

Second Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 12-0509.01 Debbie Haskins x2045

SENATE BILL 12-073

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SENATE SPONSORSHIP

Cadman,

HOUSE SPONSORSHIP

(None),

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Senate Committees  
Judiciary

House Committees

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A BILL FOR AN ACT

101 CONCERNING ADDING CONSIDERATION OF LEGISLATIVE INTENT TO THE  
102 STANDARDS FOR RULES OF EXECUTIVE BRANCH AGENCIES.

Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billssummaries>.)*

An executive branch agency is prohibited from adopting a rule pursuant to the "State Administrative Procedure Act" unless the agency finds that the rule is consistent with the clear legislative intent of the general assembly as supported by the public record of committee hearings and floor debates, including any public statements made by the principal

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.*

sponsors or proponents of the bill or an amendment to the bill before its adoption.

The bill adds another ground for the committee on legal services and its staff, the office of legislative legal services, to use when it reviews rules adopted by executive branch agencies: A rule shall not extend in scope or impact beyond the clear legislative intent of the general assembly as supported by the public record of committee hearings and floor debates, including any public statements made by the principal sponsors or proponents of the bill or an amendment to the bill before its adoption.

The bill applies to the rules of executive branch agencies adopted on or after the effective date of this act.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-4-103, **amend** (4)  
3 (b) (IV), (4) (b) (V), and (8) (a); and **add** (4) (b) (VI) as follows:

4 **24-4-103. Rule-making - procedure - repeal.** (4) (b) All  
5 proposed rules shall be reviewed by the agency. No rule shall be adopted  
6 unless:

7 (IV) The ~~regulation~~ RULE does not conflict with other provisions  
8 of law; **and**

9 (V) The duplication or overlapping of regulations is explained by  
10 the agency proposing the rule; **AND**

11 (VI) THE AGENCY FINDS THAT THE RULE IS CONSISTENT WITH THE  
12 CLEAR LEGISLATIVE INTENT OF THE COLORADO GENERAL ASSEMBLY AS  
13 SUPPORTED BY THE PUBLIC RECORD OF COMMITTEE HEARINGS AND FLOOR  
14 DEBATES, INCLUDING PUBLIC STATEMENTS MADE BY THE PRINCIPAL  
15 SPONSORS OR PROPONENTS OF THE BILL OR AN AMENDMENT TO THE BILL  
16 BEFORE ITS ADOPTION.

17 (8) (a) No rule shall be issued except within the power delegated  
18 to the agency and as authorized by law. A rule shall not be deemed to be  
19 within the statutory authority and jurisdiction of any agency merely

1 because such rule is not contrary to the specific provisions of a statute.  
2 Any rule or amendment to an existing rule issued by any agency,  
3 including state institutions of higher education administered pursuant to  
4 title 23, C.R.S., which conflicts with a statute shall be void. A RULE  
5 SHALL NOT EXTEND IN SCOPE OR IMPACT BEYOND THE CLEAR LEGISLATIVE  
6 INTENT OF THE COLORADO GENERAL ASSEMBLY AS SUPPORTED BY THE  
7 PUBLIC RECORD OF COMMITTEE HEARINGS AND FLOOR DEBATES,  
8 INCLUDING PUBLIC STATEMENTS MADE BY THE PRINCIPAL SPONSORS OR  
9 PROPONENTS OF THE BILL OR AN AMENDMENT TO THE BILL BEFORE ITS  
10 ADOPTION.

11 **SECTION 2. Act subject to petition - effective date -**  
12 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
13 the expiration of the ninety-day period after final adjournment of the  
14 general assembly (August 7, 2012, if adjournment sine die is on May 9,  
15 2012); except that, if a referendum petition is filed pursuant to section 1  
16 (3) of article V of the state constitution against this act or an item, section,  
17 or part of this act within such period, then the act, item, section, or part  
18 will not take effect unless approved by the people at the general election  
19 to be held in November 2012 and, in such case, will take effect on the  
20 date of the official declaration of the vote thereon by the governor.

21 (2) The provisions of this act apply to rules of executive branch  
22 agencies adopted on or after the effective date of this act.