

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0654.01 Ed DeCecco x4216

HOUSE BILL 22-1096

HOUSE SPONSORSHIP

Luck, Pelton, Rich, Williams

SENATE SPONSORSHIP

(None),

House Committees

State, Civic, Military, & Veterans Affairs

Senate Committees

A BILL FOR AN ACT

101 CONCERNING AN INCREASE IN THE TRANSPARENCY OF BILL REQUESTS

102 MADE BY MEMBERS OF THE GENERAL ASSEMBLY.

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 office of legislative legal services (office) to publish drafts on the general assembly's website (website) of any bills that may be introduced as one of a legislator's 5 bills by right (covered bills). Specifically, the bill establishes the following requirements for the office:

- 40 days prior to the 1st day of a regular legislative session, the office is required to publish the current draft of a

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.

- returning member's covered bill;
- 30 days prior to the 1st day of a regular legislative session, the office is required to publish the subject of a new member's request for a covered bill;
- 10 days prior to the 1st day of a regular legislative session, the office is required to publish the current draft of a new member's covered bill;
- If there is no draft as of the deadline, the office is required to publish the subject of the request for the covered bill and then publish the draft as soon as it has been completed;
- A redraft of the covered bill is required to be published; and
- The office is required to publish a notice of any covered bill that is withdrawn after the bill subject or draft has been published on the website.

To accommodate the deadlines for publishing the bill drafts and subjects on the website, the bill establishes the following bill request deadlines for covered bills:

- 70 days prior to the 1st day of a regular legislative session for a returning member; and
- 33 days prior to the 1st day of a regular legislative session for a new member.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
 3 hereby finds and declares that:

4 (a) Public participation is an essential component of the legislative
 5 process;

6 (b) Each year thousands of people, representing themselves or
 7 organizations, come to the state capitol to have their voices heard on
 8 pending legislation, and this participation often leads to important policy
 9 changes;

10 (c) A smaller number of people have even greater access to the
 11 legislative process because they are able to work with bill sponsors prior
 12 to a bill's introduction and thereby help to craft every facet of the bill;

13 (d) There are an unknown number of potential stakeholders who

1 never have an opportunity to provide valuable insight about the relative
2 merits of potential legislation because they are unaware of the proposed
3 legislation;

4 (e) Increasing transparency during the drafting process will allow
5 interested parties to identify themselves as stakeholders and potentially
6 participate in assisting legislators to create optimal public policies; and

7 (f) Even if a person does not choose to attempt to participate in
8 the drafting process, this transparency will give the citizens of the state
9 notice of some of the bills that may be introduced during the session,
10 which will allow more people to participate in the legislative process.

11 **SECTION 2.** In Colorado Revised Statutes, 2-3-505, **amend**
12 **(2)(a); and add (4) as follows:**

13 **2-3-505. Requests for drafting bills and amendments -**
14 **confidential nature thereof - exceptions - lobbying for bills -**
15 **definitions.** (2) (a) EXCEPT AS SET FORTH IN SUBSECTION (4) OF THIS
16 SECTION, prior to the introduction of a bill or amendment in the general
17 assembly, no employee of the office shall reveal to any person outside the
18 office the contents or nature of such bill or amendment, except with the
19 consent of the person making the request. Nothing in this section shall
20 prohibit the disclosure to the staff of any legislative service agency of
21 such information concerning bills or amendments prior to introduction as
22 is necessary to expedite the preparation of fiscal notes, as provided by the
23 rules of the general assembly, but such staff shall not reveal the contents
24 or nature of such bills or amendments to any other person without the
25 consent of the person making the request.

26 (4) (a) AS USED IN THIS SUBSECTION (4), UNLESS THE CONTEXT
27 OTHERWISE REQUIRES:

1 (I) "COVERED BILL" MEANS A BILL SPECIFIED IN SUBSECTION (4)(b)
2 OF THIS SECTION.

3 (II) "NEW MEMBER" MEANS A NEWLY ELECTED MEMBER OF THE
4 SENATE OR HOUSE OF REPRESENTATIVES OR A MEMBER WHO IS APPOINTED
5 TO FILL A VACANCY AFTER THE OCTOBER 1 IMMEDIATELY PRECEDING A
6 LEGISLATIVE SESSION.

7 (III) "RETURNING MEMBER" MEANS A MEMBER OF THE SENATE OR
8 THE HOUSE OF REPRESENTATIVES WHO HAS SERVED DURING THE MOST
9 RECENTLY COMPLETED REGULAR SESSION OF THE GENERAL ASSEMBLY OR
10 A MEMBER WHO DID NOT SERVE DURING THAT LEGISLATIVE SESSION BUT
11 WHO WAS APPOINTED TO FILL A VACANCY ON OR BEFORE OCTOBER 1
12 PRECEDING A LEGISLATIVE SESSION.

13 (b) EXCLUDING ANY BILL APPROVED BY AN INTERIM COMMITTEE,
14 SUBSECTION (1) OF THIS SECTION DOES NOT APPLY, TO THE EXTENT SET
15 FORTH IN THIS SUBSECTION (4), TO ANY BILL THAT A MEMBER OF THE
16 GENERAL ASSEMBLY REQUESTS AND THAT MAY BE INTRODUCED AS ONE OF
17 THE MEMBER'S FIVE BILLS THAT DO NOT REQUIRE PERMISSION FOR
18 INTRODUCTION FROM THE HOUSE OR SENATE COMMITTEE ON DELAYED
19 BILLS, CREATED IN RULE 23 (b) OF THE JOINT RULES OF THE SENATE AND
20 HOUSE OF REPRESENTATIVES.

21 (c) (I) FORTY DAYS PRIOR TO THE FIRST DAY OF THE REGULAR
22 LEGISLATIVE SESSION AT WHICH A RETURNING MEMBER'S COVERED BILL
23 MAY BE INTRODUCED, THE OFFICE SHALL PUBLISH THE CURRENT DRAFT OF
24 THE COVERED BILL ON THE GENERAL ASSEMBLY'S WEBSITE.

25 (II) IN ORDER TO ACCOMMODATE THE DEADLINE SET FORTH IN
26 SUBSECTION (4)(c)(I) OF THIS SECTION AND NOTWITHSTANDING ANY RULE
27 OF THE JOINT RULES OF THE SENATE AND HOUSE OF REPRESENTATIVES, A

1 RETURNING MEMBER MUST MAKE A REQUEST FOR A COVERED BILL NO
2 LATER THAN SEVENTY DAYS PRIOR TO THE FIRST DAY OF THE LEGISLATIVE
3 SESSION AT WHICH THE BILL MAY BE INTRODUCED.

4 (d) (I) THIRTY DAYS PRIOR TO THE FIRST DAY OF THE REGULAR
5 LEGISLATIVE SESSION AT WHICH A NEW MEMBER'S COVERED BILL MAY BE
6 INTRODUCED, THE OFFICE SHALL PUBLISH THE SUBJECT OF THE NEW
7 MEMBER'S REQUEST FOR A COVERED BILL ON THE GENERAL ASSEMBLY'S
8 WEBSITE. TEN DAYS PRIOR TO THE FIRST DAY OF THE LEGISLATIVE SESSION
9 AT WHICH A NEW MEMBER'S COVERED BILL MAY BE INTRODUCED, THE
10 OFFICE SHALL PUBLISH THE CURRENT DRAFT OF THE COVERED BILL ON THE
11 GENERAL ASSEMBLY'S WEBSITE.

12 (II) IN ORDER TO ACCOMMODATE THE DEADLINES SET FORTH IN
13 SUBSECTION (4)(d)(I) OF THIS SECTION AND NOTWITHSTANDING ANY RULE
14 OF THE JOINT RULES OF THE SENATE AND HOUSE OF REPRESENTATIVES, A
15 NEW MEMBER MUST MAKE A REQUEST FOR A COVERED BILL NO LATER
16 THAN THIRTY-THREE DAYS PRIOR TO THE FIRST DAY OF THE LEGISLATIVE
17 SESSION AT WHICH THE COVERED BILL MAY BE INTRODUCED.

18 (e) (I) IF THERE IS NO DRAFT OF A COVERED BILL AS OF THE
19 APPLICABLE PUBLICATION DATE SET FORTH IN SUBSECTION (4)(c)(I) OR
20 (4)(d)(I) OF THIS SECTION, THEN THE OFFICE SHALL:

21 (A) PUBLISH THE SUBJECT OF THE REQUEST FOR THE COVERED
22 BILL; AND

23 (B) PUBLISH THE DRAFT OF THE COVERED BILL AS SOON AS THE
24 OFFICE HAS COMPLETED IT.

25 (II) AFTER THE INITIAL PUBLICATION OF A COVERED BILL DRAFT AS
26 REQUIRED BY THIS SUBSECTION (4), THE OFFICE SHALL PUBLISH A REDRAFT
27 OF THE COVERED BILL ON THE GENERAL ASSEMBLY'S WEBSITE AS SOON AS

1 POSSIBLE AFTER THE OFFICE HAS COMPLETED THE REDRAFT.

2 (III) THE OFFICE SHALL PUBLISH A NOTICE ON THE GENERAL
3 ASSEMBLY'S WEBSITE OF ANY COVERED BILL THAT IS WITHDRAWN AFTER
4 THE BILL SUBJECT OR DRAFT HAS BEEN PUBLISHED ON THE WEBSITE IN
5 ACCORDANCE WITH THIS SUBSECTION (4).

6 (f) NOTHING IN THIS SUBSECTION (4) REQUIRES A MEMBER OF THE
7 GENERAL ASSEMBLY TO INTRODUCE A COVERED BILL THAT HAS BEEN
8 PUBLISHED ON THE GENERAL ASSEMBLY'S WEBSITE.

9 **SECTION 3. Act subject to petition - effective date.** This act
10 takes effect at 12:01 a.m. on the day following the expiration of the
11 ninety-day period after final adjournment of the general assembly; except
12 that, if a referendum petition is filed pursuant to section 1 (3) of article V
13 of the state constitution against this act or an item, section, or part of this
14 act within such period, then the act, item, section, or part will not take
15 effect unless approved by the people at the general election to be held in
16 November 2022 and, in such case, will take effect on the date of the
17 official declaration of the vote thereon by the governor.