

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

PREMENDED

*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
State, Veterans, & Military Affairs
Appropriations

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.

HOUSE
3rd Reading Unamended
February 26, 2018

HOUSE
Amended 2nd Reading
February 23, 2018

policies.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds and declares that:

4 (a) Statutorily created boards and commissions play a vital role in
5 the success of state government by providing subject matter expertise in
6 their advisory responsibilities and oversight of state programs;

7 (b) Most statutorily created boards and commissions are made up
8 of citizen-volunteers, who are hardworking, professional, and talented
9 individuals;

10 (c) Searching for qualified citizen-volunteers needed for the over
11 three hundred state boards and commissions that oversee a large variety
12 of subjects and make a wide range of decisions affecting the day-to-day
13 lives of Coloradans is a great responsibility, and the governor established
14 the governor's office of boards and commissions in order to help with that
15 responsibility; and

16 (d) The governor's office of boards and commissions already
17 establishes best practices for the state's boards and commissions and
18 should be able to help state agencies meet the requirements set forth in
19 House Bill 18-1198 within its existing resources.

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

22 **24-3.7-102. Best practices for state boards and commissions.**

23 (1) NOTWITHSTANDING ANY LAW TO THE CONTRARY, COMMENCING
24 JANUARY 1, 2019, EACH STATUTORILY CREATED BOARD OR COMMISSION
25 IN STATE GOVERNMENT, NOT INCLUDING A SPECIAL PURPOSE AUTHORITY

1 AS DEFINED IN SECTION 24-77-102 (15), SHALL IMPLEMENT, WITHIN
2 EXISTING RESOURCES, WRITTEN POLICIES OR BYLAWS AND OBTAIN ANNUAL
3 TRAINING ON:

4 (a) UNDERSTANDING AND OPERATING WITHIN THE LIMITS OF
5 STATUTORY DIRECTIVES, LEGISLATIVE INTENT, AND ANY SPECIFIC
6 DIRECTIONS OR LAWS RELATED TO THE BOARD OR COMMISSION'S
7 ESTABLISHMENT AND ITS POWERS AND DUTIES;

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

11 (c) UNDERSTANDING THE GOALS OF THE PROGRAMS THE BOARD OR
12 COMMISSION OVERSEES, AND ALIGNING THE BOARD OR COMMISSION'S
13 PROCESSES WITH THOSE GOALS;

14 (d) IDENTIFYING AND MANAGING CONFLICTS OF INTEREST;

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

18 (f) SETTING PARAMETERS REGARDING BOARD OR COMMISSION
19 STAFF'S DUTIES RELATIVE TO THE BOARD OR COMMISSION'S MISSION OR
20 ROLE;

21 (g) IDENTIFYING AND SECURING SUFFICIENT DATA IN ORDER FOR
22 THE BOARD OR COMMISSION TO MAKE INFORMED DECISIONS;

23 (h) ENSURING THE APPROPRIATE INVOLVEMENT OF MEMBERS IN
24 THE REVIEW OF KEY COMMUNICATIONS AND IN ANY POLICY-MAKING
25 ACTIVITIES;

26 (i) ENSURING MEMBERS ACT IN ACCORDANCE WITH THEIR ROLES
27 AS PUBLIC REPRESENTATIVES;

1 (j) COORDINATING WITH OTHER BOARDS OR COMMISSIONS,
2 INDUSTRY, EDUCATIONAL INSTITUTIONS, AND STATE AGENCIES WHERE
3 RESPONSIBILITIES AND INTERESTS OVERLAP; AND

4 (k) ANNUALLY REVIEWING MANAGEMENT PRACTICES TO ENSURE
5 BEST PRACTICES ARE UTILIZED.

6 (2) EACH STATE AGENCY RESPONSIBLE FOR A STATUTORILY
7 CREATED BOARD OR COMMISSION SHALL ENSURE, WITHIN EXISTING
8 RESOURCES, THAT THE STATE BOARD OR COMMISSION OBTAINS THE
9 ANNUAL TRAINING AND IMPLEMENTS THE WRITTEN POLICIES SPECIFIED IN
10 SUBSECTION (1) OF THIS SECTION.

11 **SECTION 3. No appropriation.** The general assembly has
12 determined that this act can be implemented within existing
13 appropriations, and therefore no separate appropriation of state money is
14 necessary to carry out the purposes of this act.

15 **SECTION 4. Act subject to petition - effective date.** This act
16 takes effect at 12:01 a.m. on the day following the expiration of the
17 ninety-day period after final adjournment of the general assembly (August
18 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
19 referendum petition is filed pursuant to section 1 (3) of article V of the
20 state constitution against this act or an item, section, or part of this act
21 within such period, then the act, item, section, or part will not take effect
22 unless approved by the people at the general election to be held in
23 November 2018 and, in such case, will take effect on the date of the
24 official declaration of the vote thereon by the governor.