

CHAPTER 160

ADMINISTRATIVE RULE REVIEW

HOUSE BILL 16-1257

BY REPRESENTATIVE(S) McCann, Foote, Kagan, Arndt, Becker K., Fields, Ginal, Klingenschmitt, Lontine, Ryden, Hullinghorst;
also SENATOR(S) Scheffel, Johnston, Steadman, Guzman, Heath, Hodge, Roberts, Cadman.

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

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

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

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

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

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

(A) The definition of "deficiency" in Rule 8.435.1;

(B) Rule 8.435.2.B. 5., concerning requirements and guidelines for selecting remedies;

(C) Rule 8.435.2.C. 3. c., concerning the notice requirement for CMP;

(D) Rule 8.443.9.A. 1. a., concerning appraised value means the determination by a qualified appraiser who is a member of an institute of real estate appraisers or its equivalent;

(E) Rule 8.443.9.A. 1. h., concerning index means the square foot construction costs for nursing facilities in the Means Square Foot Costs Book;

(F) Rule 8.481, concerning medical review/independent professional review;

(G) Rule 8.481.1, concerning responsibility of nursing homes in medical review process;

(H) Rule 8.482.46 A., concerning services and equipment which are a benefit of Medicare;

(I) Rule 8.497.1.C., concerning PACE organizations must comply with federal marketing regulations;

(J) Rule 8.497.2.B., concerning PACE organizations and eligible persons shall comply with all applicable federal regulations regarding PACE enrollment and disenrollment;

(II) The following rule of the medical services board concerning medical assistance (10 CCR 2505-10): Rule 8.960, concerning the Colorado dental health care program for low-income seniors, including Rules 8.960.1 through 8.960.3.F;

(e) Department of higher education;

(f) Department of human services;

(g) Department of labor and employment;

(h) Department of law;

(i) Department of local affairs;

(j) Department of military and veterans affairs;

(k) Department of natural resources;

(l) Department of personnel;

(m) Department of public health and environment;

(n) Department of public safety; except that the following rules of the director of the division of fire prevention and control concerning the fire suppression program (8 CCR 1507-11) are not extended:

(I) Rule 6.2.1 3., concerning any work described in this rule that is conducted at any facility owned and operated by a mining company;

(II) Rule 9.5 1., concerning an exemption from the incorporation by reference in which the director has the authority to adopt by policy Tentative Interim Amendments (TIAs) issued by the promulgating body of the national code or standard;

(III) Rule 10.7.2, concerning all fines collected pursuant to this rule will be deposited in the fire suppression cash fund;

(o) Department of regulatory agencies; except that the following rule is not extended: The following rule of the division of real estate, concerning community association managers (4 CCR 725-7): Rule A-5), concerning community association manager license examination expiration and application requirements;

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

(I) The following rule of the taxpayer service division - tax group, concerning income tax (1 CCR 201-2): Regulation 39-22-622 (3) (a), concerning a return is "filed" on the date the department physically or electronically receives the return;

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

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

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

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

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

(r) Department of transportation;

(s) Department of the treasury.

(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, 2014, and before November 1, 2015, and which are therefore scheduled for expiration May 15, 2016, is postponed.

(3) The recommendations of the committee on legal services as reflected in this act 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, 2015, 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, 2015, 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 9, 2016