

**First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 13-0136.01 Debbie Haskins x2045

SENATE BILL 13-079

SENATE SPONSORSHIP

Morse, Carroll, Roberts, Schwartz

HOUSE SPONSORSHIP

Gardner, Labuda, Levy, Murray, Waller

Senate Committees

Legal Services
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING IMPLEMENTATION OF RECOMMENDATIONS OF THE**
102 **COMMITTEE ON LEGAL SERVICES IN CONNECTION WITH**
103 **LEGISLATIVE REVIEW OF RULES AND REGULATIONS OF STATE**
104 **AGENCIES.**

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>.)

Committee on Legal Services. Based on the findings and

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.*

SENATE
2nd Reading Unamended
February 26, 2013

recommendations of the committee on legal services, the bill extends all state agency rules and regulations that were adopted or amended on or after November 1, 2011, and before November 1, 2012, with the exception of the rules and regulations specifically listed in the bill. Those specified rules and regulations will expire as scheduled in the "State Administrative Procedure Act" on May 15, 2013, on the grounds that the rules and regulations either conflict with statute or lack or exceed statutory authority.

The bill repeals, effective May 15, 2013, a rule of the medical services board of the department of health care policy and financing concerning presumptive eligibility of prenatal care clients in the children's basic health plan.

The bill repeals, effective May 15, 2013, a rule of the Colorado state board of chiropractic examiners of the department of regulatory agencies concerning the scope of practice of chiropractors.

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

2 **SECTION 1. Rules and regulations scheduled for expiration**

3 **May 15, 2013 - extension.** (1) Except as indicated, the expiration of all
4 rules and regulations of agencies in the following principal departments,
5 which rules and regulations were adopted or amended on or after
6 November 1, 2011, and before November 1, 2012, and that are therefore
7 scheduled for expiration May 15, 2013, is postponed, and the provisions
8 of section 24-4-108 or 24-34-104, Colorado Revised Statutes, shall apply:

9 (a) Department of agriculture;

10 (b) Department of corrections;

11 (c) Department of education; except that the following rules are
12 not extended:

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

17 (II) The following rules of the state board of education,

1 concerning administration of the educator licensing act of 1991 (1 CCR
2 301-37):

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

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

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

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

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

11 (F) Rule 4.16, concerning authorization: adult basic education;

12 (G) Rule 4.16 (1), concerning the adult basic education
13 authorization may be renewed;

14 (III) The following rule of the state board of education concerning
15 administration of early literacy grant program (1 CCR 301-90): Rule 4.01

16 (D), concerning other information that the department may deem
17 necessary to monitor the effectiveness of the grant program;

18 (d) Department of health care policy and financing; except that the
19 following rule of the medical services board concerning medical
20 assistance - nursing facility reimbursement (10 CCR 2505-10) is not
21 extended: Rule 8.443.17. A 4.e., concerning each nursing facility will
22 report annually its total number of days of care provided to non-medicare
23 residents;

24 (e) Department of higher education;

25 (f) Department of human services; except that the following rules
26 are not extended:

27 (I) The following rule of the state board of human services

1 concerning the food assistance program (10 CCR 2506-1): Rule B-4224
2 C., concerning as a result of the food, conservation and energy act of
3 2008, effective October 1, 2011, adjustments to the food assistance
4 resource limit;

5 (II) The following rules of the state board of human services
6 concerning special projects - domestic violence program (12 CCR
7 2512-2):

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

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

10 (g) Department of labor and employment;

11 (h) Department of law;

12 (i) Department of local affairs;

13 (j) Department of military and veterans affairs;

14 (k) Department of natural resources; except that the following
15 rules of the executive director of the department of natural resources
16 concerning weather modification (2 CCR 401-1) are not extended:

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

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

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

23 (l) Department of personnel;

24 (m) Department of public health and environment;

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

1 A., concerning all commercial vehicles and motor carriers;

2 (o) Department of regulatory agencies; except that the following
3 rule of the Colorado medical board concerning the licensure and
4 supervision of distinguished foreign teaching physicians (3 CCR 713-33)
5 is not extended: Rule 140 II. C. 2. b., concerning for renewal applications
6 not designated as associate professor or higher, provide detailed
7 information for the applicant's plans to obtain Colorado medical
8 licensure;

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

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

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

20 (q) Department of state; except that the following rule of the
21 secretary of state concerning elections - county security procedures (8
22 CCR 1505-1) is not extended: Rule 43.4.4, concerning if, under section
23 1-5-616 (5) (b), C.R.S., the secretary of state is unable to complete its
24 review, the secretary will notify the county;

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

27 (I) The following rules of the transportation commission

1 concerning the statewide transportation planning process (2 CCR
2 601-22):

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

4 (B) Rule 1.25, concerning regional transportation plan;

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

7 (D) Rule 2.03.1, concerning TPR boundaries;

8 (E) Rule 2.03.1.1, concerning a geographical description;

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

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

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

14 (I) Rule 4.01, concerning regional planning commissions;

15 (J) Rule 4.02.1, concerning regional planning commissions and
16 the department;

17 (K) Rule 4.02.2, concerning statewide plans and programs;

18 (L) Rule 4.02.3, concerning MPO plans and programs;

19 (M) Rule 4.02.5.9, concerning review of the public involvement
20 process;

21 (N) Rule 4.04.2.2, concerning draft plan review;

22 (O) Rule 4.04.2.4, concerning final plan review;

23 (P) Rule 4.06.1.7, concerning the statewide transportation plan;

24 (Q) Rule 6.01.2, concerning updates or amendments to regional
25 transportation plans;

26 (R) Rule 7.01, concerning TIP development;

27 (S) Rule 7.03, concerning a TIP for an MPO that is in a

1 non-attainment or maintenance area;

2 (T) Rule 7.04, concerning MPO TIPs and Colorado's STIP; and

3 (s) Department of the treasury; except that the following rules are

4 not extended:

5 (I) The following rules of the state treasurer concerning state

6 public financing policy (8 CCR 1508-2):

7 (A) The first sentence of Rule 1.11, concerning the state shall

8 comply with the applicable arbitrage regulations;

9 (B) Rule 1.11 A., concerning the direction of investments;

10 (C) Rule 1.11 B., concerning the state shall maintain separate

11 accounts;

12 (D) Rule 1.11 C., concerning balances in project accounts;

13 (E) Rule 1.11 D., concerning rebate computations should be

14 performed;

15 (F) Rule 1.12 A., concerning the state treasurer acknowledges the

16 state's disclosure responsibilities;

17 (G) Rule 1.12 D., concerning the state treasurer may adopt

18 post-issuance compliance procedures.

19 (2) The expiration of all rules and regulations of the public

20 employees' retirement association, which rules and regulations were

21 adopted or amended on or after November 1, 2011, and before November

22 1, 2012, and which are therefore scheduled for expiration May 15, 2013,

23 is postponed.

24 (3) The recommendations of the committee on legal services as

25 reflected in this act apply to the specified rules in the form in which said

26 rules were considered and acted upon by the committee. Any amendments

27 or other changes in the specified rules that became effective before

1 November 1, 2012, that comply with the recommendations of the
2 committee on legal services are not affected by this act. Any subsequent
3 amendments or other changes in the specified rules that became effective
4 on or after November 1, 2012, are not affected by this act.

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

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

19 **SECTION 2. Safety clause.** The general assembly hereby finds,
20 determines, and declares that this act is necessary for the immediate
21 preservation of the public peace, health, and safety.