

Second Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 20-0213.02 Thomas Morris x4218

HOUSE BILL 20-1039

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HOUSE SPONSORSHIP

Coleman and Baisley,

SENATE SPONSORSHIP

Zenzinger and Tate,

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House Committees

Business Affairs & Labor  
Appropriations

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING A TRANSPARENT STATE WEB PORTAL THAT ALLOWS THE  
102 PUBLIC TO EASILY SEARCH FOR INFORMATION RELATING TO  
103 STATE AGENCY RULES AT NO COST.

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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>.)*

Effective January 1, 2021, the bill requires an agency that is or will be conducting rule-making proceedings to post several types of notifications regarding the proceedings on an easily searched rule-making transparency website and mobile application created and hosted by the statewide internet portal authority.

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.

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

2           **SECTION 1. Legislative declaration.** (1) The general assembly  
3 hereby:

4           (a) Finds that rules adopted by executive branch agencies affect  
5 many areas of daily life for Colorado citizens, including water, air, food,  
6 energy, mobility, employment, and health care;

7           (b) Determines that:

8           (I) Maintaining a vibrant business economy in the state is a goal  
9 shared by all Coloradans; and

10           (II) The state has made tremendous progress in its transparency as  
11 new and innovative technologies become available; and

12           (c) Declares that this act is a continuation of this ongoing  
13 transparency program and that public participation promotes a sense of  
14 acceptability and fairness in the rule-making process and can help foster  
15 greater public trust.

16           **SECTION 2.** In Colorado Revised Statutes, 24-4-103, **amend** (2)  
17 and (2.5)(a) introductory portion as follows:

18           **24-4-103. Rule-making - procedure - definitions - statutory**  
19 **citation correction.** (2) When rule-making is contemplated, public  
20 announcement thereof ~~may~~ SHALL be made ~~at such time and~~ ON AN  
21 EASILY SEARCHED RULE-MAKING TRANSPARENCY WEBSITE AND MOBILE  
22 APPLICATION CREATED AND HOSTED BY THE STATEWIDE INTERNET PORTAL  
23 AUTHORITY AS REQUIRED IN SUBSECTION (2.5)(a) OF THIS SECTION in such  
24 manner as the agency determines. The agency shall:

25           (a) MAKE THE NOTICE AT LEAST FORTY-FIVE DAYS BEFORE THE  
26 FIRST PUBLIC HEARING ON THE RULE-MAKING;

1 (b) Establish a representative group of participants with an interest  
2 in the subject of the rule-making to submit views or otherwise participate  
3 informally in conferences on the proposals under consideration or to  
4 participate in the public rule-making proceedings on the proposed rules  
5 AND POST THE PARTICIPANTS' NAMES ON THE TRANSPARENCY WEBSITE  
6 AND MOBILE APPLICATION WHEN THE INVITATION TO PARTICIPATE IS  
7 MADE. In establishing the representative group, the agency shall make  
8 diligent attempts to solicit input from representatives of each of the  
9 various stakeholder interests that may be affected positively or negatively  
10 by the proposed rules.

11 (c) If the agency convenes a representative group ~~prior to~~ BEFORE  
12 issuing a notice of proposed rule-making as provided in ~~paragraph (a) of~~  
13 ~~subsection (3)~~ SUBSECTION (3)(a) of this section: ~~the agency shall~~

14 (I) POST THE PARTICIPANTS' NAMES ON THE TRANSPARENCY  
15 WEBSITE AND MOBILE APPLICATION ALONG WITH THE TIMES WHEN AND  
16 PLACES WHERE THE MEETINGS WILL BE HELD; AND

17 (II) Add those persons who participated in the representative  
18 group to the list of persons who receive notification of proposed  
19 rule-making as provided in ~~paragraph (b) of subsection (3)~~ SUBSECTION  
20 (3)(b) of this section.

21 (2.5) (a) ~~At the time of~~ WHEN filing a notice of proposed  
22 rule-making with the secretary of state as the secretary may require, an  
23 agency shall submit a draft of the proposed rule or the proposed  
24 amendment to an existing rule and a statement, in plain language,  
25 concerning the subject matter ~~or~~ AND purpose of the proposed rule or  
26 amendment AND THE RULE-MAKING TIMELINE, PROCESS, AND DESCRIPTION  
27 to the office of the executive director in the department of regulatory

1 agencies AND TO THE STATEWIDE INTERNET PORTAL AUTHORITY CREATED  
2 IN SECTION 24-37.7-102. THE STATEWIDE INTERNET PORTAL AUTHORITY  
3 SHALL POST THE INFORMATION ON THE TRANSPARENCY WEBSITE AND  
4 MOBILE APPLICATION. The executive director or ~~his or her~~ THE EXECUTIVE  
5 DIRECTOR'S designee shall distribute the proposed rule or amendment, the  
6 agency's statement concerning the subject matter ~~or~~ AND purpose of the  
7 proposed rule or amendment, A CITATION TO THE AUTHORIZING STATUTE,  
8 and any cost-benefit analysis prepared pursuant to this section to all  
9 persons who have submitted a request to receive notices from the  
10 department of regulatory agencies about proposed rule-making AND  
11 SHALL TRANSMIT THE INFORMATION TO THE STATEWIDE INTERNET PORTAL  
12 AUTHORITY TO BE POSTED ON THE TRANSPARENCY WEBSITE AND MOBILE  
13 APPLICATION. Any person may, within five days after publication of the  
14 notice of proposed rule-making in the Colorado register, request that the  
15 department of regulatory agencies require the agency submitting the  
16 proposed rule or amendment to prepare a cost-benefit analysis. The  
17 executive director or ~~his or her~~ THE EXECUTIVE DIRECTOR'S designee shall  
18 determine, after consultation with the agency proposing the rule or  
19 amendment, whether to require the agency to prepare a cost-benefit  
20 analysis. If the executive director or ~~his or her~~ THE EXECUTIVE DIRECTOR'S  
21 designee determines that a cost-benefit analysis is required, the agency  
22 shall complete a cost-benefit analysis at least ten days before the hearing  
23 on the rule or amendment, shall make the analysis available to the public  
24 by posting the analysis on the agency's official website AND  
25 TRANSMITTING THE ANALYSIS TO THE STATEWIDE INTERNET PORTAL  
26 AUTHORITY TO BE POSTED ON THE TRANSPARENCY WEBSITE AND MOBILE  
27 APPLICATION, and shall submit a copy to the executive director or ~~his or~~

1 ~~her~~ THE EXECUTIVE DIRECTOR'S designee. The executive director or ~~his or~~  
2 ~~her~~ THE EXECUTIVE DIRECTOR'S designee shall post the analysis on the  
3 department of regulatory agencies' official website. By filing an  
4 additional notice published in the Colorado register, the agency may  
5 postpone the hearing on the rule or amendment to comply with the  
6 requirement to complete the cost-benefit analysis at least ten days before  
7 the hearing. Failure to complete a requested cost-benefit analysis pursuant  
8 to this subsection (2.5) ~~shall preclude~~ PRECLUDES the adoption of ~~such~~  
9 THE rule or amendment. ~~Such~~ THE cost-benefit analysis ~~shall~~ MUST  
10 include the following:

11           **SECTION 3. Act subject to petition - effective date -**  
12 **applicability.** (1) This act takes effect January 1, 2021; 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 the ninety-day period after final adjournment of the general  
16 assembly, then the act, item, section, or part will not take effect unless  
17 approved by the people at the general election to be held in November  
18 2020 and, in such case, will take effect January 1, 2021, or on the date of  
19 the official declaration of the vote thereon by the governor, whichever is  
20 later.

21           (2) This act applies to conduct occurring on or after the applicable  
22 effective date of this act.