

law enforcement agency and the community, including, but not limited to, community centers, gymnasiums, and libraries or other reading areas;

(c) The support of and participation in local youth educational and recreational programs by the local law enforcement agency;

(d) Regularly scheduled neighborhood meetings between local law enforcement professionals and the residents of the community or at-risk neighborhood;

(e) The enhanced and regularized presence of the local law enforcement agency in a community or at-risk neighborhood through the use of foot patrols, bicycles, motorcycles, and participation in activities and events; and

(f) The process or measurement for evaluating whether the Colorado community policing program is reducing or preventing the incidence of crime in a community or at-risk neighborhood.

(3) Subject to available appropriations, the division of criminal justice shall select those local law enforcement agencies that will receive grants through the Colorado community policing program. The division shall determine the amount of each grant awarded to a local law enforcement agency.

**24-33.5-605. Community policing program cash fund - creation.** (1) There is hereby created in the state treasury the community policing program cash fund. The moneys in the fund shall be subject to annual appropriation by the general assembly to award grants to local law enforcement agencies and for the direct and indirect costs associated with the implementation of this part 6. The division of criminal justice is authorized to accept on behalf of the state any grants, gifts, or donations from any private or public source for the purpose of this part 6 pursuant to section 24-33.5-503 (1) (e). All private and public funds received through grants, gifts, or donations shall be transmitted to the state treasurer, who shall credit the same to the fund. All investment earnings derived from the deposit and investment of moneys in the fund shall remain in the fund and shall not be transferred or revert to the general fund of the state at the end of any fiscal year.

(2) Notwithstanding the provisions of subsection (1) of this section, the division of criminal justice shall not implement the Colorado community policing program until sufficient grants, gifts, or donations are obtained to cover the costs of implementing the program.

## PART 7

### EMERGENCY MANAGEMENT

**24-33.5-701. Short title.** This part 7 shall be known and may be cited as the "Colorado Disaster Emergency Act".

**24-33.5-702. Purposes and limitations.** (1) The purposes of this part 7 are to:

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

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

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

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

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

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

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

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

(2) Nothing in this part 7 shall be construed to:

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

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

(c) Affect the jurisdiction or responsibilities of police forces, fire-fighting forces, or units of the armed forces of the United States, or of any personnel thereof, when on active duty; except that state, local, and interjurisdictional disaster emergency plans shall place reliance upon the forces available for performance of functions related to disaster emergencies; or

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

**24-33.5-703. Definitions.** As used in this part 7, unless the context otherwise requires:

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

(2) "Committee" means the governor's expert emergency epidemic response committee created in section 24-33.5-704.

(3) "Disaster" means the occurrence or imminent threat of widespread or severe damage,

injury, or loss of life or property resulting from any natural cause or cause of human origin, including but not limited to fire, flood, earthquake, wind, storm, wave action, hazardous substance incident, oil spill or other water contamination requiring emergency action to avert danger or damage, volcanic activity, epidemic, air pollution, blight, drought, infestation, explosion, civil disturbance, hostile military or paramilitary action, or a condition of riot, insurrection, or invasion existing in the state or in any county, city, town, or district in the state.

(4) "Emergency epidemic" means cases of an illness or condition, communicable or noncommunicable, caused by bioterrorism, pandemic influenza, or novel and highly fatal infectious agents or biological toxins.

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

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

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

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

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

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

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

**24-33.5-704. The governor and disaster emergencies - expert emergency epidemic response committee - creation.** (1) The governor is responsible for meeting the dangers to the state and people presented by disasters.

(2) Under this part 7, the governor may issue executive orders, proclamations, and regulations and amend or rescind them. Executive orders, proclamations, and regulations have the force and effect of law.

(3) Repealed.

(4) A disaster emergency shall be declared by executive order or proclamation of the governor if the governor finds a disaster has occurred or that this occurrence or the threat thereof is imminent. The state of disaster emergency shall continue until the governor finds that the threat of danger has passed or that the disaster has been dealt with to the extent that emergency conditions no longer exist and the governor terminates the state of disaster emergency by executive order or proclamation, but no state of disaster emergency may continue for longer than thirty days unless renewed by the governor. The general assembly, by joint resolution, may terminate a state of disaster emergency at any time. Thereupon, the governor shall issue an executive order or proclamation ending the state of disaster emergency. All executive orders or

proclamations issued under this subsection (4) shall indicate the nature of the disaster, the area threatened, and the conditions which have brought it about or which make possible termination of the state of disaster emergency. An executive order or proclamation shall be disseminated promptly by means calculated to bring its contents to the attention of the general public and, unless the circumstances attendant upon the disaster prevent or impede, shall be promptly filed with the office of emergency management, the secretary of state, and the county clerk and recorder and disaster agencies in the area to which it applies.

(5) An executive order or proclamation of a state of disaster emergency shall activate the disaster response and recovery aspects of the state, local, and interjurisdictional disaster emergency plans applicable to the political subdivision or area in question and shall be authority for the deployment and use of any forces to which the plans apply and for use or distribution of any supplies, equipment, and materials and facilities assembled, stockpiled, or arranged to be made available pursuant to this part 7 or any other provision of law relating to disaster emergencies.

(6) During the continuance of any state of disaster emergency, the governor is commander-in-chief of the organized and unorganized militia and of all other forces available for emergency duty. To the greatest extent practicable, the governor shall delegate or assign command authority by prior arrangement embodied in appropriate executive orders or regulations, but nothing in this section restricts the governor's authority to do so by orders issued at the time of the disaster emergency.

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

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

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

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

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

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

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

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

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

(i) Make provision for the availability and use of temporary emergency housing; and

(j) Determine the percentage at which the state and a local government will contribute moneys to cover the nonfederal cost share required by the federal "Robert T. Stafford Disaster Relief and Emergency Assistance Act", as amended, 42 U.S.C. sec. 5121 et seq., required by the federal highway administration pursuant to 23 U.S.C. sec. 125, or required by any other federal law in order to receive federal disaster relief funds. After making such a determination, the governor may amend the percentage at which the state and local government will contribute moneys to the nonfederal cost share based on the needs of the individual local governments. As soon as practicable after making or amending such a determination, the governor shall notify the joint budget committee of the source and amount of state moneys that will be contributed to cover a nonfederal cost share pursuant to this paragraph (j).

(8) (a) There is hereby created a governor's expert emergency epidemic response committee. The committee shall:

(I) Meet at least annually to review and amend, as necessary, the supplement to the state disaster plan that is concerned with the public health response to acts of bioterrorism, pandemic influenza, and epidemics caused by novel and highly fatal infectious agents; and

(II) Provide expert public health advice to the governor in the event of an emergency epidemic.

(III) Repealed.

(b) (I) State members of the committee include:

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

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

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

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

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

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

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

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

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

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

(K) The director of the division of homeland security and emergency management.

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

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

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

(C) A medical examiner;

(D) A specialist in posttraumatic stress management;

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

(F) A hospital infection control practitioner;

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

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

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

(IV) The executive director of the department of public safety or the executive director's designee shall serve as an ex officio member of the committee and is not able to vote on decisions of the committee. He or she shall serve as a liaison between the committee and the Colorado emergency planning commission in the event of an emergency epidemic.

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

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

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

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

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

(III) Isolating or quarantining persons or property;

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

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

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

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

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

(9) Each department that administers a publicly funded safety net program shall develop a continuity of operations plan no later than July 1, 2008. The plan shall establish procedures for the response by, and continuation of operations of, the department and the program in the event of an epidemic emergency. Each department shall file its plan with the executive director of the department of public health and environment and shall update the plan at least annually. In addition, notwithstanding section 24-1-136 (11), each department shall submit a report by March 1 of each year to the health and human services committees of the senate and house of



representatives, or any successor committees, regarding the status of the department's plan, as well as the status of any other plans or procedures of the department regarding emergency disaster preparedness.

**24-33.5-705. Office of emergency management - creation.** (1) (a) There is hereby created in the division of homeland security and emergency management the office of emergency management. Pursuant to section 13 of article XII of the state constitution, the director of the division of homeland security and emergency management shall appoint a director as head of the office of emergency management.

(b) The office of emergency management and the office of the director thereof shall exercise their powers and perform their duties and functions under the department and the executive director as if the same were transferred to the department by a type 2 transfer, as such transfer is defined in the "Administrative Organization Act of 1968", article 1 of this title.

(2) The office of emergency management shall prepare, maintain, and keep current a state disaster plan that complies with all applicable federal and state regulations.

(3) The office of emergency management shall take part in the development and revision of local and interjurisdictional disaster plans prepared under section 24-33.5-707. To this end the office of emergency management shall employ or otherwise secure the services of professional and technical personnel capable of providing expert assistance to political subdivisions, their disaster agencies, and interjurisdictional planning and disaster agencies. Such personnel shall consult with political subdivisions and disaster agencies and shall make field examinations.

(4) In preparing and revising the state disaster plan, the office of emergency management may seek the advice and assistance of local government, business, labor, industry, agriculture, civic and volunteer organizations, and community leaders.

(5) The state disaster plan or any part thereof may be incorporated in regulations of the office of emergency management or executive orders that have the force and effect of law.

(6) The office of emergency management may do all things necessary for the implementation of this section, including:

- (a) Hiring personnel;
- (b) Contracting with federal, state, local, and private entities;
- (c) Accepting and expending federal funds.

(7) Whenever the office of emergency management or the division of emergency management in the department of local affairs is referred to or designated by any contract or other document, such reference or designation shall be deemed to apply to the office of emergency management in the division of homeland security and emergency management in the department of public safety.

(8) (a) Effective July 1, 2012, the office of emergency management in the division of homeland security and emergency management in the department of public safety shall execute, administer, perform, and enforce the rights, powers, duties, functions, and obligations vested previously in the division of emergency management in the department of local affairs.

(b) (I) On July 1, 2012, all positions of employment in the division of emergency management in the department of local affairs shall be transferred to the office of emergency

management in the division of homeland security and emergency management in the department of public safety and shall become employment positions therein.

(II) On July 1, 2012, all employees of the division of emergency management in the department of local affairs shall be considered employees of the office of emergency management in the division of homeland security and emergency management in the department of public safety. Such employees shall retain all rights under the state personnel system and to retirement benefits pursuant to the laws of this state, and their services shall be deemed to have been continuous.

(III) On July 1, 2012, all items of property, real and personal, including office furniture and fixtures, books, documents, and records of the division of emergency management in the department of local affairs are transferred to the office of emergency management in the division of homeland security and emergency management in the department of public safety and shall become the property thereof.

(c) Unless otherwise specified, whenever any provision of law refers to the division of emergency management, that law shall be construed as referring to the office of emergency management in the division of homeland security and emergency management in the department of public safety.

(d) No suit, action, or other proceeding, judicial or administrative, lawfully commenced, or which could have been commenced, by or against the division of emergency management in the department of local affairs, or any officer thereof in such officer's official capacity or in relation to the discharge of the official's duties, is abated by reason of the transfer of duties and functions in this section.

**24-33.5-705.3. Statewide all-hazards resource database - creation - definitions.** (1) For purposes of this section:

(a) "Private sector agencies and organizations" means any private sector or nonprofit agency or organization that has resources useful in a disaster or emergency that it desires to list in the private sector portion of the database.

(b) "Tribal, state, and local all-hazards response agency" means any all-hazards response agency of a tribe, the state and any of its subdivisions, and any town, city, and city and county, regardless of whether the personnel serving such department, district, or agency are volunteers or are compensated for their services.

(2) (a) Not later than June 30, 2013, the office of emergency management, using existing computer resources, shall develop and maintain a centralized computer database that includes a listing of all all-hazards response resources located within Colorado.

(b) The database created pursuant to paragraph (a) of this subsection (2) shall contain resource inventories, personnel counts, resource status, such other information relevant to the efficient tracking and allocation of all-hazards response resources, and a listing of all supplemental funding sources available to tribal, state, and local all-hazards response agencies. The information in this database shall be included with the information required to be collected and maintained pursuant to section 25-1.5-101 (1) (p), C.R.S. No data gathered for or stored in this database shall contain personally identifying information without prior notice to the involved



individual. The database is not intended to be used in place of the existing interagency wildland fire dispatch system.

(3) (a) The office of emergency management shall encourage tribal, state, and local response agencies to enter the information described in paragraph (b) of subsection (2) of this section into the database via the internet and provide a means for such data entry. All data entered into the database shall be verifiable by the office of emergency management. The office of emergency management shall encourage participating tribal, state, regional, and local response agencies to update the data as necessary.

(b) The database shall be accessible via the internet to all tribal, state, regional, and local response agencies for the purpose of efficiently tracking and allocating response resources in the event of a disaster or local incident that requires more resources than those available under any existing interjurisdictional or mutual aid arrangement.

(4) The office of emergency management shall establish guidelines for the development and maintenance of the database created pursuant to subsection (2) of this section so that tribal, state, regional, and local response agencies can easily access the database. The guidelines shall be developed with input from tribal, state, regional, and local response agencies and private sector agencies and organizations.

**24-33.5-705.4. All-hazards resource mobilization system - creation - plan - duties - reimbursement for expenses incurred by mobilized entities - eligibility - resource mobilization fund - creation - definitions - legislative declaration.** (1) (a) The general assembly hereby finds, determines, and declares that the statewide all-hazards resource mobilization system, which provides for efficient mobilizing, tracking, allocating, and demobilizing emergency resources and ensures that a requesting unit of government receives proper equipment and qualified personnel, is necessary to provide resources to any emergency incident beyond local capabilities and thus necessary to protect life, property, the environment, and cultural and economic resources. The general assembly further finds and declares that the need to ensure that the state is adequately prepared and able to address large-scale emergencies and disasters requires a mechanism to reimburse state agencies, tribal governments, and local jurisdictions that respond to requests for help from other jurisdictions in times of need. It is therefore necessary to:

(I) Formulate the policy and organizational structure for large-scale mobilization of emergency resources in the state through creation of a statewide all-hazards resource mobilization system;

(II) Establish the means by which state agencies and tribal and local jurisdictions may be reimbursed for expenses they incur when mobilized by the executive director pursuant to the mobilization plan; and

(III) Provide a procedure to reimburse a host jurisdiction when it has exhausted or will exhaust all of its own resources and the resources of its local mutual aid network available under a mutual aid or interjurisdictional agreement.

(b) In accordance with section 24-33.5-713, it is the intent of the legislature to encourage political subdivisions to enter into mutual aid and other interjurisdictional agreements. Such

agreements produce enhanced emergency response and are thus essential to protecting the public peace, safety, health, and welfare, including the lives and property, of the people of the state of Colorado.

(2) As used in this section, unless the context otherwise requires:

(a) "Director" means the director of the office of emergency management created in section 24-33.5-705.

(b) "Emergency manager" means the director or coordinator of the local or interjurisdictional disaster agency, as described in section 24-33.5-707 (4), or other person, identified pursuant to section 24-33.5-707 (6), responsible for local or interjurisdictional disaster preparedness and response.

(c) "Executive director" means the executive director of the department or the executive director's designee.

(d) "Host jurisdiction" means the jurisdiction having authority over the disaster or emergency.

(e) "Incident command system" has the meaning set forth in section 29-22.5-102 (3), C.R.S.

(f) "Jurisdiction" means state and tribal authorities and county, city, city and county, town, special district, or other political subdivisions of the state.

(g) "Mobilization" means the process of providing, upon request and subject to availability, emergency resources beyond those available through existing interjurisdictional or mutual aid agreements in response to a request from a jurisdiction in which an emergency or disaster situation or local emergency incident that has exceeded or will exceed the capabilities of available local resources. The term includes the nonhost jurisdiction's authorization and approval for redistribution of resources either to direct emergency incident assignments or to assignment in communities where resources are needed to provide coverage when those communities' resources have been mobilized to assist other jurisdictions.

(h) "Mobilization plan" means the statewide all-hazards resource mobilization plan developed and utilized pursuant to this section.

(i) "Mobilization system" means the statewide all-hazards resource mobilization system created under this section, which system includes the mobilization plan and the technology and personnel necessary to mobilize resources according to the plan.

(j) "Mutual aid" means emergency interagency assistance rendered pursuant to an agreement between the jurisdictions rendering and receiving assistance.

(k) "Nonhost jurisdiction" means a jurisdiction providing disaster or emergency response resources to a host jurisdiction.

(l) "Unified command" has the meaning set forth in section 29-22.5-102 (8), C.R.S.

(3) **Powers and duties.** (a) The director shall develop and maintain a statewide all-hazards resource mobilization plan that sets forth procedures for mobilization, allocation, deployment, coordination, tracking, cost accounting, and demobilization of resources during disasters and other large-scale emergencies and local incidents that require more resources than those available under any existing interjurisdictional or mutual aid agreement. In developing the mobilization plan, the director shall consult with and solicit recommendations from the homeland security and all-hazards senior advisory committee created in section 24-33.5-1614

and other appropriate representatives of state, tribal, and local governmental and private sector emergency management organizations. The director shall ensure that the mobilization plan is consistent with, and incorporated into, the Colorado state emergency operations plan.

(b) (I) The executive director is responsible for implementing the mobilization plan, coordinating the mobilization of resources, and making a determination as to post-mobilization reimbursement to state and nonhost jurisdictions, in accordance with this section, other applicable laws, and the mobilization plan, when the executive director determines it is necessary to do so to protect life, property, the environment, and cultural and economic resources.

(II) The executive director shall serve as state resource mobilization liaison when the mobilization plan is implemented.

(4) **Mobilization.** (a) (I) The executive director may order the implementation of the state resource mobilization plan pursuant to this section only if he or she receives a request to do so from the governor, sheriff, emergency manager, or other authorized person identified in the state resource mobilization plan.

(II) The executive director shall grant a mobilization request made pursuant to subparagraph (I) of this paragraph (a) if the executive director determines that the request is in response to a large-scale emergency, disaster, or other local incident that exceeds or will exceed the capabilities of available local resources and those resources available through existing mutual aid agreements.

(III) Upon receiving a request for mobilization and finding that the request complies with the approval requirements established in the mobilization plan and that either the local jurisdiction has exhausted or will exhaust all available resources, or that the complexity or severity of the incident requires resources not otherwise available to the local jurisdiction, the executive director shall determine whether to implement mobilization in accordance with the mobilization plan. If so, the executive director shall mobilize state and nonhost jurisdictions in accordance with the mobilization plan.

(IV) The executive director may consider resources that have already been deployed to address an incident to be mobilized for the purpose of reimbursement or cost-sharing under the mobilization plan.

(b) Upon and for the duration of mobilization:

(I) The executive director shall serve as a resource mobilization liaison to the local unified coordination group, incident commander, or the host jurisdiction's disaster agency under unified command to support the mobilization effort consistent with the incident command system and mobilization plan and procedures;

(II) The resources, including those of the host jurisdiction and those of nonhost jurisdictions that responded earlier under an existing interjurisdictional or mutual aid or other agreement, may remain mobilized, based on capability to do so and pursuant to agreement between the executive director, the incident commander, and the host jurisdiction or nonhost jurisdiction that provided the resources;

(III) The reassignment or reallocation of resources due to multiple concurrent incidents or other situations of resource scarcity shall be prioritized pursuant to the policies and procedures specified in the mobilization plan.

(IV) Any limits on or exemption from liability to which the jurisdictions providing

resources in response to a mobilization effected under this section are entitled under law apply as though the jurisdictions were operating under their normal statutory authorities within their jurisdictional boundaries.

(c) The executive director, in consultation with the local incident commander, shall determine when mobilization is no longer required and, at that time, shall declare the end to the mobilization.

(5) **Reimbursement.** (a) The director, in consultation with the office of state planning and budgeting created in section 24-37-102, shall develop procedures to facilitate reimbursement to state agencies and jurisdictions from appropriate federal and state funds when state agencies and jurisdictions are mobilized by the executive director pursuant to the mobilization plan. The director shall ensure that these procedures provide reimbursement in as timely a manner as possible.

(b) (I) In order to be eligible for support under the mobilization plan, a jurisdiction must be mobilized pursuant to subparagraph (III) of paragraph (a) of subsection (4) of this section and must be participating in an interjurisdictional or mutual aid agreement entered into pursuant to this part 7.

(II) All mobilized nonhost jurisdictions are eligible for expense reimbursement from the time of the mobilization declaration through demobilization.

(6) **Resource mobilization fund.** (a) There is hereby created in the state treasury the resource mobilization fund, which fund shall be administered by the executive director, in accordance with paragraph (b) of this subsection (6), to provide reimbursement to state agencies and jurisdictions mobilized by the executive director pursuant to this section. The executive director is authorized to seek and accept gifts, grants, reimbursements, or donations from private or public sources for the purposes of this section. The fund consists of all moneys that may be appropriated thereto by the general assembly, moneys that may be transferred pursuant to section 24-33.5-706 (4.5), and all private and public funds received through gifts, grants, reimbursements, or donations that are transmitted to the state treasurer and credited to the fund. All interest earned from the investment of moneys in the fund shall be credited to the fund. The moneys in the fund are hereby continuously appropriated for the purposes indicated in this section. Any moneys not expended at the end of the fiscal year shall remain in the fund and shall not be transferred to or revert to the general fund.

(b) The executive director shall use the moneys in the resource mobilization fund to provide reimbursement to state agencies and jurisdictions for incidents in accordance with the terms of the mobilization plan.

(c) Repealed.

(7) (a) Nothing in this section limits the powers of the governor during a disaster under 24-33.5-704.

(b) Except as expressly provided in this section, nothing in this section limits the eligibility of any nonhost jurisdiction for reimbursement of expenses incurred in providing resources for mobilization.

(c) Nothing in this section precludes a state or local governmental entity from seeking public assistance funding pursuant to the federal "Robert T. Stafford Disaster Relief and Emergency Assistance Act", as amended, 42 U.S.C. sec. 5121 et seq.

**24-33.5-706. Disaster emergency fund - established - financing - legislative intent.** (1) It is the intent of the general assembly and declared to be the policy of the state that funds to meet disaster emergencies shall always be available.

(2) (a) A disaster emergency fund is hereby established, which consists of any moneys appropriated by the general assembly, moneys transferred pursuant to paragraph (b) of subsection (4) of this section, and moneys to reimburse expenditures from the fund that are transmitted to the state treasurer and credited to the fund. Moneys in the disaster emergency fund shall remain in the fund until expended or until transferred pursuant to subsection (4.3) or (4.5) of this section.

(b) Repealed.

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

(4) (a) It is the legislative intent that first recourse be to funds regularly appropriated to state and local agencies. If the governor finds that the demands placed upon these funds in coping with a particular disaster are unreasonably great, the governor may, with the concurrence of the council, make funds available from the disaster emergency fund.

(b) If moneys available from the disaster emergency fund are insufficient, the governor, with the concurrence of the council, may transfer to the fund and expend moneys appropriated for other purposes.

(4.3) If the disaster emergency fund is credited with reimbursements of moneys previously expended to cope with a particular disaster, to the extent that all or a portion of those moneys were transferred and expended by the governor pursuant to paragraph (b) of subsection (4) of this section, the governor may transfer moneys to the funds as repayment for the amounts the governor originally transferred from said funds to the disaster emergency fund.

(4.5) (a) The governor may, from time to time as the governor deems necessary based on his or her determination that a disaster emergency is imminent, direct the state treasurer to transfer, and the state treasurer shall transfer, moneys from the disaster emergency fund to the resource mobilization fund created in section 24-33.5-705.4 (6).

(b) The governor may, from time to time as the governor deems necessary based on his or her determination that a wildfire-related disaster emergency is imminent, direct the state treasurer to transfer, and the state treasurer shall transfer, moneys from the disaster emergency fund to the wildfire emergency response fund created in section 24-33.5-1226 (1).

(5) The director of the division of homeland security and emergency management is authorized to establish, pursuant to article 4 of this title, the rules and regulations which will govern the reimbursement of funds to state agencies and political subdivisions and to promulgate such regulations.

(6) Nothing in this section limits the governor's authority to apply for, administer, and expend grants, gifts, or payments in aid of disaster prevention, preparedness, response, or recovery.

**24-33.5-707. Local and interjurisdictional disaster agencies and services.** (1) Each political subdivision is within the jurisdiction of and served by the office of emergency



management and by a local or interjurisdictional agency responsible for disaster preparedness and coordination of response.

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

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

(4) The minimum composition of a disaster agency is a director or coordinator appointed and governed by the chief executive officer or governing body of the appointing jurisdiction. The director or coordinator is responsible for the planning and coordination of the local disaster services.

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

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

(7) The mayor, chairman of the board of county commissioners, or other principal executive officer of each political subdivision in the state shall notify the office of emergency management of the manner in which the political subdivision is providing or securing disaster planning and emergency services, identify the person who heads the agency from which the services are obtained, and furnish additional information relating thereto as the office of emergency management requires.

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

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

(10) The sheriff of each county shall:

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

(b) Make use of the search and rescue capability and resources available within the



county and request assistance from the office of emergency management only when and if the sheriff determines such additional assistance is required.

(11) When authorized by the governor and executive director and approved by the director of the office of emergency management, expenses incurred in meeting contingencies and emergencies arising from search and rescue operations may be reimbursed from the disaster emergency fund.

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

**24-33.5-708. Establishment of interjurisdictional disaster planning and service area.** (1) If the governor finds that two or more adjoining counties would be better served by an interjurisdictional arrangement than by maintaining separate disaster agencies and services, the governor may delineate by executive order an interjurisdictional area adequate to plan for, prevent, or respond to disaster in that area and direct steps to be taken as necessary, including the creation of an interjurisdictional relationship, a joint disaster emergency plan, mutual aid, or an area organization for emergency planning and services.

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

- (a) Small or sparse population;
- (b) Limitations on public financial resources severe enough to make maintenance of a separate disaster agency and services unreasonably burdensome;
- (c) Unusual vulnerability to disaster as evidenced by a past history of disasters, topographical features, drainage characteristics, disaster potential, and presence of disaster-prone facilities or operations;
- (d) The interrelated character of the counties in a multicounty area; and
- (e) Other relevant conditions or circumstances.

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

(4) If the other jurisdictions with which the governor proposes to cooperate pursuant to subsection (3) of this section have not enacted the interstate civil defense and disaster compact, the governor may negotiate special agreements with such jurisdictions. Any agreement, if sufficient authority for the making thereof does not otherwise exist, becomes effective only after its text has been communicated to the general assembly and if neither house of the general

assembly has disapproved it before adjournment sine die of the next ensuing session competent to consider it or within thirty days of its submission, whichever is longer.

**24-33.5-709. Local disaster emergencies.** (1) A local disaster may be declared only by the principal executive officer of a political subdivision. It shall not be continued or renewed for a period in excess of seven days except by or with the consent of the governing board of the political subdivision. Any order or proclamation declaring, continuing, or terminating a local disaster emergency shall be given prompt and general publicity and shall be filed promptly with the county clerk and recorder, city clerk, or other authorized record-keeping agency and with the office of emergency management.

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

(3) No interjurisdictional disaster agency or official thereof may declare a local disaster emergency unless expressly authorized by the agreement pursuant to which the agency functions. An interjurisdictional disaster agency shall provide aid and services in accordance with the agreement pursuant to which it functions.

**24-33.5-710. Disaster prevention.** (1) In addition to disaster prevention measures as included in the state, local, and interjurisdictional disaster emergency plans, the governor shall consider steps that could be taken on a continuing basis to prevent or reduce the harmful consequences of disasters. At the governor's direction, and pursuant to any other authority and competence they have, state agencies, including those charged with responsibilities in connection with floodplain management, stream encroachment and flow regulation, weather modification, fire prevention and control, air quality, public works, land use and land-use planning, and construction standards, shall make studies of matters related to disaster prevention. The governor and the executive director, from time to time, shall make recommendations to the general assembly, local governments, and such other appropriate public and private entities as may facilitate measures for prevention or reduction of the harmful consequences of disasters.

(2) All state departments, in conjunction with the office of emergency management, shall conduct studies and adopt measures to reduce the impact of, and actions contributory to, a disaster. The studies shall concentrate on means of reducing or avoiding the dangers caused by such occurrences or the consequences thereof.

(3) If the office of emergency management believes, on the basis of the studies or other competent evidence, that an area is susceptible to a disaster of catastrophic proportions without adequate warning, that existing building standards and land-use controls in that area are inadequate and could add substantially to the magnitude of the disaster, and that changes in zoning regulations, other land-use regulations, or building requirements are essential in order to further the purposes of this section, it shall specify the essential changes to the executive director and to the governor. If the governor, upon review of the recommendations, finds after public hearing that the changes are essential, the governor shall so recommend to the agencies or local

governments with jurisdictions over the area and subject matter. If no action or insufficient action pursuant to the governor's recommendations is taken within the time specified by the governor, the governor shall so inform the general assembly and request legislative action appropriate to mitigate the impact of disaster.

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

**24-33.5-711. Compensation - liability when combating grasshopper infestation.** (1) Each person within this state shall conduct himself or herself and keep and manage such person's affairs and property in ways that will reasonably assist and will not unreasonably detract from the ability of the state and the public successfully to meet disasters or emergencies. This obligation includes appropriate personal service and use or restriction on the use of property in time of disaster emergency. This part 7 neither increases nor decreases these obligations but recognizes their existence under the constitution and statutes of this state and the common law. Compensation for services or for the taking or use of property shall be only to the extent that the obligations recognized in this subsection (1) are exceeded in a particular case and then only to the extent that the claimant has not volunteered such claimant's services or property without compensation.

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

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

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

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

(6) The state and its agencies and political subdivisions and the officers and employees of the state and its agencies and political subdivisions shall not be liable for any claim based upon the exercise or performance or the failure to exercise or perform an act relating to the combating of grasshopper infestation of this state except for negligence or willful disregard of the

rights of others, and then only to the extent of one hundred thousand dollars for any injury to or damage suffered by one person and the sum of three hundred thousand dollars for an injury to or damage suffered by two or more persons in any single occurrence; except that, in such latter instance, no person may recover in excess of one hundred thousand dollars. This subsection (6) is the total extent of liability of the state and its agencies and political subdivisions and the officers and employees of the state and its agencies and political subdivisions with regard to the combating of grasshopper infestation of the state and abrogates any common-law cause of action thereto. Except to the extent of insurance coverage, no person acting as a contractor with the state or any of its political subdivisions, or any officer or employee of such contractor, shall be liable on any claim alleging strict liability on contract or tort for actions taken relating to combating grasshopper infestation of the state under this part 7 or under House Bill No. 1001, enacted at the second extraordinary session of the fifty-first general assembly in 1978.

**24-33.5-711.5. Governor's expert emergency epidemic response committee - compensation - liability.** (1) Neither the state nor the members of the expert emergency epidemic response committee designated or appointed pursuant to section 24-33.5-704 (8) are liable for any claim based upon the committee's advice to the governor or the alleged negligent exercise or performance of, or failure to exercise or perform an act relating to an emergency epidemic. Liability against a member of the committee may be found only for wanton or willful misconduct or willful disregard of the best interests of protecting and maintaining the public health. Damages awarded on the basis of such liability shall not exceed one hundred thousand dollars for any injury to or damage suffered by one person or three hundred thousand dollars for an injury to or damage suffered by three or more persons in the course of an emergency epidemic.

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

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

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

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

**24-33.5-712. Telecommunications - intent.** The state telecommunications director, working in coordination with the division of homeland security and emergency management, shall ascertain what means exist for rapid and efficient telecommunications in times of disaster emergencies. Operational characteristics of the available systems of telecommunications shall be evaluated by the office, and recommendations for modifications shall be made to the state telecommunications director. It is the intent of this section that adequate means of telecommunications be available for use during disaster emergencies.

**24-33.5-713. Mutual aid.** (1) Political subdivisions not participating in interjurisdictional arrangements pursuant to this part 7 nevertheless shall be encouraged and assisted by the office of emergency management to conclude suitable arrangements for furnishing mutual aid in coping with disasters. The arrangements shall include provision of aid by persons and units in public employ.

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

(3) It is a sufficient reason for the governor to require an interjurisdictional agreement or arrangement pursuant to section 24-33.5-708 that the area involved and political subdivisions therein have available equipment, supplies, and forces necessary to provide mutual aid on a regional basis and that the political subdivisions have not already made adequate provision for mutual aid; except that, in requiring the making of an interjurisdictional arrangement to accomplish the purpose of this section, the governor need not require establishment and maintenance of an interjurisdictional agency or arrangement for any other disaster purposes.

**24-33.5-714. Weather modification.** The office of emergency management shall keep continuously apprised of weather conditions that present danger of precipitation or other climatic activity severe enough to constitute a disaster. If the office of emergency management determines that precipitation that may result from weather modification operations, either by itself or in conjunction with other precipitation or climatic conditions or activity, would create or contribute to the severity of a disaster, it shall recommend to the executive director of the department of natural resources, empowered to issue permits for weather modification operations under article 20 of title 36, C.R.S., to warn those organizations or agencies engaged in weather modification to suspend their operations until the danger has passed or recommend that said executive director modify the terms of any permit as may be necessary.

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



**24-33.5-716. Interoperable communications among public safety radio systems - statewide plan - regional plans - governmental immunity - needs assessment - definitions - repeal.** (1) As used in this section, unless the context otherwise requires:

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

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

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

(2) The executive director of the department of local affairs shall transfer to the executive director the tactical and long-term interoperable communications plan developed pursuant to former section 24-32-1116, as said section existed on June 30, 2012, to improve the ability of the public safety agencies of state government to communicate with public safety agencies of the federal government, regions, local governments, and other states. The executive director shall update and revise the plan no less than once every three years. The plan shall include measures to create and periodically test interoperability interfaces, provisions for training on communications systems and exercises on the implementation of the plan, and deadlines for implementation.

(3) (a) The executive director of the department of local affairs shall transfer to the executive director the tactical and long-term interoperable communications plan, adopted by each region pursuant to former section 24-32-1116, as said section existed on June 30, 2012, to improve communications among public safety agencies in the region and with public safety agencies of other regions, the state and federal governments, and other states. The plans shall include measures to create and periodically test interoperability interfaces, provisions for training on communications systems and exercises on the implementation of the plan, a strategy for integrating with the state digital trunked radio system, deadlines for implementation, and other elements required by the executive director. Each region shall submit to the executive director revised plans as such are updated.

(b) Each local government agency or private entity that operates a public safety radio system shall collaborate in the development and, as necessary, periodic revision of the tactical and long-term interoperable communications plan of the region in which it is located. Such tactical plans, and revisions thereto, shall be submitted to the executive director.

(c) A region that timely fails to submit a tactical and long-term interoperable communications plan or revisions thereto, or a local government agency that fails to collaborate in the development of or timely submit the plan, or a region or local government agency that fails to maintain current plans, shall be ineligible to receive homeland security or public safety grant moneys administered by the department of local affairs, department of public safety, or department of public health and environment until the region submits a plan to the executive director.

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

(5) The executive director shall not require a public safety agency to acquire the



communications equipment of a particular manufacturer or provider as a condition of awarding grant moneys administered by the department.

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

(7) (a) The executive director, in consultation with the public safety communications subcommittee created in section 24-33.5-1614 (3.3), shall perform a needs assessment and create a business plan regarding statewide radio communications. The executive director shall submit a report regarding the findings and conclusions of the needs assessment and business plan to the joint budget committee on or before December 31, 2014.

(b) The needs assessment and business plan submitted under paragraph (a) of this subsection (7) must take into account current and future public safety needs; areas of coverage, including those areas of the state in which significant gaps in digital trunked radio systems coverage exist; necessary or recommended hardware and software upgrades; interoperability; governance; financial needs; funding recommendations; and any other matters relevant to expanding, improving, and modernizing radio communications in the state. The assessment, plan, and any recommendations submitted with the assessment and plan must be made in a manner that helps ensure interoperability among, and sustainment of, public safety communication systems other than the state's digital trunked radio system.

(c) This subsection (7) is repealed, effective July 1, 2016.

## PART 8

### COMPENSATION BENEFITS TO VOLUNTEER CIVIL DEFENSE WORKERS

**24-33.5-801. Legislative declaration.** It is the policy and purpose of this part 8 to provide a means of compensating volunteer civil defense workers who may suffer any injury as defined in section 24-33.5-802 (6) as a result of participation in civil defense service.

**24-33.5-802. Definitions.** As used in this part 8, unless the context otherwise requires:

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

(1.5) "Adjusting agent" means the third-party workers' compensation insurer with which the office of emergency management contracts, in accordance with section 24-33.5-809, for the