

CHAPTER 51

GOVERNMENT - COUNTY

SENATE BILL 16-063

BY SENATOR(S) Roberts, Crowder, Donovan, Heath, Jones, Kefalas, Lambert, Martinez Humenik, Merrifield, Newell, Todd, Woods, Cadman;
also REPRESENTATIVE(S) Vigil, Arndt, Becker K., Brown, Duran, Fields, Ginal, Lebsock, Lontine, Mitsch Bush, Moreno, Pettersen, Priola, Rosenthal, Saine, Salazar, Young, Hullinghorst.

AN ACT

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

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

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

29-1-206.5. Emergency services - agreements - immunity from liability - definitions. (1) ANY COUNTY, MUNICIPALITY, OR DESIGNATED SPECIAL DISTRICT IN THIS STATE MAY ENTER INTO AN AGREEMENT WITH A COUNTY, MUNICIPALITY, OR SPECIAL DISTRICT FROM A STATE BORDERING THIS STATE TO PROVIDE EMERGENCY SERVICES. THE AGREEMENT MUST MEET THE REQUIREMENTS OF SECTION 29-1-203.

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

(3) (a) ANY PERSON FROM ANOTHER STATE WHO IS PERFORMING A FUNCTION IN THIS STATE UNDER AN AGREEMENT TO PROVIDE EMERGENCY SERVICES AUTHORIZED IN THIS SECTION HAS THE SAME IMMUNITY FROM LIABILITY AS A PERSON FROM THE COUNTY, MUNICIPALITY, OR DESIGNATED SPECIAL DISTRICT OF THIS STATE PERFORMING THE SAME FUNCTION.

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

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

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

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

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

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

SECTION 3. 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 10, 2016, if adjournment sine die is on May 11, 2016); 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 2016 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: March 23, 2016