

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

April 14, 2014
Date

Committee on Agriculture, Natural Resources, & Energy.

After consideration on the merits, the Committee recommends the following:

SB14-164 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, page 2, after line 1 insert:

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 Renumber succeeding sections accordingly.

15 Page 2, strike line 3 and substitute "**amend** (2) (a), (3) (a), and (4); and
16 **add** (2) (a.5), (5), and (6) as follows:".

17 Page 4, strike lines 23 through 27.

18 Strike pages 5 through 7.

1 Page 8, strike lines 1 through 3 and substitute:

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

21 (5) (a) AS SOON AS PRACTICABLE AFTER THE EFFECTIVE DATE OF
22 THIS SUBSECTION (5), THE DIVISION SHALL ACQUIRE OR CONTRACT FOR
23 FIREFIGHTING AIRCRAFT FOR USE DURING THE 2014 FIRE SEASON. IN
24 MAKING SUCH ACQUISITIONS OR CONTRACTS, THE DIVISION SHALL
25 ADHERE, AS NEARLY AS FEASIBLE AND APPROPRIATE AND WITHIN
26 AVAILABLE APPROPRIATIONS, TO THE RECOMMENDATIONS MADE IN THE
27 DIVISION'S "SPECIAL REPORT: COLORADO FIREFIGHTING AIR CORPS, REPORT
28 TO THE GOVERNOR AND GENERAL ASSEMBLY ON STRATEGIES TO ENHANCE
29 THE STATE'S AERIAL FIREFIGHTING CAPABILITIES", DATED MARCH 28,
30 2014; EXCEPT THAT NOTHING IN THIS SUBSECTION (5):

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

33 (II) LIMITS THE DIRECTOR'S ABILITY TO DETERMINE THE ACTUAL
34 NUMBER, KIND, TYPE, AND LOCATION OF AVIATION ASSETS BASED ON
35 PREPAREDNESS LEVELS, WILDFIRE RISK AND ACTIVITY, WEATHER,
36 LOCATION OF OTHER AERIAL ASSETS, AVAILABLE APPROPRIATIONS, AND
37 OTHER APPROPRIATE CRITERIA.

38 (b) NOTHING IN THIS SUBSECTION (5) ABROGATES, REDUCES, OR
39 OTHERWISE AFFECTS THE DIVISION'S POWERS UNDER SUBSECTION (2) OF
40 THIS SECTION WITH REGARD TO SUBSEQUENT FIRE SEASONS, INCLUDING

1 THE AUTHORITY TO OBTAIN OR ARRANGE FOR SUITABLE AIRCRAFT AND
2 ASSOCIATED RESOURCES.".

3 Page 8, line 4, strike "(7)" and substitute "(6)".

4 Page 8, after line 6 insert:

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

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

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

28 Renumber succeeding section accordingly.

29 Page 1, line 101, strike "FIREFIGHTING." and substitute "FIREFIGHTING
30 EFFORTS THROUGH THE DIVISION OF FIRE PREVENTION AND CONTROL
31 IN THE DEPARTMENT OF PUBLIC SAFETY, AND, IN CONNECTION
32 THEREWITH, IMPLEMENTING RECOMMENDATIONS MADE BY THE
33 DIVISION REGARDING THE COLORADO FIREFIGHTING AIR CORPS."

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