

First Regular Session
Sixty-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 05-1047.01 John Hershey

SENATE BILL 05-236

SENATE SPONSORSHIP

Wiens, Dyer, Entz, Groff, Grossman, Isgar, Mitchell, Teck, and Williams

HOUSE SPONSORSHIP

Plant, Carroll T., Cloer, Garcia, Hall, Jahn, Stafford, Weissmann, and Witwer

Senate Committees

State, Veterans & Military Affairs

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE DIVISION OF FIRE SAFETY, AND, IN CONNECTION**
102 **THEREWITH, RECREATING THE DIVISION OF FIRE SAFETY AS A**
103 **DIVISION WITHIN THE DEPARTMENT OF PUBLIC SAFETY,**
104 **TRANSFERRING CERTAIN BUILDING, FIRE, AND LIFE**
105 **SAFETY-RELATED FUNCTIONS TO THE DIVISION, AND**
106 **AUTHORIZING LOCAL GOVERNMENTS TO CONDUCT CERTAIN**
107 **INSPECTIONS BY APPROVAL OF THE DIVISION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Recreates the division of fire safety (division) in the office of

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

preparedness, security, and fire safety in the department of public safety as the division of fire safety in the department of public safety. Recreates the office of preparedness, security, and fire safety as the office of preparedness and security.

Transfers responsibilities related to the inspection of boilers from the department of labor and employment to the division. Creates the boiler inspection section and the office of chief boiler inspector in the division.

Transfers responsibilities related to standards for and inspections of buildings for public schools and junior colleges to the division. Allows a building or fire department to conduct an inspection with the approval of the division. Allows a reasonable fee to be charged for such inspections with the approval of the division. Requires certification of certain inspectors. Creates a board of inspection appeals in the division to hear disputes between the inspecting entity and the board of education or junior college board of trustees.

Transfers responsibilities related to building and fire codes from the department of labor and employment to the division.

Directs the director of the division to:

- Supervise and coordinate the operation of the division;
- Adopt rules to carry out the purposes assigned to the division;
- Administer and enforce the statutes regulating fireworks;
- Administer and enforce the statutes related to the inspection of boilers; and
- Administer and enforce the statutes regulating explosives.

Authorizes the director of the division to:

- Promulgate rules adopting a building code and a fire code based on the codes published by the international code council;
- Adopt necessary standards of the national fire protection association; and
- Adopt standards and rules regulating the construction, repair, and maintenance of carnivals and amusement parks and establish an annual registration fee for carnivals and amusement parks.

Directs the division to certify persons who provide fire and building inspection services for the state or a local government. Establishes the qualifications for certification. Directs the director of the division to establish a fee to cover the cost of certification.

- Adjusts appropriations in the annual general appropriation act.
- Makes conforming amendments.

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

3 **8-1-151. Public safety inspection fund created.** There is hereby
4 created in the state treasury a fund to be known as the public safety
5 inspection fund, which shall consist of moneys credited thereto pursuant
6 to ~~section 8-20-101 (3) and sections 9-7-108.5, and 22-32-124 (2)~~
7 SECTIONS 9-7-108.5, 22-32-124 (2) (b), AND 23-71-122 (1) (v) (II), C.R.S.
8 All moneys in the public safety inspection fund shall be subject to annual
9 appropriation by the general assembly for the public safety inspection
10 activities of the division of ~~oil and~~ FIRE SAFETY IN THE DEPARTMENT OF
11 public safety. The moneys in the public safety inspection fund shall not
12 be credited or transferred to the general fund or any other fund of the
13 state.

14 **SECTION 2.** 8-20-101 (2), (3), and (4), Colorado Revised
15 Statutes, are amended to read:

16 **8-20-101. Division of oil and public safety - creation -**
17 **appointment of director - transfer of duties.** (2) The director of the
18 division of oil and public safety, on and after July 1, 2001, shall execute,
19 administer, perform, and enforce the rights, powers, duties, functions, and
20 obligations vested prior to July 1, 2001, in the state inspector of oils. ~~the~~
21 ~~state boiler inspector, and, with respect to articles 6 and 7 of title 9,~~
22 ~~C.R.S., the director of the division of labor.~~ On July 1, 2001, all
23 employees of the state inspector of oils ~~the state boiler inspector, and,~~
24 ~~with respect to duties performed pursuant to articles 6 and 7 of title 9,~~
25 ~~C.R.S., the director of the division of labor,~~ whose principal duties are
26 concerned with the duties and functions to be performed by the director
27 of the division of oil and public safety and whose employment by the

1 director of the division of oil and public safety is deemed necessary by
2 the director of the division of oil and public safety to carry out the
3 purposes of articles 20 and 20.5 of this title and articles 4, 6, and 7 of title
4 9, C.R.S., shall be transferred to the director of the division of oil and
5 public safety and shall become employees thereof. Such employees shall
6 retain all rights to the state personnel system and retirement benefits
7 under the laws of this state, and their services shall be deemed to have
8 been continuous. All transfers and any abolishment of positions in the
9 state personnel system shall be made and processed in accordance with
10 state personnel system laws and rules.

11 ~~(3) The director of the division of oil and public safety shall~~
12 ~~ascertain, fix, and order such reasonable standards or rules for the~~
13 ~~construction, repair, and maintenance of carnivals and amusement parks~~
14 ~~and provide for annual registration fees, not to exceed one hundred~~
15 ~~dollars, and for the financial responsibilities of operators. All fees~~
16 ~~collected by the division pursuant to this subsection (3) shall be~~
17 ~~transmitted to the state treasurer, who shall credit the same to the public~~
18 ~~safety inspection fund created pursuant to section 8-1-151. After~~
19 ~~notifying the director of the division of oil and public safety, any carnival~~
20 ~~or amusement park that is inspected and licensed or issued a permit by a~~
21 ~~home rule municipality for operation within that jurisdiction shall be~~
22 ~~exempt from the requirements of this subsection (3).~~

23 ~~(4) The director of the division of oil and public safety shall~~
24 ~~enforce the provisions of sections 22-32-124 and 23-71-122, C.R.S.~~

25 **SECTION 3.** 9-4-101 (1), (5), (12), (22), and (27), Colorado
26 Revised Statutes, are amended, and the said 9-4-101 is further amended
27 BY THE ADDITION OF A NEW SUBSECTION, to read:

1 **9-4-101. Definitions.** As used in this article, unless the context
2 otherwise requires:

3 (1) "A.S.M.E. boiler and pressure vessel code" means the boiler
4 and pressure vessel code developed by the boiler and pressure vessel
5 committee of the American society of mechanical engineers with
6 amendments, addenda, and interpretations thereto, made and approved by
7 the council of said society, ~~1968 edition~~ a copy of which code is on file
8 in the office of the boiler inspection section of the division of ~~oil and~~ FIRE
9 SAFETY IN THE DEPARTMENT OF public safety.

10 (2.5) "CHIEF BOILER INSPECTOR" MEANS THE CHIEF OF THE BOILER
11 INSPECTION SECTION OF THE DIVISION OF FIRE SAFETY IN THE DEPARTMENT
12 OF PUBLIC SAFETY.

13 (5) "Director" means the director of ~~boiler inspection and is~~
14 ~~synonymous with the term "chief boiler inspector"~~ THE DIVISION OF FIRE
15 SAFETY IN THE DEPARTMENT OF PUBLIC SAFETY.

16 (12) "National board inspection code" means the "manual for
17 boiler and pressure vessel inspections" published ~~in 1970~~ by the national
18 board of boiler and pressure vessel inspectors. ~~10th edition, and~~
19 ~~subsequent revisions.~~

20 (22) "Section" means the boiler inspection section of the division
21 of ~~oil and~~ FIRE SAFETY IN THE DEPARTMENT OF public safety.

22 (27) "State boiler inspector" means any boiler inspector employed
23 by the division of ~~oil and~~ FIRE SAFETY IN THE DEPARTMENT OF public
24 safety.

25 **SECTION 4.** 9-4-102, Colorado Revised Statutes, is amended to
26 read:

27 **9-4-102. Chief boiler inspector - inspectors - qualifications.**

1 ~~(1) The executive director of the department of labor and employment,~~
2 ~~pursuant to article XII, section 13, of the constitution of the state of~~
3 ~~Colorado,~~ DIRECTOR OF THE DIVISION OF FIRE SAFETY IN THE DEPARTMENT
4 OF PUBLIC SAFETY shall appoint a ~~director~~ CHIEF of the boiler inspection
5 section, WHICH SECTION IS hereby created ~~under~~ IN the division of ~~oil and~~
6 FIRE SAFETY IN THE DEPARTMENT OF public safety, and such inspectors as
7 are necessary to carry out the provisions of this article. The ~~director of~~
8 ~~boiler inspection~~ CHIEF BOILER INSPECTOR and each boiler inspector shall
9 be qualified ~~from~~ BY practical experience AND EDUCATION in the
10 construction, maintenance, repair, ~~or~~ AND operation of boilers ~~as a~~
11 ~~mechanical or safety engineer, steam engineer, boilermaker, or boiler~~
12 ~~inspector of not less than five years' actual experience to enable him or~~
13 ~~her~~ to judge the safety of boilers for use. ~~as such.~~ Neither the ~~director of~~
14 ~~boiler inspection~~ CHIEF BOILER INSPECTOR nor any boiler inspector shall
15 be interested directly or indirectly in the manufacture, ownership, or sale
16 of boilers or boiler supplies.

17 (2) The ~~director~~ CHIEF BOILER INSPECTOR and state boiler
18 inspectors shall be reimbursed for necessary traveling expenses as
19 provided by law.

20 **SECTION 5.** 9-4-103 (1) and (2), Colorado Revised Statutes, are
21 amended to read:

22 **9-4-103. Duties.** (1) The ~~director~~ CHIEF BOILER INSPECTOR shall
23 keep in his or her office a complete and accurate record of the names of
24 owners or users of boilers inspected, giving a full description of the
25 boiler, the pressure allowed, date when last inspected, and by whom. The
26 ~~director~~ CHIEF BOILER INSPECTOR shall investigate and report to the
27 ~~division of oil and public safety~~ DIRECTOR the cause of any boiler

1 explosion that may occur within the state. Definitions and rules for the
2 safe construction, installation, inspection, operation, maintenance, and
3 repair of boilers and pressure vessels in the state of Colorado, in addition
4 or supplemental to the existing rules, shall be formulated by the section
5 under the direction of the ~~director of boiler inspection~~ CHIEF BOILER
6 INSPECTOR and shall become effective upon approval by the director. ~~of~~
7 ~~the division of oil and public safety.~~

8 (2) The definitions and rules so formulated for new construction
9 shall be based upon and at all times follow the generally accepted
10 nationwide engineering standards, formulas, and practices established and
11 pertaining to boiler and pressure vessel construction and safety, and the
12 section, with the approval of the director, ~~of the division of oil and public~~
13 ~~safety~~, may adopt an existing codification thereof known as the boiler and
14 pressure vessel code of the American society of mechanical engineers,
15 and when so adopted and incorporated by reference pursuant to section
16 24-4-103 (12.5), C.R.S., shall constitute a part of the whole of the
17 definitions and rules of the section.

18 **SECTION 6.** 9-4-104 (1) (c), Colorado Revised Statutes, is
19 amended to read:

20 **9-4-104. Exemptions.** (1) The following are exempt from the
21 provisions of this article:

22 (c) ~~Any~~ A city or town where boiler inspectors of comparable
23 capability to state boiler inspectors are employed, where adequate records
24 of boiler inspections are maintained, and where there is in effect a boiler
25 inspection code comparable to that of the state pursuant to the ordinances
26 of said city or town. A city or town not now providing such service may,
27 upon application to the director ~~of the division of oil and public safety~~

1 with submission of proof of such comparability, be authorized by the
2 director of the ~~division of oil and public safety~~ to establish a boiler
3 inspection system that is exempt from the provisions of this article.

4 **SECTION 7.** 9-4-107 (1), Colorado Revised Statutes, is amended
5 to read:

6 **9-4-107. Certificate.** (1) If, upon inspection, a boiler is found to
7 comply with the Colorado boiler and pressure vessel code, the owner or
8 user thereof shall pay directly to the section such fee as is prescribed by
9 section 9-4-109, and the division of ~~oil and~~ FIRE SAFETY IN THE
10 DEPARTMENT OF public safety shall issue to such owner or user an
11 inspection certificate bearing the date of inspection and the date of
12 expiration of the certificate and specifying the maximum pressure under
13 which the boiler may be operated.

14 **SECTION 8.** 9-4-108 (2), Colorado Revised Statutes, is amended
15 to read:

16 **9-4-108. Violation by owner or user - penalty - enforcement.**
17 (2) Any owner who fails or refuses to comply with all requirements or
18 directions of this article pertaining to notification of boiler placement,
19 replacement, or operation; condones operation of condemned boilers;
20 refuses a reasonable request to inspect any boiler used for heating or
21 water supply service or any similar use; refuses to pay inspection and
22 expenses or penalties or license fees; operates any boiler or similar device
23 in defiance of a division of ~~oil and~~ FIRE SAFETY IN THE DEPARTMENT OF
24 public safety order or an order of the ~~director~~ CHIEF BOILER INSPECTOR
25 shall, upon notice, cease to use or operate or allow the use or operation
26 of any approved or nonapproved boiler or water-heating equipment
27 owned by him or her until permission to resume use of such equipment

1 is granted by the director.

2 **SECTION 9.** 9-4-109 (1) (a) (I), (3), (4), and (5), Colorado
3 Revised Statutes, are amended to read:

4 **9-4-109. Fees for boiler and pressure vessel inspection**
5 **certificates.** (1) (a) (I) There shall be paid for the issuance of a
6 certificate of boiler or pressure vessel inspection of each individual boiler
7 or pressure vessel, regardless of how it is joined or connected, according
8 to the provisions of this article by the owner or user of said boiler or
9 pressure vessel, such fees as shall be established by the director ~~of the~~
10 ~~division of oil and public safety~~ by rule; except that such fees shall not
11 exceed the amount necessary to accumulate and maintain in the boiler
12 inspection fund a reserve sufficient to defray the division's administrative
13 expenses for a period of two months, and in no event shall the basic fee
14 for an annual inspection exceed one hundred fifty dollars for an internal
15 inspection, nor eighty-five dollars for an external inspection. The basic
16 fee for a biennial or triennial inspection shall not exceed eighty-five
17 dollars. The division shall not charge for an inspection other than to
18 assess the fees established pursuant to this subsection (1). Any fees
19 established pursuant to subparagraphs (III) to (V) of this paragraph (a) or
20 pursuant to paragraph (b) of this subsection (1) shall be in addition to the
21 basic fee.

22 (3) All boiler or pressure vessel inspection certificate fees shall be
23 paid within thirty days from the date of inspection to the department of
24 ~~labor and employment~~ PUBLIC SAFETY. Upon failure to pay the
25 department, ~~of labor and employment~~ the chief boiler inspector shall
26 issue an order to the owner or user to cease and desist the use or
27 operation or allowing the use or operation of the boiler or pressure vessel

1 until permission to resume use of such equipment is granted by the
2 director.

3 (4) All fees collected by the department of ~~labor and employment~~
4 PUBLIC SAFETY under the provisions of this article shall be used to defray
5 the salaries and operating expenses incurred in the administration of this
6 article and shall be appropriated for such purposes by the general
7 assembly. Such moneys shall be transferred to the state treasurer, who
8 shall deposit the same to the credit of the boiler inspection fund, which
9 fund is hereby created.

10 (5) If any person who is required to pay a fee pursuant to
11 subsection (1) of this section fails or refuses to remit such fee, the
12 department of ~~labor and employment~~ PUBLIC SAFETY shall proceed at
13 once to collect the fee by employing such legal processes as may be
14 necessary for that purpose.

15 **SECTION 10.** 9-4-110 (1), (2), (4), and (5), Colorado Revised
16 Statutes, are amended to read:

17 **9-4-110. Special inspectors.** (1) In addition to the boiler
18 inspectors authorized by this article, the section shall, upon request of any
19 company authorized to insure against loss from explosion of boilers in
20 this state, issue to any boiler inspectors of said company commissions as
21 special boiler inspectors. Each such inspector, before receiving a
22 commission, shall satisfy the division of ~~oil and~~ FIRE SAFETY IN THE
23 DEPARTMENT OF public safety that such inspector is properly qualified to
24 perform such inspections. Possession of a valid commission as inspector
25 issued by the national board of boiler and pressure vessel inspectors shall
26 be considered to be proper qualification.

27 (2) Such special boiler inspectors shall receive no salary from, nor

1 shall any of their expenses be paid by, the state, and continuance of a
2 special boiler inspector's commission shall be conditioned upon such
3 special boiler inspector's continuing in the employ of the boiler insurance
4 company duly authorized as aforesaid and upon the maintenance of the
5 standards imposed by the division of ~~oil and~~ FIRE SAFETY IN THE
6 DEPARTMENT OF public safety. Such special boiler inspectors shall
7 perform their functions in accordance with the instructions for special
8 boiler inspectors formulated by the ~~section~~ DIVISION.

9 (4) Each company employing such special boiler inspectors,
10 within thirty days following each boiler inspection made by such
11 inspectors, shall file a report of such inspection with the section upon
12 appropriate forms promulgated by the division of ~~oil and~~ FIRE SAFETY IN
13 THE DEPARTMENT OF public safety.

14 (5) If the division of ~~oil and~~ FIRE SAFETY IN THE DEPARTMENT OF
15 public safety has reason to believe that a special boiler inspector is no
16 longer qualified to hold an appointment or commission, the division of ~~oil
17 and public safety~~ or its selected agent, upon not less than ten days' written
18 notice to the inspector and the inspector's employer, shall hold a hearing
19 at which such inspector and the inspector's employer shall have an
20 opportunity to be heard. If, as a result of such hearing, the division of ~~oil
21 and public safety~~ or its selected agent finds that such inspector is no
22 longer qualified to hold an appointment or commission, the division of ~~oil
23 and public safety, or upon recommendation of its selected agent,~~ shall
24 revoke or suspend such appointment or commission.

25 **SECTION 11.** 9-4-115 (1), Colorado Revised Statutes, is
26 amended to read:

27 **9-4-115. New miniature boiler installations.** (1) No miniature

1 boiler, except those exempted by rules promulgated by the division of ~~oil~~
2 ~~and~~ FIRE SAFETY IN THE DEPARTMENT OF public safety, shall be installed
3 in this state unless it has been constructed, inspected, and stamped in
4 conformity with the rules of construction of miniature boilers of the
5 A.S.M.E. boiler and pressure vessel code and is registered with the
6 national board of boiler and pressure vessel inspectors and inspected in
7 accordance with this article.

8 **SECTION 12.** 9-7-103 (1.5) and (2), Colorado Revised Statutes,
9 are amended to read:

10 **9-7-103. Definitions.** As used in this article, unless the context
11 otherwise requires:

12 (1.5) "Department" means the department of ~~labor and~~
13 ~~employment~~ PUBLIC SAFETY.

14 (2) "Division" means the division of ~~oil and~~ FIRE SAFETY IN THE
15 DEPARTMENT OF public safety. ~~in the department of labor and~~
16 ~~employment.~~

17 **SECTION 13.** 15-18.6-101 (3), Colorado Revised Statutes, is
18 amended to read:

19 **15-18.6-101. Definitions.** As used in this article, unless the
20 context otherwise requires:

21 (3) "Emergency medical service personnel" means any emergency
22 medical technician at any level who is certified or licensed by the
23 department of public health and environment. "Emergency medical
24 service personnel" includes a first responder certified by the department
25 of public health and environment or the division of fire safety ~~in the~~
26 ~~office of preparedness, security, and fire safety~~ in the department of
27 public safety, in accordance with section 24-33.5-1205 (2) (c), C.R.S.

1 **SECTION 14.** 16-2.5-112, Colorado Revised Statutes, is
2 amended to read:

3 **16-2.5-112. Director of the office of preparedness and security.**

4 The director of the office of preparedness AND security ~~and fire safety~~ in
5 the department of public safety is a peace officer whose authority shall
6 include the enforcement of all laws of the state of Colorado and who may
7 be certified by the P.O.S.T. board.

8 **SECTION 15.** 22-32-124 (1), (2), and (3), Colorado Revised
9 Statutes, are amended to read:

10 **22-32-124. Building codes - zoning - planning.** (1) Prior to the
11 acquisition of land or any contracting for the purchase thereof, the board
12 of education shall consult with and advise in writing the planning
13 commission, or governing body if no planning commission exists, that
14 has jurisdiction over the territory in which the site is proposed to be
15 located in order that the proposed site shall conform to the adopted plan
16 of the community insofar as is feasible. In addition, the board of
17 education shall submit a site development plan for review and comment
18 to such planning commission or governing body prior to construction of
19 any structure or building. The planning commission or governing body
20 may request a public hearing before the board of education relating to the
21 proposed site location or site development plan. The board of education
22 shall thereafter promptly schedule the hearing, publish at least one notice
23 in advance of the hearing, and provide written notice of the hearing to the
24 requesting planning commission or governing body. Prior to the
25 acquisition of land for school building sites or construction of any
26 buildings thereon, the board of education also shall consult with the
27 Colorado geological survey regarding potential swelling soil, mine

1 subsidence, and other geologic hazards and to determine the geologic
2 suitability of the site for its proposed use. All buildings and structures
3 shall be erected in conformity with the standards of the division of ~~oil and~~
4 FIRE SAFETY IN THE DEPARTMENT OF public safety. Nothing in this
5 subsection (1) shall be construed to limit the authority of a board of
6 education to finally determine the location of public schools within the
7 district and erect necessary buildings and structures.

8 (2) (a) ~~Notwithstanding the provisions of section 8-20-101 (4),~~
9 ~~C.R.S.,~~ Upon request of the ~~division of oil and~~ APPROVAL BY THE
10 DIVISION OF FIRE SAFETY IN THE DEPARTMENT OF public safety after
11 consulting with the affected board of education AND UPON REQUEST OF the
12 appropriate building department OR FIRE DEPARTMENT of a county, town,
13 city, or city and county wherein a building or structure has been erected
14 pursuant to subsection (1) or ~~subsection~~ (1.5) of this section, THE
15 BUILDING DEPARTMENT OR THE FIRE DEPARTMENT may make the
16 necessary inspections to determine that such building or structure has
17 been erected in conformity with the standards of the division of ~~oil and~~
18 ~~public~~ FIRE safety. ~~and,~~ If such building or structure is in conformity, THE
19 BUILDING DEPARTMENT shall issue the necessary certificate of occupancy
20 prior to use of the building or structure by the school district or by the
21 institute charter school. A fee FOR REASONABLE AND NECESSARY
22 EXPENSES may be charged for such inspections upon approval of the
23 ~~board of education, if~~ DIVISION. The amount of the fee ~~is~~ SHALL BE
24 determined on the basis of the direct cost of providing such service. If
25 the division, ~~of oil and public safety,~~ after consulting with the affected
26 board of education or the state charter school institute created pursuant
27 to section 22-30.5-503, ~~requests~~ AUTHORIZES inspections by the building

1 department OR FIRE DEPARTMENT, such inspections shall be in lieu of any
2 inspections made by the division; ~~of oil and public safety~~; except that this
3 subsection (2) shall not be construed to relieve the division ~~of oil and~~
4 ~~public safety~~ of the responsibility to ~~conduct~~ ENSURE THAT such
5 inspections ARE CONDUCTED if the appropriate BUILDING DEPARTMENT OR
6 FIRE DEPARTMENT OF THE county, town, city, or city and county ~~agency~~
7 does not conduct the inspections. ~~Any~~ A BUILDING DEPARTMENT OR FIRE
8 DEPARTMENT OF A county, town, city, or city and county conducting such
9 inspections shall also be authorized to annually reinspect the building or
10 structure to assure that it is maintained and operated in accordance with
11 the fire code adopted by the director of the division. ~~of oil and public~~
12 ~~safety. The inspecting entity shall cooperate with the affected school~~
13 ~~district or the state charter school institute in carrying out the duties of~~
14 ~~this section.~~ NOTHING IN THIS SUBSECTION (2) SHALL BE CONSTRUED TO
15 REQUIRE A COUNTY, TOWN, CITY, CITY AND COUNTY, OR FIRE DEPARTMENT
16 TO CONDUCT INSPECTIONS.

17 (b) If the division of ~~oil and~~ FIRE SAFETY IN THE DEPARTMENT OF
18 public safety conducts the necessary inspection to determine that a
19 building or structure erected pursuant to subsection (1) or subsection (1.5)
20 of this section has been erected in conformity with the standards of the
21 division, ~~of oil and public safety~~, it shall charge a fee ~~of two hundred~~
22 ~~dollars for such inspection; except that~~ IN AN AMOUNT ESTABLISHED BY
23 THE DIVISION BY RULE TO COVER THE ACTUAL, REASONABLE, AND
24 NECESSARY EXPENSES OF THE DIVISION IN CONDUCTING THE INSPECTION.
25 The director of the division ~~of oil and public safety~~ by rule or as
26 otherwise provided by law may reduce the amount of the fee if necessary
27 pursuant to section 24-75-402 (3), C.R.S., to reduce the uncommitted

1 reserves of the fund to which all or any portion of the fee is credited.
2 After the uncommitted reserves of the fund are sufficiently reduced, the
3 director of the division of ~~oil and public safety~~ by rule or as otherwise
4 provided by law may increase the amount of the fee as provided in
5 section 24-75-402 (4), C.R.S. Any fees collected by the division of ~~oil~~
6 ~~and public safety~~ pursuant to this paragraph (b) shall be transmitted to the
7 state treasurer, who shall credit the same to the public safety inspection
8 fund created pursuant to section 8-1-151, C.R.S.

9 (c) INSPECTORS FOR PLAN REVIEW AND CONSTRUCTION
10 INSPECTIONS SHALL BE CERTIFIED IN ACCORDANCE WITH SECTION
11 24-33.5-1212, C.R.S.

12 (d) THE INSPECTING ENTITY SHALL COOPERATE WITH THE
13 AFFECTED SCHOOL DISTRICT OR THE STATE CHARTER SCHOOL INSTITUTE IN
14 CARRYING OUT THE DUTIES OF THIS SECTION.

15 (e) IF THE INSPECTING ENTITY AND THE BOARD OF EDUCATION
16 DISAGREE ON THE INTERPRETATION OF THE STANDARDS OF THE DIVISION
17 OF FIRE SAFETY IN THE DEPARTMENT OF PUBLIC SAFETY, THE DIVISION
18 SHALL SET A DATE FOR A HEARING AS SOON AS PRACTICABLE BEFORE THE
19 BOARD OF INSPECTION APPEALS IN ACCORDANCE WITH SECTION
20 22-32-124.5 AND THE RULES ADOPTED BY THE DIVISION PURSUANT TO
21 ARTICLE 4 OF TITLE 24, C.R.S.

22 (3) The county, town, city, city and county, ~~or fire protection~~
23 ~~district~~ DEPARTMENT providing fire protection service for the buildings
24 and structures of a school district, OR THE DIVISION OF FIRE SAFETY IN THE
25 DEPARTMENT OF PUBLIC SAFETY may annually inspect such buildings and
26 structures to assure that they are maintained in accordance with the fire
27 code adopted by the director of the division. ~~of oil and public safety~~

1 ~~unless the board of education of the district has contracted for such~~
2 ~~inspections to be conducted by a person qualified to conduct such~~
3 ~~inspections by reason of experience, training, or certification.~~

4 **SECTION 16.** Article 32 of title 22, Colorado Revised Statutes,
5 is amended BY THE ADDITION OF A NEW SECTION to read:

6 **22-32-124.5. Board of inspection appeals.** (1) (a) THERE IS
7 HEREBY CREATED A BOARD OF INSPECTION APPEALS IN THE DIVISION OF
8 FIRE SAFETY IN THE DEPARTMENT OF PUBLIC SAFETY, REFERRED TO IN THIS
9 SECTION AS THE "BOARD OF APPEALS". THE BOARD OF APPEALS SHALL
10 CONSIST OF FIVE MEMBERS APPOINTED BY THE EXECUTIVE DIRECTOR OF
11 THE DEPARTMENT OF PUBLIC SAFETY.

12 (b) THE MEMBERS OF THE BOARD OF APPEALS SHALL BE PERSONS
13 WHO ARE QUALIFIED BY EXPERIENCE AND TRAINING TO PASS UPON
14 MATTERS PERTAINING TO BUILDING CONSTRUCTION AND SHALL INCLUDE
15 ONE REPRESENTATIVE FROM THE COLORADO ASSOCIATION OF SCHOOL
16 BOARDS, THE COLORADO ASSOCIATION OF SCHOOL EXECUTIVES, THE
17 COLORADO CHAPTER OF THE INTERNATIONAL CODE COUNCIL, THE FIRE
18 MARSHALS ASSOCIATION OF COLORADO, AND THE COLORADO STATE FIRE
19 CHIEFS ASSOCIATION.

20 (c) THE MEMBERS OF THE BOARD OF APPEALS SHALL SERVE AT THE
21 PLEASURE OF THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC
22 SAFETY. FOR THE INITIAL BOARD OF APPEALS, THE EXECUTIVE DIRECTOR
23 SHALL APPOINT ONE MEMBER FOR A ONE-YEAR TERM, TWO MEMBERS FOR
24 TWO-YEAR TERMS, AND TWO MEMBERS FOR THREE-YEAR TERMS.
25 SUBSEQUENT APPOINTMENTS SHALL BE FOR THREE-YEAR TERMS; EXCEPT
26 THAT AN APPOINTMENT TO FILL A VACANCY ON THE BOARD OF APPEALS
27 SHALL BE FOR THE REMAINDER OF THE PREDECESSOR'S TERM.

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

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

5 (2) A BOARD OF EDUCATION OR JUNIOR COLLEGE BOARD OF
6 TRUSTEES MAY APPEAL TO THE BOARD OF APPEALS A FINAL WRITTEN
7 DECISION OF AN ENTITY THAT CONDUCTS AN INSPECTION PURSUANT TO
8 SECTION 22-32-124. THE APPEAL SHALL BE FILED WITH THE DIVISION OF
9 FIRE SAFETY IN THE DEPARTMENT OF PUBLIC SAFETY WITHIN THIRTY DAYS
10 OF THE DATE OF THE DECISION. THE DIVISION SHALL SPECIFY THE FORM ON
11 WHICH AN APPEAL SHALL BE MADE AND SHALL PROVIDE THE FORM TO A
12 BOARD OF EDUCATION OR JUNIOR COLLEGE BOARD OF TRUSTEES UPON
13 REQUEST.

14 (3) UPON RECEIPT OF AN APPEAL, THE DIVISION OF FIRE SAFETY IN
15 THE DEPARTMENT OF PUBLIC SAFETY SHALL NOTIFY THE CHAIR OF THE
16 BOARD OF APPEALS AND SCHEDULE A HEARING NO MORE THAN FIFTEEN
17 DAYS AFTER THE APPEAL IS FILED.

18 (4) THE BOARD OF APPEALS MAY REVIEW A FINAL WRITTEN
19 DECISION BY AN INSPECTING ENTITY THAT IS BASED ON THE PROVISIONS OF
20 THE CODES OR STANDARDS ADOPTED BY THE DIRECTOR OF THE DIVISION
21 OF FIRE SAFETY IN THE DEPARTMENT OF PUBLIC SAFETY. THE BOARD
22 SHALL NOT WAIVE ANY REQUIREMENT OF SUCH CODES OR STANDARDS.
23 THE BOARD MAY RECOMMEND ALTERNATIVE MATERIALS AS PROVIDED IN
24 SUCH CODES OR STANDARDS. THE FINAL WRITTEN DECISION OF THE BOARD
25 OF APPEALS IS FINAL AGENCY ACTION FOR PURPOSES OF SECTION 24-4-106,
26 C.R.S.

27 **SECTION 17.** 23-71-122 (1) (v), Colorado Revised Statutes, is

1 amended to read:

2 **23-71-122. Junior college board of trustees - specific powers.**

3 (1) In addition to any other power granted by law to a board of trustees
4 of a junior college district, each board shall have the power to:

5 (v) (I) Determine the location of each school site, building, or
6 structure and construct, erect, repair, alter, rebuild, replace, and remodel
7 buildings and structures without a permit or fee or compliance with a
8 local building code. The authority delegated by this subparagraph (I)
9 shall exist notwithstanding any authority delegated or vested in any
10 county, town, city, or city and county. Prior to the acquisition of land for
11 school building sites or the construction of buildings thereon, the JUNIOR
12 COLLEGE board OF TRUSTEES shall consult with the planning commission
13 ~~which~~ THAT has jurisdiction over the territory in which the site, building,
14 or structure is proposed to be located relative to the location of such site,
15 building, or structure in order that the proposed site, building, or structure
16 shall conform to the adopted plan of the community insofar as is feasible.
17 All buildings and structures shall be erected in conformity with the
18 standards of the division of ~~oil and~~ FIRE SAFETY IN THE DEPARTMENT OF
19 public safety. The board shall advise the planning commission ~~which~~
20 THAT has jurisdiction over the territory in which a site, building, or
21 structure is proposed to be located, in writing, relative to the location of
22 such site, building, or structure prior to the awarding of a contract for the
23 purchase or the construction thereof.

24 (II) ~~Notwithstanding the provisions of section 8-20-101 (4),~~
25 ~~C.R.S.,~~ Upon request of the APPROVAL BY THE division of ~~oil and~~ FIRE
26 SAFETY IN THE DEPARTMENT OF public safety after consulting with the
27 affected junior college board of trustees AND UPON REQUEST OF the

1 appropriate building department OR FIRE DEPARTMENT of a county, town,
2 city, or city and county wherein a building or structure has been erected
3 pursuant to subparagraph (I) of this paragraph (v), THE BUILDING
4 DEPARTMENT OR FIRE DEPARTMENT may make the necessary inspections
5 to determine that such building or structure has been erected in
6 conformity with the standards of the division. ~~of oil and public safety~~
7 ~~and~~, If such building or structure is in conformity, THE BUILDING
8 DEPARTMENT shall issue the necessary certificate of occupancy prior to
9 use of the building or structure by the junior college district. ~~No fee shall~~
10 ~~be charged for such inspections~~ A FEE FOR REASONABLE AND NECESSARY
11 EXPENSES MAY BE CHARGED FOR SUCH INSPECTIONS UPON APPROVAL OF
12 THE DIVISION. THE AMOUNT OF THE FEE SHALL BE DETERMINED ON THE
13 BASIS OF THE DIRECT COST OF PROVIDING SUCH SERVICE. ANY FEES
14 COLLECTED BY THE DIVISION PURSUANT TO THIS SUBPARAGRAPH (II)
15 SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT
16 THE SAME TO THE PUBLIC SAFETY INSPECTION FUND CREATED PURSUANT
17 TO SECTION 8-1-151, C.R.S. If the division, ~~of oil and public safety~~, after
18 consulting with the affected junior college board, ~~requests~~ AUTHORIZES
19 inspections by the building department OR FIRE DEPARTMENT, such
20 inspections shall be in lieu of any inspections made by the division; ~~of oil~~
21 ~~and public safety~~; except that this subparagraph (II) shall not be construed
22 to relieve the division ~~of oil and public safety~~ of the responsibility to
23 ~~conduct~~ ENSURE THAT such inspections ARE CONDUCTED if the
24 appropriate BUILDING DEPARTMENT OR FIRE DEPARTMENT OF THE county,
25 town, city, or city and county ~~agency~~ does not conduct the inspections.
26 ~~Any~~ A BUILDING DEPARTMENT OR FIRE DEPARTMENT OF A county, town,
27 city, or city and county conducting such inspections shall also be

1 authorized to annually reinspect the building or structure to assure that it
2 is maintained and operated in accordance with the fire code adopted by
3 the director of the division. ~~of oil and public safety. The inspecting entity~~
4 ~~shall cooperate with the affected junior college district in carrying out the~~
5 ~~duties of this section.~~

6 (III) The county, town, city, city and county, ~~or fire protection~~
7 ~~district~~ DEPARTMENT providing fire protection service for the buildings
8 and structures of a junior college district, OR THE DIVISION OF FIRE SAFETY
9 IN THE DEPARTMENT OF PUBLIC SAFETY may annually inspect such
10 buildings and structures to assure that they are maintained in accordance
11 with the fire code adopted by the director of the division. ~~of oil and~~
12 ~~public safety unless the junior college board of trustees of the district has~~
13 ~~contracted for such inspections to be conducted by a person qualified to~~
14 ~~conduct such inspections by reason of experience, training, or~~
15 ~~certification.~~

16 (IV) INSPECTORS FOR PLAN REVIEW AND CONSTRUCTION
17 INSPECTIONS SHALL BE CERTIFIED IN ACCORDANCE WITH SECTION
18 24-33.5-1212, C.R.S.

19 (V) THE INSPECTING ENTITY SHALL COOPERATE WITH THE
20 AFFECTED JUNIOR COLLEGE DISTRICT IN CARRYING OUT THE DUTIES OF
21 THIS SECTION.

22 (VI) IF THE INSPECTING ENTITY AND THE JUNIOR COLLEGE BOARD
23 OF TRUSTEES DISAGREE ON THE INTERPRETATION OF THE STANDARDS OF
24 THE DIVISION OF FIRE SAFETY IN THE DEPARTMENT OF PUBLIC SAFETY, THE
25 DIVISION SHALL SET A DATE FOR A HEARING AS SOON AS PRACTICABLE
26 BEFORE THE BOARD OF INSPECTION APPEALS IN ACCORDANCE WITH
27 SECTION 22-32-124.5 AND THE RULES ADOPTED BY THE DIVISION

1 PURSUANT TO ARTICLE 4 OF TITLE 24, C.R.S.

2 (VII) IF THE DIVISION OF FIRE SAFETY CONDUCTS THE NECESSARY
3 INSPECTION TO DETERMINE THAT A BUILDING OR STRUCTURE ERECTED
4 PURSUANT TO SUBPARAGRAPH (II) OF PARAGRAPH (v) OF THIS SUBSECTION
5 (1) HAS BEEN ERECTED IN CONFORMITY WITH THE STANDARDS OF THE
6 DIVISION OF FIRE SAFETY, IT SHALL CHARGE A FEE FOR THE REASONABLE
7 AND NECESSARY EXPENSES, BASED ON ACTUAL COST, AND ADOPTED BY
8 RULE. THE DIRECTOR OF THE DIVISION OF FIRE SAFETY BY RULE OR AS
9 OTHERWISE PROVIDED BY LAW MAY REDUCE THE AMOUNT OF THE FEE IF
10 NECESSARY PURSUANT TO SECTION 24-75-402 (3), C.R.S., TO REDUCE THE
11 UNCOMMITTED RESERVES OF THE FUND TO WHICH ALL OR ANY PORTION OF
12 THE FEE IS CREDITED. AFTER THE UNCOMMITTED RESERVES OF THE FUND
13 ARE SUFFICIENTLY REDUCED, THE DIRECTOR OF THE DIVISION OF LABOR BY
14 RULE OR AS OTHERWISE PROVIDED BY LAW MAY INCREASE THE AMOUNT OF
15 THE FEE AS PROVIDED IN SECTION 24-75-402 (4), C.R.S. ANY FEES
16 COLLECTED BY THE DIVISION OF FIRE SAFETY PURSUANT TO THIS
17 SUBPARAGRAPH (VII) SHALL BE TRANSMITTED TO THE STATE TREASURER,
18 WHO SHALL CREDIT THE SAME TO THE PUBLIC SAFETY INSPECTION FUND
19 CREATED PURSUANT TO SECTION 8-1-151, C.R.S.

20 **SECTION 18.** 24-1-128.6 (2) (h) (I), the introductory portion to
21 24-1-128.6 (2) (h) (II), and 24-1-128.6 (2) (h) (II) (A), Colorado Revised
22 Statutes, are amended to read:

23 **24-1-128.6. Department of public safety - creation.** (2) The
24 department of public safety shall consist of the following divisions:

25 (h) (I) Office of preparedness AND security, ~~and fire safety~~, the
26 head of which shall be the director of the office of preparedness, security,
27 and fire safety. The office of preparedness, security, and fire safety and

1 the office of director thereof, created by part 16 of article 33.5 of this
2 title, shall exercise their powers and perform their duties and functions as
3 if the same were transferred by a **type 2** transfer to the department of
4 public safety.

5 (II) The office of preparedness AND security ~~and fire safety~~ shall
6 include the following agencies, which shall exercise their powers and
7 perform their duties and functions under the department of public safety
8 as if the same were transferred thereto by a **type 2** transfer:

9 (A) ~~Division of fire safety, created by part 12 of article 33.5 of~~
10 ~~this title; and~~

11 **SECTION 19.** 24-32-2603 (1) (a), Colorado Revised Statutes, is
12 amended to read:

13 **24-32-2603. Colorado emergency planning commission -**
14 **creation - duties.** (1) (a) There is hereby created in the department of
15 local affairs the Colorado emergency planning commission, which shall
16 exercise its powers and perform its duties and functions under the
17 department of local affairs as if the same were transferred to the
18 department by a **type 2** transfer; except that the commission shall have
19 full authority to promulgate rules and regulations related to the
20 administration of this part 26. The commission shall consist of twelve
21 members. Five of the twelve members shall be the following
22 representatives of state government or their designees: The director of
23 the division of fire safety in the ~~office of preparedness, security, and fire~~
24 ~~safety~~ in the department of public safety, the director of the division of
25 local government in the department of local affairs, the director of the
26 division of emergency management in the department of local affairs,
27 who shall be a cochairperson, the director of the division in the

1 department of public health and environment responsible for hazardous
2 materials and waste management, who shall also be a cochairperson, and
3 a representative of the Colorado state patrol in the department of public
4 safety. The remaining seven members of the commission shall be
5 appointed by the governor for two-year terms. Of those seven members,
6 two shall represent local governments, two shall be from either public
7 interest groups or community groups, one shall represent a local
8 emergency planning committee, and two shall represent affected
9 industries. The governor shall fill any vacancy by appointment.

10 **SECTION 20.** 24-33.5-103 (2) (h), Colorado Revised Statutes,
11 is amended, and the said 24-33.5-103 (2) is further amended BY THE
12 ADDITION OF A NEW PARAGRAPH, to read:

13 **24-33.5-103. Department created - divisions.** (2) The
14 department shall consist of the following divisions:

15 (h) Office of preparedness AND security; ~~and fire safety.~~

16 (i) DIVISION OF FIRE SAFETY.

17 **SECTION 21.** Part 1 of article 33.5 of title 24, Colorado Revised
18 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
19 read:

20 **24-33.5-109. Transfer of functions relating to building and fire**
21 **safety.** (1) THE DEPARTMENT OF PUBLIC SAFETY SHALL, ON AND AFTER
22 JULY 1, 2005, EXECUTE, ADMINISTER, PERFORM, AND EXERCISE THE
23 RIGHTS, POWERS, DUTIES, FUNCTIONS, AND OBLIGATIONS VESTED IN THE
24 DEPARTMENT OF LABOR AND EMPLOYMENT PRIOR TO JULY 1, 2005,
25 CONCERNING THE DUTIES AND FUNCTIONS TRANSFERRED TO THE
26 DEPARTMENT OF PUBLIC SAFETY PURSUANT TO SECTION 24-33.5-1211. ON
27 JULY 1, 2005, ALL EMPLOYEES OF THE DEPARTMENT OF LABOR AND

1 EMPLOYMENT WHOSE PRINCIPAL DUTIES ARE CONCERNED WITH THE DUTIES
2 AND FUNCTIONS TRANSFERRED TO THE DEPARTMENT OF PUBLIC SAFETY
3 AND WHOSE EMPLOYMENT IN THE DEPARTMENT OF PUBLIC SAFETY IS
4 DEEMED NECESSARY TO CARRY OUT THE PURPOSES OF PART 12 OR 14 OF
5 THIS ARTICLE SHALL BE TRANSFERRED TO THE DEPARTMENT OF PUBLIC
6 SAFETY AND SHALL BECOME EMPLOYEES THEREOF. SUCH EMPLOYEES
7 SHALL RETAIN ALL RIGHTS TO THE STATE PERSONNEL SYSTEM AND
8 RETIREMENT BENEFITS UNDER THE LAWS OF THIS STATE, AND THEIR
9 SERVICE SHALL BE DEEMED TO HAVE BEEN CONTINUOUS. ALL TRANSFERS
10 AND ANY ABOLISHMENT OF POSITIONS IN THE STATE PERSONNEL SYSTEM
11 SHALL BE MADE AND PROCESSED IN ACCORDANCE WITH STATE PERSONNEL
12 SYSTEM LAWS AND RULES.

13 (2) ON JULY 1, 2005, ALL ITEMS OF PROPERTY, REAL AND
14 PERSONAL, INCLUDING OFFICE FURNITURE AND FIXTURES, BOOKS,
15 DOCUMENTS, AND RECORDS OF THE DEPARTMENT OF LABOR AND
16 EMPLOYMENT PERTAINING TO THE DUTIES AND FUNCTIONS TRANSFERRED
17 TO THE DEPARTMENT OF PUBLIC SAFETY PURSUANT TO SECTION
18 24-33.5-1211 ARE TRANSFERRED TO THE DEPARTMENT OF PUBLIC SAFETY
19 AND BECOME THE PROPERTY THEREOF.

20 (3) WHENEVER THE DEPARTMENT OF LABOR AND EMPLOYMENT IS
21 REFERRED TO OR DESIGNATED BY ANY CONTRACT OR OTHER DOCUMENT IN
22 CONNECTION WITH THE DUTIES AND FUNCTIONS TRANSFERRED TO THE
23 DEPARTMENT OF PUBLIC SAFETY, SUCH REFERENCE OR DESIGNATION SHALL
24 BE DEEMED TO APPLY TO THE DEPARTMENT OF PUBLIC SAFETY. ALL
25 CONTRACTS ENTERED INTO BY THE DEPARTMENT OF LABOR AND
26 EMPLOYMENT PRIOR TO JULY 1, 2005, IN CONNECTION WITH THE DUTIES
27 AND FUNCTIONS TRANSFERRED TO THE DEPARTMENT OF PUBLIC SAFETY

1 ARE HEREBY VALIDATED, WITH THE DEPARTMENT OF PUBLIC SAFETY
2 SUCCEEDING TO ALL RIGHTS AND OBLIGATIONS OF SUCH CONTRACTS. ANY
3 APPROPRIATIONS OF FUNDS FROM PRIOR FISCAL YEARS OPEN TO SATISFY
4 OBLIGATIONS INCURRED UNDER SUCH CONTRACTS ARE HEREBY
5 TRANSFERRED AND APPROPRIATED TO THE DEPARTMENT OF PUBLIC SAFETY
6 FOR THE PAYMENT OF SUCH OBLIGATIONS.

7 (4) ALL RULES AND STANDARDS ADOPTED AND IN EFFECT PRIOR TO
8 JULY 1, 2005, BY THE DEPARTMENT OF LABOR AND EMPLOYMENT, OR ANY
9 BOARD, DIVISION, OR OFFICE THEREOF, WHOSE DUTIES ARE TRANSFERRED
10 BY SECTION 24- 33.5-1211 TO THE DEPARTMENT OF PUBLIC SAFETY, AND
11 NOT INCONSISTENT WITH THE AUTHORITY OF THE PROMULGATING AGENCY
12 AS PROVIDED BY LAW, SHALL REMAIN IN FULL FORCE AND EFFECT UNTIL
13 SUPERSEDED BY RULES OR STANDARDS DULY ADOPTED PURSUANT TO LAW,
14 WITH THE SAME EFFECT AS THOUGH SUCH RULES AND STANDARDS WERE
15 ADOPTED ON OR AFTER JULY 1, 2005.

16 **SECTION 22.** 24-33.5-1201 (1), Colorado Revised Statutes, is
17 amended to read:

18 **24-33.5-1201. Division of fire safety - creation.** (1) There is
19 hereby created within the ~~office of preparedness, security, and fire safety~~
20 DEPARTMENT the division of fire safety, referred to in this part 12 as the
21 "division". The head of the division shall be the director of the division
22 of fire safety, referred to in this part 12 as the "director", who shall be
23 appointed by the executive director pursuant to section 13 of article XII
24 of the state constitution.

25 **SECTION 23.** 24-33.5-1202, Colorado Revised Statutes, is
26 amended BY THE ADDITION OF THE FOLLOWING NEW
27 SUBSECTIONS to read:

1 **24-33.5-1202. Definitions.** As used in this part 12, unless the
2 context otherwise requires:

3 (2.3) "CERTIFIED BUILDING INSPECTOR" MEANS A PERSON WITH
4 BUILDING INSPECTION RESPONSIBILITIES WHO IS EMPLOYED BY OR
5 VOLUNTEERS SERVICES TO THE STATE OR A GOVERNING BODY AS A
6 BUILDING INSPECTOR AND WHO IS CERTIFIED BY THE DIVISION OF FIRE
7 SAFETY TO CONDUCT BUILDING INSPECTIONS PURSUANT TO SECTION
8 24-33.5-1212.

9 (2.5) "CERTIFIED FIRE INSPECTOR" MEANS A PERSON WITH FIRE
10 SAFETY RESPONSIBILITIES WHO IS EMPLOYED BY OR VOLUNTEERS SERVICES
11 TO THE STATE OR A GOVERNING BODY AS A FIRE INSPECTOR AND WHO IS
12 CERTIFIED BY THE DIVISION OF FIRE SAFETY TO CONDUCT FIRE SAFETY
13 INSPECTIONS PURSUANT TO SECTION 24-33.5-1212.

14 (7.5) "GOVERNING BODY" MEANS:

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

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

19 (c) THE BOARD OF DIRECTORS OF A COUNTY IMPROVEMENT
20 DISTRICT THAT PROVIDES FIRE PROTECTION SERVICES ORGANIZED
21 PURSUANT TO PART 5 OF ARTICLE 20 OF TITLE 30, C.R.S.; OR

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

25 **SECTION 24.** 24-33.5-1203 (1) (k), Colorado Revised Statutes,
26 is amended, and the said 24-33.5-1203 (1) is further amended BY THE
27 ADDITION OF A NEW PARAGRAPH, to read:

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

3 (k) Train and instruct firefighters and first responders in subjects
4 relating to the fire service and to coordinate fire service-related education
5 and training classes, programs, conferences, and seminars, and train and
6 instruct, or coordinate the training of, hazardous materials responders, but
7 all training related to terrorism shall be coordinated with the office of
8 preparedness AND security; ~~and fire safety;~~

9 (p) INSPECT SCHOOL BUILDINGS IN ACCORDANCE WITH SECTIONS
10 22-32-124 AND 23-71-122, C.R.S.

11 **SECTION 25.** Part 12 of article 33.5 of title 24, Colorado
12 Revised Statutes, is amended BY THE ADDITION OF THE
13 FOLLOWING NEW SECTIONS to read:

14 **24-33.5-1203.5. Powers and duties of the director.** (1) IN
15 ADDITION TO ANY OTHER DUTIES PRESCRIBED BY LAW, THE DIRECTOR
16 SHALL PERFORM THE FOLLOWING DUTIES:

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

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

25 (c) ADMINISTER AND ENFORCE THE PROVISIONS OF SECTIONS
26 12-28-101 TO 12-28-111, C.R.S.;

27 (d) ADMINISTER AND ENFORCE THE PROVISIONS OF SECTIONS

1 9-4-101 TO 9-4-118, C.R.S.; AND

2 (e) ADMINISTER AND ENFORCE THE PROVISIONS OF ARTICLES 6 AND
3 7 OF TITLE 9, C.R.S., RELATED TO EXPLOSIVES.

4 (2) IN ORDER TO CARRY OUT THE PURPOSES AND PROVISIONS OF
5 THIS PART 12, THE DIRECTOR HAS THE POWER TO:

6 (a) PROMULGATE RULES IN ACCORDANCE WITH ARTICLE 4 OF THIS
7 TITLE ADOPTING A BUILDING CODE, WHICH SHALL BE IDENTICAL TO OR
8 MODELED ON THE INTERNATIONAL BUILDING CODE PUBLISHED BY THE
9 INTERNATIONAL CODE COUNCIL;

10 (b) PROMULGATE RULES IN ACCORDANCE WITH ARTICLE 4 OF THIS
11 TITLE ADOPTING A FIRE CODE, WHICH SHALL BE IDENTICAL TO OR MODELED
12 ON THE INTERNATIONAL FIRE CODE PUBLISHED BY THE INTERNATIONAL
13 CODE COUNCIL;

14 (c) ADOPT STANDARDS OF THE NATIONAL FIRE PROTECTION
15 ASSOCIATION THAT THE DIRECTOR REASONABLY FINDS NECESSARY TO
16 CARRY OUT THE PURPOSES AND PROVISIONS OF THIS PART 12;

17 (d) ADOPT REASONABLE STANDARDS AND RULES GOVERNING THE
18 CONSTRUCTION, REPAIR, AND MAINTENANCE OF CARNIVALS AND
19 AMUSEMENT PARKS AND THE FINANCIAL RESPONSIBILITIES OF OPERATORS
20 OF CARNIVALS AND AMUSEMENT PARKS, AND ESTABLISH AN ANNUAL
21 REGISTRATION FEE FOR CARNIVALS AND AMUSEMENT PARKS NOT TO
22 EXCEED ONE HUNDRED DOLLARS. ALL FEES COLLECTED BY THE DIVISION
23 PURSUANT TO THIS PARAGRAPH (d) SHALL BE TRANSMITTED TO THE STATE
24 TREASURER, WHO SHALL CREDIT THE SAME TO THE PUBLIC SAFETY
25 INSPECTION FUND CREATED PURSUANT TO SECTION 8-1-151, C.R.S. AFTER
26 NOTIFYING THE DIRECTOR, A CARNIVAL OR AMUSEMENT PARK THAT IS
27 INSPECTED AND LICENSED OR ISSUED A PERMIT BY A HOME RULE

1 MUNICIPALITY FOR OPERATION WITHIN THAT JURISDICTION SHALL BE
2 EXEMPT FROM THE REQUIREMENTS OF THIS PARAGRAPH (d).

3 **24-33.5-1211. Transfer of fire safety powers, duties, and**
4 **functions.** (1) ALL POWERS, DUTIES, AND FUNCTIONS OF THE DIVISION OF
5 LABOR IN THE DEPARTMENT OF LABOR AND EMPLOYMENT RELATED TO
6 BUILDING AND FIRE CODES ESTABLISHED IN SECTIONS 22-32-124 AND
7 23-71-122, C.R.S., AS SUCH SECTIONS EXISTED PRIOR TO JULY 1, 2005,
8 ARE TRANSFERRED, EFFECTIVE JULY 1, 2005, TO THE DEPARTMENT OF
9 PUBLIC SAFETY AND ALLOCATED TO THE DIVISION.

10 (2) ALL POWERS, DUTIES, AND FUNCTIONS OF THE DIVISION OF
11 LABOR IN THE DEPARTMENT OF LABOR AND EMPLOYMENT RELATED TO
12 EXPLOSIVES ESTABLISHED IN ARTICLES 6 AND 7 OF TITLE 9, C.R.S., AS
13 SUCH ARTICLES EXISTED PRIOR TO JULY 1, 2005, ARE TRANSFERRED,
14 EFFECTIVE JULY 1, 2005, TO THE DEPARTMENT OF PUBLIC SAFETY AND
15 ALLOCATED TO THE DIVISION.

16 (3) ALL POWERS, DUTIES, AND FUNCTIONS OF THE DIVISION OF
17 LABOR IN THE DEPARTMENT OF LABOR AND EMPLOYMENT RELATED TO
18 BOILERS ESTABLISHED IN ARTICLE 4 OF TITLE 9, C.R.S., AS SUCH ARTICLE
19 EXISTED PRIOR TO JULY 1, 2005, ARE TRANSFERRED, EFFECTIVE JULY 1,
20 2005, TO THE DEPARTMENT OF PUBLIC SAFETY AND ALLOCATED TO THE
21 DIVISION.

22 (4) ALL POWERS, DUTIES, AND FUNCTIONS OF THE DIVISION OF
23 LABOR IN THE DEPARTMENT OF LABOR AND EMPLOYMENT RELATED TO
24 CARNIVALS AND AMUSEMENT PARKS ESTABLISHED IN SECTION 8-20-101,
25 C.R.S., AS SUCH SECTION EXISTED PRIOR TO JULY 1, 2005, ARE
26 TRANSFERRED TO THE DEPARTMENT OF PUBLIC SAFETY AND ALLOCATED
27 TO THE DIVISION.

1 **24-33.5-1212. Inspector certification.** (1) THE DIVISION SHALL
2 CERTIFY A PERSON WITH BUILDING OR FIRE SAFETY RESPONSIBILITIES WHO
3 IS EMPLOYED BY, UNDER CONTRACT TO, OR VOLUNTEERS SERVICES TO THE
4 STATE OR A GOVERNING BODY AS A FIRE OR BUILDING INSPECTOR IF THE
5 PERSON FILES AN APPLICATION WITH THE DIVISION FOR CERTIFICATION ON
6 FORMS PROVIDED BY THE DIVISION, PAYS THE REQUIRED CERTIFICATION
7 FEE, IS AT LEAST EIGHTEEN YEARS OF AGE, AND:

8 (a) PASSES THE FIRE INSPECTOR CERTIFICATION EXAMINATION AS
9 PRESCRIBED BY THE DIRECTOR; OR

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

12 (c) DEMONSTRATES TO THE DIRECTOR THAT THE PERSON MEETS
13 OTHER EQUIVALENT QUALIFICATIONS, INCLUDING, BUT NOT LIMITED TO,
14 THE EDUCATION AND EXPERIENCE PRESCRIBED BY RULES ADOPTED BY THE
15 DIVISION AND OBTAINS AN ATTESTATION ON A FORM PROVIDED BY THE
16 DIVISION FROM THE HEAD OF THE GOVERNING BODY OR A DESIGNEE THAT
17 THE PERSON HAS THE KNOWLEDGE, SKILLS, AND ABILITY TO CONDUCT
18 BUILDING OR FIRE SAFETY INSPECTIONS USING THE RULES AND CODES
19 ADOPTED PURSUANT TO SECTIONS 24-33.5-1203.5 (2) (b) AND 8-1-107 (2)
20 (p), C.R.S.

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

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

26 (b) THE CERTIFIED INSPECTOR CEASES TO PROVIDE VOLUNTEER
27 FIRE SAFETY OR BUILDING INSPECTION SERVICES TO THE STATE OR

1 GOVERNING BODY.

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

5 (4) THE DIRECTOR SHALL ESTABLISH A FEE NOT TO EXCEED
6 TWENTY-FIVE DOLLARS TO COVER THE ACTUAL DIRECT AND INDIRECT
7 COSTS OF PROCESSING APPLICATIONS AND ISSUING AND RENEWING
8 CERTIFICATIONS PURSUANT TO THIS SECTION. CERTIFICATION FEES
9 COLLECTED BY THE DIVISION SHALL BE CREDITED TO THE FIREFIGHTER AND
10 FIRST RESPONDER CERTIFICATION FUND CREATED IN SECTION
11 24-33.5-1207.

12 **SECTION 26.** 24-33.5-1603, Colorado Revised Statutes, is
13 amended to read:

14 **24-33.5-1603. Office of preparedness and security - creation.**

15 (1) There is hereby created within the department an office of
16 preparedness AND security, ~~and fire safety~~, the head of which shall be the
17 director of the office of preparedness AND security, ~~and fire safety~~, which
18 office is hereby created. The director of the office of preparedness AND
19 security, ~~and fire safety~~, referred to in this part 16 as the "director", shall
20 be appointed by the executive director pursuant to section 13 of article
21 XII of the state constitution.

22 (2) The office of preparedness AND security ~~and fire safety~~ shall
23 include the following agencies, which shall exercise their powers and
24 perform their duties and functions under the department as if the same
25 were transferred thereto by a **type 2** transfer:

26 (a) ~~The division of fire safety, created in section 24-33.5-1201;~~
27 **and**

1 (b) The office of anti-terrorism planning and training, created in
2 section 24-33.5-1606.

3 **SECTION 27.** The introductory portions to 24-33.5-1604 (1) and
4 (2) (a) and 24-33.5-1604 (2) (b) (I), (3), and (4), Colorado Revised
5 Statutes, are amended to read:

6 **24-33.5-1604. Duties and powers of the office.** (1) The office
7 of preparedness AND security ~~and fire safety~~ shall have the following
8 duties and powers:

9 (2) (a) Within twelve months after June 3, 2002, the office of
10 preparedness AND security ~~and fire safety~~ shall create and implement
11 terrorism preparedness plans. Such plans shall include the following:

12 (b) (I) In creating the terrorism preparedness plans, the office of
13 preparedness AND security ~~and fire safety~~ may seek the advice and
14 assistance of other federal, state, and local government agencies,
15 business, labor, industrial, agricultural, civic, and volunteer organizations,
16 and community leaders.

17 (3) (a) The office of preparedness AND security ~~and fire safety~~
18 shall provide advice, assistance, and training to state and local
19 government agencies in the development and implementation of terrorism
20 preparedness plans and in conducting periodic exercises related to such
21 plans.

22 (b) The office of preparedness AND security ~~and fire safety~~ shall
23 provide oversight of terrorism preparedness plans developed and
24 implemented by state and local government agencies. Such oversight
25 shall not usurp the authority of state and local government agencies, but
26 shall only provide peer review and comment to promote standardized
27 methods of operation and to facilitate integration with plans adopted by

1 other state and local government agencies throughout the state.

2 (c) State and local government agencies that develop terrorism
3 preparedness plans shall submit copies of current, new, or amended plans
4 to the office of preparedness AND security. ~~and fire safety~~. Copies of
5 such plans shall be maintained by the office of preparedness AND security
6 ~~and fire safety~~ and shall constitute specialized details of security
7 arrangements for purposes of section 24-72-204 (3) (a) (XVII).

8 (4) The office of preparedness AND security ~~and fire safety~~ may
9 distribute to local government agencies any federal or other funds that
10 may become available for distribution.

11 **SECTION 28.** The introductory portion to 24-33.5-1605 (1) and
12 24-33.5-1605 (2), (3), and (4), Colorado Revised Statutes, are amended
13 to read:

14 **24-33.5-1605. Director - duties and powers.** (1) The director
15 of the office of preparedness AND security ~~and fire safety~~ shall perform
16 duties in connection with:

17 (2) The director of the office of preparedness AND security ~~and~~
18 ~~fire safety~~ may promulgate such rules as are necessary to implement
19 sections 24-33.5-1604 (2) (a), 24-33.5-1608, and 24-33.5-1609. Such
20 rules shall be promulgated in accordance with article 4 of this title.

21 (3) The powers vested in the director of the office of preparedness
22 AND security ~~and fire safety~~ as specified in ~~part 12 of this article and this~~
23 ~~part 16~~ shall in no way usurp or supersede the powers of fire chiefs,
24 sheriffs, chiefs of police, and other law enforcement or fire protection
25 agencies.

26 (4) The director of the office of preparedness AND security ~~and~~
27 ~~fire safety~~ who is required to perform any official function under the

1 provisions of this part 16 shall be entitled to all protections, defenses, and
2 immunities provided by statute to safeguard a peace officer in the
3 performance of official acts.

4 **SECTION 29.** 24-33.5-1606, Colorado Revised Statutes, is
5 amended to read:

6 **24-33.5-1606. Office of anti-terrorism planning and training**
7 **- creation.** There is hereby created within the office of preparedness AND
8 security ~~and fire safety~~ an office of anti-terrorism planning and training,
9 the head of which shall be the manager of anti-terrorism planning and
10 training, which office is hereby created. The manager of anti-terrorism
11 planning and training shall be appointed by the executive director
12 pursuant to section 13 of article XII of the state constitution.

13 **SECTION 30.** 24-33.5-1610 (2) (b), Colorado Revised Statutes,
14 is amended to read:

15 **24-33.5-1610. Compliance with standards.** (2) (b) If adequate
16 funding is not available to fund compliance with any such rule by a state
17 department or agency, the department or agency shall take appropriate
18 measures to provide alternate interim solutions to protect the safety and
19 security of persons and property and to ensure the continuity of the
20 department or agency's critical functions during a state of emergency.
21 Any alternate interim solution shall be approved by the office of
22 preparedness AND security. ~~and fire safety.~~

23 **SECTION 31.** 24-33.5-1611, Colorado Revised Statutes, is
24 amended to read:

25 **24-33.5-1611. Assistance and assessment.** (1) Upon request, the
26 office of preparedness AND security ~~and fire safety~~ shall provide advice
27 and assistance to any state department or agency related to its compliance

1 with rules adopted pursuant to sections 24-33.5-1608 and 24-33.5-1609.

2 (2) The office of preparedness AND security ~~and fire safety~~ shall
3 conduct security assessments as needed to evaluate threats, risks, and
4 compliance with security rules at state facilities.

5 **SECTION 32.** 24-33.5-1612, Colorado Revised Statutes, is
6 amended to read:

7 **24-33.5-1612. Cooperation with other state agencies.** Upon
8 request, other agencies of state government, including, but not limited to,
9 the department of personnel and the department of local affairs, shall
10 provide advice and assistance to the office of preparedness AND security
11 ~~and fire safety~~ related to rules adopted pursuant to section 24-33.5-1608
12 or 24-33.5-1609.

13 **SECTION 33.** 24-72-204 (3) (a) (XVII), Colorado Revised
14 Statutes, is amended to read:

15 **24-72-204. Allowance or denial of inspection - grounds -**
16 **procedure - appeal.** (3) (a) The custodian shall deny the right of
17 inspection of the following records, unless otherwise provided by law;
18 except that any of the following records, other than letters of reference
19 concerning employment, licensing, or issuance of permits, shall be
20 available to the person in interest under this subsection (3):

21 (XVII) Specialized details of security arrangements or
22 investigations. Nothing in this subparagraph (XVII) shall prohibit the
23 custodian from transferring such records to the office of preparedness
24 AND security ~~and fire safety~~ in the department of public safety, the
25 governing body of any city, county, or city and county, or any federal,
26 state, or local law enforcement agency; except that the custodian shall not
27 transfer any record received from a nongovernmental entity without the

1 prior written consent of such entity unless such information is already
2 publicly available. For purposes of this section, records received by or
3 provided to the office of preparedness AND security ~~and fire safety~~ in the
4 department of public safety from any source in connection with the
5 performance of its duties and records received by any state agency or
6 political subdivision of the state from or on behalf of the office of
7 preparedness AND security ~~and fire safety~~ in connection with the
8 performance of its duties shall constitute specialized details of security
9 arrangements or investigations.

10 **SECTION 34. Repeal.** 24-1-121 (4), Colorado Revised Statutes,
11 is repealed.

12 **SECTION 35. Appropriation - adjustments in long bill.**

13 (1) For the implementation of this act, appropriations made in the annual
14 general appropriation act for the fiscal year beginning July 1, 2005, shall
15 be adjusted as follows:

16 (a) The appropriation to the department of labor and employment,
17 for _____, is decreased by _____ dollars (\$ __).

18 (b) The appropriation to the department of public safety, for the
19 division of fire safety, is increased by _____ dollars (\$ __).

20 **SECTION 36. Effective date.** This act shall take effect July 1,
21 2005.

22 **SECTION 37. Safety clause.** The general assembly hereby
23 finds, determines, and declares that this act is necessary for the immediate
24 preservation of the public peace, health, and safety.