

## CHAPTER 182

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**ADMINISTRATIVE RULE REVIEW**

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**SENATE BILL 15-100**

BY SENATOR(S) Steadman, Guzman, Johnston, Aguilar, Carroll, Heath, Holbert, Jones, Kerr, Lambert, Merrifield, Newell, Todd, Ulibarri;  
also REPRESENTATIVE(S) Foote and McCann, Kagan, Becker K., Mitsch Bush, Winter, Young, Hullinghorst.

**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, 2015 - 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, 2013, and before November 1, 2014, and that are therefore scheduled for expiration May 15, 2015, 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; except that the following rule of the state board of parole, concerning rules governing the state board of parole and parole proceedings (8 CCR 1511-1) is not extended: Rule 10.02, concerning parole application file review regarding inmates convicted of a class I code of penal discipline ("COPD") infraction and inmates within six months of mandatory release date (MRD);

(c) Department of education; except that the following rule of the state board of education, concerning the "administration of the Colorado Educator Licensing Act of 1991" (1 CCR 301-37) is not extended: Rule 4.04, concerning authorization: career and technical education;

(d) Department of health care policy and financing;

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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.*

(e) Department of higher education;

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

(I) The following rule of the state board of human services concerning adult financial programs (9 CCR 2503-5): Rule 3.520.4 D. 6., concerning an explanation provided regarding the process of utilizing the electronic benefit transfer (EBT) card;

(II) The following rule of the state board of human services concerning the Colorado works program (9 CCR 2503-6): Rule 3.602.1 E. 2. k., concerning an explanation provided regarding the process of utilizing the electronic benefit transfer (EBT) card;

(III) The following rule of the state board of human services concerning other assistance programs (9 CCR 2503-7): Rule 3.751.44, concerning notice of appropriate use of electronic benefit transfer (EBT) card;

(g) Department of labor and employment;

(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 rules are not extended:

(I) The following rules of the Colorado oil and gas conservation commission concerning practice and procedure (2 CCR 404-1):

(A) Rule 523. a. (1), concerning the commission may in its discretion find that each day a violation exists constitutes a separate violation;

(B) Rule 523. a. (3), concerning for a violation which does not result in significant waste of oil and gas resources;

(C) Rule 523. c., concerning base fine schedule and the following tables set forth the base fine for violation;

(D) Rule 525. b., concerning whenever the commission or the director has evidence that an operator is responsible for a pattern of violation;

(E) Rule 604. c. (2) G., concerning berm construction;

(F) Rule 605. a. (1), concerning atmospheric tanks used for crude oil storage and including A. through E.;

(G) Rule 605. a. (4), concerning berms or other secondary containment devices shall be constructed around crude oil, condensate, and produced water tanks;

(H) Rule 710., concerning oil and gas conservation and environmental response fund;

(I) Department of personnel;

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

(I) The following rules of the state board of health concerning the medical use of marijuana (5 CCR 1006-2):

(A) Regulation 6. D. 3., concerning medical marijuana scientific advisory council;

(B) Regulation 14. A. 2., concerning timelines for grant application;

(n) Department of public safety;

(o) Department of regulatory agencies;

(p) Department of revenue; except that the following rules are not extended:

(I) The following rules of the division of motor vehicles concerning driver's license - driver control (1 CCR 204-30):

(A) Rule 8 (200) g), concerning insurance: all CDS must have: proof of current and valid vehicle insurance, vehicle registration, general liability insurance, surety bond, and worker's compensation;

(B) Rule 8 (200) h), concerning bond: all CDS's shall maintain a surety bond;

(C) Rule 8 (200) j), concerning a new CDS may not have a name that is substantially similar to a previously certified CDS;

(D) Rule 8 (300) d), concerning all instructors shall be physically and mentally able to safely operate a motor vehicle;

(E) Rule 8 (300) e), concerning all employees of a CDS must:

(F) Rule 8 (300) f), concerning if the department has reason to believe or receives information that an employee has been convicted of or pled guilty;

(G) Rule 8 (300) h), concerning if an employee drives with students, the employee may not have a personal driving record showing the accumulation of 8 or more points;

(H) Rule 8 (300) l), concerning a CDS shall notify the department in writing within 3 business days of an employee's change of driving status or departure from

the CDS;

(I) Rule 8 (400), concerning code of conduct;

(J) Rule 8 (900) e), concerning fraudulent or criminal activity involving any CDS or CDS employee will be grounds for revocation;

(q) Department of state; except that the following rules of the secretary of state concerning elections (8 CCR 1505-1) are not extended:

(I) Rule 6.4.1., concerning successfully pass the criminal background check described in Rule 6.5;

(II) The first paragraph of Rule 6.5, concerning the county clerk must arrange for a criminal background check on a supervisor judge and each staff member conducting voter registration activities;

(III) Rule 6.5 (a), concerning the criminal background check must be conducted by or through the Colorado bureau of investigation;

(IV) Rule 7.2.6, concerning effective January 1, 2015, each mail ballot return envelope must include the following: "For third party delivery;

(r) Department of transportation;

(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, 2013, and before November 1, 2014, and which are therefore scheduled for expiration May 15, 2015, is postponed.

(3) The expiration of all rules and regulations of the governor's office of information technology, which rules and regulations were adopted or amended on or after November 1, 2013, and before November 1, 2014, and which are therefore scheduled for expiration May 15, 2015, 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 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, 2014, 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, 2014, are not affected by this act.

**SECTION 2. Repeal of rule.** The following rule of the state board of human services of the department of human services concerning overview of child welfare services (12 CCR 2509-1) is repealed: Rule 7.000.3, which rule was adopted on November 7, 2014, concerning exceptions.

**SECTION 3. Effective date.** Section 1 of this act takes effect May 15, 2015.

This section and sections 2 and 4 of this act take effect upon passage.

**SECTION 4. 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 11, 2015