

## CHAPTER 479

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**GOVERNMENT - STATE**

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## HOUSE BILL 22-1353

BY REPRESENTATIVE(S) Bennett and Baisley, Titone, Bird, Bockenfeld, Lindsay, Lontine, McCluskie, Michaelson Jenet, Ortiz; also SENATOR(S) Bridges, Kolker, Cooke, Kirkmeyer, Pettersen, Woodward, Fenberg.

**AN ACT**

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

*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) Since 1998, the public safety communications network program, in partnership with local government infrastructure owners, has provided a statewide wireless system, called the digital trunked radio system, that enables direct communications between first responders and public safety agencies across jurisdictional and regional boundaries;

(b) Transferring this existing public safety communications network program from the governor's office of information technology to the department of public safety is supported by users, stakeholders, and the executive branch of state government;

(c) A governance structure that reflects the sentiments of statewide users and stakeholders is imperative to ensure that the state continues to have a reliable public safety communications network that ensures the well-being of all Coloradans; and

(d) The governor's office of information technology and the Colorado department of public safety will prioritize maintaining complete network reliability and operational efficiency as they coordinate the transfer of the digital trunked radio system.

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

**SECTION 2.** In Colorado Revised Statutes, 2-3-1704, **repeal** (3) as follows:

**2-3-1704. Powers and duties of the joint technology committee.** (3) ~~The committee oversees any telecommunications coordination within state government that the chief information officer performs pursuant to part 5 of article 37.5 of title 24, C.R.S.~~

**SECTION 3.** In Colorado Revised Statutes, **add** part 25 to article 33.5 of title 24 as follows:

PART 25  
PUBLIC SAFETY COMMUNICATIONS

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

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

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

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

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

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

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

(2) (a) THE PUBLIC SAFETY COMMUNICATIONS REVOLVING FUND, REFERRED TO IN THIS SECTION AS THE "FUND", IS HEREBY CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF MONEY APPROPRIATED TO THE FUND PURSUANT TO SUBSECTION (2)(b) OF THIS SECTION, MONEY DEPOSITED OR CREDITED TO THE FUND PURSUANT TO SUBSECTIONS (3) AND (4) OF THIS SECTION, AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY TRANSFER TO THE FUND.

(b) THE GENERAL ASSEMBLY SHALL APPROPRIATE MONEY TO THE FUND EACH FISCAL YEAR IN THE ANNUAL GENERAL APPROPRIATION ACT FOR THE DIRECT AND

## INDIRECT COSTS OF THE OFFICE.

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

(d) THE STATE TREASURER SHALL CREDIT ANY UNEXPENDED AND UNENCUMBERED MONEY REMAINING IN THE FUND AT THE END OF A FISCAL YEAR TO THE FUND.

(e) MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED TO THE OFFICE TO PAY THE DIRECT AND INDIRECT COSTS, INCLUDING PERSONAL SERVICES AND OPERATING COSTS, ASSOCIATED WITH ADMINISTERING PUBLIC SAFETY COMMUNICATIONS.

(3) THE OFFICE SHALL DEVELOP A METHOD FOR BILLING USERS OF THE OFFICE'S SERVICES THE FULL COST OF THE SERVICES, INCLUDING MATERIALS, DEPRECIATION RELATED TO CAPITAL COSTS, LABOR, AND ADMINISTRATIVE OVERHEAD. THE BILLING METHOD SHALL BE FULLY IMPLEMENTED FOR ALL USERS OF THE OFFICE'S SERVICES ON OR BEFORE JULY 1, 2023. REVENUE GENERATED FROM SUCH BILLING SHALL BE CREDITED TO THE FUND.

(4)(a) THE OFFICE MAY SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS, DONATIONS, AND BEQUESTS FROM PRIVATE OR PUBLIC SOURCES FOR THE DIRECT AND INDIRECT COSTS, INCLUDING PERSONAL SERVICES AND OPERATING COSTS, ASSOCIATED WITH ADMINISTERING PUBLIC SAFETY COMMUNICATIONS. THE OFFICE SHALL TRANSMIT ALL MONEY RECEIVED THROUGH GIFTS, GRANTS, DONATIONS, OR BEQUESTS FOR SUCH PURPOSES TO THE STATE TREASURER, WHO SHALL CREDIT THE MONEY TO THE FUND.

(b) THE OFFICE MAY CONTRACT WITH THE UNITED STATES AND ANY OTHER LEGAL ENTITIES WITH RESPECT TO MONEY AVAILABLE TO THE OFFICE THROUGH GIFTS, GRANTS, DONATIONS, OR BEQUESTS.

**24-33.5-2503. Transfer of functions - continuity of existence - rules.** (1) ON JULY 1, 2023, THE POWERS, DUTIES, AND FUNCTIONS OF THE OFFICE OF INFORMATION TECHNOLOGY IN CONNECTION WITH PUBLIC SAFETY TELECOMMUNICATIONS COORDINATION WITHIN STATE GOVERNMENT PURSUANT TO THE FORMER PART 5 OF ARTICLE 37.5 OF THIS TITLE 24, REFERRED TO IN THIS PART 25 AS "PUBLIC SAFETY COMMUNICATIONS", ARE TRANSFERRED TO THE DEPARTMENT AND ALLOCATED TO THE DIVISION PURSUANT TO THIS SECTION.

(2) (a) ON AND AFTER JULY 1, 2023, THE OFFICERS AND EMPLOYEES OF THE OFFICE OF INFORMATION TECHNOLOGY WHOSE POWERS, DUTIES, AND FUNCTIONS CONCERN THE POWERS, DUTIES, AND FUNCTIONS TRANSFERRED TO THE DEPARTMENT AND ALLOCATED TO THE DIVISION PURSUANT TO SUBSECTION (1) OF THIS SECTION AND WHOSE EMPLOYMENT IN THE DIVISION IS DEEMED NECESSARY BY THE DIRECTOR OF THE DIVISION TO CARRY OUT THE PURPOSES OF THIS PART 25 SHALL BE TRANSFERRED TO THE DIVISION AND BECOME EMPLOYEES THEREOF.

(b) ANY EMPLOYEES WHO ARE TRANSFERRED TO THE DEPARTMENT PURSUANT TO THIS SUBSECTION (2) AND WHO ARE CLASSIFIED EMPLOYEES IN THE STATE PERSONNEL SYSTEM SHALL RETAIN ALL RIGHTS TO THE PERSONNEL SYSTEM AND

RETIREMENT BENEFITS PURSUANT TO THE LAWS OF THE STATE, AND THEIR SERVICES SHALL BE DEEMED TO HAVE BEEN CONTINUOUS. ALL TRANSFERS AND ANY ABOLISHMENT OF POSITIONS IN THE STATE PERSONNEL SYSTEM SHALL BE MADE AND PROCESSED IN ACCORDANCE WITH STATE PERSONNEL SYSTEM LAWS AND REGULATIONS.

(3) ON OR BEFORE JULY 1, 2023, ALL ITEMS OF PROPERTY, REAL AND PERSONAL, INCLUDING OFFICE FURNITURE AND FIXTURES, BOOKS, DOCUMENTS, AND RECORDS OF THE OFFICE OF INFORMATION TECHNOLOGY PRIOR TO SAID DATE PERTAINING TO THE POWERS, DUTIES, AND FUNCTIONS TRANSFERRED TO THE DEPARTMENT AND ALLOCATED TO THE DIVISION PURSUANT TO THIS SECTION, ARE TRANSFERRED TO AND BECOME THE PROPERTY OF THE DIVISION.

(4) WHENEVER THE OFFICE OF INFORMATION TECHNOLOGY IS REFERRED TO OR DESIGNATED BY A CONTRACT OR OTHER DOCUMENT IN CONNECTION WITH THE POWERS, DUTIES, AND FUNCTIONS TRANSFERRED TO THE DEPARTMENT AND ALLOCATED TO THE DIVISION PURSUANT TO THIS SECTION, SUCH REFERENCE OR DESIGNATION SHALL BE DEEMED TO APPLY TO THE DIVISION. ALL CONTRACTS ENTERED INTO BY THE OFFICE OF INFORMATION TECHNOLOGY PRIOR TO JULY 1, 2023, IN CONNECTION WITH THE POWERS, DUTIES, AND FUNCTIONS TRANSFERRED TO THE DEPARTMENT AND ALLOCATED TO THE DIVISION PURSUANT TO THIS SECTION ARE HEREBY VALIDATED, WITH THE DIVISION CREATED BY SECTION 24-33.5-1603 SUCCEEDING TO ALL THE RIGHTS AND OBLIGATIONS OF SUCH CONTRACTS. ANY APPROPRIATIONS OF MONEY FROM PRIOR FISCAL YEARS OPEN TO SATISFY OBLIGATIONS INCURRED PURSUANT TO SUCH CONTRACTS ARE HEREBY TRANSFERRED AND APPROPRIATED TO THE DIVISION FOR THE PAYMENT OF SUCH OBLIGATIONS.

(5) ALL POLICIES OF THE OFFICE OF INFORMATION TECHNOLOGY IN CONNECTION WITH THE POWERS, DUTIES, AND FUNCTIONS TRANSFERRED TO THE DEPARTMENT AND ALLOCATED TO THE DIVISION PURSUANT TO THIS SECTION SHALL CONTINUE TO BE EFFECTIVE UNTIL REVISED, AMENDED, REPEALED, OR NULLIFIED PURSUANT TO LAW. ON OR AFTER JULY 1, 2023, THE DIRECTOR OF THE DIVISION SHALL ADOPT RULES NECESSARY FOR THE ADMINISTRATION OF SUCH POWERS, DUTIES, AND FUNCTIONS.

**24-33.5-2504. Public safety communications network.** (1) TO MORE EFFICIENTLY SUPPORT THE EFFORTS OF STATE DEPARTMENTS, STATE INSTITUTIONS, STATE AGENCIES, LAW ENFORCEMENT AGENCIES, AND ANY PUBLIC SAFETY POLITICAL SUBDIVISIONS, AND TO BETTER SERVE THE PUBLIC, A STATE PUBLIC SAFETY COMMUNICATIONS NETWORK IS ESTABLISHED, THE CONSTRUCTION, MAINTENANCE, SECURITY, AND MANAGEMENT OF WHICH IS UNDER THE SUPERVISION OF THE DIRECTOR OF THE OFFICE.

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

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

(a) IN CONSULTATION WITH LOCAL, STATE, AND FEDERAL DEPARTMENTS,

INSTITUTIONS, AND AGENCIES, FORMULATE RECOMMENDATIONS FOR A CURRENT AND LONG-RANGE PUBLIC SAFETY COMMUNICATIONS PLAN, INVOLVING PUBLIC SAFETY RADIO COMMUNICATIONS SYSTEMS AND THEIR INTEGRATION INTO APPLICABLE PUBLIC SAFETY COMMUNICATIONS NETWORKS FOR APPROVAL OF THE GOVERNOR;

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

(c) REVIEW ALL EXISTING AND FUTURE STATE-OWNED PUBLIC SAFETY COMMUNICATIONS APPLICATIONS, PLANNING, NETWORKS, SYSTEMS, PROGRAMS, EQUIPMENT, AND FACILITIES AND ESTABLISH PRIORITIES FOR THOSE THAT ARE NECESSARY AND DESIRABLE TO ACCOMPLISH THE PURPOSES OF THIS PART 25;

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

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

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

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

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

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

(2) THE DIRECTOR OF THE OFFICE MAY ENTER INTO CONTRACTS WITH ANY COUNTY, CITY AND COUNTY, STATE AGENCY, SCHOOL DISTRICT, OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES AND MAY ACT AS A PUBLIC SAFETY COMMUNICATIONS NETWORK PROVIDER BETWEEN OR AMONG TWO OR MORE COUNTIES OR STATE AGENCIES FOR THE PURPOSE OF PROVIDING PUBLIC SAFETY RADIO COMMUNICATIONS BETWEEN OR AMONG SUCH ENTITIES, INCLUDING THE JUDICIAL SYSTEM OF ANY COUNTY, THE DEPARTMENT OF CORRECTIONS, AND THE DEPARTMENT OF HUMAN SERVICES AND ANY OF THEIR FACILITIES. TO ENSURE THE AVAILABILITY OF SUCH NETWORK THROUGHOUT THE VARIOUS STATE AGENCIES, SCHOOL DISTRICTS, BOARDS OF COOPERATIVE EDUCATIONAL SERVICES, AND COUNTIES, THE DIRECTOR OF THE OFFICE SHALL DEVELOP A UNIFORM SET OF STANDARDS AND POLICIES FOR FACILITIES TO BE USED BY THE CONTRACTING ENTITIES.

(3) THE DIRECTOR OF THE OFFICE SHALL:

(a) IN CONSULTATION WITH RECOGNIZED PUBLIC SAFETY RADIO COMMUNICATION STANDARDS GROUPS AND APPROPRIATE AFFECTED PUBLIC AGENCIES, ADOPT 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

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

(4)(a) THE DIRECTOR OF THE DIVISION 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 FOR THE OPERATION OR DEVELOPMENT OF THE PUBLIC SAFETY COMMUNICATIONS NETWORK; TO USE ANY AVAILABLE FACILITIES AND PUBLIC SAFETY COMMUNICATIONS EQUIPMENT OF ANY STATE AGENCY OR INSTITUTION; AND, IF NECESSARY, TO PROVIDE FOR THE CONSTRUCTION OF THE NETWORK.

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

(I) STATE DEPARTMENTS, STATE INSTITUTIONS, STATE AGENCIES, LAW ENFORCEMENT AGENCIES, AND ANY 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 SUBSECTION (4)(b)(I) OF THIS SECTION AND THAT:

(A) MAY BE REQUESTED TO SUPPORT THE PURPOSES EXPRESSED IN SUBSECTIONS (1)(c) AND (1)(e) OF THIS SECTION AND AGGREGATE PUBLIC SAFETY COMMUNICATIONS 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 24-33.5-2510 (2)(b); OR

(III) (A) PRIVATE ENTITIES THROUGH PUBLIC-PRIVATE PARTNERSHIPS CONSIDERED, EVALUATED, AND ACCEPTED BY THE DIRECTOR OF THE DIVISION; 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)(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 PUBLIC SAFETY COMMUNICATIONS 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).

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

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

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

**24-33.5-2508. Digital trunked radio system - service charges - pricing policy.**

(1) (a) USERS OF THE DIGITAL TRUNKED RADIO SYSTEM SHALL BE CHARGED THE FULL COST OF THE PARTICULAR SERVICE, WHICH SHALL INCLUDE THE COST OF ALL MATERIAL, LABOR, AND OVERHEAD. THE USER CHARGES SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THEM TO THE PUBLIC SAFETY COMMUNICATIONS TRUST FUND CREATED IN SECTION 24-33.5-2510. THE PUBLIC SAFETY COMMUNICATIONS TRUST FUND MUST INCLUDE USER CHARGES ON PUBLIC SAFETY RADIO SYSTEMS OF A STATE AGENCY OR OTHER STATE ENTITY; EXCEPT THAT NO MUNICIPALITY, COUNTY, CITY AND COUNTY, OR SPECIAL DISTRICT SHALL BE CHARGED USER CHARGES ON PUBLIC SAFETY RADIO SYSTEMS OF A STATE AGENCY OR OTHER STATE ENTITY.

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

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

**24-33.5-2509. Interoperable communications among public safety radio systems - statewide plan - regional plans - governmental immunity - needs assessment.** (1) (a) THE EXECUTIVE DIRECTOR SHALL EXERCISE THE POWERS,

DUTIES, AND FUNCTIONS REGARDING THE TACTICAL AND LONG-TERM INTEROPERABLE COMMUNICATIONS PLAN, ADOPTED BY EACH REGION PURSUANT TO FORMER SECTION 24-33.5-716, AS THAT SECTION EXISTED ON JUNE 30, 2023, TO IMPROVE COMMUNICATIONS AMONG PUBLIC SAFETY AGENCIES IN THE REGION AND WITH PUBLIC SAFETY AGENCIES OF OTHER REGIONS, THE STATE AND FEDERAL GOVERNMENTS, AND OTHER STATES. THE PLANS SHALL INCLUDE MEASURES TO CREATE AND PERIODICALLY TEST INTEROPERABILITY INTERFACES, PROVISIONS FOR TRAINING ON COMMUNICATIONS SYSTEMS AND EXERCISES ON THE IMPLEMENTATION OF THE PLAN, A STRATEGY FOR INTEGRATING WITH THE STATE DIGITAL TRUNKED RADIO SYSTEM, DEADLINES FOR IMPLEMENTATION, AND OTHER ELEMENTS REQUIRED BY THE EXECUTIVE DIRECTOR. EACH REGION SHALL SUBMIT REVISED PLANS AS THEY ARE UPDATED TO THE DIRECTOR OF THE OFFICE.

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

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

(2) A PUBLIC SAFETY AGENCY SHALL NOT EXPEND MONEY RECEIVED THROUGH THE DEPARTMENT ON A MOBILE DATA COMMUNICATIONS SYSTEM UNLESS THE SYSTEM IS CAPABLE OF INTEROPERABLE COMMUNICATIONS.

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

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

**24-33.5-2510. Public safety communications trust fund - creation - report.**

(1) THE PUBLIC SAFETY COMMUNICATIONS TRUST FUND, REFERRED TO IN THIS SECTION AS THE "FUND", IS HEREBY CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF MONEY APPROPRIATED OR TRANSFERRED TO THE FUND PURSUANT TO SUBSECTIONS (2) AND (3) OF THIS SECTION AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND. THE MONEY IN



THE FUND IS CONTINUOUSLY APPROPRIATED BY THE GENERAL ASSEMBLY TO THE DEPARTMENT FOR DISTRIBUTION AS DETERMINED BY RULES ADOPTED PURSUANT TO SECTION 24-33.5-2505 (1)(i). THE PRIMARY PURPOSE OF SUCH DISTRIBUTION IS THE ACQUISITION AND MAINTENANCE OF PUBLIC SAFETY COMMUNICATIONS SYSTEMS FOR USE BY DEPARTMENTS INCLUDING BUT NOT LIMITED TO THE DEPARTMENTS OF PUBLIC SAFETY, TRANSPORTATION, NATURAL RESOURCES, AND CORRECTIONS AS PROVIDED IN SECTION 24-33.5-2505 (3)(b). SUCH SYSTEMS SHALL SATISFY THE REQUIREMENTS OF THE PUBLIC SAFETY NATIONAL PLAN ESTABLISHED BY THE FEDERAL COMMUNICATIONS COMMISSION, 47CFR 90.16. THIS SECTION SHALL NOT PRECLUDE THE PAYMENT OF MAINTENANCE EXPENSES INCLUDING THE COST OF LEASED OR RENTED EQUIPMENT, PAYMENTS TO LOCAL GOVERNMENTAL ENTITIES FOR RADIO COMMUNICATIONS SYSTEMS, OR PAYMENTS RELATED TO PUBLIC SAFETY RADIO SYSTEMS.

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

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

(b) IN ADDITION TO ANY TRANSFERS MADE AS A RESULT OF SUBSECTION (2)(a) OF THIS SECTION, THE DEPARTMENT MAY SOLICIT AND ACCEPT GIFTS, GRANTS, DONATIONS, BEQUESTS, AND OTHER CONTRIBUTIONS TO THE FUND FROM LOCAL, STATE, AND FEDERAL ENTITIES AND FROM PUBLIC SAFETY-RELATED NONPROFIT ORGANIZATIONS THAT DIRECTLY SUPPORT STATE DEPARTMENTS, STATE INSTITUTIONS, STATE AGENCIES, AND LAW ENFORCEMENT AND PUBLIC SAFETY POLITICAL SUBDIVISIONS OF THE STATE. SUCH CONTRIBUTIONS SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE CONTRIBUTIONS TO THE FUND.

(3) (a) (I) FOR THE 2023-24 AND 2024-25 STATE FISCAL YEARS, THE GENERAL ASSEMBLY SHALL TRANSFER TO THE FUND A TOTAL OF THREE MILLION FIVE HUNDRED THOUSAND DOLLARS FROM THE GENERAL FUND OR FROM ANY OTHER FUND. FOR EACH SUCH FISCAL YEAR, THE GENERAL ASSEMBLY SHALL DETERMINE THE AMOUNT TO BE TRANSFERRED FROM THE GENERAL FUND AND THE AMOUNT TO BE TRANSFERRED FROM ANY OTHER FUND. THE DEPARTMENT SHALL USE THE MONEY TRANSFERRED TO THE FUND PURSUANT TO THIS SUBSECTION (3)(a)(I) FOR THE REPLACEMENT OF LEGACY RADIO EQUIPMENT AND HARDWARE AT RADIO TOWER SITES.

(II) FOR THE 2023-24 AND 2024-25 STATE FISCAL YEARS, IN ADDITION TO THE AMOUNT TRANSFERRED TO THE FUND PURSUANT TO SUBSECTION (3)(a)(I) OF THIS

SECTION, THE GENERAL ASSEMBLY SHALL TRANSFER TO THE FUND THREE MILLION SEVEN HUNDRED THOUSAND DOLLARS FROM THE GENERAL FUND OR FROM ANY OTHER FUND. FOR EACH SUCH FISCAL YEAR, THE GENERAL ASSEMBLY SHALL DETERMINE THE AMOUNT TO BE APPROPRIATED FROM THE GENERAL FUND AND THE AMOUNT TO BE APPROPRIATED FROM ANY OTHER FUND. THE DEPARTMENT SHALL USE THE MONEY APPROPRIATED TO THE FUND PURSUANT TO THIS SUBSECTION (3)(a)(II) FOR SOFTWARE UPGRADE ASSURANCE.

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

(b) ON OR BEFORE NOVEMBER 1, 2023, AND ON OR BEFORE NOVEMBER 1 OF EACH YEAR THEREAFTER THROUGH NOVEMBER 1, 2025, THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF CORRECTIONS, THE DEPARTMENT OF NATURAL RESOURCES, THE DEPARTMENT OF TRANSPORTATION, AND ANY OTHER STATE DEPARTMENT OR LOCAL OR REGIONAL GOVERNMENT DEEMED APPROPRIATE BY THE DEPARTMENT, SHALL SUBMIT A REPORT TO THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY DETAILING THE USE OF THE MONEY APPROPRIATED TO THE FUND PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION. THE REPORT MUST INCLUDE THE FOLLOWING:

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

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

(III) FOR THE TRANSFER OR TRANSFERS FOR THE NEXT FISCAL YEAR, A RECOMMENDATION REGARDING THE AMOUNT TO BE TRANSFERRED FROM THE GENERAL FUND AND THE AMOUNT TO BE TRANSFERRED FROM ANY OTHER FUND FOR EACH OF THE PURPOSES SPECIFIED IN SUBSECTIONS (3)(a)(I) AND (3)(a)(II) OF THIS SECTION.

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

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

(a) THE NEED FOR ACHIEVING FUNCTIONAL INTEROPERABILITY AMONG LOCAL, STATE, AND FEDERAL PUBLIC SAFETY RADIO COMMUNICATIONS SYSTEMS BY ACQUIRING EQUIPMENT THAT MEETS EMERGING TECHNICAL STANDARDS FOR

SYSTEMS INTEROPERABILITY AND OPEN NETWORK ARCHITECTURE;

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

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

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

(7) (a) THE DIRECTOR OF THE DIVISION SHALL KEEP AN ACCURATE ACCOUNT OF ALL ACTIVITIES RELATED TO THE FUND INCLUDING ITS RECEIPTS AND EXPENDITURES AND SHALL ANNUALLY REPORT IN WRITING SUCH ACCOUNT TO THE JOINT BUDGET COMMITTEE, CREATED IN SECTION 2-3-201. THE STATE AUDITOR MAY INVESTIGATE THE AFFAIRS OF THE FUND, SEVERALLY EXAMINE THE PROPERTIES AND RECORDS RELATING TO THE FUND, AND PRESCRIBE ACCOUNTING METHODS AND PROCEDURES FOR RENDERING PERIODICAL REPORTS IN RELATION TO DISBURSEMENTS AND PURCHASES MADE FROM THE FUND.

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

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

**SECTION 4.** In Colorado Revised Statutes, 24-37.5-501, **add** (3) as follows:

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

(3) THE CHIEF INFORMATION OFFICER SHALL BEGIN THE TRANSFER OF THE PUBLIC SAFETY TELECOMMUNICATIONS PROGRAM TO THE DEPARTMENT OF PUBLIC SAFETY PURSUANT TO HOUSE BILL 22-1353 ON JULY 1, 2022.

**SECTION 5.** In Colorado Revised Statutes, 2-3-1304, **amend** (1)(f) as follows:

**2-3-1304. Powers and duties of capital development committee - definition.**

(1) The capital development committee has the following powers and duties:

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

**SECTION 6.** In Colorado Revised Statutes, 24-1-128.6, **amend** (2)(h)(II)(B) and (2)(h)(II)(C); and **add** (2)(h)(II)(D) as follows:

**24-1-128.6. Department of public safety - creation - repeal.** (2) The department of public safety consists of the following divisions:

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

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

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

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

**SECTION 7.** In Colorado Revised Statutes, 24-33.5-1603, **add** (2)(d) as follows:

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

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

**SECTION 8.** In Colorado Revised Statutes, 30-11-107, **repeal** (1)(x) as follows:

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

(x) ~~To enter into a contract with the state telecommunications director pursuant to the provisions of section 24-37.5-502 (3), C.R.S., for the providing of teleconferencing facilities and services between the county and any other county, city and county, or state agency to be used for teleconferencing of hearings relating to any person in the custody of the county;~~

**SECTION 9.** In Colorado Revised Statutes, **repeal** 30-11-208 as follows:

**30-11-208. Contract - teleconferencing facilities and services.** ~~The city and county of Denver may enter into a contract with the state telecommunications director pursuant to the provisions of section 24-37.5-503, C.R.S., for the providing of teleconferencing facilities and services between the city and county of Denver and any other county or state agency to be used for teleconferencing of hearings relating to any person in the custody of the city and county of Denver.~~

**SECTION 10.** In Colorado Revised Statutes, 43-1-1202, **amend** (1)(a)(IV)(B) 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) (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~~ PART 25 OF ARTICLE 33.5 OF TITLE 24.

**SECTION 11.** In Colorado Revised Statutes, **repeal** 24-33.5-716 and part 5 of article 37.5 of title 24.

**SECTION 12. Effective date.** This act takes effect July 1, 2023; except that sections 4, 12, and 13 of this act take effect upon passage.

**SECTION 13. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Approved: June 8, 2022