

CHAPTER 60

GOVERNMENT - STATE

HOUSE BILL 06-1041

BY REPRESENTATIVE(S) Borodkin, Butcher, Carroll M., Knoedler, Liston, Massey, Paccione, Benefield, Berens, Frangas, Marshall, Penry, Rose, Todd, and White;
also SENATOR(S) Groff, Bacon, Brophy, Dyer, Evans, Fitz-Gerald, Isgar, Jones, Lamborn, McElhany, Mitchell, Shaffer, Tapia, Teck, Tupa, Veiga, Williams, and Windels.

AN ACT**CONCERNING CONTINUATION OF THE COST-BENEFIT ANALYSIS OF PROPOSED RULES.**

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

SECTION 1. The introductory portion to 24-4-103 (2.5) (a) and 24-4-103 (2.5) (f) (I), Colorado Revised Statutes, are amended to read:

24-4-103. Rule-making - procedure - repeal. (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 to the office of the executive director in the department of regulatory agencies. The executive director, or his or her designee, may determine if the proposed rule or amendment may have a negative impact on economic competitiveness or on small business in Colorado. If the executive director, or his or her designee, determines that the proposed rule or amendment may have such negative impact, he or she may direct the submitting agency to perform a cost-benefit analysis of the rule or amendment. If the executive director, or his or her designee, makes such a request, it shall be made at least twenty days before the date of the hearing on the rule or amendment. The agency receiving such request shall complete a cost-benefit analysis at least five days before the hearing on the rule or amendment, shall make the analysis available to the public, and shall submit a copy to the executive director or his or her designee. Failure to complete a requested cost-benefit analysis pursuant to this subsection (2.5) shall preclude the adoption of such rule or amendment. Such cost-benefit analysis shall include the following:

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(f) (I) This subsection (2.5) is repealed, effective July 1, ~~2006~~ 2013.

SECTION 2. 24-34-104 (37) (f), Colorado Revised Statutes, is amended to read:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (37) The following agencies, functions, or both, shall terminate on July 1, 2006:

(f) ~~The requirements and procedures regarding the preparation of a cost-benefit analysis in accordance with section 24-4-103 (2.5);~~

SECTION 3. 24-34-104 (44), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (44) The following agencies, functions, or both, shall terminate on July 1, 2013:

(o) THE REQUIREMENTS AND PROCEDURES REGARDING THE PREPARATION OF A COST-BENEFIT ANALYSIS IN ACCORDANCE WITH SECTION 24-4-103 (2.5).

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: March 31, 2006