

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

DRAFT
11.30.09

DRAFT

LLS NO. 10-0325.01 Thomas Morris

SUNSET BILL

Sunset Process - House Agriculture, Livestock, and Natural Resources
Committee

SHORT TITLE: "Sunset Licensing River Outfitters"

DEADLINES: Finalize by: 02/01/10 File by: 02/03/10

A BILL FOR AN ACT

101 CONCERNING THE CONTINUATION OF THE LICENSING OF RIVER
102 OUTFITTERS BY THE BOARD OF PARKS AND OUTDOOR
103 RECREATION, AND, IN CONNECTION THEREWITH, IMPLEMENTING
104 THE SUNSET REVIEW RECOMMENDATIONS OF THE DEPARTMENT
105 OF REGULATORY AGENCIES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Sunset Process - House Agriculture, Livestock, and Natural Resources Committee. The bill implements the sunset review recommendations of the department of regulatory agencies regarding

*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

river outfitters pursuant to the provisions of the sunset law. **Sections 1, 2, and 3** of the bill extend the river outfitting licensure program until September 1, 2019. **Section 4** creates a flat water guide qualification category, requires all guides to be trained in cardiopulmonary resuscitation, directs the board of parks and outdoor recreation to designate by rule certain river segments as flat water, and repeals the guide qualification exemption for designated faculty members of institutions of higher education in charge of water sport activity courses. **Section 5** specifies that it is a class 2 misdemeanor for a flat water guide, flat water trip leader, or flat water instructor to provide regulated services on waters that have not been designated as flat water. **Sections 6 and 7** broaden the definition of "advertise" in connection with the licensure requirement.

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

2 **Recommendation 1**

3 **SECTION 1. Repeal.** 24-34-104 (41.5), Colorado Revised
4 Statutes, is repealed as follows:

5 **24-34-104. General assembly review of regulatory agencies**
6 **and functions for termination, continuation, or reestablishment.**

7 ~~(41.5) The following agencies, functions, or both, shall terminate on~~
8 ~~October 1, 2010: The function of licensing of river outfitters through the~~
9 ~~board of parks and outdoor recreation and the division of parks and~~
10 ~~outdoor recreation in accordance with article 32 of title 33, C.R.S.~~

11 **SECTION 2.** 24-34-104 (50.5), Colorado Revised Statutes, is
12 amended to read:

13 **24-34-104. General assembly review of regulatory agencies**
14 **and functions for termination, continuation, or reestablishment.**

15 (50.5) The following agencies, functions, or both, shall terminate on
16 September 1, 2019:

17 (a) The Colorado public utilities commission, created by article 2
18 of title 40, C.R.S.

1 (b) THE FUNCTION OF LICENSING RIVER OUTFITTERS THROUGH THE
2 BOARD OF PARKS AND OUTDOOR RECREATION AND THE DIVISION OF PARKS
3 AND OUTDOOR RECREATION IN ACCORDANCE WITH ARTICLE 32 OF TITLE
4 33, C.R.S.

5 **SECTION 3.** 33-32-112, Colorado Revised Statutes, is amended
6 to read:

7 **33-32-112. Repeal of article.** This article is ~~repealed, effective~~
8 ~~October 1, 2010~~ AND the licensing function of the division ~~shall also~~
9 ~~terminate on October 1, 2010~~ ARE REPEALED, EFFECTIVE SEPTEMBER 1,
10 2019. Prior to such termination, the licensing function shall be reviewed
11 as provided for in section 24-34-104, C.R.S.

12 **Recommendations 2 through 4 and 6**

13 **SECTION 4.** 33-32-105.5, Colorado Revised Statutes, is
14 amended to read:

15 **33-32-105.5. Minimum qualifications of guides, trip leaders,**
16 **and guide instructors.** (1) ~~Except as provided in subsection (2) of this~~
17 ~~section,~~ Individuals providing the services of guides, trip leaders, or guide
18 instructors shall have the following minimum qualifications and such
19 additional qualifications as the board may establish by ~~regulation~~ RULE:

20 (a) Guides shall be eighteen years of age or older, ~~shall~~ possess a
21 valid standard first-aid card AND BE TRAINED IN CARDIOPULMONARY
22 RESUSCITATION, and ~~shall~~ have had fifty hours of training on the river as
23 a guide from a qualified guide instructor.

24 (b) Trip leaders shall be eighteen years of age or older, ~~shall~~
25 possess a valid standard first-aid card, and ~~shall~~ have logged a total of at
26 least five hundred river miles WHILE ACTING as a qualified guide.

27 (c) Guide instructors shall be eighteen years of age or older, ~~shall~~

1 (1) "Advertise" or "advertisement" means any message in any
2 newspaper, magazine, leaflet, flyer, or catalog, on radio, television, or a
3 public address system, in direct mail literature or other printed material,
4 on any interior or exterior sign or display, in any window display, or in
5 any point-of-transaction literature which is delivered or made available
6 to any person including a customer or prospective customer in any
7 manner whatsoever and includes announcements or statements made in
8 a church, school, or other noncommercial setting PRINTED MATERIALS OR
9 ELECTRONIC MEDIA USED IN THE MARKETING AND MESSAGING OF RIVER
10 OUTFITTER OPERATIONS.

11 SECTION 7. 33-32-104 (1), Colorado Revised Statutes, is
12 amended to read:

13 **33-32-104. License required - fee.** (1) No person shall act in the
14 capacity of a paid river outfitter or advertise in any newspaper or
15 magazine or any other trade publication or represent himself OR HERSELF
16 as a river outfitter in this state without first obtaining a river outfitter's
17 license in accordance with rules and regulations prescribed by the board.

18 **SECTION 8. Act subject to petition - effective date -**
19 **applicability.** (1) This act shall take effect at 12:01 a.m. on the day
20 following the expiration of the ninety-day period after final adjournment
21 of the general assembly (August 11, 2010, if adjournment sine die is on
22 May 12, 2010); except that, if a referendum petition is filed pursuant to
23 section 1 (3) of article V of the state constitution against this act or an
24 item, section, or part of this act within such period, then the act, item,
25 section, or part shall not take effect unless approved by the people at the
26 general election to be held in November 2010 and shall take effect on the
27 date of the official declaration of the vote thereon by the governor. <{do

1 *you want a safety clause?}}*>

2 (2) The provisions of this act shall apply to conduct occurring on

3 or after the applicable effective date of this act.

