

CHAPTER 338

GOVERNMENT - STATE

HOUSE BILL 07-1311

BY REPRESENTATIVE(S) Marshall, Borodkin, Butcher, and Casso;
also SENATOR(S) Tochtrop.

AN ACT

CONCERNING THE PROCEDURE FOR THE REVIEW OF A PROPOSAL TO REGULATE AN UNREGULATED PROFESSION OR OCCUPATION, AND MAKING AN APPROPRIATION THEREFOR.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. The introductory portion to 24-34-104.1 (2) and 24-34-104.1 (3) and (6), Colorado Revised Statutes, are amended to read:

24-34-104.1. General assembly sunrise review of new regulation of occupations and professions. (2) Any professional or occupational group or organization, any individual, or any other interested party that proposes the regulation of any unregulated professional or occupational group shall submit the following information to the department of regulatory agencies. ~~no later than December 1 of any year.~~ A proposal to regulate a professional or occupational group shall be reviewed only when the party requesting such review files with the department a statement of support for the proposed regulation that has been signed by at least ten members of the professional or occupational group for which regulation is being sought or at least ten individuals who are not members of such professional or occupational group, along with the following information: ~~no later than December 1 of any year.~~

(3) (a) EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (3), the department of regulatory agencies shall conduct an analysis and evaluation of the proposed regulation. The analysis and evaluation shall be based upon the criteria listed in paragraph (b) of subsection (4) of this section. The department of regulatory agencies shall submit a report to the proponents of such regulation and to the general assembly no later than ~~October 15 of the year following the year in which~~ ONE HUNDRED TWENTY DAYS AFTER THE DATE the proposed regulation was submitted.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(b) (I) AFTER REVIEW OF A PROPOSAL TO REGULATE A PROFESSIONAL OR OCCUPATIONAL GROUP, THE DEPARTMENT OF REGULATORY AGENCIES MAY DECLINE TO CONDUCT AN ANALYSIS AND EVALUATION OF THE PROPOSED REGULATION IF IT FINDS THAT:

(A) THE PROPOSED REGULATORY SCHEME APPEARS TO REGULATE FEWER THAN TWO HUNDRED FIFTY INDIVIDUALS;

(B) THE DEPARTMENT PREVIOUSLY CONDUCTED AN ANALYSIS AND EVALUATION OF THE PROPOSED REGULATION OF THE SAME PROFESSIONAL OR OCCUPATIONAL GROUP AND NO NEW INFORMATION HAS BEEN SUBMITTED THAT WOULD CAUSE THE DEPARTMENT TO ALTER OR MODIFY THE RECOMMENDATIONS MADE IN ITS EARLIER REPORT ON THE PROPOSED REGULATION OF THE PROFESSIONAL OR OCCUPATIONAL GROUP; OR

(C) A MAJORITY OF STATES LICENSE, CERTIFY, OR REQUIRE REGISTRATION OF MEMBERS OF THE SAME PROFESSIONAL OR OCCUPATIONAL GROUP.

(II) IF THE DEPARTMENT OF REGULATORY AGENCIES DECLINES TO CONDUCT AN ANALYSIS AND EVALUATION PURSUANT TO THIS PARAGRAPH (b), THE DEPARTMENT SHALL PROMPTLY NOTIFY THE PROPONENTS OF THE REGULATION AND THE GENERAL ASSEMBLY IN WRITING OF ITS DECISION, AND THE PROPONENTS SHALL BE DEEMED TO HAVE COMPLIED WITH THE REQUIREMENTS OF THIS SECTION.

(c) IF THE DEPARTMENT RECEIVES A PROPOSAL TO REGULATE A PROFESSIONAL OR OCCUPATIONAL GROUP INDICATING, BASED ON DOCUMENTATION VERIFIED BY THE DEPARTMENT, THAT THE UNREGULATED PROFESSIONAL OR OCCUPATIONAL GROUP POSES AN IMMINENT THREAT TO PUBLIC HEALTH, SAFETY, OR WELFARE, THE DEPARTMENT SHALL PROMPTLY NOTIFY THE PROPONENTS OF THE PROPOSED REGULATION AND THE GENERAL ASSEMBLY OF THE IMMINENT THREAT AND SHALL RECOMMEND THAT THE PROFESSIONAL OR OCCUPATIONAL GROUP BE REGULATED BY THE STATE.

(6) (a) EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (6), the supporters of regulation of a professional or occupational group may request members of the general assembly to present appropriate legislation to the general assembly during each of the two regular sessions that immediately succeed the date of the report required pursuant to subsection (3) of this section without the supporters having to comply again with the provisions of subsections (2), (3), and (4) of this section. Bills introduced pursuant to this subsection (6) shall count against the number of bills to which members of the general assembly are limited by any joint rule of the senate and the house of representatives. ~~The general assembly shall not consider the regulation of more than five occupations or professions in any one session of the general assembly.~~

(b) IF, PURSUANT TO PARAGRAPH (b) OR (c) OF SUBSECTION (3) OF THIS SECTION, THE DEPARTMENT OF REGULATORY AGENCIES DECLINES TO CONDUCT AN ANALYSIS AND EVALUATION OF THE PROPOSED REGULATION OF A PROFESSIONAL OR OCCUPATIONAL GROUP OR FINDS THAT THE UNREGULATED PROFESSIONAL OR OCCUPATIONAL GROUP POSES AN IMMINENT THREAT TO PUBLIC HEALTH, SAFETY, OR

WELFARE, THE SUPPORTERS OF THE REGULATION OF THE PROFESSIONAL OR OCCUPATIONAL GROUP MAY REQUEST THAT MEMBERS OF THE GENERAL ASSEMBLY PRESENT APPROPRIATE LEGISLATION TO THE GENERAL ASSEMBLY DURING EACH OF THE TWO REGULAR SESSIONS IMMEDIATELY FOLLOWING THE DATE OF THE NOTICE ISSUED BY THE DEPARTMENT DECLINING TO REVIEW THE PROPOSED REGULATION. IN ADDITION, IF THE NOTICE IS ISSUED WHILE THE GENERAL ASSEMBLY IS CONVENED IN A REGULAR SESSION, THE SUPPORTERS OF THE REGULATION MAY REQUEST THAT MEMBERS OF THE GENERAL ASSEMBLY PRESENT APPROPRIATE LEGISLATION TO THE GENERAL ASSEMBLY DURING THAT REGULAR SESSION.

SECTION 2. Appropriation. In addition to any other appropriation, there is hereby appropriated, to the department of regulatory agencies, for allocation to the executive director's office, for the fiscal year beginning July 1, 2007, the sum of sixty-two thousand one hundred twenty-two dollars (\$62,122) and 1.0 FTE, or so much thereof as may be necessary, for the implementation of this act. Said sum shall be from cash funds exempt received from the department of regulatory agencies, executive director's office for the purpose of conducting sunrise reviews.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 30, 2007