



**Colorado
Legislative
Council
Staff**

HB16-1046

FISCAL NOTE

FISCAL IMPACT: State Local Statutory Public Entity Conditional No Fiscal Impact

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| Drafting Number: LLS 16-0474 | Date: January 25, 2016 |
| Prime Sponsor(s): Rep. Kraft-Tharp | Bill Status: House Local Government |
| Sen. Baumgardner | Fiscal Analyst: Clare Pramuk (303-866-2677) |

BILL TOPIC: DESIGNATED EMERGENCY RESPONSE AUTHORITIES

| Fiscal Impact Summary | FY 2016-2017 | FY 2017-2018 |
|--|----------------------------|--------------|
| State Revenue | | |
| State Expenditures | Minimal workload increase. | |
| Appropriation Required: None. | | |
| Future Year Impacts: Ongoing minimal workload increase. | | |

Summary of Legislation

Local governments currently designate, by ordinance or resolution, an emergency response authority for hazardous substance incidents. This bill requires local governments to report those designations to the Colorado State Patrol (CSP) annually and narrows the appropriate response to include threats of adverse effects of a hazardous substance on human health or the environment. The bill allows designated emergency response authorities to provide response capability through an agreement with a private entity. These private entities are given the right to claim reimbursement from the parties responsible for an incident if they are not paid by the designated response authority.

Under current law, a hazardous substance of any size on residential, personal, or agricultural property does not need to be reported to the designated emergency response authority, the Department of Public Health and Environment (DPHE), or the local fire department. This bill requires all hazardous substances to be reported to one or more of these authorities upon request, except for hazardous substances in consumer-sized packaging or those that are stored or used by a farmer or rancher at an agricultural facility.

State Expenditures

The bill will create a minimal increase in workload for the CSP in the Department of Public Safety (DPS), the DPHE, and the Judicial Department.

DPS. The CSP workload increase is for collecting annual designation submissions from local governments. The CSP already compiles and maintains information on the emergency response capabilities of public and private agencies throughout the state, so this workload can be addressed within existing appropriations.

DPHE. Because the bill limits the reporting exception for hazardous substances located on residential or personal property, the DPHE may have an increase in reports. This increase will depend on whether the DPHE requests that information and is not expected to be a significant increase in workload.

Judicial Department. This bill is expected to create a minimal increase in workload for trial courts by allowing private entities to claim reimbursement due to hazardous substance incidents under certain circumstances. The fiscal note assumes that rather than filing new cases, the bill will create additional parties to cases that would have already been filed by parties eligible for reimbursement under current law. As such, this workload increase is expected to be addressed within existing appropriations.

Local Government Impact

Local governments will have a minimal increase in workload from this bill. This increase is a result of the new requirement to report their designated emergency response authorities to the CSP and the workload associated with the option to contract with private entities for emergency response support. This impact is not expected to be significant.

Effective Date

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

State and Local Government Contacts

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| Counties | Fire Chiefs |
| Judicial | Law |
| Municipalities | Office of Information Technology |
| Public Health and Environment | Public Safety |
| Special District Association | |

Research Note Available

An LCS Research Note for HB16-1046 is available online and through the iLegislate app. Research notes provide additional policy and background information about the bill and summarize action taken by the General Assembly concerning the bill.