

**Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 20-0767.02 Megan Waples x4348

SENATE BILL 20-133

SENATE SPONSORSHIP

Woodward, Donovan

HOUSE SPONSORSHIP

Kraft-Tharp and Williams D.,

Senate Committees

State, Veterans, & Military Affairs

House Committees

A BILL FOR AN ACT

101 **CONCERNING BUSINESS FISCAL IMPACT NOTES.**

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>.)

The bill requires the staff of the legislative council to prepare business fiscal impact notes (notes) on legislative bills in each regular session of the general assembly. The speaker of the house of representatives, the minority leader of the house of representatives, the president of the senate, and the minority leader of the senate are authorized to request 2 notes each, or more at the discretion of the director of research of the legislative council.

The bill requires the staff of the legislative council to meet with

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.

the member of leadership requesting the note and with the sponsor of the legislative bill to discuss whether a note can practically be completed for that legislative bill. If not, the member of leadership may request a note on a different legislative bill.

A business fiscal impact note is defined as a note that uses available data to analyze the potential direct economic effects of a legislative bill on Colorado businesses, including costs related to compliance, impacts on hiring or job losses, savings or cost reductions, and other fiscal impacts.

The bill requires the director of research of the legislative council to develop the procedures for requesting, completing, and updating the notes and to memorialize the procedures in a letter to the executive committee of the legislative council.

The staff of the legislative council must designate a 5-day period during which Colorado businesses can submit comments on the impacts of a legislative bill selected for the preparation of the note, or a shorter time if the bill is selected during the last 30 days of session. The staff must summarize and compile the comments as part of the note.

Finally, the legislative bill requires each state department, agency, or institution to cooperate with and provide information for a note of a legislative bill in the manner requested by the staff of the legislative council.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 2-2-322.7 as
3 follows:

4 **2-2-322.7. Business fiscal impact notes - definitions.** (1) AS
5 USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

6 (a) "BUSINESS FISCAL IMPACT NOTE" OR "NOTE" MEANS A NOTE
7 THAT USES AVAILABLE DATA TO PROVIDE AN ANALYSIS OF THE POTENTIAL
8 DIRECT ECONOMIC EFFECTS OF A LEGISLATIVE MEASURE ON COLORADO
9 BUSINESSES. EXAMPLES OF ECONOMIC EFFECTS INCLUDE BUT ARE NOT
10 LIMITED TO THE COSTS ASSOCIATED WITH COMPLYING AND MONITORING
11 COMPLIANCE WITH NEW LEGAL REQUIREMENTS; THE COSTS OF HIRING,
12 TRAINING, AND SUPERVISING ADDITIONAL STAFF REQUIRED BY THE
13 MEASURE; THE IMPACTS OF JOB LOSSES RELATED TO THE MEASURE; THE

1 IMPACTS OF SAVINGS OR COST REDUCTIONS MADE POSSIBLE BY THE
2 MEASURE; AND OTHER FISCAL IMPACTS TO COLORADO BUSINESSES.

3 (b) "COLORADO BUSINESSES" MEANS ANY SOLE PROPRIETORSHIP,
4 FIRM, PARTNERSHIP, COPARTNERSHIP, JOINT VENTURE, ASSOCIATION,
5 COOPERATIVE ORGANIZATION, CORPORATION, LIMITED LIABILITY
6 COMPANY, FRATERNAL ORGANIZATION, NONPROFIT ORGANIZATION,
7 NONPROFIT CORPORATION, TRUST, FOUNDATION, OR OTHER LEGAL ENTITY
8 ENGAGED IN ANY LAWFUL ACTIVITY IN COLORADO WITH ONE OR MORE
9 EMPLOYEES IN THE STATE.

10 (2) (a) COMMENCING WITH THE FIRST REGULAR SESSION OF THE
11 SEVENTY-THIRD GENERAL ASSEMBLY AND DURING EACH REGULAR SESSION
12 THEREAFTER, THE STAFF OF THE LEGISLATIVE COUNCIL SHALL PREPARE
13 BUSINESS FISCAL IMPACT NOTES ON LEGISLATIVE BILLS AS SPECIFIED IN
14 SUBSECTION (2)(b) OF THIS SECTION.

15 (b) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE
16 MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES, THE PRESIDENT OF
17 THE SENATE, AND THE MINORITY LEADER OF THE SENATE MAY EACH
18 REQUEST THE PREPARATION OF A BUSINESS FISCAL IMPACT NOTE ON TWO
19 BILLS, OR MORE AT THE DISCRETION OF THE DIRECTOR OF RESEARCH OF
20 THE LEGISLATIVE COUNCIL.

21 (c) PRIOR TO COMMENCING WORK ON A BUSINESS FISCAL IMPACT
22 NOTE, THE STAFF OF THE LEGISLATIVE COUNCIL SHALL MEET WITH THE
23 MEMBER OF LEADERSHIP REQUESTING THE NOTE AND WITH THE SPONSOR
24 OF THE LEGISLATIVE BILL TO DISCUSS WHETHER A NOTE CAN PRACTICALLY
25 BE COMPLETED FOR THAT LEGISLATIVE BILL. IF NOT, THE MEMBER OF
26 LEADERSHIP MAY REQUEST A BUSINESS FISCAL IMPACT NOTE ON A
27 DIFFERENT LEGISLATIVE BILL, WITHIN THE LIMITS SPECIFIED IN

1 SUBSECTION (2)(b) OF THIS SECTION, THAT MIGHT BE MORE CONDUCTIVE TO
2 A NOTE'S ANALYSIS.

3 (d) IN ORDER TO COMPLETE THE ANALYSIS REQUIRED FOR A NOTE,
4 IN ADDITION TO THE COMMENT PERIOD REQUIRED BY SUBSECTION (3) OF
5 THIS SECTION, THE STAFF OF THE LEGISLATIVE COUNCIL MAY REQUEST
6 AVAILABLE DATA AND INFORMATION DIRECTLY FROM THE BUSINESS
7 COMMUNITY AND AFFECTED INDUSTRIES, NONPARTISAN ORGANIZATIONS
8 WITH RELEVANT INFORMATION OR EXPERTISE, ACADEMIC INSTITUTIONS,
9 OR OTHER SOURCES. IF THE DYNAMIC MODEL AUTHORIZED BY SECTION
10 2-3-304.5 BECOMES AVAILABLE, THE STAFF OF THE LEGISLATIVE COUNCIL
11 MAY USE THAT MODEL TO PERFORM THE ANALYSIS REQUIRED BY THIS
12 SECTION.

13 (e) NO LATER THAN DECEMBER 1, 2020, THE DIRECTOR OF
14 RESEARCH OF THE LEGISLATIVE COUNCIL SHALL DEVELOP THE
15 PROCEDURES FOR REQUESTING, COMPLETING, AND UPDATING THE
16 BUSINESS FISCAL IMPACT NOTES. THE PROCEDURES MUST BE
17 MEMORIALIZED IN A LETTER TO THE EXECUTIVE COMMITTEE OF THE
18 LEGISLATIVE COUNCIL.

19 (3) (a) EXCEPT AS PROVIDED IN SUBSECTION (3)(b) OF THIS
20 SECTION, THE STAFF OF THE LEGISLATIVE COUNCIL SHALL DESIGNATE A
21 FIVE-DAY PERIOD DURING WHICH COLORADO BUSINESSES MAY SUBMIT
22 COMMENTS REGARDING THE POTENTIAL BUSINESS FISCAL IMPACT OF A
23 LEGISLATIVE MEASURE SELECTED FOR THE PREPARATION OF A BUSINESS
24 FISCAL IMPACT NOTE. THE STAFF OF THE LEGISLATIVE COUNCIL SHALL
25 PUBLISH THE DEADLINE AND INSTRUCTIONS ON HOW TO SUBMIT
26 COMMENTS ON THE GENERAL ASSEMBLY'S WEBSITE. THE STAFF OF THE
27 LEGISLATIVE COUNCIL SHALL SUMMARIZE AND COMPILE ANY COMMENTS

1 RECEIVED AS PART OF THE NOTE IN ADDITION TO THE STAFF'S OWN
2 ANALYSIS. IF NO COMMENTS ARE RECEIVED, THE NOTE MUST STATE THAT
3 NO COMMENTS WERE RECEIVED.

4 (b) IF A LEGISLATIVE MEASURE IS SELECTED FOR THE PREPARATION
5 OF A BUSINESS FISCAL IMPACT NOTE ON OR AFTER THE NINETIETH DAY OF
6 A LEGISLATIVE SESSION, THE STAFF OF THE LEGISLATIVE COUNCIL MAY
7 DESIGNATE A SHORTER PERIOD DURING WHICH COLORADO BUSINESSES
8 MAY SUBMIT COMMENTS; EXCEPT THAT THE PERIOD MUST BE AT LEAST
9 TWENTY-FOUR HOURS FROM THE TIME THE INFORMATION IS PUBLISHED ON
10 THE GENERAL ASSEMBLY'S WEBSITE IN ACCORDANCE WITH SUBSECTION
11 (3)(a) OF THIS SECTION.

12 (4) (a) EACH STATE DEPARTMENT, AGENCY, OR INSTITUTION SHALL
13 COOPERATE WITH AND PROVIDE INFORMATION FOR A BUSINESS FISCAL
14 IMPACT NOTE ON A LEGISLATIVE BILL IN THE MANNER REQUESTED BY THE
15 STAFF OF THE LEGISLATIVE COUNCIL.

16 (b) THE STATE DEPARTMENT, AGENCY, OR INSTITUTION SHALL
17 MEET THE DEADLINES ESTABLISHED BY THE STAFF OF THE LEGISLATIVE
18 COUNCIL FOR PROVIDING A RESPONSE TO A REQUEST FOR INFORMATION
19 MADE PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION OR SHALL
20 SPECIFY THE NEED FOR ADDITIONAL TIME TO PROVIDE THE RESPONSE. IF
21 ADDITIONAL TIME IS REQUIRED TO RESPOND TO THE REQUEST FOR
22 INFORMATION, THE STAFF OF THE LEGISLATIVE COUNCIL SHALL SET A
23 REASONABLE TIME FOR PROVIDING THE INFORMATION.

24 **SECTION 2. Act subject to petition - effective date.** This act
25 takes effect at 12:01 a.m. on the day following the expiration of the
26 ninety-day period after final adjournment of the general assembly (August
27 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a

1 referendum petition is filed pursuant to section 1 (3) of article V of the
2 state constitution against this act or an item, section, or part of this act
3 within such period, then the act, item, section, or part will not take effect
4 unless approved by the people at the general election to be held in
5 November 2020 and, in such case, will take effect on the date of the
6 official declaration of the vote thereon by the governor.