

CHAPTER 283

GOVERNMENT - STATE

HOUSE BILL 09-1307

BY REPRESENTATIVE(S) Benefield and Massey, Court, Vaad, Gagliardi, Marostica, McNulty, Merrifield, Middleton, Miklosi, Primavera, Scanlan, Solano, Baumgardner, Gerou, Kerr A., Kerr J., Peniston, Priola, Ryden, Schafer S., Todd, Vigil; also SENATOR(S) Shaffer B. and Penry.

AN ACT

CONCERNING THE TELEVISIONING OF PROCEEDINGS OF STATE GOVERNMENT, AND, IN CONNECTION THEREWITH, CREATING THE COLORADO CHANNEL AUTHORITY.

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

SECTION 1. Title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW ARTICLE to read:

ARTICLE 49.9
Colorado Channel Authority

24-49.9-101. Colorado channel authority - creation - legislative declaration.

(1) (a) THE GENERAL ASSEMBLY FINDS, DETERMINES, AND DECLARES THAT:

(I) IT IS BENEFICIAL TO THE CITIZENS OF COLORADO FOR SESSIONS OF THE GENERAL ASSEMBLY TO BE TELEVISIONED VIA CABLE TELEVISION AND WEBCAST;

(II) TELEVISIONING THE PROCEEDINGS OF THE GENERAL ASSEMBLY WILL MAKE COLORADO STATE GOVERNMENT MORE OPEN AND ACCESSIBLE TO THE CITIZENS OF THIS STATE; AND

(III) IT IS DESIRABLE FOR A GOVERNMENTAL ENTITY TO BE CREATED TO COORDINATE PROGRAMMING AND TELEVISIONING SESSIONS OF THE GENERAL ASSEMBLY AS WELL AS PROGRAMMING AND TELEVISIONING FOR OTHER STATE PURPOSES.

(b) THE GENERAL ASSEMBLY FURTHER FINDS, DETERMINES, AND DECLARES THAT THE AUTHORITY AND POWERS CONFERRED UNDER THIS ARTICLE, AS WELL AS THE EXPENDITURES OF PUBLIC MONEY MADE PURSUANT TO THIS ARTICLE, WILL SERVE A

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

VALID PUBLIC PURPOSE AND THAT THE ENACTMENT OF THIS ARTICLE IS EXPRESSLY DECLARED TO BE IN THE PUBLIC INTEREST.

(2) THERE IS HEREBY CREATED THE COLORADO CHANNEL AUTHORITY, REFERRED TO IN THIS ARTICLE AS THE "AUTHORITY", WHICH SHALL BE A BODY CORPORATE AND A POLITICAL SUBDIVISION OF THE STATE. THE AUTHORITY SHALL NOT BE AN AGENCY OF STATE GOVERNMENT, NOR SHALL IT BE SUBJECT TO ADMINISTRATIVE DIRECTION BY ANY DEPARTMENT, COMMISSION, BOARD, BUREAU, OR AGENCY OF THE STATE, EXCEPT TO THE EXTENT PROVIDED BY THIS ARTICLE.

(3) (a) THE POWERS OF THE AUTHORITY SHALL BE VESTED IN A BOARD OF DIRECTORS, ALSO REFERRED TO IN THIS ARTICLE AS THE "BOARD".

(b) THE BOARD SHALL CONSIST OF THE FOLLOWING NINE MEMBERS:

(I) THREE MEMBERS APPOINTED BY THE GOVERNOR WITH THE CONSENT OF THE SENATE, AT LEAST ONE OF WHICH IS A REGISTERED VOTER IN THIS STATE WHO IS UNAFFILIATED, AS THAT TERM IS DEFINED IN SECTION 1-1-104, C.R.S., AND AT LEAST ONE OF WHICH HAS EXPERIENCE IN THE BUSINESS OPERATIONS OF BROADCAST JOURNALISM;

(II) ONE MEMBER APPOINTED BY THE CHIEF JUSTICE OF THE SUPREME COURT;

(III) ONE MEMBER APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES;

(IV) ONE MEMBER APPOINTED BY THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES;

(V) ONE MEMBER APPOINTED BY THE PRESIDENT OF THE SENATE;

(VI) ONE MEMBER APPOINTED BY THE MINORITY LEADER OF THE SENATE; AND

(VII) ONE MEMBER APPOINTED BY THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES WHO HAS EXPERIENCE IN THE OPERATION OF A BUSINESS OR FUNDRAISING FOR NONPROFIT ORGANIZATIONS, OR BOTH.

(c) OF THE MEMBERS INITIALLY APPOINTED TO THE BOARD, THE MEMBERS APPOINTED BY THE GOVERNOR SHALL EACH SERVE FOR TERMS OF TWO YEARS, THE MEMBER APPOINTED BY THE CHIEF JUSTICE SHALL SERVE FOR A TERM OF TWO YEARS, THE MEMBERS APPOINTED BY THE MINORITY LEADERS OF THE HOUSE OF REPRESENTATIVES AND THE SENATE SHALL EACH SERVE FOR A TERM OF THREE YEARS, THE MEMBERS APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT OF THE SENATE SHALL EACH SERVE FOR A TERM OF FOUR YEARS, AND THE MEMBER APPOINTED BY THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL SERVE FOR A TERM OF TWO YEARS. THEREAFTER, MEMBERS OF THE BOARD SHALL SERVE FOR TERMS OF FOUR YEARS. A VACANCY IN THE MEMBERSHIP OF THE BOARD OCCURRING OTHER THAN BY EXPIRATION OF TERM SHALL BE FILLED IN THE SAME MANNER AS THE ORIGINAL APPOINTMENT, BUT FOR THE REMAINDER OF THE UNEXPIRED TERM ONLY.

AN APPOINTED MEMBER SHALL BE ELIGIBLE FOR REAPPOINTMENT. MEMBERS OF THE BOARD MAY BE REMOVED BY THE APPOINTING AUTHORITIES FOR CAUSE, AFTER A PUBLIC HEARING, AND MAY BE SUSPENDED BY THE APPOINTING AUTHORITY PENDING THE COMPLETION OF SUCH HEARING.

(4) THE MEMBERS OF THE BOARD SHALL ELECT A CHAIR AND A VICE-CHAIR. THE MEMBERS OF THE BOARD SHALL ALSO ELECT A SECRETARY AND A TREASURER, WHO NEED NOT BE MEMBERS OF THE BOARD, AND THE SAME PERSON MAY BE ELECTED TO SERVE AS BOTH SECRETARY AND TREASURER. THE POWERS OF THE BOARD MAY BE VESTED IN THE OFFICERS FROM TIME TO TIME. FIVE MEMBERS SHALL CONSTITUTE A QUORUM. NO VACANCY IN THE MEMBERSHIP OF THE BOARD SHALL IMPAIR THE RIGHT OF A QUORUM OF THE MEMBERS TO EXERCISE ALL THE POWERS AND PERFORM ALL THE DUTIES OF THE BOARD.

(5) IF THE BOARD DETERMINES THAT THE AUTHORITY HAS SUFFICIENT FINANCIAL RESOURCES, EACH MEMBER OF THE BOARD NOT OTHERWISE IN FULL-TIME EMPLOYMENT OF THE STATE OR A STATE OFFICIAL SHALL RECEIVE A PER DIEM OF ONE HUNDRED DOLLARS FOR EACH DAY ACTUALLY AND NECESSARILY SPENT IN THE DISCHARGE OF OFFICIAL DUTIES, AND ALL MEMBERS SHALL RECEIVE REIMBURSEMENT FOR TRAVEL AND OTHER NECESSARY EXPENSES ACTUALLY INCURRED IN THE PERFORMANCE OF OFFICIAL DUTIES.

24-49.9-102. Colorado channel authority - powers and duties. (1) EXCEPT AS OTHERWISE LIMITED BY THIS ARTICLE, THE AUTHORITY, ACTING THROUGH THE BOARD, HAS THE POWER TO:

(a) HAVE AND EXERCISE ALL RIGHTS, DUTIES, PRIVILEGES, IMMUNITIES, LIABILITIES, AND DISABILITIES OF A BODY CORPORATE AND A POLITICAL SUBDIVISION OF THE STATE;

(b) SUE AND BE SUED;

(c) HAVE AN OFFICIAL SEAL AND TO ALTER THE SAME AT THE BOARD'S PLEASURE;

(d) MAKE AND ALTER BYLAWS FOR ITS ORGANIZATION AND INTERNAL MANAGEMENT AND FOR THE CONDUCT OF ITS AFFAIRS AND BUSINESS;

(e) MAINTAIN AN OFFICE AT SUCH PLACE OR PLACES WITHIN THE STATE AS IT MAY DETERMINE;

(f) ACQUIRE, HOLD, USE, AND DISPOSE OF PROPERTY, REAL AND PERSONAL, AND ITS INCOME, REVENUES, FUNDS, AND MONEYS;

(g) RECEIVE AND EXPEND GIFTS, GRANTS, AND DONATIONS;

(h) MAKE AND ENTER INTO ALL CONTRACTS, LEASES, AND AGREEMENTS, INCLUDING INTERGOVERNMENTAL AGREEMENTS, THAT ARE NECESSARY OR INCIDENTAL TO THE PERFORMANCE OF ITS DUTIES AND THE EXERCISE OF ITS POWERS UNDER THIS ARTICLE;

(i) DEPOSIT ANY MONEYS OF THE AUTHORITY IN ANY BANKING INSTITUTION

WITHIN OR OUTSIDE THE STATE;

(j) FIX THE TIME AND PLACE OR PLACES AT WHICH ITS REGULAR AND SPECIAL MEETINGS ARE TO BE HELD;

(k) HIRE A CHIEF EXECUTIVE OFFICER OF THE AUTHORITY AND AUTHORIZE THE CHIEF EXECUTIVE OFFICER TO HIRE SUCH OTHER STAFF AS DEEMED NECESSARY FOR THE OPERATION OF THE AUTHORITY; AND

(l) DO ANY AND ALL THINGS NECESSARY OR CONVENIENT TO CARRY OUT ITS PURPOSES AND EXERCISE THE POWERS GIVEN AND GRANTED IN THIS ARTICLE.

(2) THE AUTHORITY SHALL TELEVISION THE PROCEEDINGS OF THE COLORADO HOUSE OF REPRESENTATIVES AND SENATE AND SUCH OTHER PROGRAMMING OF A STATE GOVERNMENTAL NATURE AS THE BOARD MAY APPROVE.

(3) ALL ELECTRONICALLY RECORDED PROCEEDINGS OF ANY PUBLIC BODY OF THE STATE, AS DEFINED IN SECTION 24-6-402, AND OF ALL OTHER TYPES OF MEETINGS, SESSIONS, CONFERENCES, OR PUBLIC EVENTS TELEVISIONED BY THE COLORADO CHANNEL AUTHORITY SHALL BE THE PROPERTY OF THE STATE OF COLORADO AND SHALL BE PUBLIC RECORDS UNDER ARTICLE 72 OF THIS TITLE. THE COLORADO CHANNEL AUTHORITY AND ANY OTHER PERSON OR ENTITY ACTING UNDER CONTRACT WITH THE AUTHORITY SHALL BE THE OFFICIAL CUSTODIAN UNDER ARTICLE 72 OF THIS TITLE OF ALL SUCH MATERIALS. PURSUANT TO SECTION 24-72-205, THE COLORADO CHANNEL AUTHORITY AND, WITH THE PERMISSION OF THE AUTHORITY, ANY OTHER PERSON OR ENTITY ACTING UNDER CONTRACT WITH THE AUTHORITY MAY CHARGE REASONABLE FEES FOR MAKING MATERIALS SUBJECT TO THIS SUBSECTION (3) AVAILABLE UPON SPECIFIC REQUEST. ALL ELECTRONICALLY RECORDED PROCEEDINGS OF THE JUDICIAL BRANCH TELEVISIONED BY THE COLORADO CHANNEL AUTHORITY SHALL BE SUBJECT TO ANY RULES PROMULGATED BY THE SUPREME COURT OR BY THE ORDER OF ANY COURT PURSUANT TO SECTION 24-72-204 (1) (c) OR 24-72-305 (1) (b).

SECTION 2. 24-77-102 (15) (b), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

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:

(XVII) THE COLORADO CHANNEL AUTHORITY CREATED PURSUANT TO ARTICLE 49.9 OF THIS TITLE.

SECTION 3. 2-3-303 (2), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

2-3-303. Functions. (2) In addition to any other powers and duties set forth in law, the executive committee shall have the following powers and duties:

(f) TO COORDINATE THE TELEVISIONING VIA CABLE TELEVISION AND WEBCAST OF

PROCEEDINGS OF THE HOUSE OF REPRESENTATIVES AND THE SENATE WITH THE COLORADO CHANNEL AUTHORITY CREATED IN ARTICLE 49.9 OF TITLE 24, C.R.S.

SECTION 4. Act subject to petition - effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, (August 5, 2009, if adjournment sine die is on May 6, 2009); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: May 20, 2009