

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 12-0479.01 Kate Meyer x4348

HOUSE BILL 12-1283

HOUSE SPONSORSHIP

Barker,

SENATE SPONSORSHIP

Giron,

House Committees
Judiciary

Senate Committees

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 homeland security-related
4 training and exercise, public risk communication systems, and grant
5 management;

6 (d) The federal funding that comprises a significant source of
7 revenue for homeland security is expected to decrease;

8 (e) It is therefore necessary to increase the efficiency and
9 effectiveness of homeland security functions provided by state
10 government; and

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

17 **SECTION 2.** In Colorado Revised Statutes, 24-33.5-1601,
18 **amend** (1) (e); and **add** (1) (f) and (1) (g) as follows:

19 **24-33.5-1601. Legislative declaration.** (1) The general assembly
20 hereby finds and declares that:

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

27 (f) COORDINATION ACROSS DISCIPLINES, AMONG LEVELS OF

1 GOVERNMENT, AND WITH PRIVATE AND NONGOVERNMENTAL SECTORS IS
2 THE BEST WAY TO ENSURE THAT GOVERNMENT CAN DELIVER, TO THE BEST
3 OF ITS COLLECTIVE ABILITY, THE MOST EFFECTIVE AND EFFICIENT
4 SERVICES REGARDLESS OF THE CAUSE OF ANY DISASTER;

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

12 **SECTION 3.** In Colorado Revised Statutes, 24-33.5-1602,
13 **amend** (4), (5), and (6); and **add** (7), (8), (9), (10), and (11) as follows:

14 **24-33.5-1602. Definitions.** As used in this part 16, unless the
15 context otherwise requires:


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

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

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

1 (7) "DIVISION" MEANS THE DIVISION OF HOMELAND SECURITY
2 CREATED IN SECTION 24-33.5-1603.

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

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

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

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

21 **SECTION 4.** In Colorado Revised Statutes, **amend** 24-33.5-1603
22 as follows:

23 **24-33.5-1603. Division of homeland security - creation -**
24 **director.** (1) There is hereby created within the department ~~an office of~~
25 ~~preparedness, security, and fire safety~~ THE DIVISION OF HOMELAND
26 SECURITY, the head of which ~~shall be~~ IS the director of the ~~office of~~
27 ~~preparedness, security, and fire safety, which office is hereby created~~

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

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

9 (a) ~~The division of fire safety, created in section 24-33.5-1201,~~
10 **and**

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

13 (c) THE OFFICE OF PREPAREDNESS, CREATED IN SECTION
14 24-33.5-1606.5.

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

18 **24-33.5-1604. Duties and powers of the division.** (1) The office
19 of preparedness, security, and fire safety shall have DIVISION HAS the
20 following duties and powers:

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

24 (2) (a) ~~Within twelve months after June 3, 2002,~~ The office of
25 preparedness, security, and fire safety DIVISION shall create and
26 implement terrorism preparedness plans. ~~Such~~ THE plans shall include the
27 following:

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

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

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

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

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

25 (4) The ~~office of preparedness, security, and fire safety~~ DIVISION
26 may distribute to local government agencies any federal or other funds
27 that ~~may~~ become available for distribution.

- 1 (5) THE DIVISION SHALL ALSO:
- 2 (a) BUILD PARTNERSHIPS WITH FIRST RESPONDERS, AGENCIES, AND
- 3 CITIZENS IN THE PUBLIC AND PRIVATE SECTORS;
- 4 (b) COORDINATE ACTIVITIES WITH OTHER STATE AGENCIES AND
- 5 THE ALL-HAZARDS EMERGENCY MANAGEMENT REGIONS CREATED BY
- 6 EXECUTIVE ORDER OF THE GOVERNOR;
- 7 (c) DEVELOP AND UPDATE A STATE STRATEGY FOR HOMELAND
- 8 SECURITY;
- 9 (d) FACILITATE, COORDINATE, AND CONDUCT CAPABILITIES
- 10 ASSESSMENTS AS NECESSARY;
- 11 (e) FACILITATE IMPROVEMENTS IN OVERALL PREPAREDNESS BY
- 12 DEVELOPING COORDINATING MECHANISMS AMONG COLORADO'S
- 13 EMERGENCY MANAGEMENT, HOMELAND SECURITY, PUBLIC SAFETY, AND
- 14 PUBLIC HEALTH AGENCIES IN ORDER TO DELIVER THE CAPABILITIES
- 15 NECESSARY FOR ALL DOMESTIC DISASTERS, WHETHER NATURAL OR
- 16 MAN-MADE, INCLUDING ACTS OF TERROR;
- 17 (f) ENSURE THAT ITS PLANNING EFFORTS ARE CONSISTENT WITH
- 18 THE REQUIREMENTS OF THE STATE EMERGENCY OPERATIONS PLAN; AND
- 19 (g) COORDINATE PROTECTION ACTIVITIES AMONG OWNERS AND
- 20 OPERATORS OF CRITICAL INFRASTRUCTURE AND OTHER TRIBAL, STATE,
- 21 LOCAL, REGIONAL, AND FEDERAL AGENCIES IN ORDER TO HELP SECURE
- 22 AND PROTECT CRITICAL INFRASTRUCTURE WITHIN THE STATE.

23 **SECTION 6.** In Colorado Revised Statutes, 24-33.5-1605,

24 **amend** (1) introductory portion, (2), (3), and (4) as follows:

25 **24-33.5-1605. Director - duties and powers - rules.** (1) The

26 ~~director of the office of preparedness, security, and fire safety~~ shall

27 perform duties in connection with:

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

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

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

16 **SECTION 7.** In Colorado Revised Statutes, amend 24-33.5-1606
17 as follows:

18 **24-33.5-1606. Office of prevention and security - creation -**
19 **duties.** (1) There is hereby created within the office of preparedness,
20 security, and fire safety DIVISION an office of anti-terrorism planning and
21 training PREVENTION AND SECURITY, the head of which shall be IS the
22 manager of anti-terrorism planning and training, which office is hereby
23 created THE OFFICE OF PREVENTION AND SECURITY. The manager of
24 anti-terrorism planning and training shall be appointed by the executive
25 director SHALL APPOINT THE MANAGER OF THE OFFICE OF PREVENTION AND
26 SECURITY pursuant to section 13 of article XII of the state constitution.

27 (2) THE DUTIES OF THE OFFICE OF PREVENTION AND SECURITY

1 INCLUDE:

2 (a) ENHANCING INTERAGENCY COOPERATION THROUGH
3 INFORMATION SHARING;

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

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

9 **SECTION 8.** In Colorado Revised Statutes, **add with amended**
10 **and relocated provisions** 24-33.5-1606.5 as follows:

11 **24-33.5-1606.5. Office of preparedness - creation - duties -**
12 **posting of notice of NIMS classes.** (1) THERE IS HEREBY CREATED
13 WITHIN THE DIVISION THE OFFICE OF PREPAREDNESS, THE HEAD OF WHICH
14 IS THE MANAGER OF THE OFFICE OF PREPAREDNESS. THE EXECUTIVE
15 DIRECTOR SHALL APPOINT THE MANAGER OF THE OFFICE OF PREPAREDNESS
16 PURSUANT TO SECTION 13 OF ARTICLE XII OF THE STATE CONSTITUTION.
17 THE OFFICE OF PREPAREDNESS IS RESPONSIBLE FOR CREATING AND
18 IMPLEMENTING A STATE PREPAREDNESS GOAL AND SYSTEM TO IMPROVE
19 STATE CAPABILITIES TO PREVENT, MITIGATE THE EFFECTS OF, RESPOND TO,
20 AND RECOVER FROM THREATS TO COLORADO.

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

22 (a) IMPROVING COMMUNITY PREPAREDNESS AND CITIZEN
23 INVOLVEMENT THROUGH EXTERNAL OUTREACH;

24 (b) IDENTIFYING AND REDUCING DUPLICATIVE HOMELAND
25 SECURITY-RELATED TRAINING NEEDS AND EFFORTS, COORDINATING
26 HOMELAND SECURITY-RELATED TRAINING AMONG TRIBAL, STATE, LOCAL,
27 AND REGIONAL AGENCIES, AND CREATING A SINGLE TRAINING AND

1 EXERCISE CALENDAR WITH IDENTIFIED POINTS OF CONTACT THAT IS
2 ACCESSIBLE VIA THE INTERNET;

3 (c) COORDINATING AND UPDATING HOMELAND SECURITY PLANS;

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

6 (e) ADMINISTERING FEDERAL HOMELAND SECURITY GRANTS,
7 PROVIDING TECHNICAL ASSISTANCE TO GRANTEEES, AND COORDINATING
8 GRANT FUNDING OPPORTUNITIES WITH OTHER STATE AGENCIES.

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

16 **SECTION 9.** In Colorado Revised Statutes, 24-33.5-1610,
17 **amend** (2) (b) as follows:

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

26 **SECTION 10.** In Colorado Revised Statutes, **amend**
27 24-33.5-1611 as follows:

1 **24-33.5-1611. Assistance to state agencies - security**
2 **assessment.** (1) Upon request FROM ANY STATE AGENCY, the ~~office of~~
3 ~~preparedness, security, and fire safety~~ DIVISION shall provide advice and
4 assistance to ~~any state department or~~ THE agency related to ~~its~~ THE
5 AGENCY'S compliance with rules adopted pursuant to sections
6 24-33.5-1608 and 24-33.5-1609.

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

10 **SECTION 11.** In Colorado Revised Statutes, **amend**
11 24-33.5-1612 as follows:

12 **24-33.5-1612. Cooperation from other state agencies.** (1) Upon
13 request, other agencies of state government, including ~~but not limited to,~~
14 the department of personnel and the department of local affairs, shall
15 provide advice and assistance to the ~~office of preparedness, security, and~~
16 ~~fire safety~~ DIVISION related to rules adopted pursuant to section
17 24-33.5-1608 or 24-33.5-1609.

18 (2) EXECUTIVE DEPARTMENTS AND AGENCIES OF STATE
19 GOVERNMENT SHALL COORDINATE THEIR HOMELAND SECURITY EFFORTS
20 THROUGH THE DIVISION AS NECESSARY.

21 **SECTION 12.** In Colorado Revised Statutes, **add** 24-33.5-1614
22 as follows:

23 **24-33.5-1614. Homeland security and all-hazards senior**
24 **advisory committee - creation - composition - duties - repeal.** (1) TO
25 HELP DEVELOP AND GUIDE THE DIVISION'S EFFORTS AND ADVISE THE
26 HOMELAND SECURITY ADVISOR, THERE IS HEREBY CREATED THE
27 HOMELAND SECURITY AND ALL-HAZARDS SENIOR ADVISORY COMMITTEE,

1 REFERRED TO IN THIS SECTION AS THE "ADVISORY COMMITTEE". THE
2 ADVISORY COMMITTEE SHALL ASSIST THE STATE IN BECOMING BETTER
3 ABLE TO PREDICT, PREVENT, MITIGATE THE EFFECTS OF, RESPOND TO, AND
4 RECOVER FROM THOSE THREATS POSING THE GREATEST RISK TO
5 COLORADO.

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

9 (I) THE EXECUTIVE DIRECTOR, WHO IS THE CHAIR OF THE
10 ADVISORY COMMITTEE;

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

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

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

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

26 (VI) ONE MEMBER WITH SPECIALIZED KNOWLEDGE IN EMERGENCY
27 COMMUNICATIONS SYSTEMS WHO REPRESENTS THE GOVERNOR'S OFFICE OF

1 INFORMATION TECHNOLOGY CREATED IN SECTION 24-37.5-103, TO BE
2 APPOINTED BY THE CHIEF INFORMATION OFFICER;

3 (VII) THE CHIEF OF THE COLORADO STATE PATROL APPOINTED
4 PURSUANT TO SECTION 24-33.5-205, OR HIS OR HER DESIGNEE;

5 (VIII) THE FOLLOWING FOURTEEN MEMBERS, TO BE APPOINTED BY
6 THE EXECUTIVE DIRECTOR IN CONSULTATION WITH THE ADJUTANT
7 GENERAL OF THE DEPARTMENT OF MILITARY AND VETERANS AFFAIRS AND
8 THE EXECUTIVE DIRECTORS OF THE DEPARTMENT OF LOCAL AFFAIRS AND
9 THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT:

10 (A) A REPRESENTATIVE OF COLORADO COUNTIES, INCORPORATED,
11 OR ITS SUCCESSOR ENTITY;

12 (B) A REPRESENTATIVE OF THE COLORADO EMERGENCY
13 MANAGEMENT ASSOCIATION, OR ITS SUCCESSOR ENTITY;

14 (C) A REPRESENTATIVE OF PRIVATE INDUSTRY;

15 (D) A REPRESENTATIVE OF THE COLORADO MUNICIPAL LEAGUE, OR
16 ITS SUCCESSOR ENTITY;

17 (E) A REPRESENTATIVE OF THE COUNTY SHERIFFS OF COLORADO,
18 INCORPORATED, OR A SUCCESSOR SHERIFFS' ORGANIZATION;

19 (F) A REPRESENTATIVE OF THE EMERGENCY MEDICAL SERVICES
20 ASSOCIATION OF COLORADO, OR ITS SUCCESSOR ORGANIZATION;

21 (G) A REPRESENTATIVE OF THE COLORADO STATE FIRE CHIEFS'
22 ASSOCIATION, OR ITS SUCCESSOR ORGANIZATION;

23 (H) A REPRESENTATIVE OF THE COLORADO ASSOCIATION OF
24 CHIEFS OF POLICE, OR ITS SUCCESSOR ORGANIZATION;

25 (I) A REPRESENTATIVE OF TRIBAL GOVERNMENT;

26 (J) A REPRESENTATIVE OF COLORADO VOLUNTARY
27 ORGANIZATIONS ACTIVE IN DISASTER;

1 (K) A REGIONAL STATE HOMELAND SECURITY COORDINATOR,
2 REPRESENTING AN ALL-HAZARDS EMERGENCY MANAGEMENT REGION
3 ESTABLISHED BY EXECUTIVE ORDER OF THE GOVERNOR;

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

6 (M) A REPRESENTATIVE FROM THE STATE ALL-HAZARDS ADVISORY
7 COMMITTEE FORMED UNDER THE DEPARTMENT, OR ANY SUCCESSOR
8 ENTITY; AND

9 (N) A REPRESENTATIVE OF THE DENVER URBAN AREA SECURITY
10 INITIATIVE, AS RECOGNIZED BY THE UNITED STATES DEPARTMENT OF
11 HOMELAND SECURITY.

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

14 (I) APPROVAL BY THE EXECUTIVE DIRECTOR; AND

15 (II) A MAJORITY VOTE OF APPROVAL BY THE ADVISORY
16 COMMITTEE MEMBERS SERVING PURSUANT TO PARAGRAPH (a) OF THIS
17 SUBSECTION (2).

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

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

23 (II) ONE-HALF OF THE INITIAL MEMBERS OF THE ADVISORY
24 COMMITTEE SHALL BE APPOINTED TO ONE-YEAR TERMS, AND THE OTHER
25 HALF OF THE INITIAL MEMBERS SHALL BE APPOINTED TO TWO-YEAR TERMS.

26 (e) IF A MEMBER OF THE ADVISORY COMMITTEE APPOINTED UNDER
27 PARAGRAPH (a) OF THIS SUBSECTION (2) VACATES HIS OR HER OFFICE PRIOR

1 TO THE EXPIRATION OF HIS OR HER TERM, THE EXECUTIVE DIRECTOR OR,
2 FOR THOSE MEMBERS DESCRIBED UNDER SUBPARAGRAPH (VII) OF
3 PARAGRAPH (a) OF THIS SUBSECTION (2), THE APPROPRIATE APPOINTING
4 AUTHORITY SHALL FILL THE VACANCY BY APPOINTMENT FOR THE
5 UNEXPIRED TERM.

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

8 (B) ADVISORY COMMITTEE MEMBERS MAY ATTEND MEETINGS AND
9 VOTE VIA TELECONFERENCE.

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

12 (III) THE MEMBERS OF THE ADVISORY COMMITTEE SHALL RECEIVE
13 NO COMPENSATION.

14 (3) THE ADVISORY COMMITTEE SHALL:

15 (a) PROVIDE POLICY GUIDANCE TO THE DIVISION;

16 (b) ANNUALLY REVIEW THE STATE STRATEGY FOR HOMELAND
17 SECURITY DEVELOPED BY THE DIVISION PURSUANT TO SECTION
18 24-33.5-1604 (2) (a) (VII) AND MAKE RECOMMENDATIONS ON THE
19 STRATEGY'S GOALS, POLICIES, AND PRIORITIES;

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

24 (d) REVIEW HOMELAND SECURITY GRANT APPLICATIONS AND
25 MAKE RECOMMENDATIONS TO THE HOMELAND SECURITY ADVISOR
26 REGARDING GRANT DISTRIBUTIONS;

27 (e) IDENTIFY OPPORTUNITIES TO CONSOLIDATE EXISTING

1 STATE-LEVEL ADVISORY BOARDS, WHILE ENSURING THAT LOCAL AND
2 TRIBAL ENTITIES HAVE LATITUDE IN DETERMINING THEIR NEEDS IN
3 PROGRAM AREAS; AND

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

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

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

20 **SECTION 13.** In Colorado Revised Statutes, **add** 24-33.5-1615
21 as follows:

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

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

2 **SECTION 14.** In Colorado Revised Statutes, 2-3-1203, **add** (3)
3 (hh.5) as follows:

4 **2-3-1203. Sunset review of advisory committees.** (3) The
5 following dates are the dates for which the statutory authorization for the
6 designated advisory committees is scheduled for repeal:

7 (hh.5) SEPTEMBER 1, 2021:

8 (I) THE HOMELAND SECURITY AND ALL-HAZARDS SENIOR
9 ADVISORY COMMITTEE CREATED PURSUANT TO SECTION 24-33.5-1614,
10 C.R.S.;

11 [REDACTED]

12 **SECTION 15.** 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 16.** 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 17.** In Colorado Revised Statutes, **amend** 16-2.5-112
8 as follows:

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

15 **SECTION 18.** In Colorado Revised Statutes, 22-32-109.1,
16 **amend** (4) (1) as follows:

17 **22-32-109.1. Board of education - specific powers and duties**
18 **- safe schools. (4) School response framework - school safety,**
19 **readiness, and incident management plan.** Each board of education
20 shall establish a school response framework that shall consist of policies
21 described in this subsection (4). By satisfying the requirements of this
22 subsection (4), a school or school district shall be in compliance with the
23 national incident management system, referred to in this subsection (4) as
24 "NIMS", developed by the federal emergency management agency. At a
25 minimum, the policies shall require:

26 (1) School district employee safety and incident management
27 training, including provisions stating that completion of any courses

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

5 **SECTION 19.** In Colorado Revised Statutes, 22-32-124, **amend**
6 (1) (c) as follows:

7 **22-32-124. Building codes - zoning - planning - fees - rules -**
8 **definitions.** (1) (c) All buildings and structures shall be constructed in
9 conformity with the building and fire codes adopted by 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, referred to in this section as the
12 "division".

13 
14 **SECTION 20.** In Colorado Revised Statutes, 23-31-309, **amend**
15 (3) (a) (V) as follows:

16 **23-31-309. Wildfire emergency response fund - creation -**
17 **wildfire preparedness fund - creation.** (3) (a) To effectively implement
18 the provisions of this section and to provide recommendations to the
19 governor related to use of the disaster emergency fund pursuant to section
20 24-32-2106, C.R.S., and the wildfire preparedness fund created in
21 subsection (4) of this section, the state forester, a representative of the
22 county sheriffs of Colorado, a representative of the Colorado state fire
23 chiefs' association, the director of the division of emergency management,
24 and the adjutant general or his or her designee shall collaborate to develop
25 a wildfire preparedness plan designed to address the following:


26 (V) A process for ordering and dispatching aerial firefighting
27 equipment and personnel that is consistent with, and supportive of, the

1 statewide mobilization plan prepared pursuant to ~~section 24-33.5-1210~~
2 SECTION 24-32-2105.4, C.R.S.

3 **SECTION 21.** In Colorado Revised Statutes, 23-60-202, **amend**
4 (1) (c) (II) as follows:

5 **23-60-202. Duties of board with respect to state system -**
6 **repeal.** (1) With respect to the community and technical colleges within
7 the state system, the board has the authority, responsibility, rights,
8 privileges, powers, and duties customarily exercised by the governing
9 boards of institutions of higher education, including the following:

10 (c) (II) To the extent space is available, the board may allow
11 persons licensed pursuant to article 60.5 of title 22, C.R.S., to take,
12 without charge at community and technical colleges, classes identified by
13 the department of public safety pursuant to ~~section 24-33.5-110~~ SECTION
14 24-33.5-1606.5 (3), C.R.S., as related to the national incident
15 management system developed by the federal emergency management
16 agency.

17 
18 **SECTION 22.** In Colorado Revised Statutes, 23-71-122, **amend**
19 (1) introductory portion and (1) (v) (I) as follows:

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

24 (v) (I) Determine the location of each school site, building, or
25 structure and construct, erect, repair, alter, rebuild, replace, and remodel
26 buildings and structures without a permit or fee or compliance with a
27 local building code. The authority delegated by this subparagraph (I) ~~shall~~

1 ~~exist~~ EXISTS notwithstanding any authority delegated to or vested in any
2 county, town, city, or city and county. Prior to the acquisition of land for
3 school building sites or the construction of buildings thereon, the board
4 of trustees of a junior college district shall consult with the planning
5 commission that has jurisdiction over the territory in which the site,
6 building, or structure is proposed to be located, ~~on~~ REGARDING issues
7 related to the location of the site, building, or structure in order to ensure
8 that the proposed site, building, or structure conforms to the adopted plan
9 of the community insofar as is feasible. All buildings and structures shall
10 be constructed in conformity with the building and fire codes adopted by
11 the director of the ~~division~~ of fire safety, referred to in this section as the
12 "~~division~~", ~~in the office of preparedness, security, and fire safety~~ in the
13 department of public safety. The board shall notify, IN WRITING, the
14 planning commission that has jurisdiction over the territory in which a
15 site, building, or structure is proposed to be located ~~in writing~~, of the
16 location of the site, building, or structure before awarding a contract for
17 the purchase or the construction thereof.

18
19 **SECTION 23.** In Colorado Revised Statutes, 24-1-128.6, **amend**
20 (2) introductory portion and (2) (h); **repeal** (2) (b); and **add** (2) (i) as
21 follows:

22 **24-1-128.6. Department of public safety - creation - repeal.**
23 (2) The department of public safety ~~shall consist~~ CONSISTS of the
24 following divisions:

25 (b) ~~Colorado law enforcement training academy, the head of~~
26 ~~which shall be the chief of the Colorado state patrol, who is hereby~~
27 ~~designated as the superintendent of the Colorado law enforcement~~

1 ~~training academy. The Colorado law enforcement training academy and~~
2 ~~the office of superintendent thereof, created by part 3 of article 33.5 of~~
3 ~~this title, and their powers, duties, and functions are transferred by a **type**~~
4 ~~**2** transfer to the department of public safety. The powers, duties, and~~
5 ~~functions of the department of local affairs relating to the Colorado law~~
6 ~~enforcement training academy are transferred by a **type 2** transfer to the~~
7 ~~department of public safety and allocated to the Colorado law~~
8 ~~enforcement training academy.~~

9 (h) (I) ~~Office of preparedness, security, and fire safety~~ DIVISION
10 OF HOMELAND SECURITY, the head of which ~~shall be~~ IS the director of the
11 ~~office of preparedness, security, and fire safety~~ DIVISION OF HOMELAND
12 SECURITY. The ~~office of preparedness, security, and fire safety~~ DIVISION
13 OF HOMELAND SECURITY and the office of director thereof, created by part
14 16 of article 33.5 of this title, shall exercise their powers and perform
15 their duties and functions as if the same were transferred by a **type 2**
16 transfer to the department of public safety AND ALLOCATED TO THE
17 DIVISION OF HOMELAND SECURITY.

18 (II) ~~The office of preparedness, security, and fire safety shall~~
19 ~~include~~ DIVISION OF HOMELAND SECURITY INCLUDES the following
20 agencies, which shall exercise their powers and perform their duties and
21 functions under the department of public safety as if the same were
22 transferred thereto by a **type 2** transfer:

23 (A) ~~Division of fire safety, created by part 12 of article 33.5 of~~
24 ~~this title; and~~

25 (B) ~~Office of anti-terrorism planning and training~~ PREVENTION
26 AND SECURITY, created by part 16 of article 33.5 of this title IN SECTION
27 24-33.5-1606; AND

1 (C) THE OFFICE OF PREPAREDNESS, CREATED IN SECTION
2 24-33.5-1606.5.

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

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

11 24-4-102. **Definitions.** As used in this article, unless the context
12 otherwise requires:

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

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

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

20 24-32-703. **Definitions.** As used in this part 7, unless the context
21 otherwise requires:

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

1 **SECTION 26.** In Colorado Revised Statutes, **add with amended**
2 **and relocated provisions** 24-32-2105.3 and 24-32-2105.4 as follows:

3 **24-32-2105.3. [Formerly 24-33.5-108] Statewide all-hazards**
4 **resource database - creation - definitions - repeal.** (1) For purposes of
5 this section:

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

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

16 (1.5) (a) THE DEPARTMENT OF PUBLIC SAFETY SHALL TRANSFER TO
17 THE DIVISION THE STATEWIDE FIRE FIGHTING RESOURCE DATABASE
18 CREATED UNDER, AND AS IT EXISTED PRIOR TO THE REPEAL OF, FORMER
19 SECTION 24-33.5-108. THE DIVISION SHALL INCORPORATE THE
20 INFORMATION RECEIVED FROM THE DEPARTMENT OF PUBLIC SAFETY TO
21 THE ALL-HAZARDS RESPONSE DATABASE DEVELOPED PURSUANT TO
22 SUBSECTION (2) OF THIS SECTION.

23 (b) THIS SUBSECTION (1.5) IS REPEALED, EFFECTIVE JUNE 30, 2013.

24 (2) (a) Not later than ~~December 31, 2004~~ JUNE 30, 2013, the
25 ~~department~~ DIVISION, using ~~its own~~ EXISTING computer resources, shall
26 develop and maintain a centralized computer database that includes a
27 listing of all ~~fire fighting~~ ALL-HAZARDS RESPONSE resources located

1 within Colorado.

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

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

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

1 mutual aid arrangement.

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

9 **24-32-2105.4. [Formerly 24-33.5-1210] All-hazards resource**
10 **mobilization plan - creation.** (1) ~~Subject to the availability of federal~~
11 ~~funds,~~ The division OF EMERGENCY MANAGEMENT CREATED IN SECTION
12 24-32-2105 shall prepare a statewide RESOURCE mobilization plan to
13 provide for the allocation and deployment of ~~firefighting, emergency~~
14 ~~medical, and urban search and rescue~~ resources in the event of a disaster
15 or local incident that requires more resources than those available under
16 any existing interjurisdictional or mutual aid agreement.

17 (2) The RESOURCE mobilization plan created pursuant to
18 SUBSECTION (1) OF this section shall be developed in coordination with
19 appropriate federal, TRIBAL, state, ~~and~~ local government, AND PRIVATE
20 SECTOR agencies AND ORGANIZATIONS. The plan shall include
21 mobilization procedures and may include provisions for reimbursement
22 of costs. ~~and shall address liability issues.~~

23 **SECTION 27.** In Colorado Revised Statutes, 24-32-2603, **amend**
24 (1) (a) as follows:

25 **24-32-2603. Colorado emergency planning commission -**
26 **creation - duties - rules.** (1) (a) (I) There is hereby created in the
27 department of local affairs the Colorado emergency planning commission,

1 which shall exercise its powers and perform its duties and functions under
2 the department of local affairs as if the same were transferred to the
3 department by a **type 2** transfer; except that the commission ~~shall have~~
4 HAS full authority to promulgate rules ~~and regulations~~ related to the
5 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~~ ARE 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 of emergency management in the department of local affairs,
14 who ~~shall be~~ IS a cochairperson, the director of the division in the
15 department of public health and environment responsible for hazardous
16 materials and waste management, who ~~shall~~ IS also ~~be~~ a cochairperson,
17 and a representative of the Colorado state patrol in the department of
18 public safety.

19 (C) The GOVERNOR SHALL APPOINT THE remaining seven members
20 of the commission ~~shall be appointed by the governor~~ for two-year terms.
21 Of those seven members, two shall represent local governments, two shall
22 be from either public interest groups or community groups, one shall
23 represent a local emergency planning committee, and two shall represent
24 affected industries. The governor shall fill any vacancy by appointment.

25 **SECTION 28.** In Colorado Revised Statutes, 24-33.5-103,
26 **amend** (2) introductory portion and (2) (h); **repeal** (2) (b); and **add** (2)
27 (i) as follows:

1 **24-33.5-103. Department created - divisions.** (2) The
2 department ~~shall consist~~ CONSISTS of the following divisions:

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

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

6 (i) DIVISION OF FIRE SAFETY

7 **SECTION 29.** In Colorado Revised Statutes, ~~24-33.5-1201,~~
8 **amend** (1) and (3) (b); and **repeal** (3) (c) and (3) (d) as follows:

9 **24-33.5-1201. Division of fire safety - creation.** (1) There is
10 hereby created within ~~the office of preparedness, security, and fire safety~~
11 ~~the DEPARTMENT THE~~ division of fire safety, referred to in this part 12 as
12 the "division". The head of the division ~~shall be~~ IS the director of the
13 division of fire safety, referred to in this part 12 as the "director". ~~who~~
14 ~~shall be appointed by~~ The executive director SHALL APPOINT THE
15 DIRECTOR pursuant to section 13 of article XII of the state constitution.

16 ■ ■

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

1 appointing authority as appropriate.

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

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

18 **SECTION 30.** In Colorado Revised Statutes, 24-33.5-1202,
19 **add** (1.2) as follows:

20 **24-33.5-1202. Definitions.** As used in this part 12, unless the
21 context otherwise requires:

22
23 (1.2) "ADVISORY BOARD" MEANS THE FIRE SERVICE TRAINING AND
24 CERTIFICATION ADVISORY BOARD CREATED IN SECTION 24-33.5-1204.

25
26 **SECTION 31.** In Colorado Revised Statutes, 24-33.5-1203,
27 **amend** (1) (k); and **repeal** (1) (m) and (1) (o) as follows:

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

3 (k) Train and instruct firefighters and first responders in subjects
4 relating to the fire service; ~~and to coordinate fire service-related education~~
5 and training classes, programs, conferences, and seminars; and train and
6 instruct, or coordinate the training of, hazardous materials responders; ~~but~~
7 EXCEPT THAT all training related to terrorism shall be coordinated with the
8 ~~office of preparedness, security, and fire safety~~ DIVISION OF HOMELAND
9 SECURITY CREATED IN PART 16 OF THIS ARTICLE;

10 ■

11 (m) ~~Administer a statewide plan for the allocation and deployment~~
12 ~~of firefighting resources developed pursuant to section 24-33.5-1210;~~

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

15 ■ ■

16 **SECTION 32.** In Colorado Revised Statutes, ■ **24-33.5-1204,**
17 **amend** (2) as follows:

18 **24-33.5-1204. Voluntary education and training program -**
19 **voluntary certification of firefighters, first responders, and**
20 **hazardous materials responders - advisory board.** ■ ■

21 (2) (a) The advisory board ~~shall consist~~ CONSISTS of ~~twelve~~
22 FOURTEEN members, ~~nine~~ ELEVEN of whom ~~shall be~~ ARE VOTING
23 MEMBERS appointed by the governor AS FOLLOWS:

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

26 (⊕) (A) Colorado state fire fighters association;

27 (⊕) (B) Colorado state fire chiefs association;

1 ~~(HH)~~ (C) Colorado fire training officers association; and
2 ~~(IV)~~ (D) Colorado professional fire fighters association;
3 ~~(b)~~ (II) ~~Of the remaining eight members of the advisory board, The~~
4 following five OTHER SEVEN members shall be appointed by the governor
5 ARE:

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

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

10 ~~(HH)~~ (C) A representative of the property and casualty insurance
11 industry;

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

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

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

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

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

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

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

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

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

27 (d) At least three members of ~~such~~ THE ADVISORY board shall be

1 from a community or communities with a resident population of fifteen
2 thousand persons or less.

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

12 
13 **SECTION 33.** In Colorado Revised Statutes, 24-72-204, **amend**
14 (2) (a) (VIII) (A) as follows:

15 **24-72-204. Allowance or denial of inspection - grounds -**
16 **procedure - appeal - definitions.** (2) (a) The custodian may deny the
17 right of inspection of the following records, unless otherwise provided by
18 law, on the ground that disclosure to the applicant would be contrary to
19 the public interest:

20 (VIII) (A) Specialized details of security arrangements or
21 investigations. Nothing in this subparagraph (VIII) ~~shall prohibit~~
22 PROHIBITS the custodian from transferring records containing specialized
23 details of security arrangements or investigations to the ~~office of~~
24 ~~preparedness, security, and fire safety~~ DIVISION OF HOMELAND SECURITY
25 in the department of public safety, the governing body of any city, county,
26 city and county, or other political subdivision of the state, or any federal,
27 state, or local law enforcement agency; except that the custodian shall not

1 transfer any record received from a nongovernmental entity without the
2 prior written consent of such THE entity unless such information is already
3 publicly available.

4 
5 **SECTION 34.** In Colorado Revised Statutes, 29-3.5-101, **amend**
6 (3) as follows:

7 **29-3.5-101. Definitions.** As used in this article, unless the context
8 otherwise requires:

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

15 **SECTION 35.** In Colorado Revised Statutes, 29-22-104, **repeal**
16 (5) as follows:

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

1 the committee.

2 ~~(H) The committee shall hold its first meeting no later than July~~
3 ~~1, 1999, and shall elect a chairperson at the first meeting. Subsequently,~~
4 ~~the committee shall meet at least once each month until it has made the~~
5 ~~written recommendations required by subparagraph (I) of paragraph (b)~~
6 ~~of this subsection (5) and may meet as often as the chairperson deems~~
7 ~~necessary. Members of the committee shall not receive compensation of~~
8 ~~any kind.~~

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

25 ~~(H) No recommendation made by the temporary committee on~~
26 ~~reimbursement for the costs of hazardous substance incidents shall be~~
27 ~~implemented or have the force and effect of law or rule, or be considered~~

1 ~~by any court or arbiter unless such recommendation is enacted into law~~
2 ~~or adopted by administrative rule in accordance with article 4 of title 24,~~
3 ~~C.R.S.~~

4 (c) ~~Repealed.~~

5 **SECTION 36.** In Colorado Revised Statutes, 33-32-108, **amend**
6 (1) (b) as follows:

7 **33-32-108. Enforcement.** (1) (b) As used in this section, "peace
8 officer" means any division of parks and wildlife officer or any sheriff or
9 city and county law enforcement officer certified by the ~~Colorado law~~
10 ~~enforcement training academy~~ PEACE OFFICERS STANDARDS AND
11 TRAINING BOARD PURSUANT TO PART 3 OF ARTICLE 31 OF TITLE 24, C.R.S.

12 **SECTION 37.** In Colorado Revised Statutes, **repeal** part 3 of
13 article 33.5 of title 24.

14 **SECTION 38. Repeal of provisions being relocated in this act.**
15 In Colorado Revised Statutes, **repeal** 24-33.5-108, 24-33.5-110, and
16 24-33.5-1210.

17 **SECTION 39. Safety clause.** The general assembly hereby finds,
18 determines, and declares that this act is necessary for the immediate
19 preservation of the public peace, health, and safety.