

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0705.01 Nicole Myers x4326

HOUSE BILL 22-1353

HOUSE SPONSORSHIP

Bernett and Baisley, Titone

SENATE SPONSORSHIP

Bridges, Kolker

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE COORDINATION OF STATE PUBLIC SAFETY
102 COMMUNICATIONS, AND, IN CONNECTION THEREWITH,
103 TRANSFERRING THE POWERS, DUTIES, AND FUNCTIONS RELATED
104 TO SUCH COORDINATION FROM THE OFFICE OF INFORMATION
105 TECHNOLOGY TO THE DEPARTMENT OF PUBLIC SAFETY.

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/>.)

Joint Technology Committee. Currently, the joint technology committee of the general assembly oversees any telecommunications

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

coordination within state government. The bill moves that oversight function to the department of public safety's oversight committee pursuant to the "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act".

Currently, the chief information officer in the office of information technology exercises the powers, duties, and functions related to public safety telecommunications coordination within state government (public safety telecommunications). On July 1, 2022, the bill transfers these powers, duties, and functions to the department of public safety (department). The transferred powers, duties, and functions are allocated to the division of homeland security and emergency management (division) in the department. In addition, the bill transfers employees, property, and policies of the office of information technology related to public safety telecommunications to the division.

The bill creates the office of public safety communications in the division (office) and creates the director of the office. The bill relocates the existing state public safety communications network in the office and specifies the duties and responsibilities of the director of the office that were formerly the duties and responsibilities of the chief information officer of the office of information technology. The duties and responsibilities include:

- Formulating recommendations for a current and long-range public safety communications plan and administering the plan;
- Reviewing all existing and future state-owned public safety communications applications, planning, networks, systems, programs, equipment, and facilities and establishing priorities for those applications;
- Approving the acquisition of public safety communications equipment by any state entity;
- Establishing and enforcing public safety communications policies, procedures, standards, and records for management of public safety communications networks and facilities for all state entities;
- Reviewing, assessing, and ensuring compliance with federal and state public safety communications regulations pertaining to the needs and functions of state entities;
- Advising the governor and general assembly on public safety communications matters;
- Administering the public safety communications trust fund;
- Adopting recommended standards for the replacement of analog-based radio equipment with digital-based radio equipment for purposes of dispatching and related functions within the department of public safety; and
- For purposes of serving the radio communications needs of

1 **24-33.5-2501. Definitions.** AS USED IN THIS PART 25, UNLESS THE
2 CONTEXT OTHERWISE REQUIRES:

3 (1) "DIVISION" MEANS THE DIVISION OF HOMELAND SECURITY AND
4 EMERGENCY MANAGEMENT CREATED IN SECTION 24-33.5-1603.

5 (2) "INTEROPERABLE COMMUNICATIONS" MEANS THE ABILITY OF
6 PUBLIC SAFETY AGENCIES IN VARIOUS DISCIPLINES AND JURISDICTIONS TO
7 COMMUNICATE WITH EACH OTHER ON DEMAND AND IN REAL TIME BY
8 VOICE OR DATA USING COMPATIBLE RADIO COMMUNICATION SYSTEMS OR
9 OTHER TECHNOLOGY.

10 (3) "OFFICE" MEANS THE OFFICE OF PUBLIC SAFETY
11 COMMUNICATIONS CREATED IN SECTION 24-33.5-2502.

12 (4) "PUBLIC SAFETY AGENCY" MEANS AN AGENCY PROVIDING LAW
13 ENFORCEMENT, FIRE PROTECTION, EMERGENCY MEDICAL, OR EMERGENCY
14 RESPONSE SERVICES.

15 (5) "REGION" MEANS AN ALL-HAZARDS EMERGENCY MANAGEMENT
16 REGION ESTABLISHED BY EXECUTIVE ORDER OF THE GOVERNOR.

17 **24-33.5-2502. Office of public safety communications -**
18 **creation.** THE OFFICE OF PUBLIC SAFETY COMMUNICATIONS IS CREATED IN
19 THE DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT IN
20 THE DEPARTMENT OF PUBLIC SAFETY. THE OFFICE IS A **TYPE 2** ENTITY, AS
21 DEFINED IN SECTION 24-1-105, AND EXERCISES ITS POWERS AND PERFORMS
22 ITS DUTIES AND FUNCTIONS UNDER THE DEPARTMENT OF PUBLIC SAFETY.
23 THE DIRECTOR OF THE DIVISION SHALL APPOINT A DIRECTOR AS HEAD OF
24 THE OFFICE OF PUBLIC SAFETY COMMUNICATIONS.

25 **24-33.5-2503. Transfer of functions - continuity of existence -**
26 **- rules.** (1) ON JULY 1, 2022, THE POWERS, DUTIES, AND FUNCTIONS OF
27 THE OFFICE OF INFORMATION TECHNOLOGY IN CONNECTION WITH PUBLIC

1 SAFETY TELECOMMUNICATIONS COORDINATION WITHIN STATE
2 GOVERNMENT PURSUANT TO THE FORMER PART 5 OF ARTICLE 37.5 OF THIS
3 TITLE 24, REFERRED TO IN THIS PART 25 AS "PUBLIC SAFETY
4 COMMUNICATIONS", ARE TRANSFERRED TO THE DEPARTMENT AND
5 ALLOCATED TO THE DIVISION PURSUANT TO THIS SECTION.

6 (2) (a) ON AND AFTER JULY 1, 2022, THE OFFICERS AND
7 EMPLOYEES OF THE OFFICE OF INFORMATION TECHNOLOGY WHOSE
8 POWERS, DUTIES, AND FUNCTIONS CONCERN THE POWERS, DUTIES, AND
9 FUNCTIONS TRANSFERRED TO THE DEPARTMENT AND ALLOCATED TO THE
10 DIVISION PURSUANT TO SUBSECTION (1) OF THIS SECTION AND WHOSE
11 EMPLOYMENT IN THE DIVISION IS DEEMED NECESSARY BY THE DIRECTOR
12 OF THE DIVISION TO CARRY OUT THE PURPOSES OF THIS PART 25 SHALL BE
13 TRANSFERRED TO THE DIVISION AND BECOME EMPLOYEES THEREOF.

14 (b) ANY EMPLOYEES WHO ARE TRANSFERRED TO THE DEPARTMENT
15 PURSUANT TO THIS SUBSECTION (2) AND WHO ARE CLASSIFIED EMPLOYEES
16 IN THE STATE PERSONNEL SYSTEM SHALL RETAIN ALL RIGHTS TO THE
17 PERSONNEL SYSTEM AND RETIREMENT BENEFITS PURSUANT TO THE LAWS
18 OF THE STATE, AND THEIR SERVICES SHALL BE DEEMED TO HAVE BEEN
19 CONTINUOUS. ALL TRANSFERS AND ANY ABOLISHMENT OF POSITIONS IN
20 THE STATE PERSONNEL SYSTEM SHALL BE MADE AND PROCESSED IN
21 ACCORDANCE WITH STATE PERSONNEL SYSTEM LAWS AND REGULATIONS.

22 (3) ON OR BEFORE JULY 1, 2022, ALL ITEMS OF PROPERTY, REAL
23 AND PERSONAL, INCLUDING OFFICE FURNITURE AND FIXTURES, BOOKS,
24 DOCUMENTS, AND RECORDS OF THE OFFICE OF INFORMATION TECHNOLOGY
25 PRIOR TO SAID DATE PERTAINING TO THE POWERS, DUTIES, AND FUNCTIONS
26 TRANSFERRED TO THE DEPARTMENT AND ALLOCATED TO THE DIVISION
27 PURSUANT TO THIS SECTION, ARE TRANSFERRED TO AND BECOME THE

1 PROPERTY OF THE DIVISION.

2 (4) WHENEVER THE OFFICE OF INFORMATION TECHNOLOGY IS
3 REFERRED TO OR DESIGNATED BY A CONTRACT OR OTHER DOCUMENT IN
4 CONNECTION WITH THE POWERS, DUTIES, AND FUNCTIONS TRANSFERRED
5 TO THE DEPARTMENT AND ALLOCATED TO THE DIVISION PURSUANT TO THIS
6 SECTION, SUCH REFERENCE OR DESIGNATION SHALL BE DEEMED TO APPLY
7 TO THE DIVISION. ALL CONTRACTS ENTERED INTO BY THE OFFICE OF
8 INFORMATION TECHNOLOGY PRIOR TO JULY 1, 2022, IN CONNECTION WITH
9 THE POWERS, DUTIES, AND FUNCTIONS TRANSFERRED TO THE DEPARTMENT
10 AND ALLOCATED TO THE DIVISION PURSUANT TO THIS SECTION ARE
11 HEREBY VALIDATED, WITH THE DIVISION CREATED BY SECTION
12 24-33.5-1603 SUCCEEDING TO ALL THE RIGHTS AND OBLIGATIONS OF SUCH
13 CONTRACTS. ANY APPROPRIATIONS OF MONEY FROM PRIOR FISCAL YEARS
14 OPEN TO SATISFY OBLIGATIONS INCURRED PURSUANT TO SUCH CONTRACTS
15 ARE HEREBY TRANSFERRED AND APPROPRIATED TO THE DIVISION FOR THE
16 PAYMENT OF SUCH OBLIGATIONS.

17 (5) ALL POLICIES OF THE OFFICE OF INFORMATION TECHNOLOGY IN
18 CONNECTION WITH THE POWERS, DUTIES, AND FUNCTIONS TRANSFERRED
19 TO THE DEPARTMENT AND ALLOCATED TO THE DIVISION PURSUANT TO THIS
20 SECTION SHALL CONTINUE TO BE EFFECTIVE UNTIL REVISED, AMENDED,
21 REPEALED, OR NULLIFIED PURSUANT TO LAW. ON OR AFTER JULY 1, 2022,
22 THE DIRECTOR OF THE DIVISION SHALL ADOPT RULES NECESSARY FOR THE
23 ADMINISTRATION OF SUCH POWERS, DUTIES, AND FUNCTIONS.

24 **24-33.5-2504. Public safety communications network.** (1) TO
25 MORE EFFICIENTLY SUPPORT THE EFFORTS OF STATE DEPARTMENTS, STATE
26 INSTITUTIONS, STATE AGENCIES, LAW ENFORCEMENT AGENCIES, AND ANY
27 PUBLIC SAFETY POLITICAL SUBDIVISIONS, AND TO BETTER SERVE THE

1 PUBLIC, A STATE PUBLIC SAFETY COMMUNICATIONS NETWORK IS
2 ESTABLISHED, THE CONSTRUCTION, MAINTENANCE, SECURITY, AND
3 MANAGEMENT OF WHICH IS UNDER THE SUPERVISION OF THE DIRECTOR OF
4 THE OFFICE.

5 (2) THE DIRECTOR OF THE DIVISION SHALL APPOINT ASSISTANTS,
6 CLERICAL STAFF, AND OTHER PERSONNEL AS MAY BE NECESSARY TO
7 DISCHARGE THE DUTIES AND RESPONSIBILITIES SET FORTH BY THIS PART
8 25.

9 **24-33.5-2505. Office of public safety communications -**
10 **director - duties and responsibilities - rules.** (1) THE DIRECTOR OF THE
11 OFFICE SHALL PERFORM THE FOLLOWING FUNCTIONS CONCERNING PUBLIC
12 SAFETY COMMUNICATIONS:

13 (a) IN CONSULTATION WITH LOCAL, STATE, AND FEDERAL
14 DEPARTMENTS, INSTITUTIONS, AND AGENCIES, FORMULATE
15 RECOMMENDATIONS FOR A CURRENT AND LONG-RANGE PUBLIC SAFETY
16 COMMUNICATIONS PLAN, INVOLVING PUBLIC SAFETY RADIO
17 COMMUNICATIONS SYSTEMS AND THEIR INTEGRATION INTO APPLICABLE
18 PUBLIC SAFETY COMMUNICATIONS NETWORKS FOR APPROVAL OF THE
19 GOVERNOR;

20 (b) ADMINISTER THE APPROVED CURRENT AND LONG-RANGE PLAN
21 FOR PUBLIC SAFETY COMMUNICATIONS AND EXERCISE SUPERVISION OVER
22 ALL STATE-OWNED PUBLIC SAFETY COMMUNICATIONS NETWORKS,
23 SYSTEMS, AND PUBLIC SAFETY WIRELESS BROADBAND AND MICROWAVE
24 FACILITIES;

25 (c) REVIEW ALL EXISTING AND FUTURE STATE-OWNED PUBLIC
26 SAFETY COMMUNICATIONS APPLICATIONS, PLANNING, NETWORKS,
27 SYSTEMS, PROGRAMS, EQUIPMENT, AND FACILITIES AND ESTABLISH

1 PRIORITIES FOR THOSE THAT ARE NECESSARY AND DESIRABLE TO
2 ACCOMPLISH THE PURPOSES OF THIS PART 25;

3 (d) APPROVE OR DISAPPROVE THE ACQUISITION OF PUBLIC SAFETY
4 COMMUNICATIONS EQUIPMENT BY ANY STATE DEPARTMENT, INSTITUTION,
5 OR AGENCY;

6 (e) ESTABLISH AND ENFORCE PUBLIC SAFETY COMMUNICATIONS
7 POLICIES, PROCEDURES, STANDARDS, AND RECORDS FOR MANAGEMENT OF
8 PUBLIC SAFETY COMMUNICATIONS NETWORKS AND FACILITIES FOR ALL
9 STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES;

10 (f) CONTINUALLY REVIEW, ASSESS, AND ENSURE COMPLIANCE
11 WITH FEDERAL AND STATE PUBLIC SAFETY COMMUNICATIONS
12 REGULATIONS PERTAINING TO THE NEEDS AND FUNCTIONS OF STATE
13 DEPARTMENTS, INSTITUTIONS, AND AGENCIES;

14 (g) ADVISE THE GOVERNOR AND GENERAL ASSEMBLY ON PUBLIC
15 SAFETY COMMUNICATIONS MATTERS;

16 (h) ADMINISTER THE PUBLIC SAFETY COMMUNICATIONS TRUST
17 FUND CREATED IN SECTION 24-33.5-2510; AND

18 (i) ADOPT RULES REGARDING DISTRIBUTIONS OF PUBLIC SAFETY
19 COMMUNICATIONS TRUST FUND MONEY TO AND REPAYMENT OF SUCH
20 MONEY BY STATE AND LOCAL GOVERNMENTS.

21 (2) THE DIRECTOR OF THE OFFICE MAY ENTER INTO CONTRACTS
22 WITH ANY COUNTY, CITY AND COUNTY, STATE AGENCY, SCHOOL DISTRICT,
23 OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES AND MAY ACT AS A
24 PUBLIC SAFETY COMMUNICATIONS NETWORK PROVIDER BETWEEN OR
25 AMONG TWO OR MORE COUNTIES OR STATE AGENCIES FOR THE PURPOSE OF
26 PROVIDING PUBLIC SAFETY RADIO COMMUNICATIONS BETWEEN OR AMONG
27 SUCH ENTITIES, INCLUDING THE JUDICIAL SYSTEM OF ANY COUNTY, THE

1 DEPARTMENT OF CORRECTIONS, AND THE DEPARTMENT OF HUMAN
2 SERVICES AND ANY OF THEIR FACILITIES. TO ENSURE THE AVAILABILITY OF
3 SUCH NETWORK THROUGHOUT THE VARIOUS STATE AGENCIES, SCHOOL
4 DISTRICTS, BOARDS OF COOPERATIVE EDUCATIONAL SERVICES, AND
5 COUNTIES, THE DIRECTOR OF THE OFFICE SHALL DEVELOP A UNIFORM SET
6 OF STANDARDS AND POLICIES FOR FACILITIES TO BE USED BY THE
7 CONTRACTING ENTITIES.

8 (3) THE DIRECTOR OF THE OFFICE SHALL:

9 (a) IN CONSULTATION WITH RECOGNIZED PUBLIC SAFETY RADIO
10 COMMUNICATION STANDARDS GROUPS AND APPROPRIATE AFFECTED
11 PUBLIC AGENCIES, ADOPT RECOMMENDED STANDARDS FOR THE
12 REPLACEMENT OF ANALOG-BASED RADIO EQUIPMENT WITH DIGITAL-BASED
13 RADIO EQUIPMENT FOR PURPOSES OF DISPATCHING AND RELATED
14 FUNCTIONS WITHIN THE DEPARTMENT OF PUBLIC SAFETY; AND

15 (b) FOR PURPOSES OF SERVING THE RADIO COMMUNICATIONS
16 NEEDS OF STATE DEPARTMENTS, INCLUDING BUT NOT LIMITED TO THE
17 DEPARTMENTS OF PUBLIC SAFETY, TRANSPORTATION, NATURAL
18 RESOURCES, AND CORRECTIONS, ADOPT STANDARDS AND POLICIES AND
19 SET A RECOMMENDED TIMETABLE FOR THE REPLACEMENT OF EXISTING
20 RADIO PUBLIC SAFETY COMMUNICATIONS EQUIPMENT WITH A SYSTEM
21 THAT SATISFIES THE REQUIREMENTS OF THE FEDERAL COMMUNICATIONS
22 COMMISSION PUBLIC SAFETY NATIONAL PLAN.

23 (4) (a) THE DIRECTOR OF THE DIVISION IS AUTHORIZED, SUBJECT TO
24 THE BUDGET REQUEST REQUIREMENTS SET FORTH IN SECTIONS 2-3-208
25 AND 24-37-304 (1)(c.3) AND SUBJECT TO APPROPRIATION BY THE GENERAL
26 ASSEMBLY, TO PURCHASE OR LEASE ANY REAL ESTATE, BUILDINGS, AND
27 PROPERTY NECESSARY FOR THE OPERATION OR DEVELOPMENT OF THE

1 PUBLIC SAFETY COMMUNICATIONS NETWORK; TO USE ANY AVAILABLE
2 FACILITIES AND PUBLIC SAFETY COMMUNICATIONS EQUIPMENT OF ANY
3 STATE AGENCY OR INSTITUTION; AND, IF NECESSARY, TO PROVIDE FOR THE
4 CONSTRUCTION OF THE NETWORK.

5 (b) THE FACILITIES OF THE NETWORK MAY BE MADE AVAILABLE
6 WITHIN AVAILABLE RESOURCES AND WITHOUT ANY NEGATIVE IMPACT TO
7 THE EXISTING NETWORK FOR THE USE OF:

8 (I) STATE DEPARTMENTS, STATE INSTITUTIONS, STATE AGENCIES,
9 LAW ENFORCEMENT AGENCIES, AND ANY PUBLIC SAFETY POLITICAL
10 SUBDIVISIONS OF THE STATE;

11 (II) OTHER LOCAL, STATE, AND FEDERAL GOVERNMENTAL ENTITIES
12 OR PUBLIC SAFETY-RELATED NONPROFIT ORGANIZATIONS THAT DIRECTLY
13 SUPPORT ANY AGENCY DESCRIBED IN SUBSECTION (4)(b)(I) OF THIS
14 SECTION AND THAT:

15 (A) MAY BE REQUESTED TO SUPPORT THE PURPOSES EXPRESSED IN
16 SUBSECTIONS (1)(c) AND (1)(e) OF THIS SECTION AND AGGREGATE PUBLIC
17 SAFETY COMMUNICATIONS SERVICE REQUIREMENTS OF ANY PUBLIC OFFICE
18 DESCRIBED IN SECTION 24-32-3001 (1)(h); OR

19 (B) MAKE DONATIONS, GRANTS, BEQUESTS, AND OTHER
20 CONTRIBUTIONS TO THE PUBLIC SAFETY COMMUNICATIONS TRUST FUND
21 PURSUANT TO SECTION 24-33.5-2510 (2)(b); OR

22 (III) (A) PRIVATE ENTITIES THROUGH PUBLIC-PRIVATE
23 PARTNERSHIPS CONSIDERED, EVALUATED, AND ACCEPTED BY THE
24 DIRECTOR OF THE DIVISION; EXCEPT THAT ANY NEGOTIATED LEASE RATES
25 MUST BE BASED ON LOCAL MARKET-BASED LEASE RATES IN THE AREA.

26 (B) LEASE REVENUES FROM PUBLIC-PRIVATE PARTNERSHIPS
27 ENTERED INTO PURSUANT TO SUBSECTION (4)(b)(III)(A) OF THIS SECTION

1 MUST BE CREDITED AS FOLLOWS: SEVENTY-FIVE PERCENT TO THE PUBLIC
2 SAFETY COMMUNICATIONS TRUST FUND FOR IMPROVEMENTS TO THE STATE
3 PUBLIC SAFETY COMMUNICATIONS NETWORK AND TWENTY-FIVE PERCENT
4 TO THE PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE FUND
5 CREATED IN SECTION 22-43.7-104 FOR TECHNOLOGY GRANTS ALLOWED IN
6 SECTION 22-43.7-109 (13).

7 (5) THE DEPARTMENT SHALL ANNUALLY INCLUDE AS PART OF ITS
8 PRESENTATION TO ITS COMMITTEE OF REFERENCE AT A HEARING HELD
9 PURSUANT TO SECTION 2-7-203 (2)(a) UPDATES REGARDING STATE PUBLIC
10 SAFETY COMMUNICATIONS AS DEEMED APPROPRIATE BY THE DIRECTOR OF
11 THE DIVISION.

12 **24-33.5-2506. Legislative department exemption.** THE
13 PROVISIONS OF THIS PART 25 DO NOT APPLY TO THE LEGISLATIVE
14 DEPARTMENT OF THE STATE.

15 **24-33.5-2507. Higher education exemption.** LOCAL AND
16 INTERNAL PUBLIC SAFETY COMMUNICATIONS NETWORKS OF INSTITUTIONS
17 OF HIGHER EDUCATION MAY BE EXEMPTED FROM THE PROVISIONS OF THIS
18 PART 25 UPON APPLICATION TO THE DIRECTOR OF THE OFFICE; EXCEPT
19 THAT ALL SYSTEMS MUST BE CERTIFIED BY THE DIRECTOR OF THE OFFICE
20 AS BEING TECHNICALLY COMPATIBLE WITH PLANS AND NETWORKS AS
21 DESCRIBED IN SECTION 24-33.5-2505 (1).

22 **24-33.5-2508. Digital trunked radio system - service charges**
23 **- pricing policy.** (1) (a) USERS OF THE DIGITAL TRUNKED RADIO SYSTEM
24 SHALL BE CHARGED THE FULL COST OF THE PARTICULAR SERVICE, WHICH
25 SHALL INCLUDE THE COST OF ALL MATERIAL, LABOR, AND OVERHEAD. THE
26 USER CHARGES SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO
27 SHALL CREDIT THEM TO THE PUBLIC SAFETY COMMUNICATIONS TRUST

1 FUND CREATED IN SECTION 24-33.5-2510. THE PUBLIC SAFETY
2 COMMUNICATIONS TRUST FUND MUST INCLUDE USER CHARGES ON PUBLIC
3 SAFETY RADIO SYSTEMS OF A STATE AGENCY OR OTHER STATE ENTITY;
4 EXCEPT THAT NO MUNICIPALITY, COUNTY, CITY AND COUNTY, OR SPECIAL
5 DISTRICT SHALL BE CHARGED USER CHARGES ON PUBLIC SAFETY RADIO
6 SYSTEMS OF A STATE AGENCY OR OTHER STATE ENTITY.

7 (b) PRIVATELY OWNED AND OPERATED BUSINESSES MAY BE
8 GRANTED USE OF THE PUBLIC SAFETY COMMUNICATIONS NETWORK. SUCH
9 BUSINESSES MAY BE ASSESSED FEES FOR NETWORK SERVICES PROVIDED.
10 FEES COLLECTED FROM THESE BUSINESSES SHALL BE TRANSFERRED TO THE
11 PUBLIC SAFETY COMMUNICATIONS TRUST FUND FOR REINVESTMENT IN THE
12 NETWORK.

13 (2) THE DIRECTOR OF THE OFFICE SHALL ESTABLISH A POLICY OF
14 REMAINING COMPETITIVE WITH PRIVATE INDUSTRY WITH REGARD TO THE
15 COST, TIMELINESS, AND QUALITY OF THE PUBLIC SAFETY RADIO
16 COMMUNICATIONS FUNCTIONS PROVIDED BY THE DEPARTMENT. AN
17 AGENCY MAY ONLY PURCHASE PRIVATE SERVICES IF IT HAS FIRST WORKED
18 WITH THE DEPARTMENT AND THE DEPARTMENT HAS AUTHORIZED THE
19 PURCHASE OF PRIVATE SERVICES.

20 **24-33.5-2509. Interoperable communications among public**
21 **safety radio systems - statewide plan - regional plans - governmental**
22 **immunity - needs assessment.** (1) (a) THE EXECUTIVE DIRECTOR SHALL
23 EXERCISE THE POWERS, DUTIES, AND FUNCTIONS REGARDING THE
24 TACTICAL AND LONG-TERM INTEROPERABLE COMMUNICATIONS PLAN,
25 ADOPTED BY EACH REGION PURSUANT TO FORMER SECTION 24-33.5-716,
26 AS THAT SECTION EXISTED ON JUNE 30, 2022, TO IMPROVE
27 COMMUNICATIONS AMONG PUBLIC SAFETY AGENCIES IN THE REGION AND

1 WITH PUBLIC SAFETY AGENCIES OF OTHER REGIONS, THE STATE AND
2 FEDERAL GOVERNMENTS, AND OTHER STATES. THE PLANS SHALL INCLUDE
3 MEASURES TO CREATE AND PERIODICALLY TEST INTEROPERABILITY
4 INTERFACES, PROVISIONS FOR TRAINING ON COMMUNICATIONS SYSTEMS
5 AND EXERCISES ON THE IMPLEMENTATION OF THE PLAN, A STRATEGY FOR
6 INTEGRATING WITH THE STATE DIGITAL TRUNKED RADIO SYSTEM,
7 DEADLINES FOR IMPLEMENTATION, AND OTHER ELEMENTS REQUIRED BY
8 THE EXECUTIVE DIRECTOR. EACH REGION SHALL SUBMIT REVISED PLANS
9 AS THEY ARE UPDATED TO THE DIRECTOR OF THE OFFICE.

10 (b) EACH LOCAL GOVERNMENT AGENCY OR PRIVATE ENTITY THAT
11 OPERATES A PUBLIC SAFETY RADIO SYSTEM SHALL COLLABORATE IN THE
12 DEVELOPMENT AND, AS NECESSARY, PERIODIC REVISION OF THE TACTICAL
13 AND LONG-TERM INTEROPERABLE COMMUNICATIONS PLAN OF THE REGION
14 IN WHICH IT IS LOCATED. SUCH TACTICAL PLANS, AND REVISIONS THERETO,
15 SHALL BE SUBMITTED TO THE DIRECTOR OF THE OFFICE.

16 (c) A REGION THAT FAILS TO TIMELY SUBMIT A TACTICAL AND
17 LONG-TERM INTEROPERABLE COMMUNICATIONS PLAN OR REVISIONS
18 THERETO, OR A LOCAL GOVERNMENT AGENCY THAT FAILS TO
19 COLLABORATE IN THE DEVELOPMENT OF OR TIMELY SUBMIT THE PLAN, OR
20 A REGION OR LOCAL GOVERNMENT AGENCY THAT FAILS TO MAINTAIN
21 CURRENT PLANS, IS INELIGIBLE TO RECEIVE HOMELAND SECURITY OR
22 PUBLIC SAFETY GRANT MONEY ADMINISTERED BY THE DEPARTMENT OF
23 LOCAL AFFAIRS, DEPARTMENT OF PUBLIC SAFETY, OR DEPARTMENT OF
24 PUBLIC HEALTH AND ENVIRONMENT UNTIL THE REGION SUBMITS A PLAN TO
25 THE DIRECTOR OF THE OFFICE.

26 (2) A PUBLIC SAFETY AGENCY SHALL NOT EXPEND MONEY
27 RECEIVED THROUGH THE DEPARTMENT ON A MOBILE DATA

1 COMMUNICATIONS SYSTEM UNLESS THE SYSTEM IS CAPABLE OF
2 INTEROPERABLE COMMUNICATIONS.

3 (3) THE EXECUTIVE DIRECTOR SHALL NOT REQUIRE A PUBLIC
4 SAFETY AGENCY TO ACQUIRE THE COMMUNICATIONS EQUIPMENT OF A
5 PARTICULAR MANUFACTURER OR PROVIDER AS A CONDITION OF AWARDED
6 GRANT MONEY ADMINISTERED BY THE DEPARTMENT.

7 (4) A PUBLIC SAFETY AGENCY OR AN EMPLOYEE OF A PUBLIC
8 SAFETY AGENCY ACTING IN COLLABORATION WITH ANOTHER AGENCY OR
9 PERSON TO CREATE AND OPERATE AN INTEROPERABLE COMMUNICATIONS
10 SYSTEM HAS THE SAME DEGREE OF IMMUNITY UNDER THE "COLORADO
11 GOVERNMENTAL IMMUNITY ACT", ARTICLE 10 OF THIS TITLE 24, AS THE
12 PUBLIC SAFETY AGENCY OR EMPLOYEE WOULD HAVE IF NOT ACTING IN
13 COLLABORATION WITH ANOTHER AGENCY OR PERSON.

14 **24-33.5-2510. Public safety communications trust fund -**
15 **creation - report.** (1) THE PUBLIC SAFETY COMMUNICATIONS TRUST
16 FUND, REFERRED TO IN THIS SECTION AS THE "FUND", IS HEREBY CREATED
17 IN THE STATE TREASURY. THE FUND CONSISTS OF MONEY APPROPRIATED
18 OR TRANSFERRED TO THE FUND PURSUANT TO SUBSECTIONS (2) AND (3) OF
19 THIS SECTION AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY
20 APPROPRIATE OR TRANSFER TO THE FUND. THE MONEY IN THE FUND IS
21 CONTINUOUSLY APPROPRIATED BY THE GENERAL ASSEMBLY TO THE
22 DEPARTMENT FOR DISTRIBUTION AS DETERMINED BY RULES ADOPTED
23 PURSUANT TO SECTION 24-33.5-2505 (1)(i). THE PRIMARY PURPOSE OF
24 SUCH DISTRIBUTION IS THE ACQUISITION AND MAINTENANCE OF PUBLIC
25 SAFETY COMMUNICATIONS SYSTEMS FOR USE BY DEPARTMENTS
26 INCLUDING BUT NOT LIMITED TO THE DEPARTMENTS OF PUBLIC SAFETY,
27 TRANSPORTATION, NATURAL RESOURCES, AND CORRECTIONS AS PROVIDED

1 IN SECTION 24-33.5-2505 (3)(b). SUCH SYSTEMS SHALL SATISFY THE
2 REQUIREMENTS OF THE PUBLIC SAFETY NATIONAL PLAN ESTABLISHED BY
3 THE FEDERAL COMMUNICATIONS COMMISSION, 47 CFR 90.16. THIS
4 SECTION SHALL NOT PRECLUDE THE PAYMENT OF MAINTENANCE EXPENSES
5 INCLUDING THE COST OF LEASED OR RENTED EQUIPMENT, PAYMENTS TO
6 LOCAL GOVERNMENTAL ENTITIES FOR RADIO COMMUNICATIONS SYSTEMS,
7 OR PAYMENTS RELATED TO PUBLIC SAFETY RADIO SYSTEMS.

8 (2) (a) (I) THE GENERAL ASSEMBLY DECLARES ITS INTENTION TO
9 COMMIT STATE MONEY TO THE FUND FOR THE PURPOSES SET FORTH IN THIS
10 SECTION. EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2)(b) OF THIS
11 SECTION, THE TOTAL AMOUNT OF THE PRINCIPAL IN THE FUND SHALL NOT
12 EXCEED FIFTY MILLION DOLLARS.

13 (II) ANY TRANSFER OF STATE MONEY TO THE FUND FOR ANY
14 FISCAL YEAR FROM MONEY IN THE CAPITAL CONSTRUCTION FUND CREATED
15 IN SECTION 24-75-302 IS CONTINUOUSLY APPROPRIATED FROM THE FUND
16 TO THE DEPARTMENT FOR THE PURPOSES SET FORTH IN THIS SECTION. ANY
17 MONEY IN THE FUND SO APPROPRIATED THAT WAS INITIALLY TRANSFERRED
18 FROM MONEY IN THE CAPITAL CONSTRUCTION FUND SHALL, IF ANY
19 PROJECT FOR WHICH SUCH MONEY IS APPROPRIATED IS INITIATED WITHIN
20 THE FISCAL YEAR, REMAIN AVAILABLE UNTIL COMPLETION OF THE
21 PROJECT, AT WHICH TIME THE UNEXPENDED AND UNENCUMBERED
22 BALANCES OF SUCH APPROPRIATION SHALL REVERT TO THE FUND.

23 (b) IN ADDITION TO ANY TRANSFERS MADE AS A RESULT OF
24 SUBSECTION (2)(a) OF THIS SECTION, THE DEPARTMENT MAY SOLICIT AND
25 ACCEPT GIFTS, GRANTS, DONATIONS, BEQUESTS, AND OTHER
26 CONTRIBUTIONS TO THE FUND FROM LOCAL, STATE, AND FEDERAL ENTITIES
27 AND FROM PUBLIC SAFETY-RELATED NONPROFIT ORGANIZATIONS THAT

1 DIRECTLY SUPPORT STATE DEPARTMENTS, STATE INSTITUTIONS, STATE
2 AGENCIES, AND LAW ENFORCEMENT AND PUBLIC SAFETY POLITICAL
3 SUBDIVISIONS OF THE STATE. SUCH CONTRIBUTIONS SHALL BE
4 TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE
5 CONTRIBUTIONS TO THE FUND.

6 (3) (a) (I) BEGINNING IN THE 2022-23 FISCAL YEAR AND IN EACH
7 FISCAL YEAR THEREAFTER THROUGH THE 2024-25 FISCAL YEAR, THE
8 GENERAL ASSEMBLY SHALL TRANSFER TO THE FUND A TOTAL OF THREE
9 MILLION FIVE HUNDRED THOUSAND DOLLARS FROM THE GENERAL FUND OR
10 FROM ANY OTHER FUND. FOR EACH SUCH FISCAL YEAR, THE GENERAL
11 ASSEMBLY SHALL DETERMINE THE AMOUNT TO BE TRANSFERRED FROM
12 THE GENERAL FUND AND THE AMOUNT TO BE TRANSFERRED FROM ANY
13 OTHER FUND. THE DEPARTMENT SHALL USE THE MONEY TRANSFERRED TO
14 THE FUND PURSUANT TO THIS SUBSECTION (3)(a)(I) FOR THE
15 REPLACEMENT OF LEGACY RADIO EQUIPMENT AND HARDWARE AT RADIO
16 TOWER SITES.

17 (II) BEGINNING IN THE 2017-18 FISCAL YEAR AND IN EACH FISCAL
18 YEAR THEREAFTER THROUGH THE 2024-25 FISCAL YEAR, IN ADDITION TO
19 THE AMOUNT TRANSFERRED TO THE FUND PURSUANT TO SUBSECTION
20 (3)(a)(I) OF THIS SECTION, THE GENERAL ASSEMBLY SHALL TRANSFER TO
21 THE FUND THREE MILLION SEVEN HUNDRED THOUSAND DOLLARS FROM THE
22 GENERAL FUND OR FROM ANY OTHER FUND. FOR EACH SUCH FISCAL YEAR,
23 THE GENERAL ASSEMBLY SHALL DETERMINE THE AMOUNT TO BE
24 APPROPRIATED FROM THE GENERAL FUND AND THE AMOUNT TO BE
25 APPROPRIATED FROM ANY OTHER FUND. THE DEPARTMENT SHALL USE THE
26 MONEY APPROPRIATED TO THE FUND PURSUANT TO THIS SUBSECTION
27 (3)(a)(II) FOR SOFTWARE UPGRADE ASSURANCE.

1 (III) THE DEPARTMENT MAY USE ANY UNENCUMBERED AND
2 UNEXPENDED MONEY TRANSFERRED PURSUANT TO SUBSECTIONS (3)(a)(I)
3 AND (3)(a)(II) OF THIS SECTION ON DIGITAL TRUNKED RADIO SYSTEM SITE
4 SUPPORTING INFRASTRUCTURE AND DIGITAL TRUNKED RADIO SYSTEM
5 SUPPORTING SOFTWARE AND HARDWARE.

6 (b) ON OR BEFORE NOVEMBER 1, 2022, AND ON OR BEFORE
7 NOVEMBER 1 OF EACH YEAR THEREAFTER THROUGH NOVEMBER 1, 2025,
8 THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF
9 CORRECTIONS, THE DEPARTMENT OF NATURAL RESOURCES, THE
10 DEPARTMENT OF TRANSPORTATION, AND ANY OTHER STATE DEPARTMENT
11 OR LOCAL OR REGIONAL GOVERNMENT DEEMED APPROPRIATE BY THE
12 DEPARTMENT, SHALL SUBMIT A REPORT TO THE JOINT BUDGET COMMITTEE
13 OF THE GENERAL ASSEMBLY DETAILING THE USE OF THE MONEY
14 APPROPRIATED TO THE FUND PURSUANT TO SUBSECTION (3)(a) OF THIS
15 SECTION. THE REPORT MUST INCLUDE THE FOLLOWING:

16 (I) COMPREHENSIVE DOCUMENTATION REGARDING THE PURPOSES
17 FOR WHICH THE MONEY TRANSFERRED PURSUANT TO SUBSECTION (3)(a)
18 OF THIS SECTION WAS USED DURING THE PRIOR FISCAL YEAR AND IS BEING
19 USED DURING THE CURRENT FISCAL YEAR AND THE ANTICIPATED USE OF
20 THE MONEY THAT WILL BE TRANSFERRED IN FUTURE FISCAL YEARS;

21 (II) OF THE TOTAL AMOUNT EXPENDED DURING THE PRIOR FISCAL
22 YEAR FOR EACH OF THE PURPOSES SPECIFIED IN SUBSECTIONS (3)(a)(I) AND
23 (3)(a)(II) OF THIS SECTION, THE AMOUNT THAT WAS TRANSFERRED FROM
24 THE GENERAL FUND AND THE AMOUNT THAT WAS TRANSFERRED FROM
25 ANY OTHER FUND; AND

26 (III) FOR THE TRANSFER OR TRANSFERS FOR THE NEXT FISCAL
27 YEAR, A RECOMMENDATION REGARDING THE AMOUNT TO BE TRANSFERRED

1 FROM THE GENERAL FUND AND THE AMOUNT TO BE TRANSFERRED FROM
2 ANY OTHER FUND FOR EACH OF THE PURPOSES SPECIFIED IN SUBSECTIONS
3 (3)(a)(I) AND (3)(a)(II) OF THIS SECTION.

4 (4) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
5 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
6 FUND TO THE FUND.

7 (5) IN AUTHORIZING DISTRIBUTIONS OF PRINCIPAL AND INTEREST
8 FROM THE FUND AND PURCHASING, LEASING, CONTRACTING FOR, AND
9 OTHERWISE ACQUIRING EQUIPMENT FOR STATE ENTITIES, THE DIRECTOR OF
10 THE DIVISION SHALL CONSIDER THE FOLLOWING:

11 (a) THE NEED FOR ACHIEVING FUNCTIONAL INTEROPERABILITY
12 AMONG LOCAL, STATE, AND FEDERAL PUBLIC SAFETY RADIO
13 COMMUNICATIONS SYSTEMS BY ACQUIRING EQUIPMENT THAT MEETS
14 EMERGING TECHNICAL STANDARDS FOR SYSTEMS INTEROPERABILITY AND
15 OPEN NETWORK ARCHITECTURE;

16 (b) THE NEEDS OF LOCAL GOVERNMENT ENTITIES THAT HAVE
17 RECENTLY INVESTED IN NEW RADIO SYSTEMS, PARTICULARLY IN REGARD
18 TO INTEROPERABILITY; AND

19 (c) THE PROMOTION OF AN ORDERLY TRANSITION FROM
20 ANALOG-BASED TO DIGITAL-BASED RADIO SYSTEMS.

21 (6) IN ACQUIRING EQUIPMENT PURSUANT TO SUBSECTION (5) OF
22 THIS SECTION, THE DIRECTOR OF THE DIVISION SHALL DEVELOP BID
23 SPECIFICATIONS THAT IDENTIFY ALL SERVICES, REQUIREMENTS, AND COSTS
24 CONSISTENT WITH EXISTING STATE LAW.

25 (7) (a) THE DIRECTOR OF THE DIVISION SHALL KEEP AN ACCURATE
26 ACCOUNT OF ALL ACTIVITIES RELATED TO THE FUND INCLUDING ITS
27 RECEIPTS AND EXPENDITURES AND SHALL ANNUALLY REPORT IN WRITING

1 SUCH ACCOUNT TO THE JOINT BUDGET COMMITTEE, CREATED IN SECTION
2 2-3-201. THE STATE AUDITOR MAY INVESTIGATE THE AFFAIRS OF THE
3 FUND, SEVERALLY EXAMINE THE PROPERTIES AND RECORDS RELATING TO
4 THE FUND, AND PRESCRIBE ACCOUNTING METHODS AND PROCEDURES FOR
5 RENDERING PERIODICAL REPORTS IN RELATION TO DISBURSEMENTS AND
6 PURCHASES MADE FROM THE FUND.

7 (b) NOTWITHSTANDING THE REQUIREMENT IN SECTION 24-1-136
8 (11)(a)(I), THE REQUIREMENT TO SUBMIT THE REPORT REQUIRED IN
9 SUBSECTION (7)(a) OF THIS SECTION CONTINUES INDEFINITELY.

10 (8) IN THE EXPENDITURE OF ANY MONEY FROM THE FUND FOR THE
11 ACQUISITION, MAINTENANCE, OR LEASE OF ANY PUBLIC SAFETY RADIO
12 COMMUNICATIONS SYSTEMS EQUIPMENT OR ANY OTHER COMMUNICATIONS
13 DEVICES OR EQUIPMENT, THE DIRECTOR OF THE DIVISION SHALL ENSURE
14 THAT SUCH EXPENDITURES ARE MADE PURSUANT TO THE REQUIREMENTS
15 SET FORTH UNDER THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF
16 THIS TITLE 24.

17 **SECTION 3.** In Colorado Revised Statutes, 2-3-1304, **amend**
18 (1)(f) as follows:

19 **2-3-1304. Powers and duties of capital development committee**
20 **- definition.** (1) The capital development committee has the following
21 powers and duties:

22 (f) To review the annual capital construction and maintenance
23 requests from the chief information officer of the office of information
24 technology regarding the public safety communications trust fund created
25 pursuant to ~~section 24-37.5-506, C.R.S.~~ SECTION 24-33.5-2510;

26 **SECTION 4.** In Colorado Revised Statutes, 24-1-128.6, **amend**
27 (2)(h)(II)(B) and (2)(h)(II)(C); and **add** (2)(h)(II)(D) as follows:

1 **24-1-128.6. Department of public safety - creation - repeal.**

2 (2) The department of public safety consists of the following divisions:

3 (h) (II) The division of homeland security and emergency
4 management includes the following agencies, which shall exercise their
5 powers and perform their duties and functions under the department of
6 public safety as if the same were transferred thereto by a **type 2** transfer:

7 (B) THE office of prevention and security, created in section
8 24-33.5-1606; ~~and~~

9 (C) The office of preparedness, created in section 24-33.5-1606.5;

10 AND

11 (D) THE OFFICE OF PUBLIC SAFETY COMMUNICATIONS CREATED IN
12 SECTION 24-33.5-2502.

13 **SECTION 5.** In Colorado Revised Statutes, 24-33.5-1603, **add**

14 (2)(d) as follows:

15 **24-33.5-1603. Division of homeland security and emergency**
16 **management - creation - director.** (2) The division includes the
17 following agencies, which shall exercise their powers and perform their
18 duties and functions under the department as if the same were transferred
19 thereto by a **type 2** transfer:

20 (d) THE OFFICE OF PUBLIC SAFETY COMMUNICATIONS, CREATED IN
21 PART 25 OF THIS ARTICLE 33.5.

22 **SECTION 6.** In Colorado Revised Statutes, 30-11-107, **repeal**

23 (1)(x) as follows:

24 **30-11-107. Powers of the board.** (1) The board of county
25 commissioners of each county has power at any meeting:

26 (x) ~~To enter into a contract with the state telecommunications~~
27 ~~director pursuant to the provisions of section 24-37.5-502(3), C.R.S., for~~

1 ~~the providing of teleconferencing facilities and services between the~~
2 ~~county and any other county, city and county, or state agency to be used~~
3 ~~for teleconferencing of hearings relating to any person in the custody of~~
4 ~~the county;~~

5 **SECTION 7.** In Colorado Revised Statutes, **repeal** 30-11-208 as
6 follows:

7 **30-11-208. Contract - teleconferencing facilities and services.**

8 ~~The city and county of Denver may enter into a contract with the state~~
9 ~~telecommunications director pursuant to the provisions of section~~
10 ~~24-37.5-503, C.R.S., for the providing of teleconferencing facilities and~~
11 ~~services between the city and county of Denver and any other county or~~
12 ~~state agency to be used for teleconferencing of hearings relating to any~~
13 ~~person in the custody of the city and county of Denver.~~

14 **SECTION 8.** In Colorado Revised Statutes, 43-1-1202, **amend**
15 (1)(a)(IV)(B) as follows:

16 **43-1-1202. Department powers - definition.**

17 (1) Notwithstanding any other law, the department may:

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

21 (IV) (B) For purposes of this subsection (1)(a)(IV),
22 "telecommunications" does not mean the state telecommunications
23 network described in ~~part 5 of article 37.5 of title 24~~ PART 25 OF ARTICLE
24 33.5 OF TITLE 24.

25 **SECTION 9.** In Colorado Revised Statutes, **repeal** 24-33.5-716
26 and part 5 of article 37.5 of title 24.

27 **SECTION 10. 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.