

**First Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

REREVISED

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

LLS NO. 09-0123.02 Bob Lackner

SENATE BILL 09-001

SENATE SPONSORSHIP

Gibbs and Penry, Kopp

HOUSE SPONSORSHIP

Scanlan and King S.,

Senate Committees

Local Government and Energy

House Committees

Local Government

Agriculture, Livestock, & Natural Resources

A BILL FOR AN ACT

101 **CONCERNING THE ESTABLISHMENT OF COMMUNITY WILDFIRE**
102 **PROTECTION PLANS BY COUNTY GOVERNMENTS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Interim Committee on Wildfire Issues in Wild Land-Urban Interface Areas. By a specified date, requires the state forester, in collaboration with representatives of the United States forest service, the Colorado department of natural resources, county governments, municipal governments, local fire departments or fire protection districts, and state and local law enforcement agencies, to establish guidelines and criteria for counties to consider in preparing their own community wildfire

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.

HOUSE
3rd Reading Unam ended
February 25, 2009

HOUSE
2nd Reading Unam ended
February 24, 2009

SENATE
3rd Reading Unam ended
January 26, 2009

SENATE
Am ended 2nd Reading
January 23, 2009

protection plans (CWPPs) to address wildfires in fire hazard areas within the unincorporated portion of a county.

Requires the state forester to send timely notice of the adoption of the guidelines and criteria to the department of local affairs and statewide organizations representing Colorado counties and municipalities and to post such information on the web site of the Colorado state forest service.

Requires the board of county commissioners of each county, with the assistance of the state forester, to determine whether there are fire hazard areas within the unincorporated portion of the county.

Requires the board of county commissioners, in collaboration with the representatives of the organizations or entities that participated in establishing the guidelines and criteria, to prepare a CWPP to address wildfires in fire hazard areas within the unincorporated portion of the county. In preparing the CWPP, requires the board to consider the guidelines and criteria. Specifies that a county that has already prepared a CWPP as of the effective date of the act and, in connection with such preparation, considered the guidelines and criteria, is not required to prepare a new CWPP to satisfy the requirements of the act.

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

2 **SECTION 1.** Part 3 of article 31 of title 23, Colorado Revised
3 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
4 read:

5 **23-31-312. Community wildfire preparedness plans - county**
6 **governments - guidelines and criteria - legislative declaration -**

7 **definitions.** (1) (a) THE GENERAL ASSEMBLY HEREBY FINDS,
8 DETERMINES, AND DECLARES THAT:

9 (I) COMMUNITY WILDFIRE PROTECTION PLANS, OR CWPPS, ARE
10 AUTHORIZED AND DEFINED IN SECTION 101 OF TITLE I OF THE FEDERAL
11 "HEALTHY FORESTS RESTORATION ACT OF 2003", PUB.L. 108-148,
12 REFERRED TO IN THIS SECTION AS "HFRA". TITLE I OF HFRA AUTHORIZES
13 THE SECRETARIES OF AGRICULTURE AND THE INTERIOR TO EXPEDITE THE
14 DEVELOPMENT AND IMPLEMENTATION OF HAZARDOUS FUEL REDUCTION
15 PROJECTS ON FEDERAL LANDS MANAGED BY THE UNITED STATES FOREST

1 SERVICE AND THE BUREAU OF LAND MANAGEMENT WHEN THESE AGENCIES
2 MEET CERTAIN CONDITIONS. HFRA EMPHASIZES THE NEED FOR FEDERAL
3 AGENCIES TO WORK COLLABORATIVELY WITH LOCAL COMMUNITIES IN
4 DEVELOPING HAZARDOUS FUEL REDUCTION PROJECTS, PLACING PRIORITY
5 ON TREATMENT AREAS IDENTIFIED BY THE LOCAL COMMUNITIES
6 THEMSELVES IN A CWPP. THE WILD LAND-URBAN INTERFACE AREA IS ONE
7 OF THE IDENTIFIED PROPERTY AREAS THAT QUALIFY UNDER HFRA FOR
8 THE USE OF THIS EXPEDITED ENVIRONMENTAL REVIEW PROCESS.

9 (II) THE DEVELOPMENT OF A CWPP CAN ASSIST A LOCAL
10 COMMUNITY IN CLARIFYING AND REFINING ITS PRIORITIES FOR THE
11 PROTECTION OF LIFE, PROPERTY, AND CRITICAL INFRASTRUCTURE IN ITS
12 WILD LAND-URBAN INTERFACE AREA. THE CWPP BRINGS TOGETHER
13 DIVERSE FEDERAL, STATE, AND LOCAL INTERESTS TO DISCUSS THEIR
14 MUTUAL CONCERNS FOR PUBLIC SAFETY, COMMUNITY SUSTAINABILITY,
15 AND NATURAL RESOURCES. THE CWPP PROCESS OFFERS A POSITIVE,
16 SOLUTION-ORIENTED ENVIRONMENT IN WHICH TO ADDRESS CHALLENGES
17 SUCH AS LOCAL FIRE-FIGHTING CAPABILITY, THE NEED FOR DEFENSIBLE
18 SPACE AROUND HOMES AND HOUSING DEVELOPMENTS, THE EFFECT OF FIRE
19 RATINGS AND COMBUSTIBILITY STANDARDS FOR BUILDING MATERIALS
20 USED IN WILD LAND-URBAN INTERFACE AREAS, AND WHERE AND HOW TO
21 PRIORITIZE LAND MANAGEMENT ON BOTH FEDERAL AND NONFEDERAL
22 LANDS. CWPPS CAN BE AS SIMPLE OR COMPLEX AS A LOCAL COMMUNITY
23 DESIRES.

24 (III) THE ADOPTION OF A CWPP BRINGS MANY BENEFITS TO THE
25 STATE AND ADOPTING LOCAL COMMUNITY, INCLUDING:

26 (A) THE OPPORTUNITY TO ESTABLISH A LOCALLY APPROPRIATE
27 DEFINITION AND BOUNDARY FOR THE WILD LAND-URBAN INTERFACE AREA;

1 (B) THE ESTABLISHMENT OF RELATIONS WITH OTHER STATE AND
2 LOCAL GOVERNMENT OFFICIALS, LOCAL FIRE CHIEFS, STATE AND NATIONAL
3 FIRE ORGANIZATIONS, FEDERAL LAND MANAGEMENT AGENCIES, PRIVATE
4 HOMEOWNERS, ELECTRIC, GAS, AND WATER UTILITY PROVIDERS IN THE
5 SUBJECT AREA, AND COMMUNITY GROUPS, THEREBY ENSURING
6 COLLABORATION AMONG THESE GROUPS IN INITIATING A PLANNING
7 DIALOGUE AND FACILITATING THE IMPLEMENTATION OF PRIORITY ACTIONS
8 ACROSS OWNERSHIP BOUNDARIES;

9 (C) SPECIALIZED NATURAL RESOURCE KNOWLEDGE AND
10 TECHNICAL EXPERTISE RELATIVE TO THE PLANNING PROCESS,
11 PARTICULARLY IN THE AREAS OF GLOBAL POSITIONING SYSTEMS AND
12 MAPPING, VEGETATION MANAGEMENT, ASSESSMENT OF VALUES AND
13 RISKS, AND FUNDING STRATEGIES; AND

14 (D) STATEWIDE LEADERSHIP IN DEVELOPING AND MAINTAINING A
15 LIST OR MAP OF COMMUNITIES AT RISK WITHIN THE STATE AND
16 FACILITATING WORK AMONG FEDERAL AND LOCAL PARTNERS TO
17 ESTABLISH PRIORITIES FOR ACTION.

18 (IV) CWPPS GIVE PRIORITY TO PROJECTS THAT PROVIDE FOR THE
19 PROTECTION OF AT-RISK COMMUNITIES OR WATERSHEDS OR THAT
20 IMPLEMENT RECOMMENDATIONS IN THE CWPP.

21 (V) CWPPS ASSIST LOCAL COMMUNITIES IN INFLUENCING WHERE
22 AND HOW FEDERAL AGENCIES IMPLEMENT FUEL REDUCTION PROJECTS ON
23 FEDERAL LANDS, HOW ADDITIONAL FEDERAL FUNDS MAY BE DISTRIBUTED
24 FOR PROJECTS ON NONFEDERAL LANDS, AND IN DETERMINING THE TYPES
25 AND METHODS OF TREATMENT THAT, IF COMPLETED, WOULD REDUCE THE
26 RISK TO THE COMMUNITY.

27 (VI) THE DEVELOPMENT OF CWPPS PROMOTES ECONOMIC

1 OPPORTUNITIES IN RURAL COMMUNITIES.

2 (b) BY ENACTING THIS SECTION, THE GENERAL ASSEMBLY INTENDS
3 TO FACILITATE AND ENCOURAGE THE DEVELOPMENT OF CWPPS IN
4 COUNTIES WITH FIRE HAZARD AREAS IN THEIR TERRITORIAL BOUNDARIES
5 AND TO PROVIDE MORE STATEWIDE UNIFORMITY AND CONSISTENCY WITH
6 RESPECT TO THE CONTENT OF CWPPS IN COUNTIES NEEDING PROTECTION
7 AGAINST WILDFIRES.

8 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
9 REQUIRES:

10 (a) "CWPP" MEANS A COMMUNITY WILDFIRE PROTECTION PLAN AS
11 AUTHORIZED AND DEFINED IN SECTION 101 OF TITLE I OF THE FEDERAL
12 "HEALTHY FORESTS RESTORATION ACT OF 2003", PUB.L. 108-148.

13 (b) "FIRE HAZARD AREA" MEANS AN AREA MAPPED BY THE
14 COLORADO STATE FOREST SERVICE, IDENTIFIED IN SECTION 23-31-302, AS
15 FACING A SUBSTANTIAL AND RECURRING RISK OF EXPOSURE TO SEVERE
16 FIRE HAZARDS.

17 (3) NOT LATER THAN NOVEMBER 15, 2009, THE STATE FORESTER,
18 IN COLLABORATION WITH REPRESENTATIVES OF THE UNITED STATES
19 FOREST SERVICE, THE COLORADO DEPARTMENT OF NATURAL RESOURCES,
20 COUNTY GOVERNMENTS, MUNICIPAL GOVERNMENTS, LOCAL FIRE
21 DEPARTMENTS OR FIRE PROTECTION DISTRICTS, ELECTRIC, GAS, AND
22 WATER UTILITY PROVIDERS IN THE SUBJECT AREA, AND STATE AND LOCAL
23 LAW ENFORCEMENT AGENCIES, SHALL ESTABLISH GUIDELINES AND
24 CRITERIA FOR COUNTIES TO CONSIDER IN PREPARING THEIR OWN CWPPS
25 TO ADDRESS WILDFIRES IN FIRE HAZARD AREAS WITHIN THE
26 UNINCORPORATED PORTION OF THE COUNTY.

27 (4) THE ADOPTION OF A CWPP BY A COUNTY GOVERNMENT SHALL

1 BE GOVERNED BY THE REQUIREMENTS OF SECTION 30-15-401.7, C.R.S.

2 (5) THE STATE FORESTER SHALL SEND TIMELY NOTICE OF THE
3 GUIDELINES AND CRITERIA ESTABLISHED PURSUANT TO SUBSECTION (3) OF
4 THIS SECTION TO THE DEPARTMENT OF LOCAL AFFAIRS AND TO STATEWIDE
5 ORGANIZATIONS REPRESENTING COLORADO COUNTIES AND
6 MUNICIPALITIES AND SHALL POST SUCH INFORMATION ON THE WEB SITE OF
7 THE COLORADO STATE FOREST SERVICE.

8 (6) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO AFFECT
9 THE PROVISIONS OF SECTION 23-31-309 OR THE WILDFIRE PREPAREDNESS
10 PLAN DEVELOPED PURSUANT TO SUCH SECTION.

11 **SECTION 2.** Part 4 of article 15 of title 30, Colorado Revised
12 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
13 read:

14 **30-15-401.7. Determination of fire hazard area - community**
15 **wildfire preparedness plans - adoption - legislative declaration -**
16 **definitions.** (1) (a) THE GENERAL ASSEMBLY HEREBY FINDS,
17 DETERMINES, AND DECLARES THAT:

18 (I) COMMUNITY WILDFIRE PROTECTION PLANS, OR CWPPS, ARE
19 AUTHORIZED AND DEFINED IN SECTION 101 OF TITLE I OF THE FEDERAL
20 "HEALTHY FORESTS RESTORATION ACT OF 2003", PUB.L. 108-148,
21 REFERRED TO IN THIS SECTION AS "HFRA". TITLE I OF HFRA AUTHORIZES
22 THE SECRETARIES OF AGRICULTURE AND THE INTERIOR TO EXPEDITE THE
23 DEVELOPMENT AND IMPLEMENTATION OF HAZARDOUS FUEL REDUCTION
24 PROJECTS ON FEDERAL LANDS MANAGED BY THE UNITED STATES FOREST
25 SERVICE AND THE BUREAU OF LAND MANAGEMENT WHEN THESE AGENCIES
26 MEET CERTAIN CONDITIONS. HFRA EMPHASIZES THE NEED FOR FEDERAL
27 AGENCIES TO WORK COLLABORATIVELY WITH LOCAL COMMUNITIES IN

1 DEVELOPING HAZARDOUS FUEL REDUCTION PROJECTS, PLACING PRIORITY
2 ON TREATMENT AREAS IDENTIFIED BY THE LOCAL COMMUNITIES
3 THEMSELVES IN A CWPP. THE WILDLAND-URBAN INTERFACE AREA IS ONE
4 OF THE IDENTIFIED PROPERTY AREAS THAT QUALIFY UNDER HFRA FOR
5 THE USE OF THIS EXPEDITED ENVIRONMENTAL REVIEW PROCESS.

6 (II) THE DEVELOPMENT OF A CWPP CAN ASSIST A LOCAL
7 COMMUNITY IN CLARIFYING AND REFINING ITS PRIORITIES FOR THE
8 PROTECTION OF LIFE, PROPERTY, AND CRITICAL INFRASTRUCTURE IN ITS
9 WILD LAND-URBAN INTERFACE AREA. THE CWPP BRINGS TOGETHER
10 DIVERSE FEDERAL, STATE, AND LOCAL INTERESTS TO DISCUSS THEIR
11 MUTUAL CONCERNS FOR PUBLIC SAFETY, COMMUNITY SUSTAINABILITY,
12 AND NATURAL RESOURCES. THE CWPP PROCESS OFFERS A POSITIVE,
13 SOLUTION-ORIENTED ENVIRONMENT IN WHICH TO ADDRESS CHALLENGES
14 SUCH AS LOCAL FIRE-FIGHTING CAPABILITY, THE NEED FOR DEFENSIBLE
15 SPACE AROUND HOMES AND HOUSING DEVELOPMENTS, AND WHERE AND
16 HOW TO PRIORITIZE LAND MANAGEMENT ON BOTH FEDERAL AND
17 NONFEDERAL LANDS. CWPPS CAN BE AS SIMPLE OR COMPLEX AS A LOCAL
18 COMMUNITY DESIRES.

19 (III) THE ADOPTION OF A CWPP BRINGS MANY BENEFITS TO THE
20 STATE AND ADOPTING LOCAL COMMUNITY, INCLUDING:

21 (A) THE OPPORTUNITY TO ESTABLISH A LOCALLY APPROPRIATE
22 DEFINITION AND BOUNDARY FOR THE WILDLAND-URBAN INTERFACE AREA;

23 (B) THE OPPORTUNITY TO STUDY THE EFFECT OF FIRE RATINGS AND
24 COMBUSTIBILITY STANDARDS FOR BUILDING MATERIALS USED IN WILD
25 LAND-URBAN INTERFACE AREAS;

26 (C) THE ESTABLISHMENT OF RELATIONS WITH OTHER STATE AND
27 LOCAL GOVERNMENT OFFICIALS, LOCAL FIRE CHIEFS, STATE AND NATIONAL

1 FIRE ORGANIZATIONS, FEDERAL LAND MANAGEMENT AGENCIES, PRIVATE
2 HOMEOWNERS, ELECTRIC, GAS, AND WATER UTILITY PROVIDERS IN THE
3 SUBJECT AREA, AND COMMUNITY GROUPS, THEREBY ENSURING
4 COLLABORATION AMONG THESE GROUPS IN INITIATING A PLANNING
5 DIALOGUE AND FACILITATING THE IMPLEMENTATION OF PRIORITY ACTIONS
6 ACROSS OWNERSHIP BOUNDARIES;

7 (D) SPECIALIZED NATURAL RESOURCE KNOWLEDGE AND
8 TECHNICAL EXPERTISE RELATIVE TO THE PLANNING PROCESS,
9 PARTICULARLY IN THE AREAS OF GLOBAL POSITIONING SYSTEMS AND
10 MAPPING, VEGETATION MANAGEMENT, ASSESSMENT OF VALUES AND
11 RISKS, AND FUNDING STRATEGIES; AND

12 (E) STATEWIDE LEADERSHIP IN DEVELOPING AND MAINTAINING A
13 LIST OR MAP OF COMMUNITIES AT RISK WITHIN THE STATE AND
14 FACILITATING WORK AMONG FEDERAL AND LOCAL PARTNERS TO
15 ESTABLISH PRIORITIES FOR ACTION.

16 (IV) CWPPS GIVE PRIORITY TO PROJECTS THAT PROVIDE FOR THE
17 PROTECTION OF AT-RISK COMMUNITIES OR WATERSHEDS OR THAT
18 IMPLEMENT RECOMMENDATIONS IN THE CWPP.

19 (V) CWPPS ASSIST LOCAL COMMUNITIES IN INFLUENCING WHERE
20 AND HOW FEDERAL AGENCIES IMPLEMENT FUEL REDUCTION PROJECTS ON
21 FEDERAL LANDS, HOW ADDITIONAL FEDERAL FUNDS MAY BE DISTRIBUTED
22 FOR PROJECTS ON NONFEDERAL LANDS, AND IN DETERMINING THE TYPES
23 AND METHODS OF TREATMENT THAT, IF COMPLETED, WOULD REDUCE THE
24 RISK TO THE COMMUNITY.

25 (VI) THE DEVELOPMENT OF CWPPS PROMOTES ECONOMIC
26 OPPORTUNITIES IN RURAL COMMUNITIES.

27 (b) BY ENACTING THIS SECTION, THE GENERAL ASSEMBLY INTENDS

1 TO FACILITATE AND ENCOURAGE THE DEVELOPMENT OF CWPPS IN
2 COUNTIES WITH FIRE HAZARD AREAS IN THEIR TERRITORIAL BOUNDARIES
3 AND TO PROVIDE MORE STATEWIDE UNIFORMITY AND CONSISTENCY WITH
4 RESPECT TO THE CONTENT OF CWPPS IN COUNTIES NEEDING PROTECTION
5 AGAINST WILDFIRES.

6 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
7 REQUIRES:

8 (a) "CWPP" MEANS A COMMUNITY WILDFIRE PROTECTION PLAN AS
9 AUTHORIZED AND DEFINED IN SECTION 101 OF TITLE I OF THE FEDERAL
10 "HEALTHY FORESTS RESTORATION ACT OF 2003", PUB.L. 108-148.

11 (b) "FIRE HAZARD AREA" MEANS AN AREA MAPPED BY THE
12 COLORADO STATE FOREST SERVICE, IDENTIFIED IN SECTION 23-31-302,
13 C.R.S., AS FACING A SUBSTANTIAL AND RECURRING RISK OF EXPOSURE TO
14 SEVERE FIRE HAZARDS.

15 (3) (a) NOT LATER THAN JANUARY 1, 2011, THE BOARD OF COUNTY
16 COMMISSIONERS OF EACH COUNTY, WITH THE ASSISTANCE OF THE STATE
17 FORESTER, SHALL DETERMINE WHETHER THERE ARE FIRE HAZARD AREAS
18 WITHIN THE UNINCORPORATED PORTION OF THE COUNTY.

19 (b) NOT LATER THAN ONE HUNDRED EIGHTY DAYS AFTER
20 DETERMINING THERE ARE FIRE HAZARD AREAS WITHIN THE
21 UNINCORPORATED PORTION OF A COUNTY, THE BOARD OF COUNTY
22 COMMISSIONERS, IN COLLABORATION WITH THE REPRESENTATIVES OF THE
23 ORGANIZATIONS OR ENTITIES ENUMERATED IN SECTION 23-31-312 (3),
24 C.R.S., THAT ESTABLISHED THE GUIDELINES AND CRITERIA, SHALL
25 PREPARE A CWPP FOR THE PURPOSE OF ADDRESSING WILDFIRES IN FIRE
26 HAZARD AREAS WITHIN THE UNINCORPORATED PORTION OF THE COUNTY.
27 IN PREPARING THE CWPP, THE BOARD SHALL CONSIDER THE GUIDELINES

1 AND CRITERIA ESTABLISHED BY THE STATE FORESTER AND SUCH
2 REPRESENTATIVES PURSUANT TO SECTION 23-31-312 (3), C.R.S.

3 (c) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,
4 A COUNTY THAT HAS ALREADY PREPARED A CWPP OR AN EQUIVALENT
5 PLAN AS OF THE EFFECTIVE DATE OF THIS SECTION AND, IN CONNECTION
6 WITH SUCH PREPARATION, CONSIDERED THE GUIDELINES AND CRITERIA
7 ESTABLISHED BY THE STATE FORESTER AND DESIGNATED
8 REPRESENTATIVES PURSUANT TO SECTION 23-31-312 (3), C.R.S., SHALL
9 NOT BE REQUIRED TO PREPARE A NEW CWPP TO SATISFY THE
10 REQUIREMENTS OF THIS SECTION.

11 **SECTION 3.** 23-31-309, Colorado Revised Statutes, is amended
12 BY THE ADDITION OF A NEW SUBSECTION to read:

13 **23-31-309. Wildfire emergency response fund - creation -**
14 **wildfire preparedness fund - creation.** (6) PROCEDURES GOVERNING
15 THE DEVELOPMENT, ADOPTION, OR IMPLEMENTATION OF COMMUNITY
16 WILDFIRE PROTECTION PLANS BY COUNTY GOVERNMENTS ARE SPECIFIED
17 IN SECTION 30-15-401.7, C.R.S. NOTHING IN THIS SECTION SHALL BE
18 CONSTRUED TO AFFECT THE PROVISIONS OF SECTION 30-15-401.7, C.R.S.

19 **SECTION 4.** 30-10-512, Colorado Revised Statutes, is amended
20 to read:

21 **30-10-512. Sheriff to act as fire warden.** SUBJECT TO THE
22 PROVISIONS OF THE COMMUNITY WILDFIRE PROTECTION PLAN PREPARED
23 BY THE COUNTY IN ACCORDANCE WITH SECTION 30-15-401.7, the sheriff
24 of every county, in addition to other duties, shall act as fire warden of his
25 OR HER respective county in case of prairie or forest fires OR WILDFIRES.

26 **SECTION 5.** 30-10-513, Colorado Revised Statutes, is amended
27 to read:

1 **30-10-513. Sheriff in charge of forest or prairie fire or wildfire**
2 **- expenses.** SUBJECT TO THE PROVISIONS OF THE COMMUNITY WILDFIRE
3 PROTECTION PLAN PREPARED BY THE COUNTY IN ACCORDANCE WITH
4 SECTION 30-15-401.7, it is the duty of the sheriff, undersheriffs, and
5 deputies, in case of any forest or prairie fire OR WILDFIRE OCCURRING IN
6 THE UNINCORPORATED AREA OF THE COUNTY, to assume charge thereof
7 or to assist other governmental authorities in such emergencies for
8 controlling or extinguishing such fires, and, for assisting in so doing, they
9 may call to their aid such person as they may deem necessary. The state
10 forester may assume the duty with concurrence of the sheriff. The board
11 of county commissioners of any county may allow the sheriff,
12 undersheriffs, deputies, municipal or county fire departments, fire
13 protection districts, fire authorities, and such other persons as may be
14 called to assist in controlling or extinguishing such fires such
15 compensation and other expenses necessarily incurred as it may deem
16 just. The board of county commissioners of any county in this state may
17 make such appropriation as it may deem proper for the purpose of
18 controlling fires in its county. The board of county commissioners is
19 authorized to levy a special tax subject to approval of the voters upon
20 every dollar of valuation of assessment of the taxable property within the
21 county for the purpose of creating a fund that shall be appropriated, after
22 consultation with representatives of fire departments, fire protection
23 districts, and fire authorities in the county, to prevent, control, or
24 extinguish such fires anywhere in the county and to fix the rate of levy;
25 except that the amount raised from the levy in any one year is limited to
26 the amount raised by one mill or five hundred thousand dollars,
27 whichever is less.

1 **SECTION 6.** 32-1-1002 (3) (a), Colorado Revised Statutes, is
2 amended to read:

3 **32-1-1002. Fire protection districts - additional powers and**
4 **duties.** (3) (a) The chief of the fire department in each fire protection
5 district in the state of Colorado, by virtue of such office so held by him
6 OR HER, shall have authority over the supervision of all fires within the
7 district, except as otherwise provided by law, subject to the duties and
8 obligations imposed by this subsection (3) AND SUBJECT TO THE
9 PROVISIONS OF THE COMMUNITY WILDFIRE PROTECTION PLAN PREPARED
10 BY THE COUNTY IN ACCORDANCE WITH SECTION 30-15-401.7, C.R.S., and
11 shall be vested with such other express authority as is contained in this
12 subsection (3), including commanding the fire department of such district.

13 **SECTION 7. Act subject to petition - effective date.** This act
14 shall take effect at 12:01 a.m. on the day following the expiration of the
15 ninety-day period after final adjournment of the general assembly that is
16 allowed for submitting a referendum petition pursuant to article V,
17 section 1 (3) of the state constitution, (August 4, 2009, if adjournment
18 sine die is on May 6, 2009); except that, if a referendum petition is filed
19 against this act or an item, section, or part of this act within such period,
20 then the act, item, section, or part, if approved by the people, shall take
21 effect on the date of the official declaration of the vote thereon by
22 proclamation of the governor.