

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 22-0705.01 Nicole Myers x4326

HOUSE BILL 22-1353

HOUSE SPONSORSHIP

Bernett and Baisley, Titone

SENATE SPONSORSHIP

Bridges, Kolker

House Committees

Judiciary
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE COORDINATION OF STATE PUBLIC SAFETY**
102 **COMMUNICATIONS, AND, IN CONNECTION THEREWITH,**
103 **TRANSFERRING THE POWERS, DUTIES, AND FUNCTIONS RELATED**
104 **TO SUCH COORDINATION FROM THE OFFICE OF INFORMATION**
105 **TECHNOLOGY TO THE DEPARTMENT OF PUBLIC SAFETY.**

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/>.)

Joint Technology Committee. Currently, the joint technology committee of the general assembly oversees any telecommunications

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.

HOUSE
Amended 2nd Reading
April 29, 2022

coordination within state government. The bill moves that oversight function to the department of public safety's oversight committee pursuant to the "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act".

Currently, the chief information officer in the office of information technology exercises the powers, duties, and functions related to public safety telecommunications coordination within state government (public safety telecommunications). On July 1, 2022, the bill transfers these powers, duties, and functions to the department of public safety (department). The transferred powers, duties, and functions are allocated to the division of homeland security and emergency management (division) in the department. In addition, the bill transfers employees, property, and policies of the office of information technology related to public safety communications to the division.

The bill creates the office of public safety communications in the division (office) and creates the director of the office. The bill relocates the existing state public safety communications network in the office and specifies the duties and responsibilities of the director of the office that were formerly the duties and responsibilities of the chief information officer of the office of information technology. The duties and responsibilities include:

- Formulating recommendations for a current and long-range public safety communications plan and administering the plan;
- Reviewing all existing and future state-owned public safety communications applications, planning, networks, systems, programs, equipment, and facilities and establishing priorities for those applications;
- Approving the acquisition of public safety communications equipment by any state entity;
- Establishing and enforcing public safety communications policies, procedures, standards, and records for management of public safety communications networks and facilities for all state entities;
- Reviewing, assessing, and ensuring compliance with federal and state public safety communications regulations pertaining to the needs and functions of state entities;
- Advising the governor and general assembly on public safety communications matters;
- Administering the public safety communications trust fund;
- Adopting recommended standards for the replacement of analog-based radio equipment with digital-based radio equipment for purposes of dispatching and related functions within the department of public safety; and
- For purposes of serving the radio communications needs of

state departments, adopting standards and policies and setting a recommended timetable for the replacement of existing radio public safety communications equipment with a system that satisfies the requirements of the federal communications commission public safety national plan.

The director of the office may enter into contracts, formerly entered into by the chief information officer, with specified public entities and may act as a public safety communications network provider to provide public safety radio communications between or among 2 or more counties or state agencies.

The bill specifies when users of public safety radio systems, including public entities and privately owned businesses, will be charged fees for the service, including the cost of material, labor, and overhead.

The executive director of the department is required to exercise the powers, duties, and functions regarding the existing 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 director of the office is required to update and revise the tactical and long-term interoperable communications plan at least once every 3 years.

The bill relocates the existing public safety communications trust fund, specifies the sources of money in the fund, and specifies the purposes for which money in the fund must be used.

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) Since 1998, the public safety communications network
5 program, in partnership with local government infrastructure owners, has
6 provided a statewide wireless system, called the digital trunked radio
7 system, that enables direct communications between first responders and
8 public safety agencies across jurisdictional and regional boundaries;

9 (b) Transferring this existing public safety communications
10 network program from the governor's office of information technology to
11 the department of public safety is supported by users, stakeholders, and

1 the executive branch of state government;

2 (c) A governance structure that reflects the sentiments of
3 statewide users and stakeholders is imperative to ensure that the state
4 continues to have a reliable public safety communications network that
5 ensures the well-being of all Coloradans; and

6 (d) The governor's office of information technology and the
7 Colorado department of public safety will prioritize maintaining complete
8 network reliability and operational efficiency as they coordinate the
9 transfer of the digital trunked radio system.

10 **SECTION 2.** In Colorado Revised Statutes, 2-3-1704, **repeal** (3)
11 as follows:

12 **2-3-1704. Powers and duties of the joint technology committee.**

13 ~~(3) The committee oversees any telecommunications coordination within~~
14 ~~state government that the chief information officer performs pursuant to~~
15 ~~part 5 of article 37.5 of title 24, C.R.S.~~

16 **SECTION 3.** In Colorado Revised Statutes, **add** part 25 to article
17 33.5 of title 24 as follows:

18 PART 25

19 PUBLIC SAFETY COMMUNICATIONS

20 **24-33.5-2501. Definitions.** AS USED IN THIS PART 25, UNLESS THE
21 CONTEXT OTHERWISE REQUIRES:

22 (1) "DIVISION" MEANS THE DIVISION OF HOMELAND SECURITY AND
23 EMERGENCY MANAGEMENT CREATED IN SECTION 24-33.5-1603.

24 (2) "INTEROPERABLE COMMUNICATIONS" MEANS THE ABILITY OF
25 PUBLIC SAFETY AGENCIES IN VARIOUS DISCIPLINES AND JURISDICTIONS TO
26 COMMUNICATE WITH EACH OTHER ON DEMAND AND IN REAL TIME BY
27 VOICE OR DATA USING COMPATIBLE RADIO COMMUNICATION SYSTEMS OR

1 OTHER TECHNOLOGY.

2 (3) "OFFICE" MEANS THE OFFICE OF PUBLIC SAFETY
3 COMMUNICATIONS CREATED IN SECTION 24-33.5-2502.

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

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

9 **24-33.5-2502. Office of public safety communications - public**
10 **safety communications revolving fund - creation.** (1) THE OFFICE OF
11 PUBLIC SAFETY COMMUNICATIONS IS CREATED IN THE DIVISION OF
12 HOMELAND SECURITY AND EMERGENCY MANAGEMENT IN THE
13 DEPARTMENT OF PUBLIC SAFETY. THE OFFICE IS A **TYPE 2** ENTITY, AS
14 DEFINED IN SECTION 24-1-105, AND EXERCISES ITS POWERS AND PERFORMS
15 ITS DUTIES AND FUNCTIONS UNDER THE DEPARTMENT OF PUBLIC SAFETY.
16 THE DIRECTOR OF THE DIVISION SHALL APPOINT A DIRECTOR AS HEAD OF
17 THE OFFICE OF PUBLIC SAFETY COMMUNICATIONS.

18 (2) (a) THE PUBLIC SAFETY COMMUNICATIONS REVOLVING FUND,
19 REFERRED TO IN THIS SECTION AS THE "FUND", IS HEREBY CREATED IN THE
20 STATE TREASURY. THE FUND CONSISTS OF MONEY APPROPRIATED TO THE
21 FUND PURSUANT TO SUBSECTION (2)(b) OF THIS SECTION, MONEY
22 DEPOSITED OR CREDITED TO THE FUND PURSUANT TO SUBSECTIONS (3) AND
23 (4) OF THIS SECTION, AND ANY OTHER MONEY THAT THE GENERAL
24 ASSEMBLY MAY TRANSFER TO THE FUND.

25 (b) THE GENERAL ASSEMBLY SHALL APPROPRIATE MONEY TO THE
26 FUND EACH FISCAL YEAR IN THE ANNUAL GENERAL APPROPRIATION ACT
27 FOR THE DIRECT AND INDIRECT COSTS OF THE OFFICE.

1 (c) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
2 INCOME DERIVED FROM THE DEPOSIT OR INVESTMENT OF MONEY IN THE
3 FUND TO THE FUND.

4 (d) THE STATE TREASURER SHALL CREDIT ANY UNEXPENDED AND
5 UNENCUMBERED MONEY REMAINING IN THE FUND AT THE END OF A FISCAL
6 YEAR TO THE FUND.

7 (e) MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED TO THE
8 OFFICE TO PAY THE DIRECT AND INDIRECT COSTS, INCLUDING PERSONAL
9 SERVICES AND OPERATING COSTS, ASSOCIATED WITH ADMINISTERING
10 PUBLIC SAFETY COMMUNICATIONS.

11 (3) THE OFFICE SHALL DEVELOP A METHOD FOR BILLING USERS OF
12 THE OFFICE'S SERVICES THE FULL COST OF THE SERVICES, INCLUDING
13 MATERIALS, DEPRECIATION RELATED TO CAPITAL COSTS, LABOR, AND
14 ADMINISTRATIVE OVERHEAD. THE BILLING METHOD SHALL BE FULLY
15 IMPLEMENTED FOR ALL USERS OF THE OFFICE'S SERVICES ON OR BEFORE
16 JULY 1, 2023. REVENUE GENERATED FROM SUCH BILLING SHALL BE
17 CREDITED TO THE FUND.

18 (4) (a) THE OFFICE MAY SEEK, ACCEPT, AND EXPEND GIFTS,
19 GRANTS, DONATIONS, AND BEQUESTS FROM PRIVATE OR PUBLIC SOURCES
20 FOR THE DIRECT AND INDIRECT COSTS, INCLUDING PERSONAL SERVICES
21 AND OPERATING COSTS, ASSOCIATED WITH ADMINISTERING PUBLIC SAFETY
22 COMMUNICATIONS. THE OFFICE SHALL TRANSMIT ALL MONEY RECEIVED
23 THROUGH GIFTS, GRANTS, DONATIONS, OR BEQUESTS FOR SUCH PURPOSES
24 TO THE STATE TREASURER, WHO SHALL CREDIT THE MONEY TO THE FUND.

25 (b) THE OFFICE MAY CONTRACT WITH THE UNITED STATES AND
26 ANY OTHER LEGAL ENTITIES WITH RESPECT TO MONEY AVAILABLE TO THE
27 OFFICE THROUGH GIFTS, GRANTS, DONATIONS, OR BEQUESTS.

1 **24-33.5-2503. Transfer of functions - continuity of existence -**

2 **- rules.** (1) ON JULY 1, 2023, THE POWERS, DUTIES, AND FUNCTIONS OF
3 THE OFFICE OF INFORMATION TECHNOLOGY IN CONNECTION WITH PUBLIC
4 SAFETY TELECOMMUNICATIONS COORDINATION WITHIN STATE
5 GOVERNMENT PURSUANT TO THE FORMER PART 5 OF ARTICLE 37.5 OF THIS
6 TITLE 24, REFERRED TO IN THIS PART 25 AS "PUBLIC SAFETY
7 COMMUNICATIONS", ARE TRANSFERRED TO THE DEPARTMENT AND
8 ALLOCATED TO THE DIVISION PURSUANT TO THIS SECTION.

9 (2) (a) ON AND AFTER JULY 1, 2023, THE OFFICERS AND
10 EMPLOYEES OF THE OFFICE OF INFORMATION TECHNOLOGY WHOSE
11 POWERS, DUTIES, AND FUNCTIONS CONCERN THE POWERS, DUTIES, AND
12 FUNCTIONS TRANSFERRED TO THE DEPARTMENT AND ALLOCATED TO THE
13 DIVISION PURSUANT TO SUBSECTION (1) OF THIS SECTION AND WHOSE
14 EMPLOYMENT IN THE DIVISION IS DEEMED NECESSARY BY THE DIRECTOR
15 OF THE DIVISION TO CARRY OUT THE PURPOSES OF THIS PART 25 SHALL BE
16 TRANSFERRED TO THE DIVISION AND BECOME EMPLOYEES THEREOF.

17 (b) ANY EMPLOYEES WHO ARE TRANSFERRED TO THE DEPARTMENT
18 PURSUANT TO THIS SUBSECTION (2) AND WHO ARE CLASSIFIED EMPLOYEES
19 IN THE STATE PERSONNEL SYSTEM SHALL RETAIN ALL RIGHTS TO THE
20 PERSONNEL SYSTEM AND RETIREMENT BENEFITS PURSUANT TO THE LAWS
21 OF THE STATE, AND THEIR SERVICES SHALL BE DEEMED TO HAVE BEEN
22 CONTINUOUS. ALL TRANSFERS AND ANY ABOLISHMENT OF POSITIONS IN
23 THE STATE PERSONNEL SYSTEM SHALL BE MADE AND PROCESSED IN
24 ACCORDANCE WITH STATE PERSONNEL SYSTEM LAWS AND REGULATIONS.

25 (3) ON OR BEFORE JULY 1, 2023, ALL ITEMS OF PROPERTY, REAL
26 AND PERSONAL, INCLUDING OFFICE FURNITURE AND FIXTURES, BOOKS,
27 DOCUMENTS, AND RECORDS OF THE OFFICE OF INFORMATION TECHNOLOGY

1 PRIOR TO SAID DATE PERTAINING TO THE POWERS, DUTIES, AND FUNCTIONS
2 TRANSFERRED TO THE DEPARTMENT AND ALLOCATED TO THE DIVISION
3 PURSUANT TO THIS SECTION, ARE TRANSFERRED TO AND BECOME THE
4 PROPERTY OF THE DIVISION.

5 (4) WHENEVER THE OFFICE OF INFORMATION TECHNOLOGY IS
6 REFERRED TO OR DESIGNATED BY A CONTRACT OR OTHER DOCUMENT IN
7 CONNECTION WITH THE POWERS, DUTIES, AND FUNCTIONS TRANSFERRED
8 TO THE DEPARTMENT AND ALLOCATED TO THE DIVISION PURSUANT TO THIS
9 SECTION, SUCH REFERENCE OR DESIGNATION SHALL BE DEEMED TO APPLY
10 TO THE DIVISION. ALL CONTRACTS ENTERED INTO BY THE OFFICE OF
11 INFORMATION TECHNOLOGY PRIOR TO JULY 1, 2023, IN CONNECTION WITH
12 THE POWERS, DUTIES, AND FUNCTIONS TRANSFERRED TO THE DEPARTMENT
13 AND ALLOCATED TO THE DIVISION PURSUANT TO THIS SECTION ARE
14 HEREBY VALIDATED, WITH THE DIVISION CREATED BY SECTION
15 24-33.5-1603 SUCCEEDING TO ALL THE RIGHTS AND OBLIGATIONS OF SUCH
16 CONTRACTS. ANY APPROPRIATIONS OF MONEY FROM PRIOR FISCAL YEARS
17 OPEN TO SATISFY OBLIGATIONS INCURRED PURSUANT TO SUCH CONTRACTS
18 ARE HEREBY TRANSFERRED AND APPROPRIATED TO THE DIVISION FOR THE
19 PAYMENT OF SUCH OBLIGATIONS.

20 (5) ALL POLICIES OF THE OFFICE OF INFORMATION TECHNOLOGY IN
21 CONNECTION WITH THE POWERS, DUTIES, AND FUNCTIONS TRANSFERRED
22 TO THE DEPARTMENT AND ALLOCATED TO THE DIVISION PURSUANT TO THIS
23 SECTION SHALL CONTINUE TO BE EFFECTIVE UNTIL REVISED, AMENDED,
24 REPEALED, OR NULLIFIED PURSUANT TO LAW. ON OR AFTER JULY 1, 2023,
25 THE DIRECTOR OF THE DIVISION SHALL ADOPT RULES NECESSARY FOR THE
26 ADMINISTRATION OF SUCH POWERS, DUTIES, AND FUNCTIONS.

27 **24-33.5-2504. Public safety communications network.** (1) To

1 MORE EFFICIENTLY SUPPORT THE EFFORTS OF STATE DEPARTMENTS, STATE
2 INSTITUTIONS, STATE AGENCIES, LAW ENFORCEMENT AGENCIES, AND ANY
3 PUBLIC SAFETY POLITICAL SUBDIVISIONS, AND TO BETTER SERVE THE
4 PUBLIC, A STATE PUBLIC SAFETY COMMUNICATIONS NETWORK IS
5 ESTABLISHED, THE CONSTRUCTION, MAINTENANCE, SECURITY, AND
6 MANAGEMENT OF WHICH IS UNDER THE SUPERVISION OF THE DIRECTOR OF
7 THE OFFICE.

8 (2) THE DIRECTOR OF THE DIVISION SHALL APPOINT ASSISTANTS,
9 CLERICAL STAFF, AND OTHER PERSONNEL AS MAY BE NECESSARY TO
10 DISCHARGE THE DUTIES AND RESPONSIBILITIES SET FORTH BY THIS PART
11 25.

12 **24-33.5-2505. Office of public safety communications -**
13 **director - duties and responsibilities - rules.** (1) THE DIRECTOR OF THE
14 OFFICE SHALL PERFORM THE FOLLOWING FUNCTIONS CONCERNING PUBLIC
15 SAFETY COMMUNICATIONS:

16 (a) IN CONSULTATION WITH LOCAL, STATE, AND FEDERAL
17 DEPARTMENTS, INSTITUTIONS, AND AGENCIES, FORMULATE
18 RECOMMENDATIONS FOR A CURRENT AND LONG-RANGE PUBLIC SAFETY
19 COMMUNICATIONS PLAN, INVOLVING PUBLIC SAFETY RADIO
20 COMMUNICATIONS SYSTEMS AND THEIR INTEGRATION INTO APPLICABLE
21 PUBLIC SAFETY COMMUNICATIONS NETWORKS FOR APPROVAL OF THE
22 GOVERNOR;

23 (b) ADMINISTER THE APPROVED CURRENT AND LONG-RANGE PLAN
24 FOR PUBLIC SAFETY COMMUNICATIONS AND EXERCISE SUPERVISION OVER
25 ALL STATE-OWNED PUBLIC SAFETY COMMUNICATIONS NETWORKS,
26 SYSTEMS, AND PUBLIC SAFETY WIRELESS BROADBAND AND MICROWAVE
27 FACILITIES;

1 (c) REVIEW ALL EXISTING AND FUTURE STATE-OWNED PUBLIC
2 SAFETY COMMUNICATIONS APPLICATIONS, PLANNING, NETWORKS,
3 SYSTEMS, PROGRAMS, EQUIPMENT, AND FACILITIES AND ESTABLISH
4 PRIORITIES FOR THOSE THAT ARE NECESSARY AND DESIRABLE TO
5 ACCOMPLISH THE PURPOSES OF THIS PART 25;

6 (d) APPROVE OR DISAPPROVE THE ACQUISITION OF PUBLIC SAFETY
7 COMMUNICATIONS EQUIPMENT BY ANY STATE DEPARTMENT, INSTITUTION,
8 OR AGENCY;

9 (e) ESTABLISH AND ENFORCE PUBLIC SAFETY COMMUNICATIONS
10 POLICIES, PROCEDURES, STANDARDS, AND RECORDS FOR MANAGEMENT OF
11 PUBLIC SAFETY COMMUNICATIONS NETWORKS AND FACILITIES FOR ALL
12 STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES;

13 (f) CONTINUALLY REVIEW, ASSESS, AND ENSURE COMPLIANCE
14 WITH FEDERAL AND STATE PUBLIC SAFETY COMMUNICATIONS
15 REGULATIONS PERTAINING TO THE NEEDS AND FUNCTIONS OF STATE
16 DEPARTMENTS, INSTITUTIONS, AND AGENCIES;

17 (g) ADVISE THE GOVERNOR AND GENERAL ASSEMBLY ON PUBLIC
18 SAFETY COMMUNICATIONS MATTERS;

19 (h) ADMINISTER THE PUBLIC SAFETY COMMUNICATIONS TRUST
20 FUND CREATED IN SECTION 24-33.5-2510; AND

21 (i) ADOPT RULES REGARDING DISTRIBUTIONS OF PUBLIC SAFETY
22 COMMUNICATIONS TRUST FUND MONEY TO AND REPAYMENT OF SUCH
23 MONEY BY STATE AND LOCAL GOVERNMENTS.

24 (2) THE DIRECTOR OF THE OFFICE MAY ENTER INTO CONTRACTS
25 WITH ANY COUNTY, CITY AND COUNTY, STATE AGENCY, SCHOOL DISTRICT,
26 OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES AND MAY ACT AS A
27 PUBLIC SAFETY COMMUNICATIONS NETWORK PROVIDER BETWEEN OR

1 AMONG TWO OR MORE COUNTIES OR STATE AGENCIES FOR THE PURPOSE OF
2 PROVIDING PUBLIC SAFETY RADIO COMMUNICATIONS BETWEEN OR AMONG
3 SUCH ENTITIES, INCLUDING THE JUDICIAL SYSTEM OF ANY COUNTY, THE
4 DEPARTMENT OF CORRECTIONS, AND THE DEPARTMENT OF HUMAN
5 SERVICES AND ANY OF THEIR FACILITIES. TO ENSURE THE AVAILABILITY OF
6 SUCH NETWORK THROUGHOUT THE VARIOUS STATE AGENCIES, SCHOOL
7 DISTRICTS, BOARDS OF COOPERATIVE EDUCATIONAL SERVICES, AND
8 COUNTIES, THE DIRECTOR OF THE OFFICE SHALL DEVELOP A UNIFORM SET
9 OF STANDARDS AND POLICIES FOR FACILITIES TO BE USED BY THE
10 CONTRACTING ENTITIES.

11 (3) THE DIRECTOR OF THE OFFICE SHALL:

12 (a) IN CONSULTATION WITH RECOGNIZED PUBLIC SAFETY RADIO
13 COMMUNICATION STANDARDS GROUPS AND APPROPRIATE AFFECTED
14 PUBLIC AGENCIES, ADOPT RECOMMENDED STANDARDS FOR THE
15 REPLACEMENT OF ANALOG-BASED RADIO EQUIPMENT WITH DIGITAL-BASED
16 RADIO EQUIPMENT FOR PURPOSES OF DISPATCHING AND RELATED
17 FUNCTIONS WITHIN THE DEPARTMENT OF PUBLIC SAFETY; AND

18 (b) FOR PURPOSES OF SERVING THE RADIO COMMUNICATIONS
19 NEEDS OF STATE DEPARTMENTS, INCLUDING BUT NOT LIMITED TO THE
20 DEPARTMENTS OF PUBLIC SAFETY, TRANSPORTATION, NATURAL
21 RESOURCES, AND CORRECTIONS, ADOPT STANDARDS AND POLICIES AND
22 SET A RECOMMENDED TIMETABLE FOR THE REPLACEMENT OF EXISTING
23 RADIO PUBLIC SAFETY COMMUNICATIONS EQUIPMENT WITH A SYSTEM
24 THAT SATISFIES THE REQUIREMENTS OF THE FEDERAL COMMUNICATIONS
25 COMMISSION PUBLIC SAFETY NATIONAL PLAN.

26 (4) (a) THE DIRECTOR OF THE DIVISION IS AUTHORIZED, SUBJECT TO
27 THE BUDGET REQUEST REQUIREMENTS SET FORTH IN SECTIONS 2-3-208

1 AND 24-37-304 (1)(c.3) AND SUBJECT TO APPROPRIATION BY THE GENERAL
2 ASSEMBLY, TO PURCHASE OR LEASE ANY REAL ESTATE, BUILDINGS, AND
3 PROPERTY NECESSARY FOR THE OPERATION OR DEVELOPMENT OF THE
4 PUBLIC SAFETY COMMUNICATIONS NETWORK; TO USE ANY AVAILABLE
5 FACILITIES AND PUBLIC SAFETY COMMUNICATIONS EQUIPMENT OF ANY
6 STATE AGENCY OR INSTITUTION; AND, IF NECESSARY, TO PROVIDE FOR THE
7 CONSTRUCTION OF THE NETWORK.

8 (b) THE FACILITIES OF THE NETWORK MAY BE MADE AVAILABLE
9 WITHIN AVAILABLE RESOURCES AND WITHOUT ANY NEGATIVE IMPACT TO
10 THE EXISTING NETWORK FOR THE USE OF:

11 (I) STATE DEPARTMENTS, STATE INSTITUTIONS, STATE AGENCIES,
12 LAW ENFORCEMENT AGENCIES, AND ANY PUBLIC SAFETY POLITICAL
13 SUBDIVISIONS OF THE STATE;

14 (II) OTHER LOCAL, STATE, AND FEDERAL GOVERNMENTAL ENTITIES
15 OR PUBLIC SAFETY-RELATED NONPROFIT ORGANIZATIONS THAT DIRECTLY
16 SUPPORT ANY AGENCY DESCRIBED IN SUBSECTION (4)(b)(I) OF THIS
17 SECTION AND THAT:

18 (A) MAY BE REQUESTED TO SUPPORT THE PURPOSES EXPRESSED IN
19 SUBSECTIONS (1)(c) AND (1)(e) OF THIS SECTION AND AGGREGATE PUBLIC
20 SAFETY COMMUNICATIONS SERVICE REQUIREMENTS OF ANY PUBLIC OFFICE
21 DESCRIBED IN SECTION 24-32-3001 (1)(h); OR

22 (B) MAKE DONATIONS, GRANTS, BEQUESTS, AND OTHER
23 CONTRIBUTIONS TO THE PUBLIC SAFETY COMMUNICATIONS TRUST FUND
24 PURSUANT TO SECTION 24-33.5-2510 (2)(b); OR

25 (III) (A) PRIVATE ENTITIES THROUGH PUBLIC-PRIVATE
26 PARTNERSHIPS CONSIDERED, EVALUATED, AND ACCEPTED BY THE
27 DIRECTOR OF THE DIVISION; EXCEPT THAT ANY NEGOTIATED LEASE RATES

1 MUST BE BASED ON LOCAL MARKET-BASED LEASE RATES IN THE AREA.

2 (B) LEASE REVENUES FROM PUBLIC-PRIVATE PARTNERSHIPS
3 ENTERED INTO PURSUANT TO SUBSECTION (4)(b)(III)(A) OF THIS SECTION
4 MUST BE CREDITED AS FOLLOWS: SEVENTY-FIVE PERCENT TO THE PUBLIC
5 SAFETY COMMUNICATIONS TRUST FUND FOR IMPROVEMENTS TO THE STATE
6 PUBLIC SAFETY COMMUNICATIONS NETWORK AND TWENTY-FIVE PERCENT
7 TO THE PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE FUND
8 CREATED IN SECTION 22-43.7-104 FOR TECHNOLOGY GRANTS ALLOWED IN
9 SECTION 22-43.7-109 (13).

10 (5) THE DEPARTMENT SHALL ANNUALLY INCLUDE AS PART OF ITS
11 PRESENTATION TO ITS COMMITTEE OF REFERENCE AT A HEARING HELD
12 PURSUANT TO SECTION 2-7-203 (2)(a) UPDATES REGARDING STATE PUBLIC
13 SAFETY COMMUNICATIONS AS DEEMED APPROPRIATE BY THE DIRECTOR OF
14 THE DIVISION.

15 **24-33.5-2506. Legislative department exemption.** THE
16 PROVISIONS OF THIS PART 25 DO NOT APPLY TO THE LEGISLATIVE
17 DEPARTMENT OF THE STATE.

18 **24-33.5-2507. Higher education exemption.** LOCAL AND
19 INTERNAL PUBLIC SAFETY COMMUNICATIONS NETWORKS OF INSTITUTIONS
20 OF HIGHER EDUCATION MAY BE EXEMPTED FROM THE PROVISIONS OF THIS
21 PART 25 UPON APPLICATION TO THE DIRECTOR OF THE OFFICE; EXCEPT
22 THAT ALL SYSTEMS MUST BE CERTIFIED BY THE DIRECTOR OF THE OFFICE
23 AS BEING TECHNICALLY COMPATIBLE WITH PLANS AND NETWORKS AS
24 DESCRIBED IN SECTION 24-33.5-2505 (1).

25 **24-33.5-2508. Digital trunked radio system - service charges**
26 **- pricing policy.** (1) (a) USERS OF THE DIGITAL TRUNKED RADIO SYSTEM
27 SHALL BE CHARGED THE FULL COST OF THE PARTICULAR SERVICE, WHICH

1 SHALL INCLUDE THE COST OF ALL MATERIAL, LABOR, AND OVERHEAD. THE
2 USER CHARGES SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO
3 SHALL CREDIT THEM TO THE PUBLIC SAFETY COMMUNICATIONS TRUST
4 FUND CREATED IN SECTION 24-33.5-2510. THE PUBLIC SAFETY
5 COMMUNICATIONS TRUST FUND MUST INCLUDE USER CHARGES ON PUBLIC
6 SAFETY RADIO SYSTEMS OF A STATE AGENCY OR OTHER STATE ENTITY;
7 EXCEPT THAT NO MUNICIPALITY, COUNTY, CITY AND COUNTY, OR SPECIAL
8 DISTRICT SHALL BE CHARGED USER CHARGES ON PUBLIC SAFETY RADIO
9 SYSTEMS OF A STATE AGENCY OR OTHER STATE ENTITY.

10 (b) PRIVATELY OWNED AND OPERATED BUSINESSES MAY BE
11 GRANTED USE OF THE PUBLIC SAFETY COMMUNICATIONS NETWORK. SUCH
12 BUSINESSES MAY BE ASSESSED FEES FOR NETWORK SERVICES PROVIDED.
13 FEES COLLECTED FROM THESE BUSINESSES SHALL BE TRANSFERRED TO THE
14 PUBLIC SAFETY COMMUNICATIONS TRUST FUND FOR REINVESTMENT IN THE
15 NETWORK.

16 (2) THE DIRECTOR OF THE OFFICE SHALL ESTABLISH A POLICY OF
17 REMAINING COMPETITIVE WITH PRIVATE INDUSTRY WITH REGARD TO THE
18 COST, TIMELINESS, AND QUALITY OF THE PUBLIC SAFETY RADIO
19 COMMUNICATIONS FUNCTIONS PROVIDED BY THE DEPARTMENT. AN
20 AGENCY MAY ONLY PURCHASE PRIVATE SERVICES IF IT HAS FIRST WORKED
21 WITH THE DEPARTMENT AND THE DEPARTMENT HAS AUTHORIZED THE
22 PURCHASE OF PRIVATE SERVICES.

23 **24-33.5-2509. Interoperable communications among public**
24 **safety radio systems - statewide plan - regional plans - governmental**
25 **immunity - needs assessment.** (1) (a) THE EXECUTIVE DIRECTOR SHALL
26 EXERCISE THE POWERS, DUTIES, AND FUNCTIONS REGARDING THE
27 TACTICAL AND LONG-TERM INTEROPERABLE COMMUNICATIONS PLAN,

1 ADOPTED BY EACH REGION PURSUANT TO FORMER SECTION 24-33.5-716,
2 AS THAT SECTION EXISTED ON JUNE 30, 2023, TO IMPROVE
3 COMMUNICATIONS AMONG PUBLIC SAFETY AGENCIES IN THE REGION AND
4 WITH PUBLIC SAFETY AGENCIES OF OTHER REGIONS, THE STATE AND
5 FEDERAL GOVERNMENTS, AND OTHER STATES. THE PLANS SHALL INCLUDE
6 MEASURES TO CREATE AND PERIODICALLY TEST INTEROPERABILITY
7 INTERFACES, PROVISIONS FOR TRAINING ON COMMUNICATIONS SYSTEMS
8 AND EXERCISES ON THE IMPLEMENTATION OF THE PLAN, A STRATEGY FOR
9 INTEGRATING WITH THE STATE DIGITAL TRUNKED RADIO SYSTEM,
10 DEADLINES FOR IMPLEMENTATION, AND OTHER ELEMENTS REQUIRED BY
11 THE EXECUTIVE DIRECTOR. EACH REGION SHALL SUBMIT REVISED PLANS
12 AS THEY ARE UPDATED TO THE DIRECTOR OF THE OFFICE.

13 (b) EACH LOCAL GOVERNMENT AGENCY OR PRIVATE ENTITY THAT
14 OPERATES A PUBLIC SAFETY RADIO SYSTEM SHALL COLLABORATE IN THE
15 DEVELOPMENT AND, AS NECESSARY, PERIODIC REVISION OF THE TACTICAL
16 AND LONG-TERM INTEROPERABLE COMMUNICATIONS PLAN OF THE REGION
17 IN WHICH IT IS LOCATED. SUCH TACTICAL PLANS, AND REVISIONS THERETO,
18 SHALL BE SUBMITTED TO THE DIRECTOR OF THE OFFICE.

19 (c) A REGION THAT FAILS TO TIMELY SUBMIT A TACTICAL AND
20 LONG-TERM INTEROPERABLE COMMUNICATIONS PLAN OR REVISIONS
21 THERETO, OR A LOCAL GOVERNMENT AGENCY THAT FAILS TO
22 COLLABORATE IN THE DEVELOPMENT OF OR TIMELY SUBMIT THE PLAN, OR
23 A REGION OR LOCAL GOVERNMENT AGENCY THAT FAILS TO MAINTAIN
24 CURRENT PLANS, IS INELIGIBLE TO RECEIVE HOMELAND SECURITY OR
25 PUBLIC SAFETY GRANT MONEY ADMINISTERED BY THE DEPARTMENT OF
26 LOCAL AFFAIRS, DEPARTMENT OF PUBLIC SAFETY, OR DEPARTMENT OF
27 PUBLIC HEALTH AND ENVIRONMENT UNTIL THE REGION SUBMITS A PLAN TO

1 THE DIRECTOR OF THE OFFICE.

2 (2) A PUBLIC SAFETY AGENCY SHALL NOT EXPEND MONEY
3 RECEIVED THROUGH THE DEPARTMENT ON A MOBILE DATA
4 COMMUNICATIONS SYSTEM UNLESS THE SYSTEM IS CAPABLE OF
5 INTEROPERABLE COMMUNICATIONS.

6 (3) THE EXECUTIVE DIRECTOR SHALL NOT REQUIRE A PUBLIC
7 SAFETY AGENCY TO ACQUIRE THE COMMUNICATIONS EQUIPMENT OF A
8 PARTICULAR MANUFACTURER OR PROVIDER AS A CONDITION OF AWARDED
9 GRANT MONEY ADMINISTERED BY THE DEPARTMENT.

10 (4) A PUBLIC SAFETY AGENCY OR AN EMPLOYEE OF A PUBLIC
11 SAFETY AGENCY ACTING IN COLLABORATION WITH ANOTHER AGENCY OR
12 PERSON TO CREATE AND OPERATE AN INTEROPERABLE COMMUNICATIONS
13 SYSTEM HAS THE SAME DEGREE OF IMMUNITY UNDER THE "COLORADO
14 GOVERNMENTAL IMMUNITY ACT", ARTICLE 10 OF THIS TITLE 24, AS THE
15 PUBLIC SAFETY AGENCY OR EMPLOYEE WOULD HAVE IF NOT ACTING IN
16 COLLABORATION WITH ANOTHER AGENCY OR PERSON.

17 **24-33.5-2510. Public safety communications trust fund -**
18 **creation - report.** (1) THE PUBLIC SAFETY COMMUNICATIONS TRUST
19 FUND, REFERRED TO IN THIS SECTION AS THE "FUND", IS HEREBY CREATED
20 IN THE STATE TREASURY. THE FUND CONSISTS OF MONEY APPROPRIATED
21 OR TRANSFERRED TO THE FUND PURSUANT TO SUBSECTIONS (2) AND (3) OF
22 THIS SECTION AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY
23 APPROPRIATE OR TRANSFER TO THE FUND. THE MONEY IN THE FUND IS
24 CONTINUOUSLY APPROPRIATED BY THE GENERAL ASSEMBLY TO THE
25 DEPARTMENT FOR DISTRIBUTION AS DETERMINED BY RULES ADOPTED
26 PURSUANT TO SECTION 24-33.5-2505 (1)(i). THE PRIMARY PURPOSE OF
27 SUCH DISTRIBUTION IS THE ACQUISITION AND MAINTENANCE OF PUBLIC

1 SAFETY COMMUNICATIONS SYSTEMS FOR USE BY DEPARTMENTS
2 INCLUDING BUT NOT LIMITED TO THE DEPARTMENTS OF PUBLIC SAFETY,
3 TRANSPORTATION, NATURAL RESOURCES, AND CORRECTIONS AS PROVIDED
4 IN SECTION 24-33.5-2505 (3)(b). SUCH SYSTEMS SHALL SATISFY THE
5 REQUIREMENTS OF THE PUBLIC SAFETY NATIONAL PLAN ESTABLISHED BY
6 THE FEDERAL COMMUNICATIONS COMMISSION, 47 CFR 90.16. THIS
7 SECTION SHALL NOT PRECLUDE THE PAYMENT OF MAINTENANCE EXPENSES
8 INCLUDING THE COST OF LEASED OR RENTED EQUIPMENT, PAYMENTS TO
9 LOCAL GOVERNMENTAL ENTITIES FOR RADIO COMMUNICATIONS SYSTEMS,
10 OR PAYMENTS RELATED TO PUBLIC SAFETY RADIO SYSTEMS.

11 (2) (a) (I) THE GENERAL ASSEMBLY DECLARES ITS INTENTION TO
12 COMMIT STATE MONEY TO THE FUND FOR THE PURPOSES SET FORTH IN THIS
13 SECTION. EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2)(b) OF THIS
14 SECTION, THE TOTAL AMOUNT OF THE PRINCIPAL IN THE FUND SHALL NOT
15 EXCEED FIFTY MILLION DOLLARS.

16 (II) ANY TRANSFER OF STATE MONEY TO THE FUND FOR ANY
17 FISCAL YEAR FROM MONEY IN THE CAPITAL CONSTRUCTION FUND CREATED
18 IN SECTION 24-75-302 IS CONTINUOUSLY APPROPRIATED FROM THE FUND
19 TO THE DEPARTMENT FOR THE PURPOSES SET FORTH IN THIS SECTION. ANY
20 MONEY IN THE FUND SO APPROPRIATED THAT WAS INITIALLY TRANSFERRED
21 FROM MONEY IN THE CAPITAL CONSTRUCTION FUND SHALL, IF ANY
22 PROJECT FOR WHICH SUCH MONEY IS APPROPRIATED IS INITIATED WITHIN
23 THE FISCAL YEAR, REMAIN AVAILABLE UNTIL COMPLETION OF THE
24 PROJECT, AT WHICH TIME THE UNEXPENDED AND UNENCUMBERED
25 BALANCES OF SUCH APPROPRIATION SHALL REVERT TO THE FUND.

26 (b) IN ADDITION TO ANY TRANSFERS MADE AS A RESULT OF
27 SUBSECTION (2)(a) OF THIS SECTION, THE DEPARTMENT MAY SOLICIT AND

1 ACCEPT GIFTS, GRANTS, DONATIONS, BEQUESTS, AND OTHER
2 CONTRIBUTIONS TO THE FUND FROM LOCAL, STATE, AND FEDERAL ENTITIES
3 AND FROM PUBLIC SAFETY-RELATED NONPROFIT ORGANIZATIONS THAT
4 DIRECTLY SUPPORT STATE DEPARTMENTS, STATE INSTITUTIONS, STATE
5 AGENCIES, AND LAW ENFORCEMENT AND PUBLIC SAFETY POLITICAL
6 SUBDIVISIONS OF THE STATE. SUCH CONTRIBUTIONS SHALL BE
7 TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE
8 CONTRIBUTIONS TO THE FUND.

9 (3) (a) (I) FOR THE 2023-24 AND 2024-25 STATE FISCAL YEARS,
10 THE GENERAL ASSEMBLY SHALL TRANSFER TO THE FUND A TOTAL OF
11 THREE MILLION FIVE HUNDRED THOUSAND DOLLARS FROM THE GENERAL
12 FUND OR FROM ANY OTHER FUND. FOR EACH SUCH FISCAL YEAR, THE
13 GENERAL ASSEMBLY SHALL DETERMINE THE AMOUNT TO BE TRANSFERRED
14 FROM THE GENERAL FUND AND THE AMOUNT TO BE TRANSFERRED FROM
15 ANY OTHER FUND. THE DEPARTMENT SHALL USE THE MONEY
16 TRANSFERRED TO THE FUND PURSUANT TO THIS SUBSECTION (3)(a)(I) FOR
17 THE REPLACEMENT OF LEGACY RADIO EQUIPMENT AND HARDWARE AT
18 RADIO TOWER SITES.

19 (II) FOR THE 2023-24 AND 2024-25 STATE FISCAL YEARS, IN
20 ADDITION TO THE AMOUNT TRANSFERRED TO THE FUND PURSUANT TO
21 SUBSECTION (3)(a)(I) OF THIS SECTION, THE GENERAL ASSEMBLY SHALL
22 TRANSFER TO THE FUND THREE MILLION SEVEN HUNDRED THOUSAND
23 DOLLARS FROM THE GENERAL FUND OR FROM ANY OTHER FUND. FOR EACH
24 SUCH FISCAL YEAR, THE GENERAL ASSEMBLY SHALL DETERMINE THE
25 AMOUNT TO BE APPROPRIATED FROM THE GENERAL FUND AND THE
26 AMOUNT TO BE APPROPRIATED FROM ANY OTHER FUND. THE DEPARTMENT
27 SHALL USE THE MONEY APPROPRIATED TO THE FUND PURSUANT TO THIS

1 SUBSECTION (3)(a)(II) FOR SOFTWARE UPGRADE ASSURANCE.

2 (III) THE DEPARTMENT MAY USE ANY UNENCUMBERED AND
3 UNEXPENDED MONEY TRANSFERRED PURSUANT TO SUBSECTIONS (3)(a)(I)
4 AND (3)(a)(II) OF THIS SECTION ON DIGITAL TRUNKED RADIO SYSTEM SITE
5 SUPPORTING INFRASTRUCTURE AND DIGITAL TRUNKED RADIO SYSTEM
6 SUPPORTING SOFTWARE AND HARDWARE.

7 (b) ON OR BEFORE NOVEMBER 1, 2023, AND ON OR BEFORE
8 NOVEMBER 1 OF EACH YEAR THEREAFTER THROUGH NOVEMBER 1, 2025,
9 THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF
10 CORRECTIONS, THE DEPARTMENT OF NATURAL RESOURCES, THE
11 DEPARTMENT OF TRANSPORTATION, AND ANY OTHER STATE DEPARTMENT
12 OR LOCAL OR REGIONAL GOVERNMENT DEEMED APPROPRIATE BY THE
13 DEPARTMENT, SHALL SUBMIT A REPORT TO THE JOINT BUDGET COMMITTEE
14 OF THE GENERAL ASSEMBLY DETAILING THE USE OF THE MONEY
15 APPROPRIATED TO THE FUND PURSUANT TO SUBSECTION (3)(a) OF THIS
16 SECTION. THE REPORT MUST INCLUDE THE FOLLOWING:

17 (I) COMPREHENSIVE DOCUMENTATION REGARDING THE PURPOSES
18 FOR WHICH THE MONEY TRANSFERRED PURSUANT TO SUBSECTION (3)(a)
19 OF THIS SECTION WAS USED DURING THE PRIOR FISCAL YEAR AND IS BEING
20 USED DURING THE CURRENT FISCAL YEAR AND THE ANTICIPATED USE OF
21 THE MONEY THAT WILL BE TRANSFERRED IN FUTURE FISCAL YEARS;

22 (II) OF THE TOTAL AMOUNT EXPENDED DURING THE PRIOR FISCAL
23 YEAR FOR EACH OF THE PURPOSES SPECIFIED IN SUBSECTIONS (3)(a)(I) AND
24 (3)(a)(II) OF THIS SECTION, THE AMOUNT THAT WAS TRANSFERRED FROM
25 THE GENERAL FUND AND THE AMOUNT THAT WAS TRANSFERRED FROM
26 ANY OTHER FUND; AND

27 (III) FOR THE TRANSFER OR TRANSFERS FOR THE NEXT FISCAL

1 YEAR, A RECOMMENDATION REGARDING THE AMOUNT TO BE TRANSFERRED
2 FROM THE GENERAL FUND AND THE AMOUNT TO BE TRANSFERRED FROM
3 ANY OTHER FUND FOR EACH OF THE PURPOSES SPECIFIED IN SUBSECTIONS
4 (3)(a)(I) AND (3)(a)(II) OF THIS SECTION.

5 (4) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
6 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
7 FUND TO THE FUND.

8 (5) IN AUTHORIZING DISTRIBUTIONS OF PRINCIPAL AND INTEREST
9 FROM THE FUND AND PURCHASING, LEASING, CONTRACTING FOR, AND
10 OTHERWISE ACQUIRING EQUIPMENT FOR STATE ENTITIES, THE DIRECTOR OF
11 THE DIVISION SHALL CONSIDER THE FOLLOWING:

12 (a) THE NEED FOR ACHIEVING FUNCTIONAL INTEROPERABILITY
13 AMONG LOCAL, STATE, AND FEDERAL PUBLIC SAFETY RADIO
14 COMMUNICATIONS SYSTEMS BY ACQUIRING EQUIPMENT THAT MEETS
15 EMERGING TECHNICAL STANDARDS FOR SYSTEMS INTEROPERABILITY AND
16 OPEN NETWORK ARCHITECTURE;

17 (b) THE NEEDS OF LOCAL GOVERNMENT ENTITIES THAT HAVE
18 RECENTLY INVESTED IN NEW RADIO SYSTEMS, PARTICULARLY IN REGARD
19 TO INTEROPERABILITY; AND

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

22 (6) IN ACQUIRING EQUIPMENT PURSUANT TO SUBSECTION (5) OF
23 THIS SECTION, THE DIRECTOR OF THE DIVISION SHALL DEVELOP BID
24 SPECIFICATIONS THAT IDENTIFY ALL SERVICES, REQUIREMENTS, AND COSTS
25 CONSISTENT WITH EXISTING STATE LAW.

26 (7) (a) THE DIRECTOR OF THE DIVISION SHALL KEEP AN ACCURATE
27 ACCOUNT OF ALL ACTIVITIES RELATED TO THE FUND INCLUDING ITS

1 RECEIPTS AND EXPENDITURES AND SHALL ANNUALLY REPORT IN WRITING
2 SUCH ACCOUNT TO THE JOINT BUDGET COMMITTEE, CREATED IN SECTION
3 2-3-201. THE STATE AUDITOR MAY INVESTIGATE THE AFFAIRS OF THE
4 FUND, SEVERALLY EXAMINE THE PROPERTIES AND RECORDS RELATING TO
5 THE FUND, AND PRESCRIBE ACCOUNTING METHODS AND PROCEDURES FOR
6 RENDERING PERIODICAL REPORTS IN RELATION TO DISBURSEMENTS AND
7 PURCHASES MADE FROM THE FUND.

8 (b) NOTWITHSTANDING THE REQUIREMENT IN SECTION 24-1-136
9 (11)(a)(I), THE REQUIREMENT TO SUBMIT THE REPORT REQUIRED IN
10 SUBSECTION (7)(a) OF THIS SECTION CONTINUES INDEFINITELY.

11 (8) IN THE EXPENDITURE OF ANY MONEY FROM THE FUND FOR THE
12 ACQUISITION, MAINTENANCE, OR LEASE OF ANY PUBLIC SAFETY RADIO
13 COMMUNICATIONS SYSTEMS EQUIPMENT OR ANY OTHER COMMUNICATIONS
14 DEVICES OR EQUIPMENT, THE DIRECTOR OF THE DIVISION SHALL ENSURE
15 THAT SUCH EXPENDITURES ARE MADE PURSUANT TO THE REQUIREMENTS
16 SET FORTH UNDER THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF
17 THIS TITLE 24.

18 **SECTION 4.** In Colorado Revised Statutes, 24-37.5-501, **add** (3)
19 as follows:

20 **24-37.5-501. Powers, duties, and functions concerning**
21 **telecommunications.** (3) THE CHIEF INFORMATION OFFICER SHALL BEGIN
22 THE TRANSFER OF THE PUBLIC SAFETY TELECOMMUNICATIONS PROGRAM
23 TO THE DEPARTMENT OF PUBLIC SAFETY PURSUANT TO HOUSE BILL
24 22-1353 ON JULY 1, 2022.

25 **SECTION 5.** In Colorado Revised Statutes, 2-3-1304, **amend**
26 (1)(f) as follows:

27 **2-3-1304. Powers and duties of capital development committee**

1 - **definition.** (1) The capital development committee has the following
2 powers and duties:

3 (f) To review the annual capital construction and maintenance
4 requests from the chief information officer of the office of information
5 technology regarding the public safety communications trust fund created
6 pursuant to ~~section 24-37.5-506, C.R.S.~~ SECTION 24-33.5-2510;

7 **SECTION 6.** In Colorado Revised Statutes, 24-1-128.6, **amend**
8 (2)(h)(II)(B) and (2)(h)(II)(C); and **add** (2)(h)(II)(D) as follows:

9 **24-1-128.6. Department of public safety - creation - repeal.**

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

11 (h) (II) The division of homeland security and emergency
12 management includes the following agencies, which shall exercise their
13 powers and perform their duties and functions under the department of
14 public safety as if the same were transferred thereto by a **type 2** transfer:

15 (B) THE office of prevention and security, created in section
16 24-33.5-1606; and

17 (C) The office of preparedness, created in section 24-33.5-1606.5;

18 AND

19 (D) THE OFFICE OF PUBLIC SAFETY COMMUNICATIONS CREATED IN
20 SECTION 24-33.5-2502.

21 **SECTION 7.** In Colorado Revised Statutes, 24-33.5-1603, **add**
22 (2)(d) as follows:

23 **24-33.5-1603. Division of homeland security and emergency**
24 **management - creation - director.** (2) The division includes the
25 following agencies, which shall exercise their powers and perform their
26 duties and functions under the department as if the same were transferred
27 thereto by a **type 2** transfer:

1 (d) THE OFFICE OF PUBLIC SAFETY COMMUNICATIONS, CREATED IN
2 PART 25 OF THIS ARTICLE 33.5.

3 **SECTION 8.** In Colorado Revised Statutes, 30-11-107, **repeal**
4 (1)(x) as follows:

5 **30-11-107. Powers of the board.** (1) The board of county
6 commissioners of each county has power at any meeting:

7 (x) ~~To enter into a contract with the state telecommunications~~
8 ~~director pursuant to the provisions of section 24-37.5-502(3), C.R.S., for~~
9 ~~the providing of teleconferencing facilities and services between the~~
10 ~~county and any other county, city and county, or state agency to be used~~
11 ~~for teleconferencing of hearings relating to any person in the custody of~~
12 ~~the county;~~

13 **SECTION 9.** In Colorado Revised Statutes, **repeal** 30-11-208 as
14 follows:

15 **30-11-208. Contract - teleconferencing facilities and services.**
16 ~~The city and county of Denver may enter into a contract with the state~~
17 ~~telecommunications director pursuant to the provisions of section~~
18 ~~24-37.5-503, C.R.S., for the providing of teleconferencing facilities and~~
19 ~~services between the city and county of Denver and any other county or~~
20 ~~state agency to be used for teleconferencing of hearings relating to any~~
21 ~~person in the custody of the city and county of Denver.~~

22 **SECTION 10.** In Colorado Revised Statutes, 43-1-1202, **amend**
23 (1)(a)(IV)(B) as follows:

24 **43-1-1202. Department powers - definition.**

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

26 (a) Solicit and consider proposals, enter into agreements, grant
27 benefits, and accept contributions for public-private initiatives pursuant

1 to this part 12 concerning any of the following:

2 (IV) (B) For purposes of this subsection (1)(a)(IV),
3 "telecommunications" does not mean the state telecommunications
4 network described in ~~part 5 of article 37.5 of title 24~~ PART 25 OF ARTICLE
5 33.5 OF TITLE 24.

6 **SECTION 11.** In Colorado Revised Statutes, **repeal** 24-33.5-716
7 and part 5 of article 37.5 of title 24.

8 **SECTION 12. Effective date.** This act takes effect July 1, 2023;
9 except that sections 4, 12, and 13 of this act take effect upon passage.

10 **SECTION 13. Safety clause.** The general assembly hereby finds,
11 determines, and declares that this act is necessary for the immediate
12 preservation of the public peace, health, or safety.