

CHAPTER 163

ADMINISTRATIVE RULE REVIEW

SENATE BILL 19-168

BY SENATOR(S) Lee and Gardner, Cooke, Foote, Rodriguez, Bridges, Crowder, Holbert, Tate;
also REPRESENTATIVE(S) Weissman and Herod, Snyder, Soper, Van Winkle, Buckner, Duran, Exum, Galindo,
Gonzales-Gutierrez, Hooton, Lontine, Michaelson Jenet, Sirota.

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

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

SECTION 1. Rules scheduled for expiration May 15, 2019 - extension.

(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, 2017, and before November 1, 2018, and that are therefore scheduled for expiration May 15, 2019, is postponed, and the provisions of section 24-4-108 or 24-34-104, Colorado Revised Statutes, apply:

(a) Department of agriculture;

(b) Department of corrections;

(c) Department of education; except that the following rule of the Colorado state board of education concerning the administration of the waiver of statute and rule (1 CCR 301-35) is not extended: Rule 2.6(o), which states "Any provisions of section 22-1-130, relating to notification to parents of alleged criminal conduct by charter school employees.";

(d) Department of health care policy and financing;

(e) Department of higher education;

(f) Department of human services; except that the following rule of the state board of human services concerning adult protective services (12 CCR 2518-1) is

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.

not extended: The definition of "self-neglect" in Rule 30.100, which states in part "Self-Neglect", pursuant to Section 26-3.1-101 (10), C.R.S., means an act or failure to act ...";

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

(I) The following rules of the Colorado uninsured employers board concerning the Colorado uninsured employers fund (7 CCR 1106-1) are not extended:

(A) Rule 2-1 (B), which states in part "Any Application for Hearing or Response to Application for Hearing ...";

(B) Rule 2-3 (D), which states in part "Any claimant entitled to receive benefits under the Workers' Compensation Act must file a notice of entitlement ..."; and

(C) Rule 3-2 (B) (1), which states in part "Any claimant denied access to the Fund upon initial application because of lack of funding ..."; 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 1-5, which states "The following publications and codes are hereby incorporated by this reference: ... These rules incorporate the editions and revisions specified ... and may also be inspected at the state depository libraries.";

(B) Rule 3-4 (A), which states in part "In any case where the Division denies, suspends, or revokes a permit, the Division shall notify ...";

(C) Rule 3-4 (B), which states in part "Upon notice of the revocation or suspension of any permit, the former permittee shall immediately surrender to the Division the permit ...";

(D) Rule 3-4 (D), which states in part "Any person whose permit has been denied, suspended, or revoked under Section 3.3 ..."; and

(E) Rule 6-1 (G), which states "Whenever blasting operations are subject to federal, state and local rules, the higher standard shall apply.";

(h) Department of law;

(i) Department of local affairs;

(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; except that:

(I) The following rule of the executive director of the department of public safety concerning persons dealing with fireworks (8 CCR 1507-12) is not extended: Rule 4.9, which has the heading "Procedure on denial, suspension, or revocation";

(II) The following rules of the director of the division of fire prevention and control concerning the Colorado fire suppression program (8 CCR 1507-11):

(A) Rule 5.5.1 4., which states in part "The applicant has been convicted of a crime which reflects upon the integrity of the applicant ...";

(B) Rule 10.5.1, which states in part "A registration or certification may be suspended for a single, substantiated violation of these rules ..."; and

(C) Rule 10.5.4, which states "Notices of suspension or denial will be issued as Letters of Admonition in accordance with Section 10.4."; and

(III) The following rules of the director of the division of fire prevention and control concerning building, fire, and life safety code enforcement and certification of inspectors for health facilities licensed by the state of Colorado (8 CCR 1507-31):

(A) Rule 3.1, which states in part "The technical requirements of these rules are supported primarily by codes developed by the International Code Council and the National Fire Protection Association ...";

(B) Rule 3.2, which states in part "The following codes and their referenced standards are adopted and promulgated as minimum standards for the construction and maintenance of all property, buildings, and structures containing a Health Facility ...";

(C) Rule 3.3, which states in part "The Fire Safety Evaluation System (FSES) as prescribed by NFPA 101A ...";

(D) Rule 3.4, which states in part "In any facility where the evacuation capability of the facility or resident population is required to be rated ...";

(E) Rule 3.7, which states in part "The Division shall maintain copies of the complete texts of the adopted codes for public inspection ...";

(F) Rule 3.8, which states "In the event that a new edition of the code is adopted by the Division, the code in effect at the time of permit application will remain in effect throughout the work authorized by the permit.";

(G) Rule 3.9, which states "This rule does not include later amendments or editions of the incorporated material.";

(H) Rule 4.2, which states in part "Where the Health Facility is located in a jurisdiction with no local Building Department ...";

(I) Rule 5.3, which states in part "If the local fire department declines to perform the plan review or any subsequent inspection ...";

(J) Rule 5.4, which states in part "For Certified Health Facilities located in a jurisdiction where the local fire department has Qualified Fire Inspectors at the appropriate level for the task ...";

(K) Rule 6.2.1, which states in part "For all construction (including adding previously unlicensed space to a Health Facility license) ...";

(L) Rule 6.2.3, which states in part "The building permit application package shall be concurrently submitted to the Division and to the local fire department ...";

(M) Rule 6.5.1, which states in part "Deferred design/build (shop drawing) submittals for fire protection and life safety systems ...";

(N) Rule 6.5.2, which states in part "Shop (Installation) drawings for fire protection and life safety systems ...";

(O) Rule 6.5.3 C), which states in part "Other Fire and Life Safety Protection Systems Regulated by the Building, Fire, or Life Safety Codes ...";

(P) Rule 7.2.1, which states in part "Project sites shall be inspected by the Fire and Life Safety Code Officials to verify compliance with the Fire and Life Safety Codes and approved construction documents ...";

(Q) Rule 8.4, which states in part "Certificates of Occupancy and Certificates of Compliance will be issued based on the codes in effect during the most recent inspection of the facility ...";

(R) Rule 9.1.1, which states in part "The Division may perform inspections of the buildings and structures when deemed necessary ...";

(S) Rule 9.2.1, which states "The Business Entity shall ensure that building systems are inspected, tested, and maintained as required by the adopted codes and referenced standards.";

(T) Rule 9.2.2, which states in part "Personnel employed by a Business Entity performing inspection, testing, and maintenance programs are not required to be Qualified Fire Inspectors ...";

(U) Rule 10.1.3 A), which states in part "Third-Party Inspectors contracted by the Business Entity shall conduct the required inspections ...";

(V) Rule 10.1.3 B), which states "Third-Party Inspectors contracted by the Business Entity shall enforce only the codes adopted by the Division.";

(W) Rule 10.2.1, which states "Fire Inspectors performing construction plan review and inspections must be "Qualified Fire Inspectors" as defined in section 24-33.5-1202 (2.5), C.R.S.";

(X) Rule 10.2.3 B), which states in part "Where there is not a Qualified Fire Department, Division Fire Inspectors shall conduct the required plan reviews and inspections ..."; and

(Y) Rule 12.1.3, which states in part "An application for appeal must be based on a claim that the true intent of this code or the standards legally adopted therein have been incorrectly interpreted ...";

(o) Department of regulatory agencies;

(p) Department of revenue; except that the following rule of the division of motor vehicles concerning title and registration section (1 CCR 204-10) is not extended: Rule 12. 2.6, which states in part "The Department may cancel or suspend an Operator or Towing Law Enforcement Agency's registration and access to the Department Website ...";

(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, 2017, and before November 1, 2018, and which are therefore scheduled for expiration May 15, 2019, is postponed.

(3) The expiration of all rules of the board of equalization, which rules were adopted or amended on or after November 1, 2017, and before November 1, 2018, and which are therefore scheduled for expiration May 15, 2019, 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, 2018, 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, 2018, 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, and safety.

Approved: May 13, 2019