

First Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 13-0782.01 Kate Meyer x4348

HOUSE BILL 13-1155

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HOUSE SPONSORSHIP

Gerou, Duran, Levy

SENATE SPONSORSHIP

Hodge, Steadman, Lambert

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House Committees

Health, Insurance & Environment

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING REVISION OF THE CONDITION PRECEDENT UPON WHICH  
102 THE TRANSFERS AUTHORIZED BY HOUSE BILL 12-1268 ARE  
103 CONTINGENT.

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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>.)*

**Joint Budget Committee.** House Bill 12-1268 provided for the transfer from the Colorado department of public health and environment to the division of fire prevention and control (DFPC) in the Colorado department of public safety of the functions, personnel, and property

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.*

directed principally for life safety code inspections of health care facilities. The transfer was scheduled to occur on July 1, 2013, and was expressly conditioned on the state receiving, prior to that date, a modification of its agreement with the United States department of health and human services (HHS) pursuant to section 1864 of the federal "Social Security Act" that would allow DFPC to perform those functions. However, that agreement (as modified and as further set forth in the associated operations manual) does not require modification in order for such reassignment of functions to occur. Instead, the secretary of the HHS (secretary) must merely approve of the transfer. The bill therefore makes approval from the secretary the operative event upon which the House Bill 12-1268 transfers occur.

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

2           **SECTION 1.** In Colorado Revised Statutes, 24-33.5-1201,  
3 **amend** (5) (e) as follows:

4           **24-33.5-1201. Division of fire prevention and control - creation**  
5 **- public school construction and inspection section - health facility**  
6 **construction and inspection section - legislative declaration.**

7 (5) (e) ~~By October 1, 2012~~ ON DECEMBER 10, 2012, the division and the  
8 governor ~~shall submit an application to~~ RECEIVED APPROVAL FROM the  
9 secretary of the United States department of health and human services,  
10 ~~for a modification to~~ PURSUANT TO SECTION F3 OF the REVISED agreement,  
11 DATED OCTOBER 1, 1985, entered into between the secretary and the state  
12 of Colorado pursuant to section 1864 of the federal "Social Security Act",  
13 42 U.S.C. sec. 1395aa, ~~which modification allows~~ DATED OCTOBER 1,  
14 1985, AND PURSUANT TO SECTION 4006A OF THE RELATED STATE  
15 OPERATION MANUAL, FOR the division OF FIRE PREVENTION AND CONTROL  
16 IN THE DEPARTMENT OF PUBLIC SAFETY to fulfill the duties under that law  
17 associated with the assessment of compliance with the federal fire safety  
18 code requirements for health facilities, and a modification to waivers for  
19 residential medicaid provider types to allow the division to conduct

1 construction plans and inspections.

2 **SECTION 2.** In Session Laws of Colorado 2012, **amend** section  
3 15 (1) of chapter 234 as follows:

4 Section 15. **Effective date.** (1) Except as otherwise provided in  
5 subsection (2) of this section, this act takes effect July 1, 2013, only if the  
6 division of fire ~~safety~~ PREVENTION AND CONTROL in the department of  
7 public safety notifies the revisor of statutes in writing, by June 30, 2013,  
8 that the secretary of the United States department of health and human  
9 services has granted a ~~modification to~~ APPROVAL UNDER SECTION F3 OF  
10 the REVISED agreement, DATED OCTOBER 1, 1985, entered into between  
11 said secretary and the state of Colorado pursuant to section 1864 of the  
12 federal "Social Security Act", 42 U.S.C. sec. 1395aa, ~~which modification~~  
13 ~~allows said~~ DATED OCTOBER 1, 1985, AND PURSUANT TO SECTION 4006A  
14 OF THE RELATED STATE OPERATIONS MANUAL, FOR THE division OF FIRE  
15 PREVENTION AND CONTROL IN THE DEPARTMENT OF PUBLIC SAFETY to  
16 fulfill the duties under that law associated with the assessment of  
17 compliance with the federal fire safety code requirements for health  
18 facilities.

19 **SECTION 3. Safety clause.** The general assembly hereby finds,  
20 determines, and declares that this act is necessary for the immediate  
21 preservation of the public peace, health, and safety.