

STATE OF COLORADO

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D 2012-002

EXECUTIVE ORDER

Regulatory Efficiency Reviews



John W. Hickenlooper
Governor

Pursuant to the authority vested in the Office of the Governor of the State of Colorado, and in particular section 2 of Article IV of the Colorado Constitution, I, John W. Hickenlooper, Governor of the State of Colorado, hereby issue this Executive Order to increase the efficiency and effectiveness of state rules.

I. Background and Purpose

Colorado is committed to making its rulemaking process among the most effective and transparent in the nation. State agencies are required to comply with the State Administrative Procedure Act (C.R.S. § 24-4-101, *et seq.*) in promulgating rules and involve the public, stakeholders, and the regulated community in that process. The rules promulgated through this process are designed to implement laws and achieve a variety of goals such as protecting consumers, promoting responsible business practices, ensuring public safety, and protecting public health and the environment.

After rules are duly promulgated, state agencies should continue to review all rules to ensure that they are effective, efficient, and essential. In that regard, state agencies have already initiated efforts to identify, modify, or repeal unnecessarily cumbersome or obsolete rules. Nevertheless, a periodic review and evaluation of rules should become a core component of an agency's administrative processes. Such a process can help ensure that existing rules identify and use the best, most innovative and least burdensome tools for achieving their goals. The directives in this Executive Order are intended to support those processes.

At the same time, predictability and certainty regarding agency rules are important to provide clarity on what is expected by and required of the regulated community. In order to address this need while performing ongoing review of rules, state agencies should provide early notice and information to the public, regulated entities, and other stakeholders about such reviews and potential changes to rules. As importantly, this notice and outreach will provide the opportunity for earlier consultation and input in the review and evaluation process.

II. Directives

I hereby order state agencies to achieve these actions:

- A. As used in this Executive Order, the term "rule" or "rules" has the meaning as defined in the State Administrative Procedure Act at C.R.S. §24-4-102(15).
- B. Each principal department and state agency shall conduct a review of all of its rules to assess the continuing need for, appropriateness, and cost-effectiveness of its rules to

determine if they should be continued in their current form, modified or repealed.

Agencies shall consider whether each rule:

1. Is necessary and does not duplicate existing rules;
2. Is written in plain language and is easy to understand;
3. Has achieved the desired intent and whether more or less regulation is necessary;
4. Can be amended to reduce any regulatory burdens while maintaining its benefits; and
5. Is implemented in an efficient and effective manner, including the requirements for the issuance of any permits or licenses.

C. Each principal department and agency shall provide public notification of its review of rules under paragraph B of this Order and shall provide an appropriate opportunity for the public to provide input, and shall notify other state agencies that may have jurisdiction over the subject matter of the rules to allow for collaboration.

D. Based on this review, agencies, in consultation with relevant boards and commissions, shall determine whether the existing rules should be continued in their current form, be amended or repealed. If the agency determines that a rule should be amended or repealed, the agency shall comply with the relevant and appropriate provisions of the State Administrative Procedure Act for the amendment or repeal of rules.

E. The Department of Regulatory Agencies is tasked with the development of implementation guidance for this Executive Order.

F. Nothing in this Executive Order shall contravene the requirements of the State Administrative Procedure Act or any other state statute.

III. Duration

This Executive Order will remain in force until further modification or rescission by the Governor.



GIVEN under my hand and the
Executive Seal of the State of
Colorado, this nineteenth day of
January, 2012.

A handwritten signature in black ink, which appears to read "John W. Hickenlooper". The signature is fluid and cursive, with a large initial "J" and a stylized "H".

John W. Hickenlooper
Governor