

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 16-0781.01 Kristen Forrester x4217

HOUSE BILL 16-1034

HOUSE SPONSORSHIP

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SENATE SPONSORSHIP

Garcia,

House Committees

Health, Insurance, & Environment

Senate Committees

A BILL FOR AN ACT

101 CONCERNING EMERGENCY MEDICAL RESPONDER REGISTRATION IN THE
102 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT.

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>.)

Current law gives oversight of first responders to the department of public safety. The bill changes the name of first responders to emergency medical responders and creates a registration program for the emergency medical responders in the department of public health and environment (department). The bill requires the department to administer the registration program beginning July 1, 2017, and authorizes the

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

department to promulgate rules to administer the program. The department is authorized to grant a provisional registration certification for up to 90 days prior to an applicant receiving registration. The department is also authorized to promulgate rules concerning the recognition of training programs and continued competency requirements for emergency medical responders. The department is authorized to investigate complaints against emergency medical responders and to take disciplinary action against emergency medical responders.

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

2 **SECTION 1.** In Colorado Revised Statutes, 25-3.5-103, **add** (7.7)
3 as follows:

4 **25-3.5-103. Definitions.** As used in this article, unless the context
5 otherwise requires:

6 (7.7) "EMERGENCY MEDICAL RESPONDER" MEANS AN INDIVIDUAL
7 WHO IS OFTEN THE FIRST TO ARRIVE ON SCENE DURING AN EMERGENCY
8 AND WHO PROVIDES ASSISTANCE TO THE INJURED OR ILL UNTIL MORE
9 HIGHLY TRAINED AND QUALIFIED PERSONNEL ARRIVE.

10 **SECTION 2.** In Colorado Revised Statutes, 25-3.5-603, **amend**
11 (1) (a) and (3) (c) (I) as follows:

12 **25-3.5-603. Emergency medical services account - creation -**
13 **allocation of funds.** (1) (a) There is hereby created a special account
14 within the highway users tax fund established under section 43-4-201,
15 C.R.S., to be known as the emergency medical services account, which
16 consists of all moneys transferred thereto in accordance with section
17 42-3-304 (21), C.R.S., ~~and~~ fees collected under section 25-3.5-203 for
18 provisional certifications of emergency medical service providers, AND
19 FEES COLLECTED UNDER SECTION 25-3.5-1103 FOR PROVISIONAL
20 REGISTRATION OF EMERGENCY MEDICAL RESPONDERS.

21 (3) On and after July 1, 2002, the general assembly shall

1 appropriate moneys in the emergency medical services account:

2 (c) To the direct and indirect costs of planning, developing,
3 implementing, maintaining, and improving the statewide emergency
4 medical and trauma services system. These costs include:

5 (I) Providing technical assistance and support to local
6 governments, local emergency medical and trauma service providers, and
7 RETACs operating a statewide data collection system, coordinating local
8 and state programs, providing assistance in selection and purchasing of
9 medical and communication equipment, administering the EMTS grant
10 program, ~~and~~ establishing and maintaining scope of practice for certified
11 medical service providers, AND ADMINISTERING A REGISTRATION
12 PROGRAM FOR EMERGENCY MEDICAL RESPONDERS; and

13 **SECTION 3.** In Colorado Revised Statutes, **add** part 11 to article
14 3.5 of title 25, as follows:

15 PART 11

16 EMERGENCY MEDICAL RESPONDERS

17 **25-3.5-1101. Legislative declaration.** (1) THE GENERAL
18 ASSEMBLY HEREBY FINDS THAT:

19 (a) THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT HAS
20 RESPONSIBILITY FOR OVERSIGHT OF THE EMERGENCY MEDICAL AND
21 TRAUMA SERVICES SYSTEM AND THE CERTIFICATION OF EMERGENCY
22 MEDICAL SERVICE PROVIDERS. EMERGENCY MEDICAL SERVICE PROVIDERS
23 ARE CERTIFIED BY THE DEPARTMENT TO PROVIDE TREATMENT AND
24 TRANSPORT TO THE SICK AND INJURED.

25 (b) EMERGENCY MEDICAL RESPONDERS ARE THE PART OF THE
26 EMERGENCY MEDICAL AND TRAUMA SERVICES SYSTEM WHO ANSWER
27 EMERGENCY CALLS, PROVIDE EFFECTIVE AND IMMEDIATE CARE TO ILL AND

1 INJURED PATIENTS, PREPARE THE SCENE FOR THE ARRIVAL OF THE
2 AMBULANCE AND EMERGENCY MEDICAL SERVICE PROVIDERS, AND
3 PROVIDE ASSISTANCE TO EMERGENCY MEDICAL SERVICE PROVIDERS AS
4 DIRECTED;

5 (c) MOST EMERGENCY MEDICAL RESPONDERS PERFORM THEIR
6 DUTIES IN AN ETHICAL AND PROFESSIONAL MANNER;

7 (d) IT IS IN THE INTERESTS OF THE CITIZENS OF THIS STATE THAT A
8 PROCESS EXISTS WHEREBY INDIVIDUALS REGISTER THEIR TRAINING AND
9 STATUS AS AN EMERGENCY MEDICAL RESPONDER WITH THE STATE; AND

10 (e) IT IS IN THE PUBLIC INTEREST TO PLACE THE OVERSIGHT OF
11 EMERGENCY MEDICAL RESPONDERS WITHIN THE STATE DEPARTMENT THAT
12 HAS STATUTORY RESPONSIBILITY FOR THE STATEWIDE EMERGENCY
13 MEDICAL AND TRAUMA SERVICES SYSTEM.

14 (2) THEREFORE, IT IS THE INTENT OF THE GENERAL ASSEMBLY TO:

15 (a) TRANSFER THE OVERSIGHT OF EMERGENCY MEDICAL
16 RESPONDERS, FORMERLY KNOWN AS FIRST RESPONDERS, FROM THE
17 DEPARTMENT OF PUBLIC SAFETY TO THE DEPARTMENT OF PUBLIC HEALTH
18 AND ENVIRONMENT; AND

19 (b) FUND THE OVERSIGHT OF THE REGISTRATION PROGRAM
20 THROUGH THE HIGHWAY USERS TAX FUND ESTABLISHED IN SECTION
21 42-3-304 (21), C.R.S., IN ORDER TO AVOID COST-PROHIBITIVE
22 REGISTRATION FEES.

23 **25-3.5-1102. Definitions.** AS USED IN THIS PART 11:

24 (1) "EMERGENCY MEDICAL RESPONDER" MEANS AN INDIVIDUAL
25 REGISTERED PURSUANT TO THIS PART 11 WHO IS OFTEN THE FIRST TO
26 ARRIVE ON SCENE DURING AN EMERGENCY AND WHO PROVIDES
27 ASSISTANCE TO THE INJURED OR ILL UNTIL MORE HIGHLY TRAINED AND

1 QUALIFIED PERSONNEL ARRIVE.

2 (2) "PHYSICIAN" MEANS A PERSON LICENSED PURSUANT TO
3 ARTICLE 36 OF TITLE 12, C.R.S., IN GOOD STANDING, WHO AUTHORIZES
4 AND DIRECTS, THROUGH PROTOCOLS AND STANDING ORDERS, THE
5 PERFORMANCE OF STUDENTS-IN-TRAINING ENROLLED IN
6 DEPARTMENT-RECOGNIZED EMERGENCY MEDICAL RESPONDER EDUCATION
7 PROGRAMS.

8 (3) "REGISTRATION CERTIFICATION" MEANS DOCUMENTATION
9 THAT RECOGNIZES AN INDIVIDUAL'S VOLUNTARY REGISTRATION WITH THE
10 DEPARTMENT AS AN EMERGENCY MEDICAL RESPONDER AND INDICATES
11 THAT THE INDIVIDUAL HAS MET REQUIREMENTS ESTABLISHED TO HOLD
12 AND MAINTAIN THE REGISTRATION.

13 **25-3.5-1103. Registration - rules - funds.** (1) ON AND AFTER
14 JULY 1, 2017, THE DEPARTMENT SHALL ADMINISTER A REGISTRATION
15 PROGRAM FOR EMERGENCY MEDICAL RESPONDERS. A PERSON SHALL
16 NEITHER ACT NOR ASSUME TO ACT AS AN EMERGENCY MEDICAL
17 RESPONDER, PROVIDING CARE OR SERVICES AS IDENTIFIED IN NATIONAL
18 GUIDELINES FOR EMERGENCY MEDICAL RESPONSE AS APPROVED BY THE
19 DEPARTMENT, UNLESS THE PERSON IS REGISTERED AS AN EMERGENCY
20 MEDICAL RESPONDER; EXCEPT THAT A PERSON MAY FUNCTION AS A GOOD
21 SAMARITAN PURSUANT TO SECTION 13-21-116, C.R.S.

22 (2) THE BOARD SHALL ADOPT RULES FOR THE ADMINISTRATION OF
23 THE EMERGENCY MEDICAL RESPONDER REGISTRATION PROGRAM, WHICH
24 RULES SHALL INCLUDE, AT A MINIMUM, THE FOLLOWING:

25 (a) REQUIREMENTS FOR EMERGENCY MEDICAL RESPONDER
26 REGISTRATION, WHICH INCLUDE CERTIFICATION OF THE APPLICANT
27 THROUGH A NATIONALLY RECOGNIZED EMERGENCY RESPONDER

1 CERTIFICATION ORGANIZATION APPROVED BY THE DEPARTMENT;

2 (b) THE PERIOD OF TIME FOR WHICH THE REGISTRATION AS AN
3 EMERGENCY MEDICAL RESPONDER IS VALID;

4 (c) REGISTRATION RENEWAL REQUIREMENTS;

5 (d) TRAINING REQUIREMENTS FOR NEW AND RENEWING
6 REGISTRANTS;

7 (e) PROVISIONS GOVERNING NATIONAL AND STATE CRIMINAL
8 HISTORY RECORD CHECKS FOR NEW AND RENEWING REGISTRANTS AND THE
9 USE OF THE RESULTS OF THE CHECKS BY THE DEPARTMENT TO DETERMINE
10 THE ACTION TO TAKE ON A REGISTRATION APPLICATION.
11 NOTWITHSTANDING SECTION 24-5-101, C.R.S., THESE PROVISIONS MUST
12 ALLOW THE DEPARTMENT TO CONSIDER WHETHER THE APPLICANT HAS
13 BEEN CONVICTED OF A FELONY OR MISDEMEANOR INVOLVING MORAL
14 TURPITUDE AND THE PERTINENT CIRCUMSTANCES CONNECTED WITH THE
15 CONVICTION AND TO MAKE A DETERMINATION WHETHER ANY SUCH
16 CONVICTION DISQUALIFIES THE APPLICANT FROM REGISTRATION.

17 (f) DISCIPLINARY SANCTIONS, WHICH MAY INCLUDE PROVISIONS
18 FOR THE DENIAL, REVOCATION, PROBATION, AND SUSPENSION, INCLUDING
19 SUMMARY SUSPENSION, OF REGISTRATION AND OF EDUCATION PROGRAM
20 RECOGNITION; AND

21 (g) AN APPEAL PROCESS CONSISTENT WITH SECTIONS 24-4-104
22 AND 24-4-105, C.R.S., THAT IS APPLICABLE TO DEPARTMENT DECISIONS IN
23 CONNECTION WITH SANCTIONS.

24 (3) RULES PROMULGATED BY THE DEPARTMENT OF PUBLIC SAFETY
25 REMAIN IN EFFECT UNTIL SUPERCEDED BY RULES DULY ADOPTED
26 PURSUANT TO THIS PART 11.

27 (4) (a) THE DEPARTMENT MAY ISSUE A PROVISIONAL

1 REGISTRATION CERTIFICATION TO AN APPLICANT FOR REGISTRATION AS AN
2 EMERGENCY MEDICAL RESPONDER WHO REQUESTS ISSUANCE OF A
3 PROVISIONAL REGISTRATION CERTIFICATION AND WHO PAYS A FEE
4 AUTHORIZED UNDER RULES ADOPTED BY THE BOARD. A PROVISIONAL
5 REGISTRATION CERTIFICATION IS VALID FOR NOT MORE THAN NINETY
6 DAYS.

7 (b) THE DEPARTMENT MAY NOT ISSUE A PROVISIONAL
8 REGISTRATION CERTIFICATION UNLESS THE APPLICANT SATISFIES THE
9 REQUIREMENTS FOR REGISTRATION ESTABLISHED IN RULES OF THE BOARD.
10 IF THE DEPARTMENT FINDS THAT AN EMERGENCY MEDICAL RESPONDER
11 WHO HAS RECEIVED A PROVISIONAL REGISTRATION CERTIFICATION HAS
12 VIOLATED ANY REQUIREMENTS FOR REGISTRATION, THE DEPARTMENT MAY
13 REVOKE THE PROVISIONAL REGISTRATION CERTIFICATION AND PROHIBIT
14 THE REGISTRATION OF THE EMERGENCY MEDICAL RESPONDER.

15 (c) THE DEPARTMENT MAY ISSUE A PROVISIONAL REGISTRATION
16 CERTIFICATION TO AN APPLICANT WHOSE FINGERPRINT-BASED CRIMINAL
17 HISTORY RECORD CHECK HAS NOT YET BEEN COMPLETED. THE
18 DEPARTMENT SHALL REQUIRE THE APPLICANT TO SUBMIT A NAME-BASED
19 CRIMINAL HISTORY RECORD CHECK PRIOR TO ISSUING A PROVISIONAL
20 REGISTRATION CERTIFICATION.

21 (d) THE BOARD SHALL ADOPT RULES AS NECESSARY TO IMPLEMENT
22 THIS SUBSECTION (4), INCLUDING RULES ESTABLISHING A FEE TO BE
23 CHARGED TO APPLICANTS SEEKING A PROVISIONAL REGISTRATION
24 CERTIFICATION. THE DEPARTMENT SHALL DEPOSIT ANY FEE COLLECTED
25 FOR A PROVISIONAL REGISTRATION CERTIFICATION IN THE EMERGENCY
26 MEDICAL SERVICES ACCOUNT CREATED IN SECTION 25-3.5-603.

27 (5) (a) THE DEPARTMENT SHALL ACQUIRE A FINGERPRINT-BASED

1 CRIMINAL HISTORY RECORD CHECK FROM THE COLORADO BUREAU OF
2 INVESTIGATION TO INVESTIGATE THE HOLDER OF OR APPLICANT FOR AN
3 EMERGENCY MEDICAL RESPONDER REGISTRATION. THE DEPARTMENT MAY
4 ACQUIRE A NAME-BASED CRIMINAL HISTORY RECORD CHECK FOR A
5 REGISTRANT OR AN APPLICANT WHO HAS TWICE SUBMITTED TO A
6 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK AND WHOSE
7 FINGERPRINTS ARE UNCLASSIFIABLE. NOTWITHSTANDING PARAGRAPH (b)
8 OF THIS SUBSECTION (5), IF A PERSON SUBMITTED TO A
9 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK AT THE TIME OF
10 INITIAL REGISTRATION OR REGISTRATION RENEWAL, THE PERSON SHALL
11 NOT BE REQUIRED TO SUBMIT TO A SUBSEQUENT FINGERPRINT-BASED
12 CRIMINAL HISTORY RECORD CHECK.

13 (b) IF, AT THE TIME OF APPLICATION FOR REGISTRY OR FOR
14 RENEWAL, AN INDIVIDUAL HAS LIVED IN THE STATE FOR THREE YEARS OR
15 LESS, THE DEPARTMENT SHALL REQUIRE THE APPLICANT TO SUBMIT TO A
16 FEDERAL BUREAU OF INVESTIGATION FINGERPRINT-BASED NATIONAL
17 CRIMINAL HISTORY RECORD CHECK; EXCEPT THAT THE DEPARTMENT MAY
18 ACQUIRE A NATIONAL NAME-BASED CRIMINAL HISTORY RECORD CHECK
19 FOR AN APPLICANT WHO HAS TWICE SUBMITTED TO A FINGERPRINT-BASED
20 CRIMINAL HISTORY RECORD CHECK AND WHOSE FINGERPRINTS ARE
21 UNCLASSIFIABLE. THE DEPARTMENT SHALL BE THE AUTHORIZED AGENCY
22 TO RECEIVE AND DISSEMINATE INFORMATION REGARDING THE RESULT OF
23 ANY NATIONAL CRIMINAL HISTORY RECORD CHECK.

24 **25-3.5-1104. Training programs - rules.** (1) THE BOARD SHALL
25 ADOPT RULES REGARDING THE RECOGNITION BY THE DEPARTMENT OF
26 EDUCATION PROGRAMS THAT PROVIDE INITIAL TRAINING AND CONTINUED
27 COMPETENCY EDUCATION FOR EMERGENCY MEDICAL RESPONDERS.

1 (2) THE RECEIPT OF A CERTIFICATE OR OTHER DOCUMENT OF
2 COURSE COMPLETION ISSUED BY AN EDUCATION PROGRAM OR NATIONAL
3 CERTIFICATION ORGANIZATION IS NOT DEEMED STATE LICENSURE,
4 APPROVAL, OR REGISTRATION.

5 **25-3.5-1105. Investigation and discipline.** (1) THE DEPARTMENT
6 MAY ADMINISTER OATHS, TAKE AFFIRMATIONS OF WITNESSES, AND ISSUE
7 SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES AND THE
8 PRODUCTION OF ALL RELEVANT RECORDS AND DOCUMENTS TO
9 INVESTIGATE ALLEGED MISCONDUCT BY EMERGENCY MEDICAL
10 RESPONDERS.

11 (2) UPON FAILURE OF A WITNESS TO COMPLY WITH A SUBPOENA,
12 THE DEPARTMENT MAY APPLY TO A DISTRICT COURT FOR AN ORDER
13 REQUIRING THE PERSON TO APPEAR BEFORE THE DEPARTMENT OR AN
14 ADMINISTRATIVE LAW JUDGE, TO PRODUCE THE RELEVANT RECORDS OR
15 DOCUMENTS, OR TO GIVE TESTIMONY OR EVIDENCE TOUCHING THE
16 MATTER UNDER INVESTIGATION OR IN QUESTION. WHEN SEEKING AN
17 ORDER, THE DEPARTMENT SHALL APPLY TO THE DISTRICT COURT OF THE
18 COUNTY IN WHICH THE SUBPOENAED PERSON RESIDES OR CONDUCTS
19 BUSINESS. THE COURT MAY PUNISH SUCH FAILURE AS A CONTEMPT OF
20 COURT.

21 (3) AN EMERGENCY MEDICAL RESPONDER, THE EMPLOYER OF AN
22 EMERGENCY MEDICAL RESPONDER, AND A PHYSICIAN SHALL REPORT TO
23 THE DEPARTMENT ANY MISCONDUCT BY AN EMERGENCY MEDICAL
24 RESPONDER THAT IS KNOWN OR REASONABLY BELIEVED BY THE PERSON TO
25 HAVE OCCURRED.

26 (4) A PERSON ACTING AS A WITNESS OR CONSULTANT TO THE
27 DEPARTMENT, A WITNESS TESTIFYING, AND A PERSON OR EMPLOYER WHO

1 REPORTS MISCONDUCT TO THE DEPARTMENT UNDER THIS SECTION IS
2 IMMUNE FROM LIABILITY IN ANY CIVIL ACTION BROUGHT FOR ACTS
3 OCCURRING WHILE TESTIFYING, PRODUCING EVIDENCE, OR REPORTING
4 MISCONDUCT UNDER THIS SECTION IF THE INDIVIDUAL OR EMPLOYER WAS
5 ACTING IN GOOD FAITH AND WITH A REASONABLE BELIEF OF THE FACTS. A
6 PERSON OR EMPLOYER PARTICIPATING IN GOOD FAITH IN AN
7 INVESTIGATION OR AN ADMINISTRATIVE PROCEEDING PURSUANT TO THIS
8 SECTION IS IMMUNE FROM ANY CIVIL OR CRIMINAL LIABILITY THAT MAY
9 RESULT FROM SUCH PARTICIPATION.

10 (5) RECORDS, DOCUMENTS, TESTIMONY, OR EVIDENCE OBTAINED
11 UNDER THIS SECTION ARE CONFIDENTIAL EXCEPT TO THE EXTENT
12 NECESSARY TO SUPPORT THE ADMINISTRATIVE ACTION TAKEN BY THE
13 DEPARTMENT, TO REFER THE MATTER TO ANOTHER REGULATORY AGENCY,
14 OR TO REFER THE MATTER TO A LAW ENFORCEMENT AGENCY FOR
15 CRIMINAL PROSECUTION.

16 **SECTION 4.** In Colorado Revised Statutes, 24-33.5-1202, **repeal**
17 (6.5) and (7) as follows:

18 **24-33.5-1202. Definitions.** As used in this part 12, unless the
19 context otherwise requires:

20 (6.5) ~~"First responder" means a designated level of emergency~~
21 ~~medical care provider as described by the national highway traffic safety~~
22 ~~administration or successor agency.~~

23 (7) ~~"First responder program" means the program developed by~~
24 ~~the national highway traffic safety administration to train emergency~~
25 ~~response personnel to deal with an emergency incident upon first arrival~~
26 ~~at the scene.~~

27 **SECTION 5.** In Colorado Revised Statutes, 24-33.5-1203,

1 **amend** (1) (h), (1) (i), (1) (j), and (1) (k) as follows:

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

4 (h) Upon the request of local government officials, provide
5 technical assistance in defining and developing solutions to local fire
6 safety problems including, but not limited to, fireworks statutes; electrical
7 hazards; public education programs; regulations concerning explosives;
8 inspection of facilities when the performance of the inspections is the
9 statutory duty of another state agency; ~~certification of emergency medical
10 service providers and paramedics;~~ hazardous materials storage, handling,
11 and transportation; and volatile, flammable, and carcinogenic materials;

12 (i) Coordinate fire service education and training programs,
13 hazardous materials responder training programs, and firefighter ~~first
14 responder,~~ and hazardous materials responder certification programs,
15 which shall be available statewide;

16 (j) Administer the certification programs for firefighters ~~first
17 responders,~~ and hazardous materials responders, providing office space,
18 equipment, and the services of a clerical staff as necessary for the
19 carrying out of the intent of this part 12;

20 (k) Train and instruct firefighters ~~and first responders~~ in subjects
21 relating to the fire service; coordinate fire service-related education and
22 training classes, programs, conferences, and seminars; and train and
23 instruct, or coordinate the training of, hazardous materials responders;
24 except that all training related to terrorism shall be coordinated with the
25 division of homeland security and emergency management created in part
26 16 of this article;

27 **SECTION 6.** In Colorado Revised Statutes, 24-33.5-1204,

1 **amend** (1) and (3) as follows:

2 **24-33.5-1204. Voluntary education and training program -**
3 **voluntary certification of firefighters and hazardous materials**
4 **responders - advisory board.** (1) For the purposes of advising the
5 director on the administration of the voluntary fire service education and
6 training program within the division of fire prevention and control, the
7 local firefighter safety and disease prevention grant program created in
8 section 24-33.5-1231, and the voluntary firefighter ~~first responder~~, and
9 hazardous materials responder certification programs, there is hereby
10 created in the division of fire prevention and control the fire service
11 training and certification advisory board, referred to in this part 12 as the
12 "advisory board", to serve as an advisory board to the director.

13 (3) The advisory board shall meet as determined necessary by the
14 chairperson or the director. The members of the advisory board shall
15 receive no compensation but shall be reimbursed for necessary travel and
16 other expenses actually incurred in the performance of their official
17 duties. The expenses shall be paid from the firefighter ~~first responder~~,
18 hazardous materials responder, and prescribed fire training and
19 certification fund created in section 24-33.5-1207.

20 **SECTION 7.** In Colorado Revised Statutes, 24-33.5-1205,
21 **amend** (1) introductory portion, (1) (b), (1) (d), (1) (e), (1) (g), (2)
22 introductory portion, (2) (b), (2) (d), and (4) as follows:

23 **24-33.5-1205. Duties of the director and the advisory board.**

24 (1) The director has the following duties relating to the voluntary
25 firefighter ~~first responder~~, and hazardous materials responder certification
26 programs and the fire service education and training program:

27 (b) To promulgate rules establishing standards for the firefighter

1 ~~first responder~~, and hazardous materials responder certification programs
2 and for determining whether a firefighter or an applicant for first
3 responder or hazardous materials responder certification meets the
4 established standards;

5 (d) To certify firefighters and applicants for ~~first responder and~~
6 hazardous materials responder certification or withhold or revoke
7 certification in the manner provided for by rules adopted by the director
8 pursuant to the provisions of article 4 of this title;

9 (e) To issue a certificate to any firefighter or rescuer who presents
10 evidence that the minimum firefighter certification standards have been
11 met and to issue a certificate to any applicant who presents evidence that
12 the minimum standards of the ~~first responder or~~ hazardous materials
13 responder certification program have been met;

14 (g) To establish fees for the actual direct and indirect costs of the
15 administration of the firefighter ~~first responder~~, and hazardous materials
16 responder certification programs, which fees shall be assessed against any
17 person participating in such programs. All fees collected shall be credited
18 to the firefighter, first responder, hazardous materials responder, and
19 prescribed fire training and certification fund created in section
20 24-33.5-1207.

21 (2) The advisory board has the following duties relating to the
22 voluntary firefighter ~~first responder~~, and hazardous materials responder
23 certification programs and the fire service education and training
24 program:

25 (b) To advise the director on the promulgation of rules enacting
26 standards for the certification of ~~first responders and~~ hazardous materials
27 responders and procedures for determining whether an applicant meets

1 such standards;

2 (d) To advise the director on the establishment of fees for the
3 actual direct and indirect costs of the administration of the firefighter ~~first~~
4 ~~responder~~, and hazardous materials responder certification programs;

5 (4) Nothing in this section shall be construed as creating
6 mandatory certification programs for firefighters ~~first responders~~, or
7 hazardous materials responders, or creating a mandatory fire service
8 education and training program. All fire departments in the state shall
9 have the option of whether or not to participate in the firefighter ~~first~~
10 ~~responder~~, or hazardous materials responder certification programs or the
11 fire service education and training program.

12 **SECTION 8.** In Colorado Revised Statutes, 24-33.5-1207,
13 **amend** (1) as follows:

14 **24-33.5-1207. Firefighter and hazardous materials responder,**
15 **and prescribed fire training and certification fund - created.** (1) All
16 moneys received by the director pursuant to the coordination and
17 administration of the firefighter ~~first responder~~, hazardous materials
18 responder, and prescribed fire training and certification programs and all
19 interest earned on the moneys shall be deposited in the state treasury in
20 the firefighter, first responder, hazardous materials responder, and
21 prescribed fire training and certification fund, which fund is hereby
22 created, and the moneys shall be used, subject to annual appropriations by
23 the general assembly, for the purposes set forth in this part 12 and shall
24 not be deposited in or transferred to the general fund of the state of
25 Colorado or any other fund.

26 **SECTION 9. Act subject to petition - effective date.** This act
27 takes effect July 1, 2017; except that, if a referendum petition is filed

1 pursuant to section 1 (3) of article V of the state constitution against this
2 act or an item, section, or part of this act within the ninety-day period
3 after final adjournment of the general assembly, then the act, item,
4 section, or part will not take effect unless approved by the people at the
5 general election to be held in November 2016 and, in such case, will take
6 effect on July 1, 2017, or on the date of the official declaration of the vote
7 thereon by the governor, whichever is later.