

CHAPTER 390

GOVERNMENT - STATE

HOUSE BILL 18-1373

BY REPRESENTATIVE(S) Becker J. and Hansen, Esgar, Gray, Herod, Rosenthal, Valdez, Winkler, Young;
also SENATOR(S) Baumgardner and Kefalas, Sonnenberg, Crowder, Jahn, Martinez Humenik, Priola, Smallwood, Tate.

AN ACT

CONCERNING THE USE OF THE STATE TELECOMMUNICATIONS NETWORK BY PRIVATE ENTITIES THROUGH PUBLIC-PRIVATE PARTNERSHIPS, AND, IN CONNECTION THEREWITH, RELOCATING LAWS RELATED TO THE STATE TELECOMMUNICATIONS NETWORK FROM THE DEPARTMENT OF PUBLIC SAFETY'S STATUTES TO THE STATUTES REGARDING TELECOMMUNICATIONS COORDINATION WITHIN STATE GOVERNMENT.

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

SECTION 1. Legislative declaration. (1) The general assembly hereby finds and declares that:

(a) By almost any measure, the thousands of public safety communications networks in the United States today are inadequate;

(b) The most discussed problem is the lack of interoperability, which means that in many places emergency workers such as police and firefighters have incompatible communications systems that prevent them from interacting with one another;

(c) Current public safety infrastructure is also unnecessarily expensive because all these independent and overlapping networks require an order of magnitude more towers than would otherwise be needed; and

(d) There is an opportunity to approach these problems by considering public-private partnerships, which the general assembly encourages the department of public safety to study and contemplate.

SECTION 2. In Colorado Revised Statutes, **amend with amended and relocated provisions** 24-37.5-501 as follows:

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

24-37.5-501. Powers, duties, and functions concerning telecommunications.

(1) ~~[Formerly 24-33.5-223 (1)]~~ In order to more efficiently support the efforts of state departments, state institutions, state agencies, and law enforcement and public safety political subdivisions, and to better serve the public, there is authorized to be established a state telecommunications network, the construction, maintenance, and management of which shall be under the supervision of the ~~state telecommunications director~~ CHIEF INFORMATION OFFICER, IN CONSULTATION WITH THE CHIEF OF THE COLORADO STATE PATROL.

(2) The chief information officer shall appoint assistants, clerical staff, and other personnel as may be necessary to discharge the duties and responsibilities set forth by this part 5.

SECTION 3. In Colorado Revised Statutes, 24-37.5-502, **add with amended and relocated provisions** (4.5) as follows:

24-37.5-502. Duties and responsibilities. (4.5) ~~[Formerly 24-33.5-223 (2)]~~

(a) The ~~state telecommunications director~~ CHIEF INFORMATION OFFICER is authorized, SUBJECT TO THE BUDGET REQUEST REQUIREMENTS SET FORTH IN SECTIONS 2-3-208 AND 24-37-304 (1)(c.3) AND subject to appropriation by the general assembly, to purchase or lease any real estate, buildings, and property necessary to the operation or development of the telecommunications network, and to use any available facilities and telecommunications equipment of any state agency or institution, and, if necessary, to provide for the construction of the network.

(b) The facilities of the network shall be made available for the use of:

(I) State departments, state institutions, state agencies, and law enforcement and public safety political subdivisions of the state;

(II) Other local, state, and federal governmental entities or public safety-related nonprofit organizations that directly support any agency described in ~~subparagraph (f) of this paragraph (b)~~ SUBSECTION (4.5)(b)(I) OF THIS SECTION and that:

(A) May be requested to support the purposes expressed in ~~section 24-37.5-502 (1)(e) and (1)(e)~~ SUBSECTION (1)(c) AND (1)(e) OF THIS SECTION and aggregate telecommunications service requirements of any public office described in section 24-32-3001 (1)(h); or

(B) Make donations, grants, bequests, and other contributions to the public safety communications trust fund pursuant to section 24-37.5-506 (2)(b); OR

(III) (A) PRIVATE ENTITIES THROUGH PUBLIC-PRIVATE PARTNERSHIPS CONSIDERED, EVALUATED, AND ACCEPTED BY THE CHIEF INFORMATION OFFICER; EXCEPT THAT ANY NEGOTIATED LEASE RATES MUST BE BASED ON LOCAL MARKET-BASED LEASE RATES IN THE AREA.

(B) LEASE REVENUES FROM PUBLIC-PRIVATE PARTNERSHIPS ENTERED INTO PURSUANT TO SUBSECTION (4.5)(b)(III)(A) OF THIS SECTION MUST BE CREDITED AS

FOLLOWS: SEVENTY-FIVE PERCENT TO THE PUBLIC SAFETY COMMUNICATIONS TRUST FUND FOR IMPROVEMENTS TO THE STATE TELECOMMUNICATIONS NETWORK AND TWENTY-FIVE PERCENT TO THE PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE FUND CREATED IN SECTION 22-43.7-104 FOR TECHNOLOGY GRANTS ALLOWED IN SECTION 22-43.7-109 (13).

~~(c) Nothing in this section shall be construed to allow the state telecommunications director to purchase or lease any real estate, buildings, and property necessary to the operation or development of a telecommunications network for other than state departments, state institutions, state agencies, law enforcement and public safety political subdivisions, and the entities described in subparagraph (H) of paragraph (b) of this subsection (2), nor to allow for the resale and sharing of services.~~

SECTION 4. In Colorado Revised Statutes, 24-37.5-505, **add with amended and relocated provisions** (3) as follows:

24-37.5-505. Service charges - pricing policy. (3) [Formerly 24-33.5-223 (3)] ~~All expenses of dispatchers and other necessary employees used in connection with the operation of the law enforcement radio system within the state telecommunications network shall be paid by~~ The chief of the Colorado state patrol SHALL PAY ALL EXPENSES OF DISPATCHERS AND OTHER NECESSARY EMPLOYEES USED IN CONNECTION WITH THE OPERATION OF THE LAW ENFORCEMENT RADIO SYSTEM WITHIN THE STATE TELECOMMUNICATIONS NETWORK in the same manner as expenses of other employees of said patrol are paid.

SECTION 5. Repeal of relocated provisions in this act. In Colorado Revised Statutes, **repeal** 24-33.5-223.

SECTION 6. In Colorado Revised Statutes, 43-1-1202, **amend** (1)(a)(IV) as follows:

43-1-1202. Department powers - definition. (1) Notwithstanding any other law, the department may:

(a) Solicit and consider proposals, enter into agreements, grant benefits, and accept contributions for public-private initiatives pursuant to this part 12 concerning any of the following:

(IV) (A) Promotion of private investment in traffic operations centers, use of telecommunications, use of telecommuting to reduce transportation demand, conversion of defense technologies to civilian transportation uses, operational efficiency on urban and rural roads, and electronic payment for transportation services;

(B) FOR PURPOSES OF THIS SUBSECTION (1)(a)(IV), "TELECOMMUNICATIONS" DOES NOT MEAN THE STATE TELECOMMUNICATIONS NETWORK DESCRIBED IN PART 5 OF ARTICLE 37.5 OF TITLE 24.

SECTION 7. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final

adjournment of the general assembly (August 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: June 6, 2018