

**First Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 09-0744.01 Duane Gall

SENATE BILL 09-162

SENATE SPONSORSHIP

Schwartz, Heath, Veiga

HOUSE SPONSORSHIP

Liston, McFadyen, Rice, Solano

Senate Committees

Business, Labor and Technology
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE OPERATION OF THE PROJECT BY THE STATE'S CHIEF**
102 **INFORMATION OFFICER TO CREATE AN INVENTORY OF**
103 **BROADBAND SERVICE AREAS, AND, IN CONNECTION THEREWITH,**
104 **AUTHORIZING THE ACCEPTANCE OF PUBLICLY FUNDED GIFTS,**
105 **GRANTS, AND DONATIONS, AND MAKING AN APPROPRIATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Joint Select Committee on Job Creation and Economic Growth. Amends statutes adopted in 2008 for the creation of an inventory of broadband service areas within the state by:

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

SENATE
Amended 2nd Reading
March 3, 2009

- ! Removing an existing limitation to the acceptance of private gifts, grants, and donations to help finance the creation of the inventory;
 - ! Extending the deadline for completion of the inventory; and
 - ! Extending the self-repeal date for the statutes governing creation of the inventory.
- Makes an appropriation.

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

2 **SECTION 1.** 24-37.5-106 (3) (e), (3) (f), and (3) (g), Colorado
3 Revised Statutes, are amended to read:

4 **24-37.5-106. Chief information officer - duties and**
5 **responsibilities - broadband inventory fund created - repeal.**

6 **(3) Broadband service areas - planning documents - statewide map.**

7 (e) The inventory shall be completed on or before ~~April~~ NOVEMBER 1,
8 2009, and made available to the general assembly in accordance with
9 section 24-1-136 (9). In addition, the chief information officer shall
10 publish, on a publicly available web site, the aggregate data on which the
11 inventory is based.

12 (f) **Funding.** (I) ~~The office of information technology~~ may
13 accept allocations from the high cost support mechanism created pursuant
14 to section 40-15-208, C.R.S., if necessary, as well as PUBLIC OR private
15 gifts, grants, and donations, for the purpose of implementing this
16 subsection (3). Any such gifts, grants, and donations shall be held in the
17 broadband inventory fund, also referred to in this section as the "fund",
18 which fund is hereby created in the state treasury. The fund shall also
19 consist of moneys appropriated and transferred to the fund. Earnings
20 from investment of moneys in the fund shall be credited to the fund.
21 Moneys in the fund shall be annually appropriated to the chief

1 information officer for the purpose of implementing this subsection (3).

2 (II) It is the intent of the general assembly that the office of
3 ~~information technology~~ solicit gifts, grants, and donations from all
4 available sources for the purposes of this section, only drawing upon the
5 high cost support mechanism pursuant to subparagraph (III) of this
6 paragraph (f) as a last resort, and that no general fund moneys be used to
7 pay for the implementation of this subsection (3).

8 (III) On or before September 1, 2008, the chief information officer
9 shall estimate the amount necessary to finance the implementation of this
10 subsection (3). If, by that time, moneys in the fund created pursuant to
11 subparagraph (I) of this paragraph (f) do not equal or exceed that amount,
12 the public utilities commission shall direct payments of up to one hundred
13 thousand dollars into the fund from the high cost support mechanism
14 created in section 40-15-208, ~~(3)~~, C.R.S.

15 (g) **Repeal.** This subsection (3) is repealed, effective ~~July 1, 2009~~
16 JANUARY 1, 2010.

17 **SECTION 2. Appropriation.** In addition to any other
18 appropriation, there is hereby appropriated, to the governor's office, office
19 of information technology, for the fiscal year beginning July 1, 2008, the
20 sum of three hundred thirty-one thousand five hundred thirty-seven
21 dollars (\$331,537), or so much thereof as may be necessary, from the
22 broadband inventory fund created in section 24-37.5-106, Colorado
23 Revised Statutes, for the implementation of this act. This amount may
24 include up to one hundred thousand dollars (\$100,000) in grants received
25 from the local government mineral impact fund created in section
26 34-63-102 (5), Colorado Revised Statutes, pursuant to the authority
27 granted in section 34-63-102 (7) (a), Colorado Revised Statutes.

1 **SECTION 3. Safety clause.** The general assembly hereby finds,
2 determines, and declares that this act is necessary for the immediate
3 preservation of the public peace, health, and safety.