

CHAPTER 381

PUBLIC UTILITIES

SENATE BILL 04-111

BY SENATOR(S) Grossman and Groff;
also REPRESENTATIVE(S) Stengel, Jahn, Madden, McGihon, and Williams S.

AN ACT**CONCERNING THE AUTHORITY OF A GOVERNING BODY TO USE EMERGENCY TELEPHONE CHARGES TO FUND THE COSTS ASSOCIATED WITH PROVIDING EMERGENCY SERVICES.**

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

SECTION 1. 29-11-101, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

29-11-101. Definitions. As used in this article, unless the context otherwise requires:

(1.6) "EMERGENCY SERVICE PROVIDER" MEANS A PRIMARY PROVIDER OF EMERGENCY FIREFIGHTING, LAW ENFORCEMENT, AMBULANCE, EMERGENCY MEDICAL, OR OTHER EMERGENCY SERVICES.

SECTION 2. 29-11-102 (1) (a), Colorado Revised Statutes, is amended to read:

29-11-102. Imposition of charge - liability of user for charge - collection - uncollected amounts. (1) (a) In addition to any other powers for the protection of the public health, a governing body may incur any equipment, installation, and other directly related costs for the continued operation of an emergency telephone service AS FURTHER DESCRIBED IN SECTION 29-11-104, and may pay such costs by imposing an emergency telephone charge for such service in those portions of the governing body's jurisdiction for which emergency telephone service will be provided. The governing body may do such other acts as may be expedient for the protection and preservation of the public health and as may be necessary for the acquisition of equipment, for the provision of initial services, and for the operation of the emergency telephone service.

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

SECTION 3. 29-11-104 (2), Colorado Revised Statutes, is amended to read:

29-11-104. Agreements or contracts for emergency telephone service - use of funds collected. (2) (a) (I) Except as otherwise provided in paragraphs PARAGRAPH (b) and (c) of this subsection (2), funds collected from the charges imposed pursuant to this article shall be spent solely to pay for:

(A) Costs of equipment DIRECTLY RELATED TO THE RECEIPT AND ROUTING OF EMERGENCY CALLS and installation thereof;

(B) Monthly recurring charges of service suppliers and basic emergency service providers (BESPs) for the emergency telephone service, which charges shall be billed by the BESP to the governing body of each jurisdiction in which it provides service;

(C) Reimbursement of the costs of wireless carriers and BESPs for equipment changes necessary for the provision or transmission of wireless ANI or wireless ALI to a public safety answering point;

(D) Costs related to the provision of THE emergency notification service AND THE EMERGENCY TELEPHONE SERVICE, INCLUDING COSTS ASSOCIATED WITH TOTAL IMPLEMENTATION OF BOTH SERVICES BY EMERGENCY SERVICE PROVIDERS, INCLUDING COSTS FOR PROGRAMMING, RADIOS, AND EMERGENCY TRAINING PROGRAMS; and

(E) Other costs ~~excluding personnel costs~~, directly related to the continued operation of the emergency telephone service AND THE EMERGENCY NOTIFICATION SERVICE.

(II) If moneys are available after the costs and charges enumerated in subparagraph (I) of this paragraph (a) are fully paid, such funds may be expended for emergency medical services provided by telephone OR THE NECESSARY EQUIPMENT TO REDIRECT CALLS FOR NONEMERGENCY TELEPHONE SERVICES.

(b) ~~In a county with a population of fifty thousand or less that has entered into a cooperative intergovernmental agreement for the provision of emergency telephone service,~~ Funds collected from the charges imposed pursuant to this article may also be spent for personnel expenses necessarily incurred for a public safety answering point. As used in this paragraph (b), "personnel expenses necessarily incurred" includes only expenses incurred for:

(I) Persons employed to take emergency telephone calls and dispatch them appropriately; and

(II) Persons employed to maintain the computer data base of the public safety answering point.

(c) ~~For purposes of paragraph (b) of this subsection (2), the population of a county shall be determined by the most recent available estimate by the division of planning in the department of local affairs.~~

SECTION 4. Effective date. This act shall take effect July 1, 2004.

SECTION 5. 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: June 4, 2004