

CHAPTER 139

GOVERNMENT - STATE

SENATE BILL 97-107

BY SENATORS Matsunaka, Blickensderfer, Congrove, Norton, Perlmutter, Powers, Reeves, Schroeder, and Wattenberg;
also REPRESENTATIVES S. Johnson, Dean, Pankey, and Schwarz.

AN ACT

CONCERNING TERMINATION OF THE OFFICE OF REGULATORY REFORM, AND, IN CONNECTION THEREWITH,
PLACING CERTAIN FUNCTIONS OF SUCH OFFICE IN THE OFFICE OF THE EXECUTIVE DIRECTOR OF THE
DEPARTMENT OF REGULATORY AGENCIES AND THE OFFICE OF BUSINESS DEVELOPMENT.

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

SECTION 1. 2-3-1203 (3) (j) (III), Colorado Revised Statutes, 1980 Repl. Vol.,
as amended, is repealed as follows:

2-3-1203. Sunset review of advisory committees. (3) The following dates are
the dates for which the statutory authorization for the designated advisory committees
is scheduled for repeal:

(j) July 1, 1997:

(III) ~~The office of regulatory reform advisory committee appointed pursuant to
section 24-34-904 (1) (I), C.R.S.;~~

SECTION 2. 24-1-122 (1.1), Colorado Revised Statutes, 1988 Repl. Vol., is
repealed as follows:

24-1-122. Department of regulatory agencies - creation. (1.1) ~~The department
of regulatory agencies shall include, as part of the office of the executive director, the
office of regulatory reform, created by part 9 of article 34 of this title. Said office
shall exercise its powers and perform its duties and functions under the department
as if the same were transferred to the department by a **type 2** transfer.~~

SECTION 3. 24-34-104 (26) (a), Colorado Revised Statutes, 1988 Repl. Vol.,

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

as amended, is repealed as follows:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (26) (a) ~~The following office in the office of the executive director of the department of regulatory agencies shall terminate on July 1, 1997: The office of regulatory reform, created by part 9 of this article.~~

SECTION 4. Part 9 of article 34 of title 24, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

PART 9
MANDATORY REVIEW OF PROPOSED CONTINUING
EDUCATION REQUIREMENTS FOR
REGULATED OCCUPATIONS AND PROFESSIONS

24-34-901. Proposed continuing education requirements for regulated occupations and professions - review by office of executive director. (1) BEFORE ANY BILL IS INTRODUCED IN THE GENERAL ASSEMBLY THAT CONTAINS, OR ANY BILL IS AMENDED TO CONTAIN, A MANDATORY CONTINUING EDUCATION REQUIREMENT FOR ANY OCCUPATION OR PROFESSION, THE PRACTICE OF WHICH REQUIRES A STATE OF COLORADO LICENSE, CERTIFICATE, OR REGISTRATION, THE GROUP OR ASSOCIATION PROPOSING SUCH MANDATORY CONTINUING EDUCATION REQUIREMENT SHALL FIRST SUBMIT INFORMATION CONCERNING THE NEED FOR SUCH A REQUIREMENT TO THE OFFICE OF THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REGULATORY AGENCIES. THE EXECUTIVE DIRECTOR SHALL IMPARTIALLY REVIEW SUCH EVIDENCE, ANALYZE AND EVALUATE THE PROPOSAL, AND REPORT IN WRITING TO THE GENERAL ASSEMBLY WHETHER MANDATORY CONTINUING EDUCATION WOULD LIKELY PROTECT THE PUBLIC SERVED BY THE PRACTITIONERS. PROPOSALS MAY INCLUDE, BUT NEED NOT BE LIMITED TO: INFORMATION THAT SHOWS THAT THE KNOWLEDGE BASE FOR THE PROFESSION OR OCCUPATION IS CHANGING; THAT MANDATORY CONTINUING EDUCATION OF THIS PROFESSION OR OCCUPATION IS REQUIRED IN OTHER STATES; IF APPLICABLE, THAT ANY INDEPENDENT STUDIES HAVE SHOWN THAT MANDATORY CONTINUING EDUCATION IS EFFECTIVE IN ASSURING THE COMPETENCY OF PRACTITIONERS. THE PROPOSAL MAY ALSO INCLUDE ANY ASSESSMENT TOOL THAT SHOWS THE EFFECTIVENESS OF MANDATORY CONTINUING EDUCATION AND RECOMMENDATIONS ABOUT SANCTIONS THAT SHOULD BE INCLUDED FOR NONCOMPLIANCE WITH THE REQUIREMENT OF MANDATORY CONTINUING EDUCATION. THE PROVISIONS OF THIS SECTION SHALL NOT BE APPLICABLE TO:

(a) ANY PROFESSION OR OCCUPATION THAT, AS OF JULY 1, 1991, HAS MANDATORY CONTINUING EDUCATION REQUIREMENTS IN PLACE;

(b) ANY BILL THAT IS INTRODUCED AS A RESULT OF A LEGISLATIVE INTERIM COMMITTEE AND THAT AS INTRODUCED IN THE GENERAL ASSEMBLY INCLUDES A MANDATORY CONTINUING EDUCATION REQUIREMENT.

SECTION 5. Article 48.5 of title 24, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

24-48.5-102. Small business assistance center. (1) IN ADDITION TO THE POWERS AND DUTIES SPECIFIED IN SECTION 24-48.5-101, THE COLORADO OFFICE OF BUSINESS DEVELOPMENT SHALL INCLUDE THE SMALL BUSINESS ASSISTANCE CENTER, WHICH SHALL PROVIDE COMPREHENSIVE INFORMATION ON THE FEDERAL, STATE, AND LOCAL REQUIREMENTS NECESSARY TO BEGIN A BUSINESS AND SHALL MAKE THIS INFORMATION AVAILABLE TO THE PUBLIC.

(2) THE SMALL BUSINESS ASSISTANCE CENTER SHALL HAVE THE AUTHORITY TO ACCEPT AND EXPEND MONEYS FROM SOURCES OTHER THAN THE STATE OF COLORADO FOR THE PURPOSE OF PERFORMING SPECIFIC PROJECTS, STUDIES, OR PROCEDURES, OR TO PROVIDE ASSISTANCE. SUCH PROJECTS, STUDIES, PROCEDURES, OR ASSISTANCE SHALL BE REVIEWED AND APPROVED BY THE COLORADO OFFICE OF BUSINESS DEVELOPMENT AND SHALL BE CONSISTENT WITH THE DUTIES, AUTHORITY, AND PURPOSES OF THE COLORADO OFFICE OF BUSINESS DEVELOPMENT AS ESTABLISHED IN THIS ARTICLE. ANY RECEIPT AND EXPENDITURE OF FUNDS SHALL BE REPORTED TO THE GENERAL ASSEMBLY AS PART OF THE OFFICE'S ANNUAL BUDGET REQUEST.

(3) THE SERVICES RENDERED BY THE CENTER SHALL BE MADE AVAILABLE WITHOUT CHARGE; EXCEPT THAT THE APPLICANT SHALL NOT BE RELIEVED FROM ANY PART OF THE FEES OR CHARGES ESTABLISHED FOR THE REVIEW AND APPROVAL OF SPECIFIC PERMIT APPLICATIONS, FROM ANY OF THE APPORTIONED COSTS OF A CONSOLIDATED HEARING CONDUCTED UNDER THIS SECTION, OR FROM THE COSTS OF ANY CONTRACTED SERVICES AS AUTHORIZED BY THE APPLICANT UNDER THIS SECTION.

(4) ANY PERSON WHO PROVIDES INFORMATION DEVELOPED BY THE CENTER AND CHARGES ANY FEE FOR SUCH INFORMATION SHALL DISCLOSE IN AT LEAST TEN-POINT TYPE, BEFORE ANY OBLIGATION IS INCURRED, THAT SUCH INFORMATION IS AVAILABLE AT NO COST FROM THE CENTER. ANY PERSON WHO KNOWINGLY FAILS TO MAKE THE DISCLOSURE REQUIRED BY THIS SUBSECTION (4) COMMITS A CLASS 3 MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1-106, C.R.S.

SECTION 6. 24-4-103.5, Colorado Revised Statutes, 1988 Repl. Vol., is repealed as follows:

24-4-103.5. Rule-making affecting small business - procedure. ~~(1) Not less than ten days before publication of notice of proposed rule-making pursuant to section 24-4-103, the agency making a rule which will affect small businesses shall submit such proposed rule to the office of regulatory reform created in part 9 of article 34 of this title for comment on compliance flexibility for small businesses. In no event will lack of comment from the office of regulatory reform affect the validity of the rule.~~

~~(2) The office of regulatory reform shall notify affected small businesses of the proposed rule through business or trade organizations. Such notice shall include the substance of the proposed rule and the time, place, and manner in which interested parties may present their views and comments on the proposed rule.~~

~~(3) For the purposes of this section, "small business" means a commercial concern, including its affiliates, which is independently owned and operated and which either employs fewer than twenty full-time employees or an equivalent number of part-time employees or has gross annual sales of less than two million dollars.~~

SECTION 7. 24-113-105, Colorado Revised Statutes, 1988 Repl. Vol., is repealed as follows:

24-113-105. State agency competition - complaints - advisory board.

~~(1) (a) Any person who believes that a state agency has violated any provision of this article may file a written complaint with the advisory committee to the office of regulatory reform stating the grounds for such complaint. The committee shall receive such written complaints and shall transmit such complaints to the state agency which is alleged in the complaint to be in violation.~~

~~(b) The state agency named in the complaint shall respond to the committee in writing within forty-five days after receipt of a complaint. The state agency shall either admit or deny the allegations made in the complaint, and it shall indicate whether remedial action will be taken.~~

~~(c) A majority of the committee may determine whether to hold public hearings on complaints, and the majority shall determine whether the state agency is in violation of the provisions of this article.~~

~~(d) Within sixty days after the response, the committee shall issue a report of its findings to the complainant and the state agency.~~

~~(2) The committee shall provide information and guidance and shall transmit an annual report of its activities in January of each year to the governor, the general assembly, and the state auditor.~~

~~(3) The state auditor shall provide performance audit information to the committee. Any person providing information or staff support pursuant to this subsection (3) shall not sit with the committee in its review of specific complaints.~~

~~(4) The activities of the committee shall be subject to existing state and federal law and any regulations promulgated pursuant thereto.~~

SECTION 8. 25-7-110.5 (4) (d), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

25-7-110.5. Required analysis of proposed air quality rules - repeal.

(4) (d) Cumulative economic analyses of all air pollution control measures shall be performed by the office of regulatory reform in coordination with the division EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT after public comment and review. The cumulative economic analyses shall be performed every five years beginning in the year 2000.

SECTION 9. 25-7-114.7 (1) (a) (VII), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

25-7-114.7. Emission fees - fund - repeal. (1) As used in this section, unless the context otherwise requires:

(a) Indirect and direct costs include, but are not limited to:

(VII) Establishing and administering a small business stationary source technical and environmental compliance program, pursuant to section 25-7-109.2. ~~and section 24-34-904 (1) (o), C.R.S.~~

SECTION 10. 29-2-106 (9) (d) (I) and (9) (d) (III), Colorado Revised Statutes, 1986 Repl. Vol., as amended, are amended to read:

29-2-106. Collection - administration - enforcement. (9) Standard sales and use tax reporting form. (d) (I) In addition to the standard municipal sales and use tax form set forth in paragraph (a) of this subsection (9), on or before December 1, 1994, the executive director of the department of revenue ~~and the director of the office of regulatory reform in the department of regulatory agencies~~ shall cooperate with and assist local governments in the development of a common local sales and use tax form. For purposes of this paragraph (d), "local government" means a city, home rule city, town, city and county, or other political subdivision of the state which collects its own sales or use tax.

(III) The executive director of the department of revenue ~~and the director of the office of regulatory reform in the department of regulatory agencies~~ shall cooperate with and assist local governments in the development of a uniform local government sales and use tax license application form. Any uniform local government sales and use tax license application form developed shall be made available at all state and local sales and use tax reporting locations.

SECTION 11. 39-30-102 (3) (a), Colorado Revised Statutes, 1994 Repl. Vol., is amended to read:

39-30-102. Legislative declaration. (3) (a) It is the intent of the general assembly that state agencies, including but not limited to the division of commerce and development in the department of local affairs, the department of labor and employment, ~~the office of regulatory reform in the department of regulatory agencies,~~ the department of revenue, and the state board for community colleges and occupational education in the department of higher education, place special emphasis on providing assistance to designated enterprise zones.

SECTION 12. Adjustments of appropriations. (1) (a) The appropriations made in the general appropriation act from the general fund for the fiscal year beginning July 1, 1997, to the department of local affairs, economic development, economic development programs, department of regulatory agencies, office of regulatory reform program costs, shall be reduced by the sum of one hundred ninety-nine thousand five hundred eighty-four dollars (\$199,584), for the implementation of this act.

(b) The appropriations made in the general appropriation act from the general fund for the fiscal year beginning July 1, 1997, to the department of local affairs, economic development, economic development programs, governor's office of economic development, small business assistance, shall be increased by the sum of one hundred thousand three hundred twenty-eight dollars (\$100,328), for the implementation of this act.

(2) The appropriations made in the general appropriation act for the fiscal year beginning July 1, 1997, to the governor's office, economic development programs,

small business assistance, is increased by the sum of one hundred twenty-five thousand three hundred twenty-eight dollars (\$125,328) and 2.0 FTE, for the implementation of this act. Of such sum, twenty-five thousand dollars (\$25,000) shall be from cash funds and one hundred thousand three hundred twenty-eight dollars (\$100,328) shall be from cash funds exempt.

(3) The appropriations made in the general appropriation act for the fiscal year beginning July 1, 1997, to the department of regulatory agencies, shall be reduced by the sum of two hundred forty-five thousand one hundred eighty-four dollars (\$245,184) and 4.0 FTE, for the implementation of this act. Of such sum:

(a) Twenty thousand six hundred dollars (\$20,600) shall be from the general fund appropriation made to the office of the executive director, director's office, leased space;

(b) One hundred eighty-eight thousand six hundred thirty-four dollars (\$188,634) and 4.0 FTE shall be from the appropriation from cash funds exempt made to the office of the executive director, office of regulatory reform, personal services;

(c) Ten thousand nine hundred fifty dollars (\$10,950) shall be from the appropriation from cash funds exempt made to the office of the executive director, office of regulatory reform, operating expenses;

(d) Twenty-five thousand dollars (\$25,000) shall be from the appropriation from cash funds made to the office of the executive director, office of regulatory reform, small business start-up kit.

SECTION 13. Effective date. This act shall take effect July 1, 1997.

SECTION 14. 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: April 24, 1997