

CHAPTER 68

EDUCATION - UNIVERSITIES AND COLLEGES

HOUSE BILL 04-1151

BY REPRESENTATIVE(S) Wiens, Plant, Carroll, Cloer, Coleman, Fairbank, Hall, Harvey, Larson, May M., McFadyen, McGihon, Merrifield, Paccione, Rhodes, Rippy, Romanoff, Rose, Salazar, Schultheis, Smith, Spence, Spradley, Stafford, White, Williams S., Witwer, and Young;
also SENATOR(S) Evans, Arnold, Cairns, Chlouber, Entz, Fitz-Gerald, Isgar, Lamborn, Phillips, Taylor, and Tupa.

AN ACT**CONCERNING THE ABILITY OF THE STATE OF COLORADO TO RESPOND TO THE INITIAL ATTACK OF A WILDFIRE.**

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

SECTION 1. 23-30-310, Colorado Revised Statutes, is amended to read:

23-30-310. Wildfire emergency response fund - creation. (1) There is hereby created in the state treasury the wildfire emergency response fund, which shall be administered by the Colorado state forest service. THE COLORADO STATE FOREST SERVICE IS AUTHORIZED TO SEEK AND ACCEPT GIFTS, GRANTS, REIMBURSEMENTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS SECTION. The fund shall consist of all moneys that may be appropriated thereto by the general assembly AND ALL PRIVATE AND PUBLIC FUNDS RECEIVED THROUGH GIFTS, GRANTS, REIMBURSEMENTS, 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 shall be credited to the fund. The moneys in the fund are hereby continuously appropriated for the purposes indicated in ~~subsection (2)~~ of this section. Any moneys not expended at the end of the fiscal year shall remain in the fund and shall not be transferred to or revert to the general fund.

(2) The Colorado state forest service shall use the moneys in the wildfire emergency response fund to provide funding or reimbursement for the first aerial tanker flight OR THE FIRST HOUR OF A FIREFIGHTING HELICOPTER to a wildfire at the request of any county sheriff, municipal fire department, or fire protection district.

(3) (a) TO EFFECTIVELY IMPLEMENT THE PROVISIONS OF THIS SECTION AND TO

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

PROVIDE RECOMMENDATIONS TO THE GOVERNOR RELATED TO USE OF THE DISASTER EMERGENCY FUND PURSUANT TO SECTION 24-32-2106, C.R.S., THE STATE FORESTER, A REPRESENTATIVE OF THE COUNTY SHERIFFS OF COLORADO, A REPRESENTATIVE OF THE COLORADO STATE FIRE CHIEFS' ASSOCIATION, THE DIRECTOR OF THE OFFICE OF EMERGENCY MANAGEMENT, AND THE ADJUTANT GENERAL OR HIS OR HER DESIGNEE SHALL COLLABORATE TO DEVELOP AN INITIAL AERIAL ATTACK PLAN DESIGNED TO ADDRESS THE AVAILABILITY OF APPROPRIATE AERIAL FIREFIGHTING RESOURCES FOR THE INITIAL AERIAL ATTACK OF A WILDFIRE. THE INITIAL AERIAL ATTACK PLAN SHALL INCLUDE RECOMMENDATIONS THAT ADDRESS THE FOLLOWING:

(I) THE AMOUNT OF AERIAL FIREFIGHTING RESOURCES NECESSARY FOR THE STATE OF COLORADO AT TIMES OF HIGH AND LOW WILDFIRE RISK;

(II) THE AVAILABILITY OF APPROPRIATE AERIAL FIREFIGHTING EQUIPMENT AND PERSONNEL AT TIMES OF HIGH FIRE RISK TO RESPOND TO A WILDFIRE; AND

(III) A PROCESS FOR ORDERING AND DISPATCHING AERIAL FIREFIGHTING EQUIPMENT AND PERSONNEL THAT IS CONSISTENT WITH, AND SUPPORTIVE OF, THE STATEWIDE MOBILIZATION PLAN PREPARED PURSUANT TO SECTION 24-33.5-1210, C.R.S.

(b) THE INITIAL AERIAL ATTACK PLAN RECOMMENDATIONS DEVELOPED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (3) SHALL BE COMPLETED NO LATER THAN SEPTEMBER 1, 2004, AND UPDATED EACH SEPTEMBER 1 THEREAFTER. THE STATE FORESTER SHALL SUBMIT A WRITTEN REPORT OF THE INITIAL AERIAL ATTACK PLAN TO THE GOVERNOR AND THE MEMBERS OF THE GENERAL ASSEMBLY NO LATER THAN SEPTEMBER 15, 2004, AND BY EACH SEPTEMBER 15 THEREAFTER.

(c) THE STATE FORESTER, THE REPRESENTATIVE OF THE COUNTY SHERIFFS OF COLORADO, THE REPRESENTATIVE OF THE COLORADO STATE FIRE CHIEFS' ASSOCIATION, THE DIRECTOR OF THE OFFICE OF EMERGENCY MANAGEMENT, AND THE ADJUTANT GENERAL OR HIS OR HER DESIGNEE SHALL NOT RECEIVE ADDITIONAL COMPENSATION FOR THE COLLABORATION REQUIRED BY THIS SUBSECTION (3) FOR THE DEVELOPMENT OF THE INITIAL AERIAL ATTACK PLAN.

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.

Approved: April 2, 2004