

SB020_L.001

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee_____
DateCommittee on Local Government and Energy.

After consideration on the merits, the Committee recommends the following:

SB09-020 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute the following:

3 "SECTION 1. Title 29, Colorado Revised Statutes, is amended
4 BY THE ADDITION OF A NEW ARTICLE to read:

5 **Article 22.5**
6 **Wild Land Fire Planning**

7 **29-22.5-101. Legislative declaration.** (1) THE GENERAL
8 ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT:

9 (a) WILD LAND FIRES, ESPECIALLY FIRES OCCURRING IN WILD
10 LAND-URBAN INTERFACE AREAS, POSE A SERIOUS THREAT TO LIFE,
11 PROPERTY, CRITICAL INFRASTRUCTURE, AND THE ENVIRONMENT;

12 (b) A SYSTEMATIC, PROACTIVE APPROACH TO THE MANAGEMENT
13 OF WILD LAND FIRE INCIDENTS, REGARDLESS OF CAUSE, SIZE, LOCATION,
14 OR COMPLEXITY, IS NEEDED IN ORDER TO PROTECT LIFE, PROPERTY,
15 CRITICAL INFRASTRUCTURE, AND THE ENVIRONMENT;

16 (c) THE NATIONAL INCIDENT MANAGEMENT SYSTEM PROVIDES A
17 CONSISTENT, NATIONWIDE TEMPLATE ENABLING FEDERAL, STATE, TRIBAL,
18 AND LOCAL GOVERNMENTS, THE PRIVATE SECTOR, AND
19 NONGOVERNMENTAL ORGANIZATIONS TO WORK TOGETHER TO PREPARE
20 FOR, PREVENT, RESPOND TO, RECOVER FROM, AND MITIGATE THE EFFECTS



1 OF ALL INCIDENTS REGARDLESS OF TYPE, CAUSE, SIZE, LOCATION, OR
2 COMPLEXITY, AND SHOULD BE THE FOUNDATION FOR THE MANAGEMENT
3 OF WILD LAND FIRE INCIDENTS;

4 (d) THE DEVELOPMENT OF A COUNTY WILD LAND FIRE PLAN, IN
5 COOPERATION BETWEEN THE SHERIFF AND THE FIRE CHIEFS OF THE
6 COUNTY AND BASED ON THE RESOURCE CAPABILITIES SPECIFIC TO THE
7 COUNTY, WILL ASSIST IN CLARIFYING THE ROLES AND RESPONSIBILITIES OF
8 LOCAL EMERGENCY RESPONSE AGENCIES, IN THE MANAGEMENT OF WILD
9 LAND FIRE INCIDENTS AND, FOR THESE REASONS, THE DEVELOPMENT OF
10 SUCH A PLAN IS ENCOURAGED;

11 (e) MANY OF THE ELEMENTS OF A COUNTY WILD LAND FIRE PLAN
12 MAY ALREADY EXIST IN COMMUNITY WILDFIRE PROTECTION PLANS, OTHER
13 COUNTY FIRE PLANS, COUNTY ALL-HAZARDS PREPAREDNESS PLANS, OR
14 ANNUAL OPERATING PLANS, AND THESE ELEMENTS SHOULD BE BROUGHT
15 TOGETHER, IN COOPERATION BETWEEN THE SHERIFF AND THE FIRE CHIEFS
16 OF THE COUNTY, INTO A COUNTY WILD LAND FIRE PLAN; AND

17 (f) THE PROVISIONS OF THIS ARTICLE ARE INTENDED TO CLARIFY
18 AND IDENTIFY SPECIFIC STATE AND LOCAL ROLES, RESPONSIBILITIES, AND
19 AUTHORITIES FOR MANAGING PRAIRIE, FOREST, OR WILD LAND FIRE
20 INCIDENTS THAT RANGE FROM THE SMALL SCALE LOCAL TO LARGE SCALE
21 MULTI-JURISDICTIONAL OR CATASTROPHIC FIRES IN ORDER TO PROTECT
22 LIFE, PROPERTY, CRITICAL INFRASTRUCTURE, AND THE ENVIRONMENT.

23 **29-22.5-102. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
24 CONTEXT OTHERWISE REQUIRES:

25 (1) "FOREST SERVICE" MEANS THE COLORADO STATE FOREST
26 SERVICE IDENTIFIED IN SECTION 23-31-302, C.R.S.

27 (2) "INCIDENT COMMAND SYSTEM" MEANS A STANDARDIZED,
28 ON-SCENE, ALL-HAZARD INCIDENT MANAGEMENT CONCEPT THAT IS AN
29 INTEGRAL PART OF THE NATIONAL INCIDENT MANAGEMENT SYSTEM.

30 (3) "INCIDENT COMMANDER" MEANS THE INDIVIDUAL RESPONSIBLE
31 FOR THE OVERALL MANAGEMENT OF THE INCIDENT INCLUDING
32 DEVELOPING INCIDENT OBJECTIVES AND MANAGING ALL INCIDENT
33 OPERATIONS, BY VIRTUE OF EXPLICIT LEGAL, AGENCY, OR DELEGATED
34 AUTHORITY.

1 (4) "LOCAL INCIDENT MANAGEMENT TEAM" MEANS A SINGLE OR
2 MULTI-AGENCY TEAM OF CAPABLE INDIVIDUALS FORMED AND MANAGED
3 AT THE LOCAL OR COUNTY LEVEL AND CREATED OR ACTIVATED WHEN
4 NECESSARY TO PROVIDE THE COMMAND AND CONTROL INFRASTRUCTURE
5 REQUIRED TO MANAGE A MAJOR OR COMPLEX INCIDENT REQUIRING A
6 SIGNIFICANT NUMBER OF LOCAL AND MUTUAL AID RESOURCES.

7 (5) "MUTUAL AID AGREEMENT" MEANS A WRITTEN AGREEMENT
8 BETWEEN OR AMONG FEDERAL, STATE, AND LOCAL AGENCIES IN WHICH
9 THE AGENCIES AGREE TO ASSIST ONE ANOTHER UPON REQUEST BY
10 FURNISHING SUCH RESOURCES AS PERSONNEL AND EQUIPMENT.

11 (6) "NATIONAL INCIDENT MANAGEMENT SYSTEM" OR "NIMS"
12 MEANS THE NATIONAL COMMAND AND MANAGEMENT SYSTEM DEVELOPED
13 BY THE U.S. DEPARTMENT OF HOMELAND SECURITY. NIMS PROVIDES A
14 UNIFIED APPROACH TO INCIDENT MANAGEMENT; STANDARD COMMAND
15 AND MANAGEMENT STRUCTURES; AND EMPHASIS ON PREPAREDNESS,
16 MUTUAL AID, AND RESOURCE MANAGEMENT.

17 (7) "PRESCRIBED FIRE" MEANS ANY FIRE IGNITED BY FEDERAL,
18 STATE, OR LOCAL FOREST OR LAND MANAGERS OR PRIVATE PROPERTY
19 OWNERS TO MEET SPECIFIC FIRE PROTECTION OR MITIGATION OBJECTIVES.

20 (8) "UNIFIED COMMAND" MEANS THE INCIDENT COMMANDERS
21 REPRESENTING AGENCIES OR JURISDICTIONS THAT SHARE RESPONSIBILITY
22 FOR THE INCIDENT MANAGE THE RESPONSE FROM A SINGLE INCIDENT
23 COMMAND POST, ALLOWING AGENCIES WITH DIFFERENT LEGAL,
24 GEOGRAPHIC, AND FUNCTIONAL AUTHORITIES AND RESPONSIBILITIES TO
25 WORK TOGETHER EFFECTIVELY WITHOUT AFFECTING INDIVIDUAL AGENCY
26 AUTHORITY, RESPONSIBILITY, OR ACCOUNTABILITY.

27 (9) "WILD LAND AREA" MEANS AN AREA IN WHICH DEVELOPMENT
28 IS ESSENTIALLY NONEXISTENT, EXCEPT FOR ROADS, RAILROADS, POWER
29 LINES, AND SIMILAR INFRASTRUCTURE, AND IN WHICH STRUCTURES, IF
30 PRESENT, ARE WIDELY SCATTERED.

31 (10) "WILD LAND FIRE" MEANS AN UNPLANNED OR UNWANTED
32 FIRE IN A WILD LAND AREA, INCLUDING UNAUTHORIZED HUMAN-CAUSED
33 FIRES, OUT-OF-CONTROL PRESCRIBED FIRES, AND ALL OTHER FIRES IN WILD
34 LAND AREAS WHERE THE OBJECTIVE IS TO EXTINGUISH THE FIRE.

1 **29-22.5-103. Wild land fires – general authority and**
2 **responsibilities.**

3 (1) THE CHIEF OF THE FIRE DEPARTMENT IN EACH FIRE PROTECTION
4 DISTRICT IN THE STATE IS RESPONSIBLE FOR THE MANAGEMENT OF WILD
5 LAND FIRES THAT OCCUR WITHIN THE BOUNDARIES OF HIS OR HER DISTRICT
6 AND THAT ARE WITHIN THE CAPABILITY OF THE FIRE DISTRICT TO CONTROL
7 OR EXTINGUISH IN ACCORDANCE WITH THE PROVISIONS OF SECTION
8 32-1-1002 (3) (a), C.R.S.

9 (a) THE FIRE CHIEF MAY UTILIZE MUTUAL AID AGREEMENTS AND
10 UNIFIED COMMAND WITH NEIGHBORING FIRE PROTECTION DISTRICTS TO
11 SUPPRESS AND CONTROL FIRES THAT CROSS OR THREATEN TO CROSS THE
12 BOUNDARIES OF THE DISTRICT.

13 (b) THE FIRE CHIEF MAY TRANSFER ANY DUTY OR RESPONSIBILITY
14 THE FIRE CHIEF MAY ASSUME UNDER THIS SECTION TO THE COUNTY
15 SHERIFF WITH THE CONCURRENCE OF THE SHERIFF.

16 (c) THE FIRE CHIEF SHALL NOT SEEK REIMBURSEMENT FROM THE
17 COUNTY FOR EXPENSES INCURRED BY THE DISTRICT AND USED IN
18 CONTAINING OR SUPPRESSING A WILDFIRE THAT OCCURS ON PRIVATE
19 PROPERTY WITHIN THE BOUNDARIES OF THE DISTRICT.

20 (2) (a) THE SHERIFF IS THE FIRE WARDEN OF THE COUNTY AND IS
21 RESPONSIBLE FOR THE PLANNING FOR, AND THE COORDINATION OF,
22 EFFORTS TO SUPPRESS WILDFIRES THAT OCCUR IN UNINCORPORATED AREAS
23 OF THE COUNTY OUTSIDE THE BOUNDARIES OF A FIRE PROTECTION
24 DISTRICT OR THAT EXCEED THE CAPABILITIES OF THE FIRE PROTECTION
25 DISTRICT TO CONTROL OR EXTINGUISH IN ACCORDANCE WITH THE
26 PROVISIONS OF SECTION 30-10-513, C.R.S.

27 (b) IN THE CASE OF A WILDFIRE THAT EXCEEDS THE CAPABILITIES
28 OF THE FIRE PROTECTION DISTRICT TO CONTROL OR EXTINGUISH AND THAT
29 REQUIRES MUTUAL AID AND OUTSIDE RESOURCES, THE SHERIFF SHALL
30 APPOINT A LOCAL INCIDENT MANAGEMENT TEAM TO PROVIDE THE
31 COMMAND AND CONTROL INFRASTRUCTURE REQUIRED TO MANAGE THE
32 FIRE. THE SHERIFF SHALL ASSUME FINANCIAL RESPONSIBILITY FOR FIRE
33 FIGHTING EFFORTS ON BEHALF OF THE COUNTY AND THE AUTHORITY FOR
34 THE ORDERING AND MONITORING OF RESOURCES.

1 (c) IN THE CASE OF A WILDFIRE THAT EXCEEDS THE CAPABILITY OF
2 THE COUNTY TO CONTROL OR EXTINGUISH, THE SHERIFF SHALL BE
3 RESPONSIBLE FOR SEEKING THE ASSISTANCE OF THE STATE, BY
4 REQUESTING ASSISTANCE FROM THE FOREST SERVICE. THE SHERIFF AND
5 THE STATE FORESTER SHALL ENTER INTO AN AGREEMENT CONCERNING THE
6 TRANSFER OF AUTHORITY AND RESPONSIBILITY FOR FIRE SUPPRESSION AND
7 THE RETENTION OF RESPONSIBILITIES UNDER A UNIFIED COMMAND
8 STRUCTURE.

9 (3) (a) THE FOREST SERVICE SHALL BE THE LEAD STATE AGENCY
10 FOR WILD LAND FIRE SUPPRESSION AS IDENTIFIED IN THE COLORADO STATE
11 EMERGENCY OPERATIONS PLAN AND IN ACCORDANCE WITH THE
12 PROVISIONS OF SECTION 23-31-301, C.R.S.

13 (b) THE FOREST SERVICE MAY PROVIDE LAND MANAGEMENT AND
14 WILD LAND FIRE MANAGEMENT SERVICES TO OTHER STATE AGENCIES BY
15 MEANS OF MEMORANDA OF UNDERSTANDING OR RELATED FORMS OF
16 COOPERATIVE AGREEMENTS.

17 (c) IN CASE OF A WILD LAND FIRE THAT EXCEEDS THE CAPABILITY
18 OF THE COUNTY TO CONTROL OR EXTINGUISH, THE FOREST SERVICE MAY
19 ASSIST THE SHERIFF IN CONTROLLING OR EXTINGUISHING SUCH FIRES, AND
20 MAY ASSUME COMMAND OF SUCH INCIDENTS WITH THE CONCURRENCE OF
21 THE SHERIFF UNDER A UNIFIED COMMAND STRUCTURE.

22 (d) AT THE REQUEST OF THE SHERIFF, THE FOREST SERVICE MAY
23 ASSIST IN THE DEVELOPMENT OR MODIFICATION OF THE COUNTY WILDFIRE
24 PREPAREDNESS PLAN.

25 (4) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AND
26 SUBJECT TO THE PROVISIONS OF ANY LOCAL OR REGIONAL MUTUAL AID
27 AGREEMENTS OR PLANS FOR WILD LAND FIRE RESPONSE, THE FIRST
28 EMERGENCY RESPONSE AGENCY TO ARRIVE AT THE SCENE OF A WILD LAND
29 FIRE, REGARDLESS OF WHETHER THE INCIDENT OCCURS WITHIN ITS
30 JURISDICTION, SHALL ACT AS INCIDENT COMMANDER AND BE RESPONSIBLE
31 FOR THE INITIAL EMERGENCY ACTION NECESSARY TO CONTROL THE WILD
32 LAND FIRE OR TO PROTECT LIFE OR PROPERTY UNTIL THE EMERGENCY
33 RESPONSE AGENCY THAT HAS JURISDICTION OVER THE INCIDENT SITE
34 ARRIVES.

35 **29-22.5-104. County wildfire preparedness plan. (1) THE**

1 SHERIFF OF EACH COUNTY MAY DEVELOP AND UPDATE AS NECESSARY A
2 WILDFIRE PREPAREDNESS PLAN FOR THE UNINCORPORATED AREA OF THE
3 COUNTY IN COOPERATION WITH ANY FIRE DISTRICT WITH JURISDICTION
4 OVER SUCH UNINCORPORATED AREA. ANY SUCH PLAN SHALL:

5 (a) IDENTIFY ALL PARTICIPANTS IN THE PLAN AND THEIR WILD
6 LAND FIRE ROLES AND RESPONSIBILITIES, INCLUDING THEIR
7 JURISDICTIONAL BOUNDARIES, THEIR FISCAL AND OPERATIONAL
8 AUTHORITY AND RESPONSIBILITIES, A GENERAL DESCRIPTION OF THEIR
9 WILD LAND FIRE RESPONSE CAPABILITIES, AND INCIDENT COMMAND
10 STRUCTURE;

11 (b) DESCRIBE AVAILABLE EMERGENCY RESPONSE RESOURCES AND
12 MUTUAL AID AND OTHER AGREEMENTS RELATED TO THE PLAN;

13 (c) DESCRIBE THE PROCEDURES FOR COOPERATION AND
14 COORDINATION BETWEEN OR AMONG FEDERAL, STATE, COUNTY, AND
15 LOCAL EMERGENCY RESPONSE AUTHORITIES; AND

16 (d) SPECIFY REIMBURSEMENT AND BILLING PROCEDURES.

17 (2) IT IS RECOGNIZED THAT MANY OF THE ELEMENTS DESCRIBED IN
18 SUBSECTION (1) OF THIS SECTION MAY ALREADY EXIST IN COMMUNITY
19 WILDFIRE PROTECTION PLANS, OTHER COUNTY FIRE PLANS, COUNTY
20 ALL-HAZARDS PREPAREDNESS PLANS, OR ANNUAL OPERATING PLANS, AND
21 THESE ELEMENTS COULD BE INTEGRATED, IN COOPERATION BETWEEN THE
22 SHERIFF AND THE FIRE CHIEFS OF THE COUNTY, INTO A COUNTY WILD LAND
23 FIRE PLAN.

24 (3) THE PLAN DEVELOPED PURSUANT TO SUBSECTION (1) OF THIS
25 SECTION SHALL BE AGREED TO BY ALL PARTICIPANTS IN THE PLAN TO THE
26 EXTENT PRACTICABLE.

27 (4) THE AUTHORIZATION TO DEVELOP A WILDFIRE PREPAREDNESS
28 PLAN PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL NOT BE
29 CONSTRUED TO REQUIRE THE SHERIFF TO PROVIDE AND MAINTAIN THE
30 CAPABILITY FOR THE RESPONSE. THE SHERIFF MAY PROVIDE AND
31 MAINTAIN RESPONSE CAPABILITY AS DESCRIBED IN THE PLAN DIRECTLY OR
32 THROUGH MUTUAL AID OR OTHER AGREEMENTS.

33 (5) AT THE REQUEST OF THE SHERIFF, THE FOREST SERVICE MAY

1 ASSIST IN THE DEVELOPMENT OR UPDATING OF THE COUNTY WILDFIRE
2 PREPAREDNESS PLAN PURSUANT TO SUBSECTION (1) OF THIS SECTION.

3 (6) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO AFFECT
4 THE PROVISIONS OF SECTION 30-15-401.7, C.R.S., OR THE COMMUNITY
5 WILDFIRE PROTECTION PLAN DEVELOPED PURSUANT TO SUCH SECTION.

6 SECTION 2. 23-31-303 (1), Colorado Revised Statutes, is
7 amended to read:

8 23-31-303. Funds available. (1) The governor's emergency
9 fund, or other funds available to the Colorado state forest service, may be
10 used for the purpose of preventing and suppressing forest AND WILD LAND
11 fires, in accordance with the provisions of part 21 of article 32 of title 24,
12 C.R.S.

13 SECTION 3. 23-31-304, Colorado Revised Statutes, is amended
14 to read:

15 23-31-304. State responsibility determined. The state forester
16 shall determine, in consultation with local authorities and with the
17 approval of the governor, geographic areas of the state, including wild
18 land-urban interface areas, in which the state has a financial responsibility
19 for managing forest AND WILD LAND fires. The management of fires in all
20 other areas is primarily the responsibility of local or federal agencies, as
21 the case may be. The state forester may exclude all lands owned or
22 controlled by the federal government or any agency thereof, and the state
23 forester shall exclude all lands within the exterior boundaries of
24 incorporated cities or towns.

25 SECTION 4. 30-10-512, Colorado Revised Statutes, is amended
26 to read:

27 30-10-512. Sheriff to act as fire warden. The sheriff of every
28 county, in addition to other duties, shall act as fire warden of his OR HER
29 respective county AND IS RESPONSIBLE FOR THE COORDINATION OF FIRE
30 SUPPRESSION EFFORTS in case of prairie, or forest fires, OR WILD LAND
31 FIRES THAT OCCUR IN UNINCORPORATED AREAS OF THE COUNTY OUTSIDE
32 THE BOUNDARIES OF A FIRE PROTECTION DISTRICT, OR THAT EXCEED THE
33 CAPABILITIES OF THE FIRE PROTECTION DISTRICT TO CONTROL OR
34 EXTINGUISH.

1 **SECTION 5.** 30-10-513, Colorado Revised Statutes, is
2 **REPEALED AND REENACTED, WITH AMENDMENTS,** to read:

3 **30-10-513. Duties of sheriff - coordination of fire suppression**
4 **efforts for forest prairie, or wild land fire - expenses.** (1) (a) IT IS THE
5 DUTY OF THE SHERIFF TO ASSUME THE RESPONSIBILITY FOR COORDINATING
6 FIRE SUPPRESSION EFFORTS IN CASE OF ANY PRAIRIE, FOREST, OR WILD
7 LAND FIRE THAT OCCURS IN UNINCORPORATED AREAS OF THE COUNTY
8 OUTSIDE THE BOUNDARIES OF A FIRE PROTECTION DISTRICT OR THAT
9 EXCEED THE CAPABILITIES OF THE FIRE PROTECTION DISTRICT TO CONTROL
10 OR EXTINGUISH.

11 (b) IN THE CASE OF A PRAIRIE, FOREST, OR WILD LAND FIRE
12 OCCURRING WITHIN THE BOUNDARIES OF ONE OR MORE FIRE PROTECTION
13 DISTRICTS AND THAT DO NOT EXCEED THE CAPABILITIES OF THE FIRE
14 PROTECTION DISTRICT TO CONTROL OR EXTINGUISH, THE SHERIFF MAY
15 ASSIST THE CHIEF OF THE FIRE PROTECTION DISTRICT IN CONTROLLING OR
16 EXTINGUISHING SUCH FIRES, AND, IN CONNECTION WITH SUCH ASSISTANCE,
17 THE SHERIFF MAY SOLICIT SUCH ADDITIONAL ASSISTANCE FROM SUCH
18 PERSONS AS THE SHERIFF AND THE FIRE CHIEF DEEM NECESSARY. THE
19 SHERIFF MAY ASSUME COMMAND OF SUCH INCIDENTS WITH THE
20 CONCURRENCE OF THE FIRE CHIEF.

21 (c) IN THE CASE OF A PRAIRIE, FOREST, OR WILD LAND FIRE THAT
22 EXCEEDS THE CAPABILITIES OF THE FIRE PROTECTION DISTRICT TO
23 CONTROL OR EXTINGUISH AND THAT REQUIRES MUTUAL AID AND OUTSIDE
24 RESOURCES, THE SHERIFF SHALL APPOINT A LOCAL INCIDENT
25 MANAGEMENT TEAM TO PROVIDE THE COMMAND AND CONTROL
26 INFRASTRUCTURE REQUIRED TO MANAGE THE FIRE. THE SHERIFF SHALL
27 ASSUME FINANCIAL RESPONSIBILITY FOR FIRE FIGHTING EFFORTS ON
28 BEHALF OF THE COUNTY AND THE AUTHORITY FOR THE ORDERING AND
29 MONITORING OF RESOURCES.

30 (d) WHEN A WILDFIRE EXCEEDS THE CAPABILITY OF THE COUNTY
31 TO CONTROL OR EXTINGUISH, THE SHERIFF SHALL BE RESPONSIBLE FOR
32 SEEKING THE ASSISTANCE OF THE STATE BY REQUESTING ASSISTANCE
33 FROM THE FOREST SERVICE. THE SHERIFF AND THE STATE FORESTER SHALL
34 ENTER INTO AN AGREEMENT CONCERNING THE TRANSFER OF AUTHORITY
35 AND RESPONSIBILITY FOR FIRE SUPPRESSION AND THE RETENTION OF
36 RESPONSIBILITIES UNDER A UNIFIED COMMAND STRUCTURE.

1 (2) THE STATE FORESTER MAY ASSUME ANY DUTY OR
2 RESPONSIBILITY GIVEN TO THE SHERIFF UNDER THIS SECTION WITH THE
3 CONCURRENCE OF THE SHERIFF.

4 (3) THE BOARD OF COUNTY COMMISSIONERS OF ANY COUNTY MAY
5 ALLOW THE SHERIFF, UNDERSHERIFFS, DEPUTIES, MUNICIPAL, OR COUNTY
6 FIRE DEPARTMENTS, FIRE PROTECTION DISTRICTS, FIRE AUTHORITIES, AND
7 SUCH OTHER PERSONS AS MAY BE CALLED UPON TO ASSIST IN
8 CONTROLLING OR EXTINGUISHING A PRAIRIE, FOREST, OR WILD LAND FIRE
9 SUCH COMPENSATION AND REIMBURSEMENT FOR OTHER EXPENSES
10 NECESSARILY INCURRED AS THE BOARD DEEMS JUST.

11 (4) THE BOARD OF COUNTY COMMISSIONERS OF ANY COUNTY IN
12 THE STATE MAY MAKE SUCH APPROPRIATION AS IT MAY DEEM PROPER FOR
13 THE PURPOSE OF CONTROLLING FIRES IN ITS COUNTY. THE BOARD OF
14 COUNTY COMMISSIONERS IS AUTHORIZED TO LEVY A SPECIAL TAX SUBJECT
15 TO APPROVAL OF THE VOTERS UPON EVERY DOLLAR OF VALUATION OF
16 ASSESSMENT OF THE TAXABLE PROPERTY WITHIN THE COUNTY FOR THE
17 PURPOSE OF CREATING A FUND THAT SHALL BE APPROPRIATED, AFTER
18 CONSULTATION WITH REPRESENTATIVES OF FIRE DEPARTMENTS, FIRE
19 PROTECTION DISTRICTS, AND FIRE AUTHORITIES IN THE COUNTY, TO
20 PREVENT, CONTROL, OR EXTINGUISH SUCH FIRES ANYWHERE IN THE
21 COUNTY AND TO FIX THE RATE OF LEVY; EXCEPT THAT THE AMOUNT
22 RAISED FROM THE LEVY IN ANY ONE YEAR IS LIMITED TO THE AMOUNT
23 RAISED BY ONE MILL OR FIVE HUNDRED THOUSAND DOLLARS, WHICHEVER
24 IS LESS.

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

27 **32-1-1002. Fire protection districts - additional powers and**
28 **duties.** (3) (a) The chief of the fire department in each fire protection
29 district in the state of Colorado, by virtue of such office so held by him,
30 shall have authority over the supervision of all fires within the district;
31 ~~except as otherwise provided by law~~ EXCEPT THAT RESPONSIBILITY FOR
32 COORDINATING FIRE SUPPRESSION EFFORTS IN CASE OF ANY PRAIRIE,
33 FOREST, OR WILD LAND FIRE THAT EXCEEDS THE CAPABILITIES OF THE
34 DISTRICT TO CONTROL OR EXTINGUISH SHALL BE TRANSFERRED TO THE
35 COUNTY SHERIFF IN ACCORDANCE WITH SECTION 30-10-513, C.R.S.,
36 subject to the duties and obligations imposed by this subsection (3). ~~and~~
37 THE CHIEF shall be vested with such other express authority as is

1 contained in this subsection (3), including commanding the fire
2 department of such district.

3 **SECTION 7. Effective date.** This act shall take effect upon
4 passage; except that portion of section 1 of this act containing new
5 subsection 29-22.5-104 (6), Colorado Revised Statutes, shall only take
6 effect if Senate Bill 09-001 is enacted at the First Regular Session of the
7 Sixty-seventh General Assembly and becomes law.

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

** **