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FISCAL NOTE

Drafting Number: LLS 18-1177 Date: April 16, 2018
Prime Sponsors: Sen. Neville T. Bill Status: Senate Business
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Bill Topic: LEAST RESTRICTIVE REGULATION PROFESSIONS AND OCCUPATIONS

- Summary of Fiscal Impact:
- State Revenue (potential)
- State Expenditure (minimal, potential)
- State Transfer
- TABOR Refund (potential)
- Local Government
- Statutory Public Entity

The bill creates additional requirements that the Department of Regulatory Agencies must consider during its sunrise and sunset review process.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: The fiscal note reflects the introduced bill.

Summary of Legislation

Current law requires that the Department of Regulatory Agencies (DORA) analyze whether to begin (sunrise review) or continue (sunset review) the regulation of a profession or occupation based on several factors.

This bill requires DORA to presume that consumers are sufficiently protected by market competition and private remedies, and to create occupational regulations only where the department finds credible evidence of a present, significant, and substantiated harm to consumers.

The bill creates guidelines for DORA to follow when making recommendations to address harm arising from contractual disputes; fraud; unclean facilities or general health and safety issues; a provider's failure to meet contractual obligations or standards; protecting individuals who are not a party to a contract; providers not located in state; and consumer guidance. The bill further requires DORA to recommend only the least restrictive regulation necessary to address the harm.

Assumptions

The fiscal note assumes that certain state regulatory programs will not meet the bill's new criteria. When an existing regulatory program is recommended for repeal, state revenue and expenditures for the program will be reduced through the regular sunset bill and fiscal notes process.

**State Revenue and TABOR Refund**

This bill is expected to result in the elimination of some existing regulatory programs in future years. When this occurs, state cash fund revenue subject to the TABOR limit from related fees will be reduced. This amount has not been estimated.

**State Expenditures**

The bill will have a minimal workload increase in FY 2018-19 only for the Division of Professions and Occupations in DORA to incorporate the bill's expanded criteria into current processes. Because the division already performs analysis to make the determinations required by the bill, workload is not expected to increase on an ongoing basis. The division will also conduct education and outreach efforts. No change in appropriations is required.

The bill is expected to result in the elimination of some existing regulatory programs in future years. When this occurs, state cash fund expenditures related to regulation will be reduced. This amount has not been estimated.

**Effective Date**

The bill takes effect August 8, 2018, if the General Assembly adjourns on May 9, 2018, as scheduled, and no referendum petition is filed.

**State and Local Government Contacts**

Information Technology

Law

Regulatory Agencies