

Second Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO

**REENGROSSED**

*This Version Includes All Amendments  
Adopted in the House of Introduction*

LLS NO. 12-0338.01 Bart Miller x2173

**HOUSE BILL 12-1007**

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**HOUSE SPONSORSHIP**

**Szabo,**

**SENATE SPONSORSHIP**

**Grantham,**

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**House Committees**

Economic and Business Development  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING THE REQUIREMENT THAT A REGULATORY ANALYSIS BE**  
102 **ISSUED PRIOR TO THE PROMULGATION OF RULES BY A STATE**  
103 **ADMINISTRATIVE AGENCY.**

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**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>.)*

Under current law, if any person so requests, a state administrative agency must issue a regulatory analysis of any proposed rule at least 15 days prior to a rule-making hearing. The bill requires agencies to conduct the analysis for every proposed rule, regardless of whether an analysis has

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.*

HOUSE  
3rd Reading Unamended  
February 28, 2012

HOUSE  
Amended 2nd Reading  
February 27, 2012

been requested. The bill also requires each regulatory analysis to include information on the effect of the proposed rule on jobs in Colorado. If the agency specifies that the proposed rule only makes grammatical, format, or organizational changes and makes no substantive changes, an analysis is not required. The bill also states that the general assembly determines that amendments to the law made by this bill can be implemented within existing appropriations and, therefore, no separate appropriation of state moneys or allocation of full time equivalent state employees is necessary to carry out the purposes of the bill.

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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**  
3 (4.5) (a) introductory portion, (4.5) (a) (V), (4.5) (a) (VI), (4.5) (d), (4.5)  
4 (e), and (6) (a); **repeal** (4.5) (c); and **add** (4.5) (a) (VII), (4.5) (a) (VIII),  
5 (4.5) (g), and (4.5) (h) as follows:

6           **24-4-103. Rule-making - procedure - repeal.** (4.5) (a) ~~Upon~~  
7 ~~request of any person,~~ At least ~~fifteen~~ THIRTY days prior to the hearing,  
8 the agency shall issue ~~AND MAKE AVAILABLE TO THE PUBLIC~~ a regulatory  
9 analysis of a proposed rule. The regulatory analysis ~~shall~~ **MUST** contain:

10           (V) A determination of whether there are less costly methods or  
11 less intrusive methods for achieving the purpose of the proposed rule; ~~and~~

12           (VI) A description of any alternative methods for achieving the  
13 purpose of the proposed rule that were seriously considered by the agency  
14 and the reasons why they were rejected in favor of the proposed rule; ■

15           (VII) THE EFFECT, NEGATIVE OR POSITIVE, IF ANY, OF THE  
16 PROPOSED RULE ON JOBS IN COLORADO, INCLUDING WHETHER THE  
17 PROPOSED RULE WOULD RESULT IN THE CREATION OR ELIMINATION OF  
18 JOBS, THE DIVERSION OF RESOURCES FOR PURPOSES OF COMPLIANCE BY  
19 THOSE AFFECTED BY THE PROPOSED RULE, THE HIRING OF ADDITIONAL  
20 EMPLOYEES SOLELY FOR THE PURPOSE OF COMPLIANCE BY THOSE

1 AFFECTED BY THE PROPOSED RULE, AND WHETHER THE COST OF A  
2 PRODUCT OR SERVICE MAY LIKELY INCREASE AS A RESULT OF COMPLIANCE  
3 WITH THE PROPOSED RULE; AND

4 (VIII) THE NAME, PHONE NUMBER, E-MAIL ADDRESS, AND POSTAL  
5 MAILING ADDRESS OF A POINT OF CONTACT IN THE AGENCY TO AND FROM  
6 WHOM A MEMBER OF THE PUBLIC MAY DIRECT QUESTIONS OR COMMENTS  
7 AND RECEIVE COMMUNICATION CONCERNING THE REGULATORY ANALYSIS.

8 (c) ~~The regulatory analysis shall be available to the public at least~~  
9 ~~five days prior to the rule-making hearing.~~

10 (d) If the agency has made a good faith effort to comply with the  
11 requirements of paragraphs (a) ~~to (c)~~ AND (b) of this subsection (4.5), the  
12 rule shall not be invalidated on the ground that the contents of the  
13 regulatory analysis are insufficient or inaccurate.

14 (e) Nothing in paragraphs (a) ~~to (c)~~ AND (b) of this subsection  
15 (4.5) shall limit an agency's discretionary authority to adopt or amend  
16 rules.

17 (g) (I) THIS SUBSECTION (4.5) DOES NOT REQUIRE A REGULATORY  
18 ANALYSIS IF THE AGENCY SPECIFIES IN WRITING THAT THE PROPOSED RULE  
19 ONLY MAKES GRAMMATICAL, FORMAT, OR ORGANIZATIONAL CHANGES TO  
20 AGENCY RULES AND MAKES NO SUBSTANTIVE RULE CHANGES THAT WILL  
21 IMPOSE ADDITIONAL COMPLIANCE COSTS ON INDIVIDUALS OR BUSINESS  
22 ENTERPRISES.

23 (II) THIS SUBSECTION (4.5) DOES NOT REQUIRE THE DIVISION OF  
24 PARKS AND WILDLIFE TO ISSUE A REGULATORY ANALYSIS FOR RULES  
25 REGULATING HUNTING AND FISHING LICENSES.

26 (h) THE GENERAL ASSEMBLY HAS DETERMINED THAT THE  
27 AMENDMENTS MADE TO THIS SUBSECTION (4.5) IN HOUSE BILL 12-1007,

1 ENACTED IN 2012, CAN BE IMPLEMENTED WITHIN EXISTING  
2 APPROPRIATIONS, AND THEREFORE NO SEPARATE APPROPRIATION OF STATE  
3 MONEYS OR ALLOCATION OF ADDITIONAL FULL-TIME EQUIVALENT STATE  
4 EMPLOYEES IS NECESSARY TO CARRY OUT THE PURPOSES OF THIS  
5 SUBSECTION (4.5), AS AMENDED BY HOUSE BILL 12-1007, ENACTED IN  
6 2012.

7 (6) (a) AN AGENCY MAY ADOPT a temporary or emergency rule  
8 ~~may be adopted~~ without compliance with the procedures prescribed in  
9 subsection (4) of this section and with less than the twenty days' notice  
10 prescribed in subsection (3) of this section, or where circumstances  
11 imperatively require, without notice, only if the agency finds that  
12 immediate adoption of the rule is imperatively necessary to comply with  
13 a state or federal law or federal regulation or for the preservation of  
14 public health, safety, or welfare and compliance with the requirements of  
15 this section would be contrary to the public interest and makes ~~such a~~  
16 ~~THIS~~ finding on the record. ~~Such findings and a statement of the reasons~~  
17 ~~for the action shall be published with the rule~~ THE AGENCY SHALL  
18 PUBLISH THESE FINDINGS AND A STATEMENT OF THE REASONS FOR THE  
19 ACTION WITH THE RULE. AN AGENCY MAY ADOPT a temporary or  
20 emergency rule ~~may be adopted~~ without compliance with ~~subsection~~  
21 ~~SUBSECTIONS~~ (2.5) AND (4.5) of this section, but ~~shall not become~~ THE  
22 AGENCY SHALL NOT MAKE A TEMPORARY OR EMERGENCY RULE permanent  
23 without compliance with ~~such subsection~~ ~~SUBSECTIONS~~ (2.5) AND (4.5) OF  
24 THIS SECTION. A temporary or emergency rule ~~shall become~~ BECOMES  
25 effective on adoption or on ~~such later~~ A date as is stated in the rule, ~~shall~~  
26 MUST be published promptly, and ~~shall have effect~~ IS EFFECTIVE for not  
27 more than one hundred twenty days after its adoption or for ~~such~~ A shorter

1 period as ~~may be specifically~~ provided by the statute governing ~~such~~ THE  
2 agency, unless made permanent by compliance with subsections (3) and  
3 (4) of this section.

4           **SECTION 2. Effective date - applicability.** This act takes effect  
5 thirty days after passage and applies to rules promulgated by state  
6 administrative agencies on or after said date.

7           **SECTION 3. Safety clause.** The general assembly hereby finds,  
8 determines, and declares that this act is necessary for the immediate  
9 preservation of the public peace, health, and safety.