

**First Regular Session
Seventieth General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 15-0208.01 Debbie Haskins x2045

SENATE BILL 15-100

SENATE SPONSORSHIP

Steadman, Guzman, Johnston

HOUSE SPONSORSHIP

Foote and McCann, Kagan

Senate Committees
Legal Services

House Committees
Legal Services

A BILL FOR AN ACT

101 **CONCERNING IMPLEMENTATION OF RECOMMENDATIONS OF THE**
102 **COMMITTEE ON LEGAL SERVICES IN CONNECTION WITH**
103 **LEGISLATIVE REVIEW OF RULES AND REGULATIONS OF STATE**
104 **AGENCIES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Committee on Legal Services. Based on the findings and recommendations of the committee on legal services, the bill extends all state agency rules and regulations that were adopted or amended on or

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

HOUSE
3rd Reading Unamended
April 27, 2015

HOUSE
2nd Reading Unamended
April 23, 2015

SENATE
3rd Reading Unamended
April 7, 2015

SENATE
Amended 2nd Reading
April 6, 2015

SENATE
2nd Reading Unamended
February 12, 2015

after November 1, 2013, and before November 1, 2014, with the exception of the rules and regulations specifically listed in the bill. Those specified rules and regulations will expire as scheduled in the "State Administrative Procedure Act" on May 15, 2015, on the grounds that the rules and regulations either conflict with statute or lack or exceed statutory authority.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Rules and regulations scheduled for expiration**

3 **May 15, 2015 - extension.** (1) Except as indicated, the expiration of all
4 rules and regulations of agencies in the following principal departments,
5 which rules and regulations were adopted or amended on or after
6 November 1, 2013, and before November 1, 2014, and that are therefore
7 scheduled for expiration May 15, 2015, is postponed, and the provisions
8 of section 24-4-108 or 24-34-104, Colorado Revised Statutes, shall apply:

9 (a) Department of agriculture;

10 (b) Department of corrections; except that the following rule of
11 the state board of parole, concerning rules governing the state board of
12 parole and parole proceedings (8 CCR 1511-1) is not extended: Rule
13 10.02, concerning parole application file review regarding inmates
14 convicted of a class I code of penal discipline ("COPD") infraction and
15 inmates within six months of mandatory release date (MRD);

16 (c) Department of education; except that the following rule of the
17 state board of education, concerning the "administration of the Colorado
18 Educator Licensing Act of 1991" (1 CCR 301-37) is not extended: Rule
19 4.04, concerning authorization: career and technical education;

20 (d) Department of health care policy and financing;

21 (e) Department of higher education;

22 (f) Department of human services; except that the following rules

1 are not extended:

2 (I) The following rule of the state board of human services
3 concerning adult financial programs (9 CCR 2503-5): Rule 3.520.4 D. 6.,
4 concerning an explanation provided regarding the process of utilizing the
5 electronic benefit transfer (EBT) card;

6 (II) The following rule of the state board of human services
7 concerning the Colorado works program (9 CCR 2503-6): Rule 3.602.1
8 E. 2. k., concerning an explanation provided regarding the process of
9 utilizing the electronic benefit transfer (EBT) card;

10 (III) The following rule of the state board of human services
11 concerning other assistance programs (9 CCR 2503-7): Rule 3.751.44,
12 concerning notice of appropriate use of electronic benefit transfer (EBT)
13 card;

14 (g) Department of labor and employment;

15 (h) Department of law;

16 (i) Department of local affairs;

17 (j) Department of military and veterans affairs;

18 (k) Department of natural resources; except that the following
19 rules are not extended:

20 (I) The following rules of the Colorado oil and gas conservation
21 commission concerning practice and procedure (2 CCR 404-1):

22 (A) Rule 523. a. (1), concerning the commission may in its
23 discretion find that each day a violation exists constitutes a separate
24 violation;

25 (B) Rule 523. a. (3), concerning for a violation which does not
26 result in significant waste of oil and gas resources;

27 (C) Rule 523. c., concerning base fine schedule and the following

1 tables set forth the base fine for violation;

2 (D) Rule 525. b., concerning whenever the commission or the
3 director has evidence that an operator is responsible for a pattern of
4 violation;

5 (E) Rule 604. c. (2) G., concerning berm construction;

6 (F) Rule 605. a. (1), concerning atmospheric tanks used for crude
7 oil storage and including A. through E.;

8 (G) Rule 605. a. (4), concerning berms or other secondary
9 containment devices shall be constructed around crude oil, condensate,
10 and produced water tanks;

11 (H) Rule 710., concerning oil and gas conservation and
12 environmental response fund;

13 (l) Department of personnel;

14 (m) Department of public health and environment; except that the
15 following rules are not extended:

16 (I) The following rules of the state board of health concerning the
17 medical use of marijuana (5 CCR 1006-2):

18 (A) Regulation 6. D. 3., concerning medical marijuana scientific
19 advisory council;

20 (B) Regulation 14. A. 2., concerning timelines for grant
21 application;

22 (n) Department of public safety;

23 (o) Department of regulatory agencies;

24 (p) Department of revenue; except that the following rules are not
25 extended:

26 (I) The following rules of the division of motor vehicles
27 concerning driver's license - driver control (1 CCR 204-30):

1 (A) Rule 8 (200) g), concerning insurance: all CDS must have:
2 proof of current and valid vehicle insurance, vehicle registration, general
3 liability insurance, surety bond, and worker's compensation;

4 (B) Rule 8 (200) h), concerning bond: all CDS's shall maintain a
5 surety bond;

6 (C) Rule 8 (200) j), concerning a new CDS may not have a name
7 that is substantially similar to a previously certified CDS;

8 (D) Rule 8 (300) d), concerning all instructors shall be physically
9 and mentally able to safely operate a motor vehicle;

10 (E) Rule 8 (300) e), concerning all employees of a CDS must:

11 (F) Rule 8 (300) f), concerning if the department has reason to
12 believe or receives information that an employee has been convicted of
13 or pled guilty;

14 (G) Rule 8 (300) h), concerning if an employee drives with
15 students, the employee may not have a personal driving record showing
16 the accumulation of 8 or more points;

17 (H) Rule 8 (300) l), concerning a CDS shall notify the department
18 in writing within 3 business days of an employee's change of driving
19 status or departure from the CDS;

20 (I) Rule 8 (400), concerning code of conduct;

21 (J) Rule 8 (900) e), concerning fraudulent or criminal activity
22 involving any CDS or CDS employee will be grounds for revocation;

23 (q) Department of state; except that the following rules of the
24 secretary of state concerning elections (8 CCR 1505-1) are not extended:

25 (I) Rule 6.4.1., concerning successfully pass the criminal
26 background check described in Rule 6.5;

27 (II) The first paragraph of Rule 6.5, concerning the county clerk

1 must arrange for a criminal background check on a supervisor judge and
2 each staff member conducting voter registration activities;

3 (III) Rule 6.5 (a), concerning the criminal background check must
4 be conducted by or through the Colorado bureau of investigation;

5 (IV) Rule 7.2.6, concerning effective January 1, 2015, each mail
6 ballot return envelope must include the following: "For third party
7 delivery;

8 (r) Department of transportation;

9 (s) Department of the treasury.

10 (2) The expiration of all rules and regulations of the public
11 employees' retirement association, which rules and regulations were
12 adopted or amended on or after November 1, 2013, and before November
13 1, 2014, and which are therefore scheduled for expiration May 15, 2015,
14 is postponed.

15 (3) The expiration of all rules and regulations of the governor's
16 office of information technology, which rules and regulations were
17 adopted or amended on or after November 1, 2013, and before November
18 1, 2014, and which are therefore scheduled for expiration May 15, 2015,
19 is postponed.

20 (4) The recommendations of the committee on legal services as
21 reflected in this act apply to the specified rules in the form in which said
22 rules were considered and acted upon by the committee. Any amendments
23 or other changes in the specified rules that became effective before
24 November 1, 2014, that comply with the recommendations of the
25 committee on legal services are not affected by this act. Any subsequent
26 amendments or other changes in the specified rules that became effective
27 on or after November 1, 2014, are not affected by this act.

1 **SECTION 2. Repeal of rule.** The following rule of the state
2 **board of human services of the department of human services concerning**
3 **overview of child welfare services (12 CCR 2509-1) is repealed: Rule**
4 **7.000.3, which rule was adopted on November 7, 2014, concerning**
5 **exceptions.**

6 **SECTION 3. Effective date.** Section 1 of this act takes effect
7 **May 15, 2015. This section and sections 2 and 4 of this act take effect**
8 **upon passage.**

9 **SECTION 4. Safety clause.** The general assembly hereby finds,
10 **determines, and declares that this act is necessary for the immediate**
11 **preservation of the public peace, health, and safety.**