

**First Regular Session
Seventieth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 15-0560.01 Ed DeCecco x4216

SENATE BILL 15-078

SENATE SPONSORSHIP

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HOUSE SPONSORSHIP

Neville P., Saine, Humphrey, Everett

Senate Committees

State, Veterans, & Military Affairs

House Committees

A BILL FOR AN ACT

101 **CONCERNING A REQUIREMENT THAT LEGISLATIVE COUNCIL STAFF**
102 **ASSEMBLE NOTICES OF REPORTED BUSINESS FISCAL IMPACTS.**

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/billsummaries>.)

The bill directs the staff of the legislative council (staff) to designate a 5-day period following the introduction of new legislation or the notice of proposed rule-making during which any person may submit comments regarding the potential business fiscal impacts of the new legislation or rule. Upon the expiration of that period, staff is required to compile the comments into a notice of reported business fiscal impact and

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.

to post each notice on its official web site. Staff is also required to provide the appropriate department with the notice regarding a proposed rule.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add 2-2-322.5** as
3 follows:

4 **2-2-322.5. Notice of reported business fiscal impact -**
5 **legislative measure - rule - procedure - definitions.** (1) AS USED IN
6 THIS SECTION:

7 (a) "LEGISLATIVE MEASURE" MEANS A BILL OR CONCURRENT
8 RESOLUTION.

9 (b) "STAFF" MEANS THE STAFF OF THE LEGISLATIVE COUNCIL.

10 (2) (a) (I) UPON THE INTRODUCTION OF A LEGISLATIVE MEASURE
11 IN ITS HOUSE OF ORIGIN, EXCEPT AS OTHERWISE PROVIDED IN
12 SUBPARAGRAPH (II) OF THIS PARAGRAPH (a), STAFF SHALL IDENTIFY A
13 FIVE-DAY PERIOD DURING WHICH ANY PERSON MAY ELECTRONICALLY
14 SUBMIT COMMENTS TO STAFF REGARDING THE POTENTIAL BUSINESS FISCAL
15 IMPACT OF THE LEGISLATIVE MEASURE. THE FIVE-DAY PERIOD
16 COMMENCES NO SOONER THAN THE SECOND DAY AFTER THE
17 INTRODUCTION OF THE LEGISLATIVE MEASURE AND NO LATER THAN THE
18 FOURTH DAY AFTER THE INTRODUCTION OF THE LEGISLATIVE MEASURE.

19 (II) FOR A LEGISLATIVE MEASURE INTRODUCED IN ITS HOUSE OF
20 ORIGIN ON OR AFTER THE ONE HUNDRED FIFTEENTH DAY OF A LEGISLATIVE
21 SESSION, STAFF SHALL MAKE A REASONABLE ATTEMPT TO ACCEPT
22 COMMENTS REGARDING THE POTENTIAL BUSINESS FISCAL IMPACT OF THE
23 LEGISLATIVE MEASURE.

24 (b) ALL OF THE COMMENTS RECEIVED BY STAFF COMPRISE THE

1 NOTICE OF REPORTED BUSINESS FISCAL IMPACT FOR THE LEGISLATIVE
2 MEASURE. UPON THE EXPIRATION OF THE FIVE-DAY PERIOD REQUIRED BY
3 SUBPARAGRAPH (I) OF PARAGRAPH (a) OF THIS SUBSECTION (2), OR AS
4 SOON AS POSSIBLE AFTER ALL THE COMMENTS ARE RECEIVED IN
5 ACCORDANCE WITH SUBPARAGRAPH (II) OF PARAGRAPH (a) OF THIS
6 SUBSECTION (2), STAFF SHALL COMPILE THE NOTICE AND POST IT ON
7 STAFF'S OFFICIAL WEB SITE. IF NO COMMENTS ARE RECEIVED, THERE IS NO
8 NOTICE OF REPORTED BUSINESS FISCAL IMPACT FOR THAT LEGISLATIVE
9 MEASURE.

10 (3) (a) THE EXECUTIVE DIRECTOR OF A PRINCIPAL DEPARTMENT
11 PROPOSING A NEW OR AMENDED RULE, OR THE EXECUTIVE DIRECTOR'S
12 DESIGNEE, SHALL IMMEDIATELY PROVIDE STAFF WITH THE RELATED
13 NOTICE OF PROPOSED RULE-MAKING. UPON RECEIPT OF THE NOTICE, STAFF
14 SHALL DESIGNATE A FIVE-DAY PERIOD DURING WHICH ANY PERSON MAY
15 ELECTRONICALLY SUBMIT COMMENTS REGARDING THE POTENTIAL
16 BUSINESS FISCAL IMPACT OF THE PROPOSED RULE. THE FIVE-DAY PERIOD
17 COMMENCES NO SOONER THAN THE SECOND DAY AFTER THE RECEIPT OF
18 THE NOTICE OF RULE-MAKING AND NO LATER THAN THE FOURTH DAY
19 AFTER THE RECEIPT OF THE NOTICE OF RULE-MAKING.

20 (b) ALL OF THE COMMENTS RECEIVED BY STAFF COMPRISE THE
21 NOTICE OF REPORTED BUSINESS FISCAL IMPACT FOR THE PROPOSED RULE.
22 UPON THE EXPIRATION OF THE FIVE-DAY PERIOD DESCRIBED IN
23 PARAGRAPH (a) OF THIS SUBSECTION (3), STAFF SHALL COMPILE THE
24 NOTICE AND POST IT ON STAFF'S OFFICIAL WEB SITE. IF NO COMMENTS ARE
25 RECEIVED, THERE IS NO NOTICE OF REPORTED BUSINESS FISCAL IMPACT FOR
26 THAT PROPOSED RULE.

27 (c) IF A NOTICE OF REPORTED BUSINESS FISCAL IMPACT IS

1 PREPARED UNDER THIS SUBSECTION (3), STAFF SHALL PROVIDE THE
2 EXECUTIVE DIRECTOR OF THE PRINCIPAL DEPARTMENT THAT PROPOSED
3 THE RULE WITH AN ELECTRONIC LINK TO THE NOTICE ON STAFF'S WEB SITE.

4 (4) A NOTICE OF REPORTED BUSINESS FISCAL IMPACT CONSISTS
5 ONLY OF THE BUSINESS FISCAL IMPACTS CLAIMED BY COMMENTERS AND,
6 IF SUBMITTED WITH THE COMMENTS, THE METHODOLOGY EMPLOYED TO
7 CALCULATE THE CLAIMS. STAFF SHALL NOT INCLUDE AN INDEPENDENT
8 ANALYSIS OR STATE CONCLUSIONS AS TO ANY COMMENTS RECEIVED IN
9 THE NOTICE.

10 **SECTION 2. Act subject to petition - effective date.** This act
11 takes effect at 12:01 a.m. on the day following the expiration of the
12 ninety-day period after final adjournment of the general assembly (August
13 5, 2015, if adjournment sine die is on May 6, 2015); except that, if a
14 referendum petition is filed pursuant to section 1 (3) of article V of the
15 state constitution against this act or an item, section, or part of this act
16 within such period, then the act, item, section, or part will not take effect
17 unless approved by the people at the general election to be held in
18 November 2016 and, in such case, will take effect on the date of the
19 official declaration of the vote thereon by the governor.