

**First Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 17-0578.01 Kate Meyer x4348

SENATE BILL 17-002

SENATE SPONSORSHIP

Martinez Humenik, Grantham

HOUSE SPONSORSHIP

Lawrence,

Senate Committees

Business, Labor, & Technology
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE COMPULSORY REVIEW OF RULES BY EACH PRINCIPAL**
102 **DEPARTMENT, AND, IN CONNECTION THEREWITH, ESTABLISHING**
103 **A TRIENNIAL BASIS FOR EACH REVIEW TO BE CONDUCTED.**

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>.)

Current law requires each principal department to review all of its rules, in accordance with a schedule established by the department of regulatory agencies (DORA), to assess, among other things, the continuing need and cost-effectiveness of each rule. The bill repeals the DORA schedule-setting and instead requires a review and supplemental

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
Amended 2nd Reading
April 11, 2017

update to be completed every 3 years, commencing in 2017. Thereafter, the bill imposes a triennial schedule for reviews to be conducted.

The bill further specifies that the public and certain state agencies must be accorded no fewer than 14 business days to provide input regarding an agency's rules during its review, and that any input received must be attached to the report setting forth the results of the rule reviews included in each agency's departmental regulatory agenda.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-4-103.3, **amend**
3 (1) introductory portion, (2), (3), and (4) as follows:

4 **24-4-103.3. Compulsory review of rules by principal**
5 **departments - deadlines - report on results of review in departmental**
6 **regulatory agendas.** (1) ~~The department of regulatory agencies shall~~
7 ~~establish a schedule, in consultation with each principal department, for~~
8 ~~the review of all of the rules for each principal department.~~
9 NOTWITHSTANDING ANY SCHEDULE ESTABLISHED BY THE DEPARTMENT OF
10 REGULATORY AGENCIES TO THE CONTRARY, ON OR BEFORE NOVEMBER 1,
11 2018, EACH PRINCIPAL DEPARTMENT SHALL COMPLETE, OR HAVE
12 COMPLETED PRIOR TO THAT DATE, A REVIEW OF ALL OF ITS RULES IN
13 ACCORDANCE WITH THIS SECTION, AS THIS SECTION EXISTED PRIOR TO THE
14 ENACTMENT OF SENATE BILL 17-002, ENACTED IN 2017. COMMENCING IN
15 2021, AND TRIENNIALLY THEREAFTER, each principal department shall
16 conduct a review of all of its rules to assess the continuing need for and
17 the appropriateness and cost-effectiveness of its rules to determine if they
18 should be continued in their current form, modified, or repealed. THE
19 COMPULSORY TRIENNIAL REVIEW MUST, IN PARTICULAR, TAKE INTO
20 ACCOUNT WHETHER ANY OF EACH PRINCIPAL DEPARTMENT'S RULES ARE
21 AFFECTED BY ANY FEDERAL OR STATE LAWS ENACTED, OR ANY FEDERAL
22 OR STATE RULES PROMULGATED, WITHIN THE PREVIOUS THREE YEARS. THE

1 REVIEW REQUIRED BY THIS SUBSECTION (1) MUST BE COMPLETED PRIOR TO
2 NOVEMBER 1 SO THE RESULTS MAY BE REPORTED PURSUANT TO
3 SUBSECTION (4) OF THIS SECTION. ON OR BEFORE DECEMBER 31, 2021,
4 AND ON OR BEFORE DECEMBER 31 EVERY THREE YEARS THEREAFTER,
5 EACH PRINCIPAL DEPARTMENT SHALL ALSO PROVIDE AN UPDATE TO THAT
6 YEAR'S REVIEW OF RULES, INDICATING ANY MODIFICATIONS TO THE
7 REPORT FILED UNDER SUBSECTION (4) OF THIS SECTION. IN ADDITION TO
8 EVALUATING HOW EACH AFFECTED OR POTENTIALLY AFFECTED RULE
9 COMPORTS WITH AND ACCOUNTS FOR ANY APPLICABLE FEDERAL OR STATE
10 LAW OR RULE PASSED WITHIN THE PREVIOUS THREE YEARS, AND IN
11 ADDITION TO TAKING INTO ACCOUNT ANY INPUT RECEIVED PURSUANT TO
12 SUBSECTION (2) OF THIS SECTION, the applicable rule-making agency or
13 official in the principal department shall consider the following:

14 (2) Each rule-making agency or official shall provide public
15 notice on the agency's official website of its review of the rules; give the
16 public an appropriate opportunity, CONSISTING OF NO FEWER THAN
17 FOURTEEN BUSINESS DAYS, to provide input ON THE RULES; and notify
18 other state agencies that may have jurisdiction over the subject matter of
19 the rules to allow for collaboration and input. Based on ~~this~~ ITS review
20 AND TAKING INTO CONSIDERATION ANY INPUT RECEIVED, the rule-making
21 agency or official shall determine whether the existing rules should be
22 continued in their current form, amended, or repealed. If the rule-making
23 agency or official decides that a rule should be amended or repealed, the
24 rule-making agency or official shall comply with the notice and hearing
25 requirements of section 24-4-103.

26 (3) ~~The department of regulatory agencies shall not schedule~~
27 ~~mandatory review under this section during the year of and during the~~

1 year following any scheduled sunset review conducted by the department
2 of regulatory agencies pursuant to section ~~24-34-104~~ IN ADDITION TO THE
3 COMPULSORY TRIENNIAL REVIEWS REQUIRED UNDER SUBSECTION (1) OF
4 THIS SECTION, EACH PRINCIPAL DEPARTMENT IS ENCOURAGED TO
5 ANALYZE, IN ANY YEAR IN WHICH A COMPULSORY TRIENNIAL REVIEW IS
6 NOT DUE, THE PRINCIPAL DEPARTMENT'S RULES TO ENSURE THAT THE
7 RULES CONFORM TO ANY FEDERAL OR STATE LAWS ENACTED, OR ANY
8 FEDERAL OR STATE RULES PROMULGATED, WITHIN THE PREVIOUS YEAR.
9 EACH PRINCIPAL DEPARTMENT IS FURTHER ENCOURAGED TO INCLUDE THE
10 FINDINGS OF SUCH OPTIONAL REVIEWS WITH ITS DEPARTMENTAL
11 REGULATORY AGENDA THAT IT SUBMITS TO THE STAFF OF THE
12 LEGISLATIVE COUNCIL FOR DISTRIBUTION TO THE APPLICABLE COMMITTEE
13 OF REFERENCE OF THE GENERAL ASSEMBLY AS OUTLINED IN SECTION
14 2-7-203.

15 (4) Each principal department shall include a report on the results
16 of its ~~mandatory~~ COMPULSORY TRIENNIAL review of rules, WHICH REPORT
17 MUST ATTACH ANY INPUT FROM THE PUBLIC OR OTHER STATE AGENCIES
18 RECEIVED PURSUANT TO SUBSECTION (2) OF THIS SECTION, as part of its
19 departmental regulatory agenda that it submits to the staff of the
20 legislative council for distribution to the applicable committee of
21 reference of the general assembly as outlined in section 2-7-203 ~~C.R.S.~~
22 AND SHALL POST THE UPDATE TO EACH REPORT ON THE PRINCIPAL
23 DEPARTMENT'S OFFICIAL WEBSITE.

24 **SECTION 2. No appropriation.** The general assembly has
25 determined that this act can be implemented within existing
26 appropriations, and therefore no separate appropriation of state money is
27 necessary to carry out the purposes of this act.

1 **SECTION 3. Safety clause.** The general assembly hereby finds,
2 determines, and declares that this act is necessary for the immediate
3 preservation of the public peace, health, and safety.