

Second Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 12-0675.01 Kate Meyer x4348

HOUSE BILL 12-1268

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HOUSE SPONSORSHIP

Acree, Beezley, Joshi, Kerr J., McCann, Ramirez

SENATE SPONSORSHIP

(None),

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House Committees

Health and Environment

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING A TRANSFER OF FUNCTIONS PERTAINING TO HEALTH  
102 FACILITY COMPLIANCE WITH CERTAIN BUILDING SAFETY  
103 STANDARDS FROM THE DEPARTMENT OF PUBLIC HEALTH AND  
104 ENVIRONMENT TO THE DIVISION OF FIRE SAFETY IN THE OFFICE  
105 OF PREPAREDNESS, SECURITY, AND FIRE SAFETY WITHIN THE  
106 DEPARTMENT OF PUBLIC SAFETY, AND, IN CONNECTION  
107 THEREWITH, RENAMING THE PUBLIC SCHOOL CONSTRUCTION  
108 AND INSPECTION SECTION IN THE DIVISION OF FIRE SAFETY.

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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*

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.

*applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/bills/summaries>.)*

Currently, the division of fire safety (division) in the office of preparedness, security, and fire safety within the Colorado department of public safety conducts construction plan reviews and performs inspections of public school buildings to determine compliance with building and fire safety codes. The department of public health and environment (department) is responsible for such reviews and inspections for health facility buildings.

Effective July 1, 2012, the bill transfers to the division the department's functions, personnel, and property directed principally for inspections of health care facilities for conformity to building and fire safety standards. With the exception of certain health facilities for which there are no central buildings used to provide health services to individuals, the division will be responsible for adopting building and fire safety standards, reviewing plans for construction, performing inspections, issuing certificates of occupancy and compliance, and otherwise assessing and enforcing compliance with building and fire safety standards.

To reflect its broader scope, the division's public school construction and inspection section is renamed the "health facility and public school construction and inspection section" (section). Laws setting forth the current administrative duties and processes of the division and the section, as they relate to the public school construction and inspection program, are amended to include health facilities.

The bill leaves intact the existing authority of a local jurisdiction to adopt and enforce concurrent building and fire safety codes, and describes the interaction between local and division oversight and regulations.

The department is prohibited from licensing a health facility unless the division issues to the department a certificate of compliance certifying that the health facility's buildings and structures conform to the building and fire safety standards adopted by the director of the division. Upon receipt of such certificate, the department must take action regarding the pending application for licensure within 30 days.

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

2           **SECTION 1.** In Colorado Revised Statutes, 25-1.5-103, **add** (5)  
3 as follows:

4           **25-1.5-103. Health facilities - powers and duties of department**

1   **- limitations on rules promulgated by department.** (5) (a) THIS  
2   SUBSECTION (5) APPLIES TO CONSTRUCTION, INCLUDING SUBSTANTIAL  
3   RENOVATION, OF A HEALTH CARE FACILITY BUILDING OR STRUCTURE ON  
4   AND AFTER JULY 1, 2012. ALL HEALTH FACILITY BUILDINGS AND  
5   STRUCTURES SHALL BE CONSTRUCTED IN CONFORMITY WITH THE BUILDING  
6   AND FIRE CODES ADOPTED BY THE DIRECTOR OF THE DIVISION OF FIRE  
7   SAFETY IN THE OFFICE OF PREPAREDNESS, SECURITY, AND FIRE SAFETY  
8   WITHIN THE DEPARTMENT OF PUBLIC SAFETY.

9           (b) EXCEPT AS PROVIDED IN PARAGRAPH (c) OF THIS SUBSECTION  
10   (5) BUT NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY,  
11   THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT SHALL NOT ISSUE  
12   OR RENEW ANY LICENSE UNDER THIS ARTICLE UNLESS THE DEPARTMENT  
13   HAS RECEIVED A CERTIFICATE OF COMPLIANCE FROM THE DIVISION OF FIRE  
14   SAFETY CERTIFYING THAT THE BUILDING OR STRUCTURES OF THE HEALTH  
15   FACILITY ARE IN CONFORMITY WITH THE BUILDING AND FIRE CODES.

16           (c) HOME CARE AGENCIES, ASSISTED LIVING RESIDENCES, AND  
17   OTHER FACILITIES OF A LIKE NATURE THAT DO NOT MAINTAIN BUILDINGS  
18   OR STRUCTURES AT WHICH HEALTH CARE SERVICES ARE PROVIDED ARE  
19   NOT REQUIRED TO OBTAIN A CERTIFICATE OF COMPLIANCE IN ACCORDANCE  
20   WITH PARAGRAPH (b) OF THIS SUBSECTION (5) AS A CONDITION OF  
21   LICENSURE BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT.

22           (d) THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT HAS  
23   NO AUTHORITY TO ESTABLISH OR ENFORCE STANDARDS RELATING TO  
24   BUILDING OR FIRE CODES. ALL FUNCTIONS, PERSONNEL, AND PROPERTY OF  
25   THE DEPARTMENT AS OF JUNE 30, 2012, THAT ARE PRINCIPALLY DIRECTED  
26   TO THE ADMINISTRATION, INSPECTION, AND ENFORCEMENT OF ANY  
27   BUILDING OR FIRE CODES OR STANDARDS SHALL BE TRANSFERRED TO THE

1 HEALTH FACILITY AND PUBLIC SCHOOL CONSTRUCTION AND INSPECTION  
2 SECTION OF THE DIVISION OF FIRE SAFETY PURSUANT TO SECTION  
3 24-33.5-1201 (3), C.R.S.

4 **SECTION 2.** In Colorado Revised Statutes, 25-3-102, **amend** (1);  
5 and **add** (3) as follows:

6 **25-3-102. License - application - issuance - certificate of**  
7 **compliance required.** (1) An application for a license described in  
8 section 25-3-101 shall be made to the department of public health and  
9 environment annually upon such form and in such manner as prescribed  
10 by the department; except that a community residential home shall make  
11 application for a license pursuant to section 27-10.5-109, C.R.S. The  
12 department has authority to administer oaths, subpoena witnesses or  
13 documents, and take testimony in all matters relating to issuing, denying,  
14 limiting, suspending, or revoking such license. The department shall issue  
15 licenses to applicants furnishing satisfactory evidence of fitness to  
16 conduct and maintain a facility described in section 25-3-101 in  
17 accordance with ~~the provisions of this part 1 and the rules and regulations~~  
18 adopted by ~~such~~ THE department. The license shall be signed by the  
19 president and attested by the secretary of the state board of health and  
20 have the seal thereof affixed thereto. ~~Such~~ THE license expires one year  
21 from the date of issuance.

22 (3) (a) NOTWITHSTANDING ANY PROVISION OF LAW TO THE  
23 CONTRARY, THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT  
24 SHALL NOT ISSUE OR RENEW ANY LICENSE DESCRIBED IN SECTION 25-3-101  
25 FOR A FACILITY COVERED BY SECTION 25-1.5-103 (5) UNLESS THE  
26 DEPARTMENT RECEIVES A CERTIFICATE OF COMPLIANCE FOR THE  
27 APPLICANT'S BUILDING OR STRUCTURES FROM THE DIVISION OF FIRE

1 SAFETY IN THE OFFICE OF PREPAREDNESS, SECURITY, AND FIRE SAFETY  
2 WITHIN THE DEPARTMENT OF PUBLIC SAFETY IN ACCORDANCE WITH PART  
3 12 OF ARTICLE 22.5 OF TITLE 24, C.R.S.

4 (b) THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT  
5 SHALL TAKE ACTION ON AN APPLICATION FOR LICENSURE WITHIN THIRTY  
6 DAYS AFTER THE DATE IT RECEIVES THE CERTIFICATE OF COMPLIANCE  
7 FROM THE DIVISION OF FIRE SAFETY.

8 **SECTION 3.** In Colorado Revised Statutes, 25-3-105, **add** (4) as  
9 follows:

10 **25-3-105. License - fee - rules - penalty.** (4) ON JUNE 30, 2012,  
11 ANY MONEYS REMAINING IN THE HEALTH FACILITIES GENERAL LICENSURE  
12 CASH FUND CREATED PURSUANT TO SECTION 25-3-103.1 (1) FROM FEES  
13 COLLECTED BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT  
14 FOR HEALTH FACILITY BUILDING AND STRUCTURE CODE INSPECTIONS ARE  
15 TRANSFERRED TO THE HEALTH FACILITY AND PUBLIC SCHOOL  
16 CONSTRUCTION AND INSPECTION CASH FUND CREATED IN SECTION  
17 24-33.5-1207.7, C.R.S.

18 **SECTION 4.** In Colorado Revised Statutes, 22-32-124, **amend**  
19 (2) (b) as follows:

20 **22-32-124. Building codes - zoning - planning - fees - rules -**  
21 **definitions.** (2) (b) (I) If the division conducts the necessary plan reviews  
22 and causes the necessary inspections to be performed to determine that a  
23 building or structure constructed pursuant to subsection (1) or (1.5) of this  
24 section has been constructed in conformity with the building and fire  
25 codes adopted by the director of the division, the division shall charge  
26 fees as established by rule of the director of the division. The fees shall  
27 cover the actual, reasonable, and necessary expenses of the division. The

1 director of the division by rule or as otherwise provided by law may  
2 increase or reduce the amount of the fees as necessary to cover actual,  
3 reasonable, and necessary costs of the division. Any fees collected by the  
4 division pursuant to this paragraph (b) shall be transmitted to the state  
5 treasurer, who shall credit the same to the HEALTH FACILITY AND public  
6 school construction and inspection cash fund created in section  
7 24-33.5-1207.7, C.R.S.

8 (II) Any moneys remaining as of December 31, 2009, in the public  
9 safety inspection fund created pursuant to section 8-1-151, C.R.S., from  
10 fees collected by the division of oil and public safety in the department of  
11 labor and employment pursuant to this paragraph (b) as it existed prior to  
12 January 1, 2010, shall be transferred to the HEALTH FACILITY AND public  
13 school construction and inspection cash fund created in section  
14 24-33.5-1207.7, C.R.S.

15 **SECTION 5.** In Colorado Revised Statutes, 23-71-122, **amend**  
16 (1) (v) (III) and (1) (v) (IV) as follows:

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

21 (v) (III) If the division conducts the necessary plan reviews and  
22 causes the necessary inspections to be performed to determine that a  
23 building or structure constructed pursuant to subparagraph (I) of this  
24 paragraph (v) has been constructed in conformity with the building and  
25 fire codes adopted by the director of the division, the division shall charge  
26 fees as established by rule of the director of the division. Such fees shall  
27 cover the actual, reasonable, and necessary expenses of the division. Fees

1 collected by the division pursuant to this subparagraph (III) shall be  
2 transmitted to the state treasurer, who shall credit the same to the HEALTH  
3 FACILITY AND public school construction and inspection cash fund created  
4 pursuant to section 24-33.5-1207.7, C.R.S. The director of the division,  
5 by rule or as otherwise provided by law, may increase or reduce the  
6 amount of the fees as necessary to cover actual, reasonable, and necessary  
7 costs of the division. The rules authorized by this paragraph (v) shall be  
8 promulgated in accordance with article 4 of title 24, C.R.S.

9 (IV) Any moneys remaining as of December 31, 2009, in the  
10 public safety inspection fund created in section 8-1-151, C.R.S., from fees  
11 collected by the division of oil and public safety in the department of  
12 labor and employment pursuant to subparagraph (III) of this paragraph (v)  
13 as it existed prior to January 1, 2010, shall be transferred to the HEALTH  
14 FACILITY AND public school construction and inspection cash fund created  
15 in section 24-33.5-1207.7, C.R.S.

16 **SECTION 6.** In Colorado Revised Statutes, 24-33.5-1201,  
17 **amend** (3) as follows:

18 **24-33.5-1201. Division of fire safety - creation - health facility**  
19 **and public school construction and inspection section.** (3) (a) There  
20 is hereby created within the division the HEALTH FACILITY AND public  
21 school construction and inspection section to implement ~~the provisions~~  
22 ~~of~~ sections 22-32-124 (2), ~~and~~ 23-71-122 (1) (v), AND 24-33.5-1212.5,  
23 C.R.S., and to administer and enforce the codes in accordance with  
24 sections 24-33.5-1213 and 24-33.5-1213.3. The HEALTH FACILITY AND  
25 public school construction and inspection section shall perform its duties  
26 and functions under the division and the executive director as if the same  
27 were transferred to the department by a **type 2** transfer, as such transfer

1 is defined in the "Administrative Organization Act of 1968", article 1 of  
2 this title.

3 (b) On and after ~~January 1, 2010~~ JULY 1, 2012, all positions of  
4 employment in the ~~public school construction program, concerning the~~  
5 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT FOR WHICH  
6 PRINCIPAL duties ~~specified in sections 22-32-124 and 23-71-122 (1) (v),~~  
7 ~~C.R.S., in the division of oil and public safety in the department of labor~~  
8 ARE CONCERNED WITH BUILDING AND FIRE SAFETY INSPECTION AND THAT  
9 ARE determined by the director of the division ~~of fire safety~~ to be  
10 necessary to carry out the purposes of the HEALTH FACILITY AND public  
11 school construction and inspection section ~~shall be~~ ARE transferred to the  
12 division ~~of fire safety in the department of public safety and shall become~~  
13 ARE employment positions therein. The executive director shall appoint  
14 such employees as are necessary to carry out the duties and exercise the  
15 powers specified in sections 22-32-124 and 23-71-122 (1) (v), C.R.S., and  
16 in this part 12. The executive director may delegate appointing authority  
17 as appropriate.

18 (c) On and after ~~January 1, 2010~~ JULY 1, 2012, all employees of  
19 the ~~public school construction program in the division of oil and public~~  
20 ~~safety in the department of labor~~ DEPARTMENT OF PUBLIC HEALTH AND  
21 ENVIRONMENT carrying out the duties ~~specified in sections 22-32-124 and~~  
22 ~~23-71-122 (1) (v), C.R.S., shall be considered~~ PRINCIPALLY RELATING TO  
23 BUILDING AND FIRE SAFETY CODE COMPLIANCE ARE employees of the  
24 HEALTH FACILITY AND public school construction and inspection section  
25 in the division. ~~of fire safety in the department of public safety. Such~~ THE  
26 employees ~~shall~~ retain all rights under the state personnel system and to  
27 retirement benefits pursuant to the laws of this state, and their services

1 ~~shall be~~ ARE deemed to have been continuous.

2 (d) On ~~January 1, 2010~~ JULY 1, 2012, all items of property, real  
3 and personal, including office furniture and fixtures, books, documents,  
4 and records of the ~~public school construction program in the division of~~  
5 ~~oil and public safety in the department of labor~~ DEPARTMENT OF PUBLIC  
6 HEALTH AND ENVIRONMENT used in carrying out the duties ~~of the public~~  
7 ~~school construction program~~ PRINCIPALLY RELATING TO BUILDING AND  
8 FIRE SAFETY CODE COMPLIANCE are transferred to the HEALTH FACILITY  
9 AND public school construction and inspection section in the division ~~of~~  
10 ~~fire safety in the department of public safety~~ and shall become the  
11 property ~~thereof~~ OF THE SECTION.

12 (e) WITHIN THIRTY DAYS AFTER THE EFFECTIVE DATE OF THIS  
13 PARAGRAPH (e), THE DIVISION SHALL WORK WITH THE GOVERNOR TO SEEK  
14 FROM THE SECRETARY OF THE FEDERAL DEPARTMENT OF HEALTH AND  
15 HUMAN SERVICES A MODIFICATION TO THE AGREEMENT ENTERED INTO  
16 BETWEEN THE SECRETARY AND COLORADO PURSUANT TO SECTION 1864  
17 OF THE FEDERAL "SOCIAL SECURITY ACT", 42 U.S.C. SEC. 1395aa, THAT  
18 ALLOWS THE DIVISION TO FULFILL THE DUTIES UNDER THAT LAW  
19 ASSOCIATED WITH THE ASSESSMENT OF COMPLIANCE WITH THE FEDERAL  
20 FIRE SAFETY CODE REQUIREMENTS FOR HEALTH FACILITIES.

21 **SECTION 7.** In Colorado Revised Statutes, 24-33.5-1202,  
22 **amend** (7.7); and **add** (7.9) as follows:

23 **24-33.5-1202. Definitions.** As used in this part 12, unless the  
24 context otherwise requires:

25 (7.7) "~~Manufacturer~~" means ~~any one or more of the following:~~

26 (a) ~~An entity that manufactures or otherwise produces cigarettes~~  
27 ~~or causes cigarettes to be manufactured with the intent that such cigarettes~~

1 be sold in Colorado, regardless of where the cigarettes are manufactured  
2 or produced and regardless of whether they are imported from outside the  
3 United States;

4 (b) ~~The first purchaser anywhere that intends to resell, in the~~  
5 ~~United States, cigarettes manufactured anywhere that the original~~  
6 ~~manufacturer or producer does not intend to be sold in the United States;~~  
7 or

8 (c) ~~An entity that becomes a successor to an entity described in~~  
9 ~~paragraph (a) or (b) of this subsection (7.7):~~ "HEALTH FACILITY" MEANS  
10 A GENERAL HOSPITAL, HOSPITAL UNIT AS DEFINED IN SECTION 25-3-101  
11 (2), C.R.S., PSYCHIATRIC HOSPITAL, COMMUNITY CLINIC, REHABILITATION  
12 CENTER, CONVALESCENT CENTER, COMMUNITY MENTAL HEALTH CENTER,  
13 ACUTE TREATMENT UNIT, FACILITY FOR PERSONS WITH DEVELOPMENTAL  
14 DISABILITIES, HABILITATION CENTER FOR CHILDREN WITH BRAIN DAMAGE,  
15 CHIROPRACTIC CENTER AND HOSPITAL, MATERNITY HOSPITAL, NURSING  
16 CARE FACILITY, REHABILITATIVE NURSING FACILITY, HOSPICE CARE,  
17 DIALYSIS TREATMENT CLINIC, AMBULATORY SURGICAL CENTER, BIRTHING  
18 CENTER, AND OTHER FACILITY OF A LIKE NATURE; EXCEPT THAT "HEALTH  
19 FACILITY" DOES NOT INCLUDE A FACILITY AT WHICH HEALTH SERVICES ARE  
20 NOT PROVIDED TO INDIVIDUALS.

21 (7.9) "MANUFACTURER" MEANS ANY ONE OR MORE OF THE  
22 FOLLOWING:

23 (a) AN ENTITY THAT MANUFACTURES OR OTHERWISE PRODUCES  
24 CIGARETTES OR CAUSES CIGARETTES TO BE MANUFACTURED WITH THE  
25 INTENT THAT SUCH CIGARETTES BE SOLD IN COLORADO, REGARDLESS OF  
26 WHERE THE CIGARETTES ARE MANUFACTURED OR PRODUCED AND  
27 REGARDLESS OF WHETHER THEY ARE IMPORTED FROM OUTSIDE THE

1 UNITED STATES;

2 (b) THE FIRST PURCHASER ANYWHERE THAT INTENDS TO RESELL,  
3 IN THE UNITED STATES, CIGARETTES MANUFACTURED ANYWHERE THAT  
4 THE ORIGINAL MANUFACTURER OR PRODUCER DOES NOT INTEND TO BE  
5 SOLD IN THE UNITED STATES; OR

6 (c) AN ENTITY THAT BECOMES A SUCCESSOR TO AN ENTITY  
7 DESCRIBED IN PARAGRAPH (a) OR (b) OF THIS SUBSECTION (7.9).

8 **SECTION 8.** In Colorado Revised Statutes, 24-33.5-1203,  
9 **amend** (1) (b.5) and (1) (p) as follows:

10 **24-33.5-1203. Duties of division.** (1) The division shall perform  
11 the following duties:

12 (b.5) Advise the governor and the general assembly regarding  
13 implementation of the HEALTH FACILITY AND public school construction  
14 and inspection program;

15 (p) Conduct construction plan reviews and inspect HEALTH  
16 FACILITY, public school, and junior college buildings and structures and  
17 enforce the codes adopted in accordance with ~~sections 22-32-124(2) and~~  
18 ~~23-71-122(1)(v), C.R.S., and sections 24-33.5-1213 and 24-33.5-1213.3~~  
19 SECTIONS 22-32-124(2), 23-71-122(1)(v), 24-33.5-1212.5, 24-33.5-1213,  
20 AND 24-33.5-1213.3, C.R.S.;

21 **SECTION 9.** In Colorado Revised Statutes, 24-33.5-1204.5,  
22 **amend** (1) (f) and (1) (g) as follows:

23 **24-33.5-1204.5. Powers and duties of administrator - rules.**

24 (1) In addition to any other duties and powers granted by this section or  
25 sections 24-33.5-1206.2 and 24-33.5-1206.4, the administrator has the  
26 following duties and powers:

27 (f) To establish and adopt ~~such rules as may be~~ necessary to

1 administer the HEALTH FACILITY AND public school construction and  
2 inspection program for the inspection of HEALTH FACILITY AND public  
3 school and junior college buildings and a program for certification of  
4 HEALTH FACILITY AND public school and junior college building  
5 inspectors;

6 (g) To conduct hearings upon charges for discipline of a HEALTH  
7 FACILITY OR school building inspector; issue subpoenas; compel  
8 attendance of witnesses; compel the production of books, records, papers,  
9 and documents; administer oaths to persons giving testimony at hearings;  
10 and recommend prosecution of persons violating this part 12.

11 **SECTION 10.** In Colorado Revised Statutes, 24-33.5-1206,  
12 **amend** (2) as follows:

13 **24-33.5-1206. Education and training programs - certification**  
14 **programs - supervision and control.** (2) The HEALTH FACILITY AND  
15 public school construction and inspection program and the certification  
16 program for HEALTH FACILITY AND public school and junior college  
17 building inspectors established pursuant to this part 12 ~~shall be~~ IS under  
18 the supervision and control of the director with the advice of the board of  
19 appeals created in section 24-33.5-1213.7.

20 **SECTION 11.** In Colorado Revised Statutes, **amend**  
21 24-33.5-1207.7 as follows:

22 **24-33.5-1207.7. Health facility and public school construction**  
23 **and inspection cash fund - created.** All moneys collected by the division  
24 pursuant to sections 22-32-124 (2) and 23-71-122 (1) (v), C.R.S., or  
25 ~~section~~ SECTIONS 24-33.5-1212.5 AND 24-33.5-1213.3 shall be transmitted  
26 to the state treasurer, who shall credit the same to the HEALTH FACILITY  
27 AND public school construction and inspection cash fund, which is hereby

1 created. All moneys credited to the fund and all interest earned thereon  
2 are subject to annual appropriation by the general assembly for paying the  
3 expenses of the HEALTH FACILITY AND public school construction and  
4 inspection program. Any unexpended and unencumbered moneys  
5 remaining in the fund at the end of a fiscal year shall remain in the fund  
6 and shall not be credited or transferred to the general fund or another  
7 fund.

8 **SECTION 12.** In Colorado Revised Statutes, **add** 24-33.5-1212.5  
9 as follows:

10 **24-33.5-1212.5. Health facility fire and building codes -**  
11 **third-party inspections authorized - temporary certificate of**  
12 **occupancy - prequalification - fees - rules - definitions.** (1) (a) THIS

13 SECTION APPLIES TO HEALTH FACILITY BUILDINGS OR STRUCTURES,  
14 INCLUDING THE CONSTRUCTION OR SUBSTANTIAL REMODELING THEREOF.

15 (b) ON AND AFTER JULY 1, 2012, HEALTH FACILITY BUILDINGS AND  
16 STRUCTURES SHALL BE MAINTAINED IN ACCORDANCE WITH THE FIRE CODE  
17 ADOPTED BY THE DIRECTOR PURSUANT TO SECTION 24-33.5-1203.5.

18 (2) EXCEPT AS SPECIFIED IN SUBSECTION (3) OF THIS SECTION, THE  
19 DIVISION SHALL CONDUCT THE NECESSARY PLAN REVIEWS, ISSUE BUILDING  
20 PERMITS, CAUSE THE NECESSARY INSPECTIONS TO BE PERFORMED,  
21 PERFORM FINAL INSPECTIONS, AND ISSUE CERTIFICATES OF OCCUPANCY TO  
22 ASSURE THAT A HEALTH FACILITY BUILDING OR STRUCTURE HAS BEEN  
23 CONSTRUCTED IN CONFORMITY WITH THE BUILDING AND FIRE CODES  
24 ADOPTED BY THE DIRECTOR AND THAT THE HEALTH FACILITY HAS  
25 COMPLIED WITH THIS SECTION.

26 (3) **Third-party inspectors.** (a) THE DIVISION MAY CONTRACT  
27 WITH THIRD-PARTY INSPECTORS WHO ARE CERTIFIED IN ACCORDANCE

1 WITH SECTION 24-33.5-1213.5 TO PERFORM INSPECTIONS.

2 (b) (I) A HEALTH FACILITY MAY HIRE AND COMPENSATE  
3 THIRD-PARTY INSPECTORS UNDER CONTRACT WITH THE DIVISION OR HIRE  
4 AND COMPENSATE OTHER THIRD-PARTY INSPECTORS WHO ARE CERTIFIED  
5 IN ACCORDANCE WITH SECTION 24-33.5-1213.5 TO PERFORM INSPECTIONS.

6 (II) IF THE HEALTH FACILITY IS UNABLE TO OBTAIN A THIRD-PARTY  
7 INSPECTOR AND NO BUILDING DEPARTMENT HAS BEEN PREQUALIFIED, THE  
8 DIVISION SHALL PERFORM THE REQUIRED INSPECTIONS.

9 (III) IF A THIRD-PARTY INSPECTOR IS USED, THE DIVISION SHALL  
10 REQUIRE A SUFFICIENT NUMBER OF THIRD-PARTY INSPECTION REPORTS TO  
11 BE SUBMITTED BY THE INSPECTOR TO THE DIVISION BASED UPON THE  
12 SCOPE OF THE PROJECT TO ENSURE QUALITY INSPECTIONS ARE PERFORMED.  
13 EXCEPT AS SPECIFIED IN SUBSECTION (4) OF THIS SECTION, THE  
14 THIRD-PARTY INSPECTOR SHALL ATTEST THAT INSPECTIONS ARE COMPLETE  
15 AND ALL VIOLATIONS ARE CORRECTED BEFORE THE HEALTH FACILITY IS  
16 ISSUED A CERTIFICATE OF OCCUPANCY. INSPECTION RECORDS SHALL BE  
17 RETAINED BY THE THIRD-PARTY INSPECTOR FOR TWO YEARS AFTER THE  
18 CERTIFICATE OF OCCUPANCY IS ISSUED. IF THE DIVISION FINDS THAT  
19 INSPECTIONS ARE NOT COMPLETED SATISFACTORILY, AS DETERMINED BY  
20 RULE OF THE DIVISION, OR THAT ALL VIOLATIONS ARE NOT CORRECTED,  
21 THE DIVISION SHALL TAKE ENFORCEMENT ACTION AGAINST THE  
22 APPROPRIATE HEALTH FACILITY PURSUANT TO SECTION 24-33.5-1213.

23 (4) **Temporary certificate of occupancy.** IF INSPECTIONS ARE  
24 NOT COMPLETED AND A BUILDING REQUIRES IMMEDIATE OCCUPANCY, AND  
25 IF THE HEALTH FACILITY HAS PASSED THE APPROPRIATE INSPECTIONS THAT  
26 INDICATE THERE ARE NO LIFE SAFETY ISSUES, THE DIVISION MAY ISSUE A  
27 TEMPORARY CERTIFICATE OF OCCUPANCY. THE TEMPORARY CERTIFICATE

1 OF OCCUPANCY EXPIRES NINETY DAYS AFTER THE DATE OF OCCUPANCY.  
2 IF NO RENEWAL OF THE TEMPORARY CERTIFICATE OF OCCUPANCY IS  
3 ISSUED OR A PERMANENT CERTIFICATE OF OCCUPANCY IS NOT ISSUED, THE  
4 BUILDING SHALL BE VACATED UPON EXPIRATION OF THE TEMPORARY  
5 CERTIFICATE. THE DIVISION SHALL ENFORCE THIS SUBSECTION (4)  
6 PURSUANT TO SECTION 24-33.5-1213.

7 (5) **Local administration.** (a) (I) PURSUANT TO A MEMORANDUM  
8 OF UNDERSTANDING BETWEEN THE APPROPRIATE BUILDING DEPARTMENT  
9 AND THE DIVISION, THE DIVISION MAY PREQUALIFY AN APPROPRIATE  
10 BUILDING DEPARTMENT TO CONDUCT THE NECESSARY PLAN REVIEWS,  
11 ISSUE BUILDING PERMITS, CONDUCT INSPECTIONS, ISSUE CERTIFICATES OF  
12 OCCUPANCY, ISSUE TEMPORARY CERTIFICATES OF OCCUPANCY, AND TAKE  
13 ENFORCEMENT ACTION IN ORDER TO ENSURE THAT A HEALTH FACILITY  
14 BUILDING OR STRUCTURE HAS BEEN CONSTRUCTED IN CONFORMITY WITH  
15 THE BUILDING AND FIRE CODES ADOPTED BY THE DIRECTOR. NOTHING IN  
16 THE MEMORANDUM OF UNDERSTANDING SHALL BE CONSTRUED TO ALLOW  
17 THE BUILDING DEPARTMENT TO TAKE ENFORCEMENT ACTION OTHER THAN  
18 IN RELATION TO THE BUILDING AND FIRE CODES ADOPTED BY THE DIVISION.

19 (II) AN APPROPRIATE BUILDING DEPARTMENT SHALL MEET  
20 CERTIFICATION REQUIREMENTS ESTABLISHED BY THE DIVISION PURSUANT  
21 TO SECTION 24-33.5-1213.5 PRIOR TO PREQUALIFICATION.

22 (b) (I) A HEALTH FACILITY MAY, AT ITS OWN DISCRETION, OPT TO  
23 USE A PREQUALIFIED BUILDING DEPARTMENT THAT HAS ENTERED INTO A  
24 MEMORANDUM OF UNDERSTANDING WITH THE DIVISION, PURSUANT TO  
25 THIS SUBSECTION (5), AS THE DELEGATED AUTHORITY.

26 (II) IF A BUILDING DEPARTMENT CONDUCTS AN INSPECTION, THE  
27 BUILDING DEPARTMENT SHALL RETAIN THE INSPECTION RECORDS FOR TWO

1 YEARS AFTER THE FINAL CERTIFICATE OF OCCUPANCY IS ISSUED.

2 (III) ANY INSPECTION FEES CHARGED BY THE BUILDING  
3 DEPARTMENT SHALL COVER ACTUAL, REASONABLE, AND NECESSARY  
4 COSTS.

5 (6) **Fire code compliance.** (a) THE DIVISION SHALL SEND COPIES  
6 OF THE HEALTH FACILITY BUILDING PLANS TO THE APPROPRIATE FIRE  
7 DEPARTMENT FOR REVIEW OF FIRE SAFETY ISSUES. THE FIRE DEPARTMENT  
8 SHALL REVIEW THE BUILDING PLANS, DETERMINE WHETHER THE BUILDING  
9 OR STRUCTURE IS IN COMPLIANCE WITH THE FIRE CODE ADOPTED BY THE  
10 DIRECTOR, AND RESPOND TO THE DIVISION WITHIN TWENTY BUSINESS  
11 DAYS; EXCEPT THAT THE FIRE DEPARTMENT MAY REQUEST AN EXTENSION  
12 FROM THE DIRECTOR BASED ON THE COMPLEXITY OF THE BUILDING PLANS.

13 (b) IF THE FIRE DEPARTMENT DECLINES TO PERFORM THE PLAN  
14 REVIEW OR ANY SUBSEQUENT INSPECTION, OR IF NO CERTIFIED FIRE  
15 INSPECTOR IS AVAILABLE, THE DIVISION SHALL PERFORM THE PLAN REVIEW  
16 OR INSPECTION.

17 (7) (a) IF THE HEALTH FACILITY BUILDING OR STRUCTURE IS IN  
18 CONFORMITY WITH THE BUILDING AND FIRE CODES ADOPTED BY THE  
19 DIRECTOR, AND IF THE APPROPRIATE FIRE DEPARTMENT OR THE DIVISION  
20 CERTIFIES THAT THE BUILDING OR STRUCTURE IS IN COMPLIANCE WITH THE  
21 FIRE CODE ADOPTED BY THE DIRECTOR, THE DIVISION OR THE APPROPRIATE  
22 BUILDING DEPARTMENT SHALL ISSUE THE NECESSARY CERTIFICATE OF  
23 OCCUPANCY PRIOR TO USE OF THE BUILDING OR STRUCTURE BY THE  
24 HEALTH FACILITY.

25 (b) ON THE DATE THAT A CERTIFICATE OF OCCUPANCY IS ISSUED  
26 UNDER THIS SECTION, THE DIVISION OR THE APPROPRIATE BUILDING  
27 DEPARTMENT SHALL TRANSMIT A CERTIFICATE OF COMPLIANCE TO THE

1 APPROPRIATE HEALTH FACILITY LICENSING AUTHORITY IN THE  
2 DEPARTMENT OF HEALTH AND ENVIRONMENT.

3 (8) (a) IF THE DIVISION AUTHORIZES BUILDING CODE INSPECTIONS  
4 BY A THIRD-PARTY INSPECTOR PURSUANT TO SUBSECTION (3) OF THIS  
5 SECTION OR AUTHORIZES BUILDING CODE PLAN REVIEWS AND INSPECTIONS  
6 BY AN APPROPRIATE BUILDING DEPARTMENT PURSUANT TO SUBSECTION  
7 (5) OF THIS SECTION, THE PLAN REVIEWS AND INSPECTIONS ARE IN LIEU OF  
8 ANY PLAN REVIEWS AND INSPECTIONS MADE BY THE DIVISION; EXCEPT  
9 THAT THIS SUBSECTION (8) DOES NOT RELIEVE THE DIVISION OF THE  
10 RESPONSIBILITY TO ENSURE THAT THE PLAN REVIEWS AND INSPECTIONS  
11 ARE CONDUCTED IF THE THIRD-PARTY INSPECTOR OR APPROPRIATE  
12 BUILDING DEPARTMENT DOES NOT CONDUCT THE PLAN REVIEWS AND  
13 INSPECTIONS.

14 (b) NOTHING IN THIS SECTION REQUIRES A COUNTY, TOWN, CITY,  
15 CITY AND COUNTY, OR FIRE DEPARTMENT TO CONDUCT BUILDING CODE  
16 PLAN REVIEWS AND INSPECTIONS.

17 (9) **Division fees.** IF THE DIVISION CONDUCTS THE NECESSARY  
18 PLAN REVIEWS AND PERFORMS THE NECESSARY INSPECTIONS TO  
19 DETERMINE THAT A BUILDING OR STRUCTURE HAS BEEN CONSTRUCTED IN  
20 CONFORMITY WITH THE BUILDING AND FIRE CODES ADOPTED BY THE  
21 DIRECTOR, THE DIVISION SHALL CHARGE FEES AS ESTABLISHED BY THE  
22 DIRECTOR BY RULE, BASED ON THE DIRECT COST OF PROVIDING THE  
23 SERVICE. THE FEES SHALL COVER THE ACTUAL, REASONABLE, AND  
24 NECESSARY EXPENSES OF THE DIVISION. THE DIRECTOR BY RULE OR AS  
25 OTHERWISE PROVIDED BY LAW MAY INCREASE OR REDUCE THE AMOUNT OF  
26 THE FEES AS NECESSARY TO COVER ACTUAL, REASONABLE, AND  
27 NECESSARY COSTS OF THE DIVISION. ANY FEES COLLECTED BY THE

1 DIVISION PURSUANT TO THIS SUBSECTION (9) SHALL BE TRANSMITTED TO  
2 THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE HEALTH  
3 FACILITY AND PUBLIC SCHOOL CONSTRUCTION AND INSPECTION CASH FUND  
4 CREATED IN SECTION 24-33.5-1207.7.

5 (10) (a) THE INSPECTING ENTITY SHALL COOPERATE WITH THE  
6 AFFECTED HEALTH FACILITY IN CARRYING OUT THE DUTIES OF THIS  
7 SECTION.

8 (b) IF THE INSPECTING ENTITY AND THE HEALTH FACILITY  
9 DISAGREE ON THE INTERPRETATION OF THE CODES OR STANDARDS  
10 ADOPTED BY THE DIVISION, THE DIVISION SHALL SET A DATE FOR A  
11 HEARING AS SOON AS PRACTICABLE BEFORE THE BOARD OF APPEALS IN  
12 ACCORDANCE WITH SECTION 24-33.5-1213.7 AND THE RULES ADOPTED BY  
13 THE DIRECTOR PURSUANT TO ARTICLE 4 OF THIS TITLE.

14 (11) RULES PROMULGATED PURSUANT TO THIS SECTION SHALL BE  
15 ADOPTED IN ACCORDANCE WITH ARTICLE 4 OF THIS TITLE.

16 (12) FOR PURPOSES OF THIS SECTION, "APPROPRIATE BUILDING  
17 DEPARTMENT" MEANS THE BUILDING DEPARTMENT OF A COUNTY, TOWN,  
18 CITY, OR CITY AND COUNTY AND INCLUDES A BUILDING DEPARTMENT  
19 WITHIN A FIRE DEPARTMENT.

20 **SECTION 13.** In Colorado Revised Statutes, 24-33.5-1213,  
21 **amend** (1), (2) (a), and (4) (b) as follows:

22 **24-33.5-1213. Fire and building code - violations - enforcement**  
23 **- inspections.** (1) The director shall enforce ~~the provisions of sections~~  
24 ~~22-32-124 (2), and 23-71-122 (1) (v), C.R.S., and sections~~  
25 ~~24-33.5-1212.5, 24-33.5-1213.3, and 24-33.5-1213.5, C.R.S., by~~  
26 appropriate actions in courts of competent jurisdiction.

27 (2) (a) The director may issue a notice of violation to a person

1 who is believed to have violated the codes as determined by an inspection  
2 pursuant to section 22-32-124 (2) or 23-71-122 (1) (v), C.R.S., or section  
3 24-33.5-1212.5 OR 24-33.5-1213.3. The notice shall be delivered to the  
4 alleged violator by certified mail, return receipt requested, or by any  
5 means that verifies receipt as reliably as certified mail, return receipt  
6 requested.

7 (4) (b) A civil penalty collected pursuant to this subsection (4)  
8 shall be deposited in the HEALTH FACILITY AND public school construction  
9 and inspection cash fund created in section 24-33.5-1207.7.

10 **SECTION 14.** In Colorado Revised Statutes, 24-33.5-1213.3,  
11 **amend** (1) and (4) as follows:

12 **24-33.5-1213.3. Building and structure fire code maintenance**  
13 **- rules.** (1) This section ~~shall apply~~ APPLIES to building and structure  
14 maintenance for fire safety. The fire department providing fire protection  
15 service for the buildings and structures of a HEALTH FACILITY, A school  
16 district, or ~~of~~ a junior college district or for a charter school may inspect  
17 the buildings and structures when deemed necessary to ensure that they  
18 are maintained in accordance with the fire code adopted by the director  
19 of the division. If the local fire department does not perform the  
20 inspections authorized by this section, the division ~~shall have~~ HAS the  
21 authority and duty to conduct the inspections.

22 (4) Nothing in this section ~~shall prohibit~~ PROHIBITS the fire  
23 department from correcting violations that pose an immediate threat to  
24 life safety ~~Nothing in this section shall prohibit the fire department~~ OR  
25 from seeking enforcement action in a court of competent jurisdiction.

26 **SECTION 15.** In Colorado Revised Statutes, 24-33.5-1213.7,  
27 **amend** (5) as follows:

1           **24-33.5-1213.7. Board of appeals.** (5) In addition to hearing  
2 appeals as provided in this section, the board of appeals shall advise the  
3 director in promulgating rules and enacting standards for the HEALTH  
4 FACILITY AND public school construction and inspection program.

5           **SECTION 16.** In Colorado Revised Statutes, 24-75-402, **amend**  
6 (5) (y) as follows:

7           **24-75-402. Cash funds - limit on uncommitted reserves -**  
8 **reduction in amount of fees - exclusions.** (5) Notwithstanding any  
9 provision of this section to the contrary, the following cash funds are  
10 excluded from the limitations specified in this section:

11           (y) The HEALTH FACILITY AND public school construction and  
12 inspection cash fund created in section 24-33.5-1207.7;

13           **SECTION 17. Safety clause.** The general assembly hereby finds,  
14 determines, and declares that this act is necessary for the immediate  
15 preservation of the public peace, health, and safety.