



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Fiscal Note

Drafting Number: LLS 22-0742
Prime Sponsors: Rep. Holtorf
Sen. Liston

Date: January 26, 2022
Bill Status: House Energy & Environment
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Bill Topic: REGULATION AND SERVICES FOR WILDFIRE MITIGATION

Summary of Fiscal Impact:

- State Revenue
- State Expenditure
- State Transfer

- TABOR Refund
- Local Government
- Statutory Public Entity

The bill requires people to notify their fire department before conducting a controlled burn. It increases state and local revenue and expenditures on an ongoing basis beginning in FY 2022-23.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: The fiscal note reflects the introduced bill.

Summary of Legislation

Before conducting a controlled burn, a person must notify their local fire department of the date, time, and location where it will occur. The fire department may determine that its personnel must be present for the controlled burn, and may require it to be rescheduled pursuant to the availability of its personnel. The bill establishes prohibitions on when a controlled burn may be conducted, unless the fire department allows otherwise and its personnel are on site.

A person who violates these provisions is liable for a civil fine and, if found to be negligent or willful and wanton, any costs incurred by the fire department in responding to the controlled burn as well as any damage or injury caused by the controlled burn.

State Revenue and Expenditures

Civil cases may be referred to a trial court if individuals refuse to pay a fine levied by a local government or if there are instances where liability for damages from a prohibited controlled burn must be determined. To the extent the bill increases civil case filings, state revenue and workload in the Judicial Department will increase beginning in FY 2022-23. This fee revenue is subject to TABOR. The fiscal note assumes that such cases will be rare, and that no change in appropriations is required.

Local Government

Expenditures will increase in fire departments to review controlled burn notifications and to be present at controlled burns as necessary. This workload may be offset to the extent that advanced notice of controlled burns will allow fire departments to more respond more efficiently to calls from the public reporting known controlled burns as a wildfire. To the extent that violations of the bill are cited and fines levied, revenue may increase to local governments as well.

Effective Date

The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed.

State and Local Government Contacts

Counties

Judicial

Municipalities

Special Districts