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Revised Fiscal Note

(Replaces fiscal note dated February 2, 202)

Drafting Number: LLS 22-0430 Date: April 1, 2022
Prime Sponsors: Sen. Donovan, Rep. Roberts Bill Status: Senate Appropriations
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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 creates an annual transfer from the General Fund and increases state expenditures on an ongoing basis beginning FY 2022-23.

Appropriation Summary: For FY 2022-23, the bill requires a reappropriation of \$106,334 to the Department of Personnel and Administration. Other expenditures are paid from a continuously appropriated cash fund.

Fiscal Note Status: The revised fiscal note reflects the introduced bill, as amended by the Senate Committee on Agriculture and Natural Resources.

Table 1
State Fiscal Impacts Under SB 22-080

Table with 4 columns: Category, Sub-category, Budget Year FY 2022-23, and Out Year FY 2023-24. Rows include Revenue, Expenditures (Cash Funds, Total Expenditures), Transfers (General Funds, Cash Funds, Net Transfer), and Other Budget Impacts.

Summary of Legislation

The bill creates the Fire Origin and Cause Investigation Fund, which consists of any money appropriated by the General Assembly, and any gifts, grants, or private donations received. On July 1, 2022, and each July 1 thereafter, the bill transfers \$3.0 million from the General Fund to the new cash fund. The cash fund is continuously appropriated to the Department of Public Safety (DPS). The Division of Fire Prevention and Control (DFPC) in the DPS may use money in the cash fund to:

- provide support to local fire departments investigating the cause and origin of wildland fires;
- reimburse contract fire investigators not employed by the division but acting under their direction;
- ensure data is accurately collected, analyzed, and disseminated; and
- use data to more effectively prevent or mitigate future wildfires.

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 Revenue

The bill potentially increases state revenue to the Fire Origin and Cause Investigation Fund from gifts, grants, or donations; however, no sources have been identified at this time. Gifts, grants, and donations are exempt from TABOR revenue limits.

State Expenditures

The bill increases state expenditures in DPS by about \$2.8 million annually beginning in FY 2022-23 from the Fire Origin and Cause Investigation Fund. The DFPC will add a fire origin and cause investigations unit in the division to support local fire departments in investigating the cause and origin of fires; reimburse local fire investigators acting under DFPC direction and coordination; and ensure data is accurately collected, analyzed, and disseminated to prevent or mitigate future fires. Expenditures are shown in Table 2 and detailed below. Costs may vary year to year based on the number of wildfires and the complexity of investigations each year; thus, estimated expenditures may not match the amount transferred to the program cash fund to account for this potential variability and to allow for reserves.

**Table 2
 Expenditures Under SB 22-080**

	FY 2022-23	FY 2023-24
Department of Public Safety		
Personal Services	\$844,271	\$921,023
Operating Expenses	\$14,850	\$14,850
Capital Outlay Costs	\$68,200	-
Mileage & Travel	\$109,664	\$109,664
Vehicle Lease	\$106,334	\$106,334
Firefighter Health Benefit	\$4,840	\$4,840
Uniforms & Equipment	\$481,300	-
Fire Data Platform & Software	-	\$400,000
Local Fire Investigation Reimbursements	\$950,000	\$985,000
Centrally Appropriated Costs ¹	\$241,943	\$265,447
Total Cost	\$2,821,402	\$2,807,158
Total FTE	10.0 FTE	11.0 FTE

¹ Centrally appropriated costs are not included in the bill's appropriation.

Personal services. The DFPC will add one branch chief, two unit chiefs, five investigators, and one administrative assistant to form the core of the unit. Additionally, two subject matter and data specialists are needed to develop and implement a data collection, analysis, and dissemination program. At a minimum, one of the new investigators will be trained as an Accelerant Detection Canine (ADC) Handler.

Mileage, travel, and vehicle lease. In order to provide investigations in the field, each team must be outfitted with an investigations trailer for workspace and storage. Staff will require vehicle leases obtained from the Department of Personnel and Administration. Vehicles must have off-road capabilities and the ADC handler requires a specialized 4x4 vehicle.

Firefighter health benefit. Current law requires that the DFPC pay a supplemental health benefit, including insurance for certain heart conditions and cancers, as well as an increased pension benefit, for firefighters employed by the division.

Uniforms and equipment. New staff must have proper uniforms, personal protection equipment, tablets and cellular phones, cameras, radios, drones, trailers, and other specialized investigation equipment.

Local investigation reimbursements. In addition to the material and administrative expenses to implement a statewide fire investigations operation, the DFPC will have costs of about \$1.0 million annually to reimburse contract fire investigators not employed by the division, but acting under their direction.

Centrally appropriated costs. Pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. These costs, which include employee insurance, supplemental employee retirement payments, and leased space are shown in Table 2.

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 Colorado Bureau of Investigation. This bill shifts some of the local expense for wildland fire investigations to the state, reducing costs for local governments.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

State Appropriations

The Fire Origin and Cause Investigation Fund is continuously appropriated to the DPS, so no appropriation is required. For FY 2022-23, the bill requires a reappropriation of \$106,334 to the Department of Personnel and Administration for vehicle leases.

State and Local Government Contacts

Public Safety