

NOTE: The governor signed this measure on 6/5/2013.

An Act

SENATE BILL 13-245

BY SENATOR(S) King and Jahn, Aguilar, Baumgardner, Brophy, Cadman, Crowder, Grantham, Guzman, Harvey, Heath, Johnston, Jones, Kefalas, Lambert, Lundberg, Marble, Newell, Nicholson, Roberts, Scheffel, Schwartz, Tochtrop, Todd, Ulibarri, Morse;
also REPRESENTATIVE(S) Gardner, Coram, Gerou, Labuda, Pabon, Pettersen, Rankin, Williams, Wright.

CONCERNING THE CREATION OF THE COLORADO FIREFIGHTING AIR CORPS IN
THE DIVISION OF FIRE PREVENTION AND CONTROL OF THE
DEPARTMENT OF PUBLIC SAFETY.

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

SECTION 1. In Colorado Revised Statutes, 24-33.5-1203, **add** (1) (u) as follows:

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

(u) ESTABLISH AND MAINTAIN THE COLORADO FIREFIGHTING AIR CORPS ESTABLISHED UNDER SECTION 24-33.5-1228.

SECTION 2. In Colorado Revised Statutes, **add** 24-33.5-1228 as

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

follows:

24-33.5-1228. Colorado firefighting air corps - creation - powers - Colorado firefighting air corps fund - creation - report - legislative declaration. (1) THERE IS HEREBY CREATED IN THE DIVISION THE COLORADO FIREFIGHTING AIR CORPS, ALSO REFERRED TO IN THIS SECTION AS THE "C-FAC".

(2) (a) THE DIVISION MAY:

(I) PURCHASE, ACQUIRE, LEASE, OR CONTRACT FOR THE PROVISION OF FIREFIGHTING AIRCRAFT, FACILITIES, EQUIPMENT, AND SUPPLIES FOR AERIAL FIREFIGHTING; AND

(II) RETROFIT, MAINTAIN, STAFF, OPERATE, AND SUPPORT THE FIREFIGHTING AIRCRAFT OR CONTRACT FOR THE PROVISION OF THOSE SERVICES.

(b) (I) THE DIRECTOR MAY ENTER INTO AGREEMENTS WITH FEDERAL AGENCIES OR OTHER STATES FOR THE PROVISION OF THE C-FAC'S FIREFIGHTING AIRCRAFT WHEN THE AIRCRAFT ARE NOT BEING UTILIZED FOR FIRES OR OTHER EMERGENCIES IN COLORADO.

(II) THE DIRECTOR SHALL ESTABLISH REIMBURSEMENT RATES FOR THE DIRECT AND INDIRECT COSTS OF PROVIDING AIRCRAFT FROM THE C-FAC THAT ARE REQUESTED THROUGH THE INTERAGENCY DISPATCH SYSTEM OR PURSUANT TO AN AGREEMENT DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (b). ALL REIMBURSEMENTS SHALL BE CREDITED TO THE COLORADO FIREFIGHTING AIR CORPS FUND CREATED IN SUBSECTION (3) OF THIS SECTION.

(c) THE DIRECTOR MAY FULFILL ANY OF THE DUTIES CONTAINED IN PARAGRAPH (a) OF THIS SUBSECTION (2) THROUGH THE USE OF PUBLIC-PRIVATE PARTNERSHIPS WITH ONE OR MORE PRIVATE OR PUBLIC ENTITIES.

(3) (a) THE DIVISION SHALL ADMINISTER THE COLORADO FIREFIGHTING AIR CORPS FUND, WHICH FUND IS HEREBY CREATED IN THE STATE TREASURY. THE DIVISION IS AUTHORIZED TO SEEK AND ACCEPT GIFTS, GRANTS, REIMBURSEMENTS, OR DONATIONS FROM PRIVATE OR PUBLIC

SOURCES FOR THE PURPOSES OF THIS SECTION. THE FUND CONSISTS OF ALL MONEYS THAT MAY BE APPROPRIATED TO THE FUND BY THE GENERAL ASSEMBLY, AND ALL PRIVATE AND PUBLIC FUNDS RECEIVED THROUGH GIFTS, GRANTS, REIMBURSEMENTS, OR DONATIONS THAT ARE TRANSMITTED TO THE STATE TREASURER AND CREDITED TO THE FUND. ALL INTEREST EARNED FROM THE INVESTMENT OF MONEYS IN THE FUND ARE CREDITED TO THE FUND. THE MONEYS IN THE FUND ARE HEREBY CONTINUOUSLY APPROPRIATED FOR THE PURPOSES INDICATED IN PARAGRAPH (c) OF THIS SUBSECTION (3). ANY MONEYS NOT EXPENDED AT THE END OF THE FISCAL YEAR REMAIN IN THE FUND.

(b) THE GENERAL ASSEMBLY FINDS THAT THE IMPLEMENTATION OF THIS SECTION DOES NOT RELY ENTIRELY OR IN ANY PART ON THE RECEIPT OF ADEQUATE FUNDING THROUGH GIFTS, GRANTS, OR DONATIONS. THEREFORE, THE DIVISION IS NOT SUBJECT TO THE NOTICE REQUIREMENTS SPECIFIED IN SECTION 24-75-1303 (3).

(c) THE DIVISION SHALL USE THE MONEYS IN THE COLORADO FIREFIGHTING AIR CORPS FUND FOR THE DIRECT AND INDIRECT COSTS OF MAINTAINING THE COLORADO FIREFIGHTING AIR CORPS, INCLUDING EXPENSES ASSOCIATED WITH ACQUISITION, RETROFITTING, LABOR, EQUIPMENT, SUPPLY, TRANSPORTATION, AIR, MOBILIZATION, REPAIR, MAINTENANCE, AND DEMOBILIZATION.

(4) DURING THE SECOND REGULAR SESSION OF THE SIXTY-NINTH GENERAL ASSEMBLY, BUT PRIOR TO APRIL 1, 2014, THE DIVISION SHALL SUBMIT A REPORT TO THE JOINT BUDGET COMMITTEE AND TO THE MEMBERS OF THE GENERAL ASSEMBLY THAT SETS FORTH THE DIVISION'S ANALYSIS OF THE FEASIBILITY OF CONTINUING THE C-FAC AND WHETHER MORE EFFICACIOUS FIREFIGHTING ALTERNATIVES TO THE C-FAC EXIST. THE REPORT SHALL INCLUDE THE DIVISION'S RECOMMENDATIONS, IF ANY, TO ENHANCE THE STATE'S ABILITY TO CONDUCT AERIAL FIREFIGHTING THROUGH THE C-FAC, INCLUDING BUDGET REQUESTS FOR DIRECT AND INDIRECT COSTS RELATED TO THE ACTIVITIES DESCRIBED IN PARAGRAPH (a) OF SUBSECTION (2) OF THIS SECTION.

SECTION 3. 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.

John P. Morse
PRESIDENT OF
THE SENATE

Mark Ferrandino
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO