A BILL FOR AN ACT

CONCERNING AUXILIARY EMERGENCY COMMUNICATIONS IN THE STATE, AND, IN CONNECTION THERewith, ESTABLISHING THE AUXILIARY EMERGENCY COMMUNICATIONS UNIT IN THE OFFICE OF EMERGENCY MANAGEMENT IN THE DIVISION OF PUBLIC SAFETY.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at http://www.leg.state.co.us/billsummaries.)

Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.
Wildfire Matters Review Committee. Section 1 of the bill contains a nonstatutory legislative declaration.

Section 2 of the bill creates the auxiliary emergency communications unit (unit) within the office of emergency management (office) within the division of homeland security and emergency management in the department of public safety. The unit is in the charge of the director of the office. This section specifies the unit's powers and duties and additionally specifies the powers and duties of the director of the office in connection with the powers and duties of the unit.

Sections 3 through 7 of the bill make modifications to existing statutory provisions governing compensation benefits to volunteer civil defense workers. Specifically:

- Section 3 of the bill expands the definition of "emergency volunteer service" to include activities undertaken during a training exercise, drill, or class conducted in preparation for a disaster if the exercise, drill, or class is organized or under the direction of the county sheriff, local government, local emergency planning committee, or state agency;
- Section 4 of the bill specifies that any credentialed member of the unit is a qualified volunteer and is eligible to receive accompanying protections and benefits under existing statutory provisions;
- Section 5 of the bill includes the amateur radio emergency service as a specified volunteer organization authorized to provide emergency services to state and local agencies. This section of the bill also specifies that the amateur radio emergency service is a qualified volunteer.
- Section 6 of the bill expands the activities for which a qualified volunteer may be called to service to include a training exercise, drill, or class conducted in preparation for a disaster if the exercise, drill, or class is organized or under the direction of the county sheriff, local government, local emergency planning committee, or state agency. The statutory provisions protecting qualified volunteers do not apply to a training exercise, drill, or class without the express prior consent and approval of the volunteer's employer.
- Section 7 of the bill expands the list of activities used to verify that a qualified volunteer provided volunteer services to include an organized training exercise, drill, or class.

Section 8 of the bill increases the size of the public safety communications subcommittee to the homeland security and all-hazards senior advisory committee from 23 to 24 members and makes the section emergency coordinator for the amateur radio emergency service of the
Colorado section of the amateur radio relay league or his or her designee a standing member of the subcommittee.

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

SECTION 1. Legislative declaration. (1) The general assembly hereby finds, determines, and declares that:

(a) Amateur radio operators have served their communities, the state, and the nation for over seventy-five years providing emergency and disaster communications;

(b) Following World War II, the federal government recognized the need for trained radio operators to assist with civil defense in the event of war and created a branch within the amateur radio service, the Radio Amateur Civil Emergency Service (RACES);

(c) The American Radio Relay League, the national association for radio amateurs, created the Amateur Radio Emergency Service (ARES) in 1935 and, since that time, ARES has been the only national organization recruiting and training amateur radio operators to serve in times of emergency;

(d) ARES is well established and well organized within Colorado;

(e) In many communities ARES and RACES units were combined with ARES members assuming the role of RACES operators when local emergencies were declared. In other communities, separate ARES and RACES organizations were established, thereby diluting the available resources and creating confusion or conflict as to roles and responsibilities.

(f) Communication failures have been a defining element of recent disasters, both natural and manmade;

(g) The September 11, 2001, attacks on the World Trade Center
in New York City, Hurricane Katrina, the 2003 North American blackout, and Hurricane Sandy in 2012 were all disasters where amateur radio provided key communication links when other communication facilities failed;

(h) The United States congress recognized the importance of amateur radio communications as a part of the national disaster response framework in 2012 when it directed the Federal Communications Commission (FCC) to conduct a study on the uses and capabilities of amateur radio service communications in emergencies and disaster relief;

(i) The FCC report, GN docket no. 12-91 dated August 16, 2012, concluded that "amateur radio can be of great value in emergency response situations. Amateur radio carries with it a wide range of advantages that allow it to supplement other emergency communications activities during disasters. This has been demonstrated time and again in a wide variety of emergency and disaster situations."

(j) The FCC report acknowledged that the "value [of amateur radio] could potentially be increased, however, through cooperation among DHS [the United States department of homeland security], public safety, emergency management, and amateur radio communications associations and groups to develop future training protocols." The FCC recommended to congress that DHS work with state, local, and tribal authorities to develop disaster area access policies and qualifications for trained amateur radio operators who provide emergency communications support.

(k) In Colorado, amateur radio operators and, in particular, ARES members have a rich history of providing communication expertise during natural or man-made disasters such as the blizzards of December 2006;
the Hayman, North Fork, Four Mile Canyon, High Park, Waldo Canyon, and Black Forest wildfires; and the September 2013 floods;

   (l) Today, amateur radio operators assist the division of homeland security and emergency management of the department of public safety; train side-by-side with their professional counterparts in federal, state, and local government entities; and serve as members of local and regional incident management teams;

   (m) In recent years amateur radio operators have been called upon by state and local governments to act as communication experts across a broader range of duties and responsibilities that extend beyond traditional amateur radio communication;

   (n) While maintaining their traditional roles as amateur radio operators, many of these volunteers assist with the establishment and maintenance of communication facilities, assist with programming public safety radios during emergencies, and act as radio operators on public safety channels;

   (o) During the past year, amateur radio operators have performed tens of thousands of hours of devoted service to the people of Colorado;

   (p) While ARES has worked closely and cooperatively with the office of emergency management in the division of homeland security and emergency management, it has done so in a largely informal manner, lacking a formal memorandum of understanding between it and the office;

   (q) Emergency preparedness and disaster response across the state would be improved by a comprehensive integrated and unified communications response framework;

   (r) The office of emergency communications of the United States
The Department of Homeland Security (OEC) has provided direct technical assistance to state and local emergency responders and government officials through the development and delivery of training, tools, and onsite assistance to advance public safety interoperable communications capabilities; and

(s) The concept of auxiliary emergency communications (auxcomm) is being deployed nationally under the sponsorship of the OEC, and the framework has been embraced by the office of emergency management.

(2) Having a uniformly trained and credentialed unit of communication volunteers available for disaster response will materially assist emergency preparedness and disaster response efforts across the state. Accordingly, the general assembly hereby finds, declares, and determines that the matters addressed in this act are a matter of statewide concern.

(3) By enacting [House/Senate] Bill 16-____, the general assembly intends to establish the auxiliary emergency communications unit within the office of emergency management in the division of homeland security and emergency management of the department of public safety as an all-volunteer, unpaid auxiliary unit for the purpose of lending technical and communication assistance to emergency management, firefighting, emergency medical service, search-and-rescue, and law enforcement agencies across the state. The general assembly further intends that the act be liberally construed to promote these objectives.

**SECTION 2.** In Colorado Revised Statutes, add 24-33.5-705.5 as follows:
24-33.5-705.5. Auxiliary emergency communications unit -
powers and duties of unit and office of emergency management
regarding auxiliary communications - definitions. (1) As used in this
section:

(a) "Auxiliary emergency communicator" means an
amateur radio operator licensed by the United States federal
communications commission pursuant to 47 CFR 97 who meets the
training requirements and is credentialed by the office. An
auxiliary emergency communicator meeting the requirements of
this paragraph (a) serves as an authorized volunteer of the
office for purposes of article 10 of this title.

(b) "Division" means the division of homeland security and
emergency management created in section 24-33.5-1603.

(c) "Office" means the office of emergency management
created in section 24-33.5-705 (1) (a).

(d) "Unit" means the auxiliary emergency communications
unit of the office.

(2) The auxiliary emergency communications unit is
hereby established within the office. The unit is in the charge of
the director of the office.

(3) The unit has the following powers and duties:

(a) Establish programs for the training and credentialing
of emergency or disaster communicators across the state, which
training and credentialing is declared to be a matter of
statewide concern. In connection with such training and
credentialing, the use of the term "auxiliary emergency
communications" within the state is limited to individuals,
ENTITIES, ASSOCIATIONS, AND UNITS OF LOCAL GOVERNMENT THAT HAVE
BEEN CERTIFIED BY THE DIRECTOR OF THE OFFICE AS MEETING THE
TRAINING AND CREDENTIALING REQUIREMENTS ESTABLISHED BY THE
DEPARTMENT FOR AUXILIARY EMERGENCY COMMUNICATORS.

(b) ASSUME ALL OF THE DUTIES AND POSSESS ALL OF THE
AUTHORITY AND RESPONSIBILITIES OF THE RADIO AMATEUR CIVIL
EMERGENCY SERVICE, REFERRED TO IN THIS SECTION AS "RACES", 47
CFR 97.407, WITHIN THE STATE. ANY REFERENCE TO RACES IN ANY
FEDERAL LAW OR REGULATION, AND ANY FEDERAL, STATE, OR LOCAL
GOVERNMENT EMERGENCY OR DISASTER PLANS IS TO BE INTERPRETED AS
REFERRING TO THE UNIT, AND THE UNIT IS THE SUCCESSOR ENTITY TO ANY
STATE RACES ORGANIZATION REFERENCED IN ANY SUCH LAW,
REGULATION, OR PLAN. LANGUAGE PROHIBITING ANY INDIVIDUAL, ENTITY,
ASSOCIATION OR GOVERNMENT AGENCY FROM REPRESENTING THAT IT IS
A STATE RACES ORGANIZATION.

(c) ENSURE THAT AUXILIARY EMERGENCY COMMUNICATORS ARE
AUTHORIZED VOLUNTEERS ENTITLED TO THE PROTECTIONS AND BENEFITS
OF PART 8 OF THIS ARTICLE WHEN ASSISTING WITH THE INSTALLATION,
MAINTENANCE, OR DEMOLITION OF COMMUNICATION FACILITIES OF ANY
COUNTY SHERIFF, LOCAL GOVERNMENT, LOCAL EMERGENCY PLANNING
COMMITTEE, OR STATE AGENCY, WHETHER OR NOT SUCH ACTIVITIES
OCUR DURING A DISASTER; EXCEPT THAT THE PROVISIONS OF SECTIONS
24-33.5-825 AND 24-33.5-826 DO NOT APPLY TO A TRAINING EXERCISE,
DRILL, OR CLASS WITHOUT THE EXPRESS PRIOR CONSENT AND APPROVAL
OF THE VOLUNTEER'S EMPLOYER.

(4) IN CONNECTION WITH THE POWERS AND DUTIES OF THE UNIT AS
SPECIFIED IN THIS SECTION, THE DIRECTOR OF THE OFFICE MAY:
(a) Develop and issue photo identification that is recognized throughout the state for the purpose of granting access to government facilities, incident command posts, and disaster scenes;

(b) Conduct criminal background investigations on candidates for credentialing as auxiliary emergency communicators in accordance with the security needs of the department. The unit may deny credentialing to any candidate based upon the results of that background check.

(c) Reimburse auxiliary emergency communicators for necessary travel and other reasonable expenses incurred in the performance of their duties, including projects, training, drills, exercises, and disaster response activities;

(d) Expend state moneys, including but not limited to grant moneys or moneys otherwise budgeted to the office, to enhance the communication infrastructure as necessary to supplement or reinforce the existing amateur radio systems and networks within the state for the purposes of maximizing disaster preparedness and response.

SECTION 3. In Colorado Revised Statutes, 24-33.5-802, amend (5) as follows:

24-33.5-802. Definitions. As used in this part 8, unless the context otherwise requires:

(5) "Emergency volunteer service" means all activities authorized and carried out by a volunteer who is a member of a qualified volunteer organization as directed by a county sheriff, local government, local emergency planning committee, or state agency in the event of disaster or
DURING A TRAINING EXERCISE, DRILL, OR CLASS CONDUCTED IN PREPARATION FOR A DISASTER, WHICH EXERCISE, DRILL, OR CLASS IS ORGANIZED OR UNDER THE DIRECTION OF SUCH COUNTY SHERIFF, LOCAL GOVERNMENT, LOCAL EMERGENCY PLANNING COMMITTEE, OR STATE AGENCY.

SECTION 4. In Colorado Revised Statutes, add 24-33.5-806.5 as follows:

24-33.5-806.5. Auxiliary emergency communications unit of the office of emergency management - qualified volunteers - protections and benefits. Notwithstanding any other provision of this Part 8, any credentialed member of the auxiliary emergency communications unit of the office of emergency management created by Section 24-33.5-705 (1) is a qualified volunteer for purposes of this Part 8 and Article 10 of this title and is eligible to receive the protections and benefits specified in this Part 8 and in Article 10 of this title.

SECTION 5. In Colorado Revised Statutes, 24-33.5-822, amend (1) and (5) as follows:

24-33.5-822. County sheriff - local government - local emergency planning committee - memorandum of understanding with volunteer organizations. (1) Any county sheriff, the director of any local government, any local emergency planning committee, or any state agency may develop and enter into a memorandum of understanding with one or more volunteer organizations, including but not limited to the Colorado mounted rangers AND THE AMATEUR RADIO EMERGENCY SERVICE, to assist the county sheriff, local government, local emergency planning committee, or state agency in providing services as required.
A member of the Colorado mounted rangers, THE AMATEUR RADIO EMERGENCY SERVICE, and any other volunteer organization lending assistance to a county sheriff, local government, local emergency planning committee, or state agency pursuant to this section is an authorized volunteer for the purposes of article 10 of this title.

SECTION 6. In Colorado Revised Statutes, 24-33.5-824, amend (1) (c) and (2) (a) as follows:

24-33.5-824. Volunteers - provision of emergency services - protections - benefits. (1) A volunteer shall be allowed to receive the benefits and protections specified in this part 8 and pursuant to article 10 of this title if the volunteer is determined to be a qualified volunteer pursuant to this section. A volunteer shall be deemed a qualified volunteer if:

(c) The volunteer is called to service through the volunteer organization under the authority of the county sheriff, local government, local emergency planning committee, or state agency to volunteer in a disaster OR DURING A TRAINING EXERCISE, DRILL, OR CLASS CONDUCTED IN PREPARATION FOR A DISASTER, WHICH EXERCISE, DRILL, OR CLASS IS ORGANIZED OR UNDER THE DIRECTION OF SUCH COUNTY SHERIFF, LOCAL GOVERNMENT, LOCAL EMERGENCY PLANNING COMMITTEE, OR STATE AGENCY; EXCEPT THAT THE PROVISIONS OF SECTIONS 24-33.5-825 AND 24-33.5-826 DO NOT APPLY TO A TRAINING EXERCISE, DRILL, OR CLASS WITHOUT THE EXPRESS PRIOR CONSENT AND APPROVAL OF THE VOLUNTEER'S EMPLOYER; and

(2) The executive director of the department or the executive director's designee shall create a system whereby a volunteer may obtain proof to provide to his or her employer that specifies:
(a) The volunteer was called to service by a volunteer organization for the purpose of assisting in a disaster OR DURING A TRAINING EXERCISE, DRILL, OR CLASS CONDUCTED IN PREPARATION FOR A DISASTER, WHICH EXERCISE, DRILL, OR CLASS IS ORGANIZED OR UNDER THE DIRECTION OF SUCH COUNTY SHERIFF, LOCAL GOVERNMENT, LOCAL EMERGENCY PLANNING COMMITTEE, OR STATE AGENCY; EXCEPT THAT THE PROVISIONS OF SECTIONS 24-33.5-825 AND 24-33.5-826 DO NOT APPLY TO A TRAINING EXERCISE, DRILL, OR CLASS WITHOUT THE EXPRESS PRIOR CONSENT AND APPROVAL OF THE VOLUNTEER'S EMPLOYER;

SECTION 7. In Colorado Revised Statutes, 24-33.5-827, amend (1) (b) as follows:

24-33.5-827. Procedures. (1) The office of emergency management shall create procedures for the administration of this part 8. The procedures shall include:

(b) A process to verify that a qualified volunteer provided volunteer services during a disaster OR AN ORGANIZED TRAINING EXERCISE, DRILL, OR CLASS, and a method to allow the volunteer to provide proof of such service to his or her employer pursuant to section 24-33.5-824 (2).

SECTION 8. In Colorado Revised Statutes, 24-33.5-1614, amend (3.3) (e) introductory portion; and add (3.3) (e) (IV) as follows:

24-33.5-1614. Homeland security and all-hazards senior advisory committee - composition - duties - emergency planning subcommittee - public safety communications subcommittee - creation - definitions - repeal. (3.3) (e) The subcommittee consists of at least the following twenty-three TWENTY-FOUR members:

(IV) THE SECTION EMERGENCY COORDINATOR FOR THE AMATEUR
RADIO EMERGENCY SERVICE OF THE COLORADO SECTION OF THE AMATEUR RADIO RELAY LEAGUE OR HIS OR HER DESIGNEE.

SECTION 9. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2016 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.