



Legislative  
Council Staff

*Nonpartisan Services for Colorado's Legislature*

SCR 20-002

# FINAL FISCAL NOTE

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<b>Drafting Number:</b>	LLS 20-1278	<b>Date:</b>	October 21, 2020
<b>Prime Sponsors:</b>	Sen. Lundeen Rep. Champion	<b>Bill Status:</b>	Postponed Indefinitely
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**Bill Topic:** LEGISLATIVE OVERSIGHT OF GOVERNOR EMERGENCY POWERS

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**Summary of Fiscal Impact:**

<input type="checkbox"/> State Revenue	<input 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

This concurrent resolution would have referred a measure to voters to amend the Colorado Constitution to limit a state of disaster emergency declared by the Governor to 30 consecutive calendar days.

**Appropriation Summary:** No appropriation is required.

**Fiscal Note Status:** The fiscal note reflects the introduced resolution. This concurrent resolution was not enacted into law; therefore, the impacts identified in this analysis do not take effect.

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## Summary of Legislation

This concurrent resolution refers a measure to voters at the November 2020 general election to amend the Colorado Constitution to limit a state of disaster emergency declared by the Governor to 30 consecutive calendar days. Within the 30 days after the Governor's disaster declaration, the General Assembly may extend the state of disaster emergency for a specified period of time by adopting a joint resolution approved by at least two-thirds of the members of each house. If the General Assembly is not in session, the Governor may convene a special legislative session to address extending the disaster emergency. The General Assembly may adopt subsequent joint resolutions to further extend the state of disaster emergency. The Governor is authorized to terminate the state of disaster emergency at any time.

The measure requires at least 55 percent of the voters voting affirmatively for the amendment to become part of the Colorado Constitution.

## Background

Under current law, the Governor is authorized to declare a disaster emergency by executive order or proclamation if he finds a disaster has occurred or that a threat of a disaster is imminent. The disaster emergency is limited to 30 days, but can be renewed by the Governor. The General Assembly may terminate a state of disaster emergency at any time by joint resolution after which the Governor must issue an executive order or proclamation ending the state of disaster emergency.

## **State Expenditures**

If the measure is approved by voters and if the Governor convenes a special session to extend a state of disaster emergency, state General Fund expenditures will increase. Funds for special sessions are included annually in legislative appropriations. The concurrent resolution will impact election costs, as described below.

**Election expenditure impact — existing appropriations.** This bill includes a referred measure that will appear before voters at the November 2020 general election. While no additional appropriation is required in this bill, certain election costs are incurred by the state when ballot measures are referred to voters. These costs, paid using existing appropriations, are in two areas. First, current law requires the state to reimburse counties for costs incurred conducting a ballot measure election, paid from the Department of State Cash Fund in the Secretary of State's Office, estimated at \$3.2 million in FY 2020-21. Second, the text and title of the measure must be published in one legal newspaper per county and an analysis of the measure must be included in the Ballot Information Booklet mailed to all registered voter households, paid from the Ballot Analysis Revolving Fund in the Legislative Department, which is estimated to cost approximately \$2.1 million in FY 2020-21. Publication costs increase by approximately \$115,000 per measure beyond this base amount for each additional referred or initiated measures placed on the ballot.

## **Effective Date**

The measure was postponed indefinitely by the Senate State, Veterans, and Military Affairs Committee on June 6, 2020.

## **State and Local Government Contacts**

Governor            Legislative Council Staff            State