

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 12-0479.01 Kate Meyer x4348

HOUSE BILL 12-1283

HOUSE SPONSORSHIP

Barker,

SENATE SPONSORSHIP

Giron,

House Committees
Judiciary

Senate Committees
Judiciary
Appropriations

A BILL FOR AN ACT

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

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill consolidates homeland security functions under the department of public safety (department) by renaming the office of preparedness, security, and fire safety the division of homeland security (new division). The new division is comprised of:

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

HOUSE
3rd Reading Unamended
March 1, 2012

HOUSE
Amended 2nd Reading
February 29, 2012

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

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

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

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

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

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

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

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

8 (b) The state's primary role in homeland security is to coordinate

1 and facilitate efforts among various local, regional, state, and federal
2 entities;

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

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

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

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

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

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

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

24 (d) Establishing a single entity to manage homeland security and
25 emergency management duties at the state level will enhance
26 communication among the various governmental entities, reduce
27 overlapping efforts, clarify roles and responsibilities, maximize usage of

1 funds, improve customer service, and ultimately strengthen the ability of
2 the state and other actors to provide efficacious emergency management.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (a) To provide for the protection of the forest resources of the

1 state, both public and private, from fire, insects and diseases;

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

4 **23-31-206. Cooperative agreements.** (1) The board is further
5 authorized to enter into cooperative agreements with federal and state
6 agencies to promote and carry out the intent and purposes of this part 2,
7 and in carrying out the provisions of all federal acts providing funds to
8 promote the practice of forestry; and, for the purpose of continued
9 acceptance and participation in the provisions of the act of congress dated
10 June 7, 1924, entitled the "Clarke-McNary Law", the board is designated
11 as the agency of the state to administer and expend any federal
12 appropriations received under said act of congress, pursuant to section
13 23-31-205.

14 (2) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY,
15 INCLUDING THE TRANSFER OF FUNCTIONS EFFECTED BY HOUSE BILL
16 12-1283, ENACTED IN 2012, ALL INTERAGENCY AGREEMENTS REGARDING
17 WILDFIRE AND PRESCRIBED FIRE MANAGEMENT AND CONTROL THAT ARE
18 IN EFFECT AS OF JULY 1, 2012, TO WHICH THE STATE FOREST SERVICE, OR
19 THE BOARD ON ITS BEHALF, IS A PARTY, SHALL REMAIN IN FULL FORCE AND
20 EFFECT.

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

23 **23-31-208. Rights by succession to state board of land**
24 **commissioners - transfers to division of fire safety.** (1) (a) On
25 February 14, 1955, the board shall succeed to all records, documents, and
26 equipment in the hands of the state board of land commissioners as
27 pertain to and used by the state board of land commissioners in the

1 performance of the rights, powers, and duties transferred, and the state
2 board of land commissioners is directed to deliver said property to the
3 board within a reasonable time.

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

11 (2) ON JULY 1, 2012, THE BOARD'S MONEYS, POSITIONS OF
12 EMPLOYMENT, PERSONNEL, AND PROPERTY THAT WERE, AS OF JUNE 30,
13 2012, PRINCIPALLY DIRECTED TO FIRE AND WILDFIRE MITIGATION,
14 RESPONSE, SUPPRESSION, COORDINATION, OR MANAGEMENT ARE
15 TRANSFERRED TO THE DIVISION OF FIRE SAFETY IN THE DEPARTMENT OF
16 PUBLIC SAFETY PURSUANT TO SECTION 24-33.5-1201, C.R.S.

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

19 **23-31-301. Legislative declaration.** (2) The general assembly
20 hereby declares that it is the public policy of this state to encourage the
21 health of forest ecosystems through responsible management of the forest
22 land of the state and through coordination with the United States secretary
23 of the interior and the United States secretary of agriculture to develop
24 management plans for federal lands within the state of Colorado pursuant
25 to 16 U.S.C. sec. 530, 16 U.S.C. sec. 1604, and 43 U.S.C. sec. 1712,
26 including the use of ~~prescribed and natural ignition fires and other~~
27 ~~pre-suppression activities, such as the harvest of materials, in order to~~

1 preserve forest and other natural resources, enhance the growth and
2 maintenance of forests, conserve forest cover on watersheds, protect
3 recreational, wildlife, and other values, promote stability of forest-using
4 industries, and prevent loss of life and damage to property from wildfires
5 and other conflagrations.

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

9 **24-1-128.6. Department of public safety - creation - repeal.**
10 **(2) The department of public safety shall consist CONSISTS of the**
11 **following divisions:**

12 (b) Colorado law enforcement training academy, the head of
13 which shall be the chief of the Colorado state patrol, who is hereby
14 designated as the superintendent of the Colorado law enforcement
15 training academy. The Colorado law enforcement training academy and
16 the office of superintendent thereof, created by part 3 of article 33.5 of
17 this title, and their powers, duties, and functions are transferred by a **type**
18 **2** transfer to the department of public safety. The powers, duties, and
19 functions of the department of local affairs relating to the Colorado law
20 enforcement training academy are transferred by a **type 2** transfer to the
21 department of public safety and allocated to the Colorado law
22 enforcement training academy.

23 (h) (I) Office of preparedness, security, and fire safety DIVISION
24 OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT, the head of
25 which shall be IS the director of the office of preparedness, security, and
26 fire safety DIVISION OF HOMELAND SECURITY AND EMERGENCY
27 MANAGEMENT. The office of preparedness, security, and fire safety

1 DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT and
2 the office of director thereof, created by part 16 of article 33.5 of this title,
3 shall exercise their powers and perform their duties and functions as if the
4 same were transferred by a **type 2** transfer to the department of public
5 safety AND ALLOCATED TO THE DIVISION OF HOMELAND SECURITY AND
6 EMERGENCY MANAGEMENT.

7 (II) The office of preparedness, security, and fire safety shall
8 include DIVISION OF HOMELAND SECURITY AND EMERGENCY
9 MANAGEMENT INCLUDES the following agencies, which shall exercise
10 their powers and perform their duties and functions under the department
11 of public safety as if the same were transferred thereto by a **type 2**
12 transfer:

13 (A) Division of fire safety, created by part 12 of article 33.5 of
14 this title; and THE OFFICE OF EMERGENCY MANAGEMENT CREATED BY
15 PART 7 OF ARTICLE 33.5 OF THIS TITLE, THE HEAD OF WHICH IS THE
16 DIRECTOR OF THE OFFICE OF EMERGENCY MANAGEMENT. EFFECTIVE JULY
17 1, 2012, THE DIVISION OF EMERGENCY MANAGEMENT IN THE DEPARTMENT
18 OF LOCAL AFFAIRS, CREATED BY PART 21 OF ARTICLE 32 OF THIS TITLE,
19 PRIOR TO ITS REPEAL IN 2012, AND ITS POWERS, DUTIES, AND FUNCTIONS
20 ARE TRANSFERRED BY A **TYPE 2** TRANSFER TO THE DEPARTMENT OF PUBLIC
21 SAFETY AND ALLOCATED TO THE OFFICE OF EMERGENCY MANAGEMENT
22 UNDER THE DIVISION OF HOMELAND SECURITY AND EMERGENCY
23 MANAGEMENT PURSUANT TO THIS ARTICLE.

24 (B) Office of anti-terrorism planning and training PREVENTION
25 AND SECURITY, created by part 16 of article 33.5 of this title IN SECTION
26 24-33.5-1606; AND

27 (C) THE OFFICE OF PREPAREDNESS, CREATED IN SECTION

1 24-33.5-1606.5.

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

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

15 (b) EFFECTIVE JULY 1, 2012, THE COLORADO EMERGENCY
16 PLANNING COMMISSION IN THE DEPARTMENT OF LOCAL AFFAIRS, CREATED
17 BY PART 26 OF ARTICLE 32 OF THIS TITLE, PRIOR TO ITS REPEAL IN 2012,
18 AND ITS POWERS, DUTIES, AND FUNCTIONS ARE TRANSFERRED BY A **TYPE**
19 **2** TRANSFER TO THE DEPARTMENT OF PUBLIC SAFETY, PURSUANT TO THIS
20 ARTICLE.

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

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

26 (b) Colorado law enforcement training academy;

27 (h) Office of preparedness, security, and fire safety DIVISION OF

1 HOMELAND SECURITY AND EMERGENCY MANAGEMENT; AND

2 (i) DIVISION OF FIRE SAFETY.

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

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

8 PART 7

9 EMERGENCY MANAGEMENT

10 **24-33.5-701. [Formerly 24-32-2101] Short title.** This ~~part 21~~
11 PART 7 shall be known and may be cited as the "Colorado Disaster
12 Emergency Act". of 1992".

13 **24-33.5-702. [Formerly 24-32-2102] Purposes and limitations.**

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

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

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

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

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

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

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

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

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

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

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

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

25 (c) Affect the jurisdiction or responsibilities of police forces,
26 fire-fighting forces, or units of the armed forces of the United States, or
27 of any personnel thereof, when on active duty; except that state, local, and

1 interjurisdictional disaster emergency plans shall place reliance upon the
2 forces available for performance of functions related to disaster
3 emergencies; or

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

8 **24-33.5-703. [Formerly 24-32-2103] Definitions.** As used in this
9 ~~part 21~~ PART 7, unless the context otherwise requires:

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

13 ~~(1.3)~~ (2) "Committee" means the governor's expert emergency
14 epidemic response committee created in section ~~24-32-2104~~ SECTION
15 24-33.5-704.

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

26 ~~(1.7)~~ (4) "Emergency epidemic" means cases of an illness or
27 condition, communicable or noncommunicable, caused by bioterrorism,

1 pandemic influenza, or novel and highly fatal infectious agents or
2 biological toxins.

3 ~~(1.9)~~ (5) "Pandemic influenza" means a widespread epidemic of
4 influenza caused by a highly virulent strain of the influenza virus.

5 ~~(2)~~ (6) "Political subdivision" means any county, city and county,
6 city, or town and may include any other agency designated by law as a
7 political subdivision of the state.

8 ~~(2.5)~~ (7) (a) "Publicly funded safety net program" means a
9 program that is administered by a state department and that:

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

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

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

17 ~~(3)~~ (8) "Search and rescue" means the employment, coordination,
18 and utilization of available resources and personnel in locating, relieving
19 distress and preserving life of, and removing survivors from the site of a
20 disaster, emergency, or hazard to a place of safety in case of lost,
21 stranded, entrapped, or injured persons.

22 **24-33.5-704. [Formerly 24-32-2104] The governor and disaster**
23 **emergencies - governor's disaster emergency council - creation -**
24 **expert emergency epidemic response committee - creation.** (1) The
25 governor is responsible for meeting the dangers to the state and people
26 presented by disasters.

27 (2) Under this ~~part 24~~ PART 7, the governor may issue executive

1 orders, proclamations, and regulations and amend or rescind them.
2 Executive orders, proclamations, and regulations have the force and effect
3 of law.

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

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

23 (4) A disaster emergency shall be declared by executive order or
24 proclamation of the governor if the governor finds a disaster has occurred
25 or that this occurrence or the threat thereof is imminent. The state of
26 disaster emergency shall continue until the governor finds that the threat
27 of danger has passed or that the disaster has been dealt with to the extent

1 that emergency conditions no longer exist and the governor terminates the
2 state of disaster emergency by executive order or proclamation, but no
3 state of disaster emergency may continue for longer than thirty days
4 unless renewed by the governor. The general assembly, by joint
5 resolution, may terminate a state of disaster emergency at any time.
6 Thereupon, the governor shall issue an executive order or proclamation
7 ending the state of disaster emergency. All executive orders or
8 proclamations issued under this subsection (4) shall indicate the nature of
9 the disaster, the area threatened, and the conditions which have brought
10 it about or which make possible termination of the state of disaster
11 emergency. An executive order or proclamation shall be disseminated
12 promptly by means calculated to bring its contents to the attention of the
13 general public and, unless the circumstances attendant upon the disaster
14 prevent or impede, shall be promptly filed with the ~~division~~ OFFICE of
15 emergency management, the secretary of state, and the county clerk and
16 recorder and disaster agencies in the area to which it applies.

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

25 (6) During the continuance of any state of disaster emergency, the
26 governor is commander-in-chief of the organized and unorganized militia
27 and of all other forces available for emergency duty. To the greatest

1 extent practicable, the governor shall delegate or assign command
2 authority by prior arrangement embodied in appropriate executive orders
3 or regulations, but nothing in this section restricts the governor's authority
4 to do so by orders issued at the time of the disaster emergency.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (II) In addition to the state members of the committee, the
22 governor shall appoint to the committee an individual from each of the
23 following categories:

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

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

26 (C) A medical examiner;

27 (D) A specialist in posttraumatic stress management;

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

3 (F) A hospital infection control practitioner;

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

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

6 (III) The executive director of the department of public health and
7 environment shall serve as the chair of the committee. A majority of the
8 membership of the committee, not including vacant positions, shall
9 constitute a quorum.

10 (IV) The executive director of the department of public safety or
11 the executive director's designee shall serve as an ex officio member of
12 the committee and shall not be able to vote on decisions of the committee.
13 The executive director HE OR SHE shall serve as a liaison between the
14 committee, the council, and the Colorado emergency planning
15 commission in the event of an emergency epidemic.

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

21 (d) The committee shall convene at the call of the governor or the
22 executive director of the department of public health and environment to
23 consider evidence presented by the department's chief medical officer or
24 state epidemiologist that there is an occurrence or imminent threat of an
25 emergency epidemic. If the committee finds that there is an occurrence
26 or imminent threat of an emergency epidemic, the executive director of
27 the department of public health and environment shall advise the

1 governor to declare a disaster emergency.

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

7 Such measures may include: but are not limited to:

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

9 (II) Ordering physicians and hospitals to transfer or cease
10 admission of patients or perform medical examinations of persons;

11 (III) Isolating or quarantining persons or property;

12 (IV) Determining whether to seize, destroy, or decontaminate
13 property or objects that may threaten the public health;

14 (V) Determining how to safely dispose of corpses and infectious
15 waste;

16 (VI) Assessing the adequacy and potential contamination of food
17 and water supplies;

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

19 (VIII) Informing the citizens of the state how to protect
20 themselves, what actions are being taken to control the epidemic, and
21 when the epidemic is over.

22 (9) Each department that administers a publicly funded safety net
23 program shall develop a continuity of operations plan no later than July
24 1, 2008. The plan shall establish procedures for the response by, and
25 continuation of operations of, the department and the program in the
26 event of an epidemic emergency. Each department shall file its plan with
27 the executive director of the department of public health and environment

1 and shall update the plan at least annually. In addition,
2 NOTWITHSTANDING SECTION 24-1-136(11), each department shall submit
3 a report by March 1, 2008, and by each March 1 thereafter OF EACH YEAR
4 to the health and human services committees of the senate and house of
5 representatives, or any successor committees, regarding the status of the
6 department's plan, as well as the status of any other plans or procedures
7 of the department regarding emergency disaster preparedness.

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

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

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

27 (3) The ~~division~~ OFFICE OF EMERGENCY MANAGEMENT shall take

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

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

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

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

19 (a) Hiring personnel;

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

21 (c) Accepting and expending federal funds.

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

1 SAFETY.

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

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

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

22 (III) ON JULY 1, 2012, ALL ITEMS OF PROPERTY, REAL AND
23 PERSONAL, INCLUDING OFFICE FURNITURE AND FIXTURES, BOOKS,
24 DOCUMENTS, AND RECORDS OF THE DIVISION OF EMERGENCY
25 MANAGEMENT IN THE DEPARTMENT OF LOCAL AFFAIRS ARE TRANSFERRED
26 TO THE OFFICE OF EMERGENCY MANAGEMENT IN THE DIVISION OF
27 HOMELAND SECURITY AND EMERGENCY MANAGEMENT IN THE

1 DEPARTMENT OF PUBLIC SAFETY AND SHALL BECOME THE PROPERTY
2 THEREOF.

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

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

15 **24-33.5-705.3. [Formerly 24-33.5-108] Statewide all-hazards**
16 **resource database - creation - definitions - repeal.** (1) For purposes of
17 this section:

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

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

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

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

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

1 **(b) The database shall be accessible via the internet to all TRIBAL,**
2 **state, REGIONAL, and local fire fighting RESPONSE agencies for the**
3 **purpose of efficiently tracking and allocating fire fighting RESPONSE**
4 **resources in the event of a disaster or local incident that requires more**
5 **resources than those available under any existing interjurisdictional or**
6 **mutual aid arrangement.**

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

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

22 **(2) The RESOURCE mobilization plan created pursuant to**
23 **SUBSECTION (1) OF this section shall be developed in coordination with**
24 **appropriate federal, TRIBAL, state, and local government, AND PRIVATE**
25 **SECTOR agencies AND ORGANIZATIONS. The plan shall include**
26 **mobilization procedures and may include provisions for reimbursement**
27 **of costs, and shall address liability issues.**

1 24-33.5-706. [Formerly 24-32-2106] Financing - legislative

2 intent - repeal. (1) It is the intent of the general assembly and declared
3 to be the policy of the state that funds to meet disaster emergencies shall
4 always be available.

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

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

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

15 ~~(b) Repealed.~~

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

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

26 (5) The director OF THE OFFICE OF EMERGENCY MANAGEMENT is
27 authorized to establish, pursuant to article 4 of this title, the rules and

1 regulations which will govern the reimbursement of funds to state
2 agencies and political subdivisions and to promulgate such regulations.

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

7 **24-32-707. [Formerly 24-32-2107] Local and interjurisdictional**
8 **disaster agencies and services.** (1) Each political subdivision shall be
9 IS within the jurisdiction of and served by the ~~division~~ OFFICE OF
10 EMERGENCY MANAGEMENT and by a local or interjurisdictional agency
11 responsible for disaster preparedness and coordination of response.

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

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

26 (4) The minimum composition of a disaster agency shall be IS a
27 director or coordinator appointed and governed by the chief executive

1 officer or governing body of the appointing jurisdiction. The director or
2 coordinator shall be IS responsible for the planning and coordination of
3 the local disaster services.

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

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

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

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

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

5 (10) The sheriff of each county shall:

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

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

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

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

24 **24-33.5-708. [Formerly 24-32-2108] Establishment of**
25 **interjurisdictional disaster planning and service area.** (1) If the
26 governor finds that two or more adjoining counties would be better served
27 by an interjurisdictional arrangement than by maintaining separate

1 disaster agencies and services, the governor may delineate by executive
2 order an interjurisdictional area adequate to plan for, prevent, or respond
3 to disaster in that area and direct steps to be taken as necessary, including
4 the creation of an interjurisdictional relationship, a joint disaster
5 emergency plan, mutual aid, or an area organization for emergency
6 planning and services.

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

11 (a) Small or sparse population;

12 (b) Limitations on public financial resources severe enough to
13 make maintenance of a separate disaster agency and services
14 unreasonably burdensome;

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

18 (d) The interrelated character of the counties in a multicounty
19 area; and

20 (e) Other relevant conditions or circumstances.

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

1 considered supplemental agreements pursuant to article VI of such
2 compact.

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

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

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

26 (3) No interjurisdictional disaster agency or official thereof may
27 declare a local disaster emergency unless expressly authorized by the

1 agreement pursuant to which the agency functions. An interjurisdictional
2 disaster agency shall provide aid and services in accordance with the
3 agreement pursuant to which it functions.

4 **24-33.5-710. [Formerly 24-32-2110] Disaster prevention.** (1) In
5 addition to disaster prevention measures as included in the state, local,
6 and interjurisdictional disaster emergency plans, the governor shall
7 consider steps that could be taken on a continuing basis to prevent or
8 reduce the harmful consequences of disasters. At the governor's direction,
9 and pursuant to any other authority and competence they have, state
10 agencies, including but not limited to those charged with responsibilities
11 in connection with floodplain management, stream encroachment and
12 flow regulation, weather modification, fire prevention and control, air
13 quality, public works, land use and land-use planning, and construction
14 standards, shall make studies of matters related to disaster prevention.
15 The governor and the executive director, from time to time, shall make
16 recommendations to the general assembly, local governments, and such
17 other appropriate public and private entities as may facilitate measures for
18 prevention or reduction of the harmful consequences of disasters.

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

24 (3) If the ~~division~~ OFFICE OF EMERGENCY MANAGEMENT believes,
25 on the basis of the studies or other competent evidence, that an area is
26 susceptible to a disaster of catastrophic proportions without adequate
27 warning, that existing building standards and land-use controls in that

1 area are inadequate and could add substantially to the magnitude of the
2 disaster, and that changes in zoning regulations, other land-use
3 regulations, or building requirements are essential in order to further the
4 purposes of this section, it shall specify the essential changes to the
5 executive director and to the governor. If the governor, upon review of
6 the recommendations, finds after public hearing that the changes are
7 essential, the governor shall so recommend to the agencies or local
8 governments with jurisdictions over the area and subject matter. If no
9 action or insufficient action pursuant to the governor's recommendations
10 is taken within the time specified by the governor, the governor shall so
11 inform the general assembly and request legislative action appropriate to
12 mitigate the impact of disaster.

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

25 **24-33.5-711. [Formerly 24-32-2111] Compensation - liability**
26 **when combating grasshopper infestation.** (1) Each person within this
27 state shall conduct himself or herself and keep and manage such person's

1 affairs and property in ways that will reasonably assist and will not
2 unreasonably detract from the ability of the state and the public
3 successfully to meet disasters or emergencies. This obligation includes
4 appropriate personal service and use or restriction on the use of property
5 in time of disaster emergency. This ~~part 21~~ PART 7 neither increases nor
6 decreases these obligations but recognizes their existence under the
7 constitution and statutes of this state and the common law. Compensation
8 for services or for the taking or use of property shall be only to the extent
9 that the obligations recognized in this subsection (1) are exceeded in a
10 particular case and then only to the extent that the claimant has not
11 volunteered such claimant's services or property without compensation.

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

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

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

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

27 (6) The state and its agencies and political subdivisions and the

1 officers and employees of the state and its agencies and political
2 subdivisions shall not be liable for any claim based upon the exercise or
3 performance or the failure to exercise or perform an act relating to the
4 combating of grasshopper infestation of this state except for negligence
5 or willful disregard of the rights of others, and then only to the extent of
6 one hundred thousand dollars for any injury to or damage suffered by one
7 person and the sum of three hundred thousand dollars for an injury to or
8 damage suffered by two or more persons in any single occurrence; except
9 that, in such latter instance, no person may recover in excess of one
10 hundred thousand dollars. This subsection (6) is the total extent of
11 liability of the state and its agencies and political subdivisions and the
12 officers and employees of the state and its agencies and political
13 subdivisions with regard to the combating of grasshopper infestation of
14 the state and abrogates any common-law cause of action thereto. Except
15 to the extent of insurance coverage, no person acting as a contractor with
16 the state or any of its political subdivisions, or any officer or employee of
17 such contractor, shall be liable on any claim alleging strict liability on
18 contract or tort for actions taken relating to combating grasshopper
19 infestation of the state under this ~~part 21~~ PART 7 or under House Bill No.
20 1001, enacted at the second extraordinary session of the fifty-first general
21 assembly IN 1978.

22 **24-33.5-711.5. [Formerly 24-32-2111.5] Governor's expert**
23 **emergency epidemic response committee - compensation - liability.**

24 (1) Neither the state nor the members of the expert emergency epidemic
25 response committee designated or appointed pursuant to section
26 ~~24-32-2104 (8)~~ shall be SECTION 24-33.5-704 (8) ARE liable for any claim
27 based upon the committee's advice to the governor or the alleged

1 negligent exercise or performance of, or failure to exercise or perform an
2 act relating to an emergency epidemic. Liability against a member of the
3 committee may be found only for wanton or willful misconduct or willful
4 disregard of the best interests of protecting and maintaining the public
5 health. Damages awarded on the basis of such liability shall not exceed
6 one hundred thousand dollars for any injury to or damage suffered by one
7 person or three hundred thousand dollars for an injury to or damage
8 suffered by three or more persons in the course of an emergency
9 epidemic.

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

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

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

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

4 **24-33.5-712. [Formerly 24-32-2112] Telecommunications -**
5 **intent.** The state telecommunications director, working in coordination
6 with the office OF EMERGENCY MANAGEMENT, shall ascertain what means
7 exist for rapid and efficient telecommunications in times of disaster
8 emergencies. Operational characteristics of the available systems of
9 telecommunications shall be evaluated by the office, and
10 recommendations for modifications shall be made to the state
11 telecommunications director. It is the intent of this section that adequate
12 means of telecommunications be available for use during disaster
13 emergencies.

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

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

23 (3) It is a sufficient reason for the governor to require an
24 interjurisdictional agreement or arrangement pursuant to ~~section~~
25 ~~24-32-2108~~ SECTION 24-33.5-708 that the area involved and political
26 subdivisions therein have available equipment, supplies, and forces
27 necessary to provide mutual aid on a regional basis and that the political

1 subdivisions have not already made adequate provision for mutual aid;
2 except that, in requiring the making of an interjurisdictional arrangement
3 to accomplish the purpose of this section, the governor need not require
4 establishment and maintenance of an interjurisdictional agency or
5 arrangement for any other disaster purposes.

6 **24-33.5-714. [Formerly 24-32-2114] Weather modification.** The
7 office OF EMERGENCY MANAGEMENT shall keep continuously apprised of
8 weather conditions ~~which~~ THAT present danger of precipitation or other
9 climatic activity severe enough to constitute a disaster. If the office OF
10 EMERGENCY MANAGEMENT determines that precipitation that may result
11 from weather modification operations, either by itself or in conjunction
12 with other precipitation or climatic conditions or activity, would create or
13 contribute to the severity of a disaster, it shall recommend to the
14 executive director of the department of natural resources, empowered to
15 issue permits for weather modification operations under article 20 of title
16 36, C.R.S., to warn those organizations or agencies engaged in weather
17 modification to suspend their operations until the danger has passed or
18 recommend that said executive director modify the terms of any permit
19 as may be necessary.

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

26 **24-33.5-716. [Formerly 24-32-2116] Interoperable**
27 **communications among public safety radio systems - statewide plan**

1 - regional plans - governmental immunity - definitions. (1) As used
2 in this section, unless the context otherwise requires:

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

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

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

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

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

1 COMMUNICATIONS SYSTEMS AND EXERCISES ON THE IMPLEMENTATION OF
2 THE PLAN, AND DEADLINES FOR IMPLEMENTATION.

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

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

23 (c) A region that TIMELY fails to submit a tactical and long-term
24 interoperable communications plan by the date specified in paragraph (a)
25 of this subsection (3) OR REVISIONS THERETO, or a local government
26 agency that fails to collaborate in the development of OR TIMELY SUBMIT
27 the plan, OR A REGION OR LOCAL GOVERNMENT AGENCY THAT FAILS TO

1 MAINTAIN CURRENT PLANS, shall be ineligible to receive homeland
2 security or public safety grant moneys administered by the department of
3 local affairs, department of public safety, or department of public health
4 and environment until the region submits a plan to the executive director.

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

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

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

18 PART 8

19 COMPENSATION BENEFITS TO VOLUNTEER

20 CIVIL DEFENSE WORKERS

21 **24-33.5-801. [Formerly 24-32-2201] Legislative declaration. It**
22 is the policy and purpose of this part 22 PART 8 to provide a means of
23 compensating volunteer civil defense workers who may suffer any injury
24 as defined in section 24-32-2202 (4) SECTION 24-33.5-802 (4) as a result
25 of participation in civil defense service.

26 **24-33.5-802. [Formerly 24-32-2202] Definitions. As used in this**
27 part 22 PART 8, unless the context otherwise requires:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 worker's activities as a civil defense worker.

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

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

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

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

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

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

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

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

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

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

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

9 **24-33.5-809. [Formerly 24-32-2209] Agreement for disposition**
10 **of claims.** The division OFFICE of emergency management and Pinnacol
11 Assurance shall enter into an agreement requiring Pinnacol Assurance, as
12 adjusting agent, to adjust and dispose of claims and furnish compensation
13 to civil defense workers and their dependents. The agreement shall
14 authorize Pinnacol Assurance to make all expenditures, including
15 payments to claimants for compensation or for the adjustment or
16 settlement of claims. Nothing in this part 22 shall be construed to mean
17 PART 8 MEANS that Pinnacol Assurance or its officers or agents have the
18 final decision with respect to the compensability of any case or the
19 amount of compensation or benefits due. Any civil defense worker or
20 such civil defense worker's dependents shall have the same right to
21 hearings before the division of labor in the department of labor and
22 employment and its referees and to appeal from awards of said division
23 and referees to the industrial claim appeals panel and to the courts as is
24 provided in the hearing and review procedures of the "Workers'
25 Compensation Act of Colorado" found in article 43 of title 8, C.R.S.,
26 subject to the limitations prescribed in this part 22 PART 8.

27 **24-33.5-810. [Formerly 24-32-2210] Reimbursement of fund.**

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

17 **24-33.5-811. [Formerly 24-32-2211] Parties to agreement.** An
18 accredited local organization for civil defense and the county, town, or
19 city which has empowered the local organization for civil defense to
20 register and direct activities of civil defense workers automatically
21 become parties to the agreement ENTERED INTO PURSUANT TO SECTION
22 24-33.5-809 upon the local organization for civil defense becoming an
23 accredited local organization for civil defense.

24 **24-33.5-812. [Formerly 24-32-2212] Other provisions of**
25 **agreement.** The agreement ENTERED INTO PURSUANT TO SECTION
26 24-33.5-809 may also contain any other provision not inconsistent with
27 this ~~part 22~~ PART 8 deemed necessary by the ~~division~~ OFFICE of

1 emergency management and Pinnacol Assurance for the furnishing of
2 compensation to civil defense workers and their dependents in accordance
3 with the provisions of this ~~part 22~~ PART 8 and the serving by Pinnacol
4 Assurance as adjusting agent. The agreement may be modified by action
5 of the ~~division~~ OFFICE of emergency management and Pinnacol
6 Assurance.

7 **24-33.5-813. [Formerly 24-32-2213] Power of recovery - use of**
8 **recovered amounts.** Pinnacol Assurance may, in its own name or in the
9 name of the ~~division~~ OFFICE of emergency management, or both, do any
10 and all things necessary to recover on behalf of the ~~division~~ OFFICE of
11 emergency management any and all amounts that an employer or
12 insurance carrier might recover under the provisions of section 8-41-203,
13 C.R.S. All amounts so recovered shall be used for the furnishing of
14 compensation benefits, and the agreement ENTERED INTO PURSUANT TO
15 SECTION 24-33.5-809 shall provide for the reimbursing of the Pinnacol
16 Assurance fund for expenses incurred in recovering such amounts and the
17 manner in which such amounts shall be applied to the furnishing of
18 compensation.

19 **24-33.5-814. [Formerly 24-32-2214] Federal benefits deducted.**
20 Should the United States government or any agent thereof, in accordance
21 with any federal statute or rule or regulation, furnish monetary assistance,
22 benefits, or other temporary or permanent relief to civil defense workers
23 or their dependents for injuries arising out of and occurring in the course
24 of their activities as civil defense workers, the amount of compensation
25 which any civil defense worker or such civil defense worker's dependents
26 are otherwise entitled to receive from the state of Colorado as provided
27 in this ~~part 22~~ PART 8 shall be reduced by the amount of monetary

1 assistance, benefits, or other temporary or permanent relief such civil
2 defense worker or such civil defense worker's dependents have received
3 and will receive from the United States or any agent thereof as a result of
4 the injury.

5 **24-33.5-815. [Formerly 24-32-2215] State medical aid denied**
6 **- when.** If, in addition to monetary assistance, benefits, or other
7 temporary or permanent relief, the United States government or any agent
8 thereof furnishes medical, surgical, or hospital treatment or any
9 combination thereof to an injured civil defense worker, such civil defense
10 worker has no right to receive similar medical, surgical, or hospital
11 treatment as provided in this ~~part 22~~ PART 8; except that Pinnacol
12 Assurance, as adjusting agent of the ~~division~~ OFFICE of emergency
13 management, may furnish medical, surgical, or hospital treatment as part
14 of the compensation provided under the provisions of this ~~part 22~~ PART
15 8.

16 **24-33.5-816. [Formerly 24-32-2216] Medical benefits as part of**
17 **compensation.** If, in addition to monetary assistance, benefits, or other
18 temporary or permanent relief, the United States government or any agent
19 thereof will reimburse a civil defense worker or such civil defense
20 worker's dependents for medical, surgical, or hospital treatment or any
21 combination thereof furnished to such injured civil defense worker, the
22 civil defense worker has no right to receive similar medical, surgical, or
23 hospital treatment as provided in this ~~part 22~~ PART 8; except that Pinnacol
24 Assurance, as adjusting agent of the ~~division~~ OFFICE of emergency
25 management, may furnish medical, surgical, or hospital treatment as part
26 of the compensation provided under the provisions of this ~~part 22~~ PART
27 8 and apply to the United States government or its agent for the

1 reimbursement that will be made to the civil defense worker or such civil
2 defense worker's dependents. As a condition to the furnishing of such
3 medical, surgical, or hospital treatment, Pinnacol Assurance shall require
4 the civil defense worker and such civil defense worker's dependents to
5 assign to the state of Colorado, for the purpose of reimbursing for any
6 medical, surgical, or hospital treatment furnished or to be furnished by the
7 state, any privilege or right the civil defense worker or such civil defense
8 worker's dependents may have to reimbursement from the United States
9 government or any agent thereof.

10 **24-33.5-817. [Formerly 24-32-2217] State benefits barred -**
11 **when.** If the furnishing of compensation under the provisions of this part
12 22 PART 8 and the acts referred to in this part 22 PART 8 to a civil defense
13 worker or such civil defense worker's dependents prevents such civil
14 defense worker or such civil defense worker's dependents from receiving
15 assistance, benefits, or other temporary or permanent relief under the
16 provisions of a federal statute or rule or regulation, the civil defense
17 worker and such civil defense worker's dependents have no right to and
18 shall not receive any compensation from the state of Colorado under the
19 provisions of this part 22 PART 8 and the acts referred to in this part 22
20 PART 8 for any injury for which the United States government or any
21 agent thereof will furnish assistance, benefits, or other temporary or
22 permanent relief in the absence of the furnishing of compensation by the
23 state of Colorado.

24 **24-33.5-818. [Formerly 24-32-2218] Classes of workers -**
25 **registration - duties.** The division OFFICE of emergency management
26 shall establish by rule and regulation various classes of civil defense
27 workers and the scope of the duties of each class. The division OFFICE of

1 emergency management shall also adopt rules and regulations prescribing
2 the manner in which civil defense workers of each class are to be
3 registered. All such rules and regulations shall be designed to facilitate
4 the paying of workers' compensation.

5 **24-33.5-819. [Formerly 24-32-2219] Accrediting local**
6 **organization.** Any local organization for civil defense that both agrees
7 to follow the rules and regulations established by the division OFFICE of
8 emergency management pursuant to the provisions of this part 22 PART
9 8 and substantially complies with such rules and regulations shall be
10 certified by the division OFFICE of emergency management. Upon making
11 the certification, not before, the local organization for civil defense
12 becomes an accredited local organization for civil defense.

13 **24-33.5-820. [Formerly 24-32-2220] Accredited status lost -**
14 **when.** If an accredited local organization for civil defense fails to comply
15 with the rules and regulations of the division OFFICE of emergency
16 management in any material degree, the division OFFICE of emergency
17 management may revoke the certification, and upon the act of revocation
18 the local organization for civil defense shall lose its accredited status. It
19 may again become an accredited local organization for civil defense in the
20 same manner as is provided for a local organization for civil defense that
21 has not had its certificate revoked.

22 **24-33.5-821. [Formerly 24-32-2221] Transfer of moneys.** Not
23 less often than once each ninety days, the treasurer of the state of
24 Colorado upon the written request of Pinnacol Assurance shall transfer
25 to the account of Pinnacol Assurance from the sum appropriated by the
26 general assembly for the payment of claims that may arise under this part
27 22 PART 8 such sum as may be required to reimburse Pinnacol Assurance

1 in full for any sum theretofore paid by Pinnacol Assurance on any claims
2 arising under the provisions of this part 22 PART 8, together with any
3 expense incurred by Pinnacol Assurance in adjusting same as provided in
4 this part 22 PART 8, and such amount as may be estimated by Pinnacol
5 Assurance as being necessary to carry said claims to maturity and ensure
6 the full payment thereof. The requests of Pinnacol Assurance from time
7 to time for the transfer of moneys as provided in this section shall cite this
8 part 22 PART 8 as authority for such transfer and shall be made upon such
9 form as the treasurer of the state of Colorado and the controller may
10 prescribe or, in the absence of the prescribing of special forms, upon a
11 voucher citing this part 22 PART 8 as authority.

12 **24-33.5-822. [Formerly 24-32-2222] County sheriff - local**
13 **government - local emergency planning committee - memorandum of**
14 **understanding with volunteer organizations.** (1) Any county sheriff,
15 the director of any local government, any local emergency planning
16 committee, or any state agency may develop and enter into a
17 memorandum of understanding with one or more volunteer organizations
18 to assist the county sheriff, local government, local emergency planning
19 committee, or state agency in providing services in the event of a disaster.

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

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

27 (b) The circumstances under which the volunteer organization

1 may accept or refuse the request for assistance by the county sheriff, local
2 government, local emergency planning committee, or state agency in a
3 disaster;

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

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

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

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

14 and

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

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

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

25 **24-33.5-823. [Formerly 24-32-2223] Qualified volunteer**
26 **organization list - creation - nomination of organizations. (1) Any**
27 **volunteer who is associated with a qualified volunteer organization**

1 pursuant to this section may be eligible to receive the protections and
2 benefits specified in this ~~part 22~~ PART 8 and in article 10 of this title. The
3 executive director of the department or the executive director's designee
4 shall create and maintain a list of volunteer organizations that shall be
5 known as the "qualified volunteer organization list".

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

12 **24-33.5-824. [Formerly 24-32-2224] Volunteers - provision of**
13 **emergency services - protections - benefits.** (1) A volunteer shall be
14 allowed to receive the benefits and protections specified in this ~~part 22~~
15 PART 8 and pursuant to article 10 of this title if the volunteer is
16 determined to be a qualified volunteer pursuant to this section. A
17 volunteer shall be deemed a qualified volunteer if:

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

22 (b) The volunteer organization of which the volunteer is a member
23 is included on the qualified volunteer organization list created and
24 maintained by the department pursuant to ~~section 24-32-2223~~ SECTION
25 24-33.5-823;

26 (c) The volunteer is called to service through the volunteer
27 organization under the authority of the county sheriff, local government,

1 local emergency planning committee, or state agency to volunteer in a
2 disaster; and

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

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

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

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

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

13 **24-33.5-825. [Formerly 24-32-2225] Qualified volunteers -**
14 **leave of absence - public employees.** (1) Any qualified volunteer who
15 is an officer or employee of the state or of any political subdivision,
16 municipal corporation, or other public agency of the state and who is
17 called into service by a volunteer organization is entitled to a leave of
18 absence from the qualified volunteer's employment for the time when the
19 qualified volunteer is serving, without loss of pay, seniority, status,
20 efficiency rating, vacation, sick leave, or other benefits. The leave without
21 loss of pay that is allowed pursuant to this section shall not exceed a total
22 of fifteen work days in any calendar year; except that such leave without
23 loss of pay shall be allowed only if the required volunteer service is
24 satisfactorily performed, which shall be presumed unless the contrary is
25 established.

26 (2) The leave allowed pursuant to subsection (1) of this section
27 shall be allowed only if the qualified volunteer returns to his or her public

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

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

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

18 (5) A qualified volunteer who is an officer or employee of the
19 state or of any political subdivision, municipal corporation, or other
20 public agency of the state, receiving a leave of absence pursuant to this
21 section, and having rights in any state, municipal, or other public pension,
22 retirement, or relief system shall retain all of the rights accrued up to the
23 time of taking the leave and shall have all rights subsequently accruing
24 under such system as if the qualified volunteer did not take the leave. Any
25 increase in the amount of money benefits accruing with respect to the
26 time of the leave is dependent upon the payment of any contributions or
27 assessments, and the right to the increase is dependent upon the payment

1 of contributions or assessments within a reasonable time after the
2 termination of the leave and upon such terms as the authorities in charge
3 of the system may prescribe.

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

7 (7) Notwithstanding the provisions of this section, an employer
8 shall not be required to allow leave pursuant to this section for any
9 employee designated as an essential employee. For the purposes of this
10 subsection (7), "essential employee" means an employee who the
11 employer deems to be essential to the operation of the employer's daily
12 enterprise and whose absence would likely cause the employer to suffer
13 economic injury.

14 **24-33.5-826. [Formerly 24-32-2226] Qualified volunteers -**
15 **leave of absence - private employees.** (1) Any qualified volunteer who
16 is employed by a private employer and who is called into service by a
17 volunteer organization for a disaster is entitled to a leave of absence from
18 the qualified volunteer's employment, other than employment of a
19 temporary nature, for the time when the qualified volunteer is serving.
20 The leave allowed for a qualified volunteer pursuant to this section shall
21 not exceed a total of fifteen work days in any calendar year, and the leave
22 shall be allowed only if the volunteer is called into service for a disaster
23 and provides proof that he or she is a qualified volunteer pursuant to
24 section 24-32-2224 (2) SECTION 24-33.5-824 (2).

25 (2) The leave of absence allowed pursuant to this section shall be
26 construed as an absence with leave and without pay and shall not affect
27 the qualified volunteer's rights to vacation, sick leave, bonus,

1 advancement, or other employment benefits or advantages relating to and
2 normally to be expected for the qualified volunteer's particular
3 employment.

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

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

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

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

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

1 or association shall be civilly liable, except for willful and wanton acts,
2 for the death or injury of any person or the injury to or loss of any
3 property which may occur in or on the property of such person, limited
4 liability company, partnership, corporation, or association resulting from
5 any preparation, drill, exercise, use in an official alert, or inspection
6 incidental to a civil defense activity. This exemption from liability
7 extends to any owner, tenant, lessee, assignee, or successor in interest of
8 any property used for civil defense purposes, together with his or her
9 personal representatives, heirs, successors, and assigns.

10 **24-33.5-903. [Formerly 24-32-2303] State liability.** All legal
11 liabilities for damages, not only to property under the provisions of the
12 constitution of the state of Colorado but also for death or injury to any
13 person, except a civil defense worker regularly enrolled and acting as
14 such, caused by acts done or attempted under the color of the "Colorado
15 Disaster Emergency Act", of 1992", part 21 PART 7 of this article, in a
16 bona fide attempt to comply therewith, shall be the obligation of the state
17 of Colorado. Permission is given for suits against the state for recovery
18 of compensation in that behalf, and for the indemnification of any person
19 appointed and regularly enrolled as a civilian defense worker while
20 actually engaged in civil defense duties or as a member of any agency of
21 the state or political subdivision thereof engaged in civilian defense
22 activity, or such person's dependents, as an aspect of damage done to such
23 person's private property, or judgment against such person for acts done
24 in good faith attempts in compliance with this part 23 PART 9. The
25 foregoing shall not be construed to result in indemnification in any case
26 of willful misconduct, gross negligence, or bad faith on the part of any
27 agent of civilian defense. Should the United States government or any

1 agency thereof, in accordance with any federal statute, rule, or regulation,
2 provide for the payment of damages to property or for death or injury as
3 provided for in this section, then and in that event, there shall be no
4 liability or obligation whatsoever upon the part of the state of Colorado
5 for any such damage, death, or injury for which the United States
6 government assumes liability.

7 **24-33.5-904. [Formerly 24-32-2304] Recovery for personal**
8 **injury.** (1) Recovery for the injury or death of persons appointed and
9 regularly enrolled in a civil defense organization as contemplated by the
10 "Colorado Disaster Emergency Act", of 1992", part 2† PART 7 of this
11 article, while actually engaged in civil defense duties shall be limited to
12 the provisions of the "Workers' Compensation Act of Colorado", articles
13 40 to 47 of title 8, C.R.S. If such persons are regularly employed by the
14 state of Colorado or its political subdivisions, and, if such persons are
15 volunteer civil defense workers, shall be limited as otherwise provided by
16 statute.

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

21 PART 10

22 EVACUATION OF SCHOOL

23 BUILDINGS FOR CIVIL DEFENSE

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

1 plan for the evacuation of any or all school buildings within the
2 jurisdiction of said school district.

3 **24-33.5-1002. [Formerly 24-32-2402] Evacuation drill - district**
4 **liability.** In the event that such school district and the respective local
5 civil defense agency or authorities desire to perform an evacuation drill
6 for any or all school buildings, the board of education of such school
7 district and its officers, employees, and agents participating therein shall
8 be relieved of all liability, except as otherwise provided by article 10 of
9 this title, with regard to the accidental injury of any pupil during school
10 hours from the time that the pupil leaves the school building until such
11 pupil's return to the building at the conclusion of the evacuation drill.

12 **24-33.5-1003. [Formerly 24-32-2403] Buses used.** For drill or
13 other evacuation purposes as described in this part 24 PART 10, buses and
14 such other modes of transport as are operated by the respective school
15 district for the transportation of pupils may be operated by the district
16 outside the boundaries of the district.

17 **24-33.5-1004. [Formerly 24-32-2404] Liability insurance.** For
18 purposes of this part 24 PART 10, a school district may expend available
19 funds to utilize the services of its employees or properties and may, if the
20 board of education so desires, pay premiums from available funds to
21 procure liability and property damage insurance covering such district, its
22 governing body, officers, and employees, and, if deemed necessary or
23 desirable, volunteer workers while participating in such civil defense
24 activity, but there shall be no right of contribution on the part of such
25 district to the insurance carrier.

26 **24-33.5-1005. [Formerly 24-32-2405] Extraterritorial powers.**
27 When the officers, employees, or agents of any school district

1 participating in any civil defense exercise in connection with the
2 provisions of this part 24 PART 10 are required to go beyond the territorial
3 limits of such political subdivision, such persons shall nevertheless have
4 the same powers, duties, rights, privileges, and immunities while beyond
5 the territorial limits of the school district as if they were performing their
6 duties within the territorial limits of such district.

7 PART 11

8 DISASTER RELIEF

9 24-33.5-1101. [Formerly 24-32-2501] Power to make rules. The
10 governor is authorized to make rules and regulations necessary to carry
11 out the purposes of this part 25 PART 11, including but not limited to,
12 standards of eligibility for persons applying for benefits; procedures for
13 applying and administration; methods of investigating, filing, and
14 approving applications; and formation of local or statewide boards to pass
15 upon applications and procedures for appeal.

16 24-33.5-1102. [Formerly 24-32-2502] Emergency relief. (1) In
17 an emergency, the governor may provide assistance to save lives and to
18 protect property and public health and safety.

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

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

27 (b) Assistance in the distribution of medicine, food, and other

1 consumable supplies or emergency assistance.

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

5 **24-33.5-1103. [Formerly 24-32-2503] False claims - penalties.**
6 Any person who fraudulently or willfully makes a misstatement of fact in
7 connection with an application for financial assistance under this ~~part 25~~
8 PART 11 and who thereby receives assistance to which such person is not
9 entitled commits a class 6 felony and shall be punished as provided in
10 section 18-1.3-401, C.R.S.

11 **24-33.5-1104. [Formerly 24-32-2504] Temporary housing for**
12 **disaster victims.** (1) Whenever the governor has proclaimed a disaster
13 emergency under the laws of this state or the president of the United
14 States has declared an emergency or a major disaster to exist in this state,
15 the governor is authorized:

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

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

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

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

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

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

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

16 **24-33.5-1105. [Formerly 24-32-2505] Debris removal.**

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

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

26 (b) To accept funds from the federal government and to utilize
27 such funds to make grants to any local government for the purpose of

1 removing debris or wreckage from publicly or privately owned land or
2 water.

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

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

15 **24-33.5-1106. [Formerly 24-32-2506] Grants to individuals.**

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

25 (2) Notwithstanding any other ~~provision of law or regulation~~
26 RULE, the governor is authorized to make financial grants to meet
27 disaster-related necessary expenses or serious needs of individuals or

1 families adversely affected by a major disaster which cannot otherwise
2 adequately be met from other means of assistance, which grants shall not
3 exceed five thousand dollars in the aggregate to an individual or family
4 in any single major disaster declared by the president.

5 **24-33.5-1107. [Formerly 24-32-2507] Community loans.**

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

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

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

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

1 24-33.5-1108. [Formerly 24-32-2508] Bar against suits. Except
2 in cases of willful misconduct, gross negligence, or bad faith, any state
3 employee or agent complying with orders of the governor and performing
4 duties pursuant thereto under this part 25 PART 11 shall not be liable for
5 death of or injury to persons or damage to property.

6 24-33.5-1109. [Formerly 24-32-2509] Interstate compacts. The
7 governor is authorized to enter into interstate compacts for prevention of
8 disasters and for carrying out the purposes of this part 25 PART 11.

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

11 24-33.5-1201. Division of fire safety - creation. (1) There is
12 hereby created within the office of preparedness, security, and fire safety
13 the DEPARTMENT THE division of fire safety, referred to in this part 12 as
14 the "division". The head of the division shall be IS the director of the
15 division of fire safety, referred to in this part 12 as the "director". who
16 shall be appointed by The executive director SHALL APPOINT THE
17 DIRECTOR pursuant to section 13 of article XII of the state constitution.

18 (3) (b) On and after January 1, 2010, all positions of employment
19 in the public school construction program, concerning the duties specified
20 in sections 22-32-124 and 23-71-122 (1) (v), C.R.S., in the division of oil
21 and public safety in the department of labor determined by the director of
22 the division of fire safety to be necessary to carry out the purposes of the
23 public school construction and inspection section shall be transferred to
24 the division of fire safety in the department of public safety and shall
25 become employment positions therein. The executive director shall
26 appoint such employees as are necessary to carry out the duties and
27 exercise the powers specified in sections 22-32-124 and 23-71-122 (1)

1 (v), C.R.S., and in this part 12. The executive director may delegate
2 appointing authority as appropriate.

3 (c) On and after January 1, 2010, all employees of the public
4 school construction program in the division of oil and public safety in the
5 department of labor carrying out the duties specified in sections
6 22-32-124 and 23-71-122 (1) (v), C.R.S., shall be considered employees
7 of the public school construction and inspection section in the division of
8 fire safety in the department of public safety. Such employees shall retain
9 all rights under the state personnel system and to retirement benefits
10 pursuant to the laws of this state, and their services shall be deemed to
11 have been continuous.

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

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

27 (II) THERE IS HEREBY CREATED IN THE DIVISION OF FIRE SAFETY

1 THE WILDLAND FIRE SERVICES SECTION TO IMPLEMENT THE PROVISIONS OF
2 THIS SUBSECTION (4) AND SECTIONS 24-33.5-1217 TO 24-33.5-1226. THE
3 WILDLAND FIRE SERVICES SECTION SHALL PERFORM ITS DUTIES AND
4 FUNCTIONS UNDER THE DIVISION OF FIRE SAFETY AS IF THE SAME WERE
5 TRANSFERRED BY A **TYPE 2** TRANSFER, AS SUCH TRANSFER IS DEFINED IN
6 THE "ADMINISTRATIVE ORGANIZATION ACT OF 1968", ARTICLE 1 OF THIS
7 TITLE.

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

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

25 (III) ON JULY 1, 2012, ALL MONEYS PREVIOUSLY RECEIVED OR
26 APPROPRIATED TO THE BOARD OF GOVERNORS OF THE COLORADO STATE
27 UNIVERSITY SYSTEM FOR RELATING PRINCIPALLY TO FIRE AND WILDFIRE

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

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

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

16 **24-33.5-1202. Definitions.** As used in this part 12, unless the
17 context otherwise requires:

18 (1.2) "ADVISORY BOARD" MEANS THE FIRE SERVICE TRAINING AND
19 CERTIFICATION ADVISORY BOARD CREATED IN SECTION 24-33.5-1204.

20 (3.5) "Fire department" means the duly authorized fire protection
21 organization of a town, city, county, or city and county, a fire protection
22 district, or a metropolitan district or county improvement district that
23 provides fire protection. "EMERGENCY FIRE FUND" MEANS THE
24 EMERGENCY FIRE FUND CREATED IN SECTION 24-33.5-1220 THAT WAS
25 FIRST ESTABLISHED IN 1967 WITH VOLUNTARY CONTRIBUTIONS FROM
26 COUNTIES AND THE DENVER WATER BOARD; ADMINISTERED BY A
27 NINE-PERSON COMMITTEE COMPOSED OF COUNTY COMMISSIONERS,

1 SHERIFFS, FIRE CHIEFS, AND THE DIRECTOR; AND USED FOR THE PURPOSE
2 OF PAYING COSTS INCURRED AS A RESULT OF CONTROLLING A WILDFIRE BY
3 ANY OF PARTIES CONTRIBUTING MONEYS TO THE FUND, IN ACCORDANCE
4 WITH THE INTERGOVERNMENTAL AGREEMENT FOR PARTICIPATION IN THE
5 COLORADO EMERGENCY FIRE FUND.

6 (3.7) "FIRE DEPARTMENT" MEANS THE DULY AUTHORIZED FIRE
7 PROTECTION ORGANIZATION OF A TOWN, CITY, COUNTY, OR CITY AND
8 COUNTY, A FIRE PROTECTION DISTRICT, OR A METROPOLITAN DISTRICT OR
9 COUNTY IMPROVEMENT DISTRICT THAT PROVIDES FIRE PROTECTION.

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

12 **24-33.5-1203. Duties of division.** (1) The division shall perform
13 the following duties:

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

22 (m) Administer a statewide plan for the allocation and deployment
23 of firefighting resources developed pursuant to section 24-33.5-1210 TO
24 HELP ENSURE THAT COMMUNITIES AND FIREFIGHTERS HAVE SUFFICIENT
25 RESOURCES, TECHNICAL SUPPORT, AND TRAINING TO ADEQUATELY ASSESS
26 WILDFIRE RISKS, INCREASE UPGRADES ON FEDERAL EXCESS PROPERTY FIRE
27 ENGINES ON LOAN TO LOCAL FIRE DEPARTMENTS; INCREASE TECHNICAL

1 ASSISTANCE IN WILDLAND FIRE PREPAREDNESS TO COUNTIES AND FIRE
2 PROTECTION DISTRICTS; AND, IN CONJUNCTION WITH THE WILDFIRE
3 PREPAREDNESS PLAN CREATED PURSUANT TO SECTION 23-31-309 (3) (a),
4 C.R.S., ENSURE THAT STATE FIRE-FIGHTING EQUIPMENT SUCH AS FIRE
5 ENGINES AND AIR TANKERS IS FULLY OPERATIONAL AND AVAILABLE TO
6 AND COORDINATED WITH THE EQUIPMENT CAPACITIES OF LOCAL FIRE
7 PROTECTION DISTRICTS, AND THAT PERSONNEL ARE FULLY TRAINED IN ITS
8 USE;

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

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

13 24-33.5-1204. Voluntary education and training program -
14 voluntary certification of firefighters, first responders, and
15 hazardous materials responders - advisory board. (2) (a) The advisory
16 board shall consist CONSISTS of twelve FOURTEEN members, nine ELEVEN
17 of whom shall be ARE VOTING MEMBERS appointed by the governor AS
18 FOLLOWS:

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

- 21 (A) Colorado state fire fighters association;
- 22 (B) Colorado state fire chiefs association;
- 23 (C) Colorado fire training officers association; and
- 24 (D) Colorado professional fire fighters association;

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

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

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

5 ~~(H)~~ (C) A representative of the property and casualty insurance
6 industry;

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

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

9 (F) A REPRESENTATIVE OF LOCAL LAW ENFORCEMENT; AND

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

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

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

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

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

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

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

25 (e) The governor shall initially appoint five SIX members
26 described in paragraphs PARAGRAPH (a) and (b) of this subsection (2) for
27 terms of four years each and the remaining four FIVE members for terms

1 of two years each. Thereafter, the governor shall appoint their successors
2 for terms of four years each. If any appointee vacates his or her office
3 during the term for which appointed to the advisory board, the vacancy
4 shall be filled by appointment by the governor SHALL, BY APPOINTMENT,
5 FILL THE VACANCY for the unexpired term. The advisory board shall
6 annually elect from its members a chairperson and a secretary.

7 **SECTION 15. In Colorado Revised Statutes, add with relocated**
8 **provisions 24-33.5-1217, 24-33.5-1218, 24-33.5-1219, 24-33.5-1220,**
9 **24-33.5-1221, 24-33.5-1222, 24-33.5-1223, 24-33.5-1224, 24-33.5-1225,**
10 **and 24-33.5-1226 as follows:**

11 **24-33.5-1217. [Formerly 23-31-313 (6) (a) (III)] Duties relating**
12 **to forest fires and wildfires - prescribed burning and natural ignition**
13 **fires - rules - definitions. (1) THE DIRECTOR SHALL establish training**
14 **and certification standards for users of prescribed fire in consultation with**
15 **the Colorado prescribed fire council or an analogous successor**
16 **organization. The forest service DIRECTOR may also consult with local fire**
17 **jurisdictions. Nothing in this subparagraph (III) requires a user of**
18 **prescribed fire to be certified.**

19 **(2) The standards ADOPTED UNDER THIS SECTION shall:**

20 **(A) (a) Create certified burner and noncertified burner**
21 **designations for users of prescribed fire on private and nonfederal land;**

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

25 **(C) (c) Identify processes and procedures for certified burners to**
26 **conduct a prescribed fire;**

27 **(D) (d) Recommend organizational structures for prescribed burn**

1 operations;

2 ~~(E)~~ (e) Establish training standards for certified burners; and

3 ~~(F)~~ (f) Clearly identify preexisting fees, permit requirements,
4 liabilities, liability exemptions, and penalties for prescribed burn
5 personnel and landowners, including those specified in sections 25-7-106
6 (7) and (8) and 25-7-123, C.R.S.

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

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

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

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

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

24 **24-33.5-1218 [Formerly 23-31-203] Cooperation with**
25 **governmental units.** In connection with its powers and duties concerning
26 the protection of the forest lands of the state from fire, the ~~board~~ DIVISION
27 may cooperate and coordinate with the United States forest service, the

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

12 **24-33.5-1219. [Formerly 23-31-204] Wildland fires - duty of**
13 **sheriff to report.** It is the duty of the sheriffs of the various counties of
14 the state to report as soon as practicable the occurrence of any fire in any
15 forest in the state, either on private or public lands, to the board DIVISION
16 or its authorized agent, and, upon receiving notice from any source of a
17 fire in any forest, it is the duty of the agent of the board to aid and assist
18 in controlling or extinguishing the same, if necessary.

19 **24-33.5-1220. [Formerly 23-31-303 (1)] Funds available -**
20 **emergency fire fund - creation - gifts, grants and donations**
21 **authorized.** (1) The governor's emergency fund, or other funds available
22 to the Colorado state forest service, may be used for the purpose of
23 preventing and suppressing forest and wildland fires, in accordance with
24 the provisions of part 21 of article 32 of title 24, C.R.S. PART 7 OF THIS
25 ARTICLE.

26 (2) (a) THERE IS HEREBY CREATED IN THE STATE TREASURY THE
27 EMERGENCY FIRE FUND, WHICH FUND SHALL BE ADMINISTERED BY THE

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

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

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

24 (II) THIS PARAGRAPH (c) IS REPEALED, EFFECTIVE SEPTEMBER 1,
25 2021. PRIOR TO THAT REPEAL, THE FUNCTIONS OF THE EMERGENCY FIRE
26 FUND COMMITTEE SHALL BE REVIEWED AS PROVIDED FOR IN SECTION
27 2-3-1203 (3) (hh.5), C.R.S.

1 **24-33.5-1221. [Formerly 23-31-304] State responsibility**
2 **determined.** The state forester DIRECTOR shall determine, in consultation
3 with local authorities and with the approval of the governor, geographic
4 areas of the state, including wildland-urban interface areas, in which the
5 state has a financial responsibility for managing forest and wildland fires.
6 The management of fires in all other areas is primarily the responsibility
7 of local or federal agencies, as the case may be. The state forester
8 DIRECTOR may exclude all lands owned or controlled by the federal
9 government or any agency thereof, and the state forester DIRECTOR shall
10 exclude all lands within the exterior boundaries of incorporated cities or
11 towns.

12 **24-33.5-1222. [Formerly 23-31-305] Cooperation by counties.**
13 The boards of county commissioners may, in their discretion, cooperate
14 and coordinate with the governing bodies of organized fire districts, fire
15 departments, and municipal corporations; with private parties; with other
16 counties; with the state forester DIRECTOR; with the United States
17 secretary of the interior; with the United States secretary of agriculture;
18 and with an agency of the United States government in the management
19 and prevention of forest fires. Such boards of county commissioners are
20 authorized to participate in the organization and training of rural
21 fire-fighting groups, in the payment for the operation and maintenance of
22 fire-fighting equipment, and in sharing the cost of managing fires.

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

1 24-33.5-1224. [Formerly 23-31-307] Limitation of state
2 responsibility. Nothing in this part 3 shall be construed to authorize
3 SECTIONS 24-33.5-1217 TO 24-33.5-1228 AUTHORIZES any county fire
4 warden, firefighter, or county officer to obligate the state for payment of
5 any money.

6 24-33.5-1225. [Formerly 23-31-308] Emergencies. When the
7 governor finds that conditions of extreme fire hazard exist, he or she may
8 by proclamation close such land as he or she may find to be in such
9 condition of extreme hazard to the general public and prohibit or limit
10 burning thereon to such a degree and in such ways as he or she deems
11 necessary to reduce the danger of forest fire. The governor shall declare
12 the end of any such emergency only upon a finding that the conditions of
13 extreme fire hazard no longer exist.

14 24-33.5-1226. [Formerly 23-31-309] Wildfire emergency
15 response fund - creation - gifts, grants, and donations authorized -
16 wildfire preparedness fund - creation - gifts, grants and donations
17 authorized. (1) There is hereby created in the state treasury the wildfire
18 emergency response fund, which shall be administered by the Colorado
19 state forest service DIVISION. The Colorado state forest service DIVISION
20 is authorized to seek and accept gifts, grants, reimbursements, or
21 donations from private or public sources for the purposes of this section.
22 The fund shall consist CONSISTS of all moneys that may be appropriated
23 thereto by the general assembly and all private and public funds received
24 through gifts, grants, reimbursements, or donations that are transmitted
25 to the state treasurer and credited to the fund. All interest earned from the
26 investment of moneys in the fund shall be credited to the fund. The
27 moneys in the fund are hereby continuously appropriated for the purposes

1 indicated in this section. Any moneys not expended at the end of the
2 fiscal year shall remain in the fund and shall not be transferred to or revert
3 to the general fund.

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

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

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

15 (3) (a) To effectively implement the provisions of this section and
16 to provide recommendations to the governor related to use of the disaster
17 emergency fund pursuant to section 24-32-2106, C.R.S., SECTION
18 24-33.5-706, C.R.S., and the wildfire preparedness fund created in
19 subsection (4) of this section, the state forester DIRECTOR, a representative
20 of the county sheriffs of Colorado, a representative of the Colorado state
21 fire chiefs' association, the director of the ~~division~~ OFFICE of emergency
22 management CREATED IN PART 7 OF THIS ARTICLE, and the adjutant
23 general or his or her designee shall collaborate to develop a wildfire
24 preparedness plan designed to address the following:

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

27 (II) The availability of appropriate aerial firefighting equipment

1 and personnel at times of high fire risk to respond to a wildfire;

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

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

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

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

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

24 (4) (a) There is hereby created in the state treasury the wildfire
25 preparedness fund. The fund shall consist CONSISTS of all moneys that
26 may be appropriated thereto by the general assembly, all private and
27 public moneys received through gifts, grants, reimbursements, or

1 donations that are transmitted to the state treasurer and credited to the
2 fund, and all moneys transferred to the fund pursuant to section
3 34-63-102 (5) (a) (I), C.R.S. All interest earned from the investment of
4 moneys in the fund shall be credited to the fund. The moneys in the fund
5 are hereby continuously appropriated for the purposes indicated in this
6 subsection (4). Any moneys not expended at the end of the fiscal year
7 shall remain in the fund and shall not be transferred to or revert to the
8 general fund.

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

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

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

25 (6) (5) Procedures governing the development, adoption, or
26 implementation of community wildfire protection plans by county
27 governments are specified in section 30-15-401.7, C.R.S. Nothing in this

1 section shall be construed to affect the provisions of section 30-15-401.7,
2 C.R.S.

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

6 PART 15

7 COLORADO EMERGENCY PLANNING COMMISSION

8 **24-33.5-1501. [Formerly 24-32-2601] Implementation of Title**
9 **III of superfund act.** (1) The general assembly hereby finds and declares
10 that the implementation of the federal "Emergency Planning and
11 Community Right-to-Know Act of 1986", 42 U.S.C. sec. 11001 et seq.,
12 Title III of the federal "Superfund Amendments and Reauthorization Act
13 of 1986", Pub.L. 99-499, is a matter of statewide concern.

14 (2) ~~The department of local affairs~~ PUBLIC SAFETY is the state
15 agency responsible for the implementation of the federal "Emergency
16 Planning and Community Right-to-Know Act of 1986", 42 U.S.C. sec.
17 11001 et seq., Title III of the federal "Superfund Amendments and
18 Reauthorization Act of 1986", Pub.L. 99-499, and regulations thereunder,
19 as amended.

20 **24-33.5-1502. [Formerly 24-32-2602] Definitions.** All terms used
21 in this ~~part 26 shall~~ PART 15 have the same meaning as defined under the
22 federal "Emergency Planning and Community Right-to-Know Act of
23 1986", 42 U.S.C. sec. 11001 et seq., Pub.L. 99-499, and regulations
24 thereunder, referred to in this ~~part 26~~ PART 15 as the "federal act".

25 **24-33.5-1503. [Formerly 24-32-2603] Colorado emergency**
26 **planning commission - creation - duties.** (1) (a) (I) There is hereby
27 created in the department of ~~local affairs~~ PUBLIC SAFETY the Colorado

1 emergency planning commission, which shall exercise its powers and
2 perform its duties and functions under the department of local affairs as
3 if the same were transferred to the department by a **type 2** transfer. **except**
4 that the commission shall have full authority to promulgate rules and
5 regulations related to the administration of this part 26.

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

8 (B) Five of the twelve members shall be the following
9 representatives of state government or their designees: The director of the
10 division of fire safety in the office of preparedness, security, and fire
11 safety in the department of public safety, the director of the division of
12 local government in the department of local affairs, the director of the
13 division OFFICE of emergency management in the DIVISION OF HOMELAND
14 SECURITY AND EMERGENCY MANAGEMENT IN THE department of local
15 affairs PUBLIC SAFETY, who shall be a cochairperson, the director of the
16 division in the department of public health and environment responsible
17 for hazardous materials and waste management, who shall also be a
18 cochairperson, and a representative of the Colorado state patrol in the
19 department of public safety.

20 (B) The remaining seven members of the commission shall be
21 appointed by the governor for two-year terms. Of those seven members,
22 two shall represent local governments, two shall be from either public
23 interest groups or community groups, one shall represent a local
24 emergency planning committee, and two shall represent affected
25 industries.

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

27 (b) The members of the Colorado emergency planning

1 commission, as such existed prior to March 12, 1992, shall become ON
2 JUNE 30, 2012, ARE the initial members of the commission on March 12,
3 1992 JULY 1, 2012.

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

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

10 **24-33.5-1503.5.[Formerly 24-32-2603.5] Powers and duties of**
11 **the commission - intent.** (1) It is the intent of the general assembly that
12 the commission promulgate rules and regulations pursuant to this part 26
13 PART 15 that encourage:

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

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

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

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

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

27 (c) To create and adopt such forms as are necessary for the

1 uniform reporting and management of information required by the federal
2 act, including: but not limited to, the following:

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

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

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

15 **24-33.5-1504. [Formerly 24-32-2604] Local emergency**
16 **planning committees - creation and duties.** (1) The commission shall
17 designate local emergency planning districts to develop emergency
18 response and preparedness capabilities in accordance with the federal act.
19 The boundaries of such districts shall be the same as the boundaries of
20 either a county, municipality, or a combination thereof.

21 (2) Upon the request of the commission, the primary governing
22 body having jurisdiction over the local emergency planning district, the
23 county commissioners, or the city council, as the case may be, shall
24 provide nominations for membership on the local emergency planning
25 committee. The commission shall appoint members of a local emergency
26 planning committee for each emergency planning district in accordance
27 with the federal act. For local emergency planning districts for which no

1 nominations have been submitted by the governing body, the commission
2 may designate either the county commissioners or city council, as the case
3 may be, to serve as the local emergency planning committee.

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

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

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

26 ~~(1.7)~~ (2) (a) No state commission or agency or county or
27 municipal agency, including local emergency planning committees,

1 incident management teams, citizen corps councils, citizen emergency
2 response teams, medical reserve corps, fire protection districts, and
3 volunteer fire, ambulance, or emergency service and rescue groups, nor
4 their officers, officials, directors, employees, trainees, or volunteers, when
5 engaged in planning, training, or response activities regarding a natural
6 disaster, hazardous material release, public health emergency, or act of
7 terrorism or the threat of any such disaster, release, emergency, or act,
8 shall be liable for the death of or injury to any person or for the loss of or
9 damage to property or the environment except for gross negligence or
10 willful and wanton acts or omissions.

11 (b) Notwithstanding paragraph (a) of this subsection (1.7)
12 SUBSECTION (2), a plaintiff may sue and recover civil damages from a
13 person or entity specified in said paragraph (a) based upon a negligent act
14 or omission involving the operation of a motor vehicle; except that the
15 amount recovered from such person or entity shall not exceed the limits
16 of applicable insurance coverage maintained by or on behalf of such
17 person or entity with respect to the negligent operation of a motor vehicle
18 in such circumstances. However, nothing in this section shall be
19 construed to limit the right of a plaintiff to recover from a policy of
20 uninsured or underinsured motorist coverage available to the plaintiff as
21 a result of a motor vehicle accident.

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

1 ~~(2)~~ (3) No member of the commission or any local emergency
2 planning committee shall be liable for the death of or any injury to
3 persons or loss or damage to property or the environment or any civil
4 damages resulting from any act or omission arising out of the
5 performance of the functions, duties, and responsibilities of the
6 commission or local emergency planning committee, except for acts or
7 omissions which constitute willful misconduct.

8 ~~(3)~~ (4) Nothing in this section shall be construed to abrogate or
9 limit ABROGATES OR LIMITS the immunity or exemption from civil liability
10 of any agency, entity, or person under any statute, including the
11 "Colorado Governmental Immunity Act", article 10 of this title, or section
12 13-21-108.5, C.R.S.

13 **24-33.5-1506. [Formerly 24-32-2606] SARA Title III fund -**
14 **creation - acceptance of gifts, grants, and donations.** (1) There is
15 hereby created in the state treasury a fund to be known as the SARA Title
16 III fund, ALSO REFERRED TO IN THIS PART 15 AS THE "FUND", which shall
17 be administered by the commission. The moneys in the fund shall be ARE
18 subject to annual appropriation by the general assembly for the purposes
19 of this part 26 PART 15, including but not limited to, the disbursement of
20 grants pursuant to section 24-32-2607 SECTION 24-33.5-1507.

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

27 (3) In accordance with section 24-36-114, all interest derived from

1 the deposit and investment of this fund shall be credited to the general
2 fund.

3 **24-33.5-1507. [Formerly 24-32-2607] Application for grants -**
4 **disbursements from fund - regulations.** (1) The department of local
5 affairs PUBLIC SAFETY shall administer all grants from the fund. The
6 department of local affairs shall accept applications from local emergency
7 planning committees and from first responder organizations who have
8 coordinated their request with their local emergency planning committee
9 and shall direct those applications to the commission. The commission
10 shall evaluate the applications and shall recommend to the department of
11 local affairs which grants should be made for the purposes of emergency
12 planning and emergency response, including but not limited to, training
13 and planning programs and training and planning equipment as needed to
14 carry out the purposes of this part 26 PART 15.

15 (2) The commission shall promulgate rules and regulations
16 prescribing the procedures to be followed in the making, filing, and
17 evaluation of grant applications, and any other regulations necessary for
18 administering the SARA Title III fund.

19 **SECTION 17.** In Colorado Revised Statutes, 24-33.5-1601,
20 **amend** (1) (e); and **add** (1) (f) and (1) (g) as follows:

21 **24-33.5-1601. Legislative declaration.** (1) The general assembly
22 hereby finds and declares that:

23 (e) An agency should be established in the state government to
24 coordinate Colorado's response to the threat of terrorism IN 2005,
25 HURRICANE KATRINA EMPHASIZED AND REINFORCED THE IMPORTANCE OF
26 ROBUST EMERGENCY MANAGEMENT SYSTEMS AND THE NEED FOR AN
27 ALL-HAZARDS APPROACH TO HOMELAND SECURITY, INCREASED

1 AUTONOMY, AND RESPONSIBILITY FOR EMERGENCY MANAGEMENT;
2 (f) COORDINATION ACROSS DISCIPLINES, AMONG LEVELS OF
3 GOVERNMENT, AND WITH PRIVATE AND NONGOVERNMENTAL SECTORS IS
4 THE BEST WAY TO ENSURE THAT GOVERNMENT CAN DELIVER, TO THE BEST
5 OF ITS COLLECTIVE ABILITY, THE MOST EFFECTIVE AND EFFICIENT
6 SERVICES REGARDLESS OF THE CAUSE OF ANY DISASTER;

7 (g) A STATE AGENCY SHOULD BE ESTABLISHED TO COORDINATE
8 COLORADO'S RESPONSE TO THE THREAT OF TERRORISM AND OTHER
9 THREATS; FACILITATE TRIBAL, STATE, LOCAL, AND REGIONAL HOMELAND
10 SECURITY ACTIVITIES; DIRECT HOMELAND SECURITY-RELATED FEDERAL
11 FUNDING TO LOCAL GOVERNMENTS; AND SHARE HOMELAND SECURITY
12 INFORMATION AMONG ENTITIES PARTICIPATING IN HOMELAND SECURITY
13 ACTIVITIES.

14 **SECTION 18.** In Colorado Revised Statutes, 24-33.5-1602,
15 **amend** (4), (5), and (6); and **add** (7), (8), (9), (10), and (11) as follows:

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

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

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

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

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

5 (8) "FUSION CENTER" MEANS THE PROGRAM ADMINISTERED BY THE
6 OFFICE OF PREVENTION AND SECURITY, CREATED IN SECTION
7 24-33.5-1606, THAT SERVES AS THE PRIMARY FOCAL POINT WITHIN THE
8 STATE FOR RECEIVING, ANALYZING, GATHERING, AND SHARING
9 THREAT-RELATED INFORMATION AMONG FEDERAL, STATE, LOCAL, TRIBAL,
10 NONGOVERNMENTAL, AND PRIVATE SECTOR PARTNERS.

11 (9) "HOMELAND SECURITY ADVISOR" MEANS A PERSON APPOINTED
12 BY THE GOVERNOR TO SERVE AS COUNSEL TO THE GOVERNOR ON
13 HOMELAND SECURITY ISSUES AND WHO MAY ALSO SERVE AS A LIAISON
14 BETWEEN THE GOVERNOR'S OFFICE, THE DEPARTMENT OF HOMELAND
15 SECURITY, AND OTHER HOMELAND SECURITY AND RELATED
16 ORGANIZATIONS BOTH INSIDE AND OUTSIDE OF THE STATE.

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

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

22 **SECTION 19.** In Colorado Revised Statutes, **amend**
23 24-33.5-1603 as follows:

24 **24-33.5-1603. Division of homeland security and emergency**
25 **management - creation - director.** (1) There is hereby created within
26 the department an office of preparedness, security, and fire safety ~~THE~~
27 ~~DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT, the~~

1 head of which shall be IS the director of the office of preparedness,
2 security, and fire safety, which office is hereby created DIVISION. The
3 EXECUTIVE DIRECTOR SHALL APPOINT THE director of the office of
4 preparedness, security, and fire safety, referred to in this part 16 as the
5 "director", shall be appointed by the executive director pursuant to section
6 13 of article XII of the state constitution.

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

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

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

15 (c) THE OFFICE OF PREPAREDNESS, CREATED IN SECTION
16 24-33.5-1606.5.

17 **SECTION 20.** In Colorado Revised Statutes, 24-33.5-1604,
18 amend (1) introductory portion, (1) (b), (2) (a) introductory portion, (2)
19 (b), (3), and (4); and add (5) as follows:

20 **24-33.5-1604. Duties and powers of the division.** (1) The office
21 of preparedness, security, and fire safety shall have DIVISION HAS the
22 following duties and powers:

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

26 (2) (a) Within twelve months after June 3, 2002, The office of
27 preparedness, security, and fire safety DIVISION shall create and

1 implement terrorism preparedness plans. Such THE plans shall include the
2 following:

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

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

11 (3) (a) The office of preparedness, security, and fire safety
12 DIVISION shall provide advice, assistance, and training to state and local
13 government agencies in the development and implementation of terrorism
14 preparedness plans and in conducting periodic exercises related to such
15 THE plans.

16 (b) The office of preparedness, security, and fire safety DIVISION
17 shall provide oversight of terrorism preparedness plans developed and
18 implemented by state and local government agencies. Such THE oversight
19 shall DOES not usurp the authority of state and local government agencies,
20 but shall WILL only provide peer review and comment IN ORDER to
21 promote standardized methods of operation and to facilitate integration
22 with plans adopted by other state and local government agencies
23 throughout the state.

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

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

1 may distribute to local government agencies any federal or other funds
2 that may become available for distribution.

3 (5) THE DIVISION SHALL ALSO:

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

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

9 (c) DEVELOP AND UPDATE A STATE STRATEGY FOR HOMELAND
10 SECURITY;

11 (d) FACILITATE, COORDINATE, AND CONDUCT CAPABILITIES
12 ASSESSMENTS AS NECESSARY;

13 (e) FACILITATE IMPROVEMENTS IN OVERALL PREPAREDNESS BY
14 DEVELOPING COORDINATING MECHANISMS AMONG COLORADO'S
15 EMERGENCY MANAGEMENT, HOMELAND SECURITY, PUBLIC SAFETY, AND
16 PUBLIC HEALTH AGENCIES IN ORDER TO DELIVER THE CAPABILITIES
17 NECESSARY FOR ALL DOMESTIC DISASTERS, WHETHER NATURAL OR
18 MAN-MADE, INCLUDING ACTS OF TERROR;

19 (f) ENSURE THAT ITS PLANNING EFFORTS ARE CONSISTENT WITH
20 THE REQUIREMENTS OF THE STATE EMERGENCY OPERATIONS PLAN; AND

21 (g) COORDINATE PROTECTION ACTIVITIES AMONG OWNERS AND
22 OPERATORS OF CRITICAL INFRASTRUCTURE AND OTHER TRIBAL, STATE,
23 LOCAL, REGIONAL, AND FEDERAL AGENCIES IN ORDER TO HELP SECURE
24 AND PROTECT CRITICAL INFRASTRUCTURE WITHIN THE STATE.

25 **SECTION 21.** In Colorado Revised Statutes, 24-33.5-1605,
26 **amend** (1) introductory portion, (2), (3), and (4) as follows:

27 **24-33.5-1605. Director - duties and powers - rules.** (1) The

1 director of the office of preparedness, security, and fire safety shall
2 perform duties in connection with:

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

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

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

18 SECTION 22. In Colorado Revised Statutes, amend
19 24-33.5-1606 as follows:

20 **24-33.5-1606. Office of prevention and security - creation -**
21 **duties.** (1) There is hereby created within the office of preparedness,
22 security, and fire safety DIVISION an office of anti-terrorism planning and
23 training PREVENTION AND SECURITY, the head of which shall be IS the
24 manager of anti-terrorism planning and training, which office is hereby
25 created THE OFFICE OF PREVENTION AND SECURITY. The manager of
26 anti-terrorism planning and training shall be appointed by the executive
27 director SHALL APPOINT THE MANAGER OF THE OFFICE OF PREVENTION AND

1 SECURITY pursuant to section 13 of article XII of the state constitution.

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

4 (a) ENHANCING INTERAGENCY COOPERATION THROUGH
5 INFORMATION SHARING;

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

7 (c) DEVELOPING AND MAINTAINING, THROUGH COOPERATION WITH
8 OTHER TRIBAL, STATE, LOCAL, REGIONAL, AND FEDERAL AGENCIES, A
9 STANDARDIZED CRISIS COMMUNICATION AND INFORMATION-SHARING
10 PROCESS.

11 **SECTION 23. In Colorado Revised Statutes, add with amended**
12 **and relocated provisions 24-33.5-1606.5 as follows:**

13 **24-33.5-1606.5. Office of preparedness - creation - duties -**
14 **posting of notice of NIMS classes - definition. (1) THERE IS HEREBY**
15 **CREATED WITHIN THE DIVISION THE OFFICE OF PREPAREDNESS, THE HEAD**
16 **OF WHICH IS THE MANAGER OF THE OFFICE OF PREPAREDNESS. THE**
17 **EXECUTIVE DIRECTOR SHALL APPOINT THE MANAGER OF THE OFFICE OF**
18 **PREPAREDNESS PURSUANT TO SECTION 13 OF ARTICLE XII OF THE STATE**
19 **CONSTITUTION. THE OFFICE OF PREPAREDNESS IS RESPONSIBLE FOR**
20 **CREATING AND IMPLEMENTING A STATE PREPAREDNESS GOAL AND SYSTEM**
21 **TO IMPROVE STATE CAPABILITIES TO PREVENT, MITIGATE THE EFFECTS OF,**
22 **RESPOND TO, AND RECOVER FROM THREATS TO COLORADO.**

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

24 (a) IMPROVING COMMUNITY PREPAREDNESS AND CITIZEN
25 INVOLVEMENT THROUGH EXTERNAL OUTREACH;

26 (b) IDENTIFYING AND REDUCING DUPLICATIVE HOMELAND
27 SECURITY-RELATED TRAINING NEEDS AND EFFORTS, COORDINATING

1 HOMELAND SECURITY-RELATED TRAINING AMONG TRIBAL, STATE, LOCAL,
2 AND REGIONAL AGENCIES, AND CREATING A SINGLE TRAINING AND
3 EXERCISE CALENDAR WITH IDENTIFIED POINTS OF CONTACT THAT IS
4 ACCESSIBLE VIA THE INTERNET;

5 (c) COORDINATING AND UPDATING HOMELAND SECURITY PLANS;

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

8 (e) ADMINISTERING FEDERAL HOMELAND SECURITY GRANTS, IN
9 ACCORDANCE WITH SUBSECTION (3) OF THIS SECTION, PROVIDING
10 TECHNICAL ASSISTANCE TO GRANTEEES, AND COORDINATING GRANT
11 FUNDING OPPORTUNITIES WITH OTHER STATE AGENCIES.

12 (3) (a) UNLESS OTHERWISE AUTHORIZED UNDER THIS ARTICLE
13 33.5, THE GRANT PROGRAMS FOR WHICH THE OFFICE OF PREPAREDNESS
14 HAS AUTHORITY TO ADMINISTER ARE LIMITED TO:

15 (I) THE STATE HOMELAND SECURITY PROGRAM, OR ITS SUCCESSOR
16 PROGRAM;

17 (II) THE DENVER URBAN AREAS SECURITY INITIATIVE, OR ITS
18 SUCCESSOR PROGRAM;

19 (III) THE METROPOLITAN MEDICAL RESPONSE SYSTEM, OR ITS
20 SUCCESSOR PROGRAM;

21 (IV) THE CITIZENS CORP PROGRAM, OR ITS SUCCESSOR PROGRAM;

22 (V) THE URBAN AREAS SECURITY INITIATIVE NONPROFIT SECURITY
23 GRANT PROGRAM, OR ITS SUCCESSOR PROGRAM;

24 (VI) THE BUFFER ZONE PROTECTION PROGRAM, OR ITS SUCCESSOR
25 PROGRAM; AND

26 (VII) THE INTEROPERABLE EMERGENCY COMMUNICATIONS GRANT
27 PROGRAM, OR ITS SUCCESSOR PROGRAM.

1 (b) AS USED IN THIS SUBSECTION (3), "SUCCESSOR PROGRAM"
2 MEANS A FEDERAL HOMELAND SECURITY GRANT PROGRAM THAT THE
3 MANAGER OF THE OFFICE OF PREPAREDNESS REASONABLY DETERMINES IS
4 SIMILAR IN PURPOSE AND SCOPE TO ITS PREDECESSOR PROGRAM,
5 REGARDLESS OF THE PARTICULAR NAME OF THE SUCCESSOR PROGRAM.

6 (4) [Formerly 24-33.5-110] The department OFFICE OF
7 PREPAREDNESS shall place on its web site a description of the national
8 incident management system, developed by the federal emergency
9 management agency and referred to in this section as "NIMS", and a
10 listing, with any applicable links, of on-line courses required to become
11 NIMS-certified and courses related to NIMS at institutions within the
12 state system of community and technical colleges.

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

15 **24-33.5-1610. Compliance with standards.** (2) (b) If adequate
16 funding is not available to fund compliance with any such rule by a state
17 department or agency, the department or agency shall take appropriate
18 measures to provide alternate interim solutions to protect the safety and
19 security of persons and property and to ensure the continuity of the
20 department or agency's critical functions during a state of emergency.
21 Any alternate interim solution shall be approved by the office of
22 preparedness, security, and fire safety DIVISION.

23 **SECTION 25.** In Colorado Revised Statutes, **amend**
24 24-33.5-1611 as follows:

25 **24-33.5-1611. Assistance to state agencies - security**
26 **assessment.** (1) Upon request FROM ANY STATE AGENCY, the office of
27 preparedness, security, and fire safety DIVISION shall provide advice and

1 assistance to any state department or THE agency related to its THE
2 AGENCY'S compliance with rules adopted pursuant to sections
3 24-33.5-1608 and 24-33.5-1609.

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

7 **SECTION 26.** In Colorado Revised Statutes, amend
8 24-33.5-1612 as follows:

9 **24-33.5-1612. Cooperation from other state agencies.** (1) Upon
10 request, other agencies of state government, including but not limited to,
11 the department of personnel and the department of local affairs, shall
12 provide advice and assistance to the office of preparedness, security, and
13 fire safety DIVISION related to rules adopted pursuant to section
14 24-33.5-1608 or 24-33.5-1609.

15 (2) EXECUTIVE DEPARTMENTS AND AGENCIES OF STATE
16 GOVERNMENT SHALL COORDINATE THEIR HOMELAND SECURITY EFFORTS
17 THROUGH THE DIVISION AS NECESSARY.

18 **SECTION 27.** In Colorado Revised Statutes, add 24-33.5-1614
19 as follows:

20 **24-33.5-1614. Homeland security and all-hazards senior**
21 **advisory committee - creation - composition - duties - repeal.** (1) TO
22 HELP DEVELOP AND GUIDE THE DIVISION'S EFFORTS AND ADVISE THE
23 HOMELAND SECURITY ADVISOR, THERE IS HEREBY CREATED THE
24 HOMELAND SECURITY AND ALL-HAZARDS SENIOR ADVISORY COMMITTEE,
25 REFERRED TO IN THIS SECTION AS THE "ADVISORY COMMITTEE". THE
26 ADVISORY COMMITTEE SHALL ASSIST THE STATE IN BECOMING BETTER
27 ABLE TO PREDICT, PREVENT, MITIGATE THE EFFECTS OF, RESPOND TO, AND

1 RECOVER FROM THOSE THREATS POSING THE GREATEST RISK TO
2 COLORADO.

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

6 (I) THE EXECUTIVE DIRECTOR, WHO IS THE CHAIR OF THE
7 ADVISORY COMMITTEE;

8 (II) THE DIRECTOR OF THE DIVISION OF FIRE SAFETY CREATED IN
9 PART 12 OF THIS ARTICLE, OR HIS OR HER DESIGNEE;

10 (III) ONE MEMBER WITH SPECIALIZED KNOWLEDGE IN EMERGENCY
11 MANAGEMENT WHO REPRESENTS THE DEPARTMENT OF LOCAL AFFAIRS,
12 CREATED IN SECTION 24-1-125, TO BE APPOINTED BY THE EXECUTIVE
13 DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS;

14 (IV) ONE MEMBER WITH SPECIALIZED KNOWLEDGE IN EMERGENCY
15 PREPAREDNESS AND RESPONSE WHO REPRESENTS THE DEPARTMENT OF
16 PUBLIC HEALTH AND ENVIRONMENT, CREATED IN SECTION 25-1-102,
17 C.R.S., TO BE APPOINTED BY THE EXECUTIVE DIRECTOR OF THE
18 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT;

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

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

27 (VII) THE CHIEF OF THE COLORADO STATE PATROL APPOINTED

1 PURSUANT TO SECTION 24-33.5-205, OR HIS OR HER DESIGNEE;
2 (VIII) THE FOLLOWING FOURTEEN MEMBERS, TO BE APPOINTED BY
3 THE EXECUTIVE DIRECTOR IN CONSULTATION WITH THE ADJUTANT
4 GENERAL OF THE DEPARTMENT OF MILITARY AND VETERANS AFFAIRS AND
5 THE EXECUTIVE DIRECTORS OF THE DEPARTMENT OF LOCAL AFFAIRS AND
6 THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT:
7 (A) A REPRESENTATIVE OF COLORADO COUNTIES, INCORPORATED,
8 OR ITS SUCCESSOR ENTITY;
9 (B) A REPRESENTATIVE OF THE COLORADO EMERGENCY
10 MANAGEMENT ASSOCIATION, OR ITS SUCCESSOR ENTITY;
11 (C) A REPRESENTATIVE OF PRIVATE INDUSTRY;
12 (D) A REPRESENTATIVE OF THE COLORADO MUNICIPAL LEAGUE, OR
13 ITS SUCCESSOR ENTITY;
14 (E) A REPRESENTATIVE OF THE COUNTY SHERIFFS OF COLORADO,
15 INCORPORATED, OR A SUCCESSOR SHERIFFS' ORGANIZATION;
16 (F) A REPRESENTATIVE OF THE EMERGENCY MEDICAL SERVICES
17 ASSOCIATION OF COLORADO, OR ITS SUCCESSOR ORGANIZATION;
18 (G) A REPRESENTATIVE OF THE COLORADO STATE FIRE CHIEFS'
19 ASSOCIATION, OR ITS SUCCESSOR ORGANIZATION;
20 (H) A REPRESENTATIVE OF THE COLORADO ASSOCIATION OF
21 CHIEFS OF POLICE, OR ITS SUCCESSOR ORGANIZATION;
22 (I) A REPRESENTATIVE OF TRIBAL GOVERNMENT;
23 (J) A REPRESENTATIVE OF COLORADO VOLUNTARY
24 ORGANIZATIONS ACTIVE IN DISASTER;
25 (K) A REGIONAL STATE HOMELAND SECURITY COORDINATOR,
26 REPRESENTING AN ALL-HAZARDS EMERGENCY MANAGEMENT REGION
27 ESTABLISHED BY EXECUTIVE ORDER OF THE GOVERNOR;

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

3 (M) A REPRESENTATIVE FROM THE STATE ALL-HAZARDS ADVISORY
4 COMMITTEE FORMED UNDER THE DEPARTMENT, OR ANY SUCCESSOR
5 ENTITY; AND

6 (N) A REPRESENTATIVE OF THE DENVER URBAN AREA SECURITY
7 INITIATIVE, AS RECOGNIZED BY THE UNITED STATES DEPARTMENT OF
8 HOMELAND SECURITY.

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

11 (I) APPROVAL BY THE EXECUTIVE DIRECTOR; AND

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

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

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

20 (II) ONE-HALF OF THE INITIAL MEMBERS OF THE ADVISORY
21 COMMITTEE SHALL BE APPOINTED TO ONE-YEAR TERMS, AND THE OTHER
22 HALF OF THE INITIAL MEMBERS SHALL BE APPOINTED TO TWO-YEAR TERMS.

23 (e) IF A MEMBER OF THE ADVISORY COMMITTEE APPOINTED UNDER
24 PARAGRAPH (a) OF THIS SUBSECTION (2) VACATES HIS OR HER OFFICE PRIOR
25 TO THE EXPIRATION OF HIS OR HER TERM, THE EXECUTIVE DIRECTOR OR,
26 FOR THOSE MEMBERS DESCRIBED UNDER SUBPARAGRAPH (VII) OF
27 PARAGRAPH (a) OF THIS SUBSECTION (2), THE APPROPRIATE APPOINTING

1 AUTHORITY SHALL FILL THE VACANCY BY APPOINTMENT FOR THE
2 UNEXPIRED TERM.

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

5 (B) ADVISORY COMMITTEE MEMBERS MAY ATTEND MEETINGS AND
6 VOTE VIA TELECONFERENCE.

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

9 (III) THE MEMBERS OF THE ADVISORY COMMITTEE SHALL RECEIVE
10 NO COMPENSATION.

11 (3) THE ADVISORY COMMITTEE SHALL:

12 (a) PROVIDE POLICY GUIDANCE TO THE DIVISION;

13 (b) ANNUALLY REVIEW THE STATE STRATEGY FOR HOMELAND
14 SECURITY DEVELOPED BY THE DIVISION PURSUANT TO SECTION
15 24-33.5-1604 (2) (a) (VII) AND MAKE RECOMMENDATIONS ON THE
16 STRATEGY'S GOALS, POLICIES, AND PRIORITIES;

17 (c) ADVISE THE GOVERNOR, THROUGH HIS OR HER HOMELAND
18 SECURITY ADVISOR, REGARDING THE PLANNING AND IMPLEMENTATION OF
19 TASKS AND OBJECTIVES TO ACHIEVE GOALS CONTAINED IN THE COLORADO
20 HOMELAND SECURITY STRATEGY;

21 (d) REVIEW HOMELAND SECURITY GRANT APPLICATIONS AND
22 MAKE RECOMMENDATIONS TO THE HOMELAND SECURITY ADVISOR
23 REGARDING GRANT DISTRIBUTIONS;

24 (e) IDENTIFY OPPORTUNITIES TO CONSOLIDATE EXISTING
25 STATE-LEVEL ADVISORY BOARDS, WHILE ENSURING THAT LOCAL AND
26 TRIBAL ENTITIES HAVE LATITUDE IN DETERMINING THEIR NEEDS IN
27 PROGRAM AREAS; AND

1 (f) ESTABLISH SUBCOMMITTEES, AS NECESSARY, THAT FOCUS ON
2 SPECIFIC ISSUES OR SUBJECT MATTERS AND MAKE RECOMMENDATIONS TO
3 THE FULL ADVISORY COMMITTEE. THE EXECUTIVE DIRECTOR SHALL
4 SELECT THE CHAIRPERSONS FOR ANY SUBCOMMITTEES AS WELL AS THE
5 ADVISORY COMMITTEE MEMBERS TO SERVE ON THE SUBCOMMITTEES. THE
6 CHAIRPERSON OF A SUBCOMMITTEE MAY SELECT NONADVISORY
7 COMMITTEE MEMBERS FROM INTERESTED MEMBERS OF THE COMMUNITY
8 TO SERVE ON THE SUBCOMMITTEE. EACH SUBCOMMITTEE SHALL MAKE
9 FINDINGS AND RECOMMENDATIONS FOR CONSIDERATION BY THE FULL
10 ADVISORY COMMITTEE. NONADVISORY COMMITTEE MEMBERS OF A
11 SUBCOMMITTEE SERVE WITHOUT COMPENSATION AND WITHOUT
12 REIMBURSEMENT FOR EXPENSES.

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

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

17 **SECTION 28.** In Colorado Revised Statutes, **add 24-33.5-1615**
18 as follows:

19 **24-33.5-1615. Report - repeal.** (1) NOTWITHSTANDING SECTION
20 24-1-136 (11) (a), ON OR BEFORE FEBRUARY 1, 2013, AND ON OR BEFORE
21 EACH FEBRUARY 1 THEREAFTER, THE DEPARTMENT SHALL SUBMIT AN
22 ANNUAL REPORT TO THE GENERAL ASSEMBLY DESCRIBING ANY CHANGES,
23 ISSUES, PROBLEMS, AND EFFICIENCIES REALIZED AS A RESULT OF THE
24 CREATION OF THE DIVISION.

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

26 **SECTION 29.** In Colorado Revised Statutes, 2-3-1203, **add (3)**
27 (hh.5) as follows:

1 **2-3-1203. Sunset review of advisory committees.** (3) The
2 following dates are the dates for which the statutory authorization for the
3 designated advisory committees is scheduled for repeal:

4 (hh.5) SEPTEMBER 1, 2021:

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

8 (II) THE EMERGENCY FIRE FUND COMMITTEE CREATED IN SECTION
9 24-33.5-1220 (3), C.R.S.:

10 **SECTION 30.** In Colorado Revised Statutes, 2-3-1502, **repeal**
11 (4); and add (8.5) as follows:

12 **2-3-1502. Definitions.** As used in this part 15, unless the context
13 otherwise requires:

14 (4) "Division" means the division of emergency management in
15 the department of local affairs created in section 24-32-2105, C.R.S.

16 (8.5) "OFFICE" MEANS THE OFFICE OF EMERGENCY MANAGEMENT
17 IN THE DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT
18 IN THE DEPARTMENT OF PUBLIC SAFETY CREATED IN SECTION 24-33.5-705,
19 C.R.S.

20 **SECTION 31.** In Colorado Revised Statutes, 2-3-1503, **amend**
21 (1) (a) and (2) as follows:

22 **2-3-1503. Legislative emergency preparedness, response, and**
23 **recovery committee - creation - membership - duties.** (1) (a) There is
24 hereby created a legislative emergency preparedness, response, and
25 recovery committee. The legislative committee shall develop a plan for
26 the response by, and continuation of operations of, the general assembly
27 and the legislative service agencies in the event of an emergency

1 epidemic or disaster. The legislative committee shall cooperate and
2 coordinate with the council, the ~~division~~ OFFICE, the department, and the
3 GEEERC in developing the plan. The legislative committee shall develop
4 and submit the plan to the speaker of the house of representatives, the
5 president of the senate, the governor, the executive director of the
6 department, the council, the director of the ~~division~~ OFFICE, and the
7 GEEERC no later than July 1, 2011. The legislative committee shall meet
8 at least annually to review and amend the plan as necessary and shall
9 provide any updated plan to the persons or entities specified in this
10 paragraph (a); except that the legislative committee shall not meet during
11 the 2010 interim. The legislative committee may recommend legislation
12 pertaining to the preparedness, response, and recovery by, and
13 continuation of operations of, the general assembly and the legislative
14 service agencies in the event of an emergency epidemic or disaster. The
15 legislative committee shall provide information to and fully cooperate
16 with the council, the ~~division~~ OFFICE, the department, and the GEEERC
17 in fulfilling its duties under this section.

18 (2) In the event of an emergency epidemic or disaster that the
19 governor declares to be a disaster emergency pursuant to section
20 24-32-2104, C.R.S., the legislative committee shall convene as rapidly
21 and as often as necessary to advise the speaker of the house of
22 representatives, the president of the senate, and the legislative service
23 agencies regarding reasonable and appropriate measures to be taken by
24 the general assembly and the legislative service agencies to respond to the
25 emergency epidemic or disaster and protect the public health, safety, and
26 welfare. The legislative committee shall communicate, cooperate, and
27 seek advice and assistance from the council, the ~~division~~ OFFICE, the

1 department, and the GEEERC in responding to the emergency epidemic
2 or disaster.

3 **SECTION 32.** In Colorado Revised Statutes, 12-29.3-109,
4 **amend** (b) as follows:

5 **12-29.3-109. Relation to other laws.** (b) The ~~division~~ OFFICE of
6 emergency management created in ~~section 24-32-2105, C.R.S.~~ SECTION
7 24-33.5-705, C.R.S., pursuant to the emergency management assistance
8 compact, may incorporate into the emergency forces of this state
9 volunteer health practitioners who are not officers or employees of this
10 state, a political subdivision of this state, or a municipality or other local
11 government within this state.

12 **SECTION 33.** In Colorado Revised Statutes, 15-18.6-101,
13 **amend** (3) as follows:

14 **15-18.6-101. Definitions.** As used in this article, unless the
15 context otherwise requires:

16 (3) "Emergency medical service personnel" means any emergency
17 medical technician at any level who is certified or licensed by the
18 department of public health and environment. "Emergency medical
19 service personnel" includes a first responder certified by the department
20 of public health and environment or the division of fire safety in the
21 office of preparedness, security, and fire safety in the department of
22 public safety, in accordance with section 24-33.5-1205 (2) (c), C.R.S.

23 **SECTION 34.** In Colorado Revised Statutes, 15-18.7-102,
24 **amend** (8) as follows:

25 **15-18.7-102. Definitions.** As used in this article, unless the
26 context otherwise requires:

27 (8) "Emergency medical service personnel" means an emergency

1 medical technician who is certified or licensed by the department of
2 public health and environment, created and existing pursuant to section
3 25-1-102, C.R.S., or any first responder certified by the department of
4 public health and environment or the division of fire safety in the office
5 of preparedness, security, and fire safety in the department of public
6 safety, in accordance with part 12 of article 33.5 of title 24, C.R.S.

7 **SECTION 35.** In Colorado Revised Statutes, **amend 16-2.5-112**
8 as follows:

9 **16-2.5-112. Director of the division of homeland security and**
10 **emergency management.** The director of the office of preparedness,
11 security, and fire safety DIVISION OF HOMELAND SECURITY AND
12 EMERGENCY MANAGEMENT in the department of public safety is a peace
13 officer whose authority shall include INCLUDES the enforcement of all
14 laws of the state of Colorado and who may be certified by the P.O.S.T.
15 board.

16 **SECTION 36.** In Colorado Revised Statutes, 22-32-109.1,
17 **amend (4) (1) as follows:**

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

27 (1) School district employee safety and incident management

1 training, including provisions stating that completion of any courses
2 identified by the department of public safety pursuant to section
3 24-33.5-110 SECTION 24-33.5-1606.5 (3), C.R.S., as related to NIMS
4 count toward the professional development requirements of a person
5 licensed pursuant to article 60.5 of this title;

6 **SECTION 37. In Colorado Revised Statutes, 22-32-124, amend**
7 **(1) (c) as follows:**

8 **22-32-124. Building codes - zoning - planning - fees - rules -**
9 **definitions. (1) (c) All buildings and structures shall be constructed in**
10 **conformity with the building and fire codes adopted by the director of the**
11 **division of fire safety in the office of preparedness, security, and fire**
12 **safety in the department of public safety, referred to in this section as the**
13 **"division".**

14 **SECTION 38. In Colorado Revised Statutes, 23-71-122, amend**
15 **(1) (v) (I) as follows:**

16 **23-71-122. Junior college board of trustees - specific powers**
17 **- rules - definitions. (1) In addition to any other power granted by law**
18 **to a board of trustees of a junior college district, each board shall have the**
19 **power to:**

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

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

15 **SECTION 39.** In Colorado Revised Statutes, 24-4-102, repeal (3)
16 (b) as follows:

17 **24-4-102. Definitions.** As used in this article, unless the context
18 otherwise requires:

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

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

24 **SECTION 40.** In Colorado Revised Statutes, 24-32-703, amend
25 (8) as follows:

26 **24-32-703. Definitions.** As used in this part 7, unless the context
27 otherwise requires:

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

7 **SECTION 41.** In Colorado Revised Statutes, 24-72-204, amend
8 (2) (a) (VIII) (A) as follows:

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

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

25 **SECTION 42.** In Colorado Revised Statutes, 29-3.5-101, amend
26 (3) as follows:

27 **29-3.5-101. Definitions.** As used in this article, unless the context

1 otherwise requires:

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

8 **SECTION 43. In Colorado Revised Statutes, 29-22-104, repeal**
9 **(5) as follows:**

10 **29-22-104. Right to claim reimbursement. (5) (a) (I) No later**
11 **than June 15, 1999, the executive director of the department of public**
12 **safety shall appoint a temporary committee on reimbursement for the**
13 **costs of hazardous substance incidents. The executive director shall**
14 **appoint as committee members representatives of facilities and**
15 **transportation companies that produce or handle hazardous substances,**
16 **insurance companies, fire departments and other hazardous substance**
17 **incident response agencies, municipal and county governments, the**
18 **Colorado state patrol, the division of fire safety, and such other entities**
19 **as the director deems necessary and appropriate. The director shall**
20 **appoint equal numbers of representatives of private and public entities to**
21 **the committee.**

22 **(H) The committee shall hold its first meeting no later than July**
23 **1, 1999, and shall elect a chairperson at the first meeting. Subsequently,**
24 **the committee shall meet at least once each month until it has made the**
25 **written recommendations required by subparagraph (I) of paragraph (b)**
26 **of this subsection (5) and may meet as often as the chairperson deems**
27 **necessary. Members of the committee shall not receive compensation of**

1 any kind.

2 (b) (I) No later than August 15, 1999, the temporary committee on
3 reimbursement for the costs of hazardous substance incidents shall make
4 written recommendations to the executive director of the department of
5 public safety regarding guidelines for administering and resolving claims
6 for reimbursement made pursuant to this section against any party or
7 person responsible for a hazardous substance incident. Such
8 recommendations may include recommendations for proposed legislation
9 or administrative rules and shall include recommendations for an
10 administrative process to ensure prompt mediation of disputes concerning
11 claims for reimbursement made pursuant to this section by any public
12 entity against any person or party responsible for a hazardous substance
13 incident. Such recommendations shall be designed to provide public
14 entities and persons or parties responsible for hazardous substance
15 incidents with the opportunity to resolve claims for reimbursement that
16 result from hazardous substance incidents in a timely and reasonable
17 manner.

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

24 (c) Repealed.

25 **SECTION 44.** In Colorado Revised Statutes, 33-32-108, **amend**

26 (1) (b) as follows:

27 **33-32-108. Enforcement.** (1) (b) As used in this section, "peace

1 officer" means any division of parks and wildlife officer or any sheriff or
2 city and county law enforcement officer certified by the Colorado law
3 enforcement training academy PEACE OFFICERS STANDARDS AND
4 TRAINING BOARD PURSUANT TO PART 3 OF ARTICLE 31 OF TITLE 24, C.R.S.

5 **SECTION 45. Repeal of provisions being relocated in this act.**

6 In Colorado Revised Statutes, repeal 23-31-203, 23-31-204, 23-31-303
7 (1), 23-31-304, 23-31-305, 23-31-306, 23-31-307, 23-31-308, 23-31-309,
8 23-31-313 (6) (a) (III), 24-1-125 (2) (m), (7), and (8), parts 21, 22, 23, 24,
9 25, and 26 of article 32 of title 24, 24-33.5-108, 24-33.5-110, and
10 24-33.5-1210.

11 **SECTION 46. In Colorado Revised Statutes, repeal 23-31-313 (4)**
12 **(e).**

13 **SECTION 47. Effective date.** This act takes effect July 1, 2012.

14 **SECTION 48. Safety clause.** The general assembly hereby finds,
15 determines, and declares that this act is necessary for the immediate
16 preservation of the public peace, health, and safety.