

# About Rulemaking and Regulatory Reform in Colorado



**COLORADO**

**Department of  
Regulatory Agencies**

Executive Director's Office

# Department of Regulatory Agencies

The Colorado Department of Regulatory Agencies (DORA) is the state's umbrella regulatory agency, charged with managing licensing and registration for multiple professions and businesses, implementing balanced regulation for Colorado industries, and protecting consumers.



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# Department of Regulatory Agencies

- **725 FTE**
- **\$144.8 M Budget (FY 24 - 25)**
- **More than 50 Boards, Commissions and Advisory Committees**
- **50+ Regulatory programs**
- **1,180,938 individual licensees**
- **82,063 regulated business and institutions**



# What DORA Regulates

## Financial Services and Insurance

Accounting Firms	Money Transmitters
Broker-Dealer Firms	Mortgage Broker-Dealers
Broker-Dealer Sales Representatives	Mortgage Loan Originators
Certified Public Accountants	State-Chartered Commercial Banks
Insurance Agents/Brokers	State-Chartered Credit Unions
Insurance Companies	State-Chartered Savings & Loans
Investment Adviser Firms	
Investment Adviser Representatives	

## Real Estate, Transportation and Infrastructure

Appraisers	Non-consensual Towing
Architects	Off-road Charters
Children's Activity and Charter Buses, Limousines	Moving Companies
Electricians	Passenger Tramways
Engineers	Plumbers
Homeowners Associations	Public Highway Railroad Crossings
Investor-owned electric gas, steam and water	Rail Fixed Guideway (RFG)
Land Surveyors	Real Estate Brokers
Landscape Architects	Shuttles
	Some telecommunications services
	Taxis
	Transportation Network Companies

## Healthcare, Wellness and Beauty

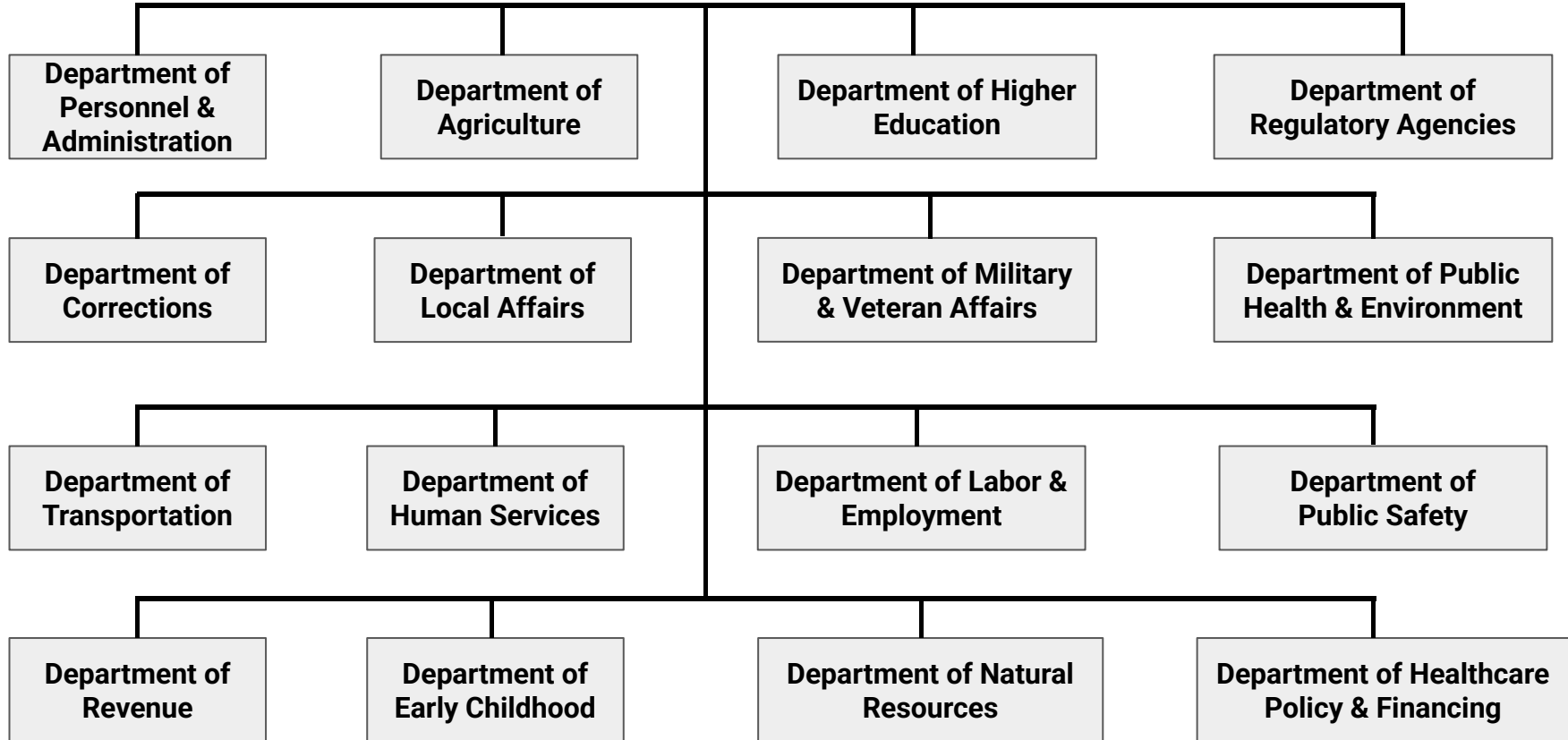
Acupuncturists	Nurses
Addiction Counselors	Nursing Home Administrators
Athletic Trainers	Occupational Therapists
Audiologists	Optometrists
Barber/Cosmetology Shops Cosmetologists	Pharmacies
Barbers	Pharmacists
Chiropractors	Physical Therapy
Dental Hygienists	Physician Assistants
Dentists	Physicians (all types)
Direct-entry Midwives	Professional Counselors
Estheticians	Psychiatric Technicians
Hair Stylists	Psychologists
Hearing Aid Providers	Respiratory Therapists
Marriage and Family Therapists	Social Workers
Massage Therapists	Speech Language Pathologists
Nail Technicians	Surgical Assistants/Surgical Technologists
Natural Medicine Facilitators	Veterinarians
Naturopathic Doctors	

## Other

Bail Bonds/Bail Bonds Agents	Non Transplant Tissue Bank
Boxing	Radon Professionals
Funeral Homes, Crematories	
Outfitters	

# State of Colorado

**Governor Jared Polis**



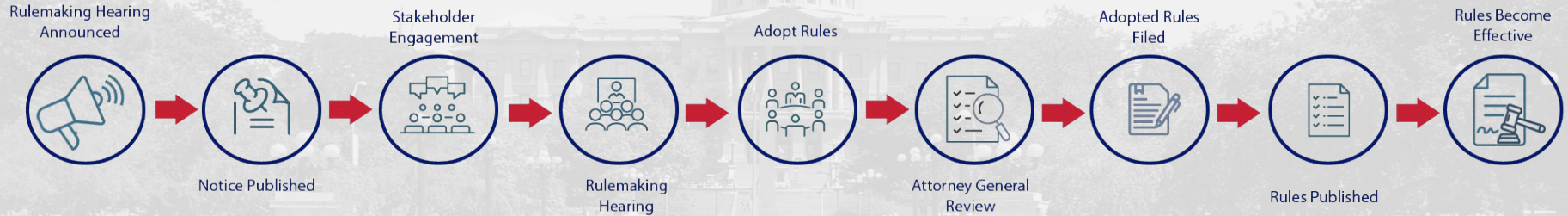
# What Begins the Rulemaking Process

- Legislative changes
- Federal changes
- Routine Rule Review (required pursuant to Mandatory Rule Review)
- A need to correct / clarify existing rules





# Rulemaking



- Rulemaking is the formal process followed by state agencies to clarify, refine and operationalize the broad policy statutes passed by the Colorado General Assembly or Congress, or to implement federal agency regulations.
- Not all agencies have rulemaking authority.
- [Learn more about rulemaking.](#)



# How to get involved

- Attend agency's stakeholder meetings.
- You can find each agency's rules review schedule, as well as their detailed process for citizen involvement in rulemaking, and annual departmental regulatory agenda, on the Secretary of State website.
- During the agency rulemaking hearings, give input on a specific rule.
- [Sign up for notifications about upcoming DORA rulemakings](#) on our website.





# Questions for Discussion around Engagement

- Do you have any recommendations for better ways to collect public feedback throughout the process?
- Do you have any suggestions around raising public awareness of these processes?



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# Sunset Reviews

- The General Assembly sets dates that a particular agency, board, or function of government will terminate unless the legislature passes new legislation to continue, also known as a sunset.
- The Colorado Office of Policy, Research and Regulatory Reform (COPRRR) determines if an agency's statute and rules adequately protect the public without imposing undue burdens on the regulated community.
- COPRRR collects stakeholder feedback to learn about any issues, concerns or ideas related to each program or board.
- Provide feedback at <https://coprrr.colorado.gov/reviews-in-progress>
- [Sign up for notifications for Sunset Reviews in Process](#)
- COPRRR will make recommendations to the General Assembly about each sunset.



# Some of criteria of sunset review include:

- Whether regulation or program administration is necessary to protect the public health, safety, and welfare;
- Whether the conditions have changed and whether other conditions have arisen that would warrant more, less, or the same degree of governmental oversight;
- Whether the least restrictive form of governmental oversight consistent with the public interest, considering other available regulatory mechanisms;
- Whether the agency operates in the public interest and whether its operation is impeded or enhanced by existing statutes, rules, procedures, and practices and any other circumstances, including budgetary, resource, and personnel matters;
- Whether the composition of the agency's board or commission adequately represents the public interest and whether the agency encourages public participation in its decisions rather than participation only by the people it regulates;
- Whether complaint, investigation, and disciplinary procedures adequately protect the public and whether final dispositions of complaints are in the public interest or self-serving to the profession or regulated entity;
- Whether administrative and statutory changes are necessary to improve agency operations to enhance the public interest.



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# Questions for Discussion

- What information does the GA need to know that affects the business climate as they consider these aspects of the legislation?
- If the criteria were changed, how would business best be considered in the review? (Economic impact, etc).
- What should the primary purpose be?
- Is the current criteria adequate? Where are the gaps?
- How do we expand stakeholder outreach around sunsets?





# Mandatory Rule Review

Each agency must regularly assess their current rules and consider the following:

- Is the rule necessary?
- Is there duplication with other state, federal or local government rules?
- Is it written in plain language?
- Did it do what it was supposed to do?
- Can it be amended to reduce regulatory burden?
- Was it implemented efficiently and effectively?
- Was a Cost-Benefit Analysis Performed?
- Is it adequate for safety, health and welfare?



# Questions for Discussion

- What should the primary purpose be for Mandatory Rule Review?
- Is the current process adequate?
- Where are the gaps?
- How do we expand stakeholder outreach around Mandatory Rule Review?



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# Questions?



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# Appendix A - Cost Benefit Analysis

Cost-Benefit and Regulatory Analysis are tools that are used to quantify the estimated impacts and benefits of proposed regulations.

For a general report on a rule and what its impact is, request a **Regulatory Analysis** directly from the rulemaking agency.

If you are seeking a more rigorous evaluation on the rule, request a **Cost-Benefit Analysis** from the Colorado Office of Research and Regulatory Reform (COPRRR) within DORA.

# Appendix A - Cost Benefit Analysis

## How to Request a CBA of a Rule:

### 1. File Request

- Sign up for DORA regulatory notices, which will include a link to request a CBA of new or amended rules. Request must be made within 5 days of publication in Register. Rulemaking agency is consulted.

### 2. Analysis Performed

- Rulemaking agency performs analysis of any or all proposed rules or amendments, completed at least 10 days prior to the hearing. Agency may postpone hearing to comply with requirement.

### 3. Analysis Publicized

- Posted on rulemaking agency and DORA's website

### 4. Receive Analysis

- Stakeholders who receive DORA's notices will receive notification of CBA completion with hearing information and contact to provide input directly to rulemaking agency.



# Appendix B - SMART Act

The State Measurement for Accountable, Responsive and Transparent (SMART) Government Act 2-7-200.1, et seq, C.R.S. requires departments to publish their Regulatory Agendas and to post on their respective site and on SOS site.

- Lists new rules or amendments that divisions expect to propose in next calendar year
- Statutory basis for the adoption
- Purpose of the proposed rule
- Contemplated schedule for the adoption
- Identify stakeholders who may be affected by the rules

SMART Act Hearing is scheduled in first two weeks of legislative session



# Appendix C - Engaging in the Process

The State Administrative Procedure Act ensures that the public has ample rights and opportunities to participate in agency rulemaking:

- Participate in stakeholder input meetings, § 24-4-103(2), C.R.S.
- Petition for a Declaratory Order, § 24-4-105(11), C.R.S.
- Receive notice of state agency rulemaking hearings, § 24-4-103(3)(a), C.R.S.
- Provide comments on new or amended rules requires hearing, § 24-4-103(4)(a), C.R.S.
- Petition a state agency to amend or repeal existing rules, § 24-4-103(7), C.R.S.
- Request a cost benefit analysis (CBA), § 24-4-103(2.5), C.R.S.
- Request a regulatory analysis of proposed rules, §24-4-103(4.5)
- Review an agency's record of rulemaking proceedings, § 24-4-103(8)(d), C.R.S.
- Request a judicial review of rules and proceedings, § 24-4-106(4), C.R.S.