


Colorado Legislative Council Staff Fiscal Note
FINAL
FISCAL NOTE

Drafting Number: LLS 12-0955 **Date:** July 17, 2012
Prime Sponsor(s): Rep. Gardner B.; Gerou **Bill Status:** Signed into Law
Fiscal Analyst: Alex Schatz (303-866-4375)
Sen. Cadman

TITLE: CONCERNING THE CREATION OF A STATE COMMISSION TO ADDRESS MATTERS ARISING OUT OF THE LOWER NORTH FORK WILDFIRE.

Fiscal Impact Summary	FY 2012-2013	FY 2013-2014
State Revenue		
State Expenditures General Fund *	At least \$25,304*	
FTE Position Change	0.4 FTE	
Effective Date: The bill was signed into law by the Governor and took effect June 4, 2012.		
Appropriation Summary for FY 2012-2013: None required.*		
Local Government Impact: See Local Government Impact section.		

* *This commission was prioritized as a Legislative Interim Committee for 2012, there no separate appropriation is necessary as funds are currently appropriated in the Legislative Branch budget. Potential additional state expenditures in FY 2012-13 are discussed in the State Expenditures section and may be addressed in the annual budget process.*

Summary of Legislation

This bill creates the Lower North Fork Wildfire Commission (LNFWC). The LNFWC is composed of two members of the Senate, one appointed by the President of the Senate and one appointed by the minority leader; two members of the House of Representatives, one appointed by the Speaker of the House and one appointed by the minority leader; and the executive director of the Colorado Department of Public Safety (CDPS).

The LNFWC is charged with investigating the causes of the Lower North Fork Wildfire and recommending legislative or other action that would prevent a similar occurrence. The LNFWC will hold at least one public meeting and may conduct additional public meetings to collect information and deliberate on findings, policy recommendations and compensatory recommendations.

Table 1 describes the timeline for activities of the LNFWC.

Table 1. Timeline of Lower North Fork Wildfire Commission activities.	
Upon signature of the Governor	LNFWC effective date.
By July 1, 2012	First meeting of the LNFWC.
2012 Legislative Interim (May – December 2012)	LNFWC to investigate, report findings, and make recommendations relating to causes and impacts of the Lower North Fork wildfire.
2012 Legislative Interim	Public hearing to accept reports and take testimony on causes and impacts of the wildfire.
December 31, 2012	Written report regarding causes and impacts of the wildfire submitted to the Judiciary and Local Government Committees.
July 1, 2014	LNFWC sunsets with the repeal of the bill.

All members of the LNFWC are entitled to reimbursement of actual and necessary expenses for attendance at meetings and other LNFWC duties. Legislative members of the LNFWC are further entitled to per diem compensation at the rate for attendance at meetings during the legislative interim. Staff support for the LNFWC is provided by existing personnel from legislative staff agencies or the CDPS.

Background

On March 22, 2012, state officials coordinated a prescribed burn on publicly-owned land in rural Jefferson County. Based on a report issued by the U.S. Forest Service, embers from that prescribed burn are believed to have ignited the Lower North Fork Wildfire in the same area on March 26, 2012.

At least 1,400 acres of land and improvements were directly affected by the wildfire. Damage from the wildfire is estimated to include three fatalities, and 23 residences destroyed or substantially damaged, with \$11.3 million in property damage.

State and local authorities have reviewed, or are currently in the process of reviewing, the causes of and response to the wildfire. The Jefferson County Sheriff's Office found no basis for criminal wrongdoing. The Governor suspended the use of prescribed fire by state agencies pending a review of associated protocols. The Governor also convened a review team on April 16, 2012, and, as a preliminary conclusion in ongoing review, recommended the creation of a streamlined wildfire management administration in the CDPS. Currently, Colorado State Forest Service wildfire resources reside under the Colorado State University administration, and the Division of Emergency Management resides in the Department of Local Affairs.

State Expenditures

The work of the LNFWC will impact various departments and agencies of state government. In general, this bill impacts state expenditures in two ways:

- having the LNFWC study causes and impacts of the wildfire during the 2012 legislative interim; and
- requiring state agencies to submit testimony or produce reports related to wildfire causes, impacts, or individual damage claims.

At a minimum, the LNFWC requires expenditures during the 2012 interim of \$25,304 and 0.4 FTE, as described below. This fiscal note assumes that the first meeting of the LNFWC is held on July 1, 2012, and that all tasks assigned by the bill for the 2012 legislative interim fall in FY 2012-13. Expenditures for 2012 interim tasks are described in Table 2.

Table 2. Expenditures for 2012 Legislative Interim Tasks Under HB12-1352	
Cost Components	FY 2012-13
Personal Services	
<i>Senior Research Assistant (0.3 FTE) and Staff Attorney (0.1FTE)</i>	\$20,288
Member Reimbursement	
<i>Legislative Members (4 * 6 meetings * \$187)</i>	4,488
<i>Public Safety Exec. Dir. (6 meetings * \$88)</i>	528
TOTAL	\$25,304

Legislative Branch – 2012 Interim Tasks. During the 2012 legislative interim, the LNFWC must meet to organize, investigate the causes and impacts of the wildfire, hold at least one public hearing, and prepare a report for the General Assembly. This workload is anticipated to require at least six meetings, consistent with the typical allowance for an interim committee.

With four legislative members, at a per diem rate of \$99 per day, and all five LNFWC members eligible for expense reimbursement (at an average rate of \$88 per day), reimbursable LNFWC expenses will total at least \$5,016 during the 2012 interim. The fiscal note assumes Legislative Council staff will provide assistance for these 2012 interim meetings.

The legislature is budgeted each year with resources to support a limited number of interim committees of the General Assembly. The committee established by this bill was designated by the Legislative Council to be one of the prioritized committees for the 2012 interim, and no additional appropriation will be required.

Executive Branch – Colorado Department of Public Safety. The executive director of CDPS will be required to attend at least six meetings of the LNFWC during the 2012 interim. The bill also identifies staff resources in the CDPS as potential staff to the LNFWC. The fiscal note assumes that contributions by CDPS employees are supplemental to the assistance provided by the Legislative Council Staff in coordinating and staffing meetings. The CDPS tasks related to the 2012 legislative interim will be accomplished with existing resources.

In the event that continuing work of the LNFWC (e.g., additional forensic study of the wildfire, review of claims, development of a plan for payment) requires significant additional workload involving the CDPS, additional expenditures may be requested through the annual budget process. For example, a comprehensive technical document assessing the Lower North Fork Wildfire may involve substantial investment by state agencies, as evidenced by costs of approximately \$425,000 to provide an assessment of the 2010 Fourmile Canyon Fire and \$900,000 for a detailed report on the 2002 Hayman Fire.

Executive Branch – Other departments and agencies. Certain state government agencies (e.g., the Colorado State Forest Service) are likely to be summoned by the LNFWC to participate and provide records, reports, and other documents for review, particularly in its investigation during the 2012 legislative interim of the causes and impacts of the wildfire. State agency workload associated with responding to LNFWC investigation will be absorbed in existing resources.

Local Government Impact

Specific local governments and local government personnel may be compelled to provide testimony or reports to the LNFWC in its investigation and review of claims. To the extent that these local agencies have extensive documentation related to the extent of actual damage and insured losses, the LNFWC may impose significant workload; however, this workload is assumed to be equivalent to local agency responsibility to provide testimony and evidence in civil actions were the same cases to be filed in court.

Departments Contacted

Judicial	Higher Education	Joint Budget Committee Staff
Treasury	Local Affairs	Office of State Planning & Budgeting
Natural Resources	Public Safety	Legislative Council Staff
Law	Personnel	Office of Legislative Legal Services