Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 14-0119.02 Kate Meyer x4348 **SENATE BILL 14-164**

SENATE SPONSORSHIP

Carroll and King, Cadman

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

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.

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

SECTION 1. In Colorado Revised Statutes, 24-33.5-1228, **amend** (2) (a) and (3) (a); and **add** (2) (a.5), (5), (6), and (7) as follows:

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

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

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

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

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

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

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

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

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

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

(III) PRODUCE DATA AND DOCUMENTATION ON SCIENCE AND

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

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

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

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

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

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

(6) (a) THE DIVISION MAY:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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