

First Regular Session  
Sixty-seventh General Assembly  
STATE OF COLORADO

DRAFT  
9.11.08

**BILL 3**

LLS NO. 09-0123.02 Bob Lackner

**INTERIM COMMITTEE BILL**

**Interim Committee on Wildfire Issues  
in Wild Land-Urban Interface Areas**

**SHORT TITLE:** "Community Wildfire Protection Plans"

**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

*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 follow the guidelines and criteria.

Makes legislative findings and declarations. Defines terms.

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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  
16 SERVICE AND THE BUREAU OF LAND MANAGEMENT WHEN THESE AGENCIES

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

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

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

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

25 (B) THE ESTABLISHMENT OF RELATIONS WITH OTHER STATE AND  
26 LOCAL GOVERNMENT OFFICIALS, LOCAL FIRE CHIEFS, STATE AND NATIONAL  
27 FIRE ORGANIZATIONS, FEDERAL LAND MANAGEMENT AGENCIES, PRIVATE

1 HOMEOWNERS, AND COMMUNITY GROUPS, THEREBY ENSURING  
2 COLLABORATION AMONG THESE GROUPS IN INITIATING A PLANNING  
3 DIALOGUE AND FACILITATING THE IMPLEMENTATION OF PRIORITY ACTIONS  
4 ACROSS OWNERSHIP BOUNDARIES;

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

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

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

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

23 (VI) THE DEVELOPMENT OF CWPPS PROMOTES ECONOMIC  
24 OPPORTUNITIES IN RURAL COMMUNITIES.

25 (b) BY ENACTING THIS SECTION, THE GENERAL ASSEMBLY INTENDS  
26 TO FACILITATE AND ENCOURAGE THE DEVELOPMENT OF CWPPS IN  
27 COUNTIES WITH FIRE HAZARD AREAS IN THEIR TERRITORIAL BOUNDARIES  
28 AND TO PROVIDE MORE STATEWIDE UNIFORMITY AND CONSISTENCY WITH

1 RESPECT TO THE CONTENT OF CWPPS IN COUNTIES NEEDING PROTECTION  
2 AGAINST WILDFIRES.

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

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

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

12 (3) NOT LATER THAN JANUARY 1, 2010, THE STATE FORESTER, IN  
13 COLLABORATION WITH REPRESENTATIVES OF THE UNITED STATES FOREST  
14 SERVICE, THE COLORADO DEPARTMENT OF NATURAL RESOURCES, COUNTY  
15 GOVERNMENTS, MUNICIPAL GOVERNMENTS, LOCAL FIRE DEPARTMENTS OR  
16 FIRE PROTECTION DISTRICTS, AND STATE AND LOCAL LAW ENFORCEMENT  
17 AGENCIES, SHALL ESTABLISH GUIDELINES AND CRITERIA FOR COUNTIES TO  
18 CONSIDER IN PREPARING THEIR OWN CWPPS TO ADDRESS WILDFIRES IN  
19 FIRE HAZARD AREAS WITHIN THE UNINCORPORATED PORTION OF THE  
20 COUNTY.

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

23 (5) THE STATE FORESTER SHALL SEND TIMELY NOTICE OF THE  
24 GUIDELINES AND CRITERIA ESTABLISHED PURSUANT TO SUBSECTION (3) OF  
25 THIS SECTION TO THE DEPARTMENT OF LOCAL AFFAIRS AND TO STATEWIDE  
26 ORGANIZATIONS REPRESENTING COLORADO COUNTIES AND  
27 MUNICIPALITIES AND SHALL POST SUCH INFORMATION ON THE WEB SITE OF  
28 THE COLORADO STATE FOREST SERVICE.

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

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

7 **30-15-401.7. Determination of fire hazard area - community**  
8 **wildfire preparedness plans - adoption - legislative declaration -**  
9 **definitions.** (1) (a) THE GENERAL ASSEMBLY HEREBY FINDS,  
10 DETERMINES, AND DECLARES THAT:

11 (I) COMMUNITY WILDFIRE PROTECTION PLANS, OR CWPPS, ARE  
12 AUTHORIZED AND DEFINED IN SECTION 101 OF TITLE I OF THE FEDERAL  
13 "HEALTHY FORESTS RESTORATION ACT OF 2003", PUB.L. 108-148,  
14 REFERRED TO IN THIS SECTION AS "HFRA". TITLE I OF HFRA AUTHORIZES  
15 THE SECRETARIES OF AGRICULTURE AND THE INTERIOR TO EXPEDITE THE  
16 DEVELOPMENT AND IMPLEMENTATION OF HAZARDOUS FUEL REDUCTION  
17 PROJECTS ON FEDERAL LANDS MANAGED BY THE UNITED STATES FOREST  
18 SERVICE AND THE BUREAU OF LAND MANAGEMENT WHEN THESE AGENCIES  
19 MEET CERTAIN CONDITIONS. HFRA EMPHASIZES THE NEED FOR FEDERAL  
20 AGENCIES TO WORK COLLABORATIVELY WITH LOCAL COMMUNITIES IN  
21 DEVELOPING HAZARDOUS FUEL REDUCTION PROJECTS, PLACING PRIORITY  
22 ON TREATMENT AREAS IDENTIFIED BY THE LOCAL COMMUNITIES  
23 THEMSELVES IN A CWPP. THE WILD LAND-URBAN INTERFACE AREA IS ONE  
24 OF THE IDENTIFIED PROPERTY AREAS THAT QUALIFY UNDER HFRA FOR  
25 THE USE OF THIS EXPEDITED ENVIRONMENTAL REVIEW PROCESS.

26 (II) THE DEVELOPMENT OF A CWPP CAN ASSIST A LOCAL  
27 COMMUNITY IN CLARIFYING AND REFINING ITS PRIORITIES FOR THE  
28 PROTECTION OF LIFE, PROPERTY, AND CRITICAL INFRASTRUCTURE IN ITS

1 WILD LAND-URBAN INTERFACE AREA. THE CWPP BRINGS TOGETHER  
2 DIVERSE FEDERAL, STATE, AND LOCAL INTERESTS TO DISCUSS THEIR  
3 MUTUAL CONCERNS FOR PUBLIC SAFETY, COMMUNITY SUSTAINABILITY,  
4 AND NATURAL RESOURCES. THE CWPP PROCESS OFFERS A POSITIVE,  
5 SOLUTION-ORIENTED ENVIRONMENT IN WHICH TO ADDRESS CHALLENGES  
6 SUCH AS LOCAL FIRE-FIGHTING CAPABILITY, THE NEED FOR DEFENSIBLE  
7 SPACE AROUND HOMES AND HOUSING DEVELOPMENTS, AND WHERE AND  
8 HOW TO PRIORITIZE LAND MANAGEMENT ON BOTH FEDERAL AND  
9 NONFEDERAL LANDS. CWPPS CAN BE AS SIMPLE OR COMPLEX AS A LOCAL  
10 COMMUNITY DESIRES.

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

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

15 (B) THE ESTABLISHMENT OF RELATIONS WITH OTHER STATE AND  
16 LOCAL GOVERNMENT OFFICIALS, LOCAL FIRE CHIEFS, STATE AND NATIONAL  
17 FIRE ORGANIZATIONS, FEDERAL LAND MANAGEMENT AGENCIES, PRIVATE  
18 HOMEOWNERS, AND COMMUNITY GROUPS, THEREBY ENSURING  
19 COLLABORATION AMONG THESE GROUPS IN INITIATING A PLANNING  
20 DIALOGUE AND FACILITATING THE IMPLEMENTATION OF PRIORITY ACTIONS  
21 ACROSS OWNERSHIP BOUNDARIES;

22 (C) SPECIALIZED NATURAL RESOURCE KNOWLEDGE AND  
23 TECHNICAL EXPERTISE RELATIVE TO THE PLANNING PROCESS,  
24 PARTICULARLY IN THE AREAS OF GLOBAL POSITIONING SYSTEMS AND  
25 MAPPING, VEGETATION MANAGEMENT, ASSESSMENT OF VALUES AND  
26 RISKS, AND FUNDING STRATEGIES; AND

27 (D) STATEWIDE LEADERSHIP IN DEVELOPING AND MAINTAINING A  
28 LIST OR MAP OF COMMUNITIES AT RISK WITHIN THE STATE AND

1 FACILITATING WORK AMONG FEDERAL AND LOCAL PARTNERS TO  
2 ESTABLISH PRIORITIES FOR ACTION.

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

6 (V) CWPPS ASSIST LOCAL COMMUNITIES IN INFLUENCING WHERE  
7 AND HOW FEDERAL AGENCIES IMPLEMENT FUEL REDUCTION PROJECTS ON  
8 FEDERAL LANDS, HOW ADDITIONAL FEDERAL FUNDS MAY BE DISTRIBUTED  
9 FOR PROJECTS ON NONFEDERAL LANDS, AND IN DETERMINING THE TYPES  
10 AND METHODS OF TREATMENT THAT, IF COMPLETED, WOULD REDUCE THE  
11 RISK TO THE COMMUNITY.

12 (VI) THE DEVELOPMENT OF CWPPS PROMOTES ECONOMIC  
13 OPPORTUNITIES IN RURAL COMMUNITIES.

14 (b) BY ENACTING THIS SECTION, THE GENERAL ASSEMBLY INTENDS  
15 TO FACILITATE AND ENCOURAGE THE DEVELOPMENT OF CWPPS IN  
16 COUNTIES WITH FIRE HAZARD AREAS IN THEIR TERRITORIAL BOUNDARIES  
17 AND TO PROVIDE MORE STATEWIDE UNIFORMITY AND CONSISTENCY WITH  
18 RESPECT TO THE CONTENT OF CWPPS IN COUNTIES NEEDING PROTECTION  
19 AGAINST WILDFIRES.

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

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

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

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

5           (b) NOT LATER THAN ONE HUNDRED EIGHTY DAYS AFTER  
6 DETERMINING THERE ARE FIRE HAZARD AREAS WITHIN THE  
7 UNINCORPORATED PORTION OF A COUNTY, THE BOARD OF COUNTY  
8 COMMISSIONERS, IN COLLABORATION WITH THE REPRESENTATIVES OF THE  
9 ORGANIZATIONS OR ENTITIES ENUMERATED IN SECTION 23-31-312 (3),  
10 C.R.S., THAT ESTABLISHED THE GUIDELINES AND CRITERIA, SHALL  
11 PREPARE A CWPP FOR THE PURPOSE OF ADDRESSING WILDFIRES IN FIRE  
12 HAZARD AREAS WITHIN THE UNINCORPORATED PORTION OF THE COUNTY.  
13 IN PREPARING THE CWPP, THE BOARD SHALL FOLLOW THE GUIDELINES  
14 AND CRITERIA ESTABLISHED BY THE STATE FORESTER AND SUCH  
15 REPRESENTATIVES PURSUANT TO SECTION 23-31-312 (3), C.R.S.

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

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

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

26           **30-10-512. Sheriff to act as fire warden.** SUBJECT TO THE  
27 PROVISIONS OF THE COMMUNITY WILDFIRE PROTECTION PLAN PREPARED  
28 BY THE COUNTY IN ACCORDANCE WITH SECTION 30-15-401.7, the sheriff

1 of every county, in addition to other duties, shall act as fire warden of his  
2 OR HER respective county in case of prairie or forest fires OR WILDFIRES.

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

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

1 except that the amount raised from the levy in any one year is limited to  
2 the amount raised by one mill or five hundred thousand dollars,  
3 whichever is less.

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

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

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

25 **[Ask Committee]**