

**STATE and LOCAL
FISCAL IMPACT**

Drafting Number: LLS 14-0238
Prime Sponsor(s): Rep. Hamner

Date: January 15, 2014
Bill Status: House Agriculture
Fiscal Analyst: Alex Schatz (303-866-4375)

SHORT TITLE: CORRECTIONS TO PRESCRIBED BURNING PROGRAM LAWS

Fiscal Impact Summary*	FY 2014-2015	FY 2015-2016
State Revenue Cash Funds	Minimal impact. See State Revenue section.	
State Expenditures General Fund	Minimal expenditure increase. See State Expenditures section.	
FTE Position Change		
Appropriation Required: None		

* This summary shows changes from current law under the bill for each fiscal year.

Summary of Legislation

Under current law, prescribed burns on non-federal land in Colorado must generally be attended by a person qualified as a burn boss by the National Wildfire Coordinating Group or certified as a prescribed burn manager by the Division of Fire Prevention and Control (DFPC) in the Department of Public Safety. The bill, as recommended by the **Wildfire Matters Review Committee**, renames "prescribed burn manager" as "certified burner" and removes persons with this credential from the list of persons who may attend a prescribed burn in a supervisory role. The bill also clarifies that suppression actions will be taken to control an escaped prescribed fire.

Background

Senate Bill 13-083 created the prescribed burning program in the DFPC. Under this program, the DFPC is responsible for training persons conducting prescribed burns in the state. In addition, SB 13-083 authorized the DFPC to offer services planning and managing prescribed burns and, as of December 1, 2013, required that a specifically qualified or certified individual attend each prescribed burn (other than a landowner conducting a prescribed burn on their own land). Rulemaking to implement the certification program took place on November 29, 2013, with a forthcoming final rulemaking expected in early 2014.

The fiscal note for SB 13-083 found that, to comply with the bill, various state and local land management agencies would obtain certification of agency personnel as prescribed burn managers. According to SB 13-083, fees could not be collected for certification of prescribed burn managers until the fees were set in rule.

State Revenue

The bill has a minimal impact on state revenue to the DFPC. Demand for the certified burner credential will decrease, as both governmental and nongovernmental land managers are no longer able to comply with the SB 13-083 mandatory attendance requirement with this certification. At the same time, demand for DFPC planning and management services for prescribed burns will increase. The net effect on DFPC cash funds is minimal, as the bill results in the substitution of one source of fees for another.

State Expenditures

The bill results in a minimal increase in state expenditures. State agencies responsible for land management will redirect expenditures previously budgeted for the state prescribed burn manager certification to other means of compliance with SB 13-083. In particular, the Department of Natural Resources (DNR), with only one nationally qualified burn boss at the present time, must alter its plans for compliance with SB 13-083. Other means of compliance, such as training more staff with the national burn boss qualification or contracting for DFPC burn management services, are assumed to be generally equivalent in cost or to increase costs minimally. The fiscal note does not anticipate the need for new appropriations, though any substantial increase in costs to the DNR or other state agency may be addressed in the annual budget process.

Local Government Impact

Local government expenditures may increase minimally as a result of the bill. Similar to state land management agencies, local governments must find an alternate means of complying with prescribed burn requirements, with equivalent costs or a minimal increase in costs.

Effective Date

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

State and Local Government Contacts

Public Safety	Higher Education	Local Affairs
Natural Resources	Agriculture	Special Districts
Corrections	Public Health and Environment	Counties
Sheriffs	Municipalities	