

**First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 13-0588.02 Kate Meyer x4348

SENATE BILL 13-245

SENATE SPONSORSHIP

King and Jahn,

HOUSE SPONSORSHIP

Gardner,

Senate Committees

Agriculture, Natural Resources, & Energy
Appropriations

House Committees

Agriculture, Livestock, & Natural Resources
Appropriations

A BILL FOR AN ACT

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

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/billsummaries>.)

The bill creates the Colorado firefighting air corps (C-FAC) under the division of fire prevention and control (division) in the department of public safety.

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.

SENATE
3rd Reading Unamended
April 25, 2013

SENATE
Amended 2nd Reading
April 24, 2013

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

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

4 **24-33.5-1203. Duties of division.** (1) The division shall perform
5 the following duties:

6 (t) ESTABLISH AND MAINTAIN THE COLORADO FIREFIGHTING AIR
7 CORPS ESTABLISHED UNDER SECTION 24-33.5-1227.

8 **SECTION 2.** In Colorado Revised Statutes, **add** 24-33.5-1227 as
9 follows:

10 **24-33.5-1227. Colorado firefighting air corps - creation -**
11 **powers - Colorado firefighting air corps fund - creation - report -**
12 **legislative declaration.** (1) THERE IS HEREBY CREATED IN THE DIVISION
13 THE COLORADO FIREFIGHTING AIR CORPS, ALSO REFERRED TO IN THIS
14 SECTION AS THE "C-FAC".

15 (2) (a) THE DIVISION MAY:

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

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

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

26 (II) THE DIRECTOR SHALL ESTABLISH REIMBURSEMENT RATES FOR

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

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

11 (3) (a) THE DIVISION SHALL ADMINISTER THE COLORADO
12 FIREFIGHTING AIR CORPS FUND, WHICH FUND IS HEREBY CREATED IN THE
13 STATE TREASURY. THE DIVISION IS AUTHORIZED TO SEEK AND ACCEPT
14 GIFTS, GRANTS, REIMBURSEMENTS, OR DONATIONS FROM PRIVATE OR
15 PUBLIC SOURCES FOR THE PURPOSES OF THIS SECTION. THE FUND CONSISTS
16 OF ALL MONEYS THAT MAY BE APPROPRIATED TO THE FUND BY THE
17 GENERAL ASSEMBLY, AND ALL PRIVATE AND PUBLIC FUNDS RECEIVED
18 THROUGH GIFTS, GRANTS, REIMBURSEMENTS, OR DONATIONS THAT ARE
19 TRANSMITTED TO THE STATE TREASURER AND CREDITED TO THE FUND.
20 ALL INTEREST EARNED FROM THE INVESTMENT OF MONEYS IN THE FUND
21 ARE CREDITED TO THE FUND. THE MONEYS IN THE FUND ARE HEREBY
22 CONTINUOUSLY APPROPRIATED FOR THE PURPOSES INDICATED IN
23 PARAGRAPH (c) OF THIS SUBSECTION (3). ANY MONEYS NOT EXPENDED AT
24 THE END OF THE FISCAL YEAR REMAIN IN THE FUND.

25 (b) THE GENERAL ASSEMBLY FINDS THAT THE IMPLEMENTATION OF
26 THIS SECTION DOES NOT RELY ENTIRELY OR IN ANY PART ON THE RECEIPT
27 OF ADEQUATE FUNDING THROUGH GIFTS, GRANTS, OR DONATIONS.

1 THEREFORE, THE DIVISION IS NOT SUBJECT TO THE NOTICE REQUIREMENTS
2 SPECIFIED IN SECTION 24-75-1303 (3).

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

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

20 **SECTION 3. Safety clause.** The general assembly hereby finds,
21 determines, and declares that this act is necessary for the immediate
22 preservation of the public peace, health, and safety.