



## Legislative Council Staff

*Nonpartisan Services for Colorado's Legislature*

# Memorandum

January 31, 2025

**TO:** Interested Persons  
**FROM:** Julia Jackson, Principal Research Analyst, 303-866-4788  
**SUBJECT:** 2025 Legislative Session Sunset Review Hearings

### Summary

During the 2025 legislative session, Senate committees of reference will consider 10 functions of Colorado state government and 6 advisory committees subject to sunset review. Sunset laws allow the General Assembly to periodically review the need for state regulations, advisory committees, or state agencies, and to update the law creating the agency or function.

The functions of government to be reviewed this session are subject to a sunset termination date of September 1, 2025, unless they are continued by the General Assembly in a bill. Advisory committees may have different termination dates.

### Sunset Reports

In the year preceding sunset hearings the Colorado Department of Regulatory Agencies (DORA) produces "sunset reports" for each of the agencies and functions of government subject to sunset laws. A single report covers all advisory committees. These reports describe the history of the entity, examine the law that created the entity, and make recommendations regarding changes to the law and continuation of the entity.

**Open records requirements:** Pursuant to Section 24-72-202 (6.5)(b), C.R.S., research memoranda and other final products of Legislative Council Staff are considered public records and subject to public inspection unless: a) the research is related to proposed or pending legislation; and b) the legislator requesting the research specifically asks that the research be permanently considered "work product" and not subject to public inspection. If you would like to designate this memorandum to be permanently considered "work product" not subject to public inspection, or if you think additional research is required and this is not a final product, please contact the Legislative Council Librarian at (303) 866-4011 within seven days of the date of the memorandum.



## 2025 Sunset Reviews

Table 1 includes links to all the sunset reviews conducted by DORA in 2024 and lists the committee that will conduct each sunset hearing.

**Table 1**  
**2025 Sunset Reviews**

<b>Sunset Topic</b>	<b>Committee</b>
<a href="#">Behavioral Health Entity Implementation and Advisory Committee</a>	Health & Human Services
<a href="#">Commodity Handler and Farm Products Act</a>	Agriculture & Natural Resources
<a href="#">Commodity Metals Task Force</a>	Judiciary
<a href="#">Community Integrated Health Care Service Agencies</a>	Health & Human Services
<a href="#">Dental Practice Act</a>	Health & Human Services
<a href="#">Early Childhood Leadership Commission</a>	Education
<a href="#">Homeowners Association Information and Resource Center</a>	Local Government & Housing
<a href="#">Identity Theft and Financial Fraud Deterrence Act</a>	Judiciary
<a href="#">Just Transition Advisory Committee</a>	Business, Labor, & Technology
<a href="#">Motorcycle Operator Safety Training Program</a>	Transportation & Energy
<a href="#">Primary Care Repayment Reform Collaborative</a>	Health & Human Services
<a href="#">Regulation of Outfitters</a>	Agriculture & Natural Resources
<a href="#">Rural Alcohol and Substance Abuse Prevention and Treatment Program</a>	Health & Human Services
<a href="#">Title Insurance Commission</a>	Business, Labor & Technology
<a href="#">Towing Task Force</a>	Transportation & Energy
<a href="#">Workers Compensation Accreditation of Health Care Providers</a>	Business, Labor & Technology

## Sunset Hearings

The assigned committee conducts a sunset hearing on each report issued by DORA. DORA analysts, agency directors, program administrators, interested citizens, and representatives of involved professional organizations often testify at sunset hearings. The standard format for conducting a sunset hearing on an agency or function of government is as follows.

1. The authoring analyst from DORA makes a brief presentation of the report to the committee and gives an overview of DORA's recommendations for altering the law in the subject area. The bill drafter may also wish to make a presentation or answer questions.
2. The program administrator or agency director involved comments on the recommendations made in the DORA report.
3. Members of involved professions and interested citizens comment on the report.



4. The committee considers a draft bill containing all the DORA recommendations. The committee may amend the draft bill to modify or remove any of the DORA recommendations, or to add conceptual suggestions from committee members to the draft bill.
5. The committee considers a motion to recommend the draft bill for introduction and assigns bill sponsors.
6. The same standing committee that conducted the sunset hearing is usually the committee of reference for the introduced sunset bill.

## Legislation to Continue an Entity or Function of Government

### Bill Titles and Contents

A committee of reference may recommend that an agency or function of government subject to a sunset review be continued or terminated. If the assigned committee of reference believes that an agency or function should be continued, it recommends a bill to the full General Assembly continuing the agency or function in question. In addition to continuing the existence of the agency or function, the bill may also make adjustments to the area of the law establishing the agency or function of government. Agencies and functions of government may be continued for any time period up to 15 years. Advisory committees may be extended indefinitely and do not need to be reviewed again.

A committee of reference may endorse all, some, or none of the recommendations made by DORA in a sunset report for continuing, terminating, or amending the law establishing an agency or government function. After conducting a sunset hearing, the committee of reference will determine whether or not to introduce a bill to continue an agency or government function, the title(s) of any sunset bill(s) introduced, and the provisions of the bill(s). No more than one division, board, or agency may be continued in any given bill, and the division, board, or agency must be cited in the bill's title.

### Bill Sponsorship

The chair of each committee of reference that conducts a sunset review and recommends a bill for the consideration of the General Assembly may assign the proposed bill for sponsorship to a member of the committee of reference or to a legislator who is not a member of the committee of reference. A sponsor who is not on the committee of reference must be approved by a majority vote of the committee's members. No more than two agency or function sunset bills



may be assigned to any one member of the General Assembly. Sunset bills do not count against the sponsor's bill introduction limit.

## **Terminating an Entity or Function of Government**

A standing committee recommends termination of an entity or function simply by not proposing legislation for its continuation. However, a committee may choose to introduce a bill to clean up statutes that will no longer be needed if an entity is terminated. In the event that the General Assembly allows an agency or function of state government to terminate, the agency or function continues to exist for the next succeeding year for the purpose of "winding up affairs."

## **Statutory Sunset Review Criteria**

In conducting sunset hearings, a committee of reference considers whether a public need exists for the continued existence of an agency or function of government and whether regulation by the state is the least restrictive regulation consistent with the public interest. The determination as to whether a public need exists for the agency or function of government, and for the degree of regulation it practices, is based on a number of criteria<sup>1</sup> set forth below:

1. whether regulation by the agency is necessary to protect the public health, safety, and welfare; whether the conditions which led to the initial regulation have changed; and whether other conditions have arisen which would warrant more, less, or the same degree of regulation;
2. if regulation is necessary, whether the existing statutes and regulations establish the least restrictive form of regulation consistent with the public interest, considering other available regulatory mechanisms, and whether agency rules enhance the public interest and are within the scope of legislative intent;
3. whether the agency operates in the public interest and whether its operation is impeded or enhanced by existing statutes, rules, procedures, and practices and any other circumstances, including budgetary, resource, and personnel matters;
4. whether an analysis of agency operations indicates that the agency performs its statutory duties efficiently and effectively;
5. whether the composition of the agency's board or commission adequately represents the public interest and whether the agency encourages public participation in its decisions rather than participation only by the people it regulates;

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<sup>1</sup> Section 24-34-104 (6)(b), C.R.S.



6. the economic impact of regulation and, if national economic information is not available, whether the agency stimulates or restricts competition;
7. whether complaint, investigation, and disciplinary procedures adequately protect the public and whether final dispositions of complaints are in the public interest or self-serving to the profession;
8. whether the scope of practice of the regulated occupation contributes to the optimum utilization of personnel and whether entry requirements encourage affirmative action;
9. whether the agency through its licensing or certification process imposes any sanctions or disqualifications on applicants based on criminal history and, if so, whether the sanctions or disqualifications serve public safety or commercial or consumer protection interests; and
10. whether administrative and statutory changes are necessary to improve agency operations to enhance the public interest.