

First Regular Session
Seventieth General Assembly
STATE OF COLORADO

ENGROSSED

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

LLS NO. 15-0870.01 Yelana Love x2295

SENATE BILL 15-180

SENATE SPONSORSHIP

Neville T.,

HOUSE SPONSORSHIP

Neville P.,

Senate Committees

Business, Labor, & Technology

House Committees

A BILL FOR AN ACT

101 **CONCERNING STATE AGENCY REQUIREMENTS FOR THE ENFORCEMENT**
102 **OF NEW REGULATORY REQUIREMENTS ON SMALL BUSINESSES,**
103 **AND, IN CONNECTION THEREWITH, ENACTING THE**
104 **"REGULATORY REFORM ACT OF 2015".**

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 enacts the "Regulatory Reform Act of 2015". **Section 2** makes a legislative declaration about the importance of businesses with 100 or fewer employees to the Colorado economy and acknowledges 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
2nd Reading Unamended
March 16, 2015

difficulty these types of businesses have in complying with new administrative rules that are not known or understood by these businesses. **Section 3** defines "new rule" as any regulatory requirement in existence for less than one year prior to its enforcement by a state agency, and "minor violation" as any violation of a new rule by a business of 100 or fewer employees where the violation is minor in nature, involving record-keeping and issues that do not affect the safety of the public or workers. Section 3 provides exceptions from the definition of "minor violation" for certain types of rules.

For the first minor violation of a new rule by a business of 100 or fewer employees, **section 4** of the bill requires a state agency to issue a written warning and engage the business in educational outreach as to the methods of complying with the new rule. Section 4 requires state agencies to make information on new rules available and allows this information to be made available in electronic form.

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

2 **SECTION 1. Short title.** This act shall be known and may be
3 cited as the "Regulatory Reform Act of 2015".

4 **SECTION 2. Legislative declaration.** (1) The general assembly
5 finds and determines that:

6 (a) Colorado's business community consists overwhelmingly of
7 small businesses with one hundred or fewer employees;

8 (b) These businesses make up the majority of the business activity
9 in Colorado and employ tens of thousands of Coloradans; and

10 (c) There is a disconnect between the promulgation of new rules
11 and the education and awareness of small business owners about new
12 requirements. A small business owner may not be aware of new rules
13 until a state agency audit determines that the business has not complied
14 with the new rules.

15 (2) The general assembly, therefore, declares that it would benefit
16 businesses of one hundred or fewer employees in this state if the
17 enforcement activities of state agencies for first-time minor violations of

1 new rules were focused on educating and training small businesses to
2 comply with new rules rather than on punishing first-time violators for
3 noncompliance.

4 **SECTION 3.** In Colorado Revised Statutes, 24-4-102, **add** (8.5)
5 and (8.7) as follows:

6 **24-4-102. Definitions.** As used in this article, unless the context
7 otherwise requires:

8 (8.5) (a) "MINOR VIOLATION" MEANS A VIOLATION OF A NEW RULE
9 BY A BUSINESS OF ONE HUNDRED OR FEWER EMPLOYEES, WHICH
10 VIOLATION IS MINOR IN NATURE, INCLUDING OPERATIONAL OR
11 ADMINISTRATIVE MATTERS SUCH AS RECORD KEEPING, RETENTION OF
12 DATA, OR FILING OF REPORTS, THAT DOES NOT AFFECT PUBLIC SAFETY AND
13 THAT CARRIES A FINANCIAL PENALTY FOR NONCOMPLIANCE.

14 (b) "MINOR VIOLATION" DOES NOT INCLUDE ANY MATTER THAT
15 PLACES THE SAFETY OF THE PUBLIC, WORKERS, OR OTHERS AT RISK AND
16 DOES NOT APPLY TO:

17 (I) STATE-ISSUED PERMITS, LICENSES, OR REGISTRATIONS;

18 (II) MATTERS RELATED TO BIDDING ON STATE CONTRACTS;

19 (III) ACTIVITIES REQUIRED BY FEDERAL LAW;

20 (IV) THE ENFORCEMENT ACTIVITIES OF THE ADMINISTRATOR OF
21 THE "UNIFORM CONSUMER CREDIT CODE", ARTICLES 1 TO 9 OF TITLE 5,
22 C.R.S., DESIGNATED BY THE ATTORNEY GENERAL UNDER SECTION
23 5-6-103, C.R.S.;

24 (V) RULES ADOPTED BY THE COLORADO CIVIL RIGHTS DIVISION,
25 CREATED IN PART 3 OF ARTICLE 34 OF THIS TITLE; OR

26 (VI) RULES ADOPTED BY THE DEPARTMENT OF PUBLIC HEALTH
27 AND ENVIRONMENT, CREATED IN SECTION 25-1-102, C.R.S.

1 (8.7) "NEW RULE" MEANS A REGULATORY REQUIREMENT FIRST PUT
2 INTO PLACE BY AN AGENCY LESS THAN ONE YEAR PRIOR TO ITS
3 ENFORCEMENT BY THE AGENCY AGAINST A BUSINESS WITH ONE HUNDRED
4 OR FEWER EMPLOYEES.

5 **SECTION 4.** In Colorado Revised Statutes, **add** 24-4-104.6 as
6 follows:

7 **24-4-104.6. Special enforcement provisions - new**
8 **requirements - minor violations - written warnings - educational**
9 **outreach.** (1) A STATE AGENCY THAT REGULATES BUSINESSES OF ONE
10 HUNDRED OR FEWER EMPLOYEES SHALL, IN THE COURSE OF NORMAL
11 OPERATIONS, DEVELOP FACT SHEETS FOR NEW RULES ADOPTED IN EACH
12 FISCAL YEAR AND MAKE THESE FACT SHEETS AVAILABLE TO BUSINESSES
13 OF ONE HUNDRED OR FEWER EMPLOYEES THAT HAVE BEEN FOUND TO BE
14 IN VIOLATION OF NEW RULES IN ORDER TO ACCELERATE THE AGENCY'S
15 EDUCATIONAL PROCESS AND AID IN COMPLIANCE WITH NEW RULES. AN
16 AGENCY MAY MAKE THIS INFORMATION AVAILABLE IN ELECTRONIC FORM
17 SO LONG AS THE AGENCY MAKES EFFORTS TO INFORM BUSINESSES OF ONE
18 HUNDRED OR FEWER EMPLOYEES WHERE ON THE INTERNET THEY CAN FIND
19 THE INFORMATION.

20 (2) FOR ANY FIRST-TIME MINOR VIOLATION OF A NEW RULE BY A
21 BUSINESS OF ONE HUNDRED OR FEWER EMPLOYEES, A STATE AGENCY
22 SHALL ISSUE A WRITTEN WARNING TO THE OFFENDING BUSINESS AND
23 CONDUCT EDUCATIONAL OUTREACH TO INFORM THE OFFENDING BUSINESS
24 OF THE METHODS OF COMPLYING WITH THE NEW RULE.

25 **SECTION 5. Act subject to petition - effective date.** This act
26 takes effect at 12:01 a.m. on the day following the expiration of the
27 ninety-day period after final adjournment of the general assembly (August

1 5, 2015, if adjournment sine die is on May 6, 2015); except that, if a
2 referendum petition is filed pursuant to section 1 (3) of article V of the
3 state constitution against this act or an item, section, or part of this act
4 within such period, then the act, item, section, or part will not take effect
5 unless approved by the people at the general election to be held in
6 November 2016 and, in such case, will take effect on the date of the
7 official declaration of the vote thereon by the governor.