

## CHAPTER 146

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**ADMINISTRATIVE RULE REVIEW**

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**SENATE BILL 05-183**

BY SENATOR(S) Grossman, and Gordon;  
also REPRESENTATIVE(S) McGihon, Hefley, Judd, Marshall, Coleman, Merrifield, and Stafford.

**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, 2005 - extension - exceptions.** (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, 2003, and before November 1, 2004, and that are therefore scheduled for expiration May 15, 2005, 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 the administration of the school district capital construction assistance program are not extended (1 CCR 301-63):

(I) Rule 2243.7-R-3.08, concerning back-up projects;

(II) Rule 2243.7-R-3.09 (b), concerning in the case of a back-up project, the award will not occur until previously awarded projects are completed;

(III) Rule 2243.7-R-3.10 (b) (2), concerning when a district or charter school completes a grant project they must submit a final report to the department;

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

(d) Department of health care policy and financing;

(e) Department of higher education;

(f) Department of human services; except that the following rules are not extended:

(I) The following rules of the state board of human services concerning provisional certification of foster care homes in resource development and child care facility licensing:

(A) Rule 7.500.312 B. 2., concerning the provisional certificate being issued for no more than 60 calendar days (12 CCR 2509-6);

(B) Rule 7.500.316 B. 2., concerning the county department issuing a provisional certificate (12 CCR 2509-6);

(C) Rule 7.710.34 A. 2., concerning a provisional certificate which may be issued, upon the written approval of the state department (12 CCR 2509-8);

(II) The following rule of the state board of human services concerning minimum standards for the care and treatment of persons with mental illness (2 CCR 502-1): Rule 19.360 C. 2., concerning release of records to any individual including an individual who has died or whose whereabouts are unknown;

(g) Department of labor and employment; except that the following rules of the division of oil and public safety concerning carnivals and amusement parks (7 CCR 1101-12) are not extended:

(I) The definition of "ASTM Standards" in Rule 1.4;

(II) Rule 3.5.2, concerning all elements of the American Society for Testing and Materials - Standards on Amusement Rides and Devices;

(III) Rule 3.5.3, concerning where the facility incorporates a crane structure for hoisting customers and/or staff members;

(h) Department of law;

(i) Department of local affairs;

(j) Department of natural resources; except that the following rules are not extended:

(I) The following rule of the state board of examiners of water well construction and pump installation, division of water resources, concerning administration of licensing, financial responsibility, continuing education and remedial action for well construction and pump installation contractors (2 CCR 402-14): Rule 5.3, concerning license application and renewal fee;

(II) The following rule of the wildlife commission, the division of wildlife, concerning procedural rules for the wildlife commission (Chapter 16) (2 CCR

406-10): Rule #1672- A., concerning award of preference points and leftover license priority for members of the military called on active duty in support of Operation Iraqi Freedom;

(k) Department of personnel;

(l) Department of public health and environment; except that the following rules are not extended:

(I) The following rule of the air quality control commission of Regulation No. 8, control of hazardous air pollutants, Part B, concerning asbestos control (5 CCR 1001-10): Rule III.E.2., concerning single-family residential dwelling opt-out notice;

(II) The following rules of the state board of health concerning primary drinking water regulations, article 10, concerning analytical requirements and laboratory certification (5 CCR 1003-1):

(A) Rule 10.1.4, concerning materials incorporated by reference;

(B) Rule 10.3.1, concerning organic analysis;

(C) Rule 10.7.1, concerning general analytical requirements;

(III) The following rules of the state board of health concerning emergency medical services (6 CCR 1015-3):

(A) Rule 6.2.3 B), concerning applications received after June 17, 2007, documentation of any criminal activity in a manner defined by the department;

(B) Rule 7.2.3 B), concerning applications received after June 17, 2007, documentation of any criminal activity in a manner defined by the department;

(m) Department of public safety; except that the following rules of the executive director concerning the Colorado automobile theft prevention authority are not extended (8 CCR 1507-50):

(I) Rule CATPA 5, concerning application procedures;

(II) Rule CATPA 6, concerning criteria for selection of grant recipients (evaluation and award of grant applications);

(III) Rule CATPA 7, concerning criteria for determining the amount to be granted;

(IV) Rule CATPA 10, concerning appeal process;

(V) Rule CATPA 11, concerning procedures for reviewing the success of the programs that receive grants;

(n) Department of regulatory agencies; except that the following rules are not extended:

(I) The following rules of the public utilities commission concerning rules regulating towing carrier transportation by motor vehicle (4 CCR 723-9):

(A) Rule 6522 (h), concerning the commission assessing a civil penalty containing doubled penalties;

(B) Rule 6522 (i), concerning the commission assessing a civil penalty containing tripled penalties;

(II) The following rules of the public utilities commission concerning rules regulating exempt passenger carriers (4 CCR 723-33):

(A) Rule 6323 (g), concerning the commission assessing a civil penalty containing doubled penalties;

(B) Rule 6323 (h), concerning the commission assessing a civil penalty containing tripled penalties;

(III) The following rules of the director of the division of registrations concerning barbers and cosmetologists (4 CCR 731-1):

(A) Rule 1 A., concerning each appointed member on the advisory committee serving a three-year term and not serving more than two full terms;

(B) Rule 12 B., concerning an applicant not having to establish "competency to practice";

(o) Department of revenue;

(p) Department of state;

(q) Department of transportation.

(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, 2003, and before November 1, 2004, and which are therefore scheduled for expiration May 15, 2005, is postponed.

(3) The expiration of all rules and regulations of the office of economic development, in the office of the governor, which rules and regulations were adopted or amended on or after November 1, 2003, and before November 1, 2004, and which are therefore scheduled for expiration May 15, 2005, is postponed.

(4) The following rules of the executive director of the department of public safety concerning the Colorado automobile theft prevention authority (8 CCR 1507-50) are repealed:

(a) Rule CATPA 5, which rule was adopted on or after November 1, 2004, concerning application procedures;

(b) Rule CATPA 6, which rule was adopted on or after November 1, 2004,

concerning criteria for selection of grant recipients (evaluation and award of grant applications);

(c) Rule CATPA 7, which rule was adopted on or after November 1, 2004, concerning criteria for determining the amount to be granted;

(d) Rule CATPA 10, which rule was adopted on or after November 1, 2004, concerning appeal process;

(e) Rule CATPA 11, which rule was adopted on or after November 1, 2004, concerning procedures for reviewing the success of the programs that receive grants.

(5) The recommendations of the committee on legal services as reflected in this act shall apply to the specified rules 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, 2004, 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, 2004, are not affected by this act.

**SECTION 2. No appropriation.** The general assembly has determined that this act can be implemented within existing appropriations, and therefore no separate appropriation of state moneys is necessary to carry out the purposes of this act.

**SECTION 3. 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 12, 2005