

CHAPTER 115

GOVERNMENT - STATE

SENATE BILL 99-140

BY SENATORS Pascoe, Dyer, Tebedo, Weddig, Andrews, Blickensderfer, Epps, Teck, Hernandez, Nichol, Phillips, and Rupert;
also REPRESENTATIVES Sullivant, Leyba, Smith, Stengel, Zimmerman, Gagliardi, Gotlieb, Hoppe, Larson, Mace, and
S. Williams.

AN ACT

CONCERNING THE ADMINISTRATION OF FIRE SAFETY BY THE DIVISION OF FIRE SAFETY IN THE DEPARTMENT OF PUBLIC SAFETY, AND, IN CONNECTION THEREWITH, CONTINUING THE FIRE SAFETY ADVISORY BOARD AND CHANGING THE NAME THEREOF TO THE FIRE SERVICE TRAINING AND CERTIFICATION ADVISORY BOARD.

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

SECTION 1. 24-33.5-1204, Colorado Revised Statutes, is amended 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~~ ADVISING THE DIRECTOR ON THE ADMINISTRATION OF THE voluntary fire service education and training program within the division of fire safety and ~~for the purpose of administering~~ THE voluntary firefighter and first responder certification programs, there is hereby created in the division of fire safety a ~~nine-member~~ AN advisory board to the director, to be known as the fire safety SERVICE TRAINING AND CERTIFICATION advisory board and referred to in this part 12 as the "advisory board".

(2) (a) ~~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~~

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

~~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 ADVISORY BOARD SHALL CONSIST OF NINE MEMBERS, SEVEN OF WHOM SHALL BE APPOINTED BY THE GOVERNOR. FOUR OF THE SEVEN MEMBERS APPOINTED BY THE GOVERNOR SHALL REPRESENT EACH OF THE FOLLOWING ORGANIZATIONS:

- (I) COLORADO STATE FIRE FIGHTERS ASSOCIATION;
- (II) COLORADO STATE FIRE CHIEFS ASSOCIATION;
- (III) COLORADO FIRE TRAINING OFFICERS ASSOCIATION; AND
- (IV) COLORADO PROFESSIONAL FIRE FIGHTERS ASSOCIATION.

(b) OF THE REMAINING FIVE MEMBERS OF THE ADVISORY BOARD, THE FOLLOWING THREE MEMBERS SHALL BE APPOINTED BY THE GOVERNOR:

- (I) A FIRE CHIEF OR TRAINING OFFICER FROM A VOLUNTEER FIRE DEPARTMENT PARTICIPATING IN THE CERTIFICATION PROGRAM;
- (II) A FIRE CHIEF OR TRAINING OFFICER FROM A CAREER FIRE DEPARTMENT PARTICIPATING IN THE CERTIFICATION PROGRAM; AND
- (III) A REPRESENTATIVE OF THE PROPERTY AND CASUALTY INSURANCE INDUSTRY.

(c) THE REMAINING TWO NONVOTING MEMBERS SHALL BE THE PRESIDENT OF THE COLORADO COMMUNITY COLLEGE AND OCCUPATIONAL EDUCATION SYSTEM AND THE DIRECTOR OF THE EMERGENCY MEDICAL SERVICES AND PREVENTION DIVISION WITHIN THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, OR THEIR RESPECTIVE DESIGNEES.

(d) THE ADVISORY BOARD MEMBERS APPOINTED BY THE GOVERNOR SHALL BE GEOGRAPHICALLY APPORTIONED AND AT LEAST TWO MEMBERS OF SUCH BOARD SHALL BE FROM A COMMUNITY OR COMMUNITIES WITH A RESIDENT POPULATION OF FIFTEEN THOUSAND PERSONS OR LESS.

(e) The governor shall appoint ~~at~~ THE SEVEN members DESCRIBED IN PARAGRAPHS (a) AND (b) OF THIS SUBSECTION (2) 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 ADVISORY BOARD SHALL MEET AS DETERMINED NECESSARY BY THE CHAIRPERSON OR THE DIRECTOR. The members of the advisory board shall receive no compensation but shall be reimbursed for ~~all actual and~~ necessary TRAVEL AND OTHER expenses ACTUALLY 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 2. 24-33.5-1205, Colorado Revised Statutes, is amended to read:

24-33.5-1205. Duties of the director and the advisory board. (1) The ~~advisory board~~ DIRECTOR has the following duties relating to the VOLUNTARY firefighter AND FIRST RESPONDER certification ~~program~~ PROGRAMS AND THE FIRE SERVICE EDUCATION AND TRAINING PROGRAM:

(a) ~~To reestablish~~ ESTABLISH 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 31-30-1122, C.R.S.~~ TO PROMULGATE RULES ESTABLISHING STANDARDS FOR THE FIREFIGHTER AND FIRST RESPONDER CERTIFICATION PROGRAMS AND FOR DETERMINING WHETHER A FIREFIGHTER OR AN APPLICANT FOR FIRST RESPONDER CERTIFICATION MEETS THE ESTABLISHED STANDARDS;

(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 AND APPLICANTS FOR FIRST RESPONDER CERTIFICATION 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 FIREFIGHTER CERTIFICATION standards ~~established by the advisory board~~ have been met AND TO ISSUE A CERTIFICATE TO ANY APPLICANT WHO PRESENTS EVIDENCE THAT THE MINIMUM STANDARDS OF THE FIRST RESPONDER CERTIFICATION PROGRAM 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 ACTUAL direct and indirect costs of the administration of the firefighter AND FIRST RESPONDER certification ~~program~~ PROGRAMS, which fees shall be assessed against any person participating in ~~the firefighter certification program pursuant to the provisions of this section and~~ SUCH PROGRAMS. All fees collected shall be credited to the firefighter and first responder certification fund created in section 24-33.5-1207.

(h) TO ESTABLISH FEES FOR THE ACTUAL 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 SUCH PROGRAM. ALL FEES COLLECTED SHALL BE CREDITED TO THE FIRE SERVICE EDUCATION AND TRAINING FUND CREATED IN SECTION 24-33.5-1207.5.

(2) The advisory board has the following duties relating to the VOLUNTARY

FIREFIGHTER AND first responder ~~program~~ CERTIFICATION PROGRAMS AND THE FIRE SERVICE EDUCATION AND TRAINING PROGRAM:

~~(a) To reestablish procedures for determining whether an applicant meets the standards of the first responder program~~ To ADVISE THE DIRECTOR ON THE PROMULGATION OF RULES ENACTING STANDARDS FOR THE CERTIFICATION OF FIREFIGHTERS AND PROCEDURES FOR DETERMINING WHETHER A FIREFIGHTER MEETS THE ESTABLISHED STANDARDS;

~~(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~~ To ADVISE THE DIRECTOR ON THE PROMULGATION OF RULES ENACTING STANDARDS FOR THE CERTIFICATION OF FIRST RESPONDERS AND PROCEDURES FOR DETERMINING WHETHER AN APPLICANT MEETS SUCH STANDARDS;

~~(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~~ To ADVISE THE DIRECTOR ON THE PROMULGATION OF RULES ENACTING STANDARDS FOR FIRE SERVICE EDUCATION AND TRAINING FOR VOLUNTEER FIREFIGHTERS, THE QUALIFICATION OF INSTRUCTORS, AND PROCEDURES TO ENSURE THAT THE QUALITY OF THE PROGRAM IS ADEQUATE TO MEET THE MINIMUM TRAINING REQUIREMENTS FOR VOLUNTEER FIREFIGHTERS AS SET FORTH IN SECTION 31-30-1122, C.R.S.;

~~(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~~ To ADVISE THE DIRECTOR ON THE ESTABLISHMENT OF FEES FOR THE ACTUAL DIRECT AND INDIRECT COSTS OF THE ADMINISTRATION OF THE FIREFIGHTER AND FIRST RESPONDER CERTIFICATION PROGRAMS;

(e) To ADVISE THE DIRECTOR ON THE ESTABLISHMENT OF FEES FOR THE ACTUAL DIRECT AND INDIRECT COSTS OF THE ADMINISTRATION OF THE FIRE SERVICE EDUCATION AND TRAINING PROGRAM.

~~(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 3. 24-33.5-1209 (1), Colorado Revised Statutes, is amended to read:

24-33.5-1209. Repeal of sections. (1) Sections 24-33.5-1204, 24-33.5-1205, 24-33.5-1206, 24-33.5-1207, and 24-33.5-1207.5, concerning the fire ~~safety~~ SERVICE TRAINING AND CERTIFICATION advisory board scheduled for review and repeal in accordance with section 2-3-1203 ~~(3) (4) (H)~~ (3) (v), C.R.S., are repealed, effective ~~July 1, 1999~~ JULY 1, 2009.

SECTION 4. 2-3-1203 (3) (I) (II), Colorado Revised Statutes, is amended, and the said 2-3-1203 (3) is further amended BY THE ADDITION OF A NEW PARAGRAPH, 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:

(II) ~~The fire safety advisory board, appointed pursuant to section 24-33.5-1204, C.R.S.;~~

(v) JULY 1, 2009: THE FIRE SERVICE TRAINING AND CERTIFICATION ADVISORY BOARD APPOINTED PURSUANT TO SECTION 24-33.5-1204, C.R.S.

SECTION 5. 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 15, 1999