

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

ENGROSSED

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

LLS NO. 15-0560.01 Ed DeCecco x4216

SENATE BILL 15-078

SENATE SPONSORSHIP

Neville T., Cooke, Roberts, Balmer, Grantham, Holbert, Jahn, Marble, Woods

HOUSE SPONSORSHIP

Neville P., Saine, Humphrey, Everett

Senate Committees

State, Veterans, & Military Affairs
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING A REQUIREMENT THAT LEGISLATIVE COUNCIL STAFF**
102 **ASSEMBLE NOTICES OF REPORTED BUSINESS FISCAL IMPACTS,**
103 **AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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

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.

SENATE
Amended 2nd Reading
March 17, 2015

compile the comments into a notice of reported business fiscal impact and 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 ON OR AFTER JANUARY 1, 2016, EXCEPT AS
12 OTHERWISE PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (a),
13 STAFF SHALL IDENTIFY A FIVE-DAY PERIOD DURING WHICH ANY PERSON
14 MAY ELECTRONICALLY SUBMIT COMMENTS TO STAFF REGARDING THE
15 POTENTIAL BUSINESS FISCAL IMPACT OF THE LEGISLATIVE MEASURE. THE
16 FIVE-DAY PERIOD COMMENCES NO SOONER THAN THE SECOND DAY AFTER
17 THE INTRODUCTION OF THE LEGISLATIVE MEASURE AND NO LATER THAN
18 THE FOURTH DAY AFTER THE INTRODUCTION OF THE LEGISLATIVE
19 MEASURE.

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

1 LEGISLATIVE MEASURE.

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

12 (3) (a) THE EXECUTIVE DIRECTOR OF A PRINCIPAL DEPARTMENT
13 PROPOSING A NEW OR AMENDED RULE ON OR AFTER JANUARY 1, 2016, OR
14 THE EXECUTIVE DIRECTOR'S DESIGNEE, SHALL IMMEDIATELY PROVIDE
15 STAFF WITH THE RELATED NOTICE OF PROPOSED RULE-MAKING. UPON
16 RECEIPT OF THE NOTICE, STAFF SHALL DESIGNATE A FIVE-DAY PERIOD
17 DURING WHICH ANY PERSON MAY ELECTRONICALLY SUBMIT COMMENTS
18 REGARDING THE POTENTIAL BUSINESS FISCAL IMPACT OF THE PROPOSED
19 RULE. THE FIVE-DAY PERIOD COMMENCES NO SOONER THAN THE SECOND
20 DAY AFTER THE RECEIPT OF THE NOTICE OF RULE-MAKING AND NO LATER
21 THAN THE FOURTH DAY AFTER THE RECEIPT OF THE NOTICE OF
22 RULE-MAKING. WITHIN EACH COMMENT, THE COMMENTER SHALL SPECIFY
23 WHETHER HE OR SHE HAS SEPARATELY SUBMITTED INFORMATION
24 REGARDING THE PROPOSED RULE TO THE DEPARTMENT IN ACCORDANCE
25 WITH SECTION 24-4-103 (4) (a), C.R.S.

26 (b) ALL OF THE COMMENTS RECEIVED BY STAFF COMPRISE THE
27 NOTICE OF REPORTED BUSINESS FISCAL IMPACT FOR THE PROPOSED RULE.

1 UPON THE EXPIRATION OF THE FIVE-DAY PERIOD DESCRIBED IN
2 PARAGRAPH (a) OF THIS SUBSECTION (3), STAFF SHALL COMPILE THE
3 NOTICE AND POST IT ON STAFF'S OFFICIAL WEB SITE. IF NO COMMENTS ARE
4 RECEIVED, THERE IS NO NOTICE OF REPORTED BUSINESS FISCAL IMPACT FOR
5 THAT PROPOSED RULE.

6 (c) IF A NOTICE OF REPORTED BUSINESS FISCAL IMPACT IS
7 PREPARED UNDER THIS SUBSECTION (3), STAFF SHALL PROVIDE THE
8 EXECUTIVE DIRECTOR OF THE PRINCIPAL DEPARTMENT THAT PROPOSED
9 THE RULE WITH AN ELECTRONIC LINK TO THE NOTICE ON STAFF'S WEB SITE.
10 IF THE EXECUTIVE DIRECTOR RECEIVES THE ELECTRONIC LINK PRIOR TO
11 THE PUBLIC HEARING AT WHICH THE PROPOSED RULE WILL BE CONSIDERED,
12 THE DEPARTMENT SHALL TREAT A COMMENT INCLUDED IN A NOTICE OF
13 REPORTED BUSINESS FISCAL IMPACT AS A SUBMISSION BY AN INTERESTED
14 PARTY IN ACCORDANCE WITH SECTION 24-4-103 (4) (a), C.R.S.

15 (4) A NOTICE OF REPORTED BUSINESS FISCAL IMPACT CONSISTS
16 ONLY OF THE BUSINESS FISCAL IMPACTS CLAIMED BY COMMENTERS AND,
17 IF SUBMITTED WITH THE COMMENTS, THE METHODOLOGY EMPLOYED TO
18 CALCULATE THE CLAIMS. STAFF SHALL NOT INCLUDE AN INDEPENDENT
19 ANALYSIS OR STATE CONCLUSIONS AS TO ANY COMMENTS RECEIVED IN
20 THE NOTICE.

21 (5) THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL
22 SHALL ESTABLISH MINIMUM STANDARDS FOR COMMENTS SUBMITTED TO
23 STAFF IN ACCORDANCE WITH THIS SECTION. THE MINIMUM STANDARDS
24 FOR COMMENTS MAY INCLUDE FORMATTING REQUIREMENTS AND A
25 PROHIBITION OF THREATS, SLURS, ABUSIVE OR OBSCENE LANGUAGE,
26 PERSONAL ATTACKS, THE PROMOTION OF COMMERCIAL SERVICES OR
27 PRODUCTS, OR SPAM. IF A COMMENT DOES NOT COMPLY WITH THE

1 MINIMUM STANDARDS, STAFF MAY REDACT MATERIAL FROM THE
2 COMMENT OR EXCLUDE THE COMMENT ALTOGETHER FROM THE RELATED
3 NOTICE OF REPORTED BUSINESS FISCAL IMPACT.

4 (6) STAFF SHALL REMOVE A NOTICE OF REPORTED BUSINESS FISCAL
5 IMPACT AFTER THE NOTICE HAS BEEN POSTED ON STAFF'S OFFICIAL WEB
6 SITE FOR ONE YEAR.

7 **SECTION 2. Appropriation.** For the 2015-16 state fiscal year,
8 \$45,304 is appropriated to the legislative department for use by the
9 legislative council staff. This appropriation is from the general fund and
10 is based on an assumption that the legislative council staff will require an
11 additional 0.7 FTE. The legislative council staff may use this
12 appropriation to implement this act.

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