

# Colorado's Sunrise & Sunset Processes



**COLORADO**  
Department of  
Regulatory Agencies

Colorado Office of Policy, Research &  
Regulatory Reform

# Colorado Office of Policy, Research & Regulatory Reform

*Brian Tobias, Director, COPRRR*



## Hello!

Wisconsin Legislative Council Study  
Committee on Occupational Licenses  
September 27, 2022



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# Disclaimer

*The views and opinions expressed in this presentation are those of the presenter only and do not necessarily reflect the views and opinions of the Colorado Office of Policy, Research and Regulatory Reform; the Colorado Department of Regulatory Agencies or the State of Colorado.*



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# Colorado's Principal Departments

- Law
- State
- Treasury
- Agriculture
- Corrections
- Early Childhood
- Education
- Health -care Policy & Financing
- Higher Education
- Human Services
- Labor & Employment
- Local Affairs
- Military & Veterans Affairs
- Natural Resources
- Personnel & Administration
- Public Health & Environment
- Public Safety
- Regulatory Agencies
- Revenue
- Transportation



# Department of Regulatory Agencies

- Banking
- Civil Rights
- Conservation
- Financial Services
- Insurance
- Office of the Utility Consumer Advocate
- Professions and Occupations
- Public Utilities Commission
- Real Estate
- Securities
- Colorado Office of Policy, Research & Regulatory Reform

# Colorado Office of Policy, Research & Regulatory Reform

- Sunset Reviews – Title 2 and Title 24
- Sunrise Reviews
- Reviews of Proposals for Mandatory Continuing Education
- Regulatory Notice and Cost-Benefit Analysis Program

# Title 24 Sunset Reviews

*Section 24 -34-104, C.R.S.*



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# Sunset: What it Means

## Statutory Trigger

This article is repealed effective September 1, 2026. Prior to such repeal, it shall be reviewed in accordance with section 24-34-104.

## Effect of Trigger

Affirmative legislative action required to continue the statute.

## Wind Up

Program will cease to exist on September 1, 2027.



# 14 Statutory Criteria

*Is the program necessary to protect the public and if it is, does it represent the least restrictive form of government consistent with the public interest?*



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# 14 Statutory Criteria

- Agency efficiency & effectiveness
- Board efficiency, effectiveness & composition
- Economic impact of regulation
- Complaint, investigations and disciplinary procedures & data
- Entry requirements: collateral consequences; optimum use of personnel and equity, diversity and inclusivity



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# Title 24 Sunset Process

**Research**

**Writing**

**Legislative**

**Rulemaking**

Late Fall 2024  
Through  
Early Summer 2025

Early Summer 2025  
Through  
October 15, 2025

January 2026 Through  
May 2026

Summer 2026  
and Beyond



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# Research

- Data Collection
- Literature Review
- Colorado Statutes, Rules, etc.
- Statutes and Rules of other states
- Statutes and Rules of the U.S.
- Stakeholder Process



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# Stakeholder Process

- Trade, industry and professional associations
- Any individuals known to have an interest
- Federal, state & local officials
- Recognized experts
- Board members
- Consumers



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# Stakeholder Process

- The more diverse the input at the beginning, the better the public policy is at the end
- Very open, inclusive process
- No one ever has to wait for COPRRR to initiate contact

# Online Comments

[http://www.dora.state.co.us/pls/real/OPR\\_Review\\_Comments.Main](http://www.dora.state.co.us/pls/real/OPR_Review_Comments.Main)



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# Participate in the Process

[Home](#) > Participate

## How Does Regulatory Reform Impact You?

Regulation exists to protect consumers from unqualified and dishonest practitioners. While this is an important function of the government, it's also important that regulations do not create unnecessary "barriers to entry," where people may need certification, registration or hard-to-obtain licensing to enter an occupation or profession. Barriers to entry affects the state economy and can limit employment opportunities for individuals. Through regulatory reviews, COPRRR exists to keep that system in balance. Public input and participation is vital to help us identify problems and solutions to regulatory issues. There are a few ways you can get involved in regulatory reform.

### Understand the Process

First, get familiar with the [regulatory review process](#), search [proposed rules](#), [file a rule](#), or attend a [rulemaking hearing](#). See our [Citizen's Guide to Colorado Rulemaking](#).



Find a Review

### Comment on a Review

Second, tell us what you think. You can provide comments on an existing review at any time. Check out the [review schedule](#).



Provide Input

### Stay Up-to-Date

Finally, sign up to receive email alerts whenever a draft proposed rule or amendment to an existing rule is submitted for review.



Get Notified



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# Writing

## Report Format

- Background
- Statutory Recommendations
- Administrative Recommendations

## Previous Reports

Take a look:

<https://coprrr.colorado.gov/archive-of-reviews>



# Legislative Process

- Automatic draft legislation
- Draft bill must reflect sunset report
- Bills begin in the House in even -numbered years and the in the Senate in odd-numbered years

# Legislative Process

## The Sunset Hearing

- Typically occur within first four to six weeks of legislative session
- COPRRR presents report and draft bill to committee of reference
- Committee will take public testimony
- Committee may/may not
- COPRRR's goal: bill introduction
- Introduced bill will return to the same committee for first official hearing, and more public testimony



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# Title 2 Sunset Reviews

*Section 2-3-1203, C.R.S.*



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# Sunset: What it Means

## Statutory Trigger

This section is repealed effective September 1, 2026. Prior to such repeal, it shall be reviewed in accordance with section 2-3-1203.

## Effect of Trigger

Affirmative legislative action required to continue the advisory committee.



# Title 2 Sunset Process



Information from  
past two fiscal years  
due on July 1, 2025

Minimal stakeholder  
outreach: July 1 – mid  
August, 2025

Mid August through  
October 15, 2025

January 2026 through  
May 2026



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# Mandatory Data Submissions

- Members of the advisory committee
- Revenues & expenditures
- Advisory committee meeting dates and members in attendance
- Advisory committee proposals and their status
- Reasons why the advisory committee should continue or sunset



# No Statutory Criteria

- Why was the advisory committee created?
- Has the advisory committee completed what it was created to do?
- Is there anything left for the advisory committee to work on going forward?

# Online Comments

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# Writing

## Report Format

- Background
- Statutory Recommendation to Continue or Sunset

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# Sunrise Reviews

*Section 24 -34-104.1, C.R.S.*



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# Sunrise Reviews - The Basics

- Citizen -initiated process
- Anyone seeking to regulate a currently unregulated *profession or occupation* must file a sunrise application
- Two review cycles:
  - Applications submitted between January 1 and June 30 receive a report by December 31
  - Applications submitted between July 1 and December 31 receive a report by June 30
- Grounds to decline to conduct a review:
  - Fewer than 250 practitioners
  - At least 33 other states regulate
  - Imminent threat to public safety
  - COPRRR released report on same profession within previous 3 years
- Five Statutory Criteria



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# 5 Statutory Criteria

- Is the public being harmed absent regulation?
- Is competency the issue?
- To what degree does the profession or occupation exercise independent judgment?
- What are the alternatives?
- Collateral consequences

# Sunrise Process Review

## Same process as sunset

- Research, including stakeholder engagement
- Recommendation to regulate or not regulate is made to the General Assembly
- Applicant may seek legislation in the two sessions immediately following publication
- Applicant may pursue legislation regardless of COPRRR's recommendation



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# Questions?

Thank you!

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