



**FINAL  
FISCAL NOTE**

---

**Drafting Number:** LLS 11-0258  
**Prime Sponsor(s):** Rep. Holbert  
Sen. Renfroe

**Date:** May 24, 2011  
**Bill Status:** Postponed Indefinitely  
**Fiscal Analyst:** Josh Abram (303-866-3561)

---

**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 2011-12, 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 already reviewed the same proposal, 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 department must notify 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.

The bill limits to three the number of bills that the General Assembly may enact during a legislative session to regulate a previously unregulated profession or occupation. If a sunrise report is issued or reissued during a legislative session, proponents of regulatory legislation cannot request that the General Assembly consider legislation during that same session. Instead, proponents must wait until one of the following two legislative sessions to request legislation. The bill was postponed indefinitely by the Senate Judiciary Committee on February 28, 2011.

### **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 at the DORA. The bill merely sets deadlines for application and review of professional occupations, limits the reasons why the DORA may decline to conduct a sunrise review, and limits the number and timing of regulatory bills that may be considered during a legislative session.

Legislative Council is a committee of reference of the General Assembly and is convened as needed during a legislative session. The committee must meet at least four times each year, and has traditionally convened once each quarter. If the committee is convened to consider sunrise proposals while the General Assembly is in session, there is no additional cost. This fiscal note assumes that proposals for a sunrise review that are referred to Legislative Council will be accommodated within the committee's established schedule. If the committee must be convened during an interim and due to the timing of the proposal, cannot consider the proposal at a regularly scheduled meeting, 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

Regulatory Agencies