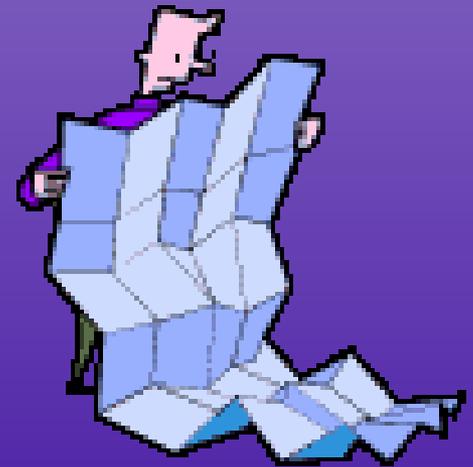


# Legislative Options: Sunrise Review Process

Business and Labor Interim Committee  
July 2006

# Today's Discussion

- Background
- Review of Other States
- Legislative Options
- Direction from the Committee



# Background

# Current Sunrise Process

## • Occupation or Profession

“Representatives of occupations or professions who desire to have their occupation or profession licensed or regulated by the state **may**, *prior to the introduction of any proposed legislation*, submit an application for sunrise review to the [OLRGC] in a form approved by the committee.”

## • Occupational and Professional Licensure Review Committee (OPLR) **“shall”**

“receive applications ... seeking legislation to license or regulate ...”

“hold public hearings to review applications ... and to determine ... if the profession or occupation should be licensed or regulated ...”

“submit a written report to the speaker ... and the president of all findings and recommendations made by the committee ....”

# June's B&L Discussion

- OPLR's value

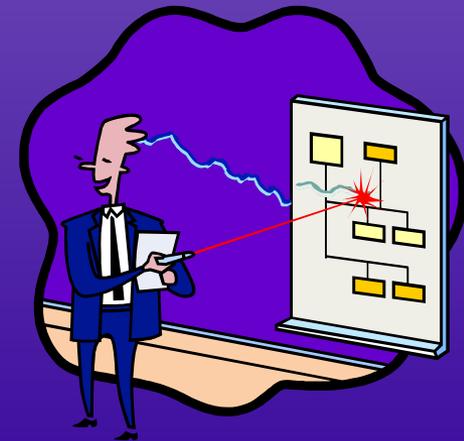
OPLR review discussed (but not review by other entities)

- Make OPLR review more meaningful

Spectrum of options examined

- Variety of issues raised

Legislative options include both rules and statutes



# Examples of Basic Issues

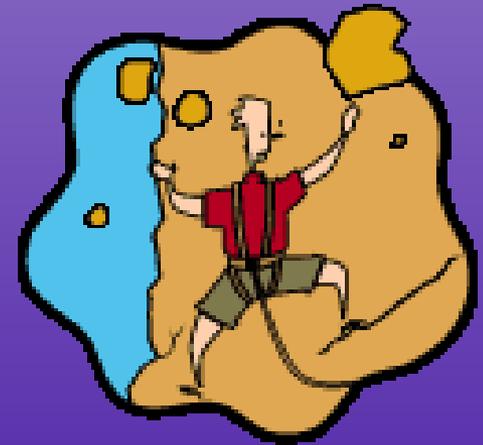
- Legal/Policy Issues

*E.g.*, Legislator's "right" to introduce legislation?  
Citizens' "right" to access the Legislature?

- Apply to Which Legislation

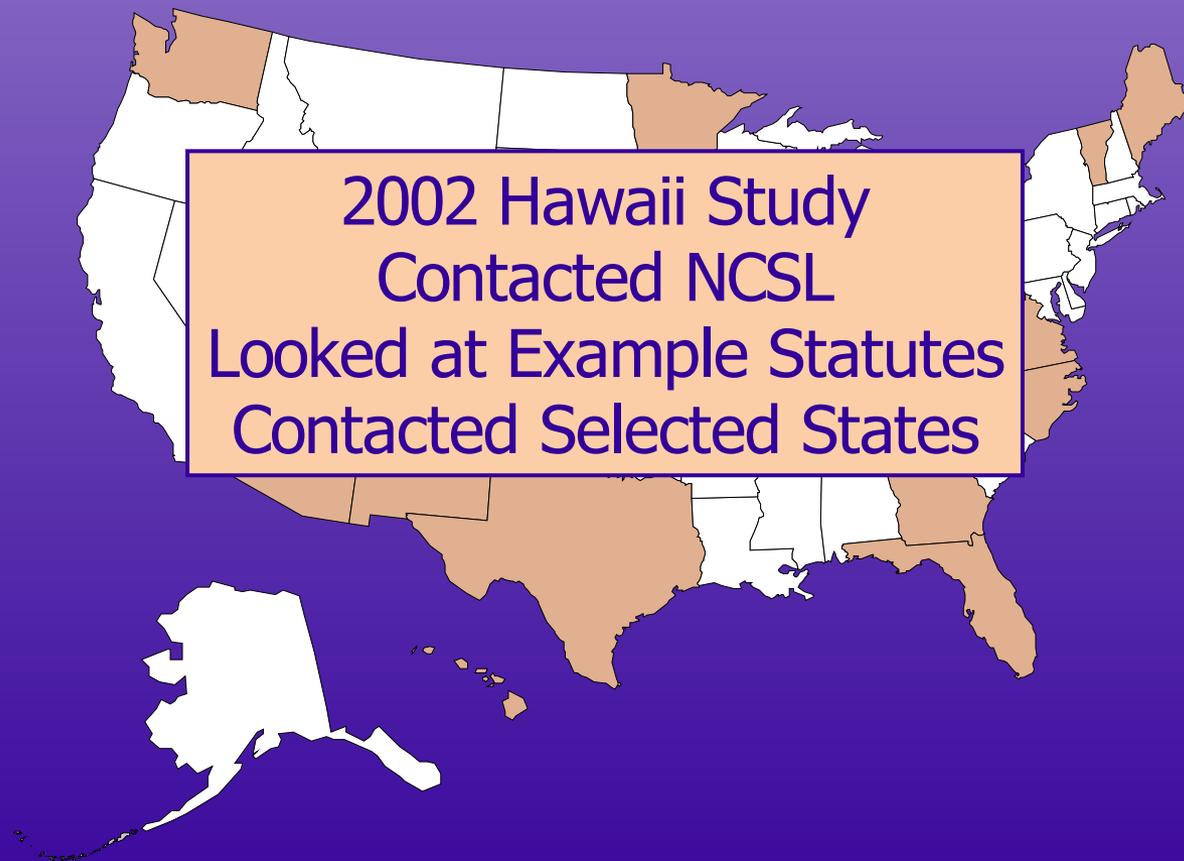
*E.g.*, New Licensing Act  
New Board  
New Licensing Class w/in Existing Act  
Broader Definition of Existing Licensing Class  
Change of Regulation Type (*e.g.*, license v. registration)  
Others

- Relationship to Legislative Process



# Other States

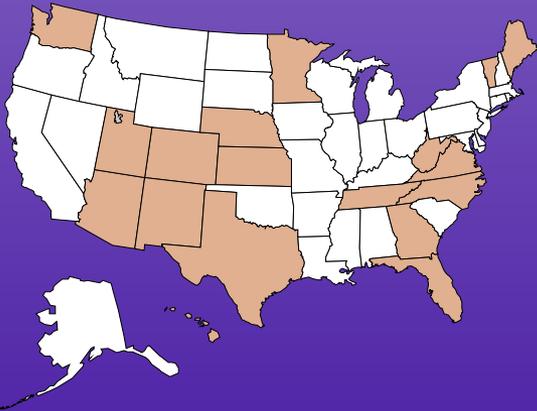
# States With Sunrise Process



# States With Sunrise Process

## Basics:

Sunrise Statutes as of June 2002  
Source: [www.hawaii.gov/lrb](http://www.hawaii.gov/lrb) (visited 6/20/2006)

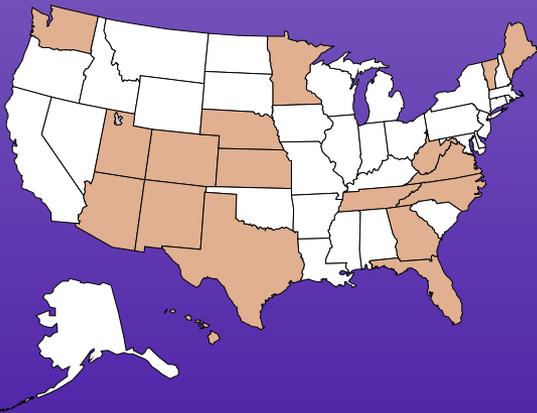


- **At least 19 states**  
Sunrise statutes as of 6/2002
- **Review of proposed regulation**  
Before/After/Not tied to introduction of bill  
Other issues
- **Limiting legislative power?**  
No successful challenge found  
Some states provide that review requirement does not limit right to introduce bill and/or legislature's right to act
- **Statute v. practice**

# States With Sunrise Process

## Examples:

Sunrise Statutes as of June 2002  
Source: [www.hawaii.gov/lrb](http://www.hawaii.gov/lrb) (visited 6/20/2006)



**AZ:** submission by applicant on/before Sept. 1 before session for which bill is proposed

**CO:** redo steps if bill proposed more than 2 regular sessions immediately after report

**GA:** council reviews bills introduced after referral by standing committee chair

**HI:** bill considered for enactment referred to auditor by concurrent resolution

**ME:** joint standing committee that considers bill conducts review

**MN:** within 15 days of introduction of bill, proponents to submit report to chairs of standing committees

**NC:** bill not eligible for consideration in committee/on floor until assessment report issued

# States With Sunrise Process

## Examples:

**AZ:** submission by applicant on/before Sept. 1 before session for which bill is proposed

**CO:** redo steps if bill proposed more than 2 regular

session times without financial review

**CA:** bill must be referred by

legislature to auditor

**ME:** joint standing committee that considers bill conducts review

**MN:** within 15 days of introduction of bill, proponents to submit report to chairs of standing committees

**NC:** bill not eligible for consideration in committee/on floor until assessment report issued

Statutory requirements listed.  
Informal practice often differs.



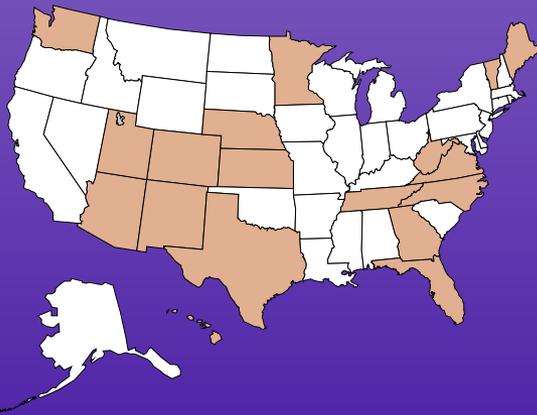
Sunrise Statutes as of June 2002  
Source: [www.hawaii.gov/lrb](http://www.hawaii.gov/lrb) (visited 6/20/2006)

# States With Sunrise Process

## Examples:

## OTHER ISSUES:

Sunrise Statutes as of June 2002  
Source: [www.hawaii.gov/lrb](http://www.hawaii.gov/lrb) (visited 6/20/2006)



Only specific types of professions

Definition of "applicant"

Review when no "applicant"

Who conducts review/to whom review reported

Additional requirements

Limit number of new regulation bills in session

Effect of amendments or substitutions

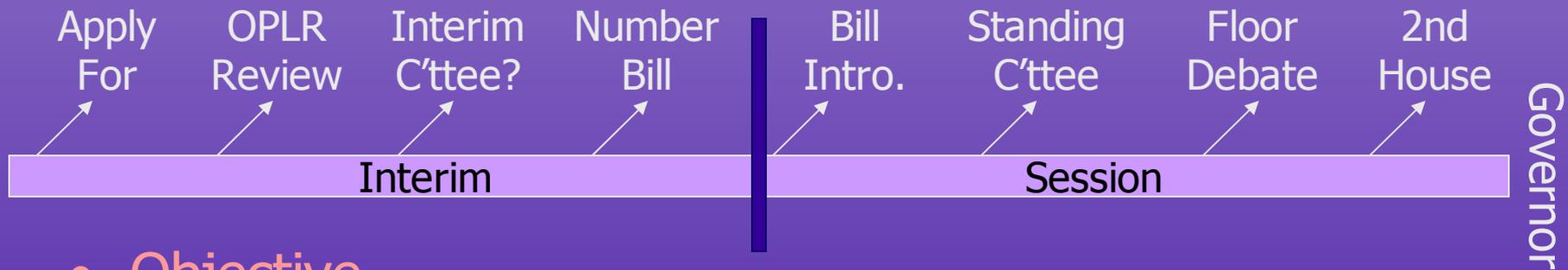
Timing over multiple session

Effect of unfavorable recommendation

Others

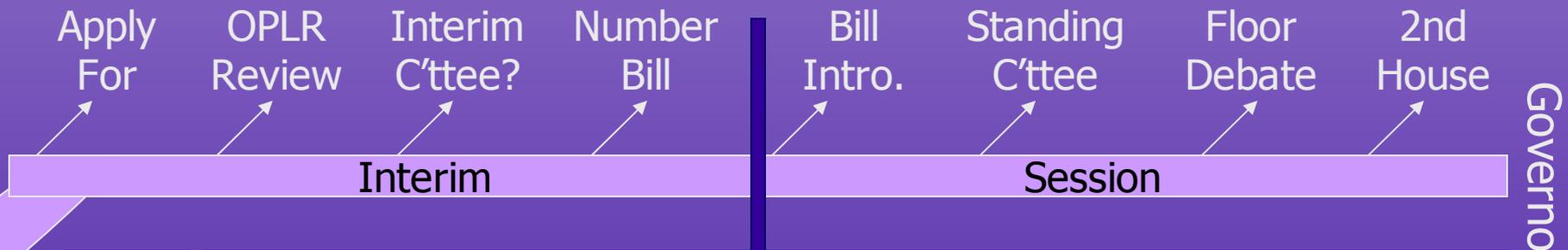
# **Legislative Options**

# Legislative Options



- **Objective**  
*E.g.,* require review v. notice if review occurred
- **Timing**  
*E.g.,* require interim study v. review in session
- **Who Decides Application of Process**  
*E.g.,* legislative review note v. legislative committee action
- **Combination of Options**

# Legislative Options

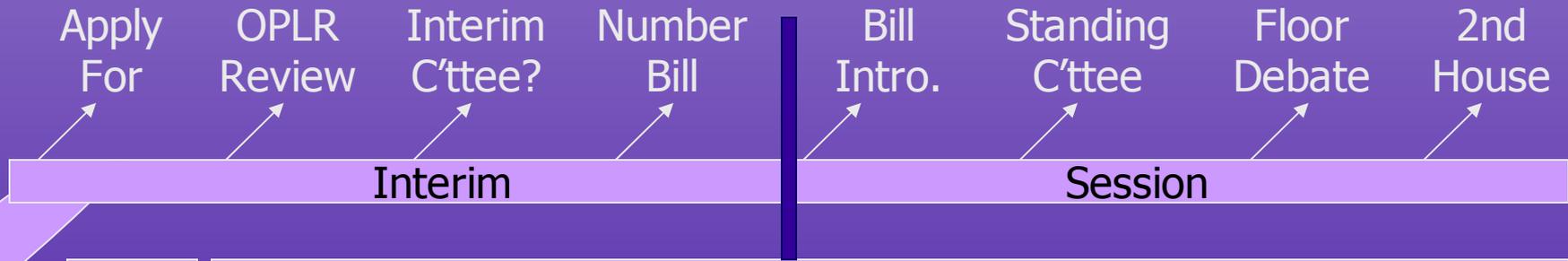


## Repeal Sunrise Process/OPLR

If process not consistently used, may raise concerns  
Substantive interim/standing c'ttee can review  
Retain portions of process such as criteria?  
If not coupled with other steps, may not meet goal  
Others

CHANGE STATUTE

# Legislative Options



CHANGE STATUTE

## Require Person Seeking Regulation to Apply

Places responsibility on those seeking regulation

Definition of applicant may need to be broader

Is \$500 fee a barrier?

If not coupled with other steps, may not meet goal

Others

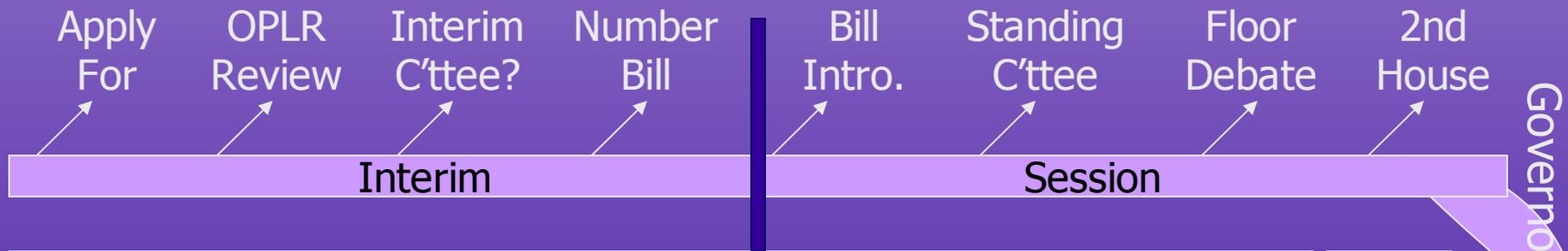








# Legislative Options



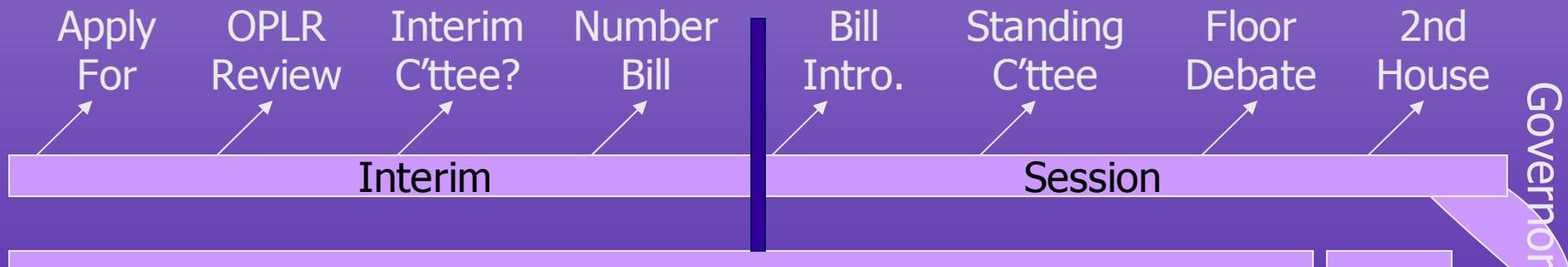
## Authorize Rules C'ttee to Request Review

If not previously reviewed, allows for limited review  
Legislative c'ttee determines which bills  
Less thorough review than in interim  
Who is in possession of the bill?  
May delay bill  
If not coupled with other steps, may not meet goal  
Others

CHANGE STATUTE/RULES



# Legislative Options



## Have Circle Notify Floor of Review

Greater notice to legislators

What if only application reviewed?

What if reviewed in previous year?

What if no review (who decides if notification required)?

Contents?

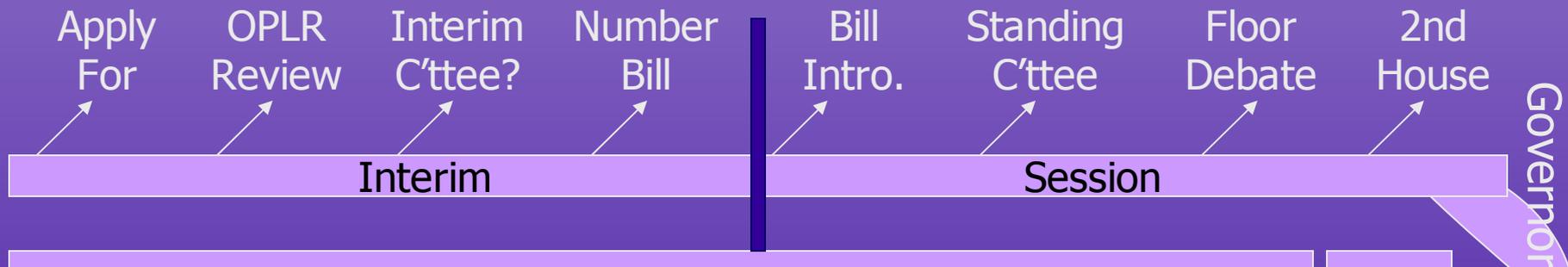
If not coupled with other steps, may not meet goal

Others

CHANGE RULE



# Legislative Options

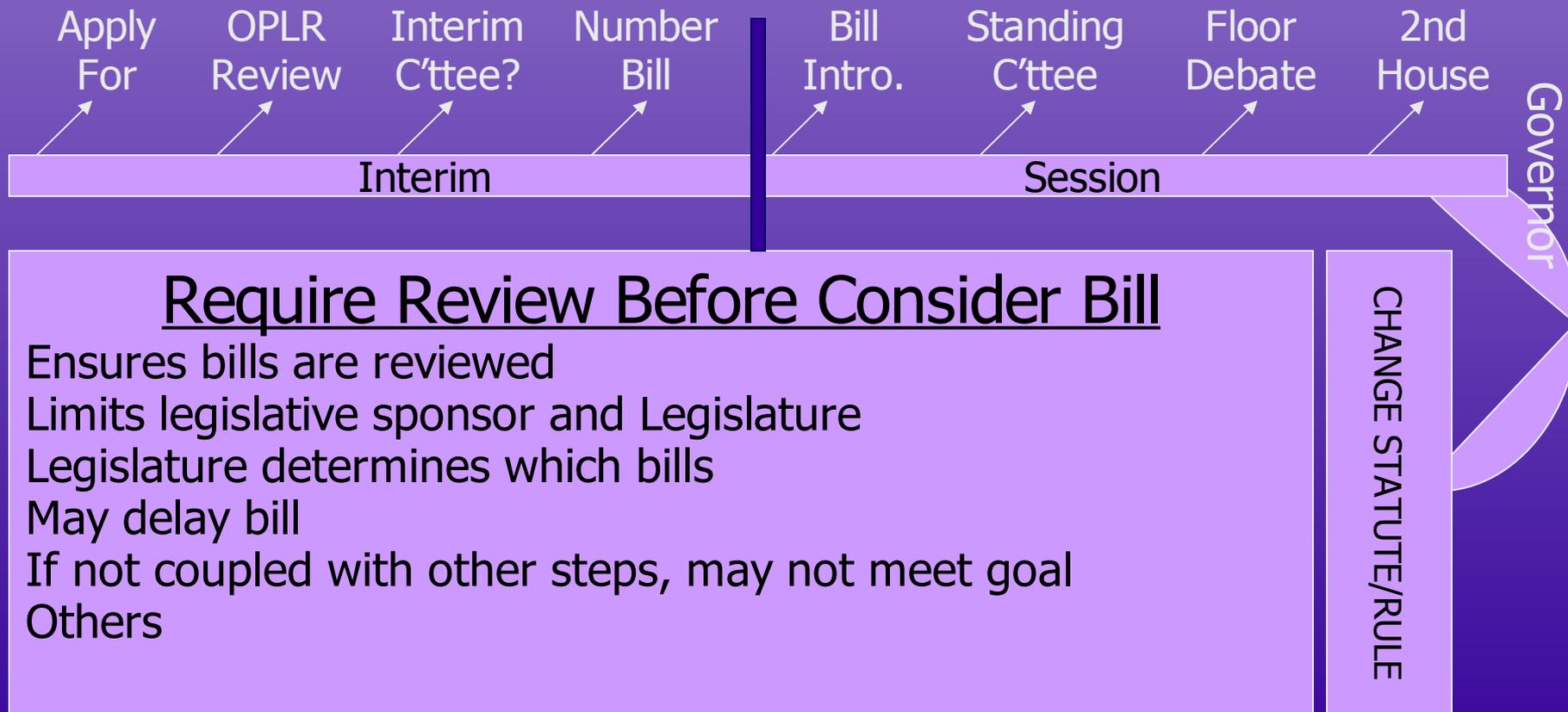


## Authorize Floor Motion to Refer Bill

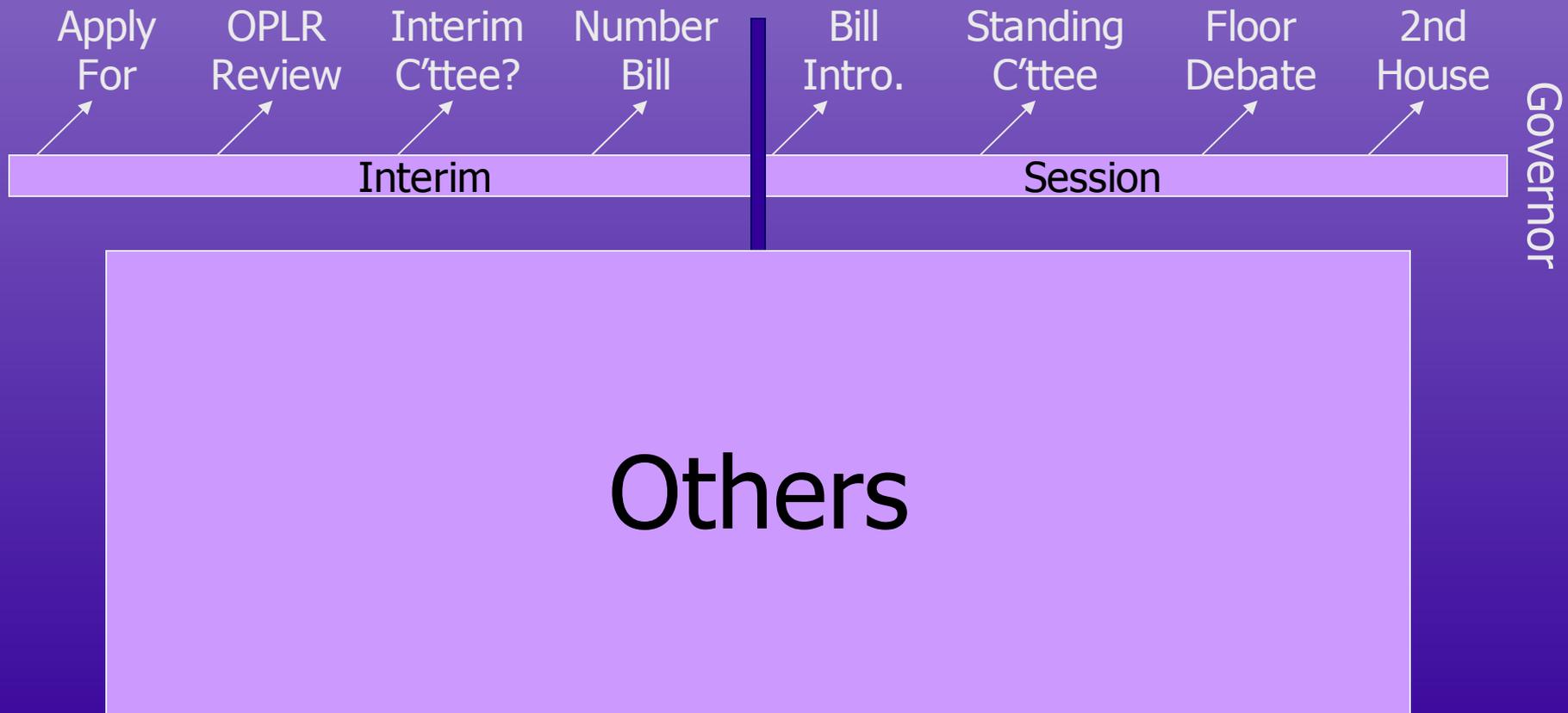
If not previously reviewed, allows for limited review  
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Who is in possession of the bill?  
May delay bill  
If not coupled with other steps, may not meet goal  
Others

CHANGE STATUTE/RULE

# Legislative Options



# Legislative Options



# Legislative Options

## Additional Statutory Issues Related to OPLR

What Rules Apply to OPLR Process

Issues with Mixed Membership

Public Hearing Requirement

Sunset Reviews

Others



# **Committee Directions**

# Committee Directions

- Request Legislation to be Drafted

One or a Combination of Options  
Address Statutory Issues with OPLR

- Letter to Presiding Officers/LCM

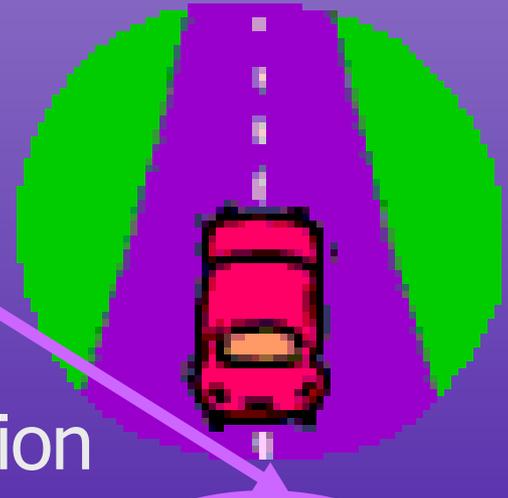
- Coordinate with OPLR on Further Action

- Additional Study/Input

- No Action at this Time

- Others

Statute/Rules v. Practice



EXAMPLE

Require Apply  
Require OPLR Review  
Reported to Floor  
Allow Floor Motion