

Second Regular Session  
Sixty-third General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 02-7003.01 Matthew Dawkins

SENATE BILL 02-703

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SENATE SPONSORSHIP

**Thiebaut**, Fitz-Gerald, Gordon, Hagedorn, Hanna, Hernandez, Hillman, Isgar, Lamborn, and Matsunaka

HOUSE SPONSORSHIP

**Saliman**,

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Senate Committees

Judiciary

House Committees

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A BILL FOR AN ACT

101 CONCERNING THE REPEAL OF THE "FEDERAL MANDATES ACT".

Bill Summary

*(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)*

Repeals the "Federal Mandates Act", which at the present time:

- Requires any state officer, official, or employee charged with implementing any federal statute to implement such statute in good faith, but with a critical view toward any provision of any related federal regulation, guideline, or policy that is inconsistent with Colorado policy or that does not advance Colorado policy in a cost-effective manner;
- Requires any state executive agency that is authorized to develop a state program in response to a federal mandate to

**Shading denotes HOUSE amendment.** Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

develop the program and any necessary regulations in accordance with criteria of: Good faith implementation of all applicable federal statutes with a critical view toward related federal regulations, guidelines, and policies; maximization of efficiency and consideration of the costs and benefits of the program; and the financial restraints of government and the citizens of Colorado;

- Allows state appropriations for a program authorized or mandated by a federal statute only if the program is necessary to implement the statute, protect the public health, safety, and welfare, or benefit the state by providing a cost-effective implementation of the statute or a cost-effective means to meet a higher state public health, safety, and welfare standard;
- Provides procedures and requirements to be followed by state agencies in making budget requests for appropriations to be used for state programs authorized or mandated by federal statutes and requires review of such programs by the joint budget committee and the general assembly, and in certain instances the office of state planning and budgeting, before appropriations are made.

Makes conforming amendments.

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

2           **SECTION 1. Repeal.** Article 78 of title 24, Colorado Revised  
3 Statutes, is repealed.

4           **SECTION 2. Repeal.** 2-3-203 (1) (f), Colorado Revised  
5 Statutes, is repealed as follows:

6           **2-3-203. Powers and duties of the joint budget committee -**  
7 **repeal.** (1) The committee has the following power and duties:

8           (f) ~~To enforce the requirements of the "Federal Mandates Act",~~  
9 ~~article 78 of title 24, C.R.S., in the budgeting process pursuant to the~~  
10 ~~requirements of section 24-78-105 (2), C.R.S.~~

11           **SECTION 3. Repeal.** 2-3-303 (2) (e), Colorado Revised  
12 Statutes, is repealed as follows:

13           **2-3-303. Functions.** (2) In addition to any other powers and

1 duties set forth in law, the executive committee shall have the following  
2 powers and duties:

3 (e) ~~To oversee the implementation of the "Federal Mandates Act",~~  
4 ~~article 78 of title 24, C.R.S., pursuant to the requirements of section~~  
5 ~~24-78-105 (1), C.R.S.~~

6 **SECTION 4.** 24-33-111 (1), Colorado Revised Statutes, is  
7 amended to read:

8 **24-33-111. Conservation of native species - fund created.**

9 (1) **Legislative declaration.** The general assembly hereby recognizes  
10 the importance of conserving native species that have been listed as  
11 threatened or endangered under state or federal law, or are candidate  
12 species or are likely to become candidate species as determined by the  
13 United States fish and wildlife service. The general assembly hereby  
14 declares and determines that the Colorado department of natural  
15 resources and the division of wildlife are responsible for the  
16 development, implementation, or approval of appropriate programs to  
17 address the conservation of such species ~~for complying with the "Federal~~  
18 ~~Mandates Act", article 78 of this title,~~ and for negotiating agreements  
19 with federal agencies and other states to avoid regulatory conflicts  
20 pursuant to section 24-33-103.

21 **SECTION 5.** 33-2-105.5 (1), Colorado Revised Statutes, is  
22 amended to read:

23 **33-2-105.5. Reintroduction of endangered species - legislative**

24 **declaration.** (1) The general assembly determines and declares that  
25 pursuant to ~~the "Federal Mandates Act", article 78 of title 24, C.R.S., and~~  
26 the tenth amendment of the United States constitution, the state of  
27 Colorado has primacy over affairs that are of statewide concern and that

1 matters concerning the environment, including the introduction or  
2 reintroduction of species that are currently not found or no longer found  
3 in this state is a statewide concern and should be conducted by the state  
4 through specific legislation. Reintroduction drives enormous land use  
5 questions and impacts property and water rights throughout Colorado.

6 **SECTION 6. Effective date.** This act shall take effect at 12:01  
7 a.m. on the day following the expiration of the ninety-day period after  
8 final adjournment of the general assembly that is allowed for submitting  
9 a referendum petition pursuant to article V, section 1 (3) of the state  
10 constitution; except that, if a referendum petition is filed against this act  
11 or an item, section, or part of this act within such period, then the act,  
12 item, section, or part, if approved by the people, shall take effect on the  
13 date of the official declaration of the vote thereon by proclamation of the  
14 governor.