



FINAL
FISCAL NOTE

Drafting Number: LLS 12-0403

Date: June 12, 2012

Prime Sponsor(s): Rep. Holbert
Sen. Neville

Bill Status: Signed into Law

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TITLE: CONCERNING THE PROCEDURE FOR THE REVIEW OF A PROPOSAL TO REGULATE AN UNREGULATED PROFESSION OR OCCUPATION.

Summary of Legislation

This bill modifies the sunrise review process. A sunrise review examines whether or not there is a need to regulate a previously unregulated occupation or profession. Typically, a professional association requests that a sunrise review be undertaken.

Beginning in FY 2012-13, the bill establishes a new sunrise review cycle under which a proposal to regulate a profession must be submitted to the Department of Regulatory Agencies (DORA) by December 1 in order for the DORA to review and issue a report by October 15 of the following year. The DORA may decline to review a proposal only when it has previously evaluated a proposal to regulate the same professional group, issued a report less than 36 months earlier, and finds that its conclusions would be the same as those in the initial report.

If the DORA receives a proposal to regulate a professional or occupational group and verifies that the unregulated group poses an imminent threat to public health, safety, or welfare, the DORA must notify both the proponents of regulation and the Legislative Council. Within 30 days of the notification, the Legislative Council must conduct a hearing to examine the documentation provided by the DORA. If the committee concurs with the DORA's assessment that the unregulated group does pose an imminent threat, the DORA is not required to complete the sunrise review.

If the DORA reissues a previous report, or finds that the unregulated profession poses an imminent threat, supporters of regulation may request that the General Assembly propose legislation during each of the next two legislative sessions. The bill applies to any sunrise proposal submitted on or after July 1, 2012. The bill was signed into law by the Governor and took effect March 15, 2012.

Assessment

This bill is assessed as having no fiscal impact. It is not anticipated to significantly change the number of sunrise reviews conducted by the Office of Policy, Research, and Regulatory Reform in the DORA. The bill merely sets deadlines for the application and review of professional occupations, limits the reasons why the DORA may decline to conduct a sunrise review, and limits the timing of regulatory bills that may be considered during a legislative session.

Legislative Council is a committee of reference of the General Assembly and traditionally convenes once each quarter. The committee may also meet during the legislative session, as needed. If the committee is convened to consider sunrise proposals during a legislative session, or at one of its regularly scheduled meetings, there is no additional cost. This fiscal note assumes that proposals for a sunrise review referred to Legislative Council will be accommodated within the committee's established schedule. If the proposal cannot be considered at a regularly scheduled meeting and the committee must convene during the interim, there will be additional costs for member *per diem* and reimbursement for expenses; however, this fiscal note assumes that extra meetings will be rare, and no additional appropriation for the legislative branch is required.

Departments Contacted

Law

Legislative Council

Regulatory Agencies