

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 26-0688.01 Owen Hatch x2698

HOUSE BILL 26-1252

HOUSE SPONSORSHIP

Bradfield,

SENATE SPONSORSHIP

(None),

House Committees

State, Civic, Military, & Veterans Affairs

Senate Committees

A BILL FOR AN ACT

101 CONCERNING UPDATES TO STATE ENTITIES RESPONSIBLE FOR
102 RESPONDING TO EMERGENCY SITUATIONS.

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>.)

The bill moves the auxiliary communications unit from the office of emergency management to the office of public safety communications.

The state recovery task force is created within the office of emergency management and is tasked with coordinating disaster recovery efforts within the state, among other duties.

Information related to disaster survivors is exempt from public

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

disclosure.

Certain duties and responsibilities related to the state's preparation for, and response to, security threats are transferred from the office of preparedness to the office of emergency management.

The bill repeals the requirement for the state controller to report to the joint budget committee about the expenditure of federal funds for costs associated with a disaster.

Application requirements for the Colorado nonprofit security grant program are relaxed during exigent circumstances.

The composition of several state advisory boards related to homeland security and cybersecurity are changed.

The office of preparedness is changed to the office of grants management, and its duties are clarified.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-33.5-705, **add**
3 (6.5) as follows:

4 **24-33.5-705. Office of emergency management - creation.**

5 (6.5) THE OFFICE OF EMERGENCY MANAGEMENT IS RESPONSIBLE
6 FOR:

7 (a) CREATING AND IMPLEMENTING A STATE PREPAREDNESS GOAL
8 AND SYSTEM TO IMPROVE STATE CAPABILITIES TO PREVENT, MITIGATE THE
9 EFFECTS OF, RESPOND TO, AND RECOVER FROM THREATS TO COLORADO;

10 (b) IMPROVING COMMUNITY PREPAREDNESS AND CITIZEN
11 INVOLVEMENT THROUGH EXTERNAL OUTREACH;

12 (c) IDENTIFYING AND REDUCING DUPLICATIVE HOMELAND
13 SECURITY-RELATED TRAINING NEEDS AND EFFORTS;

14 (d) COORDINATING HOMELAND SECURITY-RELATED TRAINING
15 AMONG TRIBAL, STATE, LOCAL, AND REGIONAL AGENCIES, AND CREATING
16 A SINGLE TRAINING AND EXERCISE CALENDAR, WITH IDENTIFIED POINTS OF
17 CONTACT, THAT IS ACCESSIBLE VIA THE INTERNET; AND

18 (e) COORDINATING AND UPDATING HOMELAND SECURITY AND

1 CRITICAL INFRASTRUCTURE PROTECTION PLANS.

2 **SECTION 2.** In Colorado Revised Statutes, **add** 24-33.5-705.1
3 as follows:

4 **24-33.5-705.1. Coordination of recovery operations - office**
5 **duties - state recovery task force - created - duties - information**
6 **sharing.**

7 (1) (a) THE OFFICE OF EMERGENCY MANAGEMENT IS DESIGNATED
8 AS THE PRIMARY STATE AGENCY RESPONSIBLE FOR THE COORDINATION OF
9 DISASTER RECOVERY, PLANNING, TRAINING, EXERCISE, AND INTEGRATION
10 OF THE STATE RECOVERY ANNEX WITHIN THE STATE EMERGENCY
11 OPERATIONS PLAN.

12 (b) THE OFFICE SHALL MAINTAIN THE STATE RECOVERY TASK
13 FORCE CREATED IN SUBSECTION (2) OF THIS SECTION AND THE STATE'S
14 RECOVERY FRAMEWORK.

15 (2) THE STATE RECOVERY TASK FORCE IS CREATED WITHIN THE
16 OFFICE OF EMERGENCY MANAGEMENT. THE TASK FORCE SERVES AS THE
17 LEAD CLEARINGHOUSE FOR RECOVERY OPERATIONS AMONG STATE
18 DEPARTMENTS AND AGENCIES. THE DIRECTOR OF THE OFFICE SHALL
19 APPOINT THE MEMBERS OF THE TASK FORCE.

20 (3) THE STATE RECOVERY TASK FORCE, WHEN ACTIVATED BY THE
21 DIRECTOR OF THE OFFICE OF EMERGENCY MANAGEMENT, SHALL, IN
22 CONJUNCTION WITH STATE DEPARTMENTS AND THE GOVERNOR'S OFFICE:

23 (a) IDENTIFY PERSONNEL TO FILL AND ACTIVATE RECOVERY
24 SUPPORT FUNCTIONS IN SUPPORT OF RECOVERY OPERATIONS;

25 (b) COMPILE DAMAGE ASSESSMENT INFORMATION; AND

26 (c) PROVIDE RECOMMENDATIONS TO THE GOVERNOR'S DISASTER
27 POLICY GROUP REGARDING THE STATE'S RECOVERY STRATEGY.

1 (4) THE OFFICE OF EMERGENCY MANAGEMENT SHALL DEVELOP
2 AND MAINTAIN THE SURVIVOR PORTAL CREATED IN SECTION 24-33.5-1106
3 (4) AND FACILITATE THE COORDINATION OF STATE DEPARTMENTS
4 ADMINISTERING RECOVERY PROGRAMS.

5 (5) (a) A PERSON PROVIDING PERSONALLY IDENTIFIABLE
6 INFORMATION ABOUT DISASTER-IMPACTED INDIVIDUALS TO A LOCAL,
7 INTERJURISDICTIONAL, OR STATE EMERGENCY MANAGEMENT AGENCY MAY
8 REQUEST, IN WRITING, THAT THE INFORMATION ONLY BE DISSEMINATED TO
9 A PERSON CONNECTED WITH OR INVOLVED IN THE PROVISION OF DISASTER
10 RELIEF AND MAY FURTHER REQUEST THAT THE INFORMATION NOT BE
11 RELEASED TO ANY OTHER PERSON WITHOUT THE EXPRESS WRITTEN
12 CONSENT OF THE PERSON PROVIDING THE PERSONALLY IDENTIFIABLE
13 INFORMATION.

14 (b) UPON A REQUEST DESCRIBED IN SUBSECTION (5)(a) OF THIS
15 SECTION, A LOCAL, INTERJURISDICTIONAL, OR STATE EMERGENCY
16 MANAGEMENT AGENCY SHALL NOT DISSEMINATE THE INFORMATION
17 WITHOUT EXPRESS WRITTEN CONSENT OF THE PERSON OR ENTITY
18 PROVIDING THE INFORMATION.

19 **SECTION 3.** In Colorado Revised Statutes, 24-33.5-1106,
20 **amend** (4) as follows:

21 **24-33.5-1106. Grants to individuals.**

22 (4) (a) The office of emergency management ~~may~~ SHALL, in
23 collaboration with the department of local affairs created in section
24 24-1-125 and the Colorado energy office created in section 24-38.5-101,
25 implement and maintain a disaster survivor portal for disaster survivors
26 to apply for approved state disaster individual assistance. The portal may
27 provide disaster survivors with a coordinated method to access

1 appropriate benefits, including federal benefit programs, approved state
2 disaster individual assistance benefits, the disaster resilience rebuilding
3 program created in 24-32-134, and the sustainable rebuilding program
4 created in 24-38.5-115. The portal may ensure equitable access to
5 program information including communications in the relevant languages
6 of the community and equitable hearing, sight, and physical accessibility.
7 Local governments and philanthropic entities may operate their own
8 disaster survivor portals in coordination with the office of emergency
9 management.

10 (b) INFORMATION CONCERNING DISASTER SURVIVORS IN THE
11 PORTAL CREATED IN SUBSECTION (4)(a) OF THIS SECTION IS EXEMPT FROM
12 DISCLOSURE REQUIRED PURSUANT TO THE "COLORADO OPEN RECORDS
13 ACT", PART 2 OF ARTICLE 72 OF THIS TITLE 24.

14 (c) THE OFFICE OF EMERGENCY MANAGEMENT MAY SHARE
15 AGGREGATED DISASTER RECOVERY DATA, INCLUDING PORTAL DATA,
16 MAPPING DATA, PROGRAM PERFORMANCE METRICS, AND FEDERAL
17 DISASTER PROGRAM DATA WITH LOCAL AND STATE AGENCIES, VOLUNTEER
18 ORGANIZATIONS, AND FEDERAL PARTNERS TO FACILITATE COORDINATED
19 RECOVERY PLANNING AND RESOURCE ALLOCATION.

20 **SECTION 4.** In Colorado Revised Statutes, 24-72-202, **amend**
21 (6)(b)(XVII) and (6)(b)(XVIII); and **add** (6)(b)(XIX) as follows:

22 **24-72-202. Definitions.**

23 As used in this part 2, unless the context otherwise requires:

24 (6) (b) "Public records" does not include:

25 (XVII) A complaint of harassment or discrimination, as described
26 in section 22-1-143, that is unsubstantiated and all records related to the
27 unsubstantiated complaint, including records of an investigation into the

1 complaint; ~~or~~

2 (XVIII) Jail assessments conducted pursuant to section 30-10-530
3 (5)(d) or 24-31-118; OR

4 (XIX) DISASTER SURVIVOR INFORMATION STORED IN THE
5 SURVIVOR PORTAL CREATED IN SECTION 24-33.5-1106 (4).

6 **SECTION 5.** In Colorado Revised Statutes, 24-33.5-705.5,
7 **amend** (1) introductory portion, (1)(a), (1)(c), (1)(d), (2), (3) introductory
8 portion, (3)(c), (4)(b), and (4)(c); and **add** (1)(e) as follows:

9 **24-33.5-705.5. Auxiliary communications unit - powers and**
10 **duties of unit and office of public safety communications regarding**
11 **auxiliary communications - definitions.**

12 (1) As used in this section, UNLESS THE CONTEXT OTHERWISE
13 REQUIRES:

14 (a) "Auxiliary emergency communicator" means an amateur radio
15 operator licensed by the United States federal communications
16 commission pursuant to 47 CFR 97 who meets the training requirements
17 and is credentialed by the office. An auxiliary emergency communicator
18 meeting the requirements of this ~~paragraph (a)~~ SUBSECTION (1)(a) serves
19 as an ~~authorized~~ QUALIFIED volunteer of the ~~office~~ DIVISION for purposes
20 of article 10 of this ~~title~~ TITLE 24.

21 (c) "Office" means the office of ~~emergency management~~ PUBLIC
22 SAFETY COMMUNICATIONS created in ~~section 24-33.5-705 (1)~~ SECTION
23 24-33.5-2502.

24 (d) "Unit" means the auxiliary ~~emergency~~ communications unit of
25 the office.

26 (e) "UNIT MEMBER" MEANS AN AUXILIARY EMERGENCY
27 COMMUNICATOR OR OTHER UNIT LEADERSHIP OR SUPPORT STAFF.

1 (2) The auxiliary ~~emergency~~ communications unit is ~~hereby~~
2 ~~established~~ CREATED within the office. The unit is in the charge of the
3 director of the office.

4 (3) The unit has the following powers, ~~and~~ duties, AND
5 PROTECTIONS:

6 (c) ~~Ensure that auxiliary emergency communicators are authorized~~
7 ~~volunteers~~ AUTHORIZE UNIT MEMBERS AS QUALIFIED VOLUNTEERS.
8 QUALIFIED VOLUNTEERS ARE entitled to the protections and benefits of
9 part 8 of this article 33.5 when ~~assisting with the installation,~~
10 ~~maintenance, or demolition of communication facilities of any county~~
11 ~~sheriff, local government, local emergency planning committee, local~~
12 ~~emergency management agency, or state agency~~ PARTICIPATING IN
13 DIVISION ACTIVITIES, whether or not ~~such~~ THE activities occur during a
14 disaster; except that sections 24-33.5-825 and 24-33.5-826 do not apply
15 to a training exercise, drill, or class without the express prior consent and
16 approval of the volunteer's employer. THE UNIT MAY USE OR OPERATE
17 STATE VEHICLES WHILE PARTICIPATING IN DIVISION ACTIVITIES.

18 (4) In connection with the powers and duties of the unit as
19 specified in this section, the director of the office may:

20 (b) Conduct criminal background investigations on candidates for
21 credentialing as ~~auxiliary emergency communicators~~ UNIT MEMBERS in
22 accordance with the security needs of the department. When the results
23 of a fingerprint-based criminal history record check of an applicant
24 performed pursuant to this section reveal a record of arrest without a
25 disposition, the DIVISION director shall require that applicant to submit to
26 a name-based judicial record check, as defined in section 22-2-119.3
27 (6)(d). The ~~unit~~ DIVISION DIRECTOR may deny credentialing to any

1 candidate based upon the results of a background check.

2 (c) Reimburse ~~auxiliary emergency communicators~~ UNIT
3 MEMBERS for necessary travel and other reasonable expenses incurred in
4 the performance of their duties; ~~including projects, training, drills,~~
5 ~~exercises, and disaster response activities;~~

6 **SECTION 6.** In Colorado Revised Statutes, **repeal** 24-33.5-717.

7 **SECTION 7.** In Colorado Revised Statutes, 24-75-226, **amend**
8 (5)(e) as follows:

9 **24-75-226. "American Rescue Plan Act of 2021" cash fund -**
10 **creation - recipient funds - limitations - reporting - appropriations -**
11 **reduction in general fund appropriations - report - legislative**
12 **declaration - definitions - repeal.**

13 (5) (e) The office shall provide the joint budget committee with
14 a yearly performance report that consists of the information that the state
15 controller provides the secretary under subsection (5)(a) of this section
16 and any other information, including program evaluation information, that
17 the office determines to be relevant. ~~Money in the fund or a recipient fund~~
18 ~~is not subject to the reporting requirements set forth in section~~
19 ~~24-33.5-717.~~

20 **SECTION 8.** In Colorado Revised Statutes, **amend**
21 24-33.5-806.5 as follows:

22 **24-33.5-806.5. Auxiliary communications unit of the office of**
23 **public safety communications - qualified volunteers - protections and**
24 **benefits.**

25 Notwithstanding any other provision of this part 8, any A
26 credentialed member AND A UNIT MEMBER, AUTHORIZED PURSUANT TO
27 AND IN ACCORDANCE WITH SECTION 24-33.5-705.5 (3)(c), of the auxiliary

1 ~~emergency~~ communications unit of the office of ~~emergency management~~
2 PUBLIC SAFETY COMMUNICATIONS created by ~~section 24-33.5-705 (1)~~ is
3 a PURSUANT TO SECTION 24-33.5-2502 (1) ARE qualified ~~volunteer~~
4 VOLUNTEERS for purposes of this part 8 and article 10 of this ~~title~~ TITLE
5 24 and ~~is~~ ARE eligible to receive the protections and benefits specified in
6 this part 8 and in article 10 of this ~~title~~ TITLE 24.

7 **SECTION 9.** In Colorado Revised Statutes, 24-33.5-1606.5,
8 **amend** (1), (2) introductory portion, (2)(e), (3)(a) introductory portion,
9 (3)(a)(II), and (3)(a)(V); **repeal** (2)(a), (2)(b), (2)(c), (2)(d), (3)(a)(III),
10 (3)(a)(IV), (3)(a)(VI), and (4); and **add** (2)(f) and (2)(g) as follows:

11 **24-33.5-1606.5. Office of grants management - creation -**
12 **duties - definition.**

13 (1) ~~There is hereby created within the division the office of~~
14 ~~preparedness, the head of which is the manager of the office of~~
15 ~~preparedness~~ THE OFFICE OF GRANTS MANAGEMENT IS CREATED WITHIN
16 THE DIVISION. The director shall appoint the manager of the office of
17 ~~preparedness~~ GRANTS MANAGEMENT pursuant to section 13 of article XII
18 of the state constitution. ~~The office of preparedness is responsible for~~
19 ~~creating and implementing a state preparedness goal and system to~~
20 ~~improve state capabilities to prevent, mitigate the effects of, respond to,~~
21 ~~and recover from threats to Colorado.~~

22 (2) The duties of the office of ~~preparedness~~ GRANTS
23 MANAGEMENT include:

24 (a) ~~Improving community preparedness and citizen involvement~~
25 ~~through external outreach;~~

26 (b) ~~Identifying and reducing duplicative homeland security-related~~
27 ~~training needs and efforts, coordinating homeland security-related~~

1 ~~training among tribal, state, local, and regional agencies, and creating a~~
2 ~~single training and exercise calendar with identified points of contact that~~
3 ~~is accessible via the internet;~~

4 (c) ~~Coordinating and updating homeland security plans;~~

5 (d) ~~Coordinating all-hazard public risk communication products~~
6 ~~among state agencies; and~~

7 (e) Administering ~~federal homeland security~~ PREPAREDNESS
8 grants, in accordance with subsection (3) of this section, providing
9 technical assistance to grantees, and coordinating grant funding
10 opportunities with other state agencies;

11 (f) ADMINISTERING FEDERAL PUBLIC ASSISTANCE GRANTS,
12 PROVIDING TECHNICAL ASSISTANCE TO GRANTEES, AND COORDINATING
13 FUNDING OPPORTUNITIES WITH OTHER STATE AGENCIES; AND

14 (g) ADMINISTERING STATE GRANTS PROVIDED TO STATE AGENCIES
15 AND POLITICAL SUBDIVISIONS FROM THE DISASTER EMERGENCY FUND
16 PURSUANT TO SECTION 24-33.5-706.

17 (3) (a) Unless otherwise authorized ~~under~~ PURSUANT TO this
18 article 33.5, the ~~grant programs for which the office of preparedness has~~
19 ~~authority to~~ OFFICE OF GRANTS MANAGEMENT MAY administer: ~~are limited~~
20 ~~to:~~

21 (II) ~~The Denver~~ urban areas security initiative, or its successor
22 program;

23 (III) ~~The metropolitan medical response system, or its successor~~
24 ~~program;~~

25 (IV) ~~The citizens corp program, or its successor program;~~

26 (V) ~~The urban areas security initiative nonprofit security grant~~
27 ~~program, or its successor program;~~

1 (VI) ~~The buffer zone protection program, or its successor~~
2 ~~program;~~

3 (4) ~~The office of preparedness shall place on its website a~~
4 ~~description of the national incident management system, developed by the~~
5 ~~federal emergency management agency and referred to in this section as~~
6 ~~"NIMS", and a listing, with any applicable links, of online courses~~
7 ~~required to become NIMS-certified and courses related to NIMS at~~
8 ~~institutions within the state system of community and technical colleges.~~

9 **SECTION 10.** In Colorado Revised Statutes, 24-1-128.6, **amend**
10 (2)(h)(II)(C) as follows:

11 **24-1-128.6. Department of public safety - creation.**

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

14 (h) (II) The division of homeland security and emergency
15 management includes the following agencies, which are **type 2** entities,
16 as defined in section 24-1-105, and which exercise their powers and
17 perform their duties and functions under the department of public safety:

18 (C) The office of ~~preparedness~~; GRANTS MANAGEMENT created in
19 section 24-33.5-1606.5; and

20 **SECTION 11.** In Colorado Revised Statutes, 24-33.5-1507,
21 **amend** (1) as follows:

22 **24-33.5-1507. Application for grants - disbursements from**
23 **SARA Title III fund - regulations.**

24 (1) The office of ~~preparedness~~ GRANTS MANAGEMENT in the
25 division of homeland security and emergency management, created in
26 section 24-33.5-1606.5 and referred to in this subsection (1) as the
27 "office", shall administer all grants from the fund. The office shall accept

1 applications from local emergency planning committees and from first
2 responder organizations who have coordinated their request with their
3 local emergency planning committee and shall direct those applications
4 to the subcommittee, which shall evaluate the applications and shall
5 recommend to the office which grants should be made for the purposes
6 of emergency planning and emergency response, including training and
7 planning programs and training and planning equipment as needed to
8 carry out the purposes of this part 15.

9 **SECTION 12.** In Colorado Revised Statutes, 24-33.5-1603,
10 **amend** (2)(c) as follows:

11 **24-33.5-1603. Division of homeland security and emergency**
12 **management - creation - director.**

13 (2) The division includes the following agencies, which are **type**
14 **2** entities, as defined in section 24-1-105, and which exercise their powers
15 and perform their duties and functions under the department:

16 (c) The office of ~~preparedness~~ GRANTS MANAGEMENT, created in
17 section 24-33.5-1606.5; and

18 **SECTION 13.** In Colorado Revised Statutes, 24-33.5-1614,
19 **amend** (2)(a) introductory portion, (2)(a)(VI), (2)(a)(VIII) introductory
20 portion, (2)(a)(VIII)(K), (2)(a)(VIII)(L), (2)(a)(VIII)(N), (3.3)(e)
21 introductory portion, (3.3)(e)(II) introductory portion, and (3.3)(e)(II)(A);
22 and **repeal** (2)(a)(VIII)(M) as follows:

23 **24-33.5-1614. Homeland security and all-hazards senior**
24 **advisory committee - composition - duties - emergency planning**
25 **subcommittee - public safety communications subcommittee -**
26 **creation - definitions - repeal.**

27 (2) (a) The advisory committee consists of at least the director of

1 the division, who is a nonvoting member, and the following ~~twenty-one~~
2 voting members:

3 ~~(VI) One member with specialized knowledge in emergency~~
4 ~~communications systems who represents the governor's office of~~
5 ~~information technology created in section 24-37.5-103, to be appointed~~
6 ~~by the chief information officer~~ THE DIRECTOR OF THE OFFICE OF PUBLIC
7 SAFETY COMMUNICATIONS CREATED PURSUANT TO SECTION 24-33.5-2502;

8 (VIII) The following ~~fourteen~~ members, to be appointed by the
9 executive director in consultation with the adjutant general of the
10 department of military and veterans affairs and the executive directors of
11 the department of local affairs and the department of public health and
12 environment:

13 ~~(K) A regional state homeland security coordinator, representing~~
14 ~~an all-hazards emergency management region established by executive~~
15 ~~order of the governor~~ A MEMBER OF THE COLORADO CYBERSECURITY
16 COUNCIL CREATED PURSUANT TO SECTION 24-33.5-1902;

17 (L) A representative of the special districts association of
18 Colorado, or its successor organization; AND

19 ~~(M) A representative from the state all-hazards advisory~~
20 ~~committee formed under the department, or any successor entity; and~~

21 (N) A representative of ~~the Denver~~ EACH COLORADO urban area
22 security initiative, as recognized by the United States department of
23 homeland security.

24 (3.3) (e) The subcommittee consists of at least the following
25 ~~twenty-three~~ members:

26 (II) ~~Five~~ THE FOLLOWING members representing state government:
27 as follows:

1 (A) ~~The chief information officer of the governor's office of~~
2 ~~information technology~~ DIRECTOR OF THE OFFICE OF PUBLIC SAFETY
3 COMMUNICATIONS, CREATED PURSUANT TO SECTION 24-33.5-2502, or ~~his~~
4 ~~or her~~ THE DIRECTOR'S designee;

5 **SECTION 14.** In Colorado Revised Statutes, 24-33.5-1619,
6 **amend** (3)(i) as follows:

7 **24-33.5-1619. Natural disaster mitigation enterprise - fund -**
8 **goals - grant program - gifts, grants, or donations - legislative**
9 **declaration - definitions - repeal.**

10 (3) **Enterprise.**

11 (i) Each member of the board is entitled to receive from money in
12 the fund REIMBURSEMENT FOR THE MEMBER'S ACTUAL TRAVEL EXPENSES
13 INCURRED FOR ATTENDING OFFICIAL BOARD MEETINGS OR a per diem
14 allowance of fifty dollars for each day spent attending official board
15 meetings, WHICHEVER IS GREATER.

16 **SECTION 15.** In Colorado Revised Statutes, 24-33.5-1622,
17 **amend** (2)(d) introductory portion and (2)(d)(II) as follows:

18 **24-33.5-1622. Colorado nonprofit security grant program -**
19 **rules - definitions - appropriation.**

20 (2) **Program created - allowable costs - rules.**

21 (d) ~~No later than August 30, 2022,~~ The director shall promulgate
22 ADOPT rules necessary to implement the grant program. At a minimum,
23 the rules must specify:

24 (II) That a grant recipient must have submitted an application for,
25 but not been selected to receive, a grant under the federal program,
26 EXCEPT IN EXIGENT CIRCUMSTANCES, AS DETERMINED BY THE DIRECTOR,
27 WHEN AN IMMEDIATE AWARD IS IN THE INTEREST OF PUBLIC SAFETY.

1 **SECTION 16.** In Colorado Revised Statutes, 24-33.5-1902,
2 **amend** (1) introductory portion, (1)(b), (1)(c), and (2)(v); and **repeal**
3 (2)(a), (2)(f), (2)(l), (2)(m), and (2)(p) as follows:

4 **24-33.5-1902. Colorado cybersecurity council - creation -**
5 **council members.**

6 (1) ~~There is created in the department of public safety and within~~
7 ~~existing resources the Colorado cybersecurity council~~ THE COLORADO
8 CYBERSECURITY COUNCIL IS CREATED WITHIN THE DEPARTMENT OF PUBLIC
9 SAFETY USING EXISTING RESOURCES. The council operates as a steering
10 group to develop cybersecurity policy guidance for the governor; develop
11 comprehensive sets of prioritized goals, requirements, initiatives, and
12 milestones; and coordinate with the general assembly and the judicial
13 branch regarding cybersecurity as deemed necessary and appropriate by
14 the council. In addition, the council may:

15 (b) Review the need to conduct risk assessments of local
16 government systems, providing additional cybersecurity services to local
17 governments, and proposing necessary statutory or policy changes;
18 ~~including the determination of ownership for these capabilities;~~ AND

19 (c) Make recommendations to the governor and general assembly
20 ~~on the authority and activities of the state chief information security~~
21 ~~officer with local governments by July 1, 2022~~ ABOUT CYBERSECURITY.

22 (2) The Colorado cybersecurity council is comprised of the
23 following members:

24 (a) ~~The governor, acting as the chairperson of the council, or the~~
25 ~~governor's designee;~~

26 (f) ~~The adjutant general of the department of military and veterans~~
27 ~~affairs;~~

1 (l) ~~The state attorney general, or the attorney general's designee;~~

2 (m) ~~The director of the public utilities commission or the~~
3 ~~director's designee;~~

4 (p) ~~The chair of the cybersecurity subcommittee of the homeland~~
5 ~~security and all-hazards senior advisory committee;~~

6 (v) Any other person deemed necessary and appropriate by the
7 ~~governor~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY.

8 **SECTION 17.** In Colorado Revised Statutes, 24-33.5-2502,
9 **amend** (3) and (4) as follows:

10 **24-33.5-2502. Office of public safety communications - public**
11 **safety communications revolving fund - creation.**

12 (3) The office shall develop a method for billing users of the
13 office's services the full DIRECT AND INDIRECT cost of the services,
14 including materials, depreciation related to capital costs, labor, and
15 administrative overhead. The billing method ~~shall~~ MUST be fully
16 implemented for all users of the office's services ~~on or before July 1, 2023~~
17 AND PUBLIC SAFETY COMMUNICATIONS NETWORK OR COMPONENTS OF THE
18 NETWORK. Revenue generated from ~~such~~ THE billing shall be credited to
19 the fund PURSUANT TO SUBSECTION (4)(a) OF THIS SECTION.

20 (4) (a) The office may seek, accept, and expend SERVICE
21 CHARGES, FEES, REVENUE, gifts, grants, donations, and bequests from
22 private or public sources for the direct and indirect costs, including
23 personal services and operating costs, associated with administering
24 public safety communications. The office shall transmit all money
25 received through SERVICE CHARGES, FEES, REVENUE, gifts, grants,
26 donations, or bequests for ~~such~~ RELATED purposes to the state treasurer,
27 who shall credit the money to the fund.

1 (b) The office may contract with the United States and any other
2 legal entities with respect to money available to the office through
3 SERVICE CHARGES, FEES, REVENUE, gifts, grants, donations, or bequests.

4 (c) THE OFFICE MAY CONTRACT WITH PRIVATE ENTITIES FOR THE
5 PRIVATE ENTITY USING THE PUBLIC SAFETY COMMUNICATIONS NETWORK
6 OR COMPONENTS OF THE NETWORK.

7 (d) THE OFFICE, ACTING BY AND THROUGH THE DEPARTMENT OF
8 PUBLIC SAFETY, IS AUTHORIZED TO ENTER INTO ANCILLARY AGREEMENTS
9 AND INSTRUMENTS THAT ARE NECESSARY OR APPROPRIATE IN
10 CONNECTION WITH ADMINISTERING PUBLIC SAFETY COMMUNICATIONS.

11 **SECTION 18.** In Colorado Revised Statutes, 24-33.5-2508,
12 **amend** (1)(a) as follows:

13 **24-33.5-2508. Digital trunked radio system - service charges**
14 **- pricing policy.**

15 (1) (a) Users of the digital trunked radio system ~~shall~~ MUST be
16 charged the full cost of the particular service, which ~~shall include~~
17 INCLUDES the DIRECT AND INDIRECT cost of all material, labor, and
18 overhead. The user charges ~~shall~~ AND FEES AND REVENUE MUST be
19 transmitted to the state treasurer, who shall credit them to the public
20 safety communications ~~trust~~ REVOLVING fund created in ~~section~~
21 ~~24-33.5-2510~~ SECTION 24-33.5-2502. The ~~public safety communications~~
22 ~~trust fund~~ PUBLIC SAFETY COMMUNICATIONS REVOLVING FUND must
23 include user charges on public safety radio systems ~~of a state agency or~~
24 ~~other state entity~~ PROVIDED BY THE OFFICE; except that no municipality,
25 county, city and county, or special district ~~shall be charged~~ CAN INCUR
26 user charges on public safety radio systems ~~of a state agency or other state~~
27 ~~entity~~ PROVIDED BY THE OFFICE.

1 **SECTION 19.** In Colorado Revised Statutes, 24-33.5-2509,
2 **repeal** (1)(c) as follows:

3 **24-33.5-2509. Interoperable communications among public**
4 **safety radio systems - statewide plan - regional plans - governmental**
5 **immunity - needs assessment.**

6 (1) (c) ~~A region that fails to timely submit a tactical and long-term~~
7 ~~interoperable communications plan or revisions thereto, or a local~~
8 ~~government agency that fails to collaborate in the development of or~~
9 ~~timely submit the plan, or a region or local government agency that fails~~
10 ~~to maintain current plans, is ineligible to receive homeland security or~~
11 ~~public safety grant money administered by the department of local affairs,~~
12 ~~department of public safety, or department of public health and~~
13 ~~environment until the region submits a plan to the director of the office.~~

14 **SECTION 20.** In Colorado Revised Statutes, 24-33.5-2510,
15 **amend** (2)(b) as follows:

16 **24-33.5-2510. Public safety communications trust fund -**
17 **creation - report.**

18 (2) (b) In addition to any transfers made as a result of subsection
19 (2)(a) of this section, the department may solicit and accept gifts, grants,
20 donations, PROCUREMENT FUNDS, bequests, and other contributions to the
21 fund from local, state, ~~and~~ federal, PRIVATE, AND PUBLIC entities and from
22 public-safety-related nonprofit organizations that directly support state
23 departments, state institutions, state agencies, and law enforcement and
24 public safety political subdivisions of the state. ~~Such~~ Contributions shall
25 be transmitted to the state treasurer, who shall credit the contributions to
26 the fund.

27 **SECTION 21. Act subject to petition - effective date.** This act

1 takes effect at 12:01 a.m. on the day following the expiration of the
2 ninety-day period after final adjournment of the general assembly (August
3 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a
4 referendum petition is filed pursuant to section 1 (3) of article V of the
5 state constitution against this act or an item, section, or part of this act
6 within such period, then the act, item, section, or part will not take effect
7 unless approved by the people at the general election to be held in
8 November 2026 and, in such case, will take effect on the date of the
9 official declaration of the vote thereon by the governor.