

Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 16-0549.01 Ed DeCecco x4216

**SENATE BILL 16-063**

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**SENATE SPONSORSHIP**

**Roberts,**

**HOUSE SPONSORSHIP**

**Vigil,**

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**Senate Committees**

Local Government

**House Committees**

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**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.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

**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.

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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 - definitions.** (1) ANY COUNTY, MUNICIPALITY, OR DESIGNATED  
6 SPECIAL DISTRICT IN THIS STATE MAY ENTER INTO AN AGREEMENT WITH A  
7 COUNTY, MUNICIPALITY, OR SPECIAL DISTRICT FROM A STATE BORDERING  
8 THIS STATE TO PROVIDE EMERGENCY SERVICES. THE AGREEMENT MUST  
9 MEET THE REQUIREMENTS OF SECTION 29-1-203.

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

16 (3) (a) ANY PERSON FROM ANOTHER STATE WHO IS PERFORMING A  
17 FUNCTION IN THIS STATE UNDER AN AGREEMENT TO PROVIDE EMERGENCY

1 SERVICES AUTHORIZED IN THIS SECTION HAS THE SAME IMMUNITY FROM  
2 LIABILITY AS A PERSON FROM THE COUNTY, MUNICIPALITY, OR  
3 DESIGNATED SPECIAL DISTRICT OF THIS STATE PERFORMING THE SAME  
4 FUNCTION.

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

10 (4) AS USED IN THIS SECTION, "DESIGNATED SPECIAL DISTRICT"  
11 MEANS A FIRE PROTECTION DISTRICT, FIRE PROTECTION AUTHORITY,  
12 AMBULANCE DISTRICT, OR HEALTH SERVICE DISTRICT.

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

15 **29-5-108. Liability of requesting jurisdiction.** (1) During the  
16 time that a police officer, deputy sheriff, or firefighter of a town, city, city  
17 and county, county, or fire protection district or of a state institution of  
18 higher education employing a peace officer in accordance with article 7.5  
19 of title 24, C.R.S., is assigned to temporary duty within the jurisdiction of  
20 another town, city, city and county, county, or fire protection district, or  
21 of another state institution of higher education employing a peace officer  
22 in accordance with article 7.5 of title 24, C.R.S., as provided in sections  
23 29-5-103 to 29-5-107, any liability that accrues under the provisions of  
24 article 10 of title 24, C.R.S., on account of the negligent or otherwise  
25 tortious act of the police officer, deputy sheriff, or firefighter while  
26 performing the duty shall be imposed upon the requesting town, city, city  
27 and county, county, fire protection district, or state institution of higher

1 education, and not upon the assigning jurisdiction.

2 (2) DURING THE TIME THAT A PERSON FROM ANOTHER STATE IS  
3 PERFORMING FIREFIGHTING DUTIES WITHIN THE JURISDICTION OF A  
4 COUNTY, MUNICIPALITY, FIRE PROTECTION DISTRICT, OR FIRE PROTECTION  
5 AUTHORITY IN THIS STATE UNDER AN AGREEMENT AUTHORIZED IN SECTION  
6 29-1-206.5 (1), ANY LIABILITY THAT ACCRUES UNDER THE PROVISIONS OF  
7 ARTICLE 10 OF TITLE 24, C.R.S., ON ACCOUNT OF THE NEGLIGENT OR  
8 OTHERWISE TORTIOUS ACT OF THE FIREFIGHTER WHILE PERFORMING THE  
9 DUTY IS IMPOSED UPON THE COUNTY, MUNICIPALITY, FIRE PROTECTION  
10 DISTRICT, OR FIRE PROTECTION AUTHORITY OF THIS STATE THAT IS A  
11 PARTY TO THE AGREEMENT.

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