

Second Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO

**REREVISED**

*This Version Includes All Amendments  
Adopted in the Second House*

LLS NO. 12-0479.01 Kate Meyer x4348

**HOUSE BILL 12-1283**

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**HOUSE SPONSORSHIP**

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**SENATE SPONSORSHIP**

**Giron,**

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**House Committees**  
Judiciary

**Senate Committees**  
Judiciary  
Appropriations

SENATE  
Am ended 3rd Reading  
May 9, 2012

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**A BILL FOR AN ACT**

101 **CONCERNING THE DEPARTMENT OF PUBLIC SAFETY, AND, IN**  
102 **CONNECTION THEREWITH, RENAMING AND REORGANIZING**  
103 **CERTAIN EXISTING ENTITIES, AND MAKING AND REDUCING**  
104 **APPROPRIATIONS.**

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SENATE  
Am ended 2nd Reading  
May 8, 2012

**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://www.leg.state.co.us/billsummaries>.)*

HOUSE  
3rd Reading Unam ended  
March 1, 2012

The bill consolidates homeland security functions under the department of public safety (department) by renaming the office of

HOUSE  
Am ended 2nd Reading  
February 29, 2012

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.*

preparedness, security, and fire safety the division of homeland security (new division). The new division is comprised of:

- ! The division of fire safety, which is renamed the office of fire safety;
- ! The office of anti-terrorism planning and training, which is renamed the office of prevention and security; and
- ! The new office of preparedness. The office of preparedness is charged with improving homeland security-related communication, identifying opportunities for training efficiencies, coordinating planning efforts, and administering federal grants for homeland security activities.

For the purpose of advising the homeland security advisor, the bill creates the homeland security and all-hazards senior advisory committee (advisory committee) and schedules the advisory committee for sunset review.

The bill transfers the duties to develop a resource database (database) and a statewide resource mobilization plan (plan) from the department to the division of emergency management within the department of local affairs. The scopes of the database and the plan are expanded to:

- ! Include all types of hazards, rather than fires alone; and
- ! Add participation from tribal entities and private sector organizations.

As a result of the above reorganization, the bill also makes conforming amendments to current law, which amendments include removing obsolete provisions, including references to the Colorado law enforcement training academy, which no longer exists, and updating statutory language. Further, the bill adds 2 members to the fire service training and certification advisory board to restore the board to its original composition.

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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:

4 (a) Homeland security, which includes identifying, preventing,  
5 mitigating, and handling threats to the public safety and providing  
6 effective response management, is one of government's most important  
7 responsibilities;

1           (b) The state's primary role in homeland security is to coordinate  
2 and facilitate efforts among various local, regional, state, and federal  
3 entities;

4           (c) Currently, redundancies exist in emergency management and  
5 homeland security-related training and exercise, public risk  
6 communication systems, and grant management;

7           (d) It is necessary to increase the efficiency and effectiveness of  
8 homeland security functions provided by state government; and

9           (e) Establishing a single entity to manage homeland security  
10 duties at the state level will enhance communication among the various  
11 levels of government, reduce overlapping efforts, clarify roles and  
12 responsibilities, maximize usage of funds, improve customer service, and  
13 ultimately strengthen the ability of the state and other actors to provide  
14 efficacious homeland security.

15           (2) The general assembly further finds, determines, and declares  
16 that:

17           (a) Redundancies in planning, training, public risk messaging, and  
18 emergency support functions exist between the departments of local  
19 affairs and public safety regarding homeland security and emergency  
20 management activities;

21           (b) Emergency management is largely a public safety function and  
22 fits well within the department of public safety's mission;

23           (c) It is possible to increase the efficiency and effectiveness of  
24 homeland security functions provided by state government; and

25           (d) Establishing a single entity to manage homeland security and  
26 emergency management duties at the state level will enhance  
27 communication among the various governmental entities, reduce

1 overlapping efforts, clarify roles and responsibilities, maximize usage of  
2 funds, improve customer service, and ultimately strengthen the ability of  
3 the state and other actors to provide efficacious emergency management.

4 (3) The general assembly also finds and declares that:

5 (a) Fire prevention and control are public safety functions best  
6 addressed by a public safety agency;

7 (b) In order to effectively manage wildland fires, the executive  
8 branch needs the ability to coordinate firefighting, public safety, and  
9 emergency management functions within the executive branch;

10 (c) The Colorado state forest service admirably provides for  
11 healthy forests and furthers the mission of Colorado state university;

12 (d) Transferring wildland fire prevention and suppression  
13 operations from Colorado state university to the department of public  
14 safety will not diminish the Colorado state forest service's role in  
15 providing for healthy forests, nor will it diminish the university's ability  
16 to carry out its mission of educating its students;

17 (e) The division of fire prevention and control has an established  
18 relationship with Colorado's fire service; and

19 (f) Transferring fire prevention and suppression functions from  
20 the Colorado state forest service to the division of fire prevention and  
21 control will strengthen the ability of the state to manage wildland fires.

22 **SECTION 2.** In Colorado Revised Statutes, amend 23-31-201 as  
23 follows:

24 **23-31-201. Transfer to board of governors of the Colorado**  
25 **state university system - exceptions.** (1) There is transferred to and  
26 vested in the board of governors of the Colorado state university system,  
27 referred to in this part 2 as the "board", all rights, powers, and duties for

1 protecting, promoting, and extending the conservation of the forests in the  
2 state vested on or before February 14, 1955, in the state board of land  
3 commissioners, acting ex officio as the state board of forestry; but such  
4 authority shall not extend to nor include the power vested in the state  
5 board of land commissioners with respect to forest lands included in the  
6 public lands of the state under the control and jurisdiction of said state  
7 board of land commissioners, as provided by sections 9 and 10 of article  
8 IX of the state constitution and the laws relating thereto.

9 (2) (a) EFFECTIVE JULY 1, 2012, THE FORESTRY FUNCTIONS OF THE  
10 BOARD RELATING PRINCIPALLY TO FIRE AND WILDFIRE PREPAREDNESS,  
11 RESPONSE, SUPPRESSION, COORDINATION, OR MANAGEMENT ARE  
12 TRANSFERRED BY A TYPE 2 TRANSFER, AS SUCH TRANSFER IS DEFINED IN  
13 THE "ADMINISTRATIVE ORGANIZATION ACT OF 1968", ARTICLE 1 OF TITLE  
14 24, C.R.S., TO THE WILDLAND FIRE MANAGEMENT SECTION IN THE  
15 DIVISION OF FIRE PREVENTION AND CONTROL IN THE DEPARTMENT OF  
16 PUBLIC SAFETY CREATED IN SECTION 24-33.5-1201, C.R.S.

17 (b) NOTHING IN PARAGRAPH (a) OF THIS SUBSECTION (2) DIVESTS  
18 THE BOARD OR THE STATE FOREST SERVICE OF ANY OTHER PERSONNEL,  
19 FUNCTIONS, POWERS, OR DUTIES RELATING TO FOREST RESOURCES,  
20 INCLUDING RISK EDUCATION AND PREVENTION, FOREST HEALTH,  
21 MANAGEMENT, STEWARDSHIP, TECHNICAL ASSISTANCE, URBAN AND  
22 COMMUNITY FORESTRY, INSECT AND DISEASE MONITORING AND  
23 MITIGATION, RESEARCH, EDUCATION, OUTREACH, PLANNING, AND FIRE  
24 ECOLOGY.

25 (c) ANY AND ALL CLAIMS, LIABILITIES, AND DAMAGES, INCLUDING  
26 COSTS AND ATTORNEYS' FEES, RELATING IN ANY WAY TO THE  
27 PERFORMANCE OF DUTIES DESCRIBED IN PARAGRAPH (a) OF THIS

1 SUBSECTION (2) THAT WERE PERFORMED BY THE BOARD OR ITS EMPLOYEES  
2 ON OR BEFORE JUNE 30, 2012, ARE HEREBY TRANSFERRED TO AND  
3 ASSUMED BY THE STATE EXCLUSIVELY THROUGH THE DIVISION OF FIRE  
4 PREVENTION AND CONTROL IN THE DEPARTMENT OF PUBLIC SAFETY, AND  
5 NO OTHER PUBLIC ENTITY OR AGENCY, INCLUDING THE BOARD AND ITS  
6 EMPLOYEES, SHALL BE RESPONSIBLE OR LIABLE FOR ANY SUCH CLAIMS,  
7 LIABILITIES, OR DAMAGES THAT AROSE BEFORE JUNE 30, 2012.

8 **SECTION 3.** In Colorado Revised Statutes, 23-31-202, **amend**  
9 **(1) introductory portion and (1) (a) as follows:**

10 **23-31-202. Powers and duties of board of governors of the**  
11 **Colorado state university system.** (1) The authority granted to the  
12 board by section 23-31-201 ~~shall include~~ INCLUDES the following powers  
13 and duties:

14 (a) To provide for the protection of the forest resources of the  
15 state, both public and private, from ~~fire~~, insects and diseases;

16 **SECTION 4.** In Colorado Revised Statutes, **amend 23-31-206 as**  
17 **follows:**

18 **23-31-206. Cooperative agreements.** (1) The board is further  
19 authorized to enter into cooperative agreements with federal and state  
20 agencies to promote and carry out the intent and purposes of this part 2,  
21 and in carrying out the provisions of all federal acts providing funds to  
22 promote the practice of forestry; and, for the purpose of continued  
23 acceptance and participation in the provisions of the act of congress dated  
24 June 7, 1924, entitled the "Clarke-McNary Law", the board is designated  
25 as the agency of the state to administer and expend any federal  
26 appropriations received under said act of congress, pursuant to section  
27 23-31-205.

1           (2) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY,  
2           INCLUDING THE TRANSFER OF FUNCTIONS EFFECTED BY HOUSE BILL  
3           12-1283, ENACTED IN 2012, ALL INTERAGENCY AGREEMENTS REGARDING  
4           WILDFIRE AND PRESCRIBED FIRE MANAGEMENT AND CONTROL THAT ARE  
5           IN EFFECT AS OF JULY 1, 2012, TO WHICH THE STATE FOREST SERVICE, OR  
6           THE BOARD ON ITS BEHALF, IS A PARTY, SHALL REMAIN IN FULL FORCE AND  
7           EFFECT.

8           **SECTION 5.** In Colorado Revised Statutes, **amend 23-31-208** as  
9           follows:

10           **23-31-208. Rights by succession to state board of land**  
11           **commissioners - transfers to division of fire prevention and control.**

12           (1) (a) On February 14, 1955, the board shall succeed to all records,  
13           documents, and equipment in the hands of the state board of land  
14           commissioners as pertain to and used by the state board of land  
15           commissioners in the performance of the rights, powers, and duties  
16           transferred, and the state board of land commissioners is directed to  
17           deliver said property to the board within a reasonable time.

18           (2) (b) On February 14, 1955, the state treasurer and the controller  
19           shall transfer to the board all funds, including federal grants-in-aid,  
20           remaining to the credit of the state board of land commissioners and  
21           appropriated or received for the administration of the rights, powers, and  
22           duties transferred by this section; but the transfer of funds shall not apply  
23           to any moneys appropriated for forest administration from the land  
24           commissioners' expense fund.

25           (2) ON JULY 1, 2012, THE BOARD'S FUNDS, MONEYS, POSITIONS OF  
26           EMPLOYMENT, PERSONNEL, AND PERSONAL PROPERTY THAT WERE, AS OF  
27           JUNE 30, 2012, PRINCIPALLY DIRECTED TO FIRE AND WILDFIRE

1 PREPAREDNESS, RESPONSE, SUPPRESSION, COORDINATION, OR  
2 MANAGEMENT AND ANY AND ALL CLAIMS AND LIABILITIES, WHETHER  
3 KNOWN OR UNKNOWN, ASSERTED OR UNASSERTED, RELATING IN ANY WAY  
4 TO FIRE AND WILDFIRE PREPAREDNESS, RESPONSE, SUPPRESSION,  
5 COORDINATION, OR MANAGEMENT BY THE BOARD, THE STATE FOREST  
6 SERVICES OR ITS EMPLOYEES ON OR BEFORE JUNE 30, 2012, ARE  
7 TRANSFERRED TO THE DIVISION OF FIRE PREVENTION AND CONTROL IN THE  
8 DEPARTMENT OF PUBLIC SAFETY PURSUANT TO SECTION 24-33.5-1201,  
9 C.R.S.

10 **SECTION 6.** In Colorado Revised Statutes, 23-31-301, **amend**  
11 **(2) as follows:**

12 **23-31-301. Legislative declaration.** (2) The general assembly  
13 hereby declares that it is the public policy of this state to encourage the  
14 health of forest ecosystems through responsible management of the forest  
15 land of the state and through coordination with the United States secretary  
16 of the interior and the United States secretary of agriculture to develop  
17 management plans for federal lands within the state of Colorado pursuant  
18 to 16 U.S.C. sec. 530, 16 U.S.C. sec. 1604, and 43 U.S.C. sec. 1712,  
19 including the use of ~~prescribed and natural ignition fires and other~~  
20 pre-suppression activities, such as the harvest of materials, in order to  
21 preserve forest and other natural resources, enhance the growth and  
22 maintenance of forests, conserve forest cover on watersheds, protect  
23 recreational, wildlife, and other values, promote stability of forest-using  
24 industries, and prevent loss of life and damage to property from wildfires  
25 and other conflagrations.

26 **SECTION 7.** In Colorado Revised Statutes, 24-1-128.6, **amend**  
27 **(2) introductory portion, (2) (h), and (4); repeal (2) (b); and add (2) (i)**



1 as follows:

2 **24-1-128.6. Department of public safety - creation - repeal.**

3 (2) The department of public safety shall consist CONSISTS of the  
4 following divisions:

5 (b) Colorado law enforcement training academy, the head of  
6 which shall be the chief of the Colorado state patrol, who is hereby  
7 designated as the superintendent of the Colorado law enforcement  
8 training academy. The Colorado law enforcement training academy and  
9 the office of superintendent thereof, created by part 3 of article 33.5 of  
10 this title, and their powers, duties, and functions are transferred by a **type**  
11 **2** transfer to the department of public safety. The powers, duties, and  
12 functions of the department of local affairs relating to the Colorado law  
13 enforcement training academy are transferred by a **type 2** transfer to the  
14 department of public safety and allocated to the Colorado law  
15 enforcement training academy.

16 (h) (I) Office of preparedness, security, and fire safety DIVISION  
17 OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT, the head of  
18 which shall be IS the director of the office of preparedness, security, and  
19 fire safety DIVISION OF HOMELAND SECURITY AND EMERGENCY  
20 MANAGEMENT. The office of preparedness, security, and fire safety  
21 DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT and  
22 the office of director thereof, created by part 16 of article 33.5 of this title,  
23 shall exercise their powers and perform their duties and functions as if the  
24 same were transferred by a **type 2** transfer to the department of public  
25 safety AND ALLOCATED TO THE DIVISION OF HOMELAND SECURITY AND  
26 EMERGENCY MANAGEMENT.

27 (II) The office of preparedness, security, and fire safety shall

1 include DIVISION OF HOMELAND SECURITY AND EMERGENCY  
2 MANAGEMENT INCLUDES the following agencies, which shall exercise  
3 their powers and perform their duties and functions under the department  
4 of public safety as if the same were transferred thereto by a **type 2**  
5 transfer:

6 (A) ~~Division of fire safety, created by part 12 of article 33.5 of~~  
7 ~~this title; and~~ THE OFFICE OF EMERGENCY MANAGEMENT CREATED BY  
8 PART 7 OF ARTICLE 33.5 OF THIS TITLE, THE HEAD OF WHICH IS THE  
9 DIRECTOR OF THE OFFICE OF EMERGENCY MANAGEMENT. EFFECTIVE JULY  
10 1, 2012, THE DIVISION OF EMERGENCY MANAGEMENT IN THE DEPARTMENT  
11 OF LOCAL AFFAIRS, CREATED BY PART 21 OF ARTICLE 32 OF THIS TITLE,  
12 PRIOR TO ITS REPEAL IN 2012, AND ITS POWERS, DUTIES, AND FUNCTIONS  
13 ARE TRANSFERRED BY A **TYPE 2** TRANSFER TO THE DEPARTMENT OF PUBLIC  
14 SAFETY AND ALLOCATED TO THE OFFICE OF EMERGENCY MANAGEMENT  
15 UNDER THE DIVISION OF HOMELAND SECURITY AND EMERGENCY  
16 MANAGEMENT PURSUANT TO THIS ARTICLE.

17 (B) ~~Office of anti-terrorism planning and training~~ PREVENTION  
18 AND SECURITY, created by part 16 of article 33.5 of this title IN SECTION  
19 24-33.5-1606; AND

20 (C) THE OFFICE OF PREPAREDNESS, CREATED IN SECTION  
21 24-33.5-1606.5.

22 (i) DIVISION OF FIRE PREVENTION AND CONTROL, THE HEAD OF  
23 WHICH IS THE DIRECTOR OF THE DIVISION OF FIRE PREVENTION AND  
24 CONTROL. THE DIVISION OF FIRE PREVENTION AND CONTROL AND THE  
25 OFFICE OF THE DIRECTOR THEREOF, CREATED BY PART 12 OF ARTICLE 33.5  
26 OF THIS TITLE, AND THEIR POWERS, DUTIES, AND FUNCTIONS ARE  
27 TRANSFERRED BY A **TYPE 2** TRANSFER TO THE DEPARTMENT OF PUBLIC

1 SAFETY.

2 (4) (a) The Colorado emergency planning commission, created by  
3 part 26 PART 15 of article 32 ARTICLE 33.5 of this title, shall exercise its  
4 powers and perform its duties and functions as if the same were  
5 transferred by a type 2 transfer to the department of local affairs; except  
6 that the commission shall have full authority to promulgate rules and  
7 regulations related to the implementation of part 26 of article 32 of this  
8 title OF PUBLIC SAFETY.

9 (b) EFFECTIVE JULY 1, 2012, THE COLORADO EMERGENCY  
10 PLANNING COMMISSION IN THE DEPARTMENT OF LOCAL AFFAIRS, CREATED  
11 BY PART 26 OF ARTICLE 32 OF THIS TITLE, PRIOR TO ITS REPEAL IN 2012,  
12 AND ITS POWERS, DUTIES, AND FUNCTIONS ARE TRANSFERRED BY A TYPE  
13 2 TRANSFER TO THE DEPARTMENT OF PUBLIC SAFETY, PURSUANT TO THIS  
14 ARTICLE.

15 **SECTION 8.** In Colorado Revised Statutes, 24-33.5-103, amend  
16 (2) introductory portion and (2) (h); repeal (2) (b); and add (2) (i) as  
17 follows:

18 **24-33.5-103. Department created - divisions.** (2) The  
19 department shall consist CONSISTS of the following divisions:

20 (b) Colorado law enforcement training academy;

21 (h) Office of preparedness, security, and fire safety DIVISION OF  
22 HOMELAND SECURITY AND EMERGENCY MANAGEMENT; AND

23 (i) DIVISION OF FIRE PREVENTION AND CONTROL.

24 **SECTION 9.** In Colorado Revised Statutes, repeal part 3 of  
25 article 33.5 of title 24.

26 **SECTION 10.** In Colorado Revised Statutes, recreate and  
27 reenact, with relocated provisions, parts 7, 8, 9, 10, and 11 of article

1 33.5 of title 24 as follows:

2 PART 7

3 EMERGENCY MANAGEMENT

4 24-33.5-701. [Formerly 24-32-2101] Short title. This part 24  
5 PART 7 shall be known and may be cited as the "Colorado Disaster  
6 Emergency Act". of 1992".

7 24-33.5-702. [Formerly 24-32-2102] Purposes and limitations.

8 (1) The purposes of this part 24 PART 7 are to:

9 (a) Reduce vulnerability of people and communities of this state  
10 to damage, injury, and loss of life and property resulting from natural  
11 catastrophes or catastrophes of human origin, civil disturbance, or hostile  
12 military or paramilitary action;

13 (b) Prepare for prompt and efficient search, rescue, recovery, care,  
14 and treatment of persons lost, entrapped, victimized, or threatened by  
15 disasters or emergencies;

16 (c) Provide a setting conducive to the rapid and orderly start of  
17 restoration and rehabilitation of persons and property affected by  
18 disasters;

19 (d) Clarify and strengthen the roles of the governor, state  
20 agencies, and local governments in prevention of, preparation for,  
21 response to, and recovery from disasters;

22 (e) Authorize and provide for cooperation in disaster prevention,  
23 preparedness, response, and recovery;

24 (f) Authorize and provide for coordination of activities relating to  
25 disaster prevention, preparedness, response, and recovery by agencies and  
26 officers of this state and similar state-local, interstate, federal-state, and  
27 foreign activities in which the state and its political subdivisions may

1 participate;

2 (g) Provide a disaster and emergency management system  
3 embodying all aspects of predisaster and pre-emergency preparedness and  
4 postdisaster and postemergency response; and

5 (h) Assist in prevention of disasters caused or aggravated by  
6 inadequate planning for regulation of public and private facilities and  
7 land use.

8 (2) Nothing in this ~~part 21~~ PART 7 shall be construed to:

9 (a) Interfere with the course or conduct of a labor dispute; except  
10 that actions otherwise authorized by this ~~part 21~~ PART 7 or other laws may  
11 be taken when necessary to forestall or mitigate imminent or existing  
12 danger to public health or safety;

13 (b) Interfere with dissemination of news or comment on public  
14 affairs; except that any communications facility or organization, including  
15 but not limited to radio and television stations, wire services, and  
16 newspapers, may be required to transmit or print public service messages  
17 furnishing information or instructions in connection with a disaster  
18 emergency;

19 (c) Affect the jurisdiction or responsibilities of police forces,  
20 fire-fighting forces, or units of the armed forces of the United States, or  
21 of any personnel thereof, when on active duty; except that state, local, and  
22 interjurisdictional disaster emergency plans shall place reliance upon the  
23 forces available for performance of functions related to disaster  
24 emergencies; or

25 (d) Limit, modify, or abridge the authority of the governor to  
26 proclaim martial law or exercise any other powers vested in the governor  
27 under the constitution, statutes, or common law of this state independent

1 of, or in conjunction with, any provision of this ~~part 21~~ PART 7.

2 **24-33.5-703. [Formerly 24-32-2103] Definitions.** As used in this  
3 ~~part 21~~ PART 7, unless the context otherwise requires:

4 (1) "Bioterrorism" means the intentional use of microorganisms  
5 or toxins of biological origin to cause death or disease among humans or  
6 animals.

7 ~~(1.3)~~ (2) "Committee" means the governor's expert emergency  
8 epidemic response committee created in section ~~24-32-2104~~ SECTION  
9 24-33.5-704.

10 ~~(1.5)~~ (3) "Disaster" means the occurrence or imminent threat of  
11 widespread or severe damage, injury, or loss of life or property resulting  
12 from any natural cause or cause of human origin, including but not  
13 limited to fire, flood, earthquake, wind, storm, wave action, hazardous  
14 substance incident, oil spill or other water contamination requiring  
15 emergency action to avert danger or damage, volcanic activity, epidemic,  
16 air pollution, blight, drought, infestation, explosion, civil disturbance,  
17 hostile military or paramilitary action, or a condition of riot, insurrection,  
18 or invasion existing in the state or in any county, city, town, or district in  
19 the state.

20 ~~(1.7)~~ (4) "Emergency epidemic" means cases of an illness or  
21 condition, communicable or noncommunicable, caused by bioterrorism,  
22 pandemic influenza, or novel and highly fatal infectious agents or  
23 biological toxins.

24 ~~(1.9)~~ (5) "Pandemic influenza" means a widespread epidemic of  
25 influenza caused by a highly virulent strain of the influenza virus.

26 ~~(2)~~ (6) "Political subdivision" means any county, city and county,  
27 city, or town and may include any other agency designated by law as a

1 political subdivision of the state.

2 (2.5) (7) (a) "Publicly funded safety net program" means a  
3 program that is administered by a state department and that:

4 (I) Is funded wholly or in part with state, federal, or a combination  
5 of state and federal funds; and

6 (II) Provides or facilitates the provision of medical services to  
7 vulnerable populations, including children, disabled individuals, and the  
8 elderly.

9 (b) The term includes a program of medical assistance, as defined  
10 in section 25.5-1-103 (5), C.R.S.

11 (3) (8) "Search and rescue" means the employment, coordination,  
12 and utilization of available resources and personnel in locating, relieving  
13 distress and preserving life of, and removing survivors from the site of a  
14 disaster, emergency, or hazard to a place of safety in case of lost,  
15 stranded, entrapped, or injured persons.

16 **24-33.5-704. [Formerly 24-32-2104] The governor and disaster**  
17 **emergencies - governor's disaster emergency council - creation -**  
18 **expert emergency epidemic response committee - creation.** (1) The  
19 governor is responsible for meeting the dangers to the state and people  
20 presented by disasters.

21 (2) Under this part 24 PART 7, the governor may issue executive  
22 orders, proclamations, and regulations and amend or rescind them.  
23 Executive orders, proclamations, and regulations have the force and effect  
24 of law.

25 (3) (a) There is hereby created a governor's disaster emergency  
26 council, referred to in this part 24 PART 7 as the "council", consisting of  
27 not less than six nor more than nine members. The attorney general, the

1 adjutant general, and the executive directors of the following departments  
2 shall be members: Personnel, transportation, public safety, and natural  
3 resources. The additional members, if any, shall be appointed by the  
4 governor from among the executive directors of the other departments.  
5 The governor shall serve as chairperson of the council, and a majority  
6 shall constitute a quorum. The council shall meet at the call of the  
7 governor and shall advise the governor and the director of the division of  
8 HOMELAND SECURITY AND emergency management on all matters  
9 pertaining to the declaration of disasters and the disaster response and  
10 recovery activities of the state government; except that nothing in the  
11 duties of the council shall be construed to limit the authority of the  
12 governor to act without the advice of the council when the situation calls  
13 for prompt and timely action when disaster threatens or exists.

14 (b) The members of the governor's disaster emergency council, as  
15 such existed prior to ~~March 12, 1992~~, shall become JUNE 30, 2012, ARE  
16 the initial members of the council on ~~March 12, 1992~~ JULY 1, 2012.

17 (4) A disaster emergency shall be declared by executive order or  
18 proclamation of the governor if the governor finds a disaster has occurred  
19 or that this occurrence or the threat thereof is imminent. The state of  
20 disaster emergency shall continue until the governor finds that the threat  
21 of danger has passed or that the disaster has been dealt with to the extent  
22 that emergency conditions no longer exist and the governor terminates the  
23 state of disaster emergency by executive order or proclamation, but no  
24 state of disaster emergency may continue for longer than thirty days  
25 unless renewed by the governor. The general assembly, by joint  
26 resolution, may terminate a state of disaster emergency at any time.  
27 Thereupon, the governor shall issue an executive order or proclamation



1 ending the state of disaster emergency. All executive orders or  
2 proclamations issued under this subsection (4) shall indicate the nature of  
3 the disaster, the area threatened, and the conditions which have brought  
4 it about or which make possible termination of the state of disaster  
5 emergency. An executive order or proclamation shall be disseminated  
6 promptly by means calculated to bring its contents to the attention of the  
7 general public and, unless the circumstances attendant upon the disaster  
8 prevent or impede, shall be promptly filed with the ~~division~~ OFFICE of  
9 emergency management, the secretary of state, and the county clerk and  
10 recorder and disaster agencies in the area to which it applies.

11 (5) An executive order or proclamation of a state of disaster  
12 emergency shall activate the disaster response and recovery aspects of the  
13 state, local, and interjurisdictional disaster emergency plans applicable to  
14 the political subdivision or area in question and shall be authority for the  
15 deployment and use of any forces to which the plans apply and for use or  
16 distribution of any supplies, equipment, and materials and facilities  
17 assembled, stockpiled, or arranged to be made available pursuant to this  
18 part 21 or any other provision of law relating to disaster emergencies.

19 (6) During the continuance of any state of disaster emergency, the  
20 governor is commander-in-chief of the organized and unorganized militia  
21 and of all other forces available for emergency duty. To the greatest  
22 extent practicable, the governor shall delegate or assign command  
23 authority by prior arrangement embodied in appropriate executive orders  
24 or regulations, but nothing in this section restricts the governor's authority  
25 to do so by orders issued at the time of the disaster emergency.

26 (7) In addition to any other powers conferred upon the governor  
27 by law, the governor may:

1           (a) Suspend the provisions of any regulatory statute prescribing  
2 the procedures for conduct of state business or the orders, rules, or  
3 regulations of any state agency, if strict compliance with the provisions  
4 of any statute, order, rule, or regulation would in any way prevent, hinder,  
5 or delay necessary action in coping with the emergency;

6           (b) Utilize all available resources of the state government and of  
7 each political subdivision of the state as reasonably necessary to cope  
8 with the disaster emergency;

9           (c) Transfer the direction, personnel, or functions of state  
10 departments and agencies or units thereof for the purpose of performing  
11 or facilitating emergency services;

12           (d) Subject to any applicable requirements for compensation under  
13 section 24-32-2111 SECTION 24-33.5-711, commandeer or utilize any  
14 private property if the governor finds this necessary to cope with the  
15 disaster emergency;

16           (e) Direct and compel the evacuation of all or part of the  
17 population from any stricken or threatened area within the state if the  
18 governor deems this action necessary for the preservation of life or other  
19 disaster mitigation, response, or recovery;

20           (f) Prescribe routes, modes of transportation, and destinations in  
21 connection with evacuation;

22           (g) Control ingress to and egress from a disaster area, the  
23 movement of persons within the area, and the occupancy of premises  
24 therein;

25           (h) Suspend or limit the sale, dispensing, or transportation of  
26 alcoholic beverages, firearms, explosives, or combustibles; and

27           (i) Make provision for the availability and use of temporary

1 emergency housing.

2 (8) (a) There is hereby created a governor's expert emergency  
3 epidemic response committee. The duties of the committee shall be to  
4 develop by July 1, 2001, a new supplement to the state disaster plan that  
5 is concerned with the public health response to acts of bioterrorism,  
6 pandemic influenza, and epidemics caused by novel and highly fatal  
7 infectious agents and to provide expert public health advice to the  
8 governor in the event of an emergency epidemic. The committee shall:

9 (I) Meet at least annually to review and amend, AS NECESSARY, the  
10 supplement as necessary TO THE STATE DISASTER PLAN THAT IS  
11 CONCERNED WITH THE PUBLIC HEALTH RESPONSE TO ACTS OF  
12 BIOTERRORISM, PANDEMIC INFLUENZA, AND EPIDEMICS CAUSED BY NOVEL  
13 AND HIGHLY FATAL INFECTIOUS AGENTS;

14 (II) PROVIDE EXPERT PUBLIC HEALTH ADVICE TO THE GOVERNOR  
15 IN THE EVENT OF AN EMERGENCY EPIDEMIC; and

16 (III) The committee shall Provide information to, and fully  
17 cooperate with, the council.

18 (b) (I) State members of the committee shall include: the  
19 following:

20 (A) The executive director of the department of public health and  
21 environment;

22 (B) The chief medical officer of the department of public health  
23 and environment;

24 (C) The chief public information officer of the department of  
25 public health and environment;

26 (D) The emergency response coordinator for the department of  
27 public health and environment;

1           (E) The state epidemiologist for the department of public health  
2           and environment;

3           (F) The attorney general or the designee of the attorney general;

4           (G) The president of the board of health or the president's  
5           designee;

6           (H) The president of the state medical society or the president's  
7           designee;

8           (I) The president of the Colorado health and hospital association  
9           or the president's designee;

10          (J) The state veterinarian of the department of agriculture; and

11          ~~(K) and (L) (Deleted by amendment, L. 2000, p. 546, § 24,~~  
12          ~~effective July 1, 2000.)~~

13          ~~(M) (K) The director of the division of HOMELAND SECURITY AND~~  
14          ~~emergency management.~~

15          (II) In addition to the state members of the committee, the  
16          governor shall appoint to the committee an individual from each of the  
17          following categories:

18           (A) A licensed physician who specializes in infectious diseases;

19           (B) A licensed physician who specializes in emergency medicine;

20           (C) A medical examiner;

21           (D) A specialist in posttraumatic stress management;

22           (E) A director of a county, district, or municipal public health  
23           agency;

24           (F) A hospital infection control practitioner;

25           (G) A wildlife disease specialist with the division of wildlife; and

26           (H) A pharmacist member of the state board of pharmacy.

27          (III) The executive director of the department of public health and

1 environment shall serve as the chair of the committee. A majority of the  
2 membership of the committee, not including vacant positions, shall  
3 constitute a quorum.

4 (IV) The executive director of the department of public safety or  
5 the executive director's designee shall serve as an ex officio member of  
6 the committee and shall not be able to vote on decisions of the committee.  
7 The executive director HE OR SHE shall serve as a liaison between the  
8 committee, the council, and the Colorado emergency planning  
9 commission in the event of an emergency epidemic.

10 (c) The committee shall include in the supplement to the state  
11 disaster plan a proposal for the prioritization, allocation, storage,  
12 protection, and distribution of antibiotic medicines, antiviral medicines,  
13 antidotes, and vaccines that may be needed and in short supply in the  
14 event of an emergency epidemic.

15 (d) The committee shall convene at the call of the governor or the  
16 executive director of the department of public health and environment to  
17 consider evidence presented by the department's chief medical officer or  
18 state epidemiologist that there is an occurrence or imminent threat of an  
19 emergency epidemic. If the committee finds that there is an occurrence  
20 or imminent threat of an emergency epidemic, the executive director of  
21 the department of public health and environment shall advise the  
22 governor to declare a disaster emergency.

23 (e) In the event of an emergency epidemic that has been declared  
24 a disaster emergency, the committee shall convene as rapidly and as often  
25 as necessary to advise the governor, who shall act by executive order,  
26 regarding reasonable and appropriate measures to reduce or prevent  
27 spread of the disease, agent, or toxin and to protect the public health.

1 Such measures may include: but are not limited to:  
2 (I) Procuring or taking supplies of medicines and vaccines;  
3 (II) Ordering physicians and hospitals to transfer or cease  
4 admission of patients or perform medical examinations of persons;  
5 (III) Isolating or quarantining persons or property;  
6 (IV) Determining whether to seize, destroy, or decontaminate  
7 property or objects that may threaten the public health;  
8 (V) Determining how to safely dispose of corpses and infectious  
9 waste;  
10 (VI) Assessing the adequacy and potential contamination of food  
11 and water supplies;  
12 (VII) Providing mental health support to affected persons; and  
13 (VIII) Informing the citizens of the state how to protect  
14 themselves, what actions are being taken to control the epidemic, and  
15 when the epidemic is over.  
16 (9) Each department that administers a publicly funded safety net  
17 program shall develop a continuity of operations plan no later than July  
18 1, 2008. The plan shall establish procedures for the response by, and  
19 continuation of operations of, the department and the program in the  
20 event of an epidemic emergency. Each department shall file its plan with  
21 the executive director of the department of public health and environment  
22 and shall update the plan at least annually. In addition,  
23 NOTWITHSTANDING SECTION 24-1-136(11), each department shall submit  
24 a report by March 1, 2008, and by each March 1 thereafter OF EACH YEAR  
25 to the health and human services committees of the senate and house of  
26 representatives, or any successor committees, regarding the status of the  
27 department's plan, as well as the status of any other plans or procedures

1 of the department regarding emergency disaster preparedness.

2 **24-33.5-705. [Formerly 24-32-2105] Office of emergency**  
3 **management -creation.** (1)(a) There is hereby created in the department  
4 of local affairs DIVISION OF HOMELAND SECURITY AND EMERGENCY  
5 MANAGEMENT the ~~division~~ OFFICE of emergency management. referred  
6 to in this part 21 as the "division". Pursuant to section 13 of article XII of  
7 the state constitution, the ~~executive~~ director OF THE DIVISION OF  
8 HOMELAND SECURITY AND EMERGENCY MANAGEMENT shall appoint a  
9 director referred to in this part 21 as the "director", as head of the division  
10 OFFICE OF EMERGENCY MANAGEMENT.

11 (b) The ~~division~~ OFFICE of emergency management and the office  
12 of the director THEREOF shall exercise their powers and perform their  
13 duties and functions under the department of local affairs and the  
14 executive director as if the same were transferred to the department by a  
15 type 2 transfer, as such transfer is defined in the "Administrative  
16 Organization Act of 1968", article 1 of this title.

17 (2) The ~~division~~ OFFICE OF EMERGENCY MANAGEMENT shall  
18 prepare, and maintain, AND KEEP CURRENT a state disaster plan which  
19 THAT complies with all applicable federal and state regulations. and shall  
20 keep such plan current.

21 (3) The ~~division~~ OFFICE OF EMERGENCY MANAGEMENT shall take  
22 part in the development and revision of local and interjurisdictional  
23 disaster plans prepared under section 24-32-2107 24-33.5-707. To this  
24 end the ~~division~~ OFFICE OF EMERGENCY MANAGEMENT shall employ or  
25 otherwise secure the services of professional and technical personnel  
26 capable of providing expert assistance to political subdivisions, their  
27 disaster agencies, and interjurisdictional planning and disaster agencies.

1 Such personnel shall consult with political subdivisions and disaster  
2 agencies and shall make field examinations.

3 (4) In preparing and revising the state disaster plan, the division  
4 OFFICE OF EMERGENCY MANAGEMENT may seek the advice and assistance  
5 of local government, business, labor, industry, agriculture, civic and  
6 volunteer organizations, and community leaders.

7 (5) The state disaster plan or any part thereof may be incorporated  
8 in regulations of the division OFFICE OF EMERGENCY MANAGEMENT or  
9 executive orders that have the force and effect of law.

10 (6) The division OFFICE OF EMERGENCY MANAGEMENT may do all  
11 things necessary for the implementation of this part 21 SECTION,  
12 including: but not limited to:

13 (a) Hiring personnel;

14 (b) Contracting with federal, state, local, and private entities;

15 (c) Accepting and expending federal funds.

16 (7) Whenever the office of emergency management OR THE  
17 DIVISION OF EMERGENCY MANAGEMENT IN THE DEPARTMENT OF LOCAL  
18 AFFAIRS is referred to or designated by any contract or other document,  
19 such reference or designation shall be deemed to apply to the division  
20 OFFICE of emergency management IN THE DIVISION OF HOMELAND  
21 SECURITY AND EMERGENCY MANAGEMENT IN THE DEPARTMENT OF PUBLIC  
22 SAFETY.

23 (8) (a) EFFECTIVE JULY 1, 2012, THE OFFICE OF EMERGENCY  
24 MANAGEMENT IN THE DIVISION OF HOMELAND SECURITY AND EMERGENCY  
25 MANAGEMENT IN THE DEPARTMENT OF PUBLIC SAFETY SHALL EXECUTE,  
26 ADMINISTER, PERFORM, AND ENFORCE THE RIGHTS, POWERS, DUTIES,  
27 FUNCTIONS, AND OBLIGATIONS VESTED PREVIOUSLY IN THE DIVISION OF



1 EMERGENCY MANAGEMENT IN THE DEPARTMENT OF LOCAL AFFAIRS.

2 (b) (I) ON JULY 1, 2012, ALL POSITIONS OF EMPLOYMENT IN THE  
3 DIVISION OF EMERGENCY MANAGEMENT IN THE DEPARTMENT OF LOCAL  
4 AFFAIRS SHALL BE TRANSFERRED TO THE OFFICE OF EMERGENCY  
5 MANAGEMENT IN THE DIVISION OF HOMELAND SECURITY AND EMERGENCY  
6 MANAGEMENT IN THE DEPARTMENT OF PUBLIC SAFETY AND SHALL  
7 BECOME EMPLOYMENT POSITIONS THEREIN.

8 (II) ON JULY 1, 2012, ALL EMPLOYEES OF THE DIVISION OF  
9 EMERGENCY MANAGEMENT IN THE DEPARTMENT OF LOCAL AFFAIRS SHALL  
10 BE CONSIDERED EMPLOYEES OF THE OFFICE OF EMERGENCY MANAGEMENT  
11 IN THE DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT  
12 IN THE DEPARTMENT OF PUBLIC SAFETY. SUCH EMPLOYEES SHALL RETAIN  
13 ALL RIGHTS UNDER THE STATE PERSONNEL SYSTEM AND TO RETIREMENT  
14 BENEFITS PURSUANT TO THE LAWS OF THIS STATE, AND THEIR SERVICES  
15 SHALL BE DEEMED TO HAVE BEEN CONTINUOUS.

16 (III) ON JULY 1, 2012, ALL ITEMS OF PROPERTY, REAL AND  
17 PERSONAL, INCLUDING OFFICE FURNITURE AND FIXTURES, BOOKS,  
18 DOCUMENTS, AND RECORDS OF THE DIVISION OF EMERGENCY  
19 MANAGEMENT IN THE DEPARTMENT OF LOCAL AFFAIRS ARE TRANSFERRED  
20 TO THE OFFICE OF EMERGENCY MANAGEMENT IN THE DIVISION OF  
21 HOMELAND SECURITY AND EMERGENCY MANAGEMENT IN THE  
22 DEPARTMENT OF PUBLIC SAFETY AND SHALL BECOME THE PROPERTY  
23 THEREOF.

24 (c) UNLESS OTHERWISE SPECIFIED, WHENEVER ANY PROVISION OF  
25 LAW REFERS TO THE DIVISION OF EMERGENCY MANAGEMENT, THAT LAW  
26 SHALL BE CONSTRUED AS REFERRING TO THE OFFICE OF EMERGENCY  
27 MANAGEMENT IN THE DIVISION OF HOMELAND SECURITY AND EMERGENCY

1 MANAGEMENT IN THE DEPARTMENT OF PUBLIC SAFETY.

2 (d) NO SUIT, ACTION, OR OTHER PROCEEDING, JUDICIAL OR  
3 ADMINISTRATIVE, LAWFULLY COMMENCED, OR WHICH COULD HAVE BEEN  
4 COMMENCED, BY OR AGAINST THE DIVISION OF EMERGENCY MANAGEMENT  
5 IN THE DEPARTMENT OF LOCAL AFFAIRS, OR ANY OFFICER THEREOF IN  
6 SUCH OFFICER'S OFFICIAL CAPACITY OR IN RELATION TO THE DISCHARGE OF  
7 THE OFFICIAL'S DUTIES, IS ABATED BY REASON OF THE TRANSFER OF  
8 DUTIES AND FUNCTIONS IN THIS SECTION.

9 **24-33.5-705.3. [Formerly 24-33.5-108] Statewide all-hazards**  
10 **resource database - creation - definitions - repeal.** (1) For purposes of  
11 this section:

12 (a) "PRIVATE SECTOR AGENCIES AND ORGANIZATIONS" MEANS ANY  
13 PRIVATE SECTOR OR NONPROFIT AGENCY OR ORGANIZATION THAT HAS  
14 RESOURCES USEFUL IN A DISASTER OR EMERGENCY THAT IT DESIRES TO  
15 LIST IN THE PRIVATE SECTOR PORTION OF THE DATABASE.

16 (b) "TRIBAL, state, and local ~~fire fighting~~ ALL-HAZARDS RESPONSE  
17 agency" means any ~~fire department, fire protection district, or fire fighting~~  
18 ALL-HAZARDS RESPONSE agency of A TRIBE, the state and any of its  
19 subdivisions, and ~~of any town, city, and city and county,~~ regardless of  
20 whether the personnel serving such department, district, or agency are  
21 volunteers or are compensated for their services.

22 (2) (a) Not later than ~~December 31, 2001~~ JUNE 30, 2013, the  
23 department OFFICE OF EMERGENCY MANAGEMENT, using its own EXISTING  
24 computer resources, shall develop and maintain a centralized computer  
25 database that includes a listing of all ~~fire fighting~~ ALL-HAZARDS RESPONSE  
26 resources located within Colorado.

27 (b) The database created pursuant to paragraph (a) of this

1 subsection (2) shall contain apparatus and equipment RESOURCE  
2 inventories, personnel counts, resource status, such other information  
3 relevant to the efficient tracking and allocation of fire fighting  
4 ALL-HAZARDS RESPONSE resources, and a listing of all supplemental  
5 funding sources available to TRIBAL, state, and local fire fighting  
6 ALL-HAZARD RESPONSE agencies. The information in this database shall  
7 be included with the information required to be collected and maintained  
8 pursuant to section 25-1.5-101 (1) (p), C.R.S. No data gathered for or  
9 stored in this database shall contain personally identifying information  
10 without prior notice to the involved individual. The database is not  
11 intended to be used in place of the existing interagency wildland fire  
12 dispatch system.

13 (3) (a) The department OFFICE OF EMERGENCY MANAGEMENT shall  
14 encourage TRIBAL, state, and local fire fighting RESPONSE agencies to  
15 enter the information described in paragraph (b) of subsection (2) of this  
16 section into the database via the internet and provide a means for such  
17 data entry. All data entered into the database shall be verifiable by the  
18 department. The data shall be updated by the state OFFICE OF EMERGENCY  
19 MANAGEMENT. THE OFFICE OF EMERGENCY MANAGEMENT SHALL  
20 ENCOURAGE PARTICIPATING TRIBAL, STATE, REGIONAL, and local fire  
21 fighting RESPONSE agencies TO UPDATE THE DATA as necessary.

22 (b) The database shall be accessible via the internet to all TRIBAL,  
23 state, REGIONAL, and local fire fighting RESPONSE agencies for the  
24 purpose of efficiently tracking and allocating fire fighting RESPONSE  
25 resources in the event of a disaster or local incident that requires more  
26 resources than those available under any existing interjurisdictional or  
27 mutual aid arrangement.

1           (4) The ~~department~~ OFFICE OF EMERGENCY MANAGEMENT shall  
2           establish guidelines for the development and maintenance of the database  
3           created pursuant to subsection (2) of this section so that TRIBAL, state,  
4           REGIONAL, and local ~~fire fighting~~ RESPONSE agencies can easily access the  
5           database. ~~Such~~ THE guidelines shall be developed with input by FROM  
6           TRIBAL, state, REGIONAL, and local ~~fire fighting~~ RESPONSE agencies AND  
7           PRIVATE SECTOR AGENCIES AND ORGANIZATIONS.

8           **24-33.5-705.4. [Formerly 24-33.5-1210] All-hazards resource**  
9           **mobilization system - creation.** (1) Subject to the availability of federal  
10           funds, The ~~division~~ OFFICE OF EMERGENCY MANAGEMENT shall prepare  
11           a statewide RESOURCE mobilization ~~plan~~ SYSTEM to provide for the  
12           allocation and deployment of firefighting, emergency medical, and urban  
13           search and rescue resources in the event of a disaster or local incident that  
14           requires more resources than those available under any existing  
15           interjurisdictional or mutual aid agreement.

16           (2) The RESOURCE mobilization ~~plan~~ SYSTEM created pursuant to  
17           SUBSECTION (1) OF this section shall be developed in coordination with  
18           appropriate federal, TRIBAL, state, ~~and~~ local government, AND PRIVATE  
19           SECTOR agencies AND ORGANIZATIONS. The ~~plan~~ SYSTEM shall include  
20           mobilization procedures and may include provisions for reimbursement  
21           of costs. ~~and shall address liability issues.~~

22           **24-33.5-706. [Formerly 24-32-2106] Financing - legislative**  
23           **intent - repeal.** (1) It is the intent of the general assembly and declared  
24           to be the policy of the state that funds to meet disaster emergencies shall  
25           always be available.

26           (2) (a) ~~(f)~~ A disaster emergency fund is hereby established, which  
27           shall receive moneys appropriated by the general assembly. Moneys in the

1 disaster emergency fund shall remain in the fund until expended.

2 ~~(H)~~ (A) (b) (I) The governor may make a one-time transfer of up  
3 to six hundred thousand dollars from the disaster emergency fund to the  
4 wildfire emergency response fund created in section 23-31-309, C.R.S.  
5 The governor shall notify the revisor of statutes in writing promptly after  
6 making the transfer.

7 ~~(B)~~ (II) This subparagraph ~~(H)~~ PARAGRAPH (b) is repealed,  
8 effective upon the revisor of statute's receipt of the notice.

9 ~~(b) Repealed.~~

10 (3) The council shall review in detail each expenditure of disaster  
11 emergency moneys.

12 (4) It is the legislative intent that first recourse be to funds  
13 regularly appropriated to state and local agencies. If the governor finds  
14 that the demands placed upon these funds in coping with a particular  
15 disaster are unreasonably great, the governor may, with the concurrence  
16 of the council, make funds available from the disaster emergency fund.  
17 If moneys available from the fund are insufficient, the governor, with the  
18 concurrence of the council, may transfer and expend moneys appropriated  
19 for other purposes.

20 (5) The director OF THE DIVISION OF HOMELAND SECURITY AND  
21 EMERGENCY MANAGEMENT is authorized to establish, pursuant to article  
22 4 of this title, the rules and regulations which will govern the  
23 reimbursement of funds to state agencies and political subdivisions and  
24 to promulgate such regulations.

25 (6) Nothing in this section shall be construed to limit LIMITS the  
26 governor's authority to apply for, administer, and expend grants, gifts, or  
27 payments in aid of disaster prevention, preparedness, response, or

1 recovery.

2 24-32-707. [Formerly 24-32-2107] Local and interjurisdictional  
3 disaster agencies and services. (1) Each political subdivision shall be  
4 IS within the jurisdiction of and served by the ~~division~~ OFFICE OF  
5 EMERGENCY MANAGEMENT and by a local or interjurisdictional agency  
6 responsible for disaster preparedness and coordination of response.

7 (2) Each county shall maintain a disaster agency or participate in  
8 a local or interjurisdictional disaster agency which, except as otherwise  
9 provided under this ~~part 21~~ PART 7, has jurisdiction over and serves the  
10 entire county.

11 (3) The governor shall determine which municipal corporations  
12 need disaster agencies of their own and require that they be established  
13 and maintained. The governor shall make such determination on the basis  
14 of the municipality's disaster vulnerability and capability of response  
15 related to population size and concentration. The disaster agency of a  
16 county shall cooperate with the disaster agencies of municipalities  
17 situated within its borders but shall not have jurisdiction within a  
18 municipality having its own disaster agency. The office OF EMERGENCY  
19 MANAGEMENT shall publish and keep current a list of municipalities  
20 required to have disaster agencies under this subsection (3).

21 (4) The minimum composition of a disaster agency shall be IS a  
22 director or coordinator appointed and governed by the chief executive  
23 officer or governing body of the appointing jurisdiction. The director or  
24 coordinator shall be IS responsible for the planning and coordination of  
25 the local disaster services.

26 (5) Any provision of this ~~part 21~~ PART 7 or other law to the  
27 contrary notwithstanding, the governor may require a political subdivision

1 to establish and maintain a disaster agency jointly with one or more  
2 contiguous political subdivisions if the governor finds that the  
3 establishment and maintenance of an agency or participation therein is  
4 made necessary by circumstances or conditions that make it unusually  
5 difficult to provide disaster prevention, preparedness, response, or  
6 recovery services under other provisions of this ~~part 21~~ PART 7.

7 (6) Each political subdivision ~~which~~ THAT does not have a disaster  
8 agency and has not made arrangements to secure or participate in the  
9 services of an agency shall have an elected official designated as liaison  
10 officer to facilitate the cooperation and protection of that subdivision in  
11 the work of disaster prevention, preparedness, response, and recovery.

12 (7) The mayor, chairman of the board of county commissioners,  
13 or other principal executive officer of each political subdivision in the  
14 state shall notify the office OF EMERGENCY MANAGEMENT of the manner  
15 in which the political subdivision is providing or securing disaster  
16 planning and emergency services, identify the person who heads the  
17 agency from which the services are obtained, and furnish additional  
18 information relating thereto as the ~~division~~ OFFICE OF EMERGENCY  
19 MANAGEMENT requires.

20 (8) Each local and interjurisdictional disaster agency shall prepare  
21 and keep current a local or interjurisdictional disaster emergency plan for  
22 its area.

23 (9) The local or interjurisdictional disaster agency, as the case may  
24 be, shall prepare and distribute to all appropriate officials in written form  
25 a clear and complete statement of the emergency responsibilities of all  
26 local agencies and officials and of the disaster chain of command.

27 (10) The sheriff of each county shall:

1           (a) Be the official responsible for coordination of all search and  
2 rescue operations within the sheriff's jurisdiction;

3           (b) Make use of the search and rescue capability and resources  
4 available within the county and request assistance from the ~~division~~  
5 OFFICE OF EMERGENCY MANAGEMENT only when and if the sheriff  
6 determines such additional assistance is required.

7           (11) When authorized by the governor and executive director and  
8 approved by the director OF THE OFFICE OF EMERGENCY MANAGEMENT,  
9 expenses incurred in meeting contingencies and emergencies arising from  
10 search and rescue operations may be reimbursed from the disaster  
11 emergency fund.

12           (12) Any person providing information to a local or  
13 interjurisdictional disaster agency may request, in writing, that such  
14 information be disseminated only to persons connected with or involved  
15 in the preparation, update, or implementation of any disaster emergency  
16 plan, and said information shall thereafter not be released to any person  
17 without the expressed written consent of the person providing the  
18 information.

19           **24-33.5-708. [Formerly 24-32-2108] Establishment of**  
20 **interjurisdictional disaster planning and service area.** (1) If the  
21 governor finds that two or more adjoining counties would be better served  
22 by an interjurisdictional arrangement than by maintaining separate  
23 disaster agencies and services, the governor may delineate by executive  
24 order an interjurisdictional area adequate to plan for, prevent, or respond  
25 to disaster in that area and direct steps to be taken as necessary, including  
26 the creation of an interjurisdictional relationship, a joint disaster  
27 emergency plan, mutual aid, or an area organization for emergency



1 planning and services.

2 (2) A finding of the governor pursuant to subsection (1) of this  
3 section shall be based on one or more factors related to the difficulty of  
4 maintaining an efficient and effective disaster prevention, preparedness,  
5 response, and recovery system on a separate basis, such as:

6 (a) Small or sparse population;

7 (b) Limitations on public financial resources severe enough to  
8 make maintenance of a separate disaster agency and services  
9 unreasonably burdensome;

10 (c) Unusual vulnerability to disaster as evidenced by a past history  
11 of disasters, topographical features, drainage characteristics, disaster  
12 potential, and presence of disaster-prone facilities or operations;

13 (d) The interrelated character of the counties in a multicounty  
14 area; and

15 (e) Other relevant conditions or circumstances.

16 (3) If the governor finds that a vulnerable area lies only partly  
17 within this state and includes territory in another state or territory in a  
18 foreign jurisdiction and that it would be desirable to establish an interstate  
19 or international relationship or mutual aid or an area organization for  
20 disaster, the governor shall take steps to that end as desirable. If this  
21 action is taken with jurisdictions that have enacted the interstate civil  
22 defense and disaster compact, any resulting agreements may be  
23 considered supplemental agreements pursuant to article VI of such  
24 compact.

25 (4) If the other jurisdictions with which the governor proposes to  
26 cooperate pursuant to subsection (3) of this section have not enacted the  
27 interstate civil defense and disaster compact, the governor may negotiate

1 special agreements with such jurisdictions. Any agreement, if sufficient  
2 authority for the making thereof does not otherwise exist, becomes  
3 effective only after its text has been communicated to the general  
4 assembly and if neither house of the general assembly has disapproved it  
5 before adjournment sine die of the next ensuing session competent to  
6 consider it or within thirty days of its submission, whichever is longer.

7 **24-33.5-709. [Formerly 24-32-2109] Local disaster**  
8 **emergencies.** (1) A local disaster may be declared only by the principal  
9 executive officer of a political subdivision. It shall not be continued or  
10 renewed for a period in excess of seven days except by or with the  
11 consent of the governing board of the political subdivision. Any order or  
12 proclamation declaring, continuing, or terminating a local disaster  
13 emergency shall be given prompt and general publicity and shall be filed  
14 promptly with the county clerk and recorder, city clerk, or other  
15 authorized record-keeping agency and with the ~~division~~ OFFICE OF  
16 EMERGENCY MANAGEMENT.

17 (2) The effect of a declaration of a local disaster emergency is to  
18 activate the response and recovery aspects of any and all applicable local  
19 and interjurisdictional disaster emergency plans and to authorize the  
20 furnishing of aid and assistance under such plans.

21 (3) No interjurisdictional disaster agency or official thereof may  
22 declare a local disaster emergency unless expressly authorized by the  
23 agreement pursuant to which the agency functions. An interjurisdictional  
24 disaster agency shall provide aid and services in accordance with the  
25 agreement pursuant to which it functions.

26 **24-33.5-710. [Formerly 24-32-2110] Disaster prevention.** (1) In  
27 addition to disaster prevention measures as included in the state, local,

1 and interjurisdictional disaster emergency plans, the governor shall  
2 consider steps that could be taken on a continuing basis to prevent or  
3 reduce the harmful consequences of disasters. At the governor's direction,  
4 and pursuant to any other authority and competence they have, state  
5 agencies, including but not limited to those charged with responsibilities  
6 in connection with floodplain management, stream encroachment and  
7 flow regulation, weather modification, fire prevention and control, air  
8 quality, public works, land use and land-use planning, and construction  
9 standards, shall make studies of matters related to disaster prevention.  
10 The governor and the executive director, from time to time, shall make  
11 recommendations to the general assembly, local governments, and such  
12 other appropriate public and private entities as may facilitate measures for  
13 prevention or reduction of the harmful consequences of disasters.

14 (2) All state departments, in conjunction with the ~~division~~ OFFICE  
15 OF EMERGENCY MANAGEMENT, shall conduct studies and adopt measures  
16 to reduce the impact of, and actions contributory to, a disaster. The  
17 studies shall concentrate on means of reducing or avoiding the dangers  
18 caused by such occurrences or the consequences thereof.

19 (3) If the ~~division~~ OFFICE OF EMERGENCY MANAGEMENT believes,  
20 on the basis of the studies or other competent evidence, that an area is  
21 susceptible to a disaster of catastrophic proportions without adequate  
22 warning, that existing building standards and land-use controls in that  
23 area are inadequate and could add substantially to the magnitude of the  
24 disaster, and that changes in zoning regulations, other land-use  
25 regulations, or building requirements are essential in order to further the  
26 purposes of this section, it shall specify the essential changes to the  
27 executive director and to the governor. If the governor, upon review of

1 the recommendations, finds after public hearing that the changes are  
2 essential, the governor shall so recommend to the agencies or local  
3 governments with jurisdictions over the area and subject matter. If no  
4 action or insufficient action pursuant to the governor's recommendations  
5 is taken within the time specified by the governor, the governor shall so  
6 inform the general assembly and request legislative action appropriate to  
7 mitigate the impact of disaster.

8 (4) The governor, at the same time that the governor makes  
9 recommendations pursuant to subsection (3) of this section, may suspend  
10 the standard or control which the governor finds to be inadequate to  
11 protect the public safety and by regulation place a new standard or control  
12 in effect. The new standard or control shall remain in effect until rejected  
13 by joint resolution of both houses of the general assembly or amended by  
14 the governor. During the time it is in effect, the standard or control  
15 contained in the governor's regulation shall be administered and given full  
16 effect by all relevant regulatory agencies of the state and local  
17 governments to which it applies. The governor's action is subject to  
18 judicial review but shall not be subject to temporary stay pending  
19 litigation.

20 **24-33.5-711. [Formerly 24-32-2111] Compensation - liability**  
21 **when combating grasshopper infestation.** (1) Each person within this  
22 state shall conduct himself or herself and keep and manage such person's  
23 affairs and property in ways that will reasonably assist and will not  
24 unreasonably detract from the ability of the state and the public  
25 successfully to meet disasters or emergencies. This obligation includes  
26 appropriate personal service and use or restriction on the use of property  
27 in time of disaster emergency. This ~~part 24~~ PART 7 neither increases nor

1 decreases these obligations but recognizes their existence under the  
2 constitution and statutes of this state and the common law. Compensation  
3 for services or for the taking or use of property shall be only to the extent  
4 that the obligations recognized in this subsection (1) are exceeded in a  
5 particular case and then only to the extent that the claimant has not  
6 volunteered such claimant's services or property without compensation.

7 (2) No personal services may be compensated by the state or any  
8 subdivision or agency thereof, except pursuant to statute or local law or  
9 ordinance.

10 (3) Compensation for property shall be made only if the property  
11 was commandeered or otherwise used in coping with a disaster  
12 emergency and its use or destruction was ordered by the governor or a  
13 member of the disaster emergency forces of this state.

14 (4) The amount of compensation shall be calculated in the same  
15 manner as compensation due for taking of property pursuant to eminent  
16 domain procedures, as provided in articles 1 to 7 of title 38, C.R.S.

17 (5) Nothing in this section applies to or authorizes compensation  
18 for the destruction or damaging of standing timber or other property in  
19 order to provide a firebreak or applies to the release of waters or the  
20 breach of impoundments in order to reduce pressure or other danger from  
21 actual or threatened flood.

22 (6) The state and its agencies and political subdivisions and the  
23 officers and employees of the state and its agencies and political  
24 subdivisions shall not be liable for any claim based upon the exercise or  
25 performance or the failure to exercise or perform an act relating to the  
26 combating of grasshopper infestation of this state except for negligence  
27 or willful disregard of the rights of others, and then only to the extent of

1 one hundred thousand dollars for any injury to or damage suffered by one  
2 person and the sum of three hundred thousand dollars for an injury to or  
3 damage suffered by two or more persons in any single occurrence; except  
4 that, in such latter instance, no person may recover in excess of one  
5 hundred thousand dollars. This subsection (6) is the total extent of  
6 liability of the state and its agencies and political subdivisions and the  
7 officers and employees of the state and its agencies and political  
8 subdivisions with regard to the combating of grasshopper infestation of  
9 the state and abrogates any common-law cause of action thereto. Except  
10 to the extent of insurance coverage, no person acting as a contractor with  
11 the state or any of its political subdivisions, or any officer or employee of  
12 such contractor, shall be liable on any claim alleging strict liability on  
13 contract or tort for actions taken relating to combating grasshopper  
14 infestation of the state under this ~~part 21~~ PART 7 or under House Bill No.  
15 1001, enacted at the second extraordinary session of the fifty-first general  
16 assembly IN 1978.

17 **24-33.5-711.5. [Formerly 24-32-2111.5] Governor's expert**  
18 **emergency epidemic response committee - compensation - liability.**

19 (1) Neither the state nor the members of the expert emergency epidemic  
20 response committee designated or appointed pursuant to section  
21 ~~24-32-2104 (8)~~ shall be SECTION 24-33.5-704 (8) ARE liable for any claim  
22 based upon the committee's advice to the governor or the alleged  
23 negligent exercise or performance of, or failure to exercise or perform an  
24 act relating to an emergency epidemic. Liability against a member of the  
25 committee may be found only for wanton or willful misconduct or willful  
26 disregard of the best interests of protecting and maintaining the public  
27 health. Damages awarded on the basis of such liability shall not exceed

1 one hundred thousand dollars for any injury to or damage suffered by one  
2 person or three hundred thousand dollars for an injury to or damage  
3 suffered by three or more persons in the course of an emergency  
4 epidemic.

5 (2) The conduct and management of the affairs and property of  
6 each hospital, physician, health insurer or managed health care  
7 organization, health care provider, public health worker, or emergency  
8 medical service provider shall be such that they will reasonably assist and  
9 not unreasonably detract from the ability of the state and the public to  
10 successfully control emergency epidemics that are declared a disaster  
11 emergency. Such persons and entities that in good faith comply  
12 completely with board of health rules regarding the emergency epidemic  
13 and with executive orders regarding the disaster emergency shall be  
14 immune from civil or criminal liability for any action taken to comply  
15 with the executive order or rule.

16 (3) No personal services may be compensated by the state or any  
17 subdivision or agency of the state, except pursuant to statute or local law  
18 or ordinance.

19 (4) Compensation for property shall be made only if the property  
20 was commandeered or otherwise used in coping with an emergency  
21 epidemic that is declared by the governor or a member of the disaster  
22 emergency forces of this state.

23 (5) The amount of compensation shall be calculated in the same  
24 manner as compensation due for taking of property pursuant to eminent  
25 domain procedures, as provided in articles 1 to 7 of title 38, C.R.S.

26 **24-33.5-712. [Formerly 24-32-2112] Telecommunications -**  
27 **intent.** The state telecommunications director, working in coordination

1 with the office DIVISION OF HOMELAND SECURITY AND EMERGENCY  
2 MANAGEMENT, shall ascertain what means exist for rapid and efficient  
3 telecommunications in times of disaster emergencies. Operational  
4 characteristics of the available systems of telecommunications shall be  
5 evaluated by the office, and recommendations for modifications shall be  
6 made to the state telecommunications director. It is the intent of this  
7 section that adequate means of telecommunications be available for use  
8 during disaster emergencies.

9 **24-33.5-713. [Formerly 24-32-2113] Mutual aid.** (1) Political  
10 subdivisions not participating in interjurisdictional arrangements pursuant  
11 to this ~~part 21~~ PART 7 nevertheless shall be encouraged and assisted by the  
12 office OF EMERGENCY MANAGEMENT to conclude suitable arrangements  
13 for furnishing mutual aid in coping with disasters. The arrangements shall  
14 include provision of aid by persons and units in public employ.

15 (2) In passing upon local disaster plans, the governor shall  
16 consider whether such plans contain adequate provisions for the rendering  
17 and receipt of mutual aid.

18 (3) It is a sufficient reason for the governor to require an  
19 interjurisdictional agreement or arrangement pursuant to section  
20 ~~24-32-2108~~ SECTION 24-33.5-708 that the area involved and political  
21 subdivisions therein have available equipment, supplies, and forces  
22 necessary to provide mutual aid on a regional basis and that the political  
23 subdivisions have not already made adequate provision for mutual aid;  
24 except that, in requiring the making of an interjurisdictional arrangement  
25 to accomplish the purpose of this section, the governor need not require  
26 establishment and maintenance of an interjurisdictional agency or  
27 arrangement for any other disaster purposes.



1            **24-33.5-714. [Formerly 24-32-2114] Weather modification.** The  
2            office OF EMERGENCY MANAGEMENT shall keep continuously apprised of  
3            weather conditions ~~which~~ THAT present danger of precipitation or other  
4            climatic activity severe enough to constitute a disaster. If the office OF  
5            EMERGENCY MANAGEMENT determines that precipitation that may result  
6            from weather modification operations, either by itself or in conjunction  
7            with other precipitation or climatic conditions or activity, would create or  
8            contribute to the severity of a disaster, it shall recommend to the  
9            executive director of the department of natural resources, empowered to  
10           issue permits for weather modification operations under article 20 of title  
11           36, C.R.S., to warn those organizations or agencies engaged in weather  
12           modification to suspend their operations until the danger has passed or  
13           recommend that said executive director modify the terms of any permit  
14           as may be necessary.

15           **24-33.5-715. [Formerly 24-32-2115] Merit system.** In  
16           accordance with section 13 (4) of article XII of the state constitution, the  
17           state personnel board may provide personnel services pursuant to contract  
18           to civil defense employees of the political subdivisions of the state, except  
19           where such employees are covered by another federally approved merit  
20           system.

21           **24-33.5-716. [Formerly 24-32-2116] Interoperable**  
22           **communications among public safety radio systems - statewide plan**  
23           **- regional plans - governmental immunity - definitions.** (1) As used  
24           in this section, unless the context otherwise requires:

25           (a) "Executive director" means the executive director of the  
26           department of local affairs.

27           (b)(a) "Interoperable communications" means the ability of public

1 safety agencies in various disciplines and jurisdictions to communicate on  
2 demand and in real time by voice or data using compatible radio  
3 communication systems or other technology.

4 (e) (b) "Public safety agency" means an agency providing law  
5 enforcement, fire protection, emergency medical, or emergency response  
6 services.

7 (d) (c) "Region" means an all-hazards emergency management  
8 region established by executive order of the governor.

9 (2) ~~No later than March 1, 2007,~~ The executive director OF THE  
10 DEPARTMENT OF LOCAL AFFAIRS shall ~~adopt a~~ TRANSFER TO THE  
11 EXECUTIVE DIRECTOR THE tactical and long-term interoperable  
12 communications plan DEVELOPED PURSUANT TO FORMER SECTION  
13 24-32-1116, AS SAID SECTION EXISTED ON JUNE 30, 2012, to improve the  
14 ability of the public safety agencies of state government to communicate  
15 with public safety agencies of the federal government, regions, local  
16 governments, and other states. ~~The plan shall include measures to create~~  
17 ~~and periodically test interoperability interfaces, provisions for training on~~  
18 ~~communications systems and exercises on the implementation of the plan,~~  
19 ~~and deadlines for implementation.~~ The executive director shall update and  
20 revise the plan no less than once every three years. THE PLAN SHALL  
21 INCLUDE MEASURES TO CREATE AND PERIODICALLY TEST  
22 INTEROPERABILITY INTERFACES, PROVISIONS FOR TRAINING ON  
23 COMMUNICATIONS SYSTEMS AND EXERCISES ON THE IMPLEMENTATION OF  
24 THE PLAN, AND DEADLINES FOR IMPLEMENTATION.

25 (3) (a) ~~No later than November 1, 2006,~~ each region shall ~~adopt~~  
26 ~~and submit to~~ The executive director a OF THE DEPARTMENT OF LOCAL  
27 AFFAIRS SHALL TRANSFER TO THE EXECUTIVE DIRECTOR THE tactical and

1 long-term interoperable communications plan, ADOPTED BY EACH REGION  
2 PURSUANT TO FORMER SECTION 24-32-1116, AS SAID SECTION EXISTED ON  
3 JUNE 30, 2012, to improve communications among public safety agencies  
4 in the region and with public safety agencies of other regions, the state  
5 and federal governments, and other states. The ~~plan~~ PLANS shall include  
6 measures to create and periodically test interoperability interfaces,  
7 provisions for training on communications systems and exercises on the  
8 implementation of the plan, a strategy for integrating with the state digital  
9 trunked radio system, deadlines for implementation, and other elements  
10 required by the executive director. EACH REGION SHALL SUBMIT TO THE  
11 EXECUTIVE DIRECTOR REVISED PLANS AS SUCH ARE UPDATED.

12 (b) Each local government agency or private entity that operates  
13 a public safety radio system shall collaborate in the development AND, AS  
14 NECESSARY, PERIODIC REVISION of the tactical and long-term  
15 interoperable communications plan of the region in which it is located.  
16 SUCH TACTICAL PLANS, AND REVISIONS THERETO, SHALL BE SUBMITTED TO  
17 THE EXECUTIVE DIRECTOR.

18 (c) A region that TIMELY fails to submit a tactical and long-term  
19 interoperable communications plan by the date specified in paragraph (a)  
20 of this subsection (3) OR REVISIONS THERETO, or a local government  
21 agency that fails to collaborate in the development of OR TIMELY SUBMIT  
22 the plan, OR A REGION OR LOCAL GOVERNMENT AGENCY THAT FAILS TO  
23 MAINTAIN CURRENT PLANS, shall be ineligible to receive homeland  
24 security or public safety grant moneys administered by the department of  
25 local affairs, department of public safety, or department of public health  
26 and environment until the region submits a plan to the executive director.

27 (4) A public safety agency shall not expend moneys received

1 through the department of local affairs on a mobile data communication  
2 system unless the system is capable of interoperable communications.

3 (5) The executive director shall not require a public safety agency  
4 to acquire the communications equipment of a particular manufacturer or  
5 provider as a condition of awarding grant moneys administered by the  
6 department. of local affairs.

7 (6) A public safety agency or an employee of a public safety  
8 agency acting in collaboration with another agency or person to create  
9 and operate an interoperable communications system shall have the same  
10 degree of immunity under the "Colorado Governmental Immunity Act",  
11 article 10 of this title, as the public safety agency or employee would have  
12 if not acting in collaboration with another agency or person.

13 PART 8

14 COMPENSATION BENEFITS TO VOLUNTEER

15 CIVIL DEFENSE WORKERS

16 **24-33.5-801. [Formerly 24-32-2201] Legislative declaration. It**  
17 is the policy and purpose of this ~~part 22~~ PART 8 to provide a means of  
18 compensating volunteer civil defense workers who may suffer any injury  
19 as defined in ~~section 24-32-2202 (4)~~ SECTION 24-33.5-802 (4) as a result  
20 of participation in civil defense service.

21 **24-33.5-802. [Formerly 24-32-2202] Definitions. As used in this**  
22 ~~part 22~~ PART 8, unless the context otherwise requires:

23 (1) "Accredited local organization for civil defense" means a local  
24 organization for civil defense that is certified by the ~~division~~ OFFICE of  
25 emergency management as conforming with the "Plan and Program for  
26 the Civil Defense of this State" prepared by the governor of Colorado or  
27 under the governor's direction. A local organization for civil defense

1 remains accredited only while the certificate of the Colorado state civil  
2 defense agency is in effect and is not revoked.

3 (1.5) "ADJUSTING AGENT" MEANS THE THIRD-PARTY WORKERS'  
4 COMPENSATION INSURER WITH WHICH THE OFFICE OF EMERGENCY  
5 MANAGEMENT CONTRACTS, IN ACCORDANCE WITH SECTION 24-33.5-809,  
6 FOR THE ADJUSTMENT AND DISPOSITION OF CLAIMS AND PROVISION OF  
7 COMPENSATION PURSUANT TO THIS PART 8.

8 (2) "Civil defense service" means all activities authorized by and  
9 carried on pursuant to the provisions of the "Colorado Disaster  
10 Emergency Act" of 1992", part 21 PART 7 of this article, including  
11 training necessary or proper to engage in such activities.

12 (3) "Civil defense worker" means any natural person who is  
13 registered with the ~~division~~ OFFICE of emergency management or with a  
14 local organization for civil defense for the purpose of engaging in civil  
15 defense service pursuant to the provisions of this part 22 PART 8 without  
16 pay or other consideration or is a physician, health care provider, public  
17 health worker, or emergency medical service provider who is ordered by  
18 the governor or a member of the disaster emergency forces of this state  
19 to provide specific medical or public health services during and related  
20 to an emergency epidemic and who complies with such an order without  
21 pay or other consideration.

22 (3.3) "Department" means the department of local affairs.

23 (3.5) (4) "Disaster" shall have HAS the same meaning as set forth  
24 in section 24-32-2103 (1.5) SECTION 24-33.5-703.

25 (3.7) (5) "Emergency volunteer service" means all activities  
26 authorized and carried out by a volunteer who is a member of a qualified  
27 volunteer organization as directed by a county sheriff, local government,

1 local emergency planning committee, or state agency in the event of  
2 disaster.

3 (4) (6) "Injury" means and includes all accidental injuries and all  
4 occupational diseases recognized and compensated by the "Workers'  
5 Compensation Act of Colorado", articles 40 to 47 of title 8, C.R.S., as  
6 well as any illness that is caused by an emergency epidemic declared to  
7 be a disaster emergency.

8 (4.5) (7) "Local emergency planning committee" means a  
9 committee that meets the criteria specified in section 24-32-2604 SECTION  
10 24-33.5-1504.

11 (5) (8) "Local organization for civil defense" means a public  
12 agency which is empowered to register and direct the activities of civil  
13 defense workers within the area of the county or city or any part thereof  
14 and is thus, because of such registration and direction, acting as an  
15 instrumentality of the state in aid of the carrying out of the general  
16 governmental functions and policy of the state and includes a local  
17 organization for civil defense established by ordinance.

18 (6) (9) "Qualified volunteer" means a volunteer who meets the  
19 criteria specified in section 24-32-2224 (1) SECTION 24-33.5-824 (1).

20 (7) (10) "Volunteer" means a volunteer who is a member of a  
21 volunteer organization and provides volunteer services through the  
22 organization in the event of a disaster.

23 (8) (11) "Volunteer organization" means an organization that  
24 provides emergency services on a state or local level pursuant to this part  
25 22.

26 **24-33.5-803. [Formerly 24-32-2203] Compensation for injury**  
27 **limited.** Except as provided in this part 22 PART 8, a civil defense worker

1 and such civil defense worker's dependents shall have no right to receive  
2 compensation from the state, from the ~~division~~ OFFICE of emergency  
3 management, from the local organization for civil defense with which  
4 such civil defense worker is registered, or from the county or city which  
5 has empowered the local organization for civil defense to register such  
6 civil defense worker and direct such civil defense worker's activities for  
7 an injury arising out of and occurring in the course of such civil defense  
8 worker's activities as a civil defense worker.

9 **24-33.5-804. [Formerly 24-32-2204] Compensation provided is**  
10 **exclusive.** Compensation provided by this ~~part 22~~ PART 8, as limited by  
11 the provisions of this ~~part 22~~ PART 8, is the exclusive remedy of a civil  
12 defense worker or such civil defense worker's dependents for injury or  
13 death arising out of and in the course of such civil defense worker's  
14 activities as a civil defense worker as against the state, the ~~division~~ OFFICE  
15 of emergency management, the local organization for civil defense with  
16 which such civil defense worker is registered, and the county or city that  
17 has empowered the local organization for civil defense to register such  
18 civil defense worker and direct such civil defense worker's activities.  
19 Liability for the compensation provided by this ~~part 22~~ PART 8, as limited  
20 by the provisions of this ~~part 22~~ PART 8, is in lieu of any other liability  
21 whatsoever to a civil defense worker or such civil defense worker's  
22 dependents or any other person on the part of the state, the ~~division~~  
23 OFFICE of emergency management, the local organization for civil defense  
24 with which the civil defense worker is registered, and the county or city  
25 that has empowered the local organization for civil defense to register  
26 such civil defense worker and direct such civil defense worker's activities  
27 for injury or death arising out of and in the course of such civil defense

1 worker's activities as a civil defense worker.

2 **24-33.5-805. [Formerly 24-32-2205] Compensation for death**  
3 **or injury.** (1) Compensation shall be furnished to a civil defense worker  
4 either within or without the state for any injury arising out of and  
5 occurring in the course of such civil defense worker's activities as a civil  
6 defense worker and for the death of any such worker if the injury  
7 proximately causes death in those cases where the following conditions  
8 occur:

9 (a) Where, at the time of the injury, the civil defense worker is  
10 performing services as a civil defense worker and is acting within the  
11 course of such civil defense worker's duties as a civil defense worker;

12 (b) Where, at the time of the injury, the local organization for civil  
13 defense with which the civil defense worker is registered is an accredited  
14 local organization for civil defense. If the civil defense worker is  
15 registered with the ~~division~~ OFFICE of ~~disaster~~ emergency services  
16 MANAGEMENT and is at the time of the injury performing services for said  
17 division and is acting within the course of such civil defense worker's  
18 duties as a civil defense worker for said division, registration with an  
19 accredited local organization for civil defense is not required.

20 (c) Where the injury is proximately caused by such civil defense  
21 worker's service as a civil defense worker, either with or without  
22 negligence;

23 (d) Where the injury is not caused by the intoxication of the  
24 injured civil defense worker;

25 (e) Where the injury is not intentionally self-inflicted.

26 **24-33.5-806. [Formerly 24-32-2206] Benefits limited to**  
27 **appropriation.** No compensation or benefits shall be paid or furnished



1 to civil defense workers or their dependents pursuant to the provisions of  
2 this ~~part 22~~ PART 8 except from moneys appropriated for the purpose of  
3 furnishing compensation and benefits to civil defense workers and their  
4 dependents. Liability for the payment or furnishing of compensation and  
5 benefits is dependent upon and limited to the availability of moneys so  
6 appropriated.

7 **24-33.5-807. [Formerly 24-32-2207] Benefits depend on**  
8 **reserve.** After all moneys appropriated are expended or set aside in  
9 bookkeeping reserves for the payment or furnishing of compensation and  
10 benefits and reimbursing ~~Pinnacol Assurance~~ THE ADJUSTING AGENT for  
11 its services, the payment or furnishing of compensation and benefits for  
12 an injury to a civil defense worker or such civil defense worker's  
13 dependents is dependent upon there having been a reserve set up for the  
14 payment or furnishing of compensation and benefits to such civil defense  
15 worker or such civil defense worker's dependents for that injury, and  
16 liability is limited to the amount of the reserve. The excess in a reserve for  
17 the payment or furnishing of compensation and benefits or for  
18 reimbursing ~~Pinnacol Assurance~~ THE ADJUSTING AGENT for its services  
19 may be transferred to reserves of other civil defense workers for the  
20 payment or furnishing of compensation and benefits and reimbursing the  
21 ~~Pinnacol Assurance~~ THE ADJUSTING AGENT fund or may be used to set up  
22 reserves for other civil defense workers.

23 **24-33.5-808. [Formerly 24-32-2208] Workers' compensation**  
24 **law applies.** Insofar as not inconsistent with the provisions of this ~~part 22~~  
25 PART 8, all of the provisions of the "Workers' Compensation Act of  
26 Colorado" shall apply APPLIES to civil defense workers and their  
27 dependents and to the furnishing of compensation and medical, dental,

1 and funeral benefits to them or their dependents. "Employee", as used in  
2 said act, includes a civil defense worker when liability for the furnishing  
3 of the compensation and benefits exists pursuant to the provisions of this  
4 part 22 PART 8 and as limited by the provisions of this part 22 PART 8.  
5 Where liability for compensation and benefits exists, such compensation  
6 and benefits shall be provided in accordance with the applicable  
7 provisions of the "Workers' Compensation Act of Colorado" and at the  
8 maximum rate provided therein, subject to the limitations set forth in this  
9 part 22 PART 8.

10 **24-33.5-809. [Formerly 24-32-2209] Agreement for disposition**  
11 **of claims. The division OFFICE of emergency management and Pinnacol**  
12 **Assurance THE ADJUSTING AGENT shall enter into an agreement requiring**  
13 **Pinnacol Assurance, as THE adjusting agent to adjust and dispose of**  
14 **claims and furnish compensation to civil defense workers and their**  
15 **dependents. The agreement shall authorize Pinnacol Assurance THE**  
16 **ADJUSTING AGENT to make all expenditures, including payments to**  
17 **claimants for compensation or for the adjustment or settlement of claims.**  
18 **Nothing in this part 22 shall be construed to mean PART 8 MEANS that**  
19 **Pinnacol Assurance THE ADJUSTING AGENT or its officers or agents have**  
20 **the final decision with respect to the compensability of any case or the**  
21 **amount of compensation or benefits due. Any civil defense worker or**  
22 **such civil defense worker's dependents shall have the same right to**  
23 **hearings before the division of labor in the department of labor and**  
24 **employment and its referees and to appeal from awards of said division**  
25 **and referees to the industrial claim appeals panel and to the courts as is**  
26 **provided in the hearing and review procedures of the "Workers'**  
27 **Compensation Act of Colorado" found in article 43 of title 8, C.R.S.,**

1 subject to the limitations prescribed in this ~~part 22~~ PART 8.

2 **24-33.5-810. [Formerly 24-32-2210] Reimbursement of fund.**

3 The agreement ENTERED INTO PURSUANT TO SECTION 24-33.5-809 shall  
4 provide that ~~Pinnacol Assurance~~ THE ADJUSTING AGENT shall be  
5 reimbursed for ~~the~~ ITS expenditures made as adjusting agent and for the  
6 cost of services rendered, which reimbursement shall be made out of  
7 moneys appropriated for the purpose of furnishing compensation to civil  
8 defense workers. The reimbursement for cost of services rendered shall  
9 not exceed twelve and one-half percent of the total expenditures for  
10 medical and dental treatment and disability and death payments made by  
11 ~~Pinnacol Assurance~~ THE ADJUSTING AGENT in the adjustment of claims  
12 arising under this ~~part 22~~ PART 8. The agreement shall provide for the  
13 setting up of bookkeeping reserves in order that provisions may be made  
14 for the reimbursement of ~~Pinnacol Assurance~~ THE ADJUSTING AGENT and  
15 that liability for the payment or furnishing of compensation may be  
16 determined. The agreement shall also provide that ~~Pinnacol Assurance~~  
17 THE ADJUSTING AGENT shall be notified promptly by the ~~division~~ OFFICE  
18 of emergency management when a local organization for civil defense is  
19 certified as an accredited local organization for civil defense and when  
20 the certification is revoked.

21 **24-33.5-811. [Formerly 24-32-2211] Parties to agreement. An**  
22 accredited local organization for civil defense and the county, town, or  
23 city which has empowered the local organization for civil defense to  
24 register and direct activities of civil defense workers automatically  
25 become parties to the agreement ENTERED INTO PURSUANT TO SECTION  
26 24-33.5-809 upon the local organization for civil defense becoming an  
27 accredited local organization for civil defense.

1           **24-33.5-812. [Formerly 24-32-2212] Other provisions of**  
2 **agreement.** The agreement ENTERED INTO PURSUANT TO SECTION  
3 24-33.5-809 may also contain any other provision not inconsistent with  
4 this ~~part 22~~ PART 8 deemed necessary by the ~~division~~ OFFICE of  
5 emergency management and ~~Pinnacol Assurance~~ THE ADJUSTING AGENT  
6 for the furnishing of compensation to civil defense workers and their  
7 dependents in accordance with the provisions of this ~~part 22~~ PART 8 and  
8 the ~~servicing by Pinnacol Assurance as adjusting agent~~ SERVICES PROVIDED  
9 BY THE ADJUSTING AGENT. The agreement may be modified by action of  
10 the ~~division~~ OFFICE of emergency management and ~~Pinnacol Assurance~~  
11 THE ADJUSTING AGENT.

12           **24-33.5-813. [Formerly 24-32-2213] Power of recovery - use of**  
13 **recovered amounts.** ~~Pinnacol Assurance~~ THE ADJUSTING AGENT may, in  
14 its own name or in the name of the ~~division~~ OFFICE of emergency  
15 management, or both, do any and all things necessary to recover on behalf  
16 of the ~~division~~ OFFICE of emergency management any and all amounts  
17 that an employer or insurance carrier might recover under the provisions  
18 of section 8-41-203, C.R.S. All amounts so recovered shall be used for  
19 the furnishing of compensation benefits, and the agreement ENTERED INTO  
20 PURSUANT TO SECTION 24-33.5-809 shall provide for the reimbursing of  
21 the ~~Pinnacol Assurance fund~~ THE ADJUSTING AGENT for expenses incurred  
22 in recovering such amounts and the manner in which such amounts shall  
23 be applied to the furnishing of compensation.

24           **24-33.5-814. [Formerly 24-32-2214] Federal benefits deducted.**  
25 Should the United States government or any agent thereof, in accordance  
26 with any federal statute or rule or regulation, furnish monetary assistance,  
27 benefits, or other temporary or permanent relief to civil defense workers

1 or their dependents for injuries arising out of and occurring in the course  
2 of their activities as civil defense workers, the amount of compensation  
3 which any civil defense worker or such civil defense worker's dependents  
4 are otherwise entitled to receive from the state of Colorado as provided  
5 in this ~~part 22~~ PART 8 shall be reduced by the amount of monetary  
6 assistance, benefits, or other temporary or permanent relief such civil  
7 defense worker or such civil defense worker's dependents have received  
8 and will receive from the United States or any agent thereof as a result of  
9 the injury.

10 **24-33.5-815. [Formerly 24-32-2215] State medical aid denied**  
11 **- when.** If, in addition to monetary assistance, benefits, or other  
12 temporary or permanent relief, the United States government or any agent  
13 thereof furnishes medical, surgical, or hospital treatment or any  
14 combination thereof to an injured civil defense worker, such civil defense  
15 worker has no right to receive similar medical, surgical, or hospital  
16 treatment as provided in this ~~part 22~~ PART 8; except that Pinnacle  
17 **Assurance THE ADJUSTING AGENT, as adjusting agent of the division**  
18 **OFFICE of emergency management, may furnish medical, surgical, or**  
19 **hospital treatment as part of the compensation provided under the**  
20 **provisions of this ~~part 22~~ PART 8.**

21 **24-33.5-816. [Formerly 24-32-2216] Medical benefits as part of**  
22 **compensation.** If, in addition to monetary assistance, benefits, or other  
23 temporary or permanent relief, the United States government or any agent  
24 thereof will reimburse a civil defense worker or such civil defense  
25 worker's dependents for medical, surgical, or hospital treatment or any  
26 combination thereof furnished to such injured civil defense worker, the  
27 civil defense worker has no right to receive similar medical, surgical, or

1 hospital treatment as provided in this ~~part 22~~ PART 8; except that ~~Pinnacol~~  
2 Assurance THE ADJUSTING AGENT, as adjusting agent of the division  
3 OFFICE of emergency management, may furnish medical, surgical, or  
4 hospital treatment as part of the compensation provided under the  
5 provisions of this ~~part 22~~ PART 8 and apply to the United States  
6 government or its agent for the reimbursement that will be made to the  
7 civil defense worker or such civil defense worker's dependents. As a  
8 condition to the furnishing of such medical, surgical, or hospital  
9 treatment, ~~Pinnacol Assurance~~ THE ADJUSTING AGENT shall require the  
10 civil defense worker and such civil defense worker's dependents to assign  
11 to the state of Colorado, for the purpose of reimbursing for any medical,  
12 surgical, or hospital treatment furnished or to be furnished by the state,  
13 any privilege or right the civil defense worker or such civil defense  
14 worker's dependents may have to reimbursement from the United States  
15 government or any agent thereof.

16 **24-33.5-817. [Formerly 24-32-2217] State benefits barred -**  
17 **when. If the furnishing of compensation under the provisions of this part**  
18 **22 PART 8 and the acts referred to in this ~~part 22~~ PART 8 to a civil defense**  
19 **worker or such civil defense worker's dependents prevents such civil**  
20 **defense worker or such civil defense worker's dependents from receiving**  
21 **assistance, benefits, or other temporary or permanent relief under the**  
22 **provisions of a federal statute or rule or regulation, the civil defense**  
23 **worker and such civil defense worker's dependents have no right to and**  
24 **shall not receive any compensation from the state of Colorado under the**  
25 **provisions of this ~~part 22~~ PART 8 and the acts referred to in this ~~part 22~~**  
26 **PART 8 for any injury for which the United States government or any**  
27 **agent thereof will furnish assistance, benefits, or other temporary or**

1 permanent relief in the absence of the furnishing of compensation by the  
2 state of Colorado.

3 **24-33.5-818. [Formerly 24-32-2218] Classes of workers -**  
4 **registration - duties.** The division of HOMELAND SECURITY AND  
5 emergency management shall establish by rule and regulation various  
6 classes of civil defense workers and the scope of the duties of each class.  
7 The division of HOMELAND SECURITY AND emergency management shall  
8 also adopt rules and regulations prescribing the manner in which civil  
9 defense workers of each class are to be registered. All such rules and  
10 regulations shall be designed to facilitate the paying of workers'  
11 compensation.

12 **24-33.5-819. [Formerly 24-32-2219] Accrediting local**  
13 **organization.** Any local organization for civil defense that both agrees  
14 to follow the rules and regulations established by the division of  
15 HOMELAND SECURITY AND emergency management pursuant to the  
16 provisions of this part 22 PART 8 and substantially complies with such  
17 rules and regulations shall be certified by the division of HOMELAND  
18 SECURITY AND emergency management. Upon making the certification,  
19 not before, the local organization for civil defense becomes an accredited  
20 local organization for civil defense.

21 **24-33.5-820. [Formerly 24-32-2220] Accredited status lost -**  
22 **when.** If an accredited local organization for civil defense fails to comply  
23 with the rules and regulations of the division of HOMELAND SECURITY  
24 AND emergency management in any material degree, the division of  
25 HOMELAND SECURITY AND emergency management may revoke the  
26 certification, and upon the act of revocation the local organization for  
27 civil defense shall lose its accredited status. It may again become an

1 accredited local organization for civil defense in the same manner as is  
2 provided for a local organization for civil defense that has not had its  
3 certificate revoked.

4 **24-33.5-821. [Formerly 24-32-2221] Transfer of moneys.** Not  
5 less often than once each ninety days, the treasurer of the state of  
6 Colorado, upon the written request of ~~Pinnacol Assurance~~ THE ADJUSTING  
7 AGENT, shall transfer to the account of ~~Pinnacol Assurance~~ DESIGNATED  
8 BY THE ADJUSTING AGENT, from the sum appropriated by the general  
9 assembly for the payment of claims that may arise under this part 22 PART  
10 8, such sum as may be required to reimburse ~~Pinnacol Assurance~~ THE  
11 ADJUSTING AGENT in full for any sum theretofore paid by ~~Pinnacol~~  
12 ~~Assurance~~ THE ADJUSTING AGENT on any claims arising under the  
13 provisions of this part 22 PART 8, together with any expense incurred by  
14 ~~Pinnacol Assurance~~ THE ADJUSTING AGENT in adjusting THE same as  
15 provided in this part 22 PART 8, and such amount as may be estimated by  
16 ~~Pinnacol Assurance~~ THE ADJUSTING AGENT as being necessary to carry  
17 said claims to maturity and ensure the full payment thereof. The requests  
18 of ~~Pinnacol Assurance~~ THE ADJUSTING AGENT from time to time for the  
19 transfer of moneys as provided in this section shall cite this part 22 PART  
20 8 as authority for such transfer and shall be made upon such form as the  
21 treasurer of the state of Colorado and the controller may prescribe or, in  
22 the absence of the prescribing of special forms, upon a voucher citing this  
23 part 22 PART 8 as authority.

24 **24-33.5-822. [Formerly 24-32-2222] County sheriff - local**  
25 **government - local emergency planning committee - memorandum of**  
26 **understanding with volunteer organizations.** (1) Any county sheriff,  
27 the director of any local government, any local emergency planning



1 committee, or any state agency may develop and enter into a  
2 memorandum of understanding with one or more volunteer organizations  
3 to assist the county sheriff, local government, local emergency planning  
4 committee, or state agency in providing services in the event of a disaster.

5 (2) A memorandum of understanding between a county sheriff, a  
6 local government, a local emergency planning committee, or a state  
7 agency and a volunteer organization may include the following  
8 information:

9 (a) The circumstances under which the county sheriff, local  
10 government, local emergency planning committee, or state agency may  
11 request the services of the volunteer organization in a disaster;

12 (b) The circumstances under which the volunteer organization  
13 may accept or refuse the request for assistance by the county sheriff, local  
14 government, local emergency planning committee, or state agency in a  
15 disaster;

16 (c) The party that will be responsible for any costs incurred by the  
17 volunteer organization in the course of assisting the county sheriff, local  
18 government, local emergency planning committee, or state agency in a  
19 disaster;

20 (d) The specific training or certification required for volunteers  
21 who are members of the volunteer organization to be authorized to assist  
22 the county sheriff, local government, local emergency planning  
23 committee, or state agency in a disaster;

24 (e) The duration of the memorandum of understanding;

25 (f) Provisions for amending the memorandum of understanding;

26 and

27 (g) Any other information deemed necessary by the county sheriff,

1 local government, local emergency planning committee, or state agency  
2 or by the volunteer organization.

3 (3) If national or statewide training and certification standards  
4 exist for a certain organization or certain type of volunteer, the existing  
5 standards shall be used in a memorandum of understanding created  
6 pursuant to this section.

7 (4) The most current version of the state of Colorado  
8 intergovernmental agreement for emergency management may be used as  
9 the memorandum of understanding pursuant to this section.

10 **24-33.5-823. [Formerly 24-32-2223] Qualified volunteer**  
11 **organization list - creation - nomination of organizations.** (1) Any  
12 volunteer who is associated with a qualified volunteer organization  
13 pursuant to this section may be eligible to receive the protections and  
14 benefits specified in this ~~part 22~~ PART 8 and in article 10 of this title. The  
15 executive director of the department or the executive director's designee  
16 shall create and maintain a list of volunteer organizations that shall be  
17 known as the "qualified volunteer organization list".

18 (2) Any county sheriff, local government, local emergency  
19 planning committee, or state agency may nominate a volunteer  
20 organization with which it enters into a memorandum of understanding  
21 pursuant to ~~section 24-32-2222~~ SECTION 24-33.5-822 to be included on  
22 the qualified volunteer organization list created and maintained pursuant  
23 to subsection (1) of this section.

24 **24-33.5-824. [Formerly 24-32-2224] Volunteers - provision of**  
25 **emergency services - protections - benefits.** (1) A volunteer shall be  
26 allowed to receive the benefits and protections specified in this ~~part 22~~  
27 PART 8 and pursuant to article 10 of this title if the volunteer is

1 determined to be a qualified volunteer pursuant to this section. A  
2 volunteer shall be deemed a qualified volunteer if:

3 (a) The volunteer is a member of a volunteer organization that  
4 enters into a memorandum of understanding with a county sheriff, local  
5 government, local emergency planning committee, or state agency  
6 pursuant to ~~section 24-32-2222~~ SECTION 24-33.5-822;

7 (b) The volunteer organization of which the volunteer is a member  
8 is included on the qualified volunteer organization list created and  
9 maintained by the department pursuant to ~~section 24-32-2223~~ SECTION  
10 24-33.5-823;

11 (c) The volunteer is called to service through the volunteer  
12 organization under the authority of the county sheriff, local government,  
13 local emergency planning committee, or state agency to volunteer in a  
14 disaster; and

15 (d) The volunteer receives the appropriate verification pursuant  
16 to subsection (2) of this section.

17 (2) The executive director of the department or the executive  
18 director's designee shall create a system whereby a volunteer may obtain  
19 proof to provide to his or her employer that specifies:

20 (a) The volunteer was called to service by a volunteer organization  
21 for the purpose of assisting in a disaster;

22 (b) The volunteer reported for service and performed the activities  
23 required of him or her by the volunteer organization; and

24 (c) The number of days of service that the volunteer provided.

25 **24-33.5-825. [Formerly 24-32-2225] Qualified volunteers -**  
26 **leave of absence - public employees.** (1) Any qualified volunteer who  
27 is an officer or employee of the state or of any political subdivision,

1 municipal corporation, or other public agency of the state and who is  
2 called into service by a volunteer organization is entitled to a leave of  
3 absence from the qualified volunteer's employment for the time when the  
4 qualified volunteer is serving, without loss of pay, seniority, status,  
5 efficiency rating, vacation, sick leave, or other benefits. The leave without  
6 loss of pay that is allowed pursuant to this section shall not exceed a total  
7 of fifteen work days in any calendar year; except that such leave without  
8 loss of pay shall be allowed only if the required volunteer service is  
9 satisfactorily performed, which shall be presumed unless the contrary is  
10 established.

11 (2) The leave allowed pursuant to subsection (1) of this section  
12 shall be allowed only if the qualified volunteer returns to his or her public  
13 position the next scheduled work day after being relieved from emergency  
14 volunteer service; except that leave shall be allowed pursuant to  
15 subsection (1) of this section if the employee is unable to return to work  
16 due to injury or circumstances beyond the employee's control and the  
17 employee notifies the employer as soon as practicable, but prior to the  
18 next scheduled work day.

19 (3) A state agency or any political subdivision, municipal  
20 corporation, or other public agency of the state may hire a temporary  
21 employee to fill a vacancy created by a leave of absence allowed pursuant  
22 to subsection (1) of this section.

23 (4) Upon returning from a leave of absence allowed pursuant to  
24 this section, a qualified volunteer is entitled to return to the same position  
25 and classification held by the qualified volunteer before the leave of  
26 absence for the emergency volunteer service or to the position, including  
27 the geographic location of the position, and classification that the

1 qualified volunteer would have been entitled to if the qualified volunteer  
2 did not take a leave of absence for the emergency volunteer service.

3 (5) A qualified volunteer who is an officer or employee of the  
4 state or of any political subdivision, municipal corporation, or other  
5 public agency of the state, receiving a leave of absence pursuant to this  
6 section, and having rights in any state, municipal, or other public pension,  
7 retirement, or relief system shall retain all of the rights accrued up to the  
8 time of taking the leave and shall have all rights subsequently accruing  
9 under such system as if the qualified volunteer did not take the leave. Any  
10 increase in the amount of money benefits accruing with respect to the  
11 time of the leave is dependent upon the payment of any contributions or  
12 assessments, and the right to the increase is dependent upon the payment  
13 of contributions or assessments within a reasonable time after the  
14 termination of the leave and upon such terms as the authorities in charge  
15 of the system may prescribe.

16 (6) Notwithstanding the provisions of this section, an employer  
17 shall not be required to provide leave pursuant to this section to more than  
18 twenty percent of the employer's employees on any work day.

19 (7) Notwithstanding the provisions of this section, an employer  
20 shall not be required to allow leave pursuant to this section for any  
21 employee designated as an essential employee. For the purposes of this  
22 subsection (7), "essential employee" means an employee who the  
23 employer deems to be essential to the operation of the employer's daily  
24 enterprise and whose absence would likely cause the employer to suffer  
25 economic injury.

26 **24-33.5-826. [Formerly 24-32-2226] Qualified volunteers -**  
27 **leave of absence - private employees. (1) Any qualified volunteer who**

1 is employed by a private employer and who is called into service by a  
2 volunteer organization for a disaster is entitled to a leave of absence from  
3 the qualified volunteer's employment, other than employment of a  
4 temporary nature, for the time when the qualified volunteer is serving.  
5 The leave allowed for a qualified volunteer pursuant to this section shall  
6 not exceed a total of fifteen work days in any calendar year, and the leave  
7 shall be allowed only if the volunteer is called into service for a disaster  
8 and provides proof that he or she is a qualified volunteer pursuant to  
9 section 24-32-2224 (2) SECTION 24-33.5-824 (2).

10 (2) The leave of absence allowed pursuant to this section shall be  
11 construed as an absence with leave and without pay and shall not affect  
12 the qualified volunteer's rights to vacation, sick leave, bonus,  
13 advancement, or other employment benefits or advantages relating to and  
14 normally to be expected for the qualified volunteer's particular  
15 employment.

16 (3) The leave of absence pursuant to subsection (1) of this section  
17 shall be allowed only if the qualified volunteer returns to his or her  
18 employment as soon as practicable after being relieved from emergency  
19 volunteer service.

20 (4) The employer of a qualified volunteer who takes a leave of  
21 absence from employment to engage in emergency volunteer service  
22 shall, upon the qualified volunteer's completion of the emergency  
23 volunteer service, restore the qualified volunteer to the position the  
24 volunteer held prior to the leave of absence or to a similar position.

25 (5) Notwithstanding the provisions of this section, an employer  
26 shall not be required to provide leave pursuant to this section to more than  
27 twenty percent of the employer's employees on any work day.

1           (6) Notwithstanding the provisions of this section, an employer  
2 shall not be required to allow leave pursuant to this section for any  
3 employee designated as an essential employee. For the purposes of this  
4 subsection (6), "essential employee" means an employee who the  
5 employer deems to be essential to the operation of the employer's daily  
6 enterprise, whose absence would likely cause the employer to suffer  
7 economic injury, or whose duties include assisting in disaster recovery for  
8 the employer.

9           **24-33.5-827. [Formerly 24-32-2227] Procedures.** (1) The  
10 department OFFICE OF EMERGENCY MANAGEMENT shall create procedures  
11 for the administration of this ~~part 22~~ PART 8. The procedures shall  
12 include: but need not be limited to, the following:

13           (a) A process for a county sheriff, local government, local  
14 emergency planning committee, or state agency to nominate a volunteer  
15 organization to be included on the qualified volunteer organization list  
16 pursuant to ~~section 24-32-2223 (2)~~ SECTION 24-33.5-823; and

17           (b) A process to verify that a qualified volunteer provided  
18 volunteer services during a disaster and a method to allow the volunteer  
19 to provide proof of such service to his or her employer pursuant to ~~section~~  
20 ~~24-32-2224 (2)~~ SECTION 24-33.5-824 (2).

21           **24-33.5-828. [Formerly 24-32-2228] Interpretation.** (1) Nothing  
22 in this ~~part 22~~ shall be construed to amend, suspend, supercede PART 8  
23 AMENDS, SUSPENDS, SUPERCEDES, or otherwise ~~modify~~ MODIFIES the  
24 protections provided to volunteer firefighters pursuant to ~~section~~  
25 ~~31-30-1131, C.R.S.~~

26           (2) Nothing in this ~~part 22~~ shall be construed to affect PART 8  
27 AFFECTS any preexisting intergovernmental agreement regarding

1 emergency management or any other issue.

2 PART 9

3 CIVIL DEFENSE LIABILITY - PUBLIC OR PRIVATE

4 24-33.5-901. [Formerly 24-32-2301] Short title. This part 23  
5 PART 9 shall be known and may be cited as the "Civil Defense Liability  
6 Act".

7 24-33.5-902. [Formerly 24-32-2302] Legislative declaration - no  
8 private liability. (1) It is declared to be the policy of the general  
9 assembly to encourage the owners of any building, mine, structure, or  
10 other real estate to make such property available, without compensation,  
11 for civil defense, and for that purpose this section is enacted.

12 (2) No person, limited liability company, partnership, corporation,  
13 or association shall be civilly liable, except for willful and wanton acts,  
14 for the death or injury of any person or the injury to or loss of any  
15 property which may occur in or on the property of such person, limited  
16 liability company, partnership, corporation, or association resulting from  
17 any preparation, drill, exercise, use in an official alert, or inspection  
18 incidental to a civil defense activity. This exemption from liability  
19 extends to any owner, tenant, lessee, assignee, or successor in interest of  
20 any property used for civil defense purposes, together with his or her  
21 personal representatives, heirs, successors, and assigns.

22 24-33.5-903. [Formerly 24-32-2303] State liability. All legal  
23 liabilities for damages, not only to property under the provisions of the  
24 constitution of the state of Colorado but also for death or injury to any  
25 person, except a civil defense worker regularly enrolled and acting as  
26 such, caused by acts done or attempted under the color of the "Colorado  
27 Disaster Emergency Act", of 1992", part 21 PART 7 of this article, in a



1 bona fide attempt to comply therewith, shall be the obligation of the state  
2 of Colorado. Permission is given for suits against the state for recovery  
3 of compensation in that behalf, and for the indemnification of any person  
4 appointed and regularly enrolled as a civilian defense worker while  
5 actually engaged in civil defense duties or as a member of any agency of  
6 the state or political subdivision thereof engaged in civilian defense  
7 activity, or such person's dependents, as an aspect of damage done to such  
8 person's private property, or judgment against such person for acts done  
9 in good faith attempts in compliance with this ~~part 23~~ PART 9. The  
10 foregoing shall not be construed to result in indemnification in any case  
11 of willful misconduct, gross negligence, or bad faith on the part of any  
12 agent of civilian defense. Should the United States government or any  
13 agency thereof, in accordance with any federal statute, rule, or regulation,  
14 provide for the payment of damages to property or for death or injury as  
15 provided for in this section, then and in that event, there shall be no  
16 liability or obligation whatsoever upon the part of the state of Colorado  
17 for any such damage, death, or injury for which the United States  
18 government assumes liability.

19 **24-33.5-904. [Formerly 24-32-2304] Recovery for personal**  
20 **injury.** (1) Recovery for the injury or death of persons appointed and  
21 regularly enrolled in a civil defense organization as contemplated by the  
22 "Colorado Disaster Emergency Act", of 1992", ~~part 21~~ PART 7 of this  
23 article, while actually engaged in civil defense duties shall be limited to  
24 the provisions of the "Workers' Compensation Act of Colorado", articles  
25 40 to 47 of title 8, C.R.S. If such persons are regularly employed by the  
26 state of Colorado or its political subdivisions, and, if such persons are  
27 volunteer civil defense workers, shall be limited as otherwise provided by

1 statute.

2 (2) The provisions of Subsection (1) of this section shall not affect  
3 the right of any person to receive benefits or compensation to which such  
4 person might be entitled under any workers' compensation or pension law  
5 or any act of congress.

6 PART 10

7 EVACUATION OF SCHOOL

8 BUILDINGS FOR CIVIL DEFENSE

9 **24-33.5-1001. [Formerly 24-32-2401] Evacuation plan**  
10 **agreements.** Any board of education of any school district in the state of  
11 Colorado may enter into an agreement with the appropriate local civil  
12 defense agency or authorities for the purpose of establishing an orderly  
13 plan for the evacuation of any or all school buildings within the  
14 jurisdiction of said school district.

15 **24-33.5-1002. [Formerly 24-32-2402] Evacuation drill - district**  
16 **liability.** In the event that such school district and the respective local  
17 civil defense agency or authorities desire to perform an evacuation drill  
18 for any or all school buildings, the board of education of such school  
19 district and its officers, employees, and agents participating therein shall  
20 be relieved of all liability, except as otherwise provided by article 10 of  
21 this title, with regard to the accidental injury of any pupil during school  
22 hours from the time that the pupil leaves the school building until such  
23 pupil's return to the building at the conclusion of the evacuation drill.

24 **24-33.5-1003. [Formerly 24-32-2403] Buses used.** For drill or  
25 other evacuation purposes as described in this ~~part 24~~ PART 10, buses and  
26 such other modes of transport as are operated by the respective school  
27 district for the transportation of pupils may be operated by the district

1 outside the boundaries of the district.

2 **24-33.5-1004. [Formerly 24-32-2404] Liability insurance.** For  
3 purposes of this part 24 PART 10, a school district may expend available  
4 funds to utilize the services of its employees or properties and may, if the  
5 board of education so desires, pay premiums from available funds to  
6 procure liability and property damage insurance covering such district, its  
7 governing body, officers, and employees, and, if deemed necessary or  
8 desirable, volunteer workers while participating in such civil defense  
9 activity, but there shall be no right of contribution on the part of such  
10 district to the insurance carrier.

11 **24-33.5-1005. [Formerly 24-32-2405] Extraterritorial powers.**  
12 When the officers, employees, or agents of any school district  
13 participating in any civil defense exercise in connection with the  
14 provisions of this part 24 PART 10 are required to go beyond the territorial  
15 limits of such political subdivision, such persons shall nevertheless have  
16 the same powers, duties, rights, privileges, and immunities while beyond  
17 the territorial limits of the school district as if they were performing their  
18 duties within the territorial limits of such district.

19 PART 11

20 DISASTER RELIEF

21 **24-33.5-1101. [Formerly 24-32-2501] Power to make rules.** The  
22 governor is authorized to make rules and regulations necessary to carry  
23 out the purposes of this part 25 PART 11, including but not limited to,  
24 standards of eligibility for persons applying for benefits; procedures for  
25 applying and administration; methods of investigating, filing, and  
26 approving applications; and formation of local or statewide boards to pass  
27 upon applications and procedures for appeal.

1           **24-33.5-1102. [Formerly 24-32-2502] Emergency relief.** (1) In  
2           an emergency, the governor may provide assistance to save lives and to  
3           protect property and public health and safety.

4           (2) The governor may provide such emergency assistance by  
5           directing state agencies to provide technical assistance and advisory  
6           personnel to the affected state and local governments in giving:

7           (a) Aid in the performance of essential community services,  
8           warning of further risks and hazards, public information and assistance  
9           in health and safety measures, technical advice on management and  
10           control, and reduction of immediate threats to public health and safety;  
11           and

12           (b) Assistance in the distribution of medicine, food, and other  
13           consumable supplies or emergency assistance.

14           (3) In addition, in any emergency, the governor is authorized to  
15           provide such other assistance under this part 25 PART 11 as the governor  
16           deems appropriate.

17           **24-33.5-1103. [Formerly 24-32-2503] False claims - penalties.**  
18           Any person who fraudulently or willfully makes a misstatement of fact in  
19           connection with an application for financial assistance under this part 25  
20           PART 11 and who thereby receives assistance to which such person is not  
21           entitled commits a class 6 felony and shall be punished as provided in  
22           section 18-1.3-401, C.R.S.

23           **24-33.5-1104. [Formerly 24-32-2504] Temporary housing for**  
24           **disaster victims.** (1) Whenever the governor has proclaimed a disaster  
25           emergency under the laws of this state or the president of the United  
26           States has declared an emergency or a major disaster to exist in this state,  
27           the governor is authorized:

1           (a) To enter into purchase, lease, or other arrangements with any  
2 agency of the United States for temporary housing units to be occupied  
3 by disaster victims and to make such units available to any political  
4 subdivision of the state;

5           (b) To assist any political subdivision of the state which is the  
6 locus of temporary housing for disaster victims to acquire sites necessary  
7 for such temporary housing and to do all things required to prepare such  
8 sites to receive and utilize temporary housing units by:

9           (I) Advancing or lending funds available to the governor from any  
10 appropriation made by the general assembly or from any other source;

11           (II) Passing through funds made available by any agency, public  
12 or private; or

13           (III) Becoming a copartner with the political subdivision for the  
14 execution and performance of any temporary housing project for disaster  
15 victims; and

16           (c) Under such ~~regulations~~ RULES as the governor shall prescribe,  
17 to temporarily suspend or modify for not to exceed sixty days any public  
18 health, safety, zoning, transportation within or across the state, or other  
19 requirement of law or regulation within this state when by proclamation  
20 the governor deems such suspension or modification essential to provide  
21 temporary housing for disaster victims.

22           (2) Any political subdivision of the state is expressly authorized  
23 to acquire, temporarily or permanently, by purchase, lease, or otherwise,  
24 sites required for installation of temporary housing units for disaster  
25 victims and to enter into whatever arrangements, including purchase of  
26 temporary housing units and payment of transportation charges, which are  
27 necessary to prepare or equip such sites to utilize the housing units.

1           **24-33.5-1105. [Formerly 24-32-2505] Debris removal.**

2           (1) Whenever the governor has declared a disaster emergency to exist  
3           under the laws of this state or the president of the United States, at the  
4           request of the governor, has declared a major disaster or emergency to  
5           exist in this state, the governor is authorized:

6           (a) Notwithstanding any other provision of the law, through the  
7           use of state departments or agencies or the use of any of the state's  
8           instrumentalities, to clear or remove from publicly or privately owned  
9           land or water debris and wreckage which may threaten public health or  
10           safety or public or private property; and

11           (b) To accept funds from the federal government and to utilize  
12           such funds to make grants to any local government for the purpose of  
13           removing debris or wreckage from publicly or privately owned land or  
14           water.

15           (2) Authority under this part 25 PART 11 shall not be exercised  
16           unless the affected local government, corporation, organization, or  
17           individual first presents an unconditional authorization for removal of  
18           such debris or wreckage from public or private property and, in the case  
19           of removal of debris or wreckage from private property, first agrees to  
20           indemnify the state government against any claim arising from such  
21           removal.

22           (3) Whenever the governor provides for clearance of debris or  
23           wreckage pursuant to subsections (1) and (2) of this section, employees  
24           of the designated state agencies or individuals appointed by the state are  
25           authorized to enter upon private land or water and perform any tasks  
26           necessary to removal or clearance operations.

27           **24-33.5-1106. [Formerly 24-32-2506] Grants to individuals.**

1 (1) Whenever the president of the United States, at the request of the  
2 governor, has declared a major disaster to exist in this state, the governor  
3 is authorized, upon the governor's determination that financial assistance  
4 is essential to meet disaster-related necessary expenses or serious needs  
5 of individuals or families adversely affected by a major disaster which  
6 cannot be otherwise adequately met from other means of assistance, to  
7 accept a grant from the federal government to fund such financial  
8 assistance, subject to such terms and conditions as may be imposed upon  
9 the grant.

10 (2) Notwithstanding any other provision of law or regulation  
11 RULE, the governor is authorized to make financial grants to meet  
12 disaster-related necessary expenses or serious needs of individuals or  
13 families adversely affected by a major disaster which cannot otherwise  
14 adequately be met from other means of assistance, which grants shall not  
15 exceed five thousand dollars in the aggregate to an individual or family  
16 in any single major disaster declared by the president.

17 **24-33.5-1107. [Formerly 24-32-2507] Community loans.**

18 (1) Whenever, at the request of the governor, the president of the United  
19 States has declared a major disaster to exist in this state, the governor is  
20 authorized:

21 (a) Upon the governor's determination that a local government of  
22 the state will suffer a substantial loss of tax and other revenues from a  
23 major disaster and has demonstrated a need for financial assistance to  
24 perform its governmental functions, to apply to the federal government,  
25 on behalf of the local government, for a loan and to receive and disburse  
26 the proceeds of any approved loan to any local government making  
27 application therefor;

1           (b) To determine the amount needed by any local government  
2 making application therefor to restore or resume its governmental  
3 functions and to certify the same to the federal government; except that  
4 no application shall exceed twenty-five percent of the annual operating  
5 budget of the applicant for the fiscal year in which the major disaster  
6 occurs; and

7           (c) To recommend to the federal government, based upon the  
8 governor's review, the cancellation of all or any part of repayment when,  
9 in the first period of three full fiscal years following the major disaster,  
10 the revenues of the local government are insufficient to meet its operating  
11 expenses, including additional disaster-related expenses of a municipal  
12 character.

13           **24-33.5-1108. [Formerly 24-32-2508] Bar against suits.** Except  
14 in cases of willful misconduct, gross negligence, or bad faith, any state  
15 employee or agent complying with orders of the governor and performing  
16 duties pursuant thereto under this part 25 PART 11 shall not be liable for  
17 death of or injury to persons or damage to property.

18           **24-33.5-1109. [Formerly 24-32-2509] Interstate compacts.** The  
19 governor is authorized to enter into interstate compacts for prevention of  
20 disasters and for carrying out the purposes of this part 25 PART 11.

21           **SECTION 11.** In Colorado Revised Statutes, 24-33.5-1201,  
22 amend (1) and (3) (b); repeal (3) (c) and (3) (d); and add (4) as follows:

23           **24-33.5-1201. Division of fire prevention and control -**  
24 creation. (1) (a) ~~There is hereby created within the office of~~  
25 ~~preparedness, security, and fire safety~~ the DEPARTMENT THE division of  
26 fire ~~safety~~ PREVENTION AND CONTROL, referred to in this part 12 as the  
27 "division". The head of the division ~~shall be~~ IS the director of the division



1 of fire ~~safety~~ PREVENTION AND CONTROL, referred to in this part 12 as the  
2 "director". ~~who shall be appointed by~~ The executive director SHALL  
3 APPOINT THE DIRECTOR pursuant to section 13 of article XII of the state  
4 constitution. THE EXECUTIVE DIRECTOR SHALL APPOINT ONLY THOSE  
5 PERSONS MEETING THE QUALIFICATIONS DESCRIBED IN PARAGRAPH (b) OF  
6 THIS SUBSECTION (1).

7 (b) PURSUANT TO THIS PART 12, THE DIRECTOR IS RESPONSIBLE  
8 FOR THE DELIVERY, MANAGEMENT, AND ADMINISTRATION OF FIRE  
9 PROTECTION AND LIFE SAFETY-RELATED CODES AND STANDARDS, FIRE  
10 INVESTIGATIONS, FIRE SAFETY EDUCATION FOR THE PUBLIC, AND FIRE  
11 PREVENTION SERVICES FOR THE STATE. IN ORDER TO BE ELIGIBLE FOR  
12 APPOINTMENT AS DIRECTOR, A PERSON MUST BE QUALIFIED IN BOTH  
13 STRUCTURAL AND WILDLAND FIRE SUPPRESSION, MITIGATION, AND  
14 PREVENTION, HAVE AT LEAST TEN YEARS OF EXPERIENCE IN AN ORGANIZED  
15 CAREER FIRE DEPARTMENT, AND MEET, OR WILL MEET WITHIN ONE YEAR  
16 OF HIRE, THE JOB PERFORMANCE REQUIREMENTS SPECIFIED IN THE  
17 NATIONAL FIRE PROTECTION ASSOCIATION'S STANDARD 1037 AS THE  
18 PROFESSIONAL QUALIFICATIONS FOR FIRE MARSHAL.

19 (b) (I) WHENEVER THE DIVISION OF FIRE SAFETY IS REFERRED TO  
20 OR DESIGNATED BY ANY CONTRACT OR OTHER DOCUMENT, THE REFERENCE  
21 OR DESIGNATION APPLIES TO THE DIVISION OF FIRE PREVENTION AND  
22 CONTROL.

23 (II) (A) WHENEVER ANY LAW REFERS TO THE DIVISION OF FIRE  
24 SAFETY, THAT LAW SHALL BE CONSTRUED AS REFERRING TO THE DIVISION  
25 OF FIRE PREVENTION AND CONTROL.

26 (B) THE REVISOR OF STATUTES IS AUTHORIZED TO CHANGE ALL  
27 REFERENCES IN THE COLORADO REVISED STATUTES TO THE DIVISION OF

1 FIRE SAFETY FROM SUCH REFERENCE TO THE DIVISION OF FIRE PREVENTION  
2 AND CONTROL. IN CONNECTION WITH SUCH AUTHORITY, THE REVISOR OF  
3 STATUTES IS HEREBY AUTHORIZED TO AMEND OR DELETE PROVISIONS OF  
4 THE COLORADO REVISED STATUTES SO AS TO MAKE THE STATUTES  
5 CONSISTENT WITH THE POWERS, DUTIES, AND FUNCTIONS TRANSFERRED  
6 PURSUANT TO THIS ARTICLE.

7 (3) (b) On and after January 1, 2010, all positions of employment  
8 in the public school construction program, concerning the duties specified  
9 in sections 22-32-124 and 23-71-122 (1) (v), C.R.S., in the division of oil  
10 and public safety in the department of labor determined by the director of  
11 the division of fire safety to be necessary to carry out the purposes of the  
12 public school construction and inspection section shall be transferred to  
13 the division of fire safety in the department of public safety and shall  
14 become employment positions therein. The executive director shall  
15 appoint such employees as are necessary to carry out the duties and  
16 exercise the powers specified in sections 22-32-124 and 23-71-122 (1)  
17 (v), C.R.S., and in this part 12. The executive director may delegate  
18 appointing authority as appropriate.

19 (c) On and after January 1, 2010, all employees of the public  
20 school construction program in the division of oil and public safety in the  
21 department of labor carrying out the duties specified in sections  
22 22-32-124 and 23-71-122 (1) (v), C.R.S., shall be considered employees  
23 of the public school construction and inspection section in the division of  
24 fire safety in the department of public safety. Such employees shall retain  
25 all rights under the state personnel system and to retirement benefits  
26 pursuant to the laws of this state, and their services shall be deemed to  
27 have been continuous.

1           (d) On January 1, 2010, all items of property, real and personal,  
2 including office furniture and fixtures, books, documents, and records of  
3 the public school construction program in the division of oil and public  
4 safety in the department of labor used in carrying out the duties of the  
5 public school construction program are transferred to the public school  
6 construction and inspection section in the division of fire safety in the  
7 department of public safety and shall become the property thereof.

8           (4) (a) (I) EFFECTIVE JULY 1, 2012, THE DIVISION OF FIRE  
9 PREVENTION AND CONTROL SHALL EXECUTE, ADMINISTER, PERFORM, AND  
10 ENFORCE THE RIGHTS, POWERS, DUTIES, FUNCTIONS, AND OBLIGATIONS  
11 RELATING TO FIRE AND WILDFIRE PREPAREDNESS, RESPONSE, SUPPRESSION,  
12 COORDINATION, OR MANAGEMENT VESTED PREVIOUSLY IN THE BOARD OF  
13 GOVERNORS OF THE COLORADO STATE UNIVERSITY SYSTEM OR THE STATE  
14 FOREST SERVICE THEREUNDER, AS THOSE RIGHTS, POWERS, DUTIES,  
15 FUNCTIONS, AND OBLIGATIONS EXISTED ON JUNE 30, 2012.

16           (II) THERE IS HEREBY CREATED IN THE DIVISION OF FIRE  
17 PREVENTION AND CONTROL THE WILDLAND FIRE MANAGEMENT SECTION  
18 TO IMPLEMENT THE PROVISIONS OF THIS SUBSECTION (4) AND SECTIONS  
19 24-33.5-1217 TO 24-33.5-1226. THE WILDLAND FIRE MANAGEMENT  
20 SECTION SHALL PERFORM ITS DUTIES AND FUNCTIONS UNDER THE DIVISION  
21 OF FIRE PREVENTION AND CONTROL AS IF THE SAME WERE TRANSFERRED  
22 BY A **TYPE 2** TRANSFER, AS SUCH TRANSFER IS DEFINED IN THE  
23 "ADMINISTRATIVE ORGANIZATION ACT OF 1968", ARTICLE 1 OF THIS  
24 TITLE.

25           (b) (I) ON JULY 1, 2012, ALL POSITIONS OF EMPLOYMENT IN THE  
26 STATE FOREST SERVICE OF THE BOARD OF GOVERNORS OF THE COLORADO  
27 STATE UNIVERSITY SYSTEM THAT ARE PRINCIPALLY RELATED TO FIRE AND

1 WILDFIRE PREPAREDNESS, RESPONSE, SUPPRESSION, COORDINATION, OR  
2 MANAGEMENT SHALL BE TRANSFERRED TO THE DIVISION OF FIRE  
3 PREVENTION AND CONTROL IN THE DEPARTMENT OF PUBLIC SAFETY AND  
4 SHALL BECOME EMPLOYMENT POSITIONS IN THE WILDLAND FIRE  
5 MANAGEMENT SECTION THEREIN.

6 (II) ON JULY 1, 2012, ALL EMPLOYEES OF THE BOARD OF  
7 GOVERNORS OF THE COLORADO STATE UNIVERSITY SYSTEM OR THE STATE  
8 FOREST SERVICE THEREUNDER WHO ARE EMPLOYED IN A CAPACITY  
9 PRINCIPALLY RELATED TO AND WILDFIRE PREPAREDNESS, RESPONSE,  
10 SUPPRESSION, COORDINATION, OR MANAGEMENT SHALL BE CONSIDERED  
11 EMPLOYEES OF THE WILDLAND FIRE MANAGEMENT SECTION IN THE  
12 DIVISION OF FIRE PREVENTION AND CONTROL IN THE DEPARTMENT OF  
13 PUBLIC SAFETY. SUCH EMPLOYEES SHALL RETAIN ALL RIGHTS UNDER THE  
14 STATE PERSONNEL SYSTEM AND TO RETIREMENT BENEFITS PURSUANT TO  
15 THE LAWS OF THIS STATE, AND THEIR SERVICES SHALL BE DEEMED TO  
16 HAVE BEEN CONTINUOUS.

17 (III) ON JULY 1, 2012, ALL MONEYS PREVIOUSLY RECEIVED OR  
18 APPROPRIATED TO THE BOARD OF GOVERNORS OF THE COLORADO STATE  
19 UNIVERSITY SYSTEM \_\_\_ RELATING PRINCIPALLY TO FIRE AND WILDFIRE  
20 PREPAREDNESS, RESPONSE, SUPPRESSION, COORDINATION, AND  
21 MANAGEMENT, INCLUDING OFFICE FURNITURE AND FIXTURES, BOOKS,  
22 DOCUMENTS, AND RECORDS OF THE BOARD, ARE TRANSFERRED TO THE  
23 WILDLAND FIRE MANAGEMENT SECTION IN THE DIVISION OF FIRE  
24 PREVENTION AND CONTROL AND SHALL BECOME THE PROPERTY THEREOF.

25 (IV) ON JULY 1, 2012, ALL ITEMS OF PERSONAL PROPERTY OF THE  
26 BOARD OF GOVERNORS OF THE COLORADO STATE UNIVERSITY SYSTEM \_\_\_  
27 RELATING PRINCIPALLY TO FIRE AND WILDFIRE PREPAREDNESS, RESPONSE,

1 SUPPRESSION, COORDINATION, AND MANAGEMENT, INCLUDING OFFICE  
2 FURNITURE AND FIXTURES, BOOKS, DOCUMENTS, AND RECORDS OF THE  
3 BOARD, ARE TRANSFERRED TO THE WILDLAND FIRE MANAGEMENT SECTION  
4 IN THE DIVISION OF FIRE PREVENTION AND CONTROL, AND SHALL BECOME  
5 THE PROPERTY THEREOF.

6 (V) ANY AND ALL CLAIMS AND LIABILITIES, INCLUDING COSTS AND  
7 ATTORNEYS' FEES, RELATING IN ANY WAY TO THE PERFORMANCE OF ANY  
8 FIRE AND WILDFIRE PREPAREDNESS, RESPONSE, SUPPRESSION,  
9 COORDINATION, OR MANAGEMENT DUTIES THAT WERE PERFORMED BY THE  
10 BOARD OR ITS EMPLOYEES ON OR BEFORE JUNE 30, 2012, ARE  
11 TRANSFERRED TO AND ASSUMED BY THE STATE EXCLUSIVELY THROUGH  
12 THE DIVISION, AND SUCH CLAIMS OR LIABILITIES, IF ANY, ARE THE SOLE  
13 RESPONSIBILITY OF THE STATE BY AND THROUGH THE DEPARTMENT OF  
14 PUBLIC SAFETY, AND NO OTHER PUBLIC ENTITY OR AGENCY, INCLUDING  
15 THE BOARD AND ITS EMPLOYEES, SHALL BE RESPONSIBLE OR LIABLE FOR  
16 ANY SUCH CLAIMS, LIABILITIES, OR DAMAGES.

17 **SECTION 12.** In Colorado Revised Statutes, 24-33.5-1202,  
18 **amend** (1) and (3.5); and **add** (1.2) and (3.7) as follows:

19 **24-33.5-1202. Definitions.** As used in this part 12, unless the  
20 context otherwise requires:

21 (1) "Administrator" means the state fire suppression administrator,  
22 who ~~shall be~~ IS the director of the division of fire ~~safety~~ PREVENTION AND  
23 CONTROL under the department of public safety, or the ~~designee of such~~  
24 ~~director~~ DIRECTOR'S DESIGNEE.

25 (1.2) "ADVISORY BOARD" MEANS THE FIRE SERVICE TRAINING AND  
26 CERTIFICATION ADVISORY BOARD CREATED IN SECTION 24-33.5-1204.

27 (3.5) "Fire department" means the duly authorized fire protection

1 organization of a town, city, county, or city and county, a fire protection  
2 district, or a metropolitan district or county improvement district that  
3 provides fire protection. "EMERGENCY FIRE FUND" MEANS THE  
4 EMERGENCY FIRE FUND CREATED IN SECTION 24-33.5-1220 THAT WAS  
5 FIRST ESTABLISHED IN 1967 WITH VOLUNTARY CONTRIBUTIONS FROM  
6 COUNTIES AND THE DENVER WATER BOARD; ADMINISTERED BY A  
7 NINE-PERSON COMMITTEE COMPOSED OF COUNTY COMMISSIONERS,  
8 SHERIFFS, FIRE CHIEFS, AND THE DIRECTOR; AND USED FOR THE PURPOSE  
9 OF PAYING COSTS INCURRED AS A RESULT OF CONTROLLING A WILDFIRE BY  
10 ANY OF PARTIES CONTRIBUTING MONEYS TO THE FUND, IN ACCORDANCE  
11 WITH THE INTERGOVERNMENTAL AGREEMENT FOR PARTICIPATION IN THE  
12 COLORADO EMERGENCY FIRE FUND.

13 (3.7) "FIRE DEPARTMENT" MEANS THE DULY AUTHORIZED FIRE  
14 PROTECTION ORGANIZATION OF A TOWN, CITY, COUNTY, OR CITY AND  
15 COUNTY, A FIRE PROTECTION DISTRICT, OR A METROPOLITAN DISTRICT OR  
16 COUNTY IMPROVEMENT DISTRICT THAT PROVIDES FIRE PROTECTION.

17 **SECTION 13.** In Colorado Revised Statutes, 24-33.5-1203,  
18 **amend** (1) (k) and (1) (m); **repeal** (1) (o); and **add** (2) as follows:

19 **24-33.5-1203. Duties of division.** (1) The division shall perform  
20 the following duties:

21 (k) Train and instruct firefighters and first responders in subjects  
22 relating to the fire service; and to coordinate fire service-related education  
23 and training classes, programs, conferences, and seminars; and train and  
24 instruct, or coordinate the training of, hazardous materials responders; but  
25 EXCEPT THAT all training related to terrorism shall be coordinated with the  
26 office of preparedness, security, and fire safety DIVISION OF HOMELAND  
27 SECURITY AND EMERGENCY MANAGEMENT CREATED IN PART 16 OF THIS

1 ARTICLE:

2 (m) Administer a statewide plan for the allocation and deployment  
3 of firefighting resources developed pursuant to section 24-33.5-1210 To  
4 HELP ENSURE THAT COMMUNITIES AND FIREFIGHTERS HAVE SUFFICIENT  
5 RESOURCES, TECHNICAL SUPPORT, AND TRAINING TO ADEQUATELY ASSESS  
6 WILDFIRE RISKS, INCREASE UPGRADES ON FEDERAL EXCESS PROPERTY FIRE  
7 ENGINES ON LOAN TO LOCAL FIRE DEPARTMENTS; INCREASE TECHNICAL  
8 ASSISTANCE IN WILDLAND FIRE PREPAREDNESS TO COUNTIES AND FIRE  
9 PROTECTION DISTRICTS; AND, IN CONJUNCTION WITH THE WILDFIRE  
10 PREPAREDNESS PLAN CREATED PURSUANT TO SECTION 23-31-309 (3) (a),  
11 C.R.S., ENSURE THAT STATE FIRE-FIGHTING EQUIPMENT SUCH AS FIRE  
12 ENGINES AND AIR TANKERS IS FULLY OPERATIONAL AND AVAILABLE TO  
13 AND COORDINATED WITH THE EQUIPMENT CAPACITIES OF LOCAL FIRE  
14 DEPARTMENTS AND FIRE PROTECTION DISTRICTS, AND THAT PERSONNEL  
15 ARE FULLY TRAINED IN ITS USE;

16 (o) Seek federal funds to provide the resources necessary to  
17 perform its duties under paragraphs (m) and (n) of this subsection (1);

18 (2) THE DUTIES AND FUNCTIONS OF THE DIVISION SET FORTH IN  
19 THIS PART 12, INCLUDING DUTIES AND FUNCTIONS PERTAINING TO FIRE  
20 SERVICE EDUCATION, TRAINING, AND CERTIFICATION, APPLY TO  
21 PRESCRIBED FIRES, WILDFIRES, AND WILDLAND FIRE-RELATED ACTIVITIES.

22 **SECTION 14.** In Colorado Revised Statutes, 24-33.5-1204,  
23 **amend** (1) and (2) as follows:

24 **24-33.5-1204. Voluntary education and training program -**  
25 **voluntary certification of firefighters, first responders, and**  
26 **hazardous materials responders - advisory board.** (1) For the  
27 **purposes of advising the director on the administration of the voluntary**

1 fire service education and training program within the division of fire  
2 safety PREVENTION AND CONTROL and the voluntary firefighter, first  
3 responder, and hazardous materials responder certification programs,  
4 there is hereby created in the division of fire safety an advisory board to  
5 the director, to be known as PREVENTION AND CONTROL the fire service  
6 training and certification advisory board, and referred to in this part 12 as  
7 the "advisory board", TO SERVE AS AN ADVISORY BOARD TO THE  
8 DIRECTOR.

9 (2) (a) The advisory board shall consist CONSISTS of twelve  
10 FOURTEEN members, ~~nine~~ ELEVEN of whom shall be ARE VOTING  
11 MEMBERS appointed by the governor AS FOLLOWS:

12 (I) Four of the ~~nine~~ ELEVEN members appointed by the governor  
13 shall represent each of the following organizations:

14 ~~(I)~~ (A) Colorado state fire fighters association;

15 ~~(II)~~ (B) Colorado state fire chiefs association;

16 ~~(III)~~ (C) Colorado fire training officers association; and

17 ~~(IV)~~ (D) Colorado professional fire fighters association;

18 ~~(b) (II) Of the remaining eight members of the advisory board, The~~  
19 following five OTHER SEVEN members shall be appointed by the governor  
20 ARE:

21 ~~(I)~~ (A) A fire chief or training officer from a volunteer fire  
22 department participating in the certification program;

23 ~~(II)~~ (B) A fire chief or training officer from a career fire  
24 department participating in the certification program;

25 ~~(III)~~ (C) A representative of the property and casualty insurance  
26 industry;

27 ~~(IV)~~ (D) A hazardous materials responder team leader; and



1           ~~(V)~~ (E) A person experienced in the transportation industry;  
2           (F) A REPRESENTATIVE OF LOCAL LAW ENFORCEMENT; AND  
3           (G) A REPRESENTATIVE OF A FIXED FACILITY DEALING WITH  
4           HAZARDOUS MATERIALS.  
5           ~~(c)~~ (b) The remaining three EX OFFICIO nonvoting members shall  
6           be ARE the FOLLOWING PERSONS OR THEIR DESIGNEES:  
7           (I) THE president of the Colorado community college and  
8           occupational education system;  
9           (II) The chief of the emergency medical and trauma services  
10           section within the health facilities and emergency medical services  
11           division in the department of public health and environment; and  
12           (III) The chief of the state patrol. or their respective designees.  
13           ~~(d)~~ (c) The ELEVEN advisory board members appointed by the  
14           governor shall be geographically apportioned, and AT LEAST ONE OF  
15           THOSE MEMBERS MUST HAVE WILDLAND FIRE EXPERTISE.  
16           (d) At least three members of such THE ADVISORY board shall be  
17           from a community or communities with a resident population of fifteen  
18           thousand persons or less.  
19           (e) The governor shall initially appoint five SIX members  
20           described in paragraphs PARAGRAPH (a) and (b) of this subsection (2) for  
21           terms of four years each and the remaining four FIVE members for terms  
22           of two years each. Thereafter, the governor shall appoint their successors  
23           for terms of four years each. If any appointee vacates his or her office  
24           during the term for which appointed to the advisory board, the vacancy  
25           shall be filled by appointment by the governor SHALL, BY APPOINTMENT,  
26           FILL THE VACANCY for the unexpired term. The advisory board shall  
27           annually elect from its members a chairperson and a secretary.

1            **SECTION 15.** In Colorado Revised Statutes, 24-33.5-1209,  
2            **amend** (2) as follows:

3            **24-33.5-1209. Repeal of sections.** (2) Sections 24-33.5-1204.5,  
4            24-33.5-1206.1, 24-33.5-1206.2, 24-33.5-1206.3, 24-33.5-1206.4,  
5            24-33.5-1206.5, 24-33.5-1206.6, and 24-33.5-1207.6, concerning  
6            programs for fire suppression administered by the division of fire safety  
7            PREVENTION AND CONTROL and scheduled for termination in accordance  
8            with section 24-34-104, are repealed, effective July 1, 2014.

9            **SECTION 16.** In Colorado Revised Statutes, **add with relocated**  
10           **provisions** 24-33.5-1217, 24-33.5-1218, 24-33.5-1219, 24-33.5-1220,  
11           24-33.5-1221, 24-33.5-1222, 24-33.5-1223, 24-33.5-1224, 24-33.5-1225,  
12           and 24-33.5-1226 as follows:

13           **24-33.5-1217. [Formerly 23-31-313 (6) (a) (III)] Duties relating**  
14           **to forest fires and wildfires - prescribed burning and natural ignition**  
15           **fires - rules - definitions.** (1) THE DIRECTOR SHALL establish training  
16           and certification standards for users of prescribed fire in consultation with  
17           the Colorado prescribed fire council or an analogous successor  
18           organization. The forest service DIRECTOR may also consult with local fire  
19           jurisdictions. Nothing in this subparagraph (III) requires a user of  
20           prescribed fire to be certified.

21           (2) The standards ADOPTED UNDER THIS SECTION shall:

22           ~~(A)~~ (a) Create certified burner and noncertified burner  
23           designations for users of prescribed fire on private and nonfederal land;

24           ~~(B)~~ (b) Establish requirements for certified burners to conduct  
25           lawful activities pursuant to authorization under section 18-13-109 (2) (b)  
26           (IV), C.R.S., regarding firing of woods or prairie;

27           ~~(C)~~ (c) Identify processes and procedures for certified burners to

1 conduct a prescribed fire;  
2 ~~(D)~~ (d) Recommend organizational structures for prescribed burn  
3 operations;  
4 ~~(E)~~ (e) Establish training standards for certified burners; and  
5 ~~(F)~~ (f) Clearly identify preexisting fees, permit requirements,  
6 liabilities, liability exemptions, and penalties for prescribed burn  
7 personnel and landowners, including those specified in sections 25-7-106  
8 (7) and (8) and 25-7-123, C.R.S.  
9 (3) NOTHING IN THIS SECTION REQUIRES A USER OF PRESCRIBED  
10 FIRE TO BE CERTIFIED BY THE DIVISION.  
11 (4) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
12 REQUIRES:  
13 (a) "CONTROLLED AGRICULTURAL BURN" MEANS A TECHNIQUE  
14 USED IN FARMING TO CLEAR THE LAND OF ANY EXISTING CROP RESIDUE,  
15 KILL WEEDS AND WEED SEEDS, OR REDUCE FUEL BUILDUP AND DECREASE  
16 THE LIKELIHOOD OF A FUTURE FIRE.  
17 (b) "NATURAL IGNITION FIRES" MEAN WILDLAND FIRES THAT ARE  
18 IGNITED BY LIGHTNING OR SOME OTHER NATURAL SOURCE.  
19 (c) "PRESCRIBED BURNING" MEANS THE APPLICATION OF FIRE, IN  
20 ACCORDANCE WITH A WRITTEN PRESCRIPTION FOR VEGETATIVE FUELS,  
21 UNDER SPECIFIED ENVIRONMENTAL CONDITIONS WHILE FOLLOWING  
22 APPROPRIATE PRECAUTIONARY MEASURES THAT ENSURES PUBLIC SAFETY  
23 AND THAT THE FIRE IS CONFINED TO A PREDETERMINED AREA TO  
24 ACCOMPLISH PLANNED FIRE OR LAND MANAGEMENT OBJECTIVES. THE  
25 TERM EXCLUDES CONTROLLED AGRICULTURAL BURNS.  
26 **24-33.5-1218 [Formerly 23-31-203] Cooperation with**  
27 **governmental units.** In connection with its powers and duties concerning

1 the protection of the forest lands of the state from fire, the board DIVISION  
2 may cooperate and coordinate with the United States forest service, the  
3 United States secretary of the interior, the United States secretary of  
4 agriculture, the state board of land commissioners, and the counties for  
5 such protection and may advise and aid in preventing forest fires on state  
6 and private lands in the national forests in the state, including  
7 coordinating with the United States secretary of the interior and the  
8 United States secretary of agriculture to develop management plans for  
9 federal lands within the state of Colorado pursuant to 16 U.S.C. sec. 530,  
10 16 U.S.C. sec. 1604, and 43 U.S.C. sec. 1712; but nothing contained in  
11 this section shall be construed as transferring to the board DIVISION the  
12 duties or responsibilities of the sheriffs of the various counties with  
13 respect to forest fire control laws.

14 **24-33.5-1219. [Formerly 23-31-204] Wildland fires - duty of**  
15 **sheriff to report.** It is the duty of the sheriffs of the various counties of  
16 the state to report as soon as practicable the occurrence of any fire in any  
17 forest in the state, either on private or public lands, to the board DIVISION  
18 or its authorized agent, and, upon receiving notice from any source of a  
19 fire in any forest, it is the duty of the agent of the board to aid and assist  
20 in controlling or extinguishing the same, if necessary.

21 **24-33.5-1220. [Formerly 23-31-303 (1)] Funds available -**  
22 **emergency fire fund - wildland fire equipment repair fund - wildland**  
23 **fire cost recovery fund - creation - gifts, grants and donations**  
24 **authorized.** (1) The governor's emergency fund or other funds available  
25 to the Colorado state forest service, may be used for the purpose of  
26 preventing and suppressing forest and wildland fires, in accordance with  
27 the provisions of part 21 of article 32 of title 24, C.R.S. PART 7 OF THIS

1 ARTICLE.

2 (2) (a) THERE IS HEREBY CREATED IN THE STATE TREASURY THE  
3 EMERGENCY FIRE FUND, WHICH FUND SHALL BE ADMINISTERED BY THE  
4 DIVISION, IN ACCORDANCE WITH PARAGRAPH (b) OF THIS SUBSECTION (2),  
5 TO FUND EMERGENCY RESPONSES TO WILDFIRES. THE DIVISION IS  
6 AUTHORIZED TO SEEK AND ACCEPT GIFTS, GRANTS, REIMBURSEMENTS, OR  
7 DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS  
8 SECTION. THE FUND CONSISTS OF ALL MONEYS THAT MAY BE  
9 APPROPRIATED THERETO BY THE GENERAL ASSEMBLY AND ALL PRIVATE  
10 AND PUBLIC FUNDS, INCLUDING FROM COUNTIES AND THE DENVER WATER  
11 BOARD, RECEIVED THROUGH GIFTS, GRANTS, REIMBURSEMENTS, OR  
12 DONATIONS THAT ARE TRANSMITTED TO THE STATE TREASURER AND  
13 CREDITED TO THE FUND. ALL INTEREST EARNED FROM THE INVESTMENT OF  
14 MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND. THE MONEYS IN  
15 THE FUND ARE HEREBY CONTINUOUSLY APPROPRIATED FOR THE PURPOSES  
16 INDICATED IN THIS SECTION. ANY MONEYS NOT EXPENDED AT THE END OF  
17 THE FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT BE  
18 TRANSFERRED TO OR REVERT TO THE GENERAL FUND.

19 (b) THE DIVISION SHALL USE THE MONEYS IN THE EMERGENCY FIRE  
20 FUND TO PROVIDE FUNDING OR REIMBURSEMENT FOR WILDFIRES IN  
21 ACCORDANCE WITH MEMORANDA OF UNDERSTANDING WITH  
22 PARTICIPATING PUBLIC ENTITIES.

23 (3) THERE IS HEREBY CREATED IN THE STATE TREASURY THE  
24 WILDLAND FIRE EQUIPMENT REPAIR CASH FUND, WHICH FUND SHALL BE  
25 ADMINISTERED BY THE DIVISION TO FUND THE COSTS OF FIRE EQUIPMENT  
26 MAINTENANCE AND REPAIR. THE DIVISION IS AUTHORIZED TO SEEK AND  
27 ACCEPT GIFTS, GRANTS, REIMBURSEMENTS, OR DONATIONS FROM PRIVATE

1 OR PUBLIC SOURCES FOR THE PURPOSES OF THIS SECTION. THE FUND  
2 CONSISTS OF ALL MONEYS THAT MAY BE APPROPRIATED THERETO BY THE  
3 GENERAL ASSEMBLY AND ALL PRIVATE AND PUBLIC FUNDS, INCLUDING  
4 FROM COUNTIES AND THE DENVER WATER BOARD, RECEIVED THROUGH  
5 GIFTS, GRANTS, REIMBURSEMENTS, OR DONATIONS THAT ARE  
6 TRANSMITTED TO THE STATE TREASURER AND CREDITED TO THE FUND.  
7 ALL INTEREST EARNED FROM THE INVESTMENT OF MONEYS IN THE FUND  
8 SHALL BE CREDITED TO THE FUND. THE MONEYS IN THE FUND ARE HEREBY  
9 CONTINUOUSLY APPROPRIATED FOR THE PURPOSES SET FORTH IN THIS  
10 SECTION. ANY MONEYS NOT EXPENDED AT THE END OF THE FISCAL YEAR  
11 SHALL REMAIN IN THE FUND AND SHALL NOT BE TRANSFERRED TO OR  
12 REVERT TO THE GENERAL FUND.

13 (4) THERE IS HEREBY CREATED IN THE STATE TREASURY THE  
14 WILDLAND FIRE COST RECOVERY FUND, WHICH FUND SHALL BE  
15 ADMINISTERED BY THE DIVISION FOR PERSONNEL AND OPERATING  
16 EXPENSES ASSOCIATED WITH FIRE SUPPRESSION ACTIVITIES. THE DIVISION  
17 IS AUTHORIZED TO SEEK AND ACCEPT GIFTS, GRANTS, REIMBURSEMENTS,  
18 OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF  
19 THIS SECTION. THE FUND CONSISTS OF ALL MONEYS RECOVERED FOR THE  
20 DIVISION'S EXPENDITURES FOR FIRE SUPPRESSION MONEYS THAT MAY BE  
21 APPROPRIATED THERETO BY THE GENERAL ASSEMBLY AND ALL PRIVATE  
22 AND PUBLIC FUNDS, INCLUDING FROM COUNTIES AND THE DENVER WATER  
23 BOARD, RECEIVED THROUGH GIFTS, GRANTS, REIMBURSEMENTS, OR  
24 DONATIONS THAT ARE TRANSMITTED TO THE STATE TREASURER AND  
25 CREDITED TO THE FUND. ALL INTEREST EARNED FROM THE INVESTMENT OF  
26 MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND. THE MONEYS IN  
27 THE FUND ARE HEREBY CONTINUOUSLY APPROPRIATED FOR THE PURPOSES

1 SET FORTH IN THIS SECTION. ANY MONEYS NOT EXPENDED AT THE END OF  
2 THE FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT BE  
3 TRANSFERRED TO OR REVERT TO THE GENERAL FUND.

4 (5) NOTWITHSTANDING ANY PROVISION OF LAW TO THE  
5 CONTRARY, THE FUNDS ESTABLISHED UNDER SUBSECTIONS (2), (3), AND  
6 (4) OF THIS SECTION ARE EXEMPT FROM THE LIMITATIONS SET FORTH IN  
7 SECTION 24-72-402.

8 **24-33.5-1221. [Formerly 23-31-304] State responsibility**  
9 **determined.** The state forester DIRECTOR shall determine, in consultation  
10 with local authorities and with the approval of the governor, geographic  
11 areas of the state, including wildland-urban interface areas, in which the  
12 state has a financial responsibility for managing forest and wildland fires.  
13 The management of fires in all other areas is primarily the responsibility  
14 of local or federal agencies, as the case may be. The state forester  
15 DIRECTOR may exclude all lands owned or controlled by the federal  
16 government or any agency thereof, and the state forester DIRECTOR shall  
17 exclude all lands within the exterior boundaries of incorporated cities or  
18 towns.

19 **24-33.5-1222. [Formerly 23-31-305] Cooperation by counties.**  
20 The boards of county commissioners may, in their discretion, cooperate  
21 and coordinate with the governing bodies of organized fire districts, fire  
22 departments, and municipal corporations; with private parties; with other  
23 counties; with the state forester DIRECTOR; with the United States  
24 secretary of the interior; with the United States secretary of agriculture;  
25 and with an agency of the United States government in the management  
26 and prevention of forest fires. Such boards of county commissioners are  
27 authorized to participate in the organization and training of rural

1 fire-fighting groups, in the payment for the operation and maintenance of  
2 fire-fighting equipment, and in sharing the cost of managing fires.

3 **24-33.5-1223. [Formerly 23-31-306] Sheriffs to enforce.** The  
4 county sheriff, assisted by the ~~state forester~~ DIRECTOR, shall enforce the  
5 provisions of this part 3 SECTIONS 24-33.5-1217 TO 24-33.5-1228 and of  
6 all state forest fire laws, and such persons shall not be liable to civil  
7 action for trespass committed in the discharge of their duties.

8 **24-33.5-1224. [Formerly 23-31-307] Limitation of state**  
9 **responsibility.** Nothing in this part 3 shall be construed to authorize  
10 SECTIONS 24-33.5-1217 TO 24-33.5-1228 AUTHORIZES any county fire  
11 warden, firefighter, or county officer to obligate the state for payment of  
12 any money.

13 **24-33.5-1225. [Formerly 23-31-308] Emergencies.** When the  
14 governor finds that conditions of extreme fire hazard exist, he or she may  
15 by proclamation close such land as he or she may find to be in such  
16 condition of extreme hazard to the general public and prohibit or limit  
17 burning thereon to such a degree and in such ways as he or she deems  
18 necessary to reduce the danger of forest fire. The governor shall declare  
19 the end of any such emergency only upon a finding that the conditions of  
20 extreme fire hazard no longer exist.

21 **24-33.5-1226. [Formerly 23-31-309] Wildfire emergency**  
22 **response fund - creation - gifts, grants, and donations authorized -**  
23 **wildfire preparedness fund - creation - gifts, grants and donations**  
24 **authorized.** (1) There is hereby created in the state treasury the wildfire  
25 emergency response fund, which shall be administered by the ~~Colorado~~  
26 state forest service DIVISION. The ~~Colorado state forest service~~ DIVISION  
27 is authorized to seek and accept gifts, grants, reimbursements, or



1 donations from private or public sources for the purposes of this section.  
2 The fund shall consist CONSISTS of all moneys that may be appropriated  
3 thereto by the general assembly and all private and public funds received  
4 through gifts, grants, reimbursements, or donations that are transmitted  
5 to the state treasurer and credited to the fund. All interest earned from the  
6 investment of moneys in the fund shall be credited to the fund. The  
7 moneys in the fund are hereby continuously appropriated for the purposes  
8 indicated in this section. Any moneys not expended at the end of the  
9 fiscal year shall remain in the fund and shall not be transferred to or revert  
10 to the general fund.

11 (2) The Colorado state forest service DIVISION shall use the  
12 moneys in the wildfire emergency response fund to provide funding or  
13 reimbursement for:

14 (a) The first aerial tanker flight or the first hour of a firefighting  
15 helicopter to a wildfire at the request of any county sheriff, municipal fire  
16 department, or fire protection district; and

17 (b) The employment of wildfire hand crews to fight a wildfire for  
18 the first two days of a wildfire at the request of any county sheriff,  
19 municipal fire department, or fire protection district, with a preference for  
20 the use of wildfire hand crews from the inmate disaster relief program  
21 created in section 17-24-124, C.R.S.

22 (3) (a) To effectively implement the provisions of this section and  
23 to provide recommendations to the governor related to use of the disaster  
24 emergency fund pursuant to section 24-32-2106, C.R.S., SECTION  
25 24-33.5-706, C.R.S., and the wildfire preparedness fund created in  
26 subsection (4) of this section, the state forester DIRECTOR, a representative  
27 of the county sheriffs of Colorado, a representative of the Colorado state

1 fire chiefs' association, the director of the ~~division~~ OFFICE of emergency  
2 management CREATED IN PART 7 OF THIS ARTICLE, and the adjutant  
3 general or his or her designee shall collaborate to develop a wildfire  
4 preparedness plan designed to address the following:

5 (I) The amount of aerial firefighting resources necessary for the  
6 state of Colorado at times of high and low wildfire risk;

7 (II) The availability of appropriate aerial firefighting equipment  
8 and personnel at times of high fire risk to respond to a wildfire;

9 (III) The availability of state wildfire engines and staffing of the  
10 engines at different levels of wildfire risk;

11 (IV) The availability of state inmate wildfire hand crews at  
12 different levels of wildfire risk; and

13 (V) A process for ordering and dispatching aerial firefighting  
14 equipment and personnel that is consistent with, and supportive of, the  
15 statewide mobilization plan prepared pursuant to ~~section 24-33.5-1210;~~  
16 ~~C.R.S.~~ SECTION 24-33.5-705.4.

17 (b) The wildfire preparedness plan recommendations developed  
18 pursuant to paragraph (a) of this subsection (3) shall be completed no  
19 later than December 1, 2006, and updated each December 1. thereafter.  
20 NOTWITHSTANDING SECTION 24-1-136 (11), the ~~state forester~~ DIRECTOR  
21 shall submit a written report of the wildfire preparedness plan to the  
22 governor and the members of the general assembly no later than  
23 December 15, 2006, and by each December 15. thereafter.

24 (c) The ~~state forester~~ DIRECTOR, the representative of the county  
25 sheriffs of Colorado, the representative of the Colorado state fire chiefs'  
26 association, the director of the ~~division~~ OFFICE of emergency management  
27 CREATED IN PART 7 OF THIS ARTICLE, and the adjutant general or his or her

1 designee shall not receive additional compensation for the collaboration  
2 required by this subsection (3) for the development of the wildfire  
3 preparedness plan.

4 (4) (a) There is hereby created in the state treasury the wildfire  
5 preparedness fund. The fund shall consist CONSISTS of all moneys that  
6 may be appropriated thereto by the general assembly, all private and  
7 public moneys received through gifts, grants, reimbursements, or  
8 donations that are transmitted to the state treasurer and credited to the  
9 fund, and all moneys transferred to the fund pursuant to section  
10 34-63-102 (5) (a) (I), C.R.S. All interest earned from the investment of  
11 moneys in the fund shall be credited to the fund. The moneys in the fund  
12 are hereby continuously appropriated for the purposes indicated in this  
13 subsection (4). Any moneys not expended at the end of the fiscal year  
14 shall remain in the fund and shall not be transferred to or revert to the  
15 general fund.

16 (b) By executive order or proclamation, the governor may access  
17 and designate moneys in the wildfire preparedness fund for wildfire  
18 preparedness activities. The Colorado state forest service DIVISION shall  
19 implement the directives set forth in such executive order or  
20 proclamation.

21 (c) The Colorado state forest service DIVISION may use the moneys  
22 in the wildfire preparedness fund to provide funding or reimbursement for  
23 the purchase of fire shelters by volunteer fire departments in order to  
24 comply with applicable federal requirements.

25 (5) No later than January 1, 2008, the state forester shall submit  
26 a report to the joint budget committee of the general assembly, the  
27 agriculture, livestock, and natural resources committee of the house of

1 representatives, and the agriculture, natural resources, and energy  
2 committee of the senate, or any successor committees, on the use of  
3 moneys in the wildfire preparedness fund, the status of the wildfire  
4 preparedness plan, and the status of the interstate compact.

5 (6) (5) Procedures governing the development, adoption, or  
6 implementation of community wildfire protection plans by county  
7 governments are specified in section 30-15-401.7, C.R.S. Nothing in this  
8 section shall be construed to affect the provisions of section 30-15-401.7,  
9 C.R.S.

10 **SECTION 17.** In Colorado Revised Statutes, **recreate and**  
11 **reenact, with relocated provisions,** part 15 of article 33.5 of title 24 as  
12 follows:

13 PART 15

14 COLORADO EMERGENCY PLANNING COMMISSION

15 **24-33.5-1501. [Formerly 24-32-2601] Implementation of Title**  
16 **III of superfund act.** (1) The general assembly hereby finds and declares  
17 that the implementation of the federal "Emergency Planning and  
18 Community Right-to-Know Act of 1986", 42 U.S.C. sec. 11001 et seq.,  
19 Title III of the federal "Superfund Amendments and Reauthorization Act  
20 of 1986", Pub.L. 99-499, is a matter of statewide concern.

21 (2) The department of local affairs PUBLIC SAFETY is the state  
22 agency responsible for the implementation of the federal "Emergency  
23 Planning and Community Right-to-Know Act of 1986", 42 U.S.C. sec.  
24 11001 et seq., Title III of the federal "Superfund Amendments and  
25 Reauthorization Act of 1986", Pub.L. 99-499, and regulations thereunder,  
26 as amended.

27 **24-33.5-1502. [Formerly 24-32-2602] Definitions.** All terms used

1 in this ~~part 26~~ shall PART 15 have the same meaning as defined under the  
2 federal "Emergency Planning and Community Right-to-Know Act of  
3 1986", 42 U.S.C. sec. 11001 et seq., Pub.L. 99-499, and regulations  
4 thereunder, referred to in this ~~part 26~~ PART 15 as the "federal act".

5 **24-33.5-1503. [Formerly 24-32-2603] Colorado emergency**  
6 **planning commission - creation - duties.** (1) (a) (I) There is hereby  
7 created in the department of ~~local affairs~~ PUBLIC SAFETY the Colorado  
8 emergency planning commission, which shall exercise its powers and  
9 perform its duties and functions under the department of ~~local affairs~~ as  
10 if the same were transferred to the department by a **type 2** transfer. ~~except~~  
11 that the commission shall have full authority to promulgate rules and  
12 regulations related to the administration of this ~~part 26~~.

13 (II) (A) The commission shall ~~consist~~ CONSISTS of twelve  
14 members.

15 (B) Five of the twelve members shall be the following  
16 representatives of state government or their designees: The director of the  
17 division of fire ~~safety~~ in the office of preparedness, security, and fire  
18 ~~safety~~ PREVENTION AND CONTROL in the department of public safety, the  
19 director of the division of local government in the department of local  
20 affairs, the director of the ~~division of~~ HOMELAND SECURITY AND  
21 emergency management in the department of ~~local affairs~~ PUBLIC SAFETY,  
22 who shall be a cochairperson, the director of the division in the  
23 department of public health and environment responsible for hazardous  
24 materials and waste management, who shall also be a cochairperson, and  
25 a representative of the Colorado state patrol in the department of public  
26 safety.

27 (C) The remaining seven members of the commission shall be

1 appointed by the governor for two-year terms. Of those seven members,  
2 two shall represent local governments, two shall be from either public  
3 interest groups or community groups, one shall represent a local  
4 emergency planning committee, and two shall represent affected  
5 industries.

6 (D) The governor shall fill any vacancy by appointment.

7 (b) The members of the Colorado emergency planning  
8 commission, as such existed prior to March 12, 1992, shall become ON  
9 JUNE 30, 2012, ARE the initial members of the commission on March 12,  
10 1992 JULY 1, 2012. THE TERMS OF SUCH INITIAL MEMBERS OF THE  
11 COLORADO EMERGENCY PLANNING COMMISSION, AS OF THAT DATE,  
12 CONTINUE AND EXPIRE ACCORDING TO THE DATES FOR WHICH SUCH  
13 MEMBERS WERE ORIGINALLY APPOINTED.

14 (2) Members of the commission shall receive no compensation or  
15 per diem for their services on the commission; except that members may  
16 be reimbursed for travel expenses incurred in connection with activities  
17 other than attending meetings of the commission.

18 (3) The commission shall also assist in the appropriate training of  
19 personnel to react to emergency response situations.

20 **24-33.5-1503.5.[Formerly 24-32-2603.5] Powers and duties of**  
21 **the commission - intent.** (1) It is the intent of the general assembly that  
22 the commission promulgate rules and regulations pursuant to this part 26  
23 PART 15 that encourage:

24 (a) Consistency between information requested by the commission  
25 and the purposes of implementation of the federal act; and

26 (b) Cost-effective reporting and the consideration of reasonable  
27 reporting threshold levels and reporting formats.

1           (2) Consistent with the powers and duties imposed upon it by the  
2 federal act, or granted to it in this part 26 PART 15, the commission shall  
3 have HAS the following powers and duties:

4           (a) To adopt all reasonable rules and regulations necessary for the  
5 administration of this part 26 PART 15. Such rules and regulations shall be  
6 promulgated in accordance with the applicable provisions of article 4 of  
7 this title.

8           (b) To establish a uniform system for reporting and management  
9 of information required by the federal act;

10          (c) To create and adopt such forms as are necessary for the  
11 uniform reporting and management of information required by the federal  
12 act, including: but not limited to, the following:

13           (I) A standardized tier II reporting form to replace the tier II form  
14 which is required under the federal act, and which shall be accepted by  
15 local emergency planning committees in reporting the information  
16 contained therein; and

17           (II) A standardized facility contingency plan form as an addendum  
18 to the form required in subparagraph (I) of this paragraph (c), which shall  
19 be used for the collection of emergency planning information from  
20 facilities by local emergency planning committees. This form shall  
21 include space in which local emergency planning committees may require  
22 additional information of local concern.

23          (d) To coordinate its activities with those of the Colorado state  
24 patrol relating to the transportation of hazardous materials.

25          **24-33.5-1504. [Formerly 24-32-2604] Local emergency**  
26 **planning committees - creation and duties.** (1) The commission shall  
27 designate local emergency planning districts to develop emergency

1 response and preparedness capabilities in accordance with the federal act.  
2 The boundaries of such districts shall be the same as the boundaries of  
3 either a county, municipality, or a combination thereof.

4 (2) Upon the request of the commission, the primary governing  
5 body having jurisdiction over the local emergency planning district, the  
6 county commissioners, or the city council, as the case may be, shall  
7 provide nominations for membership on the local emergency planning  
8 committee. The commission shall appoint members of a local emergency  
9 planning committee for each emergency planning district in accordance  
10 with the federal act. For local emergency planning districts for which no  
11 nominations have been submitted by the governing body, the commission  
12 may designate either the county commissioners or city council, as the case  
13 may be, to serve as the local emergency planning committee.

14 (3) Local emergency planning committees shall perform the duties  
15 described under the federal act.

16 **24-33.5-1505. [Formerly 24-32-2605] Immunity.** (1) No state  
17 commission or agency or county or municipal agency, including local  
18 emergency planning committees, citizen corps councils, fire protection  
19 districts, and volunteer fire, ambulance, or emergency service and rescue  
20 groups, nor their officers, officials, directors, employees, or volunteers,  
21 when engaged in emergency planning, service, or response activities  
22 regarding a hazardous material release, threat of release, or act of  
23 terrorism, shall be liable for the death of or injury to any person or for the  
24 loss of or damage to property or the environment resulting from the  
25 hazardous material release, threat of release, or act of terrorism, except  
26 for willful and wanton acts or omissions.

27 (1.5) No private organization or any of its officers, officials,



1 directors, employees, or volunteers, when working under the direction of  
2 a local emergency planning committee or state or local fire or law  
3 enforcement agency and when engaged in emergency planning, training,  
4 or response activities regarding a hazardous material release, threat of  
5 release, or act of terrorism, shall be liable for the death of or injury to any  
6 person or for the loss of or damage to property or the environment  
7 resulting from the hazardous material release, threat of release, or act of  
8 terrorism, except for willful and wanton acts or omissions.

9 (1.7) (2) (a) No state commission or agency or county or  
10 municipal agency, including local emergency planning committees,  
11 incident management teams, citizen corps councils, citizen emergency  
12 response teams, medical reserve corps, fire protection districts, and  
13 volunteer fire, ambulance, or emergency service and rescue groups, nor  
14 their officers, officials, directors, employees, trainees, or volunteers, when  
15 engaged in planning, training, or response activities regarding a natural  
16 disaster, hazardous material release, public health emergency, or act of  
17 terrorism or the threat of any such disaster, release, emergency, or act,  
18 shall be liable for the death of or injury to any person or for the loss of or  
19 damage to property or the environment except for gross negligence or  
20 willful and wanton acts or omissions.

21 (b) Notwithstanding paragraph (a) of this subsection (1.7)  
22 SUBSECTION (2), a plaintiff may sue and recover civil damages from a  
23 person or entity specified in said paragraph (a) based upon a negligent act  
24 or omission involving the operation of a motor vehicle; except that the  
25 amount recovered from such person or entity shall not exceed the limits  
26 of applicable insurance coverage maintained by or on behalf of such  
27 person or entity with respect to the negligent operation of a motor vehicle

1 in such circumstances. However, nothing in this section shall be  
2 construed to limit the right of a plaintiff to recover from a policy of  
3 uninsured or underinsured motorist coverage available to the plaintiff as  
4 a result of a motor vehicle accident.

5 (c) The general assembly intends that the provisions of this  
6 subsection (1.7) SUBSECTION (2) and of the "Colorado Governmental  
7 Immunity Act", article 10 of this title, be read together and harmonized.  
8 If any provision of this subsection (1.7) SUBSECTION (2) is construed to  
9 conflict with a provision of the "Colorado Governmental Immunity Act",  
10 the provision that grants the greatest immunity shall prevail.

11 (2) (3) No member of the commission or any local emergency  
12 planning committee shall be liable for the death of or any injury to  
13 persons or loss or damage to property or the environment or any civil  
14 damages resulting from any act or omission arising out of the  
15 performance of the functions, duties, and responsibilities of the  
16 commission or local emergency planning committee, except for acts or  
17 omissions which constitute willful misconduct.

18 (3) (4) Nothing in this section shall be construed to abrogate or  
19 limit ABROGATES OR LIMITS the immunity or exemption from civil liability  
20 of any agency, entity, or person under any statute, including the  
21 "Colorado Governmental Immunity Act", article 10 of this title, or section  
22 13-21-108.5, C.R.S.

23 **24-33.5-1506. [Formerly 24-32-2606] SARA Title III fund -**  
24 **creation - acceptance of gifts, grants, and donations.** (1) There is  
25 hereby created in the state treasury a fund to be known as the SARA Title  
26 III fund, ALSO REFERRED TO IN THIS PART 15 AS THE "FUND", which shall  
27 be administered by the commission. The moneys in the fund shall be ARE

1 subject to annual appropriation by the general assembly for the purposes  
2 of this part 26 PART 15, including but not limited to, the disbursement of  
3 grants pursuant to section 24-32-2607 SECTION 24-33.5-1507.

4 (2) The commission is hereby authorized to accept all moneys  
5 received from the federal government and from public or private grants,  
6 gifts, bequests, donations, and other contributions for any purpose  
7 consistent with the provisions of this part 26 PART 15. Such moneys shall  
8 be credited to the SARA Title III fund created by subsection (1) of this  
9 section.

10 (3) In accordance with section 24-36-114, all interest derived from  
11 the deposit and investment of this fund shall be credited to the general  
12 fund.

13 **24-33.5-1507. [Formerly 24-32-2607] Application for grants -**  
14 **disbursements from fund - regulations.** (1) The department of local  
15 affairs PUBLIC SAFETY shall administer all grants from the fund. The  
16 department of local affairs shall accept applications from local emergency  
17 planning committees and from first responder organizations who have  
18 coordinated their request with their local emergency planning committee  
19 and shall direct those applications to the commission. The commission  
20 shall evaluate the applications and shall recommend to the department of  
21 local affairs PUBLIC SAFETY which grants should be made for the purposes  
22 of emergency planning and emergency response, including but not limited  
23 to, training and planning programs and training and planning equipment  
24 as needed to carry out the purposes of this part 26 PART 15.

25 (2) The commission shall promulgate rules and regulations  
26 prescribing the procedures to be followed in the making, filing, and  
27 evaluation of grant applications, and any other regulations necessary for

1 administering the SARA Title III fund.

2 **SECTION 18.** In Colorado Revised Statutes, 24-33.5-1601,  
3 **amend (1) (e); and add (1) (f) and (1) (g) as follows:**

4 **24-33.5-1601. Legislative declaration.** (1) The general assembly  
5 hereby finds and declares that:

6 (e) An agency should be established in the state government to  
7 coordinate Colorado's response to the threat of terrorism IN 2005,  
8 HURRICANE KATRINA EMPHASIZED AND REINFORCED THE IMPORTANCE OF  
9 ROBUST EMERGENCY MANAGEMENT SYSTEMS AND THE NEED FOR AN  
10 ALL-HAZARDS APPROACH TO HOMELAND SECURITY, INCREASED  
11 AUTONOMY, AND RESPONSIBILITY FOR EMERGENCY MANAGEMENT;

12 (f) COORDINATION ACROSS DISCIPLINES, AMONG LEVELS OF  
13 GOVERNMENT, AND WITH PRIVATE AND NONGOVERNMENTAL SECTORS IS  
14 THE BEST WAY TO ENSURE THAT GOVERNMENT CAN DELIVER, TO THE BEST  
15 OF ITS COLLECTIVE ABILITY, THE MOST EFFECTIVE AND EFFICIENT  
16 SERVICES REGARDLESS OF THE CAUSE OF ANY DISASTER;

17 (g) A STATE AGENCY SHOULD BE ESTABLISHED TO COORDINATE  
18 COLORADO'S RESPONSE TO THE THREAT OF TERRORISM AND OTHER  
19 THREATS; FACILITATE TRIBAL, STATE, LOCAL, AND REGIONAL HOMELAND  
20 SECURITY ACTIVITIES; DIRECT HOMELAND SECURITY-RELATED FEDERAL  
21 FUNDING TO LOCAL GOVERNMENTS; AND SHARE HOMELAND SECURITY  
22 INFORMATION AMONG ENTITIES PARTICIPATING IN HOMELAND SECURITY  
23 ACTIVITIES.

24 **SECTION 19.** In Colorado Revised Statutes, 24-33.5-1602,  
25 **amend (4), (5), and (6); and add (7), (8), (9), (10), and (11) as follows:**

26 **24-33.5-1602. Definitions.** As used in this part 16, unless the  
27 context otherwise requires:

1           (4) "Destructive device" has the same meaning set forth in 18  
2 U.S.C. sec. 921 (a) (4). "CRITICAL INFRASTRUCTURE" MEANS THOSE  
3 SYSTEMS AND ASSETS, WHETHER PHYSICAL OR VIRTUAL, THAT ARE VITAL  
4 TO THE STATE OF COLORADO SO THAT THE INCAPACITY OR DESTRUCTION  
5 OF SUCH SYSTEMS AND ASSETS WOULD HAVE A DEBILITATING IMPACT ON  
6 PUBLIC SAFETY, PUBLIC HEALTH, OR ECONOMIC SECURITY.

7           (5) "Radioactive material" means a material that produces  
8 radiation at a level that is dangerous to human health or life.  
9 "DESTRUCTIVE DEVICE" HAS THE SAME MEANING SET FORTH IN 18 U.S.C.  
10 SEC. 921 (a) (4).

11           (6) "Toxin" has the same meaning set forth in 18 U.S.C. secs. 178  
12 (2) and 175 (b) "DIRECTOR" MEANS THE DIRECTOR OF THE DIVISION.

13           (7) "DIVISION" MEANS THE DIVISION OF HOMELAND SECURITY AND  
14 EMERGENCY MANAGEMENT CREATED IN SECTION 24-33.5-1603.

15           (8) "FUSION CENTER" MEANS THE PROGRAM ADMINISTERED BY THE  
16 OFFICE OF PREVENTION AND SECURITY, CREATED IN SECTION  
17 24-33.5-1606, THAT SERVES AS THE PRIMARY FOCAL POINT WITHIN THE  
18 STATE FOR RECEIVING, ANALYZING, GATHERING, AND SHARING  
19 THREAT-RELATED INFORMATION AMONG FEDERAL, STATE, LOCAL, TRIBAL,  
20 NONGOVERNMENTAL, AND PRIVATE SECTOR PARTNERS.

21           (9) "HOMELAND SECURITY ADVISOR" MEANS A PERSON APPOINTED  
22 BY THE GOVERNOR TO SERVE AS COUNSEL TO THE GOVERNOR ON  
23 HOMELAND SECURITY ISSUES AND WHO MAY ALSO SERVE AS A LIAISON  
24 BETWEEN THE GOVERNOR'S OFFICE, THE DEPARTMENT OF HOMELAND  
25 SECURITY, AND OTHER HOMELAND SECURITY AND RELATED  
26 ORGANIZATIONS BOTH INSIDE AND OUTSIDE OF THE STATE.

27           (10) "RADIOACTIVE MATERIAL" MEANS A MATERIAL THAT

1 PRODUCES RADIATION AT A LEVEL THAT IS DANGEROUS TO HUMAN HEALTH  
2 OR LIFE.

3 (11) "TOXIN" HAS THE SAME MEANING SET FORTH IN 18 U.S.C.  
4 SECS. 178 (2) AND 175 (b).

5 SECTION 20. In Colorado Revised Statutes, amend  
6 24-33.5-1603 as follows:

7 24-33.5-1603. Division of homeland security and emergency  
8 management - creation - director. (1) There is hereby created within  
9 the department an office of preparedness, security, and fire safety THE  
10 DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT, the  
11 head of which shall be IS the director of the office of preparedness,  
12 security, and fire safety, which office is hereby created DIVISION. The  
13 EXECUTIVE DIRECTOR SHALL APPOINT THE director of the office of  
14 preparedness, security, and fire safety, referred to in this part 16 as the  
15 "director", shall be appointed by the executive director pursuant to section  
16 13 of article XII of the state constitution.

17 (2) The office of preparedness, security, and fire safety shall  
18 include DIVISION INCLUDES the following agencies, which shall exercise  
19 their powers and perform their duties and functions under the department  
20 as if the same were transferred thereto by a type 2 transfer:

21 (a) The division OFFICE of fire safety, created in section  
22 24-33.5-1201; and EMERGENCY MANAGEMENT, CREATED IN SECTION  
23 24-33.5-705;

24 (b) The office of anti-terrorism planning and training PREVENTION  
25 AND SECURITY, created in section 24-33.5-1606; AND

26 (c) THE OFFICE OF PREPAREDNESS, CREATED IN SECTION  
27 24-33.5-1606.5.

1            **SECTION 21.** In Colorado Revised Statutes, 24-33.5-1604,  
2 **amend** (1) introductory portion, (1) (b), (2) (a) introductory portion, (2)  
3 (b), (3), and (4); and **add** (5) as follows:

4            **24-33.5-1604. Duties and powers of the division.** (1) The office  
5 of preparedness, security, and fire safety shall have DIVISION HAS the  
6 following duties and powers:

7            (b) To cooperate with the federal office UNITED STATES  
8 DEPARTMENT of homeland security and other agencies of the federal  
9 government and other states in matters related to terrorism;

10           (2) (a) Within twelve months after June 3, 2002, The office of  
11 preparedness, security, and fire safety DIVISION shall create and  
12 implement terrorism preparedness plans. Such THE plans shall include the  
13 following:

14           (b) (I) In creating the terrorism preparedness plans, the office of  
15 preparedness, security, and fire safety may DIVISION SHALL seek the  
16 advice and assistance of other federal, state, and local government  
17 agencies; business, labor, industrial, agricultural, civic, and volunteer  
18 organizations; and community leaders.

19           (II) The terrorism preparedness plans shall constitute specialized  
20 details of security arrangements for purposes of section 24-72-204 (2) (a)  
21 (VIII).

22           (3) (a) The office of preparedness, security, and fire safety  
23 DIVISION shall provide advice, assistance, and training to state and local  
24 government agencies in the development and implementation of terrorism  
25 preparedness plans and in conducting periodic exercises related to such  
26 THE plans.

27           (b) The office of preparedness, security, and fire safety DIVISION

1 shall provide oversight of terrorism preparedness plans developed and  
2 implemented by state and local government agencies. ~~Such~~ THE oversight  
3 ~~shall~~ DOES not usurp the authority of state and local government agencies,  
4 but ~~shall~~ WILL only provide peer review and comment IN ORDER to  
5 promote standardized methods of operation and to facilitate integration  
6 with plans adopted by other state and local government agencies  
7 throughout the state.

8 (c) State and local government agencies that develop terrorism  
9 preparedness plans shall submit copies of current, new, or amended plans  
10 to the office of preparedness, security, and fire safety DIVISION.

11 (4) The office of preparedness, security, and fire safety DIVISION  
12 may distribute to local government agencies any federal or other funds  
13 that may become available for distribution.

14 (5) THE DIVISION SHALL ALSO:

15 (a) BUILD PARTNERSHIPS WITH FIRST RESPONDERS, AGENCIES, AND  
16 CITIZENS IN THE PUBLIC AND PRIVATE SECTORS;

17 (b) COORDINATE ACTIVITIES WITH OTHER STATE AGENCIES AND  
18 THE ALL-HAZARDS EMERGENCY MANAGEMENT REGIONS CREATED BY  
19 EXECUTIVE ORDER OF THE GOVERNOR;

20 (c) DEVELOP AND UPDATE A STATE STRATEGY FOR HOMELAND  
21 SECURITY;

22 (d) FACILITATE, COORDINATE, AND CONDUCT CAPABILITIES  
23 ASSESSMENTS AS NECESSARY;

24 (e) FACILITATE IMPROVEMENTS IN OVERALL PREPAREDNESS BY  
25 DEVELOPING COORDINATING MECHANISMS AMONG COLORADO'S  
26 EMERGENCY MANAGEMENT, HOMELAND SECURITY, PUBLIC SAFETY, AND  
27 PUBLIC HEALTH AGENCIES IN ORDER TO DELIVER THE CAPABILITIES



1 NECESSARY FOR ALL DOMESTIC DISASTERS, WHETHER NATURAL OR  
2 MAN-MADE, INCLUDING ACTS OF TERROR; AND

3

4 (f) COORDINATE PROTECTION ACTIVITIES AMONG OWNERS AND  
5 OPERATORS OF CRITICAL INFRASTRUCTURE AND OTHER TRIBAL, STATE,  
6 LOCAL, REGIONAL, AND FEDERAL AGENCIES IN ORDER TO HELP SECURE  
7 AND PROTECT CRITICAL INFRASTRUCTURE WITHIN THE STATE.

8 **SECTION 22.** In Colorado Revised Statutes, 24-33.5-1605,  
9 **amend** (1) introductory portion, (2), (3), and (4) as follows:

10 **24-33.5-1605. Director - duties and powers - rules.** (1) The  
11 director of the office of preparedness, security, and fire safety shall  
12 perform duties in connection with:

13 (2) The director of the office of preparedness, security, and fire  
14 safety may promulgate, such IN ACCORDANCE WITH ARTICLE 4 OF THIS  
15 TITLE, ANY rules as are necessary to implement sections 24-33.5-1604 (2)  
16 (a), 24-33.5-1608, and 24-33.5-1609. Such rules shall be promulgated in  
17 accordance with article 4 of this title.

18 (3) The powers vested in the director of the office of  
19 preparedness, security, and fire safety as specified in part 12 of this article  
20 and this part 16 shall in no way DO NOT usurp or supersede the powers of  
21 fire chiefs, sheriffs, chiefs of police, and OR other law enforcement or fire  
22 protection agencies.

23 (4) The director of the office of preparedness, security, and fire  
24 safety who is required to perform any official function under the  
25 provisions of this part 16 shall be IS entitled to all protections, defenses,  
26 and immunities provided by statute to safeguard a peace officer in the  
27 performance of official acts.

1            **SECTION 23.** In Colorado Revised Statutes, amend  
2 24-33.5-1606 as follows:

3            **24-33.5-1606. Office of prevention and security - creation -**  
4 **duties.** (1) There is hereby created within the office of preparedness,  
5 security, and fire safety DIVISION an office of anti-terrorism planning and  
6 training PREVENTION AND SECURITY, the head of which shall be IS the  
7 manager of anti-terrorism planning and training, which office is hereby  
8 created THE OFFICE OF PREVENTION AND SECURITY. The manager of  
9 anti-terrorism planning and training shall be appointed by the executive  
10 director SHALL APPOINT THE MANAGER OF THE OFFICE OF PREVENTION AND  
11 SECURITY pursuant to section 13 of article XII of the state constitution.

12            (2) THE DUTIES OF THE OFFICE OF PREVENTION AND SECURITY  
13 INCLUDE:

14            (a) ENHANCING INTERAGENCY COOPERATION THROUGH  
15 INFORMATION SHARING;

16            (b) OPERATING THE STATE'S FUSION CENTER; AND

17            (c) DEVELOPING AND MAINTAINING, THROUGH COOPERATION WITH  
18 OTHER TRIBAL, STATE, LOCAL, REGIONAL, AND FEDERAL AGENCIES, A  
19 STANDARDIZED CRISIS COMMUNICATION AND INFORMATION-SHARING  
20 PROCESS.

21            **SECTION 24.** In Colorado Revised Statutes, add with amended  
22 **and relocated provisions 24-33.5-1606.5 as follows:**

23            **24-33.5-1606.5. Office of preparedness - creation - duties -**  
24 **posting of notice of NIMS classes - definition.** (1) THERE IS HEREBY  
25 CREATED WITHIN THE DIVISION THE OFFICE OF PREPAREDNESS, THE HEAD  
26 OF WHICH IS THE MANAGER OF THE OFFICE OF PREPAREDNESS. THE  
27 DIRECTOR SHALL APPOINT THE MANAGER OF THE OFFICE OF PREPAREDNESS

1 PURSUANT TO SECTION 13 OF ARTICLE XII OF THE STATE CONSTITUTION.  
2 THE OFFICE OF PREPAREDNESS IS RESPONSIBLE FOR CREATING AND  
3 IMPLEMENTING A STATE PREPAREDNESS GOAL AND SYSTEM TO IMPROVE  
4 STATE CAPABILITIES TO PREVENT, MITIGATE THE EFFECTS OF, RESPOND TO,  
5 AND RECOVER FROM THREATS TO COLORADO.

6 (2) THE DUTIES OF THE OFFICE OF PREPAREDNESS INCLUDE:

7 (a) IMPROVING COMMUNITY PREPAREDNESS AND CITIZEN  
8 INVOLVEMENT THROUGH EXTERNAL OUTREACH;

9 (b) IDENTIFYING AND REDUCING DUPLICATIVE HOMELAND  
10 SECURITY-RELATED TRAINING NEEDS AND EFFORTS, COORDINATING  
11 HOMELAND SECURITY-RELATED TRAINING AMONG TRIBAL, STATE, LOCAL,  
12 AND REGIONAL AGENCIES, AND CREATING A SINGLE TRAINING AND  
13 EXERCISE CALENDAR WITH IDENTIFIED POINTS OF CONTACT THAT IS  
14 ACCESSIBLE VIA THE INTERNET;

15 (c) COORDINATING AND UPDATING HOMELAND SECURITY PLANS;

16 (d) COORDINATING ALL-HAZARD PUBLIC RISK COMMUNICATION  
17 PRODUCTS AMONG STATE AGENCIES; AND

18 (e) ADMINISTERING FEDERAL HOMELAND SECURITY GRANTS, IN  
19 ACCORDANCE WITH SUBSECTION (3) OF THIS SECTION, PROVIDING  
20 TECHNICAL ASSISTANCE TO GRANTEEES, AND COORDINATING GRANT  
21 FUNDING OPPORTUNITIES WITH OTHER STATE AGENCIES.

22 (3) (a) UNLESS OTHERWISE AUTHORIZED UNDER THIS ARTICLE  
23 33.5, THE GRANT PROGRAMS FOR WHICH THE OFFICE OF PREPAREDNESS  
24 HAS AUTHORITY TO ADMINISTER ARE LIMITED TO:

25 (I) THE STATE HOMELAND SECURITY PROGRAM, OR ITS SUCCESSOR  
26 PROGRAM;

27 (II) THE DENVER URBAN AREAS SECURITY INITIATIVE, OR ITS

1 SUCCESSOR PROGRAM;  
2 (III) THE METROPOLITAN MEDICAL RESPONSE SYSTEM, OR ITS  
3 SUCCESSOR PROGRAM;  
4 (IV) THE CITIZENS CORP PROGRAM, OR ITS SUCCESSOR PROGRAM;  
5 (V) THE URBAN AREAS SECURITY INITIATIVE NONPROFIT SECURITY  
6 GRANT PROGRAM, OR ITS SUCCESSOR PROGRAM;  
7 (VI) THE BUFFER ZONE PROTECTION PROGRAM, OR ITS SUCCESSOR  
8 PROGRAM; \_\_\_\_\_  
9 (VII) THE INTEROPERABLE EMERGENCY COMMUNICATIONS GRANT  
10 PROGRAM, OR ITS SUCCESSOR PROGRAM;  
11 (VIII) ANY GRANT PROGRAMS PREVIOUSLY ADMINISTERED BY THE  
12 FORMER DIVISION OF EMERGENCY MANAGEMENT IN THE DEPARTMENT OF  
13 LOCAL AFFAIRS, AS OF JUNE 30, 2012; AND  
14 (IX) ANY OTHER GRANT PROGRAMS AUTHORIZED BY THE  
15 GOVERNOR, WHICH PROGRAMS SHALL NOT BE INCONSISTENT WITH THE  
16 DIVISION'S PURPOSES.  
17 (b) AS USED IN THIS SUBSECTION (3), "SUCCESSOR PROGRAM"  
18 MEANS A FEDERAL HOMELAND SECURITY GRANT PROGRAM THAT THE  
19 MANAGER OF THE OFFICE OF PREPAREDNESS REASONABLY DETERMINES IS  
20 SIMILAR IN PURPOSE AND SCOPE TO ITS PREDECESSOR PROGRAM,  
21 REGARDLESS OF THE PARTICULAR NAME OF THE SUCCESSOR PROGRAM.  
22 (4) [Formerly 24-33.5-110] The department OFFICE OF  
23 PREPAREDNESS shall place on its web site a description of the national  
24 incident management system, developed by the federal emergency  
25 management agency and referred to in this section as "NIMS", and a  
26 listing, with any applicable links, of on-line courses required to become  
27 NIMS-certified and courses related to NIMS at institutions within the

1 state system of community and technical colleges.

2 **SECTION 25.** In Colorado Revised Statutes, 24-33.5-1610,  
3 **amend** (2) (b) as follows:

4 **24-33.5-1610. Compliance with standards.** (2) (b) If adequate  
5 funding is not available to fund compliance with any such rule by a state  
6 department or agency, the department or agency shall take appropriate  
7 measures to provide alternate interim solutions to protect the safety and  
8 security of persons and property and to ensure the continuity of the  
9 department or agency's critical functions during a state of emergency.  
10 Any alternate interim solution shall be approved by the office of  
11 preparedness, security, and fire safety DIVISION.

12 **SECTION 26.** In Colorado Revised Statutes, amend  
13 24-33.5-1611 as follows:

14 **24-33.5-1611. Assistance to state agencies - security**  
15 **assessment.** (1) Upon request FROM ANY STATE AGENCY, the office of  
16 preparedness, security, and fire safety DIVISION shall provide advice and  
17 assistance to any state department or THE agency related to its THE  
18 AGENCY'S compliance with rules adopted pursuant to sections  
19 24-33.5-1608 and 24-33.5-1609.

20 (2) The office of preparedness, security, and fire safety DIVISION  
21 shall conduct security assessments as needed to evaluate threats, risks,  
22 and compliance with security rules at state facilities.

23 **SECTION 27.** In Colorado Revised Statutes, amend  
24 24-33.5-1612 as follows:

25 **24-33.5-1612. Cooperation from other state agencies.** (1) Upon  
26 request, other agencies of state government, including but not limited to,  
27 the department of personnel and the department of local affairs, shall

1 provide advice and assistance to the office of preparedness, security, and  
2 fire safety DIVISION related to rules adopted pursuant to section  
3 24-33.5-1608 or 24-33.5-1609.

4 (2) EXECUTIVE DEPARTMENTS AND AGENCIES OF STATE  
5 GOVERNMENT SHALL COORDINATE THEIR HOMELAND SECURITY EFFORTS  
6 THROUGH THE DIVISION AS NECESSARY.

7 **SECTION 28.** In Colorado Revised Statutes, add 24-33.5-1614  
8 as follows:

9 **24-33.5-1614. Homeland security and all-hazards senior**  
10 **advisory committee - creation - composition - duties - repeal.** (1) TO  
11 HELP DEVELOP AND GUIDE THE DIVISION'S EFFORTS AND ADVISE THE  
12 HOMELAND SECURITY ADVISOR, THERE IS HEREBY CREATED THE  
13 HOMELAND SECURITY AND ALL-HAZARDS SENIOR ADVISORY COMMITTEE,  
14 REFERRED TO IN THIS SECTION AS THE "ADVISORY COMMITTEE". THE  
15 ADVISORY COMMITTEE SHALL ASSIST THE STATE IN BECOMING BETTER  
16 ABLE TO PREDICT, PREVENT, MITIGATE THE EFFECTS OF, RESPOND TO, AND  
17 RECOVER FROM THOSE THREATS POSING THE GREATEST RISK TO  
18 COLORADO.

19 (2) (a) THE ADVISORY COMMITTEE CONSISTS OF AT LEAST THE  
20 DIRECTOR OF THE DIVISION, WHO IS A NONVOTING MEMBER, AND THE  
21 FOLLOWING TWENTY-ONE VOTING MEMBERS:

22 (I) THE EXECUTIVE DIRECTOR, WHO IS THE CHAIR OF THE  
23 ADVISORY COMMITTEE;

24 (II) THE DIRECTOR OF THE DIVISION OF FIRE PREVENTION AND  
25 CONTROL CREATED IN PART 12 OF THIS ARTICLE, OR HIS OR HER DESIGNEE;

26 (III) ONE MEMBER WITH SPECIALIZED KNOWLEDGE IN LOCAL  
27 GOVERNMENT ASSISTANCE WHO REPRESENTS THE DEPARTMENT OF LOCAL

1 AFFAIRS, CREATED IN SECTION 24-1-125, TO BE APPOINTED BY THE  
2 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS;

3 (IV) ONE MEMBER WITH SPECIALIZED KNOWLEDGE IN EMERGENCY  
4 PREPAREDNESS AND RESPONSE WHO REPRESENTS THE DEPARTMENT OF  
5 PUBLIC HEALTH AND ENVIRONMENT, CREATED IN SECTION 25-1-102,  
6 C.R.S., TO BE APPOINTED BY THE EXECUTIVE DIRECTOR OF THE  
7 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT;

8 (V) ONE MEMBER WITH SPECIALIZED KNOWLEDGE IN HOMELAND  
9 DEFENSE WHO REPRESENTS THE DEPARTMENT OF MILITARY AND VETERANS  
10 AFFAIRS CREATED IN SECTION 24-1-127 TO BE APPOINTED BY THE  
11 ADJUTANT GENERAL;

12 (VI) ONE MEMBER WITH SPECIALIZED KNOWLEDGE IN EMERGENCY  
13 COMMUNICATIONS SYSTEMS WHO REPRESENTS THE GOVERNOR'S OFFICE OF  
14 INFORMATION TECHNOLOGY CREATED IN SECTION 24-37.5-103, TO BE  
15 APPOINTED BY THE CHIEF INFORMATION OFFICER;

16 (VII) THE CHIEF OF THE COLORADO STATE PATROL APPOINTED  
17 PURSUANT TO SECTION 24-33.5-205, OR HIS OR HER DESIGNEE;

18 (VIII) THE FOLLOWING FOURTEEN MEMBERS, TO BE APPOINTED BY  
19 THE EXECUTIVE DIRECTOR IN CONSULTATION WITH THE ADJUTANT  
20 GENERAL OF THE DEPARTMENT OF MILITARY AND VETERANS AFFAIRS AND  
21 THE EXECUTIVE DIRECTORS OF THE DEPARTMENT OF LOCAL AFFAIRS AND  
22 THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT;

23 (A) A REPRESENTATIVE OF COLORADO COUNTIES, INCORPORATED,  
24 OR ITS SUCCESSOR ENTITY;

25 (B) A REPRESENTATIVE OF THE COLORADO EMERGENCY  
26 MANAGEMENT ASSOCIATION, OR ITS SUCCESSOR ENTITY;

27 (C) A REPRESENTATIVE OF PRIVATE INDUSTRY;

1           (D) A REPRESENTATIVE OF THE COLORADO MUNICIPAL LEAGUE, OR  
2           ITS SUCCESSOR ENTITY;

3           (E) A REPRESENTATIVE OF THE COUNTY SHERIFFS OF COLORADO,  
4           INCORPORATED, OR A SUCCESSOR SHERIFFS' ORGANIZATION;

5           (F) A REPRESENTATIVE OF THE EMERGENCY MEDICAL SERVICES  
6           ASSOCIATION OF COLORADO, OR ITS SUCCESSOR ORGANIZATION;

7           (G) A REPRESENTATIVE OF THE COLORADO STATE FIRE CHIEFS'  
8           ASSOCIATION, OR ITS SUCCESSOR ORGANIZATION;

9           (H) A REPRESENTATIVE OF THE COLORADO ASSOCIATION OF  
10          CHIEFS OF POLICE, OR ITS SUCCESSOR ORGANIZATION;

11          (I) A REPRESENTATIVE OF TRIBAL GOVERNMENT;

12          (J) A REPRESENTATIVE OF COLORADO VOLUNTARY  
13          ORGANIZATIONS ACTIVE IN DISASTER;

14          (K) A REGIONAL STATE HOMELAND SECURITY COORDINATOR,  
15          REPRESENTING AN ALL-HAZARDS EMERGENCY MANAGEMENT REGION  
16          ESTABLISHED BY EXECUTIVE ORDER OF THE GOVERNOR;

17          (L) A REPRESENTATIVE OF THE SPECIAL DISTRICTS ASSOCIATION  
18          OF COLORADO, OR ITS SUCCESSOR ORGANIZATION;

19          (M) A REPRESENTATIVE FROM THE STATE ALL-HAZARDS ADVISORY  
20          COMMITTEE FORMED UNDER THE DEPARTMENT, OR ANY SUCCESSOR  
21          ENTITY; AND

22          (N) A REPRESENTATIVE OF THE DENVER URBAN AREA SECURITY  
23          INITIATIVE, AS RECOGNIZED BY THE UNITED STATES DEPARTMENT OF  
24          HOMELAND SECURITY.

25          (b) ADDITIONAL ADVISORY COMMITTEE MEMBERS MAY BE ADDED  
26          TO THE ADVISORY COMMITTEE AS NECESSARY UPON:

27          (I) APPROVAL BY THE EXECUTIVE DIRECTOR; AND



1           (II) A MAJORITY VOTE OF APPROVAL BY THE ADVISORY  
2           COMMITTEE MEMBERS SERVING PURSUANT TO PARAGRAPH (a) OF THIS  
3           SUBSECTION (2).

4           (c) THE ADVISORY COMMITTEE SHALL SELECT ANNUALLY A  
5           VICE-CHAIRPERSON AND SECRETARY FROM AMONG ITS MEMBERS.

6           (d) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (II) OF  
7           THIS PARAGRAPH (d), ADVISORY COMMITTEE MEMBER TERMS ARE FOR  
8           TWO YEARS EACH.

9           (II) ONE-HALF OF THE INITIAL MEMBERS OF THE ADVISORY  
10          COMMITTEE SHALL BE APPOINTED TO ONE-YEAR TERMS, AND THE OTHER  
11          HALF OF THE INITIAL MEMBERS SHALL BE APPOINTED TO TWO-YEAR TERMS.

12          (e) IF A MEMBER OF THE ADVISORY COMMITTEE APPOINTED UNDER  
13          PARAGRAPH (a) OF THIS SUBSECTION (2) VACATES HIS OR HER OFFICE PRIOR  
14          TO THE EXPIRATION OF HIS OR HER TERM, THE EXECUTIVE DIRECTOR OR,  
15          FOR THOSE MEMBERS DESCRIBED UNDER SUBPARAGRAPH (VII) OF  
16          PARAGRAPH (a) OF THIS SUBSECTION (2), THE APPROPRIATE APPOINTING  
17          AUTHORITY SHALL FILL THE VACANCY BY APPOINTMENT FOR THE  
18          UNEXPIRED TERM.

19          (f) (I) (A) THE ADVISORY COMMITTEE SHALL MEET AS NECESSARY,  
20          AS DETERMINED BY THE EXECUTIVE DIRECTOR.

21          (B) ADVISORY COMMITTEE MEMBERS MAY ATTEND MEETINGS AND  
22          VOTE VIA TELECONFERENCE.

23          (II) THE ADVISORY COMMITTEE SHALL ESTABLISH BY-LAWS AS  
24          APPROPRIATE FOR ITS EFFECTIVE OPERATION.

25          (III) THE MEMBERS OF THE ADVISORY COMMITTEE SHALL RECEIVE  
26          NO COMPENSATION.

27          (3) THE ADVISORY COMMITTEE SHALL:

- 1           (a) PROVIDE POLICY GUIDANCE TO THE DIVISION;
- 2           (b) ANNUALLY REVIEW THE STATE STRATEGY FOR HOMELAND  
3 SECURITY DEVELOPED BY THE DIVISION PURSUANT TO SECTION  
4 24-33.5-1604 (2) (a) (VII) AND MAKE RECOMMENDATIONS ON THE  
5 STRATEGY'S GOALS, POLICIES, AND PRIORITIES;
- 6           (c) ADVISE THE GOVERNOR, THROUGH HIS OR HER HOMELAND  
7 SECURITY ADVISOR, REGARDING THE PLANNING AND IMPLEMENTATION OF  
8 TASKS AND OBJECTIVES TO ACHIEVE GOALS CONTAINED IN THE COLORADO  
9 HOMELAND SECURITY STRATEGY;
- 10          (d) REVIEW HOMELAND SECURITY GRANT APPLICATIONS AND  
11 MAKE RECOMMENDATIONS TO THE HOMELAND SECURITY ADVISOR  
12 REGARDING GRANT DISTRIBUTIONS;
- 13          (e) IDENTIFY OPPORTUNITIES TO CONSOLIDATE EXISTING  
14 STATE-LEVEL ADVISORY BOARDS, WHILE ENSURING THAT LOCAL AND  
15 TRIBAL ENTITIES HAVE LATITUDE IN DETERMINING THEIR NEEDS IN  
16 PROGRAM AREAS; AND
- 17          (f) ESTABLISH SUBCOMMITTEES, AS NECESSARY, THAT FOCUS ON  
18 SPECIFIC ISSUES OR SUBJECT MATTERS AND MAKE RECOMMENDATIONS TO  
19 THE FULL ADVISORY COMMITTEE. THE EXECUTIVE DIRECTOR SHALL  
20 SELECT THE CHAIRPERSONS FOR ANY SUBCOMMITTEES AS WELL AS THE  
21 ADVISORY COMMITTEE MEMBERS TO SERVE ON THE SUBCOMMITTEES. THE  
22 CHAIRPERSON OF A SUBCOMMITTEE MAY SELECT NONADVISORY  
23 COMMITTEE MEMBERS FROM INTERESTED MEMBERS OF THE COMMUNITY  
24 TO SERVE ON THE SUBCOMMITTEE. EACH SUBCOMMITTEE SHALL MAKE  
25 FINDINGS AND RECOMMENDATIONS FOR CONSIDERATION BY THE FULL  
26 ADVISORY COMMITTEE. NONADVISORY COMMITTEE MEMBERS OF A  
27 SUBCOMMITTEE SERVE WITHOUT COMPENSATION AND WITHOUT

1 REIMBURSEMENT FOR EXPENSES.

2 (4) (a) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2021.

3 (b) PRIOR TO REPEAL, THE DEPARTMENT OF REGULATORY  
4 AGENCIES SHALL REVIEW THE ADVISORY COMMITTEE IN ACCORDANCE  
5 WITH SECTION 2-3-1203, C.R.S.

6 **SECTION 29.** In Colorado Revised Statutes, add 24-33.5-1615  
7 as follows:

8 **24-33.5-1615. Report - repeal.** (1) NOTWITHSTANDING SECTION  
9 24-1-136 (11) (a), ON OR BEFORE FEBRUARY 1, 2013, AND ON OR BEFORE  
10 EACH FEBRUARY 1 THEREAFTER, THE DEPARTMENT SHALL SUBMIT AN  
11 ANNUAL REPORT TO THE GENERAL ASSEMBLY DESCRIBING ANY CHANGES,  
12 ISSUES, PROBLEMS, AND EFFICIENCIES REALIZED AS A RESULT OF THE  
13 CREATION OF THE DIVISION.

14 (2) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2017.

15 **SECTION 30.** In Colorado Revised Statutes, 2-3-1203, add (3)  
16 (hh.5) as follows:

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

20 (hh.5) SEPTEMBER 1, 2021:

21 (I) THE HOMELAND SECURITY AND ALL-HAZARDS SENIOR  
22 ADVISORY COMMITTEE CREATED PURSUANT TO SECTION 24-33.5-1614,  
23 C.R.S.:

24 ==

25 **SECTION 31.** In Colorado Revised Statutes, 2-3-1502, amend  
26 (4) as follows:

27 **2-3-1502. Definitions.** As used in this part 15, unless the context

1 otherwise requires:

2 (4) "Division" means the division of HOMELAND SECURITY AND  
3 emergency management in the department of ~~local affairs~~ PUBLIC SAFETY  
4 created in section ~~24-32-2105, C.R.S.~~ SECTION 24-33.5-1603, C.R.S.

5 **SECTION 32.** In Colorado Revised Statutes, 12-28-104, **amend**  
6 (1), (2), (3), (4), (5), and (6) (a) as follows:

7 **12-28-104. Licensing - application - fee - fireworks licensing**  
8 **cash fund - creation.** (1) No person shall sell, offer for sale, expose for  
9 sale, or possess with intent to sell permissible fireworks for retail until  
10 that person first obtains a retailer of fireworks license from the director  
11 of the division of fire ~~safety~~ PREVENTION AND CONTROL within the  
12 department of public safety and the permit, if any, required by section  
13 12-28-103 (1). Such retailer's license ~~shall be good~~ IS VALID only for the  
14 calendar year in which it is issued, ~~shall apply~~ APPLIES to only one retail  
15 location, and shall at all times be displayed at the place of business of  
16 such licensed retailer.

17 (2) No person shall sell, deliver, consign, give, or furnish  
18 fireworks to a person authorized by section 12-28-103 to discharge  
19 fireworks in Colorado until that person first obtains a display retailer of  
20 fireworks license from the director of the division of fire ~~safety~~ within the  
21 department of public safety PREVENTION AND CONTROL and the permit, if  
22 any, required by section 12-28-103 (1).

23 (3) No person shall sell, deliver, consign, give, or furnish  
24 permissible fireworks to a retailer for resale in Colorado until that person  
25 first obtains a wholesaler of fireworks license from the director of the  
26 division of fire ~~safety~~ within the department of public safety PREVENTION  
27 AND CONTROL and the permit, if any, required by section 12-28-103 (1).

1           (4) No person shall sell, deliver, consign, give, or furnish  
2 fireworks for export outside of Colorado until that person first obtains an  
3 exporter of fireworks license from the director of the division of fire  
4 safety within the department of public safety PREVENTION AND CONTROL  
5 and the permit, if any, required by section 12-28-103 (1).

6           (5) Applications for each display, retail, wholesale, and export  
7 license shall be filed with the director of the division of fire safety within  
8 the department of public safety PREVENTION AND CONTROL at least thirty  
9 days before the start of activities for which the license is required. Each  
10 such license shall be IS valid through September 1 of the year following  
11 the date on which the license was issued.

12           (6) (a) All fees pursuant to this article shall be collected by The  
13 director of the division of fire safety within the department of public  
14 safety PREVENTION AND CONTROL SHALL COLLECT ALL FEES PURSUANT TO  
15 THIS ARTICLE.

16           **SECTION 33.** In Colorado Revised Statutes, **amend** 12-28-108  
17 as follows:

18           **12-28-108. Storage of fireworks.** All storage of fireworks shall  
19 be in accordance with the building and fire codes adopted by the  
20 governing body. If the governing body has not adopted a fire code, all  
21 storage of fireworks shall be in accordance with the fire code adopted by  
22 the director of the division of fire safety PREVENTION AND CONTROL  
23 WITHIN THE DEPARTMENT OF PUBLIC SAFETY pursuant to section  
24 24-33.5-1203.5, C.R.S.

25           **SECTION 34.** In Colorado Revised Statutes, 12-29.3-109,  
26 **amend** (b) as follows:

27           **12-29.3-109. Relation to other laws.** (b) The ~~division~~ OFFICE of

1 emergency management created in ~~section 24-32-2105, C.R.S.~~ SECTION  
2 24-33.5-705, C.R.S., pursuant to the emergency management assistance  
3 compact, may incorporate into the emergency forces of this state  
4 volunteer health practitioners who are not officers or employees of this  
5 state, a political subdivision of this state, or a municipality or other local  
6 government within this state.

7 **SECTION 35.** In Colorado Revised Statutes, 12-47.1-516,  
8 **amend** (1) (a), (2), (5), and (6) as follows:

9 **12-47.1-516. Licensed premises - safety conditions - fire and**  
10 **electrical.** (1) (a) The building in which limited gaming will be  
11 conducted and the areas where limited gaming will occur shall meet  
12 safety standards and conditions for the protection of life and property as  
13 determined by the local fire official and the local building official. In  
14 making such determinations, the codes adopted by the director of the  
15 division of fire safety shall PREVENTION AND CONTROL WITHIN THE  
16 DEPARTMENT OF PUBLIC SAFETY pursuant to section 24-33.5-1203.5,  
17 C.R.S., constitute the minimum safety standards for limited gaming  
18 structures; except that, in connection with structures licensed for limited  
19 gaming and operating as such on or before July 1, 2011, any newly  
20 adopted building codes shall not be applied retroactively to structures that  
21 were newly constructed or remodeled to accommodate licensed limited  
22 gaming.

23 (2) A certificate of compliance shall be issued to an applicant for  
24 a premises license by the local fire and building officials, and approved  
25 by the division of fire safety. A copy of the local inspection report shall  
26 be filed with the state division of fire safety. Once the division has  
27 deemed that the minimum requirements for fire safety PREVENTION AND

1 CONTROL have been met, the division shall approve the certificate of  
2 compliance within five working days from receipt of the inspection  
3 report. If not acted upon within five days, the certificate of compliance  
4 shall be considered approved. Such certificate shall be current and valid  
5 and shall cover the entire building where limited gaming is conducted.

6 (5) The state division of fire ~~safety~~ PREVENTION AND CONTROL  
7 and the state historical society shall provide technical assistance to the  
8 local building officials, the local fire officials, the local historical  
9 preservation commissions, and the commission upon request.

10 (6) The commission shall act as an appeals board for any owner,  
11 fire official, building official, or the division of fire ~~safety~~ PREVENTION  
12 AND CONTROL who feels aggrieved by fire and life safety requirements or  
13 the lack of fire and life safety standards in buildings in which limited  
14 gaming will be conducted. If the commission fails to act upon an appeal  
15 within fourteen days after its receipt by the commission, the certificate of  
16 compliance shall be considered approved.

17 **SECTION 36.** In Colorado Revised Statutes, **amend 12-58-104**  
18 (1) (k) as follows:

19 **12-58-104. Powers of board - fees - rules.** (1) In addition to all  
20 other powers and duties conferred or imposed upon the board by this  
21 article, the board is authorized and empowered to:

22 (k) Establish minimum requirements and standards for the  
23 inspection of multipurpose residential fire sprinkler systems in one- and  
24 two-family dwellings and townhouses that are part of the potable water  
25 supply, by requiring inspectors of multipurpose residential fire sprinkler  
26 systems in one- and two-family dwellings and townhouses to be certified  
27 by the division of fire ~~safety~~ PREVENTION AND CONTROL in the department

1 of public safety pursuant to section 24-33.5-1206.4, C.R.S.

2 **SECTION 37.** In Colorado Revised Statutes, 15-18.6-101,  
3 **amend** (3) as follows:

4 **15-18.6-101. Definitions.** As used in this article, unless the  
5 context otherwise requires:

6 (3) "Emergency medical service personnel" means any emergency  
7 medical technician at any level who is certified or licensed by the  
8 department of public health and environment. "Emergency medical  
9 service personnel" includes a first responder certified by the department  
10 of public health and environment or the division of fire safety  
11 PREVENTION AND CONTROL in the office of preparedness, security, and  
12 fire safety in the department of public safety, in accordance with section  
13 24-33.5-1205 (2) (c), C.R.S.

14 **SECTION 38.** In Colorado Revised Statutes, 15-18.7-102,  
15 **amend** (8) as follows:

16 **15-18.7-102. Definitions.** As used in this article, unless the  
17 context otherwise requires:

18 (8) "Emergency medical service personnel" means an emergency  
19 medical technician who is certified or licensed by the department of  
20 public health and environment, created and existing pursuant to section  
21 25-1-102, C.R.S., or any first responder certified by the department of  
22 public health and environment or the division of fire safety PREVENTION  
23 AND CONTROL in the office of preparedness, security, and fire safety in the  
24 department of public safety, in accordance with part 12 of article 33.5 of  
25 title 24, C.R.S.

26 **SECTION 39.** In Colorado Revised Statutes, **amend** 16-2.5-112  
27 as follows:



1           **16-2.5-112. Director of the division of homeland security and**  
2           **emergency management.** The director of the ~~office of preparedness,~~  
3           ~~security, and fire safety~~ DIVISION OF HOMELAND SECURITY AND  
4           EMERGENCY MANAGEMENT in the department of public safety is a peace  
5           officer whose authority ~~shall include~~ INCLUDES the enforcement of all  
6           laws of the state of Colorado and who may be certified by the P.O.S.T.  
7           board.

8           **SECTION 40.** In Colorado Revised Statutes, 22-32-109.1,  
9           **amend** (4) (1) as follows:

10           **22-32-109.1. Board of education - specific powers and duties**  
11           **- safe schools. (4) School response framework - school safety,**  
12           **readiness, and incident management plan.** Each board of education  
13           shall establish a school response framework that shall consist of policies  
14           described in this subsection (4). By satisfying the requirements of this  
15           subsection (4), a school or school district shall be in compliance with the  
16           national incident management system, referred to in this subsection (4) as  
17           "NIMS", developed by the federal emergency management agency. At a  
18           minimum, the policies shall require:

19           (1) School district employee safety and incident management  
20           training, including provisions stating that completion of any courses  
21           identified by the department of public safety pursuant to section  
22           ~~24-33.5-110~~ SECTION 24-33.5-1606.5 (3), C.R.S., as related to NIMS  
23           count toward the professional development requirements of a person  
24           licensed pursuant to article 60.5 of this title;

25           **SECTION 41.** In Colorado Revised Statutes, 22-32-124, amend  
26           (1) (c) as follows:

27           **22-32-124. Building codes - zoning - planning - fees - rules -**

1 definitions. (1) (c) All buildings and structures shall be constructed in  
2 conformity with the building and fire codes adopted by the director of the  
3 division of fire ~~safety~~ PREVENTION AND CONTROL in the office of  
4 preparedness, security, and fire safety in the department of public safety,  
5 referred to in this section as the "division".

6 SECTION 42. In Colorado Revised Statutes, 23-60-304, amend  
7 (6) as follows:

8 23-60-304. Plans - development and implementation -  
9 credentialing - fees. (6) The board shall enter into a cooperative  
10 arrangement with the division of fire ~~safety~~ PREVENTION AND CONTROL  
11 in the department of public safety to develop a system in which a  
12 qualified volunteer firefighter may receive a tuition voucher to attend  
13 courses at an institution in the state system of community and technical  
14 colleges in accordance with section 24-33.5-1216, C.R.S.

15 SECTION 43. In Colorado Revised Statutes, 23-71-122, amend  
16 (1) (v) (I) and (1) (w) as follows:

17 23-71-122. Junior college board of trustees - specific powers  
18 - rules - definitions. (1) In addition to any other power granted by law  
19 to a board of trustees of a junior college district, each board shall have the  
20 power to:

21 (v) (I) Determine the location of each school site, building, or  
22 structure and construct, erect, repair, alter, rebuild, replace, and remodel  
23 buildings and structures without a permit or fee or compliance with a  
24 local building code. The authority delegated by this subparagraph (I) shall  
25 exist notwithstanding any authority delegated to or vested in any county,  
26 town, city, or city and county. Prior to the acquisition of land for school  
27 building sites or the construction of buildings thereon, the board of

1 trustees of a junior college district shall consult with the planning  
2 commission that has jurisdiction over the territory in which the site,  
3 building, or structure is proposed to be located, on issues related to the  
4 location of the site, building, or structure in order to ensure that the  
5 proposed site, building, or structure conforms to the adopted plan of the  
6 community insofar as is feasible. All buildings and structures shall be  
7 constructed in conformity with the building and fire codes adopted by the  
8 director of the division of fire ~~safety~~ PREVENTION AND CONTROL, referred  
9 to in this section as the "division", in the office of preparedness, security,  
10 and fire safety in the department of public safety. The board shall notify  
11 the planning commission that has jurisdiction over the territory in which  
12 a site, building, or structure is proposed to be located, in writing, of the  
13 location of the site, building, or structure before awarding a contract for  
14 the purchase or the construction thereof.

15 (w) Enter into a cooperative arrangement with the division of fire  
16 ~~safety~~ PREVENTION AND CONTROL in the department of public safety to  
17 develop a system in which a qualified volunteer firefighter may receive  
18 a tuition voucher to attend courses at a local community college,  
19 including Aims community college and Colorado mountain college, in  
20 accordance with section 24-33.5-1216, C.R.S.

21 **SECTION 44.** In Colorado Revised Statutes, 24-4-102, repeal (3)

22 (b) as follows:

23 **24-4-102. Definitions.** As used in this article, unless the context  
24 otherwise requires:

25 (3) "Agency" means any board, bureau, commission, department,  
26 institution, division, section, or officer of the state, except those in the  
27 legislative branch or judicial branch and except:

1           (b) The Colorado law enforcement training academy created in  
2 part 3 of article 33.5 of this title; and

3           **SECTION 45.** In Colorado Revised Statutes, 24-32-703, amend  
4 (8) as follows:

5           **24-32-703. Definitions.** As used in this part 7, unless the context  
6 otherwise requires:

7           (8) "State agency" means any board, bureau, commission,  
8 department, institution, division, section, or officer of the state, except  
9 those in the legislative branch or judicial branch, and except state  
10 educational institutions administered pursuant to part 3 of article 33.5 of  
11 this title and title 23, C.R.S., excluding articles 8 and 9, parts 2 and 3 of  
12 article 21, and parts 2 to 4 of article 30 of title 23, C.R.S.

13           **SECTION 46.** In Colorado Revised Statutes, 24-33.5-1803,  
14 amend (3) (g) as follows:

15           **24-33.5-1803. School safety resource center - created - duties.**  
16 (3) The center has the following duties:

17           (g) To provide information and resources relating to school safety,  
18 school emergency response planning and training, and interoperable  
19 communications in schools, as determined by the center, to the division  
20 of fire ~~safety~~ PREVENTION AND CONTROL in the department of public  
21 safety to be distributed to school districts and schools pursuant to section  
22 24-33.5-1213.4;

23           **SECTION 47.** In Colorado Revised Statutes, 24-34-104, amend  
24 (45) introductory portion and (45) (d) as follows:

25           **24-34-104. General assembly review of regulatory agencies**  
26 **and functions for termination, continuation, or reestablishment.**

27 (45) The following agencies, functions, or both shall terminate on July

1 1, 2014:

2 (d) The fire suppression program of the division of fire safety  
3 PREVENTION AND CONTROL, created pursuant to sections 24-33.5-1204.5,  
4 24-33.5-1206.1, 24-33.5-1206.2, 24-33.5-1206.3, 24-33.5-1206.4,  
5 24-33.5-1206.5, 24-33.5-1206.6, and 24-33.5-1207.6;

6 **SECTION 48. In Colorado Revised Statutes, 24-72-204, amend**  
7 **(2) (a) (VIII) (A) as follows:**

8 **24-72-204. Allowance or denial of inspection - grounds -**  
9 **procedure - appeal - definitions. (2) (a) The custodian may deny the**  
10 **right of inspection of the following records, unless otherwise provided by**  
11 **law, on the ground that disclosure to the applicant would be contrary to**  
12 **the public interest:**

13 (VIII) (A) Specialized details of security arrangements or  
14 investigations. Nothing in this subparagraph (VIII) shall prohibit  
15 PROHIBITS the custodian from transferring records containing specialized  
16 details of security arrangements or investigations to the office of  
17 preparedness, security, and fire safety DIVISION OF HOMELAND SECURITY  
18 AND EMERGENCY MANAGEMENT in the department of public safety, the  
19 governing body of any city, county, city and county, or other political  
20 subdivision of the state, or any federal, state, or local law enforcement  
21 agency; except that the custodian shall not transfer any record received  
22 from a nongovernmental entity without the prior written consent of such  
23 THE entity unless such information is already publicly available.

24 **SECTION 49. In Colorado Revised Statutes, 24-72-402, add (5)**  
25 **(aa) as follows:**

26 **24-75-402. Cash funds - limit on uncommitted reserves -**  
27 **reduction in amount of fees - exclusions. (5) Notwithstanding any**

1 provision of this section to the contrary, the following cash funds are  
2 excluded from the limitations specified in this section:

3 (aa) THE EMERGENCY FIRE FUND CREATED IN SECTION  
4 24-33.5-1220 (2), THE WILDLAND FIRE EQUIPMENT REPAIR FUND CREATED  
5 IN SECTION 24-33.5-1220 (3), AND THE WILDLAND FIRE COST RECOVERY  
6 FUND CREATED IN SECTION 24-33.5-1220 (3).

7 **SECTION 50.** In Colorado Revised Statutes, 25-17-202.6,  
8 **amend** (1) as follows:

9 **25-17-202.6. Waste tire cleanup fund - rules.** (1) There is  
10 hereby created in the state treasury the waste tire cleanup fund, referred  
11 to in this section as the "fund", consisting of revenues credited pursuant  
12 to section 25-17-202 (3) (a) (II). All interest or any other return on the  
13 investments shall be deposited in the fund. At the end of each fiscal year,  
14 the state treasurer shall transfer all unexpended and unencumbered  
15 moneys in the fund to the processors and end users fund created in section  
16 25-17-202.5, except for an amount equal to thirty-three percent of the  
17 department's prior year direct and indirect costs. The general assembly  
18 shall make annual appropriations out of the fund to the department in an  
19 amount equal to the department's direct and indirect administrative costs  
20 incurred pursuant to this part 2, not to exceed twenty percent of the  
21 annual income to the fund and to the division of fire safety PREVENTION  
22 AND CONTROL in the department of public safety for its administrative  
23 costs pursuant to section 25-17-206 (3).

24 **SECTION 51.** In Colorado Revised Statutes, 25-17-206, **amend**  
25 (3) (a) (II) (B) and (5) (a) (VI) as follows:

26 **25-17-206. Registration of waste tire facilities -**  
27 **definitions.** (3) (a) (II) (B) Upon request of the local fire authority, the

1 director of the division of fire safety PREVENTION AND CONTROL in the  
2 department of public safety shall hire a contractor to provide technical  
3 assistance in the review of the program and, if appropriate, recommend  
4 changes necessary for the local fire authority to approve the program.

5 (5) (a) Except as specified in paragraph (b) of this subsection (5),  
6 on and after a date specified by rule promulgated pursuant to section  
7 25-17-207 (1), a waste tire facility shall:

8 (VI) Meet the standards and conditions for the safeguarding of life  
9 and property from fire as determined by the local fire authority. In making  
10 such determination, the fire code adopted pursuant to section  
11 24-33.5-1203.5, C.R.S., by the division of fire safety PREVENTION AND  
12 CONTROL within the department of public safety shall be used as the  
13 minimum fire safety standard for waste tire facilities.

14 **SECTION 52.** In Colorado Revised Statutes, 29-3.5-101, amend  
15 (3) as follows:

16 **29-3.5-101. Definitions.** As used in this article, unless the context  
17 otherwise requires:

18 (3) "State agency" means any board, bureau, commission,  
19 department, institution, division, section, or officer of the state, except  
20 those in the legislative branch or judicial branch and except state  
21 educational institutions administered pursuant to title 23, C.R.S. (except  
22 articles 8 and 9, parts 2 and 3 of article 21, and parts 2 to 4 of article 30).  
23 and part 3 of article 33.5 of title 24, C.R.S.

24 **SECTION 53.** In Colorado Revised Statutes, 29-22-104, repeal  
25 (5) as follows:

26 **29-22-104. Right to claim reimbursement.** (5) (a) (I) ~~No later~~  
27 than June 15, 1999, the executive director of the department of public

1 safety shall appoint a temporary committee on reimbursement for the  
2 costs of hazardous substance incidents. The executive director shall  
3 appoint as committee members representatives of facilities and  
4 transportation companies that produce or handle hazardous substances,  
5 insurance companies, fire departments and other hazardous substance  
6 incident response agencies, municipal and county governments, the  
7 Colorado state patrol, the division of fire safety, and such other entities  
8 as the director deems necessary and appropriate. The director shall  
9 appoint equal numbers of representatives of private and public entities to  
10 the committee.

11 (H) The committee shall hold its first meeting no later than July  
12 1, 1999, and shall elect a chairperson at the first meeting. Subsequently,  
13 the committee shall meet at least once each month until it has made the  
14 written recommendations required by subparagraph (I) of paragraph (b)  
15 of this subsection (5) and may meet as often as the chairperson deems  
16 necessary. Members of the committee shall not receive compensation of  
17 any kind.

18 (b) (I) No later than August 15, 1999, the temporary committee on  
19 reimbursement for the costs of hazardous substance incidents shall make  
20 written recommendations to the executive director of the department of  
21 public safety regarding guidelines for administering and resolving claims  
22 for reimbursement made pursuant to this section against any party or  
23 person responsible for a hazardous substance incident. Such  
24 recommendations may include recommendations for proposed legislation  
25 or administrative rules and shall include recommendations for an  
26 administrative process to ensure prompt mediation of disputes concerning  
27 claims for reimbursement made pursuant to this section by any public



1 entity against any person or party responsible for a hazardous substance  
2 incident. Such recommendations shall be designed to provide public  
3 entities and persons or parties responsible for hazardous substance  
4 incidents with the opportunity to resolve claims for reimbursement that  
5 result from hazardous substance incidents in a timely and reasonable  
6 manner.

7 (H) No recommendation made by the temporary committee on  
8 reimbursement for the costs of hazardous substance incidents shall be  
9 implemented or have the force and effect of law or rule, or be considered  
10 by any court or arbiter unless such recommendation is enacted into law  
11 or adopted by administrative rule in accordance with article 4 of title 24,  
12 C.R.S.

13 (c) Repealed.

14 **SECTION 54.** In Colorado Revised Statutes, 33-32-108, amend

15 (1) (b) as follows:

16 **33-32-108. Enforcement.** (1) (b) As used in this section, "peace  
17 officer" means any division of parks and wildlife officer or any sheriff or  
18 city and county law enforcement officer certified by the Colorado law  
19 enforcement training academy PEACE OFFICERS STANDARDS AND  
20 TRAINING BOARD PURSUANT TO PART 3 OF ARTICLE 31 OF TITLE 24, C.R.S.

21 **SECTION 55. Repeal of provisions being relocated in this act.**

22 In Colorado Revised Statutes, repeal 23-31-203, 23-31-204, 23-31-303  
23 (1), 23-31-304, 23-31-305, 23-31-306, 23-31-307, 23-31-308, 23-31-309,  
24 23-31-313 (6) (a) (III), 24-1-125 (2) (m), (7), and (8), parts 21, 22, 23, 24,  
25 25, and 26 of article 32 of title 24, 24-33.5-108, 24-33.5-110, and  
26 24-33.5-1210.

27 **SECTION 56.** In Colorado Revised Statutes, repeal 23-31-313 (4)

1 (e).

2 **SECTION 57. Appropriation - adjustments in 2012 long bill.**

3 (1) For the implementation of this act, appropriations made in the annual  
4 general appropriation act to the governor - lieutenant governor - state  
5 planning and budgeting for the fiscal year beginning July 1, 2012, are  
6 adjusted as follows:

7 (a) The federal funds appropriation for the office of homeland  
8 security is decreased by \$10,201,205 and 6.0 FTE.

9 (2) For the implementation of this act, appropriations made in the  
10 annual general appropriation act to the department of higher education for  
11 the fiscal year beginning July 1, 2012, are adjusted as follows:

12 (a) The general fund appropriation for the college opportunity fund  
13 program, fee-for-service contracts with state institutions, is decreased by  
14 \$310,045.

15 (b) The reappropriated funds appropriation for governing boards,  
16 board of governors of the Colorado state university system, is reduced by  
17 \$310,045 and 35.4 FTE. Said sum is from general fund appropriated to  
18 the college opportunity fund program, fee-for-services contracts with  
19 state institutions.

20 (3) For the implementation of this act, appropriations made in the  
21 annual general appropriation act to the department of local affairs for the  
22 fiscal year beginning July 1, 2012, are adjusted as follows:

23 (a) The general fund appropriation to the executive director's  
24 office is increased by \$189,328 and 3.0 FTE.

25 (b) The reappropriated funds appropriation to the executive  
26 director's office is decreased by \$274,749 and 3.0 FTE. Of this amount,  
27 \$264,512 shall be from departmental indirect cost recoveries and \$10,237

1 shall be from the local government mineral and energy impact grants and  
2 disbursements line, which includes moneys in the local government  
3 severance tax fund created in Section 39-29-110 (1) (a) (I), Colorado  
4 Revised Statutes, and moneys in the local government mineral impact  
5 fund created in Section 34-63-102 (5) (a) (I), Colorado Revised Statutes.

6 (c) The federal funds appropriation to the executive director's  
7 office is decreased by \$173,433.

8 (d) The reappropriated funds appropriation to the division of local  
9 governments is increased by \$356,507 and 5.0 FTE. This amount shall be  
10 from departmental indirect cost recoveries.

11 (e) The general fund appropriation to the division of local  
12 governments is decreased by \$356,507 and 5.0 FTE.

13 (f) The general fund appropriation to the division of emergency  
14 management is decreased by \$213,396 and 8.2 FTE.

15 (g) The reappropriated funds appropriation to the division of  
16 emergency management is decreased by \$431,735 and 1.0 FTE. Of this  
17 amount, \$356,507 shall be from departmental indirect cost recoveries and  
18 \$75,228 shall be from the local government mineral and energy impact  
19 grants and disbursements line, which includes moneys in the local  
20 government severance tax fund created in Section 39-29-110 (1) (a) (I),  
21 Colorado Revised Statutes, and moneys in the local government mineral  
22 impact fund created in Section 34-63-102 (5) (a) (I), Colorado Revised  
23 Statutes.

24 (h) The cash funds appropriation to the division of emergency  
25 management is decreased by \$4,510,988. Of this amount, \$4,500,000  
26 shall be from the disaster emergency fund created in Section 24-32-2106  
27 (2) (a) (I), Colorado Revised Statutes, and \$10,988 shall be from fees paid

1 to the department for emergency training programs.

2 (i) The federal funds appropriation to the division of emergency  
3 management is decreased by \$14,661,017 and 18.7 FTE.

4 (4) For the implementation of this act, appropriations made in the  
5 annual general appropriation act to the department of public health and  
6 environment for the fiscal year beginning July 1, 2012, are adjusted as  
7 follows:

8 (a) The general fund appropriation for administration and support,  
9 administration, is decreased by \$19,060.

10 (b) The general fund appropriation for the emergency preparedness  
11 and response division, emergency preparedness and response program, is  
12 decreased by \$128,669 and 2.0 FTE.

13 (5) For the implementation of this act, appropriations made in the  
14 annual general appropriation act to the department of public safety for the  
15 fiscal year beginning July 1, 2012, are adjusted as follows:

16 (a) The general fund appropriation for the executive director's  
17 office, for administration, is decreased by \$127,223.

18 (b) The general fund appropriation for the office of preparedness,  
19 security, and fire safety is decreased by \$243,464 and 3.0 FTE.

20 (c) The cash funds appropriation for the office of preparedness,  
21 security, and fire safety is decreased by \$2,623,244 and 25.0 FTE. Of said  
22 sum, \$1,614,500 is from the public school construction and inspection  
23 cash fund created in section 24-33.5-1207.7, Colorado Revised Statutes,  
24 and \$1,008,744 is from various sources.

25 (d) The reappropriated funds appropriation for the office of  
26 preparedness, security, and fire safety is decreased by \$795,587 and 2.5  
27 FTE. Of said sum, \$634,549 is from appropriations to the Colorado state

1 patrol and \$161,038 is from limited gaming funds appropriated to the  
2 department of revenue.

3 (e) The federal funds appropriation for the office of preparedness,  
4 security, and fire safety is decreased by \$1,287,665 and 8.5 FTE.

5 **SECTION 58. Appropriation.** (1) In addition to any other  
6 appropriation, there is hereby appropriated, to the department of public  
7 safety, for the fiscal year beginning July 1, 2012, the sum of \$739,284, or  
8 so much thereof as may be necessary, for allocation to the executive  
9 director's office for administration related to the implementation of this  
10 act. Of said sum, \$268,032 is from various cash funds, \$274,749 is from  
11 various reappropriated funds, and \$196,503 is from federal funds.

12 (2) In addition to any other appropriation, there is hereby  
13 appropriated, to the department of public safety, for the fiscal year  
14 beginning July 1, 2012, the sum of \$8,932,916 and 65.4 FTE, or so much  
15 thereof as may be necessary, for allocation to the division of fire  
16 prevention and control related to the implementation of this act. Of said  
17 sum, \$457,802 is from the general fund, \$3,250,000 is from the wildlife  
18 preparedness fund created in 24-33.5-1226 (4) (a), Colorado Revised  
19 Statutes, \$1,614,500 is from the public school construction and inspection  
20 cash fund created in section 24-33.5-1207.7, Colorado Revised Statutes,  
21 \$1,000,000 is from the emergency fire fund created in section  
22 24-33.5-1220 (2) (a), Colorado Revised Statutes, \$850,000 is from the  
23 wildland fire equipment repair cash fund created in section 24-33.5-1220  
24 (3), Colorado Revised Statutes, \$150,000 is from the wildlife emergency  
25 response fund created in section 23-31-309 (3) (a), Colorado Revised  
26 Statutes, \$100,000 is from the wildland fire cost recovery fund created in  
27 section 24-33.5-1220 (4), Colorado Revised Statutes, \$1,008,744 is from

1 various sources of cash funds, \$161,038 is reappropriated funds from  
2 limited gaming funds appropriated to the department of revenue, and  
3 \$340,832 is from federal funds.

4 (3) In addition to any other appropriation, there is hereby  
5 appropriated, to the department of public safety, for the fiscal year  
6 beginning July 1, 2012, the sum of \$19,869,798 and 28.9 FTE, or so  
7 much thereof as may be necessary, for allocation to the division of  
8 homeland security and emergency management, office of emergency  
9 management related to the implementation of this act. Of said sum,  
10 \$622,565 is from the general fund, \$4,500,000 is from the disaster  
11 emergency fund created in section 24-33.5-706 (2) (a), Colorado Revised  
12 Statutes, \$10,988 is from fees paid for emergency training programs  
13 pursuant to sections 24-32-2105 (6) and 24-32-2106 (6), Colorado  
14 Revised Statutes, \$75,228 is from reappropriated funds from  
15 appropriations to the department of local affairs, division of local  
16 governments, field services, for local government mineral and energy  
17 impact grants and disbursements, and \$14,661,017 is from federal funds.

18 (4) In addition to any other appropriation, there is hereby  
19 appropriated, to the department of public safety, for the fiscal year  
20 beginning July 1, 2012, the sum of \$1,813,382 and 8.0 FTE, or so much  
21 thereof as may be necessary, for allocation to the division of homeland  
22 security and emergency management, office of prevention and security  
23 related to the implementation of this act. Of said sum, \$634,549 is from  
24 reappropriated funds from appropriations to the Colorado state patrol and  
25 \$1,178,833 is from federal funds.

26 (5) In addition to any other appropriation, there is hereby  
27 appropriated, to the department of public safety, for the fiscal year

1 beginning July 1, 2012, the sum of \$10,329,874 and 8.0 FTE, or so much  
2 thereof as may be necessary, for allocation to the division of homeland  
3 security and emergency management, office of preparedness related to the  
4 implementation of this act. Of said sum, \$128,669 is from the general  
5 fund and \$10,201,205 is from federal funds.

6 **SECTION 59. Effective date.** This act takes effect July 1, 2012.

7 **SECTION 60. Safety clause.** The general assembly hereby finds,  
8 determines, and declares that this act is necessary for the immediate  
9 preservation of the public peace, health, and safety.