

CHAPTER 382

GOVERNMENT - STATE

HOUSE BILL 26-1252

BY REPRESENTATIVE(S) Bradfield and Mauro, Boesenecker, Clifford, Duran, Marshall, McCluskie;
also SENATOR(S) Marchman and Carson, Coleman.

AN ACT**CONCERNING UPDATES TO STATE ENTITIES RESPONSIBLE FOR RESPONDING TO EMERGENCY SITUATIONS.**

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

SECTION 1. In Colorado Revised Statutes, 24-33.5-1604, **add** (7) as follows:

24-33.5-1604. Duties and powers of the division - rules.

(7) THE DIVISION SHALL SUPPORT HOMELAND SECURITY INITIATIVES BY:

(a) CREATING AND IMPLEMENTING A STATE PREPAREDNESS GOAL AND SYSTEM TO IMPROVE STATE CAPABILITIES TO PREVENT, MITIGATE THE EFFECTS OF, RESPOND TO, AND RECOVER FROM THREATS TO COLORADO;

(b) IMPROVING COMMUNITY PREPAREDNESS AND CITIZEN INVOLVEMENT THROUGH EXTERNAL OUTREACH;

(c) IDENTIFYING AND REDUCING DUPLICATIVE HOMELAND SECURITY-RELATED TRAINING NEEDS AND EFFORTS;

(d) COORDINATING HOMELAND SECURITY-RELATED TRAINING AMONG TRIBAL, STATE, LOCAL, AND REGIONAL AGENCIES, AND CREATING A SINGLE TRAINING AND EXERCISE CALENDAR, WITH IDENTIFIED POINTS OF CONTACT, THAT IS ACCESSIBLE VIA THE INTERNET;

(e) COORDINATING AND UPDATING HOMELAND SECURITY AND CRITICAL INFRASTRUCTURE PROTECTION PLANS;

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(f) ADMINISTERING STATE AND FEDERAL GRANTS, PROVIDING TECHNICAL ASSISTANCE TO GRANTEEES, AND COORDINATING FUNDING OPPORTUNITIES WITH OTHER STATE AGENCIES;

(g) ADMINISTERING STATE GRANTS PROVIDED TO STATE AGENCIES AND POLITICAL SUBDIVISIONS FROM THE DISASTER EMERGENCY FUND, AS DESCRIBED IN SECTION 24-33.5-706;

(h) COORDINATING AND UPDATING HOMELAND SECURITY PLANS;

(i) COORDINATING ALL-HAZARD PUBLIC RISK COMMUNICATION PRODUCTS; AND

(j) DETERMINING NATIONAL INCIDENT MANAGEMENT SYSTEM PROFESSIONAL DEVELOPMENT AND EDUCATIONAL REQUIREMENTS.

SECTION 2. In Colorado Revised Statutes, **add** 24-33.5-705.1 as follows:

24-33.5-705.1. Coordination of recovery operations - office duties - state recovery task force - created - duties - information sharing.

(1)(a) THE OFFICE OF EMERGENCY MANAGEMENT IS DESIGNATED AS THE PRIMARY STATE AGENCY RESPONSIBLE FOR THE COORDINATION OF DISASTER RECOVERY, PLANNING, TRAINING, EXERCISE, AND INTEGRATION OF THE STATE RECOVERY ANNEX WITHIN THE STATE EMERGENCY OPERATIONS PLAN.

(b) THE OFFICE SHALL MAINTAIN AND LEAD THE STATE RECOVERY TASK FORCE CREATED IN SUBSECTION (2) OF THIS SECTION AND THE STATE'S RECOVERY FRAMEWORK.

(2) THE STATE RECOVERY TASK FORCE IS CREATED WITHIN THE OFFICE OF EMERGENCY MANAGEMENT. THE TASK FORCE SERVES AS THE LEAD CLEARINGHOUSE FOR RECOVERY OPERATIONS AMONG STATE DEPARTMENTS AND AGENCIES. THE DIRECTOR OF THE OFFICE SHALL APPOINT THE MEMBERS OF THE TASK FORCE.

(3) THE STATE RECOVERY TASK FORCE, WHEN ACTIVATED BY THE DIRECTOR OF THE OFFICE OF EMERGENCY MANAGEMENT, SHALL, IN CONJUNCTION WITH STATE DEPARTMENTS AND THE GOVERNOR'S OFFICE:

(a) IDENTIFY PERSONNEL TO FILL AND ACTIVATE RECOVERY SUPPORT FUNCTIONS IN SUPPORT OF RECOVERY OPERATIONS;

(b) COMPILE DAMAGE ASSESSMENT INFORMATION; AND

(c) PROVIDE RECOMMENDATIONS TO THE GOVERNOR'S DISASTER POLICY GROUP REGARDING THE STATE'S RECOVERY STRATEGY.

(4) THE OFFICE OF EMERGENCY MANAGEMENT SHALL DEVELOP AND MAINTAIN THE SURVIVOR PORTAL CREATED IN SECTION 24-33.5-1106(4) AND FACILITATE THE COORDINATION OF STATE DEPARTMENTS ADMINISTERING RECOVERY PROGRAMS.

(5) (a) A PERSON PROVIDING PERSONALLY IDENTIFIABLE INFORMATION ABOUT DISASTER-IMPACTED INDIVIDUALS TO A LOCAL, INTERJURISDICTIONAL, OR STATE EMERGENCY MANAGEMENT AGENCY MAY REQUEST, IN WRITING, THAT THE INFORMATION ONLY BE DISSEMINATED TO A PERSON CONNECTED WITH OR INVOLVED IN THE PROVISION OF DISASTER RELIEF AND MAY FURTHER REQUEST THAT THE INFORMATION NOT BE RELEASED TO ANY OTHER PERSON WITHOUT THE EXPRESS WRITTEN CONSENT OF THE PERSON PROVIDING THE PERSONALLY IDENTIFIABLE INFORMATION.

(b) UPON A REQUEST DESCRIBED IN SUBSECTION (5)(a) OF THIS SECTION, A LOCAL, INTERJURISDICTIONAL, OR STATE EMERGENCY MANAGEMENT AGENCY SHALL NOT DISSEMINATE THE INFORMATION WITHOUT EXPRESS WRITTEN CONSENT OF THE PERSON OR ENTITY PROVIDING THE INFORMATION.

SECTION 3. In Colorado Revised Statutes, 24-33.5-1106, **amend** (4) as follows:

24-33.5-1106. Grants to individuals.

(4) (a) The office of emergency management ~~may~~ SHALL, in collaboration with the department of local affairs created in section 24-1-125 and the Colorado energy office created in section 24-38.5-101, implement and maintain a disaster survivor portal for disaster survivors to apply for approved state disaster individual assistance. The portal may provide disaster survivors with a coordinated method to access appropriate benefits, including federal benefit programs, approved state disaster individual assistance benefits, the disaster resilience rebuilding program created in 24-32-134, and the sustainable rebuilding program created in 24-38.5-115. The portal may ensure equitable access to program information including communications in the relevant languages of the community and equitable hearing, sight, and physical accessibility. Local governments and philanthropic entities may operate their own disaster survivor portals in coordination with the office of emergency management.

(b) INFORMATION CONCERNING DISASTER SURVIVORS IN THE PORTAL CREATED IN SUBSECTION (4)(a) OF THIS SECTION IS EXEMPT FROM DISCLOSURE REQUIRED PURSUANT TO THE "COLORADO OPEN RECORDS ACT", PART 2 OF ARTICLE 72 OF THIS TITLE 24.

(c) THE OFFICE OF EMERGENCY MANAGEMENT MAY SHARE AGGREGATED DISASTER RECOVERY DATA, INCLUDING PORTAL DATA, MAPPING DATA, PROGRAM PERFORMANCE METRICS, AND FEDERAL DISASTER PROGRAM DATA WITH LOCAL AND STATE AGENCIES, VOLUNTEER ORGANIZATIONS, AND FEDERAL PARTNERS TO FACILITATE COORDINATED RECOVERY PLANNING AND RESOURCE ALLOCATION. THE OFFICE OF EMERGENCY MANAGEMENT MAY SHARE AGGREGATED DISASTER RECOVERY DATA, INCLUDING PORTAL DATA, MAPPING DATA, PROGRAM PERFORMANCE METRICS, AND FEDERAL DISASTER PROGRAM DATA WITH THE PRESS AND THE PUBLIC.

SECTION 4. In Colorado Revised Statutes, 24-72-202, **amend** (6)(b)(XVII) and (6)(b)(XVIII); and **add** (6)(b)(XX) as follows:

24-72-202. Definitions.

As used in this part 2, unless the context otherwise requires:

(6) (b) "Public records" does not include:

(XVII) A complaint of harassment or discrimination, as described in section 22-1-143, that is unsubstantiated and all records related to the unsubstantiated complaint, including records of an investigation into the complaint; ~~or~~

(XVIII) Jail assessments conducted pursuant to section 30-10-530 (5)(d) or 24-31-118; OR

(XX) DISASTER SURVIVOR INFORMATION STORED IN THE SURVIVOR PORTAL CREATED IN SECTION 24-33.5-1106 (4).

SECTION 5. In Colorado Revised Statutes, **add with amended and relocated provisions** 24-33.5-2502.5 as follows:

24-33.5-2502.5. [Formerly 24-33.5-705.5] Auxiliary communications unit - powers and duties of unit and office of public safety communications regarding auxiliary communications - definitions.

(1) As used in this section, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "Auxiliary emergency communicator" means an amateur radio operator licensed by the United States federal communications commission pursuant to 47 CFR 97 who meets the training requirements and is credentialed by the office. An auxiliary emergency communicator meeting the requirements of this ~~paragraph (a)~~ SUBSECTION (1)(a) serves as ~~an authorized~~ A QUALIFIED volunteer of the ~~office~~ DIVISION for purposes of article 10 of this ~~title~~ TITLE 24.

~~(b) "Division" means the division of homeland security and emergency management created in section 24-33.5-1603.~~

~~(c) "Office" means the office of emergency management created in section 24-33.5-705 (1).~~

~~(d)~~ (b) "Unit" means the auxiliary ~~emergency~~ communications unit of the office.

(c) "UNIT MEMBER" MEANS AN AUXILIARY EMERGENCY COMMUNICATOR OR OTHER UNIT LEADERSHIP OR SUPPORT STAFF.

(2) The auxiliary ~~emergency~~ communications unit is ~~hereby established~~ CREATED within the office. The unit is in the charge of the director of the office.

(3) The unit has the following powers, ~~and~~ duties, AND PROTECTIONS:

(a) Establish programs for the training and credentialing of auxiliary emergency communicators across the state, which training and credentialing is declared to be a matter of statewide concern. In connection with such training and credentialing, the use of the term "auxiliary emergency communications" within the state is limited to individuals, entities, associations, and units of local government that have been

certified by the director of the office as meeting the training and credentialing requirements established by the department for auxiliary emergency communicators.

(b) Assume all of the duties and possess all of the authority and responsibilities of the radio amateur civil emergency service, referred to in this section as "RACES", 47 CFR 97.407, within the state. Any reference to RACES in any federal law or regulation, and any federal, state, or local government emergency or disaster plans is to be interpreted as referring to the unit, and the unit is the successor entity to any state RACES organization referenced in any such law, regulation, or plan. No other individual, entity, association, or government agency may represent that it is a state RACES organization.

(c) ~~Ensure that auxiliary emergency communicators are authorized volunteers~~ AUTHORIZE UNIT MEMBERS AS QUALIFIED VOLUNTEERS. QUALIFIED VOLUNTEERS ARE entitled to the protections and benefits of part 8 of this article 33.5 when ~~assisting with the installation, maintenance, or demolition of communication facilities of any county sheriff, local government, local emergency planning committee, local emergency management agency, or state agency~~ PARTICIPATING IN DIVISION ACTIVITIES, whether or not ~~such~~ THE activities occur during a disaster; except that sections 24-33.5-825 and 24-33.5-826 do not apply to a training exercise, drill, or class without the express prior consent and approval of the volunteer's employer. THE UNIT MAY USE OR OPERATE STATE VEHICLES WHILE PARTICIPATING IN DIVISION ACTIVITIES.

(4) In connection with the powers and duties of the unit as specified in this section, the director of the office may:

(a) Develop and issue a credential that is recognized throughout the state for the purpose of granting access to government facilities, emergency operations centers, incident command posts, and disaster scenes;

(b) Conduct criminal background investigations on candidates for credentialing as ~~auxiliary emergency communicators~~ UNIT MEMBERS in accordance with the security needs of the department. When the results of a fingerprint-based criminal history record check of an applicant performed pursuant to this section reveal a record of arrest without a disposition, the DIVISION director shall require that applicant to submit to a name-based judicial record check, as defined in section 22-2-119.3 (6)(d). The ~~unit~~ DIVISION DIRECTOR may deny credentialing to any candidate based upon the results of a background check.

(c) Reimburse ~~auxiliary emergency communicators~~ UNIT MEMBERS for necessary travel and other reasonable expenses incurred in the performance of their duties; ~~including projects, training, drills, exercises, and disaster response activities;~~

(d) Expend state ~~moneys~~ MONEY, including, but not limited to, grant ~~moneys~~ MONEY or ~~moneys~~ MONEY otherwise budgeted to the office, to enhance the communication infrastructure as necessary to supplement or reinforce the existing amateur radio systems and networks within the state for the purposes of maximizing disaster preparedness and response.

SECTION 6. Repeal of relocated provisions in this act. In Colorado Revised Statutes, repeal 24-33.5-705.5.

SECTION 7. In Colorado Revised Statutes, **repeal** 24-33.5-717.

SECTION 8. In Colorado Revised Statutes, 24-75-226, **amend** (5)(e) as follows:

24-75-226. "American Rescue Plan Act of 2021" cash fund - creation - recipient funds - limitations - reporting - appropriations - reduction in general fund appropriations - report - legislative declaration - definitions - repeal.

(5) (e) The office shall provide the joint budget committee with a yearly performance report that consists of the information that the state controller provides the secretary under subsection (5)(a) of this section and any other information, including program evaluation information, that the office determines to be relevant. ~~Money in the fund or a recipient fund is not subject to the reporting requirements set forth in section 24-33.5-717.~~

SECTION 9. In Colorado Revised Statutes, **amend** 24-33.5-806.5 as follows:

24-33.5-806.5. Auxiliary communications unit of the office of public safety communications - qualified volunteers - protections and benefits.

Notwithstanding any other provision of this part 8, ~~any~~ A credentialed member AND A UNIT MEMBER, AUTHORIZED PURSUANT TO AND IN ACCORDANCE WITH SECTION 24-33.5-705.5 (3)(c), of the auxiliary ~~emergency~~ communications unit of the office of ~~emergency management~~ PUBLIC SAFETY COMMUNICATIONS created by ~~section 24-33.5-705 (1) is a~~ PURSUANT TO SECTION 24-33.5-2502 (1) ARE qualified ~~volunteer~~ VOLUNTEERS for purposes of this part 8 and article 10 of this ~~title~~ TITLE 24 and ~~is~~ ARE eligible to receive the protections and benefits specified in this part 8 and in article 10 of this ~~title~~ TITLE 24.

SECTION 10. In Colorado Revised Statutes, **repeal** 24-33.5-1606.5.

SECTION 11. In Colorado Revised Statutes, 24-1-128.6, **amend** (2)(h)(II)(B); and **repeal** (2)(h)(II)(C) as follows:

24-1-128.6. Department of public safety - creation.

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

(h) (II) The division of homeland security and emergency management includes the following agencies, which are **type 2** entities, as defined in section 24-1-105, and which exercise their powers and perform their duties and functions under the department of public safety:

(B) The office of prevention and security, created in section 24-33.5-1606; AND

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

SECTION 12. In Colorado Revised Statutes, 24-33.5-1507, **amend** (1) as follows:

24-33.5-1507. Application for grants - disbursements from SARA Title III fund - regulations.

(1) The ~~office of preparedness in the~~ division of homeland security and emergency management, created in section 24-33.5-1606.5 and referred to in this subsection (1) as the "office", "DIVISION", shall administer all grants from the fund. The ~~office~~ DIVISION shall accept applications from local emergency planning committees and from first responder organizations who have coordinated their request with their local emergency planning committee and shall direct those applications to the subcommittee, which shall evaluate the applications and shall recommend to the ~~office~~ DIVISION which grants should be made for the purposes of emergency planning and emergency response, including training and planning programs and training and planning equipment as needed to carry out the purposes of this part 15.

SECTION 13. In Colorado Revised Statutes, 24-33.5-1603, **amend** (2)(b); and **repeal** (2)(c) as follows:

24-33.5-1603. Division of homeland security and emergency management - creation - director.

(2) The division includes the following agencies, which are **type 2** entities, as defined in section 24-1-105, and which exercise their powers and perform their duties and functions under the department:

(b) The office of prevention and security, created in section 24-33.5-1606; AND

(c) ~~The office of preparedness, created in section 24-33.5-1606.5; and~~

SECTION 14. In Colorado Revised Statutes, 22-32-109.1, **amend** (4) introductory portion and (4)(l) as follows:

22-32-109.1. Board of education - specific powers and duties - safe school plan - conduct and discipline code - safe school reporting requirements - school response framework - school resource officers - definitions.

(4) **School response framework - school safety, readiness, and incident management plan.** Each board of education shall establish a school response framework ~~that shall consist~~ CONSISTING of policies described in this subsection (4). By satisfying the requirements of this subsection (4), a school or school district ~~shall~~ ~~be~~ IS in compliance with the national incident management system, referred to in this subsection (4) as "NIMS", developed by the federal emergency management agency. At a minimum, the policies ~~shall~~ require:

(l) School district employee safety and incident management training, including provisions stating that completion of any courses identified by the department of public safety pursuant to ~~section 24-33.5-1606.5(3), C.R.S., SECTION 24-33.5-1604~~

(7), as related to NIMS, count toward the professional development requirements of a person licensed pursuant to article 60.5 of this title;

SECTION 15. In Colorado Revised Statutes, 23-60-202, **amend** (1)(c)(II) as follows:

23-60-202. Duties of board with respect to state system.

(1) With respect to the community and technical colleges within the state system, the board has the authority, responsibility, rights, privileges, powers, and duties customarily exercised by the governing boards of institutions of higher education, including the following:

(c) (II) To the extent space is available, the board may allow persons licensed pursuant to article 60.5 of title 22 to take, without charge, at community and technical colleges, courses identified by the department of public safety pursuant to ~~section 24-33.5-1606.5 (4)~~ SECTION 24-33.5-1604 (7), as related to the national incident management system developed by the federal emergency management agency.

SECTION 16. In Colorado Revised Statutes, 24-33.5-1614, **amend** (2)(a) introductory portion, (2)(a)(VI), (2)(a)(VIII) introductory portion, (2)(a)(VIII)(A), (2)(a)(VIII)(K), (2)(a)(VIII)(N), (3.3)(e) introductory portion, (3.3)(e)(II) introductory portion, and (3.3)(e)(II)(A); and **repeal** (2)(a)(VIII)(M); and **add** (2)(a)(VIII)(O) as follows:

24-33.5-1614. Homeland security and all-hazards senior advisory committee - composition - duties - emergency planning subcommittee - public safety communications subcommittee - creation - definitions - repeal.

(2) (a) The advisory committee consists of at least the director of the division, who is a nonvoting member, and the following ~~twenty-one~~ voting members:

(VI) One member with specialized knowledge in ~~emergency communications systems~~ CYBERSECURITY who represents the governor's office of information technology created in section 24-37.5-103, to be appointed by the chief information officer;

(VIII) The following ~~fourteen~~ members, to be appointed by the executive director in consultation with the adjutant general of the department of military and veterans affairs and the executive directors of the department of local affairs and the department of public health and environment:

(A) A representative of ~~Colorado counties, incorporated, or its successor entity~~ A STATEWIDE ORGANIZATION OF COLORADO COUNTIES;

(K) ~~A regional state homeland security coordinator, representing an all-hazards emergency management region established by executive order of the governor~~ A MEMBER OF THE COLORADO CYBERSECURITY COUNCIL CREATED PURSUANT TO SECTION 24-33.5-1902;

(M) ~~A representative from the state all-hazards advisory committee formed under the department, or any successor entity; and~~

(N) ~~A representative of the Denver~~ EACH COLORADO urban area security initiative, as recognized by the United States department of homeland security; AND

(O) AN EMERGENCY MANAGER FROM A RURAL COUNTY, AS DEFINED BY THE STATE DEMOGRAPHER.

(3.3) (e) The subcommittee consists of at least the following ~~twenty-three~~ members:

(II) ~~Five~~ THE FOLLOWING members representing state government: ~~as follows:~~

(A) ~~The chief information officer of the governor's office of information technology~~ DIRECTOR OF THE OFFICE OF PUBLIC SAFETY COMMUNICATIONS, CREATED PURSUANT TO SECTION 24-33.5-2502, or ~~his or her~~ THE DIRECTOR'S designee;

SECTION 17. In Colorado Revised Statutes, 24-33.5-1619, **amend** (3)(i) as follows:

24-33.5-1619. Natural disaster mitigation enterprise - fund - goals - grant program - gifts, grants, or donations - legislative declaration - definitions - repeal.

(3) **Enterprise.**

(i) Each member of the board is entitled to receive from money in the fund ~~a per diem allowance of fifty dollars for each day spent attending official board meetings;~~ REIMBURSEMENT FOR THE MEMBER'S TRAVEL EXPENSES INCURRED FOR ATTENDING OFFICIAL BOARD MEETINGS IN ACCORDANCE WITH STATE FISCAL RULES AND DEPARTMENT POLICY.

SECTION 18. In Colorado Revised Statutes, 24-33.5-1622, **amend** (2)(d) introductory portion and (2)(d)(II) as follows:

24-33.5-1622. Colorado nonprofit security grant program - rules - definitions - appropriation.

(2) **Program created - allowable costs - rules.**

(d) ~~No later than August 30, 2022;~~ The director shall ~~promulgate~~ ADOPT rules necessary to implement the grant program. At a minimum, the rules must specify:

(II) That a grant recipient must have submitted an application for, but not been selected to receive, a grant under the federal program, EXCEPT IN EXIGENT CIRCUMSTANCES, AS DETERMINED BY THE DIRECTOR, WHEN AN IMMEDIATE AWARD IS IN THE INTEREST OF PUBLIC SAFETY.

SECTION 19. In Colorado Revised Statutes, 24-33.5-1902, **amend** (1) introductory portion, (1)(b), (1)(c), and (2)(v); and **repeal** (2)(a), (2)(f), (2)(l), (2)(m), and (2)(p) as follows:

24-33.5-1902. Colorado cybersecurity council - creation - council members.

~~(1) There is created in the department of public safety and within existing resources the Colorado cybersecurity council.~~ THE COLORADO CYBERSECURITY COUNCIL IS CREATED WITHIN THE DEPARTMENT OF PUBLIC SAFETY USING EXISTING RESOURCES. The council operates as a steering group to develop cybersecurity policy guidance for the governor; develop comprehensive sets of prioritized goals, requirements, initiatives, and milestones; and coordinate with the general assembly and the judicial branch regarding cybersecurity as deemed necessary and appropriate by the council. In addition, the council may:

(b) Review the need to conduct risk assessments of local government systems, providing additional cybersecurity services to local governments, and proposing necessary statutory or policy changes; ~~including the determination of ownership for these capabilities;~~ AND

~~(c) Make recommendations to the governor and general assembly on the authority and activities of the state chief information security officer with local governments by July 1, 2022.~~ ABOUT CYBERSECURITY.

(2) The Colorado cybersecurity council is comprised of the following members:

~~(a) The governor, acting as the chairperson of the council, or the governor's designee;~~

~~(f) The adjutant general of the department of military and veterans affairs;~~

~~(l) The state attorney general, or the attorney general's designee;~~

~~(m) The director of the public utilities commission or the director's designee;~~

~~(p) The chair of the cybersecurity subcommittee of the homeland security and all-hazards senior advisory committee;~~

~~(v) Any other person deemed necessary and appropriate by the governor.~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY.

SECTION 20. In Colorado Revised Statutes, 24-33.5-2502, **amend** (3) and (4) as follows:

24-33.5-2502. Office of public safety communications - public safety communications revolving fund - creation.

(3) The office shall develop a method for billing users of the office's services the full DIRECT AND INDIRECT cost of the services, including materials, depreciation related to capital costs, labor, and administrative overhead. The billing method ~~shall~~ MUST be fully implemented for all users of the office's services ~~on or before July 1,~~

~~2023~~ AND PUBLIC SAFETY COMMUNICATIONS NETWORK OR COMPONENTS OF THE NETWORK. Revenue generated from ~~such~~ THE billing shall be credited to the fund PURSUANT TO SUBSECTION (4)(a) OF THIS SECTION.

(4) (a) The office may seek, accept, and expend SERVICE CHARGES, FEES, REVENUE, gifts, grants, donations, and bequests from private or public sources for the direct and indirect costs, including personal services and operating costs, associated with administering public safety communications. The office shall transmit all money received through SERVICE CHARGES, FEES, REVENUE, gifts, grants, donations, or bequests for ~~such~~ RELATED purposes to the state treasurer, who shall credit the money to the fund.

(b) The office may contract with the United States and any other legal entities with respect to money available to the office through SERVICE CHARGES, FEES, REVENUE, gifts, grants, donations, or bequests.

(c) THE OFFICE MAY CONTRACT WITH PRIVATE ENTITIES FOR THE PRIVATE ENTITY USING THE PUBLIC SAFETY COMMUNICATIONS NETWORK OR COMPONENTS OF THE NETWORK.

(d) THE OFFICE, ACTING BY AND THROUGH THE DEPARTMENT OF PUBLIC SAFETY, IS AUTHORIZED TO ENTER INTO ANCILLARY AGREEMENTS AND INSTRUMENTS THAT ARE NECESSARY OR APPROPRIATE IN CONNECTION WITH ADMINISTERING PUBLIC SAFETY COMMUNICATIONS.

SECTION 21. In Colorado Revised Statutes, 24-33.5-2508, **amend** (1)(a) as follows:

24-33.5-2508. Digital trunked radio system - service charges - pricing policy.

(1) (a) Users of the digital trunked radio system ~~shall~~ MUST be charged the full cost of the particular service, which ~~shall include~~ INCLUDES the DIRECT AND INDIRECT cost of all material, labor, and overhead. The user charges ~~shall~~ AND FEES AND REVENUE MUST be transmitted to the state treasurer, who shall credit them to the public safety communications ~~trust~~ REVOLVING fund created in ~~section 24-33.5-2510~~ SECTION 24-33.5-2502. The ~~public safety communications trust fund~~ PUBLIC SAFETY COMMUNICATIONS REVOLVING FUND must include user charges on public safety radio systems ~~of a state agency or other state entity~~ PROVIDED BY THE OFFICE; except that no municipality, county, city and county, or special district ~~shall be charged~~ CAN INCUR user charges on public safety radio systems ~~of a state agency or other state entity~~ PROVIDED BY THE OFFICE.

SECTION 22. In Colorado Revised Statutes, 24-33.5-2509, **repeal** (1)(c) as follows:

24-33.5-2509. Interoperable communications among public safety radio systems - statewide plan - regional plans - governmental immunity - needs assessment.

(1) (c) ~~A region that fails to timely submit a tactical and long-term interoperable communications plan or revisions thereto, or a local government agency that fails~~

~~to collaborate in the development of or timely submit the plan, or a region or local government agency that fails to maintain current plans, is ineligible to receive homeland security or public safety grant money 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 director of the office.~~

SECTION 23. In Colorado Revised Statutes, 24-33.5-2510, **amend** (2)(b) as follows:

24-33.5-2510. Public safety communications trust fund - creation - report.

(2) (b) In addition to any transfers made as a result of subsection (2)(a) of this section, the department may solicit and accept gifts, grants, donations, PROCUREMENT FUNDS, bequests, and other contributions to the fund from local, state, ~~and~~ federal, PRIVATE, AND PUBLIC entities and from public-safety-related nonprofit organizations that directly support state departments, state institutions, state agencies, and law enforcement and public safety political subdivisions of the state. ~~Such~~ Contributions shall be transmitted to the state treasurer, who shall credit the contributions to the fund.

SECTION 24. In Colorado Revised Statutes, 24-44-101.5, **add** (2) as follows:

24-44-101.5. Definitions.

As used in this article 44, unless the context otherwise requires:

(2) "OFFICE" MEANS THE OFFICE OF TRIBAL AND AMERICAN INDIAN AND ALASKA NATIVE AFFAIRS IN THE OFFICE OF THE LIEUTENANT GOVERNOR.

SECTION 25. In Colorado Revised Statutes, **amend** 24-44-102 as follows:

24-44-102. Establishment of commission.

~~There is hereby established in the office of the lieutenant governor the Colorado commission of Indian affairs.~~ THE COLORADO COMMISSION OF INDIAN AFFAIRS IS ESTABLISHED IN THE OFFICE OF TRIBAL AND AMERICAN INDIAN AND ALASKA NATIVE AFFAIRS IN THE OFFICE OF THE LIEUTENANT GOVERNOR.

SECTION 26. In Colorado Revised Statutes, 24-44-103, **amend** (1) introductory portion, (1)(e), and (1)(f); and **add** (1)(l) as follows:

24-44-103. Office duties - commission powers.

(1) It is the duty of the ~~commission~~ OFFICE:

(e) To study the existing status of recognition of all Indian groups, tribes, and communities presently existing in this state; ~~and~~

(f) To employ and fix the compensation of an executive director of the ~~commission~~ OFFICE, who shall carry out the responsibilities of the ~~commission~~ OFFICE; AND

(I) TO COORDINATE WITH THE OFFICE OF EMERGENCY MANAGEMENT, CREATED IN PART 7 OF ARTICLE 33.5 OF THIS TITLE 24, DURING EMERGENCIES, AS APPROPRIATE.

SECTION 27. In Colorado Revised Statutes, 24-44-104, **add** (2)(c) as follows:

24-44-104. Membership - term of office - chairperson - compensation.

(2) (c) (I) AT-LARGE MEMBERS HAVE A LIMIT OF TWO TERMS AND MAY SERVE A MAXIMUM OF SIX YEARS TOTAL CONSECUTIVELY.

(II) AN AT-LARGE MEMBER MUST DEMONSTRATE A CONNECTION TO A FEDERALLY RECOGNIZED TRIBE, AS DETERMINED BY THE COMMISSION.

SECTION 28. In Colorado Revised Statutes, **amend** 24-44-105 as follows:

24-44-105. Executive director - duties.

(1) The ~~commission~~ OFFICE may employ an executive director to carry out the day-to-day responsibilities and business of the OFFICE AND commission. THE EXECUTIVE DIRECTOR IS EMPLOYED IN THE OFFICE OF TRIBAL AND AMERICAN INDIAN AND ALASKA NATIVE AFFAIRS IN THE OFFICE OF THE LIEUTENANT GOVERNOR. The executive director is an ex officio member of the commission and must be an enrolled member of a federally recognized Indian tribe.

(2) THE EXECUTIVE DIRECTOR MAY EMPLOY STAFF IN THE OFFICE OF TRIBAL AND AMERICAN INDIAN AND ALASKA NATIVE AFFAIRS TO ASSIST IN CARRYING OUT THE DUTIES OF THE OFFICE AND COMMISSION, PROMOTING GOVERNMENT RELATIONSHIPS BETWEEN THE STATE AND TRIBAL GOVERNMENTS, AND SERVING AMERICAN INDIAN AND ALASKA NATIVE COMMUNITIES.

SECTION 29. In Colorado Revised Statutes, 24-44-106, **amend** (1) as follows:

24-44-106. Meetings - quorum - proxy vote prohibited.

(1) The commission shall meet quarterly and at any other ~~such~~ time as it deems necessary. Meetings may be called by the chairperson or by a petition signed by a majority of the voting members of the commission. ~~Ten days~~ SEVENTY-TWO HOURS' notice shall be given in writing, BY EMAIL, OR BY PHONE prior to the meeting date.

SECTION 30. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: June 4, 2026