

DEPARTMENT OF PERSONNEL AND ADMINISTRATION

Telecommunications Services

PUBLIC SAFETY COMMUNICATIONS TRUST FUND

1 CCR 110-1

~~{Editor's Notes follow the text of the rules at the end of this CCR Document.}~~

~~RULES REGARDING DISTRIBUTIONS OF PUBLIC SAFETY COMMUNICATIONS TRUST FUND
MONEYS TO AND REPAYMENT OF SUCH MONEYS BY STATE AND LOCAL
GOVERNMENTS~~

~~RULES CHAPTER 1 PUBLIC SAFETY COMMUNICATIONS TRUST FUND~~

~~PREAMBLE~~

~~Statement of Basis and Purpose: These rules have been adopted by the Executive Director of the Department of Personnel, pursuant to section 24 30 903(1)(j), (7) C.R.S. (1997), for the purpose of administering discretionary distributions of public safety communications trust fund moneys to and repayment of such moneys by state and local governments. The primary purpose of such distributions shall be the acquisition and maintenance of statewide public safety communications systems for use by departments including, but not limited to, the state departments of public safety, transportation, natural resources, and corrections as provided in section 24 30 903, (7) C.R.S. (1997).~~

~~RULES ARTICLE 1 Definitions, Eligibility, Applications~~

~~R 1-1-1 Definitions:~~

~~(A) Eligible Entities: local and state governmental entities that support public safety, which may be called upon to deal with natural disasters, health emergencies, acts of terrorism, and other threats to public health and safety.~~

~~(B) Executive Director — the Executive Director of the Department of Personnel or designee.~~

~~(C) Fund — the public safety communications trust fund created by the state treasury pursuant to section 24 30 908.5, (7) C.R.S. (1997).~~

~~(D) Public Safety Communications Systems — interoperable public safety radio communications systems conforming with the state wide 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.~~

~~(E) Public Safety National Plan: The public safety national plan established by the Federal Communications Commission ("FCC") in FCC Report and Order in General Docket No. 87-112, and subsequent FCC proceedings and rules.~~

~~R-1-1-2 Eligibility:~~

~~The principal and interest held in the public safety communications trust fund are available to eligible entities, upon application to Telecommunications Services, and with the approval of the Executive Director, 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 state-wide digital trunked radio system plan. Allowable maintenance expenses include, without limitation, the cost of leased or rented equipment and other costs related to acquiring and/or operating a public safety media system.~~

~~(A) The Executive Director, acting within his 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.~~

~~(B) The amount of any distribution for reimbursement or for the purchase of equipment or devices constituting infrastructure which would allow interoperability between the 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 approval by the Telecommunication Services.~~

~~(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., (7) C.R.S. (1997). If the Code does not address a specific situation, then expenditure of funds will require approval from the Executive Director.~~

~~(D) Expenditures are reimbursable or otherwise eligible for distribution from the fund to the extent moneys remain available in the fund.~~

~~R-1-1-3 Application Procedures:~~

~~Eligible entities must submit an application letter of estimated costs, supporting eligibility documentation and implementation schedule, to Telecommunications Services, Department of Personnel/General Support Services, 2452 West 2nd Avenue, #19, Denver, Colorado 80223-1019; (303)866-2341 for approval in order to be eligible for reimbursement.~~

~~(A) Upon receipt of an application letter, the Telecommunications Services' staff shall review the request and issue a written recommendation to the Executive Director, who will render a decision. Notification to applicant shall be within 90 days concerning the amount of any distributions to be paid and identifying any non-qualifying costs.~~

~~(B) Upon acceptance and notification of moneys from the fund, the applicant shall enter into a written agreement with Telecommunications Services, with the approval of the Executive Director, 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 Telecommunications Services with fund moneys and then leased to the applicant, a written lease agreement shall be executed by the parties.~~

~~(C) Eligible entities may then, on forms provided by the office, apply for distribution of fund moneys for reimbursement of costs or to purchase qualifying public safety communications systems equipment or devices. Applications for reimbursement must be filed within 90 days of the incurred expenditures.~~

~~Effective date of rules is February 1, 1999; Statement of Basis and Purpose adopted December 3, 1998~~

~~Editor's Notes~~

~~History~~

~~Repealed 5/30/2015~~