



Legislative
Council Staff

Nonpartisan Services for Colorado's Legislature

FISCAL NOTE

| | | | |
|-------------------------|---------------------------------|------------------------|---|
| Drafting Number: | LLS 18-0744 | Date: | February 27, 2018 |
| Prime Sponsors: | Rep. Lee; Herod Sen. Gardner | Bill Status: | House Legal Services |
| | | Fiscal Analyst: | Aaron Carpenter 303-866-4918 Aaron.Carpenter@state.co.us |

Bill Topic: RULE REVIEW BILL

| | | |
|----------------------------------|--|--|
| Summary of Fiscal Impact: | <input type="checkbox"/> State Revenue | <input type="checkbox"/> TABOR Refund |
| | <input checked="" type="checkbox"/> State Expenditure (<i>minimal</i>) | <input type="checkbox"/> Local Government |
| | <input type="checkbox"/> State Transfer | <input checked="" type="checkbox"/> Statutory Public Entity (<i>minimal</i>) |

This bill postpones the expiration of all state department's rules and regulations adopted between November 1, 2016, and November 1, 2017, with the exception of the rules listed in the bill. Overall, the bill will increase state and statutory public entity workload in FY 2017-18 and FY 2018-19.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: This fiscal note reflects the introduced bill, which was recommended by the Committee on Legal Services.

Summary of Legislation

This bill provides for the continuation of certain state department's rules and regulations and the expiration of others that were adopted or amended on or after November 1, 2016, and November 1, 2017. Rules are scheduled to expire in the annual rule review bill when the Committee on Legal Services finds that the rule lacks statutory authority or conflicts with state law. Under the bill, discontinued rules expire on May 15, 2018, and are summarized in Table 1. The bill also postpones the expiration of all Public Employees Retirement Association (PERA) rules and regulations that were adopted or amended between November 1, 2016, and November 1, 2017.

**Table 1
Rules Expiring Under HB 18-1253**

| Department | Topic Area of Expiring Rules | Number of Rules Expiring |
|-------------------------------|--|---------------------------------|
| Agriculture | Pesticide Applicators' Act | 4 |
| | Retail Marijuana Pesticides | 3 |
| Labor and Employment | Underground and Above Ground Storage Tanks | 37 |
| | Division of Vocational Rehabilitation | 4 |
| Natural Resources | Parks and Wildlife | 2 |
| Public Health and Environment | On-site Wastewater Treatment Systems | 26 |
| Public Safety | Fireworks | 1 |
| Regulatory Agencies | Title Insurance | 1 |
| | Midwives | 3 |
| | Electricians | 4 |
| | Real Estate Brokers | 3 |
| Revenue | Racing | 1 |
| | Taxpayer Service Division | 7 |
| Transportation | Transport Permits for Extra-Legal Vehicles | 1 |

State Expenditures

Overall, in the current FY 2017-18 and FY 2018-19, workload will increase. State departments workload will increase to align policies and procedures with state law. For departments with expiring rules, workload will increase to adopt emergency rules, re-promulgate rules, or update materials and procedures to align with the change in rules. Departments that had their rules extended will have a workload decrease if that department does not need to re-promulgate or adopt emergency rules. Any workload impacts resulting from the bill can be accomplished within existing appropriations.

Statutory Public Entity

The Public Employees' Retirement Association (PERA) will have an increase in workload to update materials and procedures to reflect state law, and a decrease in workload from not having to adopt emergency rules or re-promulgate rules that are extended.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

State and Local Government Contacts

All State Agencies