

CHAPTER 191

ADMINISTRATIVE RULE REVIEW

SENATE BILL 13-079

BY SENATOR(S) Morse, Carroll, Roberts, Schwartz, Guzman;
also REPRESENTATIVE(S) Gardner, Labuda, Levy, Murray, Waller, Conti, Coram, Court, Dore, Gerou, Hullinghorst, Kagan,
Landgraf, May, Melton, Peniston, Priola, Ryden, Salazar, Schafer, Scott, Singer, Stephens, Vigil, Wright, Young, Ferrandino.

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, 2013 - 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, 2011, and before November 1, 2012, and that are therefore scheduled for expiration May 15, 2013, 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 are not extended:

(I) The following rule of the state board of education concerning administration of the accreditation of school districts (1 CCR 301-1): Rule 9.02 (D) (1) (e), concerning for a public high school, the percentage of students enrolled in the public school at each grade level;

(II) The following rules of the state board of education, concerning administration of the educator licensing act of 1991 (1 CCR 301-37):

- (A) Rule 4.11 (6), concerning supervision of the School SLP-A;

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

(B) Rule 4.11(6) (a), concerning direct supervision;

(C) Rule 4.11 (6) (b), concerning SLP-A students or SLP-As under an emergency authorization;

(D) Rule 4.11 (6) (c), concerning authorized SLP-As require the following amount of supervision;

(E) Rule 4.11 (6) (d), concerning the maximum number of SLP-As;

(III) The following rule of the state board of education concerning administration of early literacy grant program (1 CCR 301-90): Rule 4.01 (D), concerning other information that the department may deem necessary to monitor the effectiveness of the grant program;

(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 rule of the state board of human services concerning the food assistance program (10 CCR 2506-1): Rule B-4224 C., concerning as a result of the food, conservation and energy act of 2008, effective October 1, 2011, adjustments to the food assistance resource limit;

(II) The following rules of the state board of human services concerning special projects - domestic violence program (12 CCR 2512-2):

(A) Rule 12.200.4, concerning request for application (RFA);

(B) Rule 12.200.7, concerning review of formal complaints;

(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 of the executive director of the department of natural resources concerning weather modification (2 CCR 401-1) are not extended:

(I) Rule 18, concerning suspension of weather modification operations by emergency managers;

(II) Rule 20, concerning the weather modification advisory committee;

(III) Rule 21, concerning procedure for granting emergency permits;

(l) Department of personnel;

(m) Department of public health and environment;

(n) Department of public safety; except that the following rule of the chief of the Colorado state patrol concerning minimum standards for the operation of motor vehicles (8 CCR 1507-1) is not extended: Rule IV. A., concerning all commercial vehicles and motor carriers;

(o) Department of regulatory agencies;

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

(I) The following rule of the division of motor vehicles of rules concerning titles and registrations - persons with disabilities parking privileges (1 CCR 204-10): Rule 25. 1.10 b., concerning for the purpose of the regulations, commissioned medical officers of the U.S. armed forces, the U.S. public health service, and/or the U.S. veterans administration, and Christian Science practitioners;

(II) The following rule of the executive director concerning gambling payment intercept (1 CCR 210-1): Rule 11, concerning licensee costs;

(q) Department of state; except that the following rule of the secretary of state concerning elections - county security procedures (8 CCR 1505-1) is not extended: Rule 43.4.4, concerning if, under section 1-5-616 (5) (b), C.R.S., the secretary of state is unable to complete its review, the secretary will notify the county;

(r) Department of transportation; except that the following rules are not extended:

(I) The following rules of the transportation commission concerning the statewide transportation planning process (2 CCR 601-22):

(A) Rule 1.22, concerning project priority programming process;

(B) Rule 1.25, concerning regional transportation plan;

(C) Rule 1.42, concerning tribal transportation improvement program;

(D) Rule 2.03.1, concerning TPR boundaries;

(E) Rule 2.03.1.1, concerning a geographical description;

(F) Rule 2.03.1.2, concerning a statement of justification for the change;

(G) Rule 2.03.1.3, concerning a copy of the resolution stating the concurrence;

(H) Rule 2.013.1.4, concerning the name, title, mailing address;

(I) Rule 4.01, concerning regional planning commissions;

- (J) Rule 4.02.1, concerning regional planning commissions and the department;
- (K) Rule 4.02.2, concerning statewide plans and programs;
- (L) Rule 4.02.3, concerning MPO plans and programs;
- (M) Rule 4.02.5.9, concerning review of the public involvement process;
- (N) Rule 4.04.2.2, concerning draft plan review;
- (O) Rule 4.04.2.4, concerning final plan review;
- (P) Rule 4.06.1.7, concerning the statewide transportation plan;
- (Q) Rule 6.01.2, concerning updates or amendments to regional transportation plans;
- (R) Rule 7.01, concerning TIP development;
- (S) Rule 7.03, concerning a TIP for an MPO that is in a non-attainment or maintenance area;
- (T) Rule 7.04, concerning MPO TIPs and Colorado's STIP; and
- (s) Department of the treasury; except that the following rules are not extended:
 - (I) The following rules of the state treasurer concerning state public financing policy (8 CCR 1508-2):
 - (A) The first sentence of Rule 1.11, concerning the state shall comply with the applicable arbitrage regulations;
 - (B) Rule 1.11 A., concerning the direction of investments;
 - (C) Rule 1.11 B., concerning the state shall maintain separate accounts;
 - (D) Rule 1.11 C., concerning balances in project accounts;
 - (E) Rule 1.11 D., concerning rebate computations should be performed;
 - (F) Rule 1.12 A., concerning the state treasurer acknowledges the state's disclosure responsibilities;
 - (G) Rule 1.12 D., concerning the state treasurer may adopt post-issuance compliance procedures.
- (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, 2011, and before November 1, 2012, and which are therefore scheduled for expiration May 15, 2013, is postponed.

(3) 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, 2012, 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, 2012, are not affected by this act.

(4) The following rule of the medical services board of the department of health care policy and financing concerning financial management of the children's basic health plan (10 CCR 2505-3) is repealed, effective May 15, 2013: Rule 170.5, which rule was adopted on December 14, 2012, concerning inpatient hospital care, including labor and delivery, is not a covered benefit for prenatal care program presumptively eligible clients.

(5) The following rule of the Colorado state board of chiropractic examiners of the department of regulatory agencies concerning rules and regulations - scope of practice of chiropractors (3 CCR 707-1) is repealed, effective May 15, 2013: Rule 7 C., which rule was adopted November 15, 2012, concerning nutritional remedial measures, and concerning administer includes oral, topical, inhalation, and injection, and including all following subdivisions of Rule 7 C.

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 11, 2013