

CHAPTER 168

GOVERNMENT - STATE

HOUSE BILL 12-1224

BY REPRESENTATIVE(S) Becker, Gerou, Levy, Hamner, Hullinghorst, Jones, Tyler, Wilson;
also SENATOR(S) Lambert, Hodge, Steadman, Boyd, Heath, Schwartz.

AN ACT

CONCERNING THE CREATION OF A CONSOLIDATED COMMUNICATIONS SYSTEM AUTHORITY.

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

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

ARTICLE 24.5
Consolidated Communications System Authority

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

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

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

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

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

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

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

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

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

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

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

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

(a) A LAW ENFORCEMENT AGENCY OR FIRE DEPARTMENT;

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

(c) A SCHOOL DISTRICT OR SCHOOL;

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

(e) AN AGENCY OF AN INDIAN TRIBE;

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

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

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

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

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

(2) THE PURPOSES OF THE AUTHORITY ARE:

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

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

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

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

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

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

(4) THE AUTHORITY SHALL NOT:

(a) LEVY ANY TAXES;

(b) ASSESS ANY FEE ON ITS MEMBERS; OR

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

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

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

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

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

(C) 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.;

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

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

(F) 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) FOR THE MEMBERS REPRESENTING THE ENTITIES DESCRIBED IN SUB-SUBPARAGRAPHS (A), (B), AND (D) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (a), EACH ENTITY MAY NOMINATE ONE OR MORE PERSONS TO THE GOVERNOR FOR APPOINTMENT TO THE POSITIONS. THE GOVERNOR SHALL CONSIDER GEOGRAPHIC REPRESENTATION AND TECHNICAL EXPERTISE IN CHOOSING WHICH NOMINEES TO APPOINT. THE GOVERNOR SHALL NOTIFY THE ENTITIES IN WRITING REGARDING THE APPOINTMENTS MADE. EACH APPOINTEE SERVES AT THE PLEASURE OF THE GOVERNOR. SUCH APPOINTMENTS ARE NOT SUBJECT TO THE CONSENT OF THE SENATE.

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

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

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

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

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

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

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

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

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

(b) THE MEMBERS OF THE BOARD APPOINTED OR SELECTED PURSUANT TO PARAGRAPHS (a) AND (c) OF SUBSECTION (5) OF THIS SECTION SERVE AT THE PLEASURE OF THE APPOINTING OR SELECTING AUTHORITY.

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

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

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

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

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

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

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (49) The following agencies, functions, or both, shall terminate on July 1, 2018:

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

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

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

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

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

SECTION 4. 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.

Approved: May 9, 2012