

OFFICE OF LEGISLATIVE LEGAL SERVICES

COLORADO GENERAL ASSEMBLY

DIRECTOR
Dan L. Cartin

DEPUTY DIRECTOR
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REVISOR OF STATUTES
Jennifer G. Gilroy

ASSISTANT DIRECTORS
Deborah F. Haskins
Bart W. Miller
Julie A. Pelegri

PUBLICATIONS COORDINATOR
Kathy Zambrano



COLORADO STATE CAPITOL
200 EAST COLFAX AVENUE SUITE
091
DENVER, COLORADO 80203-1716
TEL: 303-866-2045 FAX: 303-866-4157
EMAIL: OLLS.GA@STATE.CO.US

MANAGING SENIOR ATTORNEYS
Jeremiah B. Barry Duane H. Gall
Christine B. Chase Jason Gelender
Michael J. Dohr Robert S. Lackner
Gregg W. Fraser Thomas Morris

SENIOR ATTORNEYS
Brita Darling Jery Payne
Edward A. DeCecco Jane M. Ritter
Kristen J. Forrestal Richard Sweetman
Kate Meyer Esther van Mourik
Nicole H. Myers

SENIOR ATTORNEY FOR ANNOTATIONS
Michele D. Brown

STAFF ATTORNEYS
Jennifer A. Berman Yelana Love

AGENDA

Committee on Legal Services

April 29, 2016

Upon Adjournment of the Joint Legislative Council Committee

JCR 271

1. Approval of HB 16-1257 by Representative McCann; also Senator Scheffel - Rule Review Bill.
2. Meeting Schedule during the Interim.
3. Other.

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

REENGROSSED

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

LLS NO. 16-0525.01 Debbie Haskins x2045

HOUSE BILL 16-1257

HOUSE SPONSORSHIP

McCann, Foote, Kagan

SENATE SPONSORSHIP

Scheffel, Johnston, Steadman

House Committees

Legal Services

Senate 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/bills summaries>.)

Committee on Legal Services. Based on the findings and recommendations of the committee on legal services, the bill extends all state agency rules and regulations that were adopted or amended on or

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.

HOUSE
3rd Reading Unamended
April 25, 2016

HOUSE
Amended 2nd Reading
April 22, 2016

after November 1, 2014, and before November 1, 2015, 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, 2016, on the grounds that the rules and regulations either conflict with statute or lack or exceed statutory authority.

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, 2016 - 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, 2014, and before November 1, 2015, and that are therefore
7 scheduled for expiration May 15, 2016, 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 of the
12 state charter school institute concerning administration of the state charter
13 school institute (1 CCR 302-1) are not extended:

14 (I) Rule 4.00 2), concerning if the applicant is an existing school,
15 the application shall contain a modified subset of the information;

16 (II) Rule 9.00 6), concerning following adoption of content
17 standards pursuant to this section, each institute charter school shall
18 review and revise such content standards;

19 (d) Department of health care policy and financing; except that the
20 following rules are not extended:

21 (I) The following rules of the medical services board concerning
22 medical assistance rules on long-term care (10 CCR 2505-10):

- 1 (A) The definition of "deficiency" in Rule 8.435.1;
- 2 (B) Rule 8.435.2.B. 5., concerning requirements and guidelines
3 for selecting remedies;
- 4 (C) Rule 8.435.2.C. 3. c., concerning the notice requirement for
5 CMP;
- 6 (D) Rule 8.443.9.A. 1. a., concerning appraised value means the
7 determination by a qualified appraiser who is a member of an institute of
8 real estate appraisers or its equivalent;
- 9 (E) Rule 8.443.9.A. 1. h., concerning index means the square foot
10 construction costs for nursing facilities in the Means Square Foot Costs
11 Book;
- 12 (F) Rule 8.481, concerning medical review/independent
13 professional review;
- 14 (G) Rule 8.481.1, concerning responsibility of nursing homes in
15 medical review process;
- 16 (H) Rule 8.482.46 A., concerning services and equipment which
17 are a benefit of Medicare;
- 18 (I) Rule 8.497.1.C., concerning PACE organizations must comply
19 with federal marketing regulations;
- 20 (J) Rule 8.497.2.B., concerning PACE organizations and eligible
21 persons shall comply with all applicable federal regulations regarding
22 PACE enrollment and disenrollment;
- 23 (II) The following rule of the medical services board concerning
24 medical assistance (10 CCR 2505-10): Rule 8.960, concerning the
25 Colorado dental health care program for low-income seniors, including
26 Rules 8.960.1 through 8.960.3.F;
- 27 (e) Department of higher education;

- 1 (f) Department of human services;
- 2 (g) Department of labor and employment;
- 3 (h) Department of law;
- 4 (i) Department of local affairs;
- 5 (j) Department of military and veterans affairs;
- 6 (k) Department of natural resources;
- 7 (l) Department of personnel;
- 8 (m) Department of public health and environment;
- 9 (n) Department of public safety; except that the following rules of
- 10 the director of the division of fire prevention and control concerning the
- 11 fire suppression program (8 CCR 1507-11) are not extended:
 - 12 (I) Rule 6.2.1 3., concerning any work described in this rule that
 - 13 is conducted at any facility owned and operated by a mining company;
 - 14 (II) Rule 9.5 1., concerning an exemption from the incorporation
 - 15 by reference in which the director has the authority to adopt by policy
 - 16 Tentative Interim Amendments (TIAs) issued by the promulgating body
 - 17 of the national code or standard;
 - 18 (III) Rule 10.7.2, concerning all fines collected pursuant to this
 - 19 rule will be deposited in the fire suppression cash fund;
- 20 (o) Department of regulatory agencies; except that the following
- 21 rule is not extended: The following rule of the division of real estate,
- 22 concerning community association managers (4 CCR 725-7): Rule A-5),
- 23 concerning community association manager license examination
- 24 expiration and application requirements;
- 25 (p) Department of revenue; except that the following rules are not
- 26 extended:
 - 27 (I) The following rule of the taxpayer service division - tax group,

1 concerning income tax (1 CCR 201-2): Regulation 39-22-622 (3) (a),
2 concerning a return is "filed" on the date the department physically or
3 electronically receives the return;

4 (II) The following rule of the marijuana enforcement division,
5 concerning sales, manufacturing, and dispensing of medical marijuana (1
6 CCR 212-1): Rule M 231.5 B. 1., concerning fingerprints required--any
7 individual applying for a permitted economic interest shall be
8 fingerprinted for a fingerprint-based criminal history record check at the
9 division's discretion;

10 (III) The following rule of the marijuana enforcement division,
11 concerning the retail marijuana code (1 CCR 212-2): Rule R 231.5 B. 1.,
12 concerning fingerprints required--any individual applying for a permitted
13 economic interest shall be fingerprinted for a fingerprint-based criminal
14 history record check at the division's discretion;

15 (q) Department of state; except that the following rules of the
16 secretary of state concerning elections (8 CCR 1505-1) are not extended:

17 (I) Rule 2.10.2, concerning if after the 20-day period outlined in
18 section 1-2-509 (3), C.R.S., the United States Postal Service returns a new
19 voter notification to the county clerk as undeliverable;

20 (II) Rule 6.4, concerning a supervisor judge in a voter service and
21 polling center must complete a training course provided by or approved
22 by the secretary of state;

23 (r) Department of transportation;

24 (s) Department of the treasury.

25 (2) The expiration of all rules and regulations of the public
26 employees' retirement association, which rules and regulations were
27 adopted or amended on or after November 1, 2014, and before November

1 1, 2015, and which are therefore scheduled for expiration May 15, 2016,
2 is postponed.

3 (3) The recommendations of the committee on legal services as
4 reflected in this act apply to the specified rules in the form in which said
5 rules were considered and acted upon by the committee. Any amendments
6 or other changes in the specified rules that became effective before
7 November 1, 2015, that comply with the recommendations of the
8 committee on legal services are not affected by this act. Any subsequent
9 amendments or other changes in the specified rules that became effective
10 on or after November 1, 2015, are not affected by this act.

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