

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

REENGROSSED

This Version Includes All Amendments
Adopted in the House of Introduction

LLS NO. 24-0562.02 Jennifer Berman x3286

HOUSE BILL 24-1336

HOUSE SPONSORSHIP

Parenti and Weinberg, Boesenecker, Kipp, Lindsay, Lukens, Titone

SENATE SPONSORSHIP

Rodriguez and Priola,

House Committees

Transportation, Housing & Local Government
Finance
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE DEPLOYMENT OF BROADBAND THROUGH GRANTS**
102 **ADMINISTERED BY THE COLORADO BROADBAND OFFICE, AND IN**
103 **CONNECTION THEREWITH, MAKING AND REDUCING AN**
104 **APPROPRIATION.**

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/>.)

Sunset Process - House Transportation, Housing, and Local Government Committee. The "Connect Colorado to Enhance Economic Development, Telehealth, Education, and Safety Act" (act), which created

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

HOUSE
3rd Reading Unamended
April 17, 2024

HOUSE
Amended 2nd Reading
April 15, 2024

the broadband deployment board (board) in the governor's office of information technology and tasked the board with awarding grant money from the high cost support mechanism (HCSM) for broadband deployment in unserved areas of the state, is scheduled for repeal on September 1, 2024. The department of regulatory agencies, as part of its sunset process, reviewed the act and board and recommended that they be extended for 5 years. The bill, instead, repeals the act and board, transfers the function of awarding grant money from the HCSM to the Colorado broadband office (office), and authorizes the office to award grants for unserved and underserved areas of the state.

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

SECTION 1. In Colorado Revised Statutes, 24-34-104, **repeal** (25)(a)(VI); and **add** (31)(a)(XI) as follows:

24-34-104. General assembly review of regulatory agencies and functions for repeal, continuation, or reestablishment - legislative declaration - repeal. (25) (a) The following agencies, functions, or both, are scheduled for repeal on September 1, 2024:

(VI) ~~The functions of the broadband deployment board created in section 24-37.5-119;~~

(31) (a) The following agencies, functions, or both, are scheduled for repeal on September 1, 2030:

(XI) ~~THE FUNCTIONS OF THE BROADBAND OFFICE IN ADMINISTERING THE BROADBAND DEPLOYMENT GRANT PROGRAM CREATED IN SECTION 24-37.5-905.~~

SECTION 2. In Colorado Revised Statutes, **repeal** 24-37.5-119.

SECTION 3. In Colorado Revised Statutes, **add** 24-37.5-905 as follows:

24-37.5-905. Broadband deployment - grant program - high cost support mechanism money - broadband office administrative fund - creation - criteria - rules - reports - definitions - repeal. (1) As

1 USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

2 (a) "BROADBAND" HAS THE MEANING SET FORTH IN SECTION
3 40-15-102.

4 (b) "BROADBAND NETWORK" HAS THE MEANING SET FORTH IN
5 SECTION 40-15-102.

6 (c) "COMMISSION" MEANS THE PUBLIC UTILITIES COMMISSION
7 CREATED IN SECTION 40-2-101.

8 (d) "HCSM" MEANS THE HIGH COST SUPPORT MECHANISM
9 CREATED PURSUANT TO SECTION 40-15-208.

10 (e) "INCUMBENT PROVIDER" HAS THE MEANING SET FORTH IN
11 SECTION 40-15-102 (9.5).

12 (f) "MIDDLE MILE INFRASTRUCTURE" HAS THE MEANING SET FORTH
13 IN 47 U.S.C. SEC. 1741 (a)(9), AS AMENDED.

14 (2) (a) THE BROADBAND OFFICE SHALL ADMINISTER A BROADBAND
15 DEPLOYMENT GRANT PROGRAM IN ACCORDANCE WITH THIS SECTION. THE
16 BROADBAND OFFICE SHALL DIRECT THE COMMISSION TO AUTHORIZE A
17 THIRD-PARTY CONTRACTOR OF THE HCSM TO DISBURSE MONEY FROM THE
18 HCSM FOR BROADBAND DEPLOYMENT GRANTS APPROVED BY THE
19 BROADBAND OFFICE. THE COMMISSION SHALL AUTHORIZE DISBURSEMENTS
20 OF MONEY FROM THE HCSM FOR BROADBAND DEPLOYMENT GRANTS ONLY
21 AS DIRECTED BY THE BROADBAND OFFICE.

22 (b) (I) THE BROADBAND OFFICE MAY ALLOCATE MONEY FROM THE
23 HCSM FOR THE DEPLOYMENT OF BROADBAND IN UNSERVED AND
24 UNDERSERVED AREAS OF THE STATE PURSUANT TO THIS SECTION AND
25 SECTION 40-15-208 THROUGH THE USE OF THE HCSM SURCHARGE AND
26 SURCHARGE RATE IN EFFECT ON JANUARY 1, 2018. PURSUANT TO
27 SECTIONS 40-15-207 AND 40-15-208, THE COMMISSION SHALL DETERMINE

1 THE FUNDS AVAILABLE FOR BROADBAND DEPLOYMENT FROM THE HCSM
2 MONEY. THE HCSM THIRD-PARTY CONTRACTOR SHALL MAINTAIN AND
3 HOLD THE MONEY AVAILABLE FOR BROADBAND DEPLOYMENT IN A
4 SEPARATE ACCOUNT FROM THE MONEY USED FOR BASIC VOICE SERVICE.
5 MONEY HELD FOR BROADBAND DEPLOYMENT MUST NOT BE DISBURSED
6 FOR BASIC VOICE SERVICE, AND MONEY HELD FOR BASIC VOICE SERVICE
7 MUST NOT BE DISBURSED FOR BROADBAND DEPLOYMENT.

8 (II) TO MAXIMIZE THE EFFICACY OF THE GRANT PROGRAM, THE
9 BROADBAND OFFICE MAY USE HCSM MONEY ALLOCATED FOR
10 BROADBAND DEPLOYMENT PURSUANT TO THIS SUBSECTION (2) AND
11 SECTION 40-15-208 IN ORDER TO CONDUCT, OR CAUSE TO BE CONDUCTED,
12 STUDIES TO ASSESS BROADBAND NEEDS IN THE STATE.

13 (3) (a) UP TO FIVE PERCENT OF THE MONEY ALLOCATED FROM THE
14 HCSM FOR BROADBAND DEPLOYMENT MAY BE USED TO COVER THE
15 BROADBAND OFFICE'S DIRECT AND INDIRECT COSTS TO ADMINISTER THE
16 GRANT PROGRAM, INCLUDING TO COVER STAFFING COSTS FOR THE GRANT
17 PROGRAM. MONEY THAT IS ALLOCATED FOR SUCH PURPOSES IS CREDITED
18 TO THE BROADBAND OFFICE ADMINISTRATIVE FUND, WHICH FUND IS
19 CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF ALL MONEY
20 ALLOCATED FROM THE HCSM FOR THE BROADBAND OFFICE'S
21 ADMINISTRATION OF THE GRANT PROGRAM AND ALL MONEY THAT THE
22 GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND. THE
23 MONEY IN THE FUND IS SUBJECT TO ANNUAL APPROPRIATION BY THE
24 GENERAL ASSEMBLY FOR THE PURPOSES SET FORTH IN THIS SECTION. ALL
25 INTEREST EARNED FROM THE INVESTMENT OF MONEY IN THE FUND IS
26 CREDITED TO THE FUND. ALL MONEY NOT EXPENDED AT THE END OF A
27 STATE FISCAL YEAR REMAINS IN THE FUND AND DOES NOT REVERT TO THE

1 GENERAL FUND OR ANY OTHER FUND.

2 (b) EXCEPT AS REQUIRED TO COMPLY WITH SUBSECTIONS (2)(b)(II)
3 AND (3)(a) OF THIS SECTION, THE BROADBAND OFFICE SHALL NOT AWARD
4 ITSELF MONEY FROM THE HCSM.

5 (c) THE BROADBAND OFFICE SHALL PROHIBIT GRANT RECIPIENTS
6 FROM USING GRANT MONEY TO SUBSIDIZE EXPENSES ASSOCIATED WITH
7 TELECOMMUNICATIONS OPERATIONAL EXPENSES, WITH THE EXCEPTION OF
8 A ONE-TIME TECHNOLOGY AND INNOVATION EXPENSE AND REGULATORY
9 COMPLIANCE.

10 (4) ON OR BEFORE DECEMBER 31, 2024, THE BROADBAND OFFICE
11 SHALL ESTABLISH GRANT PROGRAM CRITERIA AND GUIDELINES FOR
12 AWARDING HCSM MONEY FOR NEW PROJECTS TO EXPAND BROADBAND
13 ACCESS AND TO INCREASE BROADBAND AFFORDABILITY IN THE STATE,
14 WHICH CRITERIA AND GUIDELINES MUST INCLUDE:

15 (a) THE ESTABLISHMENT OF A TWO-TIERED GRANT PROGRAM THAT
16 PRIORITIZES FUNDING AS FOLLOWS:

17 (I) UP TO SIXTY PERCENT OF AVAILABLE GRANT MONEY MUST BE
18 USED TO FINANCE TIER ONE PROJECTS FOR MIDDLE MILE INFRASTRUCTURE;
19 AND

20 (II) UP TO FORTY PERCENT OF AVAILABLE GRANT MONEY MUST BE
21 USED TO FINANCE TIER TWO PROJECTS AND OTHERWISE UNDERFUNDED
22 BROADBAND NEEDS, INCLUDING, BUT NOT LIMITED TO:

23 (A) POLE REPLACEMENTS AND ATTACHMENTS, LINE EXTENSIONS,
24 LONG DROPS, NETWORK UPGRADES THAT STRENGTHEN CYBERSECURITY,
25 AND NETWORK INFRASTRUCTURE, INCLUDING WIRELINE AND WIRELESS
26 FACILITIES SUCH AS TOWERS AND SATELLITE INFRASTRUCTURE; AND

27 (B) DIGITAL EQUITY INITIATIVES TO HELP CLOSE THE DIGITAL

1 DIVIDE IN THE STATE, INCLUDING INITIATIVES FOR BASIC INTERNET
2 ACCESS, COMPUTER AND DEVICE DISTRIBUTION, DIGITAL LITERACY
3 TRAINING, AND BROADBAND WORKFORCE DEVELOPMENT TRAINING;

4 (b) THE FOLLOWING MINIMUM REQUIREMENTS FOR PROJECTS THAT
5 ARE AWARDED GRANT MONEY:

6 (I) SUPPORT FOR BROADBAND DEPLOYMENT IN UNSERVED OR
7 UNDERSERVED AREAS;

8 (II) SPEED REQUIREMENTS;

9 (III) MATCHING FUNDING REQUIREMENTS;

10 (IV) APPLICANT ELIGIBILITY REQUIREMENTS;

11 (V) GENERALLY ACCEPTED INDUSTRY RELIABILITY AND
12 PERFORMANCE STANDARDS;

13 (VI) TIMELINES FOR COMPLETION OF A PROJECT;

14 (VII) REASONABLE COST REQUIREMENTS FOR A PROJECT;

15 (VIII) COMPLIANCE STANDARDS; AND

16 (IX) REPORTING AND ACCOUNTABILITY REQUIREMENTS; AND

17 (c) THE FOLLOWING CRITERIA FOR REVIEWING AND PRIORITIZING
18 APPLICANTS' PROPOSED PROJECTS:

19 (I) THE PURPOSE AND PROJECT IMPACTS;

20 (II) THE GEOGRAPHIC DISTRIBUTION OF BROADBAND DEPLOYMENT;

21 (III) BROADBAND NETWORK REDUNDANCY, DIVERSITY, AND
22 LATENCY;

23 (IV) BROADBAND NETWORK SPEEDS;

24 (V) THE AMOUNT OF MATCHING MONEY AVAILABLE;

25 (VI) THE COST-EFFECTIVENESS OF THE PROJECT;

26 (VII) THE AMOUNT OF SUPPORT THE PROJECT WOULD PROVIDE FOR
27 LOW-INCOME HOUSEHOLDS; AND

1 (VIII) THE EXTENT TO WHICH THE PROJECT WOULD SUPPORT
2 CRITICALLY UNSERVED AREAS.

3 (5) IN ESTABLISHING THE GRANT PROGRAM, THE BROADBAND
4 OFFICE SHALL:

5 (a) SOLICIT INPUT FROM THE GENERAL PUBLIC AND VARIOUS
6 STAKEHOLDERS, INCLUDING AT LEAST THE FOLLOWING GROUPS OF
7 STAKEHOLDERS:

- 8 (I) INDUSTRY ASSOCIATIONS;
- 9 (II) LOCAL GOVERNMENTS;
- 10 (III) TRIBAL GOVERNMENTS;
- 11 (IV) OTHER STATE AGENCIES;
- 12 (V) FEDERAL AGENCIES;
- 13 (VI) BROADBAND CONSUMERS; AND
- 14 (VII) OTHER KEY STAKEHOLDERS THAT THE BROADBAND OFFICE
15 IDENTIFIES;

16 (b) CREATE A WORK GROUP, INCLUDING THE EXTERNAL
17 STAKEHOLDERS IDENTIFIED IN SUBSECTION (5)(a) OF THIS SECTION, TO
18 HELP REVIEW GRANT APPLICATIONS AND RECOMMEND PROJECTS FOR
19 GRANT AWARDS;

20 (c) ESTABLISH A FORMAL APPEALS PROCESS FOR GRANT
21 APPLICATIONS THAT ARE NOT AWARDED GRANTS. THE SOLE REMEDY FOR
22 AN APPLICANT THAT PREVAILS ON APPEAL IS THE FINANCING OF THE
23 APPLICANT'S PROPOSED PROJECT IN THE CURRENT OR NEXT FISCAL YEAR,
24 SUBJECT TO THE AVAILABILITY OF MONEY IN THE HCSM.

25 (d) AS PART OF A GRANT APPLICATION THAT AN APPLICANT FILES
26 OR AS PART OF AN APPEAL OF A GRANT DECISION THAT AN APPELLANT
27 FILES, REQUIRE THAT THE APPLICANT OR APPELLANT INCLUDE A SPEED

1 TEST PERFORMED:

2 (I) ON AN INCUMBENT PROVIDER'S BROADBAND NETWORK; AND

3 (II) IN ACCORDANCE WITH INDUSTRY-STANDARD SPEED-TEST
4 PROTOCOLS IDENTIFIED BY THE FEDERAL COMMUNICATIONS COMMISSION;

5 (e) INCLUDE A FORMAL PROCESS BY WHICH THE BROADBAND
6 OFFICE, ELIGIBLE APPLICANTS, AND INCUMBENT PROVIDERS MAY
7 CHALLENGE OR APPEAL AN APPLICANT'S DATA INCLUDED IN THE
8 APPLICATION TO PREVENT THE FINANCING OF PROJECTS THAT WOULD
9 CAUSE OVERBUILD OR DUPLICATION OF FEDERAL OR OTHER STATE
10 FUNDING; AND

11 (f) ESTABLISH A PROCESS FOR ENSURING THAT PROJECTS THAT ARE
12 AWARDED GRANTS COMPLY WITH ALL STATE AND FEDERAL BROADBAND
13 DEPLOYMENT REPORTING OBLIGATIONS.

14 (6) PURSUANT TO SECTION 24-37.5-106 (4), THE CHIEF
15 INFORMATION OFFICER MAY PROMULGATE RULES TO IMPLEMENT THIS
16 SECTION.

17 (7) THE BROADBAND OFFICE MAY CONTRACT WITH A THIRD PARTY
18 TO PERFORM ADMINISTRATIVE FUNCTIONS RELATED TO ADMINISTERING
19 THE GRANT PROGRAM.

20 (8) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), ON OR
21 BEFORE JANUARY 1, 2025, AND ON OR BEFORE JANUARY 1 OF EACH YEAR
22 THEREAFTER, THE BROADBAND OFFICE SHALL SUBMIT AN ANNUAL REPORT
23 TO THE JOINT BUDGET COMMITTEE AND THE JOINT TECHNOLOGY
24 COMMITTEE, OR THEIR SUCCESSOR COMMITTEES, SUMMARIZING FOR THE
25 PREVIOUS CALENDAR YEAR:

26 (a) THE BROADBAND OFFICE'S GRANT ACTIVITIES; AND

27 (b) HCSM EXPENDITURES MADE FOR BROADBAND DEPLOYMENT.

1 (9) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2030.
2 BEFORE THE REPEAL, THIS SECTION IS SCHEDULED FOR REVIEW IN
3 ACCORDANCE WITH SECTION 24-34-104.

4 SECTION 4. In Colorado Revised Statutes, 6-26-101, amend (1)
5 and (3) as follows:

6 6-26-101. Complaints to federal trade commission - attorney
7 general to provide guidance. (1) The attorney general or the attorney
8 general's designee, in collaboration with the COLORADO broadband
9 deployment board OFFICE created in section ~~24-37.5-119~~ 24-37.5-903 (1),
10 shall develop written guidance for consumers seeking to file a complaint
11 with the federal trade commission to allege that an internet service
12 provider, as defined in section 40-15-209 (4)(b), has engaged in any
13 practice that violates federal law regarding interference with the open
14 internet.

15 (3) The attorney general, in collaboration with the COLORADO
16 broadband deployment board OFFICE, shall update the written guidance
17 as needed.

18 SECTION 5. In Colorado Revised Statutes, 24-37.5-106, amend
19 (4) as follows:

20 24-37.5-106. Chief information officer - duties and
21 responsibilities - rules. (4) The chief information officer may
22 promulgate as rules pursuant to article 4 of this title 24 all of the policies,
23 procedures, standards, specifications, guidelines, or criteria that are
24 developed or approved pursuant to section 24-37.5-105 (4) and RULES to
25 establish accessibility standards for individuals with a disability pursuant
26 to section 24-85-103 AND TO IMPLEMENT THE BROADBAND DEPLOYMENT
27 GRANT PROGRAM PURSUANT TO SECTION 24-37.5-905.

1 **SECTION 6.** In Colorado Revised Statutes, 24-72-202, **repeal**
2 (6)(b)(XV) as follows:

3 **24-72-202. Definitions.** As used in this part 2, unless the context
4 otherwise requires:

5 (6) (b) "Public records" does not include:

6 (XV) ~~Granular coverage data, as defined in and submitted to the~~
7 ~~office of information technology pursuant to section 24-37.5-119 (9)(m);~~

8 **SECTION 7.** In Colorado Revised Statutes, 40-15-208, **amend**
9 (2)(a)(I)(B) as follows:

10 **40-15-208. High cost support mechanism - Colorado high cost**
11 **administration fund - creation - purpose - operation - rules - report**
12 **- repeal.** (2) (a) (I) The commission is hereby authorized to establish a
13 mechanism for the support of universal service, also referred to in this
14 section as the "high cost support mechanism", which must operate in
15 accordance with rules adopted by the commission. The primary purpose
16 of the high cost support mechanism is to provide financial assistance as
17 a support mechanism to:

18 (B) Provide access to broadband service in unserved AND
19 UNDERSERVED areas pursuant to this section and section ~~24-37.5-119~~
20 24-37.5-905 only.

21 **SECTION 8.** In Colorado Revised Statutes, 40-15-209, **amend**
22 (1) introductory portion, (2)(a), and (2)(c) as follows:

23 **40-15-209. Net neutrality conditions for internet service**
24 **providers to receive high cost support mechanism money -**
25 **definitions.** (1) Except as provided in subsection (3) of this section, an
26 internet service provider that is otherwise eligible to receive money
27 through a grant from the COLORADO broadband deployment board OFFICE

1 pursuant to section ~~24-37.5-119~~ 24-37.5-905 or through any state fund
2 established to help finance broadband deployment is not eligible to
3 receive that money if the internet service provider:

4 (2) (a) If the commission learns from the COLORADO broadband
5 ~~deployment board~~ OFFICE that a federal agency has issued a final order or
6 entered into a settlement or consent decree regarding, or a court of
7 competent jurisdiction has issued a final judgment against, an internet
8 service provider and that the ~~board~~ OFFICE has determined from the order,
9 decree, or judgment that the internet service provider has engaged in
10 conduct specified in subsection (1) of this section, the commission shall
11 issue a written order to the internet service provider requiring the internet
12 service provider to fully refund any money that the internet service
13 provider received in the twenty-four months preceding the ~~board's~~
14 OFFICE'S determination from the high cost support mechanism pursuant
15 to a grant awarded by the COLORADO broadband ~~deployment board~~
16 OFFICE under section ~~24-37.5-119~~ 24-37.5-905.

17 (c) The third-party contractor that maintains the high cost support
18 mechanism shall allocate any money refunded to the high cost support
19 mechanism pursuant to this subsection (2) to the high cost support
20 mechanism account dedicated to broadband deployment, which account
21 is described in section ~~24-37.5-119 (3)~~ 24-37.5-905.

22 **SECTION 9.** In Colorado Revised Statutes, 40-15-502, **amend**
23 (5)(a) as follows:

24 **40-15-502. Expressions of state policy. (5) Universal service**
25 **support mechanisms.** (a) In order to accomplish the goals of universal
26 basic service, universal access to advanced service under section
27 ~~24-37.5-119~~ 24-37.5-905, and any revision of the definition of basic

1 service under subsection (2) of this section, the commission shall create
2 a system of support mechanisms to assist in the provision of basic service
3 and advanced service in high-cost areas. The commission shall fund these
4 support mechanisms equitably and on a nondiscriminatory, competitively
5 neutral basis through assessments, which may include a rate element, on
6 all telecommunications providers in Colorado. A provider's eligibility to
7 receive support for basic service under the support mechanisms is
8 conditioned upon the provider's offering basic service throughout an
9 entire support area.

10 **SECTION 10. Appropriation - adjustments to 2024 long bill.**

11 (1) To implement this act, appropriations made in the annual general
12 appropriation act for the 2024-25 state fiscal year to the office of the
13 governor are adjusted as follows:

14 (a) The cash funds appropriation from various sources of cash
15 funds for the office of information technology for health, life, and dental
16 is decreased by \$25,826;

17 (b) The cash funds appropriation from various sources of cash
18 funds for the office of information technology for enterprise solutions is
19 decreased by \$254,276, and the related FTE is decreased by 2.0 FTE.

20 (2) For the 2024-25 state fiscal year, \$525,393 is appropriated to
21 the office of the governor for use by the office of information technology.
22 This appropriation is from the broadband office administrative fund
23 created in section 24-37.5-905 (3), C.R.S., and is based on the assumption
24 the office will require an additional 3.5 FTE. To implement this act, the
25 office may use this appropriation for enterprise solutions.

26 **SECTION 11. Act subject to petition - effective date.** This act
27 takes effect September 1, 2024; except that, if a referendum petition is

1 filed pursuant to section 1 (3) of article V of the state constitution against
2 this act or an item, section, or part of this act within the ninety-day period
3 after final adjournment of the general assembly, then the act, item,
4 section, or part will not take effect unless approved by the people at the
5 general election to be held in November 2024 and, in such case, will take
6 effect on the date of the official declaration of the vote thereon by the
7 governor.