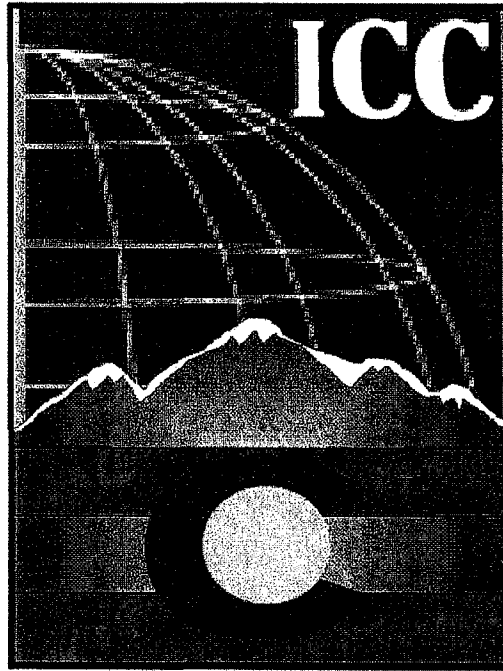


INTERNATIONAL
CODE COUNCIL



COLORADO CHAPTER

Appendix 4
Colorado Revised Statutes
Disaster Related Sections

APPENDIX 4 INDEX

Colorado Revised Statutes (pertaining to disaster mitigation)

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24-32-2104. The governor and disaster emergencies.

- (1) The governor is responsible for meeting the dangers to the state and people presented by disasters.
- (2) Under this part 21, the governor may issue executive orders, proclamations, and regulations and amend or rescind them. Executive orders, proclamations, and regulations have the force and effect of law.
- (3) (a) There is hereby created a governor's disaster emergency council, referred to in this part 21 as the "council", consisting of not less than six nor more than nine members. The attorney general, the adjutant general, and the executive directors of the following departments shall be members: Personnel, transportation, public safety, and natural resources. The additional members, if any, shall be appointed by the governor from among the executive directors of the other departments. The governor shall serve as chairperson of the council, and a majority shall constitute a quorum. The council shall meet at the call of the governor and shall advise the governor and the director of the division of emergency management on all matters pertaining to the declaration of disasters and the disaster response and recovery activities of the state government; except that nothing in the duties of the council shall be construed to limit the authority of the governor to act without the advice of the council when the situation calls for prompt and timely action when disaster threatens or exists.

(b) The members of the governor's disaster emergency council, as such existed prior to March 12, 1992, shall become the initial members of the council on March 12, 1992.
- (4) A disaster emergency shall be declared by executive order or proclamation of the governor if the governor finds a disaster has occurred or that this occurrence or the threat thereof is imminent. The state of disaster emergency shall continue until the governor finds that the threat of danger has passed or that the disaster has been dealt with to the extent that emergency conditions no longer exist and the governor terminates the state of disaster emergency by executive order or proclamation, but no state of disaster emergency may continue for longer than thirty days unless renewed by the governor. The general assembly, by joint resolution, may terminate a state of disaster emergency at any time. Thereupon, the governor shall issue an executive order or proclamation ending the state of disaster emergency. All executive orders or proclamations issued under this subsection (4) shall indicate the nature of the disaster, the area threatened, and the conditions which have brought it about or which make possible termination of the state of disaster emergency. An executive order or proclamation shall be disseminated promptly by means calculated to bring its contents to the attention of the general public and, unless the circumstances attendant upon the disaster prevent or impede, shall be promptly filed with the division of emergency management, the secretary of state, and the county clerk and recorder and disaster agencies in the area to which it applies.
- (5) An executive order or proclamation of a state of disaster emergency shall activate the disaster response and recovery aspects of the state, local, and interjurisdictional disaster emergency plans applicable to the political subdivision or area in question and shall be authority for the deployment and use of any forces to which the plans apply and for use or distribution of any supplies, equipment, and materials and facilities assembled, stockpiled, or arranged to be made available pursuant to this part 21 or any other provision of law relating to disaster emergencies.
- (6) During the continuance of any state of disaster emergency, the governor is commander-in-chief of the organized and unorganized militia and of all other forces available for emergency duty. To the greatest extent practicable, the governor shall delegate or assign command authority by prior

arrangement embodied in appropriate executive orders or regulations, but nothing in this section restricts the governor's authority to do so by orders issued at the time of the **disaster** emergency.

(7) In addition to any other powers conferred upon the governor by law, the governor may:

(a) Suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders, rules, or regulations of any state agency, if strict compliance with the provisions of any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency;

(b) Utilize all available resources of the state government and of each political subdivision of the state as reasonably necessary to cope with the **disaster** emergency;

(c) Transfer the direction, personnel, or functions of state departments and agencies or units thereof for the purpose of performing or facilitating emergency services;

(d) Subject to any applicable requirements for compensation under section 24-32-2111, commandeer or utilize any private property if the governor finds this necessary to cope with the **disaster** emergency;

(e) Direct and compel the evacuation of all or part of the population from any stricken or threatened area within the state if the governor deems this action necessary for the preservation of life or other **disaster** mitigation, response, or recovery;

(f) Prescribe routes, modes of transportation, and destinations in connection with evacuation;

(g) Control ingress to and egress from a **disaster** area, the movement of persons within the area, and the occupancy of premises therein;

(h) Suspend or limit the sale, dispensing, or transportation of alcoholic beverages, firearms, explosives, or combustibles; and

(i) Make provision for the availability and use of temporary emergency housing.

(8) (a) There is hereby created a governor's expert emergency epidemic response committee. The duties of the committee shall be to develop by July 1, 2001, a new supplement to the state **disaster** plan that is concerned with the public health response to acts of bioterrorism, pandemic influenza, and epidemics caused by novel and highly fatal infectious agents and to provide expert public health advice to the governor in the event of an emergency epidemic. The committee shall meet at least annually to review and amend the supplement as necessary. The committee shall provide information to and fully cooperate with the council.

(b) (I) State members of the committee shall include the following:

(A) The executive director of the department of public health and environment;

(B) The chief medical officer of the department of public health and environment;

(C) The chief public information officer of the department of public health and environment;

(D) The emergency response coordinator for the department of public health and environment;

(E) The state epidemiologist for the department of public health and environment;

(F) The attorney general or the designee of the attorney general;

- (G) The president of the board of health or the president's designee;
 - (H) The president of the state medical society or the president's designee;
 - (I) The president of the Colorado health and hospital association or the president's designee;
 - (J) The state veterinarian of the department of agriculture; and
 - (K) and (L) (Deleted by amendment, L. 2000, p. 546, § 24, effective July 1, 2000.)
 - (M) The director of the division of emergency management.
- (II) In addition to the state members of the committee, the governor shall appoint to the committee an individual from each of the following categories:
- (A) A licensed physician who specializes in infectious diseases;
 - (B) A licensed physician who specializes in emergency medicine;
 - (C) A medical examiner;
 - (D) A specialist in posttraumatic stress management;
 - (E) A director of a local public health department;
 - (F) A hospital infection control practitioner;
 - (G) A wildlife disease specialist with the division of wildlife; and
 - (H) A pharmacist member of the state board of pharmacy.
- (III) The executive director of the department of public health and environment shall serve as the chair of the committee. A majority of the membership of the committee, not including vacant positions, shall constitute a quorum.
- (IV) The executive director of the department of public safety or the executive director's designee shall serve as an ex officio member of the committee and shall not be able to vote on decisions of the committee. The executive director shall serve as a liaison between the committee, the council, and the Colorado emergency planning commission in the event of an emergency epidemic.
- (c) The committee shall include in the supplement to the state disaster plan a proposal for the prioritization, allocation, storage, protection, and distribution of antibiotic medicines, antiviral medicines, antidotes, and vaccines that may be needed and in short supply in the event of an emergency epidemic.
- (d) The committee shall convene at the call of the governor or the executive director of the department of public health and environment to consider evidence presented by the department's chief medical officer or state epidemiologist that there is an occurrence or imminent threat of an emergency epidemic. If the committee finds that there is an occurrence or imminent threat of an emergency epidemic, the executive director of the department of public health and environment shall advise the governor to declare a **disaster** emergency.
- (e) In the event of an emergency epidemic that has been declared a **disaster** emergency, the committee

shall convene as rapidly and as often as necessary to advise the governor, who shall act by executive order, regarding reasonable and appropriate measures to reduce or prevent spread of the disease, agent, or toxin and to protect the public health. Such measures may include, but are not limited to:

- (I) Procuring or taking supplies of medicines and vaccines;
- (II) Ordering physicians and hospitals to transfer or cease admission of patients or perform medical examinations of persons;
- (III) Isolating or quarantining persons or property;
- (IV) Determining whether to seize, destroy, or decontaminate property or objects that may threaten the public health;
- (V) Determining how to safely dispose of corpses and infectious waste;
- (VI) Assessing the adequacy and potential contamination of food and water supplies;
- (VII) Providing mental health support to affected persons; and
- (VIII) Informing the citizens of the state how to protect themselves, what actions are being taken to control the epidemic, and when the epidemic is over.

(9) Each department that administers a publicly funded safety net program shall develop a continuity of operations plan no later than July 1, 2008. The plan shall establish procedures for the response by, and continuation of operations of, the department and the program in the event of an epidemic emergency. Each department shall file its plan with the executive director of the department of public health and environment and shall update the plan at least annually. In addition, each department shall submit a report by March 1, 2008, and by each March 1 thereafter to the health and human services committees of the senate and house of representatives, or any successor committees, regarding the status of the department's plan, as well as the status of any other plans or procedures of the department regarding emergency disaster preparedness.

Source: L. 92: Entire part added, p. 1014, § 5, effective March 12. L. 92: (8) added, p. 84, § 2, effective March 15. L. 2000: (8) added, p. 84, § 2, effective March 15; (8)(b)(I)(F), (8)(b)(I)(J), (8)(b)(I)(K), (8)(b)(I)(L), and (8)(b)(II)(F) amended and (8)(b)(II)(G) and (8)(b)(II)(H) added, pp. 546, 547, §§ 24, 25, effective July 1. L. 2004: (3)(a), (4), and (8)(b)(I)(M) amended, p. 1177, § 4, effective August 4. L. 2007: (9) added, p. 1292, § 4, effective May 25.

ANNOTATION

Am. Jur.2d. See 38 Am. Jur.2d, Governor, § 4; 53A Am. Jur.2d, Military and Civil Defense, §§ 447-449.

24-32-2105. Division of emergency management.

(1) (a) There is hereby created in the department of local affairs the division of emergency management, referred to in this part 21 as the "division". Pursuant to section 13 of article XII of the state constitution, the executive director shall appoint a director, referred to in this part 21 as the "director", as head of the division.

(b) The division of emergency management and the office of the director shall exercise their powers and perform their duties and functions under the department of local affairs and the executive director as if the same were transferred to the department by a **type 2** transfer, as such transfer is defined in the "Administrative Organization Act of 1968", article 1 of this title.

(2) The division shall prepare and maintain a state disaster plan which complies with all applicable federal and state regulations and shall keep such plan current.

(3) The division shall take part in the development and revision of local and interjurisdictional disaster plans prepared under section 24-32-2107. To this end the division shall employ or otherwise secure the services of professional and technical personnel capable of providing expert assistance to political subdivisions, their disaster agencies, and interjurisdictional planning and disaster agencies. Such personnel shall consult with political subdivisions and disaster agencies and shall make field examinations.

(4) In preparing and revising the state disaster plan, the division may seek the advice and assistance of local government, business, labor, industry, agriculture, civic and volunteer organizations, and community leaders.

(5) The state disaster plan or any part thereof may be incorporated in regulations of the division or executive orders that have the force and effect of law.

(6) The division may do all things necessary for the implementation of this part 21, including but not limited to:

(a) Hiring personnel;

(b) Contracting with federal, state, local, and private entities;

(c) Accepting and expending federal funds.

(7) Whenever the office of emergency management is referred to or designated by any contract or other document, such reference or designation shall be deemed to apply to the division of emergency management.

Source: L. 92: Entire part added, p. 1017, § 5, effective March 12. L. 2004: (1), (3), (4), (5), and IP(6) amended and (7) added, p. 1178, § 5, effective August 4.

ANNOTATION

Am. Jur.2d. See 53A Am. Jur.2d, Military and Civil Defense, §§ 447, 452.

NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

HOUSE BILL 09-1080

BY REPRESENTATIVE(S) Marostica, Baumgardner, Frangas, Gardner B., Gardner C., Gerou, Kerr J., Labuda, Lambert, Liston, Middleton, Miklosi, Murray, Nikkel, Priola, Ryden, Stephens, Tipton, Todd; also SENATOR(S) Williams, Heath.

CONCERNING A GRANT OF QUALIFIED IMMUNITY TO BUILDING CODE OFFICIALS RENDERING ASSISTANCE DURING A DISASTER EMERGENCY.

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

SECTION 1. 13-21-108.3, Colorado Revised Statutes, is amended to read:

13-21-108.3. Architects, building code officials, professional engineers, and professional land surveyors rendering assistance during emergency or disaster - qualified immunity from civil liability. (1) An architect licensed pursuant to part 3 of article 25 of title 12, C.R.S., A BUILDING CODE OFFICIAL, a professional engineer licensed pursuant to part 1 of article 25 of title 12, C.R.S., or a professional land surveyor licensed pursuant to part 2 of article 25 of title 12, C.R.S., who voluntarily and without compensation provides architectural, DAMAGE ASSESSMENT, engineering, or surveying services, respectively, at the scene of an emergency shall not be liable for any personal injury, wrongful death,

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

property damage, or other loss caused by an act or omission of ~~such~~ THE architect, BUILDING CODE OFFICIAL, engineer, or surveyor in performing such services.

(2) As used in this section, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "BUILDING CODE OFFICIAL" MEANS AN INDIVIDUAL MAINTAINING A BUILDING INSPECTOR, BUILDING CODE OFFICIAL, OR CERTIFIED BUILDING OFFICIAL CERTIFICATION IN GOOD STANDING BY THE INTERNATIONAL CODE COUNCIL OR SIMILAR ASSOCIATION OF BUILDING CODE OFFICIALS.

(b) "Emergency" means a disaster emergency declared by executive order or proclamation of the governor pursuant to section 24-32-2104 (4), C.R.S.

(3) The immunity provided in subsection (1) of this section applies only to an architectural, DAMAGE ASSESSMENT, or engineering service that:

(a) Concerns an identified building, structure, or other architectural or engineering system, whether publicly or privately owned;

(b) Relates to the structural integrity of the building, structure, or system or to a nonstructural element thereof affecting life safety; and

(c) Is rendered during the time in which a state of disaster emergency exists, as provided in section 24-32-2104 (4), C.R.S.

(4) Nothing in this section shall provide immunity for gross negligence or willful misconduct.

(5) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO ABROGATE ANY PROVISION OF THE "COLORADO GOVERNMENTAL IMMUNITY ACT", PROVIDED IN ARTICLE 10 OF TITLE 24, C.R.S.

SECTION 2. Effective date - applicability. This act shall take effect upon passage and shall apply to claims arising 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.

Terrance D. Carroll
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Peter C. Groff
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Karen Goldman
SECRETARY OF
THE SENATE

APPROVED _____

Bill Ritter, Jr.
GOVERNOR OF THE STATE OF COLORADO

STATE OF COLORADO

OFFICE OF THE GOVERNOR

136 State Capitol Building
Denver, Colorado 80203
(303) 866 - 2471
(303) 866 - 2003 fax



Bill Ritter, Jr.
Governor

April 6, 2009

Mr. Greg Wheeler
International Code Council
P.O. Box 961
Arvada, CO 80001

Dear Mr. Wheeler,

Thank you for your letter of support regarding House Bill 09-1080. As you know, this bill grants qualified immunity from civil action to a building code official who, while acting in his or her official capacity, assists during a state of disaster emergency.

I signed the bill on March 20, 2009, and sincerely appreciate the work your chapter has done in responding to emergencies and disasters.

Once again, thank you for your letter of support.

Sincerely,

A handwritten signature in black ink that reads "Bill Ritter, Jr." in a cursive style.

Bill Ritter, Jr.
Governor

24-32-2107. Local and interjurisdictional disaster agencies and services.

- (1) Each political subdivision shall be within the jurisdiction of and served by the division and by a local or interjurisdictional agency responsible for disaster preparedness and coordination of response.
- (2) Each county shall maintain a disaster agency or participate in a local or interjurisdictional disaster agency which, except as otherwise provided under this part 21, has jurisdiction over and serves the entire county.
- (3) The governor shall determine which municipal corporations need disaster agencies of their own and require that they be established and maintained. The governor shall make such determination on the basis of the municipality's disaster vulnerability and capability of response related to population size and concentration. The disaster agency of a county shall cooperate with the disaster agencies of municipalities situated within its borders but shall not have jurisdiction within a municipality having its own disaster agency. The office shall publish and keep current a list of municipalities required to have disaster agencies under this subsection (3).
- (4) The minimum composition of a disaster agency shall be a director or coordinator appointed and governed by the chief executive officer or governing body of the appointing jurisdiction. The director or coordinator shall be responsible for the planning and coordination of the local disaster services.
- (5) Any provision of this part 21 or other law to the contrary notwithstanding, the governor may require a political subdivision to establish and maintain a disaster agency jointly with one or more contiguous political subdivisions if the governor finds that the establishment and maintenance of an agency or participation therein is made necessary by circumstances or conditions that make it unusually difficult to provide disaster prevention, preparedness, response, or recovery services under other provisions of this part 21.
- (6) Each political subdivision which does not have a disaster agency and has not made arrangements to secure or participate in the services of an agency shall have an elected official designated as liaison officer to facilitate the cooperation and protection of that subdivision in the work of disaster prevention, preparedness, response, and recovery.
- (7) The mayor, chairman of the board of county commissioners, or other principal executive officer of each political subdivision in the state shall notify the office of the manner in which the political subdivision is providing or securing disaster planning and emergency services, identify the person who heads the agency from which the services are obtained, and furnish additional information relating thereto as the division requires.
- (8) Each local and interjurisdictional disaster agency shall prepare and keep current a local or interjurisdictional disaster emergency plan for its area.
- (9) The local or interjurisdictional disaster agency, as the case may be, shall prepare and distribute to all appropriate officials in written form a clear and complete statement of the emergency responsibilities of all local agencies and officials and of the disaster chain of command.
- (10) The sheriff of each county shall:
 - (a) Be the official responsible for coordination of all search and rescue operations within the sheriff's

jurisdiction;

(b) Make use of the search and rescue capability and resources available within the county and request assistance from the division only when and if the sheriff determines such additional assistance is required.

(11) When authorized by the governor and executive director and approved by the director, expenses incurred in meeting contingencies and emergencies arising from search and rescue operations may be reimbursed from the disaster emergency fund.

(12) Any person providing information to a local or interjurisdictional disaster agency may request, in writing, that such information be disseminated only to persons connected with or involved in the preparation, update, or implementation of any disaster emergency plan, and said information shall thereafter not be released to any person without the expressed written consent of the person providing the information.

Source: L. 92: Entire part added, p. 1019, § 5, effective March 12.

24-32-2108. Establishment of interjurisdictional disaster planning and service area.

(1) If the governor finds that two or more adjoining counties would be better served by an interjurisdictional arrangement than by maintaining separate disaster agencies and services, the governor may delineate by executive order an interjurisdictional area adequate to plan for, prevent, or respond to disaster in that area and direct steps to be taken as necessary, including the creation of an interjurisdictional relationship, a joint disaster emergency plan, mutual aid, or an area organization for emergency planning and services.

(2) A finding of the governor pursuant to subsection (1) of this section shall be based on one or more factors related to the difficulty of maintaining an efficient and effective disaster prevention, preparedness, response, and recovery system on a separate basis, such as:

(a) Small or sparse population;

(b) Limitations on public financial resources severe enough to make maintenance of a separate disaster agency and services unreasonably burdensome;

(c) Unusual vulnerability to disaster as evidenced by a past history of disasters, topographical features, drainage characteristics, disaster potential, and presence of disaster-prone facilities or operations;

(d) The interrelated character of the counties in a multicounty area; and

(e) Other relevant conditions or circumstances.

(3) If the governor finds that a vulnerable area lies only partly within this state and includes territory in another state or territory in a foreign jurisdiction and that it would be desirable to establish an interstate or international relationship or mutual aid or an area organization for disaster, the governor shall take steps to that end as desirable. If this action is taken with jurisdictions that have enacted the interstate civil defense and disaster compact, any resulting agreements may be considered supplemental agreements pursuant to article VI of such compact.

(4) If the other jurisdictions with which the governor proposes to cooperate pursuant to subsection (3) of this section have not enacted the interstate civil defense and disaster compact, the governor may negotiate special agreements with such jurisdictions. Any agreement, if sufficient authority for the making thereof does not otherwise exist, becomes effective only after its text has been communicated to the general assembly and if neither house of the general assembly has disapproved it before adjournment sine die of the next ensuing session competent to consider it or within thirty days of its submission, whichever is longer.

Source: L. 92: Entire part added, p. 1021, § 5, effective March 12.

24-32-2109. Local disaster emergencies.

(1) A local disaster may be declared only by the principal executive officer of a political subdivision. It shall not be continued or renewed for a period in excess of seven days except by or with the consent of the governing board of the political subdivision. Any order or proclamation declaring, continuing, or terminating a local disaster emergency shall be given prompt and general publicity and shall be filed promptly with the county clerk and recorder, city clerk, or other authorized record-keeping agency and with the division.

(2) The effect of a declaration of a local disaster emergency is to activate the response and recovery aspects of any and all applicable local and interjurisdictional disaster emergency plans and to authorize the furnishing of aid and assistance under such plans.

(3) No interjurisdictional disaster agency or official thereof may declare a local disaster emergency unless expressly authorized by the agreement pursuant to which the agency functions. An interjurisdictional disaster agency shall provide aid and services in accordance with the agreement pursuant to which it functions.

Source: L. 92: Entire part added, p. 1022, § 5, effective March 12.

ANNOTATION

Am. Jur.2d. See 53A Am. Jur.2d, Military and Civil Defense, §§ 447-449.

24-32-2110. Disaster prevention.

- (1) In addition to disaster prevention measures as included in the state, local, and interjurisdictional disaster emergency plans, the governor shall consider steps that could be taken on a continuing basis to prevent or reduce the harmful consequences of disasters. At the governor's direction, and pursuant to any other authority and competence they have, state agencies, including but not limited to those charged with responsibilities in connection with floodplain management, stream encroachment and flow regulation, weather modification, fire prevention and control, air quality, public works, land use and land-use planning, and construction standards, shall make studies of matters related to disaster prevention. The governor and the executive director, from time to time, shall make recommendations to the general assembly, local governments, and such other appropriate public and private entities as may facilitate measures for prevention or reduction of the harmful consequences of disasters.
- (2) All state departments, in conjunction with the division, shall conduct studies and adopt measures to reduce the impact of, and actions contributory to, a disaster. The studies shall concentrate on means of reducing or avoiding the dangers caused by such occurrences or the consequences thereof.
- (3) If the division believes on the basis of the studies or other competent evidence that an area is susceptible to a disaster of catastrophic proportions without adequate warning, that existing building standards and land-use controls in that area are inadequate and could add substantially to the magnitude of the disaster, and that changes in zoning regulations, other land-use regulations, or building requirements are essential in order to further the purposes of this section, it shall specify the essential changes to the executive director and to the governor. If the governor upon review of the recommendations finds after public hearing that the changes are essential, the governor shall so recommend to the agencies or local governments with jurisdictions over the area and subject matter. If no action or insufficient action pursuant to the governor's recommendations is taken within the time specified by the governor, the governor shall so inform the general assembly and request legislative action appropriate to mitigate the impact of disaster.
- (4) The governor, at the same time that the governor makes recommendations pursuant to subsection (3) of this section, may suspend the standard or control which the governor finds to be inadequate to protect the public safety and by regulation place a new standard or control in effect. The new standard or control shall remain in effect until rejected by joint resolution of both houses of the general assembly or amended by the governor. During the time it is in effect, the standard or control contained in the governor's regulation shall be administered and given full effect by all relevant regulatory agencies of the state and local governments to which it applies. The governor's action is subject to judicial review but shall not be subject to temporary stay pending litigation.

Source: L. 92: Entire part added, p. 1022, § 5, effective March 12.

24-32-2112. Telecommunications.

The state telecommunications director, working in coordination with the office, shall ascertain what means exist for rapid and efficient telecommunications in times of disaster emergencies. Operational characteristics of the available systems of telecommunications shall be evaluated by the office, and recommendations for modifications shall be made to the state telecommunications director. It is the intent of this section that adequate means of telecommunications be available for use during disaster emergencies.

Source: L. 92: Entire part added, p. 1025, § 5, effective March 12.

24-32-2113. Mutual aid.

(1) Political subdivisions not participating in interjurisdictional arrangements pursuant to this part 21 nevertheless shall be encouraged and assisted by the office to conclude suitable arrangements for furnishing mutual aid in coping with disasters. The arrangements shall include provision of aid by persons and units in public employ.

(2) In passing upon local disaster plans, the governor shall consider whether such plans contain adequate provisions for the rendering and receipt of mutual aid.

(3) It is a sufficient reason for the governor to require an interjurisdictional agreement or arrangement pursuant to section 24-32-2108 that the area involved and political subdivisions therein have available equipment, supplies, and forces necessary to provide mutual aid on a regional basis and that the political subdivisions have not already made adequate provision for mutual aid; except that, in requiring the making of an interjurisdictional arrangement to accomplish the purpose of this section, the governor need not require establishment and maintenance of an interjurisdictional agency or arrangement for any other disaster purposes.

Source: L. 92: Entire part added, p. 1025, § 5, effective March 12.

ANNOTATION

Am. Jur.2d. See 53A Am. Jur.2d, Military and Civil Defense, §§ 447, 448.