

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 18-0763.01 Megan Waples x4348

HOUSE BILL 18-1184

HOUSE SPONSORSHIP

Exum and Lawrence,

SENATE SPONSORSHIP

Aguilar and Gardner,

House Committees

Business Affairs and Labor

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE CREATION OF THE COLORADO NEXT GENERATION

102 911 BOARD IN THE DEPARTMENT OF PUBLIC SAFETY.

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://leg.colorado.gov>.)

The bill creates the Colorado next generation 911 board (board) in the division of homeland security and emergency management within the department of public safety. The board's purpose is to lead the planning for, implementation of, and transition to a sustainable next generation 911 service. The board is required to:

! Commission a study to assist in formulating a next

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

generation 911 plan. The study must address business requirements for the transition, gaps and vulnerabilities, potential funding mechanisms, challenges to implementation, current and emerging technologies, and opportunities to save costs by using existing network facilities.

- ! Develop a next generation 911 plan. The plan must address coordination and timing for implementation, maintenance and funding of the current 911 service through the transition period, services to ensure that the access and functional needs population has access to next generation 911, rapid deployment, a testing plan and timeline, contingency plans, a governance plan, and end-user training and implementation.
- ! Assist with next generation 911 implementation and transition oversight, coordinate outreach and education initiatives related to the next generation 911 plan, coordinate and facilitate stakeholder outreach, identify costs and funding opportunities for the transition to next generation 911, and collect and report on progress measurements.

The board has the authority to seek and accept gifts, grants, and donations and to contract with private or public entities to accomplish its purposes. The bill specifies that the board does not have regulatory authority over basic emergency service or other areas under the public utilities commission and does not supersede local control of 911 operations.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-1-128.6, **amend**
3 (2)(h)(II) introductory portion, (2)(h)(II)(B), and (2)(h)(II)(C); and **add**
4 (2)(h)(II)(D) as follows:

5 **24-1-128.6. Department of public safety - creation - repeal.**

6 (2) The department of public safety consists of the following divisions:

7 (h) (II) The division of homeland security and emergency
8 management includes the following agencies, which ~~shall~~ exercise their
9 powers, ~~and perform their~~ duties, and functions under the department of
10 public safety as ~~if the same were transferred thereto by a~~ **type 2 transfer**

1 ENTITIES, AS DEFINED IN SECTION 24-1-105:

2 (B) THE office of prevention and security, created in section
3 24-33.5-1606; ~~and~~

4 (C) The office of preparedness, created in section 24-33.5-1606.5;
5 AND

6 (D) THE COLORADO NEXT GENERATION 911 BOARD, CREATED IN
7 SECTION 24-33.5-2103.

8 **SECTION 2.** In Colorado Revised Statutes, ~~add~~ part 21 to article
9 33.5 of title 24 as follows:

10 PART 21

11 COLORADO NEXT GENERATION 911 BOARD

12 **24-33.5-2101. Legislative declaration.** (1) THE GENERAL
13 ASSEMBLY HEREBY FINDS AND DECLARES THAT:

14 (a) NEXT GENERATION 911 IS A CRITICAL UPGRADE TO THE
15 CURRENT 911 SERVICE AND WILL SIGNIFICANTLY IMPROVE PUBLIC SAFETY
16 AND ACCESS FOR EVERYONE IN THE STATE;

17 (b) NEXT GENERATION 911 WILL ENHANCE THE 911 SERVICE TO
18 CREATE A FASTER, MORE FLEXIBLE, RESILIENT, AND SCALABLE SERVICE,
19 ALLOWING 911 TO KEEP UP WITH COMMUNICATION TECHNOLOGIES USED
20 BY THE PUBLIC;

21 (c) PLANNING FOR AND IMPLEMENTATION OF NEXT GENERATION
22 911 IS A COMPLEX PROCESS THAT REQUIRES LEADERSHIP AND A FORUM
23 FOR STAKEHOLDERS TO STUDY THE ISSUE, CREATE A PLAN FOR COLORADO,
24 AND MAKE STRATEGIC AND INFORMED DECISIONS;

25 (d) THE GOVERNOR DIRECTED THE FORMATION OF THE NEXT
26 GENERATION 911 SUBCOMMITTEE TO ISSUE SPECIFIC RECOMMENDATIONS
27 RELATED TO THE IMPLEMENTATION, TRANSITION, AND SUSTAINMENT OF

1 THE NEW SERVICE; AND

2 (e) THE PRIMARY RECOMMENDATION OF THE SUBCOMMITTEE WAS
3 TO FORM A BOARD TO OVERSEE THE PROCESS AND ADDRESS ISSUES THAT
4 COME UP PRIOR TO, DURING, AND AFTER IMPLEMENTATION OF AND
5 TRANSITION TO NEXT GENERATION 911.

6 (2) NOW, THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT:

7 (a) SUCCESSFUL IMPLEMENTATION OF NEXT GENERATION 911 IN
8 COLORADO IS A KEY PRIORITY AND IMPORTANT PUBLIC SAFETY MATTER;

9 (b) THE CREATION OF A BOARD TO ASSIST IN COORDINATING THE
10 PLANNING, IMPLEMENTATION, AND TRANSITION TO NEXT GENERATION 911
11 FOR COLORADO IS OF THE UTMOST IMPORTANCE; AND

12 (c) THE CREATION OF A BOARD WILL PROVIDE GUIDANCE AND
13 LEADERSHIP AND SHALL NOT CREATE REGULATORY AUTHORITY OVER
14 LOCAL 911 GOVERNING BODIES, BASIC EMERGENCY SERVICE, OR ANY
15 OTHER STATUTORY AUTHORITY GRANTED TO THE PUBLIC UTILITIES
16 COMMISSION.

17 **24-33.5-2102. Definitions.** AS USED IN THIS PART 21, UNLESS THE
18 CONTEXT OTHERWISE REQUIRES:

19 (1) "BASIC EMERGENCY SERVICE PROVIDER" HAS THE SAME
20 MEANING AS SPECIFIED IN SECTION 29-11-101 (1.2).

21 (2) "BOARD" MEANS THE COLORADO NEXT GENERATION 911
22 BOARD CREATED IN SECTION 24-33.5-2103.

23 (3) "NEXT GENERATION 911" MEANS AN INTERNET
24 PROTOCOL-BASED SERVICE THAT ALLOWS THE TRANSMISSION OF DIGITAL
25 INFORMATION, INCLUDING VOICE, PHOTOS, VIDEOS, AND TEXT MESSAGES,
26 FROM INDIVIDUALS TO PSAPs THROUGH THE 911 SERVICE.

27 (4) "PUBLIC SAFETY ANSWERING POINT" OR "PSAP" HAS THE SAME

1 MEANING AS SPECIFIED IN SECTION 29-11-101 (6.5).

2 **24-33.5-2103. Colorado next generation 911 board - creation**
3 **- board members - annual report.** (1) THE COLORADO NEXT
4 GENERATION 911 BOARD IS CREATED IN THE DIVISION OF HOMELAND
5 SECURITY AND EMERGENCY MANAGEMENT IN THE DEPARTMENT. THE
6 COLORADONEXTGENERATION911 BOARD EXERCISES ITS POWERS, DUTIES,
7 AND FUNCTIONS UNDER THE DEPARTMENT AS A **TYPE 2** ENTITY, AS
8 DEFINED IN SECTION 24-1-105.

9 (2) THE BOARD CONSISTS OF TWENTY-THREE MEMBERS AS
10 FOLLOWS:

11 (a) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OR THE
12 EXECUTIVE DIRECTOR'S DESIGNEE;

13 (b) THE DIRECTOR OF THE PUBLIC UTILITIES COMMISSION OR THE
14 DIRECTOR'S DESIGNEE;

15 (c) THE CHIEF INFORMATION OFFICER OF THE GOVERNOR'S OFFICE
16 OF INFORMATION TECHNOLOGY OR THE CHIEF INFORMATION OFFICER'S
17 DESIGNEE; AND

18 (d) TWENTY MEMBERS APPOINTED BY THE GOVERNOR AS
19 FOLLOWS:

20 (I) ONE REPRESENTATIVE FROM AN ORGANIZATION REPRESENTING
21 CHIEFS OF POLICE;

22 (II) ONE REPRESENTATIVE FROM AN ORGANIZATION REPRESENTING
23 COUNTY SHERIFFS;

24 (III) ONE REPRESENTATIVE FROM AN ORGANIZATION
25 REPRESENTING FIRE CHIEFS;

26 (IV) ONE REPRESENTATIVE FROM AN ORGANIZATION
27 REPRESENTING EMERGENCY MEDICAL SERVICES;

1 (V) FIVE REPRESENTATIVES OF PSAPs THAT TAKE INTO ACCOUNT
2 THE REGIONAL AND GEOGRAPHIC DIVERSITY OF THE STATE;

3 (VI) ONE REPRESENTATIVE OF A BASIC EMERGENCY SERVICE
4 PROVIDER;

5 (VII) FOUR REPRESENTATIVES OF ORIGINATING SERVICE
6 PROVIDERS;

7 (VIII) ONE REPRESENTATIVE OF THE ACCESS AND FUNCTIONAL
8 NEEDS ADVOCACY COMMUNITY;

9 (IX) ONE REPRESENTATIVE OF A CONSUMER INTEREST ADVOCACY
10 ORGANIZATION;

11 (X) ONE REPRESENTATIVE FROM A LABOR ORGANIZATION
12 REPRESENTING PUBLIC SAFETY EMPLOYEES;

13 (XI) ONE REPRESENTATIVE FROM AN ORGANIZATION
14 REPRESENTING MUNICIPAL OFFICIALS;

15 (XII) ONE REPRESENTATIVE FROM AN ORGANIZATION
16 REPRESENTING COUNTY OFFICIALS; AND

17 (XIII) ONE REPRESENTATIVE FROM AN ORGANIZATION
18 REPRESENTING SPECIAL DISTRICTS.

19 (3) (a) IN MAKING APPOINTMENTS TO THE BOARD UNDER
20 SUBSECTION (2)(d) OF THIS SECTION, THE GOVERNOR SHALL CONSIDER, TO
21 THE EXTENT POSSIBLE, REPRESENTATION OF URBAN AND RURAL AREAS OF
22 THE STATE AND A BALANCE OF EXPERTISE, BOTH GOVERNMENTAL AND
23 NONGOVERNMENTAL, IN ISSUES RELATING TO NEXT GENERATION 911.

24 (b) THE GOVERNOR SHALL MAKE INITIAL APPOINTMENTS TO THE
25 BOARD NO LATER THAN AUGUST 1, 2018. EACH MEMBER OF THE BOARD
26 WHO IS APPOINTED PURSUANT TO SUBSECTION (2)(d) OF THIS SECTION
27 SERVES AT THE PLEASURE OF THE GOVERNOR FOR A TERM OF FOUR YEARS;

1 EXCEPT THAT THE INITIAL TERMS FOR THE MEMBERS APPOINTED PURSUANT
2 TO SUBSECTIONS (2)(d)(I) TO (2)(d)(VI) SHALL BE TWO YEARS. THE
3 GOVERNOR MAY REAPPOINT A MEMBER FOR ONE ADDITIONAL
4 CONSECUTIVE TERM. IN THE EVENT OF A VACANCY IN AN APPOINTED
5 POSITION, THE GOVERNOR SHALL APPOINT A MEMBER TO FILL THE POSITION
6 FOR THE REMAINDER OF THE TERM.

7 (4) (a) THE BOARD SHALL ELECT PRESIDING OFFICERS FROM
8 AMONG ITS MEMBERS, INCLUDING A CHAIR AND VICE CHAIR. PRESIDING
9 OFFICERS SHALL SERVE TERMS OF TWO YEARS. THE BOARD MAY REELECT
10 A PRESIDING OFFICER FOR ADDITIONAL TERMS.

11 (b) THE BOARD MAY ESTABLISH BYLAWS AS APPROPRIATE FOR ITS
12 OPERATION.

13 (5) BOARD MEMBERS SERVE WITHOUT COMPENSATION; EXCEPT
14 THAT BOARD MEMBERS ARE ENTITLED TO REIMBURSEMENT FOR ACTUAL
15 AND NECESSARY TRAVEL EXPENSES INCURRED IN THE PERFORMANCE OF
16 THEIR DUTIES.

17 (6) ON OR BEFORE JANUARY 1, 2020, AND ON OR BEFORE JANUARY
18 1 OF EACH YEAR THEREAFTER, THE BOARD SHALL SUBMIT A REPORT TO
19 THE JUDICIARY COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE
20 SENATE, OR ANY SUCCESSOR COMMITTEES, SUMMARIZING THE ACTIVITIES
21 OF THE BOARD DURING THE PRECEDING YEAR.

22 **24-33.5-2104. Purpose - powers and duties - staffing -**
23 **limitations.** (1) THE PURPOSE OF THE BOARD IS TO LEAD THE PLANNING
24 FOR, IMPLEMENTATION OF, AND TRANSITION TO NEXT GENERATION 911
25 FOR THE STATE.

26 (2) THE BOARD SHALL:

27 (a) DEVELOP A NEXT GENERATION 911 PLAN FOR THE STATE,

1 INCLUDING A STRATEGY AND EXPECTED OUTCOMES, AS DEFINED IN
2 SECTION 24-33.5-2106;

3 (b) IDENTIFY AND FACILITATE THE RESEARCH AND STUDIES
4 NECESSARY TO TRANSITION TO AND IMPLEMENT NEXT GENERATION 911 IN
5 THE STATE, INCLUDING COMMISSIONING THE STUDY DESCRIBED IN SECTION
6 24-33.5-2105;

7 (c) REVIEW THE CURRENT 911 SERVICE AND CONDUCT A NEEDS
8 ASSESSMENT FOR IMPLEMENTATION OF NEXT GENERATION 911;

9 (d) ASSIST WITH NEXT GENERATION 911 IMPLEMENTATION AND
10 TRANSITION OVERSIGHT;

11 (e) COORDINATE OUTREACH AND EDUCATION INITIATIVES RELATED
12 TO THE DEVELOPMENT OF NEXT GENERATION 911;

13 (f) COORDINATE AND FACILITATE STAKEHOLDER OUTREACH;

14 (g) IDENTIFY THE COSTS OF NEXT GENERATION 911 PLANNING,
15 IMPLEMENTATION, AND TRANSITION THROUGHOUT THE STATE;

16 (h) IDENTIFY AND PURSUE FUNDING OPPORTUNITIES TO SUPPORT
17 IMPLEMENTATION AND TRANSITION TO NEXT GENERATION 911 IN THE
18 STATE, INCLUDING, BUT NOT LIMITED TO, FEDERAL GRANTS; AND

19 (i) COLLECT AND PROVIDE PROGRESS REPORTING AND OUTCOME
20 MEASUREMENTS.

21 (3) THE DEPARTMENT AND THE BOARD MAY:

22 (a) SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS, OR DONATIONS
23 FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS PART 21;
24 AND

25 (b) PURCHASE, ACQUIRE, OR CONTRACT FOR GOODS OR SERVICES
26 TO ACCOMPLISH THE PURPOSES OF THIS PART 21.

27 (4) UPON REQUEST BY THE BOARD, THE DEPARTMENT SHALL

1 PROVIDE OFFICE SPACE, EQUIPMENT, AND STAFF SERVICES AS MAY BE
2 NECESSARY TO IMPLEMENT THIS PART 21.

3 (5) THE BOARD HAS NO REGULATORY AUTHORITY.

4 (6) AUTHORITY OVER BASIC EMERGENCY SERVICES AND OTHER
5 AREAS OF STATUTORY AUTHORITY GRANTED TO THE PUBLIC UTILITIES
6 COMMISSION REMAINS WITH THE PUBLIC UTILITIES COMMISSION.

7 (7) THIS PART 21 DOES NOT SUPERSEDE LOCAL CONTROL OF 911
8 OPERATIONS AND DOES NOT GIVE THE DEPARTMENT OR THE BOARD ANY
9 AUTHORITY OVER LOCAL 911 GOVERNING BODIES.

10 (8) CONTROL OVER LOCAL 911 SURCHARGE RATES AND PROCEEDS
11 REMAINS WITH LOCAL 911 AUTHORITIES.

12 **24-33.5-2105. Commission of a study.** (1) THE BOARD SHALL
13 COMMISSION A STUDY TO ASSIST IN FORMULATING THE NEXT GENERATION
14 911 PLAN. THE STUDY SHALL BE COMPLETED BY DECEMBER 30, 2019, AND
15 MUST ADDRESS, AT A MINIMUM, THE FOLLOWING:

16 (a) BUSINESS REQUIREMENTS FOR THE TRANSITION TO NEXT
17 GENERATION 911;

18 (b) CURRENT GAPS AND VULNERABILITIES;

19 (c) POTENTIAL FUNDING MECHANISMS AND OPPORTUNITIES;

20 (d) CHALLENGES TO IMPLEMENTATION;

21 (e) EVALUATION OF CURRENT AND EMERGING TECHNOLOGIES; AND

22 (f) OPPORTUNITIES TO SAVE COSTS BY USING EXISTING NETWORK
23 FACILITIES.

24 **24-33.5-2106. Development of a next generation 911 plan.**

25 (1) THE BOARD SHALL OVERSEE THE DEVELOPMENT OF A NEXT
26 GENERATION 911 PLAN FOR THE STATE. THE PLAN MUST ADDRESS, AT A
27 MINIMUM, THE FOLLOWING:

- 1 (a) COORDINATION AND TIMING FOR IMPLEMENTATION ACTIONS;
- 2 (b) MAINTENANCE AND FUNDING OF THE CURRENT 911 SERVICE
- 3 UNTIL THE TRANSITION TO NEXT GENERATION 911 IS COMPLETE;
- 4 (c) DISABILITY SERVICES TO ENSURE THE ACCESS AND FUNCTIONAL
- 5 NEEDS POPULATION HAS EQUITABLE ACCESS TO NEXT GENERATION 911;
- 6 (d) RAPID DEPLOYMENT OF NEXT GENERATION 911;
- 7 (e) PRIORITIZED OPERATIONS OF NEXT GENERATION 911;
- 8 (f) A TESTING PLAN AND TIMELINE FOR KEY TASKS AND
- 9 OBJECTIVES;
- 10 (g) CONTINGENCY PLANS FOR FORESEEABLE COMPLICATIONS;
- 11 (h) A GOVERNANCE STRUCTURE FOR NEXT GENERATION 911
- 12 SERVICES; AND
- 13 (i) END-USER TRAINING AND IMPLEMENTATION.
- 14 (2) IN DEVELOPING THE PLAN, THE BOARD SHALL ALSO CONSIDER:
- 15 (a) BEST PRACTICES FROM OTHER STATES;
- 16 (b) USE OF AVAILABLE TOOLS TO MANAGE IMPLEMENTATION;
- 17 (c) POTENTIAL ISSUES AND COMPLICATIONS RELATING TO THE USE
- 18 OF NEW TECHNOLOGY;
- 19 (d) COMMON RESOURCES AND FACILITIES THAT CAN AVOID
- 20 REDUNDANCY AND WASTE; AND
- 21 (e) OPTIONS FOR MAINTAINING THE AUTONOMY OF PSAPs WHILE
- 22 ENSURING EQUITABLE DEPLOYMENT OF RESOURCES.
- 23 (3) THE BOARD SHALL DEVELOP THE NEXT GENERATION 911 PLAN
- 24 IN CONSULTATION WITH INTERNAL AND EXTERNAL SUBJECT MATTER
- 25 EXPERTS AND STAKEHOLDERS.
- 26 (4) IN DEVELOPMENT OF THE PLAN, THE BOARD SHALL LEVERAGE
- 27 ALL RESOURCES, INCLUDING AVAILABLE STATE AND FEDERAL FUNDING.

1 **24-33.5-2107. Repeal of part.** THIS PART 21 IS REPEALED,
2 EFFECTIVE SEPTEMBER 1, 2025. BEFORE ITS REPEAL, THIS PART 21 IS
3 SCHEDULED FOR REVIEW IN ACCORDANCE WITH SECTION 2-3-1203.

4 **SECTION 3.** In Colorado Revised Statutes, 2-3-1203, **add**
5 (16)(a)(IV) as follows:

6 **2-3-1203. Sunset review of advisory committees - legislative**
7 **declaration - definition - repeal.** (16) (a) The following statutory
8 authorizations for the designated advisory committees will repeal on
9 September 1, 2025:

10 (IV) THE COLORADO NEXT GENERATION 911 BOARD CREATED IN
11 PART 21 OF ARTICLE 33.5 OF TITLE 24.

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