

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 20-0874.01 Jennifer Berman x3286

HOUSE BILL 20-1179

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Gardner and Lee, Foote, Rodriguez

House Committees
Legal Services

Senate Committees

A BILL FOR AN ACT

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

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://leg.colorado.gov/>.)

Committee on Legal Services. Based on the findings and recommendations of the committee on legal services, the bill extends all state agency rules that were adopted or amended on or after November 1, 2018, and before November 1, 2019, with the exception of the rules specifically listed in the bill. Those specified rules will expire as

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

scheduled in the "State Administrative Procedure Act" on May 15, 2020, on the grounds that the rules either conflict with statute or lack statutory authority.

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

2 **SECTION 1. Extension of rules scheduled for expiration May**
3 **15, 2020 - exceptions.** (1) Except as indicated, the expiration of all rules
4 of agencies in the following principal departments, which rules were
5 adopted or amended on or after November 1, 2018, and before November
6 1, 2019, and that are therefore scheduled for expiration May 15, 2020, is
7 postponed:

8 (a) Department of agriculture; except that the following rule of the
9 state board of stock inspection commissioners concerning the annual
10 transportation permit for cattle (8 CCR 1205-3) is not extended: Rule 2.1,
11 which states "The annual transportation permit fee for show cattle shall
12 be \$20.00 per head.";

13 (b) Department of corrections;

14 (c) Department of education; except that the following rules of the
15 state board of education:

16 (I) Concerning rules for administration of early literacy grant
17 program (1 CCR 301-90) are not extended:

18 (A) Rule 6.1, which states in part "In reviewing applications for
19 the Comprehensive and Professional Development Early Literacy Grant
20 to recommend which applicants should receive grant funding ..."; and

21 (B) Rule 7.1(A), which states "The instructional programs or
22 services for which the local education provider used the grant"; and

23 (II) Concerning rules for administration of medications (1 CCR
24 301-68) are not extended: Rule 8.01, which states in part "If consistent

1 with local school board policy, school personnel may possess and
2 administer to a student who holds a valid recommendation for medical
3 marijuana, medical marijuana in a nonsmokeable form ...";

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

5 (e) Department of higher education;

6 (f) Department of human services;

7 (g) Department of labor and employment; except that:

8 (I) The following rule of the Colorado uninsured employers board
9 concerning the Colorado uninsured employers fund (7 CCR 1106-1) is
10 not extended: Rule 1-4, which states in part "The board may enter into
11 contracts with third-party vendors to adjust claims and represent the board
12 in all legal proceedings."; and

13 (II) The following rules of the director of the division of oil and
14 public safety concerning explosives regulations (7 CCR 1101-9) are not
15 extended:

16 (A) Rule 3-4 (A), which states in part "In any case where the
17 Division denies a permit or the permittee is subject to suspension or
18 revocation ..."; and

19 (B) Rule 3-4 (D), which states in part "The Division may
20 summarily suspend a permit if the Division has objective and reasonable
21 grounds to believe that the public health, safety, or welfare requires
22 emergency action.";

23 (h) Department of law;

24 (i) Department of local affairs;

25 (j) Department of military and veterans affairs;

26 (k) Department of natural resources; except that the following rule
27 of the mined land reclamation board concerning construction material (2

1 CCR 407-4) is not extended: Rule 1.1 (50.1) (d), which states in part
2 "does not employ material processing activities typically associated with
3 mining operations ...";

4 (l) Department of personnel;

5 (m) Department of public health and environment;

6 (n) Department of public safety;

7 (o) Department of regulatory agencies;

8 (p) Department of revenue;

9 (q) Department of state;

10 (r) Department of transportation; and

11 (s) Department of the treasury.

12 (2) The expiration of all rules of the public employees' retirement
13 association, which rules were adopted or amended on or after November
14 1, 2018, and before November 1, 2019, and which are therefore scheduled
15 for expiration May 15, 2020, is postponed.

16 (3) The expiration of all rules of the board of equalization, which
17 rules were adopted or amended on or after November 1, 2018, and before
18 November 1, 2019, and which are therefore scheduled for expiration May
19 15, 2020, 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 the
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, 2019, 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, 2019, are not affected by this act.

1 **SECTION 2. Safety clause.** The general assembly hereby finds,
2 determines, and declares that this act is necessary for the immediate
3 preservation of the public peace, health, or safety.