

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

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.

SENATE
Amended 2nd Reading
April 15, 2014

(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. As public safety
9 agencies within the state use a variety of radio systems, the needs
10 assessment must address development and maintenance of
11 interoperability among the systems.

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

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

24 (b) THE NEEDS ASSESSMENT AND BUSINESS PLAN SUBMITTED
25 UNDER PARAGRAPH (a) OF THIS SUBSECTION (7) MUST TAKE INTO
26 ACCOUNT CURRENT AND FUTURE PUBLIC SAFETY NEEDS; AREAS OF
27 COVERAGE, INCLUDING THOSE AREAS OF THE STATE IN WHICH SIGNIFICANT

1 GAPS IN DIGITAL TRUNKED RADIO SYSTEMS COVERAGE EXIST; NECESSARY
2 OR RECOMMENDED HARDWARE AND SOFTWARE UPGRADES;
3 INTEROPERABILITY; GOVERNANCE; FINANCIAL NEEDS; FUNDING
4 RECOMMENDATIONS; AND ANY OTHER MATTERS RELEVANT TO
5 EXPANDING, IMPROVING, AND MODERNIZING RADIO COMMUNICATIONS IN
6 THE STATE. THE ASSESSMENT, PLAN, AND ANY RECOMMENDATIONS
7 SUBMITTED WITH THE ASSESSMENT AND PLAN MUST BE MADE IN A
8 MANNER THAT HELPS ENSURE INTEROPERABILITY AMONG, AND
9 SUSTAINMENT OF, PUBLIC SAFETY COMMUNICATION SYSTEMS OTHER THAN
10 THE STATE'S DIGITAL TRUNKED RADIO SYSTEM.

11 (c) THIS SUBSECTION (7) IS REPEALED, EFFECTIVE JULY 1, 2016.

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

14 **24-33.5-1614. Homeland security and all-hazards senior**
15 **advisory committee - creation - composition - duties - public safety**
16 **communications subcommittee - creation - definitions - repeal.**

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

22 (3.3) (a) IN ADDITION TO ANY SUBCOMMITTEES CREATED
23 PURSUANT TO PARAGRAPH (f) OF SUBSECTION (3) OF THIS SECTION, THERE
24 IS HEREBY CREATED THE PUBLIC SAFETY COMMUNICATIONS
25 SUBCOMMITTEE TO THE ADVISORY COMMITTEE, REFERRED TO IN THIS
26 SUBSECTION (3.3) AS THE "SUBCOMMITTEE".

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 (B) THE BANDWIDTH NEEDED FOR PRESENT AND FUTURE
15 EMERGENCY COMMUNICATIONS; AND

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

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

24 (II) (A) UPON EXPIRATION OF THE TERMS OF THE INITIAL MEMBERS
25 SERVING PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (d), AND
26 UPON THE CREATION OF ANY OTHER VACANCY OR TERM EXPIRATION, THE
27 APPROPRIATE APPOINTING AUTHORITY SHALL APPOINT A MEMBER

1 REPRESENTING THE SAME INTEREST, AS DESCRIBED IN SUBPARAGRAPHS (I)
2 AND (III) OF PARAGRAPH (e) OF THIS SUBSECTION (3.3), AS THE VACATING
3 MEMBER.

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

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

8 (I) MEMBERS REPRESENTING LOCAL GOVERNMENT, INCLUDING:

9

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

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

18 (C) TWO MEMBERS REPRESENTING THE NINE ALL-HAZARD
19 REGIONS, WHO ARE APPOINTED AS SPECIFIED IN PARAGRAPH (f) OF THIS
20 SUBSECTION (3.3);

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

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

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

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

8 AND

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

13 (II) FIVE MEMBERS REPRESENTING STATE GOVERNMENT AS
14 FOLLOWS:

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

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

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

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

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

25 ==

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

1 (f) (I) FOR THE ENTITIES DESCRIBED IN SUB-SUBPARAGRAPHS (A)
2 AND (C) OF SUBPARAGRAPH (I) OF PARAGRAPH (e) OF THIS SUBSECTION
3 (3.3), EACH ENTITY MAY NOMINATE ONE OR MORE PERSONS TO THE
4 EXECUTIVE DIRECTOR FOR APPOINTMENT TO THE POSITIONS. THE
5 EXECUTIVE DIRECTOR, IN CONSULTATION WITH THE ADVISORY
6 COMMITTEE, SHALL CONSIDER GEOGRAPHIC REPRESENTATION AND
7 TECHNICAL EXPERTISE IN CHOOSING APPOINTEES. THE EXECUTIVE
8 DIRECTOR SHALL NOTIFY THE ENTITIES IN WRITING REGARDING THE
9 APPOINTMENTS MADE. EACH APPOINTEE APPOINTED PURSUANT TO THIS
10 PARAGRAPH (f) SERVES AT THE PLEASURE OF THE EXECUTIVE DIRECTOR.

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

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

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

27 (i) THIS SUBSECTION (3.3) IS REPEALED, EFFECTIVE SEPTEMBER 1,

1 2019. PRIOR TO REPEAL, THE SUBCOMMITTEE SHALL BE REVIEWED
2 PURSUANT TO SECTION 2-3-1203, C.R.S.

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

5 **2-3-1203. Sunset review of advisory committees.** (3) The
6 following dates are the dates for which the statutory authorization for the
7 designated advisory committees is scheduled for repeal:

8 (ff.5) September 1, 2019:

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

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

15 **SECTION 6. Appropriation.** (1) In addition to any other
16 appropriation, there is hereby appropriated, out of any moneys in the
17 general fund not otherwise appropriated, to the department of public
18 safety, for the fiscal year beginning July 1, 2014, the sum of \$589,618 and
19 0.9 FTE, or so much thereof as may be necessary, to be allocated to the
20 division of homeland security and emergency management for the
21 implementation of this act as follows:

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

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

24 and

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

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

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