

**Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO**

REVISED

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

LLS NO. 12-0695.01 Esther van Mourik x4215

HOUSE BILL 12-1224

HOUSE SPONSORSHIP

Becker, Gerou, Levy

SENATE SPONSORSHIP

Lambert, Hodge, Steadman

House Committees
Transportation

Senate Committees
Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF A CONSOLIDATED COMMUNICATIONS**
102 **SYSTEM AUTHORITY.**

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://www.leg.state.co.us/billsummaries>.)

Joint Budget Committee. The bill creates the consolidated communications system authority (authority). The bill defines the membership of the authority as the following entities that use the statewide digital trunked radio system (system) as their primary means of public safety wireless communication:

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

SENATE
Am ended 2nd Reading
March 23, 2012

HOUSE
Am ended 3rd Reading
February 28, 2012

HOUSE
Am ended 2nd Reading
February 27, 2012

- ! Law enforcement agencies and fire departments;
- ! A licensed ambulance or emergency medical service;
- ! School districts or schools;
- ! Agencies of a city, county, city and county, special district or other political subdivision of the state;
- ! Agencies of an Indian tribe;
- ! Agencies of the state or federal government; and
- ! Persons or entities eligible to hold an authorization in the public safety radio pool pursuant to rules of the federal communications commission.

The bill defines the purposes of the authority to include:

- ! Advising the governor and the general assembly of the development, maintenance, upgrade, and operation of the system;
- ! Representing its members in matters concerning technology, rules, spectrum allocations, and radio frequency licensing;
- ! Identifying and reporting on operational and capital infrastructure and technology needs of the system;
- ! Identifying and reporting on funding options for system sustainability; and
- ! Soliciting and receiving appropriations, grants, and other moneys to expand, upgrade, and operate the system.

The bill also creates the consolidated communications fund to hold moneys received by the authority. The authority may invest or deposit moneys in the fund.

The bill also specifies that the income and property of the authority are exempt from all state and local taxes and assessments.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** article 24.5 to
 3 title 29 as follows:

4 **ARTICLE 24.5**

5 **Consolidated Communications System Authority**

6 **29-24.5-101. Legislative declaration.** (1) THE GENERAL
 7 ASSEMBLY HEREBY FINDS AND DECLARES THAT:

8 (a) WIRELESS COMMUNICATION IS A CRITICAL COMPONENT OF
 9 PUBLIC SAFETY AND EMERGENCY SERVICES;

1 (b) PARTNERSHIPS BETWEEN THE STATE, LOCAL, TRIBAL, AND
2 FEDERAL GOVERNMENTS ARE AN EFFECTIVE WAY TO PROVIDE IMPROVED
3 COMMUNICATION SERVICES, AVOID COSTLY DUPLICATION, AND REDUCE
4 OVERALL COSTS;

5 (c) THE PROGRAM TO CREATE A STATEWIDE DIGITAL TRUNKED
6 RADIO SYSTEM HAS SIGNIFICANTLY IMPROVED WIRELESS COMMUNICATION
7 FOR STATE AGENCIES WHERE THE SYSTEM IS IN OPERATION;

8 (d) THE STATE, LOCAL, TRIBAL, AND FEDERAL GOVERNMENTS, IN
9 PARTNERSHIP, HAVE CONTRIBUTED SIGNIFICANT INFRASTRUCTURE AND
10 INVESTMENTS TO CREATE THE SYSTEM; AND

11 (e) MONEYS TO FUND THE EXPANSION, IMPROVEMENT, AND
12 MAINTENANCE OF THE STATEWIDE DIGITAL TRUNKED RADIO SYSTEM ARE
13 AVAILABLE TO POLITICAL SUBDIVISIONS OF THE STATE.

14 (2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT
15 THE CONSOLIDATED COMMUNICATIONS SYSTEM AUTHORITY IS CREATED
16 FOR THE BENEFIT OF AND TO PROMOTE THE HEALTH AND SAFETY OF THE
17 PEOPLE OF COLORADO, AND IT IS THE INTENT OF THE GENERAL ASSEMBLY
18 THAT THIS ARTICLE SHALL BE LIBERALLY CONSTRUED TO EFFECT ITS
19 PURPOSE.

20 **29-24.5-102. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
21 CONTEXT OTHERWISE REQUIRES:

22 (1) "AUTHORITY" MEANS THE CONSOLIDATED COMMUNICATIONS
23 SYSTEM AUTHORITY CREATED IN THIS ARTICLE.

24 (2) "BOARD" MEANS THE BOARD OF DIRECTORS OF THE AUTHORITY
25 AS DESCRIBED IN SECTION 29-24.5-103 (5) AND IN THE BYLAWS OF THE
26 AUTHORITY.

27 

1 (3) "MEMBER" MEANS ONE OF THE FOLLOWING ENTITIES THAT
2 USES THE STATEWIDE DIGITAL TRUNKED RADIO SYSTEM AS A MEANS OF
3 PUBLIC SAFETY WIRELESS COMMUNICATION IN THE PERFORMANCE OF ITS
4 DUTIES:

- 5 (a) A LAW ENFORCEMENT AGENCY OR FIRE DEPARTMENT;
- 6 (b) A LICENSED AMBULANCE OR EMERGENCY MEDICAL SERVICE
7 USING THE NETWORK FOR DISPATCHING 9-1-1 OR EMERGENCY CALLS OR
8 FOR COMMUNICATING WITH A LICENSED HOSPITAL OR TRAUMA CENTER;
- 9 (c) A SCHOOL DISTRICT OR SCHOOL;
- 10 (d) AN AGENCY OF A CITY, COUNTY, CITY AND COUNTY, SPECIAL
11 DISTRICT, OR OTHER POLITICAL SUBDIVISION OF THE STATE;
- 12 (e) AN AGENCY OF AN INDIAN TRIBE;
- 13 (f) AN AGENCY OF THE STATE OR FEDERAL GOVERNMENT; OR
- 14 (g) A PERSON OR ENTITY ELIGIBLE TO HOLD AN AUTHORIZATION IN
15 THE PUBLIC SAFETY RADIO POOL PURSUANT TO RULE 47 CFR 90.20 OF THE
16 FEDERAL COMMUNICATIONS COMMISSION OR A SUCCESSOR RULE.

17 (4) "SYSTEM" MEANS THE STATEWIDE DIGITAL TRUNKED RADIO
18 SYSTEM.

19 **29-24.5-103. Authority - creation - purposes.** (1) THERE IS
20 HEREBY CREATED THE CONSOLIDATED COMMUNICATIONS SYSTEM
21 AUTHORITY, WHICH SHALL BE A BODY CORPORATE AND POLITIC AND A
22 POLITICAL SUBDIVISION OF THE STATE. THE AUTHORITY IS NOT AN AGENCY
23 OF STATE GOVERNMENT. THE AUTHORITY SHALL HAVE PERPETUAL
24 EXISTENCE AND SUCCESSION. THE AUTHORITY IS A PUBLIC ENTITY FOR
25 PURPOSES OF THE "COLORADO GOVERNMENTAL IMMUNITY ACT", ARTICLE
26 10 OF TITLE 24, C.R.S. THE AUTHORITY IS A POLITICAL SUBDIVISION OF
27 THE STATE FOR PURPOSES OF SECTIONS 24-6-402 (1) (c) AND 24-72-202

1 (5), C.R.S. THE AUTHORITY IS NOT A LOCAL GOVERNMENT FOR PURPOSES
2 OF THE "COLORADO LOCAL GOVERNMENT AUDIT LAW", PART 6 OF
3 ARTICLE 1 OF THIS TITLE; EXCEPT THAT THE STATE AUDITOR MAY ORDER
4 THE AUTHORITY TO COMPLY WITH THE REQUIREMENTS OF SECTION
5 29-1-603 FOR ANY FISCAL YEAR.

6 (2) THE PURPOSES OF THE AUTHORITY ARE:

7 (a) TO SOLICIT AND ACCEPT APPROPRIATIONS, GRANTS, AND OTHER
8 MONEYS TO BE USED FOR THE PURPOSE OF EXPANDING, UPGRADING, AND
9 OPERATING THE SYSTEM;

10 (b) TO REPRESENT THE MEMBERS IN MATTERS CONCERNING
11 NETWORK GROWTH, MAINTENANCE, UPGRADE, OPERATION, TECHNOLOGY,
12 RULES, SPECTRUM ALLOCATIONS, AND RADIO FREQUENCY LICENSING; AND

13 (c) TO ADVISE THE GOVERNOR AND THE GENERAL ASSEMBLY ON
14 THE DEVELOPMENT, MAINTENANCE, UPGRADE, AND OPERATION OF THE
15 SYSTEM.

16 (3) THE DUTIES OF THE AUTHORITY ARE TO PRESENT AN ANNUAL
17 REPORT TO THE JOINT BUDGET COMMITTEE IN WRITING NO LATER THAN
18 OCTOBER 15 THAT INCLUDES:

19 (a) OPERATIONAL AND CAPITAL INFRASTRUCTURE NEEDS TO
20 MAINTAIN THE SYSTEM; AND

21 (b) POTENTIAL FUNDING OPTIONS TO MEET THE OPERATIONAL AND
22 CAPITAL INFRASTRUCTURE NEEDS OF THE SYSTEM.

23 (4) THE AUTHORITY SHALL NOT:

24 (a) LEVY ANY TAXES;

25 (b) ASSESS ANY FEE ON ITS MEMBERS; OR

26 (c) TAKE ANY ASSETS OWNED BY A MEMBER WITHOUT PRIOR
27 AGREEMENT.

1 (5) THE BOARD CONSISTS OF THE FOLLOWING TWENTY MEMBERS:

2 (a) (I) TWELVE MEMBERS REPRESENTING LOCAL GOVERNMENT AS
3 FOLLOWS:

4 (A) ONE MEMBER REPRESENTING THE FIVE STATEWIDE DIGITAL
5 TRUNKED RADIO SYSTEM MUTUAL AID CHANNEL REGIONS, WHO IS
6 APPOINTED AS SPECIFIED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (a);

7 (B) TWO MEMBERS REPRESENTING THE FOUR ZONE SWITCH USERS,
8 WHO ARE APPOINTED AS SPECIFIED IN SUBPARAGRAPH (II) OF THIS
9 PARAGRAPH (a);

10 (C) ONE MEMBER REPRESENTING THE LICENSED AMBULANCE OR
11 EMERGENCY MEDICAL SERVICE AND THE LICENSED HOSPITAL OR TRAUMA
12 CENTER, WHO IS SELECTED BY THE STATE EMERGENCY MEDICAL AND
13 TRAUMA SERVICES ADVISORY COUNCIL CREATED IN SECTION 25-3.5-104,
14 C.R.S.;

15 (D) FIVE MEMBERS REPRESENTING THE NINE ALL-HAZARD
16 REGIONS, WHO ARE APPOINTED AS SPECIFIED IN SUBPARAGRAPH (II) OF
17 THIS PARAGRAPH (a);

18 (E) ONE MEMBER REPRESENTING THE STATEWIDE FIRE
19 DEPARTMENTS, WHO IS SELECTED BY THE COLORADO STATE FIRE CHIEFS'
20 ASSOCIATION; AND

21 (F) TWO MEMBERS REPRESENTING THE LAW ENFORCEMENT
22 AGENCIES, ONE WHO IS SELECTED BY THE COLORADO ASSOCIATION OF
23 CHIEFS OF POLICE AND ONE WHO IS SELECTED BY THE COUNTY SHERIFFS OF
24 COLORADO.

25 (II) FOR THE MEMBERS REPRESENTING THE ENTITIES DESCRIBED IN
26 SUB-SUBPARAGRAPHS (A), (B), AND (D) OF SUBPARAGRAPH (I) OF THIS
27 PARAGRAPH (a), EACH ENTITY MAY NOMINATE ONE OR MORE PERSONS TO

1 THE GOVERNOR FOR APPOINTMENT TO THE POSITIONS. THE GOVERNOR
2 SHALL CONSIDER GEOGRAPHIC REPRESENTATION AND TECHNICAL
3 EXPERTISE IN CHOOSING WHICH NOMINEES TO APPOINT. THE GOVERNOR
4 SHALL NOTIFY THE ENTITIES IN WRITING REGARDING THE APPOINTMENTS
5 MADE. EACH APPOINTEE SERVES AT THE PLEASURE OF THE GOVERNOR.
6 SUCH APPOINTMENTS ARE NOT SUBJECT TO THE CONSENT OF THE SENATE.

7 (b) SIX MEMBERS REPRESENTING STATE GOVERNMENT, WITH
8 ONE EACH FROM:

9 (I) THE CHIEF INFORMATION OFFICER OF THE GOVERNOR'S OFFICE
10 OF INFORMATION TECHNOLOGY, OR HIS OR HER DESIGNEE;

11 (II) THE CHIEF OF THE COLORADO STATE PATROL, OR HIS OR HER
12 DESIGNEE;

13 (III) THE DIRECTOR OF THE COLORADO DEPARTMENT OF
14 CORRECTIONS, OR THE DIRECTOR'S DESIGNEE;

15 (IV) THE DIRECTOR OF THE COLORADO DEPARTMENT OF
16 TRANSPORTATION, OR THE DIRECTOR'S DESIGNEE;

17 (V) THE DIRECTOR OF THE COLORADO DEPARTMENT OF NATURAL
18 RESOURCES, OR THE DIRECTOR'S DESIGNEE; AND

19 (VI) THE DIRECTOR OF THE COLORADO DEPARTMENT OF LOCAL
20 AFFAIRS, OR THE DIRECTOR'S DESIGNEE.

21 (c) TWO MEMBERS REPRESENTING THE TWO TRIBAL NATIONS IN
22 THE STATE, ONE SELECTED BY EACH OF THE TWO TRIBAL NATIONS.

23 (6) (a) THE BOARD SHALL ELECT FROM ITS MEMBERSHIP A CHAIR,
24 A VICE-CHAIR, A SECRETARY, AND OTHER APPROPRIATE OFFICERS.
25 OFFICERS ARE ELECTED FOR TERMS OF TWO YEARS, TAKING OFFICE ON
26 JANUARY 1 OF THE YEAR DIRECTLY FOLLOWING THE ELECTION.

27 (b) THE MEMBERS OF THE BOARD APPOINTED OR SELECTED

1 PURSUANT TO PARAGRAPHS (a) AND (c) OF SUBSECTION (5) OF THIS
2 SECTION SERVE AT THE PLEASURE OF THE APPOINTING OR SELECTING
3 AUTHORITY.

4 (7) ON THE EFFECTIVE DATE OF THIS SECTION, EVERY AGENCY
5 THAT IS CURRENTLY A MEMBER OF THE COLORADO CORPORATION
6 CREATED TO PROVIDE THE GOVERNANCE STRUCTURE FOR MANAGING THE
7 STATEWIDE DIGITAL TRUNKED RADIO SYSTEM AND THAT QUALIFIES TO
8 COOPERATE WITH OTHER GOVERNMENTS ACCORDING TO SECTION 29-1-203
9 BECOMES A MEMBER OF THE AUTHORITY UNLESS THE GOVERNING BODY OF
10 SUCH AGENCY SPECIFICALLY EXCLUDES ITSELF FROM THE AUTHORITY.
11 ANY AGENCY WISHING TO BE EXCLUDED FROM THE AUTHORITY MUST
12 NOTIFY THE SECRETARY OF THE AUTHORITY IN WRITING.

13 (8) AFTER THE EFFECTIVE DATE OF THIS SECTION, NEW MEMBERS
14 OF THE AUTHORITY SHALL BE ADMITTED IN ACCORDANCE WITH ANY
15 BYLAWS OR POLICIES ESTABLISHED BY THE AUTHORITY.

16 **29-24.5-104. Exemption from taxation.** THE INCOME AND OTHER
17 REVENUE OF THE AUTHORITY AND ALL PROPERTY INTERESTS OF THE
18 AUTHORITY ARE EXEMPT FROM ALL STATE AND LOCAL TAXES AND
19 ASSESSMENTS.

20 **29-24.5-105. Consolidated communications system authority**
21 **- subject to termination - repeal.** (1) THE PROVISIONS OF SECTION
22 24-34-104, C.R.S., CONCERNING THE TERMINATION OF REGULATORY
23 AGENCIES OF THE STATE UNLESS EXTENDED AS PROVIDED IN SAID SECTION,
24 ARE APPLICABLE TO THE CONSOLIDATED COMMUNICATIONS SYSTEM
25 AUTHORITY CREATED IN THIS ARTICLE. IN THE EVENT THE AUTHORITY IS
26 EXTENDED AS PROVIDED IN SECTION 24-34-104, C.R.S., THE GENERAL
27 ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT THE

1 AUTHORITY SHOULD BE SUBJECT TO REVIEW PURSUANT TO SAID SECTION
2 AT LEAST EVERY FIVE YEARS.

3 (2) THIS ARTICLE IS REPEALED, EFFECTIVE JULY 1, 2018. PRIOR TO
4 SUCH REPEAL, THE FUNCTIONS OF THE CONSOLIDATED COMMUNICATIONS
5 SYSTEM AUTHORITY SHALL BE REVIEWED AS PROVIDED FOR IN SECTION
6 24-34-104, C.R.S.

7 **SECTION 2.** In Colorado Revised Statutes, 24-34-104, **add** (49)
8 (i) as follows:

9 **24-34-104. General assembly review of regulatory agencies**
10 **and functions for termination, continuation, or reestablishment.**

11 (49) The following agencies, functions, or both, shall terminate on July
12 1, 2018:

13 (i) THE CONSOLIDATED COMMUNICATIONS SYSTEM AUTHORITY
14 CREATED IN SECTION 29-24.5-103, C.R.S.

15 **SECTION 3.** In Colorado Revised Statutes, 24-77-102, **add** (15)
16 (b) (XVIII) as follows:

17 **24-77-102. Definitions.** As used in this article, unless the context
18 otherwise requires:

19 (15) (b) "Special purpose authority" includes, but is not limited to:

20 (XVIII) THE CONSOLIDATED COMMUNICATIONS SYSTEM
21 AUTHORITY CREATED IN SECTION 29-24.5-103, C.R.S.

22 **SECTION 4. Safety clause.** The general assembly hereby finds,
23 determines, and declares that this act is necessary for the immediate
24 preservation of the public peace, health, and safety.