

CHAPTER 288

GOVERNMENT - STATE

HOUSE BILL 23-1270

BY REPRESENTATIVE(S) Garcia and Lindsay, Amabile, Bacon, Brown, Gonzales-Gutierrez, Joseph, Lieder, Mabrey, Michaelson Jenet, Velasco, Willford;
also SENATOR(S) Gonzales, Buckner, Cutter, Danielson, Exum, Fields, Hinrichsen, Marchman, Priola, Roberts, Sullivan.

AN ACT

CONCERNING THE CREATION OF THE URGENT INCIDENT RESPONSE FUND FOR THE PURPOSE OF REIMBURSING CERTAIN GOVERNMENTAL ENTITIES FOR THE COSTS OF RESPONDING TO URGENT INCIDENTS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, **add** 24-33.5-1623 as follows:

24-33.5-1623. Urgent incident response fund - created - rules - definitions.

(1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "DIRECTOR" MEANS THE DIRECTOR OF THE DIVISION.

(b) "DIVISION" MEANS THE DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT IN THE DEPARTMENT OF PUBLIC SAFETY CREATED IN SECTION 24-33.5-1603.

(c) "FUND" MEANS THE URGENT INCIDENT RESPONSE FUND CREATED IN SUBSECTION (2) OF THIS SECTION.

(d) "LOCAL GOVERNMENT" MEANS A CITY, COUNTY, MUNICIPALITY, CITY AND COUNTY, TRIBAL GOVERNMENT, OR ANY OTHER POLITICAL SUBDIVISION OF THE STATE THAT IS NOT A STATE AGENCY.

(e) "STATE AGENCY" MEANS ANY DEPARTMENT, DIVISION, COMMISSION, COUNCIL, BOARD, BUREAU, COMMITTEE, OFFICE, AGENCY, OR OTHER GOVERNMENTAL UNIT OF THE STATE.

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

(2) THE URGENT INCIDENT RESPONSE FUND IS HEREBY CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF ANY MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND AND ANY MONEY RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS. THE DIRECTOR MAY SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS SECTION. THE DIRECTOR SHALL TRANSMIT ALL MONEY RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS TO THE STATE TREASURER, WHO SHALL CREDIT THE MONEY TO THE FUND. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO THE FUND.

(3) MONEY IN THE FUND IS ANNUALLY APPROPRIATED TO THE DIVISION FOR THE PURPOSE OF REIMBURSING STATE AGENCIES AND LOCAL GOVERNMENTS FOR THE COSTS OF RESPONDING TO URGENT INCIDENTS THAT DO NOT RISE TO THE LEVEL OF DISASTERS AS DEFINED IN SECTION 24-33.5-703 (3) OR EMERGENCIES AS DEFINED IN SECTION 24-33.5-703 (3.5). THE DIVISION SHALL NOT EXPEND MONEY FROM THE FUND:

(a) FOR ANY OF THE PURPOSES SPECIFIED IN SECTION 24-33.5-702;

(b) TO REIMBURSE STATE AGENCIES OR LOCAL GOVERNMENTS FOR THE COSTS OF RESPONDING TO DISASTERS AS DEFINED IN SECTION 24-33.5-703 (3) OR EMERGENCIES AS DEFINED IN SECTION 24-33.5-703 (3.5); OR

(c) FOR THE PURPOSE OF RESPONDING TO A DISASTER EMERGENCY DECLARED PURSUANT TO SECTION 24-33.5-704.

(4) AFTER REIMBURSING A STATE AGENCY OR LOCAL GOVERNMENT FOR THE COSTS OF RESPONDING TO AN URGENT INCIDENT, THE DIVISION SHALL PUBLISH, AT A MINIMUM, THE FOLLOWING INFORMATION ON THE DIVISION'S WEBSITE: THE STATE AGENCY OR LOCAL GOVERNMENT RECEIVING THE REIMBURSEMENT, THE AMOUNT OF THE REIMBURSEMENT, AND THE PURPOSE FOR WHICH THE STATE AGENCY OR LOCAL GOVERNMENT WILL USE THE REIMBURSEMENT.

(5) THE DIVISION SHALL PROMULGATE RULES TO ESTABLISH A PROCESS FOR LOCAL GOVERNMENTS AND STATE AGENCIES TO RECEIVE REIMBURSEMENT PURSUANT TO SUBSECTION (3) OF THIS SECTION. AT MINIMUM, THE PROCESS MUST INCLUDE CRITERIA FOR:

(a) APPLYING FOR A REIMBURSEMENT;

(b) ELIGIBILITY FOR DETERMINING THE AMOUNT OF A REIMBURSEMENT; AND

(c) THE DISTRIBUTION AND RECEIPT OF AN APPROVED REIMBURSEMENT.

SECTION 2. Appropriation. (1) For the 2023-24 state fiscal year, \$1,000,000 is appropriated to the urgent incident response fund created in section 24-33.5-1623 (2), C.R.S. This appropriation is from the general fund. The department of public safety is responsible for the accounting related to this appropriation.

(2) For the 2023-24 state fiscal year, \$1,000,000 is appropriated to the department

of public safety for use by the division of homeland security and emergency management. This appropriation is from reappropriated funds in the urgent incident response fund under subsection (1) of this section. To implement this act, the division may use the appropriation for urgent incident response.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Approved: June 1, 2023