

CHAPTER 189

GOVERNMENT - STATE

SENATE BILL 09-020

BY SENATOR(S) Gibbs, Boyd, Foster, Groff, Kopp, Newell, Penry, Romer, Schwartz, Shaffer B., Tapia, Tochtrop, White, Kester;
 also REPRESENTATIVE(S) Scanlan, Baumgardner, Curry, Gerou, Kerr J., King S., Labuda, Massey, McFadyen, Murray, Schafer S., Stephens, Todd, Vigil.

AN ACT**CONCERNING THE RESPONSIBILITY FOR RESPONDING TO WILD LAND FIRES.**

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

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

Article 22.5
Wild Land Fire Planning

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

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

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

(c) THE NATIONAL INCIDENT MANAGEMENT SYSTEM PROVIDES A CONSISTENT, NATIONWIDE TEMPLATE ENABLING FEDERAL, STATE, TRIBAL, AND LOCAL GOVERNMENTS, THE PRIVATE SECTOR, AND NONGOVERNMENTAL ORGANIZATIONS TO WORK TOGETHER TO PREPARE FOR, PREVENT, RESPOND TO, RECOVER FROM, AND MITIGATE THE EFFECTS OF ALL INCIDENTS REGARDLESS OF TYPE, CAUSE, SIZE,

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

LOCATION, OR COMPLEXITY, AND SHOULD BE THE FOUNDATION FOR THE MANAGEMENT OF WILD LAND FIRE INCIDENTS;

(d) THE DEVELOPMENT OF A COUNTY WILD LAND FIRE PLAN, IN COOPERATION AMONG THE SHERIFF, THE FIRE CHIEFS, AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY AND BASED ON THE RESOURCE CAPABILITIES SPECIFIC TO THE COUNTY, WILL ASSIST IN CLARIFYING THE ROLES AND RESPONSIBILITIES OF LOCAL EMERGENCY RESPONSE AGENCIES, IN THE MANAGEMENT OF WILD LAND FIRE INCIDENTS AND, FOR THESE REASONS, THE DEVELOPMENT OF SUCH A PLAN IS ENCOURAGED;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) THE FIRE CHIEF SHALL NOT SEEK REIMBURSEMENT FROM THE COUNTY FOR EXPENSES INCURRED BY THE DISTRICT FOR THEIR OWN APPARATUS, EQUIPMENT, AND PERSONNEL USED IN CONTAINING OR SUPPRESSING A WILDFIRE OCCURRING ON PRIVATE PROPERTY WITHIN THE BOUNDARIES OF THE DISTRICT.

(2) (a) THE SHERIFF IS THE FIRE WARDEN OF THE COUNTY AND IS RESPONSIBLE FOR THE PLANNING FOR, AND THE COORDINATION OF, EFFORTS TO SUPPRESS WILDFIRES OCCURRING IN THE UNINCORPORATED AREA OF THE COUNTY OUTSIDE THE

BOUNDARIES OF A FIRE PROTECTION DISTRICT OR THAT EXCEED THE CAPABILITIES OF THE FIRE PROTECTION DISTRICT TO CONTROL OR EXTINGUISH IN ACCORDANCE WITH THE PROVISIONS OF SECTION 30-10-513, C.R.S.

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

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

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

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

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

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

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

29-22.5-104. County wildfire preparedness plan. (1) THE SHERIFF OF EACH COUNTY MAY DEVELOP AND UPDATE AS NECESSARY A WILDFIRE PREPAREDNESS PLAN FOR THE UNINCORPORATED AREA OF THE COUNTY IN COOPERATION WITH ANY FIRE DISTRICT WITH JURISDICTION OVER SUCH UNINCORPORATED AREA. ANY SUCH PLAN SHALL:

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

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

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

(d) SPECIFY REIMBURSEMENT AND BILLING PROCEDURES.

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

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

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

(5) AT THE REQUEST OF THE SHERIFF, THE FOREST SERVICE MAY ASSIST IN THE DEVELOPMENT OR UPDATING OF THE COUNTY WILDFIRE PREPAREDNESS PLAN PURSUANT TO SUBSECTION (1) OF THIS SECTION.

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

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

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

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

23-31-304. State responsibility determined. The state forester shall determine, in consultation with local authorities and with the approval of the governor, geographic areas of the state, including wild land-urban interface areas, in which the

state has a financial responsibility for managing forest AND WILD LAND fires. The management of fires in all other areas is primarily the responsibility of local or federal agencies, as the case may be. The state forester may exclude all lands owned or controlled by the federal government or any agency thereof, and the state forester shall exclude all lands within the exterior boundaries of incorporated cities or towns.

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

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

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

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

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

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

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

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

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

(4) THE BOARD OF COUNTY COMMISSIONERS OF ANY COUNTY IN THE STATE MAY MAKE SUCH APPROPRIATION AS IT MAY DEEM PROPER FOR THE PURPOSE OF CONTROLLING FIRES IN ITS COUNTY. THE BOARD OF COUNTY COMMISSIONERS IS AUTHORIZED TO LEVY A SPECIAL TAX SUBJECT TO APPROVAL OF THE VOTERS UPON EVERY DOLLAR OF VALUATION OF ASSESSMENT OF THE TAXABLE PROPERTY WITHIN THE COUNTY FOR THE PURPOSE OF CREATING A FUND THAT SHALL BE APPROPRIATED, AFTER CONSULTATION WITH REPRESENTATIVES OF FIRE DEPARTMENTS, FIRE PROTECTION DISTRICTS, AND FIRE AUTHORITIES IN THE COUNTY, TO PREVENT, CONTROL, OR EXTINGUISH SUCH FIRES ANYWHERE IN THE COUNTY AND TO FIX THE RATE OF LEVY.

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

32-1-1002. Fire protection districts - additional powers and duties.

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

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

SECTION 8. 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 30, 2009