

DEPARTMENT OF PUBLIC SAFETY DIVISION  
OF HOMELAND SECURITY AND  
EMERGENCY MANAGEMENT

8 CCR 1507-80

Public Safety Communications Trust Fund

STATEMENT OF BASIS, STATUTORY AUTHORITY, AND PURPOSE

The General Assembly enacted section 24-33.5-2501, C.R.S. via House Bill 22-1353 to create the Office of Public Safety Communications in the Division of the Homeland Security and Emergency Management in the Department of Public Safety. Additionally, in section ~~24-33.5-2502~~ 24-33.5-2510, C.R.S., the Public Safety Communications Trust Fund ~~Revolving Fund (aka Public Safety Communications Trust Fund)~~ was created. ~~Section 24-33.5-2505, C.R.S. mandates that the Director of the Office of Public Safety Communications shall adopt rules regarding distributions of Public Safety Communications Trust Fund money to and repayment of such money by state and local governments. to be administered and disbursed by the Office of Public Safety Communications.~~ This bill enacted the transfer of this Office and this Fund from the State Office of Information Technology to the Division of Homeland Security and Emergency Management within the Department of Public Safety, thereby creating the Office and the Fund through their transfer from OIT to CDPS. The bill was signed into law on June 8, 2022 and became effective July 1, 2023. ~~Section 24-33.5-2505, C.R.S. mandates that the Director of the Office of Public Safety Communications shall adopt rules regarding distributions of Public Safety Communications Trust Fund money to and repayment of such money by state and local governments.~~

~~Because the statute section 24-33.5-2510, C.R.S. is necessary for the immediate preservation of the public peace, health or safety, delay in the promulgation of these rules would be contrary to the statutory mandate. The absence of implementing rules to carry out the purpose of the statute would be contrary to this declaration. For these reasons, it is imperatively necessary that the proposed rules be adopted. The purpose of this rule amendment is to correct statutory citation errors and minor grammatical errors and to correct the formatting to comply with accessibility standards.~~

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Kevin Klein, Director  
Division of Homeland Security and Emergency Management

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Date of Adoption

## **DEPARTMENT OF PUBLIC SAFETY**

Division of Homeland Security and Emergency Management  
Office of Public Safety Communications

### **8 CCR 1507 – 80 Public Safety Communications Trust Fund**

*[Editor's Notes follow the text of the rules at the end of this CCR Document.]*

#### **1. Authority**

This rule is adopted pursuant to § 24-33.5-2505(1)(h) and (i), C.R.S. and the State Administrative Procedure Act § 24-4-101 et seq. C.R.S.

#### **2. Scope and Purpose**

This rule governs the Public Safety Communications Trust Fund, the administration of discretionary distributions and repayment of such monies by state and local governments.

#### **3. Applicability**

This rule applies to all local governments and state agencies ~~state and local agencies~~ as defined by 24-33.5-2505(4)(I-II), C.R.S.

#### **4. Definitions**

“Director” means the Director of the Office of Public Safety Communications as appointed by the Director of the Division of Homeland Security and Emergency Management.

“Division” means the Division of Homeland Security and Emergency Management within the Colorado Department of Public Safety as created in section 24-33.5-1603, C.R.S.

“Eligible Entities” means the local governments and state agencies that support public safety that may be called upon to deal with natural disasters, health emergencies, acts of terrorism, and other threats to public safety.

“Fund” means the public safety communications trust fund created in section 24-33.5-2510 ~~24-33.5-2505(2)(a)~~, C.R.S.

“Interoperable Communications” means the ability of public safety agencies in various disciplines and jurisdictions to communicate with each other on demand and in real time by voice or data using compatible radio communication systems or other technology.

“Local Government” means a city, county, municipality, city and county, tribal

government, or any other political subdivision of the state that is not a state agency.

“Office” means the Office of Public Safety Communications created in section 24-33.5-2502, C.R.S.

“Public Safety Agency” means an agency providing law enforcement, fire protection, emergency medical, or emergency response services.

“Public Safety Communications Systems” means the interoperable public safety radio communications systems conforming with the statewide digital trunked radio system plan and designed to provide instant and disruption-resistant communication capability for law enforcement agencies and other eligible entities that may be called upon to deal with natural disasters, health emergencies, acts of terrorism, and other threats to public health and safety.

“Quarterly Progress Report” means a written form or other document determine by the state agency to indicate and report the operational and financial activity of the recipient during the time period specified.

“Reimbursement Request” means a written form or other document determined by the state agency to indicate and report the operational and financial activity of the recipient during the time period specified.

“Region” means an all-hazard emergency management region established by executive order of the Governor.

“State Agency” means any department, division, commission, council, board, bureau, committee, office, agency, or other governmental unit of the state.

“Summary Report” means a written form or other document determined by the state agency allowing the fund recipients to report the final operational and financial activity of the funds.

## **5. Program Requirements**

### **5.1 Eligibility**

The principal and interest held in the public safety communications trust fund are available to eligible entities, upon application to the Office, and with the approval of the Director of the Office of Public Safety Communications or delegate, to cover the acquisition, maintenance, or lease of any public safety radio communications systems equipment or other communication devices or equipment by eligible entities conforming with the statewide digital trunked radio system plan.

The Fund may be used to pay the direct and indirect costs, including personal services and operating costs, associated with administering public safety communications.

## **5.2 Considerations**

- A. The Director of the Office of Public Safety Communications or delegate, acting within their discretion, shall consider, without limitation, the following factors in authorizing distributions of fund moneys for reimbursement, or for the purchase, leasing, contracting for, or other acquisition of public safety communications equipment for or by eligible entities:
  - (1) 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;
  - (2) The needs of eligible entities that have recently invested in new radio systems, particularly in regard to interoperability;
  - (3) The promotion of an orderly transition from analog-based to digital-based radio systems; and
  - (4) The current communications coverage, expansion of coverage and/or resolution of coverage gaps in underserved areas of Colorado.
- B. The amount of any distribution for reimbursement or for the purchase of equipment or devices constituting system infrastructure which would allow interoperability between a local government communications system and the statewide public safety radio communications systems will be paid in accordance with the terms of the state digital trunked radio system plan. The extent to which such expenses will be covered by fund moneys will depend on compliance with the plan, funds available and prior coordination and prior approval by the Office.
- C. All expenditures made for the acquisition, maintenance, or lease of communication systems equipment or devices from distributions of fund moneys shall be made pursuant to the requirements set forth under the Colorado Procurement Code, sections 24-101-101, et seq., CRS. If the Code does not address a specific situation, then expenditure of funds will require approval from the Director of the Office of Public Safety Communications or delegate.
- D. Expenditures are reimbursable or otherwise eligible for distribution from the fund to the extent moneys remain available in the fund.

## **5.3 Request for Funding and Approval Process**

- A. Eligible entities must submit an application letter of estimated costs, supporting eligibility documentation and an implementation schedule to the Office of Public

Safety Communications for approval to receive reimbursement from the Fund.

- B. Upon receipt of an application letter, the Office staff shall review the request and issue a written recommendation to the Director or delegate, who will render a decision. Written notification of the decision shall be made to the applicant within ninety (90) days including ~~concerning~~ the amount of any distributions to be paid and identifying any non-qualifying costs, if approved.
- C. Upon notification of approval to receive Fund reimbursement, the applicant shall enter into a written agreement with the Office, with the approval of the Director or delegate, concerning any terms and/or conditions for distributions made, including without limitation, terms for repayment of amounts paid, any buy-in commitments for participation in the statewide digital trunked radio system, or any obligation to pay an annual user or other type of fee for participation in the state system. In the event equipment or devices are directly purchased by the Office with fund moneys and then leased to the applicant, a written lease agreement shall be executed by the parties.
- D. Approved applicants may then apply for distribution of fund moneys for reimbursement of costs or to purchase qualifying public safety communications systems equipment or devices using application forms provided by the Office. Applications for reimbursement must be filed within ninety (90) days of the incurred expenditures.

#### **5.4 Distribution of Funds**

- A. For local government awardees, funds will be distributed according to the terms of the written Agreement entered into with the Office and according to any additional terms of the Division of Homeland Security and Emergency Management.
- B. For state agency awardees, funds will be distributed according to the terms of the written Agreement entered into with the Office and according to the terms in the approved State of Colorado Interagency Agreement.
- C. Based upon an articulated need, the Office may advance funds to awardees with the approval of the Director or delegate.

#### **5.5 Reporting Requirements**

- A. Awardees will provide the Office with reports consistent with the requirements in the appropriate written agreement, Divisional agreement if applicable, or interagency agreement, including, but not limited to:
  - (1) Quarterly Progress Reports;

- (2) Summary Report upon completion of the project; and
- (3) Reimbursement Requests.

## **5.6 Restrictions**

- A. The statutory provisions for the Public Safety Communications Trust Fund in Part 25 to article 33.5 of title 24, C.R.S. do not apply to the Legislative Department of the State of Colorado.
- B. Local and internal public safety communications networks of institutions of higher education may be exempted from the provisions of Part 25 to article 33.5 of title 24 C.R.S. upon application to the Director of the Office of Public Safety Communications; except that all systems must be certified by the Director of the Office of Public Safety Communications as being technically compatible with plans and networks as described in section 24-33.5-2505(1), C.R.S.