

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

March 12, 2009
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

SB09-013 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 1 Amend reengrossed bill, page 2, line 20, after the period, add "THE TERM
- 2 INCLUDES, WITHOUT LIMITATION, NOT-FOR-PROFIT NONGOVERNMENTAL
- 3 ENTITIES THAT ARE ORGANIZED TO PROVIDE FIREFIGHTING SERVICES."

- 4 Page 3, line 12, strike "**firefighters**" and substitute "**firefighters, incident**
- 5 **management teams,**";

- 6 line 13, strike "**definition.**" and substitute "**definitions.**";

- 7 strike line 14 and substitute the following:

- 8 "FIREFIGHTER WHO, IN GOOD";

- 9 line 17, strike "EMERGENCY" and substitute "EMERGENCY, ANY INCIDENT
- 10 MANAGEMENT TEAM,";

- 11 line 18, after "FIREFIGHTER", insert "OR INCIDENT MANAGEMENT TEAM";

- 12 line 20, strike "FIREFIGHTER" and substitute "FIREFIGHTER, INCIDENT
- 13 MANAGEMENT TEAM,";

- 14 strike lines 24 through 27.

- 15 Page 4, strike lines 1 and 2 and substitute the following:

1 "(2) AS USED IN THIS SECTION:

2 (a) "EMERGENCY" MEANS ANY INCIDENT TO WHICH A RESPONSE BY
3 A FIRE DEPARTMENT OR INCIDENT MANAGEMENT TEAM IS APPROPRIATE OR
4 REQUESTED, INCLUDING, WITHOUT LIMITATION:

5 (I) A FIRE, FIRE ALARM RESPONSE, MOTOR VEHICLE ACCIDENT,
6 RESCUE CALL, OR HAZARDOUS MATERIALS INCIDENT;

7 (II) A NATURAL OR MAN-MADE DISASTER SUCH AS AN
8 EARTHQUAKE, FLOOD, OR SEVERE WEATHER EVENT;

9 (III) A TERRORIST ATTACK; OR

10 (IV) AN OUTBREAK OF A HARMFUL BIOLOGICAL AGENT OR
11 INFECTIOUS DISEASE.

12 (b) "FIRE DEPARTMENT" HAS THE MEANING SET FORTH IN SECTION
13 24-33.5-1202, C.R.S., AND INCLUDES A FIRE DEPARTMENT THAT USES PAID
14 FIREFIGHTERS, VOLUNTEER FIREFIGHTERS, OR BOTH. THE TERM INCLUDES,
15 WITHOUT LIMITATION, NOT-FOR-PROFIT NONGOVERNMENTAL ENTITIES
16 THAT ARE ORGANIZED TO PROVIDE FIREFIGHTING SERVICES.

17 (c) "INCIDENT MANAGEMENT TEAM" MEANS AN AD HOC OR
18 STANDING TEAM OF TRAINED PERSONNEL FROM DIFFERENT DEPARTMENTS,
19 ORGANIZATIONS, AGENCIES, AND JURISDICTIONS ACTIVATED TO MANAGE
20 THE LOGISTICAL, FISCAL, PLANNING, OPERATIONAL, SAFETY, AND
21 COMMUNITY ISSUES RELATED TO AN EMERGENCY OR OTHER INCIDENT.

22 (d) "VOLUNTEER FIREFIGHTER" HAS THE MEANING SET FORTH IN
23 SECTION 31-30-1102, C.R.S., AND INCLUDES VOLUNTEER FIREFIGHTERS OF
24 NOT-FOR-PROFIT NONGOVERNMENTAL ENTITIES THAT ARE ORGANIZED TO
25 PROVIDE FIREFIGHTING SERVICES.

26 **SECTION 3.** 24-32-2605, Colorado Revised Statutes, is amended
27 BY THE ADDITION OF A NEW SUBSECTION to read:

28 **24-32-2605. Immunity.** (1.7) NO STATE COMMISSION OR AGENCY
29 OR COUNTY OR MUNICIPAL AGENCY, INCLUDING LOCAL EMERGENCY
30 PLANNING COMMITTEES, INCIDENT MANAGEMENT TEAMS, CITIZEN CORPS
31 COUNCILS, CITIZEN EMERGENCY RESPONSE TEAMS, MEDICAL RESERVE

1 CORPS, FIRE PROTECTION DISTRICTS, AND VOLUNTEER FIRE, AMBULANCE,
2 OR EMERGENCY SERVICE AND RESCUE GROUPS, NOR THEIR OFFICERS,
3 OFFICIALS, DIRECTORS, EMPLOYEES, TRAINEES, OR VOLUNTEERS, WHEN
4 ENGAGED IN PLANNING, TRAINING, OR RESPONSE ACTIVITIES REGARDING
5 A NATURAL DISASTER, HAZARDOUS MATERIAL RELEASE, PUBLIC HEALTH
6 EMERGENCY, OR ACT OF TERRORISM OR THE THREAT OF ANY SUCH
7 DISASTER, RELEASE, EMERGENCY, OR ACT, SHALL BE LIABLE FOR THE
8 DEATH OF OR INJURY TO ANY PERSON OR FOR THE LOSS OF OR DAMAGE TO
9 PROPERTY OR THE ENVIRONMENT EXCEPT FOR GROSS NEGLIGENCE OR
10 WILLFUL AND WANTON ACTS OR OMISSIONS."

11 Renumber succeeding section accordingly.

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