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Fiscal Note

Drafting Number:	LLS 22-0913	Date:	March 28, 2022
Prime Sponsors:	Sen. Donovan; Rankin Rep. McCluskie; Will	Bill Status:	Senate Agriculture
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Bill Topic: **BACKCOUNTRY SEARCH & RESCUE**

Summary of Fiscal Impact:	<input checked="" type="checkbox"/> State Revenue	<input checked="" type="checkbox"/> TABOR Refund
	<input checked="" type="checkbox"/> State Expenditure	<input type="checkbox"/> Local Government
	<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

The bill transfers the Backcountry Search and Rescue Program from the Department of Local Affairs to Colorado Parks and Wildlife effective January 1, 2023. On net, transferring this program will have no net impact on state revenue and expenditures, and other provisions of the bill potentially increase costs to institutions of higher education.

Appropriation Summary: For FY 2022-23, the bill requires that cash fund appropriations to the Department of Local Affairs be reduced by \$314,123.

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

**Table 1
State Fiscal Impacts Under SB 22-168**

		Budget Year FY 2022-23	Out Year FY 2023-24
Revenue	Cash Funds – CPW	\$300,000	\$600,000
	Cash Funds – DOLA	(\$300,000)	(\$600,000)
	Total Revenue	\$0	\$0
Expenditures	Cash Funds – CPW	\$314,123	\$628,246
	Cash Funds – DOLA	(\$314,123)	(\$628,246)
	Total Expenditures	\$0	\$0
Transfers		-	-
Other Budget Impacts		-	-

Summary of Legislation

Effective January 1, 2023, this bill transfers the functions of the Department of Local Affairs (DOLA) related to backcountry search and rescue to Colorado Parks and Wildlife (CPW) in the Department of Natural Resources. All staff and appropriations to DOLA related to the backcountry search and rescue card program and the related cash fund are transferred to CPW.

On or after January 1, 2023, the Parks and Wildlife Commission is required to establish by rule, the price and vendor fee for the backcountry search and rescue card, and the surcharge on other licenses that is credited to the program cash fund. Under current law, these amounts are set in statute.

The bill extends the existing immunity from civil liability for volunteer firefighters and incident management teams to individuals engaged in backcountry search and rescue efforts. Finally, this bill makes a dependent of a person who died or was permanently disabled while engaged in backcountry search and rescue efforts eligible for free tuition and room and board assistance at public institutions of higher education.

State Revenue and Expenditures

The bill decreases cash fund revenue and expenditures in the DOLA and increases revenue and expenditures by the same amount in CPW. For FY 2022-23, DOLA's budget request for spending authority from the Backcountry Search and Rescue Cash Fund is \$628,246 and 1.3 FTE. The fund is subject to annual appropriations.

The bill transfers the program and cash fund on January 1, 2023, half way through FY 2022-23. For this reason, DOLA's expenditures for FY 2022-23 are reduced by approximately \$314,123 and CPW's expenditures increase by the same amount. The program cash fund receives about \$600,000 annually in revenue from card sales and license surcharges. CPW is a state enterprise, and revenue into the Backcountry Search and Rescue Cash Fund after January 1, 2023, is exempt from TABOR. The fund is continuously appropriated to CPW and will no longer requires annual appropriations by the General Assembly.

The CPW will have a one-time cost of for computer programming from the Office of Information Technology (OIT). The division must update its Integrated Parks and Wildlife System to transition the database tracking systems, and for maintenance and hosting costs. Estimated at about \$50,000, these costs will be covered within existing resources and do not require new appropriations.

Institutions of higher education must make education benefits available to dependents of persons who died or were permanently disabled while engaged in backcountry search and rescue efforts. This cost is not estimated.

Other Budget Impacts

TABOR refunds. Preliminarily, the fiscal note assumes that transferring the Backcountry Search and Rescue Program to CPW will be treated similarly to the qualification of a new enterprise under TABOR. This will result in a corresponding adjustment to the Referendum C cap equal to the revenue being shifted into the enterprise, and the bill will not impact the state's TABOR refund obligation.

Effective Date

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

State Appropriations

For FY 2022-23, appropriations for the Department of Local Affairs from the Backcountry Search and Rescue Cash Fund should be reduced by \$314,123. Funds in the Backcountry Search and Rescue Cash Fund for use by CPW are continuously appropriated under the bill so a corresponding increase in appropriations is not required.

State and Local Government Contacts

Information Technology
Natural Resources

Law
Personnel

Local Affairs