

CHAPTER 252

GOVERNMENT - STATE

HOUSE BILL 93-1245

BY REPRESENTATIVES DeGette, Coffman, Armstrong, and Williams;
also SENATORS Lacy, Gallagher, Ruddick, and Traylor.

AN ACT

CONCERNING THE COLORADO EMERGENCY PLANNING COMMISSION, AND, IN CONNECTION THEREWITH, THE ADMINISTRATION OF THE FEDERAL "EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT OF 1986".

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

SECTION 1. 24-32-2603 (1) (a), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

24-32-2603. Colorado emergency planning commission - creation - duties.
(1) (a) There is hereby created in the department of local affairs the Colorado emergency planning commission, which shall exercise its powers and perform its duties and functions under the department of local affairs as if the same were transferred to the department by a **type 2** transfer, EXCEPT THAT THE COMMISSION SHALL HAVE FULL AUTHORITY TO PROMULGATE RULES AND REGULATIONS RELATED TO THE ADMINISTRATION OF THIS PART 26. The commission shall consist of ~~eleven~~ TWELVE members. ~~Four~~ FIVE of the ~~eleven~~ TWELVE members shall be the following representatives of state government or their designees: The director of the division of fire safety in the department of public safety, the director of the division of local government in the department of local affairs, the director of the office of emergency management in the division of local government in the department of local affairs, who shall be a cochairperson, ~~and~~ the director of the division in the department of health responsible for hazardous materials and waste management, who shall also be a cochairperson, AND A REPRESENTATIVE OF THE COLORADO STATE PATROL IN THE DEPARTMENT OF PUBLIC SAFETY. The remaining seven members of the commission shall be appointed by the governor for two-year terms. Of those seven members, two shall represent local governments, two shall be from either public interest groups or community groups, one shall represent a local emergency planning committee, and

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

two shall represent affected industries. The governor shall fill any vacancy by appointment.

SECTION 2. Part 26 of article 32 of title 24, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended BY THE ADDITION OF THE FOLLOWING NEW SECTIONS to read:

24-32-2603.5. Powers and duties of the commission. (1) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE COMMISSION PROMULGATE RULES AND REGULATIONS PURSUANT TO THIS PART 26 THAT ENCOURAGE:

(a) CONSISTENCY BETWEEN INFORMATION REQUESTED BY THE COMMISSION AND THE PURPOSES OF IMPLEMENTATION OF THE FEDERAL ACT; AND

(b) COST EFFECTIVE REPORTING AND THE CONSIDERATION OF REASONABLE REPORTING THRESHOLD LEVELS AND REPORTING FORMATS.

(2) CONSISTENT WITH THE POWERS AND DUTIES IMPOSED UPON IT BY THE FEDERAL ACT, OR GRANTED TO IT IN THIS PART 26, THE COMMISSION SHALL HAVE THE FOLLOWING POWERS AND DUTIES:

(a) TO ADOPT ALL REASONABLE RULES AND REGULATIONS NECESSARY FOR THE ADMINISTRATION OF THIS PART 26. SUCH RULES AND REGULATIONS SHALL BE PROMULGATED IN ACCORDANCE WITH THE APPLICABLE PROVISIONS OF ARTICLE 4 OF THIS TITLE.

(b) TO ESTABLISH A UNIFORM SYSTEM FOR REPORTING AND MANAGEMENT OF INFORMATION REQUIRED BY THE FEDERAL ACT;

(c) TO CREATE AND ADOPT SUCH FORMS AS ARE NECESSARY FOR THE UNIFORM REPORTING AND MANAGEMENT OF INFORMATION REQUIRED BY THE FEDERAL ACT, INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING:

(I) A STANDARDIZED TIER II REPORTING FORM TO REPLACE THE TIER II FORM WHICH IS REQUIRED UNDER THE FEDERAL ACT, AND WHICH SHALL BE ACCEPTED BY LOCAL EMERGENCY PLANNING COMMITTEES IN REPORTING THE INFORMATION CONTAINED THEREIN; AND

(II) A STANDARDIZED FACILITY CONTINGENCY PLAN FORM AS AN ADDENDUM TO THE FORM REQUIRED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (c), WHICH SHALL BE USED FOR THE COLLECTION OF EMERGENCY PLANNING INFORMATION FROM FACILITIES BY LOCAL EMERGENCY PLANNING COMMITTEES. THIS FORM SHALL INCLUDE SPACE IN WHICH LOCAL EMERGENCY PLANNING COMMITTEES MAY REQUIRE ADDITIONAL INFORMATION OF LOCAL CONCERN.

(d) TO COORDINATE ITS ACTIVITIES WITH THOSE OF THE COLORADO STATE PATROL RELATING TO THE TRANSPORTATION OF HAZARDOUS MATERIALS.

24-32-2606. SARA Title III fund - acceptance of gifts, grants, and donations.

(1) THERE IS HEREBY CREATED IN THE STATE TREASURY A FUND TO BE KNOWN AS THE SARA TITLE III FUND, WHICH SHALL BE ADMINISTERED BY THE COMMISSION. THE

MONEYS IN THE FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY FOR THE PURPOSES OF THIS PART 26 INCLUDING, BUT NOT LIMITED TO, THE DISBURSEMENT OF GRANTS PURSUANT TO SECTION 24-32-2607.

(2) THE COMMISSION IS HEREBY AUTHORIZED TO ACCEPT ALL MONEYS RECEIVED FROM THE FEDERAL GOVERNMENT AND FROM PUBLIC OR PRIVATE GRANTS, GIFTS, BEQUESTS, DONATIONS, AND OTHER CONTRIBUTIONS FOR ANY PURPOSE CONSISTENT WITH THE PROVISIONS OF THIS PART 26. SUCH MONEYS SHALL BE CREDITED TO THE SARA TITLE III FUND CREATED BY SUBSECTION (1) OF THIS SECTION.

(3) IN ACCORDANCE WITH SECTION 24-36-114, ALL INTEREST DERIVED FROM THE DEPOSIT AND INVESTMENT OF THIS FUND SHALL BE CREDITED TO THE GENERAL FUND.

24-32-2607. Application for grants - disbursements from fund - regulations.

(1) THE DEPARTMENT OF LOCAL AFFAIRS SHALL ADMINISTER ALL GRANTS FROM THE FUND. THE DEPARTMENT OF LOCAL AFFAIRS SHALL ACCEPT APPLICATIONS FROM LOCAL EMERGENCY PLANNING COMMITTEES AND FROM FIRST RESPONDER ORGANIZATIONS WHO HAVE COORDINATED THEIR REQUEST WITH THEIR LOCAL EMERGENCY PLANNING COMMITTEE AND SHALL DIRECT THOSE APPLICATIONS TO THE COMMISSION. THE COMMISSION SHALL EVALUATE THE APPLICATIONS AND SHALL RECOMMEND TO THE DEPARTMENT OF LOCAL AFFAIRS WHICH GRANTS SHOULD BE MADE FOR THE PURPOSES OF EMERGENCY PLANNING AND EMERGENCY RESPONSE, INCLUDING, BUT NOT LIMITED TO, TRAINING AND PLANNING PROGRAMS AND TRAINING AND PLANNING EQUIPMENT AS NEEDED TO CARRY OUT THE PURPOSES OF THIS PART 26.

(2) THE COMMISSION SHALL PROMULGATE RULES AND REGULATIONS PRESCRIBING THE PROCEDURES TO BE FOLLOWED IN THE MAKING, FILING, AND EVALUATION OF GRANT APPLICATIONS, AND ANY OTHER REGULATIONS NECESSARY FOR ADMINISTERING THE SARA TITLE III FUND.

SECTION 3. 24-1-128.6, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

24-1-128.6. Department of public safety - creation. (4) THE COLORADO EMERGENCY PLANNING COMMISSION, CREATED BY PART 26 OF ARTICLE 32 OF THIS TITLE, SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AND FUNCTIONS AS IF THE SAME WERE TRANSFERRED BY A **TYPE 2** TRANSFER TO THE DEPARTMENT OF LOCAL AFFAIRS, EXCEPT THAT THE COMMISSION SHALL HAVE FULL AUTHORITY TO PROMULGATE RULES AND REGULATIONS RELATED TO THE IMPLEMENTATION OF PART 26 OF ARTICLE 32 OF THIS TITLE.

SECTION 4. Severability. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or application of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 5. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 6, 1993