

NOTE: The governor signed this measure on 5/24/2013.

An Act

SENATE BILL 13-158

BY SENATOR(S) Balmer, Kefalas, Newell, Nicholson, Tochtrop;
also REPRESENTATIVE(S) Ryden, Hullinghorst, Labuda, Williams.

CONCERNING THE CONTINUATION OF THE PREPARATION OF COST-BENEFIT ANALYSIS OF PROPOSED RULES OF EXECUTIVE BRANCH AGENCIES, AND, IN CONNECTION THEREWITH, IMPLEMENTING THE RECOMMENDATIONS OF THE 2012 SUNSET REPORT OF THE DEPARTMENT OF REGULATORY AGENCIES.

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

SECTION 1. In Colorado Revised Statutes, 24-4-103, **amend** (2.5) (a) introductory portion and (2.5) (f) as follows:

24-4-103. Rule-making - procedure - definitions - 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~~

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

~~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~~ SHALL DISTRIBUTE THE PROPOSED RULE OR AMENDMENT, THE AGENCY'S STATEMENT CONCERNING THE SUBJECT MATTER OR PURPOSE OF THE PROPOSED RULE OR AMENDMENT, AND ANY COST-BENEFIT ANALYSIS PREPARED PURSUANT TO THIS SECTION TO ALL PERSONS WHO HAVE SUBMITTED A REQUEST TO RECEIVE NOTICES FROM THE DEPARTMENT OF REGULATORY AGENCIES ABOUT PROPOSED RULE-MAKING. ANY PERSON MAY, WITHIN FIVE DAYS AFTER PUBLICATION OF THE NOTICE OF PROPOSED RULE-MAKING IN THE COLORADO REGISTER, REQUEST THAT THE DEPARTMENT OF REGULATORY AGENCIES REQUIRE THE AGENCY SUBMITTING THE PROPOSED RULE OR AMENDMENT TO PREPARE A COST-BENEFIT ANALYSIS. THE EXECUTIVE DIRECTOR, OR HIS OR HER DESIGNEE, SHALL DETERMINE, AFTER CONSULTATION WITH THE AGENCY PROPOSING THE RULE OR AMENDMENT, WHETHER TO REQUIRE THE AGENCY TO PREPARE A COST-BENEFIT ANALYSIS. IF THE EXECUTIVE DIRECTOR, OR HIS OR HER DESIGNEE, DETERMINES THAT A COST-BENEFIT ANALYSIS IS REQUIRED, the agency ~~receiving such request~~ shall complete a cost-benefit analysis at least ~~five~~ TEN days before the hearing on the rule or amendment, shall make the analysis available to the public BY PUBLICATION ON THE AGENCY'S WEB SITE, and shall submit a copy to the executive director or his or her designee. BY FILING AN ADDITIONAL NOTICE PUBLISHED IN THE COLORADO REGISTER, THE AGENCY MAY POSTPONE THE HEARING ON THE RULE OR AMENDMENT TO COMPLY WITH THE REQUIREMENT TO COMPLETE THE COST-BENEFIT ANALYSIS AT LEAST TEN DAYS BEFORE THE HEARING. 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:

(f) (I) This subsection (2.5) is repealed, effective ~~July 1, 2013~~ SEPTEMBER 1, 2018.

(II) Prior to such repeal, the provisions regarding the preparation of a cost-benefit analysis pursuant to this subsection (2.5) shall be reviewed as provided for in section 24-34-104, C.R.S.

SECTION 2. In Colorado Revised Statutes, 24-34-104, **repeal** (44)

(o); and **add** (49.5) (f) as follows:

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);~~

(49.5) The following agencies, functions, or both, shall terminate on September 1, 2018:

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

SECTION 3. Effective date. This act takes effect July 1, 2013.

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.

John P. Morse
PRESIDENT OF
THE SENATE

Mark Ferrandino
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO