

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 12-0518.01 Esther van Mourik x4215

SENATE BILL 12-027

SENATE SPONSORSHIP

Scheffel,

HOUSE SPONSORSHIP

Ramirez,

Senate Committees

Judiciary
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING NOTICE TO CERTAIN MEMBERS OF THE GENERAL**
102 **ASSEMBLY OF RULES PROMULGATED PURSUANT TO THE "STATE**
103 **ADMINISTRATIVE PROCEDURE ACT" AS A RESULT OF AN**
104 **ENACTED LEGISLATIVE MEASURE.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill creates an additional rule review process for rules adopted on or after November 1, 2011, that are determined by the staff of the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

SENATE
3rd Reading Unamended
April 26, 2012

SENATE
Amended 2nd Reading
April 24, 2012

committee on legal services (the office of legislative legal services) to be related to legislation enacted during any legislative session, regular or special, commencing on or after January 1, 2011. The rules are to be reviewed by a committee of reference of the general assembly. The legislative council staff determines what committee of reference appears to be the most appropriate based on the principal departments assigned to each committee of reference as specified in legislative rule. The committees of reference must review all assigned rules no later than the 45th day of the legislative session. Each committee of reference may establish its own procedures for the review, but the bill sets forth minimum requirements for at least one public meeting. The bill allows the committees of reference to disapprove a rule for any reason, but provides the committees of reference some minimum considerations.

The bill requires that the committees of reference recommend to the general assembly a bill regarding the committee's determinations related to the expiration or postponement of the expiration of rules assigned to and reviewed by the committee of reference.

The bill also requires the posting of a completed cost-benefit analysis on the official web sites of the agencies completing the cost-benefit analysis and the official web site of the department of regulatory agencies.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 24-4-103, **amend**
3 (2.5) (a) introductory portion and **add** (8) (e) as follows:

4 **24-4-103. Rule-making - procedure - repeal.** (2.5) (a) At the
5 time of filing a notice of proposed rule-making with the secretary of state
6 as the secretary may require, an agency shall submit a draft of the
7 proposed rule or the proposed amendment to an existing rule and a
8 statement, in plain language, concerning the subject matter or purpose of
9 the proposed rule or amendment to the office of the executive director in
10 the department of regulatory agencies. The executive director, or his or
11 her designee, may determine if the proposed rule or amendment may have
12 a negative impact on economic competitiveness or on small business in
13 Colorado. If the executive director, or his or her designee, determines that

1 the proposed rule or amendment may have such negative impact, he or
2 she may direct the submitting agency to perform a cost-benefit analysis
3 of the rule or amendment. If the executive director, or his or her designee,
4 makes such a request, it shall be made at least twenty days before the date
5 of the hearing on the rule or amendment. The agency receiving such
6 request shall complete a cost-benefit analysis at least five days before the
7 hearing on the rule or amendment, shall make the analysis available to the
8 public, SHALL POST THE ANALYSIS ON THE AGENCY'S OFFICIAL WEB SITE,
9 and shall submit a copy to the executive director or his or her designee.
10 THE EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE SHALL POST THE
11 ANALYSIS ON THE DEPARTMENT OF REGULATORY AGENCIES' OFFICIAL WEB
12 SITE. Failure to complete a requested cost-benefit analysis pursuant to this
13 subsection (2.5) shall preclude the adoption of such rule or amendment.
14 Such cost-benefit analysis shall include the following:

15 == ===== ==
16 (8)(e) FOR RULES ADOPTED ON OR AFTER NOVEMBER 1, 2011, THE
17 STAFF OF THE COMMITTEE ON LEGAL SERVICES SHALL IDENTIFY THE RULES
18 THAT WERE ADOPTED DURING EACH APPLICABLE ONE-YEAR PERIOD AS A
19 RESULT OF LEGISLATION ENACTED DURING ANY LEGISLATIVE SESSION,
20 REGULAR OR SPECIAL, COMMENCING ON OR AFTER JANUARY 1, 2011.
21 AFTER SUCH RULES HAVE BEEN IDENTIFIED, THE STAFF OF THE COMMITTEE
22 ON LEGAL SERVICES SHALL NOTIFY IN WRITING ANY SITTING PRIME
23 SPONSORS AND COSPONSORS OF THE ENACTED LEGISLATION AND THE
24 CURRENT MEMBERS OF THE COMMITTEES OF REFERENCE IN THE SENATE
25 AND HOUSE OF REPRESENTATIVES FOR THAT ENACTED LEGISLATION THAT
26 A RULE HAS BEEN ADOPTED AS A RESULT OF THE LEGISLATION. =====

27 **SECTION 2. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.