

## CHAPTER 69

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**ADMINISTRATIVE RULE REVIEW**


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**SENATE BILL 14-063**

BY SENATOR(S) Marble, Balmer, Baumgardner, Cadman, Crowder, Grantham, Harvey, Herpin, King, Lambert, Lundberg, Renfroe, Rivera, Scheffel, Steadman, Todd, Ulibarri, Aguilar, Brophy, Heath, Hill, Kefalas, Kerr, Newell, Nicholson, Carroll; also REPRESENTATIVE(S) Saine and Williams, Moreno, Everett, Nordberg, Pabon, Conti, Hullinghorst, Mitsch Bush, Priola, Rankin, Ryden, Salazar, Singer, Tyler, Young.

**AN ACT**

**CONCERNING THE MANDATORY REVIEW OF EXISTING EXECUTIVE BRANCH AGENCY RULES CONDUCTED BY EACH PRINCIPAL DEPARTMENT.**

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

**SECTION 1.** In Colorado Revised Statutes, **add** 24-4-103.3 as follows:

**24-4-103.3. Mandatory review of rules by agencies - report on results of review in departmental regulatory agendas.** (1) THE DEPARTMENT OF REGULATORY AGENCIES SHALL ESTABLISH A SCHEDULE, IN CONSULTATION WITH EACH PRINCIPAL DEPARTMENT, FOR THE REVIEW OF ALL OF THE RULES FOR EACH PRINCIPAL DEPARTMENT. EACH PRINCIPAL DEPARTMENT SHALL CONDUCT A REVIEW OF ALL OF ITS RULES TO ASSESS THE CONTINUING NEED FOR AND THE APPROPRIATENESS AND COST-EFFECTIVENESS OF ITS RULES TO DETERMINE IF THEY SHOULD BE CONTINUED IN THEIR CURRENT FORM, MODIFIED, OR REPEALED. THE APPLICABLE RULE-MAKING AGENCY OR OFFICIAL IN THE PRINCIPAL DEPARTMENT SHALL CONSIDER THE FOLLOWING:

- (a) WHETHER THE RULE IS NECESSARY;
- (b) WHETHER THE RULE OVERLAPS OR DUPLICATES OTHER RULES OF THE AGENCY OR WITH OTHER FEDERAL, STATE, OR LOCAL GOVERNMENT RULES;
- (c) WHETHER THE RULE IS WRITTEN IN PLAIN LANGUAGE AND IS EASY TO UNDERSTAND;
- (d) WHETHER THE RULE HAS ACHIEVED THE DESIRED INTENT AND WHETHER MORE

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

OR LESS REGULATION IS NECESSARY;

(e) WHETHER THE RULE CAN BE AMENDED TO GIVE MORE FLEXIBILITY, REDUCE REGULATORY BURDENS, OR REDUCE UNNECESSARY PAPERWORK OR STEPS WHILE MAINTAINING ITS BENEFITS;

(f) WHETHER THE RULE IS IMPLEMENTED IN AN EFFICIENT AND EFFECTIVE MANNER, INCLUDING THE REQUIREMENTS FOR THE ISSUANCE OF PERMITS AND LICENSES;

(g) WHETHER A COST-BENEFIT ANALYSIS WAS PERFORMED BY THE APPLICABLE RULE-MAKING AGENCY OR OFFICIAL IN THE PRINCIPAL DEPARTMENT PURSUANT TO SECTION 24-4-103 (2.5); AND

(h) WHETHER THE RULE IS ADEQUATE FOR THE PROTECTION OF THE SAFETY, HEALTH, AND WELFARE OF THE STATE OR ITS RESIDENTS.

(2) EACH RULE-MAKING AGENCY OR OFFICIAL SHALL PROVIDE PUBLIC NOTICE ON THE AGENCY'S OFFICIAL WEB SITE OF ITS REVIEW OF THE RULES, GIVE THE PUBLIC AN APPROPRIATE OPPORTUNITY TO PROVIDE INPUT, AND NOTIFY OTHER STATE AGENCIES THAT MAY HAVE JURISDICTION OVER THE SUBJECT MATTER OF THE RULES TO ALLOW FOR COLLABORATION AND INPUT. BASED ON THIS REVIEW, THE RULE-MAKING AGENCY OR OFFICIAL SHALL DETERMINE WHETHER THE EXISTING RULES SHOULD BE CONTINUED IN THEIR CURRENT FORM, AMENDED, OR REPEALED. IF THE RULE-MAKING AGENCY OR OFFICIAL DECIDES THAT A RULE SHOULD BE AMENDED OR REPEALED, THE RULE-MAKING AGENCY OR OFFICIAL SHALL COMPLY WITH THE NOTICE AND HEARING REQUIREMENTS OF SECTION 24-4-103.

(3) THE DEPARTMENT OF REGULATORY AGENCIES SHALL NOT SCHEDULE MANDATORY REVIEW UNDER THIS SECTION DURING THE YEAR OF AND DURING THE YEAR FOLLOWING ANY SCHEDULED SUNSET REVIEW CONDUCTED BY THE DEPARTMENT OF REGULATORY AGENCIES PURSUANT TO SECTION 24-34-104.

(4) EACH PRINCIPAL DEPARTMENT SHALL INCLUDE A REPORT ON THE RESULTS OF ITS MANDATORY REVIEW OF RULES AS PART OF ITS DEPARTMENTAL REGULATORY AGENDA THAT IT SUBMITS TO THE STAFF OF THE LEGISLATIVE COUNCIL FOR DISTRIBUTION TO THE APPLICABLE COMMITTEE OF REFERENCE OF THE GENERAL ASSEMBLY AS OUTLINED IN SECTION 2-7-203, C.R.S.

**SECTION 2. 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 27, 2014