

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 12-0579.01 Kate Meyer x4348

HOUSE BILL 12-1175

HOUSE SPONSORSHIP

Stephens,

SENATE SPONSORSHIP

Cadman,

House Committees

Economic and Business Development

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE ENCOURAGEMENT OF A STATE AGENCY TO PURSUE**
102 **COLORADO-SPECIFIC SOLUTIONS IN LIEU OF FEDERAL**
103 **REGULATION WHENEVER POSSIBLE, AND, IN CONNECTION**
104 **THEREWITH, REQUIRING A STATE AGENCY TO REPORT**
105 **ANNUALLY REGARDING OPPORTUNITIES FOR WAIVER FROM**
106 **NEWLY ADOPTED FEDERAL REGULATIONS.**

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>.)

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.

1 ACCOUNTABILITY, RESPONSIVENESS, AND EFFICIENCY AND PROMOTE
2 THOUGHTFUL CONSIDERATION REGARDING THE MOST PRACTICAL,
3 EFFECTIVE, AND ECONOMICAL WAY TO PROVIDE FOR COLORADO AND ITS
4 CITIZENS.

5 **24-78.1-102. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
6 CONTEXT OTHERWISE REQUIRES:

7 (1) "AGENCY" HAS THE SAME MEANING AS SET FORTH IN SECTION
8 24-4-102 (3).

9 (2) "FEDERAL REGULATION" MEANS ANY FEDERAL LAW, RULE, OR
10 REGULATION.

11 (3) "WAIVER" MEANS EXPRESS AND IMPLIED WAIVER, INCLUDING
12 PROVISIONS THAT ALLOW A STATE TO IMPLEMENT REGULATIONS THAT ARE
13 AT LEAST AS PROTECTIVE OR STRINGENT AS THE PREDICATE FEDERAL
14 REGULATION.

15 **24-78.1-103. Waiver from federal regulations encouraged -**
16 **report.** (1) (a) AN AGENCY THAT IS ACTUALLY OR POTENTIALLY
17 AFFECTED BY, SUBJECT TO, OR CHARGED WITH IMPLEMENTING A FEDERAL
18 REGULATION IS ENCOURAGED TO SEEK WAIVER FROM THE FEDERAL
19 REGULATION AND INSTEAD PROMULGATE ITS OWN RULES WHENEVER:

20 (I) WAIVER IS PERMITTED UNDER FEDERAL LAW; AND

21 (II) IT WOULD NOT BE ADMINISTRATIVELY IMPRACTICAL OR
22 ECONOMICALLY UNSOUND TO SO WAIVE.

23 (b) NOTHING IN PARAGRAPH (a) OF THIS SUBSECTION (1) PERMITS
24 OR EMPOWERS AN AGENCY TO OPERATE OUTSIDE THE SCOPE OF ITS
25 AUTHORITY.

26 (2) (a) AN AGENCY SHALL ANNUALLY REPORT TO THE GENERAL
27 ASSEMBLY REGARDING:

1 (I) FEDERAL REGULATIONS DIRECTLY AFFECTING THE AGENCY
2 THAT WERE PROMULGATED IN THE PRIOR TWELVE MONTHS AND FROM
3 WHICH A STATE COULD WAIVE; AND

4 (II) WHETHER THE AGENCY APPLIED FOR OR OTHERWISE SOUGHT
5 WAIVER FROM THE REGULATIONS DESCRIBED UNDER SUBPARAGRAPH (I)
6 OF THIS PARAGRAPH (a), THE AGENCY'S REASONING FOR SEEKING WAIVER
7 OR NOT, AND THE RESULTS OF ANY EFFORTS TO OBTAIN WAIVER.

8 (b) NOTWITHSTANDING SECTION 24-1-136(11)(a)(I), THE REPORT
9 REQUIRED UNDER THIS SUBSECTION (2) SHALL BE SUBMITTED BY
10 DECEMBER 15, 2012, AND BY DECEMBER 15 OF EACH YEAR THEREAFTER,
11 TO THE STANDING COMMITTEES OF REFERENCE IN EACH HOUSE OF THE
12 GENERAL ASSEMBLY WITH OVERSIGHT RESPONSIBILITIES OVER THE
13 AGENCY'S AFFAIRS. THE REPORT MAY BE SUBMITTED ELECTRONICALLY.

14 **SECTION 2. Applicability.** The provisions of this act apply to
15 federal regulations promulgated on or after the applicable effective date
16 of this act.

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