

CHAPTER 249

GOVERNMENT - STATE

HOUSE BILL 98-1068

BY REPRESENTATIVES Anderson, Kaufman, and Nichol;
also SENATORS Ament, Arnold, Bishop, Dennis, Hopper, Schroeder, Tebedo, and Wham.

AN ACT

CONCERNING IMPROVEMENTS TO THE STATE RADIO COMMUNICATIONS NETWORK, AND, IN CONNECTION THEREWITH, CREATING A PUBLIC SAFETY COMMUNICATIONS TRUST FUND AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

SECTION 1. Part 9 of article 30 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

24-30-908.5. Public safety communications trust fund - creation. (1) THERE IS HEREBY CREATED IN THE STATE TREASURY THE PUBLIC SAFETY COMMUNICATIONS TRUST FUND, REFERRED TO IN THIS SECTION AS THE "FUND". THE MONEYS IN THE FUND ARE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY TO THE DEPARTMENT OF PERSONNEL FOR DISTRIBUTION AS DETERMINED BY RULES ADOPTED PURSUANT TO SECTION 24-30-903 (1) (j). THE PRIMARY PURPOSE OF SUCH DISTRIBUTIONS SHALL BE THE ACQUISITION AND MAINTENANCE OF PUBLIC SAFETY COMMUNICATION SYSTEMS FOR USE BY DEPARTMENTS INCLUDING, BUT NOT LIMITED TO, THE DEPARTMENTS OF PUBLIC SAFETY, TRANSPORTATION, NATURAL RESOURCES, AND CORRECTIONS AS PROVIDED IN SECTION 24-30-903 (6) (b). SUCH SYSTEMS SHALL SATISFY THE REQUIREMENTS OF THE PUBLIC SAFETY NATIONAL PLAN ESTABLISHED BY THE FEDERAL COMMUNICATIONS COMMISSION, ALSO REFERRED TO IN THIS ARTICLE AS THE "FCC", IN *FCC REPORT AND ORDER IN GENERAL DOCKET NO. 87-112*, AND SUBSEQUENT FCC PROCEEDINGS AND RULES. 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 COMMUNICATION SYSTEMS, OR PAYMENTS RELATED TO PUBLIC SAFETY RADIO SYSTEMS.

(2) (a) THE GENERAL ASSEMBLY DECLARES ITS INTENTION TO COMMIT STATE

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

MONEYS TO THE FUND FOR THE PURPOSES SET FORTH IN THIS SECTION. EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (2), THE TOTAL AMOUNT OF THE PRINCIPAL IN THE FUND SHALL NOT EXCEED FIFTY MILLION DOLLARS.

(b) IN ADDITION TO ANY APPROPRIATIONS MADE AS A RESULT OF PARAGRAPH (a) OF THIS SUBSECTION (2), THE DEPARTMENT OF PERSONNEL MAY SOLICIT AND ACCEPT DONATIONS, GRANTS, BEQUESTS, AND OTHER CONTRIBUTIONS TO THE FUND FROM LOCAL, STATE, AND FEDERAL ENTITIES. SUCH CONTRIBUTIONS SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE CONTRIBUTIONS TO THE FUND.

(3) AT THE END OF EACH FISCAL YEAR, ALL UNEXPENDED AND UNENCUMBERED MONEYS IN THE FUND SHALL REMAIN THEREIN AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND. ALL INTEREST DERIVED FROM THE DEPOSIT AND INVESTMENT OF THIS FUND SHALL REMAIN IN THE FUND AND SHALL NOT REVERT TO THE GENERAL FUND.

(4) IN AUTHORIZING DISTRIBUTIONS OF PRINCIPAL AND INTEREST FROM THE FUND AND PURCHASING, LEASING, CONTRACTING FOR, AND OTHERWISE ACQUIRING EQUIPMENT FOR STATE ENTITIES, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL 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;

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

(5) IN ACQUIRING EQUIPMENT PURSUANT TO SUBSECTION (4) OF THIS SECTION, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL SHALL DEVELOP BID SPECIFICATIONS THAT IDENTIFY ALL SERVICES, REQUIREMENTS, AND COSTS CONSISTENT WITH EXISTING STATE LAW.

(6) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL SHALL KEEP AN ACCURATE ACCOUNT OF ALL ACTIVITIES RELATED TO THE FUND INCLUDING ITS RECEIPTS AND EXPENDITURES AND SHALL ANNUALLY, IN THE MONTH OF JANUARY, REPORT SUCH INFORMATION TO THE GOVERNOR, THE CAPITAL DEVELOPMENT COMMITTEE, THE JOINT BUDGET COMMITTEE, AND THE STATE AUDITOR. 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. THE PROVISIONS OF THIS SECTION AND THE EXPENDITURES FROM THE FUND SHALL BE REVIEWED BY THE LEGISLATIVE AUDIT COMMITTEE COMMENCING JULY 1, 1999, AND EVERY TWO YEARS THEREAFTER.

(7) IN THE EXPENDITURE OF ANY FUNDS FROM THE PUBLIC SAFETY COMMUNICATIONS TRUST FUND FOR THE ACQUISITION, MAINTENANCE, OR LEASE OF ANY PUBLIC SAFETY RADIO COMMUNICATIONS SYSTEMS EQUIPMENT OR ANY OTHER COMMUNICATION DEVICES OR EQUIPMENT, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL SHALL ENSURE THAT SUCH EXPENDITURES ARE MADE PURSUANT TO THE REQUIREMENTS SET FORTH UNDER THE "PROCUREMENT CODE", ARTICLE 101 OF THIS TITLE.

SECTION 2. 24-30-901 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

24-30-901. Legislative declaration. (1) The general assembly hereby finds and declares that:

(e) AN ESSENTIAL COMPONENT OF A VIABLE TELECOMMUNICATIONS POLICY IS THE AVAILABILITY OF A STATEWIDE, INTEROPERABLE PUBLIC SAFETY RADIO COMMUNICATIONS SYSTEM THAT PROVIDES INSTANT AND DISRUPTION-RESISTANT COMMUNICATION CAPABILITY FOR LAW ENFORCEMENT AGENCIES AND OTHER UNITS OF GOVERNMENT THAT MAY BE CALLED UPON TO DEAL WITH NATURAL DISASTERS, HEALTH EMERGENCIES, ACTS OF TERRORISM, AND OTHER THREATS TO PUBLIC HEALTH AND SAFETY.

SECTION 3. 24-30-903 (1) (a), Colorado Revised Statutes, is amended, and the said 24-30-903 (1) is further amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS, to read:

24-30-903. Duties and responsibilities. (1) The executive director of the department of personnel shall perform the following functions:

(a) In consultation with LOCAL, state, AND FEDERAL departments, institutions, and agencies, formulate recommendations for a current and long-range telecommunications plan, involving telephone, radio, microwave, facsimile closed circuit and cable television, teleconferencing, public broadcast, data communications transmission circuits, ~~fiberoptics~~ FIBER OPTICS, satellites, and cellular radio, AND PUBLIC SAFETY RADIO COMMUNICATIONS SYSTEMS REQUIRED BY THE FCC PUBLIC SAFETY NATIONAL PLAN and their integration into applicable telecommunications networks for approval of the governor;

(i) ADMINISTER THE PUBLIC SAFETY COMMUNICATIONS TRUST FUND CREATED IN SECTION 24-30-908.5; AND

(j) ADOPT RULES IN ACCORDANCE WITH THE "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF TITLE 24, C.R.S., REGARDING DISTRIBUTIONS OF PUBLIC SAFETY COMMUNICATIONS TRUST FUND MONEYS TO AND REPAYMENT OF SUCH MONEYS BY STATE AND LOCAL GOVERNMENTS.

SECTION 4. 24-30-903 (2), Colorado Revised Statutes, is amended, and the said 24-30-903 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

24-30-903. Duties and responsibilities. (2) Notwithstanding the functions

enumerated in paragraph (b) of subsection (1) of this section AND PARAGRAPH (a) OF SUBSECTION (6) OF THIS SECTION, the ULTIMATE responsibility for the operation and conduct of the law enforcement radio systems specifically provided for the division of the Colorado state patrol which are performed by radio dispatchers and telephone operators shall be vested in the chief of the Colorado state patrol.

(6) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL SHALL:

(a) IN CONSULTATION WITH RECOGNIZED PUBLIC SAFETY RADIO COMMUNICATION STANDARDS GROUPS, APPROPRIATE AFFECTED PUBLIC AGENCIES, AND THE CHIEF OF THE COLORADO STATE PATROL, ADOPT RECOMMENDED STANDARDS FOR THE REPLACEMENT OF ANALOG-BASED 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 RECOMMENDED STANDARDS AND SET A TIMETABLE FOR THE REPLACEMENT OF EXISTING RADIO TELECOMMUNICATIONS EQUIPMENT WITH A SYSTEM THAT SATISFIES THE REQUIREMENTS OF THE FCC PUBLIC SAFETY NATIONAL PLAN.

SECTION 5. 24-75-302 (2) (k), Colorado Revised Statutes, is amended to read:

24-75-302. Capital construction fund - capital assessment fees - calculation.

(2) As of July 1, 1988, and July 1 of each year thereafter through July 1, 2001, a sum as specified in this subsection (2) shall accrue to the capital construction fund. The state treasurer and the controller shall transfer such sum out of the general fund and into the capital construction fund as moneys become available in the general fund during the fiscal year beginning on said July 1. Transfers between funds pursuant to this subsection (2) shall not be deemed to be appropriations subject to the limitations of section 24-75-201.1. The amount which shall accrue pursuant to this subsection (2) shall be as follows:

(k) On July 1, 1998, fifty million dollars plus three hundred sixteen thousand six hundred thirty-five dollars pursuant to H.B. 97-1186, enacted at the first regular session of the sixty-first general assembly, PLUS THREE MILLION THREE HUNDRED THOUSAND DOLLARS PURSUANT TO H.B. 98-1068, ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-FIRST GENERAL ASSEMBLY.

SECTION 6. 2-3-1304 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

2-3-1304. Powers and duties of capital development committee. (1) The capital development committee shall have the following powers and duties:

(f) TO REVIEW THE ANNUAL CAPITAL CONSTRUCTION AND MAINTENANCE REQUESTS FROM THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL REGARDING THE PUBLIC SAFETY COMMUNICATIONS TRUST FUND CREATED PURSUANT TO SECTION 24-30-908.5, C.R.S.

SECTION 7. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the capital construction fund not otherwise appropriated, to the public safety communication trust fund created in section 24-30-908.5, Colorado Revised Statutes, for the fiscal year beginning July 1, 1998, the sum of three million three hundred thousand dollars (\$3,300,000), or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the public safety communications trust fund not otherwise appropriated, to the department of personnel, for the fiscal years beginning July 1, 1998, the sum of three million three hundred thousand dollars (\$3,300,000) or so much thereof as may be necessary, for the implementation of this act.

SECTION 8. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 27, 1998