

**Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 22-0948.01 Yelana Love x2295

SENATE BILL 22-174

SENATE SPONSORSHIP

Buckner, Donovan, Gonzales, Moreno

HOUSE SPONSORSHIP

Kennedy,

Senate Committees

State, Veterans, & Military Affairs

House Committees

State, Civic, Military, & Veterans Affairs

A BILL FOR AN ACT

101 **CONCERNING THE CRITERIA TO BE CONSIDERED IN A SUNSET REVIEW**
102 **HEARING.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill amends the criteria that the department of regulatory agencies and the general assembly must consider in sunset review hearings by removing some of the current criteria, adding new criteria, and modifying the criteria to apply to the regulation of professions and occupations and other governmental programs.

The bill removes the following criteria:

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
2nd Reading Unamended
April 26, 2022

SENATE
3rd Reading Unamended
April 19, 2022

SENATE
2nd Reading Unamended
April 18, 2022

- Whether the conditions that led to the initial regulation have changed and whether other conditions have arisen that would warrant more, less, or the same degree of regulation; and
 - Whether entry requirements encourage affirmative action.
- The bill adds the following criteria:
- Whether the conditions that led to the initial creation of the program have changed and whether other conditions have arisen that would warrant more, less, or the same degree of governmental oversight;
 - Whether regulatory oversight can be achieved through a director model; and
 - Whether entry requirements encourage equity, diversity, and inclusivity.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-34-104, **amend**
 3 (6)(b) as follows:

4 **24-34-104. General assembly review of regulatory agencies**
 5 **and functions for repeal, continuation, or reestablishment - legislative**
 6 **declaration - repeal.** (6) (b) In the hearings, the determination as to
 7 whether an agency has demonstrated a public need for the continued
 8 existence of the agency or function and for the degree of regulation it
 9 practices is based on the following factors, among others:

10 (I) Whether regulation OR PROGRAM ADMINISTRATION by the
 11 agency is necessary to protect the public health, safety, and welfare;
 12 ~~whether the conditions that led to the initial regulation have changed; and~~
 13 ~~whether other conditions have arisen that would warrant more, less, or the~~
 14 ~~same degree of regulation;~~

15 (II) WHETHER THE CONDITIONS THAT LED TO THE INITIAL
 16 CREATION OF THE PROGRAM HAVE CHANGED AND WHETHER OTHER
 17 CONDITIONS HAVE ARISEN THAT WOULD WARRANT MORE, LESS, OR THE

1 SAME DEGREE OF GOVERNMENTAL OVERSIGHT;

2 ~~(H)~~ (III) If ~~regulation~~ THE PROGRAM is necessary, whether the
3 existing statutes and regulations establish the least restrictive form of
4 ~~regulation~~ GOVERNMENTAL OVERSIGHT consistent with the public interest,
5 considering other available regulatory mechanisms; ~~and whether agency~~
6 ~~rules enhance the public interest and are within the scope of legislative~~
7 ~~intent;~~

8 (IV) IF THE PROGRAM IS NECESSARY, WHETHER AGENCY RULES
9 ENHANCE THE PUBLIC INTEREST AND ARE WITHIN THE SCOPE OF
10 LEGISLATIVE INTENT;

11 ~~(H)~~ (V) Whether the agency operates in the public interest and
12 whether its operation is impeded or enhanced by existing statutes, rules,
13 procedures, and practices and any other circumstances, including
14 budgetary, resource, and personnel matters;

15 ~~(V)~~ (VI) Whether an analysis of agency operations indicates that
16 the agency OR THE AGENCY'S BOARD OR COMMISSION performs its
17 statutory duties efficiently and effectively;

18 ~~(V)~~ (VII) Whether the composition of the agency's board or
19 commission adequately represents the public interest and whether the
20 agency encourages public participation in its decisions rather than
21 participation only by the people it regulates;

22 (VIII) WHETHER REGULATORY OVERSIGHT CAN BE ACHIEVED
23 THROUGH A DIRECTOR MODEL;

24 ~~(V)~~ (IX) The economic impact of ~~regulation~~ THE PROGRAM and,
25 if national economic information is not available, whether the agency
26 stimulates or restricts competition;

27 ~~(V)~~ (X) IF REVIEWING A REGULATORY PROGRAM, whether

1 complaint, investigation, and disciplinary procedures adequately protect
2 the public and whether final dispositions of complaints are in the public
3 interest or self-serving to the profession OR REGULATED ENTITY;

4 ~~(VIII)~~ (XI) IF REVIEWING A REGULATORY PROGRAM, whether the
5 scope of practice of the regulated occupation contributes to the optimum
6 use of personnel; ~~and whether entry requirements encourage affirmative~~
7 ~~action;~~

8 (XII) WHETHER ENTRY REQUIREMENTS ENCOURAGE EQUITY,
9 DIVERSITY, AND INCLUSIVITY;

10 ~~(IX)~~ (XIII) IF REVIEWING A REGULATORY PROGRAM, whether the
11 agency, through its licensing or certification process, imposes any
12 sanctions or disqualifications on applicants based on past criminal history
13 and, if so, whether the sanctions or disqualifications serve public safety
14 or commercial or consumer protection interests. To assist in considering
15 this factor, the analysis prepared pursuant to subsection (5)(a) of this
16 section must include data on the number of licenses or certifications that
17 the agency denied based on the applicant's criminal history, the number
18 of conditional licenses or certifications issued based upon the applicant's
19 criminal history, and the number of licenses or certifications revoked or
20 suspended based on an individual's criminal conduct. For each set of data,
21 the analysis must include the criminal offenses that led to the sanction or
22 disqualification.

23 ~~(X)~~ (XIV) Whether administrative and statutory changes are
24 necessary to improve agency operations to enhance the public interest.

25 **SECTION 2. Act subject to petition - effective date.** This act
26 takes effect October 16, 2022; except that, if a referendum petition is filed
27 pursuant to section 1 (3) of article V of the state constitution against this

1 act or an item, section, or part of this act within the ninety-day period
2 after final adjournment of the general assembly, then the act, item,
3 section, or part will not take effect unless approved by the people at the
4 general election to be held in November 2022 and, in such case, will take
5 effect on the date of the official declaration of the vote thereon by the
6 governor.