

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

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

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.*

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, AND WHERE AND
19 HOW TO PRIORITIZE LAND MANAGEMENT ON BOTH FEDERAL AND
20 NONFEDERAL LANDS. CWPPS CAN BE AS SIMPLE OR COMPLEX AS A LOCAL
21 COMMUNITY DESIRES.

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

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

26 (B) 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 (C) 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 (D) 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, AS
13 FACING A SUBSTANTIAL AND RECURRING RISK OF EXPOSURE TO SEVERE
14 FIRE HAZARDS.

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

25 (4) THE ADOPTION OF A CWPP BY A COUNTY GOVERNMENT SHALL
26 BE GOVERNED BY THE REQUIREMENTS OF SECTION 30-15-401.7, C.R.S.

27 (5) THE STATE FORESTER SHALL SEND TIMELY NOTICE OF THE

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

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

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

12 **30-15-401.7. Determination of fire hazard area - community**
13 **wildfire preparedness plans - adoption - legislative declaration -**
14 **definitions.** (1) (a) THE GENERAL ASSEMBLY HEREBY FINDS,
15 DETERMINES, AND DECLARES THAT:

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

1 THEMSELVES IN A CWPP. THE WILD LAND-URBAN INTERFACE AREA IS ONE
2 OF THE IDENTIFIED PROPERTY AREAS THAT QUALIFY UNDER HFRA FOR
3 THE USE OF THIS EXPEDITED ENVIRONMENTAL REVIEW PROCESS.

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

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

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

21 (B) THE ESTABLISHMENT OF RELATIONS WITH OTHER STATE AND
22 LOCAL GOVERNMENT OFFICIALS, LOCAL FIRE CHIEFS, STATE AND NATIONAL
23 FIRE ORGANIZATIONS, FEDERAL LAND MANAGEMENT AGENCIES, PRIVATE
24 HOMEOWNERS, ELECTRIC, GAS, AND WATER UTILITY PROVIDERS IN THE
25 SUBJECT AREA, AND COMMUNITY GROUPS, THEREBY ENSURING
26 COLLABORATION AMONG THESE GROUPS IN INITIATING A PLANNING
27 DIALOGUE AND FACILITATING THE IMPLEMENTATION OF PRIORITY ACTIONS

1 ACROSS OWNERSHIP BOUNDARIES;

2 (C) SPECIALIZED NATURAL RESOURCE KNOWLEDGE AND
3 TECHNICAL EXPERTISE RELATIVE TO THE PLANNING PROCESS,
4 PARTICULARLY IN THE AREAS OF GLOBAL POSITIONING SYSTEMS AND
5 MAPPING, VEGETATION MANAGEMENT, ASSESSMENT OF VALUES AND
6 RISKS, AND FUNDING STRATEGIES; AND

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

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

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

20 (VI) THE DEVELOPMENT OF CWPPS PROMOTES ECONOMIC
21 OPPORTUNITIES IN RURAL COMMUNITIES.

22 (b) BY ENACTING THIS SECTION, THE GENERAL ASSEMBLY INTENDS
23 TO FACILITATE AND ENCOURAGE THE DEVELOPMENT OF CWPPS IN
24 COUNTIES WITH FIRE HAZARD AREAS IN THEIR TERRITORIAL BOUNDARIES
25 AND TO PROVIDE MORE STATEWIDE UNIFORMITY AND CONSISTENCY WITH
26 RESPECT TO THE CONTENT OF CWPPS IN COUNTIES NEEDING PROTECTION
27 AGAINST WILDFIRES.

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

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

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

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

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

25 (c) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,
26 A COUNTY THAT HAS ALREADY PREPARED A CWPP OR AN EQUIVALENT
27 PLAN AS OF THE EFFECTIVE DATE OF THIS SECTION AND, IN CONNECTION

1 WITH SUCH PREPARATION, CONSIDERED THE GUIDELINES AND CRITERIA
2 ESTABLISHED BY THE STATE FORESTER AND DESIGNATED
3 REPRESENTATIVES PURSUANT TO SECTION 23-31-312 (3), C.R.S., SHALL
4 NOT BE REQUIRED TO PREPARE A NEW CWPP TO SATISFY THE
5 REQUIREMENTS OF THIS SECTION.

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

8 **23-31-309. Wildfire emergency response fund - creation -**
9 **wildfire preparedness fund - creation.** (6) PROCEDURES GOVERNING
10 THE DEVELOPMENT, ADOPTION, OR IMPLEMENTATION OF COMMUNITY
11 WILDFIRE PROTECTION PLANS BY COUNTY GOVERNMENTS ARE SPECIFIED
12 IN SECTION 30-15-401.7, C.R.S. NOTHING IN THIS SECTION SHALL BE
13 CONSTRUED TO AFFECT THE PROVISIONS OF SECTION 30-15-401.7, C.R.S.

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

16 **30-10-512. Sheriff to act as fire warden.** SUBJECT TO THE
17 PROVISIONS OF THE COMMUNITY WILDFIRE PROTECTION PLAN PREPARED
18 BY THE COUNTY IN ACCORDANCE WITH SECTION 30-15-401.7, the sheriff
19 of every county, in addition to other duties, shall act as fire warden of his
20 OR HER respective county in case of prairie or forest fires OR WILDFIRES.

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

23 **30-10-513. Sheriff in charge of forest or prairie fire or wildfire**
24 **- expenses.** SUBJECT TO THE PROVISIONS OF THE COMMUNITY WILDFIRE
25 PROTECTION PLAN PREPARED BY THE COUNTY IN ACCORDANCE WITH
26 SECTION 30-15-401.7, it is the duty of the sheriff, undersheriffs, and
27 deputies, in case of any forest or prairie fire OR WILDFIRE OCCURRING IN

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

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

25 **32-1-1002. Fire protection districts - additional powers and**
26 **duties.** (3) (a) The chief of the fire department in each fire protection
27 district in the state of Colorado, by virtue of such office so held by him

1 OR HER, shall have authority over the supervision of all fires within the
2 district, except as otherwise provided by law, subject to the duties and
3 obligations imposed by this subsection (3) AND SUBJECT TO THE
4 PROVISIONS OF THE COMMUNITY WILDFIRE PROTECTION PLAN PREPARED
5 BY THE COUNTY IN ACCORDANCE WITH SECTION 30-15-401.7, C.R.S., and
6 shall be vested with such other express authority as is contained in this
7 subsection (3), including commanding the fire department of such district.

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