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Fiscal Note

Drafting Number: LLS 22-0430
Prime Sponsors: Sen. Donovan
Rep. Roberts

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Bill Status: Senate Agriculture
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Bill Topic: **WILDLAND FIRE INVESTIGATIONS**

Summary of Fiscal Impact:

- State Revenue
- State Expenditure
- State Transfer
- TABOR Refund
- Local Government
- Statutory Public Entity

The bill requires that the Division of Fire Prevention and Control in the Department of Public Safety investigate the causes of wildland fires. It increases state expenditures beginning FY 2022-23 on an ongoing basis.

Appropriation Summary:

For FY 2022-23, the bill includes an appropriation of \$206,649 to the Department of Public Safety. This amount is insufficient and the bill will require additional appropriations.

Fiscal Note Status:

The fiscal note reflects the introduced bill. The fiscal note is preliminary and will be updated with additional information.

Table 1
State Fiscal Impacts Under SB 22-080

		Budget Year FY 2022-23	Out Year FY 2023-24
Revenue		-	-
Expenditures	General Fund	\$204,649	-
Transfers		-	-
Other Budget Impacts	General Fund Reserve	\$30,697	-

Summary of Legislation

The bill requires that the Division of Fire Prevention and Control (DFPC) in the Department of Public Safety (DPS) investigate the causes of wildland fires. At a minimum, the division must investigate 90 percent of wildland fires occurring in the state over a three-year rolling average. The director of the division must report annually to the Wildfire Matters Review Committee on the number, status, and results of investigations from each preceding year. For FY 2022-23, the bill includes an appropriation of \$204,649 to the DPS.

Background

Under current law, the fire department and local governments in each fire protection district investigate the cause of fires where property is destroyed or damaged. If the investigation indicates a crime has been committed, the investigation is joined by the district attorney of the proper county.

The DFPC provides fire code enforcement, fire-related training and certification, public information and education, technical assistance to local governments, and wildfire preparedness activities to include response, suppression, coordination, and management.

State Expenditures

The bill includes a General Fund appropriation of \$204,649; however, this amount is not sufficient to fund the bill, which substantially increases workload, staff, and expenditures in the DFPC. These costs are still being estimated; however, the following description outlines some of the ways the bill will increase costs for the division. This fiscal note will be revised as additional information becomes available.

Recent data collected by DFPC estimates as many as 5,000 wildland fires occur statewide annually. The bill requires that the division investigate at least 90 percent, or about 4,500 wildland fires. According to national standards, an average fire investigation requires two investigators and, depending on the complexity, a minimum of 30 hours of work, including travel and administrative reporting. Investigations may require the use of canine teams, which include accelerant detection dogs, canine handlers, and managing investigators. Conducting investigations statewide will also require an administrative apparatus of managers, field workers, and central office support.

In addition to new staff, administrative districts will require vehicles and equipment to conduct investigations, provide field workspace, and transport teams. A call service center must be created to receive, document and dispatch resources, and to coordinate multiple concurrent investigations. These efforts also require constant data collection and analysis. Although not a direct impact, the bill may also increase expenditures for the Colorado Bureau of Investigations and the Department of Law when investigations indicate criminal activity.

Other Budget Impacts

General Fund reserve. Under current law, an amount equal to 15 percent of General Fund appropriations must be set aside in the General Fund statutory reserve beginning in FY 2022-23. Based on the current appropriation, the bill would increase the amount of General Fund held in reserve by \$30, 697 in FY 2022-23, which will decrease the amount of General Fund available for other purposes.

Local Government

Under current law, local governments incur the cost of wildland fire investigations. Some investigations are collaborative between available agencies and may include assistance from the DFPC and the CBI. This bill shifts the majority of expenses for wildland fire investigations to the state, and reduces costs for local governments.

Effective Date

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

State Appropriations

For FY 2022-23, the bill includes a General Fund appropriation of \$206,649 to the Department of Public Safety. This amount is insufficient to meet the requirements of the bill and additional appropriations are required.

State and Local Government Contacts

Public Safety