NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

HOUSE BILL 02-1315

BY REPRESENTATIVE(S) Mitchell, Crane, Decker, Fairbank, Garcia, Groff, Lawrence, Lee, Mace, Marshall, Miller, Rhodes, Romanoff, Scott, Stafford, Weddig, Williams S., and Young;
also SENATOR(S) Hagedorn, Chlouber, Entz, Gordon, Nichol, Perlmutter, Phillips, Taylor, and Teck.

CONCERNING COLORADO'S RESPONSE TO TERRORISM, AND, IN CONNECTION THEREWITH, CREATING THE OFFICE OF PREPAREDNESS, SECURITY, AND FIRE SAFETY.

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

SECTION 1. 24-1-128.6 (2) (f), Colorado Revised Statutes, is amended, and the said 24-1-128.6 (2) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

24-1-128.6. Department of public safety - creation. (2) The department of public safety shall consist of the following divisions:

(f) ~~Division of fire safety, the head of which shall be the director of the division of fire safety. The division of fire safety, the office of director thereof, and the advisory board, created by part 12 of article 33.5 of this title, shall exercise their powers and perform their duties and functions as~~

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

~~if the same were transferred by a **type 2** transfer to the department of public safety.~~

(h) (I) OFFICE OF PREPAREDNESS, SECURITY, AND FIRE SAFETY, THE HEAD OF WHICH SHALL BE THE DIRECTOR OF THE OFFICE OF PREPAREDNESS, SECURITY, AND FIRE SAFETY. THE OFFICE OF PREPAREDNESS, SECURITY, AND FIRE SAFETY AND THE OFFICE OF DIRECTOR THEREOF, CREATED BY PART 16 OF ARTICLE 33.5 OF THIS TITLE, SHALL EXERCISE THEIR POWERS AND PERFORM THEIR DUTIES AND FUNCTIONS AS IF THE SAME WERE TRANSFERRED BY A **TYPE 2** TRANSFER TO THE DEPARTMENT OF PUBLIC SAFETY.

(II) THE OFFICE OF PREPAREDNESS, SECURITY, AND FIRE SAFETY SHALL INCLUDE THE FOLLOWING AGENCIES, WHICH SHALL EXERCISE THEIR POWERS AND PERFORM THEIR DUTIES AND FUNCTIONS UNDER THE DEPARTMENT OF PUBLIC SAFETY AS IF THE SAME WERE TRANSFERRED THERETO BY A **TYPE 2** TRANSFER:

(A) DIVISION OF FIRE SAFETY, CREATED BY PART 12 OF ARTICLE 33.5 OF THIS TITLE;

(B) OFFICE OF ANTI-TERRORISM PLANNING AND TRAINING, CREATED BY PART 16 OF ARTICLE 33.5 OF THIS TITLE; AND

SECTION 2. 24-33.5-103 (2) (f), Colorado Revised Statutes, is amended, and the said 24-33.5-103 (2) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

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

(f) ~~Division of fire safety;~~

(h) OFFICE OF PREPAREDNESS, SECURITY, AND FIRE SAFETY.

SECTION 3. 24-33.5-1201 (1), Colorado Revised Statutes, is amended to read:

24-33.5-1201. Division of fire safety - creation. (1) There is hereby created ~~as a division~~ within the ~~department of public safety~~ OFFICE OF PREPAREDNESS, SECURITY, AND FIRE SAFETY the division of fire safety,

referred to in this part 12 as the "division". The head of the division shall be the director of the division of fire safety, referred to in this part 12 as the "director", who shall be appointed by the executive director pursuant to section 13 of article XII of the state constitution.

SECTION 4. 24-33.5-1203 (1) (k), Colorado Revised Statutes, is amended, and the said 24-33.5-1203 (1) is further amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS, to read:

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

(k) Train and instruct firefighters and first responders in subjects relating to the fire service and to coordinate fire service-related education and training classes, programs, conferences, and seminars, and train and instruct, or coordinate the training of, hazardous materials responders, BUT ALL TRAINING RELATED TO TERRORISM SHALL BE COORDINATED WITH THE OFFICE OF PREPAREDNESS, SECURITY, AND FIRE SAFETY;

(m) ADMINISTER A STATEWIDE PLAN FOR THE ALLOCATION AND DEPLOYMENT OF FIREFIGHTING RESOURCES DEVELOPED PURSUANT TO SECTION 24-33.5-1210;

(n) ADMINISTER A UNIFORM STATEWIDE REPORTING SYSTEM FOR FIRES, HAZARDOUS MATERIALS INCIDENTS, EMERGENCY MEDICAL SERVICE INCIDENTS, AND OTHER INCIDENTS TO WHICH FIRE DEPARTMENTS RESPOND.

(o) SEEK FEDERAL FUNDS TO PROVIDE THE RESOURCES NECESSARY TO PERFORM ITS DUTIES UNDER PARAGRAPHS (m) AND (n) OF THIS SUBSECTION (1).

SECTION 5. Part 12 of article 33.5 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

24-33.5-1210. Resource mobilization plan - fire - emergency medical services - search and rescue. (1) SUBJECT TO THE AVAILABILITY OF FEDERAL FUNDS, THE DIVISION SHALL PREPARE A STATEWIDE MOBILIZATION PLAN TO PROVIDE FOR THE ALLOCATION AND DEPLOYMENT OF FIREFIGHTING, EMERGENCY MEDICAL, AND URBAN SEARCH AND RESCUE

RESOURCES IN THE EVENT OF A DISASTER OR LOCAL INCIDENT THAT REQUIRES MORE RESOURCES THAN THOSE AVAILABLE UNDER ANY EXISTING INTERJURISDICTIONAL OR MUTUAL AID AGREEMENT.

(2) THE MOBILIZATION PLAN CREATED PURSUANT TO THIS SECTION SHALL BE DEVELOPED IN COORDINATION WITH APPROPRIATE FEDERAL, STATE, AND LOCAL GOVERNMENT AGENCIES. THE PLAN SHALL INCLUDE MOBILIZATION PROCEDURES AND MAY INCLUDE PROVISIONS FOR REIMBURSEMENT OF COSTS AND SHALL ADDRESS LIABILITY ISSUES.

SECTION 6. Article 33.5 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

PART 16
OFFICE OF PREPAREDNESS, SECURITY, AND FIRE SAFETY

24-33.5-1601. Legislative declaration. (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

(a) THE THREAT OF TERRORISM IN COLORADO IS A MATTER OF GREAT CONCERN TO THE PEOPLE OF THE STATE AND AFFECTS THE PUBLIC INTEREST. THEREFORE, THIS PART 16 IS ENACTED FOR THE PURPOSE OF PROTECTING THE HEALTH, PEACE, SAFETY, AND WELFARE OF THE PEOPLE OF THIS STATE.

(b) THE TERRORIST ATTACKS OF SEPTEMBER 11, 2001, IN NEW YORK, WASHINGTON, D.C., AND PENNSYLVANIA, ALONG WITH THE SUBSEQUENT SENDING OF ANTHRAX THROUGH THE MAIL, THE PREVIOUS ATTEMPT TO DESTROY THE WORLD TRADE CENTER, AND THE BOMBING OF THE ALFRED P. MURRAH FEDERAL BUILDING IN OKLAHOMA CITY, AND THE ARSON ATTACKS IN VAIL, COLORADO, DEMONSTRATE THAT NO PART OF THE UNITED STATES IS IMMUNE FROM THE THREAT OF TERRORISM.

(c) RESPONSIBLE PUBLIC AGENCIES MUST ANTICIPATE AND PROTECT AGAINST NEW FORMS OF TERRORISM, INCLUDING SUICIDE HIJACKING, USE OF BIOLOGICAL TOXINS AND HAZARDOUS MATERIALS, ARSON, AND SABOTAGE OF TELECOMMUNICATIONS NETWORKS, THE FOOD AND WATER SUPPLY, AND OTHER CRITICAL INFRASTRUCTURE.

(d) IN RESPONSE TO THE THREAT OF TERRORISM, THE FEDERAL GOVERNMENT AND SEVERAL STATE GOVERNMENTS ARE CREATING SPECIALIZED AGENCIES TO COORDINATE EFFORTS TO PREVENT, PROTECT

AGAINST, RESPOND TO, RECOVER FROM, AND PROSECUTE ACTS OF TERRORISM. COLORADO CURRENTLY HAS NO SUCH AGENCY, AND FEW OF COLORADO'S CRIMINAL LAWS ADDRESS TERRORISM SPECIFICALLY.

(e) AN AGENCY SHOULD BE ESTABLISHED IN THE STATE GOVERNMENT TO COORDINATE COLORADO'S RESPONSE TO THE THREAT OF TERRORISM.

24-33.5-1602. Definitions. AS USED IN THIS PART 16, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "ACT OF TERRORISM" HAS THE SAME MEANING SET FORTH IN 18 U.S.C. SEC. 3077 (1) AND 28 C.F.R. 0.85 (l).

(2) "BIOLOGICAL AGENT" HAS THE SAME MEANING SET FORTH IN 18 U.S.C.SECS. 178 (1) AND 175 (b).

(3) "CHEMICAL WEAPON" HAS THE SAME MEANING SET FORTH IN 18 U.S.C. SEC. 229F (1).

(4) "DESTRUCTIVE DEVICE" HAS THE SAME MEANING SET FORTH IN 18 U.S.C. 921 (a) (4).

(5) "RADIOACTIVE MATERIAL" MEANS A MATERIAL THAT PRODUCES RADIATION AT A LEVEL THAT IS DANGEROUS TO HUMAN HEALTH OR LIFE.

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

24-33.5-1603. Office of preparedness, security, and fire safety - creation. (1) THERE IS HEREBY CREATED WITHIN THE DEPARTMENT AN OFFICE OF PREPAREDNESS, SECURITY, AND FIRE SAFETY, THE HEAD OF WHICH SHALL BE THE DIRECTOR OF THE OFFICE OF PREPAREDNESS, SECURITY, AND FIRE SAFETY, WHICH OFFICE IS HEREBY CREATED. THE DIRECTOR OF THE OFFICE OF PREPAREDNESS, SECURITY, AND FIRE SAFETY, REFERRED TO IN THIS PART 16 AS THE "DIRECTOR", SHALL BE APPOINTED BY THE EXECUTIVE DIRECTOR PURSUANT TO SECTION 13 OF ARTICLE XII OF THE STATE CONSTITUTION.

(2) THE OFFICE OF PREPAREDNESS, SECURITY, AND FIRE SAFETY SHALL INCLUDE THE FOLLOWING AGENCIES, WHICH SHALL EXERCISE THEIR

POWERS AND PERFORM THEIR DUTIES AND FUNCTIONS UNDER THE DEPARTMENT AS IF THE SAME WERE TRANSFERRED THERETO BY A **TYPE 2** TRANSFER:

(a) THE DIVISION OF FIRE SAFETY, CREATED IN SECTION 24-33.5-1201; AND

(b) THE OFFICE OF ANTI-TERRORISM PLANNING AND TRAINING, CREATED IN SECTION 24-33.5-1606.

24-33.5-1604. Duties and powers of the office. (1) THE OFFICE OF PREPAREDNESS, SECURITY, AND FIRE SAFETY SHALL HAVE THE FOLLOWING DUTIES AND POWERS:

(a) TO INQUIRE INTO THE THREAT OF TERRORISM IN COLORADO AND THE STATE OF PREPAREDNESS TO RESPOND TO THAT THREAT AND TO MAKE RECOMMENDATIONS TO THE GOVERNOR AND THE GENERAL ASSEMBLY;

(b) TO COOPERATE WITH THE FEDERAL OFFICE OF HOMELAND SECURITY AND OTHER AGENCIES OF THE FEDERAL GOVERNMENT AND OTHER STATES IN MATTERS RELATED TO TERRORISM;

(c) TO DO ALL THINGS NECESSARY FOR THE IMPLEMENTATION OF THIS PART 16, INCLUDING BUT NOT LIMITED TO THE POWER:

(I) TO HIRE PERSONNEL;

(II) TO CONTRACT WITH FEDERAL, STATE, LOCAL, AND PRIVATE ENTITIES; AND

(III) TO ACCEPT AND EXPEND FEDERAL AND PRIVATE FUNDS.

(2) (a) WITHIN TWELVE MONTHS AFTER THE EFFECTIVE DATE OF THIS PART 16, THE OFFICE OF PREPAREDNESS, SECURITY, AND FIRE SAFETY SHALL CREATE AND IMPLEMENT TERRORISM PREPAREDNESS PLANS. SUCH PLANS SHALL INCLUDE THE FOLLOWING:

(I) STATE PROTOCOLS AND PROCEDURES CONCERNING THE PREVENTION OF, PREPARATION FOR, RESPONSE TO, AND RECOVERY FROM ANY TERRORIST THREAT, TERRORIST ACT, OR OTHER TERRORIST-RELATED ACTIVITY.

(II) ESTABLISHMENT AND ISSUANCE OF PROTOCOLS TO GUIDE STATE AND LOCAL LAW ENFORCEMENT AND EMERGENCY RESPONSE OFFICIALS IN RESPONDING TO ANY CASE INVOLVING A SUSPECTED TERRORIST TRAINING ACTIVITY DESCRIBED IN SECTION 18-9-120, C.R.S.;

(III) COORDINATION WITH APPROPRIATE GOVERNMENTAL AGENCIES, EDUCATIONAL INSTITUTIONS, AND PRIVATE SECTOR ENTITIES TO DEVELOP PROTOCOLS CONCERNING ACCESS AND SECURITY MEASURES AT BIOTECHNOLOGY LABORATORIES AND FACILITIES.

(IV) COORDINATION WITH APPROPRIATE STATE AGENCIES TO DEVELOP PROTOCOLS CONCERNING THE HANDLING, STORAGE, AND DISPOSAL OF BIOLOGICAL AGENTS, CHEMICAL WEAPONS, DESTRUCTIVE DEVICES, RADIOACTIVE MATERIALS, AND TOXINS WHEN ANY SUCH MATERIALS ARE OBTAINED AS EVIDENCE OF A SUSPECTED TERRORIST TRAINING ACTIVITY AS DESCRIBED IN SECTION 18-9-120, C.R.S., ACT OF TERRORISM, SUSPECTED ACT OF TERRORISM, THREAT TO COMMIT AN ACT OF TERRORISM, OR CONSPIRACY TO COMMIT AN ACT OF TERRORISM.

(b) (I) IN CREATING THE TERRORISM PREPAREDNESS PLANS, THE OFFICE OF PREPAREDNESS, SECURITY, AND FIRE SAFETY MAY SEEK THE ADVICE AND ASSISTANCE OF OTHER FEDERAL, STATE, AND LOCAL GOVERNMENT AGENCIES, BUSINESS, LABOR, INDUSTRIAL, AGRICULTURAL, CIVIC, AND VOLUNTEER ORGANIZATIONS, AND COMMUNITY LEADERS.

(II) THE TERRORISM PREPAREDNESS PLANS SHALL CONSTITUTE SPECIALIZED DETAILS OF SECURITY ARRANGEMENTS FOR PURPOSES OF SECTION 24-72-204 (3) (a) (XVII).

(3) (a) THE OFFICE OF PREPAREDNESS, SECURITY, AND FIRE SAFETY SHALL PROVIDE ADVICE, ASSISTANCE, AND TRAINING TO STATE AND LOCAL GOVERNMENT AGENCIES IN THE DEVELOPMENT AND IMPLEMENTATION OF TERRORISM PREPAREDNESS PLANS AND IN CONDUCTING PERIODIC EXERCISES RELATED TO SUCH PLANS.

(b) THE OFFICE OF PREPAREDNESS, SECURITY, AND FIRE SAFETY SHALL PROVIDE OVERSIGHT OF TERRORISM PREPAREDNESS PLANS DEVELOPED AND IMPLEMENTED BY STATE AND LOCAL GOVERNMENT AGENCIES. SUCH OVERSIGHT SHALL NOT USURP THE AUTHORITY OF STATE AND LOCAL GOVERNMENT AGENCIES, BUT SHALL ONLY PROVIDE PEER

REVIEW AND COMMENT TO PROMOTE STANDARDIZED METHODS OF OPERATION AND TO FACILITATE INTEGRATION WITH PLANS ADOPTED BY OTHER STATE AND LOCAL GOVERNMENT AGENCIES THROUGHOUT THE STATE.

(c) STATE AND LOCAL GOVERNMENT AGENCIES THAT DEVELOP TERRORISM PREPAREDNESS PLANS SHALL SUBMIT COPIES OF CURRENT, NEW, OR AMENDED PLANS TO THE OFFICE OF PREPAREDNESS, SECURITY, AND FIRE SAFETY. COPIES OF SUCH PLANS SHALL BE MAINTAINED BY THE OFFICE OF PREPAREDNESS, SECURITY, AND FIRE SAFETY AND SHALL CONSTITUTE SPECIALIZED DETAILS OF SECURITY ARRANGEMENTS FOR PURPOSES OF SECTION 24-72-204 (3) (a) (XVII).

(4) THE OFFICE OF PREPAREDNESS, SECURITY, AND FIRE SAFETY MAY DISTRIBUTE TO LOCAL GOVERNMENT AGENCIES ANY FEDERAL OR OTHER FUNDS THAT MAY BECOME AVAILABLE FOR DISTRIBUTION.

24-33.5-1605. Director - duties and powers. (1) THE DIRECTOR OF THE OFFICE OF PREPAREDNESS, SECURITY, AND FIRE SAFETY SHALL PERFORM DUTIES IN CONNECTION WITH:

(a) THE CREATION AND IMPLEMENTATION OF THE TERRORISM PREPAREDNESS PLAN DESCRIBED IN SECTION 24-33.5-1604; AND

(b) THE PREVENTION AND DETECTION OF TERRORIST TRAINING ACTIVITIES DESCRIBED IN SECTION 18-9-120, C.R.S.

(2) THE DIRECTOR OF THE OFFICE OF PREPAREDNESS, SECURITY, AND FIRE SAFETY MAY PROMULGATE SUCH RULES AS ARE NECESSARY TO IMPLEMENT SECTIONS 24-33.5-1604 (2) (a), 24-33.5-1608, AND 24-33.5-1609. SUCH RULES SHALL BE PROMULGATED IN ACCORDANCE WITH ARTICLE 4 OF THIS TITLE.

(3) THE POWERS VESTED IN THE DIRECTOR OF THE OFFICE OF PREPAREDNESS, SECURITY, AND FIRE SAFETY AS SPECIFIED IN PART 12 OF THIS ARTICLE AND THIS PART 16 SHALL IN NO WAY USURP OR SUPERSEDE THE POWERS OF FIRE CHIEFS, SHERIFFS, CHIEFS OF POLICE, AND OTHER LAW ENFORCEMENT OR FIRE PROTECTION AGENCIES.

(4) THE DIRECTOR OF THE OFFICE OF PREPAREDNESS, SECURITY, AND FIRE SAFETY WHO IS REQUIRED TO PERFORM ANY OFFICIAL FUNCTION UNDER THE PROVISIONS OF THIS PART 16 SHALL BE ENTITLED TO ALL PROTECTIONS,

DEFENSES, AND IMMUNITIES PROVIDED BY STATUTE TO SAFEGUARD A PEACE OFFICER IN THE PERFORMANCE OF OFFICIAL ACTS.

24-33.5-1606. Office of anti-terrorism planning and training - creation. THERE IS HEREBY CREATED WITHIN THE OFFICE OF PREPAREDNESS, SECURITY, AND FIRE SAFETY AN OFFICE OF ANTI-TERRORISM PLANNING AND TRAINING, THE HEAD OF WHICH SHALL BE THE MANAGER OF ANTI-TERRORISM PLANNING AND TRAINING, WHICH OFFICE IS HEREBY CREATED. THE MANAGER OF ANTI-TERRORISM PLANNING AND TRAINING SHALL BE APPOINTED BY THE EXECUTIVE DIRECTOR PURSUANT TO SECTION 13 OF ARTICLE XII OF THE STATE CONSTITUTION.

24-33.5-1607. Funding. THE GENERAL ASSEMBLY RECOGNIZES THAT FEDERAL LEGISLATION ENACTED IN THE AFTERMATH OF THE TERRORIST ATTACKS OF SEPTEMBER 11, 2001, INCLUDING BUT NOT LIMITED TO THE "USA PATRIOT ACT OF 2001", HAS CREATED FEDERAL GRANTS TO ASSIST STATES IN CREATING AND IMPLEMENTING PLANS TO DEAL WITH TERRORISM. IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT ALL SUCH GRANTS AND ANY OTHER AVAILABLE RESOURCES, INCLUDING FEDERAL AND PRIVATE FUNDS, GRANTS, AND DONATIONS, BE PURSUED TO HELP DEFRAY THE COSTS INCURRED IN IMPLEMENTING THIS PART 16.

24-33.5-1608. Building security and occupant protection. (1) WITHIN TWELVE MONTHS AFTER THE EFFECTIVE DATE OF THIS PART 16, THE DIRECTOR SHALL ADOPT RULES CONCERNING SAFETY AND SECURITY TO PROTECT STATE PERSONNEL AND PROPERTY OWNED OR LEASED BY THE STATE, INCLUDING, BUT NOT LIMITED TO, FACILITIES, BUILDINGS, AND GROUNDS. UNLESS UNDER A STATE OF EMERGENCY OR ALERT AS DEFINED BY THE RULES, SUCH FACILITIES, BUILDINGS, AND GROUNDS SHALL REMAIN OPEN TO THE PUBLIC.

(2) IN ADOPTING SUCH RULES, THE DIRECTOR SHALL USE AS GENERAL GUIDELINES THE BUILDING SECURITY AND OCCUPANT PROTECTION STANDARDS IN FEDERAL STATUTES, PRESIDENTIAL DIRECTIVES, AND THE RULES PROMULGATED THEREUNDER, AS AMENDED FROM TIME TO TIME.

24-33.5-1609. Continuity of state government operations. (1) WITHIN TWELVE MONTHS AFTER THE EFFECTIVE DATE OF THIS PART 16, THE DIRECTOR SHALL ADOPT RULES CONCERNING THE CONTINUITY OF STATE GOVERNMENT OPERATIONS TO PROVIDE GUIDANCE TO STATE DEPARTMENTS

AND AGENCIES IN DEVELOPING VIABLE AND EXECUTABLE CONTINGENCY PLANS FOR CONTINUITY OF OPERATIONS.

(2) IN ADOPTING SUCH RULES, THE DIRECTOR SHALL USE AS GENERAL GUIDELINES THE PLANS PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY IN FEDERAL PREPAREDNESS CIRCULARS 65, 66, AND 67, AND IN THE RULES PROMULGATED THEREUNDER, AS AMENDED FROM TIME TO TIME.

(3) THE RULES ADOPTED PURSUANT TO THIS SECTION SHALL BE INCORPORATED AS PART OF THE STATE EMERGENCY OPERATIONS PLAN.

24-33.5-1610. Compliance with standards. (1) THE EXECUTIVE DIRECTOR OF EACH STATE DEPARTMENT AND AGENCY SHALL ENSURE COMPLIANCE WITH THE RULES ADOPTED PURSUANT TO SECTIONS 24-33.5-1608 AND 24-33.5-1609.

(2) (a) STATE DEPARTMENTS AND AGENCIES SHALL BE REQUIRED TO COMPLY WITH ANY SUCH RULE THAT REQUIRES FUNDING ONLY IF FUNDS ARE AVAILABLE IN THE STATE FACILITY SECURITY FUND CREATED PURSUANT TO SECTION 24-33.5-1613.

(b) IF ADEQUATE FUNDING IS NOT AVAILABLE TO FUND COMPLIANCE WITH ANY SUCH RULE BY A STATE DEPARTMENT OR AGENCY, THE DEPARTMENT OR AGENCY SHALL TAKE APPROPRIATE MEASURES TO PROVIDE ALTERNATE INTERIM SOLUTIONS TO PROTECT THE SAFETY AND SECURITY OF PERSONS AND PROPERTY AND TO ENSURE THE CONTINUITY OF THE DEPARTMENT OR AGENCY'S CRITICAL FUNCTIONS DURING A STATE OF EMERGENCY. ANY ALTERNATE INTERIM SOLUTION SHALL BE APPROVED BY THE OFFICE OF PREPAREDNESS, SECURITY, AND FIRE SAFETY.

24-33.5-1611. Assistance and assessment. (1) UPON REQUEST, THE OFFICE OF PREPAREDNESS, SECURITY, AND FIRE SAFETY SHALL PROVIDE ADVICE AND ASSISTANCE TO ANY STATE DEPARTMENT OR AGENCY RELATED TO ITS COMPLIANCE WITH RULES ADOPTED PURSUANT TO SECTIONS 24-33.5-1608 AND 24-33.5-1609.

(2) THE OFFICE OF PREPAREDNESS, SECURITY, AND FIRE SAFETY SHALL CONDUCT SECURITY ASSESSMENTS AS NEEDED TO EVALUATE THREATS, RISKS, AND COMPLIANCE WITH SECURITY RULES AT STATE FACILITIES.

24-33.5-1612. Cooperation with other state agencies. UPON REQUEST, OTHER AGENCIES OF STATE GOVERNMENT, INCLUDING, BUT NOT LIMITED TO, THE DEPARTMENT OF PERSONNEL AND THE DEPARTMENT OF LOCAL AFFAIRS, SHALL PROVIDE ADVICE AND ASSISTANCE TO THE OFFICE OF PREPAREDNESS, SECURITY, AND FIRE SAFETY RELATED TO RULES ADOPTED PURSUANT TO SECTION 24-33.5-1608 OR 24-33.5-1609.

24-33.5-1613. State facility security fund. (1) THERE IS HEREBY CREATED IN THE STATE TREASURY THE STATE FACILITY SECURITY FUND, WHICH SHALL CONTAIN:

(a) MONEYS APPROPRIATED THERETO BY THE GENERAL ASSEMBLY FROM TIME TO TIME; AND

(b) GIFTS OR DONATIONS MADE TO THE STATE OR ANY AGENCY OR DEPARTMENT OF STATE GOVERNMENT SPECIFICALLY FOR THE PURPOSE OF IMPLEMENTING RULES ADOPTED PURSUANT TO SECTION 24-33.5-1608 OR 24-33.5-1609.

(2) THE MONEYS IN THE STATE FACILITY SECURITY FUND SHALL BE CONTINUOUSLY AVAILABLE TO THE DEPARTMENT OF PERSONNEL FOR DISBURSEMENT TO EXECUTIVE BRANCH DEPARTMENTS AND AGENCIES FOR THE IMPLEMENTATION OF RULES ADOPTED PURSUANT TO SECTIONS 24-33.5-1608 AND 24-33.5-1609. ALL MONEYS IN THE FUND AT THE END OF ANY FISCAL YEAR SHALL NOT BE TRANSFERRED OR REVERT TO THE GENERAL FUND AT THE END OF ANY FISCAL YEAR.

(3) A STATE DEPARTMENT OR AGENCY MAY APPLY TO THE DIRECTOR OF THE DEPARTMENT OF PERSONNEL FOR THE ALLOCATION OF MONEYS NECESSARY TO IMPLEMENT RULES ADOPTED PURSUANT TO SECTION 24-33.5-1608 OR 24-33.5-1609.

(4) THE DEPARTMENT OF PERSONNEL SHALL ALLOCATE AVAILABLE MONEYS BASED ON CRITICAL NEED, AS DETERMINED BASED ON AN EVALUATION OF THE MISSION AND ESSENTIAL FUNCTIONS OF A DEPARTMENT OR AGENCY. AVAILABLE MONEYS SHALL BE ALLOCATED FIRST TO THOSE DEPARTMENTS AND AGENCIES WHERE EVEN A MINIMAL DISRUPTION OF SERVICE WOULD SERIOUSLY AFFECT THE STATE'S ECONOMY OR THE ABILITY OF THE STATE GOVERNMENT TO PROTECT THE SAFETY, SECURITY, AND WELFARE OF THE PEOPLE OF THE STATE.

SECTION 7. 15-18.6-101 (3), Colorado Revised Statutes, is amended to read:

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

(3) "Emergency medical service personnel" means any emergency medical technician at any level who is certified or licensed by the department of public health and environment. "Emergency medical service personnel" includes a first responder certified by the department of public health and environment or the division of fire safety IN THE OFFICE OF PREPAREDNESS, SECURITY, AND FIRE SAFETY IN THE department of public safety, in accordance with section 24-33.5-1205 (2) (c), C.R.S.

SECTION 8. 18-1-901 (3) (l) (II) (A), Colorado Revised Statutes, is amended to read:

18-1-901. Definitions. (3) (l) (II) (A) "Peace officer, level Ia," means any sheriff; district attorney; assistant district attorney; deputy district attorney; special deputy district attorney; the attorney general of the state, the deputy attorney general, any deputy or assistant attorney general assigned to a criminal enforcement function in the office of the attorney general, and the director and investigators of the peace officers standards and training board staff within the office of the attorney general who currently hold a peace officer certification; authorized investigator of a county or district attorney, the attorney general, or the executive director of the department of public safety; agent of the Colorado bureau of investigation pursuant to section 24-33.5-409, C.R.S.; THE DIRECTOR OF THE OFFICE OF PREPAREDNESS, SECURITY, AND FIRE SAFETY; parole officers pursuant to article 2 of title 17, C.R.S., or any community corrections program agent pursuant to section 17-27-105.5, C.R.S.; the inspector general and any investigators appointed pursuant to section 17-1-103.8, C.R.S., employed by the department of corrections; or any officer of the Southern Ute Indian police force or Ute Mountain Ute Indian police force who is certified pursuant to part 3 of article 31 of title 24, C.R.S., or otherwise qualified under section 24-31-305 (2), C.R.S. "Peace officer, level Ia," has the authority to enforce all the laws of the state of Colorado while acting within the scope of the officer's authority and in the performance of the officer's duties.

SECTION 9. 24-32-2603 (1) (a), Colorado Revised Statutes, is amended to read:

24-32-2603. Colorado emergency planning commission - creation - duties. (1) (a) There is hereby created in the department of local affairs the Colorado emergency planning commission, which shall exercise its powers and perform its duties and functions under the department of local affairs as if the same were transferred to the department by a **type 2** transfer; except that the commission shall have full authority to promulgate rules and regulations related to the administration of this part 26. The commission shall consist of twelve members. Five of the twelve members shall be the following representatives of state government or their designees: The director of the division of fire safety IN THE OFFICE OF PREPAREDNESS, SECURITY, AND FIRE SAFETY in the department of public safety, the director of the division of local government in the department of local affairs, the director of the office of emergency management in the division of local government in the department of local affairs, who shall be a cochairperson, the director of the division in the department of public health and environment responsible for hazardous materials and waste management, who shall also be a cochairperson, and a representative of the Colorado state patrol in the department of public safety. The remaining seven members of the commission shall be appointed by the governor for two-year terms. Of those seven members, two shall represent local governments, two shall be from either public interest groups or community groups, one shall represent a local emergency planning committee, and two shall represent affected industries. The governor shall fill any vacancy by appointment.

SECTION 10. 24-72-204 (3) (a), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

24-72-204. Allowance or denial of inspection - grounds - procedure - appeal. (3) (a) The custodian shall deny the right of inspection of the following records, unless otherwise provided by law; except that any of the following records, other than letters of reference concerning employment, licensing, or issuance of permits, shall be available to the person in interest under this subsection (3):

(XVII) SPECIALIZED DETAILS OF SECURITY ARRANGEMENTS OR INVESTIGATIONS. NOTHING IN THIS SUBPARAGRAPH (XVII) SHALL PROHIBIT

THE CUSTODIAN FROM TRANSFERRING SUCH RECORDS TO THE OFFICE OF PREPAREDNESS, SECURITY, AND FIRE SAFETY IN THE DEPARTMENT OF PUBLIC SAFETY, THE GOVERNING BODY OF ANY CITY, COUNTY, OR CITY AND COUNTY, OR ANY FEDERAL, STATE, OR LOCAL LAW ENFORCEMENT AGENCY; EXCEPT THAT THE CUSTODIAN SHALL NOT TRANSFER ANY RECORD RECEIVED FROM A NONGOVERNMENTAL ENTITY WITHOUT THE PRIOR WRITTEN CONSENT OF SUCH ENTITY UNLESS SUCH INFORMATION IS ALREADY PUBLICLY AVAILABLE. FOR PURPOSES OF THIS SECTION, RECORDS RECEIVED BY THE OFFICE OF PREPAREDNESS, SECURITY, AND FIRE SAFETY IN THE DEPARTMENT OF PUBLIC SAFETY IN CONNECTION WITH THE PERFORMANCE OF ITS DUTIES AND RECORDS RECEIVED BY ANY STATE AGENCY OR POLITICAL SUBDIVISION OF THE STATE FROM OR ON BEHALF OF THE OFFICE OF PREPAREDNESS, SECURITY, AND FIRE SAFETY SHALL CONSTITUTE SPECIALIZED DETAILS OF SECURITY ARRANGEMENTS OR INVESTIGATIONS.

SECTION 11. Appropriation - adjustments in long bill. (1) For the implementation of this act, the general assembly anticipates that, for the fiscal year beginning July 1, 2002, the office of preparedness, security, and fire safety will receive the sum of three hundred twenty-five thousand three hundred twenty-five dollars ($325,325) and 3.0 FTE in federal funds.

(2) The annual general appropriation act for the fiscal year beginning July 1, 2002, will be adjusted as follows:

(a) The appropriation to the department of public health and environment, will be decreased by sixty-three thousand five hundred twelve dollars ($63,512) and 1.0 FTE from federal funds.

(b) The appropriation to the department of public safety, for allocation to the office of preparedness, security, and fire safety will be increased by sixty-three thousand five hundred twelve dollars ($63,512) and 1.0 FTE from federal funds.

(3) The annual general appropriation act for the fiscal year beginning July 1, 2002, will be adjusted as follows:

(a) The appropriation to the department of local affairs, for allocation to the office of emergency management, will be decreased by three hundred twenty-nine thousand six hundred four dollars ($329,604) and 2.0 FTE from federal funds.

(b) The appropriation to the department of public safety, for allocation to the office of preparedness, security, and fire safety will be increased by three hundred twenty-nine thousand six hundred four dollars ($329,604) and 2.0 FTE from federal funds.

(4) Although federal funds are not appropriated in this act, they are noted in subsections (1), (2) and (3) for the purpose of indicating the assumptions used relative to these funds in developing the state appropriation amounts.

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

_____	_____
Doug Dean	Stan Matsunaka
SPEAKER OF THE HOUSE OF REPRESENTATIVES	PRESIDENT OF THE SENATE
_____	_____
Judith Rodrigue	Karen Goldman
CHIEF CLERK OF THE HOUSE OF REPRESENTATIVES	SECRETARY OF THE SENATE

APPROVED_____

_____

Bill Owens
GOVERNOR OF THE STATE OF COLORADO