

Second Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0611.01 Yelana Love x2295

HOUSE BILL 22-1081

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HOUSE SPONSORSHIP

Holtorf,

SENATE SPONSORSHIP

Simpson,

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House Committees

State, Civic, Military, & Veterans Affairs

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING THE REESTABLISHMENT OF THE COMMITTEE FOR  
102 SUNRISE AND SUNSET REVIEW.

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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>.)*

Current law requires a legislative committee of reference to hold a hearing on whether to continue or terminate the existence of each division, board, agency, or advisory committee that is subject to sunset review. The bill reestablishes the committee for sunrise and sunset review (committee) and requires this committee to hold the hearings instead.

The committee consists of 6 legislators, appointed as follows:

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.

- 2 members appointed by the speaker of the house of representatives;
- 2 members appointed by the senate president;
- One member appointed by the house of representatives minority leader; and
- One member appointed by the senate minority leader.

The committee is also responsible for:

- Reviewing proposals to regulate a new professional or occupational group; and
- Reviewing each bill introduced during the legislative session that creates a new advisory committee, which includes committees, boards, and commissions.

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

2           **SECTION 1.** In Colorado Revised Statutes, 2-3-1201, **amend** (1)  
 3 as follows:

4           **2-3-1201. Committee for sunrise and sunset review - creation**  
 5 **- designation of the committee to conduct review - committee**  
 6 **membership.** (1) (a) ~~At the convening of the first regular session of each~~  
 7 ~~general assembly, the speaker of the house of representatives and the~~  
 8 ~~president of the senate shall each designate one or more house~~  
 9 ~~committees of reference for even-numbered years and one or more senate~~  
 10 ~~committees of reference for odd-numbered years to perform the duties~~  
 11 ~~and functions assigned to it relating to the termination of each division,~~  
 12 ~~board, or agency pursuant to the provisions of section 24-34-104, C.R.S.,~~  
 13 **and** THE COMMITTEE FOR SUNRISE AND SUNSET REVIEW, REFERRED TO IN  
 14 THIS PART 12 AS "THE COMMITTEE", IS HEREBY CREATED TO PERFORM the  
 15 duties and functions assigned to it RELATING TO THE CONTINUATION OR  
 16 TERMINATION OF EACH DIVISION, BOARD, OR AGENCY PURSUANT TO  
 17 SECTION 24-34-104 AND by this part 12 relating to the sunset review of  
 18 advisory committees. ~~The committees of reference designated by the~~  
 19 ~~speaker of the house of representatives to conduct reviews under this~~

1 ~~section in even-numbered years and the committees of reference~~  
2 ~~designated by the president of the senate to conduct such reviews in~~  
3 ~~odd-numbered years shall be the committees of reference for any bills~~  
4 ~~introduced under sections 2-3-1203 and 24-34-104, C.R.S., during any~~  
5 ~~regular or extraordinary session of the general assembly. The speaker of~~  
6 ~~the house of representatives may authorize one or more house committees~~  
7 ~~of reference and the president of the senate may authorize one or more~~  
8 ~~senate committees of reference to conduct hearings prior to the convening~~  
9 ~~of any regular session of the general assembly~~ IN FULFILLING ITS DUTIES  
10 UNDER THIS PART 12, THE COMMITTEE MAY REQUEST RESEARCH AND  
11 STUDIES ON THE COST OF A NEW REGULATION TO CONSUMERS.

12 (b) THE COMMITTEE CONSISTS OF:

13 (I) THREE MEMBERS OF THE SENATE, TWO OF WHOM ARE  
14 APPOINTED BY THE PRESIDENT OF THE SENATE AND ONE OF WHOM IS  
15 APPOINTED BY THE MINORITY LEADER OF THE SENATE; AND

16 (II) THREE MEMBERS OF THE HOUSE OF REPRESENTATIVES, TWO OF  
17 WHOM ARE APPOINTED BY THE SPEAKER AND ONE OF WHOM IS APPOINTED  
18 BY THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES.

19 (c) THE APPOINTING AUTHORITIES SHALL MAKE THE INITIAL  
20 APPOINTMENTS NO LATER THAN OCTOBER 15, 2022.

21 **SECTION 2.** In Colorado Revised Statutes, **amend** 2-3-1202 as  
22 follows:

23 **2-3-1202. Staff assistance.** In carrying out duties under section  
24 24-34-104 C.R.S., and this part 12, ~~any~~ THE committee ~~designated~~ FOR  
25 SUNRISE AND SUNSET REVIEW CREATED pursuant to section 2-3-1201 may  
26 request staff assistance from the legislative council, created by part 3 of  
27 this ~~article~~ ARTICLE 3.

1           **SECTION 3.** In Colorado Revised Statutes, 2-3-1203, **amend**  
2           (2)(a), (2)(c), and (2)(d); and **add** (2.5) as follows:

3           **2-3-1203. Sunset review of advisory committees - legislative**  
4           **declaration - definition - repeal.** (2) (a) ~~A legislative committee of~~  
5           ~~reference designated~~ THE COMMITTEE FOR SUNRISE AND SUNSET REVIEW  
6           CREATED pursuant to section 2-3-1201 shall consider whether to continue  
7           or to continue with modification an advisory committee whose statutory  
8           authority is scheduled to repeal and may recommend the consideration of  
9           a bill as it deems necessary to continue the advisory committee.

10           (c) ~~A legislative committee of reference designated in section~~  
11           ~~2-3-1201~~ THE COMMITTEE shall conduct hearings for each advisory  
12           committee that submits the information required by ~~paragraph (b) of this~~  
13           ~~subsection (2)~~ SUBSECTION (2)(b) OF THIS SECTION.

14           (d) ~~A bill recommended for consideration under this subsection~~  
15           ~~(2) must be introduced in the house of representatives in even-numbered~~  
16           ~~years and in the senate in odd-numbered years.~~ IF THE COMMITTEE  
17           RECOMMENDS A BILL FOR CONSIDERATION PURSUANT TO THIS SUBSECTION  
18           (2), THE CHAIR OF THE COMMITTEE SHALL ASSIGN THE PROPOSED BILL FOR  
19           SPONSORSHIP AS FOLLOWS:

20           (A) TO ONE OR MORE OF THE MEMBERS OF THE COMMITTEE; OR

21           (B) TO ONE OR MORE MEMBERS OF THE GENERAL ASSEMBLY WHO  
22           ARE NOT MEMBERS OF THE COMMITTEE IF A MAJORITY OF THE  
23           COMMITTEE'S MEMBERS VOTE TO APPROVE THE SPONSORSHIP.

24           (2.5) IF THE SPEAKER, FOR BILLS INTRODUCED IN THE HOUSE, OR  
25           THE PRESIDENT, FOR BILLS INTRODUCED IN THE SENATE, DETERMINES THAT  
26           A BILL INTRODUCED DURING ANY LEGISLATIVE SESSION CREATES A NEW  
27           ADVISORY COMMITTEE, THE SPEAKER OR PRESIDENT SHALL REFER THE BILL

1 TO THE COMMITTEE FOR A REVIEW OF WHETHER THE ADVISORY  
2 COMMITTEE SHOULD BE CREATED.

3 **SECTION 4.** In Colorado Revised Statutes, 24-34-104, **amend**  
4 (6)(a), (6)(c), (6)(d)(I), (6)(d)(III), (6)(e), (6)(f), and (7)(a) as follows:

5 **24-34-104. General assembly review of regulatory agencies**  
6 **and functions for repeal, continuation, or reestablishment - legislative**  
7 **declaration - repeal.** (6) (a) Before the repeal, continuation, or  
8 reestablishment of an agency or function, ~~a legislative committee of~~  
9 ~~reference designated~~ THE COMMITTEE FOR SUNRISE AND SUNSET REVIEW  
10 CREATED in section 2-3-1201, ~~C.R.S.~~, REFERRED TO IN THIS SECTION AS  
11 "THE COMMITTEE", shall hold public hearings to receive testimony from  
12 the public, the executive director of the department of regulatory  
13 agencies, and the agencies involved. In the hearing, each agency has the  
14 burden of demonstrating that there is a public need for the continued  
15 existence of the agency or function and that its regulation is the least  
16 restrictive regulation consistent with the public interest.

17 (c) ~~A legislative committee of reference that conducts~~ IN  
18 CONDUCTING a review pursuant to ~~paragraph (a) of this subsection (6)~~  
19 SUBSECTION (6)(a) OF THIS SECTION, THE COMMITTEE shall determine  
20 whether an agency or function should be repealed, continued, or  
21 reestablished and whether its functions should be revised and, if  
22 advisable, may recommend the consideration of a proposed bill to carry  
23 out its recommendations.

24 (d) (I) ~~If a legislative committee of reference~~ THE COMMITTEE  
25 recommends a bill for consideration pursuant to ~~paragraph (c) of this~~  
26 ~~subsection (6), the bill must be introduced in the house of representatives~~  
27 ~~in even-numbered years and in the senate in odd-numbered years~~

1 SUBSECTION (6)(c) OF THIS SECTION, the chair of ~~each legislative~~  
2 ~~committee of reference that recommends a bill for consideration~~ THE  
3 COMMITTEE shall assign the proposed bill for sponsorship as follows:

4 (A) To one or more of the members of the committee; ~~of~~  
5 ~~reference; or~~

6 (B) To one or more ~~of the~~ members of the general assembly who  
7 are not members of the committee ~~of reference~~ if a majority of the  
8 committee's members vote to approve the sponsorship.

9 (III) ~~The speaker of the house of representatives shall assign the~~  
10 ~~proposed bill to a representative for sponsorship in the house of~~  
11 ~~representatives in odd-numbered years. The president of the senate shall~~  
12 ~~assign the proposed bill to a senator for sponsorship in the senate in~~  
13 ~~even-numbered years.~~

14 (e) A bill recommended for consideration by a ~~committee of~~  
15 ~~reference~~ THE COMMITTEE pursuant to ~~paragraph (c) of this subsection (6)~~  
16 SUBSECTION (6)(c) OF THIS SECTION does not count against the number of  
17 bills to which members of the general assembly are limited by law or joint  
18 rule of the senate and house of representatives.

19 (f) Before the repeal, continuation, reestablishment, or revision of  
20 an agency's functions, ~~a committee of reference in each house of the~~  
21 ~~general assembly designated by section 2-3-1201, C.R.S.,~~ THE  
22 COMMITTEE shall hold a public hearing to consider the report from the  
23 department of regulatory agencies and any bill recommended for  
24 consideration pursuant to ~~paragraph (c) of this subsection (6)~~ SUBSECTION  
25 (6)(c) OF THIS SECTION. The hearing must include the factors and  
26 testimony set forth in ~~paragraph (b) of this subsection (6)~~ SUBSECTION  
27 (6)(b) OF THIS SECTION.

1           (7) (a) Pursuant to the process established in this section, a  
2 ~~committee of reference~~ THE COMMITTEE may not continue, reestablish, or  
3 amend the functions of more than one division, board, or agency in any  
4 one bill for an act, and the title of the bill must include the name of the  
5 division, board, or agency. This ~~paragraph (a)~~ SUBSECTION (7)(a) does not  
6 apply to requirements for periodic reports to the general assembly.

7           **SECTION 5.** In Colorado Revised Statutes, 24-34-104.1, **amend**  
8 (2)(a) introductory portion, (2)(b), (3)(a), (3)(b)(I) introductory portion,  
9 (3)(b)(II), (3)(c), and (6)(b); and **add** (4)(a.5) and (5.5) as follows:

10           **24-34-104.1. General assembly sunrise review of new**  
11 **regulation of occupations and professions - repeal.** (2) (a) For  
12 proposals submitted on or after ~~July 1, 2012~~ THE EFFECTIVE DATE OF THIS  
13 SECTION, AS AMENDED, any professional or occupational group or  
14 organization, any individual, or any other interested party that proposes  
15 the regulation of any unregulated professional or occupational group shall  
16 submit the following information to the ~~department of regulatory agencies~~  
17 COMMITTEE FOR SUNRISE AND SUNSET REVIEW CREATED IN SECTION  
18 2-3-1201, REFERRED TO IN THIS SECTION AS "THE COMMITTEE", no later  
19 than ~~December 1 of any year for analysis and evaluation during the~~  
20 ~~following year~~ TWELVE DAYS AFTER THE CONVENING OF THE REGULAR  
21 SESSION OF THE GENERAL ASSEMBLY:

22           (b) The ~~department~~ COMMITTEE shall review a proposal to regulate  
23 a professional or occupational group only when the party requesting the  
24 review files a statement of support for the proposed regulation that has  
25 been signed by at least ten members of the professional or occupational  
26 group for which regulation is being sought or at least ten individuals who  
27 are not members of the professional or occupational group.

1           (3) (a) Except as provided in ~~paragraph (b) or (c) of this~~  
2 ~~subsection (3)~~ SUBSECTION (3)(b) OR (3)(c) OF THIS SECTION, NO LATER  
3 THAN TWENTY DAYS AFTER THE CONVENING OF THE REGULAR SESSION OF  
4 THE GENERAL ASSEMBLY, THE COMMITTEE SHALL REQUEST the department  
5 of regulatory agencies ~~shall~~ TO conduct an analysis and evaluation of any  
6 proposed regulation. ~~submitted on or after July 1, 2012.~~ The DEPARTMENT  
7 OF REGULATORY AGENCIES SHALL BASE THE analysis and evaluation ~~must~~  
8 ~~be based~~ upon the criteria listed in ~~paragraph (b) of subsection (4)~~  
9 SUBSECTION (4)(b) of this section. The department of regulatory agencies  
10 shall COMPLETE THE ANALYSIS AND EVALUATION PRIOR TO JULY 1  
11 FOLLOWING THE DATE THE PROPOSAL IS SUBMITTED TO THE COMMITTEE.  
12 THE DEPARTMENT OF REGULATORY AGENCIES SHALL submit a report, AND  
13 SUPPORTING MATERIALS REQUESTED BY THE COMMITTEE to the ~~proponents~~  
14 ~~of the regulation and to the general assembly no later than October 15 of~~  
15 ~~the year following the year in which the proposed regulation was~~  
16 ~~submitted~~ COMMITTEE NO LATER THAN JULY 1 FOLLOWING THE DATE THE  
17 PROPOSAL IS SUBMITTED TO THE COMMITTEE.

18           (b) (I) After ~~review of~~ REVIEWING a proposal to regulate a  
19 professional or occupational group that was submitted on or after July 1,  
20 2012, the ~~department of regulatory agencies~~ COMMITTEE may decline to  
21 REQUIRE THE DEPARTMENT OF REGULATORY AGENCIES TO conduct an  
22 analysis and evaluation of the proposed regulation only if ~~it~~ THE  
23 DEPARTMENT OF REGULATORY AGENCIES:

24           (II) If the COMMITTEE DECLINES TO REQUIRE THE department of  
25 regulatory agencies ~~declines~~ to conduct an analysis and evaluation  
26 pursuant to this ~~paragraph (b)~~ SUBSECTION (3)(b), the department shall  
27 reissue its earlier report on the proposed regulation to the proponents of



1 the regulation and the general assembly no later than ~~October 15~~ of the  
2 year following the year in which the proposed regulation was submitted  
3 JULY 1 FOLLOWING THE DATE THE PROPOSAL WAS SUBMITTED TO THE  
4 COMMITTEE.

5 (c) If the ~~department~~ COMMITTEE receives a proposal to regulate  
6 a professional or occupational group indicating, based on documentation  
7 verified by the COMMITTEE OR THE department, that the unregulated  
8 professional or occupational group poses an imminent threat to public  
9 health, safety, or welfare, the ~~department~~ COMMITTEE shall promptly  
10 notify the proponents of the proposed regulation and the legislative  
11 council of the general assembly of the imminent threat and shall submit  
12 to the legislative council the documentation on which it bases its finding  
13 of imminent threat. Within thirty days after receipt of the notice and  
14 documentation from the ~~department~~ COMMITTEE, the legislative council  
15 shall conduct a hearing to examine the documentation and determine  
16 whether it concurs with the ~~department's~~ COMMITTEE'S finding that an  
17 imminent threat exists. In conducting its examination, the legislative  
18 council shall consider whether regulation of the professional or  
19 occupational group without first obtaining an analysis and evaluation  
20 pursuant to ~~paragraph (a) of this subsection (3)~~ SUBSECTION (3)(a) OF THIS  
21 SECTION will substantially alter the impact on public health, safety, or  
22 welfare. The department may forego the analysis and evaluation only if  
23 the legislative council notifies the COMMITTEE AND THE department that  
24 the legislative council concurs with the ~~department's~~ finding of imminent  
25 threat to public health, safety, and welfare.

26 (4) (a.5) AFTER RECEIVING THE REPORT REQUIRED BY SUBSECTION  
27 (3) OF THIS SECTION AND PRIOR TO THE NEXT LEGISLATIVE SESSION, THE

1 COMMITTEE SHALL CONDUCT A PUBLIC HEARING TO RECEIVE TESTIMONY  
2 FROM THE PUBLIC, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF  
3 REGULATORY AGENCIES, AND THE GROUP, ORGANIZATION, OR INDIVIDUAL  
4 WHO SUBMITTED THE PROPOSAL FOR REGULATION TO THE COMMITTEE.

5 (5.5) (a) FOR 2022 ONLY, AND FOR THE PURPOSE OF PERMITTING  
6 EVALUATION AND REVIEW OF PROPOSALS FOR REGULATION PRIOR TO THE  
7 2023 REGULAR SESSION OF THE GENERAL ASSEMBLY, THE FOLLOWING  
8 SCHEDULE IS IN EFFECT:

9 (I) INTERESTED PARTIES MUST SUBMIT INFORMATION AS REQUIRED  
10 BY SUBSECTION (2) OF THIS SECTION ON OR AFTER JUNE 1 AND BEFORE  
11 JULY 1, 2022; EXCEPT THAT THIS SUBSECTION (5.5) DOES NOT BAR  
12 SUBMISSION ON OR AFTER OCTOBER 1, 2022, FOR PURPOSES OF ANALYSIS  
13 AND EVALUATION IN 2023;

14 (II) REQUESTS BY THE COMMITTEE TO THE DEPARTMENT OF  
15 REGULATORY AGENCIES FOR ANALYSIS AND EVALUATION AS REQUIRED BY  
16 SUBSECTION (3) OF THIS SECTION MUST BE SUBMITTED WITHIN THREE DAYS  
17 OF RECEIPT OF INFORMATION RECEIVED PURSUANT TO SUBSECTION  
18 (5.5)(a)(I) OF THIS SECTION;

19 (III) THE DEPARTMENT OF REGULATORY AGENCIES SHALL SUBMIT  
20 REPORTS AND SUPPORTING MATERIALS REQUESTED PURSUANT TO  
21 SUBSECTION (3) OF THIS SECTION BY OCTOBER 1, 2022; AND

22 (IV) HEARINGS AS SET FORTH IN SUBSECTION (4) OF THIS SECTION  
23 MUST BE HELD ON OR AFTER AUGUST 1, 2022, AND PRIOR TO THE  
24 CONVENING OF THE 2023 REGULAR SESSION OF THE GENERAL ASSEMBLY.

25 (b) THIS SUBSECTION (5.5) IS REPEALED, EFFECTIVE SEPTEMBER 1,  
26 2023.

27 (6) (b) If, pursuant to ~~paragraph (b) or (c) of subsection (3)~~

1       SUBSECTION (3)(b) OR (3)(c) of this section, the COMMITTEE DECLINES TO  
2       REQUIRE THE department of regulatory agencies ~~declines~~ to conduct an  
3       analysis and evaluation of the proposed regulation of a professional or  
4       occupational group and reissues a prior report on the proposed regulation  
5       of the same professional or occupational group or finds that the  
6       unregulated professional or occupational group poses an imminent threat  
7       to public health, safety, or welfare, as confirmed by the legislative council  
8       of the general assembly, the supporters of the regulation of the  
9       professional or occupational group may request that members of the  
10      general assembly present appropriate legislation to the general assembly  
11      during each of the next two regular sessions that begin after the date the  
12      department reissues its original report on the proposed regulation or the  
13      date on which the legislative council notifies the department that it  
14      concurs in a finding of imminent threat pursuant to ~~paragraph (c) of~~  
15      ~~subsection (3)~~ SUBSECTION (3)(c) of this section, whichever is applicable.

16           **SECTION 6. Safety clause.** The general assembly hereby finds,  
17      determines, and declares that this act is necessary for the immediate  
18      preservation of the public peace, health, or safety.