

NOTE: The governor signed this measure on 6/6/2014.

An Act

SENATE BILL 14-127

BY SENATOR(S) Roberts, Guzman, Heath, Hodge, Jahn, Jones, Kerr, King, Lambert, Newell, Nicholson, Rivera, Schwartz, Steadman, Tochtrop, Todd, Carroll;
also REPRESENTATIVE(S) Dore, Becker, Exum, Gerou, Hamner, Kagan, Labuda, Rosenthal, Tyler, Vigil, Williams.

CONCERNING STATEWIDE RADIO COMMUNICATIONS, AND, IN CONNECTION THEREWITH, DIRECTING THE DEPARTMENT OF PUBLIC SAFETY TO PERFORM A COMMUNICATIONS NEEDS ASSESSMENT, RECREATING THE CONSOLIDATED COMMUNICATIONS SYSTEM AUTHORITY AS A NEW STANDING PUBLIC SAFETY COMMUNICATIONS SUBCOMMITTEE UNDER THE HOMELAND SECURITY AND ALL-HAZARDS SENIOR ADVISORY COMMITTEE IN THE DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT IN THAT DEPARTMENT, AND MAKING AN APPROPRIATION.

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

SECTION 1. Legislative declaration. (1) The general assembly hereby finds, determines, and declares that, while interoperable public safety communications are a vital aspect of efficient and effective disaster emergency management, long-term funding, technology upgrades, and network compatibility solutions are elusive. There is therefore a pressing

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

need to address public safety radio communications in the state, especially in light of the fact that certain areas in Colorado, some of which have been the sites of recent disaster emergencies, suffer critical gaps in radio system coverage and urgently need to be built out.

(2) In order to address these commonly known and highly critical issues with the current statewide radio communication system, the general assembly hereby finds it imperative to relocate the consolidated communications system authority as a subcommittee under the department of public safety because it is the principal department best equipped to handle matters of public safety. Further, the general assembly declares it necessary for that department, in collaboration with the new subcommittee, to perform a needs assessment and form a business plan to address any statewide radio communications needs. As public safety agencies within the state use a variety of radio systems, the needs assessment must address development and maintenance of interoperability among the systems.

SECTION 2. In Colorado Revised Statutes, 24-33.5-716, **add** (7) as follows:

24-33.5-716. Interoperable communications among public safety radio systems - statewide plan - regional plans - governmental immunity - needs assessment - definitions - repeal. (7) (a) THE EXECUTIVE DIRECTOR, IN CONSULTATION WITH THE PUBLIC SAFETY COMMUNICATIONS SUBCOMMITTEE CREATED IN SECTION 24-33.5-1614 (3.3), SHALL PERFORM A NEEDS ASSESSMENT AND CREATE A BUSINESS PLAN REGARDING STATEWIDE RADIO COMMUNICATIONS. THE EXECUTIVE DIRECTOR SHALL SUBMIT A REPORT REGARDING THE FINDINGS AND CONCLUSIONS OF THE NEEDS ASSESSMENT AND BUSINESS PLAN TO THE JOINT BUDGET COMMITTEE ON OR BEFORE DECEMBER 31, 2014.

(b) THE NEEDS ASSESSMENT AND BUSINESS PLAN SUBMITTED UNDER PARAGRAPH (a) OF THIS SUBSECTION (7) MUST TAKE INTO ACCOUNT CURRENT AND FUTURE PUBLIC SAFETY NEEDS; AREAS OF COVERAGE, INCLUDING THOSE AREAS OF THE STATE IN WHICH SIGNIFICANT GAPS IN DIGITAL TRUNKED RADIO SYSTEMS COVERAGE EXIST; NECESSARY OR RECOMMENDED HARDWARE AND SOFTWARE UPGRADES; INTEROPERABILITY; GOVERNANCE; FINANCIAL NEEDS; FUNDING RECOMMENDATIONS; AND ANY OTHER MATTERS RELEVANT TO EXPANDING, IMPROVING, AND MODERNIZING RADIO COMMUNICATIONS IN THE STATE. THE ASSESSMENT, PLAN, AND ANY

RECOMMENDATIONS SUBMITTED WITH THE ASSESSMENT AND PLAN MUST BE MADE IN A MANNER THAT HELPS ENSURE INTEROPERABILITY AMONG, AND SUSTAINMENT OF, PUBLIC SAFETY COMMUNICATION SYSTEMS OTHER THAN THE STATE'S DIGITAL TRUNKED RADIO SYSTEM.

(c) THIS SUBSECTION (7) IS REPEALED, EFFECTIVE JULY 1, 2016.

SECTION 3. In Colorado Revised Statutes, 24-33.5-1614, **amend** (2) (f) (III); and **add** (3.3) as follows:

24-33.5-1614. Homeland security and all-hazards senior advisory committee - creation - composition - duties - public safety communications subcommittee - creation - definitions - repeal.
(2) (f) (III) The members of the advisory committee shall receive no compensation; EXCEPT THAT ADVISORY COMMITTEE MEMBERS ARE ENTITLED TO RECEIVE REIMBURSEMENT FOR NECESSARY TRAVEL AND OTHER REASONABLE EXPENSES INCURRED IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES UNDER THIS SECTION.

(3.3) (a) IN ADDITION TO ANY SUBCOMMITTEES CREATED PURSUANT TO PARAGRAPH (f) OF SUBSECTION (3) OF THIS SECTION, THERE IS HEREBY CREATED THE PUBLIC SAFETY COMMUNICATIONS SUBCOMMITTEE TO THE ADVISORY COMMITTEE, REFERRED TO IN THIS SUBSECTION (3.3) AS THE "SUBCOMMITTEE".

(b) THE PURPOSES OF THE SUBCOMMITTEE ARE TO:

(I) PROMOTE INTEROPERABLE COMMUNICATIONS AMONG PUBLIC SAFETY ORGANIZATIONS THROUGHOUT THE STATE;

(II) REPRESENT THE ADVISORY COMMITTEE IN MATTERS CONCERNING PUBLIC SAFETY COMMUNICATIONS AND INTEROPERABILITY OF COMMUNICATION SYSTEMS; AND

(III) INFORM THE ADVISORY COMMITTEE ON THE DEVELOPMENT, MAINTENANCE, UPGRADE, AND OPERATION OF THE STATEWIDE DIGITAL TRUNKED RADIO SYSTEM.

(c) THE DUTIES OF THE SUBCOMMITTEE ARE TO:

(I) PRESENT AN ANNUAL REPORT TO THE JOINT BUDGET COMMITTEE IN WRITING NO LATER THAN EACH DECEMBER 31 THAT INCLUDES OPERATIONAL AND CAPITAL INFRASTRUCTURE NEEDS TO MAINTAIN THE SYSTEM;

(II) PROVIDE POLICY-LEVEL DIRECTION AND PROMOTE EFFICIENT AND EFFECTIVE USE OF RESOURCES FOR MATTERS RELATED TO PUBLIC SAFETY COMMUNICATIONS INTEROPERABILITY;

(III) PROMOTE COOPERATION AMONG LOCAL, TRIBAL, STATE, AND FEDERAL PUBLIC SAFETY AGENCIES, AS WELL AS NONGOVERNMENTAL ORGANIZATIONS THAT ARE IN THE BUSINESS OF PROVIDING PUBLIC SAFETY IN ADDRESSING STATEWIDE RADIO INTEROPERABILITY NEEDS IN THE STATE;

(IV) ASSIST PUBLIC SAFETY ENTITIES IN THE DEVELOPMENT OF PROJECTS, PLANS, POLICIES, STANDARDS, PRIORITIES, GUIDELINES, AND TRAINING FOR RADIO INTEROPERABILITY;

(V) COORDINATE WITH OTHER COMMUNICATIONS OVERSIGHT GROUPS TO ENSURE ADEQUATE WIRELESS SPECTRUM TO ACCOMMODATE ALL USERS;

(VI) RESEARCH STATEWIDE INTEROPERABLE COMMUNICATIONS BEST PRACTICES OF OTHER STATES, TRIBES, AND MUNICIPALITIES;

(VII) PROVIDE RECOMMENDATIONS TO THE ADVISORY COMMITTEE, WHEN APPROPRIATE, CONCERNING ISSUES RELATED TO STATEWIDE INTEROPERABLE RADIO COMMUNICATIONS FOR PUBLIC SAFETY IN COLORADO, WHICH RECOMMENDATIONS MAY RELATE TO RELEVANT TOPICS INCLUDING GOVERNANCE, STANDARD OPERATING PROCEDURES, TECHNOLOGY, TRAINING, AND FUNDING;

(VIII) CONSIDER SPECIFICALLY, AND REPORT TO THE EXECUTIVE DIRECTOR PRIOR TO DECEMBER 31, 2014, REGARDING:

(A) THE LONG-TERM SUSTAINABILITY, ADAPTABILITY, AND EVOLUTION OF TECHNOLOGY USED IN PUBLIC SAFETY COMMUNICATIONS; AND

(B) THE BANDWIDTH NEEDED FOR PRESENT AND FUTURE

EMERGENCY COMMUNICATIONS; AND

(IX) ASSIST THE DEPARTMENT IN PERFORMING THE NEEDS ASSESSMENT REQUIRED UNDER SECTION 24-33.7-716 (7).

(d) (I) THE MEMBERS OF THE CONSOLIDATED COMMUNICATIONS SYSTEM AUTHORITY, AS THAT BODY EXISTED PRIOR TO ITS REPEAL PURSUANT TO SENATE BILL 14-127, ARE THE INITIAL MEMBERS OF THE SUBCOMMITTEE. THE TERMS OF SUCH INITIAL MEMBERS CONTINUE AND EXPIRE ACCORDING TO THE DATES FOR WHICH SUCH MEMBERS WERE ORIGINALLY APPOINTED.

(II) (A) UPON EXPIRATION OF THE TERMS OF THE INITIAL MEMBERS SERVING PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (d), AND UPON THE CREATION OF ANY OTHER VACANCY OR TERM EXPIRATION, THE APPROPRIATE APPOINTING AUTHORITY SHALL APPOINT A MEMBER REPRESENTING THE SAME INTEREST, AS DESCRIBED IN SUBPARAGRAPHS (I) AND (III) OF PARAGRAPH (e) OF THIS SUBSECTION (3.3), AS THE VACATING MEMBER.

(B) ANY VACANCY APPOINTMENT IS FOR THE REMAINDER OF THE UNEXPIRED TERM OF THE VACATING MEMBER.

(e) THE SUBCOMMITTEE CONSISTS OF AT LEAST THE FOLLOWING TWENTY-THREE MEMBERS:

(I) MEMBERS REPRESENTING LOCAL GOVERNMENT, INCLUDING:

(A) TWO MEMBERS REPRESENTING PUBLIC RADIO SYSTEMS THAT ARE NOT PART OF THE STATEWIDE DIGITAL TRUNKED RADIO SYSTEM, WHO ARE APPOINTED AS SPECIFIED IN PARAGRAPH (f) OF THIS SUBSECTION (3.3);

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

(C) TWO MEMBERS REPRESENTING THE NINE ALL-HAZARD REGIONS, WHO ARE APPOINTED AS SPECIFIED IN PARAGRAPH (f) OF THIS SUBSECTION

(3.3);

(D) TWO MEMBERS SELECTED BY THE COLORADO STATE FIRE CHIEFS' ASSOCIATION, ONE OF WHOM REPRESENTS A METROPOLITAN FIRE DEPARTMENT AND THE OTHER OF WHOM REPRESENTS A RURAL FIRE DEPARTMENT;

(E) ONE REPRESENTATIVE OF COLORADO PROFESSIONAL FIRE FIGHTERS, OR A SUCCESSOR LABOR ORGANIZATION THAT REPRESENTS FIREFIGHTERS;

(F) ONE REPRESENTATIVE OF COLORADO'S COUNTIES, APPOINTED BY COLORADO COUNTIES, INCORPORATED, OR A SUCCESSOR ORGANIZATION THAT REPRESENTS COLORADO'S COUNTIES;

(G) FIVE REPRESENTATIVES OF THE CONSOLIDATED COMMUNICATIONS NETWORK OF COLORADO, INCORPORATED, OR A SUCCESSOR NONPROFIT ORGANIZATION COMPRISED OF PARTICIPATING USER AGENCIES USING THE COLORADO DIGITAL TRUNKED RADIO SYSTEM; AND

(H) TWO MEMBERS REPRESENTING THE LAW ENFORCEMENT AGENCIES, ONE WHO IS SELECTED BY THE COLORADO ASSOCIATION OF CHIEFS OF POLICE AND ONE WHO IS SELECTED BY THE COUNTY SHERIFFS OF COLORADO;

(II) FIVE MEMBERS REPRESENTING STATE GOVERNMENT AS FOLLOWS:

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

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

(C) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

(D) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF TRANSPORTATION, OR THE EXECUTIVE DIRECTOR'S DESIGNEE; AND

(E) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF NATURAL RESOURCES, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

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

(f) (I) FOR THE ENTITIES DESCRIBED IN SUB-SUBPARAGRAPHS (A) AND (C) OF SUBPARAGRAPH (I) OF PARAGRAPH (e) OF THIS SUBSECTION (3.3), EACH ENTITY MAY NOMINATE ONE OR MORE PERSONS TO THE EXECUTIVE DIRECTOR FOR APPOINTMENT TO THE POSITIONS. THE EXECUTIVE DIRECTOR, IN CONSULTATION WITH THE ADVISORY COMMITTEE, SHALL CONSIDER GEOGRAPHIC REPRESENTATION AND TECHNICAL EXPERTISE IN CHOOSING APPOINTEES. THE EXECUTIVE DIRECTOR SHALL NOTIFY THE ENTITIES IN WRITING REGARDING THE APPOINTMENTS MADE. EACH APPOINTEE APPOINTED PURSUANT TO THIS PARAGRAPH (f) SERVES AT THE PLEASURE OF THE EXECUTIVE DIRECTOR.

(II) THE MEMBERS OF THE SUBCOMMITTEE APPOINTED OR SELECTED PURSUANT TO SUBPARAGRAPHS (I) AND (III) OF PARAGRAPH (e) OF THIS SUBSECTION (3.3) SERVE AT THE PLEASURE OF THE APPOINTING OR SELECTING AUTHORITY.

(g) IN ADDITION TO THE MEMBERS DESCRIBED IN PARAGRAPH (f) OF THIS SUBSECTION (3.3), THE EXECUTIVE DIRECTOR, IN CONSULTATION WITH THE ADVISORY COMMITTEE, MAY APPOINT ADDITIONAL MEMBERS TO THE SUBCOMMITTEE. THE TERMS OF SUCH MEMBERS ARE FOR A PERIOD, NOT TO EXCEED TWO YEARS, IDENTIFIED BY THE EXECUTIVE DIRECTOR WHEN MAKING THE APPOINTMENTS. THE EXECUTIVE DIRECTOR SHALL ENSURE THAT SUCH APPOINTMENTS MAINTAIN, TO THE GREATEST EXTENT POSSIBLE, THE GEOGRAPHIC DIVERSITY AND EXPERTISE OF THE SUBCOMMITTEE.

(h) THE SUBCOMMITTEE MEMBERS ARE ENTITLED TO RECEIVE REIMBURSEMENT FOR NECESSARY TRAVEL AND OTHER REASONABLE EXPENSES INCURRED IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES.

(i) THIS SUBSECTION (3.3) IS REPEALED, EFFECTIVE SEPTEMBER 1, 2019. PRIOR TO REPEAL, THE SUBCOMMITTEE SHALL BE REVIEWED PURSUANT TO SECTION 2-3-1203, C.R.S.

SECTION 4. In Colorado Revised Statutes, 2-3-1203, **add** (3)

(ff.5) (V) as follows:

2-3-1203. Sunset review of advisory committees. (3) The following dates are the dates for which the statutory authorization for the designated advisory committees is scheduled for repeal:

(ff.5) September 1, 2019:

(V) THE PUBLIC SAFETY COMMUNICATIONS SUBCOMMITTEE TO THE HOMELAND SECURITY AND ALL-HAZARDS SENIOR ADVISORY COMMITTEE IN THE DIVISION OF HOMELAND SECURITY IN THE DEPARTMENT OF PUBLIC SAFETY, CREATED IN SECTION 24-33.5-1614 (3.3), C.R.S.

SECTION 5. In Colorado Revised Statutes, **repeal** 24-34-104 (49) (i), 24-77-102 (15) (b) (XVIII), and article 24.5 of title 29.

SECTION 6. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of public safety, for the fiscal year beginning July 1, 2014, the sum of \$589,618 and 0.9 FTE, or so much thereof as may be necessary, to be allocated to the division of homeland security and emergency management for the implementation of this act as follows:

(a) \$73,165 and 0.9 FTE for personal services;

(b) \$16,454 for operating and travel expenses and capital outlay;
and

(c) \$500,000 for a statewide radio communications needs assessment and business plan.

SECTION 7. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Morgan Carroll
PRESIDENT OF
THE SENATE

Mark Ferrandino
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO