

Colorado Commission on Uniform State Laws

c/o Office of Legislative Legal Services
200 East Colfax Avenue Suite 091
Denver, Colorado 80203-1716

Colorado General Assembly

Tel: 303-866-2045
Email: ccusl.ga@state.co.us

AGENDA

Colorado Commission on Uniform State Laws

Thursday, June 27, 9 a.m.

Committee Room: 0112

1. Introduction of new commissioners
2. Determination of a quorum
3. Election of a chair and vice chair for 2019
4. Public comment regarding issues not on the agenda
5. Uniform Law Commission annual meeting
6. Uniform laws
 - a. 2019 legislative agenda; veto of SB 19-099, Uniform Athlete Agents Act
 - b. Uniform Automated Operation of Vehicles Act
 - c. Other
7. Other business

CCUSL 2019 Legislative Agenda

6-7-2019

Uniform Acts	Prime Sponsors	Status	Bill No.	LLS No.	Contacts	Assigned Drafter Phone/Email
Uniform Voidable Transactions Act		tabled		19-0157		Thomas Morris - 303-866-4218 thomas.morris@state.co.us
Revised Unclaimed Property Act	Sen. Gardner Rep. Tipper	signed	19-088	19-0158	Levy	Ed DeCecco - 303-866-4216 ed.dececco@state.co.us
Uniform Athlete Agents Act	Sen. Todd Rep. Tipper	vetoed	19-099	19-0159	McGihon; Mielke	Thomas Morris - 303-866-4218 thomas.morris@state.co.us
Uniform Regulation of Virtual Currencies		tabled		19-0160	Tipper	Duane Gall - 303-866-4335 duane.gall@state.co.us
Remote Notarization - Uniform Law	Sen. Gardner	PI'd in Senate SVMA	19-084	19-0161	Gardner	Thomas Morris - 303-866-4218 thomas.morris@state.co.us
Uniform Civil Remedies For Unauthorized Disclosure of Intimate Images	Sen. Gardner Rep. Tipper	signed	19-100	19-0162	Levy	Michael Dohr - 303-866-4347 michael.dohr@state.co.us
Uniform Directed Trust Act	Sen. Rodriguez Rep. Tipper	signed	19-105	19-0340	Steadman	Conrad Imel – 303-866-2313 conrad.imel@state.co.us
Criminal Records Accuracy Act		not filed		19-0835	Steadman	Michael Dohr - 303-866-4347 michael.dohr@state.co.us
Fiduciary Income and Principal Act		tabled			McGihon	
Nonparent Custody and Visitation Act		tabled			Steadman	



COLORADO

Governor Jared Polis

May 31, 2019

The Honorable Colorado State Senate
Colorado State Capitol
200 East Colfax Avenue
Denver, CO, 80203

Dear Honorable Members of the Colorado State Senate:

Today I vetoed Senate Bill 19-099, "Concerning the "Revised Uniform Athlete Agents Act (2015)", and, in connection therewith, making an appropriation" at 3:40 pm, 2019.

Senate Bill 19-099 ("SB 19-099") repeals and reenacts the Revised Uniform Athlete Agents Act. It creates a registration program for athlete agents at the Colorado Department of Regulatory Agencies ("DORA or department"), sets requirements for registration and renewal, and requires agents to register with the department every two years.

Before any unregulated occupation is to be regulated, or any regulated occupation is to be continued, the state should complete its due diligence to ensure that regulation will, in fact, ensure consumer safety in a cost-efficient manner. This bill does not meet that threshold.

As we have previously noted, occupational licensing is not always superior to other forms of consumer protection. Too often it is used to protect existing professionals within an occupation against competition from newcomers entering that occupation. Meanwhile, according to the 2019 Current Population Survey, 24 percent of the national workforce is licensed, up from below five percent in the 1950s. Licensing in the United States over the years has at times prevented minorities and the economically disadvantaged from having the ability to access occupations. When the supply of professionals is restricted, the cost of services increases and the poorest among us lose the ability to access these services.

As a general matter, skill certification is best done by guilds, unions, and professional associations. That being said, we do not categorically rule out allowing



any regulation of a previously unregulated occupation, or continuing the regulation of a regulated occupation, during my time as Governor. We will consider cases that are compelling for consumer safety and economic reasons. However, we encourage the General Assembly to consider removing existing outdated or counterproductive licenses when considering new or the continuation of occupational licenses. Our hope is that this will allow more people to work, to access various services, and to make sure that licenses protect consumers from harm – not industry insiders from competition.

We have additional concerns above and beyond the general concern with occupational licensing with regard to this matter and the process undertaken in the drafting of this bill to regulate a previously unregulated occupation. Before any unregulated occupation is to be regulated in Colorado, the state should complete its due diligence to ensure that regulation will, in fact, ensure consumer safety in a cost-efficient manner.

According to Colorado law, any individual or group who “proposes the regulation of any unregulated professional or occupational group” must submit a sunrise application.¹ In 2007, the department dismissed a request for a sunrise report for athlete agents. The General Assembly in 2008, having fulfilled the requirement to request a sunrise report, proceeded to pass House Bill 08-1058 that later became law that regulated the occupation. After only two agents were licensed in the two years of the program, it was repealed in 2010 with the passage of House Bill 10-1128 (“HB 10-1128”). Since then, the General Assembly has modified the Sunrise Act, further clarifying the rules that must be followed before a previously unregulated occupational group can be regulated. Before SB 19-099 was introduced during this session, no new request for a sunrise report had been received by the department.

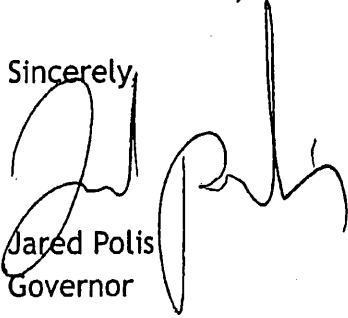
We do not agree with the General Assembly in their interpretation that a sunrise report is unnecessary before SB 19-099 was considered this session. The application from December 2007 does not fulfill the requirement today. Furthermore, the denial of the request for a sunrise report in 2007 by the department cannot carry over to today, as both the Sunrise Act and General Assembly have changed. The General Assembly has set out rules for when and how unregulated occupational groups should be recommended for regulation, and per its rules, it must always begin first with a sunrise report.

¹ C.R.S. § 24-34-104.1(2)(a).

Therefore, SB 19-099 is disapproved and vetoed.

Sincerely,

Jared Polis
Governor

A handwritten signature in black ink, appearing to read "Jared Polis", is written over the typed name and title. The signature is fluid and cursive, with a prominent vertical stroke at the beginning.

