

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 16-0549.01 Ed DeCecco x4216

SENATE BILL 16-063

SENATE SPONSORSHIP

Roberts,

HOUSE SPONSORSHIP

Vigil,

Senate Committees
Local Government

House Committees

A BILL FOR AN ACT

101 CONCERNING THE AUTHORITY OF A LOCAL GOVERNMENT TO ENTER
102 INTO AN INTERGOVERNMENTAL AGREEMENT WITH AN
103 OUT-OF-STATE LOCAL GOVERNMENT TO PROVIDE CRITICAL
104 PUBLIC SERVICES.

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>.)

Section 1 of the bill authorizes any county or municipality in this state to enter into an agreement with a county or municipality from a bordering state to provide emergency services. The agreement must

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.

comply with the general requirements established in law for intergovernmental agreements. If the governor declares an emergency and activates the "Emergency Management Assistance Compact", any provision of the agreement that conflicts with a provision of the compact or a procedural plan or program created in accordance with the compact is void.

Section 1 also grants immunity for persons performing duties under the agreement and **section 2** assigns liability that accrues under the "Colorado Governmental Immunity Act" to the Colorado county or municipality that is a party to the agreement.

Section 3 specifies that the "Public Airport Authority Act" does not limit the authority of a municipality or county to enter into an intergovernmental agreement to operate an airport without creating an airport authority.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 29-1-206.5 as
3 follows:

4 **29-1-206.5. Emergency services - agreements - immunity from**
5 **liability.** (1) ANY COUNTY OR MUNICIPALITY IN THIS STATE MAY ENTER
6 INTO AN AGREEMENT WITH A COUNTY OR MUNICIPALITY FROM A STATE
7 BORDERING THIS STATE TO PROVIDE EMERGENCY SERVICES. THE
8 AGREEMENT MUST MEET THE REQUIREMENTS OF SECTION 29-1-203.

9 (2) IF THE GOVERNOR DECLARES AN EMERGENCY AND ACTIVATES
10 THE "EMERGENCY MANAGEMENT ASSISTANCE COMPACT", PART 29 OF
11 ARTICLE 60 OF TITLE 24, C.R.S., ANY PROVISION OF AN AGREEMENT
12 AUTHORIZED UNDER THIS SECTION THAT CONFLICTS WITH A PROVISION OF
13 THE COMPACT OR A PROCEDURAL PLAN OR PROGRAM CREATED IN
14 ACCORDANCE WITH THE COMPACT IS VOID AND UNENFORCEABLE.

15 (3) (a) ANY PERSON FROM ANOTHER STATE WHO IS PERFORMING A
16 FUNCTION IN THIS STATE UNDER AN AGREEMENT TO PROVIDE EMERGENCY
17 SERVICES AUTHORIZED IN THIS SECTION HAS THE SAME IMMUNITY FROM

1 LIABILITY AS A PERSON FROM THE COUNTY OR MUNICIPALITY OF THIS
2 STATE PERFORMING THE SAME FUNCTION.

3 (b) ANY PERSON FROM THIS STATE WHO IS PERFORMING A
4 FUNCTION IN ANOTHER STATE UNDER AN AGREEMENT TO PROVIDE
5 EMERGENCY SERVICES AUTHORIZED IN THIS SECTION HAS THE SAME
6 IMMUNITY FROM LIABILITY IN THE OTHER STATE THAT HE OR SHE WOULD
7 HAVE WHEN PERFORMING THE SAME FUNCTION IN THIS STATE.

8 **SECTION 2.** In Colorado Revised Statutes, **amend** 29-5-108 as
9 follows:

10 **29-5-108. Liability of requesting jurisdiction.** (1) During the
11 time that a police officer, deputy sheriff, or firefighter of a town, city, city
12 and county, county, or fire protection district or of a state institution of
13 higher education employing a peace officer in accordance with article 7.5
14 of title 24, C.R.S., is assigned to temporary duty within the jurisdiction of
15 another town, city, city and county, county, or fire protection district, or
16 of another state institution of higher education employing a peace officer
17 in accordance with article 7.5 of title 24, C.R.S., as provided in sections
18 29-5-103 to 29-5-107, any liability that accrues under the provisions of
19 article 10 of title 24, C.R.S., on account of the negligent or otherwise
20 tortious act of the police officer, deputy sheriff, or firefighter while
21 performing the duty shall be imposed upon the requesting town, city, city
22 and county, county, fire protection district, or state institution of higher
23 education, and not upon the assigning jurisdiction.

24 (2) DURING THE TIME THAT A PERSON FROM ANOTHER STATE IS
25 PERFORMING FIREFIGHTING DUTIES WITHIN THE JURISDICTION OF A
26 COUNTY OR MUNICIPALITY IN THIS STATE UNDER AN AGREEMENT
27 AUTHORIZED IN SECTION 29-1-206.5 (1), ANY LIABILITY THAT ACCRUES

1 UNDER THE PROVISIONS OF ARTICLE 10 OF TITLE 24, C.R.S., ON ACCOUNT
2 OF THE NEGLIGENT OR OTHERWISE TORTIOUS ACT OF THE FIREFIGHTER
3 WHILE PERFORMING THE DUTY IS IMPOSED UPON THE COUNTY OR
4 MUNICIPALITY OF THIS STATE THAT IS A PARTY TO THE AGREEMENT.

5 **SECTION 3.** In Colorado Revised Statutes, **add** 41-3-109 as
6 follows:

7 **41-3-109. Effect on intergovernmental agreements.** THIS
8 ARTICLE DOES NOT LIMIT THE AUTHORITY OF A MUNICIPALITY OR COUNTY
9 TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT UNDER SECTION
10 29-1-203, C.R.S., TO OPERATE AN AIRPORT WITHOUT CREATING AN
11 AUTHORITY.

12 **SECTION 4. Act subject to petition - effective date.** This act
13 takes effect at 12:01 a.m. on the day following the expiration of the
14 ninety-day period after final adjournment of the general assembly (August
15 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a
16 referendum petition is filed pursuant to section 1 (3) of article V of the
17 state constitution against this act or an item, section, or part of this act
18 within such period, then the act, item, section, or part will not take effect
19 unless approved by the people at the general election to be held in
20 November 2016 and, in such case, will take effect on the date of the
21 official declaration of the vote thereon by the governor.