

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

PREAMENDED

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

LLS NO. 18-0739.01 Esther van Mourik x4215

HOUSE BILL 18-1198

HOUSE SPONSORSHIP

Saine and Kraft-Tharp, Leonard, Winter

SENATE SPONSORSHIP

Donovan and Smallwood, Neville T., Todd

House Committees

Business Affairs and Labor

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE ESTABLISHMENT OF BEST PRACTICES FOR STATE**
102 **BOARDS AND COMMISSIONS.**

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/>.)

Legislative Audit Committee. The bill requires each statutorily created board or commission in state government to implement written policies and obtain annual training on specified issues in order to ensure that best practices are utilized and requires each state agency responsible for a statutorily created board or commission to ensure that the state board or commission obtains the annual training and implements the written

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

policies.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 24-3.7-102 as
3 follows:

4 **24-3.7-102. Best practices for state boards and commissions.**

5 (1) NOTWITHSTANDING ANY LAW TO THE CONTRARY, COMMENCING
6 JANUARY 1, 2019, EACH STATUTORILY CREATED BOARD OR COMMISSION
7 IN STATE GOVERNMENT, NOT INCLUDING A SPECIAL PURPOSE AUTHORITY
8 AS DEFINED IN SECTION 24-77-102 (15), SHALL IMPLEMENT WRITTEN
9 POLICIES OR BYLAWS AND OBTAIN ANNUAL TRAINING ON:

10 (a) UNDERSTANDING AND OPERATING WITHIN THE LIMITS OF
11 STATUTORY DIRECTIVES, LEGISLATIVE INTENT, AND ANY SPECIFIC
12 DIRECTIONS OR LAWS RELATED TO THE BOARD OR COMMISSION'S
13 ESTABLISHMENT AND ITS POWERS AND DUTIES;

14 (b) DEFINING THE BOARD OR COMMISSION'S MISSION OR ROLE IN
15 THE OVERSIGHT OF PROJECTS OR ENTITIES APPROVED TO RECEIVE PUBLIC
16 FUNDING, IF APPLICABLE;

17 (c) UNDERSTANDING THE GOALS OF THE PROGRAMS THE BOARD OR
18 COMMISSION OVERSEES, AND ALIGNING THE BOARD OR COMMISSION'S
19 PROCESSES WITH THOSE GOALS;

20 (d) IDENTIFYING AND MANAGING CONFLICTS OF INTEREST;

21 (e) UNDERSTANDING THE REQUIREMENTS OF THE "COLORADO
22 OPEN RECORDS ACT", PART 2 OF ARTICLE 72 OF THIS TITLE 24, AND THE
23 OPEN MEETINGS LAW, PART 4 OF ARTICLE 6 OF THIS TITLE 24;

24 (f) SETTING PARAMETERS REGARDING BOARD OR COMMISSION
25 STAFF'S DUTIES RELATIVE TO THE BOARD OR COMMISSION'S MISSION OR

- 1 ROLE;
- 2 (g) IDENTIFYING AND SECURING SUFFICIENT DATA IN ORDER FOR
- 3 THE BOARD OR COMMISSION TO MAKE INFORMED DECISIONS;
- 4 (h) ENSURING THE APPROPRIATE INVOLVEMENT OF MEMBERS IN
- 5 THE REVIEW OF KEY COMMUNICATIONS AND IN ANY POLICY-MAKING
- 6 ACTIVITIES;
- 7 (i) ENSURING MEMBERS ACT IN ACCORDANCE WITH THEIR ROLES
- 8 AS PUBLIC REPRESENTATIVES;
- 9 (j) COORDINATING WITH OTHER BOARDS OR COMMISSIONS,
- 10 INDUSTRY, EDUCATIONAL INSTITUTIONS, AND STATE AGENCIES WHERE
- 11 RESPONSIBILITIES AND INTERESTS OVERLAP; AND
- 12 (k) ANNUALLY REVIEWING MANAGEMENT PRACTICES TO ENSURE
- 13 BEST PRACTICES ARE UTILIZED.

14 (2) EACH STATE AGENCY RESPONSIBLE FOR A STATUTORILY

15 CREATED BOARD OR COMMISSION SHALL ENSURE THAT THE STATE BOARD

16 OR COMMISSION OBTAINS THE ANNUAL TRAINING AND IMPLEMENTS THE

17 WRITTEN POLICIES SPECIFIED IN SUBSECTION (1) OF THIS SECTION.

18 **SECTION 2. Act subject to petition - effective date.** This act

19 takes effect at 12:01 a.m. on the day following the expiration of the

20 ninety-day period after final adjournment of the general assembly (August

21 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a

22 referendum petition is filed pursuant to section 1 (3) of article V of the

23 state constitution against this act or an item, section, or part of this act

24 within such period, then the act, item, section, or part will not take effect

25 unless approved by the people at the general election to be held in

26 November 2018 and, in such case, will take effect on the date of the

27 official declaration of the vote thereon by the governor.