

CHAPTER 48

GOVERNMENT - LOCAL

HOUSE BILL 24-1155

BY REPRESENTATIVE(S) Velasco, Bacon, Bird, Boesenecker, Brown, Clifford, deGruy Kennedy, Duran, Froelich, Garcia, Hamrick, Herod, Jodeh, Joseph, Kipp, Lindsay, Lynch, Mabrey, Marshall, McCormick, Rutinel, Snyder, Titone, Young, McCluskie, Amabile, Catlin, English, Epps, McLachlan, Ortiz, Parenti, Ricks, Story, Valdez A.;
also SENATOR(S) Cutter, Bridges, Buckner, Exum, Gonzales, Jaquez Lewis, Michaelson Jenet, Priola, Roberts.

AN ACT**CONCERNING MODIFICATIONS TO THE STATUTES THAT GUIDE THE MANAGEMENT OF CERTAIN PUBLIC SAFETY EMERGENCIES.**

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

SECTION 1. In Colorado Revised Statutes, 24-77-104, **amend** (7) as follows:

24-77-104. State emergency reserve - cash fund - creation - declaration of emergency - reimbursement of emergency reserve expenditures - definition.

(7) (a) Beginning July 1, 2021, if any money in a fund that is designated by the general assembly as part of the state emergency reserve is expended and the state subsequently receives a reimbursement for the expenditure, then the state treasurer shall deposit the reimbursement into the fund that was the original source of the money. This subsection (7) applies regardless of whether the expenditure is made directly from the fund or if it is transferred from the fund to the disaster emergency fund, created in section 24-33.5-706 (2)(a), or any other fund, or if the expenditure is of money in the fund that was previously reimbursed before being spent again.

(b) AS USED IN THIS SUBSECTION (7), "REIMBURSEMENT" MEANS A REPAYMENT OF EXPENDITURES FOR WHICH THE STATE PREVIOUSLY DESIGNATED EMERGENCY MONEY. FEDERAL COST SHARE PROVIDED THROUGH A FEDERAL EMERGENCY MANAGEMENT AGENCY PUBLIC ASSISTANCE GRANT PURSUANT TO THE FEDERAL "ROBERT T. STAFFORD DISASTER RELIEF AND EMERGENCY ASSISTANCE ACT", AS AMENDED, 42 U.S.C. SEC. 5121 ET SEQ., IS NOT A "REIMBURSEMENT" FOR THE PURPOSES OF THIS SUBSECTION (7).

SECTION 2. In Colorado Revised Statutes, 29-22-102, **amend** (1) as follows:

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.

29-22-102. Hazardous substance incidents - response authorities - designation - definition. (1) It is the purpose of this section to provide for the designation of emergency response authorities for hazardous substance incidents. Every emergency response authority designated in or pursuant to this section is responsible for providing and maintaining the capability for emergency response to a hazardous substance incident occurring within its jurisdiction. An emergency response authority may provide and maintain the capability for such response directly or through mutual aid or other agreements, including an agreement with a private entity to support the emergency response authority, responding fire departments, or other government agencies. Subject to the provisions of local or regional response agreements for hazardous substance incidents, the first emergency response authority, or its public agency designee through mutual aid or otherwise, to arrive at the scene of the incident, regardless of whether the incident occurs within its jurisdiction, is responsible for the emergency response as incident commander until such time as the emergency response authority that has jurisdiction over the incident site has arrived. ~~after which unified command shall be followed until the emergency response has concluded.~~ As used in this section, "emergency response to a hazardous substance incident" means taking the initial emergency action necessary to minimize the effects or threat of adverse effects of a hazardous substance incident on human health or the environment.

SECTION 3. In Colorado Revised Statutes, 29-22.5-102, **add** (1.5) as follows:

29-22.5-102. Definitions. As used in this article 22.5, unless the context otherwise requires:

(1.5) "FIRE DEPARTMENT" HAS THE SAME MEANING AS SET FORTH IN SECTION 24-33.5-1202 (3.9).

SECTION 4. In Colorado Revised Statutes, 29-22.5-103, **amend** (1)(a), (1)(b), (2), (3)(a), and (3)(c); and **add** (5) as follows:

29-22.5-103. Wildland fires - general authority and responsibilities. (1) (a) The chief of the fire department ~~in each fire protection district in the state~~ is responsible for the management of wildland fires that occur within the JURISDICTIONAL boundaries of ~~his or her district~~ THE CHIEF'S DEPARTMENT and that are within the capability of the fire ~~district~~ DEPARTMENT to control or extinguish in accordance with the provisions of section 32-1-1002 (3)(a). ~~C.R.S.~~

(b) The fire chief may utilize mutual aid agreements ~~and unified command~~ with neighboring fire ~~protection districts~~ DEPARTMENTS to suppress and control fires that cross or threaten to cross ~~the boundaries of the district~~ JURISDICTIONAL BOUNDARIES.

(2) (a) The sheriff is the fire warden of the county and is responsible for the planning for, and the coordination of, efforts to suppress wildfires occurring in the unincorporated area of the county outside the boundaries of a fire ~~protection district~~ DEPARTMENT or that exceed the capabilities of the fire ~~protection district~~ DEPARTMENT to control or extinguish in accordance with the provisions of section 30-10-513. ~~C.R.S.~~

(b) In the case of a wildfire that exceeds the capabilities of the fire ~~protection district~~ DEPARTMENT to control or extinguish and that requires mutual aid and outside resources, the sheriff shall appoint a ~~local incident management team~~ AN INCIDENT COMMANDER to provide the command and control infrastructure required to manage the fire. The sheriff shall assume financial responsibility for fire fighting efforts on behalf of the county and the authority for the ordering and monitoring of resources.

(c) In the case of a wildfire that exceeds the capability of the county to control or extinguish, the sheriff ~~shall be~~ is responsible for seeking the assistance of the state, by requesting assistance from the division. The sheriff and the director shall enter into an agreement concerning the transfer of authority and responsibility for fire suppression and the retention of responsibilities. ~~under a unified command structure.~~

(3) (a) The division ~~shall be~~ is the lead state agency for wildland fire RESPONSE AND suppression. ~~as identified in the Colorado state emergency operations plan and in accordance with the provisions of section 23-31-301, C.R.S.~~

(c) In case of a wildland fire that exceeds the capability of the county to control or extinguish, the division may assist the sheriff in controlling or extinguishing such fires, and may assume command of such incidents with the concurrence of the sheriff. ~~under a unified command structure.~~

(5) THE AGENCY THAT HAS JURISDICTION OVER ANY WILDLAND FIRE IN THE STATE SHALL MANAGE THE FIRE USING THE INCIDENT COMMAND SYSTEM.

SECTION 5. In Colorado Revised Statutes, 29-22.5-104, **amend** (1) introductory portion as follows:

29-22.5-104. County wildfire preparedness plan. (1) The sheriff of each county may develop and update as necessary a wildfire preparedness plan for the unincorporated area of the county in cooperation with any fire district OR DEPARTMENT with jurisdiction over such unincorporated area. Any such plan shall:

SECTION 6. In Colorado Revised Statutes, **amend** 30-10-512 as follows:

30-10-512. Sheriff to act as fire warden. Subject to the provisions of ~~the community wildfire protection plan prepared by the county in accordance with section 30-15-401.7,~~ ANY RELEVANT PLANS OR AGREEMENTS, the sheriff of every county, in addition to other duties, shall act as fire warden of ~~his or her~~ THE SHERIFF'S respective county and is responsible for the coordination of fire suppression efforts in case of prairie, forest, or wildland fires or wildfires occurring in the unincorporated area of the county outside the boundaries of a fire ~~protection district~~ DEPARTMENT or that exceed the capabilities of the fire ~~protection district~~ DEPARTMENT to control or extinguish.

SECTION 7. In Colorado Revised Statutes, 30-10-513, **amend** (1); and **add** (5) and (6) as follows:

30-10-513. Duties of sheriff - coordination of fire suppression efforts for forest, prairie, or wildland fire - expenses - definition. (1) (a) Subject to the

provisions of ~~the community wildfire protection plan prepared by the county in accordance with section 30-15-401.7,~~ ANY RELEVANT PLANS OR AGREEMENTS, it is the duty of the sheriff to assume the responsibility for coordinating fire suppression efforts in case of any prairie, forest, or wildland fire or wildfire occurring in the unincorporated area of the county outside the boundaries of a fire ~~protection district~~ DEPARTMENT or that exceed the capabilities of the fire ~~protection district~~ DEPARTMENT to control or extinguish.

(b) In the case of a prairie, forest, or wildland fire occurring within the JURISDICTIONAL boundaries of one or more fire ~~protection districts~~ DEPARTMENTS that does not exceed the capabilities of the fire ~~protection district~~ DEPARTMENT to control or extinguish, the sheriff OR THE DIVISION OF FIRE PREVENTION AND CONTROL IN THE DEPARTMENT OF PUBLIC SAFETY may assist the chief of the fire ~~protection district~~ DEPARTMENT in controlling or extinguishing such fire, and, in connection with such assistance, the sheriff may solicit such additional assistance from such persons as the sheriff and the fire chief deem necessary. The sheriff may assume command of such incidents with the concurrence of the fire chief.

(c) In the case of a prairie, forest, or wildland fire that exceeds the capabilities of the fire ~~protection district~~ DEPARTMENT to control or extinguish and that requires mutual aid and outside resources, the sheriff shall appoint a ~~local incident management team~~ AN INCIDENT COMMANDER to provide the command and control infrastructure required to manage the fire. The sheriff shall assume financial responsibility for fire fighting efforts on behalf of the county and the authority for the ordering and monitoring of resources.

(d) When a wildfire exceeds the capability of the county to control or extinguish, the sheriff shall be responsible for seeking the assistance of the state by requesting assistance from the division of fire prevention and control in the department of public safety. The sheriff and the director of the division of fire prevention and control shall enter into an agreement concerning the transfer of authority and responsibility for fire suppression and the retention of responsibilities. ~~under a unified command structure.~~

(5) THE AGENCY THAT HAS JURISDICTION OVER ANY WILDLAND FIRE IN THE STATE SHALL MANAGE THE FIRE USING THE INCIDENT COMMAND SYSTEM AS DEFINED IN SECTION 29-22.5-102 (3).

(6) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "FIRE DEPARTMENT" HAS THE SAME MEANING AS SET FORTH IN SECTION 24-33.5-1202 (3.9).

SECTION 8. In Colorado Revised Statutes, 32-1-1002, **amend** (3)(a) as follows:

32-1-1002. Fire protection districts - additional powers and duties.

(3) (a) The chief of the fire department in each fire protection district in the state of Colorado, by virtue of ~~such~~ THE office ~~so~~ held by ~~him or her~~ THE CHIEF, shall have authority over the supervision of all fires within the district; except that responsibility for coordinating fire suppression efforts in case of any prairie, forest, or wildland fire that exceeds the capabilities of the district to control or extinguish shall be transferred to the county sheriff in accordance with section 30-10-513,

~~C.R.S.~~, subject to the duties and obligations imposed by this subsection (3) and subject to the provisions of the community wildfire protection plan prepared by the county in accordance with section 30-15-401.7, C.R.S. ANY RELEVANT PLANS OR AGREEMENTS. The chief shall be IS vested with such THE other express authority as is contained in this subsection (3), including commanding the fire department of such district.

SECTION 9. 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; 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 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: April 4, 2024