



Legislative  
Council Staff

*Nonpartisan Services for Colorado's Legislature*

**HB 20-1282**

# FINAL FISCAL NOTE

**Drafting Number:** LLS 20-0902  
**Prime Sponsors:** Rep. Van Winkle; Melton

**Date:** April 24, 2020  
**Bill Status:** Postponed Indefinitely  
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**Bill Topic:** **RADIO COMMUNICATIONS POLICIES OF GOVERNMENT ENTITIES**

**Summary of Fiscal Impact:**

|   |  |
|---|--|
| <input checked="" type="checkbox"/> State Revenue     | <input type="checkbox"/> TABOR Refund                |
| <input checked="" type="checkbox"/> State Expenditure | <input checked="" type="checkbox"/> Local Government |
| <input type="checkbox"/> State Transfer               | <input type="checkbox"/> Statutory Public Entity     |

This bill would have required local governmental entities in Colorado that encrypt their radio communications to enact an encryption policy by January 1, 2021. The bill would have increased local expenditures and may have increased state workload and costs beginning in FY 2020-21.

**Appropriation Summary:** No appropriation was required.

**Fiscal Note Status:** The fiscal note reflects the introduced bill, as amended by the House Transportation and Local Government Committee. This bill was not enacted into law; therefore, the impacts identified in this analysis do not take effect.

## Summary of Legislation

This bill requires each city, county, and city and county in Colorado that encrypts radio communications to enact an encryption policy that considers and may include provisions concerning:

- providing media members with unencrypted access, which may require an access approval process; and
- including standards to prevent the government entity from imposing unreasonable obstacles to gain access to radio communications.

During development of the policy, the governmental entity must:

- consider providing unencrypted access to the public through alternative means;
- seek input from members of Colorado media; and
- establish a process for receiving feedback from other organizations and the public, via electronic means and through at least one public meeting.

A governmental entity that encrypts its radio communications on or before December 31, 2020, must enact an encryption policy pursuant to this section on or before January 1, 2021. A governmental entity that encrypts its radio communications on or after January 1, 2021, must enact an encryption policy pursuant to this section prior to encrypting its radio communications.

## State Revenue

The bill may increase state revenue from civil filing fees. For informational purposes, the civil filing fee for county court ranges from \$85 to \$135 depending on the amount of damages sought and the filing fee for district court is \$235. Civil filing fees are subject to TABOR.

## State Expenditures

The bill may increase workload in the Judicial Department and costs in the Office of Information Technology.

**Judicial department.** The bill may increase workload for trial courts in the Judicial Department to hear any civil actions brought against a state or local government entity regarding its radio encryption practices. This impact is assumed to be minimal.

**Office of Information Technology.** The Office of Information Technology operates the Public Safety Communications Network. This network has 241 radio towers and is utilized by over 1,000 state and local government agencies. State agencies pay a user fee to the office for the use of the network, while current law prohibits a user fee to be charged to local governments. Due to this prohibition on user fee assessments to local governments, state funding sources may be required. The office will request resources through the budget process once policies are in place and full implementation costs are known.

## Local Governments

**Radio encryption policy and policy implementation.** Beginning in FY 2020-21, cities, counties, and city and counties that encrypt radio communications will have increased legal and administrative expenses to draft the mandated policy, gather input from Colorado media members and the public, and conduct the required public meetings regarding the adoption of the encryption policy. Beginning in January 2021, these entities may incur costs to reprogram or purchase new radios and other equipment depending on what policies are adopted.

**District attorneys and Denver County Court.** The bill increases workload for district attorneys to the extent these entities are involved with potential civil actions under the bill. Similarly, the bill may increase revenue and costs for the Denver County Court, which is managed and funded by the City and County of Denver, to hear any civil actions under the bill.

## Effective Date

The bill was postponed indefinitely by the House Transportation and Local Government Committee on March 4, 2020.

## State and Local Government Contacts

All State and Local Agencies