

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 21-0802.02 Bob Lackner x4350

SENATE BILL 21-113

SENATE SPONSORSHIP

Fenberg and Rankin, Bridges, Buckner, Donovan, Gardner, Gonzales, Hisey, Jaquez
Lewis, Kirkmeyer, Kolker, Lee, Liston, Lundeen, Moreno, Pettersen, Simpson, Story, Winter,
Woodward

HOUSE SPONSORSHIP

McCluskie and Lynch,

Senate Committees
Appropriations

House Committees
Appropriations

A BILL FOR AN ACT

101 **CONCERNING STATE FUNDING OF FIREFIGHTING AIRCRAFT TO**
102 **RESPOND TO WILDFIRES.**

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://leg.colorado.gov>.)

The bill directs the state treasurer to transfer \$30,800,000 from the general fund to the Colorado firefighting air corps fund to support the following purposes:

- The purchase by the division of fire prevention and control (division) in the department of public safety of a fire hawk helicopter (helicopter) configured for wildfire mitigation;

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

HOUSE
2nd Reading Unamended
March 4, 2021

SENATE
3rd Reading Unamended
February 26, 2021

SENATE
Amended 2nd Reading
February 25, 2021

- and
- The leasing by the division of a type 1 helicopter or other available and appropriate aviation resource configured for wildfire mitigation in advance of the 2021 wildfire season and for the operational costs associated with the leased and purchased aviation resources.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-33.5-1226, **add**
3 **(2.5) as follows:**

4 **24-33.5-1226. Wildfire emergency response fund - creation -**
5 **gifts, grants, and donations authorized. (2.5) IN ADDITION TO ANY**
6 **OTHER PURPOSE FOR THE USE OF MONEY IN THE WILDFIRE EMERGENCY**
7 **PREPAREDNESS FUND SPECIFIED IN THIS SECTION, THE DIVISION MAY USE**
8 **MONEY IN THE FUND TO PROVIDE WILDFIRE SUPPRESSION ASSISTANCE TO**
9 **COUNTY SHERIFFS, MUNICIPAL FIRE DEPARTMENTS, OR FIRE PROTECTION**
10 **DISTRICTS THROUGHOUT THE STATE AT NO COST TO SUCH ENTITIES**
11 **PURSUANT TO ANNUAL GUIDELINES PUBLISHED BY THE DIVISION IN THE**
12 **WILDFIRE PREPAREDNESS PLAN REQUIRED BY SECTION 24-33.5-1227(2)(a).**

13 **SECTION 2.** In Colorado Revised Statutes, 24-33.5-1228,
14 **amend** (3)(a) and (3)(c) as follows:

15 **24-33.5-1228. Colorado firefighting air corps - creation -**
16 **powers - aircraft acquisitions required - center of excellence -**
17 **unmanned aircraft systems study and pilot program - Colorado**
18 **firefighting air corps fund - creation - report - rules. (3) (a)** The
19 division shall administer the Colorado firefighting air corps fund, which
20 fund is hereby created in the state treasury. The division may seek and
21 accept gifts, grants, reimbursements, investments, bond revenues, sales
22 proceeds, commissions for services, sponsorships, advertising fees,

1 licensing fees, profits, or donations from private or public sources for the
2 purposes of this section. The fund consists of MONEY TRANSFERRED IN
3 ACCORDANCE WITH SUBSECTION (3)(c) OF THIS SECTION; all money that
4 may be appropriated to the fund by the general assembly; and all private
5 and public funds received through gifts, grants, reimbursements,
6 investments, bond revenues, sales proceeds, commissions for services,
7 sponsorships, advertising fees, licensing fees, profits, or donations that
8 are transmitted to the state treasurer and credited to the fund. All interest
9 earned from the investment of money in the fund is credited to the fund.
10 The money in the fund is continuously appropriated for the purposes
11 indicated in subsection (3)(c) of this section. Any money not expended at
12 the end of the fiscal year remains in the fund.

13 (c) (I) The division shall use the money in the Colorado
14 firefighting air corps fund for the purposes of subsection (2.5) of this
15 section and for paying the direct and indirect costs of maintaining the
16 Colorado firefighting air corps, including expenses associated with
17 acquisition, retrofitting, labor, equipment, supply, transportation, air,
18 mobilization, repair, maintenance, and demobilization.

19 (II) ON THE EFFECTIVE DATE OF THIS SUBSECTION (3)(c)(II), THE
20 STATE TREASURER SHALL TRANSFER THIRTY MILLION EIGHT HUNDRED
21 THOUSAND DOLLARS FROM THE GENERAL FUND TO THE COLORADO
22 FIREFIGHTING AIR CORPS FUND CREATED IN SUBSECTION (3)(a) OF THIS
23 SECTION. THE DIVISION SHALL USE THE MONEY TRANSFERRED PURSUANT
24 TO THIS SUBSECTION (3)(c)(II) FOR THE FOLLOWING PURPOSES:

25 (A) THE PURCHASE BY THE DIVISION OF A FIRE HAWK HELICOPTER
26 CONFIGURED FOR WILDFIRE AND OTHER PUBLIC SAFETY RESPONSE NEEDS;
27 AND

1 (B) THE LEASING BY THE DIVISION OF A TYPE 1 HELICOPTER OR
2 OTHER AVAILABLE AND APPROPRIATE AVIATION RESOURCE CONFIGURED
3 FOR WILDFIRE MITIGATION IN ADVANCE OF THE 2021 WILDFIRE SEASON
4 AND FOR THE OPERATIONAL COSTS ASSOCIATED WITH THE USE OF THE
5 LEASED AND PURCHASED AVIATION RESOURCES.

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