

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

PREAMENDED

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

LLS NO. 14-0119.02 Kate Meyer x4348

SENATE BILL 14-164

SENATE SPONSORSHIP

Carroll and King, Cadman, Jahn

HOUSE SPONSORSHIP

(None),

Senate Committees

Agriculture, Natural Resources, & Energy
Appropriations

House Committees

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.

(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 (2) (a), (3) (a), and (4); and add (2) (a.5), (5), and (6) 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 **declaration.** (2) (a) The division may:

6 (I) Purchase, acquire, lease, or contract for the provision of
7 firefighting aircraft, facilities, equipment, and supplies for aerial
8 firefighting; and

9 (II) Retrofit, maintain, staff, operate, and support the firefighting
10 aircraft or contract for the provision of those services; AND

11 (III) OPERATE AND PROMOTE A CENTER OF EXCELLENCE FOR
12 ADVANCED TECHNOLOGY AERIAL FIREFIGHTING, ALSO REFERRED TO IN
13 THIS SECTION AS THE "CENTER OF EXCELLENCE", BASED ON THE
14 INNOVATIONS PROPOSED, DEVELOPED, TESTED, EVALUATED, OR
15 IMPLEMENTED BY THE C-FAC IN THE TECHNOLOGY, TACTICS, AND
16 ECONOMICS OF AERIAL RESOURCES, PARTICULARLY IN CONNECTION WITH
17 THE ACTIVITIES DESCRIBED IN SUBPARAGRAPHS (I) AND (II) OF THIS
18 PARAGRAPH (a). IF THE DIVISION ELECTS TO OPERATE THE CENTER OF
19 EXCELLENCE, THE DIRECTOR SHALL PERIODICALLY CONSULT WITH TWO
20 MEMBERS OF THE GENERAL ASSEMBLY HAVING EXPERTISE OR INTEREST IN
21 THE WORK PERFORMED BY THE CENTER REGARDING THE CENTER'S
22 ACTIVITIES AND NEEDS, WHICH NEEDS MAY INCLUDE POTENTIAL
23 LEGISLATION. ONE OF THE TWO MEMBERS MUST BE A CURRENT MEMBER
24 OF THE HOUSE OF REPRESENTATIVES APPOINTED BY THE SPEAKER OF THE
25 HOUSE OF REPRESENTATIVES, AND THE OTHER A CURRENT SENATOR
26 APPOINTED BY THE PRESIDENT OF THE SENATE.

27 (a.5) IF THE DIVISION OPERATES AND PROMOTES THE CENTER OF

1 EXCELLENCE, THE CENTER OF EXCELLENCE MUST:

2 (I) SERVE AS AN INTEGRATED LABORATORY FOR SCIENCE-BASED
3 EVALUATION OF THE THREE FUNDAMENTAL CONTRIBUTING FACTORS TO
4 SUCCESSFUL AERIAL FIREFIGHTING: EFFECTIVENESS, EFFICIENCY, AND
5 SUSTAINABILITY;

6 (II) CONDUCT REGULAR RESEARCH AND ASSESSMENT PROJECTS TO
7 EVALUATE:

8 (A) NEW AND EXISTING TECHNOLOGIES FOR INTEGRATION INTO
9 TACTICAL FIRE SCENARIOS IN A VARIETY OF SETTINGS, SUCH AS INITIAL
10 ATTACK, NIGHT OPERATIONS, AND OPERATIONS IN WILDLAND URBAN
11 INTERFACE AREAS; AND

12 (B) SUSTAINABLE CONTRACTING AND VALUE PROPOSITIONS TO
13 DETERMINE WHICH TECHNOLOGIES AND CONTRACT VEHICLES ARE MOST
14 ADVANTAGEOUS AND COST-EFFECTIVE TO ENTITIES PERFORMING OR
15 PROVIDING AERIAL FIREFIGHTING; AND

16 (III) PRODUCE DATA AND DOCUMENTATION ON SCIENCE AND
17 TECHNOLOGY RELEVANT TO AERIAL FIREFIGHTING AND MAKE THE
18 RESULTS OF THE CENTER OF EXCELLENCE'S RESEARCH AND ASSESSMENT
19 PROJECTS AVAILABLE TO PERSONS INTERESTED IN AERIAL FIREFIGHTING
20 EFFECTIVENESS, EFFICIENCY, AND SUSTAINABILITY, INCLUDING FIRE
21 MANAGERS, POLICY DECISION-MAKERS, SCIENTISTS, STUDENTS, AND ANY
22 OTHER REQUESTING PERSONS.

23 (3) (a) The division shall administer the Colorado firefighting air
24 corps fund, which fund is hereby created in the state treasury. The
25 division is authorized to seek and accept gifts, grants, reimbursements,
26 INVESTMENTS, BOND REVENUES, SALES PROCEEDS, COMMISSIONS FOR
27 SERVICES, SPONSORSHIPS, ADVERTISING FEES, LICENSING FEES, PROFITS,

1 or donations from private or public sources for the purposes of this
2 section. The fund consists of all moneys that may be appropriated to the
3 fund by the general assembly, and all private and public funds received
4 through gifts, grants, reimbursements, INVESTMENTS, BOND REVENUES,
5 SALES PROCEEDS, COMMISSIONS FOR SERVICES, SPONSORSHIPS,
6 ADVERTISING FEES, LICENSING FEES, PROFITS, or donations that are
7 transmitted to the state treasurer and credited to the fund. All interest
8 earned from the investment of moneys in the fund are credited to the
9 fund. The moneys in the fund are hereby continuously appropriated for
10 the purposes indicated in paragraph (c) of this subsection (3). Any
11 moneys not expended at the end of the fiscal year remain in the fund.

12

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

1 EFFECTIVENESS OF THE AERIAL FIREFIGHTING PROGRAM, AN ESTIMATE OF
2 ANTICIPATED BUDGET AND OTHER RESOURCE NEEDS TO SUSTAIN OR
3 IMPROVE THE C-FAC'S OPERATIONS, AND OTHER INFORMATION RELATED
4 TO AERIAL FIREFIGHTING THAT THE DIRECTOR DEEMS PERTINENT.

5 (5) (a) AS SOON AS PRACTICABLE AFTER THE EFFECTIVE DATE OF
6 THIS SUBSECTION (5), THE DIVISION SHALL ACQUIRE OR CONTRACT FOR
7 FIREFIGHTING AIRCRAFT FOR USE DURING THE 2014 FIRE SEASON. IN
8 MAKING SUCH ACQUISITIONS OR CONTRACTS, THE DIVISION SHALL
9 ADHERE, AS NEARLY AS FEASIBLE AND APPROPRIATE AND WITHIN
10 AVAILABLE APPROPRIATIONS, TO THE RECOMMENDATIONS MADE IN THE
11 DIVISION'S "SPECIAL REPORT: COLORADO FIREFIGHTING AIR CORPS, REPORT
12 TO THE GOVERNOR AND GENERAL ASSEMBLY ON STRATEGIES TO ENHANCE
13 THE STATE'S AERIAL FIREFIGHTING CAPABILITIES", DATED MARCH 28,
14 2014; EXCEPT THAT NOTHING IN THIS SUBSECTION (5):

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

17 (II) LIMITS THE DIRECTOR'S ABILITY TO DETERMINE THE ACTUAL
18 NUMBER, KIND, TYPE, AND LOCATION OF AVIATION ASSETS BASED ON
19 PREPAREDNESS LEVELS, WILDFIRE RISK AND ACTIVITY, WEATHER,
20 LOCATION OF OTHER AERIAL ASSETS, AVAILABLE APPROPRIATIONS, AND
21 OTHER APPROPRIATE CRITERIA.

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

27 (6) THE DIVISION SHALL SEEK TO MAXIMIZE ITS AERIAL

1 FIREFIGHTING CAPACITY CONSISTENT WITH THE RECOMMENDATIONS OF
2 THE DIRECTOR AND WITHIN THE DIVISION'S AVAILABLE BUDGET.

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

5 **2-3-1602. Wildfire matters review committee - creation -**
6 **repeal of part. (1.5) (a) In 2014, IN ADDITION TO ANY OTHER MATTERS**
7 **IT CONSIDERS, THE COMMITTEE SHALL CONSIDER THE CREATION OF A**
8 **COLORADO WILDLAND AND PRESCRIBED FIRE ADVISORY COMMISSION**
9 **UNDER THE DIVISION OF FIRE PREVENTION AND CONTROL IN THE**
10 **DEPARTMENT OF PUBLIC SAFETY, ALSO REFERRED TO IN THIS SUBSECTION**
11 **(1.5) AS THE "ADVISORY COMMISSION". THE PURPOSE OF THE ADVISORY**
12 **COMMISSION WILL BE TO ASSIST THE DIRECTOR OF THE DIVISION OF FIRE**
13 **PREVENTION AND CONTROL IN PERFORMING HIS OR HER DUTIES. THE**
14 **COMMITTEE SHALL MAKE SPECIFIC FINDINGS AND RECOMMENDATIONS**
15 **REGARDING THE APPROPRIATE COMPOSITION OF THE ADVISORY**
16 **COMMISSION, LENGTH OF TERMS, AND THE TYPES OF EXPERTISE AND**
17 **INTERESTS THAT SHOULD BE REPRESENTED.**

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

26 **SECTION 4. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.