

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

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
Appropriations

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**
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
21 FEES COLLECTED UNDER SECTION 25-3.5-1103 FOR PROVISIONAL

1 REGISTRATION OF EMERGENCY MEDICAL RESPONDERS.

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

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

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

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

17 PART 11

18 EMERGENCY MEDICAL RESPONDERS

19 **25-3.5-1101. Legislative declaration.** (1) THE GENERAL
20 ASSEMBLY HEREBY FINDS THAT:

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

27 (b) EMERGENCY MEDICAL RESPONDERS ARE THE PART OF THE

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

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

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

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

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

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

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

26 **25-3.5-1102. Definitions.** AS USED IN THIS PART 11:

27 (1) "EMERGENCY MEDICAL RESPONDER" MEANS AN INDIVIDUAL

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

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

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

17 **25-3.5-1103. Registration - rules - funds.** (1) ON AND AFTER
18 JULY 1, 2017, THE DEPARTMENT SHALL ADMINISTER A VOLUNTARY
19 REGISTRATION PROGRAM FOR EMERGENCY MEDICAL RESPONDERS. A
20 PERSON SHALL NOT HOLD HIMSELF OR HERSELF OUT AS A REGISTERED
21 MEDICAL RESPONDER, PROVIDING CARE OR SERVICES AS IDENTIFIED IN
22 NATIONAL GUIDELINES FOR EMERGENCY MEDICAL RESPONSE AS APPROVED
23 BY THE DEPARTMENT, UNLESS THE PERSON MEETS THE REQUIREMENTS SET
24 FORTH IN THIS PART 11 AS AN EMERGENCY MEDICAL RESPONDER; EXCEPT
25 THAT A PERSON MAY FUNCTION AS A GOOD SAMARITAN PURSUANT TO
26 SECTION 13-21-116, C.R.S.

27 (2) THE BOARD SHALL ADOPT RULES FOR THE ADMINISTRATION OF

1 THE EMERGENCY MEDICAL RESPONDER REGISTRATION PROGRAM, WHICH
2 RULES SHALL INCLUDE, AT A MINIMUM, THE FOLLOWING:

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

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

9 (c) REGISTRATION RENEWAL REQUIREMENTS;

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

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

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

26 (g) AN APPEAL PROCESS CONSISTENT WITH SECTIONS 24-4-104
27 AND 24-4-105, C.R.S., THAT IS APPLICABLE TO DEPARTMENT DECISIONS IN

1 CONNECTION WITH SANCTIONS.

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

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

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

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

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

1 REGISTRATION [REDACTED] IN THE EMERGENCY MEDICAL SERVICES ACCOUNT
2 CREATED IN SECTION 25-3.5-603.

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

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

27 **25-3.5-1104. Training programs - rules.** (1) THE BOARD SHALL

1 ADOPT RULES REGARDING THE RECOGNITION BY THE DEPARTMENT OF
2 EDUCATION PROGRAMS THAT PROVIDE INITIAL TRAINING AND CONTINUED
3 COMPETENCY EDUCATION FOR EMERGENCY MEDICAL RESPONDERS.

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

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

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

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

1 REASONABLY BELIEVED BY THE PERSON TO HAVE OCCURRED.

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

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

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

21 **24-33.5-1202. Definitions.** As used in this part 12, unless the
22 context otherwise requires:

23 (6.5) ~~"First responder" means a designated level of emergency~~
24 ~~medical care provider as described by the national highway traffic safety~~
25 ~~administration or successor agency.~~

26 (7) ~~"First responder program" means the program developed by~~
27 ~~the national highway traffic safety administration to train emergency~~

1 response personnel to deal with an emergency incident upon first arrival
2 at the scene.

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

5 **24-33.5-1203. Duties of division.** (1) The division shall perform
6 the following duties:

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

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

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

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

1 division of homeland security and emergency management created in part
2 16 of this article;

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

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

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

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

26 **24-33.5-1205. Duties of the director and the advisory board.**
27 (1) The director has the following duties relating to the voluntary

1 firefighter ~~first responder~~, and hazardous materials responder certification
2 programs and the fire service education and training program:

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

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

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

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

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

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

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

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

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

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

1 Colorado or any other fund.

2

3 **SECTION 9. Act subject to petition - effective date.** This act
4 takes effect at 12:01 a.m. on the day following the expiration of the
5 ninety-day period after final adjournment of the general assembly (August
6 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a
7 referendum petition is filed pursuant to section 1 (3) of article V of the
8 state constitution against this act or an item, section, or part of this act
9 within such period, then the act, item, section, or part will not take effect
10 unless approved by the people at the general election to be held in
11 November 2016 and, in such case, will take effect on the date of the
12 official declaration of the vote thereon by the governor.