

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

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

Legal Services

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
3rd Reading Unamended
February 27, 2013

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 [REDACTED]

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

16 (d) Department of health care policy and financing; [REDACTED]

17 (e) Department of higher education;

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

20 (I) The following rule of the state board of human services
21 concerning the food assistance program (10 CCR 2506-1): Rule B-4224
22 C., concerning as a result of the food, conservation and energy act of
23 2008, effective October 1, 2011, adjustments to the food assistance
24 resource limit;

25 (II) The following rules of the state board of human services
26 concerning special projects - domestic violence program (12 CCR
27 2512-2):

- 1 (A) Rule 12.200.4, concerning request for application (RFA);
- 2 (B) Rule 12.200.7, concerning review of formal complaints;
- 3 (g) Department of labor and employment;
- 4 (h) Department of law;
- 5 (i) Department of local affairs;
- 6 (j) Department of military and veterans affairs;
- 7 (k) Department of natural resources; except that the following
- 8 rules of the executive director of the department of natural resources
- 9 concerning weather modification (2 CCR 401-1) are not extended:
- 10 (I) Rule 18, concerning suspension of weather modification
- 11 operations by emergency managers;
- 12 (II) Rule 20, concerning the weather modification advisory
- 13 committee;
- 14 (III) Rule 21, concerning procedure for granting emergency
- 15 permits;
- 16 (l) Department of personnel;
- 17 (m) Department of public health and environment;
- 18 (n) Department of public safety; except that the following rule of
- 19 the chief of the Colorado state patrol concerning minimum standards for
- 20 the operation of motor vehicles (8 CCR 1507-1) is not extended: Rule IV.
- 21 A., concerning all commercial vehicles and motor carriers;
- 22 (o) Department of regulatory agencies; ■ ■
- 23 (p) Department of revenue; except that the following rules are not
- 24 extended:
- 25 (I) The following rule of the division of motor vehicles of rules
- 26 concerning titles and registrations - persons with disabilities parking
- 27 privileges (1 CCR 204-10): Rule 25. 1.10 b., concerning for the purpose

1 of the regulations, commissioned medical officers of the U.S. armed
2 forces, the U.S. public health service, and/or the U.S. veterans
3 administration, and Christian science practitioners;

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

7 (q) Department of state; except that the following rule of the
8 secretary of state concerning elections - county security procedures (8
9 CCR 1505-1) is not extended: Rule 43.4.4, concerning if, under section
10 1-5-616 (5) (b), C.R.S., the secretary of state is unable to complete its
11 review, the secretary will notify the county;

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

14 (I) The following rules of the transportation commission
15 concerning the statewide transportation planning process (2 CCR
16 601-22):

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

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

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

21 (D) Rule 2.03.1, concerning TPR boundaries;

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

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

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

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

- 1 (I) Rule 4.01, concerning regional planning commissions;
- 2 (J) Rule 4.02.1, concerning regional planning commissions and
- 3 the department;
- 4 (K) Rule 4.02.2, concerning statewide plans and programs;
- 5 (L) Rule 4.02.3, concerning MPO plans and programs;
- 6 (M) Rule 4.02.5.9, concerning review of the public involvement
- 7 process;
- 8 (N) Rule 4.04.2.2, concerning draft plan review;
- 9 (O) Rule 4.04.2.4, concerning final plan review;
- 10 (P) Rule 4.06.1.7, concerning the statewide transportation plan;
- 11 (Q) Rule 6.01.2, concerning updates or amendments to regional
- 12 transportation plans;
- 13 (R) Rule 7.01, concerning TIP development;
- 14 (S) Rule 7.03, concerning a TIP for an MPO that is in a
- 15 non-attainment or maintenance area;
- 16 (T) Rule 7.04, concerning MPO TIPs and Colorado's STIP; and
- 17 (s) Department of the treasury; except that the following rules are
- 18 not extended:
 - 19 (I) The following rules of the state treasurer concerning state
 - 20 public financing policy (8 CCR 1508-2):
 - 21 (A) The first sentence of Rule 1.11, concerning the state shall
 - 22 comply with the applicable arbitrage regulations;
 - 23 (B) Rule 1.11 A., concerning the direction of investments;
 - 24 (C) Rule 1.11 B., concerning the state shall maintain separate
 - 25 accounts;
 - 26 (D) Rule 1.11 C., concerning balances in project accounts;
 - 27 (E) Rule 1.11 D., concerning rebate computations should be

1 performed;

2 (F) Rule 1.12 A., concerning the state treasurer acknowledges the
3 state's disclosure responsibilities;

4 (G) Rule 1.12 D., concerning the state treasurer may adopt
5 post-issuance compliance procedures.

6 (2) The expiration of all rules and regulations of the public
7 employees' retirement association, which rules and regulations were
8 adopted or amended on or after November 1, 2011, and before November
9 1, 2012, and which are therefore scheduled for expiration May 15, 2013,
10 is postponed.

11 (3) The recommendations of the committee on legal services as
12 reflected in this act apply to the specified rules in the form in which said
13 rules were considered and acted upon by the committee. Any amendments
14 or other changes in the specified rules that became effective before
15 November 1, 2012, that comply with the recommendations of the
16 committee on legal services are not affected by this act. Any subsequent
17 amendments or other changes in the specified rules that became effective
18 on or after November 1, 2012, are not affected by this act.

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

26 (5) The following rule of the Colorado state board of chiropractic
27 examiners of the department of regulatory agencies concerning rules and

1 regulations - scope of practice of chiropractors (3 CCR 707-1) is
2 repealed, effective May 15, 2013: Rule 7 C., which rule was adopted
3 November 15, 2012, concerning nutritional remedial measures, and
4 concerning administer includes oral, topical, inhalation, and injection, and
5 including all following subdivisions of Rule 7 C.

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