

CHAPTER 195

GOVERNMENT - STATE

HOUSE BILL 18-1250

BY REPRESENTATIVE(S) Kraft-Tharp and Sias, Arndt, Bridges, Gray, Salazar, Valdez, Duran;
also SENATOR(S) Priola, Aguilar, Kefalas, Martinez Humenik, Tate, Zenzinger.

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

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 - legislative declaration. (1) (a) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT THIS SECTION CODIFIES EXISTING PRACTICE, THAT EACH AGENCY ALREADY KNOWS ABOUT AND TRACKS THE RULE ISSUES DESCRIBED IN SUBSECTION (2)(a) OF THIS SECTION, AND THAT MUCH OF THIS WORK IS CURRENTLY COMPLETED IN THE NORMAL COURSE OF AN AGENCY'S BUSINESS.

(b) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT IT IS NOT THE GENERAL ASSEMBLY'S INTENT FOR AN AGENCY TO INCREASE ITS EXISTING RULE COMPLIANCE MONITORING.

(2) (a) EACH AGENCY SHALL CONDUCT, WITHIN EXISTING RESOURCES, 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:

(1) WHETHER THE RULE IS UNCLEAR AND SHOULD BE REWRITTEN;

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.

(II) WHETHER MORE EDUCATION OR TRAINING OF THE REGULATED BUSINESSES WOULD BE LIKELY TO ACHIEVE BETTER COMPLIANCE WITH THE RULE; AND

(III) THE ENFORCEMENT LEVEL AND ANY APPROPRIATE FINES FOR NONCOMPLIANCE WITH THE DEPARTMENT'S RULES.

(b) ANY PRINCIPAL DEPARTMENT THAT CONDUCTS AN ANALYSIS OF NONCOMPLIANCE WITH RULES ADOPTED BY AGENCIES WITHIN ITS DEPARTMENT PURSUANT TO SUBSECTION (2)(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.

Approved: May 3, 2018