

CHAPTER 57

ADMINISTRATIVE RULE REVIEW

HOUSE BILL 20-1179

BY REPRESENTATIVE(S) Herod and Soper, Snyder, Van Winkle, Weissman, Garnett;
also SENATOR(S) Gardner and Lee, Foote, Rodriguez, Crowder, Smallwood.

AN ACT**CONCERNING IMPLEMENTATION OF THE COMMITTEE ON LEGAL SERVICES' RECOMMENDATIONS
IN CONNECTION WITH LEGISLATIVE REVIEW OF STATE AGENCIES' RULES.**

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

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

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

(b) Department of corrections;

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

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

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

(B) Rule 7.1(A), which states "The instructional programs or services for which

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.

the local education provider used the grant"; and

(II) Concerning rules for administration of medications (1 CCR 301-68) are not extended: Rule 8.01, which states in part "If consistent with local school board policy, school personnel may possess and administer to a student who holds a valid recommendation for medical marijuana, medical marijuana in a nonsmokeable form ...";

(d) Department of health care policy and financing;

(e) Department of higher education;

(f) Department of human services;

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

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

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

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

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

(h) Department of law;

(i) Department of local affairs;

(j) Department of military and veterans affairs;

(k) Department of natural resources; except that the following rule of the mined land reclamation board concerning construction material (2 CCR 407-4) is not extended: Rule 1.1 (50.1) (d), which states in part "does not employ material processing activities typically associated with mining operations ...";

(l) Department of personnel;

(m) Department of public health and environment;

(n) Department of public safety;

(o) Department of regulatory agencies;

(p) Department of revenue;

- (q) Department of state;
- (r) Department of transportation; and
- (s) Department of the treasury.

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

(3) The expiration of all rules of the board of equalization, which rules were adopted or amended on or after November 1, 2018, and before November 1, 2019, and which are therefore scheduled for expiration May 15, 2020, is postponed.

(4) The recommendations of the committee on legal services as reflected in this act apply to the specified rules in the form in which the rules were considered and acted upon by the committee. Any amendments or other changes in the specified rules that became effective before November 1, 2019, that comply with the recommendations of the committee on legal services are not affected by this act. Any subsequent amendments or other changes in the specified rules that became effective on or after November 1, 2019, are not affected by this act.

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

Approved: March 20, 2020