCHOR INSTITUTION" HAS THE MEANING SET FORTH IN SECTION 24-37.5-902 (2).

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

(4) "INTERCONNECTIVITY GRANT PROGRAM" MEANS THE GRANT PROGRAM CREATED IN SECTION 24-32-104 (7)(a).

(5) "INTERCONNECTIVITY GRANT PROGRAM FUND" MEANS THE FUND CREATED IN SECTION 24-32-104 (7)(c).

(6) "LAST-MILE BROADBAND INFRASTRUCTURE" MEANS BROADBAND INFRASTRUCTURE THAT DELIVERS AN INTERNET CONNECTION TO AN END USER.

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

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

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

**SECTION 13.** In Colorado Revised Statutes, 24-32-104, **add** (1)(n) and (7) as follows:

**24-32-104. Functions of the division - definition - interconnectivity grant program - interconnectivity grant program fund - reporting.** (1) The division shall perform the following functions:

(n) SUBMIT TO THE COLORADO BROADBAND OFFICE CREATED IN SECTION 24-37.5-903 (1) FOR THE BROADBAND OFFICE'S REVIEW AND RECOMMENDATIONS A COPY OF EACH APPLICATION THAT THE DIVISION RECEIVES IN WHICH AN APPLICANT SEEKS GRANT MONEY FOR BROADBAND PLANNING OR INFRASTRUCTURE, WHICH GRANT THE DIVISION AWARDS FROM THE INTERCONNECTIVITY GRANT PROGRAM FUND. THE COLORADO BROADBAND OFFICE SHALL REVIEW EACH APPLICATION SUBMITTED AND PROVIDE THE DIVISION ITS RECOMMENDATIONS REGARDING THE APPLICATION AS SOON AS PRACTICABLE BUT NO LATER THAN THIRTY DAYS AFTER THE DIVISION HAS FURNISHED A COPY OF THE APPLICATION TO THE COLORADO BROADBAND OFFICE.

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

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

(A) IDENTIFY REGIONAL BROADBAND INFRASTRUCTURE NEEDS;

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

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

(II) PROVIDE OR ENHANCE THE NETWORK CONNECTION BETWEEN COMMUNITIES, INCLUDING THE INTERCONNECTION BETWEEN COMMUNITY ANCHOR INSTITUTIONS.

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

(I) SHALL NOT USE THE MONEY TO DEPLOY LAST-MILE BROADBAND INFRASTRUCTURE OR TO PROVIDE BROADBAND INTERNET SERVICE AS DEFINED IN SECTION 40-15-102 (3.5); EXCEPT THAT AN INDIAN TRIBE OR NATION AWARDED GRANT MONEY MAY USE THE GRANT MONEY TO DEPLOY LAST-MILE BROADBAND INFRASTRUCTURE; AND

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

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

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

(c) THE INTERCONNECTIVITY GRANT PROGRAM FUND IS HEREBY CREATED IN THE STATE TREASURY AND CONSISTS OF MONEY THE STATE RECEIVED FROM THE FEDERAL CORONAVIRUS STATE FISCAL RECOVERY FUND CREATED IN THE FEDERAL "AMERICAN RESCUE PLAN ACT OF 2021", PUB.L. 117-2, AND ANY MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE. WITHIN THREE DAYS AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (7), THE STATE TREASURER SHALL TRANSFER FIVE MILLION DOLLARS FROM THE ECONOMIC RECOVERY AND RELIEF CASH FUND CREATED IN SECTION 24-75-228 (2)(a) TO THE FUND FOR USE BY THE DIVISION FOR THE PURPOSE OF REVIEWING AND AWARDED GRANTS UNDER THE GRANT PROGRAM. THE MONEY IN THE FUND IS SUBJECT TO APPROPRIATION BY THE GENERAL ASSEMBLY.

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

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

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

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

(B) IS SCALABLE TO A MINIMUM OF ONE HUNDRED MEGABITS PER SECOND

DOWNLOAD SPEED AND ONE HUNDRED MEGABITS PER SECOND UPLOAD SPEED.

(e) IF THE TREASURY DEPARTMENT MODIFIES ITS INTERIM REGULATIONS IMPLEMENTING THE FEDERAL "AMERICAN RESCUE PLAN ACT OF 2021", PUB.L. 117-2, GRANTS AWARDED PURSUANT TO SUBSECTION (7)(d) OF THIS SECTION MAY ONLY BE AWARDED FOR BROADBAND PROJECTS THAT COMPLY WITH THE MODIFIED FEDERAL REGULATIONS.

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

(g) ON OR BEFORE JANUARY 1, 2022, AND WITHIN SIX MONTHS AFTER A STATE FISCAL YEAR IN WHICH THE DIVISION AWARDS ONE OR MORE GRANTS FOR BROADBAND DEPLOYMENT, WHETHER OR NOT AWARDED UNDER THE GRANT PROGRAM, THE DIVISION SHALL SUBMIT A REPORT TO THE COLORADO BROADBAND OFFICE REGARDING GRANTS AWARDED IN THE MOST RECENT STATE FISCAL YEAR. REPORTS SUBMITTED UNDER THIS SUBSECTION (7)(g) MUST INCLUDE:

(I) FOR EACH PROJECT AWARDED GRANT MONEY:

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

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

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

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

(E) THE TYPE OF TECHNOLOGY DEPLOYED OR USED FOR BROADBAND PROVIDED THROUGH THE PROJECT;

(II) THE NUMBER OF GRANT APPLICANTS, THE AMOUNTS OF GRANT MONEY REQUESTED BY EACH APPLICANT, THE NUMBER OF GRANTS AWARDED, AND THE AMOUNTS OF GRANT MONEY AWARDED TO EACH APPLICANT THAT RECEIVES AN AWARD; AND

(III) THE AMOUNT OF MONEY EXPENDED FOR GRANT AWARDS VERSUS THE AMOUNT OF MONEY OBLIGATED BUT NOT YET EXPENDED FOR GRANT AWARDS.

**SECTION 14. Appropriations.** (1) For the 2020-21 state fiscal year, \$35,000,000 is appropriated to the office of information technology for use by the Colorado broadband office. This appropriation is from the digital inclusion grant program fund created in section 24-37.5-904 (2), C.R.S., and of money the state received from the federal coronavirus state fiscal recovery fund. The Colorado broadband office may use this appropriation to implement the digital inclusion grant

program created in section 24-37.5-904 (1)(a), C.R.S. Any money appropriated in this subsection (1) not expended prior to July 1, 2021, is further appropriated to the office of information technology for the 2021-22 state fiscal year for the same purpose.

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

(3) For the 2020-21 state fiscal year, \$5,000,000 is appropriated to the department of local affairs for use by the division of local government. This appropriation is from the interconnectivity grant program fund created in section 24-32-104 (7)(c), C.R.S., and of money the state received from the federal coronavirus state fiscal recovery fund. The division of local government may use this appropriation to implement the interconnectivity grant program created in section 24-32-104 (7)(a), C.R.S. Any money appropriated in this subsection (3) not expended prior to July 1, 2021, is further appropriated to the department of local affairs for use by the division of local government for the 2021-22 state fiscal year for the same purpose.

**SECTION 15. Appropriations.** (1) For the 2020-21 state fiscal year, \$35,000,000 is appropriated to the office of the governor for use by the office of information technology for use by the Colorado broadband office. This appropriation is from the digital inclusion grant program fund created in section 24-37.5-904 (2), C.R.S., and of money the state received from the federal coronavirus state fiscal recovery fund. The Colorado broadband office may use this appropriation to implement the digital inclusion grant program created in section 24-37.5-904 (1)(a), C.R.S. Any money appropriated in this subsection (1) not expended prior to July 1, 2021, is further appropriated to the office of the governor for use by the office of information technology for the 2021-22 state fiscal year for the same purpose.

(2) For the 2020-21 state fiscal year, \$35,000,000 is appropriated to the office of the governor for use by the office of information technology for the broadband deployment board. This appropriation is from the broadband stimulus account in the broadband administrative fund created in section 24-37.5-119 (4), C.R.S., and of money the state received from the federal coronavirus state fiscal recovery fund. The broadband deployment board may use this appropriation to implement the broadband stimulus grant program created in section 24-37.5-119 (9.5), C.R.S. Any money appropriated in this subsection (2) not expended prior to July 1, 2021, is further appropriated to the office of the governor for use by the office of information technology for the 2021-22 state fiscal year for the same purpose.

(3) For the 2020-21 state fiscal year, \$5,000,000 is appropriated to the department of local affairs for use by the division of local government. This appropriation is

from the interconnectivity grant program fund created in section 24-32-104 (7)(c), C.R.S., and of money the state received from the federal coronavirus state fiscal recovery fund. The division of local government may use this appropriation to implement the interconnectivity grant program created in section 24-32-104 (7)(a), C.R.S. Any money appropriated in this subsection (3) not expended prior to July 1, 2021, is further appropriated to the department of local affairs for use by the division of local government for the 2021-22 state fiscal year for the same purpose.

**SECTION 16. Effective date.** (1) Except as provided in subsections (2) and (3) of this section, this act takes effect only if Senate Bill 21-291 becomes law, in which case this act takes effect on the effective date of this act or Senate Bill 21-291, whichever is later.

(2) Section 5 of this act takes effect only if House Bill 21-1236 also becomes law, in which case section 5 takes effect on the effective date of this act, Senate Bill 21-291, or House Bill 21-1236, whichever is the latest.

(3) (a) Sections 10 and 15 of this act take effect only if House Bill 21-1109 also becomes law, in which case sections 10 and 15 take effect on the effective date of this act, Senate Bill 21-291, or House Bill 21-1109, whichever is the latest.

(b) Sections 8, 9, and 14 of this act take effect only if House Bill 21-1109 does not become law, in which case sections 8, 9, and 14 take effect on the effective date of this act or Senate Bill 21-291, whichever is later.

**SECTION 17. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Approved: June 28, 2021