

**First Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 17-0403.01 Debbie Haskins x2045

SENATE BILL 17-083

SENATE SPONSORSHIP

Kagan, Scott

HOUSE SPONSORSHIP

Foote, Willett

Senate Committees

Legal Services

House Committees

A BILL FOR AN ACT

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

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 and regulations that were adopted or amended on or

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

SENATE
2nd Reading Unamended
February 10, 2017

after November 1, 2015, and before November 1, 2016, with the exception of the rules and regulations specifically listed in the bill. Those specified rules and regulations will expire as scheduled in the "State Administrative Procedure Act" on May 15, 2017, on the grounds that the rules and regulations either conflict with statute or lack or exceed statutory authority.

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

2 **SECTION 1. Rules and regulations scheduled for expiration**

3 **May 15, 2017 - extension.** (1) Except as indicated, the expiration of all
4 rules and regulations of agencies in the following principal departments,
5 which rules and regulations were adopted or amended on or after
6 November 1, 2015, and before November 1, 2016, and that are therefore
7 scheduled for expiration May 15, 2017, is postponed, and the provisions
8 of section 24-4-108 or 24-34-104, Colorado Revised Statutes, shall apply:

9 (a) Department of agriculture;

10 (b) Department of corrections;

11 (c) Department of education;

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

13 (e) Department of higher education;

14 (f) Department of human services; except that the following rule
15 of the state board of human services concerning other assistance programs
16 (9 CCR 2503-7) is not extended: Rule 3.751.56, concerning penalties for
17 individuals convicted of fraud;

18 (g) Department of labor and employment; except that the
19 following rules of the director of the division of oil and public safety
20 concerning underground storage tanks and aboveground storage tanks (7
21 CCR 1101-14) are not extended:

22 (I) The definitions of "fire resistant tank" and "protected tank" in

- 1 Rule 1-5;
- 2 (II) Rule 1-7, concerning codes, documents or standards
3 incorporated by reference;
- 4 (III) Rule 1-8, concerning inspection of incorporated codes;
- 5 (IV) Rule 2-1-1 (d) (2) (A), concerning NACE international
6 standard practice SP 0285;
- 7 (V) Rule 2-1-1 (d) (2) (B), concerning NACE international
8 standard practice SP 0169;
- 9 (VI) Rule 2-1-1 (d) (2) (D), concerning steel tank institute
10 recommended practice R892;
- 11 (VII) Rule 2-2-1 (a) (1) Note, concerning the following codes of
12 practice;
- 13 (VIII) Rule 2-2-1 (a) (1) (A), concerning underwriters laboratories
14 standard 1316;
- 15 (IX) Rule 2-2-1 (a) (1) (B), concerning underwriter's laboratories
16 of Canada S615;
- 17 (X) Rule 2-2-1 (a) (2) (iv) Note, concerning the following codes
18 of practice;
- 19 (XI) Rule 2-2-1 (a) (2) (iv) (A), concerning steel tank institute
20 "sti-P3 Specification and Manual for External Corrosion Protection of
21 Underground Steel Storage Tanks";
- 22 (XII) Rule 2-2-1 (a) (2) (iv) (B), concerning underwriters
23 laboratories standard 1746;
- 24 (XIII) Rule 2-2-1 (a) (2) (iv) (C), concerning underwriters
25 laboratories of Canada S603;
- 26 (XIV) Rule 2-2-1 (a) (2) (iv) (D), concerning NACE international
27 standard practice SP 0285;

- 1 (XV) Rule 2-2-1 (a) (3) Note, concerning the following codes of
2 practice;
- 3 (XVI) Rule 2-2-1 (a) (3) (A), concerning underwriters laboratories
4 standard 1746;
- 5 (XVII) Rule 2-2-1 (a) (3) (B), concerning steel tank institute
6 ACT-100 specification F894;
- 7 (XVIII) Rule 2-2-1 (a) (3) (C), concerning steel tank institute
8 ACT-100-U specification F961;
- 9 (XIX) Rule 2-2-1 (a) (3) (D), concerning steel tank institute
10 specification F922;
- 11 (XX) Rule 2-2-1 (b) (1) Note, concerning the following codes and
12 standards;
- 13 (XXI) Rule 2-2-1 (b) (1) (A), concerning underwriters laboratories
14 standard 971;
- 15 (XXII) Rule 2-2-1 (b) (1) (B), concerning underwriters
16 laboratories of Canada standard S660;
- 17 (XXIII) Rule 2-2-1 (b) (2) (iv) Note, concerning the following
18 codes and standards;
- 19 (XXIV) Rule 2-2-1 (b) (2) (iv) (A), concerning American
20 petroleum institute recommended practice 1632;
- 21 (XXV) Rule 2-2-1 (b) (2) (iv) (B), concerning underwriters
22 laboratories subject 971A;
- 23 (XXVI) Rule 2-2-1 (b) (2) (iv) (C), concerning steel tank institute
24 recommended practice R892;
- 25 (XXVII) Rule 2-2-1 (b) (2) (iv) (D), concerning NACE
26 international standard practice SP 0169;
- 27 (XXVIII) Rule 2-2-1 (b) (2) (iv) (E), concerning NACE

1 international standard practice SP 0285;
2 (XXIX) Rule 2-3-4-1 (a) (2) Note, concerning the following code
3 of practice;
4 (XXX) Rule 2-3-6-1 (c) Note, concerning the following code of
5 practice;
6 (XXXI) Rule 2-5-2 (d), concerning in addition to the codes of
7 practice;
8 (XXXII) Rule 2-5-3 (b) (1) (A), concerning NACE international
9 standard practice SP 0285;
10 (XXXIII) Rule 2-5-3 (b) (1) (C), concerning national leak
11 prevention association standard 631;
12 (XXXIV) Rule 2-5-3 (b) (1) (D), concerning American society for
13 testing and materials standard G158;
14 (XXXV) Rule 2-5-3 (d) (1) (v), concerning perform inventory
15 control;
16 (XXXVI) Rule 2-5-3 (d) (2) (iii), concerning perform inventory
17 control;
18 (XXXVII) Rule 3-2-1 (a) (1) (iii), concerning atmospheric tanks
19 shall not be used for the storage of a liquid;
20 (XXXVIII) Rule 3-2-1 (c) (2) (i), concerning sized in accordance
21 with American petroleum institute standard No. 2000;
22 (XXXIX) Rule 3-2-1 (d) (2), concerning in a vertical tank;
23 (XL) Rule 3-2-1 (i) (4), concerning after December 22, 1996,
24 tanks that are not listed;
25 (XLI) Rule 3-2-2-1 (c), concerning for ASTs installed on or after
26 April 14, 2011, ASTs shall be located in accordance with Table 1 below,
27 and including Table 1, concerning AST separation at motor fuel

- 1 dispensing facilities, and repair garages;
- 2 (XLII) Rule 3-2-2-2 (d) (1) (i), concerning the maximum
- 3 individual tank capacity and including Table 4, concerning AST
- 4 separation at fleet motor fuel dispensing facilities;
- 5 (XLIII) Rule 3-2-2-5 (f), concerning vaults that contain tanks of
- 6 class I liquids;
- 7 (XLIV) Rule 3-2-3 (c) (1), concerning an AST permit application
- 8 may be denied or revoked;
- 9 (XLV) Rule 3-2-3 (c) (3), concerning an AST permit may be
- 10 revoked if the AST installation or operation;
- 11 (XLVI) Rule 3-2-3 (c) (4), concerning an AST permit may be
- 12 revoked if an inspection by the director reveals;
- 13 (XLVII) Rule 3-3-1 (d) (6), concerning tanks that are not listed as
- 14 UL 2085 protected tanks;
- 15 (h) Department of law;
- 16 (i) Department of local affairs;
- 17 (j) Department of military and veterans affairs;
- 18 (k) Department of natural resources;
- 19 (l) Department of personnel;
- 20 (m) Department of public health and environment; except that the
- 21 following rule of the water quality control commission concerning the
- 22 Colorado discharge permit system (5 CCR 1002-61) is not extended: Rule
- 23 61.15 (c), concerning the annual permit fee or interim fee;
- 24 (n) Department of public safety;
- 25 (o) Department of regulatory agencies;
- 26 (p) Department of revenue; except that the following rules are not
- 27 extended:

1 (I) The following rule of the taxpayer service division - tax group
2 concerning sales and use tax (1 CCR 201-4): Regulation 39-26-105.5 (4),
3 concerning undue hardship;

4 (II) The following rules of the division of motor vehicles
5 concerning motor official inspection stations - Rule 2, emissions
6 inspection (1 CCR 204-1):

7 (A) Rule 1.0, concerning definitions;

8 (B) Rule 2.0, concerning general licensing requirements;

9 (C) Rule 3.0, concerning station licenses;

10 (D) Rule 4.0, concerning inspector licenses;

11 (E) Rule 5.0, concerning inspection station operations;

12 (F) Rule 6.0, concerning distribution of compliance documents;

13 (G) Rule 7.0, concerning verification of vehicle identification
14 number (Form DR 2698);

15 (H) Rule 8.0, concerning security and retention of documents;

16 (I) Rule 9.0, concerning use of inspector number and security
17 codes;

18 (J) Rule 10.0, concerning audits;

19 (K) Rule 11.0, concerning violations and sanctions;

20 (L) Rule 12.0, concerning administrative hearings;

21 (q) Department of state;

22 (r) Department of transportation;

23 (s) Department of the treasury.

24 (2) The expiration of all rules and regulations of the public
25 employees' retirement association, which rules and regulations were
26 adopted or amended on or after November 1, 2015, and before November
27 1, 2016, and which are therefore scheduled for expiration May 15, 2017,

1 is postponed.

2 (3) The recommendations of the committee on legal services as
3 reflected in this act apply to the specified rules in the form in which said
4 rules were considered and acted upon by the committee. Any amendments
5 or other changes in the specified rules that became effective before
6 November 1, 2016, that comply with the recommendations of the
7 committee on legal services are not affected by this act. Any subsequent
8 amendments or other changes in the specified rules that became effective
9 on or after November 1, 2016, are not affected by this act.

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