

CHAPTER 296

**GOVERNMENT - STATE**

**HOUSE BILL 06-1158**

BY REPRESENTATIVE(S) Weissmann, Berens, Cloer, Frangas, Green, Jahn, Plant, Ragsdale, Soper, Todd, and Larson;  
also SENATOR(S) Tupa, Groff, Grossman, Shaffer, Tochtrop, and Wiens.

**AN ACT**

**CONCERNING SCHOOL SAFETY INSPECTIONS, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.**

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

**SECTION 1.** 8-20-104 (1) and (2) (a), Colorado Revised Statutes, are amended to read:

**8-20-104. Enforcement of law - penalties - definitions.** (1) The director shall enforce the provisions of this article AND SECTIONS 22-32-124 AND 23-71-122, C.R.S., by appropriate actions in courts of competent jurisdiction.

(2) (a) The director may issue a notice of violation to a person who is believed to have violated this article, SECTION 22-32-124 OR 23-71-122, C.R.S., or rules promulgated pursuant to this article. The notice shall be delivered to the alleged violator personally, by certified mail, return receipt requested, or by any means that verifies receipt as reliably as certified mail, return receipt requested.

**SECTION 2.** 22-32-124 (1), (2), and (3), Colorado Revised Statutes, are amended to read:

**22-32-124. Building codes - zoning - planning - definitions.** (1) Prior to the acquisition of land or any contracting for the purchase thereof, the board of education shall consult with and advise in writing the planning commission, or governing body if no planning commission exists, that has jurisdiction over the territory in which the site is proposed to be located in order that the proposed site shall conform to the adopted plan of the community insofar as is feasible. In addition, the board of education shall submit a site development plan for review and comment to such planning commission or governing body prior to construction of

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

any structure or building. The planning commission or governing body may request a public hearing before the board of education relating to the proposed site location or site development plan. The board of education shall thereafter promptly schedule the hearing, publish at least one notice in advance of the hearing, and provide written notice of the hearing to the requesting planning commission or governing body. Prior to the acquisition of land for school building sites or construction of any buildings thereon, the board of education also shall consult with the Colorado geological survey regarding potential swelling soil, mine subsidence, and other geologic hazards and to determine the geologic suitability of the site for its proposed use. All buildings and structures shall be ~~erected~~ CONSTRUCTED in conformity with the ~~standards~~ BUILDING AND FIRE CODES ADOPTED BY THE DIRECTOR of the division of oil and public safety IN THE DEPARTMENT OF LABOR AND EMPLOYMENT, REFERRED TO IN THIS SECTION AS THE "DIVISION". Nothing in this subsection (1) shall be construed to limit the authority of a board of education to finally determine the location of public schools within the district and ~~erect~~ CONSTRUCT necessary buildings and structures.

~~(2) (a) (I) Notwithstanding the provisions of section 8-20-101 (4), C.R.S., upon request of the division of oil and public safety after consulting with the affected board of education, The DIVISION SHALL CONDUCT THE NECESSARY PLAN REVIEWS AND INSPECTIONS TO ASSURE THAT A BUILDING OR STRUCTURE CONSTRUCTED PURSUANT TO SUBSECTION (1) OR (1.5) OF THIS SECTION HAS BEEN CONSTRUCTED IN CONFORMITY WITH THE BUILDING AND FIRE CODES ADOPTED BY THE DIRECTOR OF THE DIVISION; EXCEPT THAT, AT THE REQUEST OF THE AFFECTED BOARD OF EDUCATION, THE STATE CHARTER SCHOOL INSTITUTE CREATED IN SECTION 22-30.5-503, OR THE CHARTER SCHOOL, THE DIVISION MAY DELEGATE THIS RESPONSIBILITY TO the appropriate building department of a county, town, city, or city and county wherein a OR TO THE APPROPRIATE FIRE DEPARTMENT, AS DEFINED IN SECTION 24-33.5-1202, C.R.S., IN THE LOCATION OF THE building or structure. has been erected pursuant to subsection (1) or subsection (1.5) of this section, may make the necessary inspections to determine that such building or structure has been erected in conformity with the standards of the division of oil and public safety and;~~

(II) THE DIVISION SHALL CAUSE COPIES OF THE BUILDING PLANS TO BE SENT TO THE APPROPRIATE FIRE DEPARTMENT FOR REVIEW OF FIRE SAFETY ISSUES. THE FIRE DEPARTMENT SHALL REVIEW THE BUILDING PLANS, DETERMINE WHETHER THE BUILDING OR STRUCTURE IS IN COMPLIANCE WITH THE FIRE CODE ADOPTED BY THE DIRECTOR OF THE DIVISION, AND RESPOND TO THE DIVISION WITHIN TEN BUSINESS DAYS; EXCEPT THAT THE FIRE DEPARTMENT MAY REQUEST AN EXTENSION OF THIS TIME FROM THE DIRECTOR OF THE DIVISION ON THE BASIS OF THE COMPLEXITY OF THE BUILDING PLANS.

(III) IF THE FIRE DEPARTMENT DECLINES TO PERFORM THE PLAN REVIEW OR ANY SUBSEQUENT INSPECTION, OR IF NO CERTIFIED FIRE INSPECTOR IS AVAILABLE, THE DIVISION OF FIRE SAFETY IN THE OFFICE OF PREPAREDNESS, SECURITY, AND FIRE SAFETY IN THE DEPARTMENT OF PUBLIC SAFETY SHALL PERFORM THE PLAN REVIEW OR INSPECTION. AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "CERTIFIED FIRE INSPECTOR" HAS THE SAME MEANING AS SET FORTH IN SECTION 24-33.5-1202 (2.5), C.R.S.

(IV) If ~~such~~ THE building or structure is in conformity WITH THE BUILDING AND

FIRE CODES AND STANDARDS ADOPTED BY THE DIRECTOR OF THE DIVISION, AND IF THE AFFECTED FIRE DEPARTMENT, shall issue the necessary certificate of occupancy prior to use of the building or structure by the school district or by the institute charter school. A fee may be charged for such PLAN REVIEWS AND inspections upon approval of the ~~board of education, if~~ DIVISION. The amount of the fee ~~is~~ SHALL BE determined BY THE DIVISION BY RULE on the basis of the direct cost of providing ~~such~~ THE service.

(V) If the division, ~~of oil and public safety~~, after consulting with the affected board of education or the state charter school institute, ~~created pursuant to section 22-30.5-503, requests~~ AUTHORIZES PLAN REVIEWS AND inspections by the building department AND FIRE DEPARTMENT, ~~such~~ THE PLAN REVIEWS AND inspections shall be in lieu of any PLAN REVIEWS AND inspections made by the division; ~~of oil and public safety~~; except that this subsection (2) shall not be construed to relieve the division ~~of oil and public safety~~ of the responsibility to ~~conduct such~~ ENSURE THAT THE PLAN REVIEWS AND inspections ARE CONDUCTED if the appropriate county, town, city, or city and county ~~agency~~ BUILDING DEPARTMENT OR THE APPROPRIATE FIRE DEPARTMENT does not conduct the inspections. ~~Any county, town, city, or city and county conducting such inspections shall also be authorized to annually reinspect the building or structure to assure that it is maintained and operated in accordance with the fire code adopted by the director of the division.~~ ~~of oil and public safety~~. The inspecting entity shall cooperate with the affected school district or the state charter school institute in carrying out the duties of this section. NOTHING IN THIS SUBSECTION (2) SHALL BE CONSTRUED TO REQUIRE A COUNTY, TOWN, CITY, CITY AND COUNTY, OR FIRE DEPARTMENT TO CONDUCT PLAN REVIEWS AND INSPECTIONS.

(b) If the division ~~of oil and public safety~~ conducts the necessary inspection to determine that a building or structure ~~erected~~ CONSTRUCTED pursuant to subsection (1) or ~~subsection (1.5)~~ of this section has been ~~erected~~ CONSTRUCTED in conformity with the ~~standards~~ BUILDING AND FIRE CODES ADOPTED BY THE DIRECTOR of the division, ~~of oil and public safety~~, it THE DIVISION shall charge a fee ~~of~~ NOT TO EXCEED two hundred dollars for such inspection. ~~except that~~ THE DIVISION SHALL CHARGE A FEE FOR PLAN REVIEW AND ISSUANCE OF A CONSTRUCTION PERMIT IN AN AMOUNT ESTABLISHED BY THE DIVISION BY RULE TO COVER THE ACTUAL, REASONABLE, AND NECESSARY EXPENSES OF THE DIVISION. The director of the division ~~of oil and public safety~~ by rule or as otherwise provided by law may reduce the amount of the fee if necessary pursuant to section 24-75-402 (3), C.R.S., to reduce the uncommitted reserves of the fund. ~~to which all or any portion of the fee is credited~~. After the uncommitted reserves of the fund are sufficiently reduced, the director of the division ~~of oil and public safety~~ by rule or as otherwise provided by law may increase the amount of the fee as provided in section 24-75-402 (4), C.R.S. Any fees collected by the division ~~of oil and public safety~~ pursuant to this paragraph (b) shall be transmitted to the state treasurer, who shall credit the same to the public safety inspection fund created pursuant to section 8-1-151, C.R.S.

(c) INSPECTORS FOR PLAN REVIEW AND CONSTRUCTION INSPECTIONS SHALL BE CERTIFIED BY THE INTERNATIONAL CODE COUNCIL, THE NATIONAL FIRE PROTECTION ASSOCIATION, OR ANOTHER SIMILAR NATIONAL ORGANIZATION OR HAVE EQUIVALENT QUALIFICATIONS, AS DETERMINED BY RULE PROMULGATED BY THE DIRECTOR OF THE DIVISION.

(d) THE INSPECTING ENTITY SHALL COOPERATE WITH THE AFFECTED BOARD OF EDUCATION OR THE STATE CHARTER SCHOOL INSTITUTE IN CARRYING OUT THE DUTIES OF THIS SECTION.

(e) IF THE INSPECTING ENTITY AND THE BOARD OF EDUCATION OR THE STATE CHARTER SCHOOL INSTITUTE DISAGREE ON THE INTERPRETATION OF THE CODES OR STANDARDS ADOPTED BY THE DIVISION, THE DIVISION SHALL SET A DATE FOR A HEARING AS SOON AS PRACTICABLE BEFORE THE BOARD OF APPEALS IN ACCORDANCE WITH SECTION 22-32-124.5 AND THE RULES ADOPTED BY THE DIRECTOR OF THE DIVISION PURSUANT TO ARTICLE 4 OF TITLE 24, C.R.S.

(f) THE RULES AUTHORIZED BY THIS SUBSECTION (2) SHALL BE ADOPTED IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S.

(3) ~~The county, town, city, city and county, or fire protection district~~ DEPARTMENT providing fire protection service for the buildings and structures of a school district, AN INSTITUTE CHARTER SCHOOL, OR A CHARTER SCHOOL OR THE DIVISION OF FIRE SAFETY IN THE OFFICE OF PREPAREDNESS, SECURITY, AND FIRE SAFETY IN THE DEPARTMENT OF PUBLIC SAFETY may ~~annually~~ inspect ~~such~~ THE buildings and structures WHEN DEEMED NECESSARY to assure that they are maintained in accordance with the fire code AND STANDARDS adopted by the director of the division. ~~of oil and public safety unless the board of education of the district has contracted for such inspections to be conducted by a person qualified to conduct such inspections by reason of experience, training, or certification.~~ IF THE LOCAL FIRE DEPARTMENT DOES NOT PERFORM THE INSPECTIONS AUTHORIZED BY THIS SUBSECTION (3), THE DIVISION SHALL HAVE THE AUTHORITY AND DUTY TO CONDUCT THE INSPECTIONS.

**SECTION 3.** Article 32 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**22-32-124.5. Board of appeals - definitions.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "BOARD OF APPEALS" MEANS THE BOARD OF APPEALS CREATED BY THIS SECTION.

(b) "DIVISION" MEANS THE DIVISION OF OIL AND PUBLIC SAFETY IN THE DEPARTMENT OF LABOR AND EMPLOYMENT.

(2) (a) THERE IS HEREBY CREATED IN THE DIVISION A BOARD OF APPEALS. THE BOARD OF APPEALS SHALL CONSIST OF SIX MEMBERS APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LABOR AND EMPLOYMENT.

(b) THE MEMBERS OF THE BOARD OF APPEALS SHALL BE PERSONS WHO ARE QUALIFIED BY EXPERIENCE AND TRAINING TO PASS UPON MATTERS PERTAINING TO BUILDING CONSTRUCTION AND SHALL INCLUDE ONE REPRESENTATIVE NOMINATED BY EACH OF THE COLORADO ASSOCIATION OF SCHOOL BOARDS, THE COLORADO ASSOCIATION OF SCHOOL EXECUTIVES, THE COLORADO CHAPTER OF THE INTERNATIONAL CODE COUNCIL, THE FIRE MARSHAL'S ASSOCIATION OF COLORADO, THE COLORADO STATE FIRE CHIEFS' ASSOCIATION, THE ROCKY MOUNTAIN CHAPTER

OF THE COUNCIL FOR EDUCATIONAL FACILITIES PLANNERS INTERNATIONAL, AND COLORADO COUNTIES, INCORPORATED, OR FROM A SUCCESSOR TO ANY OF THESE ORGANIZATIONS REPRESENTING COMPARABLE INTERESTS.

(c) THE MEMBERS OF THE BOARD OF APPEALS SHALL SERVE AT THE PLEASURE OF THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LABOR AND EMPLOYMENT. FOR THE INITIAL BOARD, THE EXECUTIVE DIRECTOR SHALL APPOINT ONE MEMBER FOR A ONE-YEAR TERM, TWO MEMBERS FOR TWO-YEAR TERMS, AND THREE MEMBERS FOR THREE-YEAR TERMS. SUBSEQUENT APPOINTMENTS SHALL BE FOR THREE-YEAR TERMS; EXCEPT THAT AN APPOINTMENT TO FILL A VACANCY ON THE BOARD SHALL BE FOR THE REMAINDER OF THE PREDECESSOR'S TERM.

(d) THE MEMBERS OF THE BOARD OF APPEALS SHALL NOT BE COMPENSATED FOR THEIR SERVICE ON THE BOARD.

(e) THE BOARD OF APPEALS SHALL ADOPT REASONABLE PROCEDURES FOR CONDUCTING ITS DELIBERATIONS.

(3) A BOARD OF EDUCATION, THE STATE CHARTER SCHOOL INSTITUTE, A CHARTER SCHOOL, OR A JUNIOR COLLEGE BOARD OF TRUSTEES MAY APPEAL TO THE BOARD OF APPEALS A FINAL WRITTEN DECISION OF AN ENTITY THAT CONDUCTS A PLAN REVIEW OR INSPECTION PURSUANT TO SECTION 22-32-124. THE APPEAL SHALL BE FILED WITH THE DIVISION WITHIN THIRTY DAYS OF THE DATE OF THE DECISION. THE DIVISION SHALL SPECIFY THE FORM ON WHICH AN APPEAL SHALL BE MADE AND SHALL PROVIDE THE FORM TO A BOARD OF EDUCATION, THE STATE CHARTER SCHOOL INSTITUTE, OR A JUNIOR COLLEGE BOARD OF TRUSTEES UPON REQUEST.

(4) UPON RECEIPT OF AN APPEAL, THE DIVISION SHALL NOTIFY THE CHAIR OF THE BOARD OF APPEALS AND SCHEDULE A HEARING NO MORE THAN FIFTEEN DAYS AFTER THE DATE ON WHICH THE APPEAL WAS FILED.

(5) THE BOARD OF APPEALS MAY REVIEW A FINAL WRITTEN DECISION BY AN INSPECTING ENTITY THAT IS BASED ON THE PROVISIONS OF THE CODES OR STANDARDS ADOPTED BY THE DIRECTOR OF THE DIVISION. THE BOARD SHALL NOT WAIVE ANY REQUIREMENT OF THE CODES OR STANDARDS. THE BOARD MAY RECOMMEND ALTERNATIVE MATERIALS AS PROVIDED IN THE CODES OR STANDARDS. THE FINAL WRITTEN DECISION OF THE BOARD IS FINAL AGENCY ACTION FOR PURPOSES OF SECTION 24-4-106, C.R.S.

**SECTION 4.** 23-71-122 (1)(v), Colorado Revised Statutes, is amended to read:

**23-71-122. Junior college board of trustees - specific powers.** (1) In addition to any other power granted by law to a board of trustees of a junior college district, each board shall have the power to:

(v) (I) Determine the location of each school site, building, or structure and construct, erect, repair, alter, rebuild, replace, and remodel buildings and structures without a permit or fee or compliance with a local building code. The authority delegated by this subparagraph (I) shall exist notwithstanding any authority delegated to or vested in any county, town, city, or city and county. Prior to the acquisition of land for school building sites or the construction of buildings thereon,

the board OF TRUSTEES OF A JUNIOR COLLEGE DISTRICT shall consult with the planning commission ~~which~~ THAT has jurisdiction over the territory in which the site, building, or structure is proposed to be located ~~relative~~ ON ISSUES RELATED to the location of ~~such~~ THE site, building, or structure in order TO ENSURE that the proposed site, building, or structure ~~shall conform~~ CONFORMS to the adopted plan of the community insofar as is feasible. All buildings and structures shall be ~~erected~~ CONSTRUCTED in conformity with the ~~standards~~ BUILDING AND FIRE CODES ADOPTED BY THE DIRECTOR of the division of oil and public safety IN THE DEPARTMENT OF LABOR AND EMPLOYMENT, REFERRED TO IN THIS SECTION AS THE "DIVISION". The board shall ~~advise~~ NOTIFY the planning commission ~~which~~ THAT has jurisdiction over the territory in which a site, building, or structure is proposed to be located, in writing, ~~relative to~~ OF the location of ~~such~~ THE site, building, or structure ~~prior to the~~ BEFORE awarding ~~of~~ a contract for the purchase or the construction thereof.

(II) (A) ~~Notwithstanding the provisions of section 8-20-101 (4), C.R.S., upon request of the division of oil and public safety after consulting with the affected junior college board of trustees,~~ THE DIVISION SHALL CONDUCT THE NECESSARY PLAN REVIEWS AND INSPECTIONS TO DETERMINE THAT A BUILDING OR STRUCTURE CONSTRUCTED PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (v) HAS BEEN CONSTRUCTED IN CONFORMITY WITH THE BUILDING AND FIRE CODES AND STANDARDS ADOPTED BY THE DIRECTOR OF THE DIVISION; EXCEPT THAT THE DIVISION MAY DELEGATE THIS RESPONSIBILITY TO the appropriate building department of a county, town, city, or city and county ~~wherein a~~ OR TO THE APPROPRIATE FIRE DEPARTMENT, AS DEFINED IN SECTION 24-33.5-1202, C.R.S., IN THE LOCATION OF THE building or structure. ~~has been erected pursuant to subparagraph (I) of this paragraph (v), may make the necessary inspections to determine that such building or structure has been erected in conformity with the standards of the division of oil and public safety and,~~

(B) THE DIVISION SHALL CAUSE COPIES OF THE BUILDING PLANS TO BE SENT TO THE APPROPRIATE FIRE DEPARTMENT FOR REVIEW OF FIRE SAFETY ISSUES. THE FIRE DEPARTMENT SHALL REVIEW THE BUILDING PLANS, DETERMINE WHETHER THE BUILDING OR STRUCTURE IS IN COMPLIANCE WITH THE FIRE CODE ADOPTED BY THE DIRECTOR OF THE DIVISION, AND RESPOND TO THE DIVISION WITHIN TEN BUSINESS DAYS; EXCEPT THAT THE FIRE DEPARTMENT MAY REQUEST AN EXTENSION OF THIS TIME FROM THE DIRECTOR OF THE DIVISION ON THE BASIS OF THE COMPLEXITY OF THE BUILDING PLANS.

(C) IF THE FIRE DEPARTMENT DECLINES TO PERFORM THE PLAN REVIEW OR ANY SUBSEQUENT INSPECTION, OR IF NO CERTIFIED FIRE INSPECTOR IS AVAILABLE, THE DIVISION OF FIRE SAFETY IN THE OFFICE OF PREPAREDNESS, SECURITY, AND FIRE SAFETY IN THE DEPARTMENT OF PUBLIC SAFETY SHALL PERFORM THE PLAN REVIEW OR INSPECTION. AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "CERTIFIED FIRE INSPECTOR" HAS THE SAME MEANING AS SET FORTH IN SECTION 24-33.5-1202 (2.5), C.R.S.

(D) If ~~such~~ THE building or structure is in conformity WITH THE BUILDING AND FIRE CODES AND STANDARDS ADOPTED BY THE DIRECTOR OF THE DIVISION, AND IF THE AFFECTED FIRE DEPARTMENT CERTIFIES THAT THE BUILDING OR STRUCTURE IS IN COMPLIANCE WITH THE FIRE CODE ADOPTED BY THE DIRECTOR OF THE DIVISION, THE DIVISION OR THE BUILDING DEPARTMENT shall issue the necessary certificate of

occupancy prior to use of the building or structure by the junior college district. ~~No fee shall be charged for such inspections~~ A FEE MAY BE CHARGED FOR THE PLAN REVIEWS AND INSPECTIONS UPON APPROVAL OF THE DIVISION. THE AMOUNT OF THE FEE SHALL BE DETERMINED BY THE DIVISION BY RULE ON THE BASIS OF THE DIRECT COST OF PROVIDING THE SERVICE.

(E) If the division, ~~of oil and public safety~~, after consulting with the affected junior college board, ~~requests~~ AUTHORIZES PLAN REVIEWS AND inspections by the building department ~~such~~ OR FIRE DEPARTMENT, THE PLAN REVIEWS AND inspections shall be in lieu of any PLAN REVIEWS AND inspections made by the division; ~~of oil and public safety~~; except that this subparagraph (II) shall not be construed to relieve the division ~~of oil and public safety~~ of the responsibility to ~~conduct such~~ ENSURE THAT THE PLAN REVIEWS AND inspections ARE CONDUCTED if the appropriate county, town, city, or city and county ~~agency~~ BUILDING DEPARTMENT OR THE APPROPRIATE FIRE DEPARTMENT does not conduct the PLAN REVIEWS AND inspections. ~~Any county, town, city, or city and county conducting such inspections shall also be authorized to annually reinspect the building or structure to assure that it is maintained and operated in accordance with the fire code adopted by the director of the division of oil and public safety. The inspecting entity shall cooperate with the affected junior college district in carrying out the duties of this section.~~ NOTHING IN THIS PARAGRAPH (v) SHALL BE CONSTRUED TO REQUIRE A COUNTY, TOWN, CITY, CITY AND COUNTY, OR FIRE DEPARTMENT TO CONDUCT PLAN REVIEWS AND INSPECTIONS.

(III) The ~~county, town, city, city and county, or fire protection district~~ DEPARTMENT providing fire protection service for the buildings and structures of a junior college district OR THE DIVISION OF FIRE SAFETY IN THE OFFICE OF PREPAREDNESS, SECURITY, AND FIRE SAFETY IN THE DEPARTMENT OF PUBLIC SAFETY may ~~annually~~ inspect ~~such~~ THE buildings and structures WHEN DEEMED NECESSARY to assure that they are maintained in accordance with the fire code AND STANDARDS adopted by the director of the division. ~~of oil and public safety unless the junior college board of trustees of the district has contracted for such inspections to be conducted by a person qualified to conduct such inspections by reason of experience, training, or certification.~~ IF THE LOCAL FIRE DEPARTMENT DOES NOT PERFORM THE INSPECTIONS AUTHORIZED BY THIS SECTION, THE DIVISION SHALL HAVE THE AUTHORITY AND DUTY TO CONDUCT THE INSPECTIONS.

(IV) INSPECTORS FOR PLAN REVIEW AND CONSTRUCTION INSPECTIONS SHALL BE CERTIFIED BY THE INTERNATIONAL CODE COUNCIL, THE NATIONAL FIRE PROTECTION ASSOCIATION, OR ANOTHER SIMILAR NATIONAL ORGANIZATION OR HAVE EQUIVALENT QUALIFICATIONS, AS DETERMINED BY RULE PROMULGATED BY THE DIRECTOR OF THE DIVISION.

(V) THE INSPECTING ENTITY SHALL COOPERATE WITH THE AFFECTED BOARD OF TRUSTEES OF A JUNIOR COLLEGE DISTRICT IN CARRYING OUT THE DUTIES OF THIS SECTION.

(VI) IF THE INSPECTING ENTITY AND THE BOARD OF TRUSTEES OF A JUNIOR COLLEGE DISTRICT DISAGREE ON THE INTERPRETATION OF THE CODES AND STANDARDS OF THE DIVISION, THE DIVISION SHALL SET A DATE FOR A HEARING AS SOON AS PRACTICABLE BEFORE THE BOARD OF APPEALS IN ACCORDANCE WITH

SECTION 22-32-124.5 AND THE RULES ADOPTED BY THE DIVISION PURSUANT TO ARTICLE 4 OF TITLE 24, C.R.S.

(VII) IF THE DIVISION CONDUCTS THE NECESSARY PLAN REVIEWS AND INSPECTIONS TO DETERMINE THAT A BUILDING OR STRUCTURE CONSTRUCTED PURSUANT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH (v) HAS BEEN CONSTRUCTED IN CONFORMITY WITH THE BUILDING AND FIRE CODES AND STANDARDS ADOPTED BY THE DIRECTOR OF THE DIVISION, IT SHALL CHARGE A FEE NOT TO EXCEED TWO HUNDRED DOLLARS FOR SUCH INSPECTION. THE DIVISION SHALL CHARGE A FEE FOR PLAN REVIEW AND ISSUANCE OF A CONSTRUCTION PERMIT IN AN AMOUNT ESTABLISHED BY THE DIVISION BY RULE TO COVER THE ACTUAL, REASONABLE, AND NECESSARY EXPENSES OF THE DIVISION. FEES COLLECTED BY THE DIVISION PURSUANT TO THIS SUBPARAGRAPH (VII) SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE PUBLIC SAFETY INSPECTION FUND CREATED PURSUANT TO SECTION 8-1-151, C.R.S. THE DIRECTOR OF THE DIVISION BY RULE OR AS OTHERWISE PROVIDED BY LAW MAY REDUCE THE AMOUNT OF THE FEE IF NECESSARY PURSUANT TO SECTION 24-75-402 (3), C.R.S., TO REDUCE THE UNCOMMITTED RESERVES OF THE FUND. AFTER THE UNCOMMITTED RESERVES OF THE FUND ARE SUFFICIENTLY REDUCED, THE DIRECTOR OF THE DIVISION BY RULE OR AS OTHERWISE PROVIDED BY LAW MAY INCREASE THE AMOUNT OF THE FEE AS PROVIDED IN SECTION 24-75-402 (4), C.R.S. THE RULES AUTHORIZED BY THIS PARAGRAPH (v) SHALL BE PROMULGATED IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S.

**SECTION 5.** 24-33.5-1202, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

**24-33.5-1202. Definitions.** As used in this part 12, unless the context otherwise requires:

(2.5) "CERTIFIED FIRE INSPECTOR" MEANS A PERSON WITH FIRE SAFETY PLAN REVIEW OR INSPECTION RESPONSIBILITIES WHO IS EMPLOYED BY OR VOLUNTEERS SERVICES TO THE STATE OR A GOVERNING BODY AS A FIRE INSPECTOR AND WHO IS CERTIFIED BY THE DIVISION TO CONDUCT FIRE SAFETY PLAN REVIEWS AND INSPECTIONS PURSUANT TO SECTION 24-33.5-1211.

(3.5) "FIRE DEPARTMENT" MEANS THE DULY AUTHORIZED FIRE PROTECTION ORGANIZATION OF A TOWN, CITY, COUNTY, OR CITY AND COUNTY, A FIRE PROTECTION DISTRICT, OR A METROPOLITAN DISTRICT OR COUNTY IMPROVEMENT DISTRICT THAT PROVIDES FIRE PROTECTION.

(7.5) "GOVERNING BODY" MEANS:

(a) THE CITY COUNCIL, TOWN COUNCIL, BOARD OF TRUSTEES, OR OTHER GOVERNING BODY OF A CITY, TOWN, OR CITY AND COUNTY;

(b) THE BOARD OF DIRECTORS OF A FIRE PROTECTION DISTRICT ORGANIZED PURSUANT TO PART 1 OF ARTICLE 1 OF TITLE 32, C.R.S.;

(c) THE GOVERNING BODY OF AN IMPROVEMENT DISTRICT THAT PROVIDES FIRE PROTECTION SERVICES ORGANIZED PURSUANT TO PART 5 OF ARTICLE 20 OF TITLE 30,

C.R.S.; OR

(d) THE BOARD OF COUNTY COMMISSIONERS WITH RESPECT TO THE AREA WITHIN A COUNTY OUTSIDE THE CORPORATE LIMITS OF A CITY OR TOWN AND OUTSIDE THE BOUNDARIES OF A FIRE PROTECTION DISTRICT.

**SECTION 6.** 24-33.5-1203 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**24-33.5-1203. Duties of the division.** (1) The division shall perform the following duties:

(p) CONDUCT CONSTRUCTION PLAN REVIEWS AND INSPECT PUBLIC SCHOOL AND JUNIOR COLLEGE BUILDINGS AND STRUCTURES IN ACCORDANCE WITH SECTIONS 22-32-124 (2) (a) AND 23-71-122 (1) (v) (II), C.R.S.

**SECTION 7.** Part 12 of article 33.5 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SECTIONS to read:

**24-33.5-1203.5. Powers and duties of the director.** (1) IN ADDITION TO ANY OTHER DUTIES PRESCRIBED BY LAW, THE DIRECTOR OF THE DIVISION SHALL PERFORM THE FOLLOWING DUTIES:

(a) EXERCISE GENERAL SUPERVISORY CONTROL OVER AND COORDINATE THE ACTIVITIES, FUNCTIONS, AND EMPLOYEES OF THE DIVISION; AND

(b) ADOPT SUCH RULES AS THE DIRECTOR OF THE DIVISION DEEMS NECESSARY TO CARRY OUT THE PURPOSES AND PROVISIONS OF ARTICLES 12 AND 14 OF THIS TITLE AND AMEND SUCH RULES FROM TIME TO TIME AS NECESSARY. SUCH RULES AND AMENDMENTS SHALL BE ADOPTED IN ACCORDANCE WITH ARTICLE 4 OF THIS TITLE.

(2) IN ORDER TO CARRY OUT THE PURPOSES AND PROVISIONS OF THIS PART 12, THE DIRECTOR OF THE DIVISION SHALL PROMULGATE RULES IN ACCORDANCE WITH ARTICLE 4 OF THIS TITLE:

(a) ADOPTING A FIRE CODE, WHICH SHALL BE IDENTICAL TO OR MODELED ON THE INTERNATIONAL FIRE CODE PUBLISHED BY THE INTERNATIONAL CODE COUNCIL; AND

(b) ADOPTING NATIONALLY RECOGNIZED STANDARDS THAT THE DIRECTOR OF THE DIVISION REASONABLY FINDS NECESSARY TO CARRY OUT THE PURPOSES AND PROVISIONS OF THIS PART 12.

**24-33.5-1211. Inspector certification.** (1) THE DIVISION SHALL CERTIFY A PERSON WITH FIRE SAFETY RESPONSIBILITIES WHO IS EMPLOYED BY, UNDER CONTRACT TO, OR VOLUNTEERS SERVICES TO THE STATE OR A GOVERNING BODY AS A FIRE INSPECTOR IF THE PERSON FILES AN APPLICATION WITH THE DIVISION FOR CERTIFICATION ON FORMS PROVIDED BY THE DIVISION, PAYS THE REQUIRED CERTIFICATION FEE, IS AT LEAST EIGHTEEN YEARS OF AGE, AND:

(a) PASSES THE FIRE CODE CERTIFICATION EXAMINATION AS PRESCRIBED BY THE DIRECTOR OF THE DIVISION; OR

(b) HOLDS A VALID AND CURRENT FIRE CODE CERTIFICATION FROM THE INTERNATIONAL CODE COUNCIL; OR

(c) DEMONSTRATES TO THE DIRECTOR OF THE DIVISION THAT THE PERSON MEETS OTHER EQUIVALENT QUALIFICATIONS, INCLUDING, BUT NOT LIMITED TO, THE EDUCATION AND EXPERIENCE PRESCRIBED BY RULES ADOPTED BY THE DIRECTOR OF THE DIVISION IN ACCORDANCE WITH ARTICLE 4 OF THIS TITLE AND OBTAINS AN ATTESTATION ON A FORM PROVIDED BY THE DIVISION FROM THE HEAD OF THE GOVERNING BODY OR A DESIGNEE THAT THE PERSON HAS THE KNOWLEDGE, SKILLS, AND ABILITY TO CONDUCT FIRE SAFETY PLAN REVIEWS AND INSPECTIONS USING THE RULES AND CODES ADOPTED PURSUANT TO SECTIONS 8-1-107 (2) (p) AND 24-33.5-1203.5 (2) (b), C.R.S.

(2) AN INSPECTOR CERTIFICATION ISSUED PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL BE VALID FOR A PERIOD OF THREE YEARS; EXCEPT THAT SUCH CERTIFICATION SHALL BECOME INVALID IF:

(a) THE CERTIFIED INSPECTOR'S EMPLOYMENT RELATIONSHIP OR CONTRACT WITH THE STATE OR GOVERNING BODY IS TERMINATED; OR

(b) THE CERTIFIED INSPECTOR CEASES TO PROVIDE VOLUNTEER FIRE SAFETY PLAN REVIEW OR INSPECTION SERVICES TO THE STATE OR GOVERNING BODY.

(3) THE REQUIREMENTS AND PROCESS FOR RENEWAL OF AN INSPECTOR CERTIFICATION SHALL BE THE SAME AS FOR INITIAL CERTIFICATION.

(4) THE DIRECTOR OF THE DIVISION SHALL ESTABLISH A FEE TO COVER THE ACTUAL DIRECT AND INDIRECT COSTS OF PROCESSING APPLICATIONS AND ISSUING AND RENEWING CERTIFICATIONS PURSUANT TO THIS SECTION. CERTIFICATION FEES COLLECTED BY THE DIVISION SHALL BE CREDITED TO THE FIREFIGHTER AND FIRST RESPONDER CERTIFICATION FUND CREATED IN SECTION 24-33.5-1207.

**SECTION 8. Appropriation.** (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the public safety inspection fund created in section 8-1-151, Colorado Revised Statutes, not otherwise appropriated, to the department of labor and employment, for allocation to the division of oil and public safety, for the fiscal year beginning July 1, 2006, the sum of seventy-two thousand six hundred forty-seven dollars (\$72,647) and 1.0 FTE, or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated, to the department of public safety, for allocation to the division of fire safety in the office of preparedness, security, and fire safety, for the fiscal year beginning July 1, 2006, the sum of fifty-five thousand six hundred forty-five dollars (\$55,645) cash funds and 1.0 FTE, or so much thereof as may be necessary, for the implementation of this act. Of said sum, forty-nine thousand twenty dollars (\$49,020) shall be from the public safety inspection fund created in section 8-1-151, Colorado Revised Statutes, and six thousand six hundred twenty-five dollars (\$6,625) shall be from the firefighter and first responder certification fund established in section 24-33.5-1207, Colorado Revised Statutes.

**SECTION 9. Effective date.** This act shall take effect July 1, 2006.

**SECTION 10. 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 1, 2006