

SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
Second Regular Session

112th Legislative Day

Tuesday, May 1, 2012

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Prayer	By the chaplain, Rabbi Eliot Baskin, Jewish Family Services of Colorado, Denver.	11
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Call to Order	By the President at 9:00 a.m.	13
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Pledge	By Senator Nicholson.	15
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Roll Call	Present--25	17
	Excused--10, Bacon, Giron, Grantham, Harvey, Heath, Hodge, King K., Lambert, Newell, Steadman.	18
	Present later--10, Bacon, Giron, Grantham, Harvey, Heath, Hodge, King K., Lambert, Newell, Steadman.	19
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Quorum	The President announced a quorum present.	24
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Reading of Journal	On motion of Senator Neville, reading of the Journal of Monday, April 30, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.	26
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COMMITTEE OF REFERENCE REPORTS

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Judiciary	After consideration on the merits, the Committee recommends that SB12-039 be postponed indefinitely.	34
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Judiciary	After consideration on the merits, the Committee recommends that HB12-1266 be referred to the Committee on <u>Finance</u> with favorable recommendation.	38
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Judiciary	After consideration on the merits, the Committee recommends that HB12-1223 be amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	42
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	Amend reengrossed bill, page 5, strike lines 17 through 20 and substitute:	47
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	"SECTION 4. Applicability. The provisions of Section 2 of this act shall not apply until at least ninety days after the effective date of this act."	49
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Judiciary	After consideration on the merits, the Committee recommends that HB12-1084 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	54
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Judiciary	After consideration on the merits, the Committee recommends that SB12-182 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	58
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SENATE SERVICES REPORT

Correctly Printed: SB12-183; SJR12-048.
 Correctly Engrossed: SB12-170, 176 and 177; SCR12-001; SJM12-003;
 SJR12-025 and 044.
 Correctly Reengrossed: SB12-108.
 Correctly Revised: HB12-1068, 1108, 1241 and 1293; HJR12-1017.
 Correctly Rerevised: HB12-1124, 1213, 1282 and 1292.
 Correctly Enrolled: SB12-012, 041, 060, 121, 123, 150 and 168.

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of Resolutions.

CONSIDERATION OF RESOLUTIONS

SJR12-036 by Senator(s) Scheffel, Harvey; also Representative(s) Holbert--Concerning achievements by Rocky Vista University, including the graduation of its inaugural class of doctors.

On motion of Senator Scheffel, the resolution was read at length and **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Bacon, Boyd, Brophy, Cadman, Carroll, Foster, Giron, Grantham, Guzman, Heath, Hodge, Hudak, Jahn, Johnston, King K., King S., Lambert, Lundberg, Mitchell, Morse, Neville, Newell, Nicholson, Renfroe, Roberts, Schwartz, Shaffer B., Spence, Steadman, Tochtrop, White and Williams S.

**THIRD READING OF BILLS -- FINAL PASSAGE --
 CONSENT CALENDAR**

On third reading, the titles of the following bills were publicly read, the reading at length having been dispensed with by unanimous consent:

HB12-1293 by Representative(s) Todd, Court, Ferrandino, Liston, Murray; also Senator(s) King K.-- Concerning modifications to procedures that govern recall elections.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

SB12-177 by Senator(s) Jahn, Cadman; also Representative(s) Liston and Pabon, Duran, Gardner B., McNulty, Priola, Soper, Swalm, Swerdfeger, Szabo, Tyler, Williams A.--Concerning administration of the unemployment insurance program in order to stabilize unemployment insurance rates, and, in connection therewith, facilitating the issuance of unemployment revenue bonds and accelerating the creation of the division of unemployment insurance in the department of labor and employment.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Aguilar, Boyd, Foster, Heath, Hudak, King S., Newell, Schwartz, Steadman and Tochtrop.

SB12-176 by Senator(s) Brophy, Guzman, Morse, Roberts, Schwartz; also Representative(s) Labuda, Gardner B., Levy, Murray, Waller--Concerning nonsubstantive revisions of statutes in the Colorado Revised Statutes, as amended, and, in connection therewith, amending or repealing obsolete, inconsistent, and conflicting provisions of law and clarifying the language to reflect the legislative intent of the laws.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

HB12-1108 by Representative(s) Kagan, Brown, Holbert; also Senator(s) Scheffel--Concerning the authority of the Colorado department of transportation to have signs within rights-of-way on the highway system.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was passed.

Co-sponsors added: Grantham, Guzman, Hudak, Jahn, King S., Newell, Schwartz, Williams S.

THIRD READING OF BILLS -- FINAL PASSAGE

On third reading, the titles of the following bills were publicly read, the reading at length having been dispensed with by unanimous consent:

SB12-129 by Senator(s) Schwartz, Aguilar, Bacon, Grantham, Harvey, Heath, Hodge, Hudak, Johnston, King S., Lundberg, Newell, Roberts, Steadman, Tochtrop, White, Williams S.; also Representative(s) Coram--Concerning access to affordable broadband internet connectivity in noncompetitive rural areas.

Laid over until Wednesday, May 2, retaining its place on the calendar.

HCR12-1001 by Representative(s) Ferrandino and Vaad; also Senator(s) Johnston and King K.-- Submitting to the registered electors of the state of Colorado an amendment to the Colorado constitution concerning the state personnel system, and, in connection therewith, expanding the veterans' preference; increasing the number of candidates eligible to be appointed to a position; adjusting the duration of allowable temporary employment; allowing the flexibility to remove a limited number of positions from the system; modifying the residency requirement; adjusting the terms of service for members of the state personnel board; and requiring merit-based appointments to be made through a comparative analysis process.

A majority of those elected to the Senate having voted in the affirmative, Senator was given permission to offer a third reading amendment.

Third Reading Amendment No. 1(L.013) , by Senator Johnston.

Amend revised concurrent resolution, page 11, line 5, strike "amendments" and substitute "an amendment".

Page 1, line 102, strike "AMENDMENTS" and substitute "AN AMENDMENT".

The amendment was passed on the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The question being "Shall the concurrent resolution, as amended, pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A constitutional two-thirds of all members elected to the Senate having voted in the affirmative, the concurrent resolution passed.

Co-sponsors added: Aguilar, Bacon, Boyd, Brophy, Cadman, Foster, Giron, Grantham, Guzman, Harvey, Heath, Jahn, King S., Lambert, Lundberg, Mitchell, Morse, Neville, Newell, Renfroe, Roberts, Scheffel, Schwartz, Spence and White.

HB12-1041 by Representative(s) Labuda; also Senator(s) Guzman--Concerning the creation of an electronic death registration system in the department of public health and environment, and, in connection therewith, making an appropriation.

A majority of those elected to the Senate having voted in the affirmative, Senator Lambert was given permission to offer a third reading amendment. (See Senate Journal, April 30, page 932.)

Third Reading Amendment No. 1(L.004), by Senator Lambert.

Amend revised bill, page 2, after line 1 insert:

"SECTION 1. Legislative declaration. (1) The general assembly hereby finds and declares that:

(a) Under House Bill 12-1041, the Colorado department of public health and environment is directed to create, and the state registrar is directed to use, an electronic death registration system to collect death information from funeral directors, coroners, physicians, local registrars, and health facilities.

(b) An electronic death registration system will streamline the process for collecting and processing death information, which will dramatically reduce costs for persons responsible for submitting death information to the state registrar, with the greatest benefit reaped by funeral businesses.

(c) While the creation of an electronic death registration system will greatly benefit funeral directors, coroners, physicians, local registrars, health facilities, and the state registrar by creating a more efficient, cost-effective process for collecting and submitting death information, an electronic system will have a marginal benefit for the end users of death certificates, namely, the families of the deceased.

(d) Despite the minimal benefit to Colorado families in comparison to the tremendous benefits to businesses and governments involved in processing death information, particularly funeral businesses, House Bill 12-1041 shifts the entire cost of developing and implementing the electronic death registration system to Colorado families who have lost a family member and are often required to purchase multiple copies of the death certificate from the office of the state registrar in order to manage and close the decedent's estate.

(e) Under House Bill 12-1041, the state registrar will charge Colorado families an increased "fee" for obtaining copies of death certificates, and the increased revenues generated from this "fee" will be used to develop and implement the electronic death registration system.

(f) Section 20 of article X of the Colorado constitution requires voter approval of any new tax or tax rate increase; however, voter approval is not required for an increase in a government-imposed fee.

(g) In determining whether a government charge is a fee or a tax, the office of legislative legal services, in a memorandum prepared for the executive committee of the legislative council, dated January 6, 1993,

suggested an analysis for determining when a government charge is a tax requiring voter approval under the state constitution, which analysis has been employed by the general assembly since the passage of section 20 of article X of the state constitution.

(h) (I) The analysis articulated in the 1993 memorandum begins with the following questions:

(A) Is the charge a pecuniary charge upon persons or property?

(B) Is the charge imposed by legislative authority? and

(C) Is the charge imposed to raise money for a public purpose, that is, for the support of the government or any of the recognized objects of government, or for the health, safety, or welfare of the entire community rather than of a narrow class of persons.

(II) Applying the first step of the analysis to the increased charge for a death certificate to implement an electronic death registration system, the charge is imposed on Coloradans, pursuant to authority granted to the state registrar by the general assembly, for the support of the government's electronic death registration system.

(i) (I) The next step in the analysis is determining whether the charge is a fee, which is a charge made to defray the cost of a product, service, or regulation that is reasonably related to the overall cost, even though mathematical exactitude is not required, and that is not made primarily for the purpose of raising revenue for general public purposes.

(II) While the initial charge assessed Colorado families under current law may be a charge reasonably related to the overall cost of the death registration system, the increase in that charge appears to raise revenue primarily for a general public purpose, funding an electronic system that benefits the public at large.

(j) (I) Assuming the increased charge is a new tax or tax rate increase under the first two steps of the analysis, the following questions are to be considered:

(A) Is there any evidence that the people who voted for section 20 of article X of the state constitution intended that a vote would be required for future increases in the death certificate charge?

(B) Will voting on increases in the charge "reasonably restrain most the growth of government", which, pursuant to section 20 (1) of article X of the state constitution, is the "preferred interpretation" of said section 20?

(C) Is the charge commonly referred to as a "tax"?

(D) How much revenue is generated by the charge?

(E) How broadly based is the charge?

(II) In considering these questions, arguably:

(A) Colorado voters expect to vote on an increase in death certificate charges;

(B) Requiring a vote on the increased death certificate charge will reasonably restrain government growth in that, if voters do not approve the increase, the new government system will not be created;

(C) While the charge is usually referred to as a "fee", that fact, alone, is not dispositive of the issue;

(D) The increased charge is estimated to generate one million fifty-six thousand dollars over the next two state fiscal years, not an insignificant amount of revenue; and

(E) The charge will be assessed on a large portion of the state population given that it is charged for each death in Colorado.

(k) Since the increase in the death certificate charge is a new or increased tax on Colorado families, House Bill 12-1041 must be referred to a vote of the people of Colorado and cannot be implemented unless a majority of voters in this state approve the measure."

Renumber succeeding sections accordingly.

Page 4, strike lines 9 through 18 and substitute:

"SECTION 4. Refer to people under referendum. This act shall be submitted to a vote of the registered electors of the state of Colorado at the next election for which it may be submitted, for their approval or rejection, under the provisions of the referendum as provided for in section 1 of article V and section 20 of article X of the state constitution, and in article 40 of title 1, Colorado Revised Statutes. Each elector voting at said election and desirous of voting for or against said act shall cast a vote as provided by law either "Yes" or "No" on the proposition: "SHALL STATE TAXES BE INCREASED BY \$480,000 IN THE FIRST STATE FISCAL YEAR AND BY \$576,000 IN THE SECOND STATE FISCAL YEAR, FOR A TOTAL

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INCREASE OF \$1,056,000 IN STATE REVENUES OVER A TWO-YEAR PERIOD, FOR THE PURPOSE OF DEVELOPING AND IMPLEMENTING AN ELECTRONIC DEATH REGISTRATION SYSTEM IN THE STATE?" The votes cast for the adoption or rejection of said act shall be canvassed and the result determined in the manner provided by law for the canvassing of votes for representatives in Congress."

The amendment was **lost** on the following roll call vote:

YES	12	NO	23	EXCUSED	0	ABSENT	0
Aguilar	N	Guzman	N	Lambert	Y	Scheffel	Y
Bacon	N	Harvey	Y	Lundberg	Y	Schwartz	N
Boyd	N	Heath	N	Mitchell	Y	Spence	N
Brophy	N	Hodge	N	Morse	N	Steadman	N
Cadman	Y	Hudak	N	Neville	Y	Tochtrop	N
Carroll	N	Jahn	N	Newell	N	White	N
Foster	N	Johnston	N	Nicholson	N	Williams S.	N
Giron	N	King K.	Y	Renfroe	Y	President	N
Grantham	Y	King S.	Y	Roberts	Y		

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	32	NO	3	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	N	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	N	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Aguilar, Bacon, Boyd, Foster, Heath, Hodge, Morse, Newell, Nicholson, Steadman, Tochtrop and Williams S.

SCR12-001 by Senator(s) Steadman; also Representative(s) Ferrandino--Submitting to the registered electors of the state of Colorado an amendment to the Colorado constitution repealing provisions deemed obsolete on account of a determination of the unconstitutionality of said provisions by a court of competent jurisdiction.

The question being "Shall the concurrent resolution pass?", the roll call was taken with the following result:

YES	27	NO	8	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	N
Bacon	Y	Harvey	N	Lundberg	N	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	N	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	N	Hudak	Y	Neville	N	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A constitutional two-thirds of all members elected to the Senate having voted in the affirmative, the concurrent resolution was **passed**.

Co-sponsor added: Shaffer B.

HB12-1241 by Representative(s) Ferrandino, Hullinghorst, Court, Fischer, Labuda, Levy, Pabon, Singer; also Senator(s) Heath--Concerning enterprise zone designations.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was passed.

Co-sponsors added: Boyd, Foster, Steadman and Tochtrop.

HB12-1068 by Representative(s) McKinley; also Senator(s) Grantham--Concerning the administration of a nonprofit cemetery corporation by persons who own the right to bury a deceased person within the cemetery.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was passed.

Co-sponsors added: Aguilar, Boyd, Foster, Giron, Guzman, Heath, Jahn and Neville.

SB12-170 by Senator(s) Aguilar; also Representative(s) Gerou--Concerning authorization for personalized license plates of one position to fund a program that helps persons with disabilities obtain benefits.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	30	NO	5	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	Y
Bacon	Y	Harvey	N	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	N	Hodge	Y	Morse	Y	Steadman	Y
Cadman	N	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was passed.

Co-sponsors added: Heath and Williams S.

Committee of the Whole On motion of Senator Hudak, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills--Consent Calendar and Senator Hudak was called to the Chair to act as Chairman.

**GENERAL ORDERS -- SECOND READING OF BILLS --
CONSENT CALENDAR**

The Committee of the Whole having risen, the Chairman reported that the following bills, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

HB12-1331 by Representative(s) Brown, Wilson, Pace, Hamner, Kerr A., Massey, Murray, Ramirez, Schafer S., Summers, Todd; also Senator(s) Schwartz, Bacon, Heath, Johnston, King K., King S.--Concerning changing the name of Western state college of Colorado to Western state Colorado university.

Ordered revised and placed on the calendar for third reading and final passage.

HB12-1274 by Representative(s) Swerdfeger; also Senator(s) Jahn--Concerning the regulation of notaries public, and, in connection therewith, making and reducing appropriations.

Amendment No. 1, State, Veterans & Military Affairs Committee Amendment.
(Printed in Senate Journal, April 27, pages 688-689 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, April 27, page 922 and placed in members' bill files.)

As amended, ordered revised and placed on the calendar for third reading and final passage.

**ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE --
CONSENT CALENDAR**

On motion of Senator Hudak, the report of the Committee of the Whole was **adopted** on the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: HB12-1331, HB12-1274 as amended.

Committee of the Whole

On motion of Senator Hudak, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills and Senator Hudak was called to the Chair to act as Chairman.

GENERAL ORDERS -- SECOND READING OF BILLS

The Committee of the Whole having risen, the Chairman reported that the following bills, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

SB12-086

by Senator(s) Cadman, Shaffer B.; --Concerning a study of the cost of regulatory compliance for businesses in Colorado.

Lost on second reading.

(For further action, see amendments to the report of the Committee of the Whole.)

SB12-132

by Senator(s) Grantham, Cadman, Scheffel, Brophy, Harvey, King S., Lambert, Lundberg, Neville, Renfroe, Roberts, Spence; also Representative(s) Becker--Concerning timely issuance of environmental control permits, and, in connection therewith, making an appropriation.

Amendment No. 1, Agriculture, Natural Resources, and Energy Committee Amendment.
(Printed in Senate Journal, February 10, pages 116-117 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, March 9, page 413 and placed in members' bill files.)

Amendment No. 3(L.007), by Senator Steadman.

Amend printed bill, page 3, after line 9 insert:

"SECTION 2. In Colorado Revised Statutes, 25-7-114.1, **amend** (6) (a) as follows:

25-7-114.1. Air pollutant emission notices (APEN). (6) (a) The COMMISSION MAY, BY RULE, SET THE fee for filing an air pollutant emission notice or amendment thereto under this section ~~shall be~~ AT NO MORE THAN one hundred ~~fifty-two~~ SIXTY-THREE dollars and ~~ninety~~ SIXTY cents. The DIVISION SHALL TRANSMIT THE moneys collected pursuant to this section ~~shall be transmitted~~ to the state treasurer, who shall credit the same to the stationary sources control fund created in section 25-7-114.7 (2) (b) (I).

SECTION 3. In Colorado Revised Statutes, 25-7-114.7, **amend** (2) (a) (I) (A), (2) (a) (I) (B), and (2) (a) (III) as follows:

25-7-114.7. Emission fees - fund. (2) (a) (I) The commission shall designate by rule those classes of sources of air pollution that are exempt from the requirement to pay an annual emission fee. Every owner or operator of an air pollution source not otherwise exempt in accordance with such commission rules shall pay an annual fee as follows:

(A) ~~For fiscal years 2008-09 and thereafter, twenty-two~~ A FEE SET BY THE COMMISSION BY RULE THAT DOES NOT EXCEED TWENTY-FOUR dollars and ~~ninety~~ FIFTY cents per ton of regulated pollutant reported in the most recent air pollution emission notice on file with the division;

(B) ~~For fiscal years 2008-09 and thereafter,~~ In addition to the annual fee set forth in sub-subparagraph (A) of this subparagraph (I), for hazardous air pollutants, including ozone-depleting compounds, an annual fee ~~of~~ SET BY THE COMMISSION BY RULE THAT DOES NOT EXCEED one hundred ~~fifty-two~~ SIXTY-THREE dollars and ~~ninety~~ SIXTY cents per ton;

(III) Every owner or operator subject to the requirements of paying fees set forth in subparagraph (I) of this paragraph (a) shall also pay a processing fee for the costs of processing any application other than an air pollution emission notice under this article. Every significant user of prescribed fire, including federal facilities, submitting a planning document to the commission pursuant to section 25-7-106 (8) (b) shall pay a fee for costs of evaluating ~~such~~ THE documents. The division shall assess a fee for work it performs, up to a maximum of thirty hours at a

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rate of ~~seventy-six~~ SET BY THE COMMISSION BY RULE THAT DOES NOT EXCEED EIGHTY-ONE dollars and ~~forty-five~~ EIGHTY cents per hour. If the division requires more than thirty hours to process the application or evaluate the prescribed fire-related planning documents, the fee paid by the applicant shall not exceed three thousand dollars unless the division has informed the source that the respective billings may exceed three thousand dollars and has provided the source with an estimate of what the actual charges may be prior to commencing the work."

Renumber succeeding sections accordingly.

As amended, ordered engrossed and placed on the calendar for third reading and final passage.

SB12-167 by Senator(s) Heath; also Representative(s) Pabon and Summers, Massey--Concerning the authority of state institutions of higher education regarding student health trusts.

Amendment No. 1, Education Committee Amendment.
(Printed in Senate Journal, April 27, pages 914-915 and placed in members' bill files.)

Lost on second reading.

Senator Morse moved that the Committee of the Whole rise, report progress, and beg leave to sit again at 1:45 p.m. A majority of those elected to the Senate having voted in the affirmative, the motion was adopted.

Committee of the Whole in recess.

Senate in recess. Senate reconvened.

Committee of the Whole reconvened.

GENERAL ORDERS -- SECOND READING OF BILLS - cont'd

SB12-172 by Senator(s) Johnston and Spence, Bacon, Heath, Hudak; --Concerning student assessments adopted by the state board.

Amendment No. 1(L.001), by Senator Johnston.

Severed section #1, Page 1, lines 1 and 2.

Amend printed bill, page 2, line 6, strike "MEMBER" and substitute "MEMBER, AT LEAST UNTIL JANUARY 1, 2014,".

Severed section #2, Page 1, lines 3 and 4.

Page 2, strike lines 12 through 15 and substitute "DEVELOPED BY THE CONSORTIUM OF STATES.".

As amended, ordered engrossed and placed on the calendar for third reading and final passage.

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- SB12-163** by Senator(s) Mitchell and Steadman, Aguilar, Cadman, Grantham, Guzman, Jahn, Neville, Spence; also Representative(s) Beezley and Levy, Barker, DelGrosso, Ferrandino, Massey, McCann, Nikkel, Singer, Vigil--Concerning changes to improve outcomes for persons convicted of possession of certain controlled substances crimes. 1
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Amendment No. 1, Judiciary Committee Amendment. 6
(Printed in Senate Journal, March 29, page 606 and placed in members' bill files.) 7
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Amendment No. 2, Finance Committee Amendment. 9
(Printed in Senate Journal, April 11, pages 708-709 and placed in members' bill files.) 10
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Amendment No. 3, Appropriations Committee Amendment. 12
(Printed in Senate Journal, April 27, pages 919-920 and placed in members' bill files.) 13
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As amended, ordered engrossed and placed on the calendar for third reading and final 15
passage. 16
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- SB12-162** by Senator(s) Tochtrop; also Representative(s) Peniston--Concerning remediation 19
performed on property contaminated by an illegal drug laboratory, and, in connection 20
therewith, making an appropriation. 21
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Amendment No. 1, Business, Labor & Technology Committee Amendment. 23
(Printed in Senate Journal, April 12, pages 716-721 and placed in members' bill files.) 24
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Amendment No. 2, Appropriations Committee Amendment. 26
(Printed in Senate Journal, April 27, pages 920-921 and placed in members' bill files.) 27
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As amended, ordered engrossed and placed on the calendar for third reading and final 29
passage. 30
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- HB12-1294** by Representative(s) Liston, Todd, Acree, Gardner B., Kerr J., Massey, Miklosi, Murray, 32
Priola, Ramirez, Soper, Swalm, Swerdfeger, Szabo; also Senator(s) Tochtrop, Boyd, 33
Mitchell, Neville, White--Concerning modifications to the system of regulation of health 34
facilities currently regulated by the department of public health and environment, and, in 35
connection therewith, making an appropriation. 36
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Amendment No. 1, Business, Labor & Technology Committee Amendment. 38
(Printed in Senate Journal, April 24, page 823 and placed in members' bill files.) 39
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Amendment No. 2, Appropriations Committee Amendment. 41
(Printed in Senate Journal, April 27, page 921 and placed in members' bill files.) 42
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Amendment No. 3(L.039), by Senator Tochtrop. 44
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Amend reengrossed bill, page 5, line 26, strike "(1) (a) (III)". 46
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Page 5, line 27, strike "and". 48
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Page 8, strike lines 21 through 27. 50
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As amended, ordered revised and placed on the calendar for third reading and final 52
passage. 53
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- HB12-1226** by Representative(s) Barker; also Senator(s) Aguilar--Concerning a surcharge on persons 56
convicted of crimes against at-risk persons, and, in connection therewith, making an 57
appropriation. 58
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Amendment No. 1, Appropriations Committee Amendment. 60
(Printed in Senate Journal, April 27, page 921 and placed in members' bill files.) 61
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As amended, ordered revised and placed on the calendar for third reading and final 63
passage. 64
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- HB12-1303** by Representative(s) Schafer S., Hamner, Kerr J., Peniston, Summers, Young; also 67
Senator(s) Spence, Jahn--Concerning the regulation of speech-language pathologists by the 68
department of regulatory agencies, and, in connection therewith, making an appropriation. 69
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Amendment No. 1, Appropriations Committee Amendment. 71
(Printed in Senate Journal, April 27, page 922 and placed in members' bill files.) 72

As amended, ordered revised and placed on the calendar for third reading and final passage.

HB12-1302 by Representative(s) Massey; also Senator(s) Tochtrop--Concerning the creation of a flight for life Colorado license plate, and, in connection therewith, making an appropriation.

Ordered revised and placed on the calendar for third reading and final passage.

SB12-117 by Senator(s) King S.; --Concerning the penalties for persons who drive while under the influence of alcohol or drugs, and, in connection therewith, making an appropriation.

Amendment No. 1, State, Veterans & Military Affairs Committee Amendment.
(Printed in Senate Journal, February 28, pages 313-314 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, April 27, pages 922-923 and placed in members' bill files.)

Lost on second reading.

(For further action, see amendments to the report of the Committee of the Whole.)

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the General Orders -- Second Reading of Bills Calendar (HB12-1036, SB12-155, SB12-070, HB12-1160, HB12-1237, SB12-106, SB12-135, HB12-1267, SB12-178, HB12-1043) of Tuesday, May 1 was laid over until Wednesday, May 2, retaining its place on the calendar.

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

SB12-086 by Senator(s) Cadman, Shaffer B.; --Concerning a study of the cost of regulatory compliance for businesses in Colorado.

Senators Cadman, Shaffer, Jahn, and Johnston moved to amend the Report of the Committee of the Whole to show that SB 12-086 did pass.

A majority of all members elected to the Senate having voted in the affirmative, the amendment to the report of the Committee of the Whole was **passed** on the following roll call vote:

YES	22	NO	13	EXCUSED	0	ABSENT	0
Aguilar	N	Guzman	N	Lambert	Y	Scheffel	Y
Bacon	N	Harvey	Y	Lundberg	Y	Schwartz	N
Boyd	N	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	N	Morse	N	Steadman	N
Cadman	Y	Hudak	N	Neville	Y	Tochtrop	Y
Carroll	N	Jahn	Y	Newell	Y	White	Y
Foster	N	Johnston	Y	Nicholson	N	Williams S.	Y
Giron	N	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Senator Aguilar moved to amend the Report of the Committee of the Whole to show that the following Morse floor amendment, (L.001) to SB 12-086, did pass.

Amend printed bill, strike everything below the enacting clause and substitute:

"SECTION 1. In Colorado Revised Statutes, **add** 2-2-326 as follows:

2-2-326. Task force on the cost and benefit of state regulatory compliance - appointment - notice of funding through gifts, grants, and donations - definitions - repeal. (1) AS USED IN THIS SECTION,

UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "COST AND BENEFIT OF REGULATORY COMPLIANCE" MEANS THE MONEY SPENT BY BUSINESSES IN COLORADO TO COMPLY WITH RULES THAT ARE PART OF THE REGULATORY SYSTEM OF THIS STATE AND THE BENEFITS THAT THE PUBLIC RECEIVES FROM RULES THAT ARE PART OF THE REGULATORY SYSTEM OF THIS STATE.

(b) "EXECUTIVE BRANCH DEPARTMENTS" MEANS ALL PRINCIPAL DEPARTMENTS OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT AS SPECIFIED IN SECTION 24-1-110, C.R.S., INCLUDING ANY DIVISION, OFFICE, AGENCY, OR OTHER UNIT CREATED WITHIN A PRINCIPAL DEPARTMENT.

(c) "INDUSTRY LEADER" MEANS AN EXECUTIVE-LEVEL EMPLOYEE OR RETIREE OF A LARGE SUCCESSFUL INDUSTRY.

(d) "REGULATORY SYSTEM" MEANS THE SYSTEM OF RULES PROMULGATED BY EXECUTIVE BRANCH DEPARTMENTS UNDER ARTICLE 4 OF TITLE 24, C.R.S., INCLUDING ALL RULES CURRENTLY PROMULGATED AND PUBLISHED IN THE CODE OF COLORADO REGULATIONS.

(e) "SMALL OR MEDIUM BUSINESS LEADER" MEANS A SUCCESSFUL BUSINESS OWNER GENERALLY RECOGNIZED IN THE BUSINESS COMMUNITY WITH UP TO FIVE HUNDRED EMPLOYEES.

(f) "TASK FORCE" MEANS THE TASK FORCE CREATED IN SUBSECTION (2) OF THIS SECTION.

(2) NO LATER THAN JULY 1, 2012, THE PRESIDENT OF THE SENATE, THE MINORITY LEADER OF THE SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES SHALL APPOINT A TASK FORCE TO STUDY THE IMPACTS OF THE COST OF REGULATORY COMPLIANCE ON BUSINESSES IN COLORADO. THE TASK FORCE CONSISTS OF NINE MEMBERS APPOINTED AS FOLLOWS:

(a) THE PRESIDENT OF THE SENATE SHALL APPOINT TWO MEMBERS, ONE OF WHOM MUST BE A PRIVATE INDUSTRY LEADER AND ONE OF WHOM MUST BE AN ACADEMIC FROM THE PUBLIC POLICY FACULTY OF ANY PUBLIC OR PRIVATE INSTITUTION OF HIGHER EDUCATION IN THIS STATE WHO HAS DEMONSTRATED EXPERTISE RELATED TO THE COST AND BENEFIT OF REGULATORY COMPLIANCE;

(b) THE MINORITY LEADER OF THE SENATE SHALL APPOINT TWO MEMBERS, ONE OF WHOM MUST BE A PRIVATE INDUSTRY LEADER AND ONE OF WHOM MUST BE A SMALL OR MEDIUM BUSINESS LEADER OR REPRESENTATIVE OF A BUSINESS ASSOCIATION WHOSE MEMBERSHIP IS MAINLY SMALL OR MEDIUM BUSINESSES;

(c) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL APPOINT TWO MEMBERS, ONE OF WHOM MUST BE FROM AN ORGANIZATION, INSTITUTE, OR NONPROFIT GROUP THAT CONDUCTS RESEARCH AND ENGAGES IN ADVOCACY IN AREAS SUCH AS BUSINESS POLICY OR THE ECONOMY AND ONE OF WHOM MUST BE FROM A CONSUMER PROTECTION ADVOCACY ORGANIZATION WHOSE MEMBERSHIP IS MAINLY INTERESTED MEMBERS OF THE PUBLIC;

(d) THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES SHALL APPOINT TWO MEMBERS, ONE OF WHOM MUST BE AN ACADEMIC FROM THE ECONOMICS OR BUSINESS SCHOOL FACULTY OF ANY PUBLIC OR PRIVATE INSTITUTION OF HIGHER EDUCATION IN THIS STATE WHO HAS DEMONSTRATED EXPERTISE RELATED TO THE COST AND BENEFIT OF REGULATORY COMPLIANCE AND ONE OF WHOM MUST BE A FORMER EMPLOYEE OF A STATE REGULATORY BODY; AND

(e) THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL JOINTLY APPOINT A CITIZEN OF THE STATE OF COLORADO.

(3) THE TASK FORCE SHALL ELECT ONE OF ITS MEMBERS AS CHAIR AND ONE OF ITS MEMBERS AS VICE-CHAIR.

(4) SUBJECT TO SUBSECTION (7) OF THIS SECTION, THE TASK FORCE SHALL MEET WITHIN THIRTY DAYS AFTER THE MEMBERS ARE APPOINTED AND SHALL MEET ADDITIONALLY AS CONVENED BY THE CHAIR.

(5) THE DUTIES OF THE TASK FORCE ARE:

(a) TO REVIEW THE STATE'S REGULATORY SYSTEM AND DETERMINE THE ESTIMATED ANNUAL COST OF REGULATORY COMPLIANCE ON BUSINESSES IN COLORADO. THE STUDY MUST BREAK DOWN THE ANNUAL COST OF REGULATORY COMPLIANCE BASED ON THE TYPE OF REGULATION; THE COST PER EMPLOYEE FOR ALL FIRMS; AND THE COST OF COMPLIANCE PER EMPLOYEE FOR FIRMS, BROKEN DOWN IN INCREMENTS BASED ON SIZE OF THE FIRM, FROM FEWER THAN TWENTY EMPLOYEES TO UP TO FIVE HUNDRED OR MORE EMPLOYEES. IN CONDUCTING THIS STUDY, THE TASK FORCE MAY CONSULT SIMILAR STUDIES OF THE COST OF REGULATORY COMPLIANCE, INCLUDING STUDIES DONE BY ACADEMIC GROUPS FOR THE FEDERAL GOVERNMENT; AND

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(b) TO DETERMINE AND QUANTIFY THE BENEFITS TO THE PUBLIC FROM THE STATE'S REGULATORY SYSTEM, INCLUDING CONSUMER PROTECTION, PUBLIC SAFETY, HEALTH PROTECTION, ENVIRONMENTAL PROTECTION, AND THE CREATION AND MAINTENANCE OF A VIBRANT, COMPETITIVE ECONOMY THAT SUPPORTS THE WELL-BEING OF THE CITIZENS OF THIS STATE.

(6) THE TASK FORCE SHALL MAKE AN INTERIM REPORT IN WRITING TO THE GENERAL ASSEMBLY NO LATER THAN AUGUST 5, 2013. THE TASK FORCE SHALL REPORT IN WRITING TO THE GENERAL ASSEMBLY NO LATER THAN AUGUST 6, 2014, REGARDING ITS FINAL FINDINGS.

(7) (a) THE TASK FORCE IS AUTHORIZED TO SEEK AND ACCEPT GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS SECTION; EXCEPT THAT THE TASK FORCE SHALL NOT ACCEPT A GIFT, GRANT, OR DONATION THAT IS SUBJECT TO CONDITIONS THAT ARE INCONSISTENT WITH THIS SECTION OR ANY OTHER LAW OF THE STATE. THE LEGISLATIVE COUNCIL STAFF, ON BEHALF OF THE TASK FORCE, IS AUTHORIZED TO RECEIVE MONEYS UNDER THIS SUBSECTION (7) AND SHALL TRANSFER ANY MONEYS RECEIVED UNDER THIS SUBSECTION (7) TO THE STATE TREASURER, WHO SHALL CREDIT THE MONEYS TO THE LEGISLATIVE DEPARTMENT CASH FUND CREATED IN SECTION 2-2-1601 FOR USE IN IMPLEMENTING THIS SECTION.

(b) (I) IN SEEKING OR ACCEPTING A GIFT, GRANT, OR DONATION, THE LEGISLATIVE COUNCIL STAFF SHALL TRACK WHETHER THE TASK FORCE HAS RECEIVED ADEQUATE FUNDING THROUGH GIFTS, GRANTS, OR DONATIONS FOR THE STUDY REQUIRED BY THIS SECTION AND SHALL INCLUDE THIS INFORMATION IN THE NOTIFICATION SPECIFIED IN SECTION 24-75-1303 (3), C.R.S.

(II) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE AUGUST 6, 2015.

(c) THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL, THE DIRECTOR OF THE OFFICE OF LEGISLATIVE LEGAL SERVICES, AND THE STATE AUDITOR MAY SUPPLY STAFF ASSISTANCE TO THE TASK FORCE AS DEEMED APPROPRIATE WITHIN EXISTING APPROPRIATIONS. IF STAFF ASSISTANCE IS NOT AVAILABLE WITHIN EXISTING APPROPRIATIONS, THEN THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL, THE DIRECTOR OF THE OFFICE OF LEGISLATIVE LEGAL SERVICES, AND THE STATE AUDITOR MAY SUPPLY STAFF ASSISTANCE TO THE TASK FORCE ONLY IF MONEYS ARE CREDITED TO THE LEGISLATIVE DEPARTMENT CASH FUND PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (7) IN AN AMOUNT SUFFICIENT TO FUND STAFF ASSISTANCE. THE TASK FORCE MAY ALSO ACCEPT STAFF SUPPORT FROM THE PRIVATE SECTOR.

(d) THE COSTS OF PROVIDING STAFF ASSISTANCE TO THE TASK FORCE BY THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL, THE DIRECTOR OF THE OFFICE OF LEGISLATIVE LEGAL SERVICES, AND THE STATE AUDITOR MUST BE APPROVED BY THE CHAIR OF THE LEGISLATIVE COUNCIL AND PAID BY VOUCHERS AND WARRANTS DRAWN AS PROVIDED BY LAW FROM MONEYS CONTINUOUSLY APPROPRIATED FROM THE LEGISLATIVE DEPARTMENT CASH FUND.

(8) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2015.

SECTION 2. 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."

Less than a majority of all members elected to the Senate having voted in the affirmative, the amendment to the report of the Committee of the Whole **lost** on the following roll call vote:

YES	17	NO	18	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	N
Bacon	Y	Harvey	N	Lundberg	N	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	N	Spence	N
Brophy	N	Hodge	Y	Morse	Y	Steadman	Y
Cadman	N	Hudak	Y	Neville	N	Tochtrop	N
Carroll	Y	Jahn	N	Newell	Y	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	N
Grantham	N	King S.	N	Roberts	N		

SB12-117 by Senator(s) King S.; --Concerning the penalties for persons who drive while under the influence of alcohol or drugs, and, in connection therewith, making an appropriation.

Senator King S. moved to amend the Report of the Committee of the Whole to show that SB 12-117, as amended, did pass.

A majority of all members elected to the Senate having voted in the affirmative, the amendment to the report of the Committee of the Whole **passed** on the following roll call vote:

YES	18	NO	17	EXCUSED	0	ABSENT	0
Aguilar	N	Guzman	N	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	N	Lundberg	N	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	N	Spence	Y
Brophy	N	Hodge	Y	Morse	Y	Steadman	N
Cadman	Y	Hudak	N	Neville	N	Tochtrop	N
Carroll	N	Jahn	N	Newell	Y	White	N
Foster	N	Johnston	Y	Nicholson	N	Williams S.	N
Giron	N	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Hudak, the report of the Committee of the Whole was **adopted** on the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: SB12-086, SB12-132 as amended, SB12-172 as amended, SB12-163 as amended, SB12-162 as amended, SB12-117 as amended, HB12-1294 as amended, HB12-1226 as amended, HB12-1303 as amended, HB12-1302.

Lost on second reading: SB12-167 as amended.

Laid over until Wednesday, May 2: HB12-1036, SB12-155, SB12-070, HB12-1160, HB12-1237, SB12-106, SB12-135, HB12-1267, SB12-178, HB12-1043.

MESSAGE FROM THE HOUSE

May 1, 2012

The House has adopted and returns herewith SJR12-036.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1350.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1319, amended as printed in House Journal, April 23, pages 1079-1081.
 HB12-1333, amended as printed in House Journal, April 25, page 1128.
 HB12-1268, amended as printed in House Journal, April 30, pages 1188-1190.
 HB12-1346, amended as printed in House Journal, April 30, page 1190.

The House has passed on Third Reading and returns herewith SB12-161, 038.

MESSAGE FROM THE REVISOR OF STATUTES

May 1, 2012

We herewith transmit:

Without comment, HB12-1350.
Without comment, as amended, HB12-1268, 1319, 1333, and 1346.

COMMITTEE OF REFERENCE REPORTS

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **SCR12-003** be postponed indefinitely.

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **SCR12-004** be postponed indefinitely.

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **HB12-1075** be postponed indefinitely.

Appro-
priations

After consideration on the merits, the Committee recommends that **HB12-1272** be referred to the Committee of the Whole with favorable recommendation.

Agriculture,
Natural
Resources, &
Energy

After consideration on the merits, the Committee recommends that **SB12-180** be postponed indefinitely.

Agriculture,
Natural
Resources, &
Energy

The Committee on Agriculture, Natural Resources, and Energy has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed:

MEMBER OF THE
RENEWABLE ENERGY AUTHORITY BOARD OF DIRECTORS

effective immediately for a term expiring July 1, 2014:

Kenneth W. Lund of Lone Tree, Colorado, appointed.

Agriculture,
Natural
Resources, &
Energy

After consideration on the merits, the Committee recommends that **SB12-169** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 3, after line 26 insert:

"**SECTION 3.** In Colorado Revised Statutes, 35-5.5-105, **amend** (2) as follows:

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35-5.5-105. Noxious weed management - powers of county commissioners. (2) (a) The board of county commissioners shall provide for the administration of the noxious weed management plan authorized by this article through the use of agents, delegates, or employees and may hire additional staff or provide for the performance of all or part of the management plan through outside contract. Any agent, delegate, employee, staff, or contractor applying or recommending the use of chemical management methods shall be certified by the department of agriculture for such application or recommendation. Costs associated with the administration of the noxious weed management plan shall be paid from the noxious weed management fund of each county.

(b) SUBJECT TO THE DIRECTION OF THE BOARD OF COUNTY COMMISSIONERS, AN AGENT OF THE COUNTY APPOINTED OR EMPLOYED UNDER THIS SUBSECTION (2) MAY EXERCISE THE POWERS AND DUTIES GRANTED TO, AND PERFORM THE DUTIES OF, A COUNTY PEST INSPECTOR IN ACCORDANCE WITH ARTICLES 4 AND 5 OF THIS TITLE."

Renumber succeeding section accordingly.

Agriculture,
Natural
Resources, &
Energy

After consideration on the merits, the Committee recommends that **HB12-1314** be referred to the Committee on Appropriations with favorable recommendation.

Agriculture,
Natural
Resources, &
Energy

After consideration on the merits, the Committee recommends that **HB12-1037** be referred to the Committee on Finance with favorable recommendation.

Agriculture,
Natural
Resources, &
Energy

After consideration on the merits, the Committee recommends that **HB12-1045** be referred to the Committee on Finance with favorable recommendation.

Appro-
priations

After consideration on the merits, the Committee recommends that **HB12-1238** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend the State, Veterans & Military Affairs Committee Report, dated April 25, 2012, page 25, line 13, strike "22-7-1210." and substitute "22-7-1210; EXCEPT THAT THE AMOUNT CREDITED TO THE EARLY LITERACY FUND PURSUANT TO THIS PARAGRAPH (c) SHALL NOT EXCEED SIXTEEN MILLION DOLLARS IN ANY STATE FISCAL YEAR."

Page 25 of the report, after line 31, insert:

"Page 47 of the bill, after line 13, insert:

"SECTION 23. In Colorado Revised Statutes, 22-54-104.2, **add** (3) as follows:

22-54-104.2. Legislative declaration. (3) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT, FOR PURPOSES OF SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, THE REQUIREMENT THAT SCHOOL DISTRICTS PROVIDE EDUCATIONAL SERVICES TO JUVENILES PURSUANT TO SECTION 22-32-141 AND THAT THE SCHOOL DISTRICTS RECEIVE REIMBURSEMENT FOR PROVIDING THE SERVICES PURSUANT TO SECTION 22-54-114 (4) (b), IS PART OF PROVIDING ACCOUNTABLE PROGRAMS TO MEET STATE ACADEMIC STANDARDS AND MAY THEREFORE RECEIVE FUNDING FROM THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION."

Renumber succeeding sections accordingly."

Page 25 of the report, strike lines 32 through 34 and substitute:

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"Page 47 of the bill, strike lines 14 through 27 and substitute:

"SECTION 24. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the early literacy fund created in section 22-7-1210, Colorado Revised Statutes, not otherwise appropriated, to the department of education, for the fiscal year beginning July 1, 2012, the sum of \$5,411,989 and 9.8 FTE, or so much thereof as may be necessary, for allocation to the assistance to public schools division, reading and literacy programs, for the implementation of section 22-7-1210 (4), Colorado Revised Statutes.

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the state education fund created in section 17 (4) (a) of article IX of the state constitution, not otherwise appropriated, to the department of education, for the fiscal year beginning July 1, 2012, the sum of \$20,418 and 0.2 FTE, or so much thereof as may be necessary, for allocation to the public school finance division for administrative expenses related to district per pupil reimbursements for juveniles held in jail.

(3) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the state education fund created in section 17 (4) (a) of article IX of the state constitution, not otherwise appropriated, to the department of education, for the fiscal year beginning July 1, 2012, the sum of \$100,000, or so much thereof as may be necessary, for allocation to the public school finance division for district per pupil reimbursements for juveniles held in jail.

SECTION 25. Appropriation - adjustments in 2012 long bill.

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

(a) The cash funds appropriation for public school finance administration is decreased by \$20,418 and 0.2 FTE. Said sum is from the read-to-achieve cash fund created in section 22-7-908 (1), Colorado Revised Statutes.

(b) The cash funds appropriation for district per pupil reimbursements for juveniles held in jail is decreased by \$100,000. Said sum is from the read-to-achieve cash fund created in section 22-7-908 (1), Colorado Revised Statutes."

Renumber succeeding sections accordingly.

Page 48 of the bill, strike lines 1 through 21."

Page 26 of the report, strike lines 1 through 5.

State, Veterans, & Military Affairs

After consideration on the merits, the Committee recommends that **HB12-1143** be referred to the Committee on Appropriations with favorable recommendation.

State, Veterans, & Military Affairs

After consideration on the merits, the Committee recommends that **HB12-1315** be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation.

Amend reengrossed bill, page 15, line 15, before "BALANCED" insert "CLEANER AND".

Page 16, line 1, strike "(1) (t)".

Page 16, strike lines 8 through 10 and substitute:

"(II) CLEAN AND renewable energy, such as wind, HYDROELECTRICITY, solar, and geothermal; and

(III) CLEANER ENERGY SOURCES SUCH AS BIOGAS, BIOMASS, AND THERMAL GASIFICATION;"

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Renumber succeeding subparagraphs accordingly. 1

Page 16, line 13, strike "technologies;" and substitute "technologies AND PRACTICES;". 2
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Page 16, line 18, strike "energy efficiency and renewable energy" and substitute "energy efficiency, and renewable energy, AND EFFICIENCY". 6
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Page 16, line 19, strike "SECTION" insert "SECTIONS 24-38.5-102.4 AND". 9
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Page 17, strike lines 8 through 10. 11
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Page 17, line 16, strike "WHEN". 13

Page 17, line 17, strike "IT MAKES" and substitute "AS PART OF ITS "STATE MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT (SMART) GOVERNMENT ACT" HEARING REQUIRED BY SECTION 2-7-203 (2), C.R.S., IF IT HAS MADE". 14
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Page 17, strike lines 21 and 22 and substitute: 19
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"(b) OFFICE POLICIES RELATED TO THE DEVELOPMENT OF RENEWABLE ENERGY SOURCES;". 21
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Page 17, strike line 24 and substitute: 24
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"(d) OFFICE POLICIES RELATED TO THE DEVELOPMENT". 26
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Page 17, strike lines 26 and 27. 28
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Strike pages 18, 19, 20, and 21. 30
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Page 22, strike lines 1 through 14 and substitute: 32
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"SECTION 18. In Colorado Revised Statutes, **add with amended and relocated provisions 24-38.5-102.4** as follows: 34
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24-38.5-102.4. [Formerly 24-75-1201] Clean and renewable energy fund - creation - use of fund - definitions. (1) (a) (I) The clean AND RENEWABLE energy fund is hereby created in the state treasury. The principal of the fund shall consist of MONEYS TRANSFERRED TO THE FUND FROM THE GENERAL FUND, moneys transferred to the fund at the end of the 2006-07 state fiscal year and at the end of each succeeding state fiscal year from moneys received by the ~~governor's~~ COLORADO energy office, pursuant to ~~section 39-29-109.3(2)(f), C.R.S., in accordance with section 40-8.7-112 (3) (g), C.R.S.,~~ moneys received pursuant to the federal "American Recovery and Reinvestment Act of 2009", Pub.L. 111-5, or any amendments thereto, or from revenue contracts, court settlement funds, supplemental environmental program funds, repayment or return of funds from eligible public depositories, and gifts, grants, and donations, and any other moneys received by the ~~governor's~~ COLORADO energy office. Interest and income earned on the deposit and investment of moneys in the clean AND RENEWABLE energy fund shall be credited to the fund. Moneys in the fund at the end of any state fiscal year shall remain in the fund and shall not be credited to the state general fund or any other fund. MONEYS IN THE FUND SHALL NOT BE TRANSFERRED TO THE INNOVATIVE ENERGY FUND CREATED IN SECTION 24-38.5-102.5. 36
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(II) (A) ON JULY 1, 2012, ONE MILLION FIVE HUNDRED SIXTY THOUSAND FOUR HUNDRED NINETY-ONE DOLLARS SHALL BE TRANSFERRED BY THE STATE TREASURER FROM THE GENERAL FUND TO THE CLEAN AND RENEWABLE ENERGY FUND. 56
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(B) THIS SUBPARAGRAPH (II) IS REPEALED, EFFECTIVE JANUARY 1, 2013. 60
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(III) (A) ON JULY 1, 2013, AND EACH JULY 1 THEREAFTER THROUGH JULY 1, 2016, ONE MILLION SIX HUNDRED THOUSAND DOLLARS SHALL BE TRANSFERRED BY THE STATE TREASURER FROM THE GENERAL FUND TO THE CLEAN AND RENEWABLE ENERGY FUND. 62
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(B) THIS SUBPARAGRAPH (III) IS REPEALED, EFFECTIVE JANUARY 1, 2017. 66
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(b) For purposes of this section, "~~governor's~~ COLORADO energy office" means the ~~governor's~~ COLORADO energy office created in section 68
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24-38.5-101.

(2) (a) All moneys in the clean AND RENEWABLE energy fund are continuously appropriated to the ~~governor's~~ COLORADO energy office for the purposes of advancing energy efficiency and renewable energy throughout the state.

(b) The ~~governor's~~ COLORADO energy office may expend moneys from the clean AND RENEWABLE energy fund:

(I) To attract renewable energy industry investment in the state;

(II) To assist in technology transfer into the marketplace for newly developed energy efficiency and renewable energy technologies;

(III) To provide market incentives for the purchase and distribution of energy efficient and renewable energy products;

(IV) To assist in the implementation of energy efficiency projects throughout the state;

(V) To aid governmental agencies in energy efficiency government initiatives;

(VI) To facilitate widespread implementation of renewable energy technologies; and

(VII) In any other manner that serves the purposes of advancing energy efficiency and renewable energy throughout the state.

(c) (I) Subject to the provisions of subparagraph (II) of this paragraph (c), the moneys in the clean AND RENEWABLE energy fund may also be used by the ~~governor's~~ COLORADO energy office to make grants or loans to persons, as defined in section 2-4-401 (8), C.R.S., for use in carrying out the purposes of this ~~part 12~~ SECTION. The ~~governor's~~ COLORADO energy office shall consider the following information in determining whether to make a grant or loan:

(A) The amount of the grant or loan;

(B) The quantified impact on energy demand or amount of clean energy production generated as a result of the grant or loan;

(C) The potential economic impact of the grant or loan; and

(D) The public benefits expected to result from the grant or loan.

(II) The ~~governor's~~ COLORADO energy office may establish terms and conditions for making grants or loans pursuant to this section and in accordance with the objectives of the office as set forth in section 24-38.5-102.

SECTION 19. In Colorado Revised Statutes, **add** 24-38.5-102.5 as follows:

24-38.5-102.5. Innovative energy fund - creation - use of fund

- definitions. (1) (a) THE INNOVATIVE ENERGY FUND IS HEREBY CREATED IN THE STATE TREASURY. THE PRINCIPAL OF THE FUND SHALL CONSIST OF MONEYS TRANSFERRED TO THE FUND BY THE GENERAL ASSEMBLY, MONEYS TRANSFERRED AT THE END OF EACH STATE FISCAL YEAR FROM MONEYS RECEIVED BY THE COLORADO ENERGY OFFICE, MONEYS RECEIVED PURSUANT TO SECTION 39-29-108 (2), C.R.S., OR FROM REVENUE CONTRACTS, COURT SETTLEMENT FUNDS, SUPPLEMENTAL PROGRAM FUNDS, REPAYMENT OR RETURN OF FUNDS FROM ELIGIBLE PUBLIC DEPOSITORIES, AND GIFTS, GRANTS, AND DONATIONS, AND ANY OTHER MONEYS RECEIVED BY THE COLORADO ENERGY OFFICE. INTEREST AND INCOME EARNED ON THE DEPOSIT AND INVESTMENT OF MONEYS IN THE INNOVATIVE ENERGY FUND SHALL BE CREDITED TO THE FUND. MONEYS IN THE FUND AT THE END OF ANY STATE FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT BE CREDITED TO THE STATE GENERAL FUND OR ANY OTHER FUND. MONEYS IN THE FUND SHALL NOT BE TRANSFERRED TO THE CLEAN AND RENEWABLE ENERGY FUND CREATED IN SECTION 24-38.5-102.4.

(b) FOR PURPOSES OF THIS SECTION:

(I) "COLORADO ENERGY OFFICE" MEANS THE COLORADO ENERGY OFFICE CREATED IN SECTION 24-38.5-101.

(II) "INNOVATIVE ENERGY" MEANS AN EXISTING, NEW, OR EMERGING TECHNOLOGY THAT:

(A) ENABLES THE USE OF A LOCAL FUEL SOURCE;

(B) ESTABLISHES A MORE EFFICIENT OR ENVIRONMENTALLY BENEFICIAL USE OF ENERGY; AND

(C) HELPS TO CREATE ENERGY INDEPENDENCE OR ENERGY SECURITY FOR THE STATE.

(2) (a) ALL MONEYS IN THE INNOVATIVE ENERGY FUND ARE CONTINUOUSLY APPROPRIATED TO THE COLORADO ENERGY OFFICE FOR THE PURPOSES OF ADVANCING INNOVATIVE ENERGY EFFICIENCY

THROUGHOUT THE STATE.

(b) THE COLORADO ENERGY OFFICE MAY EXPEND MONEYS FROM THE INNOVATIVE ENERGY FUND:

(I) TO OVERCOME MARKET BARRIERS FACING EMERGING AND COST-EFFECTIVE ENERGY TECHNOLOGIES;

(II) TO PROMOTE ROBUST RESEARCH, DEVELOPMENT, COMMERCIALIZATION, AND FINANCING OF INNOVATIVE ENERGY TECHNOLOGIES;

(III) TO EDUCATE THE GENERAL PUBLIC ON ENERGY ISSUES AND OPPORTUNITIES;

(IV) TO ATTRACT INNOVATIVE ENERGY INDUSTRY INVESTMENT IN THE STATE;

(V) TO ASSIST IN TECHNOLOGY TRANSFER INTO THE MARKETPLACE FOR NEWLY DEVELOPED INNOVATIVE ENERGY EFFICIENCY TECHNOLOGIES;

(VI) TO PROVIDE MARKET INCENTIVES FOR THE PURCHASE AND DISTRIBUTION OF EFFICIENT INNOVATIVE ENERGY PRODUCTS;

(VII) TO ASSIST IN THE IMPLEMENTATION OF INNOVATIVE ENERGY EFFICIENCY PROJECTS THROUGHOUT THE STATE;

(VIII) TO AID GOVERNMENTAL AGENCIES IN INNOVATIVE ENERGY EFFICIENCY GOVERNMENT INITIATIVES;

(IX) TO FACILITATE WIDESPREAD IMPLEMENTATION OF INNOVATIVE ENERGY TECHNOLOGIES; AND

(X) IN ANY OTHER MANNER THAT SERVES THE PURPOSES OF ADVANCING INNOVATIVE ENERGY EFFICIENCY THROUGHOUT THE STATE.

(c) (I) SUBJECT TO THE PROVISIONS OF SUBPARAGRAPH (II) OF THIS PARAGRAPH (c), THE MONEYS IN THE INNOVATIVE ENERGY FUND MAY ALSO BE USED BY THE COLORADO ENERGY OFFICE TO MAKE GRANTS OR LOANS TO PERSONS, AS DEFINED IN SECTION 2-4-401 (8), C.R.S., FOR USE IN CARRYING OUT THE PURPOSES OF THIS SECTION. THE COLORADO ENERGY OFFICE SHALL CONSIDER THE FOLLOWING INFORMATION IN DETERMINING WHETHER TO MAKE A GRANT OR LOAN:

(A) THE AMOUNT OF THE GRANT OR LOAN;

(B) THE QUANTIFIED IMPACT ON ENERGY DEMAND OR AMOUNT OF INNOVATIVE ENERGY PRODUCTION GENERATED AS A RESULT OF THE GRANT OR LOAN;

(C) THE POTENTIAL ECONOMIC IMPACT OF THE GRANT OR LOAN;

AND

(D) THE PUBLIC BENEFITS EXPECTED TO RESULT FROM THE GRANT OR LOAN.

(II) THE COLORADO ENERGY OFFICE MAY ESTABLISH TERMS AND CONDITIONS FOR MAKING GRANTS OR LOANS PURSUANT TO THIS SECTION AND IN ACCORDANCE WITH THE OBJECTIVES OF THE OFFICE AS SET FORTH IN SECTION 24-38.5-102; EXCEPT THAT THE GRANTS OR LOANS SHALL BE LIMITED TO INNOVATIVE ENERGY EFFICIENCY PROJECTS AND POLICY DEVELOPMENT."

Page 23, strike line 17 and substitute:

"SECTION 22. In Colorado Revised Statutes, 24-38.5-105, **amend** (1) (a) and (1) (b)".

Page 23, line 19, strike "**Energy**" and substitute "**Clean energy**".

Page 23, line 20, strike "~~clean~~" and substitute "clean".

Page 24, line 13, strike "~~clean~~" and substitute "clean".

Page 24, line 21, strike "~~clean~~" and substitute "clean".

Page 24, line 23, strike "~~clean~~" and substitute "clean".

Page 25, line 1, strike "~~clean~~" and substitute "clean".

Page 25, strike lines 18 through 27.

Strike page 26.

Page 27, strike lines 1 and 2.

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Page 29, line 2, strike "office of energy development" and substitute "energy office".

Page 29, line 3, strike "JULY 1, 2017," and substitute "JANUARY 15, 2017,".

Page 29, line 8, strike "COPIES" and substitute "COPIES, IN ACCORDANCE WITH SECTION 24-1-136 (9),".

Page 29, line 9, before "NATURAL" insert "AND".

Page 37, strike line 27.

Page 38, strike lines 1 through 9.

Re-number succeeding sections accordingly.

Page 46, line 16, strike "clean INNOVATIVE energy fund" and substitute "clean AND RENEWABLE energy fund CREATED IN SECTION 24-38.5-102.4, C.R.S.,".

Page 48, line 5, strike "(1) (a),".

Page 48, strike lines 12 through 21.

Page 48, line 27, strike "continuously ANNUALLY" and substitute "continuously".

Page 50, line 20, strike "continuously" and substitute "continuously".

Page 50, line 21, strike "ANNUALLY".

Judiciary

After consideration on the merits, the Committee recommends that **HB12-1310** be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation.

Amend reengrossed bill, page 5, after line 11 insert:

"SECTION 4. In Colorado Revised Statutes, 16-4-105, amend (3) (e) and (3) (f) as follows:

16-4-105. Selection by judge of the amount of bail and type of bond - criteria. (3) (e) Commencing ~~November 1, 2000~~ JULY 1, 2012, each pretrial services program established pursuant to this subsection (3) shall provide an annual report to the state judicial department no later than November 1 of each year, regardless of whether the program existed prior to May 31, 1991. The judicial department shall present an annual combined report to the house and senate judiciary committees, OR ANY SUCCESSOR COMMITTEES, of the general assembly. The report TO THE JUDICIAL DEPARTMENT shall include, but is not limited to, the following information:

(I) ~~The number of interviews conducted with defendants;~~ THE TOTAL NUMBER OF PRETRIAL ASSESSMENTS PERFORMED BY THE PROGRAM AND SUBMITTED TO THE COURT;

(II) ~~The number and nature of BOND recommendations made~~ THE TOTAL NUMBER OF CLOSED CASES BY THE PROGRAM IN WHICH THE DEFENDANT WAS RELEASED FROM CUSTODY AND SUPERVISED BY THE PROGRAM;

(III) ~~The number of defendants under pretrial release supervision who failed to appear;~~ and THE TOTAL NUMBER OF CLOSED CASES IN WHICH THE DEFENDANT WAS RELEASED FROM CUSTODY, WAS SUPERVISED BY THE PROGRAM, AND, WHILE UNDER SUPERVISION, APPEARED FOR ALL SCHEDULED COURT APPEARANCES ON THE CASE;

(IV) THE TOTAL NUMBER OF CLOSED CASES IN WHICH THE DEFENDANT WAS RELEASED FROM CUSTODY, WAS SUPERVISED BY THE PROGRAM, AND WAS NOT CHARGED WITH A NEW CRIMINAL OFFENSE THAT WAS ALLEGED TO HAVE OCCURRED WHILE UNDER SUPERVISION AND THAT CARRIED THE POSSIBILITY OF A SENTENCE TO JAIL OR IMPRISONMENT;

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(V) THE TOTAL NUMBER OF CLOSED CASES IN WHICH THE DEFENDANT WAS RELEASED FROM CUSTODY AND WAS SUPERVISED BY THE PROGRAM, AND THE DEFENDANT'S BOND WAS NOT REVOKED BY THE COURT DUE TO A VIOLATION OF ANY OTHER TERMS AND CONDITIONS OF SUPERVISION; AND

~~(IV)~~ (VI) Any additional information the state judicial department may request.

~~(f) Any pretrial services program established pursuant to this subsection (3) shall not be eligible for further program funding if the program has failed to provide the reports required in paragraph (e) of this subsection (3).~~ FOR THE REPORTS REQUIRED IN PARAGRAPH (e) OF THIS SUBSECTION (3), THE PRETRIAL SERVICES PROGRAM SHALL INCLUDE INFORMATION DETAILING THE NUMBER OF PERSONS RELEASED ON A COMMERCIAL SURETY BOND IN ADDITION TO PRETRIAL SUPERVISION, THE NUMBER OF PERSONS RELEASED ON A CASH, PRIVATE SURETY, OR PROPERTY BOND IN ADDITION TO PRETRIAL SUPERVISION, AND THE NUMBER OF PERSONS RELEASED ON ANY FORM OF A PERSONAL RECOGNIZANCE BOND IN ADDITION TO PRETRIAL SUPERVISION."

Renumber succeeding sections accordingly.

Judiciary

After consideration on the merits, the Committee recommends that **HB12-1283** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, strike everything below the enacting clause and substitute:

"SECTION 1. Legislative declaration. (1) The general assembly hereby finds, determines, and declares that:

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

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

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

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

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

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

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

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

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

(d) Establishing a single entity to manage homeland security and emergency management duties at the state level will enhance communication among the various governmental entities, reduce overlapping efforts, clarify roles and responsibilities, maximize usage of funds, improve customer service, and ultimately strengthen the ability of the state and other actors to provide efficacious emergency management.

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

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

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

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

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

(e) The division of fire safety has an established relationship with Colorado's fire service; and

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

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

23-31-201. Transfer to board of governors of the Colorado state university system - exceptions. (1) There is transferred to and vested in the board of governors of the Colorado state university system, referred to in this part 2 as the "board", all rights, powers, and duties for protecting, promoting, and extending the conservation of the forests in the state vested on or before February 14, 1955, in the state board of land commissioners, acting ex officio as the state board of forestry; but such authority shall not extend to nor include the power vested in the state board of land commissioners with respect to forest lands included in the public lands of the state under the control and jurisdiction of said state board of land commissioners, as provided by sections 9 and 10 of article IX of the state constitution and the laws relating thereto.

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

(b) NOTHING IN PARAGRAPH (a) OF THIS SUBSECTION (2) DIVESTS THE BOARD OR THE STATE FOREST SERVICE OF ANY OTHER PERSONNEL, FUNCTIONS, POWERS, OR DUTIES RELATING TO FOREST RESOURCES, INCLUDING RISK EDUCATION AND PREVENTION, FOREST HEALTH, AND FIRE ECOLOGY.

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

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

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

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

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

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

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

23-31-208. Rights by succession to state board of land commissioners - transfers to division of fire safety. (1) (a) On February 14, 1955, the board shall succeed to all records, documents, and equipment in the hands of the state board of land commissioners as pertain to and used by the state board of land commissioners in the performance of the rights, powers, and duties transferred, and the state board of land commissioners is directed to deliver said property to the board within a reasonable time.

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

(2) ON JULY 1, 2012, THE BOARD'S MONEYS, POSITIONS OF EMPLOYMENT, PERSONNEL, AND PROPERTY THAT WERE, AS OF JUNE 30, 2012, PRINCIPALLY DIRECTED TO FIRE AND WILDFIRE MITIGATION, RESPONSE, SUPPRESSION, COORDINATION, OR MANAGEMENT ARE TRANSFERRED TO THE DIVISION OF FIRE SAFETY IN THE DEPARTMENT OF PUBLIC SAFETY PURSUANT TO SECTION 24-33.5-1201, C.R.S.

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

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

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

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

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

(h) (I) ~~Office of preparedness, security, and fire safety~~ DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT, the head of which shall be IS the director of the ~~office of preparedness, security, and fire safety~~ DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT. The ~~office of preparedness, security, and fire safety~~ DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT 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 AND ALLOCATED TO THE DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT.

(II) The ~~office of preparedness, security, and fire safety shall include~~ DIVISION OF HOMELAND SECURITY AND EMERGENCY

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MANAGEMENT INCLUDES 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; and~~ THE OFFICE OF EMERGENCY MANAGEMENT CREATED BY PART 7 OF ARTICLE 33.5 OF THIS TITLE, THE HEAD OF WHICH IS THE DIRECTOR OF THE OFFICE OF EMERGENCY MANAGEMENT. EFFECTIVE JULY 1, 2012, THE DIVISION OF EMERGENCY MANAGEMENT IN THE DEPARTMENT OF LOCAL AFFAIRS, CREATED BY PART 21 OF ARTICLE 32 OF THIS TITLE, PRIOR TO ITS REPEAL IN 2012, AND ITS POWERS, DUTIES, AND FUNCTIONS ARE TRANSFERRED BY A **TYPE 2** TRANSFER TO THE DEPARTMENT OF PUBLIC SAFETY AND ALLOCATED TO THE OFFICE OF EMERGENCY MANAGEMENT UNDER THE DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT PURSUANT TO THIS ARTICLE.

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

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

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

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

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

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

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

(b) ~~Colorado law enforcement training academy;~~

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

(i) DIVISION OF FIRE SAFETY.

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

SECTION 10. In Colorado Revised Statutes, **recreate and reenact, with relocated provisions,** parts 7, 8, 9, 10, and 11 of article 33.5 of title 24 as follows:

PART 7

EMERGENCY MANAGEMENT

24-33.5-701. [Formerly 24-32-2101] Short title. This ~~part 21~~ PART 7 shall be known and may be cited as the "Colorado Disaster Emergency Act". ~~of 1992".~~

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

(1) The purposes of this ~~part 21~~ PART 7 are to:

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

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

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

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disasters;

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

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

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

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

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

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

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

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

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

(d) Limit, modify, or abridge the authority of the governor to proclaim martial law or exercise any other powers vested in the governor under the constitution, statutes, or common law of this state independent of, or in conjunction with, any provision of this ~~part 21~~ PART 7.

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

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

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

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

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

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

~~(2)~~ (6) "Political subdivision" means any county, city and county, city, or town and may include any other agency designated by law as a political subdivision of the state.

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

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

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

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

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

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

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

(3) (a) There is hereby created a governor's disaster emergency council, referred to in this ~~part 21~~ PART 7 as the "council", consisting of not less than six nor more than nine members. The attorney general, the adjutant general, and the executive directors of the following departments shall be members: Personnel, transportation, public safety, and natural resources. The additional members, if any, shall be appointed by the governor from among the executive directors of the other departments. The governor shall serve as chairperson of the council, and a majority shall constitute a quorum. The council shall meet at the call of the governor and shall advise the governor and the director of the division of HOMELAND SECURITY AND emergency management on all matters pertaining to the declaration of disasters and the disaster response and recovery activities of the state government; except that nothing in the duties of the council shall be construed to limit the authority of the governor to act without the advice of the council when the situation calls for prompt and timely action when disaster threatens or exists.

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

(4) A disaster emergency shall be declared by executive order or proclamation of the governor if the governor finds a disaster has occurred or that this occurrence or the threat thereof is imminent. The state of disaster emergency shall continue until the governor finds that the threat of danger has passed or that the disaster has been dealt with to the extent that emergency conditions no longer exist and the governor terminates the state of disaster emergency by executive order or proclamation, but no state of disaster emergency may continue for longer than thirty days unless renewed by the governor. The general assembly, by joint resolution, may terminate a state of disaster emergency at any time. Thereupon, the governor shall issue an executive order or proclamation ending the state of disaster emergency. All executive orders or proclamations issued under this subsection (4) shall indicate the nature of the disaster, the area threatened, and the conditions which have brought it about or which make possible termination of the state of disaster emergency. An executive order or proclamation shall be disseminated promptly by means calculated to bring its contents to the attention of the general public and, unless the circumstances attendant upon the disaster prevent or impede, shall be promptly filed with the ~~division~~ OFFICE of emergency management, the secretary of state, and the county clerk and recorder and disaster agencies in the area to which it applies.

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

(6) During the continuance of any state of disaster emergency, the governor is commander-in-chief of the organized and unorganized militia

and of all other forces available for emergency duty. To the greatest extent practicable, the governor shall delegate or assign command authority by prior arrangement embodied in appropriate executive orders or regulations, but nothing in this section restricts the governor's authority to do so by orders issued at the time of the disaster emergency.

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

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

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

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

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

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

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

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

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

(i) Make provision for the availability and use of temporary emergency housing.

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

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

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

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

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

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

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

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

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

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

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

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

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

(I) The president of the Colorado health and hospital association

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or the president's designee; 1

(J) The state veterinarian of the department of agriculture; and 2

~~(K) and (L) (Deleted by amendment, L. 2000, p. 546, § 24, effective July 1, 2000.)~~ 3

~~(M)~~ (K) The director of the division of HOMELAND SECURITY AND 4

emergency management. 5

(II) In addition to the state members of the committee, the 6

governor shall appoint to the committee an individual from each of the 7

following categories: 8

(A) A licensed physician who specializes in infectious diseases; 9

(B) A licensed physician who specializes in emergency medicine; 10

(C) A medical examiner; 11

(D) A specialist in posttraumatic stress management; 12

(E) A director of a county, district, or municipal public health 13

agency; 14

(F) A hospital infection control practitioner; 15

(G) A wildlife disease specialist with the division of wildlife; and 16

(H) A pharmacist member of the state board of pharmacy. 17

(III) The executive director of the department of public health and 18

environment shall serve as the chair of the committee. A majority of the 19

membership of the committee, not including vacant positions, shall 20

constitute a quorum. 21

(IV) The executive director of the department of public safety or 22

the executive director's designee shall serve as an ex officio member of 23

the committee and shall not be able to vote on decisions of the committee. 24

~~The executive director~~ HE OR SHE shall serve as a liaison between the 25

committee, the council, and the Colorado emergency planning 26

commission in the event of an emergency epidemic. 27

(c) The committee shall include in the supplement to the state 28

disaster plan a proposal for the prioritization, allocation, storage, 29

protection, and distribution of antibiotic medicines, antiviral medicines, 30

antidotes, and vaccines that may be needed and in short supply in the 31

event of an emergency epidemic. 32

(d) The committee shall convene at the call of the governor or the 33

executive director of the department of public health and environment to 34

consider evidence presented by the department's chief medical officer or 35

state epidemiologist that there is an occurrence or imminent threat of an 36

emergency epidemic. If the committee finds that there is an occurrence 37

or imminent threat of an emergency epidemic, the executive director of 38

the department of public health and environment shall advise the 39

governor to declare a disaster emergency. 40

(e) In the event of an emergency epidemic that has been declared 41

a disaster emergency, the committee shall convene as rapidly and as often 42

as necessary to advise the governor, who shall act by executive order, 43

regarding reasonable and appropriate measures to reduce or prevent 44

spread of the disease, agent, or toxin and to protect the public health. 45

Such measures may include: ~~but are not limited to:~~ 46

(I) Procuring or taking supplies of medicines and vaccines; 47

(II) Ordering physicians and hospitals to transfer or cease 48

admission of patients or perform medical examinations of persons; 49

(III) Isolating or quarantining persons or property; 50

(IV) Determining whether to seize, destroy, or decontaminate 51

property or objects that may threaten the public health; 52

(V) Determining how to safely dispose of corpses and infectious 53

waste; 54

(VI) Assessing the adequacy and potential contamination of food 55

and water supplies; 56

(VII) Providing mental health support to affected persons; and 57

(VIII) Informing the citizens of the state how to protect 58

themselves, what actions are being taken to control the epidemic, and 59

when the epidemic is over. 60

(9) Each department that administers a publicly funded safety net 61

program shall develop a continuity of operations plan no later than July 62

1, 2008. The plan shall establish procedures for the response by, and 63

continuation of operations of, the department and the program in the 64

event of an epidemic emergency. Each department shall file its plan with 65

the executive director of the department of public health and environment 66

and shall update the plan at least annually. In addition, 67

NOTWITHSTANDING SECTION 24-1-136(11), each department shall submit 68

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a report by ~~March 1, 2008, and by each March 1 thereafter~~ OF EACH YEAR to the health and human services committees of the senate and house of representatives, or any successor committees, regarding the status of the department's plan, as well as the status of any other plans or procedures of the department regarding emergency disaster preparedness.

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

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

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

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

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

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

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

- (a) Hiring personnel;
- (b) Contracting with federal, state, local, and private entities;
- (c) Accepting and expending federal funds.

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

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

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

(II) ON JULY 1, 2012, ALL EMPLOYEES OF THE DIVISION OF EMERGENCY MANAGEMENT IN THE DEPARTMENT OF LOCAL AFFAIRS SHALL BE CONSIDERED EMPLOYEES OF THE OFFICE OF EMERGENCY MANAGEMENT IN THE DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT

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IN THE DEPARTMENT OF PUBLIC SAFETY. SUCH EMPLOYEES SHALL RETAIN ALL RIGHTS UNDER THE STATE PERSONNEL SYSTEM AND TO RETIREMENT BENEFITS PURSUANT TO THE LAWS OF THIS STATE, AND THEIR SERVICES SHALL BE DEEMED TO HAVE BEEN CONTINUOUS.

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

(c) UNLESS OTHERWISE SPECIFIED, WHENEVER ANY PROVISION OF LAW REFERS TO THE DIVISION OF EMERGENCY MANAGEMENT, THAT LAW SHALL BE CONSTRUED AS REFERRING TO THE OFFICE OF EMERGENCY MANAGEMENT IN THE DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT IN THE DEPARTMENT OF PUBLIC SAFETY.

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

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

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

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

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

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

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

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

mutual aid arrangement.

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

24-33.5-705.4. [Formerly 24-33.5-1210] All-hazards resource mobilization plan - creation. (1) ~~Subject to the availability of federal funds;~~ The ~~division~~ OFFICE OF EMERGENCY MANAGEMENT shall prepare a statewide RESOURCE 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 RESOURCE mobilization plan created pursuant to SUBSECTION (1) OF this section shall be developed in coordination with appropriate federal, TRIBAL, state, ~~and~~ local government, AND PRIVATE SECTOR agencies AND ORGANIZATIONS. The plan shall include mobilization procedures and may include provisions for reimbursement of costs. ~~and shall address liability issues.~~

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

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

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

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

~~(b) Repealed.~~

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

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

(5) The director OF THE OFFICE OF EMERGENCY MANAGEMENT is authorized to establish, pursuant to article 4 of this title, the rules and regulations which will govern the reimbursement of funds to state agencies and political subdivisions and to promulgate such regulations.

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

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

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

(3) The governor shall determine which municipal corporations need disaster agencies of their own and require that they be established and maintained. The governor shall make such determination on the basis of the municipality's disaster vulnerability and capability of response related to population size and concentration. The disaster agency of a

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county shall cooperate with the disaster agencies of municipalities situated within its borders but shall not have jurisdiction within a municipality having its own disaster agency. The office OF EMERGENCY MANAGEMENT shall publish and keep current a list of municipalities required to have disaster agencies under this subsection (3).

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

(5) Any provision of this ~~part 21~~ PART 7 or other law to the contrary notwithstanding, the governor may require a political subdivision to establish and maintain a disaster agency jointly with one or more contiguous political subdivisions if the governor finds that the establishment and maintenance of an agency or participation therein is made necessary by circumstances or conditions that make it unusually difficult to provide disaster prevention, preparedness, response, or recovery services under other provisions of this ~~part 21~~ PART 7.

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

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

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

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

(10) The sheriff of each county shall:
(a) Be the official responsible for coordination of all search and rescue operations within the sheriff's jurisdiction;
(b) Make use of the search and rescue capability and resources available within the county and request assistance from the ~~division~~ OFFICE OF EMERGENCY MANAGEMENT only when and if the sheriff determines such additional assistance is required.

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

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

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

(2) A finding of the governor pursuant to subsection (1) of this section shall be based on one or more factors related to the difficulty of

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maintaining an efficient and effective disaster prevention, preparedness, response, and recovery system on a separate basis, such as:

- (a) Small or sparse population;
- (b) Limitations on public financial resources severe enough to make maintenance of a separate disaster agency and services unreasonably burdensome;
- (c) Unusual vulnerability to disaster as evidenced by a past history of disasters, topographical features, drainage characteristics, disaster potential, and presence of disaster-prone facilities or operations;
- (d) The interrelated character of the counties in a multicounty area; and
- (e) Other relevant conditions or circumstances.

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

(4) If the other jurisdictions with which the governor proposes to cooperate pursuant to subsection (3) of this section have not enacted the interstate civil defense and disaster compact, the governor may negotiate special agreements with such jurisdictions. Any agreement, if sufficient authority for the making thereof does not otherwise exist, becomes effective only after its text has been communicated to the general assembly and if neither house of the general assembly has disapproved it before adjournment sine die of the next ensuing session competent to consider it or within thirty days of its submission, whichever is longer.

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

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

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

24-33.5-710. [Formerly 24-32-2110] Disaster prevention. (1) In addition to disaster prevention measures as included in the state, local, and interjurisdictional disaster emergency plans, the governor shall consider steps that could be taken on a continuing basis to prevent or reduce the harmful consequences of disasters. At the governor's direction, and pursuant to any other authority and competence they have, state agencies, including ~~but not limited to~~ those charged with responsibilities in connection with floodplain management, stream encroachment and flow regulation, weather modification, fire prevention and control, air quality, public works, land use and land-use planning, and construction standards, shall make studies of matters related to disaster prevention. The governor and the executive director, from time to time, shall make recommendations to the general assembly, local governments, and such other appropriate public and private entities as may facilitate measures for prevention or reduction of the harmful consequences of disasters.

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

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(3) If the ~~division~~ OFFICE OF EMERGENCY MANAGEMENT believes, on the basis of the studies or other competent evidence, that an area is susceptible to a disaster of catastrophic proportions without adequate warning, that existing building standards and land-use controls in that area are inadequate and could add substantially to the magnitude of the disaster, and that changes in zoning regulations, other land-use regulations, or building requirements are essential in order to further the purposes of this section, it shall specify the essential changes to the executive director and to the governor. If the governor, upon review of the recommendations, finds after public hearing that the changes are essential, the governor shall so recommend to the agencies or local governments with jurisdictions over the area and subject matter. If no action or insufficient action pursuant to the governor's recommendations is taken within the time specified by the governor, the governor shall so inform the general assembly and request legislative action appropriate to mitigate the impact of disaster.

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

24-33.5-711. [Formerly 24-32-2111] Compensation - liability when combating grasshopper infestation. (1) Each person within this state shall conduct himself or herself and keep and manage such person's affairs and property in ways that will reasonably assist and will not unreasonably detract from the ability of the state and the public successfully to meet disasters or emergencies. This obligation includes appropriate personal service and use or restriction on the use of property in time of disaster emergency. This ~~part 21~~ PART 7 neither increases nor decreases these obligations but recognizes their existence under the constitution and statutes of this state and the common law. Compensation for services or for the taking or use of property shall be only to the extent that the obligations recognized in this subsection (1) are exceeded in a particular case and then only to the extent that the claimant has not volunteered such claimant's services or property without compensation.

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

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

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

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

(6) The state and its agencies and political subdivisions and the officers and employees of the state and its agencies and political subdivisions shall not be liable for any claim based upon the exercise or performance or the failure to exercise or perform an act relating to the combating of grasshopper infestation of this state except for negligence or willful disregard of the rights of others, and then only to the extent of one hundred thousand dollars for any injury to or damage suffered by one person and the sum of three hundred thousand dollars for an injury to or damage suffered by two or more persons in any single occurrence; except that, in such latter instance, no person may recover in excess of one hundred thousand dollars. This subsection (6) is the total extent of liability of the state and its agencies and political subdivisions and the

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officers and employees of the state and its agencies and political subdivisions with regard to the combating of grasshopper infestation of the state and abrogates any common-law cause of action thereto. Except to the extent of insurance coverage, no person acting as a contractor with the state or any of its political subdivisions, or any officer or employee of such contractor, shall be liable on any claim alleging strict liability on contract or tort for actions taken relating to combating grasshopper infestation of the state under this ~~part 21~~ PART 7 or under House Bill No. 1001, enacted at the second extraordinary session of the fifty-first general assembly IN 1978.

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

(1) Neither the state nor the members of the expert emergency epidemic response committee designated or appointed pursuant to ~~section 24-32-2104(8)~~ shall be SECTION 24-33.5-704 (8) ARE liable for any claim based upon the committee's advice to the governor or the alleged negligent exercise or performance of, or failure to exercise or perform an act relating to an emergency epidemic. Liability against a member of the committee may be found only for wanton or willful misconduct or willful disregard of the best interests of protecting and maintaining the public health. Damages awarded on the basis of such liability shall not exceed one hundred thousand dollars for any injury to or damage suffered by one person or three hundred thousand dollars for an injury to or damage suffered by three or more persons in the course of an emergency epidemic.

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

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

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

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

24-33.5-712. [Formerly 24-32-2112] Telecommunications - intent.

The state telecommunications director, working in coordination with the office OF EMERGENCY MANAGEMENT, shall ascertain what means exist for rapid and efficient telecommunications in times of disaster emergencies. Operational characteristics of the available systems of telecommunications shall be evaluated by the office, and recommendations for modifications shall be made to the state telecommunications director. It is the intent of this section that adequate means of telecommunications be available for use during disaster emergencies.

24-33.5-713. [Formerly 24-32-2113] Mutual aid.

(1) Political subdivisions not participating in interjurisdictional arrangements pursuant to this ~~part 21~~ PART 7 nevertheless shall be encouraged and assisted by the office OF EMERGENCY MANAGEMENT to conclude suitable arrangements for furnishing mutual aid in coping with disasters. The arrangements shall include provision of aid by persons and units in public employ.

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

(3) It is a sufficient reason for the governor to require an interjurisdictional agreement or arrangement pursuant to ~~section 24-32-2108~~ SECTION 24-33.5-708 that the area involved and political subdivisions therein have available equipment, supplies, and forces

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necessary to provide mutual aid on a regional basis and that the political subdivisions have not already made adequate provision for mutual aid; except that, in requiring the making of an interjurisdictional arrangement to accomplish the purpose of this section, the governor need not require establishment and maintenance of an interjurisdictional agency or arrangement for any other disaster purposes.

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

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

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

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

(b) (a) "Interoperable communications" means the ability of public safety agencies in various disciplines and jurisdictions to communicate on demand and in real time by voice or data using compatible radio communication systems or other technology.

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

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

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

(3) (a) ~~No later than November 1, 2006, each region shall adopt and submit to~~ The executive director a OF THE DEPARTMENT OF LOCAL AFFAIRS SHALL TRANSFER TO THE EXECUTIVE DIRECTOR THE tactical and long-term interoperable communications plan, ADOPTED BY EACH REGION PURSUANT TO FORMER SECTION 24-32-1116, AS SAID SECTION EXISTED ON JUNE 30, 2012, to improve communications among public safety agencies in the region and with public safety agencies of other regions, the state and federal governments, and other states. The ~~plan~~ PLANS shall include measures to create and periodically test interoperability interfaces, provisions for training on communications systems and exercises on the implementation of the plan, a strategy for integrating with the state digital trunked radio system, deadlines for implementation, and other elements

required by the executive director. EACH REGION SHALL SUBMIT TO THE EXECUTIVE DIRECTOR REVISED PLANS AS SUCH ARE UPDATED.

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

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

(4) A public safety agency shall not expend moneys received through the department ~~of local affairs~~ on a mobile data communication system unless the system is capable of interoperable communications.

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

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

PART 8

COMPENSATION BENEFITS TO VOLUNTEER CIVIL DEFENSE WORKERS

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

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

(1) "Accredited local organization for civil defense" means a local organization for civil defense that is certified by the ~~division~~ OFFICE of emergency management as conforming with the "Plan and Program for the Civil Defense of this State" prepared by the governor of Colorado or under the governor's direction. A local organization for civil defense remains accredited only while the certificate of the Colorado state civil defense agency is in effect and is not revoked.

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

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

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

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

~~(3.7)~~ (5) "Emergency volunteer service" means all activities authorized and carried out by a volunteer who is a member of a qualified volunteer organization as directed by a county sheriff, local government, local emergency planning committee, or state agency in the event of disaster.

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

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

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

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

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

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

24-33.5-803. [Formerly 24-32-2203] Compensation for injury limited. Except as provided in this ~~part 22~~ PART 8, a civil defense worker and such civil defense worker's dependents ~~shall~~ have no right to receive compensation from the state, from the ~~division~~ OFFICE of emergency management, from the local organization for civil defense with which such civil defense worker is registered, or from the county or city which has empowered the local organization for civil defense to register such civil defense worker and direct such civil defense worker's activities for an injury arising out of and occurring in the course of such civil defense worker's activities as a civil defense worker.

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

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

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

(b) Where, at the time of the injury, the local organization for civil defense with which the civil defense worker is registered is an accredited local organization for civil defense. If the civil defense worker is registered with the division of ~~disaster~~ emergency services MANAGEMENT and is at the time of the injury performing services for said division and is acting within the course of such civil defense worker's duties as a civil

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defense worker for said division, registration with an accredited local organization for civil defense is not required.

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

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

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

24-33.5-806. [Formerly 24-32-2206] Benefits limited to appropriation. No compensation or benefits shall be paid or furnished to civil defense workers or their dependents pursuant to ~~the provisions of this part 22~~ PART 8 except from moneys appropriated for the purpose of furnishing compensation and benefits to civil defense workers and their dependents. Liability for the payment or furnishing of compensation and benefits is dependent upon and limited to the availability of moneys so appropriated.

24-33.5-807. [Formerly 24-32-2207] Benefits depend on reserve. After all moneys appropriated are expended or set aside in bookkeeping reserves for the payment or furnishing of compensation and benefits and reimbursing Pinnacol Assurance for its services, the payment or furnishing of compensation and benefits for an injury to a civil defense worker or such civil defense worker's dependents is dependent upon there having been a reserve set up for the payment or furnishing of compensation and benefits to such civil defense worker or such civil defense worker's dependents for that injury, and liability is limited to the amount of the reserve. The excess in a reserve for the payment or furnishing of compensation and benefits or for reimbursing Pinnacol Assurance for its services may be transferred to reserves of other civil defense workers for the payment or furnishing of compensation and benefits and reimbursing the Pinnacol Assurance fund or may be used to set up reserves for other civil defense workers.

24-33.5-808. [Formerly 24-32-2208] Workers' compensation law applies. Insofar as not inconsistent with ~~the provisions of this part 22~~ PART 8, ~~all of the provisions of the "Workers' Compensation Act of Colorado" shall apply~~ APPLIES to civil defense workers and their dependents and to the furnishing of compensation and medical, dental, and funeral benefits to them or their dependents. "Employee", as used in said act, includes a civil defense worker when liability for the furnishing of the compensation and benefits exists pursuant to ~~the provisions of this part 22~~ PART 8 and as limited by ~~the provisions of this part 22~~ PART 8. Where liability for compensation and benefits exists, such compensation and benefits shall be provided in accordance with the applicable provisions of the "Workers' Compensation Act of Colorado" and at the maximum rate provided therein, subject to the limitations set forth in this ~~part 22~~ PART 8.

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

24-33.5-810. [Formerly 24-32-2210] Reimbursement of fund. The agreement ENTERED INTO PURSUANT TO SECTION 24-33.5-809 shall provide that Pinnacol Assurance shall be reimbursed for the expenditures made as adjusting agent and for the cost of services rendered, which reimbursement shall be made out of moneys appropriated for the purpose of furnishing compensation to civil defense workers. The reimbursement

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for cost of services rendered shall not exceed twelve and one-half percent of the total expenditures for medical and dental treatment and disability and death payments made by Pinnacol Assurance in the adjustment of claims arising under this ~~part 22~~ PART 8. The agreement shall provide for the setting up of bookkeeping reserves in order that provisions may be made for the reimbursement of Pinnacol Assurance and that liability for the payment or furnishing of compensation may be determined. The agreement shall also provide that Pinnacol Assurance shall be notified promptly by the ~~division~~ OFFICE of emergency management when a local organization for civil defense is certified as an accredited local organization for civil defense and when the certification is revoked.

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

24-33.5-812. [Formerly 24-32-2212] Other provisions of agreement. The agreement ENTERED INTO PURSUANT TO SECTION 24-33.5-809 may also contain any other provision not inconsistent with this ~~part 22~~ PART 8 deemed necessary by the ~~division~~ OFFICE of emergency management and Pinnacol Assurance for the furnishing of compensation to civil defense workers and their dependents in accordance with the provisions of this ~~part 22~~ PART 8 and the serving by Pinnacol Assurance as adjusting agent. The agreement may be modified by action of the ~~division~~ OFFICE of emergency management and Pinnacol Assurance.

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

24-33.5-814. [Formerly 24-32-2214] Federal benefits deducted. Should the United States government or any agent thereof, in accordance with any federal statute or rule or regulation, furnish monetary assistance, benefits, or other temporary or permanent relief to civil defense workers or their dependents for injuries arising out of and occurring in the course of their activities as civil defense workers, the amount of compensation which any civil defense worker or such civil defense worker's dependents are otherwise entitled to receive from the state of Colorado as provided in this ~~part 22~~ PART 8 shall be reduced by the amount of monetary assistance, benefits, or other temporary or permanent relief such civil defense worker or such civil defense worker's dependents have received and will receive from the United States or any agent thereof as a result of the injury.

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

24-33.5-816. [Formerly 24-32-2216] Medical benefits as part of compensation. If, in addition to monetary assistance, benefits, or other temporary or permanent relief, the United States government or any agent thereof will reimburse a civil defense worker or such civil defense worker's dependents for medical, surgical, or hospital treatment or any

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combination thereof furnished to such injured civil defense worker, the civil defense worker has no right to receive similar medical, surgical, or hospital treatment as provided in this ~~part 22~~ PART 8; except that Pinnacol Assurance, as adjusting agent of the ~~division~~ OFFICE of emergency management, may furnish medical, surgical, or hospital treatment as part of the compensation provided under ~~the provisions of this part 22~~ PART 8 and apply to the United States government or its agent for the reimbursement that will be made to the civil defense worker or such civil defense worker's dependents. As a condition to the furnishing of such medical, surgical, or hospital treatment, Pinnacol Assurance shall require the civil defense worker and such civil defense worker's dependents to assign to the state of Colorado, for the purpose of reimbursing for any medical, surgical, or hospital treatment furnished or to be furnished by the state, any privilege or right the civil defense worker or such civil defense worker's dependents may have to reimbursement from the United States government or any agent thereof.

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

24-33.5-818. [Formerly 24-32-2218] Classes of workers - registration - duties. The ~~division~~ OFFICE of emergency management shall establish by rule ~~and regulation~~ various classes of civil defense workers and the scope of the duties of each class. The ~~division~~ OFFICE of emergency management shall also adopt rules ~~and regulations~~ prescribing the manner in which civil defense workers of each class are to be registered. All such rules ~~and regulations~~ shall be designed to facilitate the paying of workers' compensation.

24-33.5-819. [Formerly 24-32-2219] Accrediting local organization. Any local organization for civil defense that both agrees to follow the rules ~~and regulations~~ established by the ~~division~~ OFFICE of emergency management pursuant to ~~the provisions of this part 22~~ PART 8 and substantially complies with such rules ~~and regulations~~ shall be certified by the ~~division~~ OFFICE of emergency management. Upon making the certification, not before, the local organization for civil defense becomes an accredited local organization for civil defense.

24-33.5-820. [Formerly 24-32-2220] Accredited status lost - when. If an accredited local organization for civil defense fails to comply with the rules ~~and regulations~~ of the ~~division~~ OFFICE of emergency management in any material degree, the ~~division~~ OFFICE of emergency management may revoke the certification, and upon the act of revocation the local organization for civil defense shall lose its accredited status. It may again become an accredited local organization for civil defense in the same manner as is provided for a local organization for civil defense that has not had its certificate revoked.

24-33.5-821. [Formerly 24-32-2221] Transfer of moneys. Not less often than once each ninety days, the treasurer of the state of Colorado upon the written request of Pinnacol Assurance shall transfer to the account of Pinnacol Assurance from the sum appropriated by the general assembly for the payment of claims that may arise under this ~~part 22~~ PART 8 such sum as may be required to reimburse Pinnacol Assurance in full for any sum theretofore paid by Pinnacol Assurance on any claims arising under ~~the provisions of this part 22~~ PART 8, together with any expense incurred by Pinnacol Assurance in adjusting same as provided in this ~~part 22~~ PART 8, and such amount as may be estimated by Pinnacol Assurance as being necessary to carry said claims to maturity and ensure the full payment thereof. The requests of Pinnacol Assurance from time to time for the transfer of moneys as provided in this section shall cite this ~~part 22~~ PART 8 as authority for such transfer and shall be made upon such

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form as the treasurer of the state of Colorado and the controller may prescribe or, in the absence of the prescribing of special forms, upon a voucher citing this ~~part 22~~ PART 8 as authority.

24-33.5-822. [Formerly 24-32-2222] County sheriff - local government - local emergency planning committee - memorandum of understanding with volunteer organizations. (1) Any county sheriff, the director of any local government, any local emergency planning committee, or any state agency may develop and enter into a memorandum of understanding with one or more volunteer organizations to assist the county sheriff, local government, local emergency planning committee, or state agency in providing services in the event of a disaster.

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

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

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

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

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

(e) The duration of the memorandum of understanding;

(f) Provisions for amending the memorandum of understanding;

and

(g) Any other information deemed necessary by the county sheriff, local government, local emergency planning committee, or state agency or by the volunteer organization.

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

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

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

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

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

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

(b) The volunteer organization of which the volunteer is a member is included on the qualified volunteer organization list created and

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maintained by the department pursuant to ~~section 24-32-2223~~ SECTION 24-33.5-823;

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

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

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

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

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

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

24-33.5-825. [Formerly 24-32-2225] Qualified volunteers - leave of absence - public employees. (1) Any qualified volunteer who is an officer or employee of the state or of any political subdivision, municipal corporation, or other public agency of the state and who is called into service by a volunteer organization is entitled to a leave of absence from the qualified volunteer's employment for the time when the qualified volunteer is serving, without loss of pay, seniority, status, efficiency rating, vacation, sick leave, or other benefits. The leave without loss of pay that is allowed pursuant to this section shall not exceed a total of fifteen work days in any calendar year; except that such leave without loss of pay shall be allowed only if the required volunteer service is satisfactorily performed, which shall be presumed unless the contrary is established.

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

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

(4) Upon returning from a leave of absence allowed pursuant to this section, a qualified volunteer is entitled to return to the same position and classification held by the qualified volunteer before the leave of absence for the emergency volunteer service or to the position, including the geographic location of the position, and classification that the qualified volunteer would have been entitled to if the qualified volunteer did not take a leave of absence for the emergency volunteer service.

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

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

(7) Notwithstanding ~~the provisions of~~ this section, an employer shall not be required to allow leave pursuant to this section for any employee designated as an essential employee. For the purposes of this subsection (7), "essential employee" means an employee who the employer deems to be essential to the operation of the employer's daily

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enterprise and whose absence would likely cause the employer to suffer economic injury.

24-33.5-826. [Formerly 24-32-2226] Qualified volunteers - leave of absence - private employees. (1) Any qualified volunteer who is employed by a private employer and who is called into service by a volunteer organization for a disaster is entitled to a leave of absence from the qualified volunteer's employment, other than employment of a temporary nature, for the time when the qualified volunteer is serving. The leave allowed for a qualified volunteer pursuant to this section shall not exceed a total of fifteen work days in any calendar year, and the leave shall be allowed only if the volunteer is called into service for a disaster and provides proof that he or she is a qualified volunteer pursuant to ~~section 24-32-2224~~ (2) SECTION 24-33.5-824 (2).

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

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

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

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

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

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

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

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

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

(2) Nothing in this ~~part 22~~ shall be construed to affect PART 8 AFFECTS any preexisting intergovernmental agreement regarding emergency management or any other issue.

PART 9

CIVIL DEFENSE LIABILITY - PUBLIC OR PRIVATE

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

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

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

24-33.5-903. [Formerly 24-32-2303] State liability. All legal liabilities for damages, not only to property under ~~the provisions of~~ the constitution of the state of Colorado but also for death or injury to any person, except a civil defense worker regularly enrolled and acting as such, caused by acts done or attempted under the color of the "Colorado Disaster Emergency Act", ~~of 1992", part 21~~ PART 7 of this article, in a bona fide attempt to comply therewith, shall be the obligation of the state of Colorado. Permission is given for suits against the state for recovery of compensation in that behalf, and for the indemnification of any person appointed and regularly enrolled as a civilian defense worker while actually engaged in civil defense duties or as a member of any agency of the state or political subdivision thereof engaged in civilian defense activity, or such person's dependents, as an aspect of damage done to such person's private property, or judgment against such person for acts done in good faith attempts in compliance with this ~~part 23~~ PART 9. The foregoing shall not be construed to result in indemnification in any case of willful misconduct, gross negligence, or bad faith on the part of any agent of civilian defense. Should the United States government or any agency thereof, in accordance with any federal statute, rule, or regulation, provide for the payment of damages to property or for death or injury as provided for in this section, then and in that event, there shall be no liability or obligation whatsoever upon the part of the state of Colorado for any such damage, death, or injury for which the United States government assumes liability.

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

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

PART 10
EVACUATION OF SCHOOL
BUILDINGS FOR CIVIL DEFENSE

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

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

24-33.5-1003. [Formerly 24-32-2403] Buses used. For drill or other evacuation purposes as described in this ~~part 24~~ PART 10, buses and such other modes of transport as are operated by the respective school

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district for the transportation of pupils may be operated by the district outside the boundaries of the district.

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

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

PART 11

DISASTER RELIEF

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

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

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

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

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

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

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

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

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

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

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

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

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

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victims; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) To determine the amount needed by any local government making application therefor to restore or resume its governmental

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functions and to certify the same to the federal government; except that no application shall exceed twenty-five percent of the annual operating budget of the applicant for the fiscal year in which the major disaster occurs; and

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

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

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

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

24-33.5-1201. Division of fire safety - creation. (1) There is hereby created within ~~the office of preparedness, security, and fire safety~~ the DEPARTMENT THE division of fire safety, referred to in this part 12 as the "division". The head of the division ~~shall be~~ IS 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 SHALL APPOINT THE DIRECTOR pursuant to section 13 of article XII of the state constitution.

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

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

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

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

(II) THERE IS HEREBY CREATED IN THE DIVISION OF FIRE SAFETY THE WILDLAND FIRE SERVICES SECTION TO IMPLEMENT THE PROVISIONS OF THIS SUBSECTION (4) AND SECTIONS 24-33.5-1217 TO 24-33.5-1226. THE WILDLAND FIRE SERVICES SECTION SHALL PERFORM ITS DUTIES AND FUNCTIONS UNDER THE DIVISION OF FIRE SAFETY AS IF THE SAME WERE TRANSFERRED BY A **TYPE 2** TRANSFER, AS SUCH TRANSFER IS DEFINED IN

THE "ADMINISTRATIVE ORGANIZATION ACT OF 1968", ARTICLE 1 OF THIS TITLE.

(b) (I) ON JULY 1, 2012, ALL POSITIONS OF EMPLOYMENT IN THE STATE FOREST SERVICE OF THE BOARD OF GOVERNORS OF THE COLORADO STATE UNIVERSITY SYSTEM THAT ARE PRINCIPALLY RELATED TO FIRE AND WILDFIRE MITIGATION, RESPONSE, SUPPRESSION, COORDINATION, OR MANAGEMENT SHALL BE TRANSFERRED TO THE DIVISION OF FIRE SAFETY IN THE DEPARTMENT OF PUBLIC SAFETY AND SHALL BECOME EMPLOYMENT POSITIONS IN THE WILDLAND FIRE SERVICES SECTION THEREIN.

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

(III) ON JULY 1, 2012, ALL MONEYS PREVIOUSLY RECEIVED OR APPROPRIATED TO THE BOARD OF GOVERNORS OF THE COLORADO STATE UNIVERSITY SYSTEM FOR RELATING PRINCIPALLY TO FIRE AND WILDFIRE MITIGATION, RESPONSE, SUPPRESSION, COORDINATION, AND MANAGEMENT, INCLUDING OFFICE FURNITURE AND FIXTURES, BOOKS, DOCUMENTS, AND RECORDS OF THE BOARD, ARE TRANSFERRED TO THE WILDLAND FIRE SERVICES SECTION IN THE DIVISION OF FIRE SAFETY AND SHALL BECOME THE PROPERTY THEREOF.

(IV) ON JULY 1, 2012, ALL ITEMS OF PROPERTY OF THE BOARD OF GOVERNORS OF THE COLORADO STATE UNIVERSITY SYSTEM, REAL AND PERSONAL, RELATING PRINCIPALLY TO FIRE AND WILDFIRE MITIGATION, RESPONSE, SUPPRESSION, COORDINATION, AND MANAGEMENT, INCLUDING OFFICE FURNITURE AND FIXTURES, BOOKS, DOCUMENTS, AND RECORDS OF THE BOARD, ARE TRANSFERRED TO THE WILDLAND FIRE SERVICES SECTION IN THE DIVISION OF FIRE SAFETY AND SHALL BECOME THE PROPERTY THEREOF.

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

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

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

(3.5) ~~"Fire department" means the duly authorized fire protection organization of a town, city, county, or city and county, a fire protection district, or a metropolitan district or county improvement district that provides fire protection.~~ "EMERGENCY FIRE FUND" MEANS THE EMERGENCY FIRE FUND CREATED IN SECTION 24-33.5-1220 THAT WAS FIRST ESTABLISHED IN 1967 WITH VOLUNTARY CONTRIBUTIONS FROM COUNTIES AND THE DENVER WATER BOARD; ADMINISTERED BY A NINE-PERSON COMMITTEE COMPOSED OF COUNTY COMMISSIONERS, SHERIFFS, FIRE CHIEFS, AND THE DIRECTOR; AND USED FOR THE PURPOSE OF PAYING COSTS INCURRED AS A RESULT OF CONTROLLING A WILDFIRE BY ANY OF PARTIES CONTRIBUTING MONEYS TO THE FUND, IN ACCORDANCE WITH THE INTERGOVERNMENTAL AGREEMENT FOR PARTICIPATION IN THE COLORADO EMERGENCY FIRE FUND.

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

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

24-33.5-1203. Duties of 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~~ EXCEPT THAT all training related to terrorism shall be coordinated with the ~~office of preparedness, security, and fire safety~~ DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT CREATED IN PART 16 OF THIS

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ARTICLE;

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

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

SECTION 14. In Colorado Revised Statutes, 24-33.5-1204, amend (2) as follows:

24-33.5-1204. Voluntary education and training program - voluntary certification of firefighters, first responders, and hazardous materials responders - advisory board. (2) (a) The advisory board ~~shall consist~~ CONSISTS of ~~twelve~~ FOURTEEN members, ~~nine~~ ELEVEN of whom ~~shall be~~ ARE VOTING MEMBERS appointed by the governor AS FOLLOWS:

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

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

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

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

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

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

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

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

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

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

~~(V)~~ (E) A person experienced in the transportation industry;

(F) A REPRESENTATIVE OF LOCAL LAW ENFORCEMENT; AND

(G) A REPRESENTATIVE OF A FIXED FACILITY DEALING WITH HAZARDOUS MATERIALS.

~~(c) (b) The remaining three EX OFFICIO nonvoting members shall be ARE the FOLLOWING PERSONS OR THEIR DESIGNEES:~~

(I) THE president of the Colorado community college and occupational education system;

(II) The chief of the emergency medical and trauma services section within the health facilities and emergency medical services division in the department of public health and environment; and

~~(III) The chief of the state patrol. or their respective designees.~~

~~(d) (c) The ELEVEN advisory board members appointed by the governor shall be geographically apportioned. and~~

(d) At least three members of ~~such~~ THE ADVISORY board shall be from a community or communities with a resident population of fifteen thousand persons or less.

(e) The governor shall initially appoint ~~five~~ SIX members described in ~~paragraphs~~ PARAGRAPH (a) and ~~(b)~~ of this subsection (2) for terms of four years each and the remaining ~~four~~ FIVE members for terms of two years each. Thereafter, the governor shall appoint their successors for terms of four years each. If any appointee vacates his or her office during the term for which appointed to the advisory board, the ~~vacancy shall be filled by appointment by the~~ governor SHALL, BY APPOINTMENT, FILL THE VACANCY for the unexpired term. The advisory board shall annually elect from its members a chairperson and a secretary.

SECTION 15. In Colorado Revised Statutes, **add with relocated provisions** 24-33.5-1217, 24-33.5-1218, 24-33.5-1219, 24-33.5-1220,

24-33.5-1221, 24-33.5-1222, 24-33.5-1223, 24-33.5-1224, 24-33.5-1225, and 24-33.5-1226 as follows:

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

(2) The standards ADOPTED UNDER THIS SECTION shall:

- ~~(A)~~ (a) Create certified burner and noncertified burner designations for users of prescribed fire on private and nonfederal land;
- ~~(B)~~ (b) Establish requirements for certified burners to conduct lawful activities pursuant to authorization under section 18-13-109 (2) (b) (IV), C.R.S., regarding firing of woods or prairie;
- ~~(C)~~ (c) Identify processes and procedures for certified burners to conduct a prescribed fire;
- ~~(D)~~ (d) Recommend organizational structures for prescribed burn operations;
- ~~(E)~~ (e) Establish training standards for certified burners; and
- ~~(F)~~ (f) Clearly identify preexisting fees, permit requirements, liabilities, liability exemptions, and penalties for prescribed burn personnel and landowners, including those specified in sections 25-7-106 (7) and (8) and 25-7-123, C.R.S.

(3) NOTHING IN THIS SECTION REQUIRES A USER OF PRESCRIBED FIRE TO BE CERTIFIED BY THE DIVISION.

(4) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "CONTROLLED AGRICULTURAL BURN" MEANS A TECHNIQUE USED IN FARMING TO CLEAR THE LAND OF ANY EXISTING CROP RESIDUE, KILL WEEDS AND WEED SEEDS, OR REDUCE FUEL BUILDUP AND DECREASE THE LIKELIHOOD OF A FUTURE FIRE.

(b) "NATURAL IGNITION FIRES" MEAN WILDLAND FIRES THAT ARE IGNITED BY LIGHTNING OR SOME OTHER NATURAL SOURCE.

(c) "PRESCRIBED BURNING" MEANS THE APPLICATION OF FIRE, IN ACCORDANCE WITH A WRITTEN PRESCRIPTION FOR VEGETATIVE FUELS, UNDER SPECIFIED ENVIRONMENTAL CONDITIONS WHILE FOLLOWING APPROPRIATE PRECAUTIONARY MEASURES THAT ENSURES PUBLIC SAFETY AND THAT THE FIRE IS CONFINED TO A PREDETERMINED AREA TO ACCOMPLISH PLANNED FIRE OR LAND MANAGEMENT OBJECTIVES. THE TERM EXCLUDES CONTROLLED AGRICULTURAL BURNS.

24-33.5-1218 [Formerly 23-31-203] Cooperation with governmental units. In connection with its powers and duties concerning the protection of the forest lands of the state from fire, the ~~board~~ DIVISION may cooperate and coordinate with the United States forest service, the United States secretary of the interior, the United States secretary of agriculture, the state board of land commissioners, and the counties for such protection and may advise and aid in preventing forest fires on state and private lands in the national forests in the state, including coordinating with the United States secretary of the interior and the United States secretary of agriculture to develop management plans for federal lands within the state of Colorado pursuant to 16 U.S.C. sec. 530, 16 U.S.C. sec. 1604, and 43 U.S.C. sec. 1712; but nothing contained in this section shall be construed as transferring to the ~~board~~ DIVISION the duties or responsibilities of the sheriffs of the various counties with respect to forest fire control laws.

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

24-33.5-1220. [Formerly 23-31-303 (1)] Funds available - emergency fire fund - creation - gifts, grants and donations authorized. (1) The governor's emergency fund, or other funds available to the ~~Colorado~~ state forest service, may be used for the purpose of preventing and suppressing forest and wildland fires, in accordance with

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~~the provisions of part 21 of article 32 of title 24, C.R.S.~~ PART 7 OF THIS ARTICLE.

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

(b) THE DIVISION SHALL USE THE MONEYS IN THE EMERGENCY FIRE FUND TO PROVIDE FUNDING OR REIMBURSEMENT FOR WILDFIRES IN ACCORDANCE WITH THE GUIDELINES ESTABLISHED BY THE EMERGENCY FIRE FUND COMMITTEE AND WITH THE APPROVAL OF THE DIRECTOR.

(c) (I) THE EMERGENCY FIRE FUND COMMITTEE CONSISTS OF NINE PERSONS, SELECTED BY THE DIRECTOR, AND MUST ACHIEVE A REASONABLE REPRESENTATION OF COUNTY COMMISSIONERS, SHERIFFS, AND FIRE CHIEFS.

(II) THIS PARAGRAPH (c) IS REPEALED, EFFECTIVE SEPTEMBER 1, 2021. PRIOR TO THAT REPEAL, THE FUNCTIONS OF THE EMERGENCY FIRE FUND COMMITTEE SHALL BE REVIEWED AS PROVIDED FOR IN SECTION 2-3-1203 (3) (hh.5), C.R.S.

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

24-33.5-1222. [Formerly 23-31-305] Cooperation by counties. The boards of county commissioners may, in their discretion, cooperate and coordinate with the governing bodies of organized fire districts, fire departments, and municipal corporations; with private parties; with other counties; with the ~~state forester~~ DIRECTOR; with the United States secretary of the interior; with the United States secretary of agriculture; and with an agency of the United States government in the management and prevention of forest fires. Such boards of county commissioners are authorized to participate in the organization and training of rural fire-fighting groups, in the payment for the operation and maintenance of fire-fighting equipment, and in sharing the cost of managing fires.

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

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

24-33.5-1225. [Formerly 23-31-308] Emergencies. When the governor finds that conditions of extreme fire hazard exist, he or she may by proclamation close such land as he or she may find to be in such condition of extreme hazard to the general public and prohibit or limit burning thereon to such a degree and in such ways as he or she deems necessary to reduce the danger of forest fire. The governor shall declare

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the end of any such emergency only upon a finding that the conditions of extreme fire hazard no longer exist.

24-33.5-1226. [Formerly 23-31-309] Wildfire emergency response fund - creation - gifts, grants, and donations authorized - wildfire preparedness fund - creation - gifts, grants and donations authorized.

(1) There is hereby created in the state treasury the wildfire emergency response fund, which shall be administered by the ~~Colorado state forest service~~ DIVISION. The ~~Colorado state forest service~~ DIVISION is authorized to seek and accept gifts, grants, reimbursements, or donations from private or public sources for the purposes of this section. The fund ~~shall consist~~ CONSISTS of all moneys that may be appropriated thereto by the general assembly and all private and public funds received through gifts, grants, reimbursements, or donations that are transmitted to the state treasurer and credited to the fund. All interest earned from the investment of moneys in the fund shall be credited to the fund. The moneys in the fund are hereby continuously appropriated for the purposes indicated in this section. Any moneys not expended at the end of the fiscal year shall remain in the fund and shall not be transferred to or revert to the general fund.

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

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

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

(3) (a) To effectively implement ~~the provisions of this section and to provide recommendations to the governor related to use of the disaster emergency fund pursuant to section 24-32-2106, C.R.S., SECTION 24-33.5-706, C.R.S., and the wildfire preparedness fund created in subsection (4) of this section,~~ the ~~state forester~~ DIRECTOR, a representative of the county sheriffs of Colorado, a representative of the Colorado state fire chiefs' association, the director of the ~~division~~ OFFICE of emergency management CREATED IN PART 7 OF THIS ARTICLE, and the adjutant general or his or her designee shall collaborate to develop a wildfire preparedness plan designed to address the following:

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

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

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

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

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

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

(c) The ~~state forester~~ DIRECTOR, the representative of the county sheriffs of Colorado, the representative of the Colorado state fire chiefs' association, the director of the ~~division~~ OFFICE of emergency management CREATED IN PART 7 OF THIS ARTICLE, and the adjutant general or his or her designee shall not receive additional compensation for the collaboration required by this subsection (3) for the development of the wildfire preparedness plan.

(4) (a) There is hereby created in the state treasury the wildfire preparedness fund. The fund ~~shall consist~~ CONSISTS of all moneys that may be appropriated thereto by the general assembly, all private and

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public moneys received through gifts, grants, reimbursements, or donations that are transmitted to the state treasurer and credited to the fund, and all moneys transferred to the fund pursuant to section 34-63-102 (5) (a) (I), C.R.S. All interest earned from the investment of moneys in the fund shall be credited to the fund. The moneys in the fund are hereby continuously appropriated for the purposes indicated in this subsection (4). Any moneys not expended at the end of the fiscal year shall remain in the fund and shall not be transferred to or revert to the general fund.

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

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

~~(5) No later than January 1, 2008, the state forester shall submit a report to the joint budget committee of the general assembly, the agriculture, livestock, and natural resources committee of the house of representatives, and the agriculture, natural resources, and energy committee of the senate, or any successor committees, on the use of moneys in the wildfire preparedness fund, the status of the wildfire preparedness plan, and the status of the interstate compact.~~

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

SECTION 16. In Colorado Revised Statutes, **recreate and reenact, with relocated provisions**, part 15 of article 33.5 of title 24 as follows:

PART 15

COLORADO EMERGENCY PLANNING COMMISSION

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

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

24-33.5-1502. [Formerly 24-32-2602] Definitions. All terms used in this ~~part 26~~ PART 15 have the same meaning as defined under the federal "Emergency Planning and Community Right-to-Know Act of 1986", 42 U.S.C. sec. 11001 et seq., Pub.L. 99-499, and regulations thereunder, referred to in this ~~part 26~~ PART 15 as the "federal act".

24-33.5-1503. [Formerly 24-32-2603] Colorado emergency planning commission - creation - duties. (1) (a) (I) There is hereby created in the department of ~~local affairs~~ PUBLIC SAFETY 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.~~

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

(B) 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 ~~division~~ OFFICE of emergency management in the DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT IN THE department of ~~local~~

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~~affairs~~ PUBLIC SAFETY, 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.

(B) 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.

(C) The governor shall fill any vacancy by appointment.

(b) The members of the Colorado emergency planning commission, as such existed ~~prior to March 12, 1992, shall become~~ ON JUNE 30, 2012, ARE the initial members of the commission on ~~March 12, 1992~~ JULY 1, 2012.

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

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

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

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

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

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

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

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

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

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

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

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

24-33.5-1504. [Formerly 24-32-2604] Local emergency planning committees - creation and duties. (1) The commission shall designate local emergency planning districts to develop emergency response and preparedness capabilities in accordance with the federal act. The boundaries of such districts shall be the same as the boundaries of either a county, municipality, or a combination thereof.

(2) Upon the request of the commission, the primary governing body having jurisdiction over the local emergency planning district, the county commissioner, or the city council, as the case may be, shall provide nominations for membership on the local emergency planning committee. The commission shall appoint members of a local emergency planning committee for each emergency planning district in accordance with the federal act. For local emergency planning districts for which no nominations have been submitted by the governing body, the commission may designate either the county commissioner or city council, as the case

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may be, to serve as the local emergency planning committee. 1

(3) Local emergency planning committees shall perform the duties 2
described under the federal act. 3

24-33.5-1505. [Formerly 24-32-2605] Immunity. (1) No state 4
commission or agency or county or municipal agency, including local 5
emergency planning committees, citizen corps councils, fire protection 6
districts, and volunteer fire, ambulance, or emergency service and rescue 7
groups, nor their officers, officials, directors, employees, or volunteers, 8
when engaged in emergency planning, service, or response activities 9
regarding a hazardous material release, threat of release, or act of 10
terrorism, shall be liable for the death of or injury to any person or for the 11
loss of or damage to property or the environment resulting from the 12
hazardous material release, threat of release, or act of terrorism, except 13
for willful and wanton acts or omissions. 14

~~(1.5)~~ (2) No private organization or any of its officers, officials, 15
directors, employees, or volunteers, when working under the direction of 16
a local emergency planning committee or state or local fire or law 17
enforcement agency and when engaged in emergency planning, training, 18
or response activities regarding a hazardous material release, threat of 19
release, or act of terrorism, shall be liable for the death of or injury to any 20
person or for the loss of or damage to property or the environment 21
resulting from the hazardous material release, threat of release, or act of 22
terrorism, except for willful and wanton acts or omissions. 23

~~(1.7)~~ (2) (a) No state commission or agency or county or 24
municipal agency, including local emergency planning committees, 25
incident management teams, citizen corps councils, citizen emergency 26
response teams, medical reserve corps, fire protection districts, and 27
volunteer fire, ambulance, or emergency service and rescue groups, nor 28
their officers, officials, directors, employees, trainees, or volunteers, when 29
engaged in planning, training, or response activities regarding a natural 30
disaster, hazardous material release, public health emergency, or act of 31
terrorism or the threat of any such disaster, release, emergency, or act, 32
shall be liable for the death of or injury to any person or for the loss of or 33
damage to property or the environment except for gross negligence or 34
willful and wanton acts or omissions. 35

(b) Notwithstanding paragraph (a) of this ~~subsection (1.7)~~ 36
SUBSECTION (2), a plaintiff may sue and recover civil damages from a 37
person or entity specified in said paragraph (a) based upon a negligent act 38
or omission involving the operation of a motor vehicle; except that the 39
amount recovered from such person or entity shall not exceed the limits 40
of applicable insurance coverage maintained by or on behalf of such 41
person or entity with respect to the negligent operation of a motor vehicle 42
in such circumstances. However, nothing in this section shall be 43
construed to limit the right of a plaintiff to recover from a policy of 44
uninsured or underinsured motorist coverage available to the plaintiff as 45
a result of a motor vehicle accident. 46

(c) The general assembly intends that the provisions of this 47
~~subsection (1.7)~~ SUBSECTION (2) and of the "Colorado Governmental 48
Immunity Act", article 10 of this title, be read together and harmonized. 49
If any provision of this ~~subsection (1.7)~~ SUBSECTION (2) is construed to 50
conflict with a provision of the "Colorado Governmental Immunity Act", 51
the provision that grants the greatest immunity shall prevail. 52

~~(2)~~ (3) No member of the commission or any local emergency 53
planning committee shall be liable for the death of or any injury to 54
persons or loss or damage to property or the environment or any civil 55
damages resulting from any act or omission arising out of the 56
performance of the functions, duties, and responsibilities of the 57
commission or local emergency planning committee, except for acts or 58
omissions which constitute willful misconduct. 59

~~(3)~~ (4) Nothing in this section shall be construed to abrogate or 60
limit ABROGATES OR LIMITS the immunity or exemption from civil liability 61
of any agency, entity, or person under any statute, including the 62
"Colorado Governmental Immunity Act", article 10 of this title, or section 63
13-21-108.5, C.R.S. 64

**24-33.5-1506. [Formerly 24-32-2606] SARA Title III fund - 65
creation - acceptance of gifts, grants, and donations.** (1) There is 66
hereby created in the state treasury a fund to be known as the SARA Title 67
III fund, ALSO REFERRED TO IN THIS PART 15 AS THE "FUND", which shall 68
be administered by the commission. The moneys in the fund shall be ARE 69

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

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

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

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

(2) The commission shall promulgate rules ~~and regulations~~ prescribing the procedures to be followed in the making, filing, and evaluation of grant applications, and any other regulations necessary for administering the SARA Title III fund.

SECTION 17. In Colorado Revised Statutes, 24-33.5-1601, ~~amend~~ (1) (e); and ~~add~~ (1) (f) and (1) (g) as follows:

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

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

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

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

SECTION 18. In Colorado Revised Statutes, 24-33.5-1602, ~~amend~~ (4), (5), and (6); and ~~add~~ (7), (8), (9), (10), and (11) as follows:

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

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

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

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

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

(8) "FUSION CENTER" MEANS THE PROGRAM ADMINISTERED BY THE

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OFFICE OF PREVENTION AND SECURITY, CREATED IN SECTION 24-33.5-1606, THAT SERVES AS THE PRIMARY FOCAL POINT WITHIN THE STATE FOR RECEIVING, ANALYZING, GATHERING, AND SHARING THREAT-RELATED INFORMATION AMONG FEDERAL, STATE, LOCAL, TRIBAL, NONGOVERNMENTAL, AND PRIVATE SECTOR PARTNERS.

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

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

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

SECTION 19. In Colorado Revised Statutes, **amend** 24-33.5-1603 as follows:

24-33.5-1603. Division of homeland security and emergency management - creation - director. (1) There is hereby created within the department ~~an office of preparedness, security, and fire safety~~ THE DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT, the head of which ~~shall be~~ IS the director of the ~~office of preparedness, security, and fire safety, which office is hereby created~~ DIVISION. The EXECUTIVE DIRECTOR SHALL APPOINT 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~~ DIVISION INCLUDES 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 EMERGENCY MANAGEMENT, CREATED IN SECTION 24-33.5-705;

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

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

SECTION 20. In Colorado Revised Statutes, 24-33.5-1604, **amend** (1) introductory portion, (1) (b), (2) (a) introductory portion, (2) (b), (3), and (4); and **add** (5) as follows:

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

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

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

(b) (I) In creating the terrorism preparedness plans, the ~~office of preparedness, security, and fire safety may~~ DIVISION SHALL 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 (2) (a) (VIII).

(3) (a) ~~The office of preparedness, security, and fire safety~~ DIVISION 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~~ THE plans.

(b) ~~The office of preparedness, security, and fire safety~~ DIVISION shall provide oversight of terrorism preparedness plans developed and implemented by state and local government agencies. ~~Such~~ THE oversight ~~shall~~ DOES not usurp the authority of state and local government agencies, but ~~shall~~ WILL only provide peer review and comment IN ORDER 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~~ DIVISION.

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

(5) THE DIVISION SHALL ALSO:

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

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

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

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

(e) FACILITATE IMPROVEMENTS IN OVERALL PREPAREDNESS BY DEVELOPING COORDINATING MECHANISMS AMONG COLORADO'S EMERGENCY MANAGEMENT, HOMELAND SECURITY, PUBLIC SAFETY, AND PUBLIC HEALTH AGENCIES IN ORDER TO DELIVER THE CAPABILITIES NECESSARY FOR ALL DOMESTIC DISASTERS, WHETHER NATURAL OR MAN-MADE, INCLUDING ACTS OF TERROR;

(f) ENSURE THAT ITS PLANNING EFFORTS ARE CONSISTENT WITH THE REQUIREMENTS OF THE STATE EMERGENCY OPERATIONS PLAN; AND

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

SECTION 21. In Colorado Revised Statutes, 24-33.5-1605, **amend** (1) introductory portion, (2), (3), and (4) as follows:

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

(2) The director of the ~~office of preparedness, security, and fire safety~~ may promulgate, such IN ACCORDANCE WITH ARTICLE 4 OF THIS TITLE, ANY 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 DO NOT usurp or supersede the powers of fire chiefs, sheriffs, chiefs of police, and OR 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 IS entitled to all protections, defenses, and immunities provided by statute to safeguard a peace officer in the performance of official acts.

SECTION 22. In Colorado Revised Statutes, **amend** 24-33.5-1606 as follows:

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

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

(a) ENHANCING INTERAGENCY COOPERATION THROUGH INFORMATION SHARING;

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

(c) DEVELOPING AND MAINTAINING, THROUGH COOPERATION WITH OTHER TRIBAL, STATE, LOCAL, REGIONAL, AND FEDERAL AGENCIES, A

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STANDARDIZED CRISIS COMMUNICATION AND INFORMATION-SHARING PROCESS.

SECTION 23. In Colorado Revised Statutes, **add with amended and relocated provisions** 24-33.5-1606.5 as follows:

24-33.5-1606.5. Office of preparedness - creation - duties - posting of notice of NIMS classes - definition. (1) THERE IS HEREBY CREATED WITHIN THE DIVISION THE OFFICE OF PREPAREDNESS, THE HEAD OF WHICH IS THE MANAGER OF THE OFFICE OF PREPAREDNESS. THE EXECUTIVE DIRECTOR SHALL APPOINT THE MANAGER OF THE OFFICE OF PREPAREDNESS PURSUANT TO SECTION 13 OF ARTICLE XII OF THE STATE CONSTITUTION. THE OFFICE OF PREPAREDNESS IS RESPONSIBLE FOR CREATING AND IMPLEMENTING A STATE PREPAREDNESS GOAL AND SYSTEM TO IMPROVE STATE CAPABILITIES TO PREVENT, MITIGATE THE EFFECTS OF, RESPOND TO, AND RECOVER FROM THREATS TO COLORADO.

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

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

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

(c) COORDINATING AND UPDATING HOMELAND SECURITY PLANS;

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

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

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

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

(II) THE DENVER URBAN AREAS SECURITY INITIATIVE, OR ITS SUCCESSOR PROGRAM;

(III) THE METROPOLITAN MEDICAL RESPONSE SYSTEM, OR ITS SUCCESSOR PROGRAM;

(IV) THE CITIZENS CORP PROGRAM, OR ITS SUCCESSOR PROGRAM;

(V) THE URBAN AREAS SECURITY INITIATIVE NONPROFIT SECURITY GRANT PROGRAM, OR ITS SUCCESSOR PROGRAM;

(VI) THE BUFFER ZONE PROTECTION PROGRAM, OR ITS SUCCESSOR PROGRAM; AND

(VII) THE INTEROPERABLE EMERGENCY COMMUNICATIONS GRANT PROGRAM, OR ITS SUCCESSOR PROGRAM.

(b) AS USED IN THIS SUBSECTION (3), "SUCCESSOR PROGRAM" MEANS A FEDERAL HOMELAND SECURITY GRANT PROGRAM THAT THE MANAGER OF THE OFFICE OF PREPAREDNESS REASONABLY DETERMINES IS SIMILAR IN PURPOSE AND SCOPE TO ITS PREDECESSOR PROGRAM, REGARDLESS OF THE PARTICULAR NAME OF THE SUCCESSOR PROGRAM.

(4) **[Formerly 24-33.5-110]** The ~~department~~ OFFICE OF PREPAREDNESS shall place on its web site a description of the national incident management system, developed by the federal emergency management agency and referred to in this section as "NIMS", and a listing, with any applicable links, of on-line courses required to become NIMS-certified and courses related to NIMS at institutions within the state system of community and technical colleges.

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

24-33.5-1610. Compliance with standards. (2) (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~~ DIVISION.

SECTION 25. In Colorado Revised Statutes, **amend**

24-33.5-1611 as follows:

24-33.5-1611. Assistance to state agencies - security assessment. (1) Upon request FROM ANY STATE AGENCY, the ~~office of preparedness, security, and fire safety~~ DIVISION shall provide advice and assistance to ~~any state department or~~ THE agency related to its THE AGENCY'S 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~~ DIVISION shall conduct security assessments as needed to evaluate threats, risks, and compliance with security rules at state facilities.

SECTION 26. In Colorado Revised Statutes, **amend** 24-33.5-1612 as follows:

24-33.5-1612. Cooperation from other state agencies. (1) 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~~ DIVISION related to rules adopted pursuant to section 24-33.5-1608 or 24-33.5-1609.

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

SECTION 27. In Colorado Revised Statutes, **add** 24-33.5-1614 as follows:

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

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

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

(II) THE DIRECTOR OF THE DIVISION OF FIRE SAFETY CREATED IN PART 12 OF THIS ARTICLE, OR HIS OR HER DESIGNEE;

(III) ONE MEMBER WITH SPECIALIZED KNOWLEDGE IN EMERGENCY MANAGEMENT WHO REPRESENTS THE DEPARTMENT OF LOCAL AFFAIRS, CREATED IN SECTION 24-1-125, TO BE APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS;

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

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

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

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

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

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

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

(C) A REPRESENTATIVE OF PRIVATE INDUSTRY;

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- (D) A REPRESENTATIVE OF THE COLORADO MUNICIPAL LEAGUE, OR ITS SUCCESSOR ENTITY; 1
- (E) A REPRESENTATIVE OF THE COUNTY SHERIFFS OF COLORADO, INCORPORATED, OR A SUCCESSOR SHERIFFS' ORGANIZATION; 2
- (F) A REPRESENTATIVE OF THE EMERGENCY MEDICAL SERVICES ASSOCIATION OF COLORADO, OR ITS SUCCESSOR ORGANIZATION; 3
- (G) A REPRESENTATIVE OF THE COLORADO STATE FIRE CHIEFS' ASSOCIATION, OR ITS SUCCESSOR ORGANIZATION; 4
- (H) A REPRESENTATIVE OF THE COLORADO ASSOCIATION OF CHIEFS OF POLICE, OR ITS SUCCESSOR ORGANIZATION; 5
- (I) A REPRESENTATIVE OF TRIBAL GOVERNMENT; 6
- (J) A REPRESENTATIVE OF COLORADO VOLUNTARY ORGANIZATIONS ACTIVE IN DISASTER; 7
- (K) A REGIONAL STATE HOMELAND SECURITY COORDINATOR, REPRESENTING AN ALL-HAZARDS EMERGENCY MANAGEMENT REGION ESTABLISHED BY EXECUTIVE ORDER OF THE GOVERNOR; 8
- (L) A REPRESENTATIVE OF THE SPECIAL DISTRICTS ASSOCIATION OF COLORADO, OR ITS SUCCESSOR ORGANIZATION; 9
- (M) A REPRESENTATIVE FROM THE STATE ALL-HAZARDS ADVISORY COMMITTEE FORMED UNDER THE DEPARTMENT, OR ANY SUCCESSOR ENTITY; AND 10
- (N) A REPRESENTATIVE OF THE DENVER URBAN AREA SECURITY INITIATIVE, AS RECOGNIZED BY THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY. 11
- (b) ADDITIONAL ADVISORY COMMITTEE MEMBERS MAY BE ADDED TO THE ADVISORY COMMITTEE AS NECESSARY UPON: 12
- (I) APPROVAL BY THE EXECUTIVE DIRECTOR; AND 13
- (II) A MAJORITY VOTE OF APPROVAL BY THE ADVISORY COMMITTEE MEMBERS SERVING PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2). 14
- (c) THE ADVISORY COMMITTEE SHALL SELECT ANNUALLY A VICE-CHAIRPERSON AND SECRETARY FROM AMONG ITS MEMBERS. 15
- (d) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (d), ADVISORY COMMITTEE MEMBER TERMS ARE FOR TWO YEARS EACH. 16
- (II) ONE-HALF OF THE INITIAL MEMBERS OF THE ADVISORY COMMITTEE SHALL BE APPOINTED TO ONE-YEAR TERMS, AND THE OTHER HALF OF THE INITIAL MEMBERS SHALL BE APPOINTED TO TWO-YEAR TERMS. 17
- (e) IF A MEMBER OF THE ADVISORY COMMITTEE APPOINTED UNDER PARAGRAPH (a) OF THIS SUBSECTION (2) VACATES HIS OR HER OFFICE PRIOR TO THE EXPIRATION OF HIS OR HER TERM, THE EXECUTIVE DIRECTOR OR, FOR THOSE MEMBERS DESCRIBED UNDER SUBPARAGRAPH (VII) OF PARAGRAPH (a) OF THIS SUBSECTION (2), THE APPROPRIATE APPOINTING AUTHORITY SHALL FILL THE VACANCY BY APPOINTMENT FOR THE UNEXPIRED TERM. 18
- (f) (I) (A) THE ADVISORY COMMITTEE SHALL MEET AS NECESSARY, AS DETERMINED BY THE EXECUTIVE DIRECTOR. 19
- (B) ADVISORY COMMITTEE MEMBERS MAY ATTEND MEETINGS AND VOTE VIA TELECONFERENCE. 20
- (II) THE ADVISORY COMMITTEE SHALL ESTABLISH BY-LAWS AS APPROPRIATE FOR ITS EFFECTIVE OPERATION. 21
- (III) THE MEMBERS OF THE ADVISORY COMMITTEE SHALL RECEIVE NO COMPENSATION. 22
- (3) THE ADVISORY COMMITTEE SHALL: 23
- (a) PROVIDE POLICY GUIDANCE TO THE DIVISION; 24
- (b) ANNUALLY REVIEW THE STATE STRATEGY FOR HOMELAND SECURITY DEVELOPED BY THE DIVISION PURSUANT TO SECTION 24-33.5-1604 (2) (a) (VII) AND MAKE RECOMMENDATIONS ON THE STRATEGY'S GOALS, POLICIES, AND PRIORITIES; 25
- (c) ADVISE THE GOVERNOR, THROUGH HIS OR HER HOMELAND SECURITY ADVISOR, REGARDING THE PLANNING AND IMPLEMENTATION OF TASKS AND OBJECTIVES TO ACHIEVE GOALS CONTAINED IN THE COLORADO HOMELAND SECURITY STRATEGY; 26
- (d) REVIEW HOMELAND SECURITY GRANT APPLICATIONS AND MAKE RECOMMENDATIONS TO THE HOMELAND SECURITY ADVISOR REGARDING GRANT DISTRIBUTIONS; 27
- (e) IDENTIFY OPPORTUNITIES TO CONSOLIDATE EXISTING STATE-LEVEL ADVISORY BOARDS, WHILE ENSURING THAT LOCAL AND TRIBAL ENTITIES HAVE LATITUDE IN DETERMINING THEIR NEEDS IN 28

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PROGRAM AREAS; AND

(f) ESTABLISH SUBCOMMITTEES, AS NECESSARY, THAT FOCUS ON SPECIFIC ISSUES OR SUBJECT MATTERS AND MAKE RECOMMENDATIONS TO THE FULL ADVISORY COMMITTEE. THE EXECUTIVE DIRECTOR SHALL SELECT THE CHAIRPERSONS FOR ANY SUBCOMMITTEES AS WELL AS THE ADVISORY COMMITTEE MEMBERS TO SERVE ON THE SUBCOMMITTEES. THE CHAIRPERSON OF A SUBCOMMITTEE MAY SELECT NONADVISORY COMMITTEE MEMBERS FROM INTERESTED MEMBERS OF THE COMMUNITY TO SERVE ON THE SUBCOMMITTEE. EACH SUBCOMMITTEE SHALL MAKE FINDINGS AND RECOMMENDATIONS FOR CONSIDERATION BY THE FULL ADVISORY COMMITTEE. NONADVISORY COMMITTEE MEMBERS OF A SUBCOMMITTEE SERVE WITHOUT COMPENSATION AND WITHOUT REIMBURSEMENT FOR EXPENSES.

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

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

SECTION 28. In Colorado Revised Statutes, **add** 24-33.5-1615 as follows:

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

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

SECTION 29. In Colorado Revised Statutes, 2-3-1203, **add** (3) (hh.5) as follows:

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

(hh.5) SEPTEMBER 1, 2021:

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

(II) THE EMERGENCY FIRE FUND COMMITTEE CREATED IN SECTION 24-33.5-1220 (3), C.R.S.;

SECTION 30. In Colorado Revised Statutes, 2-3-1502, **repeal** (4); and **add** (8.5) as follows:

2-3-1502. Definitions. As used in this part 15, unless the context otherwise requires:

(4) ~~"Division" means the division of emergency management in the department of local affairs created in section 24-32-2105, C.R.S.~~

(8.5) "OFFICE" MEANS THE OFFICE OF EMERGENCY MANAGEMENT IN THE DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT IN THE DEPARTMENT OF PUBLIC SAFETY CREATED IN SECTION 24-33.5-705, C.R.S.

SECTION 31. In Colorado Revised Statutes, 2-3-1503, **amend** (1) (a) and (2) as follows:

2-3-1503. Legislative emergency preparedness, response, and recovery committee - creation - membership - duties. (1) (a) There is hereby created a legislative emergency preparedness, response, and recovery committee. The legislative committee shall develop a plan for the response by, and continuation of operations of, the general assembly and the legislative service agencies in the event of an emergency epidemic or disaster. The legislative committee shall cooperate and coordinate with the council, the ~~division~~ OFFICE, the department, and the GEEERC in developing the plan. The legislative committee shall develop and submit the plan to the speaker of the house of representatives, the president of the senate, the governor, the executive director of the department, the council, the director of the ~~division~~ OFFICE, and the GEEERC no later than July 1, 2011. The legislative committee shall meet at least annually to review and amend the plan as necessary and shall provide any updated plan to the persons or entities specified in this paragraph (a); except that the legislative committee shall not meet during the 2010 interim. The legislative committee may recommend legislation pertaining to the preparedness, response, and recovery by, and continuation of operations of, the general assembly and the legislative service agencies in the event of an emergency epidemic or disaster. The

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legislative committee shall provide information to and fully cooperate with the council, the ~~division~~ OFFICE, the department, and the GEEERC in fulfilling its duties under this section.

(2) In the event of an emergency epidemic or disaster that the governor declares to be a disaster emergency pursuant to section 24-32-2104, C.R.S., the legislative committee shall convene as rapidly and as often as necessary to advise the speaker of the house of representatives, the president of the senate, and the legislative service agencies regarding reasonable and appropriate measures to be taken by the general assembly and the legislative service agencies to respond to the emergency epidemic or disaster and protect the public health, safety, and welfare. The legislative committee shall communicate, cooperate, and seek advice and assistance from the council, the ~~division~~ OFFICE, the department, and the GEEERC in responding to the emergency epidemic or disaster.

SECTION 32. In Colorado Revised Statutes, 12-29.3-109, **amend** (b) as follows:

12-29.3-109. Relation to other laws. (b) The ~~division~~ OFFICE of emergency management created in ~~section 24-32-2105, C.R.S.~~ SECTION 24-33.5-705, C.R.S., pursuant to the emergency management assistance compact, may incorporate into the emergency forces of this state volunteer health practitioners who are not officers or employees of this state, a political subdivision of this state, or a municipality or other local government within this state.

SECTION 33. In Colorado Revised Statutes, 15-18.6-101, **amend** (3) as follows:

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

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

(8) "Emergency medical service personnel" means an emergency medical technician who is certified or licensed by the department of public health and environment, created and existing pursuant to section 25-1-102, C.R.S., or any 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 part 12 of article 33.5 of title 24, C.R.S.

SECTION 35. In Colorado Revised Statutes, **amend** 16-2.5-112 as follows:

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

SECTION 36. In Colorado Revised Statutes, 22-32-109.1, **amend** (4) (1) as follows:

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

(1) School district employee safety and incident management training, including provisions stating that completion of any courses identified by the department of public safety pursuant to ~~section~~

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~~24-33.5-110~~ SECTION 24-33.5-1606.5 (3), C.R.S., as related to NIMS count toward the professional development requirements of a person licensed pursuant to article 60.5 of this title;

SECTION 37. In Colorado Revised Statutes, 22-32-124, **amend** (1) (c) as follows:

22-32-124. Building codes - zoning - planning - fees - rules - definitions. (1) (c) All buildings and structures shall be constructed in conformity with the building and fire codes adopted by the director of the division of fire safety in the ~~office of preparedness, security, and fire safety~~ in the department of public safety, referred to in this section as the "division".

SECTION 38. In Colorado Revised Statutes, 23-71-122, **amend** (1) (v) (I) as follows:

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

(v) (I) Determine the location of each school site, building, or structure and construct, erect, repair, alter, rebuild, replace, and remodel buildings and structures without a permit or fee or compliance with a local building code. The authority delegated by this subparagraph (I) shall exist notwithstanding any authority delegated to or vested in any county, town, city, or city and county. Prior to the acquisition of land for school building sites or the construction of buildings thereon, the board of trustees of a junior college district shall consult with the planning commission that has jurisdiction over the territory in which the site, building, or structure is proposed to be located, on issues related to the location of the site, building, or structure in order to ensure that the proposed site, building, or structure conforms to the adopted plan of the community insofar as is feasible. All buildings and structures shall be constructed in conformity with the building and fire codes adopted by the director of the division of fire safety, referred to in this section as the "division", in the ~~office of preparedness, security, and fire safety~~ DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT in the department of public safety. The board shall notify the planning commission that has jurisdiction over the territory in which a site, building, or structure is proposed to be located, in writing, of the location of the site, building, or structure before awarding a contract for the purchase or the construction thereof.

SECTION 39. In Colorado Revised Statutes, 24-4-102, **repeal** (3) (b) as follows:

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

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

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

SECTION 40. In Colorado Revised Statutes, 24-32-703, **amend** (8) as follows:

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

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

SECTION 41. In Colorado Revised Statutes, 24-72-204, **amend** (2) (a) (VIII) (A) as follows:

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

(VIII) (A) Specialized details of security arrangements or investigations. Nothing in this subparagraph (VIII) ~~shall prohibit~~ PROHIBITS the custodian from transferring records containing specialized details of security arrangements or investigations to the ~~office of~~

~~preparedness, security, and fire safety~~ DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT in the department of public safety, the governing body of any city, county, city and county, or other political subdivision of the state, 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 THE entity unless such information is already publicly available.

SECTION 42. In Colorado Revised Statutes, 29-3.5-101, **amend** (3) as follows:

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

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

SECTION 43. In Colorado Revised Statutes, 29-22-104, **repeal** (5) as follows:

29-22-104. Right to claim reimbursement. (5) (a) (I) ~~No later than June 15, 1999, the executive director of the department of public safety shall appoint a temporary committee on reimbursement for the costs of hazardous substance incidents. The executive director shall appoint as committee members representatives of facilities and transportation companies that produce or handle hazardous substances; insurance companies, fire departments and other hazardous substance incident response agencies, municipal and county governments, the Colorado state patrol, the division of fire safety, and such other entities as the director deems necessary and appropriate. The director shall appoint equal numbers of representatives of private and public entities to the committee.~~

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

~~(b) (I) No later than August 15, 1999, the temporary committee on reimbursement for the costs of hazardous substance incidents shall make written recommendations to the executive director of the department of public safety regarding guidelines for administering and resolving claims for reimbursement made pursuant to this section against any party or person responsible for a hazardous substance incident. Such recommendations may include recommendations for proposed legislation or administrative rules and shall include recommendations for an administrative process to ensure prompt mediation of disputes concerning claims for reimbursement made pursuant to this section by any public entity against any person or party responsible for a hazardous substance incident. Such recommendations shall be designed to provide public entities and persons or parties responsible for hazardous substance incidents with the opportunity to resolve claims for reimbursement that result from hazardous substance incidents in a timely and reasonable manner.~~

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

~~(c) Repealed.~~

SECTION 44. In Colorado Revised Statutes, 33-32-108, **amend** (1) (b) as follows:

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

SECTION 45. Repeal of provisions being relocated in this act.

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

SECTION 46. In Colorado Revised Statutes, **repeal** 23-31-313 (4) (e).

SECTION 47. Effective date. This act takes effect July 1, 2012.

SECTION 48. 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."

MESSAGE FROM THE GOVERNOR

January 10, 2012

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint, and submit to your consideration, the following:

BOARD OF PINNACOL ASSURANCE

for a term expiring January 1, 2013:

Harold L. Logan, Jr. of Denver, Colorado, to serve as an employee of an employer whose liability is insured by Pinnacol, and occasioned by the resignation of John N. Cevette of Platteville, Colorado, appointed;

for terms expiring January 1, 2017:

Marcia Ann Benshoof of Highlands Ranch, Colorado, who has experience in the management and operation of insurance companies, not competing with Pinnacol Assurance, appointed;

Jeffrey L. Cummings of Arvada, Colorado, an employer whose liability is insured by Pinnacol Assurance, appointed.

I urge your immediate confirmation of these appointments.

Sincerely,
(signed)
John W. Hickenlooper
Governor
Rec'd: 1/13/2012
Cindi L. Markwell, Secretary of the Senate

Committee on Judiciary

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On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Tuesday, May 1 was laid over until Wednesday, May 2, retaining its place on the calendar.

Consideration of Resolutions: SJR12-034, SJR12-038, SJR12-039, SJR12-040, SJR12-043.

Consideration of House Amendments to Senate Bills: SJR12-036.

Consideration of Governor's Appointments:

Members of the Colorado Tourism Office Board of Directors.

Member of the Waste Tire Advisory Committee.

Members of the Colorado Traumatic Brain Injury Trust Fund Board.

Member of the Colorado Children's Trust Fund Board.

Member of the CoverColorado Board of Directors.

Members of the Board of Trusees of Metropolitan State College of Denver.

Members of the Colorado Educational and Cultural Facilities Authority Board of Directors.

Members of the CollegeInvest Board of Directors.

Members of the State Board for Community Colleges and Occupational Education.

Members of the Board of Trustees for Western State College of Colorado.

Member of the Colorado Tourism Office Board of Directors.

Conference Committees to Report: SB12-020, HB12-1053

Requests for Conference Committee: HB12-1168.

CHANGE IN SPONSORSHIP

Upon announcement of President Shaffer, Senator Heath replaced Senator Grantham as the Senate prime sponsor on HB12-1267.

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title and referred to the committee indicated:

SR12-003 by Senator(s) Schwartz and Nicholson; --Concerning measures to create Colorado jobs by encouraging active forest management for healthy forest ecosystems and the use of Colorado forest biomass as a source of renewable energy.

Laid over one day under Senate Rule 30(c).

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On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Wednesday, May 2, 2012.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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