



Notice of Proposed Rulemaking

Office of the Secretary of State
Rules Concerning the Electronic Recording Technology Grant Program
8 CCR 1505-10

Date of notice: January 29, 2021

Date and time of public hearing: March 2, 2021 at 1:00 p.m.

I. Hearing Notice

As required by the State Administrative Procedure Act,¹ the Secretary of State gives notice of proposed rulemaking. The hearing is scheduled for March 2, 2021 at 1:00 p.m. **This meeting will be conducted via webinar; no in-person option is available.** Details regarding how to join the webinar and testify during the hearing are outlined in section VI of this notice.

II. Subject

In accordance with Senate Bill 16-115 amendments to section 30-10-424, C.R.S., the Secretary is commencing permanent rulemaking to repeal the Rules Concerning the Electronic Recording Technology Grant Program².

A detailed Statement of Basis, Purpose, and Specific Statutory Authority follows this notice and is incorporated by reference.

III. Statutory authority

The Secretary proposes the rule revision in accordance with the following statutory provisions:

- Senate Bill 16-115 amendments to section 30-10-424, C.R.S., repealed the Secretary of State's authority to promulgate rules necessary for the administration of section 30-10-421, C.R.S.

¹ Section 24-4-103(3)(a), C.R.S. (2020).

² 8 CCR 1505-10.

IV. Copies of draft rules

A preliminary draft of the proposed rules is posted on the Secretary of State's rules and notices of rulemaking website at:

https://www.sos.state.co.us/pubs/rule_making/hearings/2021/ERT-RulesHearing20210302.html.

You may also contact our office to request an editable electronic copy of the draft rules.

As required by the State Administrative Procedures Act,³ if changes are made before the hearing, revised proposed draft rules will be available to the public and posted on the website by February 25, 2021.

V. Opportunity to testify and submit written comments

The Secretary values your feedback in our rulemaking process and we would very much like to hear your thoughts on the proposed amendments. Please review and consider the attached proposed draft rules.

Everyone will have the opportunity to testify and provide written comment concerning the rule amendments. You may submit written comments to SoS.Rulemaking@sos.state.co.us any time before and during the hearing. Additional opportunity to comment in writing will be announced at the conclusion of the hearing. Information regarding how to testify during the webinar hearing is providing in section VI of this notice.

As soon as possible after receipt, written comments will be posted online at the Secretary of State website:

https://www.sos.state.co.us/pubs/rule_making/hearings/2021/ERT-RulesHearing20210302.html.

We will redact apparent personal contact information, including home address, email address, and telephone number(s), from submissions before posting the information online, unless otherwise directed by the contributor. All written comments will be added to the official rulemaking record.

VI. Webinar and audio recording of hearing

Register for the webinar hearing

To join and listen to the hearing, you must register for the webinar online:

<https://attendee.gotowebinar.com/register/5414379397369039117>.

When you register, you must provide your full name and email address. Please provide additional contact information including your address and telephone number. You may also provide your job title and organization. Lastly, indicate whether you plan to testify during the hearing. When you submit your registration, you should receive a confirmation email including details about how to join the webinar.

³ Section 24-4-103(3)(a), C.R.S. (2020). "Any proposed rule or revised proposed rule by an agency which is to be considered at the public hearing...shall be made available to any person at least five days prior to said hearing."

Webinar hearing procedures

At the beginning of the webinar, we will mute all public participants. After the introduction and a brief summary of the rulemaking, we will open the hearing to testimony as follows:

- Referencing registration records, we will identify and individually unmute participants who indicated that they plan to testify during the hearing.
- When we exhaust the list, we will ask whether any additional attendees wish to testify. Attendees may raise/lower their hand by clicking the icon in their control panel.
- To ensure that the hearing is prompt and efficient, oral testimony may be time-limited.

Before the hearing concludes, we will announce an additional opportunity to submit written comments and the associated deadline.

Webinar audio requirements

Please be advised: we strongly encourage attendees to join the webinar through their computer even if they use their telephone to dial in for audio. To testify during the hearing, it is best to use your computer microphone and speakers or a headset. As outlined above, we will first receive testimony from attendees whose registration indicates that they plan to provide testimony and then we will offer attendees the option to raise their hand. If you access the webinar only by telephone, you may not appear in our webinar attendee list meaning we may not be able to unmute you. Moreover, the raise your hand feature is only available to attendees who access the webinar by computer.

Audio recording

After the hearing concludes, a recording will be available on our audio broadcasts page here: https://www.sos.state.co.us/pubs/info_center/audioBroadcasts.html.

VII. Office contact

If you have any questions or would like to submit written comments, please contact the Department Rulemaking Program Manager at SoS.Rulemaking@sos.state.co.us or (303) 894-2200 ext. 6329.

Dated this 29th Day of January, 2021.

Ian Rayder
Deputy Secretary of State

For

Jena Griswold
Colorado Secretary of State



Draft Statement of Basis, Purpose, and Specific Statutory Authority

Office of the Secretary of State Rules Concerning the Electronic Recording Technology Grant Program 8 CCR 1505-10

January 29, 2021

I. Basis and Purpose

This statement explains proposed repeal of Rules Concerning the Electronic Recording Technology Grant Program.¹

In accordance with Senate Bill 16-115 amendments to section 30-10-424, C.R.S., the Secretary is commencing permanent rulemaking to repeal the Rules Concerning the Electronic Recording Technology Grant Program.

II. Rulemaking Authority

The statutory authority is as follows:

- Senate Bill 16-115 amendments to section 30-10-424, C.R.S., repealed the Secretary of State's authority to promulgate rules necessary for the administration of section 30-10-421, C.R.S.

¹ 8 CCR 1505-10.