

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

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

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.

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 (4) AND IN THE BYLAWS OF THE
26 AUTHORITY.

27 (3) "FUND" MEANS THE CONSOLIDATED COMMUNICATIONS FUND

1 CREATED IN SECTION 29-24.5-104.

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

6 (a) A LAW ENFORCEMENT AGENCY OR FIRE DEPARTMENT;

7 (b) A LICENSED AMBULANCE OR EMERGENCY MEDICAL SERVICE
8 USING THE NETWORK FOR DISPATCHING 9-1-1 OR EMERGENCY CALLS OR
9 FOR COMMUNICATING WITH A LICENSED HOSPITAL OR TRAUMA CENTER;

10 (c) A SCHOOL DISTRICT OR SCHOOL;

11 (d) AN AGENCY OF A CITY, COUNTY, CITY AND COUNTY, SPECIAL
12 DISTRICT, OR OTHER POLITICAL SUBDIVISION OF THE STATE;

13 (e) AN AGENCY OF AN INDIAN TRIBE;

14 (f) AN AGENCY OF THE STATE OR FEDERAL GOVERNMENT; OR

15 (g) A PERSON OR ENTITY ELIGIBLE TO HOLD AN AUTHORIZATION IN
16 THE PUBLIC SAFETY RADIO POOL PURSUANT TO RULE 47 CFR 90.20 OF THE
17 FEDERAL COMMUNICATIONS COMMISSION OR A SUCCESSOR RULE.

18 (5) "SYSTEM" MEANS THE STATEWIDE DIGITAL TRUNKED RADIO
19 SYSTEM.

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

1 THE STATE FOR PURPOSES OF SECTIONS 24-6-402 (1) (c) AND 24-72-202
2 (5), C.R.S. THE AUTHORITY IS NOT A LOCAL GOVERNMENT FOR PURPOSES
3 OF THE "COLORADO LOCAL GOVERNMENT AUDIT LAW", PART 6 OF
4 ARTICLE 1 OF THIS TITLE; EXCEPT THAT THE STATE AUDITOR MAY ORDER
5 THE AUTHORITY TO COMPLY WITH THE REQUIREMENTS OF SECTION
6 29-1-603 FOR ANY FISCAL YEAR.

7 (2) THE PURPOSES OF THE AUTHORITY ARE:

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

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

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

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

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

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

24 (4) THE AUTHORITY SHALL NOT:

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

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

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

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

4 (I) ONE MEMBER REPRESENTING THE FIVE STATEWIDE DIGITAL
5 TRUNKED RADIO SYSTEM MUTUAL AID CHANNEL REGIONS, WHO IS
6 SELECTED BY THE REGIONS;

7 (II) TWO MEMBERS REPRESENTING THE FOUR ZONE SWITCH USERS,
8 WHO ARE SELECTED BY THE NON-STATE AGENCY USERS OF ZONES ONE,
9 TWO, THREE, AND FOUR;

10 (III) 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 (IV) FIVE MEMBERS REPRESENTING THE NINE ALL-HAZARD
16 REGIONS, WHO ARE SELECTED BY THE NINE ALL-HAZARD REGIONS;

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

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

24 (b) SIX MEMBERS REPRESENTING STATE GOVERNMENT, WITH
25 ONE EACH FROM:

26 (A) THE CHIEF INFORMATION OFFICER OF THE GOVERNOR'S OFFICE
27 OF INFORMATION TECHNOLOGY, OR HIS OR HER DESIGNEE;

1 (B) THE CHIEF OF THE COLORADO STATE PATROL, OR HIS OR HER
2 DESIGNEE;

3 (C) THE DIRECTOR OF THE COLORADO DEPARTMENT OF
4 CORRECTIONS, OR THE DIRECTOR'S DESIGNEE;

5 (D) THE DIRECTOR OF THE COLORADO DEPARTMENT OF
6 TRANSPORTATION, OR THE DIRECTOR'S DESIGNEE;

7 (E) THE DIRECTOR OF THE COLORADO DEPARTMENT OF NATURAL
8 RESOURCES, OR THE DIRECTOR'S DESIGNEE; AND

9 (F) THE DIRECTOR OF THE COLORADO DEPARTMENT OF LOCAL
10 AFFAIRS, OR THE DIRECTOR'S DESIGNEE.

11 (c) ONE MEMBER REPRESENTING THE TWO TRIBAL NATIONS IN THE
12 STATE, WHO IS SELECTED BY THE TRIBAL NATIONS.

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

17 (7) ON THE EFFECTIVE DATE OF THIS SECTION, EVERY AGENCY
18 THAT IS CURRENTLY A MEMBER OF THE COLORADO CORPORATION
19 CREATED TO PROVIDE THE GOVERNANCE STRUCTURE FOR MANAGING THE
20 STATEWIDE DIGITAL TRUNKED RADIO SYSTEM AND THAT QUALIFIES TO
21 COOPERATE WITH OTHER GOVERNMENTS ACCORDING TO SECTION 29-1-203
22 BECOMES A MEMBER OF THE AUTHORITY UNLESS THE GOVERNING BODY OF
23 SUCH AGENCY SPECIFICALLY EXCLUDES ITSELF FROM THE AUTHORITY.
24 ANY AGENCY WISHING TO BE EXCLUDED FROM THE AUTHORITY MUST
25 NOTIFY THE SECRETARY OF THE AUTHORITY IN WRITING.

26 (8) AFTER THE EFFECTIVE DATE OF THIS SECTION, NEW MEMBERS
27 OF THE AUTHORITY SHALL BE ADMITTED IN ACCORDANCE WITH ANY

1 BYLAWS OR POLICIES ESTABLISHED BY THE AUTHORITY.

2 **29-24.5-104. Exemption from taxation.** THE INCOME AND OTHER
3 REVENUE OF THE AUTHORITY AND ALL PROPERTY INTERESTS OF THE
4 AUTHORITY ARE EXEMPT FROM ALL STATE AND LOCAL TAXES AND
5 ASSESSMENTS.

6 **29-24.5-105. Consolidated communications system authority**
7 **- subject to termination - repeal.** (1) THE PROVISIONS OF SECTION
8 24-34-104, C.R.S., CONCERNING THE TERMINATION OF REGULATORY
9 AGENCIES OF THE STATE UNLESS EXTENDED AS PROVIDED IN SAID SECTION,
10 ARE APPLICABLE TO THE CONSOLIDATED COMMUNICATIONS SYSTEM
11 AUTHORITY CREATED IN THIS ARTICLE. IN THE EVENT THE AUTHORITY IS
12 EXTENDED AS PROVIDED IN SECTION 24-34-104, C.R.S., THE GENERAL
13 ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT THE
14 AUTHORITY SHOULD BE SUBJECT TO REVIEW PURSUANT TO SAID SECTION
15 AT LEAST EVERY FIVE YEARS.

16 (2) THIS ARTICLE IS REPEALED, EFFECTIVE JULY 1, 2018. PRIOR TO
17 SUCH REPEAL, THE FUNCTIONS OF THE CONSOLIDATED COMMUNICATIONS
18 SYSTEM AUTHORITY SHALL BE REVIEWED AS PROVIDED FOR IN SECTION
19 24-34-104, C.R.S.

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

22 **24-34-104. General assembly review of regulatory agencies**
23 **and functions for termination, continuation, or reestablishment.**

24 (49) The following agencies, functions, or both, shall terminate on July
25 1, 2018:

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

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

3 **24-77-102. Definitions.** As used in this article, unless the context
4 otherwise requires:

5 (15) (b) "Special purpose authority" includes, but is not limited to:
6 (XVIII) THE CONSOLIDATED COMMUNICATIONS SYSTEM
7 AUTHORITY CREATED IN SECTION 29-24.5-103, C.R.S.

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