

CHAPTER 200

ADMINISTRATIVE RULE REVIEW

HOUSE BILL 07-1167

BY REPRESENTATIVE(S) McGihon, Carroll T., Cerbo, Carroll M., Gardner B., Green, Casso, and Labuda;
also SENATOR(S) Veiga, Groff, Mitchell S., and Shaffer.

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, 2007 - 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, 2005, and before November 1, 2006, and that are therefore scheduled for expiration May 15, 2007, 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 rule of the state board of education concerning administration of the educator licensing act of 1991 are not extended (1 CCR 301-37): The introductory portion of Rule 2260.5-R-23.00, concerning waivers;

(d) Department of health care policy and financing; except that the following rule of the medical services board concerning medical assistance is not extended (10 CCR 2505-10): Rule 8.518.14.B. 3., concerning if more than one family member provides personal care to the same client;

(e) Department of higher education;

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

(f) Department of human services; except that the following rules of the state board of human services concerning general information and policies are not extended (12 CCR 2509-1):

(I) Rule 7.000.73 B., concerning the state department shall assess a uniform fee for the purpose of conducting employment and volunteer background screening;

(II) Rule 7.000.73 C., concerning the state department shall review the fee at least annually;

(III) Rule 7.000.73 D., concerning the state department is authorized to set the fee not to exceed \$35;

(IV) Rule 7.000.73 E., concerning the state department shall notify the state board of human services of changes to the fee at least annually;

(V) Rule 7.000.73 F., concerning when the state department anticipates changing the fee under the parameters set forth above;

(VI) Rule 7.000.73 G., concerning the state department shall notify interested persons by way of the department's background investigations unit website;

(g) Department of labor and employment; except that the following rules of the division of oil and public safety concerning boilers and pressure vessels are not extended (7 CCR 1101-5):

(I) Section 1-7-1 (b), concerning 20 square feet heating surface (not applicable to electric boilers);

(II) Section 1-9, concerning exemptions;

(III) Section 5-1, concerning requirements for owner-user inspection organizations;

(h) Department of law;

(i) Department of local affairs;

(j) Department of military and veterans affairs; except that the following rules of the adjutant general, division of veterans affairs concerning operations and maintenance of the veterans memorial cemetery of western Colorado (VMCWC) are not extended (8 CCR 1509-1):

(I) The fee schedule table contained in Rule 8 CCR 1509.3 A.;

(II) Rule 8 CCR 1509.3 A. (1), concerning fees assume the VA provides the \$300 burial allowance to VMCWC for eligible veterans' interments;

(III) Rule 1509.5, concerning fee for use of VMCWC facilities;

(k) Department of natural resources;

(l) Department of personnel;

(m) Department of public health and environment;

(n) Department of public safety;

(o) Department of regulatory agencies; except that the following rule of the state banking board concerning trust companies is not extended (3 CCR 701-6): Rule TC5, concerning investment in small business investment companies;

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

(I) The following rules of the taxpayer service division concerning severance tax (1 CCR 201-10):

(A) Regulation 39-29-104, concerning in addition to all other taxes, there is levied a tax upon the severance of all molybdenum ore;

(B) Regulation 39-29-106.1, concerning in addition to all other taxes, there is levied a tax upon the severance of coal;

(II) The following rule of the division of liquor enforcement concerning liquor code (1 CCR 203-2): Regulation 47-918. C., concerning the patron may not place the container in the passenger area of a motor vehicle;

(q) Department of state; except that the following rules are not extended:

(I) The following rules of the secretary of state concerning election rules (8 CCR 1505-1):

(A) Rule 26.2.2, concerning if an elector whose name is not in the registration records, appears in person at the county clerk and recorder's office and states that he or she has timely registered;

(B) Rule 38.10, concerning prior to January 1, 2006, election judges shall make one certificate for each vote center;

(C) Rule 38.12, concerning after January 1, 2006, reconciliation shall consist of a race-by-race comparison by precinct of the received tabulation;

(II) The following rule of the secretary of state concerning campaign and political finance (8 CCR 1505-6): Rule 1.14 b., concerning at least annually gives the membership organization specific written permission to transfer dues to a political committee or small donor committee;

(r) Department of transportation; except that the following rules of the chief engineer concerning the motorcycle operator safety training program are not extended (2 CCR 602-3):

(I) Rule I., concerning authority and purpose;

- (II) Rule II., concerning definitions;
- (III) Rule III., concerning program sponsor application requirements;
- (IV) Rule IV., concerning program sponsor certification requirements;
- (V) Rule V., concerning program instruction certification requirements;
- (VI) Rule VI., concerning maintenance of program instructor certification;
- (VII) Rule VII., concerning program instructor training;
- (VIII) Rule VIII., concerning approved motorcycle operator safety training courses;
- (IX) Rule IX., concerning motorcycle requirements;
- (X) Rule X., concerning program range requirements;
- (XI) Rule XI., concerning quality assurance;
- (XII) Rule XII., concerning program funds and contract procedures;
- (XIII) Rule XIII., concerning denial, suspension, and revocation of certification;
- (XIV) Rule XIV., concerning notice and hearing requirements;
- (XV) Rule XV., concerning reinstatement standards for program sponsors and program instructors;
- (XVI) Rule XVI., concerning advisory committee.

(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, 2005, and before November 1, 2006, and which are therefore scheduled for expiration May 15, 2007, is postponed.

(3) The expiration of all rules and regulations of the Colorado office of economic development, in the office of the governor, which rules and regulations were adopted or amended on or after November 1, 2005, and before November 1, 2006, and which are therefore scheduled for expiration May 15, 2007, is postponed; except that the following rule of the director of the Colorado office of economic development concerning certified capital companies' program is not extended (8 CCR 1501-2): The portion of the Rule on certified capital companies' program that is captioned "annual audit by an independent certified public accountant".

(4) The expiration of all rules and regulations of the commission on information management in the office of information technology, in the office of the governor, which rules and regulations were adopted or amended on or after November 1, 2005, and before November 1, 2006, and which are therefore scheduled for expiration May 15, 2007, is postponed.

(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, 2006, 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, 2006, 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 10, 2007