

**STATE AND LOCAL
FISCAL IMPACT**

Drafting Number: LLS 14-0256	Date: February 17, 2014
Prime Sponsor(s): Rep. Sonnenberg Sen. Brophy	Bill Status: House Transportation and Energy Fiscal Analyst: Kelli Kelty (303-866-3518)

SHORT TITLE: SAFETY MARKINGS FOR RURAL TOWERS UNDER 200 FEET

Fiscal Impact Summary	FY 2014-2015	FY 2015-2016
State Revenue	<u><\$5,000</u>	<u><\$5,000</u>
Cash Funds	<\$5,000	<\$5,000
State Expenditures	Minimal workload increase.	
FTE Position Change		
Appropriation Required: None.		

Summary of Legislation

The bill establishes requirements for safety markings on towers over 50 feet in height in rural or unincorporated areas of the state. Existing towers must comply with this safety marking requirement within one year. Failure to comply with this requirement constitutes a class 2 misdemeanor. Currently, towers under 200 feet in height are not regulated by the federal aviation standards.

State Revenue

Beginning in FY 2014-15, this bill is anticipated to increase state revenue by less than \$5,000 per year, credited to the Fines Collection Cash Fund in the Judicial Department. The fine penalty for a class 2 misdemeanor is \$250 to \$1,000. Because the courts have the discretion of incarceration, imposing a fine, or both, the impact to state revenue cannot be determined. The fiscal note assumes that the actual increase in revenue will be minimal.

State Expenditures

Beginning in FY 2014-15, workload may increase by a minimal amount for county courts to hear any cases of persons accused of not complying with the new requirements. The fiscal note assumes any such increase will be minimal and not require an increase in appropriations for the Judicial Department.

Local Government Impact

The bill may increase costs for counties that may need to update existing towers and land use regulations, as well as for county courts to hear any cases for persons accused of failing to adhere to the safety marking requirement. These impacts are discussed in greater detail below.

Increase in costs for counties. The bill may increase costs for counties to update existing towers to comply with the safety marking requirement. In addition, county governments may need to update land use regulations to ensure compliance of existing towers. The potential increase in cost cannot be quantified, but it is assumed to be minimal.

Increase in costs for county courts. This bill also impacts local governments by creating the new crime of failing to adhere to safety marking requirements for towers over 50 feet in height, which is a class 2 misdemeanor. The penalty for a class 2 misdemeanor is 3 to 12 months in a county jail, a fine of \$250 to \$1,000, or both. Because the courts have the discretion of incarceration or imposing a fine, the impact at the local level cannot be determined. The cost to house an offender in county jails varies from \$45 to \$50 per day in smaller rural jails to \$62 to \$65 per day for larger Denver-metro area jails. It is assumed that the impact of this bill will be minimal.

Comparable Crime

Pursuant to Section 2-2-322 (2.5), C.R.S., Legislative Council Staff is required to include certain information in the fiscal note for any bill that creates a new crime, changes the classification of an existing crime, or changes an element of the existing crime that creates a new factual basis for the offense. This bill creates a new crime of failing to adhere to safety marking requirements for towers over 50 feet in height. This crime is not chargeable under current law. To project the likelihood of the new crime, data on the prevalence of similar class 2 misdemeanors, including the crimes of removing markings of underground facilities or failure to display a license, were analyzed. Between January 1, 2011, and December 31, 2013, there were no violations for these offenses. As a result, the fiscal note assumes that there will be very few offenses of the crime of failing to adhere to safety marking requirements for towers over 50 feet in height.

Effective Date

The bill takes effect August 6, 2014, if the General Assembly adjourns on May 7, 2014, as scheduled, and no referendum petition is filed.

State and Local Government Contacts

District Attorneys
Public Defender
Sheriffs

Judicial
Public Safety
Special Districts

Local Affairs
Transportation
Cities and Counties