



Legislative
Council Staff

Nonpartisan Services for Colorado's Legislature

**REVISED
FISCAL NOTE**

(replaces fiscal note dated January 15, 2019)

Drafting Number:	LLS 19-0520	Date:	February 14, 2019
Prime Sponsors:	Rep. Catlin; McCluskie Sen. Coram; Donovan	Bill Status:	House Appropriations
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Bill Topic: PARKS & WILDLIFE VIOLATIONS OF LAW

Summary of Fiscal Impact:

<input checked="" type="checkbox"/> State Revenue	<input checked="" type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure (<i>minimal</i>)	<input checked="" type="checkbox"/> Local Government (<i>minimal</i>)
<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

The bill increases fine amounts and changes the disposition of fine revenue for violations related to Colorado Parks and Wildlife. The bill will increase state revenue on an ongoing basis.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: The fiscal note reflects the bill as amended by the House Rural Affairs Committee and includes a correction.

**Table 1
State Fiscal Impacts Under HB 19-1026**

		FY 2019-20	FY 2020-21
Revenue	Cash Funds	\$184,249	\$184,249
	Total	\$184,249	\$184,249
Expenditures		-	-
Diversions	General Fund	(\$381,274)	(\$381,274)
	Cash Funds	\$381,274	\$381,274
	Total	\$0	\$0
TABOR Refund	General Fund	(\$381,274)	-

Summary of Legislation

Beginning July 1, 2019, the bill increases fines for violations of law in the Division of Parks and Wildlife (CPW) within the Department of Natural Resources (DNR). The bill changes where fine revenue is deposited, creating a common allocation plan across four categories of violations. The bill grants the Parks and Wildlife Commission (commission) the authority to allow exceptions to prohibitions on both the possession, import, export, or transport of an aquatic nuisance species, and the transfer or sale of certain passes or registrations. The bill requires that a person on a stand-up paddleboard have a personal floatation device readily available. The bill creates the new crime of occupying a campsite without a permit.

The fines modified by the bill fall into four categories: wildlife, parks and outdoor recreation, snowmobiles, and off-highway vehicles. Under current law, revenue from fines issued by CPW officers is split evenly between the General Fund and an associated cash fund in CPW, with the exception of fines for parks related violations, which are deposited entirely into the Parks and Outdoor Recreation Cash Fund. For fines issued by peace officers employed by other state agencies or local governments, fine revenue is split evenly between the General Fund and a fund associated with the other state or local agency.

The bill establishes a common allocation plan for CPW fine revenue. Under this plan, for fines issued by CPW officers, all revenue is deposited into the cash fund relevant to the type of violation, regardless of whether the citing officer is a parks officer or a wildlife officer. For fines issued by a peace officer outside of CPW, the revenue is split evenly between the relevant CPW fund and a fund associated with the other state or local agency.

Comparable Crime Analysis

Legislative Council Staff is required to include certain information in the fiscal note for any bill that creates a new crime, changes the classification of an existing crime, or changes an element of an existing crime. This section outlines data on crimes comparable to the offenses in this bill and discusses assumptions on future rates of criminal conviction for those offenses.

Prior conviction data and assumptions. This bill expands floatation device requirements by requiring that a person on a stand-up paddle board have a personal floatation device readily available, and is guilty of a class 2 petty offense for failing to do so. From 2014 to 2018, there have been an average of 7 violations per year for people taking part in various forms of water based recreation failing to have a life jacket. The fiscal note assumes that there will be minimal or no additional criminal case filings or convictions for this offense under the bill.

The bill creates the new offense of occupying a campsite without a permit; a class 2 petty offense punishable by a fine equal to five times the cost of a permit for the campsite. Under current law, this is a violation of a commission rule, and is a class 2 petty offense punishable by a fine of \$50. Shifting this action from being classified as violation of commission rule to a statutory violation is not expected to affect the number of occurrences. Fines will be based on the cost of the campsite, which varies depending on the amenities offered. This change will have a minimal impact on revenue.

The bill grants the commission the authority to permit the possession, import, export, or transport of an aquatic nuisance species, under certain circumstances. The bill also grants the commission the authority to transfer, sell, or assign certain passes or registrations. By providing exceptions to these offenses, there is the potential to reduce the number of violations. It is assumed that any reduction will be negligible.

Assumptions

The fiscal note is based upon the following assumptions;

- CPW will begin collecting the increased fines July 1, 2019;
- the number of violations will remain in line with the 5-year average. A small increase driven by population growth will be offset by a small decrease due to the deterrent effect of higher fines; and
- 68% of the assessed fine total will actually be collected, consistent with CPW's current experience.

State Revenue

The bill will increase state cash fund revenue by \$184,249 in FY 2019-20 and thereafter. The revenue impact is estimated by multiplying each new fine amount by the 5-year average of the specific violation. Because CPW is an enterprise, revenue to the agency is not subject to the TABOR spending limit. Fines issued by law enforcement officers from other state agencies are sufficiently infrequent that revenue increases are presumed to be minimal. Revenue changes by fund are shown in Table 2 below.

Table 2
Revenue Impacts Under HB 19-1026

Fund	Annual Impact
Wildlife Cash Fund	\$112,081
Parks and Outdoor Recreation Cash Fund	\$67,388
Off-highway Vehicle Recreation Fund	\$3,624
Snowmobile Recreation Fund	\$1,156
Total	\$184,249

State Diversions

Beginning in FY 2019-20, the bill will divert \$381,274 from the General Fund to CPW cash funds on an ongoing basis. This estimate is based on a 5-year average of General Fund revenue from CPW related fines that will be deposited into DNR cash funds under the allocation plan established by the bill. Impacts to each fund are shown in Table 3 below.

Table 3
Diversion Impacts Under HB 19-1026

Fund	Annual Impact
General Fund	(\$381,274)
Wildlife Cash Fund	\$378,717
Off-highway Vehicle Recreation Fund	\$1,792
Snowmobile Recreation Fund	\$765
Total	\$0

State Expenditures

The bill will minimally increase workload for CPW. New fine levels and revenue distribution formulas will require updates to CPW's management system, which can be implemented by CPW staff. Informing staff and the public about new fine levels can be carried out through existing channels of communication. The workload increases can be accomplished within existing resources.

TABOR Refund. CPW is an enterprise; revenue collected by this agency is not subject to the TABOR spending limit. Because the bill reduces General Fund revenue, it is expected to decrease state General Fund obligations for TABOR refunds by \$381,274 in FY 2019-20. Under current law and the December 2018 forecast, the bill will correspondingly reduce the amount refunded to taxpayers via sales tax refunds on income tax returns for tax year 2020. The state is not expected to collect a TABOR surplus in FY 2020-21.

Local Government

Local governments may experience a minimal revenue increase from the larger fines. The number of citations issued by law enforcement officers outside of CPW for relevant violations is assumed to be sufficiently small that the impact is minimal.

Effective Date

The bill takes effect July 1, 2019.

State and Local Government Contacts

Counties	District Attorneys	Information Technology
Judicial	Law	Personnel
Public Safety	Natural Resources	Sheriffs