

CHAPTER 310

GOVERNMENT - STATE

SENATE BILL 06-237

BY SENATOR(S) Grossman, Hagedorn, Isgar, Spence, Teck, Boyd, Fitz-Gerald, Groff, Jones, Keller, Kester, May R., Sandoval, Shaffer, Tapia, Tochtrop, and Wiens;
also REPRESENTATIVE(S) Balmer, Benefield, Carroll T., McKinley, Stengel, Berens, Green, Hall, Harvey, Hoppe, Jahn, Kerr J., Liston, McFadyen, Merrifield, Paccione, Rose, Schultheis, Stafford, Sullivan, Todd, and Witwer.

AN ACT**CONCERNING INTEROPERABLE COMMUNICATIONS AMONG PUBLIC SAFETY RADIO SYSTEMS.**

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) The inability of public safety agencies of state and local government to communicate reliably with one another by radio represents a significant risk to public safety and homeland security.

(b) Large-scale incidents require different disciplines from different local jurisdictions to respond quickly.

(c) The state has made significant progress in the construction of a statewide public safety communications network.

(d) Statewide interoperability is an important law enforcement, public safety, and homeland security objective.

SECTION 2. Part 21 of article 32 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

24-32-2116. Interoperable communications among public safety radio systems - statewide plan - regional plans - governmental immunity - definitions.

(1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

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

(a) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS.

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

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

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

(2) NO LATER THAN MARCH 1, 2007, THE EXECUTIVE DIRECTOR SHALL ADOPT A TACTICAL AND LONG-TERM INTEROPERABLE COMMUNICATIONS PLAN TO IMPROVE THE ABILITY OF THE PUBLIC SAFETY AGENCIES OF STATE GOVERNMENT TO COMMUNICATE WITH PUBLIC SAFETY AGENCIES OF THE FEDERAL GOVERNMENT, REGIONS, LOCAL GOVERNMENTS, AND OTHER STATES. THE PLAN SHALL INCLUDE MEASURES TO CREATE AND PERIODICALLY TEST INTEROPERABILITY INTERFACES, PROVISIONS FOR TRAINING ON COMMUNICATIONS SYSTEMS AND EXERCISES ON THE IMPLEMENTATION OF THE PLAN, AND DEADLINES FOR IMPLEMENTATION. THE EXECUTIVE DIRECTOR SHALL UPDATE AND REVISE THE PLAN NO LESS THAN ONCE EVERY THREE YEARS.

(3) (a) NO LATER THAN NOVEMBER 1, 2006, EACH REGION SHALL ADOPT AND SUBMIT TO THE EXECUTIVE DIRECTOR A TACTICAL AND LONG-TERM INTEROPERABLE COMMUNICATIONS PLAN 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 PLAN 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.

(b) EACH LOCAL GOVERNMENT AGENCY OR PRIVATE ENTITY THAT OPERATES A PUBLIC SAFETY RADIO SYSTEM SHALL COLLABORATE IN THE DEVELOPMENT OF THE TACTICAL AND LONG-TERM INTEROPERABLE COMMUNICATIONS PLAN OF THE REGION IN WHICH IT IS LOCATED.

(c) A REGION THAT FAILS TO SUBMIT A TACTICAL AND LONG-TERM INTEROPERABLE COMMUNICATIONS PLAN BY THE DATE SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (3) OR A LOCAL GOVERNMENT AGENCY THAT FAILS TO COLLABORATE IN THE DEVELOPMENT OF THE PLAN SHALL BE INELIGIBLE TO RECEIVE HOMELAND SECURITY OR PUBLIC SAFETY GRANT MONEYS 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 EXECUTIVE DIRECTOR.

(4) A PUBLIC SAFETY AGENCY SHALL NOT EXPEND MONEYS RECEIVED THROUGH

THE DEPARTMENT OF LOCAL AFFAIRS ON A MOBILE DATA COMMUNICATION SYSTEM UNLESS THE SYSTEM IS CAPABLE OF INTEROPERABLE COMMUNICATIONS.

(5) 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 MONEYS ADMINISTERED BY THE DEPARTMENT OF LOCAL AFFAIRS.

(6) 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 SHALL HAVE THE SAME DEGREE OF IMMUNITY UNDER THE "COLORADO GOVERNMENTAL IMMUNITY ACT", ARTICLE 10 OF THIS TITLE, AS THE PUBLIC SAFETY AGENCY OR EMPLOYEE WOULD HAVE IF NOT ACTING IN COLLABORATION WITH ANOTHER AGENCY OR PERSON.

SECTION 3. 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 1, 2006