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Fiscal Note

Drafting Number: LLS 23-0145
Prime Sponsors: Sen. Ginal

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Bill Status: Senate Agriculture
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Bill Topic: FIRE INVESTIGATIONS

- Summary of Fiscal Impact:
- State Revenue (checkbox)
- State Expenditure (checkbox)
- State Transfer (checkbox)
- TABOR Refund (checkbox)
- Local Government (checkbox)
- Statutory Public Entity (checkbox)

The bill requires the Department of Public Safety to conduct fire origin and cause investigations and creates a cash fund. The bill increases state expenditures beginning FY 2023-24.

Appropriation Summary: For FY 2023-24, the bill requires an appropriation of \$2.8 million to the Fire Investigations Fund in the Department of Public Safety.

Fiscal Note Status: The fiscal note reflects the introduced bill, as recommended by the Wildfire Matters Review Committee.

Table 1
State Fiscal Impacts Under SB 23-013

Table with 3 columns: Category, Budget Year FY 2023-24, and Out Year FY 2024-25. Rows include Revenue, Expenditures (Cash Funds, Centrally Appropriated, Total Expenditures, Total FTE), Transfers (General Fund, Cash Funds, Net Transfer), and Other Budget Impacts (General Fund Reserve).

1 This fiscal note assumes that funding for the new cash fund is provided via an appropriation from the General Fund.
2 Centrally appropriated costs are not included in the bill's appropriation.

Summary of Legislation

The bill creates the Fire Investigation Fund in the Division of Fire Prevention and Control (DFPC) in the Department of Public Safety (DPS). Money in the fund is continuously appropriated to the division to investigate the causes and origins of fires, support local fire department investigations, reimburse investigators acting under the direction of the division, and to analyze and share all data. The division must prioritize wildland fire investigations, but may use the fund for other fires subject to additional funding. Eighty percent of money spent from the fund must be used for the investigation of wildland fires.

The DFPC may adopt rules at necessary to implement the fund, and must report annually to the Wildfire Matters Review Committee on the number and status of wildland fire investigations conducted in the previous calendar year.

The State Treasurer must annually transfer sufficient General Fund money in the amount determined by the General Assembly in the annual appropriation act (the Long Bill). The fund may also receive money appropriated directly by the General Assembly, and any gifts, grants, or donations received by the Treasurer and credited to the fund.

Background

Under current law, fire departments 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 representative 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 Transfers

The fiscal note estimates that about \$2.8 million per year will be transferred from the General Fund to the newly created Fire Investigations Fund starting in FY 2023-24. It is assumed that this transfer will occur via an appropriation to the fund from the General Fund

State Expenditures

The bill increases state expenditures in the DPS by about \$3.0 million annually beginning in FY 2023-24. The department will create a fire origin and cause investigations unit to support local fire departments investigating the cause and origin of fires; reimburse local fire investigators acting under the 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.

**Table 2
Expenditures Under SB 23-013**

	FY 2023-24	FY 2024-25
Department of Public Safety		
Personal Services	\$1,147,815	\$1,119,846
Operating Expenses	\$15,525	\$14,850
Capital Outlay Costs	\$80,040	-
Mileage & Travel	\$125,144	\$125,144
Vehicle Lease	\$109,357	\$109,357
Firefighter Health Benefit	\$4,840	\$4,840
Uniforms and Equipment	\$481,300	-
Fire Data Platform & Software	-	\$400,000
Local Fire Investigation Reimbursements	\$800,000	\$950,000
Centrally Appropriated Costs ¹	\$234,320	\$231,693
Total Cost	\$2,998,341	\$2,955,730
Total FTE	11.5 FTE	11.5 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.

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 leased vehicle through 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, which will be purchased in FY 2023-24.

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

Fire data platform and software. In FY 2024-25, the DFPC will design and create a fire data platform to support data collection and analysis. These costs include design costs and platform software costs.

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 and supplemental employee retirement payments, and leased space, are shown in Table 2.

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. Based on this fiscal note, the bill is expected to increase the amount of General Fund held in reserve by the amounts shown in Table 1, 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 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

For FY 2023-24, the bill requires an appropriation of \$2,764,021 from the General Fund to the Fire Investigations Fund in the Department of Public Safety, and 11.5 FTE.

State and Local Government Contacts

Personnel Public Safety