

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

REVISED

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

LLS NO. 14-0119.02 Kate Meyer x4348

SENATE BILL 14-164

SENATE SPONSORSHIP

Carroll and King, Cadman, Jahn

HOUSE SPONSORSHIP

Gardner and McLachlan,

Senate Committees

Agriculture, Natural Resources, & Energy
Appropriations

House Committees

Agriculture, Livestock, & Natural Resources
Appropriations

A BILL FOR AN ACT

101 CONCERNING AERIAL FIREFIGHTING EFFORTS THROUGH THE DIVISION
102 OF FIRE PREVENTION AND CONTROL IN THE DEPARTMENT OF
103 PUBLIC SAFETY, AND, IN CONNECTION THEREWITH,
104 IMPLEMENTING RECOMMENDATIONS MADE BY THE DIVISION
105 REGARDING THE COLORADO FIREFIGHTING AIR CORPS.

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/bills summaries>.)

Senate Bill 13-245 created the Colorado firefighting air corps

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.

HOUSE
Amended 2nd Reading
April 30, 2014

SENATE
3rd Reading Unamended
April 25, 2014

SENATE
Amended 2nd Reading
April 24, 2014

(C-FAC) under the division of fire prevention and control (division) in the department of public safety and empowered the division to acquire firefighting aircraft for the C-FAC. Currently, the division has no such aircraft.

! For use during the 2014 fire season, the bill authorizes the division to purchase, lease, or contract for the use and operation of up to 3 firefighting helicopters.

! For use in the 2015 fire season and beyond, the bill authorizes the division to purchase, lease, or contract for the use of up to 4 large aircraft from the federal government or other sources. The division is further permitted to contract for the retrofitting, maintenance, storage, and operation of these planes. In awarding any such contract, the division is directed to consider certain specified factors, including whether bidders will perform the airplane modifications in Colorado or employ veterans.

The bill also allows the division to establish a center of excellence for advanced technology aerial firefighting and specifies the functions that the center must perform, if so established.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-33.5-1203.5, **add**

3 **(3)** as follows:

4 **24-33.5-1203.5. Powers and duties of director - report.**

5 **(3) COMMENCING IN 2014, THE DIRECTOR SHALL REPORT ANNUALLY TO**

6 **THE WILDFIRE MATTERS REVIEW COMMITTEE CREATED IN SECTION**

7 **2-3-1602, C.R.S., REGARDING THE CURRENT NATURE AND MAGNITUDE OF**

8 **THE STATE'S WILDFIRE SITUATION, THE STATUS OF WILDFIRE**

9 **PREPAREDNESS AND PRESCRIBED BURNS IN THE STATE, INCLUDING**

10 **AVAILABLE RESOURCES, AND THE CHALLENGES TO ADDRESSING THE**

11 **STATE'S WILDFIRE THREAT. THE REPORT REQUIRED BY THIS SUBSECTION**

12 **(3) IS EXEMPT FROM THE AUTOMATIC EXPIRATION DESCRIBED IN SECTION**

13 **24-1-136 (11).**

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

1 **amend** (3) (a) and (4); and **add** (2.5), (5), (6), and (7) as follows:

2 **24-33.5-1228. Colorado firefighting air corps - creation -**
3 **powers - aircraft acquisitions required - center of excellence -**
4 **Colorado firefighting air corps fund - creation - report - legislative**
5 **rules - declaration.** (2.5) (a) WITHIN EIGHTEEN MONTHS AFTER THE
6 EFFECTIVE DATE OF THIS SUBSECTION (2.5), THE DIVISION SHALL OPERATE
7 A CENTER OF EXCELLENCE FOR ADVANCED TECHNOLOGY AERIAL
8 FIREFIGHTING, ALSO REFERRED TO IN THIS SECTION AS THE "CENTER OF
9 EXCELLENCE", BASED ON THE INNOVATIONS PROPOSED, ANALYZED,
10 REVIEWED, EVALUATED, OR IMPLEMENTED BY THE C-FAC IN THE
11 TECHNOLOGY, TACTICS, AND ECONOMICS OF AERIAL RESOURCES,
12 PARTICULARLY IN CONNECTION WITH THE ACTIVITIES DESCRIBED IN
13 SUBPARAGRAPHS (I) AND (II) OF PARAGRAPH (a) OF SUBSECTION (2) OF
14 THIS SECTION. THE EXECUTIVE DIRECTOR SHALL INCLUDE IN HIS OR HER
15 ANNUAL REPORT REQUIRED UNDER SECTION 2-7-203, C.R.S., AN UPDATE
16 REGARDING THE CENTER OF EXCELLENCE, INCLUDING THE CENTER'S
17 ACTIVITIES, FINDINGS, AND NEEDS.

18 (b) THE CENTER OF EXCELLENCE SHALL PERFORM, BUT IS NOT
19 LIMITED TO, THE FOLLOWING FUNCTIONS:

20 (I) SERVE AS AN INTEGRATED REPOSITORY FOR SCIENCE-BASED
21 EVALUATION OF THE THREE FUNDAMENTAL CONTRIBUTING FACTORS TO
22 SUCCESSFUL AERIAL FIREFIGHTING: EFFECTIVENESS, EFFICIENCY, AND
23 SUSTAINABILITY;

24 (II) REVIEW CURRENT REGULAR RESEARCH AND ASSESSMENT
25 PROJECTS TO EVALUATE:

26 (A) NEW AND EXISTING TECHNOLOGIES FOR INTEGRATION INTO
27 TACTICAL FIRE SCENARIOS IN A VARIETY OF SETTINGS, SUCH AS INITIAL

1 ATTACK, NIGHT OPERATIONS, AND OPERATIONS IN WILDLAND URBAN
2 INTERFACE AREAS; AND

3 (B) SUSTAINABLE CONTRACTING AND VALUE PROPOSITIONS TO
4 DETERMINE WHICH TECHNOLOGIES AND CONTRACT VEHICLES ARE MOST
5 ADVANTAGEOUS AND COST-EFFECTIVE TO ENTITIES PERFORMING OR
6 PROVIDING AERIAL FIREFIGHTING; AND

7 (III) REVIEW CURRENT DATA AND DOCUMENTATION ON SCIENCE
8 AND TECHNOLOGY RELEVANT TO AERIAL FIREFIGHTING AND MAKE THE
9 RESULTS OF THE CENTER OF EXCELLENCE'S RESEARCH AND ASSESSMENT
10 PROJECTS AVAILABLE TO PERSONS INTERESTED IN AERIAL FIREFIGHTING
11 EFFECTIVENESS, EFFICIENCY, AND SUSTAINABILITY, INCLUDING FIRE
12 MANAGERS, POLICY DECISION-MAKERS, SCIENTISTS, STUDENTS, AND ANY
13 OTHER REQUESTING PERSONS.

14 (3) (a) The division shall administer the Colorado firefighting air
15 corps fund, which fund is hereby created in the state treasury. The
16 division is authorized to seek and accept gifts, grants, reimbursements,
17 INVESTMENTS, BOND REVENUES, SALES PROCEEDS, COMMISSIONS FOR
18 SERVICES, SPONSORSHIPS, ADVERTISING FEES, LICENSING FEES, PROFITS,
19 or donations from private or public sources for the purposes of this
20 section. The fund consists of all moneys that may be appropriated to the
21 fund by the general assembly, and all private and public funds received
22 through gifts, grants, reimbursements, INVESTMENTS, BOND REVENUES,
23 SALES PROCEEDS, COMMISSIONS FOR SERVICES, SPONSORSHIPS,
24 ADVERTISING FEES, LICENSING FEES, PROFITS, or donations that are
25 transmitted to the state treasurer and credited to the fund. All interest
26 earned from the investment of moneys in the fund are credited to the
27 fund. The moneys in the fund are hereby continuously appropriated for

1 the purposes indicated in paragraph (c) of this subsection (3). Any
2 moneys not expended at the end of the fiscal year remain in the fund.

3
4 (4) During the second regular session of the sixty-ninth general
5 assembly, but prior to April 1, 2014, the division shall submit a report to
6 the joint budget committee and to the members of the general assembly
7 that sets forth the division's analysis of the feasibility of continuing the
8 C-FAC and whether more efficacious firefighting alternatives to the
9 C-FAC exist. The report shall include the division's recommendations, if
10 any, to enhance the state's ability to conduct aerial firefighting through the
11 C-FAC, including budget requests for direct and indirect costs related to
12 the activities described in paragraph (a) of subsection (2) of this section
13 THE DIRECTOR SHALL INCLUDE, IN HIS OR HER ANNUAL REPORT TO THE
14 WILDFIRE MATTERS REVIEW COMMITTEE REQUIRED UNDER SECTION
15 24-33.5-1203.5 (3), AN UPDATE REGARDING THE DIVISION'S ACTIVITIES
16 UNDER THIS SECTION, INCLUDING THE NUMBER AND TYPE OF AERIAL
17 FIREFIGHTING RESOURCES ACQUIRED OR CONTRACTED FOR DURING THE
18 FIRE SEASON IN WHICH THE COMMITTEE MEETS, AN ASSESSMENT OF THE
19 EFFECTIVENESS OF THE AERIAL FIREFIGHTING PROGRAM, AN ESTIMATE OF
20 ANTICIPATED BUDGET AND OTHER RESOURCE NEEDS TO SUSTAIN OR
21 IMPROVE THE C-FAC'S OPERATIONS, AND OTHER INFORMATION RELATED
22 TO AERIAL FIREFIGHTING THAT THE DIRECTOR DEEMS PERTINENT.

23 (5) (a) AS SOON AS PRACTICABLE AFTER THE EFFECTIVE DATE OF
24 THIS SUBSECTION (5), THE DIVISION SHALL ACQUIRE OR CONTRACT FOR
25 FIREFIGHTING AIRCRAFT FOR USE DURING THE 2014 FIRE SEASON. IN
26 MAKING SUCH ACQUISITIONS OR CONTRACTS, THE DIVISION SHALL
27 ADHERE, AS NEARLY AS FEASIBLE AND APPROPRIATE AND WITHIN

1 AVAILABLE APPROPRIATIONS, TO THE RECOMMENDATIONS MADE IN THE
2 DIVISION'S "SPECIAL REPORT: COLORADO FIREFIGHTING AIR CORPS, REPORT
3 TO THE GOVERNOR AND GENERAL ASSEMBLY ON STRATEGIES TO ENHANCE
4 THE STATE'S AERIAL FIREFIGHTING CAPABILITIES", DATED MARCH 28,
5 2014; EXCEPT THAT NOTHING IN THIS SUBSECTION (5):

6 (I) REQUIRES THE DIRECTOR TO CONTRACT FOR EXCLUSIVE USE OF
7 ANY AIRCRAFT; OR

8 (II) LIMITS THE DIRECTOR'S ABILITY TO DETERMINE THE ACTUAL
9 NUMBER, KIND, TYPE, AND LOCATION OF AVIATION ASSETS BASED ON
10 PREPAREDNESS LEVELS, WILDFIRE RISK AND ACTIVITY, WEATHER,
11 LOCATION OF OTHER AERIAL ASSETS, AVAILABLE APPROPRIATIONS, AND
12 OTHER APPROPRIATE CRITERIA.

13 (b) NOTHING IN THIS SUBSECTION (5) ABROGATES, REDUCES, OR
14 OTHERWISE AFFECTS THE DIVISION'S POWERS UNDER SUBSECTION (2) OF
15 THIS SECTION WITH REGARD TO SUBSEQUENT FIRE SEASONS, INCLUDING
16 THE AUTHORITY TO OBTAIN OR ARRANGE FOR SUITABLE AIRCRAFT AND
17 ASSOCIATED RESOURCES.

18 (c) IN ADDITION TO THE ACQUISITIONS OR CONTRACTS MADE
19 PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (5), THE DIVISION MAY
20 USE ANY APPROPRIATIONS FOR THE COLORADO FIREFIGHTING AIR CORPS
21 FOR THE CENTER OF EXCELLENCE DESCRIBED IN SUBSECTION (2) OF THIS
22 SECTION.

23 (6) THE DIVISION SHALL SEEK TO MAXIMIZE ITS AERIAL
24 FIREFIGHTING CAPACITY CONSISTENT WITH THE RECOMMENDATIONS OF
25 THE DIRECTOR AND WITHIN THE DIVISION'S AVAILABLE BUDGET.

26 (7) THE DIRECTOR MAY ESTABLISH GENERAL STATEMENTS OF
27 POLICY OR PROMULGATE RULES AS HE OR SHE DEEMS NECESSARY OR

1 CONVENIENT TO IMPLEMENT THIS SECTION, INCLUDING SPECIFYING
2 ADDITIONAL FUNCTIONS TO BE PERFORMED BY, OR METHODS OF
3 OPERATION OF, THE CENTER OF EXCELLENCE CREATED IN SUBSECTION (2)
4 OF THIS SECTION. RULES SHALL BE ADOPTED IN ACCORDANCE WITH
5 ARTICLE 4 OF THIS TITLE.

6 **SECTION 3. In Colorado Revised Statutes, 2-3-1602, add (1.5)**
7 **as follows:**

8 **2-3-1602. Wildfire matters review committee - creation -**
9 **repeal of part. (1.5) (a) In 2014, IN ADDITION TO ANY OTHER MATTERS**
10 **IT CONSIDERS, THE COMMITTEE SHALL CONSIDER THE CREATION OF A**
11 **COLORADO WILDLAND AND PRESCRIBED FIRE ADVISORY COMMISSION**
12 **UNDER THE DIVISION OF FIRE PREVENTION AND CONTROL IN THE**
13 **DEPARTMENT OF PUBLIC SAFETY, ALSO REFERRED TO IN THIS SUBSECTION**
14 **(1.5) AS THE "ADVISORY COMMISSION". THE PURPOSE OF THE ADVISORY**
15 **COMMISSION WILL BE TO ASSIST THE DIRECTOR OF THE DIVISION OF FIRE**
16 **PREVENTION AND CONTROL IN PERFORMING HIS OR HER DUTIES. THE**
17 **COMMITTEE SHALL MAKE SPECIFIC FINDINGS AND RECOMMENDATIONS**
18 **REGARDING THE APPROPRIATE COMPOSITION OF THE ADVISORY**
19 **COMMISSION, LENGTH OF TERMS, AND THE TYPES OF EXPERTISE AND**
20 **INTERESTS THAT SHOULD BE REPRESENTED.**

21 **(b) ON OR BEFORE DECEMBER 1, 2014, THE COMMITTEE SHALL**
22 **SUBMIT ITS SPECIFIC RECOMMENDATIONS PERTAINING TO THE ADVISORY**
23 **COMMISSION TO THE AGRICULTURE, LIVESTOCK, AND NATURAL RESOURCES**
24 **COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE AGRICULTURE,**
25 **NATURAL RESOURCES, AND ENERGY COMMITTEE OF THE SENATE, OR ANY**
26 **SUCCESSOR COMMITTEES. NOTHING IN THIS PARAGRAPH (b) PREVENTS THE**
27 **COMMITTEE FROM PROPOSING LEGISLATION REGARDING THE CREATION OF**

1 THE ADVISORY COMMISSION.

2 **SECTION 4. Appropriation.** In addition to any other
3 appropriation, there is hereby appropriated, to the department of public
4 safety, for the fiscal year beginning July 1, 2014, 19.3 FTE, or so much
5 thereof as may be necessary, to be allocated to the division of fire
6 prevention and control for firefighting aircrew and personnel as well as
7 the operation of a center of excellence for advanced technology aerial
8 firefighting.

9 **SECTION 5. Safety clause.** The general assembly hereby finds,
10 determines, and declares that this act is necessary for the immediate
11 preservation of the public peace, health, and safety.