



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Fiscal Note

Drafting Number:	LLS 22-0429	Date:	April 1, 2022
Prime Sponsors:	Rep. Weissman Sen. Ginal	Bill Status:	House SCMVA
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Bill Topic: SUNRISE REVIEW PROFESSIONS OCCUPATIONS

Summary of Fiscal Impact:

<input type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure	<input type="checkbox"/> Local Government
<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

The bill changes the process and timelines for sunrise reviews of unregulated professions and occupations by the Colorado Office of Policy, Research and Regulatory Reform in the Department of Regulatory Agencies. These changes both increase and decrease workload within the sunrise review process, resulting in no net change in overall workload.

Appropriation Summary: No appropriation is required.

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

Summary of Legislation

Under current law, proponents of the regulation of an unregulated profession or occupation submit a request to the Department of Regulatory Agencies (DORA) by December 1 to conduct a sunrise review of the profession or occupation. If DORA conducts the sunrise review, it must submit a final report to the proponents and the General Assembly by the following October 15. Under the bill, reports for requests submitted between December 31, 2021, and July 1, 2022, are due June 30, 2023. Beginning in July 1, 2022, reports for requests made between January 1 and June 30 are due by December 31 of the same year, and reports for requests made between July 1 and December 31, are due June 30 of the following year.

Under current law, DORA may decline to conduct a sunrise review if it has previously conducted a review and issued a report not more than 36 months prior to the submission of the current proposal. Under the bill, DORA may also decline to conduct a sunrise review if the proposed regulation appears to regulate fewer than 250 individuals, or DORA determines that at least 36 other states regulate the same professional or occupational group.

Finally, the bill changes the considerations for determining whether regulation is necessary. It eliminates the requirement that DORA consider whether the potential for harm is easily recognizable and not remote or dependent upon tenuous argument. Instead, DORA is required to consider whether the practitioners of the profession or occupation exercise independent judgment and whether the public can benefit from the regulation if a practitioner's judgment or practice is limited or subject to the judgment or supervision of others.

State Expenditures

While this bill makes a number of changes to the sunrise review process for unregulated professional and occupational groups that both increase and decrease the workload of the Colorado Office of Policy, Research and Regulatory Reform in DORA, there is no net change in overall workload. As such, no change in appropriations is required.

Effective Date

The bill takes effect July 1, 2022, except that the new sunrise consideration takes effect on October 16, 2022.

State and Local Government Contacts

Information Technology

Regulatory Agencies