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# STATE OF COLORADO

EXECUTIVE CHAMBERS  
136 State Capitol  
Denver, Colorado 80203-1792  
Phone (303) 866-2471



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Roy Romer  
Governor

## EXECUTIVE ORDER

### ENHANCING THE INTERGOVERNMENTAL PARTNERSHIP

WHEREAS, the Colorado State government is charged with protecting the health and safety, as well as promoting other state interests, of the citizens of the State of Colorado; and

WHEREAS, the cumulative effect of unfunded state mandates has increasingly strained the budget of local governments; and

WHEREAS, local governments often face difficulties, such as cost, complexity and delay in securing flexibility regarding state requirements to address their communities' particular needs; and

WHEREAS, these governments should have more flexibility to design solutions to the problems faced by citizens in this state without excessive micromanagement and unnecessary regulation from the state government.

NOW THEREFORE, I, Roy Romer, Governor of Colorado, by virtue of the authority vested in me by the laws and Constitution of Colorado, DO HEREBY ORDER THAT:

1. To the extent permitted by law, no agency shall promulgate any regulation that creates a mandate upon a local government, unless:
  - a. The mandate is specifically required by federal or state law;
  - b. The agency consults with affected local governments by any means practicable; or
  - c. The funds necessary to pay the direct costs incurred by the local government in complying with the mandate are provided by the state government.

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2. Each agency, prior to the formal promulgation of regulations containing the proposed mandate, shall provide to the Director of the Colorado Office of State Planning and Budgeting (OSPB) a description of the extent of the agency's prior consultation with representatives of affected local governments, the nature of their concern, any written communications submitted to the agency by such units of government, and the agency's position supporting the need to issue the regulation containing the mandate.
3. Each agency shall develop a process to permit elected officials and other representatives of local governments to provide meaningful and timely input in the development of regulatory proposals which affect local governments.
4. Each agency that is permitted by law to consider waivers of statutory or regulatory requirements of discretionary programs shall perform the following:
  - a. Each agency shall consider any application by a local government for a waiver of statutory or regulatory requirements in connection with any program administered by that agency with a general view toward increasing opportunities for utilizing flexible policy approaches at the local level in cases in which the proposed waiver is consistent with the applicable state policy objectives and is otherwise appropriate.
  - b. Each agency shall, to the fullest extent practicable and permitted by law, render a decision upon a complete application for a waiver within 120 days of receipt of such application by the agency. If the application for a waiver is not granted, the agency shall provide the applicant with timely written notice of the decision and the reasons therefor.
5. The executive director or chief operating officer of each agency shall be responsible for ensuring the implementation of and compliance with this order.

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6. Executive agency means any authority of the State of Colorado that is an "agency" pursuant to C.R.S. §24-3-101.
7. This order is intended only to improve the internal management of the executive branch and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the State of Colorado, its agencies or instrumentalities, its officers or employees, or any other person.
8. This order shall be effective 30 days after the date of this order.

GIVEN under my hand and  
the Executive Seal of the  
State of Colorado this 24<sup>th</sup>  
day of October 1994.



Roy Romer  
Governor

