

## CHAPTER 230

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**EDUCATION - PUBLIC SCHOOLS**

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**HOUSE BILL 09-1151**

BY REPRESENTATIVE(S) Todd, Labuda, Lundberg, Ryden, Solano, Nikkel, Stephens, Summers;  
also SENATOR(S) Heath, Williams, Groff, King K., Romer, Schwartz, Shaffer B.

**AN ACT**

**CONCERNING DESIGNATING THE DEPARTMENT OF PUBLIC SAFETY AS THE AGENCY RESPONSIBLE FOR OVERSIGHT OF SCHOOL BUILDING INSPECTIONS, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.**

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

**SECTION 1.** 22-32-124 (1), (2) (a) (I), (2) (a) (II), (2) (a) (III), (2) (a) (IV), (2) (a) (V), (2) (b), (2) (c), (2) (e), and (3), Colorado Revised Statutes, are amended, and the said 22-32-124 (2) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

**22-32-124. Building codes - zoning - planning - fees - rules - definitions.**  
(1) (a) Prior to the acquisition of land or any contracting for the purchase thereof, the board of education OF THE SCHOOL DISTRICT IN WHICH THE LAND IS LOCATED 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~~ THE planning commission or governing body prior to construction of 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.

(b) Prior to the acquisition of land for school building sites or construction of any buildings thereon, the board OF EDUCATION OF THE SCHOOL DISTRICT IN WHICH THE LAND IS LOCATED also shall consult with the Colorado geological survey regarding

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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.*

potential swelling soil, mine subsidence, and other geologic hazards and to determine the geologic suitability of the site for its proposed use.

(c) All buildings and structures shall be constructed in conformity with the building and fire codes adopted by the director of the division of ~~oil and public safety in the department of labor and employment~~ FIRE SAFETY IN THE OFFICE OF PREPAREDNESS, SECURITY, AND FIRE SAFETY IN THE DEPARTMENT OF PUBLIC SAFETY, referred to in this section as the "division".

(d) Nothing in this subsection (1) shall be construed to limit the authority of a board OF EDUCATION to finally determine the location of THE public schools ~~within~~ OF the SCHOOL district and construct necessary buildings and structures.

(2)(a)(I)(A) This subsection (2) shall apply to building or structure construction. Except as specified in subparagraph (II) of this paragraph (a), the division shall conduct the necessary plan reviews, issue building permits, cause the necessary inspections to be performed, perform final inspections, and issue certificates of occupancy 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 AND THAT THE SCHOOL DISTRICT OR CHARTER SCHOOL, WHICHEVER IS APPROPRIATE, HAS COMPLIED WITH THE PROVISIONS OF PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION. Pursuant to this sub-subparagraph (A), the division shall contract with third-party inspectors that are certified in accordance with ~~paragraph (c) of this subsection (2)~~ SECTION 24-33.5-1213.5, C.R.S., to perform inspections. The affected board of education, state charter school institute, or charter school shall hire and compensate third-party inspectors under contract with the division or hire and compensate other third-party inspectors that are certified in accordance with ~~paragraph (c) of this subsection (2)~~ SECTION 24-33.5-1213.5, C.R.S., to perform inspections. If the board of education, state charter school institute, or charter school is unable to obtain a third-party inspector, an appropriate building department that has been prequalified by the division shall oversee the project pursuant to subparagraph (II) of this paragraph (a). If the board of education, state charter school institute, or charter school is unable to obtain a third-party inspector and no building department has been prequalified, the division shall perform the required inspections. The division shall require a sufficient number of third-party inspection reports to be submitted by the inspector to the division based upon the scope and cost of the project to ensure quality inspections are performed. Except as specified in subparagraph (B) of this subparagraph (I), the third-party inspector shall attest that inspections are complete and all violations are corrected before the board of education, state charter school institute, or charter school is issued a certificate of occupancy. Inspection records shall be retained by the third-party inspector for two years after the certificate of occupancy is issued. If the division finds that inspections are not completed satisfactorily, as determined by rule of the division, or that all violations are not corrected, the division shall take enforcement action against the appropriate board of education, state charter school institute, or charter school pursuant to section ~~8-20-104~~ 24-33.5-1213, C.R.S., and shall require that the next project undertaken by the board of education, state charter school institute, or charter school be delegated to the prequalified building department.

(B) If inspections are not completed and a building requires immediate

occupancy, and if the board of education, state charter school institute, or charter school has passed the appropriate inspections that indicate there are no life safety issues, the division may issue a temporary certificate of occupancy. The temporary certificate of occupancy shall expire ninety days after the date of occupancy. If no renewal of the temporary certificate of occupancy is issued or a permanent certificate of occupancy is not issued, the building shall be vacated upon expiration of the temporary certificate. The division shall enforce this sub-subparagraph (B) pursuant to section ~~8-20-104~~ 24-33.5-1213, C.R.S.

(II) Pursuant to a memorandum of understanding between the appropriate building department and the division, the division may prequalify an appropriate building department to conduct the necessary plan reviews, issue building permits, conduct inspections, issue certificates of occupancy, and issue temporary certificates of occupancy pursuant to sub-subparagraph (B) of subparagraph (I) of this paragraph (a), to ensure 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, and take enforcement action. Nothing in the memorandum of understanding shall be construed to allow the building department to take enforcement action other than in relation to the building and fire codes adopted by the division. An appropriate building department shall meet certification requirements established by the division pursuant to ~~paragraph (c) of this subsection (2)~~ SECTION 24-33.5-1213.5, C.R.S., prior to prequalification. An affected board of education, state charter school institute, or charter school may, at its own discretion, opt to use a prequalified building department that has entered into a memorandum of understanding with the division as the delegated authority. If a building department conducts an inspection, the building department shall retain the inspection records for two years after the final certificate of occupancy is issued. The fees charged by the building department shall cover actual, reasonable, and necessary costs. For purposes of this section, "appropriate building department" means the building department of a county, town, city, or city and county and includes a building department within a fire department.

(III) The division shall cause copies of the building plans to be sent to the appropriate fire department ~~and the division of fire safety in the office of preparedness, security, and fire safety in the department of public safety, referred to in this section as the "division of fire safety"~~, 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 twenty 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. ~~The division of fire safety shall assist the division in tracking and monitoring the status of all building plans that have been referred to the appropriate fire department.~~

(IV) 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.

(V) If the building or structure is in conformity with the building and fire codes adopted by the director of the division, ~~of oil and public safety~~, and if the ~~affected~~ APPROPRIATE fire department or the division ~~of fire safety~~ certifies that the building or structure is in compliance with the fire code adopted by the director of the division, ~~of oil and public safety~~, the division ~~of oil and public safety~~ or the appropriate building 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. The division ~~of fire safety~~ is authorized to charge a fee to cover the actual, reasonable, and necessary costs of the inspections of buildings and structures. The amount of the fee shall be determined by the DIRECTOR OF THE division ~~of fire safety~~ by rule, on the basis of the direct cost of providing the service.

(b) (I) If the division conducts the necessary plan reviews and causes the necessary inspections to be performed to determine 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, the division shall charge fees as established by the rule of the director of the division. The fees shall cover the actual, reasonable, and necessary expenses of the division. The director of the division by rule or as otherwise provided by law may increase or reduce the amount of the fees as necessary to cover actual, reasonable, and necessary costs of the division. Any fees collected by the division 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.~~ PUBLIC SCHOOL CONSTRUCTION AND INSPECTION CASH FUND CREATED IN SECTION 24-33.5-1207.7, C.R.S.

(II) ANY MONEYS REMAINING AS OF DECEMBER 31, 2009, IN THE PUBLIC SAFETY INSPECTION FUND CREATED PURSUANT TO SECTION 8-1-151, C.R.S., FROM FEES COLLECTED BY THE DIVISION OF OIL AND PUBLIC SAFETY IN THE DEPARTMENT OF LABOR AND EMPLOYMENT PURSUANT TO THIS PARAGRAPH (b) AS IT EXISTED PRIOR TO JANUARY 1, 2010, SHALL BE TRANSFERRED TO THE PUBLIC SCHOOL CONSTRUCTION AND INSPECTION CASH FUND CREATED IN SECTION 24-33.5-1207.7, C.R.S.

~~(c) (I) The director of the division shall implement a certification program that evaluates the education, training, and experience of each inspector and ensures that the inspectors hold current national certifications that require continuing education components. The director of the division shall require that each inspector be recertified every three years.~~

~~(H) Plan examiners for plan review and building inspectors for construction inspections shall be certified in their respective fields by the international code council, or another similar national organization, and have demonstrated education, training, and experience in their respective fields.~~

~~(HH) If a plan examiner or building inspector is not certified in his or her respective field, the plan examiner or building inspector shall have at least five years of demonstrated education, training, and experience in his or her respective field and receive national certification within one year after the date of hire.~~

~~(IV) The director of the division shall, by rule, outline the criteria for the~~

~~revocation of inspector certifications. If the division finds that inspections are not complete or that all violations are not corrected, the division shall take enforcement action against the third-party inspector pursuant to section 8-20-104, C.R.S.~~

(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~~ 24-33.5-1213.7, C.R.S., and the rules adopted by the director of the division pursuant to article 4 of title 24, C.R.S.

(g) SCHOOL BUILDINGS SHALL BE MAINTAINED IN ACCORDANCE WITH THE FIRE CODE ADOPTED BY THE DIRECTOR OF THE DIVISION PURSUANT TO SECTION 24-33.5-1203.5, C.R.S.

~~(3) (a) This subsection (3) shall apply to building and structure maintenance. The fire 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 inspect the buildings and structures when deemed necessary to assure that they are maintained in accordance with the fire code adopted by the director of the division of oil and public safety. If the local fire department does not perform the inspections authorized by this subsection (3), the division of fire safety shall have the authority and duty to conduct the inspections.~~

~~(b) The division of fire safety is authorized to charge a fee for inspections conducted by the division of fire safety to cover the actual, reasonable, and necessary costs of the inspections of buildings and structures. The amount of the fee shall be determined by the director of the division of fire safety by rule. In accordance with section 24-33.5-1213, C.R.S., the division of fire safety shall enforce the fire code adopted by the director of the division of oil and public safety.~~

~~(c) A fire department providing fire protection service for buildings and structures of a school district, an institute charter school, or a charter school that chooses to conduct fire code inspections may refer notices of deficiencies to the division of fire safety for evaluation or enforcement in accordance with section 24-33.5-1213, C.R.S. The division of fire safety shall promulgate rules to establish procedures for fire departments to refer notices of deficiencies for evaluation or enforcement.~~

~~(d) Nothing in this subsection (3) shall prohibit the fire department from correcting violations that pose an immediate threat to life safety. Nothing in this subsection (3) shall prohibit the fire department from seeking enforcement action in a court of competent jurisdiction.~~

**SECTION 2.** 23-71-122 (1) (v) (I), (1) (v) (II) (A), (1) (v) (II) (A.5), (1) (v) (II) (B), (1) (v) (II) (C), (1) (v) (II) (D), (1) (v) (III), (1) (v) (IV), (1) (v) (VI), and (1) (v) (VII), Colorado Revised Statutes, are amended to read:

**23-71-122. Junior college board of trustees - specific powers - rules - definitions.** (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 that has jurisdiction over the territory in which the site, building, or structure is proposed to be located, on issues related to the location of the site, building, or structure in order to ensure that the proposed site, building, or structure conforms to the adopted plan of the community insofar as is feasible. All buildings and structures shall be constructed in conformity with the building and fire codes adopted by the director of the division of ~~oil and public safety in the department of labor and employment~~ FIRE SAFETY, referred to in this section as the "division", IN THE OFFICE OF PREPAREDNESS, SECURITY, AND FIRE SAFETY IN THE DEPARTMENT OF PUBLIC SAFETY. The board shall notify the planning commission that has jurisdiction over the territory in which a site, building, or structure is proposed to be located, in writing, of the location of the site, building, or structure before awarding a contract for the purchase or the construction thereof.

(II) (A) This paragraph (v) shall apply to building or structure construction. Except as specified in sub-subparagraph (A.5) of this subparagraph (II), the division shall conduct the necessary plan reviews, issue building permits, cause the necessary inspections to be performed, perform all final inspections, and issue certificates of occupancy to assure 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 adopted by the director of the division. Pursuant to this sub-subparagraph (A), the division shall contract with third-party inspectors that are certified by the division IN ACCORDANCE WITH SECTION 24-33.5-1213.5, C.R.S., to perform inspections. The junior college district shall hire and compensate third-party inspectors under contract with the division to perform inspections or hire and compensate other third-party inspectors that are certified in accordance with ~~subparagraph (IV) of this paragraph (v)~~ SECTION 24-33.5-1213.5, C.R.S., to perform inspections. If the junior college district is unable to obtain a third-party inspector, an appropriate building department that has been prequalified by the division shall oversee the project pursuant to sub-subparagraph (A.5) of this subparagraph (II). If the junior college district is unable to obtain a third-party inspector and no building department has been prequalified, the division shall perform the required inspections. The director of the division shall require a sufficient number of inspection reports to be submitted to the division based upon the scope and cost of the project to ensure quality inspections are performed. The third-party inspector shall attest that inspections are complete before the junior college district is issued a certificate of occupancy unless the criteria for a temporary certificate of occupancy are met. Inspection records shall be retained by the third-party inspector for two years after the certificate of occupancy is issued. If the division finds that inspections are not completed satisfactorily, as determined by rule of the division, or that all violations are not corrected, the division shall take enforcement action against the junior college district pursuant to section ~~8-20-104~~ 24-33.5-1213, C.R.S., and shall require that the next project undertaken by the junior college

district be delegated to the prequalified building department. If inspections are not complete and a building requires immediate occupancy, and if the junior college district has passed the appropriate inspections that indicate there are no life safety issues, the division may issue a temporary certificate of occupancy. The temporary certificate of occupancy shall expire ninety days after the date of occupancy. If no renewal of the temporary certificate of occupancy is issued or a permanent certificate of occupancy is not issued, the building shall be vacated upon expiration of the temporary certificate. The division shall enforce this sub-subparagraph (A) pursuant to section ~~8-20-104~~ 24-33.5-1213, C.R.S.

(A.5) Pursuant to a memorandum of understanding between the appropriate building department and the division, the division may prequalify an appropriate building department to conduct the necessary plan reviews, issue building permits, conduct inspections, issue certificates of occupancy, and issue temporary certificates of occupancy pursuant to sub-subparagraph (A) of this subparagraph (II), to ensure that a building or structure has been constructed in conformity with the building and fire codes adopted by the director of the division, and to take enforcement action. Nothing in the memorandum of understanding shall be construed to allow the building department to take enforcement action other than in relation to the building and fire codes adopted by the division. An appropriate building department shall meet certification requirements established by the division pursuant to ~~subparagraph (IV) of this paragraph~~ (v) SECTION 24-33.5-1213.5, C.R.S., prior to the prequalification. An affected junior college district may, at its own discretion, opt to use a prequalified building department that has entered into a memorandum of understanding with the division as the delegated authority. If a building department conducts an inspection, the building department shall retain the inspection records for two years after the final certificate of occupancy is issued. The fees charged by the department shall cover actual, reasonable, and necessary costs. For purposes of this section, "appropriate building department" means the building department of a county, town, city, or city and county and includes a building department within a fire department.

(B) The division shall cause copies of the building plans to be sent to the appropriate fire department ~~and the division of fire safety in the office of preparedness, security, and fire safety in the department of public safety, referred to in this section as the "division of fire safety";~~ 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 twenty 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. ~~The division of fire safety shall assist the division in tracking and monitoring the status of all building plans that have been referred to the appropriate fire department.~~

(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, "certified fire inspector" has the same meaning as set forth in section 24-33.5-1202 (2.5), C.R.S.

(D) If the building or structure is in conformity with the building and fire codes adopted by the director of the division ~~of oil and public safety~~, and if the fire department OR THE DIVISION certifies that the building or structure is in compliance with the fire code adopted by the director of the division, ~~of oil and public safety~~, the division ~~of oil and public safety~~ or the appropriate building department shall issue the necessary certificate of occupancy prior to use of the building or structure by the junior college district. ~~The division of fire safety is authorized to charge a fee to cover the actual, reasonable, and necessary costs of the inspections of buildings and structures. The amount of the fee shall be determined by the division of fire safety by rule, on the basis of the direct cost of providing the service.~~

(III) If the division conducts the necessary plan reviews and causes the necessary inspections to be performed 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 adopted by the director of the division, the division shall charge fees as established by rule of the director of the division. Such fees shall cover the actual, reasonable, and necessary expenses of the division. Fees collected by the division pursuant to this subparagraph (III) shall be transmitted to the state treasurer, who shall credit the same to the public ~~safety~~ SCHOOL CONSTRUCTION AND inspection CASH fund created pursuant to section ~~8-1-151~~ 24-33.5-1207.7, C.R.S. The director of the division, by rule or as otherwise provided by law, may increase or reduce the amount of the fees as necessary to cover actual, reasonable, and necessary costs of the division. The rules authorized by this paragraph (v) shall be promulgated in accordance with article 4 of title 24, C.R.S.

(IV) (A) ~~The director of the division shall implement a certification program that evaluates the education, training, and experience of each inspector and ensures that the inspectors hold current national certifications that require continuing education components. The director of the division shall require that each inspector be recertified every three years.~~ ANY MONEYS REMAINING AS OF DECEMBER 31, 2009, IN THE PUBLIC SAFETY INSPECTION FUND CREATED IN SECTION 8-1-151, C.R.S., FROM FEES COLLECTED BY THE DIVISION OF OIL AND PUBLIC SAFETY IN THE DEPARTMENT OF LABOR AND EMPLOYMENT PURSUANT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH (v) AS IT EXISTED PRIOR TO JANUARY 1, 2010, SHALL BE TRANSFERRED TO THE PUBLIC SCHOOL CONSTRUCTION AND INSPECTION CASH FUND CREATED IN SECTION 24-33.5-1207.7, C.R.S.

(B) ~~Plan examiners for plan review and building inspectors for construction inspections shall be certified in their respective fields by the international code council, or another similar national organization, and have demonstrated education, training, and experience in their respective fields.~~

(C) ~~If a plan examiner or building inspector is not certified in his or her respective field, the plan examiner or building inspector shall have at least five years of demonstrated education, training, and experience in his or her respective field and receive national certification within one year after the date of hire.~~

(D) ~~The director of the division shall, by rule, outline the criteria for the revocation of inspector certifications. If the division finds that inspections are not complete or that all violations are not corrected, the division shall take enforcement~~

~~action against the third-party inspector pursuant to section 8-20-104, C.R.S.~~

(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~~ 24-33.5-1213.7, C.R.S., and the rules adopted by the division pursuant to article 4 of title 24, C.R.S.

~~(VII) (A) This subparagraph (VII) shall apply to building and structure maintenance. The fire 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 inspect the buildings and structures when deemed necessary to assure that they are maintained in accordance with the fire code adopted by the director of the division of oil and public safety. If the local fire department does not perform the inspections authorized by this section, the division of fire safety shall have the authority and duty to conduct the inspections. SCHOOL BUILDINGS SHALL BE MAINTAINED IN ACCORDANCE WITH THE FIRE CODE ADOPTED BY THE DIRECTOR OF THE DIVISION PURSUANT TO SECTION 24-33.5-1203.5, C.R.S.~~

~~(B) The division of fire safety is authorized to charge a fee for inspections conducted by the division of fire safety to cover the actual, reasonable, and necessary costs of the inspections of buildings and structures. The amount of the fee shall be determined by the director of the division of fire safety by rule. In accordance with section 24-33.5-1213, C.R.S., the division of fire safety shall enforce the fire code adopted by the director of the division of oil and public safety.~~

~~(C) A fire department providing fire protection service for buildings and structures of a junior college district that chooses to conduct fire code inspections may refer notices of deficiencies to the division of fire safety for evaluation or enforcement in accordance with section 24-33.5-1213, C.R.S. The division of fire safety shall promulgate rules to establish procedures for fire departments to refer notices of deficiencies for evaluation or enforcement.~~

~~(D) Nothing in this subparagraph (VII) shall prohibit the fire department from correcting violations that pose an immediate threat to life safety. Nothing in this subparagraph (VII) shall prohibit the fire department from seeking enforcement action in a court of competent jurisdiction.~~

**SECTION 3.** 24-33.5-1201 (2), Colorado Revised Statutes, is amended, and the said 24-33.5-1201 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**24-33.5-1201. Division of fire safety - creation.** (2) The division, ~~of fire safety,~~ the office of the director, ~~and~~ the advisory boards created by sections 24-33.5-1204 and 24-33.5-1402, ~~AND THE BOARD OF APPEALS CREATED BY SECTION 24-33.5-1213.7~~ shall exercise their powers and perform their duties and functions under the department of public safety and the executive director as if the same were transferred to the department by a **type 2** transfer, as such transfer is defined in the "Administrative Organization Act of 1968", article 1 of this title.

(3) (a) THERE IS HEREBY CREATED WITHIN THE DIVISION THE PUBLIC SCHOOL CONSTRUCTION AND INSPECTION SECTION TO IMPLEMENT THE PROVISIONS OF SECTIONS 22-32-124 (2) AND 23-71-122 (1) (v), C.R.S., AND TO ADMINISTER AND ENFORCE THE CODES IN ACCORDANCE WITH SECTIONS 24-33.5-1213 AND 24-33.5-1213.3. THE PUBLIC SCHOOL CONSTRUCTION AND INSPECTION SECTION SHALL PERFORM ITS DUTIES AND FUNCTIONS UNDER THE DIVISION AND THE EXECUTIVE DIRECTOR AS IF THE SAME WERE TRANSFERRED TO THE DEPARTMENT BY A **TYPE 2** TRANSFER, AS SUCH TRANSFER IS DEFINED IN THE "ADMINISTRATIVE ORGANIZATION ACT OF 1968", ARTICLE 1 OF THIS TITLE.

(b) ON AND AFTER JANUARY 1, 2010, ALL POSITIONS OF EMPLOYMENT IN THE PUBLIC SCHOOL CONSTRUCTION PROGRAM, CONCERNING THE DUTIES SPECIFIED IN SECTIONS 22-32-124 AND 23-71-122 (1) (v), C.R.S., IN THE DIVISION OF OIL AND PUBLIC SAFETY IN THE DEPARTMENT OF LABOR DETERMINED BY THE DIRECTOR OF THE DIVISION OF FIRE SAFETY TO BE NECESSARY TO CARRY OUT THE PURPOSES OF THE PUBLIC SCHOOL CONSTRUCTION AND INSPECTION SECTION SHALL BE TRANSFERRED TO THE DIVISION OF FIRE SAFETY IN THE DEPARTMENT OF PUBLIC SAFETY AND SHALL BECOME EMPLOYMENT POSITIONS THEREIN. THE EXECUTIVE DIRECTOR SHALL APPOINT SUCH EMPLOYEES AS ARE NECESSARY TO CARRY OUT THE DUTIES AND EXERCISE THE POWERS SPECIFIED IN SECTIONS 22-32-124 AND 23-71-122 (1) (v), C.R.S., AND IN THIS PART 12. THE EXECUTIVE DIRECTOR MAY DELEGATE APPOINTING AUTHORITY AS APPROPRIATE.

(c) ON AND AFTER JANUARY 1, 2010, ALL EMPLOYEES OF THE PUBLIC SCHOOL CONSTRUCTION PROGRAM IN THE DIVISION OF OIL AND PUBLIC SAFETY IN THE DEPARTMENT OF LABOR CARRYING OUT THE DUTIES SPECIFIED IN SECTIONS 22-32-124 AND 23-71-122 (1) (v), C.R.S., SHALL BE CONSIDERED EMPLOYEES OF THE PUBLIC SCHOOL CONSTRUCTION AND INSPECTION SECTION IN THE DIVISION OF FIRE SAFETY IN THE DEPARTMENT OF PUBLIC SAFETY. SUCH EMPLOYEES SHALL RETAIN ALL RIGHTS UNDER THE STATE PERSONNEL SYSTEM AND TO RETIREMENT BENEFITS PURSUANT TO THE LAWS OF THIS STATE, AND THEIR SERVICES SHALL BE DEEMED TO HAVE BEEN CONTINUOUS.

(d) ON JANUARY 1, 2010, ALL ITEMS OF PROPERTY, REAL AND PERSONAL, INCLUDING OFFICE FURNITURE AND FIXTURES, BOOKS, DOCUMENTS, AND RECORDS OF THE PUBLIC SCHOOL CONSTRUCTION PROGRAM IN THE DIVISION OF OIL AND PUBLIC SAFETY IN THE DEPARTMENT OF LABOR USED IN CARRYING OUT THE DUTIES OF THE PUBLIC SCHOOL CONSTRUCTION PROGRAM ARE TRANSFERRED TO THE PUBLIC SCHOOL CONSTRUCTION AND INSPECTION SECTION IN THE DIVISION OF FIRE SAFETY IN THE DEPARTMENT OF PUBLIC SAFETY AND SHALL BECOME THE PROPERTY THEREOF.

**SECTION 4.** 24-33.5-1203 (1) (p), Colorado Revised Statutes, is amended, and the said 24-33.5-1203 (1) is further amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS, to read:

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

(a.5) ASSIST UNITS OF LOCAL GOVERNMENT CHARGED WITH THE CONSTRUCTION, MAINTENANCE, AND INSPECTION OF PUBLIC SCHOOL AND JUNIOR COLLEGE BUILDINGS

IN COORDINATING THEIR ACTIVITIES WITH STATE DEPARTMENTS AND AGENCIES THAT HAVE SIMILAR RESPONSIBILITIES;

(b.5) ADVISE THE GOVERNOR AND THE GENERAL ASSEMBLY REGARDING IMPLEMENTATION OF THE PUBLIC SCHOOL CONSTRUCTION AND INSPECTION PROGRAM;

(p) Conduct construction plan reviews and inspect public school and junior college buildings and structures and enforce the ~~fire code~~ CODES ADOPTED in accordance with sections ~~22-32-124 (2) (a) (III), (2) (a) (IV), (2) (a) (V), (2) (b), and (3), 23-71-122 (1) (v) (II) (B), (1) (v) (II) (C), (1) (v) (II) (D), (1) (v) (III), and (1) (v) (VII), and 24-33.5-1213, C.R.S. 22-32-124 (2) AND 23-71-122 (1) (v), C.R.S., AND SECTIONS 24-33.5-1213 AND 24-33.5-1213.3;~~

(r) CERTIFY BUILDING INSPECTORS TO CONDUCT BUILDING INSPECTIONS FOR PUBLIC SCHOOL AND JUNIOR COLLEGE BUILDINGS.

**SECTION 5.** 24-33.5-1203.5 (2), Colorado Revised Statutes, is amended to read:

**24-33.5-1203.5. Powers and duties of the director.** (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~~ CODES, which shall be identical to or modeled on the international ~~fire code~~ CODES 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.

**SECTION 6.** 24-33.5-1204.5 (1) (b) (II) (C), (1) (b) (II) (D), (1) (b) (II) (E), and (1) (b) (III), Colorado Revised Statutes, are amended to read:

**24-33.5-1204.5. Powers of the administrator - rules.** (1) (b) (II) The administrator shall establish pursuant to subparagraph (I) of this paragraph (b) fees and charges for the following services, not to exceed the amounts indicated:

(C) For plan registration OF THE FIRE SUPPRESSION PROGRAM, ten dollars;

(D) For plan review OF THE FIRE SUPPRESSION PROGRAM, fifty dollars per hour for actual time expended in conducting said review; and

(E) For inspection OF THE FIRE SUPPRESSION PROGRAM, fifty dollars per hour for actual time expended in conducting said inspection.

(III) The maximum fee schedule set forth in this paragraph (b) shall not apply to services provided by local fire safety officials providing the same services under authority of this article OR TO CERTIFICATION OF A SCHOOL BUILDING INSPECTOR.

**SECTION 7.** 24-33.5-1204.5 (1), Colorado Revised Statutes is amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS to read:

**24-33.5-1204.5. Powers of the administrator - rules.** (1) In addition to any other duties and powers granted by this section or sections 24-33.5-1206.2 and 24-33.5-1206.4, the administrator has the following duties and powers:

(f) TO ESTABLISH AND ADOPT SUCH RULES AS MAY BE NECESSARY TO ADMINISTER THE PUBLIC SCHOOL CONSTRUCTION AND INSPECTION PROGRAM FOR THE INSPECTION OF PUBLIC SCHOOL AND JUNIOR COLLEGE BUILDINGS AND A PROGRAM FOR CERTIFICATION OF PUBLIC SCHOOL AND JUNIOR COLLEGE BUILDING INSPECTORS;

(g) TO CONDUCT HEARINGS UPON CHARGES FOR DISCIPLINE OF A SCHOOL BUILDING INSPECTOR; ISSUE SUBPOENAS; COMPEL ATTENDANCE OF WITNESSES; COMPEL THE PRODUCTION OF BOOKS, RECORDS, PAPERS, AND DOCUMENTS; ADMINISTER OATHS TO PERSONS GIVING TESTIMONY AT HEARINGS; AND RECOMMEND PROSECUTION OF PERSONS VIOLATING THIS PART 12.

**SECTION 8.** 24-33.5-1206, Colorado Revised Statutes, is amended to read:

**24-33.5-1206. Education and training programs - certification programs - supervision and control.** (1) The fire service education and training programs and the certification programs established pursuant to this part 12 shall be under the supervision and control of the director with the advice of the advisory board.

(2) THE PUBLIC SCHOOL CONSTRUCTION AND INSPECTION PROGRAM AND THE CERTIFICATION PROGRAM FOR PUBLIC SCHOOL AND JUNIOR COLLEGE BUILDING INSPECTORS ESTABLISHED PURSUANT TO THIS PART 12 SHALL BE UNDER THE SUPERVISION AND CONTROL OF THE DIRECTOR WITH THE ADVICE OF THE BOARD OF APPEALS CREATED IN SECTION 24-33.5-1213.7.

**SECTION 9.** 24-33.5-1207.7, Colorado Revised Statutes, is amended to read:

**24-33.5-1207.7. Public school construction and inspection cash fund - created.** All moneys collected by the division pursuant to sections ~~22-32-124 (2) (a) (V) and (3) (b) and 23-71-122 (1) (v) (II) (D) and (1) (v) (VII) (B)~~ 22-32-124 (2) AND 23-71-122 (1) (v), C.R.S., OR SECTION 24-33.5-1213.3 shall be transmitted to the state treasurer, who shall credit the same to the ~~fire safety~~ PUBLIC SCHOOL CONSTRUCTION AND inspection cash fund, which is hereby created. All moneys credited to the fund and all interest earned thereon are subject to annual appropriation by the general assembly for paying the expenses of the ~~fire suppression~~ PUBLIC SCHOOL CONSTRUCTION AND INSPECTION program. Any unexpended and unencumbered moneys remaining in the fund at the end of a fiscal year shall remain in the fund and shall not be credited or transferred to the general fund or another fund.

**SECTION 10.** 24-33.5-1213 (1), (2) (a), and (4), Colorado Revised Statutes, are amended, and the said 24-33.5-1213 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**24-33.5-1213. Fire and building code - violations - enforcement - inspections.** (1) The director shall enforce the provisions of sections ~~22-32-124 (2) (a) (III), (2) (a) (IV), (2) (a) (V), (2) (b), and (3) and 23-71-122 (1) (v) (II) (B), (1) (v) (II) (C), (1) (v) (II) (D), (1) (v) (III), and (1) (v) (VII)~~ 22-32-124 (2) AND 23-71-122 (1) (v),

C.R.S., AND SECTIONS 24-33.5-1213.3 AND 24-33.5-1213.5 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 the fire codes as determined by an inspection pursuant to section 22-32-124 (2) ~~(a) or (3)~~ or 23-71-122 (1) (v), ~~(H) or (I) (v) (H)~~; C.R.S., OR SECTION 24-33.5-1213.3. The notice shall be delivered to the alleged violator by certified mail, return receipt requested, or by any means that verifies receipt as reliably as certified mail, return receipt requested.

(4) (a) An enforcement order issued pursuant to this section may impose a civil penalty, depending on the severity of the alleged violation, not to exceed five hundred dollars per violation for each day of violation; except that the director may impose a civil penalty not to exceed one thousand dollars per violation for each day of violation that results in, or may reasonably be expected to result in, serious bodily injury.

(b) A CIVIL PENALTY COLLECTED PURSUANT TO THIS SUBSECTION (4) SHALL BE DEPOSITED IN THE PUBLIC SCHOOL CONSTRUCTION AND INSPECTION CASH FUND CREATED IN SECTION 24-33.5-1207.7.

(6) IN ADDITION TO THE REMEDIES PROVIDED IN THIS SECTION, THE DIRECTOR IS AUTHORIZED TO APPLY TO THE DISTRICT COURT, IN THE JUDICIAL DISTRICT WHERE THE VIOLATION HAS OCCURRED, FOR A TEMPORARY OR PERMANENT INJUNCTION TO RESTRAIN ANY PERSON FROM VIOLATING ANY PROVISION OF SECTION 22-32-124 (2) OR 23-71-122 (1) (v), C.R.S., OR SECTION 24-33.5-1213.3 OR 24-33.5-1213.5 REGARDLESS OF WHETHER THERE IS AN ADEQUATE REMEDY AT LAW.

**SECTION 11.** Part 12 of article 33.5 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SECTIONS to read:

**24-33.5-1213.3. Building and structure fire code maintenance.** (1) THIS SECTION SHALL APPLY TO BUILDING AND STRUCTURE MAINTENANCE FOR FIRE SAFETY. THE FIRE DEPARTMENT PROVIDING FIRE PROTECTION SERVICE FOR THE BUILDINGS AND STRUCTURES OF A SCHOOL DISTRICT OR OF A JUNIOR COLLEGE DISTRICT OR FOR A CHARTER SCHOOL MAY INSPECT THE BUILDINGS AND STRUCTURES WHEN DEEMED NECESSARY TO ENSURE THAT THEY ARE MAINTAINED IN ACCORDANCE WITH THE FIRE CODE ADOPTED BY THE DIRECTOR OF THE DIVISION. 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.

(2) THE DIVISION IS AUTHORIZED TO CHARGE A FEE FOR INSPECTIONS CONDUCTED BY THE DIVISION TO COVER THE ACTUAL, REASONABLE, AND NECESSARY COSTS OF THE INSPECTIONS. THE AMOUNT OF THE FEE SHALL BE DETERMINED BY THE DIRECTOR OF THE DIVISION BY RULE. IN ACCORDANCE WITH SECTION 24-33.5-1213, THE DIVISION SHALL ENFORCE THE FIRE CODE ADOPTED BY THE DIRECTOR OF THE DIVISION.

(3) A FIRE DEPARTMENT THAT CHOOSES TO CONDUCT FIRE CODE INSPECTIONS PURSUANT TO THIS SECTION MAY REFER NOTICES OF DEFICIENCIES TO THE DIVISION

FOR EVALUATION OR ENFORCEMENT IN ACCORDANCE WITH SECTION 24-33.5-1213. THE DIVISION SHALL PROMULGATE RULES TO ESTABLISH PROCEDURES FOR FIRE DEPARTMENTS TO REFER NOTICES OF DEFICIENCIES FOR EVALUATION OR ENFORCEMENT TO THE DIVISION.

(4) NOTHING IN THIS SECTION SHALL PROHIBIT THE FIRE DEPARTMENT FROM CORRECTING VIOLATIONS THAT POSE AN IMMEDIATE THREAT TO LIFE SAFETY. NOTHING IN THIS SECTION SHALL PROHIBIT THE FIRE DEPARTMENT FROM SEEKING ENFORCEMENT ACTION IN A COURT OF COMPETENT JURISDICTION.

**24-33.5-1213.5. Certification for building inspectors.** (1) THE DIRECTOR OF THE DIVISION SHALL IMPLEMENT A BUILDING INSPECTOR AND PLANS EXAMINER CERTIFICATION PROGRAM TO COMPLY WITH THE PROVISIONS OF SECTIONS 22-32-124 (2) AND 23-71-122 (1) (v), C.R.S., THAT EVALUATES THE EDUCATION, TRAINING, AND EXPERIENCE OF EACH INSPECTOR AND ENSURES THAT THE INSPECTORS HOLD CURRENT NATIONAL CERTIFICATIONS THAT REQUIRE CONTINUING EDUCATION. THE DIRECTOR OF THE DIVISION SHALL REQUIRE THAT EACH INSPECTOR BE RECERTIFIED EVERY THREE YEARS.

(2) PLANS EXAMINERS FOR PLAN REVIEW AND BUILDING INSPECTORS FOR CONSTRUCTION INSPECTIONS SHALL BE CERTIFIED IN THEIR RESPECTIVE FIELDS BY THE INTERNATIONAL CODE COUNCIL, OR ANOTHER SIMILAR NATIONAL ORGANIZATION, AND HAVE DEMONSTRATED EDUCATION, TRAINING, AND EXPERIENCE IN THEIR RESPECTIVE FIELDS.

(3) IF A PLANS EXAMINER OR BUILDING INSPECTOR IS NOT CERTIFIED IN HIS OR HER RESPECTIVE FIELD, THE PLANS EXAMINER OR BUILDING INSPECTOR SHALL HAVE AT LEAST FIVE YEARS OF DEMONSTRATED EDUCATION, TRAINING, AND EXPERIENCE IN HIS OR HER RESPECTIVE FIELD AND RECEIVE NATIONAL CERTIFICATION WITHIN ONE YEAR AFTER THE DATE OF HIRE.

(4) THE DIRECTOR OF THE DIVISION SHALL OUTLINE, BY RULE, THE CRITERIA FOR THE REVOCATION OF INSPECTOR CERTIFICATIONS. IF THE DIVISION FINDS THAT INSPECTIONS ARE NOT COMPLETE OR THAT ALL VIOLATIONS ARE NOT CORRECTED, THE DIVISION SHALL TAKE ENFORCEMENT ACTION AGAINST THE THIRD-PARTY INSPECTOR PURSUANT TO SECTION 24-33.5-1213.

**24-33.5-1213.7. Board of appeals.** (1) (a) THERE IS HEREBY CREATED IN THE DIVISION A BOARD OF APPEALS, REFERRED TO IN THIS SECTION AS THE "BOARD OF APPEALS". THE BOARD OF APPEALS SHALL CONSIST OF SEVEN MEMBERS APPOINTED BY THE EXECUTIVE DIRECTOR.

(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. 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 AND SHALL NOT BE REIMBURSED FOR EXPENSES.

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

(2) 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 OR 23-71-122 (1) (v), C.R.S. THE APPEAL SHALL BE FILED WITH THE DIVISION WITHIN THIRTY DAYS AFTER 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, A CHARTER SCHOOL, THE STATE CHARTER SCHOOL INSTITUTE, OR A JUNIOR COLLEGE BOARD OF TRUSTEES UPON REQUEST.

(3) 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.

(4) 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.

(5) IN ADDITION TO HEARING APPEALS AS PROVIDED IN THIS SECTION, THE BOARD OF APPEALS SHALL ADVISE THE DIRECTOR IN PROMULGATING RULES AND ENACTING STANDARDS FOR THE PUBLIC SCHOOL CONSTRUCTION AND INSPECTION PROGRAM.

**SECTION 12.** 24-75-402 (5), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**24-75-402. Cash funds - limit on uncommitted reserves - reduction in amount of fees - exclusions.** (5) Notwithstanding any provision of this section to the contrary, the following cash funds are excluded from the limitations specified in this section:

(x) THE PUBLIC SCHOOL CONSTRUCTION AND INSPECTION CASH FUND CREATED

IN SECTION 24-33.5-1207.7.

**SECTION 13.** 8-1-151, Colorado Revised Statutes, is amended to read:

**8-1-151. Public safety inspection fund created.** There is hereby created in the state treasury a fund, to be known as the public safety inspection fund, which shall consist of moneys credited thereto pursuant to sections 8-20-104, 8-20-1002, AND 9-7-108.5, ~~and 22-32-124 (2)~~, C.R.S. All moneys in the public safety inspection fund shall be subject to annual appropriation by the general assembly for the public safety inspection activities of the division of oil and public safety. The moneys in the public safety inspection fund shall not be credited or transferred to the general fund or any other fund of the state.

**SECTION 14. Repeal.** 8-20-101 (4), Colorado Revised Statutes, is repealed as follows:

**8-20-101. Division of oil and public safety - creation - appointment of director - transfer of duties.** (4) ~~The director of the division of oil and public safety shall enforce the provisions of sections 22-32-124 and 23-71-122, C.R.S.~~

**SECTION 15.** 8-20-104 (1), (2) (a), (4) (b) (III), and (7), Colorado Revised Statutes, are amended to read:

**8-20-104. Enforcement of law - penalties - definitions.** (1) The director shall enforce this article, ~~sections 22-32-124 and 23-71-122, C.R.S.~~, articles 4, 5.5, and 7 of title 9, C.R.S., and rules promulgated pursuant to articles 4, 5.5, and 7 of title 9, 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.~~, article 4, 5.5, or 7 of title 9, C.R.S., or rules promulgated pursuant to this article or article 4, 5.5, or 7 of title 9, C.R.S. 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.

(4) (b) A civil penalty collected for a violation of:

(III) ~~Section 22-32-124 or 23-71-122, C.R.S.~~, or of Article 7 of title 9, C.R.S., or a rule promulgated pursuant to such ~~sections~~ or article, shall be deposited in the public safety inspection fund created in section 8-1-151.

(7) In addition to the remedies provided in this section, the director is authorized to apply to the district court, in the judicial district where the violation has occurred, for a temporary or permanent injunction restraining any person from violating any provision of ~~sections 22-32-124 and 23-71-122, C.R.S.~~, articles 4, 5.5, and 7 of title 9, C.R.S., and rules promulgated pursuant to articles 4, 5.5, and 7 of title 9, C.R.S., regardless of whether there is an adequate remedy at law.

**SECTION 16. Repeal.** 22-32-124.5, Colorado Revised Statutes, is repealed.

**SECTION 17. Appropriation - adjustments to the 2009 long bill.** (1) In

addition to any other appropriation, there is hereby appropriated, out of any moneys in the public school construction and inspection cash fund created in section 24-33.5-1207.7, Colorado Revised Statutes, not otherwise appropriated, to the department of public safety, office of preparedness, security, and fire safety, for oversight of school building code inspections, for the fiscal year beginning July 1, 2009, the sum of six hundred thirty-five thousand two hundred one dollars (\$635,201) and 8.0 FTE, or so much thereof as may be necessary, for the implementation of this act.

(2) For the implementation of this act, appropriations made in the annual general appropriation act for the fiscal year beginning July 1, 2009, shall be adjusted as follows: The appropriation to the department of labor and employment, division of oil and public safety, for oversight of public school building code inspections, is decreased by six hundred thirty-five thousand two hundred one dollars (\$635,201) and 8.0 FTE. Said sum shall be cash funds from the public safety inspection fund created in section 8-1-151, Colorado Revised Statutes.

**SECTION 18. Act subject to petition - effective date.** (1) This act shall take effect January 1, 2010.

(2) However, if a referendum petition is filed against this act or an item, section, or part of this act during the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, then the act, item, section, or part, shall not take effect unless approved by the people at a biennial regular general election and shall take effect on the date specified in subsection (1) or on the date of the official declaration of the vote thereon by proclamation of the governor, whichever is later.

Approved: May 4, 2009