

HOUSE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

January 27, 2011

Date

Committee on Economic and Business Development.

After consideration on the merits, the Committee recommends the following:

HB11-1044 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, page 3, line 6, strike "JANUARY" and substitute  
2 "JULY".

3 Page 4, line 17, after "(b)" insert "OR (c)".

4 Page 4, line 20, strike "JANUARY" and substitute "JULY".

5 Page 4, line 27, strike "JANUARY" and substitute "JULY".

6 Page 5, line 7, strike "TWENTY-SIX" and substitute "THIRTY-SIX".

7 Page 5, strike lines 24 through 27.

8 Page 6, strike lines 1 through 3 and substitute:

9 "(c) If the department receives a proposal to regulate a  
10 professional or occupational group indicating, based on documentation  
11 verified by the department, that the unregulated professional or  
12 occupational group poses an imminent threat to public health, safety, or  
13 welfare, the department shall promptly notify the proponents of the  
14 proposed regulation and the LEGISLATIVE COUNCIL OF THE general  
15 assembly of the imminent threat ~~and shall recommend that the~~  
16 ~~professional or occupational group be regulated by the state~~ AND SHALL  
17 SUBMIT TO THE LEGISLATIVE COUNCIL THE DOCUMENTATION ON WHICH IT

1 BASES ITS FINDING OF IMMINENT THREAT. WITHIN THIRTY DAYS AFTER  
2 RECEIPT OF THE NOTICE AND DOCUMENTATION FROM THE DEPARTMENT,  
3 THE LEGISLATIVE COUNCIL SHALL CONDUCT A HEARING TO EXAMINE THE  
4 DOCUMENTATION AND DETERMINE WHETHER IT CONCURS WITH THE  
5 DEPARTMENT'S FINDING THAT AN IMMINENT THREAT EXISTS. IN  
6 CONDUCTING ITS EXAMINATION, THE LEGISLATIVE COUNCIL SHALL  
7 CONSIDER WHETHER REGULATION OF THE PROFESSIONAL OR  
8 OCCUPATIONAL GROUP WITHOUT FIRST OBTAINING AN ANALYSIS AND  
9 EVALUATION PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (3) WILL  
10 SUBSTANTIALLY ALTER THE IMPACT ON PUBLIC HEALTH, SAFETY, OR  
11 WELFARE. THE DEPARTMENT MAY FOREGO THE ANALYSIS AND  
12 EVALUATION ONLY IF THE LEGISLATIVE COUNCIL NOTIFIES THE  
13 DEPARTMENT THAT THE LEGISLATIVE COUNCIL CONCURS WITH THE  
14 DEPARTMENT'S FINDING OF IMMINENT THREAT TO PUBLIC HEALTH, SAFETY,  
15 OR WELFARE."

16 Page 6, line 14, strike "CONSIDER THE REGULATION OF" and substitute  
17 "ENACT LEGISLATION PROPOSING TO REGULATE".

18 Page 6, line 15, strike "FIVE NEW" and substitute "THREE PREVIOUSLY  
19 UNREGULATED".

20 Page 6, line 17, strike "~~or (c)~~" and substitute "or (c)".

21 Page 6, strike lines 20 through 23 and substitute "occupational group AND  
22 REISSUES A PRIOR REPORT ON THE PROPOSED REGULATION OF THE SAME  
23 PROFESSIONAL OR OCCUPATIONAL GROUP, or finds that the unregulated  
24 professional or occupational group poses an imminent threat to public  
25 health, safety, or welfare, AS CONFIRMED BY THE LEGISLATIVE COUNCIL OF  
26 THE GENERAL ASSEMBLY, the supporters of the".

27 Page 7, line 1, strike "regulation." and substitute "regulation".

28 Page 7, line 5, strike "~~session.~~" and substitute "~~session~~ OR THE DATE ON  
29 WHICH THE LEGISLATIVE COUNCIL NOTIFIES THE DEPARTMENT THAT IT  
30 CONCURS IN A FINDING OF IMMINENT THREAT PURSUANT TO PARAGRAPH  
31 (c) OF SUBSECTION (3) OF THIS SECTION."

32 Page 7, line 8, strike "January" and substitute "July".

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