

CHAPTER 160

GOVERNMENT - STATE

HOUSE BILL 93-1075

BY REPRESENTATIVES Epps, Armstrong, Chlouber, R. Hernandez, Knox, Lawrence, Lyle, Martin, Taylor, and Williams;
also SENATORS Bishop, Ament, Casey, Cassidy, Feeley, Gallagher, Groff, Hopper, Johnson, Lacy, Mares, Martinez, Meiklejohn,
Mutzebaugh, Owens, Pastore, Peterson, L. Powers, R. Powers, Schroeder, Tebedo, Wells, and Wham.

AN ACT

CONCERNING THE DIVISION OF FIRE SAFETY, AND, IN CONNECTION THEREWITH, RECREATING A CERTIFICATION PROGRAM FOR FIREFIGHTERS, A CERTIFICATION PROGRAM FOR FIRST RESPONDERS, A FIRE SERVICE EDUCATION AND TRAINING PROGRAM, AND A NINE-MEMBER ADVISORY BOARD, CREATING THE FIREFIGHTER AND FIRST RESPONDER CERTIFICATION FUND, AND RECREATING THE FIRE SERVICE EDUCATION AND TRAINING FUND.

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

SECTION 1. 24-33.5-1203 (1), Colorado Revised Statutes, 1988 Repl. Vol., is amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS to read:

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

(i) COORDINATE FIRE SERVICE EDUCATION AND TRAINING PROGRAMS AND FIREFIGHTER AND FIRST RESPONDER CERTIFICATION PROGRAMS, WHICH SHALL BE AVAILABLE STATEWIDE;

(j) ADMINISTER THE CERTIFICATION PROGRAMS FOR FIREFIGHTERS AND FIRST RESPONDERS, PROVIDING OFFICE SPACE, EQUIPMENT, AND THE SERVICES OF A CLERICAL STAFF AS NECESSARY FOR THE CARRYING OUT OF THE INTENT OF THIS PART 12;

(k) TRAIN AND INSTRUCT FIREFIGHTERS AND FIRST RESPONDERS IN SUBJECTS RELATING TO THE FIRE SERVICE AND TO COORDINATE FIRE SERVICE-RELATED EDUCATION AND TRAINING CLASSES, PROGRAMS, CONFERENCES, AND SEMINARS;

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

(1) RECEIVE AND ACCEPT GIFTS, FUNDS, GRANTS, BEQUESTS, AND SERVICES FOR USE IN THE FUNCTION OF THE DIVISION.

SECTION 2. 24-33.5-1204, Colorado Revised Statutes, 1988 Repl. Vol., is RECREATED AND REENACTED, WITH AMENDMENTS, to read:

24-33.5-1204. Voluntary education and training program - voluntary certification of firefighters - advisory board - legislative declaration. (1) FOR THE PURPOSES OF RECREATING A VOLUNTARY FIRE SERVICE EDUCATION AND TRAINING PROGRAM WITHIN THE DIVISION OF FIRE SAFETY AND FOR THE PURPOSE OF ADMINISTERING VOLUNTARY FIREFIGHTER AND FIRST RESPONDER CERTIFICATION PROGRAMS, THERE IS HEREBY CREATED IN THE DIVISION OF FIRE SAFETY A NINE-MEMBER ADVISORY BOARD TO THE DIRECTOR, TO BE KNOWN AS THE FIRE SAFETY ADVISORY BOARD AND REFERRED TO IN THIS PART 12 AS THE "ADVISORY BOARD".

(2) THE GOVERNOR, TAKING INTO CONSIDERATION THE BROADEST POSSIBLE GEOGRAPHIC AREAS, SHALL APPOINT FIRE CHIEFS OR PERSONS EXPERIENCED IN FIRE SERVICE TRAINING FROM EACH OF THE FOLLOWING: ONE FROM A MUNICIPALITY WITH A POPULATION OF FIVE THOUSAND OR MORE; ONE FROM A MUNICIPALITY WITH A POPULATION OF LESS THAN FIVE THOUSAND; ONE FROM A FIRE PROTECTION DISTRICT WITH A POPULATION OF FIVE THOUSAND OR MORE; AND ONE FROM A FIRE PROTECTION DISTRICT WITH A POPULATION OF LESS THAN FIVE THOUSAND. OF THESE FOUR PERSONS, ONE SHALL ALSO BE A REPRESENTATIVE OF THE COLORADO STATE FIRE FIGHTERS ASSOCIATION, AND ONE SHALL ALSO BE A REPRESENTATIVE OF THE COLORADO STATE FIRE MARSHALS ASSOCIATION. OF THE FIVE REMAINING MEMBERS, ONE SHALL BE A REPRESENTATIVE OF THE CERTIFIED FIRST RESPONDERS IN THE STATE; ONE SHALL BE A REPRESENTATIVE OF THE COLORADO STATE FIRE CHIEFS ASSOCIATION; ONE SHALL BE A REPRESENTATIVE OF THE COLORADO FIRE TRAINING OFFICERS ASSOCIATION; ONE SHALL BE A REPRESENTATIVE OF THE COLORADO PROFESSIONAL FIRE FIGHTERS ASSOCIATION; AND ONE SHALL BE A REPRESENTATIVE OF THE PROPERTY AND CASUALTY INSURANCE INDUSTRY. THE GOVERNOR SHALL APPOINT ALL MEMBERS FOR TERMS OF FOUR YEARS EACH. IF ANY APPOINTEE VACATES HIS OR HER OFFICE DURING THE TERM FOR WHICH APPOINTED TO THE ADVISORY BOARD, THE VACANCY SHALL BE FILLED BY APPOINTMENT BY THE GOVERNOR FOR THE UNEXPIRED TERM. THE ADVISORY BOARD SHALL ANNUALLY ELECT FROM ITS MEMBERS A CHAIRPERSON AND A SECRETARY.

(3) THE MEMBERS OF THE ADVISORY BOARD SHALL RECEIVE NO COMPENSATION BUT SHALL BE REIMBURSED FOR ALL ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES. THE EXPENSES SHALL BE PAID FROM THE FIREFIGHTER AND FIRST RESPONDER CERTIFICATION FUND CREATED IN SECTION 24-33.5-1207.

SECTION 3. 24-33.5-1205, Colorado Revised Statutes, 1988 Repl. Vol., is RECREATED AND REENACTED, WITH AMENDMENTS, to read:

24-33.5-1205. Duties of the advisory board. (1) THE ADVISORY BOARD HAS THE FOLLOWING DUTIES RELATING TO THE FIREFIGHTER CERTIFICATION PROGRAM:

(a) TO REESTABLISH A FIRE SERVICE EDUCATION AND TRAINING PROGRAM, SETTING FORTH MINIMUM STANDARDS FOR TRAINING AND INSTRUCTORS;

(b) TO ENSURE THAT THE QUALITY AND UNIFORMITY OF THE PROGRAM IS ADEQUATE TO PROVIDE MINIMUM TRAINING STANDARDS AND TO MEET THE REQUIREMENTS FOR VOLUNTEER FIREFIGHTERS IN SECTION 31-30-415 (8) (a), C.R.S.;

(c) TO ESTABLISH PROCEDURES FOR DETERMINING WHETHER A FIREFIGHTER MEETS THE STANDARDS WHICH HAVE BEEN SET, WHICH MAY INCLUDE AN APPRENTICESHIP PROGRAM AS APPROVED BY THE ADVISORY BOARD FOR DEPARTMENTS WITH PAID PERSONNEL;

(d) TO CERTIFY FIREFIGHTERS OR WITHHOLD OR REVOKE CERTIFICATION IN THE MANNER PROVIDED FOR BY RULES AND REGULATIONS ADOPTED BY THE ADVISORY BOARD PURSUANT TO THE PROVISIONS OF ARTICLE 4 OF THIS TITLE;

(e) TO ISSUE A CERTIFICATE TO ANY FIREFIGHTER WHO PRESENTS EVIDENCE THAT THE MINIMUM STANDARDS ESTABLISHED BY THE ADVISORY BOARD HAVE BEEN MET;

(f) TO PROVIDE EACH COLORADO FIRE DEPARTMENT WITH FIREFIGHTER CERTIFICATION LESSON PLANS, UPON REQUEST, TO ENSURE THE QUALITY AND UNIFORMITY OF SUCH PROGRAMS;

(g) TO ESTABLISH FEES FOR THE DIRECT AND INDIRECT COSTS OF THE ADMINISTRATION OF THE FIREFIGHTER CERTIFICATION PROGRAM, WHICH FEES SHALL BE ASSESSED AGAINST ANY PERSON PARTICIPATING IN THE FIREFIGHTER CERTIFICATION PROGRAM PURSUANT TO THE PROVISIONS OF THIS SECTION, AND ALL FEES COLLECTED SHALL BE CREDITED TO THE FIREFIGHTER AND FIRST RESPONDER CERTIFICATION FUND CREATED IN SECTION 24-33.5-1207.

(2) THE ADVISORY BOARD HAS THE FOLLOWING DUTIES RELATING TO THE FIRST RESPONDER PROGRAM:

(a) TO REESTABLISH PROCEDURES FOR DETERMINING WHETHER AN APPLICANT MEETS THE STANDARDS OF THE FIRST RESPONDER PROGRAM;

(b) TO CERTIFY APPLICANTS OR WITHHOLD OR REVOKE CERTIFICATION IN THE FIRST RESPONDER PROGRAM IN THE MANNER PROVIDED BY RULES AND REGULATIONS ADOPTED BY THE ADVISORY BOARD PURSUANT TO THE PROVISIONS OF ARTICLE 4 OF THIS TITLE;

(c) TO ISSUE A CERTIFICATE IN THE FIRST RESPONDER PROGRAM TO ANY APPLICANT WHO PRESENTS EVIDENCE THAT THE MINIMUM STANDARDS OF THE FIRST RESPONDER PROGRAM HAVE BEEN MET;

(d) TO ESTABLISH FEES FOR THE DIRECT AND INDIRECT COSTS OF THE ADMINISTRATION OF THE FIRST RESPONDER CERTIFICATION PROGRAM, WHICH FEES SHALL BE ASSESSED AGAINST ANY PERSON PARTICIPATING IN THE FIRST RESPONDER CERTIFICATION PROGRAM PURSUANT TO THE PROVISIONS OF THIS SECTION, AND ALL FEES COLLECTED SHALL BE CREDITED TO THE FIREFIGHTER AND FIRST RESPONDER CERTIFICATION FUND CREATED IN SECTION 24-33.5-1207.

(3) THE ADVISORY BOARD HAS THE FOLLOWING DUTIES RELATING TO THE FIRE SERVICE EDUCATION AND TRAINING PROGRAM:

(a) TO MAINTAIN A CURRENT LIST OF COLORADO'S FIRE SERVICE EDUCATION AND TRAINING PROGRAMS;

(b) TO COMPILE AN ANNUAL CATALOG OF ALL SCHEDULED FIRE SERVICE EDUCATION AND TRAINING CLASSES, PROGRAMS, CONFERENCES, SEMINARS, AND ANY OTHER RELATED PROGRAMS AVAILABLE IN THE STATE FROM INFORMATION RECEIVED FROM LOCAL FIRE DEPARTMENTS, TRAINING ACADEMIES, COMMUNITY COLLEGES, AND NONPROFIT TRAINING GROUPS AND TO PROVIDE THIS CATALOG TO ALL FIRE DEPARTMENTS ON THE DIVISION'S MAILING LIST;

(c) TO ESTABLISH FEES FOR THE DIRECT AND INDIRECT COSTS OF THE ADMINISTRATION OF THE FIRE SERVICE EDUCATION AND TRAINING PROGRAM, WHICH FEES SHALL BE ASSESSED AGAINST ANY PERSON PARTICIPATING IN THE FIRE SERVICE EDUCATION AND TRAINING PROGRAM PURSUANT TO THE PROVISIONS OF THIS SECTION, AND ALL FEES COLLECTED SHALL BE CREDITED TO THE FIRE SERVICE EDUCATION AND TRAINING FUND CREATED IN SECTION 24-33.5-1207.5.

(4) NOTHING IN THIS SECTION SHALL BE CONSTRUED AS CREATING MANDATORY CERTIFICATION PROGRAMS FOR FIREFIGHTERS OR FIRST RESPONDERS OR A MANDATORY FIRE SERVICE EDUCATION AND TRAINING PROGRAM. ALL FIRE DEPARTMENTS IN THE STATE SHALL HAVE THE OPTION OF WHETHER OR NOT TO PARTICIPATE IN THE FIREFIGHTER OR FIRST RESPONDER CERTIFICATION PROGRAMS OR THE FIRE SERVICE EDUCATION AND TRAINING PROGRAM.

SECTION 4. 24-33.5-1206, Colorado Revised Statutes, 1988 Repl. Vol., is RECREATED AND REENACTED, WITH AMENDMENTS, to read:

24-33.5-1206. Education and training programs - certification programs - supervision and control. THE FIRE SERVICE EDUCATION AND TRAINING PROGRAMS AND THE CERTIFICATION PROGRAMS ESTABLISHED PURSUANT TO THIS PART 12 SHALL BE UNDER THE SUPERVISION AND CONTROL OF THE DIRECTOR WITH THE ADVICE OF THE ADVISORY BOARD.

SECTION 5. 24-33.5-1207, Colorado Revised Statutes, 1988 Repl. Vol., is RECREATED AND REENACTED, WITH AMENDMENTS, to read:

24-33.5-1207. Firefighter and first responder certification fund - created.

(1) ALL MONEYS RECEIVED BY THE DIRECTOR PURSUANT TO THE COORDINATION AND ADMINISTRATION OF THE FIREFIGHTER AND FIRST RESPONDER CERTIFICATION PROGRAMS AND ALL INTEREST EARNED ON THE MONEYS SHALL BE DEPOSITED IN THE STATE TREASURY IN THE FIREFIGHTER AND FIRST RESPONDER CERTIFICATION FUND, WHICH FUND IS HEREBY CREATED, AND THE MONEYS SHALL BE USED, SUBJECT TO ANNUAL APPROPRIATIONS BY THE GENERAL ASSEMBLY, FOR THE PURPOSES SET FORTH IN THIS PART 12 AND SHALL NOT BE DEPOSITED IN OR TRANSFERRED TO THE GENERAL FUND OF THE STATE OF COLORADO OR ANY OTHER FUND.

(2) THE MONEYS IN THE VOLUNTARY CERTIFICATION FUND, WHICH FUND WAS REPEALED, SHALL BE DEPOSITED IN AND CONSOLIDATED WITH THE FIREFIGHTER AND

FIRST RESPONDER CERTIFICATION FUND.

SECTION 6. 24-33.5-1207.5, Colorado Revised Statutes, 1988 Repl. Vol., is RECREATED AND REENACTED, WITH AMENDMENTS, to read:

24-33.5-1207.5. Fire service education and training fund - created. (1) ALL MONEYS RECEIVED BY THE DIRECTOR PURSUANT TO THE ADMINISTRATION OF THE FIRE SERVICE EDUCATION AND TRAINING PROGRAMS AND ALL INTEREST EARNED ON THE MONEYS SHALL BE DEPOSITED IN THE STATE TREASURY IN THE FIRE SERVICE EDUCATION AND TRAINING FUND, WHICH FUND IS HEREBY CREATED, AND THE MONEYS SHALL BE USED, SUBJECT TO ANNUAL APPROPRIATIONS BY THE GENERAL ASSEMBLY, FOR THE PURPOSES SET FORTH IN THIS PART 12 AND SHALL NOT BE DEPOSITED IN OR TRANSFERRED TO THE GENERAL FUND OF THE STATE OF COLORADO OR ANY OTHER FUND.

(2) THE MONEYS IN THE FIRE SERVICE TRAINING FUND, WHICH FUND WAS REPEALED, SHALL BE DEPOSITED IN AND CONSOLIDATED WITH THE FIRE SERVICE EDUCATION AND TRAINING FUND.

SECTION 7. 24-33.5-1209, Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

24-33.5-1209. Repeal of sections. (1) Sections 24-33.5-1204, to ~~24-33.5-1207.5~~ 24-33.5-1205, 24-33.5-1206, 24-33.5-1207, AND 24-33.5-1207.5, CONCERNING THE FIRE SAFETY ADVISORY BOARD SCHEDULED FOR REVIEW AND REPEAL IN ACCORDANCE WITH SECTION 2-3-1203 (3) (I) (II), C.R.S., are repealed, effective July 1, ~~1992~~ 1999.

(2) SECTIONS 24-33.5-1204.5, 24-33.5-1206.1, 24-33.5-1206.2, 24-33.5-1206.3, 24-33.5-1206.4, 24-33.5-1206.5, 24-33.5-1206.6, AND 24-33.5-1207.6, CONCERNING PROGRAMS FOR FIRE SUPPRESSION ADMINISTERED BY THE DIVISION OF FIRE SAFETY AND SCHEDULED FOR TERMINATION IN ACCORDANCE WITH SECTION 24-34-104 (27) (b) (III), ARE REPEALED, EFFECTIVE JULY 1, 1998.

SECTION 8. 2-3-1203 (3) (I), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

2-3-1203. Sunset review of advisory committees. (3) The following dates are the dates for which the statutory authorization for the designated advisory committees is scheduled for repeal:

(I) July 1, 1999:

(I) The Colorado natural areas council, an advisory council to the board of parks and outdoor recreation, appointed pursuant to section 33-33-106, C.R.S.;

(II) THE FIRE SAFETY ADVISORY BOARD, APPOINTED PURSUANT TO SECTION 24-33.5-1204, C.R.S.

SECTION 9. 24-34-104 (27) (b), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (27) (b) The following board and functions of the specified agencies shall terminate on July 1, 1998:

(III) THE FIRE SUPPRESSION PROGRAM OF THE DIVISION OF FIRE SAFETY CREATED PURSUANT TO SECTIONS 24-33.5-1204.5, 24-33.5-1206.1, 24-33.5-1206.2, 24-33.5-1206.3, 24-33.5-1206.4, 24-33.5-1206.5, 24-33.5-1206.6, AND 24-33.5-1207.6, C.R.S.

SECTION 10. Prior actions and expenditures of moneys validated. All actions taken, rules and regulations adopted, and moneys expended subsequent to July 1, 1992, pursuant to the annual long appropriations bill, which were valid prior to that date and not otherwise subject to judicial review shall, to the extent that they are not inconsistent with this part, be deemed and held to be legal and valid in all respects, as though taken and expended under the authority of this part. No provision of this part shall be construed to validate any actions and expenditures that were not valid prior to that date.

SECTION 11. 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.

Approved: April 30, 1993