

Permanent Rules. Prior to adopting permanent rules, an agency must file notice of proposed rulemaking to be published in the Colorado Register. The agency makes the proposed rules available for a minimum of 20 days prior to holding a rulemaking hearing. After adopting permanent rules, the agency requests an opinion from the Attorney General’s Office regarding whether the rule presents any apparent constitutional or legal deficiency in its form or substance. After receipt of the opinion, the agency files the adopted rule with the SOS and the OLLS and the rule is published in the Colorado Register. The rule becomes effective a minimum of 20 days after publication and is then published in the Colorado Code of Regulations.

The State Board of Health promulgates rules related to Colorado public health under the APA.

State Expenditures

The bill will increase costs in the CDPHE on an ongoing basis to issue public health orders that have the same general applicability of a promulgated rule, following the APA. The number of orders that meet this criterion depends on a number of factors and has not been estimated. Costs to follow the APA when issuing an emergency order are estimated at \$15,675 and 0.1 FTE per rulemaking to be paid from the General Fund. For rules that will be in place beyond 180 days, a permanent rulemaking hearing will be required with an additional cost of approximately \$28,000 and 0.2 FTE. Due to the uncertainty of how many additional rulemaking hearings will be held annually, the fiscal note assumes that these costs will be addressed through the annual budget process.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

State and Local Government Contacts

Governor	Information Technology
Law	Public Health and Environment