A BILL FOR AN ACT

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

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

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

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

(b) Determines that:

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

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

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

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

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

(a) MAKE THE NOTICE AT LEAST FORTY-FIVE DAYS BEFORE THE FIRST PUBLIC HEARING ON THE RULE-MAKING;
(b) Establish a representative group of participants with an interest in the subject of the rule-making to submit views or otherwise participate informally in conferences on the proposals under consideration or to participate in the public rule-making proceedings on the proposed rules AND POST THE PARTICIPANTS' NAMES ON THE TRANSPARENCY WEBSITE AND MOBILE APPLICATION WHEN THE INVITATION TO PARTICIPATE IS MADE. In establishing the representative group, the agency shall make diligent attempts to solicit input from representatives of each of the various stakeholder interests that may be affected positively or negatively by the proposed rules.

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

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

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

(2.5) (a) At the time of filing a notice of proposed rule-making with the secretary of state as the secretary may require, an agency shall submit a draft of the proposed rule or the proposed amendment to an existing rule and a statement, in plain language, concerning the subject matter or purpose of the proposed rule or amendment AND THE RULE-MAKING TIMELINE, PROCESS, AND DESCRIPTION to the office of the executive director in the department of regulatory
agencies AND TO THE STATEWIDE INTERNET PORTAL AUTHORITY CREATED IN SECTION 24-37.7-102. THE STATEWIDE INTERNET PORTAL AUTHORITY SHALL POST THE INFORMATION ON THE TRANSPARENCY WEBSITE AND MOBILE APPLICATION. The executive director or his or her THE EXECUTIVE DIRECTOR'S designee shall distribute the proposed rule or amendment, the agency's statement concerning the subject matter or AND purpose of the proposed rule or amendment, A CITATION TO THE AUTHORIZING STATUTE, and any cost-benefit analysis prepared pursuant to this section to all persons who have submitted a request to receive notices from the department of regulatory agencies about proposed rule-making AND SHALL TRANSMIT THE INFORMATION TO THE STATEWIDE INTERNET PORTAL AUTHORITY TO BE POSTED ON THE TRANSPARENCY WEBSITE AND MOBILE APPLICATION. Any person may, within five days after publication of the notice of proposed rule-making in the Colorado register, request that the department of regulatory agencies require the agency submitting the proposed rule or amendment to prepare a cost-benefit analysis. The executive director or his or her THE EXECUTIVE DIRECTOR'S designee shall determine, after consultation with the agency proposing the rule or amendment, whether to require the agency to prepare a cost-benefit analysis. If the executive director or his or her THE EXECUTIVE DIRECTOR'S designee determines that a cost-benefit analysis is required, the agency shall complete a cost-benefit analysis at least ten days before the hearing on the rule or amendment, shall make the analysis available to the public by posting the analysis on the agency's official website AND TRANSMITTING THE ANALYSIS TO THE STATEWIDE INTERNET PORTAL AUTHORITY TO BE POSTED ON THE TRANSPARENCY WEBSITE AND MOBILE APPLICATION, and shall submit a copy to the executive director or his or
THE EXECUTIVE DIRECTOR's designee shall post the analysis on the department of regulatory agencies' official website. By filing an additional notice published in the Colorado register, the agency may postpone the hearing on the rule or amendment to comply with the requirement to complete the cost-benefit analysis at least ten days before the hearing. Failure to complete a requested cost-benefit analysis pursuant to this subsection (2.5) shall preclude the adoption of such the rule or amendment. Such the cost-benefit analysis shall include the following:

SECTION 3. Act subject to petition - effective date - applicability. (1) This act takes effect January 1, 2021; 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 the ninety-day period after final adjournment of the general assembly, 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 2020 and, in such case, will take effect January 1, 2021, or on the date of the official declaration of the vote thereon by the governor, whichever is later.

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