

CHAPTER 234

GOVERNMENT - STATE

HOUSE BILL 18-1394

BY REPRESENTATIVE(S) Singer and McKean, Arndt, Becker K., Buckner, Coleman, Exum, Foote, Ginal, Hamner, Herod, Kennedy, Kraft-Tharp, Lontine, Michaelson Jenet, Pettersen, Rosenthal, Valdez, Young, Duran, Hansen;
also SENATOR(S) Kefalas and Cooke, Fields, Gardner, Jones, Kerr, Todd.

AN ACT**CONCERNING AMENDMENTS TO THE COLORADO DISASTER EMERGENCY ACT TO ADDRESS ALL PHASES OF EMERGENCY MANAGEMENT.**

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

SECTION 1. In Colorado Revised Statutes, **amend** 24-33.5-701 as follows:

24-33.5-701. Short title. THE SHORT TITLE OF this part 7 ~~shall be known and may be cited as~~ is the "Colorado Disaster Emergency Act".

SECTION 2. In Colorado Revised Statutes, 24-33.5-702, **amend** (1)(a), (1)(c), and (1)(g) as follows:

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 ALL-HAZARDS, INCLUDING natural catastrophes or catastrophes of human origin, civil disturbance, or hostile military or paramilitary action;

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

(g) Provide a disaster and emergency management system embodying all aspects of ~~pre-disaster~~ PRE-DISASTER and pre-emergency preparedness, PREVENTION, MITIGATION, and ~~post-disaster~~ POST-DISASTER and ~~post-emergency~~ POST-EMERGENCY response AND RECOVERY; and

Capital letters or bold & italic numbers indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

SECTION 3. In Colorado Revised Statutes, 24-33.5-703, **amend** (2); and **add** (3.5), (4.3), (4.5), (7.3), (7.5), and (7.7) as follows:

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

(2) "Committee" means the governor's expert emergency epidemic response committee created in ~~section 24-33.5-704~~ SECTION 24-33.5-704.5.

(3.5) "EMERGENCY" MEANS AN UNEXPECTED EVENT THAT PLACES LIFE OR PROPERTY IN DANGER AND REQUIRES AN IMMEDIATE RESPONSE THROUGH THE USE OF STATE AND COMMUNITY RESOURCES AND PROCEDURES.

(4.3) "EMERGENCY MANAGEMENT" MEANS THE ACTIONS TAKEN TO PREPARE FOR, RESPOND TO, AND RECOVER FROM EMERGENCIES AND DISASTERS AND MITIGATE AGAINST CURRENT AND FUTURE RISK.

(4.5) "MITIGATION" MEANS THE SUSTAINED ACTION TO REDUCE OR ELIMINATE RISK TO PEOPLE AND PROPERTY FROM HAZARDS AND THEIR EFFECTS.

(7.3) "RECOVERY" MEANS THE SHORT, INTERMEDIATE, AND LONG-TERM ACTIONS TAKEN TO RESTORE COMMUNITY FUNCTIONS, SERVICES, VITAL RESOURCES, FACILITIES, PROGRAMS, CONTINUITY OF LOCAL GOVERNMENT SERVICES AND FUNCTIONS, AND INFRASTRUCTURE TO THE AFFECTED AREA.

(7.5) "RESILIENCY" MEANS THE ABILITY OF COMMUNITIES TO REBOUND, POSITIVELY ADAPT TO, OR THRIVE AMIDST CHANGING CONDITIONS OR CHALLENGES, INCLUDING HUMAN-CAUSED AND NATURAL DISASTERS, AND TO MAINTAIN QUALITY OF LIFE, HEALTHY GROWTH, DURABLE SYSTEMS, ECONOMIC VITALITY, AND CONSERVATION OF RESOURCES FOR PRESENT AND FUTURE GENERATIONS.

(7.7) "RESPONSE" MEANS THE ACTIONS TAKEN DIRECTLY FOLLOWING THE ONSET OF AN EMERGENCY OR DISASTER TO PROVIDE IMMEDIATE ASSISTANCE TO MAINTAIN LIFE, IMPROVE HEALTH, PROTECT PROPERTY, RESTORE ESSENTIAL FUNCTIONS, AND ENSURE THE SECURITY OF THE AFFECTED POPULATION.

SECTION 4. In Colorado Revised Statutes, 24-33.5-704, **amend** (4); and **add** (6.5) as follows:

24-33.5-704. The governor and disaster emergencies - response - recovery - duties and limitations. (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~~ THAT brought it about or ~~which~~ THAT 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 in the DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT, the secretary of state, ~~and~~ the county clerk and recorder, and ~~disaster~~ EMERGENCY MANAGEMENT agencies in the area to which it applies.

(6.5) (a) DURING THE RESPONSE TO OR RECOVERY FROM ANY STATE OF DISASTER EMERGENCY, THE GOVERNOR MAY CONVENE A DISASTER POLICY GROUP IF NEEDED TO EFFECTIVELY AND EFFICIENTLY COORDINATE POLICY-LEVEL DECISION-MAKING AND TO ADVISE THE GOVERNOR ON THE RESPONSE TO AND RECOVERY FROM THE EVENT. THE POLICY GROUP MUST INCLUDE A REPRESENTATIVE FROM THE DEPARTMENT OF LOCAL AFFAIRS AND APPROPRIATE STATE AGENCIES INVOLVED IN THE RESPONSE AND RECOVERY EFFORT.

(b) IF THE GOVERNOR CONVENES A DISASTER POLICY GROUP PURSUANT TO SUBSECTION (6.5)(a) OF THIS SECTION, THE GOVERNOR SHALL APPOINT A CHAIR AND SHALL DELEGATE TO THE CHAIR THE AUTHORITY TO MANAGE CROSS-DEPARTMENTAL AND INTERJURISDICTIONAL COORDINATION FOR RECOVERY EFFORTS.

SECTION 5. In Colorado Revised Statutes, **add with amended and relocated provisions 24-33.5-704.5** as follows:

24-33.5-704.5. Governor's expert emergency epidemic response committee - creation. (1) [Similar to 24-33.5-704 (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 COMPREHENSIVE EMERGENCY MANAGEMENT PROGRAM CREATED IN SECTION 24-33.5-705 (2) 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.

(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 ATTORNEY GENERAL'S DESIGNEE;

(G) THE PRESIDENT OF THE STATE 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;

(K) THE DIRECTOR OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT; AND

(L) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS OR THE EXECUTIVE DIRECTOR'S DESIGNEE.

(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 POST-TRAUMATIC 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, CONSTITUTES 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 EMERGENCY PLANNING SUBCOMMITTEE OF THE HOMELAND SECURITY AND ALL-HAZARDS SENIOR ADVISORY COMMITTEE CREATED IN SECTION 24-33.5-1614(3.5) 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.

(2) [Similar to 24-33.5-704 (9)] EACH DEPARTMENT THAT ADMINISTERS A

PUBLICLY FUNDED SAFETY NET PROGRAM SHALL DEVELOP A CONTINUITY OF OPERATIONS PLAN. THE PLAN SHALL ESTABLISH PROCEDURES FOR THE RESPONSE BY, AND CONTINUATION OF OPERATIONS OF, THE DEPARTMENT AND THE PROGRAM IN THE EVENT OF AN EMERGENCY EPIDEMIC. 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 COMMITTEE OF THE SENATE AND THE PUBLIC HEALTH CARE AND HUMAN SERVICES COMMITTEE OF THE 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 AND DISASTER PREPAREDNESS.

SECTION 6. In Colorado Revised Statutes, 24-33.5-705, **amend** (1), (2), (3), (4), and (5) as follows:

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 is CREATED WITHIN THE DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT IN THE DEPARTMENT OF PUBLIC SAFETY. THE OFFICE OF EMERGENCY MANAGEMENT EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS AS A **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105. 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~~ CREATE A COMPREHENSIVE EMERGENCY MANAGEMENT PROGRAM THAT INCLUDES POLICIES, PLANS, AND PROCEDURES THAT ADDRESS THE PREPARATION, PREVENTION, MITIGATION, RESPONSE, AND RECOVERY FROM EMERGENCIES AND DISASTERS. THE OFFICE SHALL PREPARE, MAINTAIN, AND KEEP THE PROGRAM CURRENT IN ORDER TO MEET THE NEEDS OF THE STATE.

(3) The office of emergency management shall take part in the development and revision of local and interjurisdictional ~~disaster~~ EMERGENCY MANAGEMENT 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~~ EMERGENCY MANAGEMENT agencies, and interjurisdictional planning ~~and disaster~~ agencies. Such personnel shall consult with political subdivisions and ~~disaster~~ EMERGENCY MANAGEMENT agencies and shall make field examinations.

(4) In preparing and revising the state ~~disaster plan~~ EMERGENCY MANAGEMENT

PROGRAM, the office of emergency management ~~may seek the advice and~~ SHALL ENSURE A PARTICIPATORY PROCESS THAT INCLUDES THE assistance of local government, business, labor, industry, agriculture, civic and volunteer organizations, ACADEMIA, OTHER STATE GOVERNMENT AGENCIES, and community leaders.

(5) The state ~~disaster plan~~ EMERGENCY MANAGEMENT PROGRAM 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.

SECTION 7. In Colorado Revised Statutes, **add** 24-33.5-705.2 as follows:

24-33.5-705.2. Resiliency and community recovery program. SUBJECT TO AVAILABLE GRANT FUNDING, THE COLORADO RESILIENCY OFFICE CREATED IN SECTION 24-32-121 SHALL CREATE A RESILIENCY AND COMMUNITY RECOVERY PROGRAM AS PROVIDED IN SECTION 24-32-122 TO PROVIDE LONG-TERM, LASTING SOLUTIONS AND EFFORTS FOR RESILIENCY.

SECTION 8. In Colorado Revised Statutes, 24-33.5-705.3, **amend** (2)(b), (3), and (4); and **add** (2)(a.5) as follows:

24-33.5-705.3. Statewide all-hazards resource database - creation - definitions. (2) (a.5) NOT LATER THAN JUNE 30, 2019, THE OFFICE OF EMERGENCY MANAGEMENT, USING EXISTING COMPUTER RESOURCES, SHALL UPDATE THE CENTRALIZED RESPONSE COMPUTER DATABASE CREATED PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION TO INCLUDE A LISTING OF ALL-HAZARDS RECOVERY RESOURCES LOCATED IN COLORADO. THE OFFICE SHALL CONTINUE TO MAINTAIN AND UPDATE THE DATABASE REGULARLY.

(b) The database created pursuant to ~~paragraph (a) of this subsection (2) shall~~ THIS SUBSECTION (2) MUST contain resource inventories, personnel counts, resource status, such other information relevant to the efficient tracking and allocation of all-hazards response AND RECOVERY resources, and a listing of all supplemental funding sources available to tribal, state, and local all-hazards response AND RECOVERY 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~~ THE data gathered for or stored in this database ~~shall~~ MUST NOT contain personally identifying information without prior notice to the involved individual. The database ~~is not intended to~~ SHALL be used ~~in place of~~ IN CONJUNCTION WITH 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~~ MUST 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~~ MUST be accessible via the internet to all tribal, state, regional, and local response agencies for the purpose of efficiently tracking and allocating response AND RECOVERY 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 AND RECOVERY agencies can easily access the database. ~~The guidelines shall be developed~~ OFFICE SHALL DEVELOP THE GUIDELINES with input from tribal, state, regional, and local response AND RECOVERY agencies and private sector agencies and organizations.

SECTION 9. In Colorado Revised Statutes, 24-33.5-705.4, **amend** (1)(a) introductory portion, (1)(b), (2)(b), (2)(g), (2)(k), (3)(a), (4)(b)(I), (4)(b)(II), and (4)(c) as follows:

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 OF emergency AND DISASTER 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:

(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 RECOVERY 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:

(b) "Emergency manager" means the director or coordinator of the local or interjurisdictional ~~disaster~~ EMERGENCY MANAGEMENT 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~~ PREVENTION, MITIGATION, response, AND RECOVERY.

(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.

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

(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 COMPREHENSIVE EMERGENCY MANAGEMENT PROGRAM DESCRIBED IN SECTION 24-33.5-705 (2).

(4) **Mobilization.** (b) Upon and for the duration of mobilization:

(I) The executive director OR THE EXECUTIVE DIRECTOR'S DESIGNEE shall serve as a resource mobilization ~~liaison~~ AGENCY ADMINISTRATOR to the local unified coordination group, incident commander, or the host jurisdiction's ~~disaster~~ EMERGENCY MANAGEMENT agency ~~under unified command~~ to support the mobilization effort consistent with the LOCAL JURISDICTIONAL 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, EMERGENCY MANAGER, and the host jurisdiction or nonhost jurisdiction that provided the resources;

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

SECTION 10. In Colorado Revised Statutes, 24-33.5-705.5, **amend** (1)(c), (3)(c), and (4)(a) as follows:

24-33.5-705.5. Auxiliary emergency communications unit - powers and duties of unit and office of emergency management regarding auxiliary communications - definitions. (1) As used in this section:

(c) "Office" means the office of emergency management created in ~~section 24-33.5-705 (1)(a)~~ SECTION 24-33.5-705 (1).

(3) The unit has the following powers and duties:

(c) Ensure that auxiliary emergency communicators are authorized volunteers entitled to the protections and benefits of part 8 of this ~~article~~ ARTICLE 33.5 when assisting with the installation, maintenance, or demolition of communication facilities of any county sheriff, local government, local emergency planning committee, LOCAL EMERGENCY MANAGEMENT AGENCY, or state agency, whether or not such activities occur during a disaster; except that ~~the provisions of~~ sections 24-33.5-825 and 24-33.5-826 do not apply to a training exercise, drill, or class without the express prior consent and approval of the volunteer's employer.

(4) In connection with the powers and duties of the unit as specified in this section, the director of the office may:

(a) Develop and issue a credential that is recognized throughout the state for the purpose of granting access to government facilities, EMERGENCY OPERATIONS CENTERS, incident command posts, and disaster scenes;

SECTION 11. In Colorado Revised Statutes, 24-33.5-706, **amend** (4) and (5); and **repeal** (3) as follows:

24-33.5-706. Disaster emergency fund - established - financing - legislative intent - repeal. (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~~ MONEY regularly appropriated to state and local agencies. If the governor finds that the demands placed upon ~~these funds~~ THIS MONEY in coping with a particular disaster are unreasonably great, the governor may ~~with the concurrence of the council~~, make ~~funds~~ MONEY available from the disaster emergency fund.

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

(5) The director of the division of homeland security and emergency management is authorized to establish, pursuant to article 4 of this ~~title~~ TITLE 24, the rules ~~and regulations which will~~ THAT govern the reimbursement of funds to state agencies and political subdivisions and to promulgate such ~~regulations~~ RULES.

SECTION 12. In Colorado Revised Statutes, **amend** 24-33.5-707 as follows:

24-33.5-707. Local and interjurisdictional emergency management 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 EMERGENCY MANAGEMENT agency responsible for THE COORDINATION OF disaster preparedness, ~~and coordination of response~~ PREVENTION, MITIGATION, RESPONSE, AND RECOVERY.

(2) Each county shall maintain a ~~disaster~~ AN EMERGENCY MANAGEMENT agency or participate in a local or interjurisdictional ~~disaster~~ EMERGENCY MANAGEMENT agency ~~which~~ THAT, 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~~ EMERGENCY MANAGEMENT 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 AND RECOVERY related to population size and concentration. The ~~disaster~~ EMERGENCY MANAGEMENT agency of a county shall cooperate with the ~~disaster~~ EMERGENCY MANAGEMENT agencies of municipalities situated within its borders but shall not have jurisdiction within a municipality having its own ~~disaster~~ EMERGENCY MANAGEMENT agency. The office of emergency management shall publish and keep current a list of municipalities required to have ~~disaster~~ EMERGENCY MANAGEMENT agencies under this subsection (3).

(4) The minimum composition of a ~~disaster~~ AN EMERGENCY MANAGEMENT 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, AND EXECUTION of the local ~~disaster~~ PRE- AND POST-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~~ AN EMERGENCY MANAGEMENT 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, MITIGATION, 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~~ PREPAREDNESS, PREVENTION, MITIGATION, RESPONSE, AND RECOVERY services, identify the person who heads the agency OR AGENCIES 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~~ EMERGENCY MANAGEMENT agency shall prepare and keep current a ~~local~~ LOCALLY DEFINED or interjurisdictional ~~disaster~~ emergency MANAGEMENT plan for its area, INCLUDING PROVISIONS FOR THE PREPARATION, PREVENTION, MITIGATION, RESPONSE, AND RECOVERY FROM EMERGENCIES AND DISASTERS. EXISTING LOCALLY ADOPTED RECOVERY PLANS, PLANS APPROVED BY THE OFFICE OF EMERGENCY MANAGEMENT OR THE FEDERAL EMERGENCY MANAGEMENT AGENCY, AND OTHER RELEVANT EMERGENCY PLANS MAY BE INCORPORATED BY REFERENCE, BUT ONLY IF THOSE PLANS ARE SPECIFICALLY IDENTIFIED AND PUBLICLY AVAILABLE.

(9) The local or interjurisdictional ~~disaster~~ EMERGENCY MANAGEMENT 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~~ EMERGENCY MANAGEMENT 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 MANAGEMENT plan, and said information shall thereafter not be released to any person without the expressed written consent of the person providing the information.

SECTION 13. In Colorado Revised Statutes, 24-33.5-708, **amend** (1) and (2)(b); **repeal** (4); and **add** (2.5) as follows:

24-33.5-708. Establishment of interjurisdictional emergency management 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~~ EMERGENCY MANAGEMENT agencies and services, the governor may delineate by executive order an interjurisdictional area adequate to plan for, prevent, or respond to ~~disaster~~ AND RECOVER FROM DISASTERS in that area and direct steps to be taken as necessary, including the creation of an interjurisdictional relationship, a joint ~~disaster~~ emergency MANAGEMENT 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:

(b) Limitations on public financial resources severe enough to make maintenance of a separate ~~disaster~~ EMERGENCY MANAGEMENT agency and services unreasonably burdensome;

(2.5) NOTHING IN THIS SECTION LIMITS A COUNTY'S AUTHORITY TO ENTER INTO AN INTERJURISDICTIONAL ARRANGEMENT WITH ONE OR MORE ADJOINING COUNTIES WITHOUT ACTION BY THE GOVERNOR.

~~(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.~~

SECTION 14. In Colorado Revised Statutes, 24-33.5-709, **amend (3)** as follows:

24-33.5-709. Local disaster emergencies. (3) No interjurisdictional ~~disaster~~ EMERGENCY MANAGEMENT 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~~ EMERGENCY MANAGEMENT agency shall provide aid and services in accordance with the agreement pursuant to which it functions.

SECTION 15. In Colorado Revised Statutes, 24-33.5-710, **amend (1), (2), and (3)** as follows:

24-33.5-710. Disaster prevention, mitigation, and recovery. (1) In addition to disaster prevention AND MITIGATION measures as included in the state, local, and interjurisdictional ~~disaster~~ emergency MANAGEMENT plans, the governor shall consider steps that could be taken on a continuing basis to prevent or reduce the harmful consequences of AND EFFECTIVELY RECOVER FROM 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, HAZARD MITIGATION, 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. STATE DEPARTMENTS SHALL PROVIDE INFORMATION ABOUT THE ACCOMPLISHMENTS AND SUCCESSES OF THESE PROJECTS WHEN REQUESTED BY THE OFFICE OF EMERGENCY MANAGEMENT OR THE COLORADO RESILIENCY OFFICE FOR REPORTING PURPOSES.

(3) If the DIRECTOR OF 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~~ THE DIRECTOR 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.

SECTION 16. In Colorado Revised Statutes, 24-33.5-711.5, **amend** (1) as follows:

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)~~ SECTION 24-33.5-704.5 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.

SECTION 17. In Colorado Revised Statutes, **add** 24-32-121 and 24-32-122 as follows:

24-32-121. Colorado resiliency office - creation - director. SUBJECT TO AVAILABLE GRANT FUNDING, THE COLORADO RESILIENCY OFFICE IS CREATED IN THE DIVISION OF LOCAL GOVERNMENT WITHIN THE DEPARTMENT OF LOCAL AFFAIRS. THE HEAD OF THE OFFICE IS THE DIRECTOR OF THE COLORADO RESILIENCY OFFICE. THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SHALL APPOINT THE DIRECTOR OF THE OFFICE IN ACCORDANCE WITH SECTION 13 OF ARTICLE XII OF THE STATE CONSTITUTION. THE OFFICE EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS UNDER THE DIVISION AND THE DEPARTMENT AS A **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105.

24-32-122. Duties and powers. (1) (a) THE COLORADO RESILIENCY OFFICE SHALL CREATE, MAINTAIN, AND KEEP CURRENT THE RESILIENCY AND COMMUNITY RECOVERY PROGRAM AS DESCRIBED IN SECTION 24-33.5-705.2. THE PROGRAM MUST ACCOMPLISH THE FOLLOWING, AT A MINIMUM:

(I) DEVELOP A PLAN TO IMPROVE COORDINATION AMONG STATE AGENCIES AND LOCAL JURISDICTIONS TO SUPPORT COMMUNITY AND ECONOMIC RECOVERY EFFORTS AND TO ADDRESS RISK AND VULNERABILITY REDUCTION;

(II) PROVIDE TECHNICAL ASSISTANCE TO LOCAL GOVERNMENTS FOR THE IMPLEMENTATION OF RESILIENCE PLANNING, INCLUDING RESILIENCE FRAMEWORKS, VULNERABILITY PROFILES, RISK-REDUCTION PLANS, AND ECONOMIC DEVELOPMENT

STRATEGIES;

(III) PROVIDE TECHNICAL ASSISTANCE TO STATE AGENCIES FOR THE IMPLEMENTATION OF RESILIENCE POLICIES AND PROCEDURES AND TO INSTITUTIONALIZE RESILIENCE PRACTICES ACROSS DEPARTMENTS AND AGENCIES;

(IV) PROVIDE TECHNICAL ASSISTANCE TO LOCAL GOVERNMENTS AND STATE AGENCIES TO SECURE ADDITIONAL RESOURCES AND INVESTMENT TO IMPLEMENT RESILIENCE SOLUTIONS;

(V) INTEGRATE RESILIENCE CRITERIA INTO EXISTING COMPETITIVE GRANT PROGRAMS;

(VI) PROVIDE POLICY ADVOCACY TO SHAPE FEDERAL RESILIENCE EFFORTS;

(VII) DEVELOP METRICS AND TARGETS TO MEASURE THE SHORT-AND LONG-TERM SUCCESS OF RESILIENCE EFFORTS AND ACTIONS; AND

(VIII) SUPPORT LONG-TERM COMMUNITY RECOVERY EFFORTS AND RESOURCE NAVIGATION AFTER A DISASTER.

(b) THE COLORADO RESILIENCY OFFICE SHALL MAINTAIN AND KEEP THE RESILIENCY AND COMMUNITY RECOVERY PROGRAM CURRENT AND IN COMPLIANCE TO MEET THE NEEDS OF THE STATE.

(2) THE COLORADO RESILIENCY OFFICE SHALL CONSULT WITH THE GOVERNOR'S OFFICE, THE DEPARTMENT OF PUBLIC SAFETY, THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, AND ALL OTHER AFFECTED STATE AGENCIES IN DEVELOPING THE RESILIENCY AND COMMUNITY RECOVERY PROGRAM.

(3) IN DEVELOPING THE PROGRAM, THE COLORADO RESILIENCY OFFICE SHALL ENSURE A PARTICIPATORY PROCESS THAT INCLUDES LOCAL GOVERNMENT, STATE AGENCIES, BUSINESS, LABOR, INDUSTRY, AGRICULTURE, CIVIC AND VOLUNTEER ORGANIZATIONS, ACADEMIA, COMMUNITY LEADERS, AND OTHER STAKEHOLDERS.

(4) THE DUTIES, POWERS, AND OBLIGATIONS OF THE COLORADO RESILIENCY OFFICE SET FORTH IN SUBSECTIONS (1) TO (3) OF THIS SECTION ARE TO BE ACCOMPLISHED SUBJECT TO AVAILABLE GRANT FUNDING OR WITHIN EXISTING RESOURCES.

(5) THE DEPARTMENT OF LOCAL AFFAIRS AND THE COLORADO RESILIENCY OFFICE MAY SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS SECTION AND SECTION 24-32-121.

SECTION 18. In Colorado Revised Statutes, 24-1-125, **amend** (2)(a) as follows:

24-1-125. Department of local affairs - creation. (2) The department of local affairs shall consist of the following divisions:

(a) (I) Division of local government, the head of which shall be the director of local government. The division of local government and the office of THE director

thereof, created by part 1 of article 32 of this ~~title~~ TITLE 24, and their powers, duties, and functions are transferred by a **type 2** transfer to the department of local affairs as the division of local government.

(II) THE DIVISION OF LOCAL GOVERNMENT INCLUDES THE COLORADO RESILIENCY OFFICE, THE HEAD OF WHICH IS THE DIRECTOR OF THE COLORADO RESILIENCY OFFICE. THE COLORADO RESILIENCY OFFICE EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS UNDER THE DIVISION AND THE DEPARTMENT AS A **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105.

SECTION 19. In Colorado Revised Statutes, 2-3-1502, **amend** (6) as follows:

2-3-1502. Definitions. As used in this part 15, unless the context otherwise requires:

(6) "GEEERC" means the governor's expert emergency epidemic response committee created in ~~section 24-33.5-704 (8), C.R.S.~~ SECTION 24-33.5-704.5.

SECTION 20. In Colorado Revised Statutes, 25-1.5-102, **amend** (1)(b)(I) as follows:

25-1.5-102. Epidemic and communicable diseases - powers and duties of department. (1) The department has, in addition to all other powers and duties imposed upon it by law, the powers and duties provided in this section as follows:

(b) (I) To investigate and monitor the spread of disease that is considered part of an emergency epidemic as defined in section 24-33.5-703 (4) ~~C.R.S.~~; to determine the extent of environmental contamination resulting from the emergency epidemic, and to rapidly provide epidemiological and environmental information to the governor's expert emergency epidemic response committee, created in ~~section 24-33.5-704 (8), C.R.S.~~ SECTION 24-33.5-704.5.

SECTION 21. Repeal of provisions being relocated in this act. In Colorado Revised Statutes, 24-33.5-704, **repeal** (8) and (9).

SECTION 22. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 24, 2018