

CHAPTER 69

GENERAL ASSEMBLY

SENATE BILL 06-079

BY SENATOR(S) Groff, Bacon, Gordon, Grossman, Hanna, Isgar, Jones, Keller, Lamborn, May R., Sandoval, Shaffer, Tapia, Teck, Tupa, Williams, and Windels;
also REPRESENTATIVE(S) Buescher, Benefield, Berens, Carroll M., Carroll T., Coleman, Frangas, Larson, Madden, Penry, and Romanoff.

AN ACT**CONCERNING THE POST-ENACTMENT REVIEW OF THE IMPLEMENTATION OF BILLS BY NONPARTISAN LEGISLATIVE STAFF.**

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

SECTION 1. Article 2 of title 2, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

PART 12
POST-ENACTMENT REVIEW
OF THE IMPLEMENTATION OF BILLS

2-2-1201. Accountability clauses - post-enactment review of implementation of bills by legislative service agencies - definitions. (1) IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION, LEGISLATIVE SERVICE AGENCIES SHALL CONDUCT A POST-ENACTMENT REVIEW OF THE IMPLEMENTATION OF ANY BILL ENACTED DURING ANY LEGISLATIVE SESSION, REGULAR OR SPECIAL, COMMENCING ON AND AFTER JANUARY 1, 2006, THAT BECOMES LAW AND THAT CONTAINS AN ACCOUNTABILITY CLAUSE AND A LEGISLATIVE DECLARATION SETTING FORTH THE DESIRED RESULTS OR BENEFITS TO BE ACHIEVED BY THE BILL, AS INTENDED BY THE GENERAL ASSEMBLY, THAT SHALL BE USED BY LEGISLATIVE SERVICES AGENCIES IN CONDUCTING A POST-ENACTMENT REVIEW IN ACCORDANCE WITH THIS SECTION AND SUCH OTHER INFORMATION THAT IS NECESSARY FOR THE LEGISLATIVE SERVICE AGENCIES TO CONDUCT SUCH A POST-ENACTMENT REVIEW.

(2)(a) IN CONDUCTING A POST-ENACTMENT REVIEW AS REQUIRED BY SUBSECTION (1) OF THIS SECTION, LEGISLATIVE SERVICE AGENCIES SHALL DETERMINE TO THE

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

GREATEST EXTENT POSSIBLE:

(I) WHETHER THE BILL HAS BEEN IMPLEMENTED, IN WHOLE OR IN PART;

(II) IF THE BILL HAS BEEN IMPLEMENTED IN WHOLE OR IN PART, HOW THE BILL HAS BEEN IMPLEMENTED, INCLUDING WHETHER THE BILL HAS BEEN IMPLEMENTED IN THE MOST EFFICIENT AND COST-EFFECTIVE MANNER;

(III) IF THE BILL HAS BEEN IMPLEMENTED IN PART, THE REASONS WHY THE BILL HAS NOT BEEN IMPLEMENTED IN WHOLE;

(IV) THE EXTENT TO WHICH THE DESIRED RESULTS OR BENEFITS OF THE BILL, AS SPECIFIED IN THE LEGISLATIVE DECLARATION OF THE BILL, ARE BEING ACHIEVED;

(V) WHETHER THERE HAVE BEEN ANY UNINTENDED CONSEQUENCES OR PROBLEMS CAUSED BY THE IMPLEMENTATION OF THE BILL;

(VI) WHETHER THE IMPLEMENTATION OF THE BILL HAS BEEN IMPEDED BY ANY EXISTING STATE OR FEDERAL STATUTES, RULES, PROCEDURES, OR PRACTICES;

(VII) WHETHER ANY ADMINISTRATIVE OR STATUTORY CHANGES ARE NECESSARY TO IMPROVE THE IMPLEMENTATION OF THE BILL;

(VIII) WHETHER THE ACTUAL COSTS OF IMPLEMENTING THE BILL HAVE BEEN WITHIN THE ESTIMATED COSTS, IF ANY, SET FORTH IN THE FISCAL NOTE FOR THE BILL;

(IX) WHETHER ANY INCREASE IN STATE FUNDING IS NECESSARY TO IMPROVE THE IMPLEMENTATION OF THE BILL; AND

(X) ANY OTHER PERTINENT OBSERVATION MADE BY THE LEGISLATIVE SERVICE AGENCIES THAT RELATE TO THE IMPLEMENTATION OF THE BILL.

(b) IF THE LEGISLATIVE SERVICE AGENCIES CANNOT DETERMINE ANY OF THE ITEMS SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (2), IN WHOLE OR IN PART, DUE TO A LACK OF SUFFICIENT INFORMATION SET FORTH IN THE LEGISLATIVE DECLARATION OF THE BILL FOR WHICH A POST-ENACTMENT REVIEW IS BEING CONDUCTED OR DUE TO ANY OTHER AMBIGUITY ARISING FROM THE LANGUAGE OF THE BILL, THE LEGISLATIVE SERVICE AGENCIES SHALL INCLUDE A STATEMENT TO THAT EFFECT IN THEIR WRITTEN FINDINGS REPORTED IN ACCORDANCE WITH SUBSECTION (3) OF THIS SECTION.

(3) THE LEGISLATIVE SERVICE AGENCIES SHALL COMPLETE ANY POST-ENACTMENT REVIEW OF THE IMPLEMENTATION OF A BILL REQUIRED PURSUANT TO THIS SECTION NO LATER THAN ONE HUNDRED AND EIGHTY DAYS AFTER THE TWO-YEAR OR FIVE-YEAR ANNIVERSARY, AS APPLICABLE, OF THE ENACTMENT OF THE BILL. THE LEGISLATIVE SERVICE AGENCIES SHALL REPORT THEIR WRITTEN FINDINGS RESULTING FROM ANY POST-ENACTMENT REVIEW OF THE IMPLEMENTATION OF A BILL TO THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE PRESIDENT OF THE SENATE, THE MINORITY LEADERS OF THE HOUSE OF REPRESENTATIVES AND SENATE, AND THE PRIME SPONSORS OF THE BILL IF THEY ARE STILL SERVING IN THE GENERAL ASSEMBLY AT THE TIME THE REPORT IS FILED. THE REPORT SHALL BE FILED NO LATER THAN

SIXTY DAYS AFTER A POST-ENACTMENT REVIEW IS COMPLETED BY THE LEGISLATIVE SERVICE AGENCIES AND SHALL BE A PUBLIC RECORD FOR PURPOSES OF ARTICLE 72 OF TITLE 24, C.R.S.

(4) (a) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO REQUIRE THE INCLUSION OF AN ACCOUNTABILITY CLAUSE AND A LEGISLATIVE DECLARATION IN ANY BILL.

(b) FOR PURPOSES OF THIS SECTION, AN ACCOUNTABILITY CLAUSE AND A LEGISLATIVE DECLARATION MAY BE:

(I) INCLUDED IN ANY BILL INTRODUCED IN THE HOUSE OF REPRESENTATIVES OR THE SENATE AT THE REQUEST OF THE PRIME SPONSOR OF THE BILL; OR

(II) ADDED TO ANY BILL BY AMENDMENT OFFERED BY ANY MEMBER OF THE GENERAL ASSEMBLY AND ADOPTED DURING THE LEGISLATIVE PROCESS IN ACCORDANCE WITH LAW AND LEGISLATIVE PROCEDURES.

(5) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ALL OFFICERS, DEPARTMENTS, AGENCIES, AND OFFICES OF THE STATE, OR OF ANY POLITICAL SUBDIVISION OF THE STATE, THAT IS RESPONSIBLE FOR OR INVOLVED IN THE IMPLEMENTATION OF ANY BILL THAT IS SUBJECT TO A POST-ENACTMENT REVIEW PURSUANT TO THE PROVISIONS OF THIS SECTION SHALL COOPERATE WITH AND PROVIDE ALL INFORMATION THAT MAY BE REQUESTED BY LEGISLATIVE SERVICE AGENCIES FOR PURPOSES OF CONDUCTING A POST-ENACTMENT REVIEW PURSUANT TO THIS SECTION.

(6) THE GENERAL ASSEMBLY MAY ADOPT RULES TO IMPLEMENT ACCOUNTABILITY CLAUSES AND THE POST-ENACTMENT REVIEW OF BILLS CONTAINING AN ACCOUNTABILITY CLAUSE AND A LEGISLATIVE DECLARATION BY LEGISLATIVE SERVICE AGENCIES IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION.

(7) FOR PURPOSES OF THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "ACCOUNTABILITY CLAUSE" MEANS A NONCODIFIED PROVISION OF A BILL THAT DIRECTS LEGISLATIVE STAFF AGENCIES TO CONDUCT A REVIEW OF THE IMPLEMENTATION OF THE BILL EITHER TWO OR FIVE YEARS, AS SPECIFIED IN THE PROVISION, AFTER THE ENACTMENT OF THE BILL.

(b) "LEGISLATIVE SERVICE AGENCIES" MEANS THE OFFICE OF LEGISLATIVE LEGAL SERVICES, LEGISLATIVE COUNCIL STAFF, STAFF OF THE JOINT BUDGET COMMITTEE, AND OFFICE OF THE STATE AUDITOR.

SECTION 2. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution (August 9, 2006, if adjournment sine

die is on May 10, 2006); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: March 31, 2006