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Colorado Emergency Management and Homeland Security Statutory Authorities Summarized

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Summary

Six Colorado statutes address terrorism and emergency management: Colorado Response to Terrorism Act; Office of Preparedness, Security and Fire Safety Act; Office of Anti-Terrorism Planning and Training Act; Division of Fire Safety Act; Office of Emergency Management Act; and Colorado Disaster Emergency Act of 1992. Seven units are assigned the main duties of emergency response. Disaster aid is provided at the governor's direction to state agencies by means of a state facility security fund and a disaster emergency fund. The governor and the disaster emergency council may declare disasters. The statutes require that continuity of government rules and plans be adopted. The Office of Emergency Management provides mutual aid in disasters.

This report is one of a series that profiles the emergency management and homeland security statutory authorities of the 50 states, the District of Columbia, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, and three territories (American Samoa, Guam, and the U.S. Virgin Islands). Each profile identifies the more significant elements of state statutes, generally as codified. Congressional readers may wish to conduct further searches for related provisions using the Internet link presented in the last section of this report. The National Conference of State Legislatures provided primary research assistance in the development of these profiles under contract to the Congressional Research Service (CRS). Summary information on all of the profiles is presented in CRS Report RL32287. This report will be updated as developments warrant.

Entities with Key Responsibilities

Governor: The governor is responsible for meeting dangers to the state as presented by disasters, serves as commander-in-chief of the militia and other forces, and delegates or assigns command by prior arrangement. The statute does not restrict the governor's authority to issue orders at the time of the disaster emergency (Colo. Rev. Stat. § 21-32-2104). The governor may direct state agencies to provide technical assistance and advisory personnel to affected state and local governments. The governor is authorized to provide assistance as deemed appropriate and may compel evacuations, suspend certain commerce, and control traffic to and from a disaster area (Colo. Rev. Stat. § 24-32-2502).

Governor's Disaster Emergency Council: The Council advises the governor and the director of the Office of Emergency Management (Colo. Rev. Stat. §21-32-2104).

Office of Preparedness Security, and Fire Safety: The Office, within the Department of Public Safety, includes two agencies—the division of fire safety and the office of anti-terrorism planning and training. The office must create and implement state terrorism preparedness plans, conduct inquiries into the threat of terrorism, respond to the threats, and make recommendations to the governor and the General Assembly. Also, the Office must promulgate necessary rules and cooperate with other federal agencies (Colo. Rev. Stat. §24-33.5-1601 to 1613).

Division of Fire Safety: The division, within the Department of Public Safety, administers the statewide plan to allocate and deploy firefighting resources and administers the uniform statewide reporting system for fires, hazardous materials and emergency medical incidents (Colo. Rev. Stat. § 24-33.5-1201).

Governor's Expert Emergency Epidemic Response Committee: The committee develops a supplement to the state disaster plan that addresses public health responses to bioterrorism and epidemics; it also must cooperate with the Governor's Disaster Emergency Council (Colo. Rev. Stat. §24-32-2104(8)).

Office of Emergency Management: The office prepares and maintains a state disaster plan and takes part in the development and revision of local and interjurisdictional disaster plans, using services of professional and technical experts to assist disaster and planning agencies (Colo. Rev. Stat. § 24-32-2105).

Colorado Emergency Planning Commission: Created within the Department of Local Affairs, the Commission promulgates rules and regulations and establishes uniform reporting and management of information procedures as required by the federal Emergency Planning and Community Right-to-Know Act (Colo. Rev. Stat. § 24-32-2603.5).

Preparedness

See Entities with Key Responsibilities - *Office of Preparedness Security, and Fire Safety*.

Declaration Procedures

The governor, who is responsible for meeting dangers posed by disasters, may issue executive orders, proclamations, and regulations, and also amend or rescind them, all having the force and effect of the law. The statute created a Governor's Disaster Emergency Council to meet at the call of the governor and advise the governor and the director of the Office of Emergency Management on all declarations of disasters and disaster response and recovery activities. Nothing in the duties of the Council limits the authority of the governor to act without the advice of the Council when disaster threatens. If the governor finds that a disaster has occurred or the threat is imminent, a disaster emergency shall be declared by an executive order or proclamation. Such an order or proclamation activates the response and recovery aspects of emergency plans. A state of disaster emergency must be terminated by the governor, and automatically terminates after 30 days unless renewed by the governor. The General Assembly may also terminate a state of disaster emergency at any time by joint resolution, and the governor must then issue an executive order or proclamation. (Colo. Rev. Stat. §21-32-2104)

Upon the recommendation of the "coordinator of environmental problems" the governor may issue an emergency proclamation and may restrict or limit activities that pose a "significant risk of serious danger" to the public. Such a proclamation is effective for only 15 days, although the effective period may only be extended another 15 days (Colo. Rev. Stat. §24-20-108).

Types of Assistance

The governor may provide emergency assistance by directing state agencies to provide technical assistance and advisory personnel to affected state and local governments. Aid may be provided in the performance of essential community services and the delivery of public information and assistance in health and safety measures, as well as assistance in the distribution of medicine, food and other consumable supplies or emergency assistance. The governor is authorized to provide directives to the Office of Emergency Management to provide temporary housing for disaster victims. The governor is authorized to clear debris and accept federal funds for that purpose, under specified limits. The governor is authorized to provide grants of up to \$5,000 to each individual or family (C.R.S.A. 24-32-2502 to 2506).

Mutual Aid

The Office of Emergency Management must encourage and assist political subdivisions by furnishing mutual aid during disasters. The governor considers whether local disaster plans include adequate provisions for rendering and receiving mutual aid. The governor may require an interjurisdictional agreement to provide mutual aid on a regional basis if political subdivisions have not made adequate provision for mutual aid (Colo. Rev. Stat. § 24-32-2113).

The Emergency Management Assistance Compact is codified (Colo. Rev. Stat. § 24-60-2902).

Funding

The general assembly directs that grants and other available resources, including federal and private funds and donations, be pursued to defray expenses incurred by the Office of Preparedness, Security, and Fire Safety (Colo. Rev. Stat. § 24-33.5-1607).

The statute created a state facility security fund in the state treasury, with moneys appropriated by the general assembly and provided through gifts or donations. Moneys in the fund remain continuously available to the Department of Personnel for disbursement to executive branch agencies (Colo. Rev. Stat. § 24-33.5-1613).

The statute established a disaster emergency fund from moneys appropriated by the general assembly. The statute does not impose limits on the governor's authority to apply for, administer, and expend grants, gifts, or payments in aid of disaster prevention, preparedness, response, or recovery. It is state policy that first recourse is to funds regularly appropriated to state and local agencies (Colo. Rev. Stat. § 24-32-2106).

Hazard Mitigation

In addition to disaster prevention measures included in state, local and interjurisdictional disaster emergency plans, the governor is authorized to consider ongoing measures to prevent or reduce the harmful consequences of disasters. The governor and the emergency management director are authorized to make recommendations to the general assembly, local governments, and other appropriate entities to facilitate measures for prevention or reduction of harmful disaster consequences (Colo. Rev. Stat. § 24-32-2110).

Continuity of Government Operations

The director of the Office of Preparedness, Security, and Fire Safety is authorized to adopt rules on continuity of state government operations and to provide guidance to state departments and agencies for the development of viable and executable contingency plans for the continuity of operations. The director shall use as guidelines the plans published by the Federal Emergency Management Agency (Colo. Rev. Stat. § 24-33.5-1609).

The state constitution provides for a line of succession to the offices of governor and lieutenant governor (Colo. Constitution, Art. IV, Sec. 13).

The governor may, on extraordinary occasions, convene the legislature in times of emergency or disaster (Colo. Constitution, Art. IV, Sec. 9).

Other

Local disaster emergencies may be declared only by the principal executive officer of a political subdivision (Colo. Rev. Stat. § 24-32-2109).

The expert epidemic response committee and the state are not liable for claims related to emergency epidemics (Colo. Rev. Stat. §24-32-2111.5).

The director of the Office of Preparedness, Security, and Fire Safety must adopt rules to protect state personnel and property owned or leased by the state, including facilities, buildings, and grounds. State buildings must remain open to the public unless a state of emergency or an alert has been declared (Colo. Rev. Stat. §24-33.5-1608).

Key Terms

Table 1. Key Emergency Management and Homeland Security Terms Defined in Colorado Statutes, with Citations

Terms	Citations
Act of Terrorism	Colo. Rev. Stat. §24-33.5-1602
Bioterrorism	Colo. Rev. Stat. §24-32-2103(1)
Disaster	Colo. Rev. Stat. §24-32-2103 (1.5)
Emergency epidemic	Colo. Rev. Stat. §24-32-2103 (1.7)
Search and rescue	Colo. Rev. Stat. §24-32-2103(3)
Anti-terrorism	Colo. Rev. Stat. §24-32-2602
Emergency medical service personnel	Colo. Rev. Stat. §15-18.6-101 (3)

For Further Research

The citations noted above and other elements of the state code for Colorado may be searched at:

[<http://198.187.128.12/colorado/lpext.dll?f=templates&fn=fs-main.htm& 2.0>].