

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 18-1010.02 Esther van Mourik x4215

HOUSE BILL 18-1373

HOUSE SPONSORSHIP

Becker J. and Hansen, Esgar

SENATE SPONSORSHIP

Baumgardner and Kefalas, Sonnenberg

House Committees
Business Affairs and Labor

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE USE OF THE STATE TELECOMMUNICATIONS**
102 **NETWORK BY PRIVATE ENTITIES THROUGH PUBLIC-PRIVATE**
103 **PARTNERSHIPS, AND, IN CONNECTION THEREWITH, RELOCATING**
104 **LAWS RELATED TO THE STATE TELECOMMUNICATIONS**
105 **NETWORK FROM THE DEPARTMENT OF PUBLIC SAFETY'S**
106 **STATUTES TO THE STATUTES REGARDING**
107 **TELECOMMUNICATIONS COORDINATION WITHIN STATE**
108 **GOVERNMENT.**

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

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.

[http://leg.colorado.gov/.](http://leg.colorado.gov/))

Capital Development Committee. The bill authorizes private entities to use the state telecommunications network through public-private partnerships considered, evaluated, and accepted by the chief information officer and relocates laws related to the state telecommunications network from the department of public safety's statutes to the statutes regarding telecommunications coordination within state government. The bill also specifies that any lease revenues from public-private partnerships must be credited 75% to the public safety communications trust fund for improvements to the state telecommunications network and 25% to the public school capital construction assistance fund for technology grants.

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

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

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

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

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

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

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

1 **24-37.5-501. Powers, duties, and functions concerning**
2 **telecommunications.** (1) [Formerly 24-33.5-223 (1)] In order to more
3 efficiently support the efforts of state departments, state institutions, state
4 agencies, and law enforcement and public safety political subdivisions,
5 and to better serve the public, there is authorized to be established a state
6 telecommunications network, the construction, maintenance, and
7 management of which shall be under the supervision of the ~~state~~
8 ~~telecommunications~~ ~~director~~ CHIEF INFORMATION OFFICER, IN
9 CONSULTATION WITH THE CHIEF OF THE COLORADO STATE PATROL.

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

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

15 **24-37.5-502. Duties and responsibilities.** (4.5) [Formerly
16 **24-33.5-223 (2)**] (a) The ~~state telecommunications~~ ~~director~~ CHIEF
17 INFORMATION OFFICER is authorized, SUBJECT TO THE BUDGET REQUEST
18 REQUIREMENTS SET FORTH IN SECTIONS 2-3-208 AND 24-37-304 (1)(c.3)
19 AND subject to appropriation by the general assembly, to purchase or lease
20 any real estate, buildings, and property necessary to the operation or
21 development of the telecommunications network, and to use any available
22 facilities and telecommunications equipment of any state agency or
23 institution, and, if necessary, to provide for the construction of the
24 network.

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

27 (I) State departments, state institutions, state agencies, and law

1 enforcement and public safety political subdivisions of the state;

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

6 (A) May be requested to support the purposes expressed in ~~section~~
7 ~~24-37.5-502 (1)(c) and (1)(e)~~ SUBSECTION (1)(c) AND (1)(e) OF THIS
8 SECTION and aggregate telecommunications service requirements of any
9 public office described in section 24-32-3001 (1)(h); or

10 (B) Make donations, grants, bequests, and other contributions to
11 the public safety communications trust fund pursuant to section
12 24-37.5-506 (2)(b); OR

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

17 (B) LEASE REVENUES FROM PUBLIC-PRIVATE PARTNERSHIPS
18 ENTERED INTO PURSUANT TO SUBSECTION (4.5)(b)(III)(A) OF THIS SECTION
19 MUST BE CREDITED AS FOLLOWS: SEVENTY-FIVE PERCENT TO THE PUBLIC
20 SAFETY COMMUNICATIONS TRUST FUND FOR IMPROVEMENTS TO THE STATE
21 TELECOMMUNICATIONS NETWORK AND TWENTY-FIVE PERCENT TO THE
22 PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE FUND CREATED IN
23 SECTION 22-43.7-104 FOR TECHNOLOGY GRANTS ALLOWED IN SECTION
24 22-43.7-109 (13).

25 ~~(c) Nothing in this section shall be construed to allow the state~~
26 ~~telecommunications director to purchase or lease any real estate,~~
27 ~~buildings, and property necessary to the operation or development of a~~

1 ~~telecommunications network for other than state departments, state~~
2 ~~institutions, state agencies, law enforcement and public safety political~~
3 ~~subdivisions, and the entities described in subparagraph (H) of paragraph~~
4 ~~(b) of this subsection (2), nor to allow for the resale and sharing of~~
5 ~~services.~~

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

8 **24-37.5-505. Service charges - pricing policy.** (3) [Formerly
9 **24-33.5-223 (3)**] ~~All expenses of dispatchers and other necessary~~
10 ~~employees used in connection with the operation of the law enforcement~~
11 ~~radio system within the state telecommunications network shall be paid~~
12 ~~by The chief of the Colorado state patrol SHALL PAY ALL EXPENSES OF~~
13 ~~DISPATCHERS AND OTHER NECESSARY EMPLOYEES USED IN CONNECTION~~
14 ~~WITH THE OPERATION OF THE LAW ENFORCEMENT RADIO SYSTEM WITHIN~~
15 ~~THE STATE TELECOMMUNICATIONS NETWORK in the same manner as~~
16 ~~expenses of other employees of said patrol are paid.~~

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

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

21 **43-1-1202. Department powers - definition.**

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

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

26 (IV) (A) Promotion of private investment in traffic operations
27 centers, use of telecommunications, use of telecommuting to reduce

1 transportation demand, conversion of defense technologies to civilian
2 transportation uses, operational efficiency on urban and rural roads, and
3 electronic payment for transportation services;

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

8 **SECTION 7. Act subject to petition - effective date.** This act
9 takes effect at 12:01 a.m. on the day following the expiration of the
10 ninety-day period after final adjournment of the general assembly (August
11 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
12 referendum petition is filed pursuant to section 1 (3) of article V of the
13 state constitution against this act or an item, section, or part of this act
14 within such period, then the act, item, section, or part will not take effect
15 unless approved by the people at the general election to be held in
16 November 2018 and, in such case, will take effect on the date of the
17 official declaration of the vote thereon by the governor.