

**Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO
CORRECTED INTRODUCED**

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

House Committees

A BILL FOR AN ACT

101 **CONCERNING AERIAL FIREFIGHTING.**

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>.)

Senate Bill 13-245 created the Colorado firefighting air corps (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

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.*

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, 24-33.5-1228,
3 **amend** (2) (a) and (3) (a); and **add** (2) (a.5), (5), (6), and (7) as follows:

4 **24-33.5-1228. Colorado firefighting air corps - creation -**
5 **powers - aircraft acquisitions required - center of excellence -**
6 **Colorado firefighting air corps fund - creation - report - legislative**
7 **declaration.** (2) (a) The division may:

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

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

13 (III) OPERATE AND PROMOTE A CENTER OF EXCELLENCE FOR
14 ADVANCED TECHNOLOGY AERIAL FIREFIGHTING, ALSO REFERRED TO IN
15 THIS SECTION AS THE "CENTER OF EXCELLENCE", BASED ON THE
16 INNOVATIONS PROPOSED, DEVELOPED, TESTED, EVALUATED, OR
17 IMPLEMENTED BY THE C-FAC IN THE TECHNOLOGY, TACTICS, AND
18 ECONOMICS OF AERIAL RESOURCES, PARTICULARLY IN CONNECTION WITH

1 THE ACTIVITIES DESCRIBED IN SUBPARAGRAPHS (I) AND (II) OF THIS
2 PARAGRAPH (a). IF THE DIVISION ELECTS TO OPERATE THE CENTER OF
3 EXCELLENCE, THE DIRECTOR SHALL PERIODICALLY CONSULT WITH TWO
4 MEMBERS OF THE GENERAL ASSEMBLY HAVING EXPERTISE OR INTEREST IN
5 THE WORK PERFORMED BY THE CENTER REGARDING THE CENTER'S
6 ACTIVITIES AND NEEDS, WHICH NEEDS MAY INCLUDE POTENTIAL
7 LEGISLATION. ONE OF THE TWO MEMBERS MUST BE A CURRENT MEMBER
8 OF THE HOUSE OF REPRESENTATIVES APPOINTED BY THE SPEAKER OF THE
9 HOUSE OF REPRESENTATIVES, AND THE OTHER A CURRENT SENATOR
10 APPOINTED BY THE PRESIDENT OF THE SENATE.

11 (a.5) IF THE DIVISION OPERATES AND PROMOTES THE CENTER OF
12 EXCELLENCE, THE CENTER OF EXCELLENCE MUST:

13 (I) SERVE AS AN INTEGRATED LABORATORY FOR SCIENCE-BASED
14 EVALUATION OF THE THREE FUNDAMENTAL CONTRIBUTING FACTORS TO
15 SUCCESSFUL AERIAL FIREFIGHTING: EFFECTIVENESS, EFFICIENCY, AND
16 SUSTAINABILITY;

17 (II) CONDUCT REGULAR RESEARCH AND ASSESSMENT PROJECTS TO
18 EVALUATE:

19 (A) NEW AND EXISTING TECHNOLOGIES FOR INTEGRATION INTO
20 TACTICAL FIRE SCENARIOS IN A VARIETY OF SETTINGS, SUCH AS INITIAL
21 ATTACK, NIGHT OPERATIONS, AND OPERATIONS IN WILDLAND URBAN
22 INTERFACE AREAS; AND

23 (B) SUSTAINABLE CONTRACTING AND VALUE PROPOSITIONS TO
24 DETERMINE WHICH TECHNOLOGIES AND CONTRACT VEHICLES ARE MOST
25 ADVANTAGEOUS AND COST-EFFECTIVE TO ENTITIES PERFORMING OR
26 PROVIDING AERIAL FIREFIGHTING; AND

27 (III) PRODUCE DATA AND DOCUMENTATION ON SCIENCE AND

1 TECHNOLOGY RELEVANT TO AERIAL FIREFIGHTING AND MAKE THE
2 RESULTS OF THE CENTER OF EXCELLENCE'S RESEARCH AND ASSESSMENT
3 PROJECTS AVAILABLE TO PERSONS INTERESTED IN AERIAL FIREFIGHTING
4 EFFECTIVENESS, EFFICIENCY, AND SUSTAINABILITY, INCLUDING FIRE
5 MANAGERS, POLICY DECISION-MAKERS, SCIENTISTS, STUDENTS, AND ANY
6 OTHER REQUESTING PERSONS.

7 (3) (a) The division shall administer the Colorado firefighting air
8 corps fund, which fund is hereby created in the state treasury. The
9 division is authorized to seek and accept gifts, grants, reimbursements,
10 INVESTMENTS, BOND REVENUES, SALES PROCEEDS, COMMISSIONS FOR
11 SERVICES, SPONSORSHIPS, ADVERTISING FEES, LICENSING FEES, PROFITS,
12 or donations from private or public sources for the purposes of this
13 section. The fund consists of all moneys that may be appropriated to the
14 fund by the general assembly, and all private and public funds received
15 through gifts, grants, reimbursements, INVESTMENTS, BOND REVENUES,
16 SALES PROCEEDS, COMMISSIONS FOR SERVICES, SPONSORSHIPS,
17 ADVERTISING FEES, LICENSING FEES, PROFITS, or donations that are
18 transmitted to the state treasurer and credited to the fund. All interest
19 earned from the investment of moneys in the fund are credited to the
20 fund. The moneys in the fund are hereby continuously appropriated for
21 the purposes indicated in paragraph (c) of this subsection (3). Any
22 moneys not expended at the end of the fiscal year remain in the fund.

23 (5) (a) BY MAY 1, 2014, THE DIVISION MAY PURCHASE, LEASE, OR
24 CONTRACT FOR THE USE AND OPERATION, THROUGH SEPTEMBER 2014, OF
25 UP TO THREE HELICOPTERS. IF THE DIVISION ELECTS TO ACQUIRE THREE
26 HELICOPTERS, ONE OF THE HELICOPTERS MUST BE CAPABLE OF
27 PERFORMING COMMAND-AND-CONTROL FUNCTIONS THROUGH AN

1 ARRANGEMENT OF PERSONNEL, EQUIPMENT, COMMUNICATIONS,
2 FACILITIES, AND PROCEDURES EMPLOYED BY A COMMANDER IN PLANNING,
3 DIRECTING, COORDINATING, CONTROLLING, AND DOCUMENTING FORCES
4 AND OPERATIONS IN THE ACCOMPLISHMENT OF AERIAL FIREFIGHTING
5 MISSIONS. AT LEAST ONE HELICOPTER MUST BE A TYPE-1 HEAVY
6 HELICOPTER WITH PASSENGER TRANSPORT AND RAPPEL CAPABILITY FOR
7 UP TO EIGHTEEN PASSENGERS.

8 (b) (I) WHEN NOT ACTIVELY ENGAGED IN FIREFIGHTING, THE FIRST
9 FIREFIGHTING HELICOPTER ACQUIRED UNDER THIS SUBSECTION (5), IF ANY,
10 MUST BE STATIONED IN OR NEAR MESA COUNTY AND THE SECOND, IF SO
11 ACQUIRED, MUST BE STATIONED IN OR NEAR JEFFERSON COUNTY.

12 (II) IF CONDITIONS IN COLORADO PERMIT, THE DIRECTOR MAY,
13 PURSUANT TO PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION, MAKE
14 ONE OF THE HELICOPTERS LEASED UNDER THIS SUBSECTION (5) AVAILABLE
15 TO FEDERAL AGENCIES OR OTHER STATES.

16 (6) (a) THE DIVISION MAY:

17 (I) ACQUIRE, THROUGH PURCHASE OR LEASE, UP TO FOUR LARGE
18 AIRCRAFT THROUGH THE FEDERAL EXCESS PERSONAL PROPERTY PROGRAM,
19 DONATION, THE OPEN MARKET, OR ANY OTHER MEANS, AND RETROFIT,
20 MAINTAIN, STORE, AND OPERATE ANY AIRCRAFT SO ACQUIRED; OR

21 (II) CONTRACT FOR THE USE, RETROFITTING, MAINTENANCE,
22 STORAGE, AND OPERATION, UNDER THE DIRECTION AND CONTROL OF THE
23 DIVISION, OF THE AIRPLANES.

24 (b) ANY AIRCRAFT ACQUIRED AND RETROFITTED PURSUANT TO
25 PARAGRAPH (a) OF THIS SUBSECTION (6) MUST BE CAPABLE OF PROVIDING
26 TWENTY-FOUR HOUR FIREFIGHTING CAPABILITY, BE CURRENTLY CERTIFIED
27 FOR NIGHT VISION, AND PERFORM ANY OTHER AERIAL FIREFIGHTING

1 SERVICES, AS DETERMINED AND PRIORITIZED BY THE DIRECTOR, BY JUNE
2 1, 2015.

3 (c) IN EVALUATING BIDS SUBMITTED FOR A CONTRACT UNDER
4 PARAGRAPH (b) OF THIS SUBSECTION (6), THE DIVISION SHALL CONSIDER
5 THE FOLLOWING FACTORS:

6 (I) WHETHER THE MODIFICATIONS NECESSARY TO CONVERT THE
7 AIRPLANES ACQUIRED UNDER THIS SUBSECTION (6) TO AIR TANKERS
8 CAPABLE OF PROVIDING AERIAL FIREFIGHTING WILL BE PERFORMED IN
9 COLORADO;

10 (II) WHETHER THE BIDDER WILL CONVERT THE AIRPLANES
11 ACQUIRED TO AIR TANKERS THAT MEET TYPE-1 NEXT GENERATION AIR
12 TANKER STANDARDS SET BY THE UNITED STATES FOREST SERVICE, AND
13 WHETHER THE AIRPLANES SO CONVERTED WILL MEET THOSE STANDARDS
14 WHILE OPERATING IN HIGH-ALTITUDE, HIGH-TEMPERATURE
15 ENVIRONMENTS SUCH AS THOSE IN WHICH COLORADO AIR BASES ARE OR
16 WILL BE LOCATED;

17 (III) WHETHER THE BIDDER WILL GATHER AND PROCESS
18 HIGH-VALUE AERIAL FIREFIGHTING PERFORMANCE DATA THAT THE
19 DIRECTOR DEEMS ESSENTIAL TO IMPROVE OPERATIONS SO AS TO CONTAIN
20 WILDFIRES SOONER, LIMIT FIREFIGHTER EXPOSURE, INCREASE PUBLIC
21 SAFETY, AND REDUCE OVERALL FIREFIGHTING COSTS;

22 (IV) WHETHER THE BIDDER CAN AND WILL PROVIDE ADDITIONAL
23 UPGRADES OR IMPROVE THE AIR TANKERS FOR NIGHTTIME AERIAL
24 FIREFIGHTING MISSIONS, PRESERVE OR ENHANCE THE MULTI-PURPOSE
25 FUNCTIONALITY OF THE AIRCRAFT, OR DEVELOP OR APPLY OTHER
26 METHODS OR SYSTEMS TO MAKE THE C-FAC'S OPERATIONS MORE
27 EFFECTIVE;

1 (V) WHETHER THE BIDDER WILL PARTICIPATE IN OR FACILITATE
2 ONE OR MORE PUBLIC-PRIVATE PARTNERSHIPS TO FUND OR PROVIDE
3 FINANCING FOR THE ACTIVITIES DESCRIBED IN THIS SUBSECTION (6) AND
4 PURSUANT TO PARAGRAPH (c) OF SUBSECTION (2) OF THIS SECTION;

5 (VI) WHETHER THE BIDDER WILL, AT THE END OF THE CONTRACT
6 TERM, TRANSFER TO THE C-FAC OWNERSHIP OF ALL OF BIDDER'S
7 IMPROVEMENTS TO THE AIRCRAFT;

8 (VII) WHETHER THE BIDDER WILL TRANSFER TO THE C-FAC OR
9 DEVELOP WITH THE C-FAC TECHNOLOGIES, SERVICES, RESEARCH AND
10 DEVELOPMENT ASSETS, INNOVATIONS, INTELLECTUAL PROPERTY,
11 TRADEMARKS, LICENSES, TRADE KNOW-HOW, AND MARKETING EXPERTISE
12 IN ORDER TO HELP ESTABLISH THE C-FAC'S NATIONAL AND
13 INTERNATIONAL LEADERSHIP POSITION IN FIRE AVIATION MANUFACTURING
14 AND AERIAL FIREFIGHTING SERVICES;

15 (VIII) WHETHER THE BIDDER WILL HIRE VETERANS TO PERFORM
16 THE PERSONAL SERVICES PROVIDED; AND

17 (IX) WHETHER THE BIDDER WILL CREATE ECONOMIC
18 DEVELOPMENT BENEFITS FOR THE STATE OF COLORADO BY CREATING
19 HIGH-WAGE, HIGH-SKILLED JOBS AND CAREER OPPORTUNITIES.

20 (d) THE DIRECTOR, AT ANY TIME, MAY EXTEND OR RENEW THE
21 ACTIVITIES IN THIS SUBSECTION (6), WHICH EXTENSIONS OR RENEWALS
22 MAY INCLUDE THE ACQUISITION OF ADDITIONAL OR OTHER AIRCRAFT AND
23 EQUIPMENT, THE CONVERSION OF SUCH AIRCRAFT INTO FIREFIGHTING
24 AIRCRAFT, AND THE RENEWAL OR EXPANSION OF ANY C-FAC
25 PUBLIC-PRIVATE PARTNERSHIPS.

26 (e) IF CONDITIONS IN COLORADO PERMIT, THE DIRECTOR MAY,
27 PURSUANT TO PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION, MAKE

1 ONE OR MORE OF THE AIRPLANES ACQUIRED UNDER THIS SUBSECTION (6)
2 AVAILABLE TO FEDERAL AGENCIES, OTHER STATES, OR ANY OTHER ENTITY
3 PERMITTED BY LAW.

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

7 **SECTION 2. Safety clause.** The general assembly hereby finds,
8 determines, and declares that this act is necessary for the immediate
9 preservation of the public peace, health, and safety.