



Legislative Council Staff

Research Note

Version: Final

Date: 4/19/2016

Bill Number

House Bill 16-1046

Sponsors

***Representative Kraft-Tharp
Senator Baumgardner***

Short Title

***Designated Emergency
Response Authorities***

Research Analyst

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Status

This research note reflects the final version of the bill. The bill was signed by the Governor and became effective on April 1, 2016.

Summary

Local governments currently designate, by ordinance or resolution, an emergency response authority for hazardous substance incidents. This bill requires local governments to report those designations to the Colorado State Patrol (CSP) annually and narrows the appropriate response to include threats of adverse effects of a hazardous substance on human health or the environment. The bill allows designated emergency response authorities to provide response capability through an agreement with a private entity. These private entities are given the right to claim reimbursement from the parties responsible for an incident if they are not paid by the designated response authority.

Under current law, a hazardous substance of any size on residential, personal, or agricultural property does not need to be reported to the designated emergency response authority, the Department of Public Health and Environment (DPHE), or the local fire department unless. The bill requires all hazardous substances to be reported to one or more of these authorities upon request, except for hazardous substances in consumer-sized packaging or those that are stored or used by a farmer or rancher at an agricultural facility.

Background

A designated emergency response authority for hazardous substance incidents is responsible for providing and maintaining the emergency response within its jurisdiction. The emergency

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response authority can enter into mutual aid and other agreements for the purpose of enhancing the response. In addition, the authority can request assistance from the Department of Public Health and Environment and the Department of Public Safety.

Municipalities. The governing body of a municipality is required to designate, by ordinance or resolution, an emergency response authority for hazardous substance incidents that occur within its jurisdiction. Unless otherwise specified, the local fire department is the designated emergency response authority for such incidents.

Counties. The board of county commissioners is required to designate, by ordinance or resolution, an emergency response authority for hazardous substance incidents that occur within the unincorporated areas of a county. Unless otherwise specified, the county sheriff is the designated emergency response authority.

Colorado State Patrol. The Colorado State Patrol is the designated emergency response authority for hazardous substance incidents that occur on any federal, state, or county highway, located outside of a municipal jurisdiction.

Reimbursements. A public entity, political subdivision of the state, or a unit of a local government can claim reimbursement from the individuals who were responsible for the hazardous substances at the time of the incident. Reimbursements may be claimed for the costs associated with the removal, containment, and mitigation of a hazardous incident.

House Action

House Local Government Committee (January 28, 2016). At the hearing, representatives from the Colorado Emergency Preparedness Partnership and the Colorado Wyoming Petroleum Marketers Association spoke in favor of the bill. Representatives from the Colorado Motor Carriers Association and the Colorado Petroleum Association spoke for information purposes only. The committee referred the bill to the House Committee of the Whole.

House second reading (February 1, 2016). The House passed the bill on second reading with no amendments.

House third reading (February 2, 2016). The House passed the bill on third reading with no amendments.

Senate Action

Senate Local Government Committee (March 3, 2016). At the hearing, representatives from the Colorado Emergency Preparedness Partnership and the Colorado Wyoming Petroleum Marketers Association spoke in favor of the bill. The committee adopted amendment L.001, which allows a private entity to assist a fire department or designated emergency response authority to pursue a claim; however, the fire department or designated emergency response authority must approve the claim. The committee referred the bill, as amended, to the House Committee of the Whole.

Senate second reading (March 9, 2016). The Senate passed the bill on second reading with no amendments.

Senate third reading (March 10, 2016). The Senate passed the bill on third reading with no amendments.