CHAPTER 206

GOVERNMENT - STATE

HOUSE BILL 15-1129

BY REPRESENTATIVE(S) Kraft-Tharp, Duran, Garnett, Ginal, Hamner, Kagan, Mitsch Bush, Pettersen, Rosenthal, Ryden, Salazar, Singer, Vigil, Williams, Winter, Hullinghorst, Lontine, Pabon;
also SENATOR(S) Roberts, Grantham, Heath, Aguilar, Carroll, Donovan, Hodge, Jones, Kefalas, Kerr, Merrifield, Newell, Todd.

AN ACT

CONCERNING DISASTER PREDICTION AND DECISION SUPPORT SYSTEMS BY THE DEPARTMENT OF PUBLIC SAFETY, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. Legislative declaration. (1) The general assembly hereby finds and declares that:

(a) Wildland fires are exceedingly complex phenomena. Despite rigorous training, abundant resources, and weather forecasts, even seasoned responders may be tragically unprepared for complex, unpredictable, and dramatic fire behavior. Human intelligence cannot integrate all the interacting factors to anticipate when weather and other factors will combine with topography to dramatically amplify fire behavior.

(b) Wildland fires can degrade air quality for days and even weeks across large areas, affecting the health of thousands of people located far from the flames. After a fire, flooding and water quality threats also increase.

(c) Studies suggest that severely damaging fire seasons in the United States could occur two to four times more often by midcentury. Colorado's most destructive fire on record struck near Colorado Springs in June 2013, resulting in two deaths and the destruction of more than five hundred homes.

(d) Since 2000, wildland fire suppression in the United States has cost more than two billion dollars per year. According to some economists, the economic impact from natural resource loss, land rehabilitation, and lost business and recreation are far greater, as much as ten to fifty times the fire suppression costs. Some of the

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

contributing factors to these increased costs include:

(I) Increased development in the wildlands, thereby increasing the population living in the wildland-urban interface;

(II) A century of fire suppression practices that have altered the state of the wildlands; and

(III) Climate variability such as drought and early snow melt overlapping with weather events such as Front Range windstorms that favor large fire growth.

(e) Being able to predict fire behavior simultaneously with weather is exceedingly important. It is understood that decision makers need reliable, accurate, up-to-the-minute, state-of-the-art, tailored, and geo-referenced current and predicted information that is easily accessible at all times. Timely information allows decision makers to better judge current conditions, future trends, transitions in wind speed or direction, and the potential for rapid growth and extreme fire behaviors.

(f) Prediction systems are needed for wildland fires that predict fire behavior and that couple numerical weather prediction with wildland fire modules to predict fire behavior. Advanced fire behavior technologies developed and tested in Colorado would be extraordinarily helpful to Colorado.

(2) Now, therefore, it is the general assembly's intent in enacting House Bill 15-1129 to further support the development of a fire prediction and decision support system and to ensure that such a system is tailored to meet the state's needs.

SECTION 2. In Colorado Revised Statutes, **add** 24-33.5-1232 as follows:

24-33.5-1232. Colorado wildland fire prediction and decision support system - definitions - development - contract. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "ORGANIZATION" MEANS AN ORGANIZATION THAT IS ORGANIZED AS A NOT-FOR-PROFIT ENTITY OR HAS OBTAINED TAX-EXEMPT STATUS UNDER SECTION 501 OF THE FEDERAL "INTERNAL REVENUE CODE OF 1986", AS AMENDED, AND IS A COLORADO-BASED RESEARCH ORGANIZATION FOCUSED ON RESEARCH, EDUCATION, AND ADVANCED TECHNOLOGY DEVELOPMENT FOR ATMOSPHERIC AND RELATED EARTH SCIENCES. THE ORGANIZATION MUST HAVE THE ABILITY TO PROVIDE ENVIRONMENTAL PREDICTIONS AND CONDUCT A WIDE RANGE OF HYDROLOGIC AND WEATHER SCIENCE. THE ORGANIZATION MUST ALSO HAVE STRONG ENVIRONMENTAL MODELING AND RELATED APPLIED RESEARCH FUNCTIONALITY, INCLUDING ROBUST TIES TO THE STATE AND NATIONAL UNIVERSITY AND SCIENCE COMMUNITY SO AS TO OBTAIN ADDITIONAL EXPERTISE AND PARTNERING AS NEEDED.

(b) "SYSTEM" MEANS THE COLORADO WILDLAND FIRE PREDICTION AND DECISION SUPPORT SYSTEM.

(c) "USERS" MEANS ALL GOVERNMENT ENTITIES.

(2) (a) BEGINNING WITH THE 2015-16 STATE FISCAL YEAR, THE DIVISION,

THROUGH ITS CENTER OF EXCELLENCE FOR ADVANCED TECHNOLOGY AERIAL FIREFIGHTING CREATED IN SECTION 24-33.5-1228 (2.5), SHALL ESTABLISH AND SUPPORT A COLORADO WILDLAND FIRE PREDICTION AND DECISION SUPPORT SYSTEM.

(b) THE SYSTEM MUST BE SCIENCE BASED AND ABLE TO:

(I) IMPROVE THE ABILITY OF THE DIVISION TO PREDICT WILDLAND FIRE BEHAVIOR BY TAKING ADVANTAGE OF TECHNOLOGIES EMERGING FROM AN ORGANIZATION;

(II) IMPROVE THE SAFETY AND EFFICIENCY OF THE DIVISION'S OPERATIONS;

(III) IMPROVE FLIGHT OPERATIONS OF THE COLORADO FIREFIGHTING AIR CORPS CREATED IN SECTION 24-33.5-1228 BY PROVIDING AVIATION WEATHER HAZARD INFORMATION SUCH AS UPDRAFTS, DOWNDRAFTS, ROTORS, AND WIND SHEAR;

(IV) ENHANCE MECHANISMS FOR COMMUNICATING WILDLAND FIRE HAZARD INFORMATION TO USERS; AND

(V) INTEGRATE WILDLAND FIRE BEHAVIOR INFORMATION WITH PREDICTION TECHNOLOGIES INTO INFORMATION INFRASTRUCTURES THAT SERVE USERS.

(c) THE DIVISION SHALL ASSIST IN THE COORDINATION OF USERS ACROSS THE STATE TO FURTHER REFINE THE SYSTEM.

(d) NOTWITHSTANDING THE REQUIREMENTS OF ARTICLES 101 TO 112 OF THIS TITLE, NO LATER THAN DECEMBER 1, 2015, THE DIRECTOR OF THE DIVISION SHALL ENTER INTO A CONTRACT TO PARTNER WITH AN ORGANIZATION FOR THE ESTABLISHMENT AND SUPPORT OF THE SYSTEM. THE DIVISION MAY NOT BE REQUIRED TO PERFORM WORK OR PROVIDE ASSISTANCE THAT IS OUTSIDE OF THE DIVISION'S SCOPE OF RESPONSIBILITIES AS ESTABLISHED IN THE CONTRACT.

(e) AFTER THE CONTRACT IS ENTERED INTO, THE DIVISION AND THE ORGANIZATION SHALL FURTHER DEVELOP THE SYSTEM BY INCLUDING DETAILED USER REQUIREMENTS AND USER-CENTRIC VERIFICATION METRICS AND METHODS AND SHALL BUILD A COLORADO-SPECIFIC FRAMEWORK THAT INCLUDES:

(I) DATA INGESTION OF REAL-TIME WEATHER, UP-TO-DATE FUEL INFORMATION, AND FIRE DETECTION DATA;

(II) THE CAPABILITY TO EASILY CONFIGURE A FIRE'S LOCATION, DOMAIN SIZE, GRID RESOLUTION, AND FIRE IGNITION TIME; AND

(III) DATA INTERFACES AND DISPLAY APPLICATIONS THAT ALLOW USERS TO VIEW THE OUTPUT ON A VARIETY OF PLATFORMS, INCLUDING MOBILE DEVICES AND EXISTING APPLICATIONS AND SYSTEMS.

(3) THE DIVISION MAY SOLICIT AND ACCEPT MONETARY AND IN-KIND GIFTS, GRANTS, AND DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS SECTION. ALL PRIVATE AND PUBLIC MONEYS RECEIVED BY THE DIVISION THROUGH GIFTS, GRANTS, OR DONATIONS MUST BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE COLORADO FIREFIGHTING AIR

CORPS FUND CREATED IN SECTION 24-33.5-1228. THE GIFTS, GRANTS, OR DONATIONS CREDITED TO THE FUND FOR THE PURPOSES OF THIS SECTION ARE CONTINUOUSLY APPROPRIATED TO THE DIVISION FOR THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH THE IMPLEMENTATION OF THIS SECTION.

SECTION 3. In Colorado Revised Statutes, 24-33.5-1228, **amend** (2.5) (b) (II) (B) and (2.5) (b) (III); and **add** (2.5) (b) (IV) 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 - rules. (2.5) (b) The center of excellence shall perform, but is not limited to, the following functions:

(II) Review current regular research and assessment projects to evaluate:

(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) Review current 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; AND

(IV) ESTABLISH AND SUPPORT A COLORADO WILDLAND FIRE PREDICTION AND DECISION SUPPORT SYSTEM IN ACCORDANCE WITH SECTION 24-33.5-1232.

SECTION 4. Appropriation. For the 2015-16 state fiscal year, $600,000 is appropriated to the department of public safety for use by the division of fire prevention and control. This appropriation is from the general fund and is based on an assumption that the division will require an additional 0.5 FTE. To implement this act, the division may use this appropriation to establish and support a Colorado wildland fire prediction and decision support system.

SECTION 5. 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: May 20, 2015