



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Final Fiscal Note

Drafting Number: LLS 21-0659
Prime Sponsors: Rep. Luck

Date: October 7, 2021
Bill Status: Postponed Indefinitely
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Bill Topic: LOCAL GOVT AUTHORITY STATEWIDE DISASTER DECLARATIONS

Summary of Fiscal Impact:

- | | |
|--|--|
| <input type="checkbox"/> State Revenue | <input type="checkbox"/> TABOR Refund |
| <input checked="" type="checkbox"/> State Expenditure (<i>conditional</i>) | <input checked="" type="checkbox"/> Local Government |
| <input type="checkbox"/> State Transfer | <input type="checkbox"/> Statutory Public Entity |

This bill would have allowed a local governing body to abrogate all or any portion of a disaster emergency order issued by the Governor when the disaster emergency lasts longer than 30 days. This would have conditionally increased state expenditures.

Appropriation Summary: No appropriation is required.

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

Summary of Legislation

This bill allows a local governing body to abrogate all or any portion of a disaster emergency order issued by the Governor when the disaster emergency lasts longer than 30 days, by adopting a resolution, ordinance, law, or rule. A governing body is required to notify the Governor and any affected state agencies of the adoption. The state is prohibited from retaliating against a governing body that takes action under the bill. This includes withholding a monetary payment or any other form of financial assistance.

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

This bill will increase workload for the Office of the Governor and the Department of Public Health and Environment conditioned upon the issuance of a disaster emergency order by the Governor that continues for more than 30 days, and one or more local governing bodies abrogating all or part of the order.

The Office of the Governor will have an increase in workload to track actions taken by local governing bodies to abrogate all or part of an emergency declaration order. This workload increase can be accomplished with existing appropriations.

Even if a local governing body abrogates all or part of a disaster emergency order, that may not affect the authority of the Department of Public Health and Environment to enforce its public health orders issued in response to the Governor's order. This may result in enforcement issues between the department and the local governing body. To the extent this occurs, the department may require additional legal services hours. If these costs require additional appropriations, the department can request those through the annual budget process.

Local Government

Local governments that choose to consider abrogating all or part of a disaster emergency order will have an increase in expenditures to develop the resolution, ordinance, law or rule, hold a hearing and vote.

Effective Date

The bill was postponed indefinitely by the House Public and Behavioral Health and Human Services Committee on March 5, 2021.

State and Local Government Contacts

Counties	Governor	Local Affairs
Municipalities	Public Health and Environment	