

Reforming Policymaking in Colorado: Short Summary of Recommendations for Administrative Rulemaking

What we've heard so far about administrative rulemaking and implementation:

In 2021, the Colorado Health Foundation (CHF) policy staff began a joint exploration of the processes and procedures that govern how policymaking and administrative rulemaking operate in Colorado – not just *what* is passed into law or rule, but rather the underlying *how*. *How* do the procedures of introducing, crafting, and implementing policy decisions affect who participates in the process? CHF staff completed interviews with 25 organizations that engage in advocacy work, 19 current and former legislators, legislative staff and lobbyists, and 17 current and former representatives from state agencies and rulemaking boards, as well as others outside of state government whose roles frequently require them to interact with the rulemaking process. Full summary reports and description of methodology are available at: <https://coloradohealth.org/studies-reports>.

While these initial conversations were not exclusively focused on rulemaking procedures, they did surface suggestions from advocacy organizations and policymakers on meaningful opportunities to improve state rulemaking efficiency, transparency and accessibility. Some of the themes that have emerged to date related to administrative rulemaking include the following.

Process and procedural changes that could be considered include the following:

- **Consolidate boards:** Streamlining and consolidating boards would make it much easier to follow issues through the rulemaking process.
- **Create centralized, independent coordinating bodies to support public access and standardized practices to rulemaking:** Suggestions included:
 - Community liaison/ombudsperson roles provide a lifeline between communities and state government entities, laying the groundwork for increased trust and opening critical lines of communication and understanding. Additional resources could be dedicated to expanding these roles across state government, including for rulemaking bodies.
 - Create and fund a paid “intervener” program to reduce barriers to public participation in rulemaking activities. Under this program, some individuals or organizations that participate in rulemaking proceedings could apply for “intervener” status, making them eligible to request compensation for reasonable costs incurred due to their participation in the proceedings.
 - Create an office of public participation so there is a centralized contact available for the public to engage in the rulemaking process.
 - Designate a neutral entity solely focused on overseeing and monitoring state rulemaking activities and implementation – helping ensure adequate funding and that the final product stays aligned with the original vision.
- **Education, training and outreach for the public on rulemaking:** Suggestions included:
 - Educating the public on the importance and impact of rulemaking
 - Creating informational materials about boards and commissions
 - Conducting public trainings on how to engage in rulemaking proceedings to demystify the process
 - Ensuring that public policy curricula emphasize the importance of rulemaking.
- **Increase accessibility and consistency of rulemaking entities:** Standardize rulemaking processes by creating a centralized online portal to access rulemaking information, simplifying the language used, creating a “master calendar” of relevant rule-related dates early in the process, and making board meetings more accessible for public participation through clear communication about what to expect and how to engage.



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- **Increase accountability between branches and levels of government:** Respondents focused on the need for greater co-creation and feedback loops between legislators and state agencies and between state agencies and local governments. Ideas included requiring legislators to consult with agencies when writing bills, boosting legislator understanding of what state agencies do, and vetting legislative ideas alongside local governments to create realistic funding and implementation strategies.
- **Increase independence of boards:** Increasing the independence of boards from their associated state agencies would pave the way for more equitable practices in how board agendas are set, with the hope for greater public involvement and development of policies that benefit a wider range of communities and interests.
- **Increase support for nonprofits to navigate rulemaking processes:** Create a coordinating entity to act as “connective tissue” between state agencies and nonprofits seeking to navigate rulemaking proceedings. Support the creation of coalitions to increase grassroots organizations’ ability to engage in rulemaking work.
- **Membership and operation of boards:** Membership of boards should include people with lived experience in the programs being regulated. Additionally, special focus should be given to supporting board members to work in collaboration rather than opposition to each other.
- **Reform state procurement process:** Minimize bureaucracy in the procurement process and provide state funding up-front instead of solely on a reimbursement basis, which typically prevents rural nonprofits and smaller organizations from applying due to inadequate financial reserves. One respondent suggested creating a short-term revolving loan fund for nonprofits to access as part of the procurement process.
- **Require intentional outreach to communities impacted by rulemaking:** Boards and state agencies should prioritize regular, proactive and reciprocal engagement with communities directly affected by rulemaking to build trust, increase accountability to input from the public, and ensure that a broad range of perspectives are considered. Respondents specifically noted that fostering shifts in an internal agency culture that further prioritize equitable community engagement practices is a foundational component of effective engagement and accountability.
- **Strengthen rulemaking standardization and equitable engagement through improved statutory guidance:** Respondents suggested several reforms, including:
 - Updating the Administrative Procedure Act (APA) by adding a statutory requirement for rules to be vetted by a “lived experience panel”
 - Providing clearer guidance for implementation and associated rulemaking when crafting legislation (e.g., explicitly including all impacted boards in rulemaking)
 - Creating a playbook to support innovative community engagement during rulemaking proceedings.
- **Training and support for board members:** There is a need for more targeted training and support for board members as well as a need to focus on recruiting and supporting people with lived experience particularly – ideas included offering childcare, stipends, transportation support, etc. Respondents also suggested adding research staff to support boards and commissions.

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