

First Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 15-0232.02 Debbie Haskins x2045

HOUSE BILL 15-1044

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HOUSE SPONSORSHIP

Klingenschmitt,

SENATE SPONSORSHIP

(None),

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House Committees

State, Veterans, & Military Affairs

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING THE PERIODIC LEGISLATIVE REVIEW OF EXECUTIVE  
102 BRANCH AGENCY RULES.

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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://www.leg.state.co.us/billsummaries>.)*

The bill creates a schedule for the legislative review, including a policy review and a legal review, over a 4-year period of all of the existing rules of the principal departments in the state executive branch, the office of the governor, the public employees' retirement association, and the independent ethics commission. The bill provides for an automatic expiration of each state agency's (agency) rules on a scheduled

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.*

date following such review, unless extended by the general assembly acting by bill. The schedule of review is coordinated with the annual rule review cycle in the "State Administrative Procedure Act", and the committees of reference will not review rules that are pending the regular rule review process conducted annually by the committee on legal services (COLS). The bill includes a nonstatutory legislative declaration outlining the purpose of the bill.

During the interim prior to the scheduled expiration of an agency's rules, the joint legislative committee of reference assigned with oversight responsibility for that particular agency will hold a public hearing to conduct a policy review of the rules of the agency. Each agency shall prepare a brief written summary of each portion of the code subject to review 2 weeks prior to the hearing, specifying for each portion of the code in which existing state statute the general assembly specifically authorized the agency to create or promulgate the rules, any expiration or sunset dates for the rules or statutes, and the approximate cost in staff to enforce these rules. At the hearing, the agency shall explain the content of the rules to the joint committee of reference and has the right to testify about its position on the rules based on the committee's criteria for the policy review of the agency's rules. When conducting the policy review, the committee of reference shall use the following criteria and examine:

- ! The necessity and efficacy of the rules, including whether the costs associated with the continued enforcement of the rules outweigh the benefits derived from such enforcement;
- ! Whether the rules are outdated and obsolete; and
- ! Whether the statutes governing the agency still require the agency to maintain the rules.

Based on such review, the joint committee of reference shall decide, affirmatively, which rules should expire or be extended. The joint committee of reference shall prepare a written report of its policy review of the agency's rules. When reviewing each set of rules, the joint committee of reference shall recommend whether the rules should expire on the scheduled expiration date, or be subject to expiration and rereviewed in 4 years or 8 years or at a different time as specified by bill or existing statute. The joint committee of reference shall sponsor a departmental rule review bill for that agency's rules that provides for the expiration or extension of the agency's rules based on the committee's policy review and recommendations and specifying the expiration dates for future review of those rules.

The COLS is the committee of reference for each departmental rule review bill introduced as a result of this legislative review.

During the interim prior to the expiration of an agency's rules, the office of legislative legal services and the COLS will also conduct a legal review of the agency's rules to determine whether the rules are within the agency's rule-making authority or conflict with state law or the state

constitution. The COLS will conduct hearings on the staff's findings on the rules and make recommendations on the expiration or extension of the agency's rules based on the legal review. The staff will prepare a draft amendment to the departmental rule review bill that reflects the COLS' recommendations on the agency's rules. When the COLS sits as the committee of reference on the agency's departmental rule review bill during the session, the COLS will amend the departmental rule review bill to incorporate its findings on the legal review of the agency's rules. When the COLS sits as the committee of reference on the departmental rule review bill, the COLS shall also review the report on the policy review from the applicable committee of reference and the recommended dates of expiration. The COLS may decide, based on a majority vote, not to follow the recommendations from the joint committee of reference about any of the rules.

The bill specifies the effect of the general assembly's action in passing a bill providing for the expiration or postponed expiration of the rules of an agency. The bill states that the legislative review process does not apply to rules of agency organization or nonbinding rules and that it does not apply to agencies in the department of regulatory agencies that are subject to review under the regular sunset process.

Notwithstanding the termination schedule for an agency's rules as provided in this bill, if the general assembly fails to pass a departmental rule review bill during the legislative session of the year in which the agency's rules are scheduled to expire or if the governor vetoes the departmental rule review bill, the rules of the agency are automatically extended for one additional year. In that event, the joint committee of reference shall conduct additional hearings, make new recommendations, and introduce another departmental rule review bill during the next succeeding legislative session. If the second departmental rule review bill for the agency fails to pass during the succeeding legislative session or fails to become law, the rules of that agency expire automatically on May 15 of the year of the succeeding legislative session.

After the passage of a bill extending or providing for the expiration of rules of an agency pursuant to this review process, the office of legislative legal services will inform the secretary of state of any rules that expire as the result of the passage of a bill. The secretary of state is required to remove any expired rules from the code of Colorado regulations (CCR) and to include notations in the CCR regarding any rules removed from the CCR as a result of this review process.

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

2 **SECTION 1. Legislative declaration.** (1) In a democratic

1 republic that is accountable to the people, rules that govern the people  
2 should generally be made by those elected officials who are most  
3 accountable to the voters and generally not by unelected administrators  
4 who cannot be easily held accountable by the people or voted out of  
5 office. The Colorado constitution vests power in the hands of the people  
6 to govern themselves and make laws for themselves primarily through the  
7 hands of their elected representatives in the general assembly, not  
8 primarily through the hands of a growing bureaucracy of rule-makers that  
9 now govern the people but cannot easily be removed or replaced by the  
10 vote of the people.

11 (2) The general assembly finds that its own members'  
12 responsibility for legislative review of administrative rules promulgated  
13 by the executive branch has lapsed. While the general assembly's  
14 committee on legal services reviews and approves new rules promulgated  
15 by departments and agencies every year, there has not been a thorough  
16 legislative review of all of the existing administrative rules since 1984.

17 (3) The sheer volume of the Colorado Code of Regulations  
18 (CCR), which is the sole official public repository of rules promulgated  
19 and enforced upon the people by the executive branch, has grown over  
20 the decades and is now approaching 40 volumes, enough to fill an entire  
21 library shelf. The majority of these rules were not promulgated in the past  
22 year, meaning the vast majority, perhaps ninety-five percent or more of  
23 these rules, have not recently been reviewed or re-approved by the  
24 legislature. Many or even most rules will likely never expire unless the  
25 legislature acts to review them.

26 (4) While all existing rules in the CCR theoretically have some  
27 basis in legislated or delegated authority derived from the Colorado

1 Revised Statutes (C.R.S.), many old and outdated rules in the CCR may  
2 have lost their legal authority either due to changes in the C.R.S. or  
3 through mission creep, by expanding beyond what existing statute  
4 intended. This allows the potential for a runaway bureaucracy, or, worse,  
5 an unlawful one. If the legislature delegates too much authority without  
6 continued oversight, the people of Colorado will eventually, if they are  
7 not already, be governed by an unconstitutional ruling class of unelected  
8 officials rather than by those whom the people elected to help them  
9 self-govern.

10 (5) Indeed, some existing but unreviewed administrative rules  
11 promulgated in the 1980s were written by executive agency heads who  
12 have long since retired or died; yet ironically, these rule-makers still  
13 theoretically govern our people from the grave. Without current  
14 legislative review and without sunset clauses, they will continue to do so,  
15 theoretically forever.

16 (6) The general assembly therefore declares that the purpose of  
17 House Bill 15-\_\_\_\_\_ is for the properly accountable and elected officials  
18 in the general assembly to fulfill their duty by reviewing and positively  
19 approving or allowing to expire those volumes of administrative rules that  
20 have grown for decades without proper oversight and review.

21 **SECTION 2.** In Colorado Revised Statutes, **add** 24-4-109 as  
22 follows:

23 **24-4-109. Legislative review of existing rules in the code of**  
24 **Colorado regulations - schedule for review - expiration.** (1) UNLESS  
25 EXTENDED BY THE GENERAL ASSEMBLY ACTING BY BILL OR AS OTHERWISE  
26 PROVIDED IN SUBSECTION (7) OF THIS SECTION, ALL OF THE RULES OF  
27 AGENCIES EXPIRE ON THE DATES SPECIFIED IN THIS SECTION. PRIOR TO THE

1 EXPIRATION OF THE RULES AS OUTLINED IN THIS SECTION, EACH JOINT  
2 COMMITTEE OF REFERENCE, AS DEFINED IN SECTION 2-7-203 (1), C.R.S.,  
3 ASSIGNED WITH OVERSIGHT RESPONSIBILITY FOR A PARTICULAR AGENCY  
4 SHALL CONDUCT A POLICY REVIEW OF THE RULES AS OUTLINED IN  
5 SUBSECTION (2) OF THIS SECTION, AND THE COMMITTEE ON LEGAL  
6 SERVICES SHALL CONDUCT A LEGAL REVIEW OF THE RULES AS OUTLINED  
7 IN SUBSECTION (3) OF THIS SECTION. THE JOINT COMMITTEE OF REFERENCE  
8 SHALL INTRODUCE A DEPARTMENTAL RULE REVIEW BILL THAT ADDRESSES  
9 THE EXPIRATION OR EXTENSION OF THE RULES OF THAT PARTICULAR  
10 AGENCY BASED UPON THE COMMITTEE'S POLICY REVIEW. THE COMMITTEE  
11 ON LEGAL SERVICES IS THE COMMITTEE OF REFERENCE FOR THE  
12 DEPARTMENTAL RULE REVIEW BILL AND SHALL REVIEW THE BILL AND ADD  
13 ITS RECOMMENDATIONS ON THE EXPIRATION OR EXTENSION OF THE  
14 AGENCY'S RULES TO THE DEPARTMENTAL RULE REVIEW BILL BASED UPON  
15 THE LEGAL REVIEW.

16 (2) (a) DURING THE INTERIM BEFORE THE SCHEDULED EXPIRATION  
17 OF A PARTICULAR AGENCY'S RULES, THE APPLICABLE JOINT COMMITTEE OF  
18 REFERENCE SHALL CONDUCT A POLICY REVIEW OF THE AGENCY'S RULES.  
19 THE LEGISLATIVE COUNCIL STAFF SHALL ASSIST THE COMMITTEE OF  
20 REFERENCE IN SCHEDULING AND STAFFING THE COMMITTEE MEETINGS OF  
21 THE JOINT COMMITTEE OF REFERENCE. THE LEGISLATIVE COUNCIL STAFF  
22 SHALL CONTACT THE AFFECTED AGENCY AND SCHEDULE A COMMITTEE  
23 HEARING IDENTIFYING THOSE SETS OF RULES BY CCR CITATION THAT WILL  
24 BE REVIEWED AND DISCUSSED AT THE HEARING.

25 (b) (I) THE AGENCY SHALL PREPARE FOR THE APPLICABLE JOINT  
26 COMMITTEE OF REFERENCE A BRIEF WRITTEN SUMMARY OF THE RULES FOR  
27 EACH IDENTIFIED CCR CITATION, WITH LESS THAN TWO HUNDRED WORDS,

1 AND SPECIFYING:

2 (A) IN WHICH EXISTING STATE STATUTE THE GENERAL ASSEMBLY  
3 SPECIFICALLY AUTHORIZED THE AGENCY TO CREATE OR PROMULGATE THE  
4 RULES NOW LISTED UNDER THIS CCR CITATION;

5 (B) THE FUTURE DATE OF ANY EXISTING EXPIRATION OR SUNSET  
6 DATES OR WHETHER THERE IS NO EXISTING SUNSET DATE, IF INDEFINITE,  
7 FOR THE RULES OR THE APPLICABLE STATUTES; AND

8 (C) THE APPROXIMATE ANNUAL COST IN FULL-TIME EQUIVALENT  
9 EMPLOYEES TO THE AGENCY IN ENFORCING THESE RULES.

10 (II) THE AGENCY SHALL SUBMIT THE SUMMARIES TO THE  
11 LEGISLATIVE COUNCIL STAFF FOR DISTRIBUTION TO THE JOINT COMMITTEE  
12 OF REFERENCE AT LEAST TWO WEEKS PRIOR TO THE COMMITTEE'S HEARING  
13 ON THE AGENCY'S RULES.

14 (c) THE JOINT COMMITTEE OF REFERENCE SHALL HOLD A PUBLIC  
15 MEETING AFTER TIMELY NOTICE TO THE PUBLIC AND AFFECTED AGENCY  
16 DURING THE INTERIM PRIOR TO THE SCHEDULED EXPIRATION OF THE RULES  
17 FOR THAT DEPARTMENT. THE JOINT COMMITTEE OF REFERENCE SHALL  
18 CONDUCT A HEARING ON THE RULES OF THE AGENCY AND TAKE PUBLIC  
19 COMMENT REGARDING THE CRITERIA SPECIFIED IN PARAGRAPH (d) OF THIS  
20 SUBSECTION (2). THE AGENCY SHALL EXPLAIN THE CONTENT OF THE  
21 AGENCY'S RULES AND EXPLAIN THE RELEVANT STATUTES GOVERNING THE  
22 RULES. THE AGENCY HAS THE RIGHT TO TESTIFY ABOUT ITS POSITION  
23 ABOUT WHETHER THE RULES SHOULD EXPIRE OR BE EXTENDED BASED  
24 UPON THE CRITERIA FOR THE COMMITTEE'S POLICY REVIEW AS OUTLINED  
25 IN PARAGRAPH (d) OF THIS SUBSECTION (2).

26 (d) THE ROLE OF THE JOINT COMMITTEE OF REFERENCE IS TO  
27 CONDUCT A POLICY REVIEW OF THE AGENCY'S RULES AND DETERMINE

1 WHAT RULES SHOULD EXPIRE OR BE EXTENDED IN LEGISLATION SUBMITTED  
2 TO THE GENERAL ASSEMBLY. WHEN CONDUCTING THE POLICY REVIEW OF  
3 THE AGENCY'S RULES, THE APPLICABLE JOINT COMMITTEE OF REFERENCE  
4 SHALL EXAMINE:

5 (I) THE NECESSITY AND EFFICACY OF THE RULES, INCLUDING  
6 WHETHER THE COSTS ASSOCIATED WITH THE CONTINUED ENFORCEMENT  
7 OF THE RULES OUTWEIGH THE BENEFITS DERIVED FROM SUCH  
8 ENFORCEMENT;

9 (II) WHETHER THE RULES ARE OUTDATED OR OBSOLETE; AND

10 (III) WHETHER THE STATUTES GOVERNING THE AGENCY STILL  
11 REQUIRE THE AGENCY TO MAINTAIN THESE RULES.

12 (e) AFTER THE COMPLETION OF THE PUBLIC COMMENT ON THE  
13 AGENCY'S RULES, THE JOINT COMMITTEE OF REFERENCE SHALL, ON  
14 AFFIRMATIVE VOTE, MAKE RECOMMENDATIONS ON THE EXPIRATION OR  
15 EXTENSION OF RULES OF THE AGENCY DURING THE INTERIM PRIOR TO THE  
16 SCHEDULED EXPIRATION DATE. WHEN REVIEWING EACH SET OF RULES, THE  
17 JOINT COMMITTEE OF REFERENCE SHALL RECOMMEND WHETHER THE  
18 RULES SHOULD EXPIRE ON THE SCHEDULED EXPIRATION DATE, OR  
19 WHETHER THEY SHOULD BE SUBJECT TO ANOTHER AUTOMATIC EXPIRATION  
20 AND REVIEW IN FOUR YEARS OR EIGHT YEARS OR AT A DIFFERENT TIME AS  
21 SPECIFIED BY BILL OR EXISTING STATUTE. IF THE RULES OF AN AGENCY  
22 ALREADY HAVE A SCHEDULED REPEAL DATE PURSUANT TO STATUTE, THE  
23 JOINT COMMITTEE OF REFERENCE SHALL NOT RECOMMEND A DIFFERENT  
24 REPEAL DATE. THE JOINT COMMITTEE OF REFERENCE SHALL APPROVE AND  
25 SPONSOR A DEPARTMENTAL RULE REVIEW BILL FOR THE PARTICULAR  
26 AGENCY THAT CONTAINS ITS RECOMMENDATIONS TO THE GENERAL  
27 ASSEMBLY ABOUT WHICH RULES OF THE AGENCY SHOULD EXPIRE AND



1 WHICH SHOULD BE EXTENDED AND SETS THE NEXT AUTOMATIC  
2 EXPIRATION DATES FOR THE AGENCY'S RULES THAT ARE EXTENDED. A BILL  
3 INTRODUCED PURSUANT TO THIS SUBSECTION (2) DOES NOT COUNT  
4 AGAINST A LEGISLATOR'S INDIVIDUAL BILL LIMIT . THE COMMITTEE ON  
5 LEGAL SERVICES IS THE COMMITTEE OF REFERENCE FOR ANY  
6 DEPARTMENTAL RULE REVIEW BILL INTRODUCED PURSUANT TO THIS  
7 SECTION.

8 (3) (a) DURING THE INTERIM BEFORE THE SCHEDULED EXPIRATION  
9 OF A PARTICULAR AGENCY'S RULES, IN ADDITION TO THE POLICY REVIEW  
10 CONDUCTED AS DESCRIBED IN SUBSECTION (2) OF THIS SECTION, THE  
11 OFFICE OF LEGISLATIVE LEGAL SERVICES SHALL REVIEW THE RULES OF THE  
12 AGENCY AND PREPARE A SUMMARY FOR THE COMMITTEE ON LEGAL  
13 SERVICES FOR EACH SET OF RULES OF THE AGENCY, CONCERNING WHETHER  
14 EACH RULE IS REQUIRED BY, CONFLICTS WITH, OR EXCEEDS THE  
15 AUTHORITY GRANTED BY EXISTING STATUTE. THE OFFICE OF LEGISLATIVE  
16 LEGAL SERVICES AND THE COMMITTEE ON LEGAL SERVICES SHALL  
17 CONDUCT A LEGAL REVIEW OF THE AUTHORITY FOR THE RULES AND SHALL  
18 DETERMINE WHETHER THE RULES ARE WITHIN THE AGENCY'S  
19 RULE-MAKING AUTHORITY IN ACCORDANCE WITH THE PROVISIONS OF  
20 SECTION 24-4-103 (8) (a).

21 (b) THE OFFICE OF LEGISLATIVE LEGAL SERVICES SHALL PRESENT  
22 ITS FINDINGS TO THE COMMITTEE ON LEGAL SERVICES. THE COMMITTEE  
23 SHALL CONDUCT A HEARING ON THE STAFF'S FINDINGS ABOUT THE  
24 AUTHORITY OF THE AGENCY'S RULES AND SHALL TAKE PUBLIC COMMENT  
25 ON THE STAFF'S FINDINGS REGARDING WHETHER THE RULES CONFORM  
26 WITH THE PROVISIONS OF SECTION 24-4-103 (8) (a). THE COMMITTEE ON  
27 LEGAL SERVICES SHALL, ON AFFIRMATIVE VOTE, MAKE

1 RECOMMENDATIONS ON THE EXPIRATION OR EXTENSION OF THE RULES OF  
2 THAT AGENCY BASED ON THE LEGAL REVIEW. THE STAFF SHALL MAINTAIN  
3 A RECORD OF THE COMMITTEE'S DECISIONS ON THE EXPIRATION OR  
4 EXTENSION OF THE AGENCY'S RULES AND PREPARE A DRAFT AMENDMENT  
5 FOR THE DEPARTMENTAL RULE REVIEW BILL THAT REFLECTS THE  
6 COMMITTEE ON LEGAL SERVICES' RECOMMENDATIONS TO THE GENERAL  
7 ASSEMBLY ABOUT WHICH OF THE AGENCY'S RULES SHOULD EXPIRE OR BE  
8 EXTENDED. WHEN THE COMMITTEE ON LEGAL SERVICES SITS AS THE  
9 COMMITTEE OF REFERENCE ON THE AGENCY'S DEPARTMENTAL RULE  
10 REVIEW BILL, THE COMMITTEE SHALL REVIEW ITS FINDINGS ON THE LEGAL  
11 REVIEW AND AMEND THE DEPARTMENTAL RULE REVIEW BILL  
12 ACCORDINGLY TO INCORPORATE ITS FINDINGS. WHEN THE COMMITTEE ON  
13 LEGAL SERVICES SITS AS THE COMMITTEE OF REFERENCE ON THE  
14 DEPARTMENTAL RULE REVIEW BILL, THE COMMITTEE ON LEGAL SERVICES  
15 SHALL ALSO REVIEW THE REPORT ON THE POLICY REVIEW FROM THE  
16 APPLICABLE JOINT COMMITTEE OF REFERENCE ABOUT THE AGENCY'S  
17 RULES. THE COMMITTEE ON LEGAL SERVICES MAY DECIDE, BASED ON A  
18 MAJORITY VOTE, NOT TO FOLLOW THE RECOMMENDATIONS FROM THE  
19 JOINT COMMITTEE OF REFERENCE ABOUT ANY OF THE RULES.

20 (4) (a) IN A DEPARTMENTAL RULE REVIEW BILL, THE GENERAL  
21 ASSEMBLY, IN ITS DISCRETION, MAY POSTPONE THE EXPIRATION OF RULES  
22 OR ANY PORTION THEREOF FOR AN AGENCY. THE POSTPONEMENT OF THE  
23 EXPIRATION OF A RULE DOES NOT CONSTITUTE LEGISLATIVE APPROVAL OF  
24 THE RULE OR MEAN THAT THE RULE IS ADMISSIBLE IN ANY COURT AS  
25 EVIDENCE OF LEGISLATIVE INTENT. ONLY THAT PORTION OF ANY RULE  
26 SPECIFICALLY DISAPPROVED BY BILL IS NO LONGER EFFECTIVE, AND THAT  
27 PORTION OF THE RULE THAT REMAINS AFTER DELETION OF A PORTION

1       THEREOF RETAINS ITS CHARACTER AS AN ADMINISTRATIVE RULE. NOTHING  
2       IN THIS SECTION PROHIBITS ANY ACTION BY THE GENERAL ASSEMBLY  
3       PURSUANT TO SECTION 24-4-103 (8) WITH RESPECT TO RULES THAT ARE  
4       REVIEWED ANNUALLY BY THE COMMITTEE ON LEGAL SERVICES.

5           (b) EACH AGENCY SHALL REVISE ITS RULES TO CONFORM WITH THE  
6       ACTION TAKEN BY THE GENERAL ASSEMBLY. AN AGENCY SHALL NOT  
7       REPROMULGATE A RULE THAT HAS BEEN ALLOWED TO EXPIRE BY ACTION  
8       OF THE GENERAL ASSEMBLY PURSUANT TO THE PROVISIONS OF THIS  
9       SECTION UNLESS THE AUTHORITY TO PROMULGATE SUCH RULE HAS BEEN  
10      GRANTED TO SUCH AGENCY BY A STATUTORY AMENDMENT, BY THE STATE  
11      CONSTITUTION, OR BY A JUDICIAL DETERMINATION THAT STATUTORY OR  
12      CONSTITUTIONAL AUTHORITY EXISTS. ANY RULE SO REPROMULGATED IS  
13      VOID. PASSAGE OF A BILL REPEALING A RULE DOES NOT RESULT IN REVIVAL  
14      OF A PREDECESSOR RULE.

15           (5) THIS SECTION DOES NOT APPLY TO RULES OF AGENCY  
16      ORGANIZATION OR GENERAL STATEMENTS OF POLICY THAT ARE NOT  
17      MEANT TO BE BINDING AS RULES. THIS SECTION DOES NOT APPLY TO RULES  
18      OF ANY AGENCY IN THE DEPARTMENT OF REGULATORY AGENCIES THAT IS  
19      SUBJECT TO THE PROVISIONS OF SECTION 24-34-104.

20           (6) AFTER THE REVIEW OF RULES FOR AN AGENCY HAS OCCURRED  
21      AS SPECIFIED IN SUBSECTIONS (8) TO (10) OF THIS SECTION AND THE RULES  
22      HAVE EITHER BEEN EXTENDED OR THE EXPIRATION DATE HAS BEEN  
23      POSTPONED AS PROVIDED BY THE GENERAL ASSEMBLY ACTING BY BILL,  
24      THE RULES OF THE AGENCY EITHER EXPIRE AS PROVIDED IN THE BILL OR  
25      ARE SUBJECT TO ANOTHER AUTOMATIC EXPIRATION AND REVIEW IN FOUR  
26      YEARS OR IN EIGHT YEARS OR AT A DIFFERENT TIME AS SPECIFIED BY BILL  
27      OR BY EXISTING STATUTE. THE JOINT COMMITTEE OF REFERENCE MAY

1 ALSO RECOMMEND TO THE GENERAL ASSEMBLY THAT AN AGENCY'S RULES  
2 AUTOMATICALLY EXPIRE IN FOUR YEARS OR EIGHT YEARS WITHOUT A  
3 REQUIRED REVIEW BY A COMMITTEE OF REFERENCE, UNLESS EXTENDED BY  
4 THE GENERAL ASSEMBLY ACTING BY BILL.

5 (7) NOTWITHSTANDING THE TERMINATION SCHEDULE FOR AN  
6 AGENCY'S RULES PROVIDED IN THIS SECTION, IF THE GENERAL ASSEMBLY  
7 FAILS TO PASS A DEPARTMENTAL RULE REVIEW BILL DURING THE  
8 LEGISLATIVE SESSION OF THE YEAR IN WHICH THE AGENCY'S RULES ARE  
9 SCHEDULED TO EXPIRE AS PROVIDED IN THIS SECTION OR IF THE GOVERNOR  
10 VETOES THE DEPARTMENTAL RULE REVIEW BILL, THE RULES OF THE  
11 AGENCY ARE AUTOMATICALLY EXTENDED FOR ONE ADDITIONAL YEAR. IN  
12 THAT EVENT, THE JOINT COMMITTEE OF REFERENCE SHALL CONDUCT  
13 ADDITIONAL HEARINGS, MAKE NEW RECOMMENDATIONS, AND INTRODUCE  
14 ANOTHER DEPARTMENTAL RULE REVIEW BILL DURING THE NEXT  
15 SUCCEEDING LEGISLATIVE SESSION. IF THE SECOND DEPARTMENTAL RULE  
16 REVIEW BILL FOR THE AGENCY FAILS TO PASS DURING THE SUCCEEDING  
17 LEGISLATIVE SESSION OR FAILS TO BECOME LAW, THE RULES OF THAT  
18 AGENCY EXPIRE AUTOMATICALLY ON MAY 15 OF THE YEAR OF THE  
19 SUCCEEDING LEGISLATIVE SESSION.

20 (8) THE RULES OF THE FOLLOWING PRINCIPAL DEPARTMENTS OR  
21 AGENCIES ADOPTED PRIOR TO NOVEMBER 1, 2014, EXPIRE ON MAY 15,  
22 2016, UNLESS EXTENDED BY THE GENERAL ASSEMBLY ACTING BY BILL:

- 23 (a) DEPARTMENT OF PERSONNEL;
- 24 (b) DEPARTMENT OF EDUCATION;
- 25 (c) DEPARTMENT OF HUMAN SERVICES;
- 26 (d) DEPARTMENT OF PUBLIC SAFETY;
- 27 (e) THE PUBLIC UTILITIES COMMISSION IN THE DEPARTMENT OF

1 REGULATORY AGENCIES.

2 (9) THE RULES OF THE FOLLOWING PRINCIPAL DEPARTMENTS OR  
3 AGENCIES ADOPTED PRIOR TO NOVEMBER 1, 2015, EXPIRE ON MAY 15,  
4 2017, UNLESS EXTENDED BY THE GENERAL ASSEMBLY ACTING BY BILL:

5 (a) DEPARTMENT OF REVENUE;

6 (b) DEPARTMENT OF LABOR AND EMPLOYMENT;

7 (c) DEPARTMENT OF HIGHER EDUCATION;

8 (d) PUBLIC EMPLOYEES' RETIREMENT ASSOCIATION;

9 (e) DEPARTMENT OF HEALTH CARE POLICY AND FINANCING;

10 (f) DEPARTMENT OF STATE;

11 (g) DEPARTMENT OF NATURAL RESOURCES;

12 (h) THE OFFICE OF THE GOVERNOR.

13 (10) THE RULES OF THE FOLLOWING PRINCIPAL DEPARTMENTS OR  
14 AGENCIES ADOPTED PRIOR TO NOVEMBER 1, 2016, EXPIRE ON MAY 15,  
15 2018, UNLESS EXTENDED BY THE GENERAL ASSEMBLY ACTING BY BILL:

16 (a) DEPARTMENT OF AGRICULTURE;

17 (b) THE RULES OF THE FOLLOWING COMMISSIONS OR BOARDS OF  
18 THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT:

19 (I) THE AIR QUALITY CONTROL COMMISSION;

20 (II) THE WATER QUALITY CONTROL COMMISSION;

21 (III) THE RULES OF THE STATE BOARD OF HEALTH RELATING TO  
22 WATER QUALITY CONTROL;

23 (IV) THE RULES OF THE EXECUTIVE DIRECTOR ON ENVIRONMENTAL  
24 MANAGEMENT SYSTEM PERMIT PROGRAM REGULATION;

25 (V) THE RULES OF THE STATE BOARD OF HEALTH;

26 (c) DEPARTMENT OF LOCAL AFFAIRS.

27 (11) THE RULES OF THE FOLLOWING PRINCIPAL DEPARTMENTS OR

1 AGENCIES ADOPTED PRIOR TO NOVEMBER 1, 2017, EXPIRE ON MAY 15,  
2 2019, UNLESS EXTENDED BY THE GENERAL ASSEMBLY ACTING BY BILL:

3 (a) THE FOLLOWING DIVISIONS IN THE DEPARTMENT OF  
4 REGULATORY AGENCIES:

5 (I) THE DIVISION OF BANKING;

6 (II) THE DIVISION OF INSURANCE;

7 (III) THE DIVISION OF FINANCIAL SERVICES;

8 (IV) THE DIVISION OF SECURITIES;

9 (b) DEPARTMENT OF LAW;

10 (c) THE RULES OF THE DEPARTMENT OF PUBLIC HEALTH AND  
11 ENVIRONMENT RELATING TO HAZARDOUS MATERIALS AND WASTE  
12 MANAGEMENT;

13 (d) DEPARTMENT OF TREASURY;

14 (e) DEPARTMENT OF CORRECTIONS;

15 (f) DEPARTMENT OF MILITARY AND VETERANS AFFAIRS;

16 (g) DEPARTMENT OF TRANSPORTATION;

17 (h) THE INDEPENDENT ETHICS COMMISSION.

18 **SECTION 3.** In Colorado Revised Statutes, 24-4-103, **amend** (8)  
19 (c) (I), (11) (a), and (11) (d) (II) as follows:

20 **24-4-103. Rule-making - procedure - definitions - repeal.**

21 (8) (c) (I) Notwithstanding any other provision of law to the contrary and  
22 the provisions of ~~section~~ SECTIONS 24-4-107 AND 24-4-109, all rules  
23 adopted or amended on or after January 1, 1993, and before November 1,  
24 1993, ~~shall~~ expire at 11:59 p.m. on May 15 of the year following their  
25 adoption unless the general assembly by bill acts to postpone the  
26 expiration of a specific rule, and commencing with rules adopted or  
27 amended on or after November 1, 1993, all rules adopted or amended

1 during any one-year period that begins each November 1 and continues  
2 through the following October 31 ~~shall~~ expire at 11:59 p.m. on the May  
3 15 that follows such one-year period unless the general assembly by bill  
4 acts to postpone the expiration of a specific rule; except that a rule  
5 adopted pursuant to section 25.5-4-402.3 (5) (b) (III), C.R.S., ~~shall expire~~  
6 EXPIRES at 11:59 p.m. on the May 15 following the adoption of the rule  
7 unless the general assembly acts by bill to postpone the expiration of a  
8 specific rule. The general assembly, in its discretion, may postpone such  
9 expiration, in which case, the provisions of section 24-4-108 or  
10 24-34-104 ~~shall~~ apply, and the rules ~~shall~~ expire or ~~be~~ ARE subject to  
11 review as provided in said sections. The postponement of the expiration  
12 of a rule shall not constitute legislative approval of the rule nor be  
13 admissible in any court as evidence of legislative intent. The  
14 postponement of the expiration date of a specific rule shall not prohibit  
15 any action by the general assembly pursuant to the provisions of  
16 paragraph (d) of this subsection (8) with respect to such rule.

17 (11) (a) There is hereby established the code of Colorado  
18 regulations for the publication of rules of agencies of the executive  
19 branch and the Colorado register for the publication of notices of  
20 rule-making, proposed rules, attorney general's opinions relating to such  
21 rules, and adopted rules. The code and the register ~~shall be~~ ARE the sole  
22 official publications for such rules, notices of rule-making, proposed  
23 rules, and attorney general's opinions. The code and the register ~~shall~~  
24 MUST contain, where applicable, references to court opinions and  
25 recommendations of the legal services committee of the general assembly  
26 OR OF THE COMMITTEES OF REFERENCE OF THE GENERAL ASSEMBLY that  
27 relate to or affect such rules and references to any action of the general

1 assembly relating to the extension, expiration, deletion, or rescission of  
2 such rules and may contain other items that, in the opinion of the editor,  
3 are relevant to such rules. The register may also include other public  
4 notices, including annual departmental regulatory agendas submitted by  
5 principal departments to the secretary of state pursuant to section 2-7-203,  
6 C.R.S.; however, except as specifically permitted by law, the inclusion of  
7 such notices in the register ~~shall be~~ IS in addition to and not in substitution  
8 for existing public notice requirements.

9 (d) (II) Each rule adopted, together with the attorney general's  
10 opinion rendered in connection therewith, ~~shall~~ MUST be filed pursuant to  
11 subsection (12) of this section within twenty days after adoption with the  
12 secretary of state for publication in the Colorado register. Upon written  
13 request of an agency, the secretary of state shall correct typographical and  
14 other nonsubstantive errors appearing in the rules as filed by such agency  
15 that occur after final adoption of the rules by the agency during the  
16 preparation of such rules for publication in order to conform the  
17 published rules with the adopted rules. Notices of rule-making  
18 proceedings pursuant to subsection (3) of this section ~~shall~~ MUST also be  
19 filed with the secretary of state in sufficient time for publication pursuant  
20 to subsection (5) of this section in the register. Rules revised to conform  
21 with action taken by the general assembly ~~shall~~ MUST be filed with the  
22 secretary of state for publication in the register and in the code of  
23 Colorado regulations. The legal services committee of the general  
24 assembly shall notify the secretary of state whenever a rule published in  
25 the code is rescinded or a portion thereof is deleted by the general  
26 assembly and whenever a rule or a portion thereof is allowed to expire in  
27 accordance with section 24-4-108, SECTION 24-4-109, or ~~with~~



1     subparagraph (I) of paragraph (c) of subsection (8) of this section, and the  
2     secretary of state shall direct the removal from the code of material so  
3     deleted, rescinded, or allowed to expire.

4             **SECTION 4. Act subject to petition - effective date.** This act  
5     takes effect at 12:01 a.m. on the day following the expiration of the  
6     ninety-day period after final adjournment of the general assembly (August  
7     5, 2015, if adjournment sine die is on May 6, 2015); except that, if a  
8     referendum petition is filed pursuant to section 1 (3) of article V of the  
9     state constitution against this act or an item, section, or part of this act  
10    within such period, then the act, item, section, or part will not take effect  
11    unless approved by the people at the general election to be held in  
12    November 2016 and, in such case, will take effect on the date of the  
13    official declaration of the vote thereon by the governor.