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0446 Study of Hazardous Material Response and Preparedness



**Study of Hazardous
Material Response
and Preparedness**

**Report to the
COLORADO
GENERAL ASSEMBLY**

**Colorado Legislative Council
Research Publication No. 446
November 1998**

RECOMMENDATIONS FOR 1999

**STUDY OF HAZARDOUS MATERIAL
RESPONSE AND PREPAREDNESS**

**Report to the
Colorado Legislative Council**

**Research Publication No. 446
November 1998**

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November 1998

To Members of the Sixty-second General Assembly:

Submitted herewith is the final report of the Study of Hazardous Material Response and Preparedness. The interim committee was created pursuant to Senate Joint Resolution 98-027 to determine the state's role in hazardous materials preparedness and response.

At its meeting on October 15, 1998, the Legislative Council reviewed the report of this committee. A motion to forward this report and the bills therein for consideration in the 1999 session was approved.

Respectfully submitted,

/s/ Representative Chuck Berry
Chairman
Legislative Council

CB/HH/pw

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STUDY OF HAZARDOUS MATERIAL RESPONSE AND PREPAREDNESS

Members of the Committee

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Chairman
Representative Doug Dean
Vice Chairman

Senator Don Ament
Senator Terry Phillips
Representative Gayle Berry
Representative Paul Zimmerman

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EXECUTIVE SUMMARY

Committee Charge

The Interim Committee on Hazardous Materials Response and Preparedness was created pursuant to Senate Joint Resolution 98-027 and charged with determining the state's role in hazardous materials preparedness and response; discussing options and funding for an appropriate response to accidents and spills involving hazardous materials; and developing solutions to improve the state's hazardous materials response and preparedness capabilities.

Committee Activities

Three meetings were held by the committee. Testimony was received on a variety of hazardous materials issues from representatives of the following organizations: State Auditor's Office, Colorado Department of Public Health and the Environment, Colorado Department of Public Safety, Department of Local Affairs, County Sheriffs of Colorado, Governor's Interagency Advisory Group, Colorado Fire Chiefs Association, Rocky Mountain Catastrophe Environmental Services, Inc., Petroleum Marketers Association/Convenience Store Association, Colorado Motor Carriers Association, Waste Management Industrial Services, Department of Defense, Joint Budget Committee staff, and various local government agencies responsible for dealing with hazardous materials incidents.

The committee examined how hazardous materials preparedness and response is handled throughout Colorado. The committee was briefed on the following issues: community outreach on statewide hazardous materials issues and incidents; how federal, state, and local governments interact regarding hazardous materials response and preparedness; various means of funding hazardous materials response and preparedness; hazardous materials training programs; and possible alternatives to the existing process.

Committee Recommendations

As a result of committee discussion, the committee recommends five bills for consideration in the 1999 legislative session.

Bill A — Concerning a grant program to assist governmental entities with hazardous substance incidents. Bill A creates the Hazardous Substances Planning and Response Assistance Fund to be administered by the director of the Department of Public Safety. The director is required to solicit funds from the federal government and private donors. This Fund will be used to provide

grants to public entities and agencies for emergency planning and response. Additional money may be appropriated by the General Assembly. In addition, the bill appropriates funds and authorizes the Division of Fire Safety to purchase a hazardous materials training vehicle to be used to train responders throughout the state.

Bill B — Concerning reimbursements to the Colorado State Patrol. Bill B directs that the net proceeds of reimbursements to the Colorado State Patrol for costs incurred in mitigating hazardous substance incidents be credited to the Highway Users Tax Fund.

Bill C — Concerning emergency response to hazardous substance incidents. Bill C gives the Colorado State Patrol emergency response authority for hazardous substances incidences on highways outside city limits and gives the Department of Public Safety the authority to organize regional emergency response teams. Finally, the Division of Fire Safety is given the responsibility of training and coordinating the training of hazardous materials responders.

STATUTORY AUTHORITY AND RESPONSIBILITIES

The Interim Study on Colorado's Hazardous Materials Preparedness and Response was created by Senate Joint Resolution 98-027. The committee is composed of six members, three from the Senate and three from the House, with rural municipalities well represented. The committee was directed to:

- discuss and determine the state's role in hazardous materials preparedness and response;
- identify options and funding for solutions to the problems identified in the 1996 Audit Report on Hazardous Preparedness;
- develop necessary legislation to implement such solution;
- discuss any other matters the committee deems necessary to ensure that the state of Colorado is well prepared for the release of any hazardous materials; and
- report its findings and recommendations to the 1999 General Assembly.

COMMITTEE ACTIVITIES

Funding for Training and Equipment

Scope of issue. There is insufficient funding throughout the state for training and equipment to respond to hazardous materials incidents. This funding problem is more significant in rural areas, which typically have more budget constraints. Additionally, rural areas are also required to contend with an increased response time due to their remote location and need for outside assistance.

Discussion. The committee received testimony regarding a statewide disparity in training and equipment for response to hazardous materials incidents. This disparity was largely determined to exist due to insufficient funding, particularly in rural areas. Currently, a number of Colorado's smaller communities rely solely upon the Colorado State Patrol (CSP) to respond to hazardous materials incidents. This burden placed upon CSP is compounded by the fact that these communities, due to lack of training and equipment, are often unable to provide the CSP necessary assistance in responding to the incident.

The Department of Public Safety commented on the role of the Division of Fire Safety in training for hazardous materials incidents. The Department reported that a needs assessment identified 30,000 responders requiring training in hazardous materials, and that federal funding falls short of what is necessary for additional and on-going training. The Department recommended purchasing a trailer equipped to provide hands-on training to both rural and urban communities. The trailer will facilitate standardized training statewide.

Recommendation. The committee concluded that it is necessary to identify an agency to administer funds and to provide training to local governments who need assistance. Bill A creates the Hazardous Substances Planning and Response Assistance Fund, to be administered by the Department of Public Safety. The bill provides for the solicitation of funds to be used for grants for emergency planning and response to hazardous incidents. A review of the provisions of Bill A is provided on page 7.

Reimbursement to the Colorado State Patrol

Scope of issue. The Colorado State Patrol is currently receiving financial reimbursement from the Highway Users Tax Fund (HUTF) for response to hazardous materials incidents. The Joint Budget Committee staff indicated that this may be considered an inappropriate use of these funds.

Discussion. The Colorado State Patrol is not required to respond to incidents within local jurisdictions, and is not authorized to respond to incidents at fixed facilities. However, the CSP does respond to such hazardous materials incidents, and is receiving reimbursement through the use of the HUTF to cover costs incurred. Joint Budget Committee (JBC) staff suggested that the purpose of the HUTF is for the construction, supervision, maintenance, and administration of the highways. The

JBC staff indicated that the use of HUTF funds to respond to incidents at fixed facilities is questionable.

The CSP also receives approximately \$60,000 from penalties and assessments. The monies collected from fines are deposited into the General Fund and not the HUTF. The committee discussed identifying a mechanism to increase funds for hazardous materials preparedness and response. The CSP suggested that they be granted authority to charge the responsible party for response and overtime costs. The CSP also requested authority to impose a penalty upon the responsible party for failure to clean up the contaminated area within a specified time frame.

Recommendation. The committee recommends Bill B, which directs that the net proceeds of reimbursements to the Colorado State Patrol for costs incurred in mitigating hazardous substance incidents be credited to the Highway Users Tax Fund. A review of the provisions of Bill B is provided on page 7.

Review the Role of State, Local and Federal Agencies

Scope of issue. State law is vague regarding the role of the state, local, and federal agencies with regard to hazardous materials preparedness and response. The committee explored the issue of streamlining and clarifying the existing process.

Discussion. Representatives from several state, local, and federal agencies testified regarding their various roles and offered suggestions for an improved process.

The State Auditor provided the committee an overview of the current state structure, which grants a role in hazardous materials preparedness and response to the following seven state agencies in six departments. The Colorado State Patrol and the Division of Fire Safety at the Colorado Department of Public Safety, the Office of Emergency Management at the Department of Local Affairs, the Emergency Management Unit at the Department of Public Health and Environment, the Public Utilities Commission at the Department of Regulatory Agencies, Port of Entry at the Department of Revenue, and the Colorado Department of Transportation.

Representatives from various state agencies explained their individual roles and noted limited interaction. The Colorado State Patrol discussed their role in responding to hazardous materials incidents throughout the state and identified the need to support local government response. Such support would include providing members of local jurisdictions with the appropriate training and equipment. Additionally, spokespersons from the Colorado Department of Public Health and Environment discussed their role in receiving incident reports and authorization to clean-up, or order the clean-up, of a contaminated area.

Representatives from local governments stated that lack of funding is an issue with regard to the provision of both training and equipment. In response to these needs, state and federal agencies provide assistance to local governments. Representatives from the federal Department of Defense and the Air Force Academy testified that they provide local governmental authorities training and

assistance in hazardous materials response. The Academy has an intergovernmental agreement to provide training and assistance to area local governments. Both federal agencies provide training and assistance at no cost to the local governments.

The committee determined that state law is vague regarding the role of state, local, and federal agencies in hazardous materials preparedness and response. The lack of jurisdictional clarity has contributed to confusion about the role of the designated response authority and the ability of the authority to cooperate with other entities that have hazardous materials response capabilities.

Recommendation. The committee recommends Bill C, which promotes regional cooperation among local governments by allowing emergency response authorities to respond to hazardous substance incidents through agreements with state and federal entities. The bill also attempts to centralize some emergency response tasks in the Department of Public Safety. A review of the provisions of Bill C is provided on page 8.

SUMMARY OF RECOMMENDATIONS

As a result of the committee's activities, the following bills are recommended to the Colorado General Assembly.

Bill A — Concerning a Grant Program to Assist Governmental Entities with Hazardous Substance Incidents

Testimony provided to the committee indicated a disparity in preparedness for hazardous materials incidents throughout the state. Some communities, primarily those in urban areas, are well-equipped and well-trained for hazardous materials incidents. Rural communities lack the resources necessary for proper training and response to these incidents. The committee determined that state law does not provide a mechanism for assisting local governments in hazardous materials incidents. As a result, the committee concluded that the Department of Public Safety, taking into account the recommendations of the Colorado Emergency Planning Commission, was the appropriate agency to administer funds and provide training to local governments who need assistance.

Bill A creates the Hazardous Substances Planning and Response Assistance Fund to be administered by the director of the Department of Public Safety. The director is required to solicit funds from the federal government and private donors. Additional money may be appropriated by the General Assembly. This fund will be used to provide grants to public entities and agencies for emergency planning and response. In addition, the bill appropriates funds and authorizes the Division of Fire Safety to purchase a hazardous materials training vehicle to be used to train responders throughout the state.

To implement Bill A, the Department of Public Safety would require \$120,000 to allocate to the Division of Fire Safety for the purchase of a hazardous materials training vehicle to train local responders and 1.0 FTE for hazardous materials responder training. One-half of these monies will come from the General Fund and the remainder will come from donations received by the state.

Bill B — Concerning Reimbursements to the Colorado State Patrol

The committee was informed by the State Patrol that revenues generated by the Highway Users Tax Fund are being used to finance hazardous materials response to incidents at fixed facilities. The committee concluded that these funds were to be used for construction, supervision, maintenance, and administration of the highways and not for hazardous materials response at fixed facilities. Although the State Patrol is reimbursed for expenses related to response at these facilities, money collected is currently deposited into the General Fund. The committee concluded that monies collected from fixed facilities should be earmarked to the Highway Users Tax Fund.

Bill B directs that the net proceeds of reimbursements to the Colorado State Patrol for costs incurred in mitigating hazardous substance incidents be credited to the Highway Users Tax Fund. Since this bill re-directs funds, it has no fiscal impact.

Bill C — Concerning Emergency Response to Hazardous Substance Incidents

The committee heard testimony that state law is vague regarding the role of the state and local governments in hazardous materials preparedness and response. For example, confusion exists about the role of the designated response authority and the ability of the authority to cooperate with other entities that have hazardous materials response capabilities. The committee agreed that an omnibus bill designed to clarify various aspects of hazardous materials response and preparedness statutes was needed.

Bill C promotes regional cooperation among local governments by allowing emergency response authorities to respond to hazardous substance incidents through agreements with other public entities. The bill helps clarify cost recovery for the parties involved in a hazardous materials incident by defining the responsible party as the owner or operator of a facility where a hazardous substance incident occurs or the owner or operator of a vehicle that contains a hazardous substance and that is involved in a hazardous substance incident. In addition, Bill C clarifies the role of the state and local governments in hazardous materials response by giving the Colorado State Patrol emergency response authority for hazardous substances incidences on highways outside city limits and requiring municipalities to designate an emergency response authority within the municipality.

Bill C attempts to centralize some emergency response tasks in the Department of Public Safety. For example, the bill transfers the authority to organize a state emergency response team from the Department of Health to the Department of Public Safety and transfers the responsibility for maintaining a hazardous materials incident emergency response database and a 24-hour public telephone service from the Department of Public Health and Environment to the Colorado State Patrol within the Department of Public Safety. Finally, Bill C gives the responsibility of training and coordinating the training of hazardous materials responders to the Division of Fire Safety.

To implement Bill C, a transfer of funds and FTE from the Department of Public Health and Environment to the Department of Public Safety is required. Data to complete this fiscal note was not available at the time of publication.

MATERIALS AVAILABLE

The materials listed below are available upon request from the Legislative Council staff.

Meeting Summaries	Topics Discussed
August 17, 1998	The 1996 State Auditor's report regarding hazardous preparedness; community outreach efforts of the Governor's Interagency Advisory Group; status of emergency and preparedness and response in Colorado; what steps the State should take to improve emergency preparedness and response, particularly relating to rural communities.
September 8, 1998	Private sector issues regarding hazardous materials preparedness and response; federal, state, and local government interaction regarding hazardous materials preparedness and response; funding hazardous materials preparedness and response; local government tax and mineral impact funds.
October 1, 1998	Hazardous materials definitions; hazardous materials incidents training and equipment.

Memoranda and Reports

Legislative Council staff memoranda titles:

Background on Hazardous Materials, July 29, 1998.

Funding for Hazardous Materials Response and Preparedness, August 26, 1998. (Co-authored by Joint Budget Committee staff).

State Agencies with Specific Hazardous Materials Responsibilities, September 1, 1998.

Proposals Relating to Hazardous Materials Response and Preparedness, September 1, 1998.

FY 1998-99 Appropriations for Hazardous Materials Response and Preparedness, September 2, 1998.

Reports provided to the committee:

Report of the State Auditor: Hazardous Preparedness. June, 1996.

Report of the State Auditor: Trooper Staffing at the Colorado State Patrol. January, 1997.

Colorado Hazardous Materials Incidents, Hazardous Materials and Waste Management Division, Colorado Department of Public Health and Environment, April 29, 1998.

Recommendations for the Legislative Interim Committee on Haz Mat, Governor's Interagency Advisory Group, September 1, 1998.

Hazardous Materials Response Services: Report to the State Auditor, Colorado State Patrol Hazardous Materials Section, June 30, 1998.

Bill A

By Senator Phillips;
also Representative Zimmerman

A BILL FOR AN ACT

CONCERNING THE PROVISION OF ADDITIONAL MONEYS TO GOVERNMENTAL ENTITIES IN THE STATE FOR THE PURPOSE OF ADDRESSING HAZARDOUS SUBSTANCE INCIDENTS, AND MAKING AN APPROPRIATION THEREFOR.

Bill Summary

"Hazardous Substance Response Moneys"

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

Interim Study on Hazardous Materials Response and Preparedness.

Creates the hazardous substances planning and response assistance fund in the state treasury. States that the fund shall be administered by the executive director of the department of public safety. Requires the executive director to solicit moneys from the federal government and from other public and private sources, which shall be credited to the fund.

Provides that moneys from the fund shall be used to provide grants to public entities and agencies in the state for emergency planning and response purposes. Requires the Colorado emergency planning commission to assess the emergency planning and response needs of the state and report its findings to the executive director of the department of public safety by November 1, 1999. Specifies that the department of public safety shall evaluate applications, taking into account the needs assessment findings and any other input of the Colorado emergency planning commission, and administer the grants. Allows the

executive director of the department of public safety to promulgate rules governing the grant application and administration process.

Makes a monetary appropriation and an appropriation of 1.0 FTE to the department of public safety to be used by the division of fire safety for the purchase of a hazardous materials training vehicle and for hazardous materials responder training. States that the monetary portion of the appropriation shall be from general fund moneys not otherwise appropriated and any donations received by the state for the express purpose of purchasing a hazardous materials training vehicle.

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

SECTION 1. Article 22 of title 29, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

29-22-106.5. Hazardous substances planning and response assistance fund - creation - acceptance of gifts, grants, and donations - grants to local government. (1) THERE IS HEREBY CREATED IN THE STATE TREASURY A FUND TO BE KNOWN AS THE HAZARDOUS SUBSTANCES PLANNING AND RESPONSE ASSISTANCE FUND, REFERRED TO IN THIS SECTION AS THE "FUND". THE FUND SHALL BE ADMINISTERED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY.

(2) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY IS HEREBY DIRECTED TO ACTIVELY SOLICIT AND TO ACCEPT ALL MONEYS RECEIVED FROM THE FEDERAL GOVERNMENT AND FROM PUBLIC OR PRIVATE GRANTS, GIFTS, BEQUESTS, DONATIONS, AND OTHER CONTRIBUTIONS FOR ANY PURPOSE CONSISTENT WITH THE PROVISIONS OF THIS ARTICLE. SUCH MONEYS,

TOGETHER WITH ANY OTHER MONEYS APPROPRIATED BY THE GENERAL ASSEMBLY, SHALL BE CREDITED TO THE FUND.

(3) ALL INTEREST DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND. ANY MONEYS NOT APPROPRIATED SHALL REMAIN IN THE FUND AND SHALL NOT BE TRANSFERRED OR REVERT TO THE GENERAL FUND OF THE STATE AT THE END OF ANY FISCAL YEAR.

(4) MONEYS IN THE FUND SHALL BE USED TO PROVIDE GRANTS TO PUBLIC ENTITIES AND AGENCIES IN THE STATE TO ASSIST WITH EMERGENCY PLANNING AND EMERGENCY RESPONSE TO HAZARDOUS SUBSTANCE INCIDENTS. THE DEPARTMENT OF PUBLIC SAFETY SHALL ADMINISTER ALL GRANTS FROM THE FUND AND SHALL ACCEPT APPLICATIONS FROM LOCAL EMERGENCY PLANNING COMMITTEES AND FROM FIRST RESPONDER ORGANIZATIONS WHO HAVE COORDINATED THEIR REQUEST WITH THEIR LOCAL OR REGIONAL EMERGENCY PLANNING COMMITTEE. PRIOR TO NOVEMBER 1, 1999, THE COLORADO EMERGENCY PLANNING COMMISSION SHALL ASSESS THE EMERGENCY PLANNING AND RESPONSE NEEDS OF THE STATE AND REPORT ITS FINDINGS TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY. THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY SHALL EVALUATE THE GRANT APPLICATIONS, TAKING INTO ACCOUNT THE NEEDS ASSESSMENT FINDINGS AND ANY OTHER INPUT OF THE COLORADO EMERGENCY PLANNING COMMISSION, AND SHALL DETERMINE WHICH APPLICATIONS SHALL BE APPROVED AS WELL AS THE AMOUNT OF EACH GRANT. GRANTS SHALL BE MADE FOR THE PURPOSES OF EMERGENCY PLANNING AND EMERGENCY RESPONSE INCLUDING, BUT NOT LIMITED TO, RESPONSE

EQUIPMENT, TRAINING AND PLANNING PROGRAMS, AND TRAINING AND PLANNING EQUIPMENT, AS NEEDED TO CARRY OUT THE PURPOSES OF THIS ARTICLE. A GRANT SHALL ONLY BE MADE TO A GRANT APPLICANT WHO HAS OBTAINED LOCAL FUNDING OR ENTERED INTO AN AGREEMENT TO OBTAIN LOCAL FUNDING IN AN AMOUNT EQUAL TO OR GREATER THAN THE AMOUNT OF THE GRANT.

(5) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY MAY PROMULGATE RULES PRESCRIBING THE PROCEDURES TO BE FOLLOWED IN THE MAKING, FILING, AND EVALUATION OF GRANT APPLICATIONS AND ANY OTHER RULES NECESSARY FOR ADMINISTERING THE FUND. SUCH RULES SHALL BE PROMULGATED IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S.

SECTION 2. Appropriation. In addition to any other appropriation, there is hereby appropriated, to the department of public safety, for allocation to the division of fire safety, for the fiscal year beginning July 1, 1999, the sum of one hundred twenty thousand dollars (\$120,000), or so much thereof as may be necessary, for the purchase of a hazardous material training vehicle that can be used to train local hazardous materials responders, and 1.0 FTE for the purpose of hazardous materials responder training. Of said sum, sixty thousand dollars (\$60,000) shall be from any moneys in the general fund not otherwise appropriated, and sixty thousand dollars (\$60,000) shall be from donations received by the state for the express purpose of purchasing a hazardous materials training vehicle.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Colorado Legislative Council Staff

**STATE
FISCAL IMPACT**
General Fund Revenue Impact

Drafting Number: LLS 99-0084
Prime Sponsor(s): Sen. Phillips
Rep. Zimmerman

Date: November 4, 1998
Bill Status: Interim Committee on
Hazardous Materials
Response and Preparedness
Fiscal Analyst: Susan Colling (866-4784)

TITLE: CONCERNING THE PROVISION OF ADDITIONAL MONEYS TO GOVERNMENTAL ENTITIES IN THE STATE FOR THE PURPOSE OF ADDRESSING HAZARDOUS SUBSTANCE INCIDENTS, AND MAKING AN APPROPRIATION THEREFOR.

Fiscal Impact Summary	FY 1999/2000	FY 2000/2001
State Revenues		
Cash Fund Exempt	\$100,000	\$100,000
State Expenditures		
General Fund		
FTE Position Change	0.0 FTE	0.0 FTE
Other State Impact: None.		
Effective Date: Upon signature of the Governor		
Appropriation Summary for FY 1999-2000		
Local Government Impact: None		

NOTE: It is anticipated that revenues collected from gifts, grants and donations would be up to \$100,000 each year.

Summary of Legislation

The bill would create the Hazardous Substances Planning and Response Assistance Fund in the state Treasury. The fund would be administered by the executive director of the Department of Public Safety who would solicit moneys from the federal government and other public and private sources to be credited to the fund.

Moneys from the fund would be for state public entities and agencies for emergency planning and response purposes. The Colorado Emergency Planning Commission would be required to assess state needs and report its findings to the executive director of the Department of Public Safety by November 1, 1999. The Department of Public Safety would evaluate applications using the needs assessment provided by the commission and administer the grants following rules promulgated by the department.

State Revenues

The bill would increase state revenues through gifts, grants and donations from public and private entities and the federal government. The Environmental Protection Agency is one possible funding source, as well as grants distributed through the Office of Emergency Management, Department of Local Affairs. Private donations may be collected from corporations such as Coors Brewing, Eastman Kodak, and Rockwell Martin. It is estimated that up to \$100,000 in donations would be received each year from these sources.

State Expenditures

The bill would require the Division of Fire Safety, Department of Public Safety to administer the grant program and to apply for federal grants and private donations. It is estimated that 378 hours or 0.2 FTE would be needed to apply for funding and to administer the grant program, however this workload increase would be absorbed by re-prioritizing and re-allocating functions within the Division of Fire Safety.

Although the bill does not require FTE for training purposes, the appropriation clause in the bill stipulates that 1.0 FTE would be required to handle training efforts. Further, the appropriation clause indicates that the purchase of a hazardous training vehicle would be required and would be paid for with \$60,000 from the state General Fund and \$60,000 from donations. However, since the bill does not require Public Safety to conduct training or to purchase a hazardous materials training vehicle, these expenditures are not included in the fiscal note. Additional donation monies would be used to fund grants identified by the needs assessment study. The amount identified from this study has not been determined, however, the amount could be significant.

State Appropriations

The bill would require cash funds exempt spending authority and an appropriation equal to the amount deposited in the Hazardous Substances Planning and Response Assistance Fund to the Division of Fire Safety, Department of Public Safety.

Departments Contacted

Public Safety

Transportation

Bill B

By Representative Dean;
also Senator Phillips

A BILL FOR AN ACT

CONCERNING REIMBURSEMENTS TO THE COLORADO STATE PATROL FOR COSTS
INCURRED IN MITIGATING A HAZARDOUS SUBSTANCE INCIDENT.

Bill Summary

"CSP Reimbursements To HUTF"

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

Interim Committee on Hazardous Materials Response and Preparedness. Directs that the net proceeds of reimbursements to the Colorado state patrol for costs incurred in mitigating hazardous substance incidents be credited to the highway users tax fund.

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

SECTION 1. 29-22-104 (3), Colorado Revised Statutes, is amended
BY THE ADDITION OF A NEW PARAGRAPH to read:

29-22-104. Right to claim reimbursement. (3) (d) ALL MONEYS
COLLECTED OR RECOVERED PURSUANT TO THE PROVISIONS OF THIS SECTION ON
BEHALF OF THE COLORADO STATE PATROL, EXCEPT FOR MONEYS DISTRIBUTED
TO ASSISTING AGENCIES PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (3)
OR TO PAY LEGAL FEES OR COSTS PURSUANT TO PARAGRAPH (c) OF THIS

SUBSECTION (3), SHALL BE TRANSMITTED TO THE STATE TREASURER WHO
SHALL CREDIT THE SAME TO THE HIGHWAY USERS TAX FUND ESTABLISHED IN
SECTION 43-4-201, C.R.S.

SECTION 2. Effective date - applicability. This act shall take effect
upon passage and shall apply to moneys collected on or after said date.

SECTION 3. Safety clause. The general assembly hereby finds,
determines, and declares that this act is necessary for the immediate
preservation of the public peace, health, and safety.

Colorado Legislative Council Staff

**STATE
FISCAL IMPACT**

General Fund Revenue and Expenditure Impact

Drafting Number: LLS 99-0081	Date: October 27, 1998
Prime Sponsor(s): Rep. Dean Senator Phillips	Bill Status: Interim Committee on Hazardous Materials Response and Preparedness
	Fiscal Analyst: Susan Colling (866-4784)

TITLE: CONCERNING REIMBURSEMENTS TO THE COLORADO STATE PATROL FOR COSTS INCURRED IN MITIGATING A HAZARDOUS SUBSTANCE INCIDENT.

Fiscal Impact Summary	FY 1999/2000	FY 2000/2001
State Revenues		
General Fund	(\$37,000)	(\$37,000)
Cash Fund		
Cash Fund Exempt	\$37,000	\$37,000
Federal Fund		
State Expenditures		
General Fund		
Cash Fund		
Cash Fund Exempt		
Federal Fund		
FTE Position Change	0.0 FTE	0.0 FTE
Other State Impact: None		
Effective Date: Upon signature of the Governor.		
Appropriation Summary for FY 1999-2000 No required appropriation for FY 1999-00.		
Local Government Impact: None		

Summary of Legislation

The bill directs that the net proceeds of reimbursements to the Colorado State Patrol for costs incurred in mitigating hazardous substance incidents be credited to the Highway Users Tax Fund.

The bill would be effective upon signature of the Governor and shall apply to moneys collected on or after that date.

State Revenues

Currently, moneys reimbursed to the Colorado State Patrol for costs incurred in mitigating hazardous substance incidents have been deposited in the state General Fund. Over the last three years, reversions under existing statute from the General Fund have averaged about \$37,000 a year (\$24,723 in FY 1996, \$44,938 in FY 1997 and \$39,587 in FY 1998). Under this proposed legislation, these moneys recovered by the Colorado State Patrol would be credited to the Highway Users Tax Fund (HUTF). The amount of collection would not change under this legislation, only the fund to which it is credited. There is no increase or decrease in state revenues or expenditures.

State Appropriations

The bill would not require any appropriation for FY 1999-00.

Departments Contacted

Public Safety

Transportation

Bill C

By Representative G. Berry;
also Senator Phillips

A BILL FOR AN ACT

CONCERNING THE EMERGENCY RESPONSE TO HAZARDOUS SUBSTANCE
INCIDENTS, AND MAKING AN APPROPRIATION THEREFOR.

Bill Summary

"Hazardous Substance Emergency Response"

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

Interim Study on Hazardous Materials Response and Preparedness.

Defines "responsible parties or persons" as such term pertains to hazardous substance incidents. Clarifies, subject to local or regional response agreements, who the incident commander is at a hazardous substance incident response site. Allows an emergency response authority to respond to a hazardous substance incident directly or through a mutual aid agreement or other agreement with another public entity. States that a private property owner or other person or entity operating on private property need only report a hazardous substance incident occurring on private property to the appropriate emergency response authority if the incident is otherwise reportable to a federal, state, or local agency. States that the Colorado state patrol is the emergency response authority for any hazardous substance incident that occurs on a federal, state, or county highway outside of municipal city limits and clarifies the manner in which the state patrol may exercise such authority.

Requires the governing body of a municipality to designate, by ordinance or resolution, an emergency response authority or authorities for hazardous substance incidents occurring within the corporate limits of the municipality. Designates the fire authority responsible for the municipality as the default designated emergency response authority if the governing body does not designate an emergency response authority. Requires the board of county commissioners of a county to designate, by ordinance or resolution, an emergency response authority or authorities for hazardous substance incidents occurring within the unincorporated areas of the county. Designates the county sheriff responsible for the unincorporated areas of the county as the default designated emergency response authority if the board of county commissioners does not designate an emergency response authority.

Allows an emergency response authority that lacks the equipment, personnel, or expertise necessary to handle a particular hazardous substance incident to request assistance from any public agency or private entity capable of providing such assistance. Transfers the authority to organize a state emergency response team from the department of health to the department of public safety and allows the department of public safety to organize regional emergency response teams capable of responding to hazardous substance incidents on a regional basis and supporting the state emergency response team. Authorizes mutual aid or other agreements between various public and private entities for the purpose of enhancing the response to hazardous substance incidents.

Transfers the responsibility for maintaining a hazardous materials incident emergency response database and twenty-four-hour public telephone service from the department of public health and environment to the Colorado state patrol. Requires the state patrol to refer calls or other notifications received concerning public health and environmental conditions that do not involve a hazardous substance incident to the department of public health and environment and requires the department to respond to such calls. Makes an appropriation transferring the funds and FTE necessary to implement the transfer of the database and telephone line from the department of health and

public environment to the department of public safety for allocation to the state patrol.

Transfers the duty to train or coordinate the training of hazardous materials responders from the Colorado safety institute to the division of fire safety. Eliminates the Colorado safety institute. Makes conforming amendments.

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

SECTION 1. 29-22-101, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

29-22-101. Definitions. As used in this article, unless the context otherwise requires:

(5) "RESPONSIBLE PARTIES OR PERSONS" MEANS THE OWNER OF A HAZARDOUS SUBSTANCE, THE OWNER OR OPERATOR OF A FACILITY WHERE A HAZARDOUS SUBSTANCE INCIDENT OCCURS, OR THE OWNER OR OPERATOR OF A TRANSPORTATION VEHICLE THAT CONTAINS A HAZARDOUS SUBSTANCE AND THAT IS INVOLVED IN A HAZARDOUS SUBSTANCE INCIDENT.

SECTION 2. 29-22-102, Colorado Revised Statutes, is amended to read:

29-22-102. Hazardous substance incidents - response authorities - designation. (1) It is the purpose of this section to provide for the designation of emergency response authorities for hazardous substance incidents. ~~Except as provided in subsection (2) of this section,~~ Every emergency response authority designated in or pursuant to this section shall be responsible for ~~the~~ PROVIDING AND MAINTAINING THE CAPABILITY FOR

emergency response to a hazardous substance incident occurring within its jurisdiction, and for the emergency response to a hazardous substance incident which initially occurs within its jurisdiction but which spreads to another jurisdiction. If a hazardous substance incident occurs on a boundary between two jurisdictions or in an area where the jurisdiction is not readily ascertainable, the first emergency response authority to arrive at the scene of the incident shall be responsible for the emergency response; except that, subsequent to the emergency response, continuing responsibility shall be exercised by the emergency response authority in which the incident actually occurred. AN EMERGENCY RESPONSE AUTHORITY MAY PROVIDE AND MAINTAIN THE CAPABILITY FOR SUCH RESPONSE DIRECTLY OR THROUGH MUTUAL AID OR OTHER AGREEMENTS. SUBJECT TO THE PROVISIONS OF LOCAL OR REGIONAL RESPONSE AGREEMENTS FOR HAZARDOUS SUBSTANCE INCIDENTS, THE FIRST EMERGENCY RESPONSE AUTHORITY, OR ITS PUBLIC AGENCY DESIGNEE THROUGH MUTUAL AID OR OTHERWISE, TO ARRIVE AT THE SCENE OF THE INCIDENT, REGARDLESS OF WHETHER THE INCIDENT OCCURS WITHIN ITS JURISDICTION, SHALL BE RESPONSIBLE FOR THE EMERGENCY RESPONSE AS INCIDENT COMMANDER UNTIL SUCH TIME AS SUCH EMERGENCY RESPONSE AUTHORITY IS RELIEVED BY THE EMERGENCY RESPONSE AUTHORITY THAT HAS JURISDICTION OVER THE INCIDENT SITE. As used in this section, "emergency response to a hazardous substance incident" means taking the initial emergency action necessary to minimize the effects of a hazardous substance incident.

(2) If a hazardous substance incident occurs on private property the owner or operator thereof may undertake the emergency response to such hazardous substance incident and shall notify and coordinate such AND IS

OTHERWISE REPORTABLE TO ANY FEDERAL, STATE, OR LOCAL AGENCY, THE OWNER OF THE PROPERTY OR PERSON OR ENTITY OPERATING ON THE PROPERTY SHALL PROMPTLY REPORT THE INCIDENT TO AND COORDINATE A response with the appropriate emergency response authority designated in or pursuant to this section. If the owner or operator does not undertake OR COORDINATE such AN emergency response or if, in the judgment of the designated emergency response authority there exists an imminent danger to the public health and safety beyond such property, the designated emergency response authority shall be responsible for MAY UNDERTAKE the emergency response to such hazardous substance incident, as provided in this section. NOTHING IN THIS SUBSECTION (2) SHALL BE CONSTRUED TO PROHIBIT THE OWNER OF PRIVATE PROPERTY OR A PERSON OR ENTITY OPERATING ON SUCH PROPERTY FROM UNDERTAKING THE EMERGENCY RESPONSE TO A HAZARDOUS SUBSTANCE INCIDENT OCCURRING ON THE PROPERTY.

(3) (a) The governing body of every town, city, and city and county shall designate by ordinance or resolution an emergency response authority OR AUTHORITIES for hazardous substance incidents occurring within the corporate limits of such town, city, and city and county. UNLESS OTHERWISE DESIGNATED BY ORDINANCE OR RESOLUTION, THE FIRE AUTHORITY HAVING RESPONSIBILITY FOR THE CORPORATE LIMITS OF SUCH TOWN, CITY, OR CITY AND COUNTY SHALL BE THE DESIGNATED EMERGENCY RESPONSE AUTHORITY.

(b) The board of county commissioners of every county in the state shall designate by ordinance or resolution the emergency response authority OR AUTHORITIES for hazardous substance incidents occurring within the unincorporated area of the county. UNLESS OTHERWISE DESIGNATED BY

ORDINANCE OR RESOLUTION, THE COUNTY SHERIFF HAVING RESPONSIBILITY FOR THE UNINCORPORATED AREA OF THE COUNTY SHALL BE THE DESIGNATED EMERGENCY RESPONSE AUTHORITY.

~~(c) If a hazardous substance incident occurs on any federal, state, or county highway located outside of municipal city limits, the Colorado state patrol shall be the emergency response authority for such hazardous substance incident for the purposes of this section. The Colorado state patrol may delegate such authority to the emergency response authority designated pursuant to paragraph (b) of this subsection (3) with the approval of the board of county commissioners.~~

~~(4) Each governing body identified in paragraphs (a) and (b) of subsection (3) of this section and the Colorado state patrol shall, as necessary, exercise continuing supervisory authority for the cleanup and removal of the hazardous substance involved in an incident.~~

(5) (a) FOR THE PURPOSES OF THIS SECTION, IF A HAZARDOUS SUBSTANCE INCIDENT OCCURS ON ANY FEDERAL, STATE, OR COUNTY HIGHWAY LOCATED OUTSIDE OF MUNICIPAL CITY LIMITS, THE COLORADO STATE PATROL SHALL BE THE EMERGENCY RESPONSE AUTHORITY FOR SUCH HAZARDOUS SUBSTANCE INCIDENT.

(b) THE COLORADO STATE PATROL MAY DELEGATE SUCH AUTHORITY TO THE EMERGENCY RESPONSE AUTHORITY DESIGNATED PURSUANT TO SUBSECTION (3) OF THIS SECTION OR TO ANY PUBLIC ENTITY CAPABLE OF PERFORMING THE EMERGENCY RESPONSE TO A HAZARDOUS SUBSTANCE INCIDENT UPON APPROVAL OF THE GOVERNING BODY OF THE ENTITY RECEIVING AUTHORITY UNDER SUCH DELEGATION.

(c) IN PERFORMING ITS DUTIES UNDER THIS SUBSECTION (5), THE COLORADO STATE PATROL SHALL, WHEN PRACTICABLE, LOCATE ITS EMERGENCY RESPONSE RESOURCES BASED UPON ITS ASSESSMENT OF THE HAZARDOUS SUBSTANCES EMERGENCY RESPONSE NEEDS OF THE DIFFERENT GEOGRAPHIC AREAS OF THE STATE.

(d) THE COLORADO STATE PATROL SHALL ACTIVELY COORDINATE ITS EMERGENCY RESPONSE CAPABILITIES AND PLANS WITH LOCAL EMERGENCY RESPONSE AGENCIES.

(6) EACH GOVERNING BODY IDENTIFIED IN SUBSECTION (3) OF THIS SECTION AND THE COLORADO STATE PATROL SHALL, AS NECESSARY, EXERCISE CONTINUING SUPERVISORY AUTHORITY IN CONSULTATION WITH OTHER FEDERAL, STATE, AND LOCAL AGENCIES HAVING REGULATORY JURISDICTION FOR THE CLEANUP AND REMOVAL OF THE HAZARDOUS SUBSTANCE INVOLVED IN AN INCIDENT.

SECTION 3. 29-22-103 (1), (2) (b), and (3), Colorado Revised Statutes, are amended to read:

29-22-103. Emergency response authority may request assistance.

(1) Any emergency response authority ~~which~~ THAT, in its judgment, does not have the equipment, personnel, or expertise necessary to handle a particular hazardous substance incident ~~for which it is responsible under section 29-22-102~~ may request the nearest available fire department or other public agency MAY MAKE A REQUEST TO ANY PUBLIC AGENCY OR PRIVATE ENTITY possessing such necessary equipment, personnel, or expertise to provide assistance to such emergency response authority.

(2) (b) The department of ~~health~~ PUBLIC SAFETY is hereby authorized to organize, ~~by~~ THROUGH mutual aid agreement OR OTHER AGREEMENTS, a state emergency response team AND REGIONAL EMERGENCY RESPONSE TEAMS. ~~Such~~ THE STATE team may consist of any federal, state, ~~and~~ local, OR PRIVATE entities ~~which~~ THAT have the appropriately trained personnel and the necessary equipment to respond on a statewide basis to a hazardous substance incident. THE REGIONAL TEAMS MAY CONSIST OF ANY FEDERAL, STATE, LOCAL, OR PRIVATE ENTITIES THAT HAVE THE APPROPRIATELY TRAINED PERSONNEL AND THE NECESSARY EQUIPMENT TO RESPOND ON A REGIONAL BASIS TO A HAZARDOUS SUBSTANCE INCIDENT AND TO ASSIST THE STATE TEAM IN RESPONDING ON A STATEWIDE BASIS TO A HAZARDOUS SUBSTANCE INCIDENT. The ~~team~~ STATE AND REGIONAL TEAMS shall be available to respond to hazardous substance incidents upon request made to the department of ~~health~~ PUBLIC SAFETY by an emergency response authority. The emergency response authority ~~which~~ THAT requests a response by the state emergency response team, A REGIONAL EMERGENCY RESPONSE TEAM, OR BOTH shall assure that the reasonable and documented costs of the team's OR TEAMS' response are included in any reimbursement for costs sought in accordance with this article. The ~~department of health~~ EMERGENCY RESPONSE AUTHORITY shall distribute any such reimbursement ~~which~~ THAT is made to it on a pro rata basis to each entity ~~which~~ THAT made up the state emergency response team ~~which~~ OR TEAMS THAT responded to a hazardous substance incident.

(3) ~~Mutual aid agreements are encouraged between emergency response authorities, the department of health, and counties for the purpose of utilizing equipment and expertise in order to safely handle hazardous substance~~

~~incidents~~. ANY MUNICIPAL OR COUNTY GOVERNING BODY, ANY EMERGENCY RESPONSE AUTHORITY, ANY PRIVATE ENTITY, THE COLORADO STATE PATROL, OR THE DEPARTMENT OF PUBLIC SAFETY MAY ENTER INTO MUTUAL AID OR OTHER AGREEMENTS FOR THE PURPOSE OF ENHANCING THE RESPONSE TO HAZARDOUS SUBSTANCE INCIDENTS. SUCH AGREEMENTS MAY INCLUDE, BUT ARE NOT LIMITED TO, PROCEDURES FOR UTILIZING EQUIPMENT, PERSONNEL, AND TECHNICAL ASSISTANCE.

SECTION 4. 29-22-104 (1) and (3) (a), Colorado Revised Statutes, are amended to read:

29-22-104. Right to claim reimbursement. (1) A public entity, political subdivision of the state, or unit of local government is hereby given the right to claim, ~~reimbursement~~ from the RESPONSIBLE parties or persons, ~~responsible for a hazardous substance incident~~ REIMBURSEMENT for the reasonable and documented costs resulting from action taken to remove, contain, or otherwise mitigate the effects of ~~such~~ A HAZARDOUS SUBSTANCE incident. When the action to remove, contain, or otherwise mitigate the effects of such an incident also involves extinguishing a fire, the costs may only include the extraordinary expenses related to the hazardous substance and not any expense related to extinguishing the fire. If the property on which the hazardous substance incident occurred lies within an unincorporated area of a county and not otherwise within a fire protection district, then the costs may include any expense related to the hazardous substance incident or to extinguishing the fire. If any such person is the owner of property upon which the hazardous substance incident occurs, collection of such costs may be made pursuant to section 30-10-513.5 (1), C.R.S.

(3) (a) The governing body of the emergency response authority designated in section 29-22-102 (3), or when the emergency response authority is the Colorado state patrol, the attorney general, shall be responsible for collecting any claims for reimbursement made pursuant to this section when more than one public entity, political subdivision of the state, or unit of local government has assisted in said removal, containment, or mitigation. Such responsibility shall include, when necessary, the filing of a civil action against the ~~person~~ responsible PARTIES OR PERSONS. ~~for the abandonment or spill~~. Any such agency which rendered assistance may also join any civil action as a party plaintiff or may assign any rights to the appropriate emergency response authority.

SECTION 5. 29-22-105, Colorado Revised Statutes, is amended to read:

29-22-105. Additional reimbursement for costs of assistance - subrogation of rights - recovery of reimbursements by attorney general. Whenever any fire department or other public agency provides assistance to a designated emergency response authority, as provided in section 29-22-103 or 29-22-104, outside of the area of its jurisdiction, whenever assistance to a designated emergency response authority is provided pursuant to a mutual aid agreement, or whenever the department of public health and environment or local health department provides services such as laboratory analyses, waste removal, transportation, storage, or disposal, the reasonable documented costs of the equipment, supplies, analyses, and personnel provided by such fire department or public agency may be reimbursed, subject to guidelines by the executive director of the department of public safety.

Reimbursement shall be for costs not recovered pursuant to section 29-22-104 and shall be out of any moneys made available by legislative appropriation therefor. In the event of such reimbursement, the state of Colorado shall be subrogated to any rights of such fire department or public agency with respect to the amounts so reimbursed. The attorney general shall pursue all available remedies to recover any moneys paid out pursuant to this section from the ~~person responsible for said incident~~ RESPONSIBLE PARTIES OR PERSONS. Any moneys recovered by the attorney general shall be transmitted to the state treasurer. Nothing in this article shall be construed to enlarge or impair any right of recovery or subrogation arising under any other provision of law. The attorney general shall not attempt to recover any moneys from any person responding to a hazardous substance incident pursuant to a mutual aid agreement or to any provision of this article.

SECTION 6. 24-33.5-1203 (l) (i) and (l) (k), Colorado Revised Statutes, are amended to read:

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

(i) Coordinate fire service education and training programs, HAZARDOUS MATERIALS RESPONDER TRAINING PROGRAMS, and firefighter and first responder certification programs, which shall be available statewide;

(k) Train and instruct firefighters and first responders in subjects relating to the fire service and to coordinate fire service-related education and training classes, programs, conferences, and seminars, AND TRAIN AND INSTRUCT, OR COORDINATE THE TRAINING OF, HAZARDOUS MATERIALS RESPONDERS;

SECTION 7. 25-1-107 (l) (y), Colorado Revised Statutes, is amended to read:

25-1-107. Powers and duties of the department - repeal. (l) The department has, in addition to all other powers and duties imposed upon it by law, the following powers and duties:

(y) ~~To compile and maintain current information necessary to enable the department to answer any inquiry concerning the proper action to take to counteract, eliminate, or minimize the public health hazards of a hazardous substance incident involving any specific kind of hazardous substance, and to compile and maintain information on the emergency response capabilities of public and private agencies throughout the state to enable the department to answer any inquiry concerning the nearest agencies available to contribute equipment and personnel to counteract any particular hazardous substance incident, and to compile and maintain information on the proper local, state, and federal entities which should receive information or notification of any hazardous substance incident. The department shall establish and publicize a telephone service to make such information available to the public twenty-four hours each day and shall specifically notify each emergency response authority designated in or pursuant to section 29-22-102, C.R.S., as responsible for the emergency response to a hazardous substance incident of such service. With respect to the powers and duties specified in this paragraph (y), the department shall have no rule-making authority and shall avail itself of all available private resources. As used in this paragraph (y), the terms "hazardous substance" and "hazardous substance incident" shall have the meanings ascribed to them in section 29-22-101, C.R.S. TO ANSWER INQUIRIES CONCERNING PUBLIC HEALTH~~

AND ENVIRONMENTAL CONDITIONS REFERRED BY THE COLORADO STATE PATROL UNDER SECTION 29-22-110, C.R.S., SO AS TO MINIMIZE THE PUBLIC HEALTH AND ENVIRONMENTAL CONSEQUENCES OF SUCH CONDITIONS.

SECTION 8. Article 22 of title 29, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

29-22-110. Colorado state patrol to provide information. THE COLORADO STATE PATROL SHALL COMPILE AND MAINTAIN CURRENT INFORMATION NECESSARY TO ANSWER ANY INQUIRY CONCERNING THE PROPER ACTION TO TAKE TO COUNTERACT, ELIMINATE, OR MINIMIZE THE PUBLIC HEALTH HAZARDS OF A HAZARDOUS SUBSTANCE INCIDENT INVOLVING ANY SPECIFIC KIND OF HAZARDOUS SUBSTANCE, COMPILE AND MAINTAIN INFORMATION ON THE EMERGENCY RESPONSE CAPABILITIES OF PUBLIC AND PRIVATE AGENCIES THROUGHOUT THE STATE TO ENABLE THE STATE PATROL TO ANSWER ANY INQUIRY CONCERNING THE NEAREST AGENCIES AVAILABLE TO CONTRIBUTE EQUIPMENT AND PERSONNEL TO COUNTERACT ANY PARTICULAR HAZARDOUS SUBSTANCE INCIDENT, AND COMPILE AND MAINTAIN INFORMATION ON THE PROPER LOCAL, STATE, AND FEDERAL ENTITIES THAT SHOULD RECEIVE INFORMATION OR NOTIFICATION OF ANY HAZARDOUS SUBSTANCE INCIDENT. THE STATE PATROL SHALL ESTABLISH AND PUBLICIZE A TELEPHONE SERVICE TO MAKE SUCH INFORMATION AVAILABLE TO THE PUBLIC TWENTY-FOUR HOURS A DAY AND SHALL SPECIFICALLY NOTIFY EACH EMERGENCY RESPONSE AUTHORITY DESIGNATED IN OR PURSUANT TO SECTION 29-22-102 AS RESPONSIBLE FOR THE EMERGENCY RESPONSE TO A HAZARDOUS SUBSTANCE INCIDENT OF SUCH SERVICE. WITH RESPECT TO THE POWERS AND DUTIES SPECIFIED IN THIS SECTION, THE STATE PATROL SHALL HAVE NO AUTHORITY

BEYOND THAT CONFERRED BY THIS ARTICLE AND SHALL AVAIL ITSELF OF ALL AVAILABLE PRIVATE RESOURCES. AS USED IN THIS SECTION, THE TERMS "HAZARDOUS SUBSTANCE" AND "HAZARDOUS SUBSTANCE INCIDENT" SHALL HAVE THE MEANINGS ASCRIBED TO THEM IN SECTION 29-22-101. THE STATE PATROL SHALL COORDINATE ITS ACTIVITIES PURSUANT TO THIS SECTION WITH THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT AND THE DEPARTMENT OF LOCAL AFFAIRS. THE STATE PATROL SHALL NOTIFY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT OF TELEPHONE CALLS OR OTHER NOTIFICATIONS CONCERNING PUBLIC HEALTH AND ENVIRONMENTAL CONDITIONS THAT DO NOT INVOLVE A HAZARDOUS SUBSTANCE INCIDENT.

SECTION 9. Repeal. 24-1-128.6 (2) (g), Colorado Revised Statutes, is repealed as follows:

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

(g) ~~The Colorado safety institute, the head of which shall be the director of the Colorado safety institute. The Colorado safety institute and the office of the director thereof, created by part 13 of article 33.5 of this title, shall exercise their powers and perform their duties and functions as if the same were transferred by a type 2 transfer to the department of public safety.~~

SECTION 10. Repeal. 24-33.5-103 (2) (g), Colorado Revised Statutes, is repealed as follows:

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

(g) ~~Colorado safety institute.~~

SECTION 11. Repeal. Part 13 of article 33.5 of title 24, Colorado Revised Statutes, is repealed.

SECTION 12. Transfer of appropriation. From the appropriation made in the annual general appropriation act for the fiscal year beginning July 1, 1999, to the department of public health and environment, the sum of ___ dollars (\$) and ___ FTE is hereby transferred to the department of public safety, for allocation to the Colorado state patrol for the implementation of this act. Such sum shall be from the general fund.

SECTION 13. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.