

**First Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 17-0578.01 Kate Meyer x4348

SENATE BILL 17-002

SENATE SPONSORSHIP

Martinez Humenik, Grantham

HOUSE SPONSORSHIP

(None),

Senate Committees

Business, Labor, & Technology
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE COMPULSORY REVIEW OF RULES BY EACH PRINCIPAL**
102 **DEPARTMENT, AND, IN CONNECTION THEREWITH, ESTABLISHING**
103 **A TRIENNIAL BASIS FOR EACH REVIEW TO BE CONDUCTED.**

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://leg.colorado.gov>.)

Current law requires each principal department to review all of its rules, in accordance with a schedule established by the department of regulatory agencies (DORA), to assess, among other things, the continuing need and cost-effectiveness of each rule. The bill repeals the DORA schedule-setting and instead requires a review and supplemental

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.

update to be completed every 3 years, commencing in 2017. Thereafter, the bill imposes a triennial schedule for reviews to be conducted.

The bill further specifies that the public and certain state agencies must be accorded no fewer than 14 business days to provide input regarding an agency's rules during its review, and that any input received must be attached to the report setting forth the results of the rule reviews included in each agency's departmental regulatory agenda.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-4-103.3, **amend**
3 (1) introductory portion, (2), and (4); and **repeal** (3) as follows:

4 **24-4-103.3. Compulsory review of rules by principal**
5 **departments - deadlines - report on results of review in departmental**
6 **regulatory agendas.** (1) ~~(a) The department of regulatory agencies shall~~
7 ~~establish a schedule, in consultation with each principal department, for~~
8 ~~the review of all of the rules for each principal department.~~
9 NOTWITHSTANDING ANY SCHEDULE ESTABLISHED BY THE DEPARTMENT OF
10 REGULATORY AGENCIES TO THE CONTRARY, ON OR BEFORE NOVEMBER 1,
11 2017, EACH PRINCIPAL DEPARTMENT SHALL COMPLETE, OR HAVE
12 COMPLETED PRIOR TO THAT DATE, A REVIEW OF ALL OF ITS RULES IN
13 ACCORDANCE WITH THIS SECTION, AS THIS SECTION EXISTED PRIOR TO THE
14 ENACTMENT OF SENATE BILL 17-002, ENACTED IN 2017.

15 (b) COMMENCING IN 2018, AND TRIENNIALLY THEREAFTER, each
16 principal department shall conduct a review of all of its rules to assess the
17 continuing need for and the appropriateness and cost-effectiveness of its
18 rules to determine if they should be continued in their current form,
19 modified, or repealed. THE COMPULSORY TRIENNIAL REVIEW MUST, IN
20 PARTICULAR, TAKE INTO ACCOUNT WHETHER ANY OF EACH PRINCIPAL
21 DEPARTMENT'S RULES ARE AFFECTED BY ANY FEDERAL OR STATE LAWS
22 ENACTED, OR ANY FEDERAL OR STATE RULES PROMULGATED, WITHIN THE

1 PREVIOUS THREE YEARS. THE REVIEW REQUIRED BY THIS SUBSECTION (1)
2 MUST BE COMPLETED PRIOR TO NOVEMBER 1 SO THE RESULTS MAY BE
3 REPORTED PURSUANT TO SUBSECTION (4) OF THIS SECTION. ON OR BEFORE
4 DECEMBER 31, 2018, AND ON OR BEFORE DECEMBER 31 EVERY THREE
5 YEARS THEREAFTER, EACH PRINCIPAL DEPARTMENT SHALL ALSO PROVIDE
6 AN UPDATE TO THAT YEAR'S REVIEW OF RULES, INDICATING ANY
7 MODIFICATIONS TO THE REPORT FILED UNDER SUBSECTION (4) OF THIS
8 SECTION. IN ADDITION TO EVALUATING HOW EACH AFFECTED OR
9 POTENTIALLY AFFECTED RULE COMPORTS WITH AND ACCOUNTS FOR ANY
10 APPLICABLE FEDERAL OR STATE LAW OR RULE PASSED WITHIN THE
11 PREVIOUS THREE YEARS, AND IN ADDITION TO TAKING INTO ACCOUNT ANY
12 INPUT RECEIVED PURSUANT TO SUBSECTION (2) OF THIS SECTION, the
13 applicable rule-making agency or official in the principal department shall
14 consider the following:

15 (2) Each rule-making agency or official shall provide public
16 notice on the agency's official website of its review of the rules; give the
17 public an appropriate opportunity, CONSISTING OF NO FEWER THAN
18 FOURTEEN BUSINESS DAYS, to provide input ON THE RULES; and notify
19 other state agencies that may have jurisdiction over the subject matter of
20 the rules to allow for collaboration and input. Based on ~~this~~ ITS review
21 AND TAKING INTO CONSIDERATION ANY INPUT RECEIVED, the rule-making
22 agency or official shall determine whether the existing rules should be
23 continued in their current form, amended, or repealed. If the rule-making
24 agency or official decides that a rule should be amended or repealed, the
25 rule-making agency or official shall comply with the notice and hearing
26 requirements of section 24-4-103.

27 (3) ~~The department of regulatory agencies shall not schedule~~

1 ~~mandatory review under this section during the year of and during the~~
2 ~~year following any scheduled sunset review conducted by the department~~
3 ~~of regulatory agencies pursuant to section 24-34-104.~~

4 (4) Each principal department shall include a report on the results
5 of its ~~mandatory~~ COMPULSORY review of rules, WHICH REPORT MUST
6 ATTACH ANY INPUT FROM THE PUBLIC OR OTHER STATE AGENCIES
7 RECEIVED PURSUANT TO SUBSECTION (2) OF THIS SECTION, as part of its
8 departmental regulatory agenda that it submits to the staff of the
9 legislative council for distribution to the applicable committee of
10 reference of the general assembly as outlined in section 2-7-203 ~~C.R.S.~~
11 AND SHALL POST THE UPDATE TO EACH REPORT ON THE PRINCIPAL
12 DEPARTMENT'S OFFICIAL WEBSITE.

13 **SECTION 2. No appropriation.** The general assembly has
14 determined that this act can be implemented within existing
15 appropriations, and therefore no separate appropriation of state money is
16 necessary to carry out the purposes of this act.

17 **SECTION 3. Safety clause.** The general assembly hereby finds,
18 determines, and declares that this act is necessary for the immediate
19 preservation of the public peace, health, and safety.