

CHAPTER 203

**ADMINISTRATIVE RULE REVIEW**

SENATE BILL 06-106

BY SENATOR(S) Grossman, Groff, Veiga, and Tapia;  
also REPRESENTATIVE(S) McGihon, Carroll T., Hefley, King, and Marshall.

**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, 2006 - 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, 2004, and before November 1, 2005, and that are therefore scheduled for expiration May 15, 2006, 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 rules of the state board of education concerning the administration of the exceptional children's educational act (1 CCR 301-8):

(A) Rule 2220-R-2.03 (2)(b)(iii), concerning tuition shall be owed to the charter school for only those children with disabilities receiving special education and related services for greater than sixty percent of their educational time;

(B) Rule 2220-R-2.03 (2)(e)(iii), concerning tuition shall be owed to the provider of the on-line program for only those children with disabilities receiving special education and related services for greater than sixty percent of their educational

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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.*

time;

(II) The following rule of the state board of education concerning administration of the school improvement plan is not extended (1 CCR 301-52): Rule 2207-R-2.02 (2) (b), concerning School Improvement Plans, Timelines and CDE review;

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

(I) The sixth paragraph of Rule 8.101.1 L., concerning the presumptive eligibility period shall be no longer than 60 days;

(II) Rule 8.493.5. D., concerning the Home Modification Provider shall assure that the project complies with local and/or state building codes;

(III) Rule 8.518.5.A. 10., concerning a client receiving Personal Support Services shall not receive Home Care Allowance;

(e) Department of higher education;

(f) Department of human services; except that the following rule of the state board of human services concerning income maintenance is not extended (9 CCR 2503-1): The definition of "program prohibitions" in Rule 3.605;

(g) Department of labor and employment; except that the following rule of the director of the division of workers' compensation concerning workers' compensation rules of procedure with treatment guidelines is not extended (7 CCR 1101-3): Rule 11-4 (B), concerning payment for an IME shall be made at least 10 calendar days prior to the scheduled examination;

(h) Department of law;

(i) Department of local affairs;

(j) Department of natural resources;

(k) Department of personnel; except that the following rules are not extended:

(I) The following rules of the executive director of the department of personnel concerning personnel board rules and personnel director's administrative procedures (4 CCR 801):

(A) Administrative procedure 2-11. A., concerning the Director, upon the request of a department head or to ensure the statewide total number of senior executive service positions does not exceed 125, shall review any position;

(B) Administrative procedure 4-24., concerning upon receipt of a request to fill a vacancy, referral of the three highest-ranking candidates will be made from the appropriate eligible lists;

(C) Administrative procedure 4-31. B., concerning when the services are non-permanent, such as short-term or urgent, no permanent position or eligible list need be established;

(D) Administrative procedure 10-3. F., concerning positions in the state personnel system may be abolished and employees transferred or reassigned as a result of a personal services contract;

(E) Administrative procedure 10-5., concerning notification and review process;

(II) The following rule of the state personnel board concerning personnel board rules and personnel director's administrative procedures (4 CCR 801): Rule 8-25B., concerning the complaint and response will be referred to the Director for investigation;

(I) Department of public health and environment; except that the following rules of the state board of health concerning the cancer, cardiovascular disease and chronic pulmonary disease prevention, early detection and treatment grant program are not extended (6 CCR 1015-9):

(I) Rule 1.2 (2) (B), concerning providing appropriate diagnosis and treatment services;

(II) Rule 1.5 (3), concerning criteria for exemption;

(m) Department of public safety;

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

(I) The following rule of the state banking board concerning foreign capital depositories (3 CCR 701-9): Rule FCD 8 C., concerning notwithstanding any other provision of this Rule or Act, final determination shall be in the sole discretion of the Banking Board;

(II) The following rule of the state electrical board concerning electricians (3 CCR 710-1): Rule 3.9, concerning any applicant who fails the license examination two times in succession, shall not be eligible to take the examination for six months;

(III) The following rule of the state board of pharmacy concerning pharmacy rules and regulations (3 CCR 719-1): Rule 6.00.80 a., concerning any pharmacist providing drug therapy management shall maintain professional liability insurance;

(IV) The following rule of the examining board of plumbers concerning plumbing (3 CCR 720-1): Rule 3.9, concerning any applicant who fails the written examination two times shall not be eligible to take the examination for six months;

(V) The following rules of the real estate commission, concerning real estate brokers and salespersons (4 CCR 725-1):

(A) Rule B-2 (a) (1), concerning Annual Commission Update;

(B) Rule B-2 (a) (2), concerning license expiring on December 31, 2005;

(C) Rule B-2 (a) (3), concerning license expiring on December 31, 2006;

(D) Rule B-2 (a) (4), concerning license expiring on December 31, 2007;

(E) Rule B-2 (a) (6), concerning anniversary date renewal period;

(F) Rule B-3 (b), concerning any provider specified in commission rule B-6 (a) may request and offer the "Annual Commission Update" course;

(VI) The following rule of the board of real estate appraisers, concerning real estate appraisers (4 CCR 725-2): Rule 11.1, concerning pursuant to Section 12-61-710 (1)(g), C.R.S., the Board adopts, and incorporates by reference as the generally accepted standards of professional appraisal practice;

(VII) The following rule of the state board of veterinary medicine concerning veterinary medicine rules and regulations (4 CCR 727-1): Rule 7.00, concerning AVMA Code of Ethics;

(o) Department of revenue; except that the following rules of the Colorado lottery commission concerning lottery rules and regulations are not extended (1 CCR 206-1):

(I) Rule 12.1 c., concerning the definition of "Drawing Guidelines";

(II) Rule 12.2, concerning Commission to Adopt Specific Rules and Regulations for Lottery Promotions;

(III) Rule 12.3, concerning Promotion Entry;

(IV) Rule 12.4 a., concerning payment and/or delivery of a Promotion prize shall be as set forth in Specific Promotion Rules;

(V) Rule 12.4 b., concerning if required by Specific Promotion Rules, incorporated by reference as though fully set forth herein, the holder of a winning entry or his/her representative, shall fill out a claim form which is available free of charge from any Lottery office or claims center;

(VI) Rule 12.4 f., concerning the winner, at the time of presentation of the completed claim form, will receive either the prize or a copy of the claim form;

(VII) Rule 12.6 a., concerning each winning "Entry" must have placed thereon the information required by Specific Promotion Rules and/or associated Drawing Guidelines;

(VIII) Rule 12.7, concerning Entrant's Obligations;

(IX) Rule 12.9 a., concerning the number, kind, and sizes of Level One or Level Two promotion prizes;

(X) Rule 12.9 b., concerning in the event that selection of promotion prizewinners includes a drawing, entry into drawings shall be through random process in the manner set forth in Specific Promotion Rules and/or associated Drawing Guidelines;

(XI) Rule 12.10, concerning Determination of Promotion Prize Winners;

(XII) Rule 12.11 a., concerning the winning of any prize set forth in Paragraph 12.9 shall be as set forth in Specific Promotion Rules and/or associated Drawing Guidelines;

(XIII) Rule 12.11 b., concerning the winning of any promotion drawing prize(s) set forth in Paragraph 12.9 shall be determined at publicly held drawings;

(XIV) Rule 12.11 d., concerning finalists will participate in the drawing as specified in Specific Promotion Rules and/or associated Drawing Guidelines;

(XV) Rule 12.11 e., concerning Level One promotion drawings will be conducted by a Lottery drawing team;

(XVI) Rule 12.11 f., concerning Level Two promotion drawings will be conducted by a Lottery drawing team;

(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, 2004, and before November 1, 2005, and which are therefore scheduled for expiration May 15, 2006, is postponed.

(3) The expiration of all rules and regulations of the office of economic development, in the office of the governor, which rules and regulations were adopted or amended on or after November 1, 2004, and before November 1, 2005, and which are therefore scheduled for expiration May 15, 2006, is postponed.

(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, 2005, 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, 2005, 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 15, 2006