A BILL FOR AN ACT

CONCERNING AN ANALYSIS TO IMPROVE COMPLIANCE WITH DEPARTMENTAL RULES BY REGULATED BUSINESSES.

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.)

The bill requires each state agency to conduct an analysis of noncompliance with its rules to identify rules with the greatest frequency of noncompliance, rules that generate the greatest amount of fines, how many first-time offenders were given the opportunity to cure a minor violation, and what factors contribute to noncompliance by regulated businesses. The analysis will guide each department on how to improve
its education and outreach to regulated businesses on compliance with the department's rules. Each state agency is required to forward that analysis to the department of regulatory agencies, which shall compile and summarize those analyses into one combined analysis of noncompliance to be presented at the department of regulatory agencies' "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act" hearing.

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

SECTION 1. In Colorado Revised Statutes, add 24-4-104.6 as follows:

24-4-104.6. Analysis of noncompliance with department rules
- definition. (1) (a) Each agency shall conduct an analysis of noncompliance with its rules to identify rules with the greatest frequency of noncompliance, rules that generate the greatest amount of fines, how many first-time offenders were given the opportunity to cure a minor violation, and those factors that contribute to noncompliance with rules by regulated businesses. The analysis will guide each department on how to improve its education and outreach to regulated businesses on compliance with the department's rules. The agency shall consider and review:

(I) Whether the rule is unclear and should be rewritten;

and

(II) Whether more education or training of the regulated businesses would be likely to achieve better compliance with the rule.

(b) Any principal department that conducts an analysis of noncompliance with rules adopted by agencies within its department pursuant to subsection (1)(a) of this section shall
FORWARD THAT ANALYSIS TO THE DEPARTMENT OF REGULATORY AGENCIES, WHICH SHALL COMPILE AND SUMMARIZE THOSE ANALYSES INTO ONE COMBINED ANALYSIS OF NONCOMPLIANCE WITH RULES. THE DEPARTMENT OF REGULATORY AGENCIES SHALL INCLUDE THE COMPILED ANALYSIS IN ITS DEPARTMENTAL PRESENTATION TO ITS OVERSIGHT LEGISLATIVE COMMITTEE OF REFERENCE MADE PURSUANT TO SECTION 2-7-203 OF THE "STATE MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT (SMART) GOVERNMENT ACT".

SECTION 2. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.