



Legislative Council Staff
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Fiscal Note

Drafting Number: LLS 22-0646 Date: March 16, 2022
Prime Sponsors: Rep. Lynch Bill Status: House SCMVA
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Bill Topic: ELECTED OFFICIALS APPROVE EPIDEMIC DUTIES

Summary of Fiscal Impact:
State Revenue [ ] TABOR Refund [ ]
State Expenditure [x] Local Government [x]
State Transfer [ ] Statutory Public Entity [ ]

This bill defines and limits the power of the Governor, the Department of Public Health and Environment, and local public health agencies concerning disaster emergencies and emergency duties. The bill may increase state expenditures on an ongoing basis beginning in FY 2022-23.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: The fiscal note reflects the introduced bill.

Summary of Legislation

This bill defines and limits the power of the Governor, Department of Public Health and Environment (CDPHE), and local public health agencies concerning disaster emergencies and emergency duties. The bill defines "emergency duty" as a legal obligation based on a policy, including an order, that is adopted by the CDPHE or local public health agency and imposed on a class of people on the basis of an emergency.

Governor. Under current law, the Governor can renew a proclamation or executive order declaring a state of disaster emergency until the threat is over. This bill limits the total amount of time that the Governor can continue a state of disaster emergency to 365 days, unless the General Assembly adopts a joint resolution that extends it.

Colorado Department of Public Health and Environment. Under current law the CDPHE is permitted to utilize its authority to control epidemic and communicable diseases, and protect the health of the public, except as directed by executive order of the Governor. Under the bill, an emergency duty:

- must be submitted for approval or rejection to the Governor seven days after adoption;

- must be submitted to the General Assembly no later than seven days after adoption if during the first one hundred days of a regular session, or on the thirtieth day of the next regular session if in the last twenty days of a regular session or in between regular sessions;
- terminates unless approved by the Governor within 30 days of adoption;
- must be approved by the Governor each calendar each month to continue in effect, and if not approved by the end of the calendar month, terminates on the first day of the next calendar month;
- may be terminated by a joint resolution of the General Assembly at any time;
- is automatically terminated unless approved by the General Assembly during each calendar year; and
- if not approved by the end of the most recent regular session of the General assembly, automatically terminates on the first day following adjournment of the most recent regular session.

**Local public health agencies.** For an emergency duty adopted by a county, district, or municipal board of health, the emergency duty:

- must be submitted to the appropriate governing body for approval seven days after adoption;
- terminates within thirty days of adoption;
- must be approved each calendar month; and
- if not approved for extension in a given calendar month, automatically terminates on the first day of the next calendar month.

## State Expenditures

The bill increases state workload and expenditures in several areas, as described below.

**Office of the Governor.** The Office of the Governor will have an increase in workload to the extent that the Governor must approve emergency duties issued by the CDPHE. To the extent that the Governor seeks to extend emergency orders beyond 365 days, the Governor's Office will have additional workload to submit these orders to the General Assembly for approval.

**Colorado Department of Public Health and Environment.** Workload will increase for the CDPHE to coordinate with the Governor's Office and General Assembly on approval of emergency duties in the event of a public health emergency. Workload and expenditures for the CDPHE may also increase to the extent that rescinding emergency orders during a public health emergency increases the need for public health prevention and mitigation measures.

**Legislative Department.** 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, so no additional appropriation is required.

## Local Government

Workload for local public health will increase to submit public health duties to their governing board for approval. Similar to the CDPHE, workload and expenditures may increase for local public health agencies to address disease control in the event that emergency orders are rescinded during a public health emergency.

## Effective Date

The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed.

## State and Local Government Contacts

Counties	County Clerks
Governor	Information Technology
Legislative Council Staff	Municipalities
Public Health and Environment	Public Safety
State	