

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 16-0781.01 Kristen Forrestal x4217

HOUSE BILL 16-1034

HOUSE SPONSORSHIP

Sias,

SENATE SPONSORSHIP

Garcia,

House Committees

Health, Insurance, & Environment
Appropriations

Senate Committees

Health & Human Services
Appropriations

A BILL FOR AN ACT

101 CONCERNING EMERGENCY MEDICAL RESPONDER REGISTRATION IN THE
102 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, AND, IN
103 CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

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.

SENATE
2nd Reading Unamended
April 29, 2016

HOUSE
3rd Reading Unamended
April 14, 2016

HOUSE
Amended 2nd Reading
April 11, 2016

the registration program beginning July 1, 2017, and authorizes the 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**
3 (10.8) as follows:

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

6 (10.8) "REGISTERED EMERGENCY MEDICAL RESPONDER" MEANS AN
7 INDIVIDUAL WHO HAS SUCCESSFULLY COMPLETED THE TRAINING AND
8 EXAMINATION REQUIREMENTS FOR EMERGENCY MEDICAL RESPONDERS,
9 WHO PROVIDES ASSISTANCE TO THE INJURED OR ILL UNTIL MORE HIGHLY
10 TRAINED AND QUALIFIED PERSONNEL ARRIVE, AND WHO IS REGISTERED
11 WITH THE DEPARTMENT PURSUANT TO PART 11 OF THIS ARTICLE.

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

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

1 FEES COLLECTED UNDER SECTION 25-3.5-1103 FOR PROVISIONAL
2 REGISTRATION OF EMERGENCY MEDICAL RESPONDERS.

3 (3) On and after July 1, 2002, the general assembly shall
4 appropriate moneys in the emergency medical services account:

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

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

16 **SECTION 3.** In Colorado Revised Statutes, **add** part 11 to article
17 3.5 of title 25, as follows:

18 PART 11

19 EMERGENCY MEDICAL RESPONDERS

20 **25-3.5-1101. Legislative declaration.** (1) THE GENERAL
21 ASSEMBLY HEREBY FINDS THAT:

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

1 (b) EMERGENCY MEDICAL RESPONDERS ARE THE PART OF THE
2 EMERGENCY MEDICAL AND TRAUMA SERVICES SYSTEM WHO ANSWER
3 EMERGENCY CALLS, PROVIDE EFFECTIVE AND IMMEDIATE CARE TO ILL AND
4 INJURED PATIENTS, PREPARE THE SCENE FOR THE ARRIVAL OF THE
5 AMBULANCE AND EMERGENCY MEDICAL SERVICE PROVIDERS, AND
6 PROVIDE ASSISTANCE TO EMERGENCY MEDICAL SERVICE PROVIDERS AS
7 DIRECTED;

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

10 (d) IT IS IN THE INTERESTS OF THE CITIZENS OF THIS STATE THAT A
11 VOLUNTARY PROCESS EXISTS WHEREBY INDIVIDUALS MAY REGISTER THEIR
12 TRAINING AND STATUS AS AN EMERGENCY MEDICAL RESPONDER WITH THE
13 STATE; AND

14 (e) IT IS IN THE PUBLIC INTEREST TO PLACE THE VOLUNTARY
15 REGISTRATION OF EMERGENCY MEDICAL RESPONDERS WITHIN THE STATE
16 DEPARTMENT THAT HAS STATUTORY RESPONSIBILITY FOR THE STATEWIDE
17 EMERGENCY MEDICAL AND TRAUMA SERVICES SYSTEM.

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

19 (a) TRANSFER THE OVERSIGHT OF EMERGENCY MEDICAL
20 RESPONDERS, FORMERLY KNOWN AS FIRST RESPONDERS, FROM THE
21 DEPARTMENT OF PUBLIC SAFETY TO THE DEPARTMENT OF PUBLIC HEALTH
22 AND ENVIRONMENT; AND

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

27 **25-3.5-1102. Definitions.** AS USED IN THIS PART 11:

1 (1) "EMERGENCY MEDICAL RESPONDER" MEANS AN INDIVIDUAL
2 WHO HAS SUCCESSFULLY COMPLETED THE TRAINING AND EXAMINATION
3 REQUIREMENTS FOR EMERGENCY MEDICAL RESPONDERS, WHO PROVIDES
4 ASSISTANCE TO THE INJURED OR ILL UNTIL MORE HIGHLY TRAINED AND
5 QUALIFIED PERSONNEL ARRIVE.

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

12 (3) "REGISTERED EMERGENCY MEDICAL RESPONDER" MEANS AN
13 INDIVIDUAL WHO HAS SUCCESSFULLY COMPLETED THE TRAINING AND
14 EXAMINATION REQUIREMENTS FOR EMERGENCY MEDICAL RESPONDERS,
15 WHO PROVIDES ASSISTANCE TO THE INJURED OR ILL UNTIL MORE HIGHLY
16 TRAINED AND QUALIFIED PERSONNEL ARRIVE, AND WHO IS REGISTERED
17 WITH THE DEPARTMENT PURSUANT TO THIS PART 11.

18 **25-3.5-1103. Registration - rules - funds.** (1) ON AND AFTER
19 JULY 1, 2017, THE DEPARTMENT SHALL ADMINISTER A VOLUNTARY
20 REGISTRATION PROGRAM FOR EMERGENCY MEDICAL RESPONDERS. A
21 PERSON SHALL NOT HOLD HIMSELF OR HERSELF OUT AS A REGISTERED
22 EMERGENCY MEDICAL RESPONDER, PROVIDING CARE OR SERVICES AS
23 IDENTIFIED IN NATIONAL GUIDELINES FOR EMERGENCY MEDICAL RESPONSE
24 AS APPROVED BY THE DEPARTMENT, UNLESS THE PERSON MEETS THE
25 REQUIREMENTS SET FORTH IN THIS PART 11; EXCEPT THAT A PERSON MAY
26 FUNCTION AS A GOOD SAMARITAN PURSUANT TO SECTION 13-21-116,
27 C.R.S.

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

4 (a) REQUIREMENTS FOR EMERGENCY MEDICAL RESPONDER
5 REGISTRATION, WHICH INCLUDE CERTIFICATION OF THE APPLICANT
6 THROUGH A NATIONALLY RECOGNIZED EMERGENCY RESPONDER
7 CERTIFICATION ORGANIZATION APPROVED BY THE DEPARTMENT;

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

10 (c) REGISTRATION RENEWAL REQUIREMENTS;

11 (d) TRAINING REQUIREMENTS FOR NEW AND RENEWING
12 REGISTRANTS;

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

23 (f) DISCIPLINARY SANCTIONS, WHICH MAY INCLUDE PROVISIONS
24 FOR THE DENIAL, REVOCATION, PROBATION, AND SUSPENSION, INCLUDING
25 SUMMARY SUSPENSION, OF REGISTRATION AND OF EDUCATION PROGRAM
26 RECOGNITION; AND

27 (g) AN APPEAL PROCESS CONSISTENT WITH SECTIONS 24-4-104

1 AND 24-4-105, C.R.S., THAT IS APPLICABLE TO DEPARTMENT DECISIONS IN
2 CONNECTION WITH SANCTIONS.

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

6 (4) (a) THE DEPARTMENT MAY ISSUE A PROVISIONAL
7 REGISTRATION TO AN APPLICANT FOR REGISTRATION AS AN EMERGENCY
8 MEDICAL RESPONDER WHO REQUESTS ISSUANCE OF A PROVISIONAL
9 REGISTRATION AND WHO PAYS A FEE AUTHORIZED UNDER RULES
10 ADOPTED BY THE BOARD. A PROVISIONAL REGISTRATION IS VALID FOR
11 NOT MORE THAN NINETY DAYS.

12 (b) THE DEPARTMENT MAY NOT ISSUE A PROVISIONAL
13 REGISTRATION UNLESS THE APPLICANT SATISFIES THE REQUIREMENTS
14 FOR REGISTRATION ESTABLISHED IN RULES OF THE BOARD. IF THE
15 DEPARTMENT FINDS THAT AN EMERGENCY MEDICAL RESPONDER WHO HAS
16 RECEIVED A PROVISIONAL REGISTRATION HAS VIOLATED ANY
17 REQUIREMENTS FOR REGISTRATION, THE DEPARTMENT MAY REVOKE THE
18 PROVISIONAL REGISTRATION AND PROHIBIT THE REGISTRATION OF THE
19 EMERGENCY MEDICAL RESPONDER.

20 (c) THE DEPARTMENT MAY ISSUE A PROVISIONAL REGISTRATION
21 TO AN APPLICANT WHOSE FINGERPRINT-BASED CRIMINAL HISTORY RECORD
22 CHECK HAS NOT YET BEEN COMPLETED. THE DEPARTMENT SHALL REQUIRE
23 THE APPLICANT TO SUBMIT A NAME-BASED CRIMINAL HISTORY RECORD
24 CHECK PRIOR TO ISSUING A PROVISIONAL REGISTRATION.

25 (d) THE BOARD SHALL ADOPT RULES AS NECESSARY TO IMPLEMENT
26 THIS SUBSECTION (4), INCLUDING RULES ESTABLISHING A FEE TO BE
27 CHARGED TO APPLICANTS SEEKING A PROVISIONAL REGISTRATION. THE

1 DEPARTMENT SHALL DEPOSIT ANY FEE COLLECTED FOR A PROVISIONAL
2 REGISTRATION █████ IN THE EMERGENCY MEDICAL SERVICES ACCOUNT
3 CREATED IN SECTION 25-3.5-603.

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

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

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

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

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

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

25 (3) A REGISTERED EMERGENCY MEDICAL RESPONDER, THE
26 EMPLOYER OF A REGISTERED EMERGENCY MEDICAL RESPONDER, OR A
27 PHYSICIAN SHALL REPORT TO THE DEPARTMENT ANY MISCONDUCT BY A

1 REGISTERED EMERGENCY MEDICAL RESPONDER THAT IS KNOWN OR
2 REASONABLY BELIEVED BY THE PERSON TO HAVE OCCURRED.

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

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

20 **SECTION 4.** In Colorado Revised Statutes, 24-33.5-1202, **repeal**
21 (6.5) and (7) as follows:

22 **24-33.5-1202. Definitions.** As used in this part 12, unless the
23 context otherwise requires:

24 (6.5) ~~"First responder" means a designated level of emergency~~
25 ~~medical care provider as described by the national highway traffic safety~~
26 ~~administration or successor agency.~~

27 (7) ~~"First responder program" means the program developed by~~

1 the national highway traffic safety administration to train emergency
2 response personnel to deal with an emergency incident upon first arrival
3 at the scene.

4 **SECTION 5.** In Colorado Revised Statutes, 24-33.5-1203,
5 **amend** (1) (h), (1) (i), (1) (j), and (1) (k) as follows:

6 **24-33.5-1203. Duties of division.** (1) The division shall perform
7 the following duties:

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

16 (i) Coordinate fire service education and training programs,
17 hazardous materials responder training programs, and firefighter ~~first~~
18 ~~responder,~~ and hazardous materials responder certification programs,
19 which shall be available statewide;

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

24 (k) Train and instruct firefighters ~~and first responders~~ in subjects
25 relating to the fire service; coordinate fire service-related education and
26 training classes, programs, conferences, and seminars; and train and
27 instruct, or coordinate the training of, hazardous materials responders;

1 except that all training related to terrorism shall be coordinated with the
2 division of homeland security and emergency management created in part
3 16 of this article;

4 **SECTION 6.** In Colorado Revised Statutes, 24-33.5-1204,
5 **amend** (1) and (3) as follows:

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

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

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

27 **24-33.5-1205. Duties of the director and the advisory board.**

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

4 (b) To promulgate rules establishing standards for the firefighter
5 ~~first responder~~, and hazardous materials responder certification programs
6 and for determining whether a firefighter or an applicant for first
7 responder or hazardous materials responder certification meets the
8 established standards;

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

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

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

25 (2) The advisory board has the following duties relating to the
26 voluntary firefighter ~~first responder~~, and hazardous materials responder
27 certification programs and the fire service education and training

1 program:

2 (b) To advise the director on the promulgation of rules enacting
3 standards for the certification of ~~first responders~~ and hazardous materials
4 responders and procedures for determining whether an applicant meets
5 such standards;

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

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

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

18 **24-33.5-1207. Firefighter and hazardous materials responder,**
19 **and prescribed fire training and certification fund - created.** (1) All
20 moneys received by the director pursuant to the coordination and
21 administration of the firefighter ~~first responder~~, hazardous materials
22 responder, and prescribed fire training and certification programs and all
23 interest earned on the moneys shall be deposited in the state treasury in
24 the firefighter, ~~first responder~~, hazardous materials responder, and
25 prescribed fire training and certification fund, which fund is hereby
26 created, and the moneys shall be used, subject to annual appropriations by
27 the general assembly, for the purposes set forth in this part 12 and shall

1 not be deposited in or transferred to the general fund of the state of
2 Colorado or any other fund.

3 **SECTION 9. Appropriation.** (1) For the 2016-17 state fiscal
4 year, \$24,985 is appropriated to the department of public health and
5 environment. This appropriation is from the emergency medical services
6 account within the highway users tax fund created in section 25-3.5-603
7 (1) (a), C.R.S. To implement this act, the department may use this
8 appropriation as follows:

9 (a) \$21,185 for use by the health facilities and emergency medical
10 services division for the state EMS coordination, planning and
11 certification program, which amount is based on an assumption that the
12 division will require an additional 0.3 FTE; and

13 (b) \$3,800 for the purchase of legal services.

14 (2) For the 2016-17 state fiscal year, \$3,800 is appropriated to the
15 department of law. This appropriation is from reappropriated funds
16 received from the department of public health and environment under
17 paragraph (b) of subsection (1) of this section. To implement this act, the
18 department of law may use this appropriation to provide legal services for
19 the department of public health and environment.

20 **SECTION 10. Act subject to petition - effective date.** This act
21 takes effect at 12:01 a.m. on the day following the expiration of the
22 ninety-day period after final adjournment of the general assembly (August
23 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a
24 referendum petition is filed pursuant to section 1 (3) of article V of the
25 state constitution against this act or an item, section, or part of this act
26 within such period, then the act, item, section, or part will not take effect
27

1 unless approved by the people at the general election to be held in
2 November 2016 and, in such case, will take effect on the date of the
3 official declaration of the vote thereon by the governor.