

## CHAPTER 145

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**ADMINISTRATIVE RULE REVIEW**

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**SENATE BILL 04-195**

BY SENATOR(S) Evans, Dyer, Gordon, and Jones;  
also REPRESENTATIVE(S) Lee, Hefley, Judd, Marshall, Smith, and McGihon.

**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, 2004 - 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, 2002, and before November 1, 2003, and that are therefore scheduled for expiration May 15, 2004, 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 Colorado Educator Licensing Act of 1991 (1 CCR 301-37) are not extended:

(I) The introductory portion to Rule 2260.5-R-2.03 (1), concerning a degree for a Colorado license;

(II) Rule 2260.5-R-3.05, concerning Professional Teacher or Special Service License;

(III) Rule 2260.5-R-3.12 (2), concerning the applicant having passed a Colorado State Board of Education-approved assessment of content area knowledge relevant

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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.*

to the person's teaching assignment;

(IV) Rule 2260.5-R-3.12 (4), concerning the applicant having met the content area requirements;

(V) Rule 2260.5-R-4.01, concerning AUTHORIZATION: ADJUNCT INSTRUCTOR;

(VI) Rule 2260.5-R-4.02, concerning AUTHORIZATION: INTERN;

(VII) Rule 2260.5-R-4.03, concerning AUTHORIZATION: EMERGENCY;

(VIII) Rule 2260.5-R-4.04, concerning AUTHORIZATION: CAREER AND TECHNICAL EDUCATION;

(IX) Rule 2260.5-R-4.10, concerning AUTHORIZATION: TEMPORARY;

(X) Rule 2260.5-R-4.11, concerning AUTHORIZATION: SCHOOL SPEECH-LANGUAGE PATHOLOGY ASSISTANT, FOR AGES BIRTH - 21;

(XI) Rule 2260.5-R-4.12, concerning AUTHORIZATION: TEACHER IN RESIDENCE (TIR);

(XII) Rule 2260.5-R-4.13, concerning AUTHORIZATION: TEMPORARY TEACHER ELIGIBILITY (TTE);

(XIII) Rule 2260.5-R-4.14, concerning ADJUNCT AUTHORIZATION: EDUCATIONAL INTERPRETER;

(XIV) Rule 2260.5-R-4.15, concerning AUTHORIZATION: JUNIOR RESERVE OFFICER TRAINING CORPS (JROTC);

(XV) Rule 2260.5-R-18.00 (1) (c) (ii), concerning training of alternatively-licensed teachers, including 225-clock hours of planned instruction and activities;

(d) Department of health care policy and financing; except that the following rules of the medical services board concerning medical assistance (10 CCR 2505-10) are not extended:

(I) Rule 8.920.1.B. 2., concerning each nursing facility reporting quarterly census figures;

(II) Rule 8.920.1.C., concerning in addition to all other remedies for non-performance set forth in this staff manual;

(III) Rule 8.920.1.D. 1., concerning the grants for each calendar quarter shall completely distribute the aggregate amount of provider fees;

(IV) Rule 8.920.1.D. 3., concerning no grant being paid to a facility until its fees for the corresponding quarter have been collected in full by the department;

(e) Department of higher education;

(f) Department of human services; except that the following rules of the state board of human services concerning the Colorado telecommunications equipment distribution program (TEDP) (12 CCR 2516-1) are not extended:

(I) The definition of "late deafened" contained in Rule 27.120;

(II) The definition of "physician" contained in Rule 27.120;

(III) Rule 27.140 D. 1., concerning an application fee for the Colorado telecommunications equipment distribution program;

(g) Department of labor and employment;

(h) Department of law;

(i) Department of local affairs;

(j) Department of natural resources; except that the following rule of the board of parks and outdoor recreation is not extended: Rule #106 a. 1. of Article IV of Chapter 1, concerning the carrying or discharging of explosives, firearms and/or other weapons on parks and outdoor recreation lands (2 CCR 405-1);

(k) Department of personnel;

(l) Department of public health and environment; except that the following rules of the air quality control commission of Regulation No. 8, control of hazardous air pollutants, Part B, concerning asbestos control are not extended (5 CCR 1001-10):

(I) Rule II.D.3.a.iv., concerning examination for new air monitoring specialist applicants;

(II) Rule II.D.3.b.iv., concerning examination for existing air monitoring specialist applicants;

(m) Department of public safety; except that the following rule of the executive director concerning the Colorado sex offender registration act is not extended (8 CCR 1507-24): Rule CBI-CSORA-4, concerning consideration of request;

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

(I) The following rule of the division of insurance concerning premium rate setting for small group health plans (3 CCR 702-4): Section 5. A. (3) (d) of Regulation 4-6-7, concerning tobacco use or smoking status;

(II) The following rule of the director of the division of registrations concerning barbers and cosmetologists (4 CCR 731-1): Rule 9. B., concerning prohibited practices of licensed cosmetologists and manicurists;

- (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, 2002, and before November 1, 2003, and which are therefore scheduled for expiration May 15, 2004, is postponed.

(3) (a) Regulation 26-102.7 (a) (6), concerning transportation and other charges to effect delivery of tangible personal property to the purchaser if the sales agreement requires such delivery to consummate the sale, of rules of the department of revenue on sales and use tax (1 CCR 201-4) is repealed, effective September 15, 2004.

(b) Special Regulation 18, concerning Freight, Delivery, and Transportation, and Special Regulation 39, concerning Sand and Gravel, of rules of the department of revenue on sales and use tax - special regulations for specific businesses (1 CCR 201-5) are repealed, effective September 15, 2004.

(4) 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, 2003, 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, 2003, 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: April 13, 2004