

CHAPTER 209

PROFESSIONS AND OCCUPATIONS

SENATE BILL 19-159

BY SENATOR(S) Bridges and Donovan, Crowder, Ginal, Williams A., Gonzales, Winter;
also REPRESENTATIVE(S) McCluskie, Arndt, Bird, Duran, Lontine, McLachlan, Snyder, Titone, Valdez A.

AN ACT

CONCERNING THE CONTINUATION OF THE PASSENGER TRAMWAY SAFETY BOARD, AND, IN CONNECTION THEREWITH, IMPLEMENTING SOME OF THE RECOMMENDATIONS CONTAINED IN THE 2018 SUNSET REPORT BY THE DEPARTMENT OF REGULATORY AGENCIES.

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

SECTION 1. In Colorado Revised Statutes, **amend** 25-5-721 as follows:

25-5-721. Repeal of part. (1) This part 7 is repealed, effective ~~July 1, 2019~~ SEPTEMBER 1, 2030.

(2) ~~Prior to such~~ BEFORE ITS repeal, the passenger tramway safety board ~~shall be reviewed as provided for in~~ IS SCHEDULED FOR REVIEW IN ACCORDANCE WITH section 24-34-104. ~~C.R.S.~~

SECTION 2. In Colorado Revised Statutes, 24-34-104, **repeal** (16)(a)(I); and **add** (31)(a)(III) as follows:

24-34-104. General assembly review of regulatory agencies and functions for repeal, continuation, or reestablishment - legislative declaration - repeal. (16) (a) The following agencies, functions, or both, will repeal on July 1, 2019:

(I) ~~The passenger tramway safety board created in section 25-5-703, C.R.S.;~~

(31) (a) The following agencies, functions, or both, are scheduled for repeal on September 1, 2030:

(III) THE PASSENGER TRAMWAY SAFETY BOARD CREATED IN SECTION 25-5-703.

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

SECTION 3. In Colorado Revised Statutes, 25-5-706, **amend** (2) introductory portion, (2)(b)(I), and (2)(b)(II) as follows:

25-5-706. Disciplinary action - administrative sanctions - grounds.

(2) ~~Disciplinary action of~~ The board may ~~be imposed~~ IMPOSE DISCIPLINARY ACTION as an alternative to or in conjunction with the issuance of orders or the pursuit of other remedies provided by section 25-5-707 or 25-5-716. ~~and~~ DISCIPLINARY ACTION may ~~consist of~~ INCLUDE any of the following:

(b) (I) When a complaint or investigation discloses an instance of misconduct that, in the opinion of the board, does not warrant formal action by the board but that should not be dismissed as being without merit, issuance and sending of a letter of admonition ~~by certified mail,~~ to the area operator.

(II) When THE BOARD SENDS a letter of admonition ~~is sent by the board, by certified mail,~~ to an area operator, ~~such~~ THE BOARD SHALL CONTEMPORANEOUSLY ADVISE THE area operator ~~shall be advised~~ that he or she has the right to request in writing, within twenty days after receipt of the letter, that formal disciplinary proceedings be initiated to adjudicate the propriety of the conduct upon which the letter of admonition is based.

SECTION 4. In Colorado Revised Statutes, 25-5-702, **amend** (4.5), (6), and (7) as follows:

25-5-702. Definitions. As used in this part 7, unless the context otherwise requires:

(4.5) "Program ~~administrator~~ DIRECTOR" means the person who manages the board's offices on a day-to-day basis and works with the supervisory tramway engineer and the board in implementing the policies, decisions, and orders of the board.

(6) "Staff" means the program ~~administrator~~ DIRECTOR, the supervisory tramway engineer, and their clerical staff.

(7) "Supervisory tramway engineer" means the tramway engineer who works with the program ~~administrator~~ DIRECTOR and the board in implementing the policies, decisions, and orders of the board.

SECTION 5. In Colorado Revised Statutes, 25-5-704, **amend** (1)(d) and (1)(k) as follows:

25-5-704. Powers and duties of board. (1) The board has the following powers and duties in addition to those otherwise described by this part 7:

(d) To conduct meetings, hold hearings, and take evidence in all matters relating to the exercise and performance of the powers and duties of the board, subpoena witnesses, administer oaths, and compel the testimony of witnesses and the production of books, papers, and records relevant to the subject inquiry. The program ~~administrator~~ DIRECTOR may issue subpoenas on behalf of the board at the board's direction. ~~If any~~ A person refuses to obey any subpoena ~~so~~ issued BY THE

BOARD OR ON BEHALF OF THE BOARD AT THE BOARD'S DIRECTION, the board may petition the district court, setting forth the facts, and thereupon the court in a proper case shall issue ~~its~~ THE subpoena. The board may appoint an administrative law judge pursuant to part 10 of article 30 of title 24 ~~C.R.S.~~, to take evidence and to make findings and report them to the board. The board may elect to hear the matter itself with the assistance of an administrative law judge, who shall rule on the evidence and otherwise conduct the hearing in accordance with the "State Administrative Procedure Act", article 4 of title 24. ~~C.R.S.~~

(k) To delegate duties to the program ~~administrator~~ DIRECTOR;

SECTION 6. In Colorado Revised Statutes, **amend as relocated by House Bill 19-1172** 12-150-120 as follows:

12-150-120. Repeal of article. This article 150 is repealed, effective ~~July 1, 2019~~ SEPTEMBER 1, 2030. Before the repeal, the passenger tramway safety board is scheduled for review in accordance with section 24-34-104.

SECTION 7. In Colorado Revised Statutes, 12-150-107, **amend as relocated by House Bill 19-1172** (2) introductory portion and (2)(b) as follows:

12-150-107. Disciplinary action - administrative sanctions - grounds. (2) THE BOARD MAY IMPOSE disciplinary action ~~of the board may be imposed~~ as an alternative to or in conjunction with the issuance of orders or the pursuit of other remedies provided by section 12-150-108 or 12-150-116. ~~and~~ DISCIPLINARY ACTION may ~~consist of~~ INCLUDE any of the following:

(b) Sending of a letter of admonition ~~by certified mail~~, to an area operator under the circumstances specified in and in accordance with section 12-20-404 (4);

SECTION 8. In Colorado Revised Statutes, 12-150-103, **amend as relocated by House Bill 19-1172** (6), (8), and (9) as follows:

12-150-103. Definitions. As used in this article 150, unless the context otherwise requires:

(6) "Program ~~administrator~~ DIRECTOR" means the person who manages the board's offices on a day-to-day basis and works with the supervisory tramway engineer and the board in implementing the policies, decisions, and orders of the board.

(8) "Staff" means the program ~~administrator~~ DIRECTOR, the supervisory tramway engineer, and their clerical staff.

(9) "Supervisory tramway engineer" means the tramway engineer who works with the program ~~administrator~~ DIRECTOR and the board in implementing the policies, decisions, and orders of the board.

SECTION 9. In Colorado Revised Statutes, 12-150-105, **amend as relocated by House Bill 19-1172** (1)(d) and (1)(k) as follows:

12-150-105. Powers and duties of board. (1) The board has the following powers and duties in addition to those otherwise described by this article 150:

(d) To conduct meetings, hold hearings, and take evidence in accordance with section 12-20-403. The program ~~administrator~~ DIRECTOR may issue subpoenas in accordance with section 12-20-403 (2) on behalf of the board at the board's direction.

(k) To delegate duties to the program ~~administrator~~ DIRECTOR;

SECTION 10. Effective date. This act takes effect upon passage; except that sections 6 through 9 of this act take effect only if House Bill 19-1172 becomes law, in which case sections 6 through 9 take effect on October 1, 2019.

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

Approved: May 17, 2019