

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

PREAMENDED

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

LLS NO. 14-0298.01 Kate Meyer x4348

SENATE BILL 14-127

SENATE SPONSORSHIP

Roberts,

HOUSE SPONSORSHIP

Dore,

Senate Committees

Judiciary
Appropriations

House Committees

A BILL FOR AN ACT

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

Bill Summary

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.

(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>.)

House Bill 12-1224 created the consolidated communications system authority (authority), which is comprised of representatives of entities that use the statewide digital trunked radio system (system) as their primary means of public safety wireless communication. **Section 3** of the bill reorganizes the authority as a subcommittee (subcommittee) under the homeland security and all-hazards senior advisory committee in the division of homeland security and emergency management in the department of public safety (department). As part of the reorganization, the bill adds members and modifies duties of that body. **Section 5** makes conforming amendments necessitated by the reorganization.

Pursuant to the laws regarding creation of new advisory bodies, **section 4** schedules the subcommittee for sunset review and repeal in 2019.

Additionally, **section 2** directs the executive director of the department to undertake a needs assessment and formulate a business plan, in consultation with the subcommittee, regarding statewide radio communications and to report the findings to the joint budget committee prior to 2015.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds, determines, and declares that, while interoperable public
4 safety communications are a vital aspect of efficient and effective disaster
5 emergency management, long-term funding, technology upgrades, and
6 network compatibility solutions are elusive. There is therefore a pressing
7 need to address public safety radio communications in the state,
8 especially in light of the fact that certain areas in Colorado, some of
9 which have been the sites of recent disaster emergencies, suffer critical
10 gaps in radio system coverage and urgently need to be built out.

11 (2) In order to address these commonly known and highly critical

1 issues with the current statewide radio communication system, the general
2 assembly hereby finds it imperative to relocate the consolidated
3 communications system authority as a subcommittee under the
4 department of public safety because it is the principal department best
5 equipped to handle matters of public safety. Further, the general assembly
6 declares it necessary for that department, in collaboration with the new
7 subcommittee, to perform a needs assessment and form a business plan
8 to address any statewide radio communications needs.

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

11 **24-33.5-716. Interoperable communications among public**
12 **safety radio systems - statewide plan - regional plans - governmental**
13 **immunity - needs assessment - definitions - repeal.** (7) (a) THE
14 EXECUTIVE DIRECTOR, IN CONSULTATION WITH THE PUBLIC SAFETY
15 COMMUNICATIONS SUBCOMMITTEE CREATED IN SECTION 24-33.5-1614
16 (3.3), SHALL PERFORM A NEEDS ASSESSMENT AND CREATE A BUSINESS
17 PLAN REGARDING STATEWIDE RADIO COMMUNICATIONS. THE EXECUTIVE
18 DIRECTOR SHALL SUBMIT A REPORT REGARDING THE FINDINGS AND
19 CONCLUSIONS OF THE NEEDS ASSESSMENT AND BUSINESS PLAN TO THE
20 JOINT BUDGET COMMITTEE ON OR BEFORE DECEMBER 31, 2014.

21 (b) THE NEEDS ASSESSMENT AND BUSINESS PLAN SUBMITTED
22 UNDER PARAGRAPH (a) OF THIS SUBSECTION (7) MUST TAKE INTO
23 ACCOUNT CURRENT AND FUTURE PUBLIC SAFETY NEEDS; AREAS OF
24 COVERAGE, INCLUDING THOSE AREAS OF THE STATE IN WHICH SIGNIFICANT
25 GAPS IN DIGITAL TRUNKED RADIO SYSTEMS COVERAGE EXIST; NECESSARY
26 OR RECOMMENDED HARDWARE AND SOFTWARE UPGRADES;
27 INTEROPERABILITY; GOVERNANCE; FINANCIAL NEEDS; FUNDING

1 RECOMMENDATIONS; AND ANY OTHER MATTERS RELEVANT TO
2 EXPANDING, IMPROVING, AND MODERNIZING RADIO COMMUNICATIONS IN
3 THE STATE.

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

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

7 **24-33.5-1614. Homeland security and all-hazards senior**
8 **advisory committee - creation - composition - duties - public safety**
9 **communications subcommittee - creation - definitions - repeal.**

10 (2) (f) (III) The members of the advisory committee shall receive no
11 compensation; EXCEPT THAT ADVISORY COMMITTEE MEMBERS ARE
12 ENTITLED TO RECEIVE REIMBURSEMENT FOR NECESSARY TRAVEL AND
13 OTHER REASONABLE EXPENSES INCURRED IN THE PERFORMANCE OF THEIR
14 OFFICIAL DUTIES UNDER THIS SECTION.

15 (3.3) (a) IN ADDITION TO ANY SUBCOMMITTEES CREATED
16 PURSUANT TO PARAGRAPH (f) OF SUBSECTION (3) OF THIS SECTION, THERE
17 IS HEREBY CREATED THE PUBLIC SAFETY COMMUNICATIONS
18 SUBCOMMITTEE TO THE ADVISORY COMMITTEE, REFERRED TO IN THIS
19 SUBSECTION (3.3) AS THE "SUBCOMMITTEE".

20 (b) THE PURPOSES OF THE SUBCOMMITTEE ARE TO:

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

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

26 (III) INFORM THE ADVISORY COMMITTEE ON THE DEVELOPMENT,
27 MAINTENANCE, UPGRADE, AND OPERATION OF THE STATEWIDE DIGITAL

1 TRUNKED RADIO SYSTEM.

2 (c) THE DUTIES OF THE SUBCOMMITTEE ARE TO:

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

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

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

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

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

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

23 (VII) PROVIDE RECOMMENDATIONS TO THE ADVISORY COMMITTEE,
24 WHEN APPROPRIATE, CONCERNING ISSUES RELATED TO STATEWIDE
25 INTEROPERABLE RADIO COMMUNICATIONS FOR PUBLIC SAFETY IN
26 COLORADO, WHICH RECOMMENDATIONS MAY RELATE TO RELEVANT
27 TOPICS INCLUDING GOVERNANCE, STANDARD OPERATING PROCEDURES,

1 TECHNOLOGY, TRAINING, AND FUNDING;

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

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

7 (B) THE BANDWIDTH NEEDED FOR PRESENT AND FUTURE
8 EMERGENCY COMMUNICATIONS; AND

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

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

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

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

26 (e) THE SUBCOMMITTEE CONSISTS OF AT LEAST THE FOLLOWING
27 TWENTY-ONE MEMBERS:

1 (I) MEMBERS REPRESENTING LOCAL GOVERNMENT, INCLUDING:

2 (A) ONE MEMBER REPRESENTING THE STATEWIDE DIGITAL
3 TRUNKED RADIO SYSTEM MUTUAL AID CHANNEL REGIONS, WHO IS
4 APPOINTED AS SPECIFIED IN PARAGRAPH (f) OF THIS SUBSECTION (3.3);

5 (B) TWO MEMBERS REPRESENTING THE ZONE SWITCH USERS, WHO
6 ARE APPOINTED AS SPECIFIED IN PARAGRAPH (f) OF THIS SUBSECTION (3.3);

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

12 (D) FIVE MEMBERS REPRESENTING THE NINE ALL-HAZARD
13 REGIONS, WHO ARE APPOINTED AS SPECIFIED IN PARAGRAPH (f) OF THIS
14 SUBSECTION (3.3);

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

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

23 (II) SIX MEMBERS REPRESENTING STATE GOVERNMENT AS
24 FOLLOWS:

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

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

1 DESIGNEE;

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

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

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

8 (F) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL
9 AFFAIRS, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

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

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

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

26 (g) IN ADDITION TO THE MEMBERS DESCRIBED IN PARAGRAPH (f)
27 OF THIS SUBSECTION (3.3), THE EXECUTIVE DIRECTOR, IN CONSULTATION

1 WITH THE ADVISORY COMMITTEE, MAY APPOINT ADDITIONAL MEMBERS TO
2 THE SUBCOMMITTEE. THE TERMS OF SUCH MEMBERS ARE FOR A PERIOD,
3 NOT TO EXCEED TWO YEARS, IDENTIFIED BY THE EXECUTIVE DIRECTOR
4 WHEN MAKING THE APPOINTMENTS. THE EXECUTIVE DIRECTOR SHALL
5 ENSURE THAT SUCH APPOINTMENTS MAINTAIN, TO THE GREATEST EXTENT
6 POSSIBLE, THE GEOGRAPHIC DIVERSITY AND EXPERTISE OF THE
7 SUBCOMMITTEE.

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

11 (i) THIS SUBSECTION (3.3) IS REPEALED, EFFECTIVE SEPTEMBER 1,
12 2019. PRIOR TO REPEAL, THE SUBCOMMITTEE SHALL BE REVIEWED
13 PURSUANT TO SECTION 2-3-1203, C.R.S.

14 **SECTION 4.** In Colorado Revised Statutes, 2-3-1203, **add** (3)
15 (ff.5) (III) as follows:

16 **2-3-1203. Sunset review of advisory committees.** (3) The
17 following dates are the dates for which the statutory authorization for the
18 designated advisory committees is scheduled for repeal:

19 (ff.5) September 1, 2019:

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

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

26 **SECTION 6. Appropriation.** (1) In addition to any other
27 appropriation, there is hereby appropriated, out of any moneys in the

1 general fund not otherwise appropriated, to the department of public
2 safety, for the fiscal year beginning July 1, 2014, the sum of \$589,618 and
3 0.9 FTE, or so much thereof as may be necessary, to be allocated to the
4 division of homeland security and emergency management for the
5 implementation of this act as follows:

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

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

8 and

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

11 **SECTION 7. Safety clause.** The general assembly hereby finds,
12 determines, and declares that this act is necessary for the immediate
13 preservation of the public peace, health, and safety.