



Colorado
Legislative
Council
Staff

SB16-063

FISCAL NOTE

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

Drafting Number: LLS 16-0549
Prime Sponsor(s): Sen. Roberts
Rep. Vigil

Date: February 2, 2016
Bill Status: Senate Local Government
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BILL TOPIC: INTERGOVT AGREEMENT WITH OUT-OF-STATE LOCAL GOV

Summary of Legislation

The bill authorizes Colorado local governments to enter into an agreement with local governments in a bordering state to provide emergency services. Such agreements must comply with the statutory requirements for intergovernmental agreements. The bill grants immunity for persons performing emergency services under such agreements. Any liability that accrues under the Colorado Governmental Immunity Act for persons from another state performing duties in Colorado are imposed on the Colorado local government that is a party to the agreement. If the Governor declares an emergency and activates the Emergency Management Assistance Compact, any provision of the agreement that conflicts with the compact is void.

The bill also specifies that the Public Airport Authority Act does not limit the authority of a municipality or county to enter into an intergovernmental agreement to operate an airport without creating an airport authority.

Background

Intergovernmental agreements. Intergovernmental agreements enable governments to share the cost of providing services with other governmental entities that provide similar services. Such agreements set forth the purpose, power, rights, obligations, and responsibilities of each party to the agreement. Under current law, cities, counties, and other political subdivisions within Colorado may cooperate or contract with one another to provide any function, service, or facility lawfully authorized to each of the cooperating entities, including the sharing of costs, the imposition of taxes, or the incurring of debt.

Emergency Management Assistance Compact. The Emergency Management Assistance Compact (EMAC) provides a legal mechanism and framework for sharing resources across state lines during governor-declared disasters. It also provides a framework for mutual cooperation in emergency-related exercises, testing, or other training activities. Established in 1996, EMAC was ratified by Congress and signed into law. The EMAC is law in all 50 states, the District of Columbia, Puerto Rico, Guam, and the U.S. Virgin Islands. Colorado approved the EMAC in 2001. The compact is administered by the National Emergency Management Association.

Liability of requesting jurisdictions. The Colorado Governmental Immunity Act applies to actions for injuries brought under state law against public entities and public employees. Under current law, a chief of police, sheriff, or institution of higher learning that employs peace officers, may request the assistance from other law enforcement entities during emergencies. The jurisdiction that requests law enforcement assistance from another jurisdiction in the state assumes liability for the assisting peace officer that accrues under the Colorado Governmental Immunity Act.

Local Government Impact

This bill is expected to have a minimal local government impact. Local governments that choose to enter into an intergovernmental agreement with a government in a bordering state may experience initial workload impacts and legal and administrative costs associated with creating the agreement. Local governments that enter into intergovernmental agreements could experience cost savings through emergency services efficiencies. Any savings are dependent on the location of the municipality, extent of the agreement and the emergency services needs of the governments participating in the agreement. These savings have not been estimated.

Effective Date

The bill takes effect August 10, 2016, if the General Assembly adjourns on May 11, 2016, as scheduled, and no referendum petition is filed.

State and Local Government Contacts

Counties	Municipalities
Fire Chiefs	Local Affairs
Office of Information Technology	Personnel
Public Safety	Special Districts

Research Note Available

An LCS Research Note for SB16-063 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.