

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 18-0773.01 Esther van Mourik x4215

HOUSE BILL 18-1250

HOUSE SPONSORSHIP

Kraft-Tharp and Sias,

SENATE SPONSORSHIP

Priola,

House Committees
Business Affairs and Labor

Senate Committees

A BILL FOR AN ACT

101 CONCERNING AN ANALYSIS TO IMPROVE COMPLIANCE WITH
102 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

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.

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.

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

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

4 **24-4-104.6. Analysis of noncompliance with department rules**

5 **- definition.** (1) (a) EACH AGENCY SHALL CONDUCT AN ANALYSIS OF
6 NONCOMPLIANCE WITH ITS RULES TO IDENTIFY RULES WITH THE GREATEST
7 FREQUENCY OF NONCOMPLIANCE, RULES THAT GENERATE THE GREATEST
8 AMOUNT OF FINES, HOW MANY FIRST-TIME OFFENDERS WERE GIVEN THE
9 OPPORTUNITY TO CURE A MINOR VIOLATION, AND THOSE FACTORS THAT
10 CONTRIBUTE TO NONCOMPLIANCE WITH RULES BY REGULATED
11 BUSINESSES. THE ANALYSIS WILL GUIDE EACH DEPARTMENT ON HOW TO
12 IMPROVE ITS EDUCATION AND OUTREACH TO REGULATED BUSINESSES ON
13 COMPLIANCE WITH THE DEPARTMENT'S RULES. THE AGENCY SHALL
14 CONSIDER AND REVIEW:

15 (I) WHETHER THE RULE IS UNCLEAR AND SHOULD BE REWRITTEN;
16 AND

17 (II) WHETHER MORE EDUCATION OR TRAINING OF THE REGULATED
18 BUSINESSES WOULD BE LIKELY TO ACHIEVE BETTER COMPLIANCE WITH THE
19 RULE.

20 (b) ANY PRINCIPAL DEPARTMENT THAT CONDUCTS AN ANALYSIS
21 OF NONCOMPLIANCE WITH RULES ADOPTED BY AGENCIES WITHIN ITS
22 DEPARTMENT PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION SHALL

1 FORWARD THAT ANALYSIS TO THE DEPARTMENT OF REGULATORY
2 AGENCIES, WHICH SHALL COMPILE AND SUMMARIZE THOSE ANALYSES INTO
3 ONE COMBINED ANALYSIS OF NONCOMPLIANCE WITH RULES. THE
4 DEPARTMENT OF REGULATORY AGENCIES SHALL INCLUDE THE COMPILED
5 ANALYSIS IN ITS DEPARTMENTAL PRESENTATION TO ITS OVERSIGHT
6 LEGISLATIVE COMMITTEE OF REFERENCE MADE PURSUANT TO SECTION
7 2-7-203 OF THE "STATE MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE,
8 AND TRANSPARENT (SMART) GOVERNMENT ACT".

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