

CHAPTER 145

GOVERNMENT - STATE

HOUSE BILL 18-1198

BY REPRESENTATIVE(S) Saine and Kraft-Tharp, Leonard, Winter, Covarrubias, Gray, Humphrey, McKean, McLachlan, Michaelson Jenet, Pettersen, Rankin, Van Winkle, Williams D., Wilson, Young, Arndt;
also SENATOR(S) Donovan and Smallwood, Neville T., Todd, Court, Martinez Humenik, Moreno, Tate.

AN ACT**CONCERNING THE ESTABLISHMENT OF BEST PRACTICES FOR STATE BOARDS AND COMMISSIONS.**

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

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

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

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

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

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

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

(d) IDENTIFYING AND MANAGING CONFLICTS OF INTEREST;

(e) UNDERSTANDING THE REQUIREMENTS OF THE "COLORADO OPEN RECORDS ACT", PART 2 OF ARTICLE 72 OF THIS TITLE 24, AND THE OPEN MEETINGS LAW, PART

Capital letters or bold & italic numbers indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

4 OF ARTICLE 6 OF THIS TITLE 24;

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

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

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

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

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

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

(2) EACH STATE AGENCY RESPONSIBLE FOR A STATUTORILY CREATED BOARD OR COMMISSION SHALL ENSURE THAT THE STATE BOARD OR COMMISSION OBTAINS THE ANNUAL TRAINING AND IMPLEMENTS THE WRITTEN POLICIES SPECIFIED IN SUBSECTION (1) OF THIS SECTION.

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.

Approved: April 23, 2018