

SB060_L.008

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Finance.

SB21-060 be amended as follows:

1 Amend reengrossed bill, strike everything below the enacting clause and
2 substitute:

3 **"SECTION 1. Legislative declaration.** (1) The general
4 assembly hereby finds and declares that, pursuant to 31 CFR 35.6 (b)(8),
5 providing financial assistance for broadband service to low-income
6 households affected by the COVID-19 public health emergency is an
7 eligible use of money received by the state under the federal "American
8 Rescue Plan Act of 2021", Pub.L. 117-2. For this purpose, Senate Bill
9 21-291 creates the economic recovery and relief cash fund to appropriate
10 money to departments or transfer money to another cash fund for uses to
11 address the negative impacts of COVID-19, including using the money
12 for assistance to individuals and households.

13 (2) The general assembly further finds and declares that, pursuant
14 to subsection (1) of this section, the general assembly may appropriate
15 money from the economic recovery and relief cash fund created in section
16 24-75-228 (2)(a) to the office of the governor for use by the office of
17 information technology to provide financial assistance to income-eligible
18 households for broadband service.

19 **SECTION 2.** In Colorado Revised Statutes, 24-37.5-904, as
20 **added by House Bill 21-1289, amend** (1)(b)(II); and **add** (1.5) as
21 follows:

22 **24-37.5-904. Digital inclusion grant program - income-eligible**
23 **household reimbursement program - creation - award criteria -**
24 **digital inclusion grant program fund - definition - reporting - repeal.**

25 (1) (b) The Colorado broadband office shall implement the grant
26 program. During the 2020-21 state fiscal year, the broadband office shall
27 award:

28 (II) Grants totaling up to ~~fifteen~~ TEN million dollars to one or
29 more providers of telehealth services; EXCEPT THAT, IF PURSUANT TO
30 SUBSECTION (1.5)(e) OF THIS SECTION, THE BROADBAND OFFICE DOES NOT
31 IMPLEMENT THE REIMBURSEMENT PROGRAM CREATED IN SUBSECTION (1.5)
32 OF THIS SECTION, THE BROADBAND OFFICE SHALL AWARD GRANTS
33 TOTALING UP TO FIFTEEN MILLION DOLLARS TO ONE OR MORE PROVIDERS
34 OF TELEHEALTH SERVICES.

35 (1.5) (a) ON OR BEFORE JANUARY 1, 2022, AND SUBJECT TO
36 SUBSECTIONS (1.5)(d) AND (1.5)(e) OF THIS SECTION, THE BROADBAND
37 OFFICE SHALL CONTRACT WITH A NONPROFIT ORGANIZATION, PREFERABLY
38 A NONPROFIT ORGANIZATION THAT HAS AN EXISTING PLATFORM OR
39 SYSTEM FOR ADMINISTERING GRANT MONEY, HAS EXPERIENCE IN
40 ADMINISTERING INCOME-QUALIFIED UTILITY ASSISTANCE PROGRAMS, AND

1 HAS EXPERIENCE IN VERIFYING INCOME FOR STATEWIDE ASSISTANCE
2 PROGRAMS, TO DEVELOP A PROGRAM, REFERRED TO IN THIS SUBSECTION
3 (1.5) AS THE "PROGRAM", TO MAKE ACCESS TO BROADBAND SERVICE MORE
4 AFFORDABLE BY REIMBURSING COLORADO SUBSCRIBERS FOR COSTS
5 INCURRED IN ACCESSING BROADBAND SERVICE. IN CHOOSING A NONPROFIT
6 ORGANIZATION WITH WHICH TO CONTRACT, THE BROADBAND OFFICE NEED
7 NOT COMPLY WITH THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF
8 THIS TITLE 24. HOUSEHOLDS THAT ARE INCOME ELIGIBLE TO PARTICIPATE
9 IN THE PROGRAM ARE THOSE HOUSEHOLDS THAT:

10 (I) HAVE A HOUSEHOLD INCOME THAT DOES NOT EXCEED THE
11 HIGHER OF TWO HUNDRED PERCENT OF THE FEDERAL POVERTY LEVEL OR
12 EIGHTY PERCENT OF THE AREA MEDIAN INCOME; OR

13 (II) ARE LOCATED IN CRITICALLY UNSERVED AREAS OF THE STATE.
14 A HOUSEHOLD IS ELIGIBLE FOR REIMBURSEMENT UNDER THIS SUBSECTION
15 (1.5)(a)(II) ONLY:

16 (A) FOR BROADBAND SERVICE PROVIDED BY A SATELLITE
17 PROVIDER; AND

18 (B) WITH RESPECT TO THE HOUSEHOLD'S PRIMARY RESIDENCE.

19 (b) A HOUSEHOLD MEETING THE CRITERIA SET FORTH IN
20 SUBSECTION (1.5)(a) OF THIS SECTION MAY APPLY TO THE PROGRAM
21 ANNUALLY IN THE FORM AND MANNER DETERMINED BY THE BROADBAND
22 OFFICE TO REQUEST REIMBURSEMENT TO COVER UP TO ONE-HALF OF THE
23 COST OF BROADBAND SERVICE, NOT TO EXCEED A TOTAL REIMBURSEMENT
24 OF SIX HUNDRED DOLLARS PER YEAR. A HOUSEHOLD THAT RECEIVES
25 REIMBURSEMENT PURSUANT TO THIS SUBSECTION (1.5)(b) MUST
26 DEMONSTRATE THAT IT STILL MEETS THE CRITERIA SET FORTH IN
27 SUBSECTION (1.5)(a) OF THIS SECTION TO RECEIVE REIMBURSEMENT IN A
28 SUBSEQUENT YEAR.

29 (c) WITH REGARD TO THE NONPROFIT ORGANIZATION WITH WHICH
30 THE BROADBAND OFFICE CONTRACTS TO ADMINISTER THE PROGRAM, THE
31 BROADBAND OFFICE SHALL DIRECT THAT THE NONPROFIT ORGANIZATION:

32 (I) USE A PORTION OF THE MONEY TRANSMITTED TO THE
33 NONPROFIT ORGANIZATION FOR IMPLEMENTING THE PROGRAM TO COVER
34 ITS DIRECT AND INDIRECT COSTS IN ADMINISTERING THE PROGRAM; AND

35 (II) PERIODICALLY REPORT TO THE BROADBAND OFFICE, IN A FORM
36 AND MANNER DETERMINED BY THE BROADBAND OFFICE, REGARDING ITS
37 ADMINISTRATION OF THE PROGRAM.

38 (d) THE BROADBAND OFFICE, IN CONSULTATION WITH THE
39 NONPROFIT ORGANIZATION WITH WHICH IT CONTRACTS TO IMPLEMENT THE
40 PROGRAM, MAY EXPLORE ALTERNATIVE MECHANISMS FOR PAYMENT
41 ASSISTANCE FOR INCOME-ELIGIBLE HOUSEHOLDS IF THE BROADBAND
42 OFFICE DETERMINES THAT A REIMBURSEMENT PROGRAM IS NOT
43 COST-EFFECTIVE. IF THE BROADBAND OFFICE ADOPTS AN ALTERNATIVE

1 MECHANISM FOR PROVIDING PAYMENT ASSISTANCE UNDER THIS
2 SUBSECTION (1.5)(d), THE BROADBAND OFFICE SHALL INCLUDE A
3 DESCRIPTION OF THE MECHANISM CHOSEN AS PART OF ITS REPORTING
4 REQUIREMENTS UNDER SUBSECTION (1.5)(g) OF THIS SECTION.

5 (e) IF THE BROADBAND OFFICE DOES NOT FIND A NONPROFIT
6 ORGANIZATION WITH WHICH TO CONTRACT TO IMPLEMENT THE PROGRAM,
7 THE PROGRAM SHALL NOT BE IMPLEMENTED AND THE BROADBAND OFFICE
8 SHALL USE THE MONEY ALLOCATED FOR IMPLEMENTATION OF THE
9 PROGRAM TO AWARD ADDITIONAL GRANTS FOR TELEHEALTH SERVICES
10 UNDER SUBSECTION (1)(b)(II) OF THIS SECTION.

11 (f) (I) THE BROADBAND OFFICE AND THE NONPROFIT WITH WHICH
12 IT CONTRACTS MAY USE UP TO FIVE MILLION DOLLARS OF THE MONEY
13 TRANSFERRED PURSUANT TO SUBSECTION (1)(e) OF THIS SECTION TO THE
14 DIGITAL INCLUSION GRANT PROGRAM FUND FROM THE ECONOMIC
15 RECOVERY AND RELIEF CASH FUND CREATED IN SECTION 24-75-228 (2)(a)
16 TO IMPLEMENT THE PROGRAM, INCLUDING THE MONEY REQUIRED TO
17 COVER THE BROADBAND OFFICE'S AND THE NONPROFIT ORGANIZATION'S
18 ADMINISTRATIVE COSTS INCURRED IN IMPLEMENTING THE PROGRAM. THE
19 BROADBAND OFFICE AND THE NONPROFIT ORGANIZATION MAY USE UP TO
20 FIVE HUNDRED THOUSAND DOLLARS PER YEAR TO COVER THEIR DIRECT
21 AND INDIRECT COSTS IN ADMINISTERING THE PROGRAM.

22 (II) ALL MONEY USED FOR IMPLEMENTATION OF THE PROGRAM
23 MUST BE OBLIGATED BY DECEMBER 31, 2024.

24 (g) ON OR BEFORE FEBRUARY 1, 2022, AND ON OR BEFORE
25 FEBRUARY 1 EACH YEAR THEREAFTER, THE BROADBAND OFFICE SHALL
26 SUBMIT A WRITTEN REPORT TO THE GOVERNOR AND THE GENERAL
27 ASSEMBLY'S JOINT BUDGET COMMITTEE AND JOINT TECHNOLOGY
28 COMMITTEE REGARDING THE BROADBAND OFFICE'S IMPLEMENTATION OF
29 THE PROGRAM. REPORTS SUBMITTED PURSUANT TO THIS SUBSECTION
30 (1.5)(g) MUST INCLUDE:

31 (I) THE NUMBER OF HOUSEHOLDS RECEIVING ASSISTANCE UNDER
32 THE PROGRAM IN THE PREVIOUS CALENDAR YEAR; AND

33 (II) RECOMMENDATIONS ON HOW TO MAKE THE PROGRAM MORE
34 SUCCESSFUL, INCLUDING ANY LEGISLATIVE CHANGES NEEDED TO IMPROVE
35 THE SUCCESS OF THE PROGRAM.

36 (h) THIS SUBSECTION (1.5) IS REPEALED, EFFECTIVE SEPTEMBER 1,
37 2026.

38 **SECTION 3. Effective date.** This act takes effect only if House
39 Bill 21-1289 and Senate Bill 21-291 become law, and, in which case, this
40 act takes effect one day after the passage of House Bill 21-1289 or one
41 day after the passage of SB21-291, whichever occurs latest.

42 **SECTION 4. 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."

3 Page 1, strike line 102 and substitute "**THEREWITH, IMPLEMENTING A**
4 **PROGRAM TO PROVIDE FINANCIAL ASSISTANCE FOR INCOME-ELIGIBLE**
5 **HOUSEHOLDS TO ACCESS BROADBAND SERVICE.**".

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