

CHAPTER 187

ADMINISTRATIVE RULE REVIEW

HOUSE BILL 09-1292

BY REPRESENTATIVE(S) McGihon, Labuda, Levy, Court, Fischer, Green, Hullinghorst, Kerr A., Merrifield, Middleton, Miklosi, Peniston, Ryden, Scanlan, Schafer S., Soper, Todd;
also SENATOR(S) Veiga, Morse, Schwartz.

AN ACT

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

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

SECTION 1. Rules and regulations scheduled for expiration May 15, 2009 - extension. (1) Except as indicated, the expiration of all rules and regulations of agencies in the following principal departments, which rules and regulations were adopted or amended on or after November 1, 2007, and before November 1, 2008, and that are therefore scheduled for expiration May 15, 2009, is postponed, and the provisions of section 24-4-108 or 24-34-104, Colorado Revised Statutes, shall apply:

(a) Department of agriculture;

(b) Department of corrections;

(c) Department of education; except that the following rules of the state board of education concerning administration of the public school finance act of 1994 (1 CCR 301-39) are not extended:

(I) Rule 2254-R-14.01, concerning "approved facility school";

(II) Rule 2254-R-14.01 (1), concerning if an approved facility school's authorization, license, certification, or other privilege to operate as required by applicable federal or state statute, rule, or regulation is suspended;

(III) Rule 2254-R-14.03, concerning "state operated program";

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(IV) Rule 2254-R-14.04, concerning "eligible facility";

(V) Rule 2254-R-14.06, concerning "eligible pupil";

(VI) Rule 2254-R-14.07 (3), concerning "other appropriately licensed or approved group home";

(VII) Rule 2254-R-14.07 (5), concerning "specialized group facility for children with disabilities";

(VIII) Rule 2254-R-14.08, concerning "pupil in public placement or pupil publicly placed";

(IX) Rule 2254-R-16.01 (1), concerning an eligible facility may include in its public membership a non-Colorado resident pupil;

(X) Rule 2254-R-16.01 (1.01), concerning a non-Colorado resident pupil included in an eligible facility's pupil membership shall be considered a resident;

(XI) Rule 2254-R-16.01 (1.02), concerning a pupil who is defined as abandoned or homeless pursuant to section 22-1-102, C.R.S.;

(XII) Rule 2254-R-16.02, concerning no later than October 5, an eligible facility shall report to the department the full name;

(XIII) Rule 2254-R-16.02 (1), concerning if an eligible facility fails to meet the October 5 notification deadline, the state board may revoke its approval;

(XIV) Rule 2254-R-17.02, concerning a state operated program shall report a maximum of one full-time equivalent membership;

(XV) Rule 2254-R-19.01 (2), concerning a state operated program which operates an educational program;

(XVI) Rule 2254-R-20.00, concerning pupils publicly placed outside the district of residence - state board approval for on-grounds schools;

(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 the following rule of the division of workers' compensation concerning workers' compensation rules of procedure with treatment guidelines (7 CCR 1101-3) is not extended: Rule 8-5 (B), concerning to make a change pursuant to this rule 8-5 the injured worker must complete and sign the form established for this purpose;

(h) Department of law;

(i) Department of local affairs; except that the following rules of the state housing board, division of housing, concerning Resolution #38 - manufactured housing installations (8 CCR 1302-7) are not extended:

(I) Resolution #38, Section 3, the paragraph under the heading "Registered Installers", concerning renewal: any registered or certified installer seeking to renew registration shall, at the time of applying for renewal, provide proof of eight hours of division approved education completed within the last 12 months, liability insurance and letter of credit, certificate of deposit, or surety bond;

(II) Resolution #38, Section 5, the third paragraph concerning inspector certifications will remain valid for three years and must be renewed;

(III) Resolution #38, Section 9, the second paragraph concerning in addition to the required inspections, the division may inspect the installation of a manufactured home upon written complaint;

(j) Department of military and veterans affairs;

(k) Department of natural resources;

(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; except that the following rule of the division of motor vehicles concerning definitions of non-resident for purposes of driver's license issuance (1 CCR 204-29) is not extended: Rule 2., concerning for the purposes of establishing residency, as defined in section 42-1-102 (81);

(q) Department of state;

(r) Department of transportation; except that the following rule of the transportation commission concerning use of waste tires for noise mitigation purposes along Colorado state highways (2 CCR 601-17): Rule 7.0, concerning materials incorporated by reference;

(s) Department of the treasury.

(2) The expiration of all rules and regulations of the public employees' retirement association, which rules and regulations were adopted or amended on or after November 1, 2007, and before November 1, 2008, and which are therefore scheduled for expiration May 15, 2009, is postponed.

(3) The recommendations of the committee on legal services as reflected in this act shall apply to the specified rules in subsection (1) of this section in the form in which said rules were considered and acted upon by the committee. Any

amendments or other changes in the specified rules that became effective before November 1, 2008, 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, 2008, are not affected by this act.

(4) The following rules of the oil and gas conservation commission of the department of natural resources concerning practice and procedure (2 CCR 404-1) are repealed, effective May 15, 2009:

(a) The introductory portion to Rule 306. c. (1) (A) and Rule 306. c. (1) (A) (i), (1) (A) (ii), and (1) (A) (iii), which rules were adopted on December 11, 2008, concerning subject to the provisions of Rule 1202.d, an operator shall consult with the commission, the surface owner, and the Colorado division of wildlife on an oil and gas location assessment, form 2A, where;

(b) Rule 604. a. (1), which rule was adopted on December 11, 2008, concerning atmospheric tanks used for crude oil storage;

(c) Rule 604. a. (10), which rule was adopted on December 11, 2008, concerning vent lines from individual tanks shall be joined and ultimate discharge shall be directed away from the loading racks.

(5) Except as otherwise indicated in subsection (4) of this section, the automatic expiration of the rules of the oil and gas conservation commission of the department of natural resources concerning practice and procedure (2 CCR 404-1), which rules were adopted on December 11, 2008, and which are therefore scheduled for expiration on May 15, 2010, is postponed, effective May 15, 2009, and the provisions of section 24-4-108 or 24-34-104, Colorado Revised Statutes, shall apply.

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, and safety.

Approved: April 22, 2009