

Colorado Register



37 CR 21

Volume 37 , No.21

November 10, 2014

Introduction

The *Colorado Register* is published pursuant to C.R.S. 24-4-103(11) and is the sole official publication for state agency notices of rule-making, proposed rules, attorney general's opinions relating to such rules, and adopted rules. The register may also include other public notices including annual departmental regulatory agendas submitted by principal departments to the secretary of state.

"Rule" means the whole or any part of every agency statement of general applicability and future effect implementing, interpreting, or declaring law or policy or setting forth the procedure or practice requirements of any agency. "Rule" includes "regulation". C.R.S. 24-4-102(15). Adopted rules are effective twenty days after the publication date of this issue unless otherwise specified.

The *Colorado Register* is published by the office of the Colorado Secretary of State twice monthly on the tenth and the twenty-fifth. Notices of rule-making and adopted rules that are filed from the first through the fifteenth are published on the twenty-fifth of the same month, and those that are filed from the sixteenth through the last day of the month are published on the tenth of the following month. All filings are submitted through the secretary of state's electronic filing system.

For questions regarding the content and application of a particular rule, please contact the state agency responsible for promulgating the rule. For questions about this publication, please contact the Administrative Rules Program at rules@sos.state.co.us.

Notice of Rulemaking Hearing

Tracking number

2014-01127

Department

200 - Department of Revenue

Agency

201 - Taxpayer Service Division - Tax Group

CCR number

1 CCR 201-2

Rule title

INCOME TAX

Rulemaking Hearing

Date

12/10/2014

Time

09:00 AM

Location

1375 Sherman St., Room 127, Denver, CO 80261

Subjects and issues involved

HIGH TECHNOLOGY SCHOLARSHIP CONTRIBUTION CREDIT

Statutory authority

39-21-112(1), and 39-22-523, C.R.S.

Contact information

Name

Phil Horwitz

Title

Policy Director

Telephone

303-205-8422

Email

phillip.horwitz@state.co.us

~~HIGH TECHNOLOGY SCHOLARSHIP CONTRIBUTION CREDIT~~

~~REGULATION 39-22-523.~~

- ~~(1) — The credit for contributions to the Colorado high technology scholarship program is effective for the 2001 income tax year. The credit is available only in tax years in which state revenues exceed limitations on state fiscal year spending by amounts established in 39-22-523(3) C.R.S. In October or November of each year, the State will certify whether there are sufficient excess revenues to make this credit available. See Regulation 39-22-120 for years in which the credit is available.—~~
- ~~(2) — In a qualifying year, the credit will be allowed as 25% of the total monetary contribution to the Colorado High Technology Scholarship Program created under section 23-17-103(1), C.R.S. The credit allowed cannot exceed 15% of the amount of income tax due for a tax year.~~
- ~~(3) — For individuals and estates, where the credit is claimed for amounts that are also deducted as federal itemized deductions under section 170 of the Internal Revenue Code, the amount of contribution on which the credit is claimed must be added to income in computing Colorado Taxable Income.~~
- ~~(4) — For "C" Corporations, where the credit is claimed for amounts that are also deducted from federal income, the amount of contribution on which the credit is claimed must be added to income in computing Colorado Taxable Income.~~

**COLORADO DEPARTMENT OF REVENUE
STATEMENT OF BASIS AND PURPOSE**

HIGH TECHNOLOGY SCHOLARSHIP CONTRIBUTION CREDIT

39-22-523

1 CCR 201-2

Basis

The basis for this rule is §39-21-112(1), and §39-22-523, C.R.S.

Purpose

The purpose for the repeal of this rule is because the applicable statute was repealed in 2010; therefore, the credit is no longer available and the rule is unnecessary.

Notice of Rulemaking Hearing

Tracking number

2014-01125

Department

200 - Department of Revenue

Agency

201 - Taxpayer Service Division - Tax Group

CCR number

1 CCR 201-2

Rule title

INCOME TAX

Rulemaking Hearing

Date

12/10/2014

Time

09:00 AM

Location

1375 Sherman St., Room 127, Denver, CO 80261

Subjects and issues involved

POST-CONSUMER WASTE EQUIPMENT CREDIT

Statutory authority

39-21-112(1), and 39-22-515, C.R.S.

Contact information

Name

Phil Horwitz

Title

Policy Director

Telephone

303-205-8422

Email

phillip.horwitz@state.co.us

~~POSTCONSUMER WASTE EQUIPMENT CREDIT.~~

~~REGULATION 39-22-515.~~

- ~~(1) — Credit allowed. Section 39-22-515(1) allows C corporations to claim a Colorado income tax credit for the purchase on or after January 1, 1991, but prior to January 1, 1996, of qualified equipment which is used by the corporation to manufacture for sale products from postconsumer waste. The credit will not be allowed unless the total capacity of all qualified equipment owned by the taxpayer on the last day of the income tax year in which the credit may be claimed (See paragraph (2) following) exceeds the total capacity of all qualified equipment owned by the taxpayer on the last day of the base year.~~
- ~~(2) — The Postconsumer Waste Equipment Credit is 20% of the cost of qualified equipment and is allowed in the income tax year in which at least ninety percent of the total production capacity of the qualified equipment is used to manufacture products. In determining whether the 90% capacity is reached, each piece of equipment is measured separately.~~
- ~~(3) — Excess credit may be carried forward for up to seven years.~~
- ~~(4) — Reserved.~~
- ~~(5) — Reserved.~~
- ~~(6) —~~
 - ~~(a) — Reserved.~~
 - ~~(b) — The volume of waste the equipment is capable of handling is the design capacity of the equipment for the time the taxpayer is using the equipment but not less than 40 hours per week.~~
 - ~~(c) — A separate geographic location is one where one must cross over or pass along public property or a public right-of-way to reach.~~
 - ~~(d) — Purchase price includes freight and labor needed to construct the equipment if such costs are capitalized on the books of the taxpayer.~~
 - ~~(e) — Reserved.~~
 - ~~(f) — Reserved.~~
 - ~~(g) — Reserved.~~
 - ~~(h) — Reserved.~~
 - ~~(i) — Qualified equipment includes conveyer belts used to transport partially processed products from one piece of equipment to another. Cleaning, densification and baling equipment is qualified equipment if used on the same site as the manufacturing process. Equipment that produces an intermediate product that is not offered for sale but which is used in a functionally integrated process of the taxpayer or a related taxpayer that does produce products for sale is qualified equipment.~~

**COLORADO DEPARTMENT OF REVENUE
STATEMENT OF BASIS AND PURPOSE**

POSTCONSUMER WASTE EQUIPMENT CREDIT

39-22-515

1 CCR 201-2

Basis

The basis for this rule is §39-21-112(1), and §39-22-515, C.R.S.

Purpose

The purpose of this amendment is to repeal this rule. The applicable statute was repealed in 2004; therefore, the credit is no longer available and the rule is unnecessary.

Notice of Rulemaking Hearing

Tracking number

2014-01126

Department

200 - Department of Revenue

Agency

201 - Taxpayer Service Division - Tax Group

CCR number

1 CCR 201-2

Rule title

INCOME TAX

Rulemaking Hearing**Date**

12/10/2014

Time

09:00 AM

Location

1375 Sherman St., Room 127, Denver, CO 80261

Subjects and issues involved

repeal of rule

Statutory authority

39-21-112(1), and 39-22-516, C.R.S.

Contact information**Name**

Phil Horwitz

Title

Policy Director

Telephone

303-205-8422

Email

phillip.horwitz@state.co.us

REGULATION 39-22-516.

- (1) ~~Credit allowed. A credit is allowed by section 39-22-516, C.R.S., against the tax imposed by sections 39-22-104, 39-22-105, or 39-22-301, C.R.S., for the purchase of vehicles licensed in Colorado which use, or which are converted within 120 days of purchase to use, clean-burning fuel.~~
- (2) ~~Amount of credit allowed.~~
 - (a) ~~In general, the credit allowed by section 39-22-516, C.R.S., is allowed with respect to the first 50 vehicles purchased by the taxpayer during the income tax year and is limited to the smaller of the amount determined under paragraph (i) or paragraph (ii) following:~~
 - (i) ~~The credit allowed by this section is limited to 5% of the purchase price of the qualified vehicles; and~~
 - (ii) ~~The credit allowed by this section is limited to 50% of the cost of the cleanburning fuel systems option on such vehicles, or 50% of the cost of converting such vehicles to use clean-burning fuel, whichever applies.~~
 - (b) ~~Lessees of vehicles. Lessees of qualifying vehicles are eligible for the alternative fuels tax credit. The available credit is calculated by subtracting the value of the vehicle when the lease expires from the cost of the vehicle to the lessor at the time of the lease transaction (capitalized cost). The result is then multiplied by the statutory five percent to determine the amount of the credit subject to other limitations in C.R.S. 39-22-516.~~

~~Only the lessor or the lessee of the vehicle may claim the credit. If the vehicle is converted at the factory, the lessor has the option of claiming the credit or passing the right to claim the credit to the lessee. If the lessee converts the vehicle, then only he may claim the credit. With respect to vehicles purchased between July 1, 1992, and July 1, 1994, the lessee must discount his credit by the percentage of his personal use of the vehicle, if any, as proscribed in C.R.S. 39-22-516(l)(a).~~
 - (c) ~~Carryover of excess credit. If the credit allowed by section 39-22-516 exceeds the tax otherwise due, such excess may be carried forward for a period of up to three years.~~
- (3) ~~Period for which credit may be claimed. There are two separate periods during which the section 39-22-516 credit may be claimed:~~
 - (a) ~~The first period during which the section 39-22-516 credit is allowed begins with the beginning of the taxpayer's first taxable year beginning on or after July 1, 1992, and ends on July 1, 1994. During this first period the credit may be claimed with respect to qualifying vehicles only to the extent they are used in the taxpayer's business.~~
 - (b) ~~The second period during which the section 39-22-516 credit is allowed begins with the beginning of the taxpayer's first taxable year beginning on or after July 1, 1994, and ends on July 1, 1998. During this second period the credit may be claimed with respect to qualifying vehicles whether or not they are used in the taxpayer's business.~~
- (4) ~~Clean-burning alternative fuel defined. Clean-burning alternative fuel means natural gas, liquified petroleum gas, a fuel mixture containing not less than eighty-five percent ethanol or methanol, electricity, or any other alternative fuel approved by the Air Quality Control Commission pursuant to section 25-7-106.9(1), C.R.S.~~

COLORADO DEPARTMENT OF REVENUE

STATEMENT OF BASIS AND PURPOSE

39-22-516
1 CCR 201-2

Basis

The basis for this rule is §39-21-112(1), and §39-22-516, C.R.S.

Purpose

The purpose for the repeal of this rule is because the applicable credit has been eliminated and replaced with a new credit requiring different qualifications; therefore, the credit is no longer available and the rule is unnecessary.

Notice of Rulemaking Hearing

Tracking number

2014-01124

Department

200 - Department of Revenue

Agency

201 - Taxpayer Service Division - Tax Group

CCR number

1 CCR 201-2

Rule title

INCOME TAX

Rulemaking Hearing

Date

12/10/2014

Time

09:00 AM

Location

1375 Sherman St., Room 127, Denver, CO 80261

Subjects and issues involved

CHILD CARE CONTRIBUTION CREDIT

Statutory authority

39-21-112(1) and 39-22-121, C.R.S.

Contact information

Name

Phil Horwitz

Title

Policy Director

Telephone

303-205-8422

Email

phillip.horwitz@state.co.us

CHILD CARE CONTRIBUTION CREDIT

39-22-121

(1) **Computation of the Credit.**

- (a) Any taxpayer that makes a **qualifying** monetary contribution to promote child care in Colorado may claim an income tax credit of fifty percent of the total value of the **qualifying** contribution.
- (b) ~~A credit for in-kind contributions, (such as stock and other non-monetary items, is not available for tax years~~ No credit may be claimed for in-kind contributions made in tax years commencing on or after January 1, 2000. ~~and later.~~

(2) **Limitation on Amount of Credit that May be Generated. ~~Carryovers.~~**

- (a) The amount of credit generated **for contributions made during** ~~in~~ any one tax year may not exceed \$100,000 **per taxpayer and is further subject to the limitations in this paragraph (2), and in paragraphs (3), and (8).** For purposes of this rule, two taxpayers filing a joint return are considered one taxpayer.
- (b) Credits for contributions made to facilities listed in paragraph 5(a)(viii) in tax years beginning on or after January 1, 2013 but before January 1, 2014 shall not be claimed until a tax year commencing on or after January 1, 2014.
- (c) Qualifying contributions made in tax years 2011 and 2012 may only be used beginning in tax year 2013 and after. See paragraph (8) of this rule for information on the calculation of such credit. See § 39-22-121(6.7)(a), C.R.S.
- (d) No claim for a credit, including credits carried forward from prior tax years, shall be allowed in any tax year after the statute has been repealed. (As of January 1, 2015, the statute is scheduled to be repealed January 1, 2020.)

(3) **Carryforwards.** If the amount of credit generated in one tax year exceeds the amount of tax, the excess may be carried forward for up to five tax years. A credit carry forward does not restrict additional credits from being generated in future years. **Notwithstanding the suspension of the credit in tax years 2011 and 2012, no extension of the five-year carryforward is allowed by the statute.**

(4) **Qualifying Contributions.** In order for a contribution to be a qualifying contribution, it must be one of the following:

- ~~(a) — Qualifying contributions made March 9, 2004 or later:~~
- (b) Monetary contributions made to a qualifying child care **facility organization**, as defined in paragraph ~~(45)~~(a) below, to the extent **that** the **facility organization** utilizes the **contribution donation** for child care provided to children **who are** twelve years of age or ~~under~~ **younger**.
- (c) Monetary contributions made to a qualifying **grandfathered facility or program** ~~child-care-organization~~, as defined in paragraph ~~(47)~~(b) below, ~~to the extent the organization is a~~

~~grandfathered organization, as defined in paragraph (67) below~~, and utilizes the ~~contribution~~ **donation** for child care provided to children eighteen years of age or under.

~~(d) — Qualifying contributions made prior to March 9, 2004:~~

- ~~(i) Monetary contributions made to a qualifying child care organization, as defined in paragraph 4)b) below, to the extent the organization utilizes the donation for child care provided to children eighteen years of age or under.~~

(5) **Qualifying Child Care Facilities or Programs.** ~~Organizations.~~

- (a) Qualifying ~~contributions~~ **donations made March 9, 2004 or later** to the following child care ~~facilities or programs~~ **organizations** are eligible for the child care contribution tax credit. Programs ~~and facilities~~ specified in paragraphs (i) through (viii) ~~are~~ **qualify** only if the programs ~~or facilities~~ **are** is licensed by the Department of Human Services. Programs ~~and facilities~~ specified in paragraphs (viiix) through (xiii) ~~are only~~ **qualify only** if the facility or program is registered with the Department of Revenue.
 - (i) A child care center as defined in § 26-6-102(1.5), C.R.S.,
 - (ii) A child placement agency as defined in § 26-6-102(2), C.R.S.,
 - (iii) A family child care home as defined in § 26-6-102(4), C.R.S.,
 - (iv) A foster care home as defined in § 26-6-102(4.5), C.R.S.,
 - (v) A homeless youth shelter as defined in § 26-6-102(5.1), C.R.S.,
 - (vi) A residential child care facility as defined in § 26-6-102(8), C.R.S.,
 - (vii) A secure residential treatment center as defined in § 26-6-102(9), C.R.S.,
 - (viii) **Any approved facility school as such term is defined in section § 22-2-402(1), C.R.S., that is also affiliated with a licensed or certified hospital in the state and is also a nonprofit organization (see the restriction on a credit for contributions made to such facilities in paragraph 2(b) of this rule),**
 - (ix) An unlicensed child care facility that provides child care services similar to those provided by a licensed child care center as defined in § 26-6-102(1.5), C.R.S. This includes child care provided for the whole or part of a day. The program must provide for the care of five or more children who are not related to the owner, operator, or manager. This does not include facilities or programs that provide services identical or similar to day treatment centers, guest child care facilities, family child care homes, foster care homes, homeless youth shelters, medical foster care, residential care facilities, secure residential treatment centers, specialized group facilities, or therapeutic foster care. This also does not include ~~contributions to~~ facilities or programs ~~to which contributions~~ **that** qualify for the enterprise zone administrator credit or school programs maintained during regular school hours including kindergartens maintained in connection with a public, private, or parochial elementary school system of at least six grades or operated as a component of a school district's preschool program operated pursuant to article 28 of title 22, C.R.S.,

- (x) A grant or loan program for a parent or parents in Colorado requiring financial assistance for child care,;
- (xi) A training program for child care providers in Colorado,;
- (xii) An information dissemination program in Colorado to provide information and referral services to assist a parent or parents in obtaining child care,;
- (xiii) A grandfathered child care ~~organization~~ facility or program as defined in paragraph (67) below.

~~(b) Qualifying donations made prior to March 9, 2004 to the following child care organizations or programs are eligible for the tax credit:~~

- ~~(i) A "child care center" as defined in 26-6-102(1.5), C.R.S. or a "family child care home" as defined in 26-6-102(4), C.R.S. and licensed by the Dept of Human Services. This includes monetary contributions for the establishment or operation of the program.~~
- ~~(ii) An unlicensed child care program that provides child care services similar to those provided by a licensed child care center as defined in 26-6-102(1.5), C.R.S. This includes child care provided for the whole or part of a day. The program must provide for the care of five or more children who are not related to the owner, operator or manager. This does not include facilities or programs that provide services identical or similar to day treatment centers, guest child care facilities, foster care homes, homeless youth shelters, medical foster care, residential care facilities, secure residential treatment centers, specialized group facilities, or therapeutic foster care. This also does not include facilities or programs to which contributions qualify for the enterprise zone administrator credit or school programs maintained during regular school hours including kindergartens maintained in connection with a public, private, or parochial elementary school system of at least six grades or operated as a component of a school district's preschool program operated pursuant to article 28 of title 22, C.R.S.~~
- ~~(iii) A grant or loan program for a parent or parents in Colorado requiring financial assistance for child care.~~
- ~~(iv) A training program for child care providers in Colorado.~~
- ~~(v) An information dissemination program in Colorado to provide information and referral services to assist a parent or parents in obtaining child care.~~

(6) **Registration of Unlicensed Facilities or Programs. Organizations**

- (a) Facilities, ~~organizations~~ or programs that are licensed by the Department of Human Services as a child care facility or program ~~organization~~ do not need to separately register with the Department of Revenue. However, unlicensed facilities, ~~organizations~~ or programs must register with the Department of Revenue to be a qualified facility or program ~~organization~~ for the purposes of this credit. The application for registration must include:
 - (i) An explanation why they are a qualified facility or program ~~organization~~,

- (ii) An explanation why licensing with the Department of Human Services is not required,
 - (iii) Brochures, newspaper articles, community publications and other documentation describing the facility or program.
 - (b) Applicants for registration, either pursuant to this paragraph (65) or (76); below, whose application has been denied in whole or in part, may appeal the denial by filing a request for hearing before ~~to~~ the Executive Director pursuant to the Colorado Administrative Procedures Act (§ 24-4-104, C.R.S.) and not pursuant to § 39-21-103, C.R.S.
- (7) **Grandfathered Facilities or Programs Organizations.**
- (a) A grandfathered child care program is considered a qualifying facility or program ~~organization~~ on or after March 9, 2004 if the facility or program ~~organization~~:
 - (i) Received contributions prior to January 1, 2004 for which a child care contribution credit was properly allowed and claimed,
 - (ii) No longer qualifies for the credit under the new rules because the program no longer meets the qualifications of the law and/or some or all children cared for in the program are age thirteen through eighteen,
 - (iii) Has applied for eligibility with the Department of Revenue and been approved to continue to accept contributions ~~donations~~ that qualify for the credit.
 - (b) The grandfather application must include:
 - (i) Documentation proving the program qualified for the credit under the law as it existed prior to March 9, 2004,
 - (ii) Documentation regarding the children age thirteen through eighteen that were assisted by contributions ~~donations~~ received in 2003 or prior, and
 - (iii) A list of taxpayers who claimed the credit in tax year 2003 or prior.
- (8) **Limitation to the Credit for Tax Years 2013 and 2014.**
- (a) For tax years beginning on or after January 1, 2013 but prior to January 1, 2014 (tax year 2013), the maximum credit that can be used to offset tax is limited to 50% of the total of the carryforward credits from 2012 and any credit generated by contributions made during 2013. Any unused credits must be carried forward to tax year 2014.
 - (b) For tax years beginning on or after January 1, 2014 but prior to January 1, 2015 (tax year 2014), the maximum credit that can be used to offset tax is limited to 75% of the total of the carryforward credits from 2013 and any credit generated by contributions made during 2014. Any unused credits must be carried forward to tax year 2015.
 - (c) There is no similar limitation to the percentage of the credit that can be used in tax year 2015 or later.
- (9) **Exceptions.** Contributions will not qualify for this credit if any of the following apply:

- (a) The contribution is made to a child care **facility or** program in which the taxpayer or a person related to the taxpayer has a financial interest.
- (b) The contribution is made to a for-profit business, unless the contribution is directly used for the acquisition or improvement of facilities, equipment, or services, including the improvement of staff salaries, staff training, or the quality of child care.
- (c) The contribution is not directly related to promoting child care in Colorado as defined in this **rule. regulation**
- (d) The contribution is made after December 31, 2019.
- (e) The donor receives consideration from the donee **facility or program organization** facility or program in exchange for the contribution. If this is the case, ~~there is~~ a sale **occurs** rather than a contribution. However, this will not restrict a company from contributing to a child care **facility center** and claiming a credit based on that contribution if the employees of the company receive a benefit in the form of discounted child care. ~~One of the prime goals of this tax credit is to encourage employers to contribute to child care for their employees,~~ assuming that the employer has no financial interest in the child care facility.

(10) **Contributions That are Split Between Qualified and Nonqualified Purposes.**

- (a) **Donee facilities or programs Organizations** may accept contributions that are used in part for qualified child care **purposes** but are **also** used, in part, for nonqualified purposes. Examples ~~of this~~ include:
 - (i) A child care **facility center** that cares for children both 12 and under and 13 and over,
 - (ii) A church that uses part of the contribution to fund its child care **facility center** and part to fund other charitable functions,
 - (iii) Contributions to a community center construction project **where for which** a child care **facility center** is only part of the overall project.
- (b) The donee **facility or program organization** must allocate the portion of a contribution that qualifies for the child care contribution credit for the donor. This allocation must be done in a reasonable manner based on the facts of the situation. Examples of methods that can be used to allocate the contribution include:
 - (i) A child care **facility center** that cares for children of various ages, some of which are 13 or older who do not qualify for the credit.
 - (A) The child care **facility center** can compute the percentage of children in its care that qualify for the credit. This percentage can **be** used to allocate **contributions donations** that are made to the facility.
 - (B) The child care **facility center** can document the expenses incurred in caring for children who are 12 and younger versus children who are 13 and older. The **contribution donations** would be allocated using this percentage. This method requires extensive supporting documentation.
 - (ii) A facility or program that operates several different programs, not all of which qualify for the credit.

- (A) The expenses of the various programs must be accounted for and ~~contributions~~ ~~donations~~ can be directly allocated to the qualified programs.
 - (B) The ~~contribution~~ ~~donations~~ can be allocated on a percentage basis utilizing total expense figures for the entire facility.
 - (iii) The construction of a community center, which includes a child care facility.
 - (A) A percentage of area method can be utilized if this provides an equitable calculation of the credit (i.e. 30% of the floor space is for the child care ~~facility~~ ~~center~~ so 30% of the costs are allocated to the child care ~~facility~~ ~~center~~).
 - (B) If construction costs vary greatly between the child care area of the building and other areas, a more equitable allocation of the ~~contribution~~ ~~donations~~ would be achieved by determining the difference between the cost of the facility with and without the child care facility. That difference can be used to determine the percentage of costs to allocate to the child care ~~facility~~ ~~center~~.
 - (C) If construction costs are reasonably allocated using the method in paragraph (1), above, but the costs of equipping the child care ~~facility~~ ~~center~~ varies significantly from other areas of the building, a hybrid method of allocating ~~contributions~~ ~~donations~~ can be used. Construction costs can be allocated using a percentage of area method with equipment costs directly allocated. These factors could then be combined into one overall percentage to be used in allocating the ~~contributions~~ ~~donations~~.
 - (iv) If the methods above do not equitably allocate the ~~contribution~~ ~~donations~~ to the child care ~~facility~~ ~~or~~ program, a written request to the ~~Director of the~~ Department of Revenue may be made to obtain permission to use an alternate method of allocation.
 - (c) If contributions are accepted as earmarked for only the child care ~~facility~~ ~~center~~ despite the existence of nonqualified programs, the full contribution will qualify for the 50% credit. The ~~facility~~ ~~organization~~ must have accounting procedures in place to verify that those ~~contributions~~ ~~donations~~ are indeed utilized 100% for the child care function and no funds are utilized for nonqualified purposes. Any excess funds left over at the end of the year must be carried forward for eligible expenses in the next year. Accounting procedures must be in place to track and document this allocation process. A separate fund cannot be arbitrarily set up to accept ~~contributions~~ ~~donations~~ for the child care facility while funds from other sources (such as federal or state funds, charitable organizations, nonresident donors) are used to pay other expenses that would not qualify for the credit.
- (11) **Documentation.** Any contribution must be supported by a signed statement from the ~~donee~~ child care ~~facility~~ ~~or~~ program ~~center~~ ~~or~~ ~~donee~~ ~~organization~~ and furnished to the donor.
- (a) The statement must state the amount of the ~~monetary~~ ~~cash~~ contribution.
 - (b) The statement must list the name and Department of Human Service's license number, if applicable, of the eligible facility or program, or the name and Department of Revenue

registration number of a pre-registered **facility or program organization** that qualifies for the credit.

- (c) The statement must include a detailed description of the eligible purpose(s) **for which that** the contribution will be used ~~for~~ and that the **contribution donation** will be utilized one-hundred percent for purposes directly related to promoting child care.
 - (d) If the contribution is not being utilized one-hundred percent for purposes directly related to promoting child care, the statement must clearly state the portion of the contribution that qualifies for the credit computation. It will be the responsibility of the donee **facility or program organization** to prove that the percentage of the contribution reported as utilized for purposes directly related to promoting child care is accurate and no portion has been expended on any other ~~organizational~~ expense or purpose. Example: A contribution of \$1,000 is made to a **qualifying child care facility n-intermediary organization**. Seventy percent of the contribution is expended on qualifying purposes and the other thirty percent is expended on unrelated overhead expenses of the organization. The statement must clearly state that only \$700 of the contribution is eligible for calculating the fifty percent credit.
 - (e) The donor must provide the statement to the Department of Revenue with an income tax return filed on a paper form. In the case of an income tax return filed electronically, the certification must be provided to the Department of Revenue upon request with **all only** information specified by the ~~d~~Department provided ~~with the electronic filing~~.
- (12) **Investment Funds.** Money donated to a qualified **facility or program organization** may be invested by that **facility or program organization** in an account that provides future payments to the **facility or program organization**. The interest and the principal, when removed from the account in any future year, must be utilized 100% for qualifying child care **purposes** in order for the original **contribution donation** to qualify for the credit.
- (13) **Definitions.:**
- (a) A "person related to the taxpayer" means a person connected with another **person** by blood or marriage. Related taxpayer also includes a corporation, partnership, limited liability company, trust or association controlled by the taxpayer; an individual, corporation, limited liability company, partnership, trust or association under the control of the taxpayer; or a corporation, limited liability company, partnership, trust, or association controlled by an individual, corporation, limited liability company, partnership, trust, or association under the control of the taxpayer.
 - ~~(b) An "in-kind contribution" is any contribution of an asset other than the official currency of the U.S. government. An in-kind contribution's value will not be a set amount, but will vary based on fair market value or current exchange rates. Examples include employee labor, materials, computer equipment, gold and stock.~~
 - ~~(c) "Child care" means care provided to a child twelve years of age or younger.~~
- (14) **Conditional Availability**
- ~~(a) For tax years beginning on or after January 1, 2011, but before January 1, 2013 the credit will not be allowed unless the December legislative council revenue forecast issued prior to the tax year indicates that the total state general fund appropriations grew by at least six percent over such appropriations for the previous fiscal year. In the event that the credit is not allowed for the tax year in which the contribution is made because of the~~

preceding limitation the taxpayer making the contribution will be allowed to claim the credit in the next tax year in which the forecast indicates that the total state general fund appropriations grew by at least six percent over such appropriations for the previous fiscal year.

(b) If the amount of the credit allowed exceeds the amount of the tax due for the tax year in which the credit is allowed, the excess credit shall not be refunded, but may be carried forward to the next tax year. The restriction set forth in paragraph a) of this subsection 12) does not apply to any excess credits claimed and allowed in prior years and carried forward.

(c) Notwithstanding the provisions of paragraph a) of this subsection 12), no credit claim shall be allowed in any tax year commencing on or after January 1, 2020.

(15) Limitation to the Credit for Tax Years 2013 and 2014.

(a) For tax years beginning on or after January 1, 2013 but prior to January 1, 2014 (tax year 2013), the maximum credit that can be used to offset tax is limited to 50% of the total of the carryforward credits from 2012 and any credit generated by donations made during 2013. Any unused credits must be carried forward to tax year 2014.

(b) For tax years beginning on or after January 1, 2014 but prior to January 1, 2015 (tax year 2014), the maximum credit that can be used to offset tax is limited to 75% of the total of the carryforward credits from 2013 and any credit generated by donations made during 2014. Any unused credits must be carried forward to tax year 2015.

(c) There will be no similar limitation to the percentage of the credit that can be used in tax years 2015 or later.

(d) Examples:

Taxpayer carries \$100 of credit from 2010 to 2011. Additional credits are earned as follows:

Year	Donation	Credit Generated
2011	\$1,000	\$500
2012	\$600	\$300
2013	\$200	\$100
2014	\$400	\$200
2015	\$2,000	\$1,000
2016	\$0	\$0

The credits are reported as follows:

Year	Net Tax	Credit Claimed- (Column a)	Credit Claimed- (Column b)	Carryforward
2011	\$700	\$600	\$100	\$500
2012	\$3,500	\$800	\$0	\$800
2013	\$1,500	\$800	\$450	\$450
2014	\$1,700	\$650	\$488	\$162
2015	\$100	\$1,162	\$100	\$1,162
2016	\$2,000	\$1,162	\$0	\$1,162

(e)——Example:

Taxpayer carries \$100 of credit from 2010 to 2011. Additional credits are earned as follows:

Year	Donation	Credit Generated
2011	\$250,000	\$100,000
2012	\$20,000	\$10,000
2013	\$70,000	\$35,000
2014	\$50,000	\$25,000
2015	\$55,000	\$27,500
2016	\$30,000	\$15,000

The credits are reported as follows:

Year	Net Tax	Credit Claimed- (Column a)	Credit Claimed- (Column b)	Carryforward
2011	\$40,000	\$202,000	\$40,000	\$162,000
2012	\$45,000	\$172,000	\$45,000	\$127,000
2013	\$150,000	\$162,000	\$81,000	\$81,000
2014	\$80,000	\$106,000	\$79,500	\$26,500
2015	\$78,000	\$54,000	\$54,000	\$0

2016	\$63,000	\$15,000	\$15,000	\$0
------	----------	----------	----------	-----

COLORADO DEPARTMENT OF REVENUE

STATEMENT OF BASIS AND PURPOSE

CHILD CARE CONTRIBUTION CREDIT

39-22-121

1 CCR 201-2

Basis

The basis for this rule is §39-21-112(1) and §39-22-121, C.R.S.

Purpose

The purpose of the amendment is to update the rule to address the fact that taxpayers were not allowed to take the child care contribution credit for tax years 2011 and 2012. Because revenue estimates by legislative council indicated that the amount of the total general fund revenues for that particular fiscal year will not be sufficient to grow the total state general fund appropriations by six percent over the appropriations of the previous fiscal year, the credit was not allowed for income tax years 2011 and 2012, which were the tax years commencing during the calendar year following the year in which the estimate is prepared. Thus, taxpayers who would have been eligible to claim a credit during those tax years was not able to claim a child care contribution credit until tax year 2013.

The rule also includes a discussion on the newest qualifying child care facility allowed by statute - an approved facility school that is also affiliated with a licensed or certified hospital and is also a nonprofit organization. The rule discusses the statutory requirements of when a credit may be made and claimed.

In addition, the rule clarifies that there is no extension of the five-year carryforward despite the fact that the credit was not allowed to be claimed or taken during tax years 2011 and 2012. The reason for such position is because there is no explicit language in statute that allows an extension of the carryforward. In other sections of the Title 39 Section 22, for example the net operating losses in §39-22-504(6)(b), C.R.S., the statute explicitly allows an extension to carry forward all net operating losses for one additional year for each tax year that a corporation is prohibited from subtracting a portion of such net operating losses from the corporation's federal taxable income. Because there is no such similar language in 39-22-121, C.R.S., the Department believes the legislature deliberately did not extend the carryforward despite the fact that it was possible that a credit could not be claimed due to revenue estimates.

Lastly, the majority of the "new" language in the rule is language that is currently in the rule. The Department has reorganized the rule to place important information toward the beginning of the rule. In addition, the Department is removing the examples in the rule because the Department does not believe the examples are helpful because they do not account for the fact that no credit may be claimed during tax years 2011 and 2012.

Notice of Rulemaking Hearing

Tracking number

2014-01129

Department

200 - Department of Revenue

Agency

201 - Taxpayer Service Division - Tax Group

CCR number

1 CCR 201-2

Rule title

INCOME TAX

Rulemaking Hearing

Date

12/10/2014

Time

09:00 AM

Location

1375 Sherman St., Room 127, Denver, CO 80261

Subjects and issues involved

INCOME TAX REFUND INTEREST

Statutory authority

39-21-112(1) and 39-22-622, C.R.S.

Contact information

Name

Phil Horwitz

Title

Policy Director

Telephone

303-205-8422

Email

phillip.horwitz@state.co.us

INCOME TAX REFUND INTEREST

39-22-622

- (1) Refund interest paid on all income tax returns, including amended returns, is controlled by §39-22-622, C.R.S. A refund will include interest at the rate specified in §39-21-110.5, C.R.S. plus a 5% refund penalty if the refund is not issued within the following time frames, unless an exception to the refund interest applies.
- (2) **Time Frames.**
 - (a) *Calendar Year Filer.* For any calendar year return filed on or before the original due date of the return (excluding any extension of time to file) that is filed in:
 - (i) January, the refund must be **made issued** within 14 days from the date the return is filed.
 - (ii) February, the refund must be **made issued** within 21 days from the date the return is filed.
 - (iii) March, the refund must be **made issued** within 28 days from the date the return is filed.
 - (iv) April, the refund must be **made issued** within 45 days of receipt. The date of receipt for any return filed in April is deemed to be May 1 for the purpose of computing interest.
 - (b) For income tax returns filed after May 1, including amended returns, in the calendar year the return is due, the refund must be **made issued** within 45 days **from the date the return is filed**.
 - (c) *Fiscal Year Filer.* For any fiscal year return, the months established in (2)(a) shall be the first, second, third and fourth months, respectively, following the close of the fiscal year.
 - (i) For fiscal years that do not end at the end of the month, the months described in (2)(a) shall be the first thirty, sixty, ninety, and one hundred twenty days, respectively, following the close of the fiscal year.
- (3) **When a **R**eturn is **F**iled.**
 - (a) A return is "filed" on the date the Department physically or electronically receives the return. A refund is "**paid**" or "**made**" "**issued**" on the date **that** the refund is printed by the Department so long as the **check refund** is mailed **within a reasonable time, to the taxpayer within thirty days of such date (see §39-21-110(1)(b), C.R.S.)** or when a financial institution holding state funds is directed to transfer funds to the taxpayer. If the "filed" or "**paid**" "**issue**" date is on a weekend or legal holiday, then such date is extended to the next day that is not a weekend or legal holiday.
 - (b) If the processing of a return is delayed for one or more reasons outlined in paragraph (4), below, then the "filed" date is the date the event is resolved. For example, a return which

contains an erroneous ID number is not “filed” until the correct ID is obtained by the Department.

- (4) **Exceptions.** Refund interest will not be paid if the delay is caused by any of the following:
- (a) **Mathematical or clerical Errors** on the return when filed, including, **but not limited to**, misspelled names, calculation errors, missing required documentation or certifications, **and** unclaimed or overclaimed payments, **and** erroneous, **“applied for” or illegible, or otherwise unprocessable account** tax ID numbers, **including “applied for” designations**.
 - (b) Unforeseen delays caused by the failure of the processing equipment, including physical equipment and electronic processing systems.
 - (c) A review to verify the accuracy of the return. However, such review does not include any review initiated as a result of a Department **of Revenue** data entry error. A review to verify the accuracy of the return is an audit of the return but is not an audit of the taxpayer for the tax year as referenced in §§39-21-107(2) **or 39-22-301(6)(g)**, C.R.S.
 - (d) The return includes a Colorado job growth incentive tax credit and the Department is awaiting confirmation from the Colorado Office of Economic Development and International Trade that the taxpayer is eligible for such credit.
 - (e) Effective January 1, 2012, the return includes an enterprise zone credit and the Department is awaiting confirmation from the Colorado Office of Economic Development and International Trade that the taxpayer is eligible for such credit.
- (5) Refunds initially exempt from refund interest under paragraph (4), above, may receive full or partial refund interest and penalty if, after the error correction or review is completed, the refund is delayed more than the time frames defined in paragraph (2), above.
- (6) **Excessive Prepayments.**
- (a) If the total prepayments (withholding, estimated payments, extension payments, TABOR refund, and other payments) are more than double the amount of the tax liability, then no refund interest will be paid on any refund, except as allowed in subparagraph 6(c), below.
 - (b) If an amended return or claim for refund reduces the net tax liability or increases the prepayments, no refund interest will be paid on any refund if the total prepayments and prior payments are more than double the amount of the amended tax liability, except as allowed in subparagraph 6(c), below.
 - (c) If the taxpayer establishes that the prepayment was made incident to a bona fide and orderly discharge of an actual liability, or a liability reasonably assumed to be imposed by law, then interest will be paid.

~~Cross-Reference~~

~~1. — See §39-21-110, C.R.S. for information on the interest rate imposed on refund claims.~~

COLORADO DEPARTMENT OF REVENUE

STATEMENT OF BASIS AND PURPOSE

INCOME TAX REFUND INTEREST

39-22-622

1 CCR 201-2

Basis

The basis for this rule is §39-21-112(1) and §39-22-622, C.R.S.

Purpose

The purpose of the amendment to the rule is to parallel language used in the statute to language used in the rule. The rule also makes clear that errors that may delay the timing of a refund and prevent interest paid on such delay include mathematical or clerical errors. In addition, the Department found that “applied for” tax ID numbers created confusion, so this amendment tries to clarify that unprocessable tax account ID numbers include tax ID numbers for which taxpayers have applied for a tax account but such account as not yet been approved by the Department will be considered unprocessable.

Notice of Rulemaking Hearing

Tracking number

2014-01128

Department

200 - Department of Revenue

Agency

201 - Taxpayer Service Division - Tax Group

CCR number

1 CCR 201-2

Rule title

INCOME TAX

Rulemaking Hearing**Date**

12/10/2014

Time

09:00 AM

Location

1375 Sherman St., Room 127, Denver, CO 80261

Subjects and issues involved

INDIVIDUAL DEVELOPMENT ACCOUNT CONTRIBUTION CREDIT

Statutory authority

39-21-112(1), and 39-22-524, C.R.S.

Contact information**Name**

Phil Horwitz

Title

Policy Director

Telephone

303-205-8422

Email

phillip.horwitz@state.co.us

~~INDIVIDUAL DEVELOPMENT ACCOUNT CONTRIBUTION CREDIT~~

~~REGULATION 39-22-524.~~

- ~~(1) — The Colorado Individual Development Account ("IDA") Contribution tax credit is available only in those tax years in which state revenues exceed limitations on state fiscal year spending by amounts established in 39-22-524(3), C.R.S. In October or November of each year, the State will certify whether there are sufficient excess revenues to make this credit available. See Regulation 39-22-120 for years in which the credit is available.~~
- ~~(2) — Pursuant to 39-22-524(4), C.R.S., the Department designated the Mile High United Way to evaluate applications for IDA tax credits. The taxpayer must apply to, and receive a certificate of approval from, the Mile High United Way for all contributions to a sponsoring organization. The certificate must be attached to the income tax return in order to claim the credit. Applications will be evaluated on a first come/first serve basis.~~
 - ~~(a) — The valuation of a contribution of stocks or bonds must be consistent with the fair market value requirements of the Internal Revenue Code for donated stocks and bonds.~~
 - ~~(b) — An IDA credit is not allowed for contributions where the taxpayer shares a familial or financial relationship with the participant. For purposes of this credit, the following definitions apply:~~
 - ~~(i) — Familial relationship means persons related by blood or marriage.~~
 - ~~(ii) — A financial relationship includes, but is not limited to, an equitable or legal ownership interest, employer/employee relationship, or debtor/creditor relationship.~~

**COLORADO DEPARTMENT OF REVENUE
STATEMENT OF BASIS AND PURPOSE**

INDIVIDUAL DEVELOPMENT ACCOUNT CONTRIBUTION CREDIT

39-22-524

1 CCR 201-2

Basis

The basis for this rule is §39-21-112(1), and §39-22-524, C.R.S.

Purpose

The purpose for the repeal of this rule is because the applicable statute was repealed in 2010; therefore, the credit is no longer available and the rule is unnecessary.

Notice of Rulemaking Hearing

Tracking number

2014-01147

Department

200 - Department of Revenue

Agency

203 - Division of Liquor Enforcement

CCR number

1 CCR 203-1

Rule title

CIGARETTE WHOLESALERS AND TOBACCO PRODUCTS DISTRIBUTORS

Rulemaking Hearing

Date

12/03/2014

Time

01:00 PM

Location

1881 Pierce Street, #112, Lakewood, CO 80214

Subjects and issues involved

In 2008, SB08-091 was passed that eliminated certain requirements that persons involved in the sale of products derived from tobacco submit retailer information as a condition of license renewal. The following repeal to Regulations 28-102 and 28.5-104, 1 C.C.R. 203-1, would reflect those legislative changes.

Statutory authority

C.R.S. 39-28-307(4), 39-28-102

Contact information

Name

Daria Serna

Title

Communications Director

Telephone

303-866-5303

Email

daria.serna@state.co.us

**COLORADO DEPARTMENT OF REVENUE
LIQUOR ENFORCEMENT DIVISION
REPEAL OF EXISTING RULES - REVIEW**

1 C.C.R. 203-1

In 2008, SB08-091 was passed that eliminated certain requirements that persons involved in the sale of products derived from tobacco submit retailer information as a condition of license renewal. The following request to repeal Regulations 28-102 and 28.5-104, 1 C.C.R. 203-1, would reflect those legislative changes.

~~Regulation 28-102. Wholesaler List Requirements.~~ Repealed.

- A. ~~Wholesalers of cigarettes must provide identifying information of persons, conducting business in the State of Colorado, who purchased cigarettes for resale from the licensee in the twelve-month period immediately preceding the filing of the application.~~
- B. ~~Licensees are required to provide such lists to the department electronically (by disc or e-mail) in an Excel (Microsoft) format, or in hard copy form via standard mail. The minimal information submitted shall consist of:~~
 - 1. ~~The eleven-digit Colorado sales tax identification number (including the specific four digit extension code) of the retail business/individual purchasing tobacco~~
 - 2. ~~The retail business name (trade name)~~
 - 3. ~~The physical address of each retail business/individual to include street address, city, state and zip code~~

~~Regulation 28.5-104 Distributor List Requirements.~~ Repealed.

- A. ~~Distributors of tobacco products must provide identifying information of persons, conducting business in the State of Colorado, who purchased tobacco products for resale from the licensee in the twelve-month period immediately preceding the filing of the application.~~
- B. ~~Licensees are required to provide such lists to the department electronically (by disc or e-mail) in an Excel (Microsoft) format, or in hard copy form via standard mail. The minimal information submitted shall consist of:~~
 - 1. ~~The eleven-digit Colorado sales tax identification number (including the specific four digit extension code) of the retail business/individual purchasing tobacco~~
 - 2. ~~The retail business name (trade name)~~
 - 3. ~~The physical address of each retail business/individual to include street address, city, state and zip code~~

Notice of Rulemaking Hearing

Tracking number

2014-01113

Department

200 - Department of Revenue

Agency

203 - Division of Liquor Enforcement

CCR number

1 CCR 203-2

Rule title

LIQUOR CODE

Rulemaking Hearing**Date**

12/03/2014

Time

01:00 PM

Location

1881 Pierce Street, #110, Lakewood, CO 80214

Subjects and issues involved

New Regulations: Entertainment Districts, Fee Setting and Assurance of Voluntary Compliance. Revised Regulations: Change of Location, Compliance Check Penalties, Responsible Alcohol Vendor Program Records Retention, Allowable Identification

Statutory authority

12-47-202 (2)(a), 12-47-501 (1.5) C.R.S.

Contact information**Name**

Daria Serna

Title

Communications Director

Telephone

303-866-5303

Email

daria.serna@state.co.us

**COLORADO DEPARTMENT OF REVENUE
LIQUOR ENFORCEMENT DIVISION
NEW RULES AND/OR CHANGES TO EXISTING RULES
2014**

1 C.C.R. 203-2

Regulation 47-312. Change of Location.

- C. For retail licenses, no change of location shall be permitted until the state licensing authority has, after approval of the local licensing authority, considered the application and such additional information as they may require, and ~~issued a permit for~~ APPROVED OF such change. The permit shall be effective on the date of issuance, and the licensee shall, within sixty (60) days, change the location of its licensed premises to the place specified therein. Once at the new location, the licensee shall no longer conduct the manufacture or sale of alcohol beverages at the former location. A local licensing authority may, at its discretion, extend the time to change the location of the licensed premises, for good cause shown. However, no extension that is beyond twelve (12) months from the original date of approval shall be granted.
- D. For those licensees not subject to approval by the local licensing authority, no change of location shall be permitted until the state licensing authority has considered the application and such additional information as it may require, and ~~issued a permit for~~ APPROVED OF such change. The permit shall be effective on the date of issuance and the licensee shall, within sixty (60) days, change the location of its licensed premises to the place specified therein. Once at the new location, the licensee shall no longer conduct the manufacture or sale of alcohol beverages at the former location. The state licensing authority may, at its discretion, extend the time to change the location, for good cause shown. However, no extension that is beyond twelve months from the original date of approval shall be granted.

REGULATION 47-328. ENTERTAINMENT DISTRICTS.

WITHIN FIFTEEN (15) DAYS OF THE CREATION OF AN ENTERTAINMENT DISTRICT PURSUANT TO 12-47-301(11), A LOCAL LICENSING AUTHORITY SHALL NOTIFY THE STATE LICENSING AUTHORITY OF THE ENTERTAINMENT DISTRICT, AND PROVIDE (1) A MAP OF THE ENTERTAINMENT DISTRICT AND ANY COMMON CONSUMPTION AREAS, (2) A LIST OF LICENSED PREMISES ATTACHED TO ANY COMMON CONSUMPTION AREA, AND (3) THE HOURS OF OPERATION FOR ANY COMMON CONSUMPTION AREA AND ATTACHED LICENSED PREMISES. CHANGES TO AN EXISTING ENTERTAINMENT DISTRICT SHALL BE REPORTED TO THE STATE LICENSING AUTHORITY BY THE LOCAL LICENSING AUTHORITY WITHIN FIFTEEN (15) DAYS OF SUCH CHANGES.

REGULATION 47-506. FEES.

BELOW ARE THE FEES SET BY THE STATE LICENSING AUTHORITY PURSUANT TO SECTIONS 12-47-501(2) AND 12-47-501(3), C.R.S.

ALTERNATING PROPRIETOR LICENSED PREMISES	\$ 150.00
APPLICATION FOR NEW LICENSE	\$ 600.00
APPLICATION FOR NEW LICENSE WITH CONCURRENT REVIEW	\$ 700.00
APPLICATION FOR TRANSFER LICENSE	\$ 600.00
ART GALLERY PERMIT	\$ 71.25
BED & BREAKFAST PERMIT	\$ 50.00
BRANCH WAREHOUSE OR WAREHOUSE STORAGE PERMIT	\$ 100.00

CHANGE OF CORPORATE OR TRADE NAME	\$ 50.00
CHANGE OF LOCATION	\$ 150.00
CORPORATE/LLC CHANGE (PER PERSON)	\$ 100.00
DUPLICATE LIQUOR LICENSE	\$ 50.00
LIMITED LIABILITY CHANGE	\$ 100.00
MANAGER REGISTRATION (HOTEL/RESTAURANT OR TAVERN)	\$ 75.00
MASTER FILE BACKGROUND	\$ 250.00
MASTER FILE LOCATION FEE (PER LOCATION)	\$ 25.00
MODIFICATION OF LICENSE PREMISES (CITY OR COUNTY)	\$ 150.00
NEW PRODUCT REGISTRATION (PER UNIT)	\$ 5.00
OPTIONAL PREMISES ADDED TO H&R LICENSE (PER UNIT)	\$ 100.00
RETAIL WAREHOUSE STORAGE PERMIT	\$ 100.00
WINE FESTIVAL PERMIT	\$ 25.00
WINE DIRECT SHIPMENT PERMIT	\$ 50.00
SUBPOENA TESTIMONY (PER HOUR)	\$ 50.00

MINIMUM OF FOUR (4) HOURS OF APPEARANCE OR ON-CALL OR TRAVEL TIME TO COURT AND MILEAGE, MEALS, AND LODGING AT STATE EMPLOYEE PER-DIEM RATE. ACTUAL HOURLY RATE FOR ALL HOURS IN EXCESS OF FOUR (4) HOURS.

REGULATION 47- 601. ASSURANCE OF VOLUNTARY COMPLIANCE.

THE LIQUOR ENFORCEMENT DIVISION DIRECTOR OR LOCAL LICENSING AUTHORITY MAY ACCEPT AN ASSURANCE OF VOLUNTARY COMPLIANCE REGARDING ANY ACT OR PRACTICE ALLEGED TO VIOLATE ARTICLES 46, 47 OR 48 OF TITLE 12, C.R.S., OR THE RULES AND REGULATIONS THEREUNDER, BY A LICENSEE WHO HAS ENGAGED IN, IS ENGAGING IN, OR IS ABOUT TO ENGAGE IN SUCH ACTS OR PRACTICES. THE ASSURANCE MUST BE IN WRITING AND MAY INCLUDE A STIPULATION FOR THE VOLUNTARY PAYMENT OF THE COSTS OF THE INVESTIGATION. AN ASSURANCE OF VOLUNTARY COMPLIANCE MAY NOT BE CONSIDERED AN ADMISSION OF A VIOLATION FOR ANY PURPOSE BY THE STATE OR LOCAL LICENSING AUTHORITY; HOWEVER, PROOF OF FAILURE TO COMPLY WITH THE ASSURANCE OF VOLUNTARY COMPLIANCE IS PRIMA FACIE EVIDENCE OF A VIOLATION OF ARTICLES 46, 47 OR 48 OF TITLE 12, C.R.S., OR THE RULES AND REGULATION THEREUNDER, NOT TO EXCEED NINE (9) MONTHS FROM THE DATE OF EXECUTED AGREEMENT. THE STATE LICENSING AUTHORITY OR LOCAL LICENSING AUTHORITY MAY APPROVE OR REVIEW AN ASSURANCE OF VOLUNTARY COMPLIANCE EXECUTED BY THEIR RESPECTIVE AGENCIES.

Regulation 47-604. Compliance Check Penalties.

When a licensing authority finds that a licensee has sold alcohol beverages to a minor and that said violation was investigated or detected by using a person under twenty-one years of age to purchase alcohol beverages from the licensee, the licensing authority may consider the following penalties to be imposed for the violation:

- A. 1. First Offense - (within one year) A written warning, ASSURANCE OF VOLUNTARY COMPLIANCE, up to a 15 day suspension. Accepting a fine (within the provisions of C.R.S. 12-47-601) in lieu of ~~up to 14 days of~~ actual suspension is at the discretion of the licensing authority, as is holding a portion of the suspension time in abeyance for a period of time.
 2. As an inducement for licensees to provide training for servers, because server training has proven to be an aid in the reduction of violations, it is recommended that, where there are no aggravating circumstances, a licensee who has FULFILLED THE REQUIREMENTS OF A RESPONSIBLE VENDOR PURSUANT TO 12-47-1002, C.R.S. ~~provided training to its staff members~~ be issued only a warning UP TO FIVE (5) DAYS SUSPENSION on the first violation.
- B. Second Offense (within one year) - A 5 to 25 ~~30~~ day suspension. If no fine was paid or suspension

2014 NEW RULES AND/OR CHANGES

served at the time of the first offense, it would ~~by~~ BE within the discretion of the licensing authority to accept a fine (within the provisions of C.R.S. 12-47-601) in lieu of actual days of suspension and/or to hold a portion of the suspension time in abeyance for a period of time.

- C. Third Offense (within ~~TWO~~ one years) - ~~1520~~ to 4045 day suspension.
- E. Licensing Authorities may also consider mitigating and aggravating factors when considering the imposition of the penalty. These factors may include:
 - 2. Licensee's past history of success OR of failure with compliance checks.
 - 4. Prior violations/prior corrective action(s) and its THEIR effectiveness.

Regulation 47-605. Responsible Alcohol Beverage Vendor and Permitted Tastings by Retail Liquor Stores and Liquor Licensed Drugstores.

(To be added after paragraph D)

RECORDS RETENTION

THE CERTIFIED SELLER — SERVER TRAINING PROGRAM PROVIDERS FOR THE RESPONSIBLE ALCOHOL BEVERAGE VENDOR PROGRAM MUST KEEP PROOF OF ATTENDANCE AND RECORDS OF SUCCESSFUL COMPLETION OF THE TRAINING FOR A MINIMUM OF THREE (3) YEARS AND MAKE THE RECORDS AVAILABLE TO THE LIQUOR ENFORCEMENT DIVISION UPON REQUEST.

Regulation 47-912. Identification.

- 4. A passport, OR PASSPORT IDENTIFICATION CARD.
- 7. A VALID CONSULAR IDENTIFICATION CARD FROM ANY FOREIGN COUNTRY.

Notice of Rulemaking Hearing

Tracking number

2014-01143

Department

300 - Department of Education

Agency

302 - Colorado State Charter School Institute

CCR number

1 CCR 302-1

Rule title

RULES FOR THE ADMINISTRATION OF THE STATE CHARTER SCHOOL INSTITUTE

Rulemaking Hearing

Date

12/02/2014

Time

10:00 AM

Location

727 E. 16th Ave. Denver, Co 80203

Subjects and issues involved

These Rule 10.00 amendments conform the revocation of the Charter School contract rules to statute and best practice.

Statutory authority

C.R.S. 22-30.5-511

Contact information

Name

Wendy Nelson

Title

Quality Assurance Coordinator

Telephone

303-866-6201

Email

wendynelson@csi.state.co.us

1 CCR 302-1

Rule 10.00 Revocation of the Charter School contract.

- 1) The Institute may revoke a charter school contract pursuant to C.R.S. § 22-30.5-511 and this Rule 10.00.
- 2) *Grounds for Revocation:* The Institute Board ("Board") may revoke a Charter School Contract ("Contract") if the Board determines that an Institute Charter School ("School") did any of the following:
 - a) Committed a material violation of any of the conditions, standards, or procedures set forth in the Contract;
 - b) Failed to meet or make adequate progress toward achievement of the content standards, pupil performance standards, or targets for the measures used to determine the levels of attainment of the performance indicators identified in the Contract;
 - c) Was required to adopt a turnaround plan and the State Board recommended pursuant to C.R.S. § 22-11-210 that the School be restructured;
 - d) Failed to meet generally accepted standards of fiscal management; or
 - e) Violated any provision of law from which the School was not specifically exempted.
 - f) If a School is required to implement a turnaround plan pursuant to C.R.S. § 22-11-210 (2) for a second consecutive school year, the School shall present to the Board, in addition to the turnaround plan, a summary of the changes made by the School to improve its performance, the progress made in implementing the changes, and evidence, as requested by the Board, that the School is making sufficient improvement to attain a higher accreditation category within two school years or sooner. If the Board finds that the School's evidence of improvement is not sufficient or if the School is required to implement a turnaround plan for a third consecutive school year, the Board may revoke the School's Contract.
- 3) *Notice of Intent to Revoke*
 - a) The Charter School Institute Executive Director ("Executive Director"), upon reasonable belief that grounds for revocation of the Contract exist, shall notify by certified mail or electronic equivalent the governing body of the School by issuing a Notice of Intent to Revoke.

- i. The Notice of Intent to Revoke shall set forth the grounds for the proposed revocation.
- b) Within thirty (30) days of receipt of the Notice of Intent to Revoke, the governing body of the School shall respond in writing.
 - i. If the School admits the accuracy of the grounds of revocation, the response must contain a description of the School's plan and timeline for correcting the deficiencies ("Plan of Correction").
 - ii. If the School denies the accuracy of the grounds of revocation, the response shall include sufficient evidence to support its position.
 - iii. If the School does not respond by the deadline, the accuracy of the grounds of revocation shall be deemed admitted.
- c) In addition to responding in writing, School representatives may also choose to meet with the Executive Director or his/her designee.
 - i) This meeting must also occur within thirty (30) days of receipt of the Notice of Intent to Revoke.
 - ii) This meeting may occur in person, by phone, by video or any other means mutually agreed upon between the School and the Institute.
- d) Within fourteen (14) days of receipt of the School's written response, the Executive Director shall decide whether to withdraw the Notice of Intent to Revoke or proceed with a revocation hearing.
- e) The Executive Director may withdraw the Notice of Intent to Revoke if he/she determines:
 - i) The School's Plan of Correction is reasonable and likely to correct the identified deficiencies within an acceptable amount of time;
 - ii) The School's response addressed the perceived deficiencies in the Notice of Intent to Revoke in a satisfactory manner; or
 - iii) There is any other good reason to do so.

4) *Revocation Hearing*

- a) The Executive Director shall initiate a revocation hearing before the Board if he/she determines that, after proceeding through the Notice of Intent to Revoke process, grounds for revocation of the Contract exist.
- b) The Executive Director shall send a notice of the revocation hearing to the Board and School.
 - i. The notice of revocation hearing shall state the grounds for revocation as well as a written recommendation, including reasons supporting the recommendation, concerning whether to revoke the Contract. See C.R.S. § 22-30.5-511(5)(a) (stating requirement of written recommendation).
 - ii. The notice shall also state when and where the hearing shall occur.
- c) Within thirty (35) days of receipt of a notice of revocation hearing, the Board shall convene a revocation hearing.
- d) Within fourteen (14) days of receipt of the notice of revocation hearing, the School shall provide a written position statement to the Board and Executive Director.
 - i. The School's position statement should respond as fully as possible to the grounds for revocation and recommendation identified in the notice of revocation hearing.
 - ii. The School should include with its position statement exhibits, affidavits, and any other evidence it wants the Board to consider.
- e) Within fourteen (14) days of receipt of the School's position statement, the Executive Director may provide to the Board and the School a written reply, which may include documentation to support its reply.
 - i. The reply may not raise new grounds for revocation.
- f) At the revocation hearing, the Executive Director or his/her designee and the School or its designee shall each have thirty minutes to make their presentation to the Board, during which time Board members may question the parties.
- g) After the parties' presentations, Board members may discuss among themselves whether to revoke the Contract. This discussion shall take place in open session and in compliance with the Open Meetings Law.
- h) The Board shall decide whether to revoke the Contract by resolution, and a copy of the resolution shall be provided to the School's governing Board, the Executive Director, and the State Board.
 - i. The resolution shall state the Board's reasons for the revocation.
 - ii. The resolution shall also state the effective date of the revocation, recognizing that the State Board may review the Board's decision to revoke.

- 5) Any decision to revoke a Contract may be reviewed by the State Board pursuant to C.R.S. § 22-30.5-511(6).
 - a) If the School wishes to appeal the revocation, it shall provide the Board and the State Board with a notice of appeal within thirty (30) days after the Board's decision to revoke.
- 6) Notwithstanding any other provision of a Contract, monies remaining in the School's accounts upon revocation of the Contract revert to the Institute. *See* C.R.S. § 22-30.5-513.5(9)(b).
- 7) Notwithstanding the above procedures for revocation, if the Executive Director determines that immediate action to revoke a School contract is necessary to protect the safety of students or to preserve the school's funds and/or property, the Board may immediately convene a revocation hearing.
 - a) An immediate revocation hearing shall be commenced within five (5) days of written notice to the School by the Executive Director of the circumstances justifying immediate revocation.
 - b) The procedure at the hearing shall be as provided in Rule 10.6 above, except that each side shall provide its written position Statement to the other Party no later than 24 hours before the hearing.

1 CCR 302-1

Rule 10.00 Revocation of the Charter School contract.

- 1) The Institute may revoke a charter school contract pursuant to C.R.S. § 22-30.5-511 and this Rule 10.00.
~~if the Institute Board determines that the Institute Charter School:~~
- 2) Grounds for Revocation: The Institute Board ("Board") may revoke a Charter School Contract ("Contract") if the Board determines that an Institute Charter School ("School") did any of the following:
 - a) ~~committed~~ Committed a material violation of any of the conditions, standards, or procedures set forth in the ~~Charter School eContract~~;
 - b) ~~failed~~ Failed to meet or make adequate progress toward achievement of the content standards, ~~or~~ pupil performance standards, or targets for the measures used to determine the levels of attainment of the performance indicators identified in the ~~Charter School eContract~~;
 - c) ~~was~~ Was required to adopt a turnaround plan and the State Board recommended pursuant to C.R.S. § 22-11-210 that the ~~Institute Charter~~ School be restructured;
 - d) ~~failed~~ Failed to meet generally accepted standards of fiscal management; or
 - e) ~~Violated~~ Violated any provision of law from which the ~~Institute Charter~~ School was not specifically exempted.
 - f) If an ~~Institute Charter~~ School is required to implement a turnaround plan pursuant to Section C.R.S. § 22-11-210 (2) for a second consecutive school year, the ~~Institute Charter~~ School shall present to the ~~Institute~~ Board, in addition to the turnaround plan, a summary of the changes made by the ~~Institute Charter~~ School to improve its performance, the progress made in implementing the changes, and evidence, as requested by the ~~Institute~~ Board, that the ~~Institute Charter~~ School is making sufficient improvement to attain a higher accreditation category within two school years or sooner. ~~if~~ If the ~~Institute~~ Board finds that the ~~Institute Charter~~ School's evidence of improvement is not sufficient or if the ~~Institute Charter~~ School is required to implement a turnaround plan for a third consecutive school year, the ~~Institute~~ Board may revoke the ~~sSchool's charter eContract~~.
 - g) ~~At least fifteen days prior to the date on which the Institute Board will consider whether to revoke or renew a charter contract, the Institute shall provide to the Institute Board and the Institute Charter School a written recommendation, including the reasons supporting the recommendation, concerning whether to revoke or renew the charter contract.~~

3) ~~2)——Notice of Intent to Revoke The Institute Board's process for revoking a Charter School contract is as follows:-~~

a) The Charter School Institute Executive Director ("Executive Director"), upon reasonable belief that grounds for revocation of the ~~e~~Contract exist, shall notify by certified mail or electronic equivalent the governing body of the ~~Institute Charter~~ School ~~of such grounds~~ by issuing ~~the school~~ a ~~n~~Notice of ~~i~~Intent to ~~r~~Revoke.

i. The ~~n~~Notice of ~~i~~Intent to ~~r~~Revoke shall set forth the ~~alleged~~ grounds for the proposed revocation.

b) Within thirty (30) days of receipt of the ~~n~~Notice of ~~i~~Intent to ~~r~~Revoke, the governing body of the ~~Institute Charter~~ School shall respond in writing. ~~to each alleged ground for revocation.~~

i. If the ~~Institute Charter~~ School's admits the accuracy of the grounds of revocation ~~response includes admissions of non-compliance with the contract or applicable law~~, the response must ~~also~~ contain a description of the ~~Institute Charter~~ School's plan and timeline for correcting the ~~the non-compliance with the contract or applicable law~~ deficiencies ("Plan of Correction").

ii. If the ~~Institute Charter~~ School's ~~response includes a~~ denial ~~ies the accuracy of the grounds of revocation of non-compliance with the contract or applicable law~~, the response shall include sufficient ~~documentation or other~~ evidence to support ~~a denial of non-compliance with the contract or applicable law~~ its position.

iii. If the ~~Institute Charter~~ School does not respond by the deadline, the accuracy of the grounds of revocation shall ~~allegations in the notice of intent may~~ be deemed ~~to have been~~ admitted.

c) In addition to responding in writing, School representatives may also choose to meet with the Executive Director or his/her designee.

)i This meeting must also occur within thirty (30) days of receipt of the Notice of Intent to Revoke.

)ii This meeting may occur in person, by phone, by video or any other means mutually agreed upon between the School and the Institute.

d) ~~Plan of Correction.~~

e) Within ~~fifteen~~ fourteen (~~15~~14) days of receipt of the ~~Institute Charter~~ School's written response, ~~or after a meeting with the Institute Charter School representatives,~~ the

~~Charter School~~ Executive Director shall review the response and ~~determine~~decide whether a reasonable plan for correcting the deficiencies can be formulated to withdraw the Notice of Intent to Revoke or proceed with a revocation hearing.

- i. ~~The Executive Director may withdraw~~ If the Charter School Institute Executive Director determines that a reasonable plan for correcting the deficiencies set forth in the Notice of Intent to Revoke can be formulated, the Charter School Institute Executive Director shall develop a plan for correcting the non-compliance ("Plan of Correction"). In developing a Plan of Correction, the Charter School Institute Executive Director is permitted to adopt, modify or reject some or all of the Institute Charter School's response for correcting the deficiencies outline in the Notice of Intent to Revoke.
- f) ~~The Notice of Intent to Revoke may be withdrawn if the Charter School Institute Executive Director determines any of the following~~if he/she determines:
 - i) ~~the Institute Charter School's denial of non-compliance is persuasive;~~
 - ii) ~~the non-compliance set forth in the notice of intent to revoke has been corrected by the Institute Charter School;~~
 - iii) ~~the Charter School Institute Executive Director determines that a reasonable plan for correcting the deficiencies set forth in the notice of intent to revoke can be formulated, the Institute Charter School has developed such a plan, and that there is a reasonable likelihood that the school will effectively implement the plan; or~~
 - iv) ~~the Institute Charter School has successfully completed the Plan of Correction.~~The School's Plan of Correction is reasonable and likely to correct the identified deficiencies within an acceptable amount of time;
 - v) The School's response addressed the perceived deficiencies in the Notice of Intent to Revoke in a satisfactory manner; or
 - vi) There is any other good reason to do so.

4) Revocation Hearing³⁾

- a) ~~The~~ The Charter School Institute Executive Director shall initiate a revocation hearing before the ~~Institute Board~~ if ~~the Charter School Institute Executive Director~~he/she determines that, after proceeding through the Notice of Intent to Revoke process, grounds for revocation of the Contract exist.
- b) ~~one or more of the following has occurred:~~
- c)
 -)2 ~~the Institute Charter School has failed to respond to the notice of intent to revoke.~~
 -)3 ~~the Institute Charter School's response admits violations of the Charter School contract or applicable law which the Charter School Institute Executive Director deems cannot be remedied or cannot be remedied in an appropriate period of time, or~~

for which the Charter School Institute Executive Director determines that a plan of correction cannot be formulated or effectively implemented;

)4

~~the Institute Charter School's response contains denials that are not supported by sufficient documentation or other evidence showing compliance with the Charter School contract or applicable law;~~

d) ~~the Institute Charter School has not complied with Part or all of a plan of correction established in Rule10.2(f); or~~

e) ~~the Charter School Institute Executive Director believes that emergency circumstances exist that would justify revocation.~~

f)

g) ~~4)-~~ The ~~Charter School Institute~~ Executive Director shall send a notice of the revocation hearing to the ~~Institute~~ Board and ~~to the Institute Charter School.~~

i. The notice of revocation hearing shall ~~identify the reason(s)~~state the grounds for revoking revocation as well as a written recommendation, including reasons supporting the recommendation, concerning whether to revoke the Contract. See C.R.S. § 22-30.5-511(5)(a) (stating requirement of written recommendation). ~~the Charter School contract.~~

ii. The notice shall also state when and where the hearing shall occur.

iii.

iv.

h) ~~5)-~~ Within thirty (~~30~~35) days of receipt of a notice of revocation hearing, the ~~Institute~~ Board shall convene a revocation hearing.

i) Within fourteen (14) days of receipt of the notice of revocation hearing, the School shall provide a written position statement to the Board and Executive Director.

i. The School's position statement should respond as fully as possible to the grounds for revocation and recommendation identified in the notice of revocation hearing.

ii. The School should include with its position statement exhibits, affidavits, and any other evidence it wants the Board to consider.

j) Within fourteen (14) days of receipt of the School's position statement, the Executive Director may provide to the Board and the School a written reply, which may include documentation to support its reply.

i. The reply may not raise new grounds for revocation.

i.

k) ~~6)-~~ At the revocation hearing, shall be held at a location, date and time as determined by the Charter School Institute Executive Director or his/her designee .-

~~Each party shall submit its position 10 days in advance, in writing, and mail or deliver its position statement to the other party. The Charter School Institute Executive Director or his or her designee and the Institute Charter School or its designee or its designee, shall each have thirty minutes to make their presentation to the Institute Board, during which time Institute Board members may question the parties. _~~

l) After the parties' presentations, Board members may discuss among themselves whether to revoke the Contract. This discussion shall take place in open session and in compliance with the Open Meetings Law.

m) ~~Although each party is permitted to submit affidavits and exhibits in support of their positions, the Institute Board will not hear testimony from any witnesses for either side.~~

n)

o) ~~7) The Institute Board shall decide whether to revoke the Contract will rule on the revocation by resolution, and a copy of the resolution will shall be provided to the Institute Charter School's governing Board, the Charter School Institute Executive Director, and to the State Board.~~

i. The resolution shall state the Board's reasons for the revocation.

ii. The resolution shall also state the effective date of the revocation, recognizing that the State Board may review the Board's decision to revoke.

~~5) 8) Any decision to revoke a Contract may be reviewed by the State Board pursuant to C.R.S. § 22-30.5-511(6).~~

a) If the School wishes to appeal the revocation, it shall provide the Board and the State Board with a notice of appeal within thirty (30) days after the Board's decision to revoke.

a) ~~If the Institute Board votes to revoke the Charter School contract, the revocation shall be effective as of the date of the Institute Board's act of revocation, or at a later date as determined by the~~

~~Institute Board.~~

96) ~~Notwithstanding any other provision of at the Charter School eContract, monies remaining in the School's accounts upon revocation of the Contract revert to the Institute. See C.R.S. § 22-30.5-513.5(9)(b). any state school finance act funds received by the Institute Board for a school whose charter has been revoked will be returned to the school finance funding account.~~

107) ~~Notwithstanding the above procedures for revocation, if the Charter School Institute Executive~~

Director determines that immediate action to revoke a ~~Charter~~ School contract is necessary to protect the safety of students or to preserve the school's funds and/or property, the ~~Institute~~

Board may immediately convene a revocation hearing.

- a) An immediate revocation hearing shall be commenced within five (5) days of written notice to the ~~Institute Charter~~ School by the ~~Charter School Institute~~ Executive Director of the circumstances justifying immediate revocation.
- b) The procedure at the hearing shall be as provided in Rule 10.6 above, except that each side shall provide its written position Statement to the other Party no later than 24 hours before the hearing.

c)

~~11) — If the Institute Board revokes the Charter School contract, it shall provide written notice to the governing body of the Institute Charter School stating in detail the basis for the decision to revoke.~~

- d) ~~12) — If the Institute Board revokes the Charter School contract, the governing body of the Institute Charter School may appeal the decision to the State Board by giving both the State Board and the Institute Board a notice of appeal within thirty (30) days of the date of the decision of the Institute Board to revoke the Charter School contract.~~

Notice of Rulemaking Hearing

Tracking number

2014-01114

Department

300 - Department of Education

Agency

303 - Division of Public School Capital Construction Assistance

CCR number

1 CCR 303-1

Rule title

RULES PERTAINING TO THE ADMINISTRATION OF THE PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE BOARD

Rulemaking Hearing**Date**

12/05/2014

Time

01:00 PM

Location

The Broadmoor, 1 Lake Avenue, Colorado Springs, CO 80906

Subjects and issues involved

Complete document revision and restructuring of outdated construction guidelines. Codes needed to be brought up to date, documents incorporated by reference updated as well.

Statutory authority

22-43.7-106(2)(i)(I) C.R.S. & HB 08-1335

Contact information**Name**

Scott Newell

Title

Director, Division of Capital Construction

Telephone

303 866 6717

Email

newell_s@cde.state.co.us

COLORADO DEPARTMENT OF EDUCATION
DIVISION OF PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE
1 CCR 303(1)
PUBLIC SCHOOL FACILITY CONSTRUCTION GUIDELINES

Article 1 – Purpose and Authority to Promulgate Rules

1.1. Purpose

1.1.1. Section 22-43.7-107(1)(a), C.R.S. states, The board shall establish public school facility construction guidelines for use by the board in assessing and prioritizing public school capital construction needs throughout the state as required by section 22-43.7-108, C.R.S. reviewing applications for financial assistance, and making recommendations to the state board regarding appropriate allocation of awards of financial assistance from the assistance fund only to applicants. The board shall establish the guidelines in rules promulgated in accordance with article 4 of title 24, C.R.S.

1.1.2. Section 22-43.7-107(1)(b), C.R.S. states, It is the intent of the general assembly that the public school facility construction guidelines established by the board be used only for the purposes specified in section 1.1.1 above.

1.1.3. The public school facility construction guidelines shall identify and describe the capital construction, renovation, and equipment needs in public school facilities and means of addressing those needs that will provide educational and safety benefits at a reasonable cost.

1.2. Statutory Authority

1.2.1. Section 22-43.7-106(2)(i)(I) C.R.S. states, the board may promulgate rules in accordance with article 4 of title 24, C.R.S. The board is directed to establish Public School Facility Construction Guidelines in rule pursuant to 22-43.7-107(1)(a), C.R.S.

Article 2 – Definitions

2.1. The definitions provided in 22-43.7-103, C.R.S., shall apply to these rules. The following additional definitions shall also apply:

C.R.S. – Means Colorado Revised Statutes

"Historical significance" means having importance in the history, architecture, archaeology, or culture of this state or any political subdivision thereof or of the United States, as determined by the state historical society.

Article 3 – Codes, Documents and Standards incorporated by reference

- 3.1. The following materials are incorporated by reference within the Public School Facility Construction Guidelines:
- 3.1.1.AISC (structural design handbook)- Steel Construction Manual 14 edition (2011).
 - 3.1.2.ACI 318-11: Building Code Requirements for Structural Concrete and Commentary (2011).
 - 3.1.3.ASHRAE Standard 90.1-2013 Energy Standard for Buildings.
 - 3.1.4.ASHRAE Standard 189.1 - 2011 Standard for the Design of High-Performance Green Buildings.
 - 3.1.5.ASHRAE Standard 90.1-2007 or newer as recommended in Title III of the Energy Conservation and Production Act of 1975.
 - 3.1.6.ICC IPC (2015) International Plumbing Code
 - 3.1.7.ICC IFC (2012) International Fire Code
 - 3.1.8.Thermal Environmental Conditions for Human Occupancy (ASHRAE Standard 55) produced by the American Society of Heating, Refrigeration and Air-Conditioning Engineers, Inc. 2010 Update.
 - 3.1.9.Telecommunications Distribution Methods Manual (TDMM)" produced by Building Industry Consulting Services International (BICSI). 12th edition.
 - 3.1.10. Leadership in Energy and Environmental Design (LEED for Schools)" produced by The United State Green Building Council version 2009 and the Colorado Collaborative for High Performance Schools (CO-CHPS) produced by the Governors Energy Office version 2009.
- 3.2. The Division shall maintain copies of the complete texts of the referenced incorporated materials, which are available for public inspection during regular business hours with copies available at a reasonable charge. Interested parties may inspect the referenced incorporated materials by contacting the Director of the Division of Public School Capital Construction Assistance, 1580 Logan Street, Suite 310, Denver, Colorado.
- 3.3. This rule does not include later amendments or editions of the incorporated material.

Article 4 - These Guidelines are not mandatory standards to be imposed on school districts, charter schools, institute charter schools, the boards of cooperative services or the Colorado School for the Deaf and Blind. As required by statute, the Guidelines address:

4.1 Health and safety issues, including security needs and all applicable health, safety and environmental codes and standards as required by state and federal law. Public school facility accessibility.

4.1.1 Sound building structures. Each building should be constructed and maintained with a sound structural foundation, floor, wall and roof systems. Local snow, wind exposure, and seismic load factors shall be considered.

4.1.1.1- All building structures shall comply with the AISC's structural design handbook - Steel Construction Manual 14 edition (2011); & ACI 318-11: Building Code Requirements for Structural Concrete and Commentary (2011).

4.1.2 Roofs. A weather-tight roof that drains water positively off the roof and discharges the water off and away from the building. All roofs shall be installed by a qualified contractor who is approved by the roofing manufacturer to install the specified roof system and shall receive the specified warranty upon completion of the roof. The National Roofing Contractors Association (NRCA) divides roofing into two generic classifications: low-slope roofing and steep-slope roofing. Low-slope roofing includes water impermeable, or weatherproof types of roof membranes installed on slopes of less than or equal to 3:12 (fourteen degrees). Steep slope roofing includes water-shedding types of roof coverings installed on slopes exceeding 3:12 (fourteen degrees).

4.1.2.1 - Low slope roofing systems:

4.1.2.1.1- Built-up – minimum 4 ply, type IV fiberglass felt, asphalt BUR system. Gravel or cap sheet surfacing required.

4.1.2.1.2- Ethylene Propylene Diene Monomer - minimum 60 mil EPDM membrane, with a ballasted or adhered system.

4.1.2.1.3- Poly Vinyl Chloride - minimum 60 mil PVC membrane adhered or mechanically attached systems.

4.1.2.1.4- Thermal Polyolefin - minimum 60 mil membrane adhered or mechanically attached systems.

4.1.2.1.5- Polymer-modified bitumen sheet membrane - Styrene-Butadiene-Styrene (SBS) membranes only, to be used only as a component of a built-up system noted above.

4.1.2.2- Steep slope roofing systems:

4.1.2.2.1- Asphalt shingles - minimum 50 year spec asphalt shingles, UL Class A.

4.1.2.2.2- Clay tile and concrete tile - minimum 50 year spec clay or concrete tile, UL Class A.

4.1.2.2.3- Metal roof systems for steep-slope applications - minimum 24 gage prefinished steel, standing seam roof system with a minimum 1.5" seam height.

4.1.2.2.4- Slate - ¼" minimum thickness, 50 year spec. UL Class A.

4.1.2.2.5- Synthetic shingles - minimum 50 year spec, UL Class A.

4.1.3 **Electrical and distribution systems.** Safe and secure electrical service and distribution systems designed and installed to meet all applicable State and Federal codes.

4.1.3.1– Energy use intensity should not exceed the U.S. Department of Energy (DOE) building benchmarks. Reference ASHRAE Standard Benchmark Energy Utilization Index October 2009.

4.1.3.2- Emergency lighting shall operate when normal lighting systems fail in locations specified in the adopted building or existing building codes.

4.1.3.3– ASHRAE Standard 90.1-2007 or newer as recommended in Title III of the Energy Conservation and Production Act of 1975.

4.1.4 **Mechanical systems.** A safe and efficient mechanical system that provides proper ventilation, proper sound levels and maintains the building temperature and relative humidity. The mechanical system shall be designed, maintained and installed utilizing current State and Federal building codes. Reference ICC - IMC (2012) International Mechanical Code.

4.1.4.1- Healthy building indoor air quality (IAQ) through the use of the mechanical HVAC systems or operable windows and by reducing air infiltration and water penetration with a tight building envelope.

4.1.4.2 References: ASHRAE Standard 90.1-2013 Energy Standard for Buildings. ASHRAE Standard 189.1 - 2011 Standard for the Design of High-Performance Green Buildings. ASHRAE Advanced Energy Design Guide for K-12 Schools.

4.1.5 **Plumbing.** A potable water source and supply system complying with 5CCR 1003-1 "Colorado Primary Drinking Water Regulations" providing quality water as required by the Colorado Department of Public Health and Environment. Water quality shall be maintained and treated to reduce water for calcium, alkalinity, Ph, nitrates, bacteria, and temperature (reference, Colorado Primary Drinking Water Act and EPA Safe Water Drinking Act). Reference ICC - IPC (2015) International Plumbing Code.

4.1.5.1 – Site

4.1.5.1.1– Grease interceptors, sand and oil interceptors should be located where they can be accessed by service and cleaning personnel and at least 25 feet from outside air intakes.

4.1.5.1.2- Acid waste tank.

4.1.5.2- Water Heater

4.1.5.2.1- Condensing type

4.1.5.2.2- Heat recovery

4.1.5.3- Water sources

4.1.5.3.1– Potable

4.1.5.3.2- Non potable

4.1.6 **Fire management.** Building fire alarm and emergency notification systems in all school facilities shall be designed in accordance with state and local fire department requirements. Exceptions include unoccupied very small single story buildings, sheds and temporary facilities where code required systems are not mandatory and the occupancy does not warrant a system. Reference ICC IFC (2012): International Fire Code, section 907.

4.1.6.1 - Fire alarm

4.1.6.1.1 – Internal audible and visual alarms

4.1.6.1.2 – External alarm monitoring and dispatch via internet / modem

4.1.6.2 - Fire suppression

4.1.6.2.1 Fire hydrants

4.1.6.2.2 Static fire water storage tanks

4.1.6.2.3 - Water flow requirements

4.1.7 Paths of egress. A continuous and unobstructed path of egress from any point in the school that provides accessible routes to an area of refuge, a horizontal exit, or public way. A facility code analysis shall be conducted to determine all code requirements.

4.1.8 Facilities with safely managed hazardous materials. Potential hazardous materials in building components, which are identified in the AHERA report, may include: asbestos, radon, lead, lamps and devices containing mercury. Additional hazardous materials may include: science chemicals, cleaning chemicals, blood-borne pathogens, acid neutralization tank for science departments, and bulk fuel storage (UST/AST) management that may be stored by the occupant.

4.1.8.1 - Public schools shall comply with all Asbestos Hazard Emergency Response Act (AHERA) criteria and develop, maintain, and update an asbestos management plan, to be kept on record at the school district. This should include a building survey of the exterior of the building, and identification of all friable, non-friable, and trace asbestos materials. Reference regulation Number 8, Control of Hazardous Air Pollutants, 5 CCR 1001-10.

4.1.8.2 - Safe laboratories, shops and other areas storing paints or chemicals that comply with CDPHE 6 CCR 1010-6, Chapter 8 shall be identified and disposed of as regulated according to the scope of work in total demolition or renovation.

4.1.8.3- All new facilities and additions shall conduct radon testing following completion of construction within nineteen months after occupancy as required by CDHE, Consumer Protection Division, 6 CCR 1010-6, Chapter 10.

4.1.8.4- Lead based paint. The Colorado Air Quality Control Commission adopted Regulation No. 19 governing the abatement of lead-based paint from target housing (constructed prior to 1978) and child-occupied facilities. Reference C.R.S. 25-5-1101.

4.1.9 **Security.** The degree of resistance to, or protection from, harm. It applies to any vulnerable and valuable asset, such as a person, building or dwelling. Security provides "a form of protection where a separation is created between the assets and the threat." These separations are generically called "controls," and sometimes include changes to the asset or the threat. These separations and degrees of resistance can be achieved through several models and techniques

4.1.9.1 - Video Management Systems (VMS)

4.1.9.1.1- Cameras. Cameras are typically used to implement a video management system. In new construction, these should be internet protocol (IP) cameras on Power over Ethernet (PoE) cabling infrastructure, high definition over coax cameras, or analog cameras. Cameras should support motion activation, pan-tilt-zoom functionality, and standard video compression.

4.1.9.1.2- Closed circuit or IP video recorders. A central video management system should be capable of monitoring live feeds from multiple cameras from a central location, recording to digital media. Acceptable recorders include: network video recorder (NVR), high-definition composite video interface (HD-CVI), digital video recorder (DVR).

4.1.9.1.3- All video management systems should be integrated into their local first responder's alert notification system.

4.1.9.2- Controlled access

4.1.9.2.1 - Manual

- 4.1.9.2.1.1** - The number of entryways into the building or onto the campus should be limited. New construction shall be designed to restrict normal entrance to only one or two locations, with no recessed doorways.
- 4.1.9.2.1.2** - All exterior doors shall be locking and equipped with panic bars to open readily from the egress side. Panic bars should utilize flush push bar hardware to prevent chaining doors shut.
- 4.1.9.2.1.2.1** - Unless a door is intended for ingress, exterior doors should not have handles and locks on the outside. In all cases exposed hardware should be minimized.
- 4.1.9.2.1.3** - Doors should be constructed of steel, aluminum alloy, or solid-core hardwood. If necessary, glass doors should be fully framed and equipped with burglar-resistant tempered glass. Translucent glass should be avoided in all cases.
- 4.1.9.2.1.4** - Exit doors with panic push-bars should also be equipped with deadbolt locks to prevent easy exit by criminals or vandals or in a lock-down or lock-out situation.
- 4.1.9.2.1.5** - Exterior swinging doors should have a minimum 1-inch deadbolt lock with a 1-inch throw bolt with a hardened steel insert, a free-turning steel or brass tapered guard, and double cylinder locks if glass is located within 40 inches of the locking mechanism.
- 4.1.9.2.1.6** - Heavy-duty metal or solid-core wooden doors should be used at entrances to areas containing expensive items. These areas include classrooms, storerooms, and custodians' rooms. Interior doorway doors should also be heavy-duty metal or solid-core wooden doors.
- 4.1.9.2.1.7** - Door hinges should have non-removable pins.
- 4.1.9.2.1.8** - Door frames should be constructed of pry-proof material.
- 4.1.9.2.1.9** - Armored strike plates shall be securely fastened to the door frame in direct alignment to receive the latch easily.

4.1.9.2.2- Automated. Acceptable automated controlled access includes: automatic identification card/badge readers.

4.1.9.2.2.1 - Faculty, staff and Administration. School personnel may be issued additional tools for authenticating their identity in order to maintain efficient access to school facilities

4.1.9.2.2.2 - Student. Schools shall expect students to carry some form of verifiable identification, if automated access to school facilities is to be provided.

4.1.9.3 - Front door security

4.1.9.3.1 - Building Vestibules. Where appropriate, buildings shall employ double entry door designs that provide a secured area for visitors to authenticate and gain clearance. Known as “man traps”, security vestibules solve several common security issues such as students opening doors for visitors, visitors bypassing check-in points, direct access to the interior from attackers, piggy-back entrances, propped doors, etc.

4.1.9.3.2 - Video entrance systems. Building designs shall allow for school personnel to be able to monitor incoming visitors from a safe location out of reach or line of site from incoming visitors who have not yet been authenticated or cleared for entry. These entry points shall use remote video and access control technology to conduct multi-factor authentication of incoming visitors (e.g. visual verification and ID, PIN/password and ID, or biometric and other form of visual identification).

4.1.9.3.2.1 - Video entrance systems shall use IP technology to allow access control to be conducted by school personnel from multiple locations so that multiple personnel can provide coverage for screening incoming visitors, eliminating entry system override or “door propping”.

4.1.9.3.2.2 - Video entrance systems shall be integrated with school communication, alarm, or school database systems to allow personnel to screen visitors.

4.1.9.3.3 - Line of sight. The front entrance should be designed to maximize the line of sight distance for school occupants to detect an intruder from each relevant perimeter (e.g. classroom to

hallway, office or guard station to entryway, or entryway to exterior fence access, or exterior fence access to property perimeter).

4.1.9.4- Door lock / intrusion detection. Doors should have sufficient data cabling to a central interim distribution frame (IDF) or master distribution frame (MDF) to support access control/door release mechanisms, door sensors, IP Authentication sensors, and/or IP surveillance cameras as well as power cabling sufficient to support such hardware.

4.1.9.4.1- Interior classroom doors shall have locking hardware for lock downs, which does not interfere with automatic closing and latching functions required by the fire code and may have door sidelights or door vision glass that allow line of sight into the corridors during emergencies. Reference Division of Fire Prevention and Control Rules 8 CCR 1507-30.

4.1.9.5- Event alerting and notification (EAN) system. An EAN system that utilizes an intercom / phone system with communication devices located in all classrooms and throughout the school to provide efficient inter-school communications and communication with local fire, police and medical agencies during emergency situations.

4.1.9.6- Secure sites should include the following:

4.1.9.6.1- Locations to avoid

4.1.9.6.2- Location of utilities

4.1.9.6.3- Roof access

4.1.9.6.4- Lighted walkways

4.1.9.6.5- Secured playgrounds

4.1.9.6.6- Bollards at main entrances and shop areas with overhead doors

4.1.9.6.7- Signage

4.1.10 Health code standards. Department Of Public Health and Environment Rules and Regulations Governing Schools 6 CCR 1010-6.

4.1.11 Food preparation equipment and maintenance. Food preparation and associated facilities equipped and maintained to provide sanitary facilities for the preparation, distribution, and storage of food as required by Colorado Retail Food Establishment Rules and Regulations 6 CCR 1010-2.

4.1.12 Emergency care room. A separate emergency care room shall be provided. This room shall have a dedicated bathroom, and should comply with the Department Of Public Health and Environment Rules and Regulations Governing Schools 6 CCR 1010-6.

4.1.13 A site that safely separates pedestrian and vehicular traffic and is laid out with the following guidelines:

4.1.13.1 - Physical routes for basic modes (busses, cars, pedestrians, and bicycles) of traffic should be separated as much as possible from each other. If schools are located on busy streets and/or high traffic intersections, coordinate with the applicable municipality or county to provide for adequate signage, traffic lights, and crosswalk signals to assist school traffic in entering the regular traffic flow.

4.1.13.2 - When possible, provide a dedicated bus staging and unloading area located away from students, staff, and visitor parking.

4.1.13.3 - Provide an adequate driveway zone for stacking cars on site for parent drop-off/pick-up zones. Drop-off area design should not require backward movement by vehicles, and be one-way in a counterclockwise direction where students are loaded and unloaded directly to the curb/sidewalk. Students should not have to load or unload where they have to cross a vehicle path before entering the building. It is recommended all loading areas have "No Parking" signs posted.

4.1.13.4 - Provide well-maintained sidewalks and a designated safe path leading to the school entrance(s).

4.1.13.5 - Building service loading areas and docks should be independent from other traffic and pedestrian crosswalks. If possible, loading areas shall be located away from school pedestrian entries.

4.1.13.6 - Facilities should provide for bicycle access and storage.

4.1.13.7 - Fire lanes must meet local municipality.

4.1.13.8 - Consider restricting vehicle access at school entrances with bollards or other means to restrict vehicles from driving through the entry into the school.

4.1.13.9 - Playgrounds. Shall comply with the Americans with Disabilities Act and shall be installed in accordance with the Building Code adopted by the Director of the Division of Fire Prevention and Control 8CCR 1507.30.

4.1.14 **Severe weather preparedness**

4.1.14.1 - Tornado shelters. Reference ICC/NSSA Standard for the Design and Construction of Storm Shelters (ICC-500 - 2013 edition).

4.2 **Technology, including but not limited to telecommunications and internet connectivity technology and technology for individual student learning and classroom instruction.**

4.2.1 Educational facilities for individual student learning, classroom instruction, online instruction and associated technologies, connected to the Colorado institutions of higher education distant learning networks "Internet" and "Internet two."

4.2.2 Educational facilities with standards based wired and wireless network connectivity.

4.2.3 Security and associated filtering and intrusion control for internal voice, video and data networks

4.2.4 External internet service provider (ISP) connection and internal wide area network (WAN) connections meeting or exceeding recommended guidelines of the state education technology education directors association (SETDA) broadband imperative, and devices meeting or exceeding recommended specifications according to the most current version of technology guidelines for the partnership for assessment of readiness for college and careers (PARCC) assessments.

4.2.5 Provide school administrative offices with web-based activity access.

4.2.6 Administrative software individual educational programs (IEP), individual learning programs (ILP), and personal learning plans (PLP).

4.2.7 Emergency power backup, redundant a/c for voice, video and data systems.

4.2.8 Bi-Directional Amplification (BDA). Signal boosters that enhance in-building signals across a range of frequencies.

4.2.9 Building shall be constructed with long-term sustainable technology infrastructure. Facilities should be built with sufficient data cabling and/or conduit and power infrastructure to allow for maximum flexibility as technological systems are upgraded and replaced in the future. A plan for technology lifecycle review intervals should be put in place for review at 2-4 year intervals.

4.2.10 Data center and non-data centers

4.2.10.1 - Uninterruptible power center (UPS). IDF and MDF locations should be wired with 30 Amp or 40 Amp power circuits to support sufficient backup power systems to maintain secure systems operation during a power outage or intentional school attack.

4.2.10.1.1 - Data center and non-data centers should be backed up by a generator.

4.2.11 Connectivity standards

4.2.11.1 - Wireless. Data cabling shall be planned to support appropriately spaced multiple-antenna wireless networking infrastructure allowing for a centrally located antenna every 2500 to 5000 square feet (or preferably performing a professional site survey/ resonance analysis). Support for 802.11b/g/n, 802.11ac, and/or newer protocols are recommended.

4.2.11.2 - Wired

4.2.11.2.1 - Cabling – all new runs of copper data cable should be Augmented Category 6 cable or newer standards. Any data jack should be backed by 2 cable runs.

4.2.11.2.2 - Intermediate distribution frame (IDF) or Main distribution frame (MDF) – data closets shall be connected by conduit and fiber optic cable to allow for maximum data performance and upgradeability.

4.2.11.2.3 - IDF or MDF to classroom – Classrooms should have a data jack on the wall at the front and back of the room as well as data cable to the door for access control and a data jack on the ceiling near the front of the room for projection and/or smart board equipment as well as security/PA/clock devices.

4.2.11.2.4 - IDF to office, and library or technology/media centers. – any areas designed for independent work or study should have a dedicated data jack with 2 copper cable runs each.

4.2.11.2.5 - IDF to common areas, auditorium, and cafeteria – Common areas should contain 1 data jack per 40 feet of linear wall space and such jacks shall be distributed at reasonably equal spacing throughout the room.

4.3 Building site requirements. Functionality of existing and planned public school facilities for core educational programs, particularly those educational programs for which the State Board has adopted state model content standards. Capacity of existing and planned public school facilities, taking into consideration potential expansion of services for the benefit of students such as full-day kindergarten and preschool- and school-based health services and programs.

4.3.1 Traditional education model

4.3.1.1 - Elementary Schools

4.3.1.1.1- Facilities with preschools, must comply with “Rules Regulating Child Care Centers (Less Than 24-Hour Care)” found in 12 CCR 2509-8.

4.3.1.1.2- Occupancy Requirements:

Elementary Schools - Gross Square Foot Per Pupil (Grades K-5)					
FTES	GSF/Pupil	Total GSF	Seating Capacity Cafeteria (SF)	Seating Capacity Auditorium (SF)	Library / Media Center (SF)
100	151	15,064	650	1,300	1,120
200	146	29,197	1,000	1,600	1,120
300	141	42,401	1,500	1,900	2,240
400	137	54,674	2,000	2,200	2,240
500	132	66,017	2,500	2,500	2,240
600	127	76,429	3,000	2,800	3,840
700	123	85,912	3,500	3,100	3,840
800	118	94,464	4,000	3,400	3,840
900	113	102,086	4,500	3,700	3,840

Instructor Areas

Space Type:	Square Feet	Notes:
Office - typical	120	-
Office - large	150	-
Work room	250	Multiple may be required due to scale
Team planning (conf)	240	12-16 occupants
Instruction - sm group	320	16 occupants
Storage	50	Ave per instructor
Staff toilets	50	Multiple may be required due to scale

Types of Classrooms

Core	SF/PP	Total SF (24-30 FTES)
Kindergarten CR	41	984
1st-5th grade	35	840

Exploratory	SF/PP	Total SF (24-30 FTES)
Computer/Tech	30	720
Music	35	840
Science	38	912
Art	35	840
Gym / MP (50'X60')	-	3000
Special ED	37	-
VoAg	60	1440

4.3.1.2- Middle Schools (same chart as above)

4.3.1.3 - High Schools

4.3.1.4 - K-12

4.3.2 S.T.E.M. (Science, Technology, Engineering & Mathematics) education model

4.3.2.1 - Elementary Schools

4.3.2.2 - Middle Schools

4.3.2.3 - High Schools

4.3.2.4 - K-12

4.3.3 Montessori / Expeditionary education model

4.3.3.1 - Elementary Schools

4.3.3.2 - Middle Schools

4.3.3.3 - High Schools

4.3.3.4 - K-12

4.3.4 Other rooms and shared community areas

4.3.4.1 - Special education classrooms. Special Education classrooms and facilities meeting or exceeding the accessibility and adaptive needs of the current and reasonably anticipated student population, in accordance with Section 504 and Title II of the Americans with Disabilities Act, the Exceptional Children's Educational Act, and Individuals with Disabilities Education Act.

4.3.4.2- Gymnasium

4.3.4.3- Library

4.3.4.4- Media Center

4.3.4.5- Cafetorium

4.4 Building performance standards and guidelines for green building and energy efficiency. Section 24-30-1305.5 C.R.S., require all new facilities, additions, and renovation projects funded with 25% or more of state funds to conform with the High Performance Certification Program (HPCP) policy adopted by the Office of the State Architect (OSA) if:

- The new facility, addition, or renovation project contains 5,000 or more building square feet; and
- The project includes an HVAC system; and
- If increased initial cost resulting from HPCP can be recouped by decreased operational costs within 15 years, and
- In the case of a renovation project, the cost of the renovation exceeds 25% of the current value of the property.

4.4.1 High Performance Certification Programs

4.4.1.1- Leadership in Energy and Environmental Design (LEED) for schools.

4.4.1.1.1- LEED is an internationally recognized certification system that measures a building using several metrics, including: Energy savings, Water efficiency, Sustainable land use, improved air quality, and Stewardship of natural resources.

4.4.1.1.2- Points are awarded on a 100-point scale, and credits are weighted to reflect their potential environmental impacts. Different levels of certification are granted based on the total number of earned points. The four progressive levels of certification are: Certified, Silver, Gold and Platinum. Over 30 schools in Colorado are LEED certified and the vast majority of these schools have achieved the Gold level of certification.

4.4.1.2- Colorado Collaborative for High Performance Schools (CO-CHPS).

4.4.1.2.1- The CHPS Criteria is a benchmarking system that defines the attributes of a high performance school. The Criteria address site and materials selection, energy and water efficiency, indoor environmental quality, innovation, performance, and integrated delivery, and provide high performance school strategies that can be used by schools and districts and their design teams for new campuses, buildings and major modernizations.

4.4.1.2.2- The 2009 Colorado (CO-CHPS) Criteria requires the project achieves a 25% reduction in total energy cost savings compared to ASHRAE 90.1 2007, set an ENERGY STAR goal of at least 75 and use the resulting site Energy Use Intensity (EUI) as a performance target and utilize the Flex Energy design tool.

4.4.2 Renewable energy strategies

4.4.2.1 - Solar Photovoltaic / Solar Thermal

4.4.2.2 - Geothermal / Geo exchange

4.4.2.3 - Wind

4.4.2.4 - Passive Solar Design

4.4.3 Energy management plan

4.4.3.1 - Energy programs save more than energy projects. Many experts agree that implementing a successful energy management plan depends on whether you can successfully create a culture of energy efficiency within your school. Reference Energy Star Guidelines for Energy Management.

4.4.4 Other energy efficient options:

4.4.4.1 - ENERGY STAR Labeled HVAC/mechanical systems

4.4.4.2 - Windows, doors, and skylights (collectively known as fenestration)

4.4.4.3- Building Envelope

4.4.4.3.1 - The interface between the interior of the building and the outdoor environment, including the walls, roof, and foundation – serves as a thermal barrier and plays an important role in determining the amount of energy necessary to maintain a comfortable indoor environment relative to the outside environment.

4.4.4.3.2 - Roof - Roof design and materials can reduce the amount of air conditioning required in hot climates by increasing the amount of solar heat that is reflected, rather than absorbed, by the roof. For example, roofs that qualify for ENERGY STAR® are estimated to reduce the demand for peak cooling by 10 to 15 percent.

4.4.4.3.3 - Insulation is important in building cavities adjacent to the roof.

4.4.4.4 - Lighting: LEDs and CFLs

4.4.4.4.1 - Fluorescent lighting lasts at least 10 times longer than traditional incandescent lighting and qualified commercial LED lighting lasts 35 to 50 times longer.

4.4.4.5 - Commissioning, retro commissioning and re-commissioning.

4.4.4.5.1 - Commissioning ensures that a new building operates initially as the owner intended and that building staff are prepared to operate and maintain its systems and equipment.

4.4.4.5.2 - Retro commissioning is the application of the commissioning process to existing buildings.

4.4.4.5.3 - Re-commissioning is another type of commissioning that occurs when a building that has already been commissioned undergoes another commissioning process.

4.4.5 - Measurement and verification. Measurement and verification (M&V) is the term given to the process for quantifying savings delivered by an Energy Conservation Measure (ECM), as well as the sub-sector of the energy industry involved with this practice. M & V demonstrates how much energy the ECM has avoided using, rather than the total cost saved.

4.4.6 - Landscaping

4.5 The historic significance of existing public school facilities and their potential to meet current programming needs by rehabilitating such facilities.

4.5.1 - Buildings that are 50 years or older at the time of application may be subject to the State Register Act 24-80.1-101 to 108 in determining if the affected properties have historical significance.

4.5.1.1 - Historical significance means having importance in the history, architecture, archaeology, or culture of this state or any political subdivision thereof or of the United States, as determined by the state historical society

4.5.2 - When determining if a facility should be replaced, the cost to rehabilitate versus the cost to replace should be evaluated.

Notice of Rulemaking Hearing

Tracking number

2014-01099

Department

300 - Department of Education

Agency

303 - Division of Public School Capital Construction Assistance

CCR number

1 CCR 303-3

Rule title

BUILDING EXCELLENT SCHOOLS TODAY GRANT PROGRAM

Rulemaking Hearing**Date**

12/05/2014

Time

01:00 PM

Location

CASB Conference, The Broadmoor, 1 Lake Avenue, Colorado Springs, CO 80906

Subjects and issues involved

Updating due to recent statutory changes and changes needed to strengthen conflict of interest procedures.

Statutory authority

§ 22-43.7-106(2)(i)(I) C.R.S., the Public School Capital Construction Assistance Board may promulgate rules, in accordance with Article 4 of Title 24, C.R.S., as are necessary and proper for the admin

Contact information**Name**

Scott Newell

Title

Director, Division of Capital Construction

Telephone

303 866 6717

Email

newell_s@cde.state.co.us

COLORADO DEPARTMENT OF EDUCATION
DIVISION OF PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE
1 CCR 303-3
BUILDING EXCELLENT SCHOOLS TODAY GRANT PROGRAM

Authority

§ 22-43.7-106(2)(i)(I) C.R.S., the Public School Capital Construction Assistance Board may promulgate rules, in accordance with Article 4 of Title 24, C.R.S., as are necessary and proper for the administration of the BEST Act.

Scope and Purpose

This regulation shall govern the Building Excellent Schools Today (BEST) Public School Capital Construction Assistance Program pursuant to the BEST Act.

1. Definitions

- 1.1. "Applicant" means an entity that submits an Application for Financial Assistance to the Board, including:
 - 1.1.1.A School District;
 - 1.1.2.A District Charter School;
 - 1.1.3.An Institute Charter School;
 - 1.1.4.A Board of Cooperative Educational Services (BOCES);
 - 1.1.5.The Colorado School for the Deaf and Blind.
- 1.2. "Application" means the Application for Financial Assistance submitted by an Applicant.
- 1.3. "Assistance Fund" means the public school capital construction assistance fund created in § 22-43.7-104(1) C.R.S.
- 1.4. "Authorizer" means the School District that authorized the charter contract of a Charter School or, in the case of an Institute Charter School, as defined in § 22-43.7-106(1) C.R.S., the State Charter School Institute created and existing pursuant to § 22-30.5-502(6) C.R.S.
- 1.5. "BEST Act" means § 22-43.7-101 C.R.S. et seq.
- 1.6. "BEST Lease-purchase Funding" means funding from a sublease-purchase agreement entered into between the state and an entity as described in 2.1 pursuant to § 22-43.7-110(2) C.R.S.
- 1.7. "BEST Cash Grant" means cash funding as a matching grant.
- 1.8. "BEST Emergency Grant" means a request for Financial Assistance in connection with a Public School Facility Emergency.

- 1.9. "Board" means the Public School Capital Construction Assistance Board created in § 22-43.7-106 (1) C.R.S.
- 1.10. "Board of Cooperative Educational Services" or "BOCES" means a Board of Cooperative Services created and existing pursuant to § 22-5-104 C.R.S. that is eligible to receive State moneys pursuant to § 22-5-114 C.R.S.
- 1.11. "Capital Construction" means, pursuant to § 24-75-301 (1) C.R.S.:
- 1.11.1. Purchase of land, regardless of the value thereof;
 - 1.11.2. Purchase, construction, or demolition of buildings or other physical facilities, including utilities and state highways or remodeling or renovation of existing buildings or other physical facilities, including utilities and state highways to make physical changes necessitated by changes in the program, to meet standards required by applicable codes, to correct other conditions hazardous to the health and safety of persons which are not covered by codes, to effect conservation of energy resources, to effect cost savings for staffing, operations, or maintenance of the facility, or to improve appearance;
 - 1.11.3. Site improvement or development;
 - 1.11.4. Purchase and installation of the fixed and movable equipment necessary for the operation of new, remodeled, or renovated buildings and other physical facilities and for the conduct of programs initially housed therein upon completion of the new construction, remodeling, or renovation;
 - 1.11.5. Purchase of the services of architects, engineers, and other consultants to prepare plans, program documents, life-cycle cost studies, energy analyses, and other studies associated with any Capital Construction project and to supervise construction or execution of such Capital Construction projects;
 - 1.11.6. Any item of instructional or scientific equipment if the cost will exceed fifty thousand dollars.
- 1.12. "Capital Renewal Reserve" means moneys set aside by an Applicant that has received an award for a project for the specific purpose of replacing major Public School Facility systems with projected life cycles such as, but not limited to, roofs, interior finishes, electrical systems and heating, ventilating, and air conditioning systems.
- 1.13. "Charter School" means a Charter School as described in § 22-54-124 (1)(f.6)(I)(A) or (1)(f.6)(I)(B) C.R.S., that has been chartered for at least five years on the date its Authorizer forwards an Application for Financial Assistance to the Board on the Charter School's behalf pursuant to § 22-43.7-103(7) C.R.S.
- 1.14. "Eligible Charter School" means a qualified charter school that is eligible for the Loan Program as defined in section 22-30.5-408(1)(c) C.R.S. and authorized to receive financial assistance pursuant to 22-43.7-109(7) C.R.S.
- 1.15. "Division" means the Division of Public School Capital Construction Assistance created in § 22-43.7-105 C.R.S.
- 1.16. "Financial Assistance" means BEST Cash Grants; BEST Lease-purchase Funding; BEST Emergency Grants; funding provided as matching grants by the Board from the Assistance Fund to an Applicant; or any other expenditure made from the Assistance Fund for the purpose of financing Public School Facility Capital Construction as authorized by the BEST Act.

- 1.17. "Grantee" means a School District, Charter School, Institute Charter School, BOCES or the Colorado School for the Deaf and Blind that has applied for Financial Assistance and received an award.
- 1.18. "Institute Charter School" means a Charter School chartered by the Colorado State Charter School Institute pursuant to § 22-30.5-507 C.R.S.
- 1.19. "Loan Program" means the charter school matching moneys loan program pursuant to 22-43.7-110.5 C.R.S.
- 1.20. "Matching Moneys" means moneys required to be used directly to pay a portion of the costs of a Public School Facility Capital Construction project by an Applicant as a condition of an award of Financial Assistance to the Applicant pursuant to § 22-43.7-109 (9) C.R.S and/or 22-43.7-110(2) C.R.S.
- 1.21. "Project" means the Capital Construction Project for which Financial Assistance is being requested.
- 1.22. "Public School Facility" means a building or portion of a building used for educational purposes by a School District, Charter School, Institute Charter School, a Board of Cooperative Education Services, the Colorado School for the Deaf and Blind created and existing pursuant to § 22-80-102(1)(a) C.R.S., including but not limited to school sites, classrooms, data centers, libraries and media centers, cafeterias and kitchens, auditoriums, multipurpose rooms, and other multi-use spaces; except that "Public School Facility" does not include a learning center, as defined in § 22-30.7-102(4) C.R.S., that is not used for any other public school purpose and is not part of a building otherwise owned, or leased in its entirety, by a School District, a Board of Cooperative Education Services, a Charter School, Institute Charter School, or the Colorado School for the Deaf and Blind for educational purposes.
- 1.23. "Public School Facility Construction Guidelines" means Public School Facility Construction Guidelines as established in § 22-43.7-107 C.R.S.
- 1.24. "Public School Facility Emergency" means an unanticipated event that makes all or a significant portion of a Public School Facility unusable for educational purposes or poses an imminent threat to the health or safety of persons using the Public School Facility.
- 1.25. "School District" means a School District, other than a junior or community college district, organized and existing pursuant to law in Colorado pursuant to § 22-43.7-103 (14) C.R.S.
- 1.26. "State Board" means the State Board of Education created and existing pursuant to section 1 of article IX of the State Constitution.
- 1.27. "Statewide Assessment" means the Financial Assistance priority assessment conducted pursuant to § 22-43.7-108 C.R.S.

2. Eligibility

- 2.1. The following entities are eligible to apply for Financial Assistance:

2.1.1.A School District;

2.1.2.A District Charter School or individual school of a School District if the school applies through the School District in which the school is located. The School District shall forward the Application from a Charter School or individual school of a School District to the Division with its comments;

- 2.1.3. An Institute Charter School;
- 2.1.4. A Board of Cooperative Educational Services (BOCES);
- 2.1.5. The Colorado School for the Deaf and Blind.
- 2.2. The Board may only provide Financial Assistance for a Project for a Public School Facility that the Applicant owns or will have the right to own in the future under the terms of a lease-purchase agreement with the owner of the facility or a sublease-purchase agreement with the state entered into pursuant to § 22-43.7-110(2) C.R.S.
- 2.3. The Board may provide Financial Assistance to a Charter School that first occupies a Public School Facility on or after May 22, 2008, only if the Public School Facility occupied by the Charter School complied with all Public School Facilities Construction Guidelines addressing health and safety issues when the Charter School first occupied the facility.
- 2.4. For a BEST Emergency Grant, the Applicant shall be operating in the Public School Facility for which Financial Assistance is requested.

3. Assistance Board

3.1. Conflict of Interest

3.1.1. In regard to Board members providing information to potential Applicants:

3.1.1.1. Board members shall exercise caution when responding to requests for information regarding potential Applications, especially in regard to questions that may increase the chances that the Board would give a favorable recommendation on an Application or Project.

3.1.2. If a potential or actual conflict of interest occurs with a Board member, the Board member will complete a Conflict of Interest disclosure form and it will be presented at the following CCAB meeting. The Division shall document the date of the disclosure, the name of the board member and conflict disclosed, and the documented disclosure shall be retained and made available at all board meetings which evaluation of applications or voting occurs.

3.1.3. Board members, and their firms, shall not present their position on the Board to School Districts, Charter Schools, Institute Charter Schools, BOCES, or the Colorado School for the Deaf and Blind as an advantage for using their firm over other firms in a [competition bid to provide services on any capital construction project](#).

3.1.4. In regard to Board members avoiding potential conflicts of interest in evaluation of and voting on Applications:

3.1.4.1. If a Board member's firm has no prior [contact involvement](#) regarding the Project included in an Application [and the Board member does not have a direct or indirect substantial financial interest in an Application](#), the Board member may appropriately vote on the Application, but may not bid or work on the Project. The Board member's firm may bid or work on the Project, so long as the Board member plays no role in the entire procurement process [and the Board member discloses any conflict of interest](#);

3.1.4.2. No Board member shall participate in the Board's evaluation process, including voting, for any Application when the [Board member has a direct or indirect substantial financial interest in the Project or Application or the Board member's firm has had prior contact involvement](#) with the Applicant directly related to the Project or Application;

3.1.4.3. At all times Board members must exercise judgment and caution to avoid conflicts of interest and/or appearance of impropriety, and should inform the Division staff of any questionable situation that may arise. A Board member may recuse himself or herself from any vote.

3.1.4.4. Board members shall be aware of and comply with the Colorado Code of Ethics, section 24-18-108.5(2), C.R.S., and shall not perform any official act which may have a direct economic benefit on a business or other undertaking in which the member has a direct or substantial financial interest.

3.1.4.4.1. A financial interest means a substantial interest held by an individual which is (i) an ownership interest in a business, (ii) a creditor interest in an insolvent business, (iii) an employment or prospective employment for which negotiations have begun, (iv) an ownership interest in real or personal property, (v) a loan or any other, or (vi) a directorship or officer ship in a business.

~~3.1.4.3.~~ 3.1.4.4.2. An official action means any vote decision, recommendation, approval, disapproval or other action, including inaction, which involves the use of discretionary authority.

3.1.5. In cases where a Board member has violated the conflict of interest policy as determined by the board chair, the Division Director will notify the Board member's appointing authority of the violation in writing. In the event of a conflict involving the board chair, the vice-chair will make the determination.

4. Matching Requirement

4.1. Except as provided below in section 4.2, Financial Assistance may be provided only if the Applicant provides Matching Moneys in an amount equal to a percentage of the total cost of the Project determined by the Board after consideration of the Applicant's financial capacity, based on the following factors:

4.1.1. With respect to a School District's Application for Financial Assistance:

4.1.1.1. The School District's assessed value per pupil relative to the state average;

4.1.1.2. The School District's median household income relative to the state average;

4.1.1.3. The School District's bond redemption fund mill levy relative to the statewide average;

4.1.1.4. The percentage of pupils enrolled in the School District who are eligible for free or reduced-cost lunch;

4.1.1.5. The school district's current available bond capacity remaining;

4.1.1.6. The school district's unreserved fund balance as a percentage of its annual budget; and

4.1.1.7. The amount of effort put forth by the School District to obtain voter approval for a ballot question for bonded indebtedness, including but not limited to, a ballot question for entry by the district into a sublease-purchase agreement of the type that constitutes an indebtedness of the district pursuant to § 22-32-127 C.R.S., during the ten years preceding the year in which the district submitted the Application, which factor may be used only to reduce the percentage of Matching Moneys required from a district that has put forth such effort and not to increase the amount of Matching Moneys required from any district;

Formatted

- 4.1.1.8. A School District shall not be required to provide any amount of Matching Moneys in excess of the difference between the School District's limit of bonded indebtedness, as calculated pursuant to § 22-42-104 C.R.S., and the total amount of outstanding bonded indebtedness already incurred by the School District.
- 4.1.2. With respect to a Board of Cooperative Education Services' Application for Financial Assistance:
- 4.1.2.1. The average assessed value per pupil of all members of the Board of Cooperative Education Services participating in the Project relative to the state average;
- 4.1.2.2. The average median household income of all members of the Board of Cooperative Education Services participating in the Project relative to the state average;
- 4.1.2.3. The average bond redemption fund mill levy of all members of the Board of Cooperative Education Services participating in the Project relative to the statewide average;
- 4.1.2.4. The percentage of pupils enrolled in the member schools within the Board of Cooperative Education Services that are participating in the Project who are eligible for free or reduced-cost lunch;
- 4.1.2.5. The average available bond capacity remaining of all members of the board of cooperative services participating in the capital construction project;
- 4.1.2.6. The average unreserved fund balance as a percentage of the annual budget of all members of the board of cooperative services participating in the capital construction project; and
- 4.1.2.7. The amount of effort put forth by the members of the Board of Cooperative Education Services to obtain voter approval for a ballot question for bonded indebtedness, including but not limited to a ballot question for entry by any member into a sublease-purchase agreement of the type that constitutes an indebtedness of the member pursuant to § 22-32-127 C.R.S., during the ten years preceding the year in which the Board of Cooperative Education Services submitted the Application, which factor may be used only to reduce the percentage of Matching Moneys required from a Board of Cooperative Education Services whose members, or any of them, have put forth such effort and not to increase the amount of Matching Moneys required from any Board of Cooperative Education Services.
- 4.1.3. With respect to a Charter School's Application for Financial Assistance:
- 4.1.3.1. The weighted average of the match percentages for the school districts of residence for the students enrolled in a district charter school or fifty percent of the average of the match percentages for all school districts in the state for an institute charter school;
- 4.1.3.2. Whether the charter school's authorizer retains no more than ten percent of its capacity to issue bonds;
- 4.1.3.3. Whether the charter school is operating in a district-owned facility at the time it submits its application;
- 4.1.3.4. In the ten years preceding the year in which the charter school submits the application, the number of times the charter school has attempted to obtain or has obtained:

- 4.1.3.4.1. Bond proceeds pursuant to 22-30.5-404 C.R.S through inclusion in a ballot measure submitted by the charter school's authorizer to the registered electors of the school district:
- 4.1.3.4.2. Proceeds from a special mill levy for capital needs pursuant to 22-30.5-405 C.R.S.;
- 4.1.3.4.3. Grant funding for capital needs from a source other than the assistance fund; and
- 4.1.3.4.4. Funding for capital construction from bonds issued on its behalf by the Colorado Educational and Cultural Facilities authority created and existing pursuant to 23-15-104(1)(a), C.R.S., or from some other source of financing.
- 4.1.3.5. If the charter school is a district charter school, the student enrollment of the charter school as a percentage of the student enrollment of the charter school's authorizing school district.
- 4.1.3.6. The percentage of students enrolled in the charter school who are eligible for the federal free and reduced-cost lunch program in relation to the overall percentage of students enrolled in the public schools in the State who are eligible for the federal free and reduced-cost lunch program.
- 4.1.3.7. The percentage of the per pupil revenue received by the charter school that the charter school spends on facility costs other than facilities operations and maintenance.
- 4.1.3.8. The charter school's unreserved fund balance as a percentage of its annual budget.
- 4.1.3.9. The match percentage for a charter school calculated based on the above criteria shall not be higher than the highest match percentage for a school district, or lower than the lowest match percentage for a school district, in the same grant cycle.
- 4.2. Waiver or reduction of Matching Moneys
 - 4.2.1. An Applicant may apply to the Board for a waiver or reduction of the Matching Moneys requirement. Such application shall discuss unique issues demonstrating why the percentage is not representative of the Applicant's current financial state. The Board may grant a waiver or reduction if it determines:
 - 4.2.1.1. That the waiver or reduction would significantly enhance educational opportunity and quality within a School District, Board of Cooperative Education Services, or Applicant school,
 - 4.2.1.2. That the cost of complying with the Matching Moneys requirement would significantly limit educational opportunities within a School District, Board of Cooperative Education Services, or Applicant school, or
 - 4.2.1.3. That extenuating circumstances deemed significant by the Board make a waiver appropriate.
 - 4.2.2. An applicant must complete a waiver application and submit it to the Board in conjunction with their grant application. The waiver application shall explain issues and impacts in detail, including dollar amounts of the issues and impacts, and demonstrate why each of the factors used to calculate their Matching Moneys percentage are not representative of their actual

financial capacity. The Board will determine the merit of the waiver by evaluating each wavier application using the prescribed wavier application evaluation tool.

4.3. Charter School matching moneys Loan Program.

4.3.1. The Charter School matching moneys Loan Program will assist Eligible Charter Schools in obtaining the Matching Moneys requirement for an award of Financial Assistance pursuant to 22-43.7-109 C.R.S.

4.3.2. An Eligible Charter School that chooses to seek a loan through the Loan Program shall apply to the Board to receive a loan.

4.3.3. To be an Eligible Charter School for the Loan Program means a Charter School that is described in section 22-30.5-104 or an Institute Charter School as that term is defined in section 22-30.5-502 has a stand-alone credit assessment or rating of at least investment grade by a nationally recognized rating agency at the time of issuance of any qualified Charter School bonds on behalf of the Charter School by the Colorado educational and cultural facilities authority pursuant to the "Colorado Educational and Cultural Facilities Authority Act", article 15 of title 23, C.R.S., and that has been certified as a qualified Charter School by the State Treasurer.

4.3.4. The Board may approve a loan for an Eligible Charter School in an amount that does not exceed fifty percent of the amount of Matching Moneys calculated for the Eligible Charter School pursuant to 22-43.7-109(9)(c) C.R.S.

4.3.5. If a loan is approved by the Board the project will be considered as a BEST Lease-Purchase project pursuant to 22-43.7-110.5(2)(b) C.R.S., and the proposed project must be one that is financeable.

4.3.6. The Board shall direct the State Treasurer to include the amount of a loan approved pursuant to the terms in the Lease-Purchase agreement entered into pursuant to 22-43.7-110 (2) C.R.S. to provide Financial Assistance to the Eligible Charter School for which the loan is approved.

4.3.7. Charter School Loan Program application

4.3.7.1. An application for a loan shall include:

4.3.7.1.1. Basic contact information, justification for seeking a BEST loan and documentation of a stand-alone credit assessment or rating of at least investment grade by a nationally recognized rating agency for the Charter School;

4.3.7.1.2. Identify the Charter Schools current facilities and indicate if those facilities are owned, leased or in a lease-purchase agreement;

4.3.7.1.3. A current credit disclosure statement along, any business notes payable or reviews, notices or warnings from the Charter School's authorizer;

4.3.7.1.4. Financial information to include internal financial statements, CPA Audits and IRS 990's for the previous three years. Detailed operating budget for the current and next year. The Charter School's projected operating budget for the next five years. Enrollment figures for the previous three years, the current year and the following three years;

4.3.7.1.5. CDE listed minimum match requirement for the BEST grant;

- 4.3.7.1.6. Amount of total match provided by the Charter School for the BEST grant;
- 4.3.7.1.7. Amount of the loan request for the BEST grant;
- 4.3.7.1.8. A loan application from a Charter School shall include signatures of the District Superintendent, School Board Officer, and the Charter School Director;
- 4.3.7.1.9. A loan application from an Institute Charter School shall include signatures of the Charter School Institute Director and the Institute Charter School Director;
- 4.3.7.1.10. Applications that are incomplete may be rejected without further review.
- 4.3.8. Charter School Loan Program deadline for submission
 - 4.3.8.1. The loan application, along with any supporting material, shall be submitted with the BEST grant application on or before the BEST grant application due date.
 - 4.3.8.2. An application will not be accepted unless it is received in the Board office by 4:30 p.m. on or before the deadline date determined by the board.
 - 4.3.8.3. The Board may, in its sole discretion and upon a showing of good cause in written request from an Applicant, extend the deadline for filing an Application.
- 4.3.9. To receive a loan through the Loan Program, an Eligible Charter School shall:
 - 4.3.9.1. Authorize the State Treasurer to withhold moneys payable to the Eligible Charter School in the amount of the loan payments pursuant to 22-30.5-406 C.R.S.;
 - 4.3.9.2. Pay an interest rate on the loan that is equal to the interest rate paid by the State Treasurer on the Lease-Purchase agreement entered into pursuant to 22-43.7-110 C.R.S. to provide Financial Assistance to the Eligible Charter School for which the loan is approved;
 - 4.3.9.3. Amortize the loan payments over the same period in years as the Lease-Purchase agreement entered into pursuant to 22-43.7-110 C.R.S. to provide Financial Assistance to the Eligible Charter School for which the loan is approved; except that the Eligible Charter School may pay the full amount of the loan early without incurring a prepayment penalty; and
 - 4.3.9.4. Create an escrow account for the benefit of the state with a balance in the amount of six months of loan payments.

5. Applications

- 5.1. Deadline for submission
 - 5.1.1. Except as provided below, Applications shall be filed with the Board on or before a date determined by the Board.
 - 5.1.2. An Application will not be accepted unless it is received in the Board office by 4:00 p.m. on or before the deadline date determined by the Board. This does not apply to an Application in connection with a Public School Facility Emergency;
 - 5.1.3. The Board may, in its sole discretion and upon a showing of good cause in a written request from an Applicant, extend the deadline for filing an Application.

- 5.2. The Board prefers Applications to be in electronic form, but one hard copy to the Board office is acceptable. Each Application shall be in a form prescribed by the Board and shall include, but not be limited to, the following (with supporting documentation):
- 5.2.1.A description of the scope and nature of the Project;
 - 5.2.2.A description of the architectural, functional, and construction standards that are to be applied to the Project that indicates whether the standards are consistent with the Construction Guidelines and provides an explanation for the use of any standard that is not consistent with the Construction Guidelines;
 - 5.2.3.The estimated amount of Financial Assistance needed for the Project and the form and amount of Matching Moneys that the Applicant will provide for the Project;
 - 5.2.4.If the Project involves the construction of a new Public School Facility or a major renovation of an existing Public School Facility, a demonstration of the ability and willingness of the Applicant to renew the Project over time that includes, at a minimum, the establishment of a capital renewal budget and a commitment to make annual contributions to a Capital Renewal Reserve within a School District's capital reserve fund or any functionally similar reserve fund separately maintained by an Applicant that is not a School District;
 - 5.2.5.If the Application is for Financial Assistance for the renovation, reconstruction, expansion, or replacement of an existing Public School Facility, a description of the condition of the Public School Facility at the time the Applicant purchased or completed the construction of the Public School Facility and, if the Public School Facility was not new or was not adequate at that time, the rationale of the Applicant for purchasing the Public School Facility or constructing it in the manner in which it did;
 - 5.2.6.A statement regarding the means by which the Applicant intends to provide Matching Moneys required for the Project, including but not limited to voter-approved multiple-fiscal year debt or other financial obligations, gifts, grants, donations, or any other means of financing permitted by law, or the intent of the Applicant to seek a waiver of the Matching Moneys requirement. If an Applicant that is a School District or a Board of Cooperative Educational Services with a participating School District intends to raise Matching Moneys by obtaining voter approval to enter into a sublease-purchase agreement that constitutes an indebtedness of the district as pursuant to § 22-32-127 C.R.S., it shall indicate whether it has received the required voter approval or, if the election has not already been held, the anticipated date of the election;
 - 5.2.7.A description of any efforts by the Applicant to coordinate Capital Construction projects with local governmental entities or community-based or other organizations that provide facilities or services that benefit the community in order to more efficiently or effectively provide such facilities or services, including but not limited to a description of any financial commitment received from any such entity or organization that will allow better leveraging of any Financial Assistance awarded;
 - 5.2.8.A copy of any existing Master Plan or facility assessment relating to the facility(ies) for which Financial Assistance is sought;
 - 5.2.9.Any other information that the Board may require for the evaluation of the project;
 - 5.2.10. An Application from a School District shall include signatures of the Superintendent and a District Board Officer;
 - 5.2.11. An Application from a Charter School shall include signatures of the District Superintendent, School Board Officer, and the Charter School Director;

5.2.12. An Application from an Institute Charter School shall include signatures of the Charter School Institute Director and the Institute Charter School Director;

5.2.13. An Application from a Board of Cooperative Educational Services shall include signatures of the BOCES Director and a BOCES Board Officer;

5.2.14. An Application from the Colorado School for the Deaf and Blind shall include signatures of the Colorado School for the Deaf and Blind Director and a Colorado School for the Deaf and Blind Board Officer.

5.3. BEST Lease-Purchase Funding

5.3.1. In addition to the information required in section 5.2 above, the Applicant shall agree to provide any necessary documentation related to securing the lease-purchase agreement.

5.4. BEST Emergency Grants

5.4.1. Applicant shall contact the Division by phone, fax, or email. Appropriate follow up documentation will be determined based on type and severity of emergency, including financial need.

5.4.2. In the event the Governor declares a disaster emergency, pursuant to section 24-33.5-704(4) C.R.S., the Division shall, as soon as possible following the declaration of the disaster emergency, contact each affected school facility in any area of the State in which the Governor declared the disaster emergency to assess any facility needs resulting from the declared disaster emergency.

5.4.2.1. The Division must report its findings to the Board as soon as possible following its outreach.

~~5.4.1.1-5.4.2.2.~~ In determining whether to recommend to the State Board that Emergency Financial Assistance be provided, the Board shall consider the findings that the Division provided to the Board.

~~5.4.2-5.4.3.~~ The Board shall meet within fifteen days of receiving the Application for a BEST Emergency Grant to determine whether to recommend to the State Board that emergency Financial Assistance be provided, the amount of any assistance recommended to be provided, and any conditions that the Applicant shall meet to receive the assistance.

5.5. Applications that are incomplete may be rejected without further review.

5.6. The Board may request supplementation of an Application with additional information or supporting documentation.

6. Application Review

6.1. Time for Review

6.1.1. The Board, with the support of the Division, will review the Applications;

6.1.2. The Board will submit the prioritized list of Projects to the State Board for which the Board is recommending Financial Assistance according to the timeline established by the Board;

- 6.1.3. In the case of Financial Assistance that involves lease-purchase agreements, the prioritized list is subject to both the preliminary approval of the state board and the final approval of the capital development committee.
- 6.1.4. The Board may, in its discretion, extend these deadlines.
- 6.1.5. ~~The Board shall meet within fifteen days of receiving the Application for a BEST Emergency Grant to determine whether to recommend to the State Board that emergency Financial Assistance be provided, the amount of any assistance recommended to be provided, and any conditions that the Applicant shall meet to receive the assistance.~~
- 6.2. The Board, taking into consideration the Statewide Assessment, shall prioritize and determine the type and amount of the grant or matching grant for Applications for Projects deemed eligible for Financial Assistance based on the following criteria, in descending order of importance:
- 6.2.1. Projects that will address safety hazards or health concerns at existing Public School Facilities, including concerns relating to Public School Facility security;
- 6.2.1.1. In prioritizing an Application for a Public School Facility renovation project that will address safety hazards or health concerns, the Board shall consider the condition of the entire Public School Facility for which the project is proposed and determine whether it would be more fiscally prudent to replace the entire facility than to provide Financial Assistance for the renovation project.
- 6.2.2. Projects that will relieve overcrowding in Public School Facilities, including but not limited to projects that will allow students to move from temporary instructional facilities into permanent facilities.
- 6.2.3. Projects that are designed to incorporate technology into the educational environment; and
- 6.2.4. All other projects.
- 6.2.5. Among other considerations, the Board may take into account the following in reviewing Applications:
- 6.2.5.1. The amount of the matching contribution being provided in excess of or less than the minimum;
- 6.2.5.2. Whether the Applicant has been placed on financial watch by the Colorado Department of Education;
- 6.2.5.3. Overall condition of the Applicant's existing facilities;
- 6.2.5.4. The project cost per pupil based on number of pupils affected by the proposed Project;
- 6.2.5.5. The project life cycle.
- 6.2.5.6. The Public School Facility's Facility Condition Index (FCI), Colorado Facility Index (CFI), school priority score and construction guidelines score.
- 6.2.5.7. The Applicants ability to help itself, including available bonding capacity, planning and criteria in sections 4.1.1 or 4.1.2 or 4.1.3.
- 6.3. Additional actions the Board may take when reviewing an Application:

6.3.1. The Board may modify the amount of Financial Assistance requested or modify the amount of Matching Moneys required;

6.3.2. The Board may recommend funding a project in its entirety or recommend a partial award to the project;

6.3.2.1. If a project is partially funded a written explanation will be provided.

6.4. The Board shall submit to the State Board the prioritized list of Projects. The prioritized list shall include:

6.4.1. The Board's recommendation to the State Board as to the amount of Financial Assistance to be provided to each Applicant approved by the Board to receive funding and whether the assistance should be in the form of a BEST Cash Grant, BEST Lease-purchase Funding or a BEST Emergency Grant.

6.5. In considering the amount of each recommended award of Financial Assistance, the Board shall seek to be as equitable as practical in considering the total financial capacity of each Applicant.

7. BEST Lease-purchase Funding

7.1. Subject to the following limitations, the Board may instruct the State Treasurer to enter into lease-purchase agreements on behalf of the state to provide Lease-purchase Funding for Projects for which the State Board has authorized provision of Financial Assistance.

7.2. Whenever the State Treasurer enters into a lease-purchase agreement pursuant to § 22-43.7-110 C.R.S., the Applicant that will use the facility funded with the Lease-purchase Funding shall enter into a sublease-purchase agreement with the state that includes, but is not limited to, the following requirements:

7.2.1. The Applicant shall perform all the duties of the state to maintain and operate the Public School Facility that are required by the lease-purchase agreement;

7.2.2. The Applicant shall make periodic rental payments to the state, which payments shall be credited to the Assistance Fund as Matching Moneys of the Applicant;

7.2.3. Ownership of the Public School Facility shall be transferred by the state to the Applicant upon fulfillment of both the state's obligations under the lease-purchase agreement and the Applicant's obligations under the sublease-purchase agreement.

8. Payment and Oversight

8.1. Payment.

8.1.1. All Cash Grant Financial Assistance Grantees must sign a grant contract with CDE outlining the terms and conditions associated with the Financial Assistance.

8.1.2. All Financial Assistance awarded is expressly conditioned on the availability of funds.

8.1.3. Payment of Financial Assistance will be on a draw basis. As a Grantee expends funds on a Project, the Grantee may submit a request for funds to the Division on a fund request form provided by the Division. The fund request shall be accompanied by copies of invoices from the vendors for which reimbursement is being requested and any other documentation requested by the Division.

- 8.1.3.1. The Division will review the fund request and make payment. Payments will only be made for work that is included in the Project scope of work defined in the Application.
- 8.1.3.2. If the Grantee is a School District, request for payment shall come from the School District. Requests will not be accepted from individual School District schools.
- 8.1.3.3. If the Grantee is a District Charter School, request for payment shall come from the School District. Payment shall be made to the School District and the School District shall make payment to the charter school. The School District may not retain any portion of the moneys for any reason.
- 8.1.3.4. If the Grantee is an Institute Charter School, request for payment shall come from the Charter School Institute and the Charter School Institute shall make payment to the Institute Charter School. Payment shall be made directly to the Charter School Institute.
- 8.1.3.5. If the Grantee is a Board of Cooperative Educational Services, request for payment shall come from the Board of Cooperative Educational Services. Requests will not be accepted from individual Board of Cooperative Educational Services schools.
- 8.1.3.6. If the Grantee is the Colorado School for the Deaf and Blind, request for payment shall come from the Colorado School for the Deaf and Blind.
- 8.1.4. Payment of BEST Lease-purchase Funding will be determined by the terms of the lease-purchase agreement and any subsequent sublease-purchase agreements.
- 8.1.5. ~~A grant reserve shall automatically be added to the cost of the Project: 5% for new construction Projects and 10% for renovation Projects.~~ Each grant cycle the Board shall make a motion to authorize up to 10% of the assistance fund dollars be used to address grant reserves for projects awarded in that given year.
- 8.1.5.1. Grant reserve requests shall be submitted on a Division provided [application form](#);
- [8.1.5.2. Grant reserve applications will be submitted to the Board as an action item at the board meeting following the date the grant reserve application was submitted to the Division.](#)
- ~~8.1.5.2.~~ 8.1.5.3. Grant reserve draws shall be limited to issues that [were unforeseen, unanticipated and](#) could not have been known about or planned for at the time the Application was submitted.

8.2. Oversight

- 8.2.1. When a Grantee completes Project, it shall submit a final report to the Division on a Division provided form before final payment will be made. Once the final report is submitted and final payment is made, the Project shall be considered closed.
- 8.2.2. If a Grantee has not used all Financial Assistance on a closed out BEST Cash Grant, the unused balance will be returned to the Assistance Fund.
- 8.2.3. If a Grantee has not used all Financial Assistance on a closed out Lease-Purchase Grant, the unused balance will be treated in accordance with the Board policy on returning Matching Moneys.
- 8.2.4. The Division may make site visits to review Project progress or to review a completed Project;

8.2.5. The Division may require a Grantee to hire additional independent professional construction management to represent the Applicant's interests, if the Division deems it necessary due to the size of the Project, the complexity of the Project, or the Grantee's ability to manage the Project with Grantee personnel.

8.2.6. Upon completion of a new school, major renovation or addition Project, the Grantee shall affix a permanent sign that reads: "Funding for this school was provided through the Building Excellent Schools Today Program from School Trust Lands," unless waived in writing by the Division.

9. Technical Consultation

9.1. The Division will provide technical consultation and administrative services to School Districts, Charter Schools, Institute Charter Schools, BOCES and the Colorado School for the Deaf and Blind.

Notice of Rulemaking Hearing

Tracking number

2014-01149

Department

400 - Department of Natural Resources

Agency

402 - Division of Water Resources

CCR number

2 CCR 402-16

Rule title

RULES AND REGULATIONS GOVERNING THE MEASUREMENT OF GROUND WATER
DIVERSIONS LOCATED IN THE REPUBLICAN RIVER BASIN WITHIN WATER DIVISION
NO. 1

Rulemaking Hearing**Date**

12/16/2014

Time

10:00 AM

Location

Burlington Community and Education Center, SE Recreation Meeting Room, 340 S. 14th St, Burlington, Colorado 80807

Subjects and issues involved

The primary focus of amendments to these Rules is to: 1) Modify the inclusion boundary to incorporate all wells that are included in Colorado's Compact Accounting, primarily extending the southern portion to include additional wells; and 2) Include additional definitions and language to help clarify the Rules; and 3) Provide standards regarding the minimum accuracy and application of the Power Conversion Coefficient (PCC) as an alternate method of measurement.

Statutory authority

37-80-102(1)(g) and 37-80-104, C.R.S.

Contact information**Name**

Chris Grimes

Title

Designated Basin Water Commissioner

Telephone

303-866-3581 ext8253

Email

chris.grimes@state.co.us

DEPARTMENT OF NATURAL RESOURCES

Division of Water Resources

2 C.C.R. 402-16

RULES AND REGULATIONS GOVERNING THE MEASUREMENT OF GROUND WATER DIVERSIONS ~~LOCATED IN~~AFFECTING THE REPUBLICAN RIVER ~~Basin Compact~~, WITHIN WATER DIVISION NO. 1 WITHIN WATER DIVISION NO. 1

16.1 Authority

These Rules and Regulations are adopted pursuant to the authority in sections 37-80-102(1)(g) and 37-80-104, C.R.S. and are intended to be consistent with the requirements of the State Administrative Procedure Act, section 24-4-101 et seq., C.R.S.

16.2 Scope and Purpose

A. ~~These Rules are applicable to all Wells located in~~Affecting the Republican River ~~Basin Compact within the area as illustrated in Appendix A and described in Water Division No. 1~~Appendix B, except ~~decreed and/~~;

1. ~~Decreed~~ or permitted "exempt" Wells constructed pursuant to ~~paragraphs (b) through (f) of section 37-92-602(1), C.R.S., section 37-92-602(3)(b)(II)(A), C.R.S. described in Appendix A or paragraphs as may be amended in the future.~~

~~1.2.~~ Permitted small capacity wells constructed pursuant to (a) through (e) of section 37-90-105, C.R.S. ~~described in Appendix B., or as may be amended in the future.~~

A.B. ~~The purpose of these Rules is to obtain information needed for administration of the waters in the Republican River Basin within Water Division No. 1 subject to the Republican River Compact and to assist in and~~ compliance ~~with~~of the Republican River Compact.

16.3 Applicability

The provisions of this section shall be applicable to all Wells ~~within~~Affecting the Republican River ~~Basin not Compact within the area as illustrated in Appendix A and described in Appendix B, unless otherwise~~ specifically exempted by these Rules.

16.4 Definitions

A. As used in these Rules:

1. "Affecting the Republican River Compact" means the diversion of ground water from a Well (a) included in calculations of the Republican River Compact ground water model and (b) within the area as illustrated by the map in Appendix A and described by the metes and bounds in Appendix B.

2. "Calibration Factor" is a ratio representing the flow as measured by a test meter compared to the flow as measured by an installed TFM. A calibration factor must be verified and submitted to the Division Engineer by a Qualified Well Tester in accordance with these Rules.

~~4.3.~~ "Complex System" means any system where the total dynamic head at the pump will vary due to multiple discharge locations in a pipeline, or where the method of delivery will

vary between open discharge, gated pipe, or sprinkler system during a single irrigation season, or where multiple Wells discharge into a common pipeline.

- ~~2.4.~~ "Compound System" means a system where the power meter records electrical usage from any electrical device other than the pumping systems from a single well and its attached sprinklers.
5. "Division Engineer" means the Division Engineer, or designated personnel for the Colorado Division of Water Resources, Water Division No. 1.
6. "Inactive Well" means any Well that is not in use and is disconnected from a power source or the pump or motor has been removed.
- ~~3.7.~~ "Interim Water Measurement Program" means a temporary method of measuring the flow of water diverted by a Well that has been approved by the Division Engineer for use as a backup measurement method in case the primary Method of Measurement fails.
- ~~4.8.~~ "Notification" or "Notify" to the State Engineer means any action or method to deliver information, including but not limited to, personal contact, a telephone call, leaving a telephone message, or written or email message to the State Engineer or his/her designee or to the Water Commissioner who retains water administration authority in the former Water District where the subject ground water Well is located". "Notice", or "Notify" to the Division Engineer means submission to the Division Engineer by mail, facsimile, or email of a written message, or, where specifically required by these Rules, of a completed form or other format prescribed by the State Engineer.
9. "Person" means an individual, a partnership, an association, a corporation, a municipality, the State of Colorado, the United States, or any other legal entity, public or private.
- ~~5.10.~~ "Power Conversion Coefficient" or "PCC" means the amount of electrical energy expressed as kilowatt hours (KWH) consumed in pumping one acre-foot of ground water from a Well.
11. "PCC Test" means the process prescribed by the State Engineer requiring a Qualified Well Tester to determine in the field, and submit in a format prescribed by the State Engineer, the PCC to the Division Engineer.
- ~~6.12.~~ "Qualified Well Tester" means a person who is ~~annually~~currently certified by the State Engineer as qualified to determine the accuracy of a ~~flow meter, TFM and~~ perform a ~~Power Conversion Coefficient PCC~~ test on a Well, ~~and perform a Well efficiency test.~~
- ~~7.13.~~ "Republican River ~~Basin Compact~~" means the ~~geographic area within an agreement between Colorado, Kansas, and Nebraska with respect to the Northern High Plains Designated Ground Water Basin that is illustrated by waters of the map in Appendix Republican River Basin, C and described by the metes, R.S. §37-67-101 et seq.; Final Settlement Stipulation, Kansas v. Nebraska and bounds in Appendix D: Colorado, No. 126 Original (Dec. 15, 2002).~~
- ~~8.14.~~ "Rules" means the Rules and Regulations Governing the Measurement of Ground Water Diversions ~~Located in~~Affecting the Republican River ~~Basin Compact~~ within Water Division No. 1. The short title for these Rules is "Republican River Measurement Rules," and they may be referred to herein collectively as the "Rules" or individually as a "Rule."
15. "Totalizing Flow Meter" or "TFM" means a meter associated with a Well that is designed and manufactured for the purpose of measuring the flow of water, has a totalizing feature in acre-foot measurements, and meets the requirements of Rule 16.5.

16. "Verification", "Verified", or "Measurement Method Verification" means the test performed by a Qualified Well Tester to verify the accuracy of a Well's method of measurement.

17. "Well Distribution System" means the pumping and piping systems through which the Well water is pumped.

18. "Well" means any structure or device used for the purpose or with the effect of obtaining ground water for beneficial use from an aquifer except those exempted under Rule 16.2A.

19. "Well User" means any Person diverting ground water.

- B. Any other term used in these Rules that is defined in sections 37-80-102, 37-80-104, 37-90-103, 37-90-107, 37-90-137 or 37-92-103, C.R.S., (as may be amended) shall have the same meaning given therein.
- C. Any term used in these Rules not defined herein that is defined in other Rules and Regulations of the State Engineer applicable to Water Division No. 1 shall have the same meaning given therein.

16.5 Measurement ~~Devices~~ Methods and Requirements

~~By March 1, 2009,~~ All Wells within the scope of these Rules shall either: (1) be equipped with a ~~totalizing flow meter that is installed and maintained according to manufacturer's specifications and recommendations; verified~~ TFM that meets the requirements of Rule 16.5.A.; (2) be equipped with ~~an~~ verified Alternative Method of Measurement that ~~is granted a variance pursuant to these Rules~~ meets the requirements of Rule 16.5.B; or (3) be declared Inactive in accordance with Rule 16. ~~9 below~~ 8. All measurement devices must be tamper-resistant.

A. Totalizing Flow Meter (TFM) Method

- Any meter that is designed and manufactured for the purpose of measuring the flow of water, and that has a totalizing feature in acre-~~foot measurements~~ feet, shall be considered to be acceptable for purposes of these Rules. A ~~totalizing flow meter~~ TFM installed prior to the Rules 2009 effective date, that reads in gallons and contains sufficient recording digits to assure that "rollover" to zero does not occur within ~~three~~ two years, will be acceptable ~~if already installed before the adoption of these rules~~. The State Engineer may adopt written standards and specifications for the installation, calibration, testing, repair, and maintenance of meters. When a ~~totalizing flow meter~~ TFM is used, it shall be the ~~owner's~~ Well User's responsibility to keep the meter in accurate operating condition. An installed ~~flow meter~~ TFM shall be deemed to be in accurate operating condition when the flow measured by the meter is within plus or minus 5% of an independent field measurement made using calibrated test equipment. The ~~State~~ Division Engineer ~~shall~~ may order any meter that fails to meet this standard to be recalibrated or replaced.
- ~~Totalizing flow meters~~ TFM shall be: properly verified in the field to be in accurate operating condition by ~~either a licensed pump installer, a representative of the meter manufacturer, or certified by a~~ Qualified Well Tester ~~if the meter is installed by a private individual when installed; and~~ contain sufficient recording digits to assure that "rollover" to zero does not occur within ~~three~~ two years; and shall be maintained by the Well ~~owner~~ User so as to provide a continuous, accurate record of withdrawals. ~~Totalizing flow meters~~ TFM's are required to be ~~reverified~~ re-verified in the field to be in accurate operating condition by a Qualified Well Tester ~~every four years~~ after from the date of original installation. ~~Flow meters in existence as of the effective date of these Rules, December 1, 2008, shall be certified to be in accurate working condition by a Qualified Well Tester by March 1, 2009, and re-verified to be in accurate working condition every four years thereafter. The Well owner shall provide written proof of the verification within 45 calendar days of the meter installation or verification to the State Engineer on a form to be prescribed by the State Engineer the most recent approved Measurement Method Verification unless repairs, alterations or modifications are made, which would be cause~~

for a new Measurement Method Verification.

3. ~~Should a meter cease to operate accurately or fail verification at any time, the owner of the Well shall immediately notify the State Engineer and establish a specific interim water measurement program until the meter is replaced or repaired. If the meter is not replaced or repaired and verified to be in accurate operating condition within 14 calendar days of the Notification to the State Engineer, the Well shall not be operated until the meter is replaced or repaired or the State Engineer grants a variance.~~

4.3. Should a meter fail to meet the accuracy standard of Rule 16.5.A.1 the Well ~~owner~~User may seek a variance, from the Division Engineer, to use a Calibration ~~coefficient~~Factor computed by a Qualified Well Tester using standards provided by the State Engineer.

4. All totalizing flow meters TFM shall be installed and maintained according to manufacturer's specifications and recommendations.

5. A TFM shall be installed at the well before any point of discharge and at a point that is prior to any discharge pipe that is laid underground.

B. Alternative ~~Methods~~Method of Measurement

The ~~State~~Division Engineer may approve a variance, in accordance with Rule 16.11, to the installation of a ~~totalizing flow meter~~TFM if it can be demonstrated by a Qualified Well Tester that the proposed Alternative Method of Measurement would produce results accurate to within plus or minus 5% of the actual volume pumped over a calendar year.

1. Power Conversion Coefficient ("PCC") Method of Measurement

a. ~~The State Engineer may adopt standards and specifications for PCC testing. For Wells that operate under stable water table conditions only. As at the following minimum, standards and specifications for PCC testing apply:~~

a. ~~PCC Tests shall:~~

(1) ~~Be determined be performed~~ utilizing rating procedures approved by the State Engineer and conducted by a Qualified Well Tester.

(2) ~~Be performed when~~For verification of stable water table conditions, PCC Tests shall include the pumping system has stabilized, i.e., both operating pressure and pumping drawdown has not changed more than 10% in the last hour.

(3)(2) ~~Include one of the following: the pumping water level and operating pressure at the time the tests were conducted or the rate of flow.~~

(3) Verification of stable water table conditions require that the operating pressure and one of the following have not changed by more than 10% during the PCC Test: (a) the pumping water level or (b) the rate of flow.

b. A PCC computed from an acceptable PCC Test shall be valid for the following periods: and shall be used to calculate total well diversions as follows:

~~(1)~~ PCC tests performed between June 15 and October 15, 2008 shall be valid for a period of 3 years from the date of the test.

~~(2)~~(1) PCC Tests performed between June 15 and ~~the following~~ October 15 of ~~any the same calendar~~ year ~~after 2008~~, shall be valid for a period of 2 years from the date of the ~~test~~ PCC Test.

i. PCC ~~tests computed from the PCC Test~~ performed between June 15 and ~~the following~~ October 15, ~~where no PCC test was performed in of the prior October 16 to June 14 period, same calendar year~~ shall be used to compute the amount of water ~~during~~ diverted from the entire irrigation season ~~date of the year in which PCC Test forward up to the test was performed~~ date of any subsequent PCC Test.

~~(3)~~(2) PCC Tests performed between October 16 of any year and the following June 14 shall be valid ~~only~~ until the following August 14. An additional PCC Test shall be performed during the period June 15 through August 14 following that PCC Test. Should a subsequent PCC Test not be performed by the following August 14, no water shall be withdrawn from the Well after August 14 until an acceptable PCC Test is ~~performed and approved by the State Engineer~~. ~~The PCC test performed before June 14 shall be used to compute the amount of water pumped between the dates of November 1 and June 14 of the period in which the test was performed, and the PCC test performed during the period June 15 through October 15 shall be used to compute the amount of water pumped subsequent to June 15.~~ approved by the Division Engineer.

i. The PCC computed from the PCC Test performed before June 15 shall be used to compute the amount of water pumped from the date of the PCC Test forward up to the date of the subsequent PCC Test.

ii. A subsequent PCC Test is required to be performed during the period June 15 through August 14 and that PCC shall be used to compute the amount of water pumped from the date of the PCC Test forward until any subsequent PCC Test.

c. A PCC Test shall be required more frequently than described above, and prior to any diversions from the Well, if any of the following occur:

(1) A new or re-worked pump and/or motor are installed on the Well.

(2) The Well is re-worked to change the yield of the Well.

(3) The system that the pump discharges into is modified in such a manner as to change the ~~Power Conversion Coefficient~~ PCC, the discharge of the pump, or the operating pressure.

(4) Any other alteration to the system which changes the discharge of the pump, the operating pressure, or ~~Power Conversion Coefficient~~ PCC.

(5) Additional PCC Tests may also be required if the State Engineer conducts or reviews PCC Tests and determines an error was made, or if ~~annual~~ any changes ~~in to the Well Distribution System or~~ ground water levels will make a the use of the PCC, based upon the ~~prior year's testing~~ current PCC Test, inaccurate by 5% or more.

d. Use of ~~the~~ a PCC ~~method~~ may not be appropriate where varying terrain ~~makes accurate results in inaccurate~~ calculations ~~impossible~~ due to the differences in ~~height~~ elevations to which the water must be pumped unless the system has working pressure regulators installed.

- e. If the difference between the current approved PCC and the results of the next subsequent PCC is greater than 10%, the new PCC shall be considered invalid and a PCC will not be considered a valid Alternative Method of Measurement for the Well from the date of the new PCC Test forward, unless the Well User submits and obtains approval by the Division Engineer of a variance to allow the PCC.

C. Interim Water Measurement Program

Should any approved measurement device or method cease to operate accurately or fail Verification at any time, or if changes are made to the Well or the Well's Distribution System that would result in a change to the current PCC, the Well User shall immediately Notify the Division Engineer and establish an Interim Water Measurement Program until the meter is replaced or repaired or a new PCC test is performed and approved. If the TFM is not replaced or repaired and Verified to be in accurate operating condition or a new PCC is not performed within 14 calendar days of the Notification to the Division Engineer, the Well shall not be operated until the TFM is replaced or repaired, or a new PCC is approved or until the Division Engineer grants a variance.

D. Measurement Method Verification Testing

The Well User shall provide Measurement Method Verification to the Division Engineer in a format prescribed by the State Engineer within 30 calendar days of the Verification. Measurement Method Verifications must be performed no later than the expiration date of the current Verification.

~~G.E.~~ Complex or Compound Systems

If the Well(s) are part of a Complex System or Compound System, or if the pump is not powered by electricity, or the Well produces from a confined aquifer, the ~~owner or user of the Well~~ User must utilize a ~~totalizing flow meter~~ TFM (Rule 16.5.A.).

F. Acceptable Measurement Method

1. A TFM is considered acceptable only if, under operating conditions, the pipe on which the TFM is installed maintains a full pipe of water, and meets the requirements of Rule 16.5.A.
2. A PCC is considered acceptable only if, under operating conditions, the pipe on which the Qualified Well Tester's flow measuring equipment was used to compute the PCC maintains a full pipe of water, and meets the requirements of Rule 16.5.B.

~~D.G.~~ Testing Equipment Calibration

All flow measuring equipment utilized in verification of accuracy and working condition of TFM's or to obtain a PCC in the field ~~and/or rating of wells~~ must be calibrated ~~biannually~~ every two years to be accurate within plus or minus 2%, unless a variance is granted by the ~~State~~ Division Engineer. Calibration and certification of accuracy of such testing equipment must be accomplished by a facility qualified and equipped to certify a test meter as accurate in accordance to this Rule using National Institute of Standards and Technology (NIST) traceable standards.

- H. All Wells newly incorporated into the Scope of the Rules as a result of these amendments, shall be required to comply with these Rules in their entirety no later than April 1, 2016.

16.6 Notice of Compliance

A. All owners of TFM's

Well Users with Wells within the scope of these Rules ~~who install totalizing flow meters with a TFM~~ shall provide ~~written~~ Notice to the ~~State~~ Division Engineer ~~by March 1, 2009~~, on a form ~~to be or~~

format prescribed by the State Engineer that includes: (1) the name and address of the owner of the Well(s); (2) the name and address of the user of the Well(s) (if different than the owner); (3) the Well permit number(s); (4) the decree or case number(s) (if applicable); (5) the legal description and UTM coordinates of the location of the Well(s); (6) a legal description and map or drawing of land irrigated; (if applicable); (7) the type or method of irrigation; (if applicable); (8) the meter manufacturer, the meter model number and the meter size; (9) the meter serial number(s); (10) the volumetric units (gallons or acre-feet); (11) the name of power utility company and power company account number (if applicable); (12) the kilowatt hour meter reading on the date of installation (if applicable); (13) the beginning ~~totalizing flow meter~~ TFM reading; (14) and the date of installation of the TFM. The State Well Owner must immediately Notify the Division Engineer ~~shall be notified~~ of any change of method of Well measurement ~~on~~. Such Notice shall be provided in a format as prescribed by the State Engineer within 30 days of such change.

~~16.7~~ Notice of Compliance with Variance Terms and Conditions

~~All owners of Wells within the scope of these Rules who obtain a variance from installation of a totalizing flow meter shall, by March 1, 2009, or March 1 of the first calendar year in which the variance is in effect, provide in writing to the State Engineer such information as specified in the terms and conditions of the approved variance.~~

B. PCC Method of Measurements

All Well Users of Wells within the scope of these Rules with a PCC shall provide Notice to the Division Engineer, on a form or format prescribed by the State Engineer, such information as specified in the terms and conditions of the approved variance, which may include: (1) the name and address of the owner of the Well(s); (2) the name and address of the user of the Well(s) (if different than the owner); (3) the Well permit number(s); (4) the decree or case number(s) (if applicable); (5) the legal description and UTM coordinates of the location of the Well(s); (6) a legal description and map or drawing of land irrigated (if applicable); (7) the type or method of irrigation (if applicable); (8) the power company name, and account number; (9) the power meter serial number, number of digits, multiplier, and other power meter factors; (10) description of all equipment served by power meter (house, sprinkler, well, etc); (11) description of all types of discharges, and if irrigation, all Well Distribution System detail; (12) the kilowatt hour meter reading on the date of installation (if applicable); (13) the beginning power meter reading; (14) and the date of installation of the power meter. The Well Owner must immediately Notify the Division Engineer of any change of method of Well measurement. Such Notice shall be provided in a format as prescribed by the State Engineer within 30 days of such change.

~~16.8~~ 16.7 Data Submission

A. Annual Reporting

All ~~owners~~ Well Users of Wells within the scope of these Rules shall report in writing a format prescribed by the State Engineer, the annual amounts of water ~~pumped~~ diverted from Wells for the period of November 1 to October 31 and, for irrigation Wells, the method of irrigation (flood, center-pivot, etc.), to the State Division Engineer no later than December ~~1, 2009 and every year thereafter~~ 1st. Amounts pumped shall be reported more frequently if required by the State Engineer.

~~1. All owners of Wells within the scope of these Rules who choose to utilize the alternative Power Conversion Coefficient method shall provide notice in writing to the State Engineer by March 1, of each year the Power Conversion Coefficient method shall be used, stating: (1) the name and address of the owner of the Well(s); (2) the name and address of the user of the Well(s) (if different than the owner); (3) the Well permit number(s); (4) the decree or case number(s) (if applicable); (5) a legal description of the location of the Well(s); (6) a legal description and map or drawing of land irrigated; (7) the type or method of irrigation; (8) the power meter serial number(s); (9) the utility company name;~~

(10) the power company account number; (11) the Power Conversion Coefficient; (12) the dates of Power Conversion Coefficient rating; (13) the kilowatt hour meter reading on the date of the Power Conversion Coefficient ratings; (14) the name and address of the Qualified Well Tester performing the Power Conversion Coefficient ratings; (15) the current transformer (C.T.) factors, if applicable; and (16) the potential transformer (P.T.) factors, if applicable. Notice to the State Engineer shall be on a form prescribed by the State Engineer. The State Engineer shall be notified of any change of method for measurement on a form to be prescribed by the State Engineer within 30 days of such change.

B. Forms and Notification

Data as required by these Rules shall be submitted on form to the Division Engineer in a format prescribed by the State Engineer. Such forms shall also include consent to release power data to the State Division Engineer. If the power account number, measurement method, or any other change associated with a Well's Measurement Method changes for any reason, the Well User must immediately Notify the State Division Engineer of the new account number on a form prescribed by the State Engineer within 45 calendar days following the change, changes, and submit all required reporting in accordance with these Rules.

16.9 16.8 Inactive Well

An owner of an Inactive Well must, upon Inactivation, provide Notification to the Division Engineer in a notarized affidavit, on a form prescribed by the State Engineer, filed with the State Engineer by March 1 of the year in which the Well will be in inactive status. Once an Inactive Well affidavit Notification is filed with the State Division Engineer no further filings are required under these Rules unless the owner or Well User wishes to change the Well from Inactive status to active status. When an owner or user desires a Well User intends to change an Inactive Well to active status, written Notification to the State Division Engineer is required prior to activation. A Well listed as Inactive under this Rule 16.98 shall not be used until such Notification is given and the Well is in compliance with the requirements of these Rules.

16.10 16.9 Water not to be Withdrawn

No water shall be withdrawn from any Well that is not in compliance with these Rules except to verify the accuracy of the totalizing flow meter or to verify the accuracy of an approved alternative Measurement Method.

16.14 16.10 Noncompliance

Failure to comply with any of these Rules may subject the Well owner and/or User to court proceedings and the state's costs, including reasonable attorney's fees, associated with enforcement of these Rules. Prior to filing any court action, the State Division Engineer shall notify the Well owner and/or user (or both if known by records maintained by the State Engineer) User of the violation in writing by Certified Mail and shall advise the Well owner and/or User of the date by which the violation must be corrected to avoid court proceedings, which date shall be at least ten calendar days following the date of receipt of the notice by the Well owner and/or User or personal service of the notice on the Well owner and/or User.

16.12 16.11 Variance

When the strict application of any provisions of these Rules would cause unusual hardship, the State Division Engineer may grant a variance. Any request for a variance shall be made in writing to the Division Engineer, in a format prescribed by the State Engineer, and shall state the basis, with supporting technical data and other documentation, for the requested variance. If the State Division Engineer finds the request justifiable, the State Division Engineer may issue a written order granting the variance and setting forth the terms and conditions on which the variance is granted. Variance requests are granted at the sole discretion of the State Division Engineer.

~~16.13~~16.12 Effect of Rules on Other Wells

Nothing in these Rules shall be construed to preclude the State Engineer from requiring metering of withdrawals, periodic reporting of such withdrawals, and cessation of excessive withdrawals from wells not covered by these Rules.

~~16.14~~16.13 Effect of Rules on Prior Rules of the State Engineer

~~As of March 1, 2009,~~ These Rules shall supersede ~~any previous Rules or regulations governing the measurement of any ground water diversions located in the Republican River Basin in Water Division No. 4.~~ Measurement Rules adopted in 2009.

~~16.15~~16.14 Severability

If any portion of these Rules is found to be invalid, the remaining portion of the Rules shall remain in force and in effect.

~~16.16~~16.15 Revisions

These Rules may be revised in accordance with section 24-4-103, C.R.S. and 2 CCR 402-5.

~~16.17~~16.16 Statement of Basis and Purpose Incorporated by Reference

The Statement of Basis and Purpose for these ~~Republican River Measurement~~ Rules is incorporated herein as part of these Rules.

~~16.18~~16.17 Effective Date

These Rules shall become effective on ~~December 1, 2008,~~ the date adopted by the State Engineer and shall remain in effect until amended as provided by law.

IT IS FURTHER ORDERED that any persons wishing to protest these Rules may do so in the manner provided in sections 24-4-101 et seq., C.R.S., (the State Administrative Procedure Act).

Submitted on this day of 2014

Dick Wolfe, P.E.
State Engineer

APPENDIX A—~~Exempt Wells~~

~~(b) — Wells not exceeding fifteen gallons per minute of production and used for ordinary household purposes, fire protection, the watering of poultry, domestic animals, and livestock on farms and ranches and for the irrigation of not over one acre of home gardens and lawns but not used for more than three single-family dwellings;~~

~~(c) — Wells not exceeding fifteen gallons per minute of production and used for drinking and sanitary facilities in individual commercial businesses;~~

~~(d) — Wells to be used exclusively for fire-fighting purposes if said Wells are capped, locked, and available for use only in fighting fires;~~

~~(e) — Wells not exceeding fifty gallons per minute which were in production as of May 22, 1971, and were and are used for ordinary household purposes for not more than three single-family dwellings, fire protection, the watering of poultry, domestic animals, and livestock on farms and ranches and for the irrigation of not over one acre of gardens and lawns; and~~

~~(f) — Wells to be used exclusively for monitoring and observation purposes if said Wells are capped and locked and used only to monitor water levels or for water quality sampling.~~

~~(3)(b)(II)(A) Wells exempted under paragraph (b), above, that are the only Well on a residential site, that are used solely for ordinary household purposes inside a single-family dwelling and are not used for irrigation or are the only Well on a tract of land of thirty-five acres or more or are the only Well on a cluster development lot, serving one single-family residence, where the ratio of water usage in the cluster development does not exceed one acre-foot of annual withdrawals for each thirty-five acres within the cluster development and is used solely for the purposes specified in paragraph (b), above, and the return flow from such uses are returned to the same stream system in which the Well is located.~~

~~APPENDIX B—Small Capacity Wells~~

~~(a) Wells not exceeding fifty gallons per minute and used for no more than three single-family dwellings, including the normal operations associated with such dwellings but not including the irrigation of more than one acre of land;~~

~~(b) Wells not exceeding fifty gallons per minute and used for watering of livestock on range and pasture;~~

~~(c) (I) One well not exceeding fifty gallons per minute and used in one commercial business.~~

~~(II) To qualify as a "commercial business" under this paragraph (c), the business shall be:~~

~~(A) A business that will be operated by the Well owner and that will have its own books, bank accounts, checking accounts, and separate tax returns;~~

~~(B) A business that will use water solely on the land indicated in the permit for the Well and for the purposes stated in such permit;~~

~~(C) A business that will maintain its individual assets and will own or lease the property on which the Well is to be located or where the business is operated;~~

~~(D) A business that will have its own contractual agreements for operation of the business;~~

~~(E) A business that agrees not to transfer a permit issued under this paragraph (c) to another entity that also holds a small capacity commercial Well permit under this paragraph (c); and~~

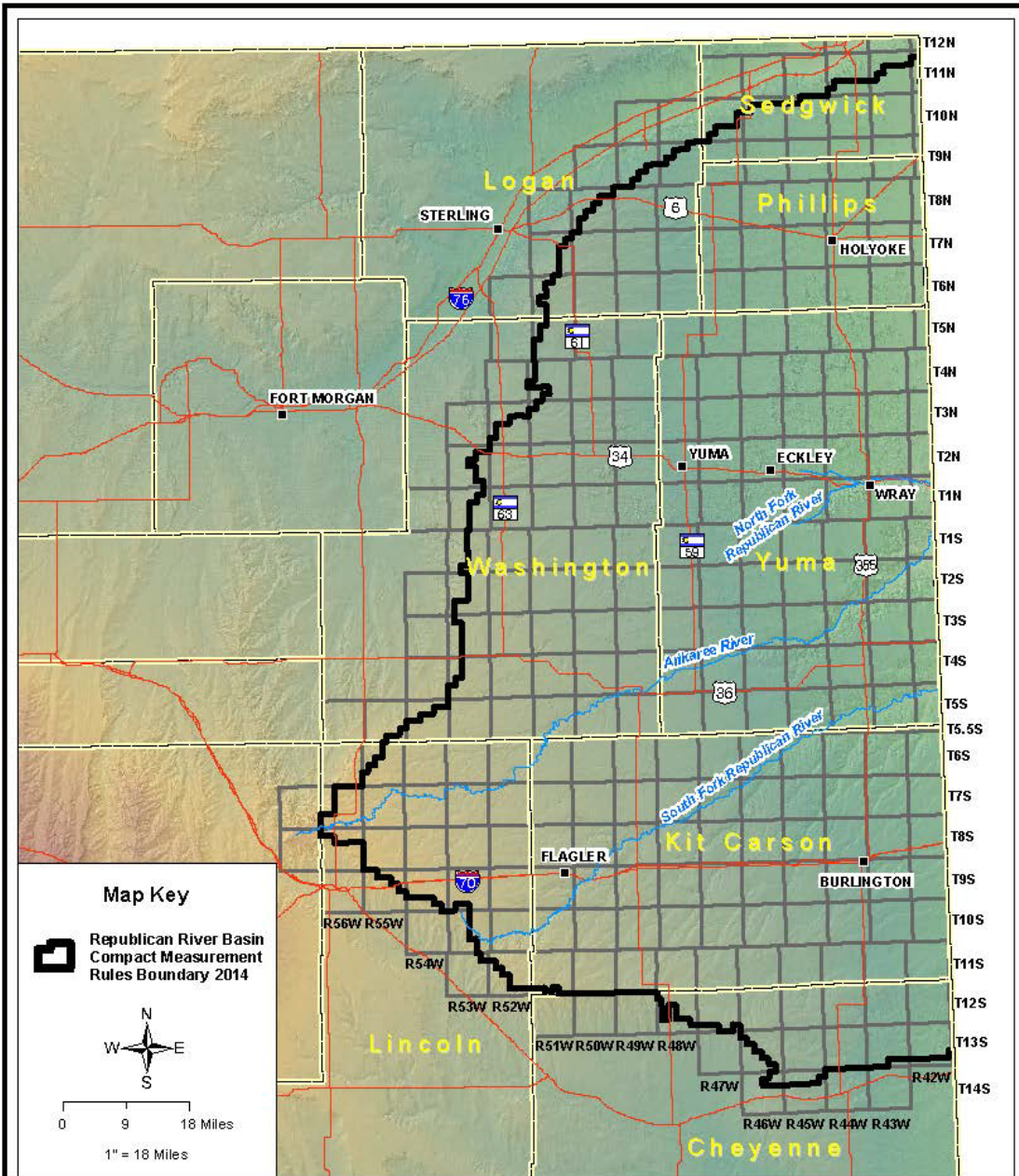
~~(F) A business that agrees to notify any potential buyer that such buyer shall notify the state engineer of any change in ownership of such business within sixty days after any such change in ownership.~~

~~(d) Wells to be used exclusively for monitoring and observation purposes if said Wells are capped and locked and used only to monitor water levels or for water quality sampling; or~~

~~(e) Wells to be used exclusively for fire-fighting purposes if said Wells are capped and locked and available for use only in fighting fires.~~

APPENDIX C— Graphical Representation of boundary and area encompassed by the

Republican River Basin Compact Measurement Rules Boundary (2014)



APPENDIX B

The Public Land Survey System description of the boundary and area encompassed by the Republican River Compact Measurement Rules Boundary (2014)

All the following are west of the 6th P.M.

T. 11 N., R. 42 W., Sections 7, 8, 17, ~~18, 19, thru~~ 20, 29, ~~30, 31, and thru~~ 32—

T. 11 N., R. 43 W., Sections 13 thru 16 ~~(incl.)~~, and 20 thru 36 ~~(incl.)~~—

T. 11 N., R. 44 W., Sections 25 thru 29 ~~(incl.)~~ and 31 thru 36 ~~(incl.)~~—

T. 10 N., R. 42 W., thru R. 44 W. ~~(incl.)~~, All Sections—

T. 10 N., R. 45 W., Sections 1 thru 4 ~~(incl.)~~, and 7 thru 36 ~~(incl.)~~—

T. 10 N., R. 46 W., Sections 8 thru 36 ~~(incl.)~~—

T. 10 N., R. 47 W., Sections 13, 24 thru 28 ~~(incl.)~~, and 32 thru 36 ~~(incl.)~~—

T. 9 N., R. 42 W., thru R. 47 W. ~~(incl.)~~, All Sections—

T. 9 N., R. 48 W., Sections 1, 2, 9 thru 17 ~~(incl.)~~, and 19 thru 36 ~~(incl.)~~—

T. 9 N., R. 49 W., Sections 23, ~~24, 25, 26, thru~~ 27, and 33, ~~34, 35, thru~~ 36—

T. 8 N., R. 42 W., thru R. 49 W. ~~(incl.)~~, All Sections—

T. 8 N., R. 50 W., Sections 11 thru 15 ~~(incl.)~~, 21 thru 29 ~~(incl.)~~, and ~~32, 31~~ thru 36 ~~(incl.)~~—

T. 7 N., R. 42 W., thru R. 50 W. ~~(incl.)~~, All Sections—

T. 7 N., R. 51 W., Sections 12, ~~13, thru~~ 14, 23, ~~24, 25, thru~~ 26, 35, and 36—

T. 6 N., R. 42 W., thru R. 50 W. ~~(incl.)~~, All Sections—

T. 6 N., R. 51 W., Sections 1, ~~2, thru~~ 3, 9 thru 16 ~~(incl.)~~, 20 thru 28 ~~(incl.)~~, and 33, ~~34, 35, thru~~ 36—

T. 5 N., R. 42 W., thru R. 50 W. ~~(incl.)~~, All Sections—

T. 5 N., R. 51 W., Sections 1, ~~2, 3, thru~~ 4, 8 thru 17 ~~(incl.)~~, and 19 thru 36 ~~(incl.)~~—

T. 4 N., R. 42 W., thru R. 50 W. ~~(incl.)~~, All Sections—

T. 4 N., R. 51 W., Sections 1, ~~2, 3, 4, thru~~ 5, 8 thru 17 ~~(incl.)~~, 19 thru 27 ~~(incl.)~~, and 33, ~~34, 35, thru~~ 36—

T. 3 N., R. 42 W., thru R. 50 W. ~~(incl.)~~, All Sections—

T. 3 N., R. 51 W., Sections 1, ~~2, 3, 4, thru~~ 5, and 7 thru 36 ~~(incl.)~~—

T. 3 N., R. 52 W., Sections 13, ~~14, 15, 21~~ thru ~~28 (incl.)~~, and ~~33, 34, 35, 15, 20~~ thru ~~29, 31~~ thru 36—

T: 2 N; R: 42 ~~W;~~ thru ~~R: 51-52~~ W ~~(incl.)~~; All Sections—

T: 2 N; R: ~~52-53~~ W; Sections ~~1, 2, 3, 10-11~~ thru 15 ~~(incl.)~~, ~~22, 23~~ thru ~~27 (incl.) and 31 thru 26,~~ 36-
~~(incl.)~~—

~~T: 2-1 N; R: 53 W; Section 36—~~

~~T: 1 N; R: 42 W;~~ thru ~~R: 52 W (incl.)~~; All Sections—

T: 1 N; R: 53 W; Sections 1, 11, ~~12, 13, 14,~~ thru 15, 22 thru 27 ~~(incl.) and~~ 34, ~~35,~~ thru 36—

T: 1 S; R: 42 ~~W;~~ thru ~~R: 52 W (incl.)~~; All Sections—

T: 1 S; R: 53 W; Sections 1, ~~2,~~ thru 3, 10 thru 15 ~~(incl.)~~, 22 thru 27 ~~(incl.) and~~ 33, ~~34, 35,~~ thru 36—

T: 2 S; R: 42 ~~W;~~ thru ~~R: 52 W (incl.)~~ All Sections—

T: 2 S; R: 53 W; Sections 1, ~~2,~~ thru 3, 10 thru 15 ~~(incl.)~~, 22 thru 29 ~~(incl.) and~~ 32, ~~33, 34, 35,~~ thru 36—

T: 3 S; R: 42 ~~W;~~ thru ~~R: 52 W (incl.)~~; All Sections—

T: 3 S; R: 53 W; Sections 1 thru 5 ~~(incl.)~~, 9 thru 16 ~~(incl.)~~, 21 thru 28 ~~(incl.)~~, 33, ~~34, 35,~~ thru 36—

T: 4 S; R: 42 ~~W;~~ thru ~~R: 52 W (incl.)~~; All Sections—

T: 4 S; R: 53 W; Sections 1, ~~2, 3,~~ thru 4, 9 thru 16 ~~(incl.) and~~ 20 thru 36 ~~(incl.)~~—

T: 5 S; R: 42 ~~W;~~ thru ~~R: 53 W (incl.)~~; All Sections—

T: 5 S; R: 54 W; Sections 11 thru 16 ~~(incl.) and~~ 19 thru 36 ~~(incl.)~~—

~~T: 5 S; R: 55 W; Sections 25, 34, 35, and 36—~~

~~T: 5.5 S; R: 42 W;~~ thru ~~R: 50 W (incl.)~~; All Sections —~~25, 34 thru 36~~

~~T: 6.5.5 S; R: 42 W;~~ thru ~~50 W All Sections~~

~~T 6 S R: 42 thru 54 W (incl.)~~; All Sections—

T: 6 S; R: 55 W; Sections 1, ~~2,~~ thru 3, 10 thru 16 ~~(incl.) and~~ 20 thru 36 ~~(incl.)~~—

T: 7 S; R: 42 ~~W;~~ thru ~~R: 55 W (incl.)~~; All Sections—

T: 7 S; R: 56 W; Sections 1, ~~2, 3,~~ thru 4, 9 thru 16 ~~(incl.) and~~ 21 thru 36 ~~(incl.)~~—

T: 8 S; R: 42 ~~W;~~ thru ~~R: 55 W (incl.)~~ All Sections—

T: 8 S; R: 56 W; Sections 1 thru 6 ~~(incl.) and~~ 9, ~~10, 11,~~ thru 12—

T: 9 S; R: 42 ~~W;~~ thru ~~R: 52 W (incl.)~~; All Sections—

T: 9 S; R: 53 W; Sections 1 thru 31 ~~(incl.) and~~ 34, ~~35,~~ thru 36—

T: 9 S; R: 54 W; Sections 1 thru 26 ~~(incl.) and~~ 36—

T: 9 S; R: 55 W; Sections 1, ~~2, 3,~~ thru 4, 11, ~~12,~~ and thru 13—

~~T. 10 S., R. 43 W., Section 4, 5, 6, and 7—~~
~~T. 10 S., R. 44 W., Sections 1 42 thru 12 (incl.), and 16 thru 20 (incl.)—~~
~~T. 10 S., R. 45 W., Sections 1 thru 34 (incl.)—~~
~~T. 10 S., R. 46 W., thru R. 52 W. (incl.), All Sections—~~
~~T. 10 S., R. 53 W., Sections 1 thru 3 (incl.), 10 thru 15 (incl.), 22 thru 26 (incl.), 35, and 36—~~

~~T. 11 S., R. 45 41 thru 50 W., All Sections~~
~~T 11 S R 51 W Sections 3, 4, and 6 thru 30, N1/2 33, 35, 36~~
~~T. 11 S., R. 46 52 W., Sections 1, 2, 3, 5, and 6— thru 6, 8 thru 16, 22 thru 27~~
~~T. 11 S., R. 47 53 W., Sections Section 1~~

~~T 12 S R 41 thru 12 (incl.), and 16 thru 19 (incl.)—~~
~~T. 11 S., R. 48 46 W., Sections 1 thru 32—~~
~~T. 11 S., R. 49 W., thru R. 50 W. (incl.), All Sections—~~
~~T. 11 12 S., R. 51 47 W., Sections 1 thru 30 (incl.), N/2 of 33, 34, 35, and 36—~~
~~T. 11 S., R. 52 W., T 12 S R 48 W Sections 1 thru 6, 8 thru 15, 17, 20, 22 thru 25~~

~~T 13 S R 41 W Sections 6, 7, 18, 19~~
~~T 13 S R 42 W Sections 1 thru 24, W1/2 25, 26 thru 30~~
~~T 13 S R 43 W Sections 1 thru 33~~
~~T 13 S R 44 thru 45 W All Sections~~
~~T 13 S R 46 W Sections 1 thru 6 (incl.), 8 thru 16 (incl.), and, 22 thru 27 (incl.)—26, 36~~

~~T. 11 14 S., R. 53 45 W., Section Sections 1- thru 11~~
~~T 14 S R 46 W Sections 1, 2, 10 thru 12~~



Ground Water Commission
1313 Sherman Street, Room 821
Denver, CO 80203

Issue Date: 10/31/2014

NOTICE OF PUBLIC HEARING (as posted on DWR website): Some Portions of the Republican River Basin Measurement Rules are under revision in 2014. (see below) In accordance with the Administrative Procedure Act Section 24-4-101 CRS, Notice and publication by the Secretary of State that amendments to the Rules and Regulations Governing the Measurement of Ground Water Diversions located in the Republican River Basin Within Water Division 1(Rules) are being proposed. A Public Hearing will be held beginning at 10:00am, December 16, 2014 in the "Recreation Room" at the Burlington Community and Education Center, 340 S. 14th St, Burlington, Colorado.

The primary focus of amendments to these Rules is to: 1) Modify the inclusion boundary to incorporate all wells that are included in Colorado's Compact Accounting, primarily extending the southern portion to include additional wells; and 2) Include additional definitions and language to help clarify the Rules; and 3) Provide standards regarding the minimum accuracy and application of the Power Conversion Coefficient (PCC) as an alternate method of measurement. A copy of the proposed Amended Rules and other information may be obtained on our website at:

<http://water.state.co.us/groundwater/GWAdmin/UseAndMeasurement/Pages/RepublicanRBRules.aspx>

Statutorily, a state agency is required to notify any individual requesting notification of any proposed rulemaking. The State Engineer and his staff are interested in hearing from people involved in all aspects of the ground water community. The below referenced web page will be your resource for the rulemaking process and provide you with an opportunity to submit your comments AND Objections to the proposed Rule Amendments. We will be using an email listserv to keep in contact with anyone interested in upcoming meetings and anything related to the Rulemaking. Website: <http://water.state.co.us/groundwater/GWAdmin/UseAndMeasurement/Pages/RepublicanRBRules.aspx>

Please [Sign Up](#) to receive Notifications and Updates on the process of the Republican River Basin Measurement Rules Amendments Rulemaking 2014.

Provide Comments and Objections to DWR regarding proposed Amended Republican River Basin Measurement Rules. Comments and Objections must be received by our office no later than December 1, 2014 to be considered. Comments and Objections may be submitted as follows:

On-line:

1. Download, Save & Complete the PDF fillable form [HERE](#) 2. Complete the AskDWR Form by Entering your Name, Phone Number and Email Address on the [AskDWR Request Page](#).



Click Browse (in the Attachment line) to find and attach the PDF form you completed.
Then, Submit Request.

By Mail:

Division of Water Resources
Attention Chris Grimes
1313 Sherman Street, Room 818
Denver, CO 80203

For additional information concerning this rulemaking, please contact Chris Grimes of the Ground Water Commission staff at 303-866-3581 ext. 8253 or Corey Deangelis, at 970-467-8712x1204. For inquiries on the registration to our notification list, please contact Laura Kalafus at 303-866-3581 ext. 8220.

Notice of Rulemaking Hearing

Tracking number

2014-01130

Department

700 - Department of Regulatory Agencies

Agency

704 - Division of Securities

CCR number

3 CCR 704-1

Rule title

RULES UNDER THE COLORADO SECURITIES ACT

Rulemaking Hearing

Date

12/03/2014

Time

09:00 AM

Location

Division of Securities, 1560 Broadway, Suite 900, Denver, CO 80202

Subjects and issues involved

This amendment includes violations of certain FINRA Rules in the rule that delineates "unfair and dishonest dealings" for the purpose of section 11-51-410(1)(g), C.R.S.

Statutory authority

Sections 11-51-101, et seq., C.R.S., including parts 4 and 7.

Contact information

Name

Lillian Alves

Title

Deputy Securities Commissioner

Telephone

303-894-2320

Email

lillian.alves@state.co.us

51-4.7 Unfair and Dishonest Dealings

The following practices shall be deemed to be “unfair and dishonest dealings” for purposes of section 11-51-410(1)(g), C.R.S.:

- A. Executing a transaction for a customer without legal authority or actual authorization of the customer to do so;
- B. Recommending to a customer the purchase, sale or exchange of any security without reasonable grounds for believing that the recommendation is suitable for such customer upon the basis of the information furnished by the customer after reasonable inquiry concerning the customer's investment objectives, financial situation and needs, and any other information known by the broker-dealer or sales representative;
- C. Acting in violation of the following SEC Rules

[for purposes of this Rule, the terms “broker” and “dealer” as used in the SEC Rules shall have the same meaning as “broker-dealer” as defined in Section 11-51-201(2), C.R.S., and the term “penny stock” shall have the meaning as set forth in SEC Rule 3a51-1, found at 17 CFR 240.3a51-1]:
 - 1. a. SEC Rule 15c2-6, found at 17 CFR 240.15c2-6;
 - b. SEC Rule 15c2-11, found at 17 CFR 240.15c2-11;
 - 2. Unless the subject transactions are exempt under SEC Rule 15g-1, found at 17 CFR 240.15g-1, or otherwise:
 - a. SEC Rule 15g-2, found at 17 CFR 240.15g-2;
 - b. SEC Rule 15g-3, found at 17 CFR 240.15g-3;
 - c. SEC Rule 15g-4, found at 17 CFR 240.15g-4;
 - d. SEC Rule 15g-5, found at 17 CFR 240.15g-5; or
 - e. SEC Rule 15g-6, found at 17 CFR 240.15g-6;
- D. Failing or refusing, after a solicited purchase of securities by a customer in connection with a principal transaction, to execute promptly sell orders in said securities placed by said customer;
- E. In connection with a principal transaction, imposing as a condition of the purchase or sale of one security, the purchase or sale of another security;
- F. Failure by a sales representative, in connection with a customer's purchase or sale of a security which is not recorded on the books and records of the broker-dealer by which the sales representative is employed or otherwise engaged, to obtain the broker-dealer's

prior written approval of the sales representative's participation in the purchase or sale of the security.

G. Failing to comply with any of the following applicable fair practice or ethical standards contained in the following sections of the FINRA Rules:

1. Section 2000, Duties and Conflicts; and

2. Section 3000, Supervision and Responsibilities Relating to Associated Persons.

H. In connection with the offer or sale of securities by mortgage broker-dealers and mortgage sales representatives:

1. Failing to provide to each investor prior to the time of the sale a written disclosure document which shall contain at least the following:
 - a. A description of the priority of the lien created by the security and the total face amount of any senior lien(s). (A title insurance policy running to the benefit of the purchaser may be provided in lieu of the description of the priority liens);
 - b. A statement as to whether any future advances may have a priority senior to that of the lien created by the security;
 - c. A copy of the most recent property tax statement covering the real property underlying the security;
 - d. The value of the real property underlying the security provided by either the tax assessed value if it is one hundred percent (100%) of the true cash value and is on the same property underlying the security, or an appraisal by an independent appraiser [subsequent to July 1, 1991, this appraisal must be performed by a licensed real estate appraiser under section 12-61-701, *et seq.*, C.R.S.];
 - e. The debtor's payment record on the instrument being sold for the two (2) years immediately preceding the sale or if not available, the payment record to date or a statement that payment records are not available, and a current credit report on the debtor prepared by a credit reporting agency or a current financial statement of the debtor;
 - f. The terms of any senior lien or a copy of the instrument creating the lien and any assignments;
 - g. A statement of any commissions, collection fees, and other costs chargeable to the purchaser of the security;
 - h. A prominent statement of any balloon payments;

- i. In the case of a sale of a note, bond or evidence of indebtedness secured by a mortgage or deed of trust on real estate which is junior to one or more senior liens, a statement of the risk of loss on foreclosure of such senior lien(s); and
 - j. A statement as to whether or not the purchaser of the security will be insured against casualty loss;
- 2. Failing to deliver to the purchaser or licensed escrow agent or title company the original written evidence of the obligation properly endorsed or a lost instrument bond in twice the amount of the face value of the instrument, together with the original or a certified copy of the instrument creating the lien;
- 3. Failing in a timely manner to record or cause to be recorded the instrument creating the lien or assignment of lien involved in the county or counties where the property is located;
- 4. Causing an investor to sign a reconveyance of title, quit claim deed, or any like instrument before such instrument is required in connection with a transaction such as a payoff or a foreclosure;
- 5. Failing to deliver proceeds due to an investor within a reasonable time after receipt by the mortgage broker-dealer; or
- 6. In the case of a mortgage broker-dealer who undertakes to provide to an investor management and collection services in connection with the note, bond or evidence of indebtedness involved, failing to provide in writing to the investor that:
 - a. Payments received will be deposited in a specific loan escrow account immediately upon receipt by the mortgage broker-dealer;
 - b. Investor funds will not be commingled with those of the mortgage broker-dealer or used in any manner not specifically authorized in advance by the investor;
 - c. If the mortgage broker-dealer uses funds of the mortgage broker-dealer to make a payment due from the borrower to the investor, the mortgage broker-dealer may recover the amount of such advance from the specific loan escrow account when the past due payment is received by the mortgage broker-dealer from the borrower; and
 - d. That the mortgage broker-dealer will file a request for notice of default upon any prior encumbrance on the real property securing the obligation that is the subject of the servicing agreement and will promptly notify the investor of any default on such prior encumbrance, or on the obligation.

1. The use of a senior specific certification or designation by any person in connection with the offer, sale, or purchase of securities, or the provision of advice as to the value of or the advisability of investing in, purchasing, or selling securities, either directly or indirectly or through publications or writings, or by issuing or promulgating analyses or reports relating to securities, that indicates or implies that the user has special certification or training in advising or servicing senior citizens or retirees, in such a way as to mislead any person shall be a dishonest and unethical practice in the securities, commodities, and investment business within the meaning of the Colorado Securities Act. The prohibited use of such certifications or professional designation includes, but is not limited to, the following:
 - a. use of a certification or professional designation by a person who has not actually earned or is otherwise ineligible to use such certification or designation;
 - b. use of a nonexistent or self-conferred certification or professional designation;
 - c. use of a certification or professional designation that indicates or implies a level of occupational qualifications obtained through education, training, or experience that the person using the certification or professional designation does not have; and
 - d. use of a certification or professional designation that was obtained from a designating or certifying organization that:
 - (1) is primarily engaged in the business of instruction in sales and/or marketing;
 - (2) does not have reasonable standards or procedures for assuring the competency of its designees or certificants;
 - (3) does not have reasonable standards or procedures for monitoring and disciplining its designees or certificants for improper or unethical conduct; or
 - (4) does not have reasonable continuing education requirements for its designees or certificants in order to maintain the designation or certificate.
2.
 - a. There is a rebuttable presumption that a designating or certifying organization is not disqualified solely for purposes of paragraph 1(d) above when the organization has been accredited by:
 - (1) The American National Standards Institute; or

(2) The National Commission for Certifying Agencies.

- b. Certifications or professional designations offered by an organization that is on the United States Department of Education's list entitled "Accrediting Agencies Recognized for Title IV Purposes" may qualify when the certification or professional designation program also specifically meets the paragraph 1(d) requirements listed above.
3. In determining whether a combination of words (or an acronym standing for a combination of words) constitutes a certification or professional designation indicating or implying that a person has special certification or training in advising or servicing senior citizens or retirees, factors to be considered shall include:
- a. use of one or more words such as "senior," "retirement," "elder," or like words, combined with one or more words such as "certified," "registered," "chartered," "adviser," "specialist," "consultant," "planner," or like words, in the name of the certification or professional designation; and
 - b. the manner in which those words are combined.
4. For purposes of this rule, a certification or professional designation does not include a job title within an organization that is licensed or registered by a state or federal financial services regulatory agency, when that job title:
- a. indicates seniority or standing within the organization; or
 - b. specifies an individual's area of specialization within the organization
- For purposes of this subsection, financial services regulatory agency includes, but is not limited to, an agency that regulates broker-dealers, investment advisers, or investment companies as defined under the Investment Company Act of 1940.
5. Nothing in this rule shall limit the Securities Commissioner's authority to enforce existing provisions of law.

Notice of Rulemaking Hearing

Tracking number

2014-01133

Department

700 - Department of Regulatory Agencies

Agency

704 - Division of Securities

CCR number

3 CCR 704-1

Rule title

RULES UNDER THE COLORADO SECURITIES ACT

Rulemaking Hearing

Date

12/03/2014

Time

09:00 AM

Location

1560 Broadway, Suite 900, Denver, CO 80202

Subjects and issues involved

Repeal Rule 51-8.1 to simplify the Rules Under the Colorado Securities Act and avoid unreasonable burdens on participants in capital markets.

Statutory authority

Sections 11-51-101, et seq., C.R.S., including part 7

Contact information

Name

Lillian Alves

Title

Deputy Securities Commissioner

Telephone

303-894-2320

Email

lillian.alves@state.co.us

CHAPTER 8 EFFECTIVE DATE

51-8.1 Savings Provisions

For the purposes of section 11-51-802(3), C.R.S. (1990), the phrase "... an offering begun in good faith before July 1, 1990 ..." means an offering of securities in which at least one offer was made in good faith in Colorado prior to July 1, 1990.

Notice of Rulemaking Hearing

Tracking number

2014-01132

Department

700 - Department of Regulatory Agencies

Agency

704 - Division of Securities

CCR number

3 CCR 704-1

Rule title

RULES UNDER THE COLORADO SECURITIES ACT

Rulemaking Hearing

Date

12/03/2014

Time

09:00 AM

Location

1560 Broadway, Suite 900, Denver, CO 80202

Subjects and issues involved

This amendment is to enhance investor protection by improving the Division of Securities ability to communicate with its licensees.

Statutory authority

Sections 11-51-101, et seq., C.R.S., including part 7

Contact information

Name

Lillian Alves

Title

Deputy Securities Commissioner

Telephone

303-894-2320

Email

lillian.alves@state.co.us

51-4.3 Application for a Sales Representative License

- A. A person applying for a license as a sales representative in Colorado shall make application for such license and amendments to such application on Form U-4 (Uniform Application for Securities Industry Registration or Transfer).
- B. A person affiliated with a FINRA broker-dealer applying for a license as a sales representative in Colorado shall send the application, any amendments to such application and any applicable fee, with check made payable to FINRA (or such other payee as FINRA or CRD may designate), through such FINRA broker-dealer, to the CRD with Colorado designated as a recipient state. An application and amendments to such application shall be deemed filed with the Securities Commissioner on the date CRD enters it if CRD verification is not required, or the date CRD verifies it if CRD verification is required.
- C. A person who is not affiliated with a FINRA broker-dealer who is applying for a license as a sales representative in Colorado shall send the application and amendments to such application, through the broker-dealer or issuer with which the person is affiliated, to the Securities Commissioner.
- D. Any applicant for a sales representative license must also file a Consent to Service of Process form (see Rule 51-7.1) with the Commissioner.
- E. An applicant for a license under section 11-51-403, C.R.S., as a sales representative for a broker-dealer who is not registered as a broker-dealer under the 34 Act, including a mortgage sales representative, or for an issuer shall successfully complete the Uniform Securities Agent State Law Examination (Series 63) administered through FINRA.
- F. In addition to the examination required by paragraph E above, an applicant for a license under section 11-51-403, C.R.S., as a sales representative for either a broker-dealer who is not registered as a broker-dealer under the 34 Act and whose securities business is limited solely to the offer and sale of direct participation investments involving real estate related securities or an issuer whose business is equally limited, in addition to the examination required in paragraph E above, shall successfully complete the Uniform Real Estate Securities Examination (Series 64) administered through FINRA. The Direct Participation Program Representative Examination (Series 22) or the Direct Participation Principal Examination (Series 39) administered through FINRA may be substituted for the Series 64 at the election of the applicant.
- G. The examination requirements described in paragraphs E and F above may be satisfied upon proof that the respective examinations were successfully completed within the two (2) year period immediately preceding the date of the application for licensing.
- H. A sales representative of an issuer that qualifies for an exemption from registration pursuant to Rule 51-3.15 is exempt from the licensing requirements of section 11-51-401(1), C.R.S. if:

1. That sales representative is an officer, director, partner, trustee, employee or other representative of the issuer; and
 2. That individual acts as a sales representative only with respect to the offer and sale of securities for and on behalf of the issuer; and
 3. That sales representative receives no commissions, fees or other special remuneration for or arising out of the offer and sale of securities.
- I. No FINRA broker-dealer or SEC registered entity shall permit any applicant for a sales representative license in Colorado to apply for such a license, or any affiliated sales representative license in Colorado to continue to perform duties as a sales representative, unless such person has complied with the requirements of subparagraph (1) hereof.
1. Any applicant or affiliated sales representative must be lawfully present in the United States. An applicant or affiliated sales representative may verify their lawful presence in the United States by producing to FINRA broker dealer or SEC registered entity any of the following:
 - a. Federal Form I-9 Employment Eligibility Verification Form;
 - b. An executed affidavit stating that he or she is a United States citizen or legal permanent resident in a form substantially similar to Form AE;
 2. Every FINRA broker-dealer or SEC registered entity shall record, maintain, and preserve in an easily accessible place the documentation, or copies thereof, which the applicant and affiliated sales representative produced which verifies their lawful presence in the United States.
- J. A person who is not affiliated with either a FINRA broker-dealer or SEC registered entity, who is applying for a license as a sales representative in Colorado, or continuing to perform duties as a sales representative in Colorado, shall send with their application or renewal to the Securities Commissioner the following documentation:
1. Documentation verifying their lawful presence in the United States. A person may verify their lawful presence in the United States by providing to the Securities Commissioner the following:
 - a. An executed affidavit stating that he or she is a United States citizen or legal permanent resident in a form substantially similar to Form AE;
 2. Documentation verifying the applicant's identity by providing to the Securities Commissioner any of the following documents:
 - a. Any Colorado Driver License, Colorado Driver permit, or Colorado Identification Card, expired less than one year (Temporary paper license with invalid Colorado Driver License, Colorado Driver Permit, or

Colorado Identification Card, expired less than one year is considered acceptable);

- b. Out-of-state issued photo Driver's License or photo identification card, photo driver's permit expired less than one year;
- c. Valid foreign passport with I-94 or validly processed for 1551 stamps;
- d. Valid I-94 issued by Canadian government with L1 or R1 status and a valid Canadian driver's license or valid Canadian identification card;
- e. Valid 1551 Resident Alien/Permanent Resident card. No border crosser or USA B1/B2 Visa/BCC cards;
- f. Valid 1688 Temporary Resident Card, 1688B and 1766 Employment Authorization Card;
- g. Valid U.S. Military Identification (active duty, dependent, retired, reserve and National Guard);
- h. Tribal Identification Card with intact photo (U.S. or Canadian);
- i. Certificate of Naturalization with intact photo;
- j. Certificate of U.S. Citizenship with intact photo.

K. Sales Representative Email.

- 1. Each individual licensed as a sales representative in this state shall provide such individual's current business email address to the Division through the Division's website.
- 2. Each individual shall update their required email address promptly, but in any event not later than 30 days following any change in such email address.
- 3. Each individual shall comply with any Division request for such email address promptly, but in any event not later than 15 days following the request, or such longer period that may be agreed to by the Division staff.

51-4.4(IA) Application for an Investment Adviser Representative License

- A. A person applying for a license as an investment adviser representative in Colorado pursuant to section 11-51-403, C.R.S., shall make application for such license and any amendments to such application by completing Form U-4 (Uniform Application for Securities Industry Registration or Transfer) in accordance with the form instructions and by filing the Form U-4 with IARD. The application for such initial licensing shall also include the following:

1. The fee required by section 11-51-403, C.R.S.;
2. Verification of the applicant's lawful presence in the United States by providing to the affiliated Investment Adviser any of the following documents:
 - a. Federal Form I-9 Employment Eligibility Verification Form;
 - b. An executed affidavit stating that he or she is a United States citizen or legal permanent resident in a form substantially similar to Form AE;
3. Documentation verifying the applicant's identity by providing to the affiliated Investment Adviser any of the following documents:
 - a. Any Colorado Driver License, Colorado Driver permit, or Colorado Identification Card, expired less than one year (Temporary paper license with invalid Colorado Driver License, Colorado Driver Permit, or Colorado Identification Card, expired less than one year is considered acceptable);
 - b. Out-of-state issued photo Driver's License or photo identification card, photo driver's permit expired less than one year;
 - c. Valid foreign passport with I-94 or validly processed for 1551 stamps;
 - d. Valid I-94 issued by Canadian government with L1 or R1 status and a valid Canadian driver's license or valid Canadian identification card;
 - e. Valid 1551 Resident Alien/Permanent Resident card. No border crosser or USA B1/B2 Visa/BCC cards;
 - f. Valid 1688 Temporary Resident Card, 1688B and 1766 Employment Authorization Card;
 - g. Valid U.S. Military Identification (active duty, dependent, retired, reserve and National Guard);
 - h. Tribal Identification Card with intact photo (U.S. or Canadian);
 - i. Certificate of Naturalization with intact photo;
 - j. Certificate of U.S. Citizenship with intact photo.
4. The Investment Adviser shall record, maintain, and preserve in an easily accessible place the documentation, or copies thereof, produced by the applicant or affiliated investment adviser representative in compliance with the subparagraphs (2) and (3) hereof.
5. Any other information the Securities Commissioner may reasonably require.

- B. Any applicant for an investment adviser license must also file a Consent to Service of Process form (see Rule 51-7.1) with the Securities Commissioner.
- C. An application and any amendments to such application shall be deemed filed with the Securities Commissioner on the date any required fee and all required submissions have been received by the Securities Commissioner.
- D. An investment adviser representative is under a continuing obligation to update information required by Form U-4 as changes occur. In this regard, an investment adviser representative and the investment adviser must file promptly with IARD any amendments to the representative's Form U-4 to reflect such changes. Such amendment will be considered to be filed promptly if the amendment is filed within thirty (30) days of the event that requires the filing of the amendment.
- E. Except as otherwise provided in sections F and G below, an applicant for a license under section 11-51-403, C.R.S., as an investment adviser representative shall obtain a passing score on one of the following examinations within the two (2) year period immediately preceding the date of the application for licensing:
 - 1. The Uniform Investment Advisor Law Examination (Series 65 examination); or
 - 2. The Uniform Combined Law Examination (Series 66 examination) and either:
 - a. The General Securities Representative Examination (Series 7 examination), or
 - b. An active agent registration or license (Series 7 examination qualified) within a two (2) year period immediately preceding the date of the application.
- F. An investment adviser representative who has been licensed or registered as an investment adviser representative, or its equivalent, under the securities act of any state or jurisdiction and whose most recent license or registration in such capacity has been terminated for not more than two years immediately before the date of the application for licensing shall not be required to satisfy the examination requirement in section (E) above.
- G. The examination requirements described in section (E) above may be satisfied upon proof of alternative qualifications or credentials in good standing including:
 - 1. Designation of Chartered Financial Analyst (CFA) granted by the Association for Investment Management and Research;
 - 2. Designation of Chartered Investment Counselor (CIC) granted by the Investment Adviser Association;
 - 3. Certification as a Chartered Financial Consultant (ChFC) granted by The American College;

4. Designation of Certified Financial Planner (CFP) by the Certified Financial Planner Board of Standards;
5. Designation of Personal Financial Specialist (PFS) granted by the American Institute of Certified Public Accountants.

H. The annual license fee required by section 11-51-404, C.R.S. for an investment adviser representative shall be filed with IARD.

I. Investment Adviser Representative Email.

1. Each individual licensed as an investment adviser representative in this state shall provide such individual's current business email address to the Division through the Division's website.
2. Each individual shall update their required email address promptly, but in any event not later than 30 days following any change in such email address.
3. Each individual shall comply with any Division request for such email address promptly, but in any event not later than 15 days following the request, or such longer period that may be agreed to by the Division staff.

Notice of Rulemaking Hearing

Tracking number

2014-01146

Department

700 - Department of Regulatory Agencies

Agency

722 - Division of Professions and Occupations - Massage Therapy License

CCR number

3 CCR 722-1

Rule title

MASSAGE THERAPY LICENSURE RULES & REGULATIONS

Rulemaking Hearing

Date

12/01/2014

Time

09:00 AM

Location

1560 Broadway, Denver, Colorado 80202, Room 110A

Subjects and issues involved

The rulemaking reflects amendments to Rules 4, 5, 7, and 9. The purposes of these amendments are to: correct formatting and grammatical errors, clarify the rules regarding extensions of time for educational programs, and to clarify reporting requirements for applicants and licensees.

Statutory authority

§ 12-35.5-117, C.R.S.

Contact information

Name

Tony Munoz

Title

Program Director

Telephone

303/894-7898

Email

tony.munoz@state.co.us



COLORADO

Department of
Regulatory Agencies

Division of Professions and Occupations

Healthcare Branch
Office of Massage Therapy Licensure

Notice of Proposed Rulemaking and Rulemaking Hearing

Pursuant to § 24-4-103 of the Colorado Revised Statutes ("C.R.S."), you are hereby notified that the Office of Massage Therapy Registration ("Director") will be holding a public rulemaking hearing as follows:

Date: December 1, 2014
Time: 9:00 AM
Location: 1560 Broadway
Conference Room 110A
Denver, Colorado 80202

The rulemaking reflects amendments to Rules 4, 5, 7, and 9.

The basis of the amendments to the rules is to carry out the provisions of the Massage Therapy Practice Act, as codified in Article 35.5 of Title 12, C.R.S.

The purposes of these amendments are to: correct formatting and grammatical errors, clarify the rules regarding extensions of time for educational programs, and to clarify reporting requirements for applicants and licensees.

The statutory authority for the rules is found in § 12-35.5-117, C.R.S.

Please be advised that the proposed rules may be changed after public comment and formal hearing.

At the time and place stated in this notice, the Board will afford interested persons an opportunity to submit written data, views, or arguments, and to submit the same orally. The Director or a delegate of the Director may limit the time allotted for oral submissions in his or her discretion. Written submissions should be filed with the Board at least ten (10) days prior to the hearing. All submissions will be considered. Written submissions may be filed at the following address:

Office of Massage Therapy Licensure
1560 Broadway
Suite 1350
Denver, CO 80202

Dated this 31st day of October, 2014.

BY ORDER OF THE OFFICE OF MASSAGE THERAPY LICENSURE


Tony Munoz
Program Director



Rule 4 Licensure by Endorsement

The purpose of this rule is to delineate the requirements for licensure by endorsement set forth in §§ 12-35.5-107(5) and 24-34-102(8)(e), C.R.S.

An applicant who currently possesses an unrestricted license or registration, in good standing, to practice massage therapy under the laws of another state, territory or foreign country can apply for licensure by endorsement, provided that:

- A. The applicant submits satisfactory proof and certifies under penalty of perjury that the applicant currently possesses an unrestricted license or registration, in good standing, to practice massage therapy under the laws of another state or territory of the United States or a foreign country;
- B. The applicant has provided the application and all the application requirements as set forth in Rule 1, above;
- C. The qualifications for massage therapy licensure or registration in the other state, territory, or foreign country are substantially equivalent to those required in Colorado, as determined by the Director;
 - 1. An applicant who otherwise meets the requirements of this Rule, and has completed a massage therapy program that is approved by NCBTMB at the time the applicant completed the program is be deemed to have qualifications that are substantially equivalent to those required in Colorado. Programs that have been suspended and/or revoked by NCBTMB after the applicant graduated will be reviewed by the Director on a case-by-case basis.
 - 2. A foreign trained applicant's education and/or training must meet the requirements of Rule 2(C)(5) above.
- D. The applicant has submitted proof of experience and competency in massage therapy. For purposes of this rule, an applicant may demonstrate proof of experience and competency either through:
 - 1. Verification of active massage therapy practice in that state for a minimum of 400 hours over or in a 12-month period during the two (2) years immediately preceding the date of application for licensure in Colorado. The work experience shall be attested to in a manner prescribed by the Director, or;
 - 2. Proof of completion of twenty-four hours of continuing education related to the practice of massage therapy during the two (2) years immediately preceding the date of application for licensure in Colorado. The continuing education must meet the approval of and shall be attested to in a manner prescribed by the Director.
 - a. Courses must be directly related to the practice of massage as defined in § 12-35.5-103(7) C.R.S.
 - b. Up to two (2) hours may be related to the promotion of practice building or office management.
 - c. Up to two (2) hours may be related to ethics.
 - d. Courses in practices which are outside the massage therapy scope of practice do not meet the requirements of this rule.

- E. The applicant must report any disciplinary actions taken against them in any other jurisdiction, the Director will review any disciplinary actions taken against the applicant pursuant to § 12-35.5-107(5)(d), C.R.S., failure to report disciplinary actions may result in disciplinary proceedings pursuant to § 12-35.5-112, C.R.S., including but not limited to revocation, suspension, or denial of an application to practice massage in Colorado.

Rule 5 Reinstatement of Expired License

The purpose of this rule is to establish the qualifications and procedures for reinstatement of an expired license pursuant to §§ 12-35.5-108, 24-34-102(8)(d), and 24-34-105, C.R.S.

- A. An applicant seeking reinstatement of an expired license shall complete a reinstatement application and pay a reinstatement fee.
- B. If the license has been expired for more than two (2) years, but less than five (5) years, an applicant must demonstrate competency to practice as follows:
1. Verification of licensure or registration as a massage therapist in good standing from another state, along with proof of active massage therapy practice in that state for a minimum of 400 hours over or in a 12-month period during the two (2) years immediately preceding the date of application for reinstatement. The work experience shall meet the approval of and be attested to in a manner prescribed by the Director: or
 2. Proof of completion of twenty-four hours of continuing education related to the practice of massage therapy during the two (2) years immediately preceding the date of application for reinstatement. The continuing education must meet the approval of and shall be attested to in a manner prescribed by the Director.
 - a. Courses must be directly related to the practice of massage as defined in § 12-35.5-103(7) C.R.S.
 - b. Up to two (2) hours may be related to the promotion of practice building or office management.
 - c. Up to two (2) hours may be related to ethics.
 - d. Courses in practices which are outside the massage therapy scope of practice do not meet the requirements of this rule.
- C. If the license has been expired for more than five (5) years, an applicant must demonstrate competency to practice as follows:
1. Pass an examination approved under Rule 2 within two (2) years immediately preceding submission of an application for reinstatement;
 2. Supervised practice for a period of no less than six (6) months, subject to terms established by the Director;
 3. Verification of licensure or registration as a massage therapist in good standing from another state, along with proof of active massage therapy practice in that state for a minimum of 400 hours over or in a 12-month period during the two (2) years immediately preceding the date of application for reinstatement. The work experience shall meet the approval of and be attested to in a manner prescribed by the Director; or
 4. By any other means approved by the Director.

- D. An applicant for reinstatement who has actively practiced in Colorado with an expired license in violation of § 12-35.5-108, C.R.S., is subject to denial of application, disciplinary action, and/or other penalties as authorized in the MTPA, and in accordance with § 24-34-102 et seq., C.R.S.

**Rule 7 ~~The Process Regarding Obtaining an Extension of Time for an Educational Program~~
~~The Authorized Practice of Massage Therapy by a Person Not Licensed in Colorado~~**

The purpose of this rule is to outline how a student or instructor of an educational program can obtain an extension~~the conditions under which a person not licensed in Colorado may practice massage therapy for a limited period of time~~ under § 12-35.5-110(1)(c)(IV), C.R.S.

A resident of another state, ~~territory, or foreign country~~ who does not hold a massage therapy license in Colorado may engage in massage therapy for a limited period of time in this state if:

A. The person is participating as a student or instructor of an educational program that does not exceed sixteen days in duration during any twelve month period; or

B. If the program exceeds sixteen days in duration, the person must obtain a grant of an extension from the Director five (5) working days prior to the seventeenth day in accordance with procedures prescribed by the Director.

~~A. The person is participating as a student or instructor of an educational program; and,~~

~~B. The program does not exceed sixteen days in duration during any twelve month period; or~~

~~C. The program exceeds sixteen days in duration and the person obtains a grant of an extension from the Director five (5) working days prior to the seventeenth day; and~~

~~D. A person requesting an extension does so at least five (5) working days prior to the seventeenth day, in accordance with procedures prescribed by the Director.~~

Rule 9 Reporting Convictions, Judgments and Administrative Proceedings

The purpose of this rule is to clarify the procedures for reporting convictions, judgments and administrative proceedings pursuant to §§ 12-35.5-111 (1)(i), (j), (m), and (n), C.R.S.

A licensee as defined in § 12-35.5-103 (6.5), C.R.S., shall inform the Director, in a manner set forth by the Director, within ninety (90) days of any of the following events:

A. The conviction of the licensee of any offense~~a felony~~ under the laws of any state or of the United States, which would be a violation of § 12-35.5-111 (1) C.R.S. A guilty verdict, a plea of guilty or a plea of nolo contendere (no contest) accepted by the court is considered a conviction;

B. A disciplinary action imposed upon the licensee by another jurisdiction that registers or licenses massage therapists, which would be a violation of § 12-35.5-111 (1), C.R.S., including, but not limited to, a citation, sanction, probation, civil penalty, or a denial, suspension, revocation, or modification of a license or registration whether it is imposed by consent decree, order, or other decision, for any cause other than failure to pay a license or registration fee by the due date or failure to meet continuing professional education requirements;

C. Revocation or suspension by another state board, municipality, federal or state agency of any health services related license or registration, other than a license or registration for massage therapy as described in § 12-35.5-111, C.R.S.; and or

- D. Any judgment, award or settlement of a civil action or arbitration in which there was a final judgment or settlement against the licensee for malpractice of massage therapy.
- E. The notice to the Director shall include the following information;
 - 1. If the event is an action by a governmental agency (as described above), the name of the agency, its jurisdiction, the case name, and the docket, proceeding or case number by which the event is designated, and a copy of the consent decree, order or decision;
 - 2. If the event is a felony conviction, the court, its jurisdiction, the case name, the case number, a description of the matter or a copy of the indictment or charges, and any plea or verdict entered by the court. The licensee shall also provide to the Director a copy of the imposition of sentence related to the felony conviction and the completion of all terms of the sentence with ninety (90) days of such action; and or
 - 3. If the event concerns a civil action or arbitration proceeding, the court or arbiter, the jurisdiction, the case name, the case number, a description of the matter or a copy of the complaint, and a copy of the verdict, the court or arbitration decision, or, if settled, the settlement agreement and court's order of dismissal;
- F. The licensee notifying the Director may submit a written statement with the notice to be included with the licensee records.
- G. Failure to report any convictions, judgments or administrative actions to the Directory within ninety (90) days of such action may result in disciplinary proceedings pursuant to § 12-35.5-112, C.R.S., including but not limited to revocation, suspension, or denial of an application to practice massage in Colorado.

Notice of Rulemaking Hearing

Tracking number

2014-01103

Department

700 - Department of Regulatory Agencies

Agency

725 - Division of Real Estate

CCR number

4 CCR 725-1

Rule title

RULES REGARDING REAL ESTATE BROKERS

Rulemaking Hearing

Date

12/02/2014

Time

09:00 AM

Location

1560 Broadway, Suite 1250-C, Denver, CO

Subjects and issues involved

RULE E. SEPARATE ACCOUNTS RECORDS ACCOUNTINGS - INVESTIGATIONS

Statutory authority

Part 1 of Title 12, Article 61, Colorado Revised Statutes, as amended

Contact information

Name

Martha Torres-Recinos

Title

Rulemaking Administrator

Telephone

303-894-2359

Email

martha.torres-recinos@state.co.us

**DEPARTMENT OF REGULATORY AGENCIES
DIVISION OF REAL ESTATE
REAL ESTATE COMMISSION
4 CCR 725-1**

**NOTICE OF PROPOSED PERMANENT RULEMAKING HEARING
December 2, 2014**

RULE E. SEPARATE ACCOUNTS – RECORDS – ACCOUNTINGS - INVESTIGATIONS

Pursuant to and in compliance with Title 12, Article 61 and Title 24, Article 4, C.R.S. as amended, notice of proposed rulemaking is hereby given, including notice to the Attorney General of the State of Colorado and to all persons who have requested to be advised of the intention of the Colorado Real Estate Commission (the "Commission") to promulgate rules, or to amend, repeal or repeal and re-enact the present rules of the Commission.

STATEMENT OF BASIS

The statutory basis for the rules titled Rules of the Colorado Real Estate Commission is Part 1 of Title 12, Article 61, Colorado Revised Statutes, as amended.

STATEMENT OF PURPOSE

The purpose of this rule is to effectuate the legislative directive to promulgate necessary and appropriate rules in conformity with the state statutes of the real estate practice act.

SPECIFIC PURPOSE OF THIS RULEMAKING

The specific purpose of this rule is to amend or repeal existing rules with respect to required actions following the requirements for document preparation and production of duplicates.

PROPOSED NEW, AMENDED AND REPEALED RULES

Deleted material shown ~~struck through~~, new material shown ALL CAPS. Rules, or portions of rules, which are unaffected are reproduced.

Proposed New, Amended and Repealed Rules

Rule E. Separate Accounts – Records – Accountings - Investigations

E-8. ADVERTISING

~~A real estate licensee who performs any act requiring a license, including advertising services or advertising property belonging to another, shall do so in the name of the employing broker; except that a licensed employee may advertise property owned by such employee without complying with this rule if the property is not listed for sale with the employing broker. General advertising which recaps sales activity over a period of time in a given subdivision or geographical area shall cite the source of the data and include a disclaimer that all reported sales were not necessarily listed or sold by the licensee and are intended only to show trends in the area or shall separately identify the licensee's own sales activity.~~

A. NAMES

1. PURSUANT TO C.R.S. §12-61-103(10), NO BROKER SHALL BE LICENSED TO CONDUCT REAL ESTATE BROKERAGE SERVICES UNDER MORE THAN ONE BROKERAGE FIRM, AND NO BROKER OR BROKERAGE FIRM SHALL CONDUCT OR PROMOTE A REAL ESTATE BROKERAGE BUSINESS EXCEPT IN THE NAME UNDER WHICH THAT BROKER OR BROKERAGE FIRM IS LICENSED. HOWEVER, A BROKERAGE FIRM MAY USE A TRADE NAME IN ADDITION TO OR INSTEAD OF THE BROKERAGE FIRM'S LEGAL NAME WITH THE PERMISSION OF THE OWNER OF SUCH TRADE NAME.
2. NO BROKER SHALL ADVERTISE SO AS TO MISLEAD THE PUBLIC CONCERNING THE IDENTITY OF THE BROKER OR THE BROKER'S BROKERAGE FIRM.
3. ALL ADVERTISING MUST BE DONE CLEARLY AND CONSPICUOUSLY IN THE NAME OF THE BROKER'S BROKERAGE FIRM. A BROKER WHO ADVERTISES PROPERTY OWNED BY THE BROKER WHICH IS NOT LISTED FOR SALE OR LEASE WITH THE BROKER'S BROKERAGE FIRM, IS EXEMPT FROM ADVERTISING THE BROKER'S PROPERTY IN THE BROKER'S BROKERAGE FIRM'S NAME.
4. A BROKERAGE FIRM MAY USE A TRADEMARK IN CONJUNCTION WITH THE BROKERAGE FIRM'S LEGAL NAME OR TRADE NAME WITH PERMISSION OF THE OWNER OF SUCH TRADEMARK.
5. A BROKERAGE FIRM THAT USES A TRADE NAME OR TRADEMARK OWNED BY A THIRD PARTY ARE REQUIRED TO USE THE FOLLOWING LEGEND, WHICH MUST APPEAR IN A CLEAR AND CONSPICUOUS MANNER SO AS TO ATTRACT THE ATTENTION OF THE PUBLIC:

"EACH (INSERT GENERAL TRADE NAME)
BROKERAGE BUSINESS IS INDEPENDENTLY
OWNED AND OPERATED."
UPON WRITTEN REQUEST, THIS LEGEND MAY BE
MODIFIED WITH CONSENT OF THE COMMISSION.
6. NO BROKERAGE FIRM SHALL USE MORE THAN ONE TRADE NAME, HOWEVER UPON WRITTEN REQUEST AND WITH THE CONSENT OF THE COMMISSION, A BROKERAGE FIRM MAY USE MORE THAN ONE TRADEMARK. USE OF THE TRADEMARK(S) IS ONLY

ACCEPTABLE IF THE BROKERAGE FIRM HAS OBTAINED PERMISSION OF THE REGISTRANT OF SUCH TRADEMARK.

7. NO BROKER OR BROKERAGE FIRM WILL USE A PROFESSIONAL DESIGNATION IN ADVERTISING UNLESS THE BROKER OR BROKERAGE FIRM IS IN GOOD STANDING AND THE DESIGNATION IS EASILY VERIFIABLE BY THE PUBLIC AND THE COMMISSION. A BROKER OR BROKERAGE FIRM THAT ADVERTISES AN AWARD, MEMBERSHIP OR ACHIEVEMENT MUST BE ABLE TO PROVIDE VERIFICATION OF THE VALIDITY OF SUCH CLAIMS.

B. TEAMS

1. BROKERS WHO FORM A TEAM SHALL NOT ADVERTISE IN A MANNER THAT MISLEADS THE PUBLIC AS TO THE IDENTITY OF THE TEAM'S BROKERAGE FIRM. TEAMS ARE PROHIBITED FROM USING THE FOLLOWING TERMS IN THE TEAM'S NAME:
 - I.REALTY,
 - II.REAL ESTATE,
 - III.REALTORS,
 - IV.COMPANY,
 - V.CORPORATION,
 - VI.CORP.,
 - VII.INC.,
 - VIII.LLC,
 - IX.LP OR LLP
 - X.OR ANY OTHER TERM THAT WOULD IMPLY A SEPARATE ENTITY FROM THE BROKERAGE FIRM WITH WHICH THE TEAM BROKERS ARE LICENSED.
2. ALL TEAM ADVERTISING MUST INCLUDE THE LEGAL NAME OR TRADE NAME OF THE BROKERAGE FIRM.

3. IF REQUESTED BY A CONSUMER, THE COMMISSION, ANOTHER BROKERAGE FIRM OR A BROKER, THE BROKERAGE FIRM WILL PROVIDE THE NAMES OF THE BROKERS THAT BELONG TO ANY TEAM ADVERTISING AS BEING LICENSED WITH THE BROKERAGE FIRM.
4. BROKERS MAY NOT ALLOW THE USE OF THE TEAM NAME TO OTHER BROKERS OUTSIDE THE TEAM'S BROKERAGE FIRM.

C. INTERNET

1. THE BROKER IS RESPONSIBLE FOR ENSURING THAT ALL ADVERTISING IS ACCURATE AND COMPLIES WITH COPYRIGHT LAWS.
2. WHEN A BROKER OWNS A WEBSITE OR CONTROLS ITS CONTENT, EVERY VIEWABLE PAGE MUST INCLUDE THE BROKER'S NAME, OR IF APPLICABLE THE TEAM NAME, AND THE BROKER'S BROKERAGE FIRM. ANY EXPIRED LISTINGS MUST BE REMOVED FROM THE BROKER'S WEBSITE WITHIN THREE DAYS OF THE LISTING EXPIRING.
3. IF A BROKER AUTHORIZES A THIRD PARTY TO ADVERTISE ON BEHALF OF THE BROKER, THE BROKER IS RESPONSIBLE FOR ENSURING THAT THE INFORMATION PROVIDED TO SUCH THIRD PARTY IS ACCURATE. THE BROKER MUST SUBMIT A WRITTEN REQUEST TO THE THIRD PARTY TO HAVE AN EXPIRED LISTING REMOVED FROM THE WEBSITE WITHIN THREE DAYS OF THE LISTING EXPIRING.
4. A BROKER, WHO COMMUNICATES THROUGH EMAIL, CHAT, INSTANT MESSAGES, NEWSGROUPS, DISCUSSIONS LISTS, BULLETIN BOARDS, BLOGS OR OTHER SIMILAR MEANS FOR PURPOSES OF ADVERTISING BROKER'S REAL ESTATE BROKERAGE SERVICES MUST USE THE BROKER'S NAME, OR IF APPLICABLE THE TEAM NAME, AND THE NAME OF THE BROKER'S BROKERAGE FIRM. HOWEVER, ONCE A BROKER HAS DISCLOSED THE BROKER'S NAME AND THE BROKER'S BROKERAGE FIRM TO A SPECIFIC CLIENT OR CUSTOMER, THE BROKER IS NOT REQUIRED TO CONTINUE TO MAKE THE SAME

DISCLOSURE TO THE SPECIFIC CLIENT OR CUSTOMER.

5. WHEN IT IS NOT REASONABLE FOR A BROKER TO DISCLOSE THE BROKER'S NAME, OR IF APPLICABLE THE TEAM NAME, AND BROKERAGE FIRM IN ELECTRONIC ADVERTISING BECAUSE SPACE IS LIMITED (I.E. TWITTER, FACEBOOK, YOUTUBE, BANNER ADVERTISEMENTS, ETC.), THE BROKER WILL DISCLOSE CLEARLY AND CONSPICUOUSLY ON THE BROKER'S WEBPAGE TO WHICH THE ADVERTISING LINKS, WITHIN THE FIRST CLICK OF THE MOUSE.

D. SALES DATA

1. GENERAL ADVERTISING WHICH RECAPS SALES ACTIVITY OVER A PERIOD OF TIME IN A GIVEN SUBDIVISION OR GEOGRAPHICAL AREA MUST:

I.CITE THE SOURCE OF THE DATA;

II.INCLUDE A DISCLAIMER THAT ALL REPORTED SALES WERE NOT NECESSARILY LISTED OR SOLD BY THE BROKER; AND

III. ARE INTENDED ONLY TO SHOW TRENDS IN THE AREA OR SHALL SEPARATELY IDENTIFY THE BROKER'S OWN SALES ACTIVITY.

A hearing on the above subject matter will be held on Tuesday, December 2, 2014 at the Colorado Division of Real Estate, 1560 Broadway, Suite 1250C, Denver, Colorado 80202 beginning at 9:00 a.m.

Any interested person may participate in the rule making through submission of written data, views and arguments to the Division of Real Estate. Persons are requested to submit data, views and arguments to the Division of Real Estate in writing no less than ten (10) days prior to the hearing date and time set forth above. However, all data, views and arguments submitted prior to or at the rulemaking hearing or prior to the closure of the rulemaking record (if different from the date and time of hearing), shall be considered.

Please be advised that the rule being considered is subject to further changes and modifications after public comment and formal hearing.

Notice of Rulemaking Hearing

Tracking number

2014-01104

Department

700 - Department of Regulatory Agencies

Agency

725 - Division of Real Estate

CCR number

4 CCR 725-1

Rule title

RULES REGARDING REAL ESTATE BROKERS

Rulemaking Hearing

Date

12/02/2014

Time

09:00 AM

Location

1560 Broadway, Suite 1250-C, Denver, CO

Subjects and issues involved

RULE C. LICENSING OFFICE

Statutory authority

Part 1 of Title 12, Article 61, Colorado Revised Statutes, as amended

Contact information

Name

Martha Torres-Recinos

Title

Rulemaking Administrator

Telephone

303-894-2359

Email

martha.torres-recinos@state.co.us

**DEPARTMENT OF REGULATORY AGENCIES
DIVISION OF REAL ESTATE
REAL ESTATE COMMISSION
4CCR 725-1**

**NOTICE OF PROPOSED RULEMAKING HEARING
December 2, 2014**

RULE C. LICENSING – OFFICE

Pursuant to and in compliance with Title 12, Article 61 and Title 24, Article 4, C.R.S. as amended, notice of proposed rulemaking is hereby given, including notice to the Attorney General of the State of Colorado and to all persons who have requested to be advised of the intention of the Colorado Real Estate Commission (the "Commission") to promulgate rules, or to amend, repeal or repeal and re-enact the present rules of the Commission.

STATEMENT OF BASIS

The statutory basis for the rules titled Rules of the Colorado Real Estate Commission is Part 1 of Title 12, Article 61, Colorado Revised Statutes, as amended.

STATEMENT OF PURPOSE

The purpose of this rule is to effectuate the legislative directive to promulgate necessary and appropriate rules in conformity with the state statutes of the real estate practice act.

SPECIFIC PURPOSE OF THIS RULEMAKING

The specific purpose of this rule is to amend or repeal existing rules with respect to names, trade names and trademarks used by licensed real estate brokers.

Proposed New, Amended and Repealed Rules

Rule C. Licensing - Office

C-19. REPEALED.

- (a) ~~The purpose of this rule is to provide interpretation for Section 12-61-103(10), C.R.S. 1973, as amended.~~
- (b) ~~For the purposes of this rule, the following definitions shall apply:~~
 - (i) ~~The term "broker" shall mean any sole proprietor, partnership, limited liability company, or corporation licensed by the Real Estate Commission.~~
 - (ii) ~~The term "trade name" shall include trademark, service mark, trade identification, or any portion thereof which is recognizable as a trade name, trademark, service mark, or trade identification.~~
- (c) ~~Pursuant to 12-61-103(10) C.R.S., no person shall be licensed under more than one name, and no person shall conduct or promote a real estate brokerage business except under the name under which such person or brokerage business is licensed; however, the use of a trade name with the permission of the owner of such trade name may be used concurrently with the licensed name of the broker in the promotion or conduct of the licensed broker's business.~~
- (d) ~~Repealed.~~
- (e) ~~No broker shall advertise or promote its business in such a manner as to mislead the public as to the identity of the licensed broker; nor shall a portion of the licensed name of any broker be advertised or promoted in a manner which would mislead the public as~~

to the identity of the licensed broker.

- (f) ~~Any broker using a trade name, the use of which requires obtaining permission from another who has an existing and continuing right in that trade name by virtue of any state or federal law, in advertising other than of specific properties for sale and in advertising of specific properties for sale jointly with other brokers under a trade name shall cause the following legend to appear in a conspicuous and reasonable manner calculated to attract the attention of the public:~~

~~"Each (Actual Trade Name) brokerage business is independently owned and operated."~~

~~(This legend may be re-phrased if the consent of the Commission is secured.)~~

- (g) ~~Any broker using a trade name owned by another on "for sale" or "for lease" signs on specific property or in advertising specific property for sale in any media shall clearly and unmistakably include said broker's name, as registered with the Commission, in a conspicuous and reasonable manner calculated to attract the attention of the public. The broker's name shall appear where specific property is advertised for sale so that the public may unmistakably identify the broker responsible for the handling of the listing of the specific property.~~

- (h) ~~Any broker using a trade name owned by another on business cards, letterheads, contracts, or other documents relating to real estate transactions, shall clearly and unmistakably include said broker's name as registered with the Commission in a conspicuous and reasonable manner calculated to attract the attention of the public and shall also include the following legend:~~

~~"Each (Actual Trade Name) brokerage business is independently owned and operated."~~

~~(This legend may be re-phrased if the consent of the Commission is secured.)~~

- (i) ~~Any broker using a trade name owned by another on signs displayed at a place of business shall clearly and unmistakably include said broker's name as registered with the Commission on such signs in a conspicuous and reasonable manner calculated to attract the attention of the public and shall also include the following legend:~~

~~"Each (Actual Trade Name) brokerage business is independently owned and operated."~~

~~(This legend may be re-phrased if the consent of the Commission is secured.)~~

A hearing on the above subject matter will be held on Tuesday, December 2, 2014, at the Colorado Division of Real Estate, 1560 Broadway, Suite 1250C, Denver, Colorado 80202 beginning at 9:00 a.m.

Any interested person may participate in the rule making through submission of written data, views and arguments to the Division of Real Estate. Persons are requested to submit data, views and arguments to the Division of Real Estate in writing no less than ten (10) days prior to the hearing date and time set forth above. However, all data, views and arguments submitted prior to or at the rulemaking hearing or prior to the closure of the rulemaking record (if different from the date and time of hearing), shall be considered.

Please be advised that the rule being considered is subject to further changes and modifications after public comment and formal hearing.

Notice of Rulemaking Hearing

Tracking number

2014-01120

Department

700 - Department of Regulatory Agencies

Agency

725 - Division of Real Estate

CCR number

4 CCR 725-6

Rule title

SUBDIVISIONS AND TIMESHARES

Rulemaking Hearing

Date

12/02/2014

Time

09:00 AM

Location

1560 Broadway, Suite 1250-C, Denver, CO

Subjects and issues involved

CHAPTER 3:&TIMESHARE ADDITIONAL INFORMATION AND DISCLOSURES

Statutory authority

Part 4 of Title 12, Article 61, Colorado Revised Statutes, as amended

Contact information

Name

Martha Torres-Recinos

Title

Rulemaking Administrator

Telephone

303-894-2359

Email

martha.torres-recinos@state.co.us

**DEPARTMENT OF REGULATORY AGENCIES
DIVISION OF REAL ESTATE
SUBDIVISIONS
4 CCR 725-6**

**NOTICE OF PROPOSED PERMANENT RULEMAKING HEARING
December 2, 2014**

CHAPTER 3: TIMESHARE – ADDITIONAL INFORMATION AND DISCLOSURES

Pursuant to and in compliance with Title 12, Article 61 and Title 24, Article 4, C.R.S. as amended, notice of proposed rulemaking is hereby given, including notice to the Attorney General of the State of Colorado and to all persons who have requested to be advised of the intention of the Colorado Real Estate Commission (the "Commission") to promulgate rules, or to amend, repeal or repeal and re-enact the present rules of the Commission.

STATEMENT OF BASIS

The statutory basis for the rules titled Rules and Regulations for Subdivision Developers is Part 4 of Title 12, Article 61, Colorado Revised Statutes, as amended.

STATEMENT OF PURPOSE

The purpose of this rule is to effectuate the legislative directive to promulgate necessary and appropriate rules in conformity with the state statutes concerning Subdivisions.

SPECIFIC PURPOSE OF THIS RULEMAKING

The purpose of this rule is to amend or repeal existing rules with respect to additional information and disclosures for timeshare subdivisions and to ensure that subdivision developers are familiar with all current regulations.

Proposed New, Amended and Repealed Rules

[Deleted material is shown ~~struck through~~; new material is shown ALL CAPS.] Rules, or portions of rules, which are unaffected are reproduced. Readers are advised to obtain a copy of the complete rules of the Commission at www.dora.state.co.us/real-estate/.

CHAPTER 3: TIMESHARE – ADDITIONAL INFORMATION AND DISCLOSURES

3.1 A DEVELOPER OF TIME SHARE MUST DISCLOSE TO THE PUBLIC WHETHER OR NOT A TIME SHARE PLAN INVOLVES AN EXCHANGE PROGRAM AND, IF SO, WILL DISCLOSE AND DELIVER TO PROSPECTIVE PURCHASERS, A SEPARATE WRITTEN DOCUMENT, WHICH MAY BE PROVIDED BY AN EXCHANGE COMPANY IF THE DOCUMENT DISCLOSES THE FOLLOWING INFORMATION:

- A. THE NAME AND THE BUSINESS ADDRESS OF THE EXCHANGE COMPANY;
- B. WHETHER THE PURCHASER'S CONTRACT WITH THE EXCHANGE PROGRAM IS SEPARATE AND DISTINCT FROM THE PURCHASER'S CONTRACT WITH THE DEVELOPER;
- C. WHETHER THE PURCHASER'S PARTICIPATION IN THE EXCHANGE PROGRAM IS DEPENDENT UPON THE DEVELOPER'S CONTINUED AFFILIATION WITH THE EXCHANGE PROGRAM;
- D. WHETHER OR NOT THE PURCHASER'S PARTICIPATION IN THE EXCHANGE

PROGRAM IS VOLUNTARY;

- E. THE SPECIFIC TERMS AND CONDITIONS OF THE PURCHASER'S CONTRACTUAL RELATIONSHIP WITH THE EXCHANGE PROGRAM AND THE PROCEDURE BY WHICH CHANGES, IF ANY, MAY BE MADE IN THE TERMS AND CONDITIONS OF SUCH CONTRACTUAL RELATIONSHIP;
- F. THE PROCEDURE OF APPLYING FOR AND EFFECTING ANY CHANGES;
- G. A COMPLETE DESCRIPTION OF ALL LIMITATIONS, RESTRICTIONS, ACCRUAL RIGHTS, OR PRIORITIES EMPLOYED IN THE OPERATION OF THE EXCHANGE PROGRAM, INCLUDING BUT NOT LIMITED TO LIMITATIONS ON EXCHANGES BASED ON SEASONALITY, UNIT SIZE, OR LEVELS OF OCCUPANCY; AND IF THE LIMITATIONS, RESTRICTIONS OR PRIORITIES ARE NOT APPLIED UNIFORMLY BY THE EXCHANGE PROGRAM, A COMPLETE DESCRIPTION OF THE MANNER OF THEIR APPLICATION;
- H. WHETHER EXCHANGES ARE ARRANGED ON A SPACE-AVAILABLE BASIS OR WHETHER GUARANTEES OF FULFILLMENT OF SPECIFIC REQUESTS FOR EXCHANGES ARE MADE BY THE EXCHANGE COMPANY;
- I. WHETHER AND UNDER WHAT CONDITIONS A PURCHASER MAY, IN DEALING WITH THE EXCHANGE PROGRAM, LOSE THE USE AND OCCUPANCY OF THE TIME SHARE PERIOD IN ANY PROPERLY APPLIED FOR EXCHANGE WITHOUT BEING OFFERED SUBSTITUTE ACCOMMODATIONS BY THE EXCHANGE PROGRAM;
- J. THE FEES FOR PARTICIPATION IN THE EXCHANGE PROGRAM, AND WHETHER THE FEES MAY BE ALTERED AND THE METHOD OF ANY ALTERING; AND
- K. THE NAME AND LOCATION OF EACH ACCOMMODATION OR FACILITY, INCLUDING THE TIME SHARING PLANS PARTICIPATING IN THE EXCHANGE PROGRAM.

A hearing on the above subject matter will be held on Tuesday, December 2, 2014, at the Colorado Division of Real Estate, 1560 Broadway, Suite 1250-C, Denver, Colorado 80202 beginning at 9:00 a.m.

Any interested person may participate in the rule making through submission of written data, views and arguments to the Division of Real Estate. Persons are requested to submit data, views and arguments to the Division of Real Estate in writing no less than ten (10) days prior to the hearing date and time set forth above. However, all data, views and arguments submitted prior to or at the rulemaking hearing or prior to the closure of the rulemaking record (if different from the date and time of hearing), shall be considered.

Please be advised that the rule being considered is subject to further changes and modifications after public comment and formal hearing.

Notice of Rulemaking Hearing

Tracking number

2014-01118

Department

700 - Department of Regulatory Agencies

Agency

725 - Division of Real Estate

CCR number

4 CCR 725-6

Rule title

SUBDIVISIONS AND TIMESHARES

Rulemaking Hearing

Date

12/02/2014

Time

09:00 AM

Location

1560 Broadway, Suite 1250-C, Denver, CO

Subjects and issues involved

CHAPTER 1:®ISTRATION, CERTIFICATION AND APPLICATION

Statutory authority

Part 4 of Title 12, Article 61, Colorado Revised Statutes, as amended

Contact information

Name

Martha Torres-Recinos

Title

Rulemaking Administrator

Telephone

303-894-2359

Email

martha.torres-recinos@state.co.us

**DEPARTMENT OF REGULATORY AGENCIES
DIVISION OF REAL ESTATE
SUBDIVISIONS
4 CCR 725-6**

**NOTICE OF PROPOSED PERMANENT RULEMAKING HEARING
December 2, 2014**

CHAPTER 1: REGISTRATION, CERTIFICATION AND APPLICATION

Pursuant to and in compliance with Title 12, Article 61 and Title 24, Article 4, C.R.S. as amended, notice of proposed rulemaking is hereby given, including notice to the Attorney General of the State of Colorado and to all persons who have requested to be advised of the intention of the Colorado Real Estate Commission (the "Commission") to promulgate rules, or to amend, repeal or repeal and re-enact the present rules of the Commission.

STATEMENT OF BASIS

The statutory basis for the rules titled Rules and Regulations for Subdivision Developers is Part 4 of Title 12, Article 61, Colorado Revised Statutes, as amended.

STATEMENT OF PURPOSE

The purpose of this rule is to effectuate the legislative directive to promulgate necessary and appropriate rules in conformity with the state statutes concerning Subdivisions.

SPECIFIC PURPOSE OF THIS RULEMAKING

The purpose of this rule is to amend or repeal existing rules with respect to the registration, certification and application for subdivisions and to ensure that subdivision developers are familiar with all current regulations.

Proposed New, Amended and Repealed Rules

[Deleted material is shown ~~struck through~~; new material is shown ALL CAPS.] Rules, or portions of rules, which are unaffected are reproduced. Readers are advised to obtain a copy of the complete rules of the Commission at www.dora.state.co.us/real-estate/.

CHAPTER 1: REGISTRATION, CERTIFICATION AND APPLICATION

- 1.1 THE REGISTRATION AND CERTIFICATION OF A SUBDIVISION DEVELOPER (DEVELOPER) UNDER TITLE 12, ARTICLE 61, PART 4, C.R.S., DOES NOT EXEMPT THE DEVELOPER FROM THE REQUIREMENTS FOR THE LICENSING OF REAL ESTATE BROKERS UNDER TITLE 12, ARTICLE 61, PART 1, C.R.S. EXEMPTIONS FROM THE LICENSING OF REAL ESTATE BROKERS ARE MADE PURSUANT TO § 12-61-101(2)(B), C.R.S.
- 1.2 THE PERSON, FIRM, PARTNERSHIP, JOINT VENTURE, LIMITED LIABILITY COMPANY, ASSOCIATION, CORPORATION OR OTHER LEGAL ENTITY, OR COMBINATION THEREOF, WHO WILL SIGN AS SELLER OR LESSOR IN ANY CONTRACT OF SALE, LEASE, DEED OR ANY OTHER INSTRUMENT PURPORTING TO CONVEY ANY SITE, TRACT, LOT, DIVIDED OR UNDIVIDED INTEREST FROM A SUBDIVISION, MUST SECURE A REGISTRATION UNDER § 12-61-403, C.R.S., (DEVELOPER CERTIFICATE) BEFORE NEGOTIATING OR AGREEING TO SELL, LEASE OR TRANSFER AND BEFORE ANY SALE, LEASE OR TRANSFER IS MADE. IF SUCH PERSON IS ACTING ONLY AS A TRUSTEE, THE BENEFICIAL OWNER OF THE

SUBDIVISION MUST SECURE A DEVELOPER CERTIFICATE.

1.3 IF AN APPLICANT IS:

- A. A CORPORATION, A DIRECTOR OR AN AUTHORIZED OFFICER MUST APPLY ON BEHALF OF SAID CORPORATION.
- B. A PARTNERSHIP OR LIMITED PARTNERSHIP, ONE OF THE GENERAL PARTNERS MUST APPLY ON BEHALF OF THE PARTNERSHIP OR LIMITED PARTNERSHIP.
- C. A JOINT OWNER OF THE SUBDIVISION, SUCH OWNER MAY APPLY ON BEHALF OF ALL JOINT OWNERS OF SUCH SUBDIVISION.
- D. A LIMITED LIABILITY COMPANY, ONE OF THE MANAGERS OR MEMBER-MANAGERS MUST APPLY ON BEHALF OF THE COMPANY.
- E. WITH RESPECT TO ANY OTHER TYPE OF DEVELOPER THAT IS OTHER THAN A NATURAL PERSON, A PERSON AUTHORIZED TO ACT ON BEHALF OF SUCH ENTITY, AS DEMONSTRATED BY SUCH DOCUMENTS IN A FORM SATISFACTORY TO THE COMMISSION, WILL APPLY ON BEHALF OF THAT ENTITY.

1.4 THE REAL ESTATE COMMISSION (COMMISSION) WILL ISSUE A DEVELOPER CERTIFICATE, DENY REGISTRATION OR DEMAND FURTHER INFORMATION WITHIN SIXTY (60) CALENDAR DAYS FROM THE DATE OF RECEIPT OF THE APPLICATION BY THE COMMISSION.

1.5 IF THE COMMISSION REQUIRES ADDITIONAL INFORMATION, THE COMMISSION WILL GIVE WRITTEN NOTICE IN DETAIL OF THE INFORMATION SO REQUIRED AND WILL ALLOW AN ADDITIONAL SIXTY (60) CALENDAR DAYS TO PRESENT SUCH MATERIAL BEFORE DENIAL OF THE APPLICATION, WHICH PERIOD MAY BE EXTENDED ONLY UPON SHOWING OF GOOD CAUSE.

1.6 NOTIFICATION IN WRITING MUST BE MADE TO THE COMMISSION WITHIN TEN (10) CALENDAR DAYS OF ANY CHANGE IN THE PRINCIPAL OFFICE ADDRESS OF THE DEVELOPER OR THE NATURAL PERSON, OR ANY OTHER CHANGE IN THE INFORMATION SUBMITTED PURSUANT TO § 12-61-403, C.R.S.

1.7 PURSUANT TO § 12-61-405, C.R.S., ANY DEVELOPER WHO HAS RECEIVED WRITTEN NOTIFICATION FROM THE COMMISSION THAT A COMPLAINT HAS BEEN FILED AGAINST THE DEVELOPER, MUST SUBMIT A WRITTEN ANSWER TO THE COMMISSION WITHIN A REASONABLE TIME AS SET BY THE COMMISSION.

1.8 FAILURE TO SUBMIT ANY WRITTEN RESPONSE REQUIRED BY RULE 1.7 WILL BE GROUNDS FOR DISCIPLINARY ACTION UNLESS THE COMMISSION HAS GRANTED AN EXTENSION OF TIME, OR UNLESS SUCH ANSWER WOULD SUBJECT SUCH PERSON TO A CRIMINAL PENALTY.

A hearing on the above subject matter will be held on Tuesday, December 2, 2014, at the Colorado Division of Real Estate, 1560 Broadway, Suite 1250-C, Denver, Colorado 80202 beginning at 9:00 a.m.

Any interested person may participate in the rule making through submission of written data, views and arguments to the Division of Real Estate. Persons are requested to submit data, views and arguments to the Division of Real Estate in writing no less than ten (10) days prior to the hearing date and time set forth above. However, all data, views and arguments submitted prior to or at the rulemaking hearing or prior to the closure of the rulemaking record (if different from the date and time of hearing), shall be considered.

Please be advised that the rule being considered is subject to further changes and modifications after public comment and formal hearing.

Notice of Rulemaking Hearing

Tracking number

2014-01121

Department

700 - Department of Regulatory Agencies

Agency

725 - Division of Real Estate

CCR number

4 CCR 725-6

Rule title

SUBDIVISIONS AND TIMESHARES

Rulemaking Hearing

Date

12/02/2014

Time

09:00 AM

Location

1560 Broadway, Suite 1250-C, Denver, CO

Subjects and issues involved

CHAPTER 4:&MISCELLANEOUS PROVISIONS, ADDITIONAL INFORMATION

Statutory authority

Part 4 of Title 12, Article 61, Colorado Revised Statutes, as amended

Contact information

Name

Martha Torres-Recinos

Title

Rulemaking Administrator

Telephone

303-894-2359

Email

martha.torres-recinos@state.co.us

**DEPARTMENT OF REGULATORY AGENCIES
DIVISION OF REAL ESTATE
SUBDIVISIONS
4 CCR 725-6**

**NOTICE OF PROPOSED PERMANENT RULEMAKING HEARING
December 2, 2014**

CHAPTER 4: MISCELLANEOUS PROVISIONS, ADDITIONAL INFORMATION

Pursuant to and in compliance with Title 12, Article 61 and Title 24, Article 4, C.R.S. as amended, notice of proposed rulemaking is hereby given, including notice to the Attorney General of the State of Colorado and to all persons who have requested to be advised of the intention of the Colorado Real Estate Commission (the "Commission") to promulgate rules, or to amend, repeal or repeal and re-enact the present rules of the Commission.

STATEMENT OF BASIS

The statutory basis for the rules titled Rules and Regulations for Subdivision Developers is Part 4 of Title 12, Article 61, Colorado Revised Statutes, as amended.

STATEMENT OF PURPOSE

The purpose of this rule is to effectuate the legislative directive to promulgate necessary and appropriate rules in conformity with the state statutes concerning Subdivisions.

SPECIFIC PURPOSE OF THIS RULEMAKING

The purpose of this rule is to amend or repeal existing rules with respect to any additional and supplemental information required for subdivisions and to ensure that subdivision developers are familiar with all current regulations.

Proposed New, Amended and Repealed Rules

[Deleted material is shown ~~struck through~~; new material is shown ALL CAPS.] Rules, or portions of rules, which are unaffected are reproduced. Readers are advised to obtain a copy of the complete rules of the Commission at www.dora.state.co.us/real-estate/.

CHAPTER 4: MISCELLANEOUS PROVISIONS, ADDITIONAL INFORMATION

- 4.1 ALL APPROVALS FOR THE USE OF RESERVATION AGREEMENTS ISSUED PURSUANT TO § 12-61-402(2), C.R.S., WILL EXPIRE ON DECEMBER 31ST FOLLOWING THE DATE OF ISSUANCE. APPROVAL WILL BE RENEWED, EXCEPT AS PROVIDED IN SECTION §12-61-405, C.R.S., BY PAYMENT OF A RENEWAL FEE ESTABLISHED PURSUANT TO SECTION § 12-61-111.5, C.R.S., AND UPON SUBMISSION AND ACCEPTANCE OF A RENEWAL APPLICATION.
- 4.2 UPON REQUEST OF THE COMMISSION PURSUANT TO AN INVESTIGATION, A DEVELOPER WILL FILE WITH THE COMMISSION AN AUDITED FINANCIAL STATEMENT IN CONFORMITY WITH ACCEPTED ACCOUNTING PRINCIPLES, AND SWORN TO BY THE DEVELOPER AS AN ACCURATE REFLECTION OF THE FINANCIAL CONDITION OF THE DEVELOPER AND/OR THE HOMEOWNERS' ASSOCIATION CONTROLLED BY THE DEVELOPER.
- 4.3 ANY ADVERSE ORDER, JUDGMENT, OR DECREE ENTERED IN CONNECTION WITH THE SUBDIVIDED LANDS BY ANY REGULATORY AUTHORITY OR BY ANY COURT OF

APPROPRIATE JURISDICTION MUST BE FILED WITH THE COMMISSION BY THE DEVELOPER WITHIN THIRTY (30) CALENDAR DAYS OF SUCH ORDER, JUDGMENT OR DECREE BEING FINAL.

- 4.4 A DEVELOPER IS NOT REQUIRED TO FILE AMENDMENTS TO ITS REGISTRATION FILED WITH THE COMMISSION WHEN REVISIONS ARE MADE TO DOCUMENTS PREVIOUSLY SUBMITTED TO THE COMMISSION, SO LONG AS THE REVISED DOCUMENTS CONTINUE TO: (A) COMPLY WITH TITLE 12, ARTICLE 61, PART 4, C.R.S., AND THE RULES AND REGULATIONS PROMULGATED THEREUNDER; AND (B) ACCURATELY REFLECT THE SUBDIVISION OFFERING.

4.5 NOTICE OF EVENTS:

- A. NOTWITHSTANDING RULES 4.3 AND 4.4 ABOVE, AND IN ADDITION TO THE NOTICE REQUIREMENTS UNDER RULE 1.6, DEVELOPER MUST PROVIDE THE COMMISSION WITH NOTICE OF THE FOLLOWING EVENTS WITHIN TEN (10) CALENDAR DAYS AFTER SUCH EVENT, UNLESS OTHERWISE PROVIDED BELOW:

1. ANY CHANGE IN THE INFORMATION PROVIDED IN THE REGISTRATION PURSUANT TO SECTIONS § 12-61 403(2) (A) (IV), (VI), (VII) OR (VIII), C.R.S.;
2. ANY CHANGE IN THE TERMS OF ANY NON-DISTURBANCE AGREEMENT(S) OR PARTIAL RELEASE PROVISIONS IN CONNECTION WITH ANY DOCUMENTS PREVIOUSLY SUBMITTED TO THE COMMISSION PURSUANT TO SECTION § 12-61-403(3)(E), C.R.S., AND RULE 2.2 (D);
3. ANY NEW LIEN ENCUMBERING THE SUBDIVISION OR ANY PART THEREOF OTHER THAN ENCUMBRANCES CREATED OR PERMITTED BY PURCHASERS;
4. THE TERMINATION OR TRANSFER OF ANY ESCROW ACCOUNT, LETTER OF CREDIT, BOND, OR OTHER FINANCIAL ASSURANCE APPROVED BY THE COMMISSION PURSUANT TO RULE 2.3; NOTICE OF WHICH MUST BE FILED WITH THE COMMISSION PRIOR TO THE EFFECTIVE DATE OF SUCH TERMINATION OR TRANSFER;
5. CANCELLATION, REVOCATION, SUSPENSION, OR TERMINATION OF THE DEVELOPER'S ACTIVITY OR AUTHORITY TO DO BUSINESS IN THE STATE OF COLORADO; AND
6. ANY LIS PENDENS, LAWSUIT OR OTHER PROCEEDING FILED AGAINST THE SUBDIVISION OR DEVELOPER AFFECTING THE DEVELOPER'S ABILITY: (A) TO CONVEY MARKETABLE TITLE OF THE REGISTERED SUBDIVISION OR ANY INTEREST THEREIN, OR (B) TO PERFORM THE DEVELOPER'S OBLIGATIONS IN CONNECTION WITH THE REGISTERED SUBDIVISION.

- B. NOTIFICATION UNDER THIS RULE MUST BE PROVIDED ON A FORM APPROVED BY THE COMMISSION. THE DEVELOPER WILL HAVE A PERIOD OF TEN (10) CALENDAR DAYS AFTER RECEIPT OF NOTICE TO TAKE SUCH ACTION AS MAY BE REQUIRED BY THE COMMISSION IN CONNECTION WITH ANY FILINGS MADE UNDER THIS RULE.
- C. WITHIN TEN (10) CALENDAR DAYS AFTER RECEIPT OF A WRITTEN REQUEST FROM THE COMMISSION, A DEVELOPER WILL HAVE THE DUTY TO PROVIDE TO THE COMMISSION COPIES OF ALL DOCUMENTS THEN IN USE WITH REGARD TO THE SUBDIVISION.

- 4.6 NO DEVELOPER WILL MAKE MISREPRESENTATIONS REGARDING THE FUTURE AVAILABILITY OR COSTS OF SERVICES, UTILITIES, CHARACTER, OR USE OF REAL PROPERTY FOR SALE OR LEASE OF THE SURROUNDING AREA OF THE SUBDIVISION.
- 4.7 DELIVERY OF DEED:
- A. UNLESS A SALE IS BY MEANS OF AN INSTALLMENT CONTRACT, THE DELIVERY OF A DEED MUST BE MADE WITHIN SIXTY (60) CALENDAR DAYS AFTER CLOSING. FOR THE PURPOSES OF THIS RULE, THE DATE OF CLOSING IS DEFINED AS THE DATE THE PURCHASER HAS EITHER PAID THE FULL CASH PURCHASE PRICE OR HAS MADE PARTIAL CASH PAYMENT AND EXECUTED A PROMISSORY NOTE OR OTHER EVIDENCE OF INDEBTEDNESS FOR THE BALANCE OF THE PURCHASE PRICE. (THIS MUST BE DISCLOSED IN THE CONTRACT.)
 - B. IF A SALE IS BY MEANS OF AN INSTALLMENT CONTRACT, THE DELIVERY OF A DEED MUST BE MADE WITHIN SIXTY (60) CALENDAR DAYS AFTER THE COMPLETION OF PAYMENTS.
- 4.8 WHERE THE SALES CONTRACT CONTEMPLATES THE DELIVERY OF A DEED, AN ABSTRACT OF TITLE OR TITLE INSURANCE POLICY MUST BE DELIVERED WITHIN A REASONABLE TIME AFTER THE COMPLETION OF PAYMENTS BY A PURCHASER. ANY PERIOD OF TIME EXCEEDING SIXTY (60) CALENDAR DAYS WILL BE DEEMED UNREASONABLE FOR THE PURPOSES OF THIS RULE. THE PARTIES MAY CONTRACT TO ELIMINATE THIS REQUIREMENT, BUT ANY SUCH MUTUALLY ACCEPTABLE WAIVER MUST BE IN WRITING AND IN A CONSPICUOUS MANNER OR PRINT. THE PRESENCE OF WAIVER ON THE BACK OF A CONTRACT WILL NOT BE DEEMED CONSPICUOUS FOR THE PURPOSES OF THIS RULE.
- 4.9 DEVELOPER MUST PROVIDE A TITLE INSURANCE COMMITMENT OR OTHER EVIDENCE OF TITLE APPROVED BY THE COMMISSION WITHIN A REASONABLE TIME AFTER EXECUTION OF ANY LEASE, SALES CONTRACT OR OTHER INSTRUMENT PURPORTING TO CONVEY ANY INTEREST IN THE SITE, TRACT, LOT, DIVIDED OR UNDIVIDED INTEREST FROM A SUBDIVISION. ANY PERIOD OF TIME IN EXCESS OF SIXTY (60) CALENDAR DAYS WILL BE DEEMED UNREASONABLE FOR THE PURPOSES OF THIS RULE. THE PARTIES MAY CONTRACT TO ELIMINATE THIS REQUIREMENT, BUT ANY SUCH MUTUALLY ACCEPTABLE WAIVER MUST BE IN WRITING AND IN A CONSPICUOUS MANNER OR PRINT. THE PRESENCE OF WAIVER ON THE BACK OF A CONTRACT WILL NOT BE DEEMED CONSPICUOUS FOR THE PURPOSES OF THIS RULE.
- 4.10 FAILURE TO DISCLOSE TO THE PURCHASER THE AVAILABILITY OF LEGAL ACCESS, SEWAGE DISPOSAL, PUBLIC UTILITIES, INCLUDING WATER, ELECTRICITY, GAS AND TELEPHONE FACILITIES, IN THE SUBDIVISION OFFERED FOR SALE OR LEASE, INCLUDING WHETHER SUCH ARE TO BE A DEVELOPER OR PURCHASER EXPENSE, WHEN PROVEN, IS A VIOLATION OF § 12-61-405(1)(B), C.R.S.
- 4.11 PURSUANT TO § 12-61-405(1)(E), C.R.S., § 12-61-406(2.5)(B), C.R.S., AND § 12-61-406(4), C.R.S., A DEVELOPER MUST MAINTAIN IN A COLORADO PLACE OF BUSINESS, AND PRODUCE FOR INSPECTION UPON REASONABLE REQUEST BY AN AUTHORIZED REPRESENTATIVE OF THE COMMISSION COPIES OF THE FOLLOWING DOCUMENTS AND BUSINESS RECORDS:
- A. THE SALES CONTRACT, TRANSFER OR LEASE AGREEMENT, INSTALLMENT SALE

AGREEMENT, FINANCING AGREEMENT, BUYER AND SELLER SETTLEMENT STATEMENT, TITLE POLICY OR COMMITMENT, TRUST DEED, ESCROW AGREEMENT, AND ANY OTHER DOCUMENTS EXECUTED BY THE PARTIES OR ON BEHALF OF THE DEVELOPER IN THE SALE, LEASE OR TRANSFER OF ANY INTEREST IN A SUBDIVISION.

- B. RECORDS SHOWING THE RECEIPT AND DISBURSEMENT OF ANY MONEY OR ASSETS RECEIVED OR PAID ON BEHALF OF ANY HOMEOWNERS' OR SIMILAR ASSOCIATION MANAGED OR CONTROLLED BY A DEVELOPER.

A hearing on the above subject matter will be held on Tuesday, December 2, 2014, at the Colorado Division of Real Estate, 1560 Broadway, Suite 1250-C, Denver, Colorado 80202 beginning at 9:00 a.m.

Any interested person may participate in the rule making through submission of written data, views and arguments to the Division of Real Estate. Persons are requested to submit data, views and arguments to the Division of Real Estate in writing no less than ten (10) days prior to the hearing date and time set forth above. However, all data, views and arguments submitted prior to or at the rulemaking hearing or prior to the closure of the rulemaking record (if different from the date and time of hearing), shall be considered.

Please be advised that the rule being considered is subject to further changes and modifications after public comment and formal hearing.

Notice of Rulemaking Hearing

Tracking number

2014-01119

Department

700 - Department of Regulatory Agencies

Agency

725 - Division of Real Estate

CCR number

4 CCR 725-6

Rule title

SUBDIVISIONS AND TIMESHARES

Rulemaking Hearing

Date

12/02/2014

Time

09:00 AM

Location

1560 Broadway, Suite 1250-C, Denver, CO

Subjects and issues involved

CHAPTER 2:&RECORDS, REQUIRED INFORMATION

Statutory authority

Part 4 of Title 12, Article 61, Colorado Revised Statutes, as amended

Contact information

Name

Martha Torres-Recinos

Title

Rulemaking Administrator

Telephone

303-894-2359

Email

martha.torres-recinos@state.co.us

**DEPARTMENT OF REGULATORY AGENCIES
DIVISION OF REAL ESTATE
SUBDIVISIONS
4 CCR 725-6**

**NOTICE OF PROPOSED PERMANENT RULEMAKING HEARING
December 2, 2014**

CHAPTER 2: RECORDS, REQUIRED INFORMATION

Pursuant to and in compliance with Title 12, Article 61 and Title 24, Article 4, C.R.S. as amended, notice of proposed rulemaking is hereby given, including notice to the Attorney General of the State of Colorado and to all persons who have requested to be advised of the intention of the Colorado Real Estate Commission (the "Commission") to promulgate rules, or to amend, repeal or repeal and re-enact the present rules of the Commission.

STATEMENT OF BASIS

The statutory basis for the rules titled Rules and Regulations for Subdivision Developers is Part 4 of Title 12, Article 61, Colorado Revised Statutes, as amended.

STATEMENT OF PURPOSE

The purpose of this rule is to effectuate the legislative directive to promulgate necessary and appropriate rules in conformity with the state statutes concerning Subdivisions.

SPECIFIC PURPOSE OF THIS RULEMAKING

The purpose of this rule is to amend or repeal existing rules with respect to the records and information required for subdivisions and to ensure that subdivision developers are familiar with all current regulations.

Proposed New, Amended and Repealed Rules

[Deleted material is shown ~~struck through~~; new material is shown ALL CAPS.] Rules, or portions of rules, which are unaffected are reproduced. Readers are advised to obtain a copy of the complete rules of the Commission at www.dora.state.co.us/real-estate/.

CHAPTER 2: RECORDS, REQUIRED INFORMATION

- 2.1 RECORDS AS REQUIRED BY TITLE 12, ARTICLE 61, C.R.S., AND RULES PROMULGATED BY THE COMMISSION, MAY BE MAINTAINED IN ELECTRONIC FORMAT AS PERMITTED BY TITLE 24, ARTICLE 71.3, C.R.S. SUCH ELECTRONIC RECORDS MUST BE IN A FORMAT THAT HAS THE CONTINUED CAPABILITY TO BE RETRIEVED AND LEGIBLY PRINTED. THE DEVELOPER MUST PRODUCE PRINTED RECORDS UPON REQUEST OF THE COMMISSION, OR BY ANY PRINCIPAL PARTY TO A TRANSACTION.
- 2.2 IN COMPLIANCE WITH § 12-61-403, C.R.S., THE APPLICANT FOR A DEVELOPER CERTIFICATE MUST PROVIDE THE COMMISSION WITH THE FOLLOWING INFORMATION CONCERNING THE SUBDIVISION(S) TO BE REGISTERED:
 - A. THE ADDRESS OR ACTUAL PHYSICAL LOCATION OF EACH SUBDIVISION FROM WHICH SALES ARE INTENDED TO BE MADE.

- B. COPIES OF A RECORDED DEED OR OTHER DOCUMENTS EVIDENCING THE DEVELOPER'S TITLE OR OTHER INTEREST IN THE SUBDIVISION(S) AND A TITLE COMMITMENT, POLICY OR REPORT, ABSTRACT AND OPINION, OR OTHER EVIDENCE ACCEPTABLE TO THE COMMISSION DOCUMENTING THE CONDITION OF SUCH TITLE OR INTEREST.
- C. SAMPLE COPIES OF CONTRACTS OF SALE, NOTES, DEEDS, LEASES AND OTHER LEGAL DOCUMENTS PREPARED BY THE DEVELOPER OR AN ATTORNEY REPRESENTING THE DEVELOPER WHICH ARE TO BE USED TO EFFECTUATE THE SALE OR LEASE OF THE SUBDIVISION OR ANY PART THEREOF. THE COMMISSION MAY DISAPPROVE THE FORM OF THE DOCUMENTS SUBMITTED AND MAY DENY AN APPLICATION FOR REGISTRATION UNTIL SUCH TIME AS THE APPLICANT SUBMITS SUCH DOCUMENTS IN FORMS THAT ARE SATISFACTORY TO THE COMMISSION.
- D. IN COMPLIANCE WITH § 12-61-403(3) (E), C.R.S., A DEVELOPER REGISTERING A SUBDIVISION THAT INCORPORATES TIME SHARE USE AND IS SUBJECT TO ONE OR MORE BLANKET ENCUMBRANCES MUST SUBMIT TO THE COMMISSION A "NONDISTURBANCE AGREEMENT" BY WHICH THE HOLDER OF EACH BLANKET ENCUMBRANCE AGAINST THE SUBDIVISION AGREES THAT ITS RIGHTS IN THE SUBDIVISION WILL BE SUBORDINATE TO THE RIGHTS OF THE TIME SHARE USE PURCHASERS. FROM AND AFTER THE RECORDING OF A NONDISTURBANCE AGREEMENT, THE HOLDER OF THE BLANKET ENCUMBRANCE EXECUTING THE SAME, SUCH HOLDER'S SUCCESSORS AND ASSIGNS, AND ANY PERSON WHO ACQUIRES ALL OR PART OF THE SUBDIVISION THROUGH THE SUBJECT BLANKET ENCUMBRANCE, WILL TAKE THE PROPERTY SUBJECT TO THE RIGHTS OF THE TIME SHARE USE PURCHASERS. EVERY NONDISTURBANCE AGREEMENT MUST CONTAIN THE COVENANT OF THE HOLDER OF THE BLANKET ENCUMBRANCE THAT SUCH PERSON OR ANY OTHER PERSON ACQUIRING ALL OR PART OF THE SUBDIVISION THROUGH SUCH BLANKET ENCUMBRANCE WILL NOT USE OR CAUSE THE SUBDIVISION TO BE USED IN A MANNER WHICH WOULD PREVENT THE TIME SHARE USE PURCHASERS FROM USING AND OCCUPYING THE SUBDIVISION IN A MANNER CONTEMPLATED BY THE TIME SHARE USE PLAN. ANY OTHER "TRUST" OR "ESCROW" ARRANGEMENT WHICH FULLY PROTECTS THE TIME SHARE USE PURCHASERS' INTEREST IN THE SUBDIVISION AS CONTEMPLATED BY § 12-61-403(3) (E), C.R.S., MAY BE APPROVED BY THE COMMISSION.
- E. IF THE DEVELOPER IS OTHER THAN A NATURAL PERSON, PROOF OF FORMATION AND REGISTRATION IN ACCORDANCE WITH STATE AND LOCAL REQUIREMENTS MUST ACCOMPANY THE APPLICATION.
- F. COPIES OF THE RECORDED DECLARATION, COVENANTS, FILED ARTICLES OF INCORPORATION/ORGANIZATION AND BYLAWS/OPERATING AGREEMENT OF ANY HOMEOWNERS' ASSOCIATION.

2.3 PURSUANT TO § 12-61-402(2), C.R.S., WHERE A DEVELOPER RECEIVES CASH OR RECEIVABLES FROM A PURCHASER FOR AN UNCOMPLETED SUBDIVISION, THE COMMISSION WILL REGISTER SUCH DEVELOPER ONLY AFTER:

- A. THE DEVELOPER DEPOSITS IN AN ESCROW ACCOUNT, WITH AN INDEPENDENT ESCROW AGENT, ALL FUNDS AND RECEIVABLES RECEIVED FROM PURCHASERS, OR
- B. THE DEVELOPER OBTAINS A LETTER OF CREDIT OR BOND PAYABLE TO AN INDEPENDENT ESCROW AGENT OR ESTABLISHES ANY OTHER FINANCIAL ARRANGEMENT ACCEPTABLE TO THE COMMISSION, THE PURPOSE OF WHICH IS TO ENSURE COMPLETION OF SUBDIVISION ACCOMMODATIONS AND FACILITIES AND TO PROTECT THE PURCHASER'S INTEREST IN THE SUBDIVISION ACCOMMODATIONS AND FACILITIES.

- 2.4 A DEVELOPER MUST FURNISH TO THE COMMISSION SUCH ADDITIONAL INFORMATION AS THE COMMISSION DEEMS NECESSARY BOTH DURING THE APPLICATION PROCESS AND DURING THE ACTIVE REGISTRATION PERIOD OF THE SUBDIVISION FOR THE ENFORCEMENT OF § 12-61-401, *ET SEQ.*, C.R.S.
- 2.5 DEVELOPER MUST MAINTAIN ALL BUSINESS RECORDS RELATED TO THE SUBDIVISION DEVELOPMENT IN A SAFE AND SECURE MANNER FOR A PERIOD OF AT LEAST SEVEN (7) YEARS.
- 2.6 RENEWAL OF THE REGISTRATION AND CERTIFICATION AS A DEVELOPER CAN BE EXECUTED ONLY ON THE RENEWAL APPLICATION PROVIDED BY THE COMMISSION, AND MUST BE DELIVERED TO THE COMMISSION, ACCOMPANIED BY THE PROPER FEES, ON OR BEFORE DECEMBER 31ST OF EACH YEAR.
- 2.7 PURSUANT TO § 12-61-406(2.5) (A), C.R.S., AND § 12-61-406(3), C.R.S., DEVELOPER MUST SUPPLY THE FOLLOWING INFORMATION TO THE COMMISSION IN ADDITION TO THE REQUIREMENTS OF §12-61-403, C.R.S., AND § 12-61-404(4), C.R.S., AND PRIOR TO CONTRACTING WITH THE PUBLIC MUST DISCLOSE TO PROSPECTIVE PURCHASERS IN THE SALES CONTRACT OR IN A SEPARATE WRITTEN DISCLOSURE DOCUMENT, THE FOLLOWING:
- A. THE NAME AND ADDRESS OF THE DEVELOPER AND OF THE SUBDIVISION LOTS OR UNITS.
 - B. AN EXPLANATION OF THE TYPE OF OWNERSHIP OR OCCUPANCY RIGHTS BEING OFFERED.
 - C. A GENERAL DESCRIPTION OF ALL FACILITIES, AMENITIES AND ACCOMMODATIONS, TOGETHER WITH PROVISIONS FOR AND THE AVAILABILITY OF LEGAL ACCESS, ROADS, SEWAGE DISPOSAL, PUBLIC UTILITIES (INCLUDING WATER, ELECTRICITY, GAS, INTERNET AND TELEPHONE) AND OTHER PROMISED FACILITIES IN THE SUBDIVISION. THE DISCLOSURE MUST IDENTIFY AND DESCRIBE THE SPECIFIC AMENITIES PROMISED, THE OWNERSHIP OF SUCH AMENITIES, THE PROJECTED COMPLETION DATE OF ANY AMENITIES NOT COMPLETED, A STATEMENT SETTING FORTH THE TYPE OF FINANCIAL ARRANGEMENTS ESTABLISHED IN COMPLIANCE WITH RULE 2.3, AND THE ALLOCATION OF THE AMENITY EXPENSE AMONG THE DEVELOPER, THE PURCHASER AND ANY THIRD PARTY.
 - D. IN COMPLIANCE WITH § 12-61-405(1)(I), C.R.S., A STATEMENT IN BOLD PRINT IMMEDIATELY PRIOR TO THE PURCHASER'S SIGNATURE LINE ON THE SALES CONTRACT DISCLOSING THE RESCISSION RIGHT AVAILABLE TO PURCHASERS AND THAT THE RESCISSION RIGHT CANNOT BE WAIVED; THE MINIMUM ALLOWABLE RESCISSION PERIOD IN COLORADO IS FIVE (5) CALENDAR DAYS AFTER EXECUTION OF THE SALES CONTRACT.
 - E. A GENERAL DESCRIPTION OF ALL JUDGMENTS AND ADMINISTRATIVE ORDERS ISSUED AGAINST THE SELLER, DEVELOPER, HOMEOWNERS' ASSOCIATION OR MANAGING ENTITY WHICH ARE MATERIAL TO THE SUBDIVISION DEVELOPMENT AND OPERATIONAL PLAN.
 - F. ANY TAXES OR ASSESSMENTS, EXISTING OR PROPOSED, TO WHICH THE PURCHASER MAY BE SUBJECT TO OR WHICH ARE UNPAID AT THE TIME OF CONTRACTING, INCLUDING OBLIGATIONS TO SPECIAL TAXING AUTHORITIES OR DISTRICTS.
 - G. A STATEMENT THAT SALES MUST BE MADE BY BROKERS LICENSED BY THE STATE OF COLORADO UNLESS SPECIFICALLY EXEMPTED PURSUANT TO § 12-61-101(2)

(B), C.R.S.; THE SALES CONTRACT MUST DISCLOSE THE NAME OF THE REAL ESTATE BROKERAGE FIRM AND THE NAME OF THE BROKER ESTABLISHING A BROKERAGE RELATIONSHIP WITH THE DEVELOPER.

- H. WHEN A SEPARATE DOCUMENT IS USED TO MAKE ANY OF THE DISCLOSURES REQUIRED IN RULE 2.7 HEREIN, THIS STATEMENT MUST APPEAR IN BOLD PRINT ON THE FIRST PAGE OF THE DOCUMENT AND PRECEDING THE DISCLOSURE: **"THE STATE OF COLORADO HAS NOT PREPARED OR ISSUED THIS DOCUMENT NOR HAS IT PASSED ON THE MERITS OF THE SUBDIVISION DESCRIBED HEREIN."**
- I. A STATEMENT THAT ALL FUNDS PAID BY THE PURCHASER PRIOR TO DELIVERY OF THE LEASE, DEED OR OTHER INSTRUMENT PURPORTING TO CONVEY ANY INTEREST IN THE SITE, TRACT, LOT, DIVIDED OR UNDIVIDED INTEREST FROM A SUBDIVISION WILL BE HELD IN TRUST BY THE LICENSED REAL ESTATE BROKER NAMED IN THE CONTRACT OR A CLEAR STATEMENT SPECIFICALLY SETTING FORTH WHO SUCH FUNDS WILL BE DELIVERED TO, WHEN SUCH DELIVERY WILL OCCUR, THE USE OF SAID FUNDS, AND WHETHER OR NOT THERE IS ANY RESTRICTION ON THE USE OF SUCH FUNDS. (THIS MUST BE DISCLOSED IN THE CONTRACT.)
- J. WHERE A DEED IS ISSUED, A STATEMENT THAT, IMMEDIATELY FOLLOWING THE DATE OF CLOSING, THE PURCHASER'S DEED WILL BE DELIVERED TO THE APPROPRIATE COUNTY CLERK AND RECORDER'S OFFICE FOR RECORDING, OR A CLEAR STATEMENT SPECIFICALLY SETTING FORTH WHEN SUCH DELIVERY AND RECORDING OF THE DEED WILL OCCUR; FOR THE PURPOSES OF THIS RULE, THE DATE OF CLOSING IS DEFINED AS THE DATE THE PURCHASER HAS EITHER PAID THE FULL CASH PURCHASE PRICE OR HAS MADE PARTIAL CASH PAYMENT AND EXECUTED A PROMISSORY NOTE OR OTHER EVIDENCE OF INDEBTEDNESS FOR THE BALANCE OF THE PURCHASE PRICE. (SEE RULE 4.7) (THIS MUST BE DISCLOSED IN THE CONTRACT.)
- K. A STATEMENT THAT A TITLE INSURANCE POLICY WILL BE DELIVERED AT NO EXPENSE TO THE PURCHASER WITHIN SIXTY (60) CALENDAR DAYS FOLLOWING RECORDING OF THE DEED OR THE CLOSING, WHICHEVER IS EARLIER, UNLESS SPECIFICALLY AGREED TO THE CONTRARY BY THE PARTIES IN THE CONTRACTING INSTRUMENT. (SEE RULE 4.8) (THIS MUST BE DISCLOSED IN THE CONTRACT.)
- L. A CONTRACT WHICH REQUIRES THE EXECUTION OF A PROMISSORY NOTE OR OTHER EVIDENCE OF INDEBTEDNESS THAT ACCRUES INTEREST OR REQUIRES PAYMENTS PRIOR TO THE RECORDING OF A DEED, WILL BE DEEMED TO BE AN INSTALLMENT CONTRACT PURSUANT TO § 12-61-403(3) (G), C.R.S. WHERE AN INSTALLMENT CONTRACT IS USED:
 - 1. WHETHER OR NOT THE PURCHASER'S DEED IS ESCROWED WITH AN INDEPENDENT ESCROW AGENT AND IF SO, THE NAME AND ADDRESS OF THE ESCROW AGENT. (THIS MUST BE DISCLOSED IN THE CONTRACT.);
 - 2. THE AMOUNT OF ANY EXISTING ENCUMBRANCE(S), THE NAME AND ADDRESS OF THE ENCUMBRANCER, AND THE CONDITIONS, IF ANY, UNDER WHICH A PURCHASER MAY CURE A DEFAULT CAUSED BY NON-PAYMENT;
 - 3. A CLEAR STATEMENT THAT A DEFAULT ON ANY UNDERLYING ENCUMBRANCE(S) COULD RESULT IN THE LOSS OF THE PURCHASER'S ENTIRE INTEREST IN THE PROPERTY;
 - 4. A CLEAR STATEMENT ADVISING THE PURCHASER TO RECORD THE INSTALLMENT CONTRACT; AND
 - 5. PURSUANT TO § 12-61-403(3)(E), C.R.S., AN AGREEMENT BY WHICH THE HOLDER OF ANY BLANKET ENCUMBRANCE AGAINST THE SUBDIVISION AGREES THAT ITS RIGHTS AND THE RIGHTS OF ITS SUCCESSORS OR ASSIGNS IN THE SUBDIVISION WILL BE SUBORDINATE TO THE RIGHTS OF

PURCHASERS, OR ANY OTHER "TRUST", "ESCROW" OR RELEASE ARRANGEMENT WHICH FULLY PROTECTS THE PURCHASERS' INTEREST IN THE SUBDIVISION.

- M. IF THE SUBDIVISION HAS A HOMEOWNERS' OR SIMILAR ASSOCIATION:
1. WHETHER MEMBERSHIP IN SUCH ASSOCIATION IS MANDATORY;
 2. AN ESTIMATE OF ASSOCIATION DUES AND FEES WHICH ARE THE RESPONSIBILITY OF THE PURCHASER AND THE DEVELOPER, RESPECTIVELY;
 3. A DESCRIPTION OF THE SERVICES AND AMENITIES PROVIDED BY THE ASSOCIATION;
 4. WHETHER THE DEVELOPER HAS VOTING CONTROL OF THE ASSOCIATION AND THE MANNER IN WHICH SUCH CONTROL CAN OR WILL BE TRANSFERRED; AND
 5. WHETHER THE DEVELOPER HAS ANY FINANCIAL INTEREST IN OR WILL POTENTIALLY DERIVE ANY INCOME OR PROFIT FROM SUCH ASSOCIATION, INCLUDING THE DEVELOPER'S RIGHT TO BORROW OR AUTHORIZE BORROWING FROM THE ASSOCIATION.
- N. IN ADDITION TO THE DISCLOSURES IN (A) THROUGH (M) ABOVE, IF TIME SHARE SALES ARE TO BE MADE FROM A SUBDIVISION:
1. A DESCRIPTION OF THE TIME SHARE UNITS INCLUDING THE NUMBER OF TIME SHARE UNITS, THE LENGTH, TYPE AND NUMBER OF TIME SHARE INTERESTS IN EACH UNIT, AND THE TIME SHARE PERIODS CONSTITUTING THE TIME SHARE PLAN;
 2. THE NAME AND BUSINESS ADDRESS OF THE MANAGING ENTITY APPOINTED BY THE DEVELOPER OR HOMEOWNERS' ASSOCIATION, A DESCRIPTION OF THE SERVICES THAT THE MANAGING ENTITY WILL PROVIDE, A STATEMENT AS TO WHETHER THE DEVELOPER HAS ANY FINANCIAL INTEREST IN OR WILL POTENTIALLY DERIVE ANY INCOME OR PROFIT FROM SUCH MANAGING ENTITY, AND THE MANNER, IF ANY, BY WHICH THE PURCHASER OR DEVELOPER MAY CHANGE THE MANAGING ENTITY OR TRANSFER THE CONTROL OF THE MANAGING ENTITY;
 3. AN ESTIMATE OF THE DUES, MAINTENANCE FEES, REAL PROPERTY TAXES AND SIMILAR PERIODIC EXPENSES WHICH ARE THE RESPONSIBILITY OF THE PURCHASER AND THE DEVELOPER, RESPECTIVELY, AND A GENERAL STATEMENT OF THE CONDITIONS UNDER WHICH FUTURE CHARGES, CHANGES OR ADDITIONS MAY BE IMPOSED. SUCH ESTIMATE MUST INCLUDE A STATEMENT AS TO WHETHER A MAINTENANCE RESERVE FUND HAS BEEN OR WILL BE ESTABLISHED; THE MANNER IN WHICH SUCH RESERVE FUND IS FINANCED; AN ACCOUNTING OF ANY OUTSTANDING OBLIGATIONS EITHER IN FAVOR OF OR AGAINST THE FUND; THE DEVELOPER'S RIGHT TO BORROW OR AUTHORIZE BORROWING FROM THE FUND; AND THE METHOD OF PERIODIC ACCOUNTING WHICH WILL BE PROVIDED TO THE PURCHASER;
 4. A DESCRIPTION OF ANY INSURANCE COVERAGE(S) PROVIDED FOR THE BENEFIT OF PURCHASERS; AND
 5. THAT MECHANIC'S LIENS LAW MAY AUTHORIZE ENFORCEMENT OF THE LIEN BY SELLING THE ENTIRE TIME SHARE UNIT.
- O. IN ADDITION TO THE DISCLOSURES IN (A) THROUGH (N) ABOVE, IF TIME SHARE SALES ARE TO BE MADE FROM A SUBDIVISION:
1. THE SPECIFIC TERM OF THE CONTRACT TO USE AND WHAT WILL HAPPEN TO A PURCHASER'S INTEREST UPON TERMINATION OF SAID CONTRACT;
 2. A STATEMENT AS TO THE EFFECT A VOLUNTARY SALE, BY THE DEVELOPER TO A THIRD PARTY, WILL HAVE ON THE CONTRACTUAL RIGHTS OF TIME

SHARE OWNERS;

3. A STATEMENT THAT AN INVOLUNTARY TRANSFER BY BANKRUPTCY OF THE DEVELOPER MAY HAVE A NEGATIVE EFFECT ON THE RIGHTS OF THE TIME SHARE OWNERS; AND
 4. A STATEMENT THAT A FEDERAL OR STATE TAX LIEN COULD BE ENFORCED AGAINST THE DEVELOPER BY COMPELLING THE SALE OF THE ENTIRE SUBDIVISION.
- P. IF TIME SHARES ARE TO BE SOLD FROM A SUBDIVISION WHICH: (1) CONTAINS TWO OR MORE COMPONENT SITES SITUATED AT DIFFERENT GEOGRAPHIC LOCATIONS OR GOVERNED BY SEPARATE SETS OF DECLARATIONS, BY-LAWS OR EQUIVALENT DOCUMENTS; AND (2) DOES NOT INCLUDE A GUARANTEED, RECURRING RIGHT OF USE OR OCCUPANCY AT A SINGLE COMPONENT SITE:
1. FOR EACH COMPONENT SITE, THE INFORMATION AND DISCLOSURES REQUIRED BY RULE 2.7 (A) THROUGH (O);
 2. A GENERAL DESCRIPTION OF THE SUBDIVISION;
 3. FOR EACH TERM OF USAGE OR INTEREST OFFERED FOR SALE, THE TOTAL ANNUAL NUMBER OF AVAILABLE DAILY USE PERIODS WITHIN THE ENTIRE SUBDIVISION AND WITHIN EACH COMPONENT SITE FOR THAT TERM, REGARDLESS OF WHETHER SUCH USE PERIODS ARE OFFERED TO A PURCHASER BY DAYS, WEEKS, POINTS OR OTHERWISE, AND A CALCULATION REPRESENTED ON A CHART OR GRID SHOWING EACH COMPONENT SITE'S ANNUAL DAILY USE PERIODS AS A PERCENTAGE OF THE ENTIRE SUBDIVISION'S ANNUAL DAILY USE PERIODS;
 4. A CLEAR DESCRIPTION IN THE SALES CONTRACT OF THE INTEREST AND TERM OF USAGE BEING PURCHASED AND A DEFINITE DATE OF TERMINATION OF THE PURCHASER'S INTEREST IN THE SUBDIVISION, WHICH DATE WILL BE NOT LATER THAN THE TERMINATION DATE OF THE SUBDIVISION'S INTEREST IN A SPECIFICALLY IDENTIFIED COMPONENT SITE;
 5. A CLEAR DISCLOSURE AND DESCRIPTION OF ANY COMPONENT SITE WHICH IS NOT LEGALLY GUARANTEED TO BE AVAILABLE FOR THE PURCHASER'S USE FOR THE FULL TERM OF THE PURCHASER'S USAGE INTEREST;
 6. THE SYSTEM AND METHOD IN PLACE TO ASSURE MAINTENANCE OF NO MORE THAN A ONE-TO-ONE RATIO OF PURCHASERS' USE RIGHTS TO THE NUMBER OF TOTAL USE RIGHTS IN THE SUBDIVISION FOR EACH TERM OF USAGE BEING OFFERED FOR SALE, INCLUDING PROVISIONS FOR COMPENSATION TO PURCHASERS RESULTING FROM DESTRUCTION OF A COMPONENT SITE OR LOSS OF USE RIGHTS TO ANY COMPONENT SITE;
 7. WHETHER THE DEVELOPER MAINTAINS ANY TYPE OF CASUALTY INSURANCE FOR THE COMPONENT SITES IN ADDITION TO THAT MAINTAINED BY THE SITE'S HOMEOWNERS' ASSOCIATION OR OTHER INTERESTED PARTIES, INCLUDING THE MANNER OF DISPOSITION OF ANY PROCEEDS OF SUCH INSURANCE RESULTING FROM THE DESTRUCTION OR LOSS OF USE RIGHTS TO ANY COMPONENT SITE;
 8. A DESCRIPTION OF THE SYSTEM OR PROGRAM BY WHICH A PURCHASER OBTAINS A RECURRING RIGHT TO USE AND OCCUPY ACCOMMODATIONS AND FACILITIES IN ANY COMPONENT SITE THROUGH USE OF A RESERVATION SYSTEM OR OTHERWISE, INCLUDING ANY RESTRICTIONS ON SUCH RIGHTS OR ANY METHOD BY WHICH A PURCHASER IS DENIED AN EQUAL RIGHT WITH ALL OTHER USERS TO OBTAIN THE USE OF ANY ACCOMMODATION IN THE SUBDIVISION;
 9. A DESCRIPTION OF THE MANAGEMENT AND OWNERSHIP OF SUCH RESERVATION SYSTEM OR PROGRAM, WHETHER THROUGH THE DEVELOPER, A HOMEOWNERS' ASSOCIATION, A CLUB OR OTHERWISE,

- INCLUDING THE PURCHASER'S DIRECT OR INDIRECT OWNERSHIP INTEREST OR RIGHTS OF CONTROL IN SUCH RESERVATION SYSTEM;
10. WHETHER THE DEVELOPER, CLUB OR ASSOCIATION WHICH CONTROLS THE RESERVATION SYSTEM OR ANY OTHER PERSON HAS OR IS GRANTED ANY INTEREST IN UNSOLD, NON-RESERVED OR UNUSED USE RIGHTS AND WHETHER THE DEVELOPER, CLUB, ASSOCIATION OR OTHER PERSON MAY EMPLOY SUCH RIGHTS TO COMPETE WITH PURCHASERS FOR USE OF ACCOMMODATIONS IN THE SUBDIVISION OR ANY COMPONENT SITE AND, IF SO, THE NATURE AND SPECIFICS OF THOSE RIGHTS, INCLUDING THE CIRCUMSTANCES UNDER WHICH THEY MAY BE EMPLOYED;
 11. THE METHOD AND FREQUENCY OF ACCOUNTING FOR ANY INCOME DERIVED FROM UNSOLD, NON-RESERVED OR UNUSED USE RIGHTS IN WHICH THE PURCHASER, EITHER DIRECTLY OR INDIRECTLY, HAS AN INTEREST;
 12. THE SYSTEM AND METHOD IN PLACE, INCLUDING BUSINESS INTERRUPTION INSURANCE OR BONDING, TO PROVIDE SECURE BACK-UP OR REPLACEMENT OF THE RESERVATION SYSTEM IN THE EVENT OF INTERRUPTION, DISCONTINUANCE OR FAILURE;
 13. THE AMOUNT AND DETAILS OF ANY COMPONENT SITE, RESERVATION SYSTEM OR OTHER PERIODIC EXPENSE REQUIRED TO BE PAID BY A PURCHASER, THE NAME OF THE PERSON OR ENTITY TO WHICH SUCH PAYMENTS WILL BE MADE, AND THE METHOD BY WHICH THE PURCHASER WILL RECEIVE A REGULAR PERIODIC ACCOUNTING FOR SUCH PAYMENTS;
 14. IF COMPONENT SITE EXPENSES ARE INCLUDED IN THOSE PERIODIC PAYMENTS MADE BY A PURCHASER, A STATEMENT FOR EACH COMPONENT SITE FROM THE HOMEOWNERS' ASSOCIATION OR OTHER RESPONSIBLE ENTITY ACKNOWLEDGING THAT PAYMENT OF SUCH EXPENSES AS TAXES, INSURANCE, DUES AND ASSESSMENTS ARE CURRENT AND ARE BEING MADE IN THE NAME OF THE SUBDIVISION;
 15. EVIDENCE THAT AN ESCROW SYSTEM WITH AN INDEPENDENT ESCROW AGENT IS IN PLACE FOR RECEIPT AND DISBURSEMENT OF ALL MONEYS COLLECTED FROM PURCHASERS THAT ARE NECESSARY TO PAY SUCH EXPENSES AS TAXES, INSURANCE AND COMMON EXPENSES AND ASSESSMENTS OWING TO COMPONENT SITE HOMEOWNERS' ASSOCIATIONS OR OTHERS, OR A CLEAR DESCRIPTION OF THE METHOD BY WHICH SUCH FUNDS WILL BE PAID, COLLECTED, HELD, DISBURSED AND ACCOUNTED FOR;
 16. A CLEAR STATEMENT IN THE SALES CONTRACT AS TO WHETHER A PURCHASER'S RIGHTS, INTERESTS OR TERMS OF USAGE FOR ANY COMPONENT SITE WITHIN THE SUBDIVISION CAN SUBSEQUENTLY BE MODIFIED FROM THOSE TERMS ORIGINALLY REPRESENTED AND A DESCRIPTION OF THE METHOD BY WHICH SUCH MODIFICATION MAY OCCUR;
 17. IF THE SUBDIVISION DOCUMENTS ALLOW ADDITIONS OR SUBSTITUTIONS OF ACCOMMODATIONS OR COMPONENT SITES, A CLEAR DESCRIPTION OF THE PURCHASER'S RIGHTS AND OBLIGATIONS CONCERNING SUCH ADDITIONS OR SUBSTITUTIONS AND THE METHOD BY WHICH SUCH ADDITIONS OR SUBSTITUTIONS WILL COMPLY WITH THE PROVISIONS OF THIS RULE; AND
 18. A CLEAR DESCRIPTION OF ANY EXISTING INCIDENTAL BENEFITS OR AMENITIES WHICH ARE AVAILABLE TO THE PURCHASER AT THE TIME OF SALE BUT TO WHICH THE PURCHASER HAS NO GUARANTEED RIGHT OF RECURRING USE OR ENJOYMENT DURING THE PURCHASER'S FULL TERM OF INTEREST IN THE SUBDIVISION.

A hearing on the above subject matter will be held on Tuesday, December 2, 2014, at the Colorado

Division of Real Estate, 1560 Broadway, Suite 1250-C, Denver, Colorado 80202 beginning at 9:00 a.m.

Any interested person may participate in the rule making through submission of written data, views and arguments to the Division of Real Estate. Persons are requested to submit data, views and arguments to the Division of Real Estate in writing no less than ten (10) days prior to the hearing date and time set forth above. However, all data, views and arguments submitted prior to or at the rulemaking hearing or prior to the closure of the rulemaking record (if different from the date and time of hearing), shall be considered.

Please be advised that the rule being considered is subject to further changes and modifications after public comment and formal hearing.

Notice of Rulemaking Hearing

Tracking number

2014-01122

Department

700 - Department of Regulatory Agencies

Agency

725 - Division of Real Estate

CCR number

4 CCR 725-6

Rule title

SUBDIVISIONS AND TIMESHARES

Rulemaking Hearing

Date

12/02/2014

Time

09:00 AM

Location

1560 Broadway, Suite 1250-C, Denver, CO

Subjects and issues involved

CHAPTER 5: DECLARATORY ORDERS PURSUANT TO § 24-4-105(11), C.R.S.

Statutory authority

Part 4 of Title 12, Article 61, Colorado Revised Statutes, as amended

Contact information

Name

Martha Torres-Recinos

Title

Rulemaking Administrator

Telephone

303-894-2359

Email

martha.torres-recinos@state.co.us

**DEPARTMENT OF REGULATORY AGENCIES
DIVISION OF REAL ESTATE
SUBDIVISIONS
4 CCR 725-6**

**NOTICE OF PROPOSED PERMANENT RULEMAKING HEARING
December 2, 2014**

CHAPTER 5: DECLARATORY ORDERS PURSUANT TO § 24-4-105(11), C.R.S.

Pursuant to and in compliance with Title 12, Article 61 and Title 24, Article 4, C.R.S. as amended, notice of proposed rulemaking is hereby given, including notice to the Attorney General of the State of Colorado and to all persons who have requested to be advised of the intention of the Colorado Real Estate Commission (the "Commission") to promulgate rules, or to amend, repeal or repeal and re-enact the present rules of the Commission.

STATEMENT OF BASIS

The statutory basis for the rules titled Rules and Regulations for Subdivision Developers is Part 4 of Title 12, Article 61, Colorado Revised Statutes, as amended.

STATEMENT OF PURPOSE

The purpose of this rule is to effectuate the legislative directive to promulgate necessary and appropriate rules in conformity with the state statutes concerning Subdivisions.

SPECIFIC PURPOSE OF THIS RULEMAKING

The purpose of this rule is to amend or repeal existing rules with respect to declaratory orders concerning subdivisions and to ensure that subdivision developers are familiar with all current regulations.

Proposed New, Amended and Repealed Rules

[Deleted material is shown ~~struck through~~; new material is shown ALL CAPS.] Rules, or portions of rules, which are unaffected are reproduced. Readers are advised to obtain a copy of the complete rules of the Commission at www.dora.state.co.us/real-estate/.

CHAPTER 5: DECLARATORY ORDERS PURSUANT TO § 24-4-105(11), C.R.S.

- 5.1 ANY PERSON MAY PETITION THE COMMISSION FOR A DECLARATORY ORDER TO TERMINATE CONTROVERSIES OR TO REMOVE UNCERTAINTIES AS TO THE APPLICABILITY TO THE PETITIONER OF ANY STATUTORY PROVISIONS OR OF ANY RULE OR ORDER OF THE COMMISSION.
- 5.2 THE COMMISSION WILL DETERMINE, IN ITS DISCRETION AND WITHOUT PRIOR NOTICE TO PETITIONER, WHETHER TO ENTERTAIN ANY SUCH PETITION. IF THE COMMISSION DECIDES THAT IT WILL NOT ENTERTAIN SUCH A PETITION, THE COMMISSION WILL PROMPTLY NOTIFY THE PETITIONER IN WRITING OF ITS DECISION AND THE REASONS FOR THAT DECISION. A COPY OF THE ORDER WILL BE PROVIDED TO THE PETITIONER.
- 5.3 IN DETERMINING WHETHER TO ENTERTAIN A PETITION FILED PURSUANT TO THIS RULE, THE COMMISSION MAY CONSIDER THE FOLLOWING MATTERS, AMONG OTHERS:
 - A. WHETHER A RULING ON THE PETITION WILL TERMINATE A CONTROVERSY OR

REMOVE UNCERTAINTIES AS TO THE APPLICABILITY TO PETITIONER OF ANY STATUTORY PROVISION OR RULE OR ORDER OF THE COMMISSION.

- B. WHETHER THE PETITION INVOLVES ANY SUBJECT, QUESTION OR ISSUE WHICH IS THE SUBJECT OF A FORMAL OR INFORMAL MATTER OR INVESTIGATION CURRENTLY PENDING BEFORE THE COMMISSION OR A COURT INVOLVING ANY PETITIONER.
- C. WHETHER THE PETITION INVOLVES ANY SUBJECT, QUESTION OR ISSUE WHICH IS THE SUBJECT OF A FORMAL OR INFORMAL MATTER OR INVESTIGATION CURRENTLY PENDING BEFORE THE COMMISSION OR A COURT BUT NOT INVOLVING ANY PETITIONER.
- D. WHETHER THE PETITION SEEKS A RULING ON A MOOT OR HYPOTHETICAL QUESTION OR WILL RESULT IN AN ADVISORY RULING OR OPINION.
- E. WHETHER THE PETITIONER HAS SOME OTHER ADEQUATE LEGAL REMEDY, OTHER THAN AN ACTION FOR DECLARATORY RELIEF PURSUANT TO RULE 57, C.R.C.P., WHICH WILL TERMINATE THE CONTROVERSY OR REMOVE ANY UNCERTAINTY AS TO THE APPLICABILITY TO THE PETITIONER OF THE STATUTE, RULE OR ORDER IN QUESTION.

5.4 ANY PETITION FILED PURSUANT TO THIS RULE MUST SET FORTH THE FOLLOWING:

- A. THE NAME AND ADDRESS OF THE PETITIONER AND WHETHER THE PETITIONER HOLDS A LICENSE OR REGISTRATION ISSUED PURSUANT TO SECTION § 12-61-401, *ET SEQ.*, C.R.S. (AS AMENDED).
- B. THE STATUTE, RULE OR ORDER TO WHICH THE PETITION RELATES.
- C. A CONCISE STATEMENT OF ALL OF THE FACTS NECESSARY TO SHOW THE NATURE OF THE CONTROVERSY OR UNCERTAINTY AND THE MANNER IN WHICH THE STATUTE, RULE OR ORDER IN QUESTION APPLIES OR POTENTIALLY APPLIES TO THE PETITIONER.
- D. A CONCISE STATEMENT OF THE LEGAL AUTHORITIES IF ANY, AND SUCH OTHER REASONS UPON WHICH THE PETITIONER RELIES.
- E. A CONCISE STATEMENT OF THE DECLARATORY ORDER SOUGHT BY THE PETITIONER.

5.5 IF THE COMMISSION DETERMINES THAT IT WILL RULE ON THE PETITION, THE FOLLOWING PROCEDURES WILL APPLY:

- A. THE COMMISSION MAY RULE UPON THE PETITION WITHOUT A HEARING. IN SUCH CASE:
 - 1. THE COMMISSION MAY DISPOSE OF THE PETITION ON THE SOLE BASIS OF THE MATTERS SET FORTH IN THE PETITION.
 - 2. THE COMMISSION MAY REQUEST THE PETITIONER TO SUBMIT ADDITIONAL FACTS IN WRITING. IN SUCH EVENT, SUCH ADDITIONAL FACTS WILL BE CONSIDERED AS AN AMENDMENT TO THE PETITION.
 - 3. ANY RULING OF THE COMMISSION WILL APPLY ONLY TO THE EXTENT OF THE FACTS PRESENTED IN THE PETITION AND ANY AMENDMENT TO THE PETITION.
 - 4. THE COMMISSION MAY ORDER THE PETITIONER TO FILE A WRITTEN BRIEF, MEMORANDUM OR STATEMENT OF POSITION

BASED ON THE FACTS SET FORTH IN THE PETITION AND ANY AMENDMENT TO THE PETITION.

5. THE COMMISSION MAY TAKE ADMINISTRATIVE NOTICE OF FACTS PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT, (§ 24-4-105(8), C.R.S., (AS AMENDED)), AND MAY UTILIZE ITS EXPERIENCE, TECHNICAL COMPETENCE AND SPECIALIZED KNOWLEDGE IN THE DISPOSITION OF THE PETITION.
6. IF THE COMMISSION RULES UPON THE PETITION WITHOUT HEARING, IT WILL PROMPTLY NOTIFY THE PETITIONER IN WRITING OF ITS DECISION.

B. THE COMMISSION MAY, IN ITS DISCRETION, SET THE PETITION FOR HEARING, UPON DUE NOTICE TO PETITIONER, FOR THE PURPOSE OF OBTAINING ADDITIONAL FACTS OR INFORMATION OR TO DETERMINE THE TRUTH OF ANY FACTS SET FORTH IN THE PETITION OR TO HEAR ORAL ARGUMENT ON THE PETITION. THE NOTICE TO THE PETITIONER SETTING SUCH HEARING WILL SET FORTH, TO THE EXTENT KNOWN, THE FACTUAL OR OTHER MATTERS INTO WHICH THE COMMISSION INTENDS TO INQUIRE AND WHETHER THE HEARING WILL BE EVIDENTIARY OR NON-EVIDENTIARY IN NATURE. FOR THE PURPOSE OF SUCH A HEARING, TO THE EXTENT NECESSARY, THE PETITIONER WILL HAVE THE BURDEN OF PROVING ALL OF THE FACTS STATED IN THE PETITION, ALL OF THE FACTS NECESSARY TO SHOW THE NATURE OF THE CONTROVERSY OR UNCERTAINTY AND THE MANNER IN WHICH THE STATUTE, RULE OR ORDER IN QUESTION APPLIES OR POTENTIALLY APPLIES TO THE PETITIONER AND ANY OTHER FACTS THE PETITIONER DESIRES THE COMMISSION TO CONSIDER.

5.6 THE PARTIES TO ANY PROCEEDING PURSUANT TO THIS RULE WILL BE THE COMMISSION AND THE PETITIONER. ANY OTHER PERSON MAY SEEK LEAVE OF THE COMMISSION TO INTERVENE IN SUCH A PROCEEDING, AND LEAVE TO INTERVENE WILL BE GRANTED AT THE SOLE DISCRETION OF THE COMMISSION. A PETITION TO INTERVENE MUST SET FORTH THE SAME MATTERS AS REQUIRED BY RULE 5.4. ANY REFERENCE TO A "PETITIONER" IN THIS RULE ALSO REFERS TO ANY PERSON WHO HAS BEEN GRANTED LEAVE TO INTERVENE BY THE COMMISSION.

5.7 ANY DECLARATORY ORDER OR OTHER ORDER DISPOSING OF A PETITION PURSUANT TO THIS RULE WILL CONSTITUTE AGENCY ACTION SUBJECT TO JUDICIAL REVIEW PURSUANT TO § 24-4-106, C.R.S., (AS AMENDED).

A hearing on the above subject matter will be held on Tuesday, December 2, 2014, at the Colorado Division of Real Estate, 1560 Broadway, Suite 1250-C, Denver, Colorado 80202 beginning at 9:00 a.m.

Any interested person may participate in the rule making through submission of written data, views and arguments to the Division of Real Estate. Persons are requested to submit data, views and arguments to the Division of Real Estate in writing no less than ten (10) days prior to the hearing date and time set forth above. However, all data, views and arguments submitted prior to or at the rulemaking hearing or prior to the closure of the rulemaking record (if different from the date and time of hearing), shall be considered.

Please be advised that the rule being considered is subject to further changes and modifications after public comment and formal hearing.

Notice of Rulemaking Hearing

Tracking number

2014-01123

Department

700 - Department of Regulatory Agencies

Agency

725 - Division of Real Estate

CCR number

4 CCR 725-6

Rule title

SUBDIVISIONS AND TIMESHARES

Rulemaking Hearing**Date**

12/02/2014

Time

09:00 AM

Location

1560 Broadway, Suite 1250-C, Denver, CO

Subjects and issues involved

CHAPTER 6:&EXCEPTIONS AND COMMISSION REVIEW OF INITIAL DECISIONS

Statutory authority

Part 4 of Title 12, Article 61, Colorado Revised Statutes, as amended

Contact information**Name**

Martha Torres-Recinos

Title

Rulemaking Administrator

Telephone

303-894-2359

Email

martha.torres-recinos@state.co.us

**DEPARTMENT OF REGULATORY AGENCIES
DIVISION OF REAL ESTATE
SUBDIVISIONS
4 CCR 725-6**

**NOTICE OF PROPOSED PERMANENT RULEMAKING HEARING
December 2, 2014**

CHAPTER 6: EXCEPTIONS AND COMMISSION REVIEW OF INITIAL DECISIONS

Pursuant to and in compliance with Title 12, Article 61 and Title 24, Article 4, C.R.S. as amended, notice of proposed rulemaking is hereby given, including notice to the Attorney General of the State of Colorado and to all persons who have requested to be advised of the intention of the Colorado Real Estate Commission (the "Commission") to promulgate rules, or to amend, repeal or repeal and re-enact the present rules of the Commission.

STATEMENT OF BASIS

The statutory basis for the rules titled Rules and Regulations for Subdivision Developers is Part 4 of Title 12, Article 61, Colorado Revised Statutes, as amended.

STATEMENT OF PURPOSE

The purpose of this rule is to effectuate the legislative directive to promulgate necessary and appropriate rules in conformity with the state statutes concerning Subdivisions.

SPECIFIC PURPOSE OF THIS RULEMAKING

The purpose of this rule is to amend or repeal existing rules with respect to exceptions and Commission review of initial decisions for subdivisions and to ensure that subdivision developers are familiar with all current regulations.

Proposed New, Amended and Repealed Rules

[Deleted material is shown ~~struck through~~; new material is shown ALL CAPS.] Rules, or portions of rules, which are unaffected are reproduced. Readers are advised to obtain a copy of the complete rules of the Commission at www.dora.state.co.us/real-estate/.

CHAPTER 6: EXCEPTIONS AND COMMISSION REVIEW OF INITIAL DECISIONS

6.1 WRITTEN FORM, SERVICE, AND FILING REQUIREMENTS:

- A. ALL DESIGNATIONS OF RECORD, REQUESTS, EXCEPTIONS AND RESPONSIVE PLEADINGS ("PLEADINGS") MUST BE IN WRITTEN FORM, MAILED WITH A CERTIFICATE OF MAILING TO THE COMMISSION.
- B. ALL PLEADINGS MUST BE RECEIVED BY THE COMMISSION BY 5:00 P.M. (MST), ON THE DATE THE FILING IS DUE. PLEADINGS ARE CONSIDERED FILED UPON RECEIPT BY THE COMMISSION. THESE RULES DO NOT PROVIDE FOR ANY ADDITIONAL TIME FOR SERVICE BY MAIL.
- C. ALL PLEADINGS MUST BE SERVED ON THE OPPOSING PARTY BY MAIL OR BY HAND DELIVERY ON THE DATE WHICH THE PLEADINGS ARE FILED WITH THE COMMISSION.
- D. ALL PLEADINGS MUST BE FILED WITH THE COMMISSION AND NOT WITH THE OFFICE OF ADMINISTRATIVE COURTS. ANY DESIGNATIONS OF RECORD, REQUESTS, EXCEPTIONS OR RESPONSIVE PLEADINGS FILED IN ERROR WITH THE OFFICE OF

ADMINISTRATIVE COURTS WILL NOT BE CONSIDERED. THE COMMISSION'S ADDRESS IS:

COLORADO REAL ESTATE COMMISSION
1560 BROADWAY, SUITE 925
DENVER, COLORADO 80202

6.2 AUTHORITY TO REVIEW:

A. THE COMMISSION HEREBY PRESERVES THE COMMISSION'S OPTION TO INITIATE A REVIEW OF AN INITIAL DECISION ON ITS OWN MOTION PURSUANT TO § 24-4-105(14) (A) (II) AND (B) (III), C.R.S., OUTSIDE OF THE THIRTY (30) DAY PERIOD AFTER SERVICE OF THE INITIAL DECISION UPON THE PARTIES WITHOUT REQUIRING A VOTE FOR EACH CASE.

B. THIS OPTION TO REVIEW WILL APPLY REGARDLESS OF WHETHER A PARTY FILES EXCEPTIONS TO THE INITIAL DECISION.

6.3 DESIGNATION OF RECORD AND TRANSCRIPTS:

- A. ANY PARTY SEEKING TO REVERSE OR MODIFY THE INITIAL DECISION OF THE ADMINISTRATIVE LAW JUDGE MUST FILE WITH THE COMMISSION A DESIGNATION OF THE RELEVANT PARTS OF THE RECORD FOR REVIEW ("DESIGNATION OF RECORD"). DESIGNATIONS OF RECORD MUST BE FILED WITH THE COMMISSION WITHIN TWENTY (20) DAYS OF THE DATE ON WHICH THE COMMISSION MAILES THE INITIAL DECISION TO THE PARTIES' ADDRESS OF RECORD WITH THE COMMISSION.
- B. WITHIN TEN (10) DAYS AFTER A PARTY'S DESIGNATION OF RECORD IS DUE, ANY OTHER PARTY MAY FILE A SUPPLEMENTAL DESIGNATION OF RECORD REQUESTING INCLUSION OF ADDITIONAL PARTS OF THE RECORD.
- C. EVEN IF NO PARTY FILES A DESIGNATION OF RECORD, THE RECORD WILL INCLUDE THE FOLLOWING:
 - 1. ALL PLEADINGS;
 - 2. ALL APPLICATIONS PRESENTED OR CONSIDERED DURING THE HEARING;
 - 3. ALL DOCUMENTARY OR OTHER EXHIBITS ADMITTED INTO EVIDENCE;
 - 4. ALL DOCUMENTARY OR OTHER EXHIBITS PRESENTED OR CONSIDERED DURING THE HEARING;
 - 5. ALL MATTERS OFFICIALLY NOTICED;
 - 6. ANY FINDINGS OF FACT AND CONCLUSIONS OF LAW PROPOSED BY ANY PARTY; AND
 - 7. ANY WRITTEN BRIEF FILED.
- D. TRANSCRIPTS WILL NOT BE DEEMED PART OF A DESIGNATION OF RECORD UNLESS SPECIFICALLY IDENTIFIED AND ORDERED. SHOULD A PARTY WISH TO DESIGNATE A TRANSCRIPT OR PORTION THEREOF, THE FOLLOWING PROCEDURES WILL APPLY:
 - 1. THE DESIGNATION OF RECORD MUST IDENTIFY WITH SPECIFICITY THE TRANSCRIPT OR PORTION THEREOF TO BE TRANSCRIBED. FOR EXAMPLE, A PARTY MAY DESIGNATE THE ENTIRE TRANSCRIPT, OR MAY IDENTIFY ANY WITNESS WHOSE TESTIMONY IS TO BE TRANSCRIBED, THE LEGAL RULING OR ARGUMENT TO BE TRANSCRIBED, OR OTHER INFORMATION NECESSARY TO IDENTIFY A PORTION OF THE TRANSCRIPT.
 - 2. ANY PARTY WHO INCLUDES A TRANSCRIPT OR A PORTION THEREOF AS PART OF THE DESIGNATION OF RECORD MUST ORDER THE TRANSCRIPT OR RELEVANT PORTIONS BY THE DATE ON WHICH THE DESIGNATION OF RECORD MUST BE FILED (WITHIN TWENTY (20) DAYS OF THE DATE ON WHICH THE COMMISSION MAILES THE INITIAL DECISION TO THE PARTIES).
 - 3. WHEN ORDERING THE TRANSCRIPT, THE PARTY MUST REQUEST A COURT

REPORTER OR TRANSCRIBING SERVICE TO PREPARE THE TRANSCRIPT WITHIN THIRTY (30) DAYS. THE PARTY MUST TIMELY PAY THE NECESSARY FEES TO OBTAIN AND FILE WITH THE COMMISSION AN ORIGINAL TRANSCRIPTION AND ONE COPY WITHIN THIRTY (30) DAYS.

4. THE PARTY ORDERING THE TRANSCRIPT WILL DIRECT THE COURT REPORT OR TRANSCRIBING SERVICE TO COMPLETE AND FILE WITH THE COMMISSION THE TRANSCRIPT AND ONE COPY OF THE TRANSCRIPT WITHIN THIRTY (30) DAYS.
5. IF A PARTY DESIGNATES A PORTION OF THE TRANSCRIPT, THE OPPOSING PARTY MAY ALSO FILE A SUPPLEMENTAL DESIGNATION OF RECORD, IN WHICH THE OPPOSING PARTY MAY DESIGNATE ADDITIONAL PORTIONS OF THE TRANSCRIPT.
6. AN OPPOSING PARTY FILING A SUPPLEMENTAL DESIGNATION OF RECORD DESIGNATING ADDITIONAL PORTIONS OF THE TRANSCRIPT MUST ORDER AND PAY FOR SUCH TRANSCRIPTS OR PORTIONS THEREOF WITHIN THE DEADLINES SET FORTH ABOVE. AN OPPOSING PARTY MUST ALSO CAUSE THE COURT REPORTER TO COMPLETE AND FILE WITH THE COMMISSION THE TRANSCRIPT AND ONE COPY OF THE TRANSCRIPT WITHIN THIRTY (30) DAYS.
7. TRANSCRIPTS THAT ARE ORDERED AND NOT FILED WITH THE COMMISSION IN A TIMELY MANNER BY THE REPORTER OR THE TRANSCRIPTION SERVICE DUE TO NON-PAYMENT, INSUFFICIENT PAYMENT OR FAILURE TO DIRECT AS SET FORTH ABOVE WILL NOT BE CONSIDERED BY THE COMMISSION.

6.4 FILING OF EXCEPTIONS AND RESPONSIVE PLEADINGS:

- A. ANY PARTY WISHING TO FILE EXCEPTIONS MUST ADHERE TO THE FOLLOWING TIMELINES:
 1. IF NO TRANSCRIPTS ARE ORDERED, EXCEPTIONS ARE DUE WITHIN THIRTY (30) DAYS FROM THE DATE ON WHICH THE COMMISSION MAILES THE INITIAL DECISION TO THE PARTIES. BOTH PARTIES' EXCEPTIONS ARE DUE ON THE SAME DATE.
 2. IF TRANSCRIPTS ARE ORDERED BY EITHER PARTY, THE FOLLOWING PROCEDURE WILL APPLY. UPON RECEIPT OF ALL TRANSCRIPTS IDENTIFIED IN ALL DESIGNATIONS OF RECORD AND SUPPLEMENTAL DESIGNATIONS OF RECORD, THE COMMISSION WILL MAIL NOTIFICATION TO THE PARTIES STATING THAT THE TRANSCRIPTS HAVE BEEN RECEIVED BY THE COMMISSION. EXCEPTIONS ARE DUE WITHIN THIRTY (30) DAYS FROM THE DATE ON WHICH SUCH NOTIFICATION IS MAILED. BOTH PARTIES' EXCEPTIONS ARE DUE ON THE SAME DATE.
- B. EITHER PARTY MAY FILE A RESPONSIVE PLEADING TO THE OTHER PARTY'S EXCEPTIONS. ALL RESPONSIVE PLEADINGS MUST BE FILED WITHIN TEN (10) DAYS OF THE DATE ON WHICH THE EXCEPTIONS WERE FILED WITH THE COMMISSION. NO OTHER PLEADINGS WILL BE CONSIDERED EXCEPT FOR GOOD CAUSE SHOWN.
- C. THE COMMISSION MAY IN ITS SOLE DISCRETION GRANT AN EXTENSION OF TIME TO FILE EXCEPTIONS OR RESPONSIVE PLEADINGS, OR MAY DELEGATE THE DISCRETION TO GRANT SUCH AN EXTENSION OF TIME TO THE COMMISSION'S DESIGNEE.

6.5 REQUEST FOR ORAL ARGUMENT:

- A. ALL REQUESTS FOR ORAL ARGUMENT MUST BE IN WRITING AND FILED BY THE DEADLINE FOR RESPONSIVE PLEADINGS.
- B. IT IS WITHIN THE SOLE DISCRETION OF THE COMMISSION TO GRANT OR DENY A REQUEST FOR ORAL ARGUMENT. IF ORAL ARGUMENT IS GRANTED, BOTH PARTIES

WILL HAVE THE OPPORTUNITY TO PARTICIPATE.

- C. IF A REQUEST FOR ORAL ARGUMENT IS GRANTED, EACH SIDE WILL BE PERMITTED TEN (10) MINUTES OF ORAL ARGUMENT UNLESS SUCH TIME IS EXTENDED BY THE COMMISSION OR ITS DESIGNEE.

A hearing on the above subject matter will be held on Tuesday, December 2, 2014, at the Colorado Division of Real Estate, 1560 Broadway, Suite 1250-C, Denver, Colorado 80202 beginning at 9:00 a.m.

Any interested person may participate in the rule making through submission of written data, views and arguments to the Division of Real Estate. Persons are requested to submit data, views and arguments to the Division of Real Estate in writing no less than ten (10) days prior to the hearing date and time set forth above. However, all data, views and arguments submitted prior to or at the rulemaking hearing or prior to the closure of the rulemaking record (if different from the date and time of hearing), shall be considered.

Please be advised that the rule being considered is subject to further changes and modifications after public comment and formal hearing.

Notice of Rulemaking Hearing

Tracking number

2014-01151

Department

1000 - Department of Public Health and Environment

Agency

1007 - Hazardous Materials and Waste Management Division

CCR number

6 CCR 1007-1 Part 02

Rule title

RADIATION CONTROL - REGISTRATION OF RADIATION MACHINES, FACILITIES AND SERVICES

Rulemaking Hearing

Date

12/17/2014

Time

10:00 AM

Location

Sabin-Cleere Conference Room, Colorado Department of Public Health and Environment, Bldg. A, 4300 Cherry Creek Drive, South, Denver, CO. 80246

Subjects and issues involved

To consider the promulgation of 6 CCR 1007-1, Colorado Rules and Regulations Pertaining to Radiation Control, Part 2, Registration of Radiation Machines, Facilities, and Services.

Statutory authority

Section 25-1.5-101(1)(k), 25-1.5(1)(l), 25-11-103, 25-11-104, and 25-1-108 C.R.S.

Contact information

Name

James Jarvis

Title

Health Physicist

Telephone

303-692-3454

Email

james.jarvis@state.co.us



COLORADO
Department of Public
Health & Environment

Dedicated to protecting and improving the health and environment of the people of Colorado

To: Members of the State Board of Health

From: James Jarvis, Regulatory Coordinator, Hazardous Materials and Waste Management Division

Through: Gary Baughman, Division Director *GB*

Date: October 1, 2014

Subject: **Request for Rulemaking Hearing**
Proposed Amendments to 6 CCR 1007-1, Radiation Control, Part 2, Registration of Radiation Machines, with a request for the rulemaking hearing to occur in October 2014.

The Department is proposing minor revisions to the following parts of the *Rules and Regulations Pertaining to Radiation Control: Part 2, Registration of Radiation Producing Machines, Facilities, and Services*.

The proposed changes are being initiated to clarify and strengthen the training requirements for Computed Tomography (CT) Operators for specific types of use of CT systems based on a stakeholder comment and BOH discussions during the prior (June 2014) final rulemaking hearing for Part 2. Additionally, as a result of rulemaking outreach and comment during the current stakeholder discussions, the program is proposing to extend the expiration date for the Colorado CT Operator program beyond that approved by the BOH in June 2014. With the proposed change, the Colorado CT Operator program would end July 31, 2017 rather than the current 2015 date. The date extension is primarily based on the needs and request of rural hospital facilities who indicated a need for additional time so that individuals may complete their current training. The proposed extension will also allow the radiation program further time to evaluate the long term options and alternatives to the Colorado CT Operator program to more clearly address the needs of individuals in training and facilities who provide training.

Further details on the proposed changes are listed in a Statement of Basis and Purpose and Specific Statutory Authority for the proposed revised rule, which, along with a Regulatory Analysis and supporting information, is available at:
<http://www.colorado.gov/pacific/cdphe/radregs>

The Radiation Program requests BOH approval for a final rulemaking hearing on December 17, 2014.

cc: Deborah Nelson, Administrator, State Board of Health

**STATEMENT OF BASIS AND PURPOSE
AND SPECIFIC STATUTORY AUTHORITY**
for Amendments to
(6 CCR 1007-1, Radiation Control, Part 2, Registration of Radiation Machines)

Basis and Purpose.

The *Colorado Radiation Control Act* (the Act), Title 25, Article 11, *Colorado Revised Statutes*, Section 25-11-104, requires the State Board of Health (Board) to formulate, adopt and promulgate rules and regulations pertaining to radiation control.

Section 25-11-103 of the Act requires the Colorado Department of Public Health and Environment (Department) to develop and conduct programs for evaluation and control of hazards associated with the use of sources of ionizing radiation, including hazards from radiation producing machines and to register or issue registrations pertaining to use of such devices.

Section 25-11-104 of the Act requires Colorado's radiation regulations to be compatible with the *Suggested State Regulations for Control of Radiation* (SSRCR) of the Conference of Radiation Control Program Directors, Inc., except when the Board concludes, that a substantial deviation from the SSRCR is warranted. The SSRCR Part B (last updated in 2009) - the basis for Part 2 - is written very broadly such that individual states typically use and shape the suggested rule to fit their needs and program structure. Therefore, the proposed amendment to Part 2 is written to follow Colorado's specific business processes rather than the generic requirements of the SSRCR.

This amendment is intended to make focused changes to Part 2, *Registration of Radiation Producing Machines, Facilities, and Services* previously adopted June 18, 2014 (and which became effective August 14, 2014). The proposed changes to Part 2 are being initiated primarily to address concerns about Computed Tomography (CT) Operator use and training by certain individuals. Below is a summary of the proposed changes.

The proposed changes focus on the following specific areas:

- *Based on prior stakeholder comment and BOH concerns, the proposed changes place additional specific CT training requirements such that:*
 - *CT Operators using a CT for general imaging purposes be specifically certified in CT by Colorado, or a nationally recognized registry board;*
 - *CT Operators using a CT associated with hybrid or fusion imaging (procedures involving nuclear medicine), or uses associated with radiation therapy be specifically certified in their applicable nationally registry board (e.g., nuclear medicine or radiation therapy).*
- *The addition of clarifying language to ensure supervision of individuals who are in training to become CT Operators;*
- *The addition of two definitions to support and provide for consistency throughout the regulatory part (and at the suggestion of stakeholders);*
- *An extension of the date when the Program plans discontinue the Colorado CT Operators certification from the current date of July 2015 to July 2017; and*
- *Correction of a form reference error;*

Editorial comments, notes, and information shown in the right side margin of draft proposed rule are for information only to aid the reader, and are not considered part of the regulation.

These will be removed from the final regulation prior to submission to the Colorado Secretary of State's office for publishing in the Colorado register.

Specific Statutory Authority.

These rules are promulgated pursuant to the following statutory provisions: 25-1.5-101(1)(k), 25-1.5(1)(l), 25-11-103, 25-11-104, and 25-1-108, C.R.S.

SUPPLEMENTAL QUESTIONS

Is this rulemaking due to a change in state statute?

_____ Yes, the bill number is _____; rules are ____ authorized ____ required.
__X__ No

Is this rulemaking due to a federal statutory or regulatory change?

_____ Yes
__X__ No

Does this rule incorporate materials by reference?

__X__ Yes
_____ No

Does this rule create or modify fines or fees?

__X**_ Yes
_____ No

** The proposed change in and of itself does not create or modify fees. However, as a result of the elimination of the Colorado Computed Tomography Operators certification program (extended to 2017 under the proposed rule amendment), there will be a slight reduction in fees collected beginning in August 2017. This is expected to have a minimal impact on radiation program revenue since 25 or fewer individuals apply for the Colorado CT certification in a typical year.

REGULATORY ANALYSIS
for Amendments to
(6 CCR 1007-1, Radiation Control, Part 2, Registration of Radiation Machines)

1. **A description of the classes of persons who will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule.**

The classes of persons potentially affected by the proposed rule amendments are facilities using non-certified/registered Computed Tomography (CT) operators for general imaging on living humans. Additionally, persons operating CT imaging systems for use on living humans but who are not certified or registered by Colorado or by a national registry organization and who wish to continue operating such CT machines for general imaging on living humans will be potentially affected. These individuals (without CT certification) and who may now be operating a CT for general imaging purposes (not associated with nuclear medicine or radiation therapy) would no longer be able to perform such imaging activities except under the supervision of another qualified person until they become certified. These individuals would not benefit from the proposed change, as the proposed change would potentially either prohibit, or effectively limit their activities to performing only those CT imaging activities associated with their primary job roles (e.g., nuclear medicine or radiation therapy related CT imaging).

The classes of persons that would potentially benefit from the proposed rule amendments are those who are specifically certified as CT Operators either through a national registry organization or the Colorado CT Operator certification process (while it remains in effect through 2017). Under the proposed rule language, there is no change to what these CT certified individuals may do with respect to operation of a CT machine. Individuals who operate CT machines as part of their job function in the performance of nuclear medicine or radiation therapy related activities would also see no change. Certified CT Operators may benefit from the proposed change by having additional job opportunities.

Qualitatively, medical patients may be positively affected by the proposed changes. The proposed changes help ensure that a CT operator performing general imaging procedures has met certain nationally accepted training and testing criteria. Such certifications may help to assure quality imaging among other things.

There are no specific additional or increased direct monetary costs with the proposed rule change.

2. **To the extent practicable, a description of the probable quantitative and qualitative impact of the proposed rule, economic or otherwise, upon affected classes of persons.**

Quantitative:

As of August 2014, Colorado had approximately 329 facilities registered to use 192 CT machines. Since the Radiation Program does not require registration or licensing of individuals who are certified or registered by national organizations, general data is not available regarding the qualifications of CT Operators in the State. Since 2005, Colorado has registered approximately 230 individuals as Colorado Computed Tomography Operators. This number likely does not represent the current number of

individuals practicing in the field since the Colorado registration program does not have requirements for renewal and has no expiration date.

The quantitative impacts are that operators of CT machines on live humans for general imaging will, after 2017, be required to be registered by a nationally accepted registry organization in Computed Tomography rather than allow for a registration process through the Department. The Computed Tomography operators currently registered with the Department will be allowed to continue acting as CT operators as long as they maintain their registration with the American Registry of Radiologic Technologists (ARRT).

Qualitative:

The net qualitative effect of these changes is that some individuals currently operating CT machines for general imaging and who are not currently CT certified through a national registry organization or through the Colorado CT certification program, would no longer be authorized to perform such activities upon the effective date of the rule. Experienced, but non-certified individuals would need to document their training and experience and as applicable, formulate a training program necessary to obtain a national or Colorado certification.

Additionally, there may be a qualitative positive effect for patients who undergo CT exams for general imaging. Under the proposed changes, general imaging using CT systems will be required to be performed by certified CT operators. Requiring certified CT operators may potentially lead to reduced radiation dose and improved image quality.

3. The probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues.

Over time, there will be a slight reduction in revenue to the X-Ray Certification program as the one-time \$50 registration fee for a Computed Tomography Operator certification application review would no longer be realized after July 31, 2017. For the past 5 year period 2009-2013, the maximum number of individuals applying for Colorado certification in any given year was 24. Based upon this value, the annual maximum revenue that would be lost as a result of terminating this program is approximately \$1,200. Although unknown at this time, the Department could receive a "surge" in applications, and consequently an increase in the amount of application fees received could be realized within the next 2.5 years as a result of the pending (2017) elimination of the program.

4. A comparison of the probable costs and benefits of the proposed rule to the probable costs and benefits of inaction.

The Radiation Program believes that the benefit of requiring higher levels of certification for CT Operators outweighs the cost/eventual loss of fees to the program. The general consensus of stakeholders would appear to support this assessment as most stakeholders were in favor of more rigorous training criteria, while allowing for additional options for those individuals who are in-training.

As requested by stakeholders, the proposed changes will extend the expiration date of the Colorado CT Operator certification program by an additional 2 years, thus benefitting some facilities and individuals who need additional time to complete their CT certification. The proposed changes will also strengthen and clarify the requirements and certifications required for CT imaging as national accreditation organizations, insurance companies, and other quasi-regulatory entities generally encourage or require the use of certified individuals.

Inaction will not provide sufficient direction to the regulated community and will not be responsive to stakeholder comments made during the most recent Part 2 rulemaking hearing. Inaction would allow the status quo of not providing specific requirements for operators and specific uses of CT machines and is likely not in the best interest of public health.

The overall benefit will be to provide clear direction and options for those individuals and facilities that use CT machines for human imaging purposes. While the proposed changes, when effective, may result in limiting some individuals, the current and proposed language provides some alternatives. The majority of stakeholders that provided written and oral comments during the stakeholder process indicated they were in favor of more specific and explicit requirements for CT Operators.

5. A determination of whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule.

There are believed to be no less costly methods or less intrusive methods for achieving the purpose of the proposed rule in the allotted time. The rule changes are necessary to provide the regulated community with sufficiently detailed information and requirements necessary to comply with the requirements.

6. Alternative Rules or Alternatives to Rulemaking Considered and Why Rejected.

Alternative rules are not feasible as the proposed changes to this Part are intended to clarify and strengthen the existing requirements in a way that will be easier to understand by the regulated community. Additionally, concern by stakeholders and the BOH during the June 2014 rulemaking indicated that addressing the CT Operator training requirements sooner than later was a priority.

For future consideration and rulemaking, and as a result of the most recent stakeholder process, the Radiation Program has initiated conceptual discussions of the benefits and feasibility of a provisional CT certification process, that would in some respects replace the Colorado CT certification. Such a program would provide some additional, but limited measures and opportunities for those individuals on the path to national certification. Evaluation of such a program will take additional time and resources and if feasible would only be considered for future rulemaking processes.

7. To the extent practicable, a quantification of the data used in the analysis; the analysis must take into account both short-term and long-term consequences.

The consequences of the proposed changes will be that the facilities that use CT machines and individual operators of such machines will have an improved understanding of the regulatory requirements for operation, which are consistent with some other states and with other nationally accepted regulatory and non-regulatory

drivers and requirements. Based upon the stakeholder comments received, the regulated community, in general, appears to be in support of the proposed language of limiting the scope of work for those operators who are not specifically certified in the specialty of Computed Tomography but wish to perform general imaging using CT machines.

The long-term consequences of the proposed changes will be the extension and elimination (in 2017) of the Colorado CT Operators certification program and a slight reduction in fees received by the program. Elimination of this program will effectively require individuals to become CT certified through a national registry organization. Additional language developed as a result of the stakeholder process will also clarify the requirements for those individuals in training to become CT Operators. For those who are certified in Nuclear Medicine or Radiation Therapy, these individuals will continue to be allowed to perform those imaging procedures associated with their primary job roles in nuclear medicine and radiation therapy, so there is effectively no change or consequences for these types of use by such operators.

The Radiation Advisory Committee (RAC) reviewed the changes to Part 2 prior to the most recent public comment period and during the August, 2014 regular meeting. The RAC did not recommend any specific changes or express concerns over the proposed changes.

STAKEHOLDER COMMENTS
for Amendments to
(6 CCR 1007-1, Radiation Control, Part 2, Registration of Radiation Machines)

The following individuals and/or entities were included in the development of these proposed rules:

Notification of the opportunity to comment on the proposed changes to Part 2 was sent on August 13, 2014 to a total of approximately 3,050 email addresses/entities. Other notifications were sent in hardcopy form via US Mail.

The entities represented:

- Approximately 109 Qualified Inspectors/Qualified Experts;
- Approximately 16 radioactive materials licensees authorized for sources used hybrid/fusion imaging (PET/CT; SPECT/CT);
- All 191 Registered CT facilities (hospitals, medical clinics, imaging centers, etc.);
- Approximately 111 "other stakeholders" (individuals who have signed up to receive notification of any proposed radiation regulation changes) who represent a wide variety of interests, including: x-ray registrants, radioactive materials licensees; private citizens; private companies; professional organizations; and activist groups; and
- Seven professional healing arts related organizations including: Colorado Hospital Association; Colorado Medical Society; Colorado Radiological Society; Colorado Dental Association; Colorado Chiropractic Association; Colorado Veterinary Medical Association; and Rocky Mountain Oncology Society. These entities were also notified via U.S. mail.
- Approximately 2,711 Colorado based radiologic technologist members of the American Society of Radiologic Technologists (ASRT) professional organization.

In addition to the opportunity for written comment, stakeholders were provided with the opportunity to participate in two stakeholder meetings held in early September (prior to the conclusion of the comment period). A total of 11 stakeholders participated in these meetings either in-person or via conference call.

This rulemaking does not include a local government mandate. EO5 does not apply.

The following individuals and/or entities were notified that this rule-making was proposed for consideration by the Board of Health: N/A - the schedule for the request for rule-making is currently posted on the Department website. A formal notice will be sent at the time the final rulemaking is scheduled and approved by the BOH in October.

On or before the date of publication of the notice in the Colorado Register, the Division sent notice to persons and/or groups considered by the division to be interested parties to the proposed rule-making, and those who have requested notification/ information from the division regarding the proposed rule-making? ____ Yes _N/A_ No. The Division provided notice on ____ (date) _____. The proposed rule has not yet been heard by the BOH and therefore the rulemaking hearing date has not yet been approved or finalized by the BOH. Once approved by the BOH, formal notice will be sent to stakeholders.

Summarize Major Factual and Policy Issues Encountered and the Stakeholder Feedback Received. If there is a lack of consensus regarding the proposed rule, please also identify the Department's efforts to address stakeholder feedback or why the Department was unable to accommodate the request.

The major factual/policy issues encountered during the comment period and stakeholder process included:

1. The vast majority of comments received during the stakeholder process indicated that stakeholders were in favor of the proposed changes requiring specific CT Operator certification for performing general imaging.
2. A concern was expressed - primarily by rural hospitals - regarding the discontinuation of the Colorado CT certification program in 2015 under the current rule.

Background information: The Colorado CT certification program provides a mechanism to allow individuals who originally did not or currently do not intend to obtain national certification/registration in CT. At its initial inception in 2005, the Colorado CT certification program was intended to provide a "grandfathering" mechanism for those operators who were experienced in CT operation but were not necessarily seeking national (CT) certification or was for those who were unable to attend a more formal education based CT training program. While some requirements for the current Colorado certification process are similar to and partially based upon those of the national registry organizations, other certification criteria and requirements are not equivalent. The Program has recognized that certain elements are lacking with the current Colorado certification program, including the lack of a written exam as part of the certification process, the lack of ongoing training (e.g., continuing education) requirements, the lack of an expiration date for the certification, and, unlike a national certification, the fact that the Colorado certification may not be recognized outside Colorado.

Hospital/medical center facilities located in rural areas have expressed concern over the difficulty of attracting nationally registered CT Operators to their facilities and believe that the Colorado CT Operator program provides a mechanism for these facilities to train personnel "in-house" to become Colorado CT Operators. Additionally, both the Colorado and other national registry programs require a certain number and varying types of CT procedures be performed before an individual can become certified. Rural facilities have challenges with the number and variety of scans performed at their facilities that are needed to qualify an operator and complete the training requirements.

Proposed resolution: The expiration date of the Colorado CT Certification Program has been extended to July 31, 2017 in the proposed amendment to allow more time for the concerned facilities to train personnel to become CT Operators. Additionally, the program is exploring other long term options to address this concern, including consideration of a "provisional" CT certification. Other options will take time and further evaluation and will be deferred to a future outreach and rulemaking process.

Multiple stakeholders provided comments during the comment period in writing or in person. The significant issues, comments, and responses are summarized below.

The individuals who participated in the stakeholder process represented individual radiologic technologists certified in Computed Tomography, Nuclear Medicine, and Radiation Therapy. Also represented were several medical physicists, and those representing educational programs, rural and regional medical facilities, and the Colorado Hospital Association.

Of the written comments received from 13 individuals:

- The majority (9) were in support of the changes.
- Two (2) of the stakeholders indicated that they were opposed to the proposed changes and believed that sufficient requirements were in place. Another commenter indicated that the proposed changes did not go far enough and that even more limited/focused applications of CT (including those associated with nuclear medicine and radiation therapy) should required full ARRT CT certification.
- Two (2) other commenters appeared to misunderstand the context of the proposed changes, with one believing that the proposed changes would prohibit individuals who were in training to become CT Operators. The proposed changes would not prohibit individuals who are in training.

Similar to the written comments, the majority of individuals present at the stakeholder meetings in person or via phone indicated support for the proposed changes, with the greatest concern expressed being associated with the ability of rural facilities to train, attract, and/or retain properly certified individuals.

COMMENTS ASSOCIATED WITH THOSE IN FAVOR OF THE PROPOSED CHANGES	RESPONSE / RESOLUTION
One commenter in favor of the proposed changes also commented that the Department should investigate other CT systems in use, such as those used/designed for a specific body part (e.g., head only scanners) and the associated training requirements.	As a result of this and other comments/discussion during the stakeholder meetings, the language was modified slightly to refer to CTs used for “general imaging” rather than use of the term “diagnostic imaging”. The Department believes such specialized machines fall into the category of other general use CT machines which require CT specific certification.
One commenter in favor of the proposed change also commented that their experience was that individuals who had received on the job (OJT) training but had not become certified/passed a certification exam were less familiar with CT slice anatomy, CT physics, and proper dose adjustments.	The Department recognizes that less formal training programs may result in some training gaps compared with more structured programs. However, national registries or certifications can help to even this out, since many individuals successfully complete OJT training and ultimately pass the national registry. No change was made to the rule as a result of the comment.
One commenter in favor of the proposed change which would limit Nuclear Medicine (NM) certified individuals to performing only CT associated with NM also commented to that CT certified individuals should similarly not be allowed to perform nuclear medicine or radiation therapy procedures.	The Radiation Program believes that training requirements are adequately addressed in other regulatory Parts for NM’s and Radiation Therapists. Colorado Parts 7, and 2 provide the specific training and experience requirements for individuals performing nuclear medicine and radiation therapy procedures, respectively. No change was made to the rule as a result of the comment.

Two commenters expressed concern that the proposed changes may prohibit on-the-job (OJT) training since hands-on performance of CT procedures is needed to learn and complete the necessary training requirements to achieve certification.	<p>The Radiation Program believes that the language originally proposed in the rule would not prohibit OJT. The rule has however been, in some instances, silent with regard to training status versus those actively practicing in the field.</p> <p>As a result of this and other comments and discussion during the stakeholder process, clarifying language was added to the proposed rule to address individuals who are in training. The radiation program believes that this will make it sufficiently clear that trainees may perform procedures while under direct supervision of an individual who meets the CT training requirements specified (e.g., is CT certified) so that they may learn and practice. The added language may also negate the need for any future provisional CT operator program (discussed earlier).</p>
One commenter in favor of the proposed change also commented that Colorado's training criteria should match the current and pending requirements of the ARRT.	<p>Changing the training criteria mid-stream may result in some individuals now in the process of becoming trained, to alter their training programs.</p> <p>No change was made to the rule as a result of the comment.</p>
COMMENTS ASSOCIATED WITH THOSE OPPOSED TO THE PROPOSED CHANGES	RESPONSE / RESOLUTION
One commenter opposed to the proposed change also commented that the reduction in radiation exposure is achieved at the protocol level and via use of improved software (rather than by CT certified individuals)	<p>While it is realized that the control of the radiation exposure is most directly controlled by the CT software system, physical mechanisms should be in place to ensure the system is not tampered with or adjusted unless otherwise directed by a physician. The Department believes this is best addressed through proper training and certification.</p> <p>No change was made to the rule as a result of the comment.</p>

Please identify health equity and environmental justice (HEEJ) impacts. Does this proposal impact Coloradans equally or equitably? Does this proposal provide an opportunity to advance HEEJ? Are there other factors that influenced these rules?

- The Division believes there are no significant impacts on health equity and environmental justice (HEEJ).
- The proposed changes impact Coloradans equally and equitably, consistent with the registration practices of the X-Ray Certification Unit, other states, and national accreditation organizations.
- The proposed changes are believed to be neutral with respect to advancing HEEJ.
- Other factors which influenced the proposed rules are the need to maintain Colorado regulations consistent with how the field is regulated in other states and through national registry organizations.

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Hazardous Materials and Waste Management Division

STATE BOARD OF HEALTH

RADIATION CONTROL - REGISTRATION OF RADIATION MACHINES, FACILITIES AND SERVICES

6 CCR 1007-1 Part 02

[Editor's Notes follow the text of the rules at the end of this CCR Document.]

Adopted by the Board of Health ~~June 48~~ December 17, 2014

PART 2: REGISTRATION OF RADIATION MACHINES, FACILITIES AND SERVICES

2.1 Purpose and Scope.

2.1.1 Authority

2.1.1.1 Rules and regulations set forth herein are adopted pursuant to the provisions of sections 25 1 108, 25 1.5 101(1)(l), and 25-11-104, CRS.

2.1.2 Basis and Purpose.

2.1.2.1 A statement of basis and purpose of these regulations accompanies this part and changes to this part. A copy may be obtained from the Department.

2.1.3 Scope.

2.1.3.1 This part provides for:

- (1) Registration of facilities;
- (2) Certification of radiation machines;
- (3) Registration of persons providing radiation machine services including assembly, installation, maintenance and repair;
- (4) Registration of qualified inspectors and qualified experts; and
- (5) Approval of radiation safety officers, mammographers and other operators.

2.1.4 Applicability.

2.1.4.1 The requirements and provisions of this part apply to each person who uses, operates, services or certifies radiation machines and to each registrant or applicant for registration subject to this part unless specifically exempted.

2.1.4.2 The provisions of this part are in addition to (and not in substitution for) other applicable provisions in Parts 1, 4, 5, 6, 7, 8, 9, 10, 24 and other parts of these regulations.

2.1.5 Published Material Incorporated by Reference.

2.1.5.1 Published material incorporated in Part 2 by reference is available in accord with 1.4.

2.2 Definitions.

Comment [JJ1]:

EDITORIAL NOTE 1: ALL COMMENTS (SUCH AS THIS ONE) SHOWN IN THE RIGHT SIDE MARGIN OF THIS DRAFT RULE ARE FOR INFORMATION PURPOSES ONLY TO PROVIDE ADDITIONAL INFORMATION AND TO AID THE READER IN UNDERSTANDING THE PROPOSED CHANGE DURING THE DRAFT REVIEW PROCESS.

THESE COMMENTS ARE NOT PART OF THE RULE AND ALL COMMENTS WILL BE DELETED PRIOR TO FINAL SUBMISSION TO THE COLORADO SECRETARY OF STATE'S OFFICE FOR FINAL PUBLISHING IN THE COLORADO CODE OF REGULATIONS.

EDITORIAL NOTES WITHIN THE BODY OF THE RULE ARE FOR INFORMATION PURPOSES ONLY AND ARE NOT CONSIDERED PART OF THE RULE.

Comment [JJ2]:

The date is modified to reflect the anticipated final rulemaking hearing date.

33 2.2.1 Definitions of general applicability to these regulations are in Part 1, section 1.2.

34 2.2.2 As used in Part 2, each term below has the definition set forth.

35 "ARRT" means the American Registry of Radiologic Technologists.

36 **"ARRT(N)" means an individual who is registered by the ARRT in Nuclear Medicine**
37 **Technology.**

Comment [JJ3]: Definition added consistent with the use of the term in later sections of Part 2.

38 "ARRT(R)" . See "radiologic technologist" .

39 **"ARRT(T)" means an individual who registered by the ARRT in Radiation Therapy.**

Comment [JJ4]: Definition added consistent with the use of the term in later sections of Part 2.

40 "ASRT" means the American Society of Radiologic Technologists.

41 "Assembler" means any person engaged in the business of assembling, replacing, or installing
42 one or more components into a radiation machine system or subsystem.

43 "Calibration" means to adjust and/or determine the:

44 (1) Response or reading of an instrument relative to a series of conventionally true
45 values; or

46 (2) Strength of a radiation source relative to a standard or conventionally true value.

47 "Certification Evaluation" (CE) means the evaluation of a radiation machine at a facility by a
48 qualified inspector or the Department for the purpose of ascertaining the performance of the
49 radiation machine system and/or facility in order to determine conformance with these
50 regulations.

51 **"Certified Nuclear Medicine Technologist" means an individual who is currently registered**
52 **in nuclear medicine with the NMTCB or ARRT, designated CNMT or ARRT(N), respectively.**

Comment [JJ5]:
Definition added consistent with the use of the term in later sections of Part 2.

53 "Computed tomography" (CT) means the production of a tomogram by the acquisition and
54 computer processing of x-ray transmission data. For the purposes of Part 2, the requirements
55 stated for computed tomography machines do not apply to "Volumetric Dental Imaging Systems".

56 "Direct supervision" means the supervisor is present in the facility and immediately available to
57 furnish assistance and direction to the supervisee throughout the performance of a procedure.

58 (1) The direct supervisor is not required to be present in the room when the procedure is
59 performed.

60 (2) Direct supervision during the performance of a mammography examination means
61 that the supervisor is present to observe and correct, as needed, the
62 performance of the individual being supervised who is performing the
63 examination.

64 "Dual-energy X-Ray Absorptiometry" (DXA, previously DEXA) means an imaging technique using
65 radiation machines for quantifying bone density, used in the diagnosis and management of
66 osteoporosis.

67 "Examination" means performing a procedure, including selection of exposure settings,
68 positioning the x-ray system and the patient, and initiating and terminating the exposure.

69 "Facility" means, for purposes of Part 2, the location within one building (or vehicle, or under one
70 roof, or at one address) and under the same administrative control, at which a radiation machine
71 is or was installed, operated and/or located.

72 "FDA" means the United States Food and Drug Administration.

73 “Fluoroscopy” means a technique for generating x-ray images and presenting them
74 simultaneously and continuously as visible images.

75 “Industrial Radiography” means an examination of the structure of materials by the
76 nondestructive method of utilizing ionizing radiation to make radiographic images.

77 “Inter-comparison” means the direct comparison, in accord with 2.4.4.5, of two instruments
78 designed to measure the same physical quantity.

79 “Limited-scope operator” (LSO) means an individual who has taken and passed a required test
80 and has approval by the Department pursuant to 2.4.5.1 to operate x-ray systems and to conduct
81 specified radiographic examinations of the chest, extremities, skull, hip/pelvis and spine/sacrum.

82 “MQSA” means Mammography Quality Standards Act.

83 “NIST” means the National Institute of Standards and Technology.

84 **“NMTCB” means the Nuclear Medicine Technology Certification Board, Inc.**

85 “Operator” means an individual adequately trained in accordance with these regulations in the
86 purpose and experienced in the practice of performing a radiographic examination.

87 “Performance adjustment” means the adjustment or repair of a function (not including the setting
88 of operator-selectable functions, such as time, mA and/or kVp for an individual exposure) of an x
89 ray machine or imaging system that is required to bring the machine into compliance with these
90 regulations and the specifications.

91 “Provisional Mammographer” means an individual who meets the requirements of 2M.2 and has
92 current department approval to perform mammograms under direct supervision in order to meet
93 the requirements to become a Qualified Mammographer.

94 “Provisional qualified inspector” (PQI) means an individual who meets the applicable
95 requirements of Section 2I.2 of Appendix 2I and has current Department approval in a designated
96 specialty to perform evaluations of radiation machines, facilities, and operators for compliance
97 with these regulations while under the supervision of a qualified inspector.

98 “QE(R)” means a qualified expert medical physicist approved to design or evaluate shielding for
99 radiation machines used in the healing arts.

100 “QE(S)” means a qualified expert physicist approved to design or evaluate shielding for radiation
101 machines used for non-healing arts purposes.

102 “QE(T)” means a qualified expert medical physicist approved to design or evaluate shielding for
103 radiation machines used in radiation therapy.

104 “Qualified expert” (QE) means an individual who meets the applicable requirements of Appendix
105 2B or 2C and has current Department approval as QE(S), QE(R), or QE(T) to evaluate radiation
106 shielding design and recommend radiation safety practices, as provided in 2.4.3.

107 “Qualified inspector” (QI) means an individual who meets the applicable requirements of
108 Appendix 2I and has current Department approval in a designated specialty to perform
109 evaluations of radiation machines, facilities, and operators for compliance with these regulations,
110 as provided in 2.4.4.

111 “Qualified mammographer” means a mammographer who meets the applicable requirements of
112 Appendix 2M.

113 “Qualified trainer” (QT) means an individual whose training and experience adequately prepares
114 the individual to carry out specified training assignments as illustrated in Appendix 2J.

Comment [JJ6]: A hard return (separation) is added to correct a typographical error and separate the two definitions (“Industrial Radiography”, and “Inter-comparison”) that were inadvertently merged into one definition during the prior amendment to Part 2.
There are no changes to either definition.

Comment [JJ7]:
Definition added consistent with the use of the term in later sections of Part 2.

115 “Radiologic technologist” means an individual who is currently registered in
116 ~~radiography~~radiologic technology with the American Registry of Radiologic Technologists,
117 designated ARRT(R).

Comment [JJ8]: The definition language is modified slightly in accordance with the language used by the American Registry of Radiologic Technologists (<https://www.arrt.org/About-ARRT/Designation-Awarded>).

118 “Registered medical physicist” (RMP) means an individual who meets the applicable
119 requirements of Appendix 2I and has current Department approval to perform medical physics
120 activities, including shielding design, performing radiation surveys, and providing consultation for
121 radiation protection and quality assurance and clinical medical physics for radiation therapy,
122 computed tomography, mammography and/or other healing arts facilities.

123 “Service company” means a person who is engaged (or offers to engage) in the business of
124 selling, leasing, transferring, lending, assembling, installing, maintaining, repairing, storing,
125 trading out, disabling, or disposing of radiation machines and their related components, or is
126 engaged in the business of furnishing or offering to furnish radiation machine servicing or
127 services.

128 Service technician” means an individual who is employed by a service company to perform
129 radiation machine servicing or services.

130 “Shielding design” means physical specifications, such as room layout, floor plan, construction
131 materials, and equipment configuration, to demonstrate compliance with the radiation limits set
132 forth in Part 4 of these regulations.

133 “Volumetric dental imaging system” means an x-ray machine that produces, for oral and
134 maxillofacial structures, a three-dimensional tomographic data set or a time sequence of three-
135 dimensional tomographic data sets. A dental x-ray machine only capable of producing a two-
136 dimensional image is not considered to be a volumetric dental imaging system. For the purposes
137 of Part 2, the requirements stated for “computed tomography” machines do not apply to
138 “Volumetric Dental Imaging Systems”.

139
140 **EDITORIAL NOTE: ***FOR BREVITY OF THE DOCUMENT, UNAFFECTED SECTIONS HAVE BEEN**
141 **REMOVED FROM THE DRAFT. THERE ARE NO CHANGES PROPOSED FOR THESE SECTIONS*****
142

Comment [JJ9]: EDITORIAL NOTE ONLY – NOT PART OF RULE.

143 2.4.5 Registration of specific radiation machine Operators.

144 2.4.5.1 Limited Scope Operator.

145 (1) Each individual operating an x-ray system on living humans in the State of Colorado,
146 shall be registered as a Limited Scope Operator consistent with 2.4.5.1(2),
147 except for:

148 (a) Those individuals subject to 2.6.1.5, 2.6.1.6, 2.6.1.7, 2.6.1.8, 2.6.1.10,
149 2.6.1.11, and 2.6.1.12, or

150 (b) Those individuals having current registration with the American Registry of
151 Radiologic Technologists in radiography.

152 (2) Registration

153 (a) The applicant for LSO registration must complete the requirements of 2D.2.1,
154 2D.2.2 and 2D.2.3 in a structured and documented training program in order to
155 apply for registration as a Limited Scope Operator.

156 (b) Each Limited Scope Operator shall complete an application with all of the
157 information required by the form and instructions, together with the fee required
158 by Part 12, Category 24 and the fee required by the American Registry of
159 Radiologic Technologists.

160 (i) The Form R-70 series application shall be used to initiate the
161 registration process.

162 (ii) The Form R-71 series application shall be used to confirm the
163 completion of the requirements of 2D.2.1, 2D.2.2 and 2D.2.3.

164 (c) Application for registration as a Limited Scope Operator shall be made within
165 one year upon completion of the requirements of 2D.2.1 and within ninety (90)
166 calendar days upon completion of the requirements of 2D.2.2 and 2D.2.3.

167 (d) If an applicant cannot achieve a passing score per 2D.2.4 within three
168 attempts, the applicant must restart the training required by 2D.2.1, 2D.2.2, and
169 2D.2.3.

170 (e) Registrants must meet the requirements of 2D.2.5 in order to renew the
171 Limited Scope Operator approval.

172 (i) The Form ~~R-95~~**R-90** series application shall be used to renew the
173 registration for a Limited Scope Operator.

Comment [BNV10]:

The wrong application form was referenced in the last revision of Part2.

This change corrects this error.

174 .
175 2.4.5.2 Computed Tomography Operator ~~Subject to Appendix 2E.~~

176 (1) Each individual operating a computed tomography system on living humans **shall**
177 **hold a current, valid registry in Radiography, Nuclear Medicine, or**
178 **Radiation Therapy issued by ARRT, NMTCB, or other nationally recognized**
179 **registry organization accepted in writing by the Department, and shall: ~~shall~~**
180 **~~be registered with the Department as a Computed Tomography Operator, except~~**
181 **~~for:~~**

182 **(a) Meet the requirements of 2E.1.1, 2E.1.2, 2E.1.3, or 2E.1.4 for the**
183 **applicable use specified in 2.6.1.7;**

Comment [JJ11]:

The proposed language helps to ensure that CT Operators must have a current, valid "base" registration in addition (as applicable) to any specialty certification (e.g., CT).

This subsection is expanded in order to outline, but defer to the specific training requirements of Appendix 2E rather than hold the requirements within the body of the regulation, consistent with the approach used in the remainder of the rule.

or

(b) Meet the requirements of Appendix 2E.2 and be registered with the Department as a Colorado Computed Tomography Operator;

or

(c) As a CT operator in training, be under the direct supervision of an individual who meets the requirements of 2.4.5.2(a) or 2.4.5.2(b).

~~(a) Those individuals having current registration with the American Registry of Radiologic Technologists in radiography and certification in computed tomography; or~~

~~(b) those individuals having current registration with the American Registry of Radiologic Technologists in nuclear medicine technology, or individuals registered with the Nuclear Medicine Technology Certification Board (NMTCB) as a certified nuclear medicine technologist; or~~

~~(c) those individuals having current registration with the American Registry of Radiologic Technologists in radiation therapy.~~

Comment [JJ12]: Language is added here based on stakeholder comment and discussions whereby individuals who are "in training" are specifically allowed to perform CTs as part of a training process. The current Part 2 does not clearly consider training situations.

(2) **Registration**

(a) The applicant for **Colorado** Computed Tomography Operator must complete the requirements of Appendix 2E, 2E.2 in a structured and documented training program.

(b) ~~A~~**The** application for registration as a **Colorado** Computed Tomography Operator shall contain all of the information required by the form and instructions, together with the fee required by Part 12, Category 24.

~~(i) The Form R-95 series shall be used to document the requirements of 2E.2.2, 2E.2.3 and 2E.2.4.~~

Comment [JJ13]: The modified language in this section is to clearly identify that the registration process is applicable only to the Colorado CT Operator training registration. (Individuals certified in CT by a national registry organization do not need to also have a Colorado registration).

(3) ~~The state will no longer register Computed Tomography Operators under Appendix 2E.2 after July 30, 2015. After July 31, 2017, the Department will recognize Computed Tomography Operators previously registered with the Department but will cease registration of new Colorado CT Operators.~~

Comment [JJ14]: The Department is phasing out the in-state program for CT certification as of July 31, 2017. The time extension from that in the current rule is based upon stakeholder comments.

The proposed change clarifies that the Department will continue to recognize those individuals previously "certified" under this program but will not register any new individuals after July 31, 2017.

EDITORIAL NOTE: *FOR BREVITY OF THE DOCUMENT, UNAFFECTED SECTIONS HAVE BEEN REMOVED FROM THE DRAFT. THERE ARE NO CHANGES PROPOSED FOR THESE SECTIONS*****

Comment [JJ15]: EDITORIAL NOTE ONLY – NOT PART OF RULE.

217 **2.6 Facility Registrant Responsibilities.**

218 2.6.1 In any facility regulated by or requiring registration under these regulations, the registrant shall
219 allow only individuals who are adequately trained in radiation safety and the safe and effective
220 use of the machine to operate any radiation machine.

221 2.6.1.1 The facility registrant shall document evaluation of the qualifications of each individual
222 permitted to operate any radiation machine at the facility.

223 (1) Each operator shall meet all radiation safety training and experience requirements of
224 the respective State of Colorado professional licensure board, as applicable, and
225 any applicable requirements of this Part 2.

226 (2) The registrant shall maintain a list of all operators of any radiation machine used by
227 the facility registrant.

228 (a) For fluoroscopy equipment used in examination of a living human, a list of
229 operators and individuals providing technical supervision of operators
230 shall be maintained.

231 (b) The list of all operators and supervisors shall be updated at least annually as
232 part of the radiation safety program required by 4.5.

233 (3) Records of such evaluations shall:

234 (a) Include current certifications of qualification;

235 (b) Be updated annually by the facility; and

236 (c) Be produced for examination upon request during any inspection conducted
237 under the requirements of these regulations.

238 2.6.1.2 A physician, chiropractor, dentist, podiatrist, or veterinarian who has a current active
239 license from the appropriate State of Colorado professional licensure board is considered
240 to have demonstrated adequate training in radiation safety and the safe and effective use
241 of the radiation machine (consistent with 2.6.1.5) and may operate radiation machines as
242 part of medical, chiropractic, dental, podiatric or veterinary practice, respectively.

243 2.6.1.3 For a radiologist assistant "adequately trained" shall mean that the individual is qualified
244 as provided in Appendix 2G.

245 2.6.1.4 For any radiographic x-ray system used on a living human (consistent with 2.6.1.2,
246 2.6.1.3, and 2.6.1.5 through 2.6.1.14), "adequately trained" shall mean that the individual
247 meets the requirements of Appendix 2D.

248 (1) Limited-scope x-ray machine operator approval is limited to imaging procedures for x-
249 ray examination of the skull, chest, hip/pelvis and spine/sacrum, upper
250 extremities and lower extremities.

251 (2) A limited-scope x-ray machine operator shall not perform radiologic procedures
252 involving the administration or utilization of contrast media, bone densitometry,
253 fluoroscopic, mammography, computed tomography, or radiation therapy
254 procedures.

255 2.6.1.5 For fluoroscopy equipment used in examination of a living human, "adequately trained"
256 shall mean that, in addition to meeting all applicable requirements in 2.6.1.1 through
257 2.6.1.4, each individual who either supervises a fluoroscopy procedure or operates a
258 fluoroscopy imaging system shall have adequate training in its safe operation. This
259 training shall be documented and include the following:

- (1) Fundamental principles of radiation protection;
- (2) Biological effects of ionizing radiation;
- (3) Safe operation of fluoroscopy equipment for each mode of operation to be used;
- (4) Dose reduction techniques for fluoroscopy; and
- (5) Applicable radiation regulations.

2.6.1.6 For mammography equipment used in radiography of the human breast, “adequately trained” shall mean that the individual operator meets the requirements of Appendix 2M.

2.6.1.7 For any computed tomography (CT) system used on a living human, **(excluding Volumetric Dental Imaging Systems)** “adequately trained” shall mean that the individual operator meets the **following** requirements: ~~of Appendix 2E.~~

(1) Individuals operating a CT system for general imaging purposes shall meet the requirements of 2E.1.1, 2E.1.4, or 2E.2; or

(2) Individuals operating a CT system in conjunction with nuclear medicine Positron Emission Tomography (PET-CT) or Single Photon Emission Computed Tomography (SPECT-CT) systems (known as hybrid or fusion imaging machines) shall meet the requirements of 2E.1.1, 2E.1.2, 2E.1.4, or 2E.2; or

(3) Individuals operating a CT system used in conjunction with radiation therapy procedures (treatment simulation or tumor localization imaging) shall meet the requirements of 2E.1.1, 2E.1.3, 2E.1.4, or 2E.2.

Individuals who are in-training to become a CT operator, shall not be considered adequately trained until they have fully met the requirements of 2.6.1.7(1), or 2.6.1.7(2), or 2.6.1.7(3) and shall not operate such CT machines except under the direct supervision of someone who meets the requirements of 2.6.1.7(1), or 2.6.1.7(2), or 2.6.1.7(3).

2.6.1.8 For any bone densitometry equipment used in examination of a living human, “adequately trained” shall mean that the individual operator meets the requirements of Appendix 2F.

2.6.1.9 For radiographic equipment used in the practice of medicine, “adequately trained” shall mean that the individual operator meets all applicable requirements of the Colorado State Board of Medical Examiners (in particular Rule 700, “State Board of Medical Examiners Rules and Regulations Regarding Education and Training Standards for Unlicensed Personnel Exposing Ionizing Radiation” of 3 CCR 713-16).

2.6.1.10 For radiographic equipment used in chiropractic, “adequately trained” shall mean that the individual operator meets all applicable requirements of the Colorado State Board of Chiropractic Examiners (in particular Rule 19, “Safety Training for Unlicensed Chiropractic Personnel,” of 3 CCR 707-1).

2.6.1.11 For radiographic equipment used in dentistry, including Volumetric Dental Imaging Systems, “adequately trained” shall mean that the individual operator meets all applicable requirements of the Colorado State Board of Dental Examiners (in particular Rule X, “Minimum Standards for Qualifications, Training and Education for Unlicensed Personnel Exposing Patients to Ionizing Radiation,” of 3 CCR 709-1).

2.6.1.12 For radiographic equipment used in podiatry, “adequately trained” shall mean that the individual operator meets all applicable requirements of the State of Colorado Podiatry Board (in particular Rule 700 of 3 CCR 712-9).

Comment [JJ16]:

The proposed change clarifies the exclusion of Volumetric Dental Imaging Systems (as defined in Section 2.2) from the CT requirements of 2.6.1.7.

Comment [JJ17]:

As a result of stakeholder comment during the previous Part 2 rulemaking process, the proposed changes of subsection (1), (2), and (3), clarifies the training requirements which are dependent upon the type of use of the machine.

Similar to other parts of the rule, this section also defers to the appendices (2E) for the applicable training requirements.

Comment [JJ18]:

Language is added to more clearly delineate the requirements for individuals who are in-training to become fully qualified and registered CT Operators.

2.6.1.13 For radiographic equipment used in veterinary medicine, “adequately trained” shall mean that the individual operator meets all applicable requirements of the State of Colorado Board of Veterinary Medicine (in particular 4 CCR 727 1).

2.6.1.14 An individual, enrolled in an ARRT-recognized program or graduated from such a program, may operate radiation machines so long as the individual works under the direct supervision of a radiologic technologist or other qualified trainer and has documentation of having completed education and experience equal to that specified in the program.

(1) A graduate from an ARRT-recognized program is granted ninety (90) calendar days from the date of graduation to schedule, take and pass the ARRT radiologic technology registry examination.

(2) During the 90-day period allowed by 2.6.1.14(1), the graduate is considered to satisfy Appendix 2D requirements.

(3) A student or graduate who fails to pass the registry examination has not met the requirements of Appendix 2D and shall not operate any radiation machine system on a living human unless otherwise authorized by the Department.

2.6.1.15 For radiation machines used in non-healing-arts applications, “adequately trained” shall mean that the individual operator meets the requirements of Appendix 2N.

(1) For industrial radiography, the requirements in Part 5 apply, as stated in 2N.1.

(2) The requirements of 2N.2 apply to all non-healing-arts applications (including but not limited to analytical, forensic, morgue, and homeland security uses) not subject to Part 5.

2.6.1.16 For assembly, installation and repair of radiation machines, “adequately trained” shall mean that the individual service technician meets the requirements of Appendix 2H.

2.6.1.17 Department recognition of training as adequate pursuant to 2.6.1.3 through 2.6.1.16 shall pertain only to the areas of training and experience specifically identified in these regulations.

2.6.1.18 The Department may, upon application or upon its own initiative, accept as being adequate:

(1) Documented combinations of radiation safety training and experience; or

(2) Equivalent approval by another state or agency.

EDITORIAL NOTE: *FOR BREVITY OF THE DOCUMENT, UNAFFECTED SECTIONS HAVE BEEN REMOVED FROM THE DRAFT. THERE ARE NO CHANGES PROPOSED FOR THESE SECTIONS*****

Comment [JJ19]: EDITORIAL NOTE ONLY – NOT PART OF RULE.

**PART 2, APPENDIX 2E: COMPUTED TOMOGRAPHY (CT) ADEQUATE RADIATION SAFETY
TRAINING AND EXPERIENCE**

Each operator of a computed tomography system shall **hold a current, valid registry in Radiography, Nuclear Medicine, or Radiation Therapy issued by ARRT, NMTCB, or other nationally recognized registry organization accepted in writing by the Department, and shall** meet the following experience and education requirements:

2E.1 ~~Is certified~~ Certification:

2E.1.1 **For general imaging computed tomography procedures, each operator is certified;**

**2E.1.1.1 ~~As By the~~ ARRT(R) ~~and also certified~~ in computed tomography ~~by ARRT,~~
ARRT(CT); or**

**2E.1.1.2 By the Nuclear Medicine Technology Certification Board (NMCTB) in
computed tomography, CNMT(CT);**

Or

2E.1.2 **For nuclear medicine (hybrid or fusion imaging) computed tomography procedures
such as PET-CT or SPECT-CT, is certified;**

2E.1.2.1 by the ARRT in nuclear medicine ~~As as~~ ARRT(N) or

2E.1.2.2 by the NMTCB as CNMTARRT(T);; or

2E.1.2.3 in accordance with 2E.1.1.

~~or~~**Or**

2E.1.3 ~~As CNMT by the Nuclear Medicine Technology Certification Board;~~ **For simulation or
localization computed tomography procedures associated with radiation therapy,
is certified;**

2E.1.3.1 by the ARRT in Radiation Therapy, ARRT(T); or

2E.1.3.2 in accordance with 2E.1.1.

Or

~~or~~2E.1.4 **Is certified by** a specialty board determined by the department to have substantially
equivalent requirements for certification in computed tomography as the American
Registry of Radiologic Technologists.

or

2E.2 Prior to July 3031, 201745, is certified as ARRT(R) and **is also registered with the Department as
a Computed Tomography Operator. by has** satisfactorily ~~completed~~**completing the
requirements of 2E.2.1 through 2E.2.3, inclusive.;**

2E.2.1 At least 60 hours of didactic training providing the minimum hours of instruction in the
specific subjects listed in 2E.2.1.1 through E.2.1.12:

2E.2.1.1 Intravascular (IV) Procedures—2 hours

(1) Venipuncture

Comment [JJ20]: The language added here is similar to that in 2.4.5.2 to ensure that individuals have a current, valid “baseline” registry in addition to a CT specific registry, applicable to the type of use.

Comment [JJ21]:
The proposed changes to 2E.1 clarify the types of certification(s) and training required depending upon the type of use.

The changes are made based on the stakeholder suggestion and concerns expressed during the last amendment of Part 2 before the Board of Health (June 2014).

Comment [JJ22]:
The requirements of 2E.2 apply to those wishing to become a Colorado “certified” CT operator.

The Department will continue to recognize but will be phasing out this registration program as of July 31, 2017, after which the Department will defer to nationally recognized certifications by ARRT or NMTCB.

- 383 (a) Site selection
- 384 (b) Aseptic and sterile techniques
- 385 (2) Injection techniques
 - 386 (a) Manual
 - 387 (b) Automatic
 - 388 (i) Single phase
 - 389 (ii) Multi-phase
 - 390 (iii) Flow rate
- 391 2E.2.1.2 Contrast Agent—6 hours
 - 392 (1) Types
 - 393 (a) Ionic
 - 394 (b) Non-ionic
 - 395 (c) Water soluble
 - 396 (d) Air
 - 397 (e) Water
 - 398 (2) Administration route and dose calculations
 - 399 (a) IV (angiocatheter or butterfly)
 - 400 (b) Oral
 - 401 (c) Rectal
 - 402 (d) Intrathecal
 - 403 (e) Catheters
 - 404 (3) Special considerations
 - 405 (a) Allergy preparation
 - 406 (b) Pathologic processes
 - 407 (c) Contraindications
 - 408 (d) Indicators
 - 409 (4) Adverse reactions
 - 410 (a) Recognition and assessment of symptoms
 - 411 (b) Treatment (e.g., compresses, medications)
 - 412 (c) Documentations

413	2E.2.1.3 Radiation Safety and Dosimetry—6 hours
414	(1) Technical factors affecting patient dose
415	(2) Radiation protection
416	(3) Dose Measurement
417	(4) Pediatric dose reduction
418	2E.2.1.4 Type of Study
419	(1) Head
420	(2) Neck
421	(3) Chest
422	(4) Abdomen
423	(5) Pelvis
424	(6) Musculo-skeletal
425	2E.2.1.5. Sectional Anatomy (for each type of study listed in 2E.2.1.4)
426	(1) Sagittal plane
427	(2) Transverse plane (axial)
428	(3) Coronal plane
429	(4) Off-axis (oblique)
430	(5) Landmarks
431	(6) Pathology recognition
432	2E.2.1.6 Contrast Media (for each type of study listed in 2E.2.1.4)
433	(1) Types of agents
434	(2) Indications
435	(3) Contraindications
436	(4) Dose calculation
437	(5) Administration route
438	(6) Scan/prep delay
439	2E.2.1.7 Scanning Procedures (for each type of study listed in 2E.2.1.4)
440	(1) Positioning
441	(2) Scout
442	(3) Acquisition methods (e.g., spiral, non spiral, dynamic, multi-row detector)

- 443 (4) Parameter selection (e.g., slice thickness, mA, time, algorithm, pitch)
- 444 (5) Protocol modification for pathology or trauma
- 445 (6) Cardiac gating
- 446 2E.2.1.8 Special Procedures (for each type of study listed in 2E.2.1.4)
- 447 (1) 3-D studies
- 448 (2) Biopsies
- 449 (3) Radiation therapy planning
- 450 (4) Drainage and aspiration
- 451 (5) Post-myelography
- 452 (6) CT arthrography and angiography
- 453 (7) Cardiac gating
- 454 2E.2.1.9 Systems Operation and Components—4 hours
- 455 (1) Tube
- 456 (2) Generator and transformers
- 457 (3) Detector configuration
- 458 (4) Data Acquisition Systems (DAS)
- 459 (5) Collimation
- 460 (6) Computer and array processor
- 461 (7) Equipment maintenance
- 462 2E.2.1.10 Image Processing & Display—10 hours
- 463 (1) Image reconstruction
- 464 (a) Filtered back projection reconstruction
- 465 (b) Reconstruction filters (algorithms)
- 466 (c) Raw data vs. image data
- 467 (d) Prospective / retrospective reconstruction (single and multi-row)
- 468 (e) Effective slice thickness
- 469 (f) Reconstruction interval
- 470 (2) Image display
- 471 (a) Pixel, voxel
- 472 (b) Matrix

- 473 (c) Image magnification
- 474 (d) Field of view (scan, reconstruction and display)
- 475 (e) Attenuation coefficient
- 476 (f) Window level, window width
- 477 (g) Plane specification (X, Y, Z coordinates)
- 478 (h) Cine
- 479 (i) ROI (single and multiple image)
- 480 (3) Post-processing
 - 481 (a) Multiplanar reformation
 - 482 (b) 3-dimensional rendering (MIP, SSD, VR)
 - 483 (c) Quantitative measurements (volume, distance, diameter)
- 484 (4) Data management
 - 485 (a) Hard/soft copy
 - 486 (b) Storage / archive
 - 487 (c) PACS
 - 488 (d) Security and confidentiality
 - 489 (e) Networking
- 490 2E.2.1.11 Image Quality—4 hours
 - 491 (1) Spatial resolution
 - 492 (2) Contrast resolution
 - 493 (3) Temporal resolution
 - 494 (4) Noise and uniformity
 - 495 (5) Quality assurance procedures
 - 496 (6) CT number
 - 497 (7) Linearity
- 498 2E.2.1.12 Artifact Recognition and Reduction—4 hours
 - 499 (1) Beam hardening
 - 500 (2) Partial volume averaging
 - 501 (3) Motion
 - 502 (4) Metallic

- 503 (5) Edge gradient
504 (6) Patient positioning
505 (7) Equipment-induced
506 (a) Rings
507 (b) Streaks
508 (c) Tube arcing
509 (d) Cone beam; and

510 2E.2.2 At least 480 hours of clinical training during which time computed tomography
511 examinations are performed only under direct supervision of ~~an ARRT(N), ARRT(R),~~
512 ~~ARRT(T) or CNMT~~ **a qualified** computed tomography operator or other qualified trainer
513 **who meets the requirements of 2E.1.1, 2E.1.4, or 2E.2; and:**

514 2E.2.3 ~~Documented performance~~ **Has performed**, under direct supervision, ~~of the following~~
515 **computed tomography** imaging procedures ~~(at least 60 examinations in total, with~~
516 ~~record of each examination kept on file):~~

517 2E.2.3.1 Head—10 examinations;

518 2E.2.3.2 Neck—10 examinations;

519 2E.2.3.3 Chest—10 examinations;

520 2E.2.3.4 Abdomen—10 examinations;

521 2E.2.3.5 Pelvis—10 examinations; and

522 2E.2.3.6 Musculo-skeletal—10 examinations; ~~and~~

523
524 ~~2E.2.4 Or, meeting all requirements of 2E.2.1 and 2E.2.2, is allowed to be a computed~~
525 ~~tomography operator at a facility that performs only the particular procedure(s) for which record(s)~~
526 ~~document prior completion of the full number of examinations required in 2E.2.3;~~

527
528 2E.2.4~~5~~ Or, having completed didactic training in accord with Section 2E.2.1, is allowed under
529 general supervision during the clinical training required by 2E.2.2 to **perform the individual**
530 **procedure(s) outlined in 2E.2.3.1 through 2E.2.3.6 for which the individual has documented**
531 **the completion of the number of examinations required in 2E.2.3.** ~~be a computed~~
532 ~~tomography operator only for the particular procedure(s) for which record(s) document prior~~
533 ~~completion of the full number of examinations required in 2E.2.3;~~

534 **EDITORIAL NOTE: ***FOR BREVITY OF THE DOCUMENT, SUBSEQUENT UNAFFECTED**
535 **SECTIONS HAVE BEEN REMOVED FROM THE DRAFT. THERE ARE NO CHANGES PROPOSED**
536 **FOR THESE SECTIONS*****
537
538
539
540

Comment [BNV23]: The original intent of this section was to allow an applicant who trains at a facility that does not perform all of the procedures listed in 2E.2.2.1 to 2E.2.3.6 to become a Colorado CT certified individual. The Department does not have a method to ensure these persons complete the requirements of 2E.2.3 if they change employment. This section is being deleted as it reduces the effectiveness of the requirements.

Comment [JJ24]: The language in this paragraph is clarified to more clearly state that operators in training may perform certain procedures for which they have been specifically trained and have completed the minimum number of procedures/exams specified in 2E.2.3.

Individuals in training are not considered to be a fully qualified CT operator, until they have met all of the specified requirements.

Comment [JJ25]: EDITORIAL NOTE ONLY – NOT PART OF RULE.



COLORADO

Board of Health

Department of Public Health & Environment

NOTICE OF PUBLIC RULE-MAKING HEARING BEFORE THE COLORADO BOARD OF HEALTH

NOTICE is hereby given pursuant to the provisions of Section 24-4-103, C.R.S., that the Colorado Board of Health will conduct a public rule-making hearing on December 17, 2014 at 10 a.m. in the Sabin-Cleere Conference Room of the Colorado Department of Public Health and Environment, Bldg. A, First Floor, 4300 Cherry Creek Drive, South, Denver, CO 80246, to consider the promulgation of 6 CCR 1007-1, Colorado Rules and Regulations Pertaining to Radiation Control, Part 2, *Registration of Radiation Machines, Facilities, and Services*. The proposed rules have been developed by the Hazardous Materials and Waste Management Division of the Colorado Department of Public Health and Environment pursuant to Section 25-1.5-101(1)(k), 25-1.5(1)(l), 25-11-103, 25-11-104, and 25-1-108 C.R.S.

The agenda for the meeting and the proposed amendments will also be available on the board's website, <https://www.colorado.gov/pacific/cdphe/boh> at least 7 days prior to the meeting. The proposed rules, together with the proposed statement of basis and purpose, specific statutory authority and regulatory analysis will be available for inspection at the Colorado Department of Public Health and Environment, 4300 Cherry Creek Drive South EDO-A5, Denver, Colorado 80246-1530 at least five working days prior to the hearing. Copies of the proposed rules may be obtained by contacting the Colorado Department of Public Health and Environment, Hazardous Materials and Waste Management Division, HMWM-RM-B2, 4300 Cherry Creek Drive S., Denver, CO 80246, (303) 692-3454.

The Board encourages all interested persons to participate in the hearing by providing written data, views, or comments, or by making oral comments at the hearing. At the discretion of the chair, oral testimony at the hearing may be limited to three minutes or less depending on the number of persons wishing to comment. Pursuant to 6 CCR 1014-8, §3.02.1, written testimony must be submitted no later than 5:00 p.m. on Thursday, December 11, 2014. Persons wishing to submit written comments should submit them to: Colorado Board of Health, ATTN: Jamie L. Thornton, Program Assistant, Colorado Department of Public Health and Environment, 4300 Cherry Creek Drive South EDO-A5, Denver, Colorado 80246-1530 or by e-mail at: cdphe.bohrequests@state.co.us

Dated this ____ day of _____, 20__.

Deborah Nelson

Board of Health Administrator

Notice of Rulemaking Hearing

Tracking number

2014-01150

Department

1000 - Department of Public Health and Environment

Agency

1011 - Health Facilities and Emergency Medical Services Division (1011, 1015 Series) - by Colo Bd of Health

CCR number

6 CCR 1011-1 Chap 11

Rule title

CHAPTER 11 - CONVALESCENT CENTERS

Rulemaking Hearing

Date

12/17/2014

Time

10:00 AM

Location

Sabin-Cleere Conference Room, Colorado Department of Public Health and Environment, Bldg. A, 4300 Cherry Creek Drive, South, Denver, CO. 80246

Subjects and issues involved

Consider amending Chapter 20, Ambulatory Surgery Centers, to allow for the licensing of a convalescent center only in conjunction with an ambulatory surgical center license

Statutory authority

Sections 25-1.5-103 and 25-3-101, et seq., C.R.S.

Contact information

Name

Laurie Schoder

Title

Policy Analysts

Telephone

303-692-2832

Email

laurie.schoder@state.co.us



Dedicated to protecting and improving the health and environment of the people of Colorado

To: Members of the State Board of Health

From: Laurie Schoder, Policy Analyst, Health Facilities and Emergency Medical Services Division

Through: D. Randy Kuykendall, MLS; Director *DRK*

Date: October 15, 2014

Subject: Proposed Repeal of 6 CCR 1011-1, Standards for Hospitals and Health Facilities, Chapter 11, Convalescent Centers, with a Request for the Rulemaking Hearing to occur on December 17, 2014

The Division is proposing repeal of Chapter 11, Convalescent Centers. The standards for convalescent centers that are contained in Chapter 11 are insufficient, extremely out-dated and no longer in line with current practice. The definition of a convalescent care center lacks clarity and contains the unnecessary requirement that a convalescent care center maintain an affiliation with a general hospital.

There are currently 11 licensed convalescent centers in Colorado. Each center has a patient capacity that ranges from 3 to 10 beds, for a total of 58 licensed convalescent center beds in the state. Each of these convalescent centers is operated in conjunction with an ambulatory surgery center. Therefore, the Division is proposing repeal of Chapter 11 and, in a separate rule-making, amending Chapter 20, Ambulatory Surgery Centers, to allow for the licensing of a convalescent center only in conjunction with an ambulatory surgical center license.

The Division has been meeting with stakeholders from currently licensed ambulatory surgical centers and convalescent centers, as well as representatives of the Colorado Hospital Association and all have agreed that the Department's proposal is an appropriate course of action.

**STATEMENT OF BASIS AND PURPOSE
AND SPECIFIC STATUTORY AUTHORITY**

For Repeal of 6 CCR 1011-1, Standards for Hospitals and Health Facilities,
Chapter 11, Convalescent Centers
October 15, 2014

Basis and Purpose:

Pursuant to the Governor's Executive Order D2012-002 regarding regulatory efficiency reviews, the Division undertook a thorough review of this rule and determined that changes were necessary. Specifically, the standards for convalescent centers that are contained in Chapter 11 are insufficient, extremely out-dated and no longer in line with current practice. The definition of a convalescent care center lacks clarity and contains the unnecessary requirement that a convalescent care center maintain an affiliation with a general hospital. The Division is proposing repeal of Chapter 11, Convalescent Centers and, in a separate rule-making, amending Chapter 20, Ambulatory Surgery Centers, to allow for the licensing of a convalescent center only in conjunction with an ambulatory surgical center license.

These rules are promulgated pursuant to the following statutes:

Section 25-1.5-103, C.R.S. (2014).

Section 25-3-101, *et seq.*, C.R.S. (2014).

SUPPLEMENTAL QUESTIONS

Is this rulemaking due to a change in state statute?

☐ Yes
☒ No

Is this rulemaking due to a federal statutory or regulatory change?

☐ Yes
☒ No

Does this rule incorporate materials by reference?

☐ Yes
☒ No

Does this rule create or modify fines or fees?

☐ Yes
☒ No

REGULATORY ANALYSIS

For Repeal of 6 CCR 1011-1, Standards for Hospitals and Health Facilities,
Chapter 11, Convalescent Centers
October 15, 2014

1. **A description of the classes of persons who will be affected by the rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the rule.**

The classes of persons affected by the repeal will be the owners and operators of convalescent care centers, ambulatory surgical centers and their patients. There is no cost to repealing the rule. The affected health care entities, their patients and the Department will all benefit from repealing this regulation and relocation of revised standards into a more appropriate regulation.

2. **To the extent practicable, a description of the probable quantitative and qualitative impact of the proposed rule, economic or otherwise, upon affected class of persons.**

Because the current rule is out-dated, contrary to the current standard of practice and has insufficient standards, repeal of this rule and relocation of revised standards into the relevant regulation set should have a beneficial quantitative and qualitative impact on all affected parties.

3. **The probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues.**

The Department does not anticipate there will be any costs to it or any other agency regarding repeal of this rule.

4. **A comparison of the probable costs and benefits of the proposed rule to the probable costs and benefits of inaction.**

Inaction would result in the continuation of out-dated and inappropriate standards for convalescent centers, which could result in physical harm to patients and monetary harm to the convalescent center. Repeal of this rule and incorporation of new standards into the appropriate regulation will benefit the industry and public alike because they will have a clear understanding of the standards for convalescent centers.

5. **A determination of whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule.**

The Department has determined that repeal and relocation in another rule is the least costly and least intrusive method for achieving the purpose of updating these standards.

6. **A description of any alternative methods for achieving the purpose of the proposed rule that were seriously considered by the agency and the reasons why they were rejected in favor of the proposed rule.**

The Division considered not repealing this regulation and completely revising it. However, since the current practice is to only license convalescent centers that are affiliated with licensed ambulatory surgery centers, stakeholders agreed with the Department that the best course of action was to repeal the regulation in its entirety, revise the standards for convalescent centers and add them to the regulation for ambulatory surgical centers with which a convalescent care center must be affiliated.

7. To the extent practicable, a quantification of the data used in the analysis; the analysis must take into account both short-term and long-term consequences.

The Department analyzed the type and number of health care entities affected by this repeal, as well as the number of in-patient beds involved. There are currently 11 licensed convalescent centers in Colorado. Each center has a patient capacity that ranges from 3 to 10 beds, for a total of 58 licensed convalescent center beds in the state. Each of these convalescent centers is already operated in conjunction with an ambulatory surgery center. Therefore, repeal of this regulation and relocation of revised standards into the regulation concerning ambulatory surgical centers makes sense in both the short term and long term.

STAKEHOLDER Comment

For Repeal of 6 CCR 1011-1, Standards for Hospitals and Health Facilities,
Chapter 11, Convalescent Centers

The following individuals and/or entities were included in the development of these proposed rules: The Colorado Ambulatory Surgical Center Association, the Colorado Hospital Association, and representatives from currently licensed ambulatory surgical centers and convalescent centers.

The following individuals and/or entities will be notified of this proposed rule-making by the Board of Health on or before the date of publication of the notice in the Colorado Register: All currently licensed ambulatory surgical centers and convalescent care centers. The Division will send notice to persons and/or groups considered by the division to be interested parties to the proposed rule-making, and those who have requested notification/information from the division regarding the proposed rule-making? X Yes No.

Summarize Major Factual and Policy Issues Encountered and the Stakeholder Feedback Received. If there is a lack of consensus regarding the proposed rule, please also identify the Department's efforts to address stakeholder feedback or why the Department was unable to accommodate the request. Thus far there have been no major factual or policy issues that the Division and stakeholders have been unable to resolve. All parties involved in the rule-making process thus far have agreed regarding repeal of this Chapter.

Please identify health equity and environmental justice (HEEJ) impacts. Does this proposal impact Coloradoans equally or equitably? Does this proposal provide an opportunity to advance HEEJ? Are there other factors that influenced these rules?

The Division is unaware of any health equity or environmental justice impacts.

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT**Health Facilities and Emergency Medical Services Division****STANDARDS FOR HOSPITALS AND HEALTH FACILITIES: CHAPTER 11 - CONVALESCENT CENTERS - REPEALED****6 CCR 1011-1 Chap 11**

~~These chapters of regulation incorporate by reference (as indicated within) material originally published elsewhere. Such incorporation, however, excludes later amendments to or editions of the referenced material. Pursuant to 24-4-103 (12.5), C.R.S., the Health Facilities Division of the Colorado Department of Public Health and Environment maintains copies of the incorporated texts in their entirety which shall be available for public inspection during regular business hours at:~~

~~Division Director
Colorado Department of Public Health and Environment
Health Facilities Division
4300 Cherry Creek Drive South
Denver, Colorado 80222-1530
Main switchboard: (303) 692-2800~~

~~Certified copies of material shall be provided by the division, at cost, upon request. Additionally, any material that has been incorporated by reference after July 1, 1994 may be examined in any state publications depository library. Copies of the incorporated materials have been sent to the state publications depository and distribution center, and are available for interlibrary loan.~~

DEFINITIONS

~~Convalescent Center—Convalescent center means a health facility planned, organized, operated, and maintained to offer facilities and services to inpatients requiring restorative care and treatment, and that is either an integral patient care unit of a general hospital or a facility physically separated from, but maintaining an affiliation with, all services in a general hospital.~~

~~Convalescence is considered to be period of recovery after injury or illness, either mental or physical, and/or following excessive strain on psychological process which produce exhaustion or fatigue. It is a gradual process which may be interrupted by relapses or for necessary therapy. In some cases the recovery may be only partial, but in any event, important mental and physical improvements in the patient, regardless of the injury or disease, is required criterion of convalescence. Thus a license for a Convalescence Center will be used only when a facility demonstrates that their services and condition of patients are such that there is some promise of full or partial recovery to a former state of well being and that the facility has arrangements and programs to promote this return. Code of Colorado Regulations 2~~

1.1 LICENSE

~~All Convalescent Centers shall be licensed in accordance with the requirements specified in Chapter II.~~

1.2 APPLICABILITY OF OTHER SECTIONS.

~~Convalescent Centers shall conform to all applicable sections of Chapter IV, General Hospital, with regard to area and operational requirements, environmental sanitation, physical plant maintenance, safety, food service, and patient care units and services.~~

1.3 FACILITIES AND SERVICES

~~The facilities and services shall include provision for prompt transfer of patients between the General Hospital and the Convalescent Center, utilization of the General Hospital's diagnostic and treatment facilities, and sharing of knowledge and skills between personnel in the General Hospital and Convalescent Center.~~

1.4 INTEGRATION WITH GENERAL HOSPITAL

~~When the Convalescent Center and the General Hospital have separate and distinct governing boards or authorities, an integrated affiliation shall be established by written agreement.~~

1.5 WRITTEN AGREEMENT

The written agreement shall include names of the owner or corporate officers authorized to sign the agreement, and accurate, clear statements which reflect that the operations provide: 1) Continuity and evaluation of patient care; 2) Emergency care of patients; 3) Administrative and medical staff organization and integration; 4) Review and appraisal of the quality and appropriateness of medical care including the frequency with which patients are to be seen by their physicians; and 5) Procedural policies.

1.6 COMPLIANCE WITH FGI GUIDELINES

Effective July 1, 2013, all convalescent centers shall be constructed in conformity with the standards adopted by the Director of the Division of Fire Prevention and Control (DFPC) at the Colorado Department of Public Safety. For construction initiated or systems installed on or after July 1, 2013, that affect patient health and safety and for which DFPC has no applicable standards, each facility shall conform to the relevant section(s) of the Guidelines for Design and Construction of Health Care Facilities, (2010 Edition), Facilities Guidelines Institute. The Guidelines for Design and Construction of Health Care Facilities, (2010 Edition), Facilities Guidelines Institute (FGI), is hereby incorporated by reference and excludes any later amendments to or editions of the Guidelines. The 2010 FGI Guidelines are available at no cost in a read only version at: http://openpub.realread.com/rrserver/browser?title=/FGI/2010_Guidelines



COLORADO

Board of Health

Department of Public Health & Environment

NOTICE OF PUBLIC RULE-MAKING HEARING BEFORE THE COLORADO BOARD OF HEALTH

NOTICE is hereby given pursuant to the provisions of Section 24-4-103, C.R.S., that the Colorado Board of Health will conduct a public rule-making hearing on December 17, 2014 at 10 a.m. in the Sabin-Cleere Conference Room of the Colorado Department of Public Health and Environment, Bldg. A, First Floor, 4300 Cherry Creek Drive, South, Denver, CO 80246, to consider the repeal of 6 CCR 1011-1, Chapter 11, Convalescent Centers and, in a separate rule-making, consider amending Chapter 20, Ambulatory Surgery Centers, to allow for the licensing of a convalescent center only in conjunction with an ambulatory surgical center license. The proposed repeal has been developed by the Health Facilities and Emergency Medical Services Division of the Colorado Department of Public Health and Environment pursuant to Sections 25-1.5-103 and 25-3-101, et seq., C.R.S.

The agenda for the meeting and the proposed amendments will also be available on the board's website, <https://www.colorado.gov/pacific/cdphe/boh> at least 7 days prior to the meeting. The proposed rules, together with the proposed statement of basis and purpose, specific statutory authority and regulatory analysis will be available for inspection at the Colorado Department of Public Health and Environment, 4300 Cherry Creek Drive South EDO-A5, Denver, Colorado 80246-1530 at least five working days prior to the hearing. Copies of the proposed rules may be obtained by contacting the Colorado Department of Public Health and Environment, Health Facilities and Emergency Medical Service Division, HFEMS-A2, 4300 Cherry Creek Drive S., Denver, CO 80246, (303) 692-2836.

The board encourages all interested persons to participate in the hearing by providing written data, views, or comments, or by making oral comments at the hearing. At the discretion of the chair, oral testimony at the hearing may be limited to three minutes or less depending on the number of persons wishing to comment. Pursuant to 6 CCR 1014-8, §3.02.1, written testimony must be submitted no later than 5:00 p.m. on Thursday, December 11, 2014. Persons wishing to submit written comments should submit them to: Colorado Board of Health, ATTN: Jamie L. Thornton, Program Assistant, Colorado Department of Public Health and Environment, 4300 Cherry Creek Drive South EDO-A5, Denver, Colorado 80246-1530 or by e-mail at: cdphe.bohrequests@state.co.us

Dated this 20th day of October, 2014.

Deborah Nelson
Board of Health Administrator

Notice of Rulemaking Hearing

Tracking number

2014-01148

Department

1000 - Department of Public Health and Environment

Agency

1011 - Health Facilities and Emergency Medical Services Division (1011, 1015 Series) - by Colo Bd of Health

CCR number

6 CCR 1011-1 Chap 20

Rule title

CHAPTER 20 - AMBULATORY SURGICAL CENTER

Rulemaking Hearing

Date

12/17/2014

Time

10:00 AM

Location

Sabin-Cleere Conference Room, Colorado Department of Public Health and Environment, Bldg. A, 4300 Cherry Creek Drive, South, Denver, CO. 80246

Subjects and issues involved

The amendments being proposed are designed to reflect current industry and department standards, re-arrange the current rules into a more concise format and differentiate between centers that perform surgery under general anesthesia and centers that perform diagnostic procedures under mild sedation. The amendments include up-dated standards of care for the operation of convalescent centers, in anticipation of the repeal of 6 CCR 1011-1, Ch 11,

Statutory authority

Sections 25-1.5-103 and 25-3-101, et seq., C.R.S.

Contact information

Name

Laurie Schoder

Title

Policy Analyst

Telephone

303-692-2832

Email

laurie.schoder@state.co.us



Dedicated to protecting and improving the health and environment of the people of Colorado

To: Members of the State Board of Health

From: Laurie Schoder, Policy Analyst, Health Facilities and Emergency Medical Services Division

Through: D. Randy Kuykendall, MLS; Director *DRK*

Date: October 15, 2014

Subject: Proposed Amendments to 6 CCR 1011-1, Standards for Hospitals and Health Facilities, Chapter 20, Ambulatory Surgical Center, with a Request for the Rulemaking Hearing to occur on December 17, 2014

The Division is proposing amendments to Chapter 20, Ambulatory Surgical Center, in order to reflect current industry and Department standards, re-arrange the current rules into a more concise format and differentiate between centers that perform surgery under general anesthesia and centers that perform diagnostic procedures under mild sedation. In addition, the Division's proposed amendments include up-dated standards of care for the operation of convalescent centers, in anticipation of the repeal of 6 CCR 1011-1, Chapter 11, Convalescent Centers.

There are currently 11 licensed convalescent centers in Colorado. Each center has a patient capacity that ranges from 3 to 10 beds, for a total of 58 licensed convalescent center beds in the state. Each of these convalescent centers is operated in conjunction with an ambulatory surgery center. Therefore, the Division is proposing amending Chapter 20, Ambulatory Surgery Centers, to allow for the licensing of a convalescent center only in conjunction with an ambulatory surgical center license.

The Division has been meeting with stakeholders from currently licensed ambulatory surgical centers and convalescent centers, as well as representatives of the Colorado Hospital Association and all have agreed that the Department's proposal is an appropriate course of action. Although stakeholders have agreed on the general concepts contained in this proposal, the Division anticipates that there will be changes to the specific wording or formatting of this proposal prior to submission of the final rule-making packet for the requested December hearing.

**STATEMENT OF BASIS AND PURPOSE
AND SPECIFIC STATUTORY AUTHORITY**

For Amendments to 6 CCR 1011-1, Standards for Hospitals and Health Facilities,
Chapter 20, Ambulatory Surgical Center
October 15, 2014

Basis and Purpose:

The amendments are proposed in order to reflect current industry and Department standards, re-arrange the current rules into a more concise format and differentiate between ambulatory surgical centers that perform surgery under general anesthesia and centers that perform diagnostic procedures under mild sedation. In addition, the Division's proposed amendments include up-dated standards of care for the operation of convalescent centers, in anticipation of the repeal of 6 CCR 1011-1, Chapter 11, Convalescent Centers.

These rules are promulgated pursuant to the following statutes:

Section 25-1.5-103, C.R.S. (2014).
Section 25-3-101, *et seq.*, C.R.S. (2014).

SUPPLEMENTAL QUESTIONS

Is this rulemaking due to a change in state statute?

_____ Yes
 X No

Is this rulemaking due to a federal statutory or regulatory change?

_____ Yes
 X No

Does this rule incorporate materials by reference?

 X Yes
_____ No

Does this rule create or modify fines or fees?

_____ Yes
 X No

REGULATORY ANALYSIS

For Amendments to 6 CCR 1011-1, Standards for Hospitals and Health Facilities,
Chapter 20, Ambulatory Surgical Center
October 15, 2014

1. **A description of the classes of persons who will be affected by the rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the rule.**

The classes of persons affected by the amendments will be the owners and operators of convalescent care centers, ambulatory surgical centers and their patients. The cost of the amendments will be borne by the convalescent centers and the ambulatory surgical centers. The affected health care entities, their patients and the Department will all benefit from amending this regulation to reflect current industry standards, streamline regulation and clarify Department expectations.

2. **To the extent practicable, a description of the probable quantitative and qualitative impact of the proposed rule, economic or otherwise, upon affected class of persons.**

Because the rule does not reflect current standards of practice or current Department expectations, the proposed amendments should have a beneficial quantitative and qualitative impact on all affected parties.

3. **The probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues.**

The Department anticipates only minimal costs associated with implementation and enforcement of the rule, primarily associated with revising existing paperwork and computerized numbering.

4. **A comparison of the probable costs and benefits of the proposed rule to the probable costs and benefits of inaction.**

Inaction would result in the continuation of out-dated and duplicative standards for ambulatory surgical centers, which could result in confusion and frustration for both patients and ambulatory surgical center staff. Amendment of this rule with the incorporation of new standards for convalescent centers will benefit the industry and public alike because they will have a clear understanding of the licensing requirements for both ambulatory surgical centers and convalescent centers.

5. **A determination of whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule.**

The Department has determined that there are no less costly or less intrusive methods for achieving the purpose of the proposed rule.

6. **A description of any alternative methods for achieving the purpose of the proposed rule that were seriously considered by the agency and the reasons why they were rejected in favor of the proposed rule.**

The Department determined that there are no alternative methods for achieving the purpose of the proposed rule. Neither Departmental policies nor guidance would have the desired effect of amending the rules to reflect updated industry standards, consolidating or eliminating duplicative requirements and maintaining licensing standards for convalescent centers.

7. **To the extent practicable, a quantification of the data used in the analysis; the analysis must take into account both short-term and long-term consequences.**

The Department analyzed the type and number of health care entities affected by these amendments, as well as the number of in-patient beds involved. There are approximately 110 currently licensed ambulatory surgical centers and 11 licensed convalescent centers in Colorado. Each of these convalescent centers is already operated in conjunction with an ambulatory surgery center. Amendment of the ambulatory surgical standards to reflect current industry standards and Department expectations, along with incorporation of standards and licensing for convalescent centers makes sense in both the short term and long term.

STAKEHOLDER Comment

For Amendments to 6 CCR 1011-1, Standards for Hospitals and Health Facilities,
Chapter 11, Convalescent Centers

The following individuals and/or entities were included in the development of these proposed rules: The Colorado Ambulatory Surgical Center Association, the Colorado Hospital Association, and representatives from currently licensed ambulatory surgical centers and convalescent centers.

The following individuals and/or entities will be notified of this proposed rule-making by the Board of Health on or before the date of publication of the notice in the Colorado Register: All currently licensed ambulatory surgical centers and convalescent care centers. The Division will send notice to persons and/or groups considered by the division to be interested parties to the proposed rule-making, and those who have requested notification/information from the division regarding the proposed rule-making? X Yes No.

Summarize Major Factual and Policy Issues Encountered and the Stakeholder Feedback Received. If there is a lack of consensus regarding the proposed rule, please also identify the Department's efforts to address stakeholder feedback or why the Department was unable to accommodate the request. Thus far there have been no major factual or policy issues that the Division and stakeholders have been unable to resolve. All parties involved in the rule-making process thus far have agreed regarding the revisions to this Chapter; however, the Division is continuing to engage stakeholders and is amenable to making changes if needed.

Please identify health equity and environmental justice (HEEJ) impacts. Does this proposal impact Coloradoans equally or equitably? Does this proposal provide an opportunity to advance HEEJ? Are there other factors that influenced these rules?

The Division is unaware of any health equity or environmental justice impacts.

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Health Facilities and Emergency Medical Services Division

STANDARDS FOR HOSPITALS AND HEALTH FACILITIES

CHAPTER 20 - AMBULATORY SURGICAL CENTER AND AMBULATORY SURGICAL CENTER WITH A CONVALESCENT CENTER

6 CCR 1011-1 Chap 20

SECTION 1 - STATUTORY AUTHORITY AND APPLICABILITY

~~A. 1.1~~ The statutory authority for the promulgation of these rules is set forth in section 25-1.5-103 and 25-3-101, *et seq.*, C.R.S.

~~B. 1.2~~ An ambulatory surgical center, as defined herein, shall comply with all applicable federal and state statutes and regulations, including, but not limited to, ~~the following~~:

4(A) This Chapter ~~XX 20~~, SECTIONS 1 THROUGH 24, AND

2(B) 6 CCR, 1011-1, Chapter ~~4~~ 2, General Licensure Standards, unless otherwise modified herein.

1.3 AN AMBULATORY SURGICAL CENTER WITH A CONVALESCENT CENTER, AS DEFINED HEREIN, SHALL COMPLY WITH ALL APPLICABLE FEDERAL AND STATE STATUTES AND REGULATIONS, INCLUDING, BUT NOT LIMITED TO:

(A) THIS CHAPTER 20, SECTIONS 1 THROUGH 25, AND

(B) 6 CCR 1011-1, CHAPTER 2, GENERAL LICENSURE STANDARDS, UNLESS OTHERWISE MODIFIED HEREIN.

~~C. 1.4~~ These regulations incorporate by reference (as indicated within) materials originally published elsewhere. Such incorporation does not include later amendments to or editions of the referenced material. The Department of Public Health and Environment maintains copies of the complete text of the incorporated materials for public inspection during regular business hours, and shall provide certified copies of the incorporated material at cost upon request. Information regarding how the incorporated material may be obtained or examined is available from:

Division Director
Health Facilities and Emergency Medical Services Division
Colorado Department of Public Health and Environment
4300 Cherry Creek Drive South
Denver, CO 80246
Phone: 303-692-2800

Copies of the incorporated materials have been provided to the State Publications Depository and Distribution Center, and are available for interlibrary loan. Any incorporated material may be examined at any state publications depository library.

SECTION 2 – DEFINITIONS

2.1 “ADMINISTRATOR” MEANS AN INDIVIDUAL WHO HAS AUTHORITY OVER THE DAILY OPERATIONS OF AN

1 AMBULATORY SURGICAL CENTER OR AN INDIVIDUAL WHO IS DESIGNATED BY THE GOVERNING AUTHORITY
 2 OF AN AMBULATORY SURGICAL CENTER. SUCH INDIVIDUAL SHALL HAVE SUFFICIENT AUTHORITY TO
 3 INTERPRET AND IMPLEMENT ALL POLICIES OF THE OWNER OR PROPRIETOR AND MUST BE SUFFICIENTLY
 4 QUALIFIED TO PERFORM THOSE TASKS.

5 A. 2.2 "Ambulatory Surgical Center" means a HEALTH CARE ENTITY ~~facility~~ ESTABLISHED FOR THE PRIMARY
 6 PURPOSE OF PROVIDING MEDICALLY NECESSARY SURGERY, ELECTIVE SURGERY, OR PREVENTATIVE
 7 DIAGNOSTIC PROCEDURES THAT DO NOT REQUIRE HOSPITALIZATION BUT DO REQUIRE POST SURGICAL OR
 8 POST PROCEDURAL OBSERVATION AND MONITORING THAT GENERALLY WILL NOT EXCEED 24 HOURS FROM
 9 ADMISSION TO DISCHARGE. ~~which operates exclusively for the purpose of providing surgical~~
 10 ~~services to patients not requiring hospitalization.~~ FOR CONVENIENCE IN THIS CHAPTER 20 ONLY, AN
 11 AMBULATORY SURGICAL CENTER IS ALSO REFERRED TO AS A "CENTER."

12
 13 4(A) Offering multiple health services in the same building does not preclude or exempt a
 14 ~~facility~~ CENTER from meeting the requirements of Chapter ~~XX 20~~. ~~The building space~~
 15 ~~constituting the ambulatory surgical center must be used exclusively for ambulatory~~
 16 ~~surgery and its directly related services.~~ The other health services being offered in the
 17 same building must be physically separated from the ambulatory surgical center.

18
 19 (B) A LICENSED AMBULATORY SURGICAL CENTER MAY SUBLEASE SPACE TO ANOTHER LICENSED
 20 AMBULATORY SURGICAL CENTER FOR USE IF ALL OF THE CRITERIA SET FORTH BELOW ARE MET.
 21 IF THE DEPARTMENT FINDS DEFICIENT PRACTICE BY EITHER LICENSEE, IT HAS THE DISCRETION
 22 TO ASSIGN THOSE DEFICIENCIES TO BOTH LICENSEES.

23
 24 (1) THE LICENSED CENTERS SHALL NOT OPERATE AT THE SAME TIME OR ON THE SAME DAYS
 25 OF THE WEEK;

26
 27 (2) THERE SHALL BE CLEAR PUBLIC SIGNAGE STATING THE DAYS AND TIMES EACH LICENSED
 28 CENTER IS IN OPERATION.

29
 30 (3) THERE SHALL BE A WRITTEN AGREEMENT BETWEEN THE LICENSED CENTERS THAT
 31 ESTABLISHES THE RESPONSIBILITIES OF EACH PARTY REGARDING SERVICES, SUPPLIES
 32 AND EQUIPMENT USE, QUALITY ASSURANCE AND INFECTION CONTROL. ALL
 33 AGREEMENTS MUST COMPLY WITH THIS CHAPTER AND ANY OTHER APPLICABLE LOCAL,
 34 STATE AND FEDERAL LAW;

35
 36 (4) EACH LICENSED CENTER SHALL MEET ALL LICENSE REQUIREMENTS EITHER DIRECTLY
 37 OR BY CONTRACT; AND

38
 39 (5) EACH LICENSED CENTER SHALL ENSURE THAT ALL INFORMATION REGARDING ITS
 40 PATIENTS IS KEPT CONFIDENTIAL AND SAFEGUARDED FROM ACCESS BY THE OTHER
 41 CENTER.

42 (C) THE TERM "AMBULATORY SURGICAL CENTER" INCLUDES A CLINIC OR PRACTITIONER'S OFFICE IF:

43 (1) IT IS CERTIFIED AS AN AMBULATORY SURGICAL CENTER BY THE CENTERS FOR MEDICAID
 44 AND MEDICARE SERVICES,

45 (2) IT IS OPERATED OR USED BY A PRACTITIONER OR ENTITY OTHER THAN THE PRIMARY
 46 PRACTITIONER(S), OR

47 (3) IT HOLDS ITSELF OUT TO THE PUBLIC OR OTHER HEALTH CARE PROVIDERS AS AN
 48 AMBULATORY SURGICAL CENTER, SURGICAL CENTER, SURGICENTER OR SIMILAR
 49 FACILITY USING A SIMILAR NAME OR VARIATION THEREOF.

2(D) The term "ambulatory surgical center" does not include:

(1) A PRACTITIONER'S PRIVATE OFFICE OR TREATMENT ROOMS WHERE THE PRACTITIONER PRIMARILY CONSULTS WITH AND TREATS PATIENTS INCLUDING, BUT NOT LIMITED TO, PRACTITIONERS ORGANIZED AS PROFESSIONAL CORPORATIONS, PROFESSIONAL ASSOCIATIONS, PROFESSIONAL LIMITED LIABILITIES COMPANIES, PARTNERSHIPS AND SOLE PROPRIETORSHIPS; OR

(2) AN OUTPATIENT SURGERY UNIT THAT IS LICENSED AS PART OF A HOSPITAL AND LOCATED ON A HOSPITAL CAMPUS AS DEFINED IN CHAPTER IV.

~~A. a facility that is licensed as part of a hospital, or;~~

~~B. a facility which is used as an office or clinic for the private practice of a physician(s), podiatrist(s), or dentist(s) except when:~~

~~1) it holds itself out to the public or other health care providers as an ambulatory surgical center, surgical center, surgicenter or similar facility using a similar name or variation thereof, or;~~

~~2) it is operated or used by a person or entity different than the physician(s), podiatrists(s), or dentist(s), or;~~

~~3) patients are charged a fee for use of the facility in addition to the physician(s), podiatrist(s), or dentist(s) professional services; unless such fees are an integrated part of the office-based surgery program incentive allowance of a licensed sickness and accident insurer, a non-profit hospital, medical surgical and health service corporation, or a health maintenance organization and the program incentive occurs in a setting that does not require licensure.~~

(a) A licensed hospital provider of ambulatory surgical services may use the term "ambulatory surgery" or a similar term to indicate that ambulatory surgical services or an ambulatory surgery or surgical department is available or housed within the hospital as part of the facility's services. Such hospital shall not indicate to the public nor hold itself out to the public as an ambulatory surgical center (free standing or otherwise) unless the hospital entity actually possesses such a license.

B2.3 "CONVALESCENT CENTER" MEANS A SEPARATE AND DISTINCT COMPONENT OF A LICENSED AMBULATORY SURGICAL CENTER THAT PROVIDES POST SURGICAL, POST PROCEDURAL AND/OR POST DIAGNOSTIC MEDICAL AND NURSING SERVICES TO PATIENTS FOR WHOM AN UNCOMPLICATED RECOVERY IS ANTICIPATED AND FOR WHOM ACUTE HOSPITALIZATION IS NOT REQUIRED. A CONVALESCENT CARE CENTER SHALL BE LICENSED AND OPERATED ONLY IN CONJUNCTION WITH A LICENSED AMBULATORY SURGICAL CENTER.

2.4 "Department" means the Colorado Department of Public Health and Environment.

2.5 "MEDICAL DIRECTOR" MEANS THE PHYSICIAN RESPONSIBLE FOR PLANNING, ORGANIZING, CONDUCTING AND DIRECTING THE MEDICAL AFFAIRS OF THE AMBULATORY SURGICAL CENTER. THE MEDICAL DIRECTOR SHALL MEET ONE OF THE FOLLOWING REQUIREMENTS IN ORDER TO BE CONSIDERED QUALIFIED:

(A) IS BOARD ELIGIBLE OR BOARD CERTIFIED IN AT LEAST ONE OF THE SERVICES PROVIDED AT THE AMBULATORY SURGICAL CENTER AND HAS HAD AT LEAST 12 MONTHS OF EXPERIENCE OR TRAINING IN THE CARE OF PATIENTS IN A SURGICAL ENVIRONMENT, OR

(B) HAS SERVED FOR AT LEAST 12 MONTHS IN A LEADERSHIP ROLE AT A HEALTH FACILITY DURING THE PRIOR FIVE YEAR PERIOD.

(1) IN GEOGRAPHICAL AREAS WHERE A MEDICAL DIRECTOR MEETING THE ABOVE CRITERIA IS NOT AVAILABLE, ANOTHER LICENSED AND CREDENTIALLED PHYSICIAN MAY FILL THAT ROLE IF APPROVED TO DO SO BY THE DEPARTMENT PRIOR TO APPOINTMENT.

2.6 "MEDICAL STAFF" MEANS A FORMAL ORGANIZATION OF PHYSICIANS, DENTISTS, PODIATRISTS OR OTHER HEALTH PROFESSIONALS, WHO ARE APPOINTED BY THE GOVERNING BODY TO ATTEND TO PATIENTS WITHIN THE AMBULATORY SURGICAL CENTER.

2.7 "Medical Waste" means any infectious, pharmaceutical or trace chemotherapy waste generated in a health care setting in the diagnosis, treatment, immunization, or care of humans or animals; generated in autopsy or necropsy; generated during preparation of a body for final disposition such as cremation or interment, generated in research pertaining to the production or testing of microbiologicals; generated in research using human or animal pathogens; or related to accident, suicide, or other physical trauma. Medical waste does not include fluids, tissues or body parts removed from the whole body for the purposes of donation, research or other use, or those returned to the person from whom they were removed, or their authorized representative, as long as the material is rendered safe for handling. For purposes of these regulations, this does not include medications reused in compliance with 6 CCR 1011-1 Chapter II, Part 7.200 *et. seq.*, or 6 CCR 1015-10.

SECTION 3 – AMBULATORY SURGICAL CENTER CLASSIFICATIONS

3.1 AN AMBULATORY SURGICAL CENTER SHALL BE ISSUED A LICENSE CONSISTENT WITH THE TYPE AND EXTENT OF SERVICES PROVIDED, AS OUTLINED BELOW.

(A) CLASS C CENTER – A CLASS C CENTER SHALL HAVE AT LEAST ONE STERILE OPERATING ROOM WITH THE CAPACITY TO ADMINISTER GENERAL ANESTHESIA TO PATIENTS. THE OPERATING ROOM(S), AS WELL AS THE PRE AND POST SURGICAL AREAS, SHALL BE LOCATED IN A WAY THAT PROVIDES CONTROL OVER THE MOVEMENT OF PATIENTS AND PERSONNEL. THIS CLASSIFICATION OF OPERATING ROOM IS EQUIVALENT TO A CLASS C OPERATING ROOM AS DESCRIBED IN THE GUIDELINES FOR DESIGN AND CONSTRUCTION OF HEALTH CARE FACILITIES, (2010 EDITION), FACILITIES GUIDELINES INSTITUTE, WHICH IS INCORPORATED BY REFERENCE.

(B) CLASS A OR B CENTER – A CLASS A OR B CENTER SHALL HAVE A DEDICATED PROCEDURE ROOM(S) WITH THE CAPACITY TO PROVIDE OXYGEN AND PATIENT MONITORING IN A CLEAN ENVIRONMENT THAT SUPPORTS INFECTION CONTROL. THE PROCEDURE ROOM(S) SHALL ONLY BE USED FOR ENDOSCOPIC OR INTERVENTIONAL PROCEDURES OR NON-INVASIVE EXAMINATIONS/TREATMENTS UNLESS FIRST TERMINALLY CLEANED. LOW-RISK VERSUS HIGH-RISK EXPOSURE AREAS SHALL BE IDENTIFIED, ALONG WITH THE ATTIRE AND PERSONAL PROTECTIVE EQUIPMENT NECESSARY FOR EACH AREA. THIS CLASSIFICATION OF PROCEDURE ROOM IS EQUIVALENT TO CLASS A OR B OPERATING ROOMS AS DESCRIBED IN THE GUIDELINES FOR DESIGN AND CONSTRUCTION OF HEALTH CARE FACILITIES, (2010 EDITION), FACILITIES GUIDELINES INSTITUTE, WHICH IS INCORPORATED BY REFERENCE.

(1) A CIRCULATING NURSE IS NOT REQUIRED IN A CLASS A OR B CENTER UNLESS MODERATE/DEEP PATIENT SEDATION IS USED OR STANDARD PRACTICE FOR THE PROCEDURE DICTATES THE NEED FOR A CIRCULATING NURSE.

SECTION 3 4 - GOVERNING BODY

A.4.1 Responsibility: The Governing Body shall provide facilities, personnel, and services necessary for the welfare and safety of the patients.

B-4.2 Duties: The Governing Body shall:

- 4(A) adopt by-laws in accordance with ~~APPLICABLE~~ APPLICABLE legal requirements;
- 2(B) meet regularly and maintain accurate records of such meetings;
- 3(C) appoint committees consistent with the needs of ~~surgical~~ center;
- 4(D) appoint and delineate clinical and surgical privileges of practitioners based upon recommendations by the ~~provider~~ MEDICAL staff and other appropriate indicators of physician and other licensed practitioner competence. EACH MEMBER OF THE MEDICAL STAFF SHALL BE GRANTED PRIVILEGES THAT ARE COMMENSURATE WITH THE MEMBER'S QUALIFICATIONS, EXPERIENCE, AND PRESENT CAPABILITIES AND THAT ARE WITHIN THE PRACTITIONER'S SCOPE OF PRACTICE;
- (E) MAINTAIN AN UP-TO-DATE ROSTER OF PROVIDERS CREDENTIALLED BY THE CENTER THAT SPECIFIES THE APPROVED SURGICAL PRIVILEGES OF EACH PROVIDER. THE ROSTER SHALL BE AVAILABLE TO THE NURSING STAFF AT ALL TIMES;
- 5(F) establish a formal means of liaison with the ~~provider~~ MEDICAL staff;
- 6(G) approve by-laws, rules and regulations of the ~~provider~~ MEDICAL staff;
- 7(H) ~~adopt appropriate policies on admissions, surgical procedures, and the timely completion of medical records~~ DEVELOP WRITTEN POLICIES AND PROCEDURES IN COOPERATION WITH THE MEDICAL STAFF. THE PROCEDURES SHALL ADDRESS THE ACCEPTANCE, CARE, TREATMENT, SURGICAL AND ANESTHESIA SERVICES, DISCHARGE, REFERRAL AND FOLLOW-UP OF ALL PATIENTS AND ALL INCIDENTAL OPERATIONS OF THE CENTER. THE POLICIES AND PROCEDURES SHALL BE AVAILABLE TO ALL STAFF IN THE CENTER AND SHALL BE FOLLOWED BY THEM AT ALL TIMES IN THE PERFORMANCE OF THEIR DUTIES. THE GOVERNING BOARD SHALL ALSO DEFINE THE SCOPE OF SERVICES PROVIDED WITHIN THE CENTER;
- 8(I) conduct, with the active participation of the ~~provider~~ MEDICAL staff, an ongoing, comprehensive self-assessment of the quality of care provided, including the medical necessity of procedures performed, the appropriateness of care, and the appropriateness of utilization. This information shall provide a basis for the revision of ~~facility~~ CENTER policies and the granting or continuation of clinical privileges;
- 9(J) ADOPT A NATIONAL STANDARD FOR INFECTION CONTROL; ~~require that the facility's Quality Management Program ensure the adequate investigation, control and prevention of infections and avoidable adverse outcomes;~~
- (K) ENSURE THE CENTER MAINTAINS AN ADEQUATE NUMBER OF QUALIFIED PERSONNEL;
- (L) MAINTAINS EFFECTIVE QUALITY CONTROL, QUALITY IMPROVEMENT AND DATA MANAGEMENT;
- (M) APPOINT AN ADMINISTRATOR QUALIFIED BY EDUCATION AND EXPERIENCE AS DEFINED IN THE JOB DESCRIPTION DEVELOPED BY THE CENTER; AND
- (N) APPOINT A MEMBER OF THE MEDICAL STAFF TO ACT AS MEDICAL DIRECTOR FOR THE CENTER.

SECTION 45- ADMINISTRATOR

- A- 5.1** Responsibility: The administrator shall be the official representative of the governing body and the chief executive officer of the ~~surgical~~ center. The administrator shall be delegated responsibility

and authority in writing by the governing body for the management of the surgical center and shall provide liaison among the governing body, provider staff and other departments of the surgical center.

B- 5.2 Duties: The administrator shall be responsible for the development, implementation and administration of surgical center policies and procedures for employee and provider MEDICAL staff use. All policies and procedures shall be reviewed and approved by the governing body and/or updated as necessary but at least annually. THE ADMINISTRATOR SHALL DESIGNATE A QUALIFIED INDIVIDUAL TO ACT FOR HIM OR HER WHEN ABSENT SO THAT THE AMBULATORY SURGICAL CENTER HAS ADMINISTRATIVE DIRECTOR AT ALL TIMES.

SECTION 56 – PROVIDER MEDICAL STAFF

A- 6.1 Organization: The ambulatory surgical center shall have an organized provider MEDICAL staff.

~~1. The governing body shall appoint a member of the provider staff to act as medical director for the ambulatory surgical center. The medical director shall have the responsibility for directing the provision of services and for monitoring the quality of all medical care and services provided patients in the facility.~~

B- 6.2 Duties: The provider MEDICAL staff or a delegated committee composed of members of the provider MEDICAL staff shall:

- 4(A) be responsible for the quality of all medical care provided patients in the facility CENTER;
- 2(B) ENSURE PROFESSIONALLY ETHICAL CONDUCT ON THE PART OF ALL MEMBERS OF THE MEDICAL STAFF AND INITIATE CORRECTIVE MEASURES AS REQUIRED; ~~hold meetings regularly and maintain accurate records of such meetings;~~
- 3(C) formulate, adopt, and enforce by-laws, rules, regulations and policies for the proper conduct of its activities and credentialing of its members. THE PRACTITIONERS APPLYING FOR STAFF PRIVILEGES SHALL BE REQUIRED TO SIGN AN AGREEMENT TO ABIDE BY THE MEDICAL STAFF BYLAWS, CODE OF CONDUCT AND APPLICABLE STATE LAWS, RULES AND REGULATIONS;
- 4(D) recommend MEDICAL staff privileges to the Governing Body;
- 5(E) HOLD MEETINGS REGULARLY AND MAINTAIN ACCURATE RECORDS OF SUCH MEETINGS ~~ensure professionally ethical conduct on the part of all members of the provider staff and initiate corrective measures as required;~~ ensure
- 6(F) establish a formal liaison with the governing body;
- 7(G) participate actively in the quality management program; AND
- 8(H) recommend admission and surgical procedureAL policies to the Governing Body;

SECTION 67- ~~MEDICAL RECORDS~~ HEALTH INFORMATION MANAGEMENT

A- 7.1 Facilities: The center must develop and maintain a system for the proper collection, storage, and use of patient records. The facility CENTER shall maintain an individual record for each patient admitted.

- (A) EACH CENTER SHALL ESTABLISH PROCESSES TO OBTAIN, MANAGE AND UTILIZE INFORMATION TO ENHANCE AND IMPROVE INDIVIDUAL AND ORGANIZATIONAL PERFORMANCE IN PATIENT CARE, MANAGEMENT AND SUPPORT PROCESSES. SUCH PROCESSES SHALL:

- (1) BE PLANNED AND DESIGNED TO MEET THE CENTER'S INTERNAL AND EXTERNAL INFORMATION NEEDS;
 - (2) PROVIDE FOR CONFIDENTIALITY, INTEGRITY AND SECURITY;
 - (3) PROVIDE EDUCATION AND TRAINING IN INFORMATION MANAGEMENT PRINCIPLES TO DECISION-MAKERS AND OTHER CENTER PERSONNEL WHO GENERATE, COLLECT AND ANALYZE INFORMATION; AND
 - (4) PROVIDER FOR INFORMATION IN A TIMELY AND ACCURATE MANNER.
- (B) THE ADMINISTRATOR SHALL APPOINT IN WRITING A QUALIFIED PERSON RESPONSIBLE FOR THE PATIENT INFORMATION SYSTEM OR SIMILARLY TITLED UNIT. THIS PERSON SHALL MEET THE QUALIFICATIONS ESTABLISHED FOR THIS POSITION, IN WRITING, BY THE GOVERNING BODY.
- (C) A CURRENT JOB DESCRIPTION DELINEATING DUTIES AND RESPONSIBILITIES SHALL BE MAINTAINED FOR EACH MEDICAL RECORDS SERVICE POSITION.
- (D) THE HEALTH INFORMATION MANAGEMENT ADMINISTRATOR SHALL ENSURE THAT:
- (1) OPERATIVE AND PROCEDURE REPORTS SIGNED BY THE PHYSICIAN ARE RECORDED IN THE PATIENT'S HEALTH RECORD IMMEDIATELY FOLLOWING THE SURGERY OR PROCEDURE OR THAT A PROGRESS NOTE IS ENTERED IN THE PATIENT RECORD TO PROVIDE PERTINENT INFORMATION;
 - (2) POSTOPERATIVE INFORMATION INCLUDES VITAL SIGNS, LEVEL OF CONSCIOUSNESS, MEDICALS, BLOOD OR BLOOD COMPONENTS, COMPLICATIONS AND MANAGEMENT OF THOSE EVENTS, IDENTIFICATION OF DIRECT PROVIDERS OF CARE, AND DISCHARGE INFORMATION FROM POST-ANESTHESIA CARE AREA; AND
 - (3) ALL MEDICAL RECORDS ARE ENTERED INTO A DATA BASE AND MAINTAINED ON A CURRENT BASIS ACCORDING TO PROCEDURE AND PHYSICIAN.
- ~~B. Personnel: A person knowledgeable in the management of medical records shall be responsible for the proper administration and functioning of the medical records section.~~
- ~~7.2.~~ Security: Medical records shall be protected from loss, damage, unauthorized use and disclosure. IF ELECTRONIC MEDICAL RECORDS ARE UTILIZED, THERE MUST BE A BACK-UP SYSTEM FOR ALL DATA COLLECTED. AN AUDIT TRAIL SHALL BE MAINTAINED TO TRACK DATA ENTRIES AND DELETIONS, AND INCLUDE INFORMATION REGARDING THE DATA ENTERED OR DELETED AS WELL AS THE USER RESPONSIBLE FOR THE DATA ENTRY OR DELETION.
- ~~7.3.~~ Preservation: With the exception of medical records of minors (individuals under the age of 18 years) medical records shall be preserved as original records or on a technologically appropriate medium as administratively determined by the Department for no less than ten (10) years after the most recent patient care usage, after which time medical records may be destroyed at the discretion of the ~~facility~~ CENTER. Accessibility of medical records to the Department to assure compliance and to patients or their legal representatives shall be maintained.
- 4(A) Medical records of minors shall be preserved for the period of minority plus ten (10) years (i.e., 28 years less age of minor at time of most recent patient care usage of the medical record).
- 2(B) ~~Facilities~~ CENTERS shall establish procedures for notification to patients whose records are to be destroyed prior to the destruction of such records.

3(C) ~~The CENTERS SHALL BE SOLELY RESPONSIBLE~~ responsibility for the destruction of all medical records. ~~shall be in the facility involved but in no case shall records be destroyed prior to consultation with legal counsel;~~

4(D) Actual x-ray films, scans, and other imaging records shall be maintained by the facility CENTER for a period of five (5) years, if services are provided directly.

E. 7.4 Content: The medical records shall contain sufficient accurate information to justify the diagnosis and warrant the treatment and end results including, but not limited to:

4(A) complete patient identification and a unique identification number;

2(B) admission and discharge dates;

3(C) chief complaint and admission diagnosis;

4(D) medical history and physical examination completed prior to surgery;

5(E) diagnostic tests, laboratory, x-ray, scans, and other radiological imaging reports and consultative findings when appropriate;

6(F) physician progress notes if appropriate;

7(G) properly executed informed consent;

8(H) a pre-anesthesia examination by a physician prior to surgery, a proper anesthesia record and a post-anesthesia evaluation;

9(I) a complete detailed description of operative procedures, findings and post-operative diagnosis recorded and signed by the attending physician;

10(J) a pathology report of tissue removed during surgery in accordance with facility CENTER policies;

11(K) all medication and treatment orders in writing and signed by the authorizing party. Telephone and verbal orders are designated as such, signed and dated by a legally designated person, and countersigned by the attending provider within a clearly designated time period established by the governing body; and

12(L) patient's condition on discharge, final diagnosis, and instructions given patient for follow-up care.

F. 7.5 Other records: The facility CENTER shall maintain:

1(A) MAINTAIN a register of all ~~surgical operations~~ PROCEDURES performed BY PRACTITIONER (entered daily);

2 ~~statistical information concerning all admissions, discharges, deaths and other information such as blood usage, surgery complications, etc, required for the effective administration of the facility~~

3(B) MAINTAIN A master patient index file.

4(C) COLLECT, RETRIEVE, AND ANNUALLY SUMMARIZE THE FOLLOWING MEDICAL STATISTICAL INFORMATION:

- (1) THE NUMBER OF VISITS,
- (2) THE BASIS OF TREATMENT (CLINICAL DIAGNOSIS AND/OR PROBLEM FOR WHICH THE PATIENT WAS TREATED),
- (3) THE TYPES AND NUMBER OF PROCEDURES PERFORMED,
- (4) THE AGE DISTRIBUTION OF PATIENTS,
- (5) ALL COMPLICATIONS AND EMERGENCIES, AND
- (6) THE NUMBER OF TIMES A PATIENT WAS TRANSFERRED FROM THE CENTER TO A HOSPITAL.

THE INFORMATION SHALL BE USED TO INFORM THE GOVERNING BODY AND TO UTILIZE AS PART OF THE CENTER'S ONGOING QUALITY MANAGEMENT PROGRAM. THE BEGINNING AND ENDING DATES FOR THE ANNUAL SUMMARY SHALL BE SET IN POLICY BY THE GOVERNING BODY.

- ~~G~~ (D) Nursing Records: Standard nursing practice and procedure shall be followed in the recording of medications and treatments, including operative and post-operative notes. Nursing notes shall include notation of the instructions given patients preoperatively and at the time of discharge. All nursing notes shall be entered as part of the patient's medical record. Entries shall be appropriately signed, including name and identifying title.
- ~~H~~ (E) Entries: All orders for diagnostic procedures, treatments, and medications shall be authenticated by the physician submitting them and entered in the medical record by technologically appropriate medium as administratively determined by the Department. Authentication may be by written signature, identifiable initials, ~~or~~ computer key OR OTHER SECURE ELECTRONIC MEANS.

SECTION 78- PERSONNEL

- ~~A. 8.1~~ Orientation: The purpose and objectives of the ~~surgical~~ center shall be explained to all personnel as part of an overall orientation program.
- ~~B. 8.2~~ Policies: There shall be appropriate written personnel policies, rules and regulations governing the conditions of employment, the management of employees and the types of functions to be performed.
- ~~C. 8.3~~ Job Description: There shall be written job descriptions for each position in the ~~facility~~ CENTER including at least the title, authority, specific responsibilities and minimum qualifications. Each employee shall be provided a copy of his or her job description.
- ~~D. 8.4~~ Staffing: Each service department of the center shall be under the direction of a person qualified by training, experience, and ability. Staffing levels shall be commensurate with the needs of the patients and CENTER ~~facility clientele and the facility~~.
- ~~E. 8.4~~ ~~In-service~~ EDUCATION: ~~There shall be an in-service program which keeps all employees abreast of changing methods and new techniques. Records including attendance and subject matter of each in-service shall be maintained.~~ ALL PERSONNEL SHALL RECEIVE AT LEAST 12 HOURS OF CONTINUING EDUCATION ANNUALLY, WHICH MUST INCLUDE, BUT NOT BE LIMITED TO, INFECTION CONTROL; FIRE, SAFETY AND EMERGENCY PROCEDURES.
- ~~F. 8.5~~ Disease: Any personnel with communicable disease as defined by the Department shall return to work only after complying with the ~~facility's~~ CENTER'S infection control policy.

~~G- 8.6~~ Records: Personnel records shall be maintained for each person employed in the ~~facility~~ CENTER and shall include, at a minimum, the following RECORDS:

- 4(A) an employment application THAT CONTAINS INFORMATION REGARDING EDUCATION, EXPERIENCE AND, IF APPLICABLE, REGISTRATION AND/OR LICENSURE INFORMATION FOR THE APPLICANT;
- 2(B) verification of references and/or credentials as required;
- 3(C) incident and/or accident reports;
- (D) AN ADEQUATE PLAN FOR THE CONTINUOUS EVALUATION OF NURSING CARE, ALONG WITH A PLAN TO PERIODICALLY EVALUATE THE ADEQUACY OF THE CENTER TO MEET THE NEEDS OF ITS PATIENTS AND THE NECESSITY FOR IMPROVEMENT OR REVISION OF THE CENTER OR ITS SERVICES;
- 4(E) results of medical examinations required as a part of employment within the ~~facility~~ CENTER.
- 5(F) BACKGROUND CHECKS THAT, AT A MINIMUM, INCLUDE CHECKING THE DEPARTMENT OF REGULATORY AGENCIES WEBSITE TO ENSURE THAT AN ACTIVE LICENSE IN GOOD STANDING EXISTS. ANY ADMONISHMENTS OR ENFORCEMENT ACTIONS SHALL BE REVIEWED BY THE ADMINISTRATOR PRIOR TO HIRE; AND
- 6(G) DOCUMENTATION OF CONTINUING EDUCATION.

SECTION 89 - ADMISSIONS

A 9.1 Admissions and discharge: All persons admitted to the ambulatory surgical center shall be under the direct care of a member of the ~~provider~~ MEDICAL staff. The ~~provider~~ MEDICAL staff shall ensure the continuity of care for each patient including pre-operative, intra-operative, and post-operative care. All necessary instruction and education shall be provided to each patient prior to admission (for pre-surgical care) and discharge (for post-surgical care).

~~B 9.2~~ Restrictions:

- 4(A) Surgical procedures shall be limited to the following:
 - a (1) those in which the EXPECTED combined operating and recovery time does not exceed 24 hours from the time of admission; and
 - b (2) those that do not generally result in extensive blood loss; require major or prolonged invasion of body cavities; directly involve major blood vessels; or constitute an emergency or life threatening procedure.
- 2(B) There shall be no pre-planned off-site transfers to a higher level of care and no transfers shall occur solely for the convenience of the ~~AAMBULATORY SSURGICAL CCENTER~~ or its staff.

~~C-9.3~~ Identification: Each patient admitted to the center shall have a visible means of identification placed and maintained on his/her person until discharge. In cases of off-site pre-planned transfer such means of identification shall be maintained throughout the period of transfer and until such time as the patient becomes a patient of another licensed facility.

9.4 Admission Requirements: All admissions shall be in accordance with appropriate written policies and procedures which reflect the admission requirements established in this section, recommended by the ~~provider~~ MEDICAL staff and adopted by the governing body, specific to the ambulatory surgical center operations, that includes at least the following:

4 (A) The physicians performing the procedure shall document in writing that the patient is in good health or that any pre-existing health conditions are adequately controlled, require no special management and are such that performance of the procedure in ~~an ASC A~~ CENTER, rather than an INPATIENT hospital setting, does not pose an increased risk to the patient.

2 (B) The patient or a responsible person acting on behalf of the patient must be able to strictly follow instructions related to ingestion of fluids or solids within the specified time frame prior to the surgery.

3 (C) If the patient is to receive sedation or anesthetic which will result in impaired mental status following surgery, the patient must be accompanied upon discharge by a responsible adult, unless exempted in writing by the attending physician.

4 (D) Patients who may require post-operative ventilation following surgery, either because of the procedure to be performed or because of a pre-existing condition, shall not be admitted for surgery.

5 (E) Surgery which requires the presence of special equipment, personnel, and/or facilities due to the risk of the operation involved shall not be performed in the center unless such equipment, personnel, and/or facilities are available in the ambulatory surgical center.

6 (F) When overnight care is provided, appropriate services shall be rendered within the defined capabilities of the organization.

~~7. The governing body of the facility shall provide clear notice to patients that the facility is a smoke-free environment.~~

9.5 DISCHARGE: PATIENTS SHALL BE IN A STABLE CONDITION WHICH WILL NOT ENDANGER THEIR CONTINUED WELL-BEING OR SHALL BE TRANSFERRED TO A LICENSED HOSPITAL, CONVALESCENT CENTER OR OTHER TREATMENT FACILITY. THERE SHALL BE WRITTEN PROCEDURES AND ASSIGNED RESPONSIBILITIES FOR IMPLEMENTING SUCH PROCEDURES, INCLUDING PROVISIONS FOR TRANSPORTATION. THE CENTER SHALL PROVIDE VERBAL AND WRITTEN PATIENT INSTRUCTIONS IN REGARD TO POST-OPERATIVE CARE, PHYSICIAN POST-OPERATIVE APPOINTMENT, AND PHYSICIAN CONTACT INFORMATION.

9.6 OFF-SITE PRE-PLANNED TRANSFERS: Off-site pre-planned transfers of patients include those transfers of patients to other licensed health facilities, that are physically located off-site or off-campus, where it is known in advance that further post-surgical patient care will be needed. Off-site pre-planned transfers do not include discharges to the patient's place of residence where further care will be provided by home health or home care providers. Ambulatory surgical centers providing off-site pre-planned transfer service options shall adhere to the following requirements.

4 (A) DISCLOSURE. Facilities offering surgical services which include an off-site pre-planned transfer to another licensed facility following post-operative recovery shall disclose in written form to the patient all the details of the transfer prior to admission to the facility. Disclosure includes, but is not limited to, the cost of the transfer, whether or not such costs shall be covered by insurance or other third party payer, and the details of the actual transfer, including, but not limited to, the mode of transport. Disclosure shall be made to the patient prior to the time for admission to the facility. The patient shall acknowledge such disclosure in writing, and the date thereof. Such disclosures on facility

CENTER policies regarding off-site pre-planned transfers shall be in addition to the requirements for informed consent.

2 (B) Off-site pre-planned transfers shall be made only to other licensed facilities that can provide the level of care necessary to meet the needs of the patient. The ambulatory surgical center shall have a written agreement with any and each licensed facility that admits patients for post-surgical care from an ambulatory surgical center. The ambulatory surgical center shall provide written discharge instructions, including patient progress information, to the receiving facility.

a- (1) An ambulatory surgical center shall allow preplanned transfers only with the written consent of the patient and the written authorization of the attending or operating surgeon or physician. The attending or operating surgeon or physician shall approve such a transfer if there are assurances that the continuity of care for the patient shall be maintained and contact with the patient's attending physician is continuous.

3 (C) All pre-planned transfers shall be by licensed ambulance. The ambulatory surgical center shall have a written agreement with the provider(s) of ambulance services. Such transfer agreements shall include the provision for an appropriate level of care commensurate with the needs of a post-surgical recovering patient. If necessary, as determined by the attending or operating physician, licensed ~~provider~~ MEDICAL staff from the ambulatory surgical center shall accompany the patient on the ambulance to provide continuity of care and a level of care that meets the peri-operative needs of the patient.

4 (D) Ambulatory surgical centers engaging in pre-planned transfers shall provide space at the entrance to the building to facilitate transfer. The ~~facility~~ CENTER shall provide close-in parking that shall be accessible at all times and shall not be obstructed by other parked vehicles or any other architectural barriers. The space provided for ambulance access shall also contain adequate height clearance to accommodate a type I or a type III ambulance.

~~5. An ambulatory surgical center located above the ground level of the building that admits patients for which a pre-planned transfer is anticipated shall have elevators available for the transport of such patients. Elevators shall be large enough to accommodate an ambulance cot in horizontal position and a minimum of two attendants.~~

F 9.7 ON-SITE PRE-PLANNED TRANSFERS: On-site pre-planned transfers of patients are also authorized where it is known in advance that further post-surgical patient care will be DESIRED OR needed. Such transfers are limited to those transfers of patients to CONVALESCENT CENTERS OR other licensed health facilities, located on-site or on campus and are physically connected to the ambulatory surgical center.

4 (A) The provisions of paragraph ~~(E)(1) and (2)~~ 8.6(A) and (B) shall apply to on-site pre-planned transfers. The provisions of paragraph ~~(E)(3), (4), and (5)~~ 8.6(C) and (D) shall not apply to on-site pre-planned transfers.

SECTION 910 - LABORATORY AND RADIOLOGY

A 10.1 Services: Clinical laboratory services shall be available as required by the needs of the patients as determined by the ~~provider~~ MEDICAL staff. Whether provided on-site or by contract, the laboratory shall meet the requirements of the "Clinical Laboratory Improvement Amendments of 1988," and the corresponding regulations (42 USC § 263a and 42 CFR Part 493).

~~B 10.2~~ RADIOLOGICAL SERVICES: Radiological services shall be provided as required by the needs of the patients as determined by the ~~provider~~-MEDICAL staff. Whether provided on-site or by contract, the radiological services shall meet Colorado rules and regulations pertaining to "Radiation Control," 6 CCR 1007-1.

4 (A) THE RADIOLOGICAL SERVICE SHALL BE DIRECTED BY A LICENSED RADIOLOGIST AND STAFFED BY QUALIFIED TECHNICAL PERSONNEL.

2 (B) THERE SHALL BE WRITTEN POLICIES GOVERNING ALL RADIOLOGICAL PROCEDURES.

3 (C) SUFFICIENT DIAGNOSTIC AND THERAPEUTIC RADIOLOGICAL EQUIPMENT SHALL BE AVAILABLE TO SATISFY THE OBJECTIVES OF THE CENTER.

SECTION 4011 - ANESTHESIA

A 11.1 The use of flammable anesthetics in ambulatory surgical centers is prohibited.

~~B 11.2~~ THE AMBULATORY SURGICAL CENTER SHALL PROVIDE ANESTHESIA SERVICES COMMENSURATE WITH THE SERVICES PROVIDED BY THE CENTER.

~~C 11.3~~ GENERAL OR REGIONAL ANESTHESIA OR ANALGESIA SHALL BE ADMINISTERED ONLY BY A PHYSICIAN QUALIFIED BY TRAINING, EXPERIENCE AND ABILITY IN ANESTHESIOLOGY OR A REGISTERED NURSE ANESTHETIST GRADUATED FROM A CERTIFIED SCHOOL. IN THE CASE OF DENTAL TREATMENT, DENTISTS MAY ADMINISTER LOCAL ANESTHETICS.

SECTION 412 - EMERGENCY SERVICES

A 12.1 The center shall have policies and procedures which provide for adequate care of ~~the facility's~~ ITS patients in the event of an emergency.

~~B 12.2~~ There shall be a policy and procedure for obtaining ambulance services when emergency services are needed, including notification of next of kin or responsible party.

~~C 12.3~~ In the event emergency services are necessary, the ~~ASC~~ CENTER shall have a written transfer agreement with a local hospital or ensure that every physician performing surgery at the ~~ASC~~ CENTER has admitting privileges at a local hospital.

~~D 12.4~~ Emergency equipment and supplies shall be readily available ~~on the premises~~ IN THE SURGICAL AND/OR PROCEDURE ROOM(S) AND RECOVERY ROOM(S).

~~E 12.5~~ An ambulatory surgical center transferring a patient to a hospital on an emergency basis, shall submit to the receiving hospital at the time of transfer a copy of all medical records related to the patient's condition, including observations of the patient's signs and symptoms, preliminary diagnosis, treatment provided, results of any tests, and a copy of the informed written consent for the surgical procedure that was scheduled or performed at the ASC.

~~F 12.6~~ AN AMBULATORY SURGICAL CENTER LOCATED ABOVE THE GROUND LEVEL OF A BUILDING THAT ADMITS PATIENTS FOR WHICH A PRE-PLANNED TRANSFER IS ANTICIPATED SHALL HAVE ELEVATORS AVAILABLE FOR THE TRANSPORT OF SUCH PATIENTS. ELEVATORS SHALL BE LARGE ENOUGH TO ACCOMMODATE AN AMBULANCE COT IN A HORIZONTAL POSITION AND A MINIMUM OF TWO ATTENDANTS.

SECTION 4213 - NURSING SERVICES

A 13.1 Nursing Administration : The ~~facility~~ CENTER shall have sufficient nursing personnel under the supervision of a nurse manager who is currently licensed by the State of Colorado as a

professional registered nurse and who is QUALIFIED BY EDUCATION AND EXPERIENCE TO BE responsible for oversight of all nursing services.

B 13.2 The nurse manager shall be responsible for oversight of the following:

- 4 (A) delivery of appropriate nursing services to patients;
- 2 (B) development and maintenance of appropriate nursing service objectives, standards of nursing practice, nursing policy and procedure manuals, and written job descriptions for all levels of nursing personnel;
- 3 (C) coordination of nursing services with other patient services;
- 4 (D) establishment of a means of adequately assessing and planning the nursing care needs of patients and staffing to meet those needs; and
- 5 (E) staff development including orientation, inservice and continuing education which includes provisions for CPR certification or review.

C 13.3 Nursing Personnel: There shall be sufficient licensed and auxiliary nursing personnel on duty to meet the total nursing needs of patients:

- 4 (A) at least one registered nurse shall be in the ~~facility~~ CENTER at all times whenever a patient is ~~in the facility~~ PRESENT;
- 2 (B) nursing personnel shall be assigned duties consistent with their education and experience.

D 13.4 Medications and Treatments: Medications and treatments shall be administered in accordance with all applicable laws and acceptable standards of practice.

E 13.5 Personnel STAFF Meetings : Meetings of nursing personnel shall be held regularly to discuss, review and evaluate nursing care. Written minutes of these meetings shall be maintained and distributed to personnel.

~~F. In-service Education : All nursing personnel shall receive at least 12 hours of in-service education annually; which shall include, but not be limited to, infection control; fire, safety and emergency procedures.~~

~~G. Evaluation : There shall be an adequate plan of continuous evaluation of nursing care. The nurse manager shall periodically evaluate the adequacy of the facility to meet the nursing needs of its patients and shall participate in planning for needed improvements or revisions of facilities and services.~~

~~H. Circulating Nurse: A registered nurse, qualified by education and experience in operating room nursing, shall be present as a circulating nurse in each operating room during operative procedures.~~

13.6 STAFFING: THE CENTER SHALL HAVE NURSING STAFF IN SUFFICIENT NUMBERS TO ENSURE THAT THE FOLLOWING SERVICES ARE PROVIDED:

- (A) A REGISTERED NURSE, QUALIFIED BY EDUCATION AND EXPERIENCE SHALL BE PRESENT IN EACH OPERATING ROOM DURING OPERATIVE PROCEDURES. THIS NURSE'S DUTIES ARE PERFORMED OUTSIDE THE STERILE FIELD. THIS NURSE IS RESPONSIBLE FOR MANAGING ALL NURSING CARE

1 WITHIN THE OPERATING ROOM, OBSERVING THE SURGICAL TEAM FROM A BROAD PERSPECTIVE,
2 AND ASSISTING THE TEAM AS NECESSARY.

3 (B) A REGISTERED NURSE OR CERTIFIED REGISTERED NURSE ANESTHETIST, QUALIFIED BY
4 EDUCATION AND EXPERIENCE IN PERI-OPERATIVE NURSING, SHALL BE PRESENT IN EACH
5 OPERATING OR PROCEDURE ROOM DURING THE COURSE OF THE PROCEDURE AND BE DEDICATED
6 SOLELY TO MONITORING THE PATIENT DURING THE PROCEDURE.

7 (C) A REGISTERED NURSE, QUALIFIED BY EDUCATION AND EXPERIENCE, SHALL BE PRESENT IN THE
8 RECOVERY AREA WHEN PATIENTS ARE RECOVERING.

9 **SECTION 4314- PHARMACEUTICAL SERVICES**

10 A 14.1 The ambulatory surgical center shall implement methods, procedures and controls which ensure
11 the appropriation, acquisition, storage, dispensing and administration of drugs and biologicals in
12 accordance with acceptable pharmaceutical practice and applicable state and federal laws and
13 regulations, whether it provides its own pharmaceutical services or makes other legal and
14 appropriate arrangements for obtaining necessary pharmaceuticals.

15 14.2 MEDICATIONS SHALL NOT BE ADMINISTERED TO PATIENTS UNLESS ORDERED BY A PHYSICIAN OR OTHER
16 PRACTITIONERS WITH PRESCRIPTIVE AUTHORITY. THE ORDERS SHALL BE IN WRITING OR, IF GIVEN
17 VERBALLY, SHALL BE PROMPTLY REDUCED TO WRITING AND SIGNED BY THE PRACTITIONER IN
18 ACCORDANCE WITH CENTER PROCEDURE.

19 14.3 MEDICATIONS MAINTAINED IN THE CENTER SHALL BE APPROPRIATELY STORED AND SAFEGUARDED
20 AGAINST DIVERSION OR ACCESS BY UNAUTHORIZED PERSONS. APPROPRIATE RECORDS SHALL BE KEPT
21 REGARDING THE DISPOSITION OF ALL MEDICATIONS.

22 14.4 EACH CENTER SHALL MAINTAIN REFERENCE SOURCES FOR IDENTIFYING AND DESCRIBING MEDICATIONS.
23 SOURCES MAY BE IN ELECTRONIC FORMAT OR WEB-BASED.

24 14.5 MEDICATION SHALL BE ADMINISTERED ONLY BY A LICENSED NURSE OR PHYSICIAN.

25 14.6 BLOOD, BLOOD PRODUCTS AND PARENTERAL SOLUTIONS SHALL BE ADMINISTERED ONLY BY PHYSICIANS
26 OR REGISTERED NURSES.

27 14.7 ADVERSE MEDICATION REACTIONS SHALL BE REPORTED IMMEDIATELY TO THE PHYSICIAN RESPONSIBLE
28 FOR THE PATIENT AND DOCUMENTED IN THE MEDICAL RECORD.

30 **SECTION 4415 – SURGICAL AND PROCEDURAL SERVICES**

31 A ~~Location: The ambulatory surgical center shall have at least one operating room that has the~~
32 ~~capability of administering general anesthesia to patients and is located in a sterile environment~~
33 ~~within the facility. The operating room(s) and accessory areas shall be located so that in and out~~
34 ~~traffic is properly controlled. The ambulatory surgical center may have additional, appropriately~~
35 ~~equipped treatment and/or procedures rooms for surgical procedures not requiring general~~
36 ~~anesthesia.~~

37 1. ~~If an ambulatory surgical center generally provides only surgical services that do not~~
38 ~~require general anesthesia, the facility may make application to the department for an~~
39 ~~appropriate modification of the requirements for a surgical suite provided that the facility~~
40 ~~can demonstrate the ability to implement a functional, sterile operating room whenever~~
41 ~~such use would be necessitated by patient needs.~~

~~2. The provisions of paragraph A.1 shall not apply to ambulatory surgical centers licensed prior to January 30, 1995.~~

15.1 A QUALIFIED PERSON DESIGNATED BY THE ADMINISTRATOR SHALL BE RESPONSIBLE FOR THE DAILY FUNCTIONING AND MAINTENANCE OF THE SURGICAL AND/OR PROCEDURE ROOM(S).

15.2 SURGICAL SITE IDENTIFICATION: EACH CENTER SHALL DEVELOP A STANDARDIZED METHOD TO INSURE ALL PATIENTS ARE APPROPRIATELY IDENTIFIED, ALL PERTINENT INFORMATION IS OBTAINED, THE SURGERY AND SURGICAL SITE ARE CONFIRMED, AND A SURGICAL TEAM TIME OUT IS CONDUCTED PRIOR TO AN INCISION BEING MADE.

(A) AT A MINIMUM, ALL SURGICAL SITES INVOLVING LATERALITY, MULTIPLE STRUCTURES (IE, FINGERS, TOES, LESIONS) OR MULTIPLE LEVELS (IE, SPINE) SHALL BE MARKED.

(1) THE MARKING SHALL BE MADE BY AN INDIVIDUAL THAT IS FAMILIAR WITH THE PATIENT AND IS INVOLVED WITH THE PATIENT'S PROCEDURE SUCH AS THE SURGEON OR A LICENSED INDIVIDUAL WHO PERFORMS DUTIES IN COLLABORATION WITH THE SURGEON (IE, REGISTERED NURSE, ADVANCE PRACTICE NURSE OR PHYSICIAN ASSISTANT).

(2) WHENEVER POSSIBLE, THE MARKING SHALL INVOLVE THE PATIENT AND TAKE PLACE WHEN THE PATIENT IS AWAKE AND AWARE.

(B) THE SURGICAL TIME OUT SHALL INCLUDE, AT A MINIMUM, UNANIMOUS CONFIRMATION BY THE ENTIRE SURGICAL TEAM OF THE FOLLOWING FACTORS:

(1) PATIENT IDENTITY USING TWO PATIENT IDENTIFIERS;

(2) TYPE OF PROCEDURE;

(3) IDENTIFICATION OF CORRECT SITE OR SIDE.

~~B. Patient Preparation Area: A patient preparation area with adjacent toilet facilities must be provided near the surgical suite. This area must provide for the privacy and comfort of the patients and for storage of patient's clothing.~~

~~C. Surgical Privileges Roster: An up-to-date roster of MEDICAL staff providers specifying the approved surgical privileges of each shall be kept on file and shall be available to the nursing staff at all times.~~

~~D. Doorways and Corridors : The minimum width of doors for patients and equipment shall be 3 feet. Doors to accommodate stretchers shall be at least 3 feet, 8 inches wide. The minimum width of corridors serving surgery suites and recovery and patient preparation areas must be at least 8 feet.~~

~~E. Operating Room(s)/surgical suites and treatment and procedures rooms: Each room shall be large enough to accommodate equipment and personnel for surgical procedures to be performed. If general anesthesia is to be administered during the surgery, the room shall contain a minimum of 225 square feet and; adequate provisions shall be made for an emergency communication system connecting the surgical suite to a control station.~~

~~F. Equipment: The following equipment must be available in the facility: 1) cardiac monitor, 2) resuscitator, 3) defibrillator, 4) aspirator, 5) tracheotomy set and equipment for airway maintenance, and 6) pediatric sized equipment, if pediatric patients are served.~~

~~G. Reserved~~

~~H. Ancillary Areas: In addition to operating room(s), the following physically separated areas~~
~~DISTINCT SECTIONS shall be provided within the suite and shall be separated by doors and/or walls:~~
~~1) scrub area, 2) cleanup room, 3) instrument and supply storage, 4) janitor's facilities~~

~~† 15.3 Scrub Area :~~ The scrub area shall be adjacent to the operating room to permit immediate access to the room after scrubbing. The scrub area shall be no more than 10 feet from the entrance to the operating room. Scrub sink(s) with ELECTRONIC SENSORS, knee or foot controls shall be installed in the scrub area.

~~‡ 15.4 Clean-up Facilities:~~ Clean and soiled utility rooms shall be arranged and provided with equipment necessary for proper patient care and for the processing of soiled equipment, including a ~~pressurized steam sterilizer or equivalent, or a sterilizer-~~ DECONTAMINATION or sterilization system that is appropriate to the procedures being performed, and storage cabinets and work counters with sinks. EQUIPMENT FOR STERILIZING INSTRUMENTS AND SUPPLIES SHALL BE CONVENIENTLY LOCATED AND OF ADEQUATE CAPACITY FOR THE WORKLOAD. RECORDS SHALL BE MAINTAINED TO ASSURE QUALITY CONTROL, INCLUDING DATE, TIME AND TEMPERATURE OF EACH BATCH OF STERILIZED SUPPLIES AND EQUIPMENT.

~~¶ 15.5 Staff Dressing Rooms:~~ SEPARATE STAFF DRESSING ROOMS ~~SHALL~~ be provided for both men and women; each containing a toilet, handsink, and ~~provisions for storage of clothing~~ STORAGE. FOR CENTERS WITH LESS THAN FOUR SURGICAL AND/OR PROCEDURE ROOMS, UNISEX DRESSING ROOMS ARE ACCEPTABLE. SHOWERS SHALL BE PROVIDED WHERE THERE IS MORE THAN MINIMAL POSSIBILITY OF EXPOSURE TO BLOOD OR BODY FLUIDS AND SECRETIONS.

~~L. Ventilation :~~ Operating rooms or surgical suites shall be provided with a minimum ventilation rate as required in Section 24 by mechanical supply and exhaust system. The air may be recirculated, provided the recirculated air passes through the final filters. The mechanical ventilation system may be shut down during off hours.

~~1. outdoor air intakes shall be located as far away from exhausts as practical, but not less than 25 feet from the exhausts from any ventilating systems, combustion equipment, medical surgical vacuum system or plumbing vent or areas which may collect noxious fumes. The bottom of all outdoor air intakes shall be located as high as practical but not less than 3 feet above grade level, or, if installed through the roof, 3 feet above the roof level;~~

~~2. all air supplied to operating rooms and recovery rooms shall be delivered at or near the ceiling of the area served.~~

~~M. Filters :~~ All ventilation or air conditioning systems serving surgery suites shall have a minimum of two filter beds. Filter bed No. 1 shall be located upstream of the air conditioning equipment and shall have a minimum efficiency of 25 percent. Filter bed No. 2 shall be downstream of the supply fan and air conditioning equipment and humidifying equipment. However, if a steam humidifying system is provided, it may be downstream of the final filter. Filter bed No. 2 shall have a minimum efficiency of 90 percent of 1-5 micron size particles. Each filter bed serving sensitive areas shall have a manometer installed across each filter bed.

~~N. Exhaust:~~ At least two (2) exhaust outlets shall be provided in each operating room, with the lower perimeter of the outlet situated between three to four inches off the floor.

~~O. Lighting:~~ General and spot illumination shall be provided in each operating room.

~~P. Reserved~~

~~Q 15.6 Janitors ENVIRONMENTAL SERVICES Room:~~ A separate janitors' room or equivalent SPACE shall be provided exclusively for the surgical and/or procedure rooms. It shall be equipped with shelves for supplies, mop clip boards, and a wall or floor-mounted mop sink. A hand-washing sink with soap and sanitary handwashing facilities will be available nearby. There shall be room also for a waste container, drum of disinfectant detergent, mop carts and buckets, etc.

SECTION 1516 – POST ANESTHESIA RECOVERY ROOM PRE- AND POST-PROCEDURE AREAS

16.1 THE CENTER SHALL BE ARRANGED AND ORGANIZED IN A MANNER THAT ENSURES THE COMFORT, SAFETY, HYGIENE, PRIVACY AND DIGNITY OF ITS PATIENTS.

16.2 A SEPARATE AREA SHALL BE PROVIDED WHERE PATIENTS CAN CHANGE THEIR CLOTHING BEFORE AND AFTER THE SURGERY OR PROCEDURE. THIS AREA SHALL INCLUDE HOLDING ROOM(S), LOCKERS, AND TOILETS.

A 16.3 ~~Recovery Room(s): Recovery room(s) for post-anesthesia recovery that meet the needs of surgical patients shall be provided.~~ CENTERS THAT PERFORM SURGERY OR PROCEDURES WITH ANESTHESIA, SHALL HAVE POST-ANESTHESIA RECOVERY ROOM(S) FOR ITS PATIENTS. BEDS, STRETCHERS OR RECLINERS MAY BE UTILIZED IF THEY OFFER THE APPROPRIATE LEVEL OF SAFETY AND COMFORT TO THE PATIENT(S).

B ~~Recovery Area and Equipment: The surgical recovery rooms must provide for: 1) direct visual observation of all patients, 2) medicine administration facilities, 3) charting facilities, 4) toilet facilities, 5) storage space for supplies and equipment, 6) oxygen, 7) emergency call system, and 8) hand washing facilities.~~

16.4 THE RECOVERY ROOM(S) MUST ACCOMMODATE PROVISION OF THE FOLLOWING ACTIVITIES OR SERVICES:

- (A) DIRECT VISUAL OBSERVATION OF ALL PATIENTS,
- (B) MEDICATION ADMINISTRATION,
- (C) CHARTING,
- (D) TOILETING AND HAND WASHING,
- (E) SUPPLY AND EQUIPMENT STORAGE,
- (F) ADMINISTRATION OF OXYGEN, SUCTION AND RESUSCITATION; AND
- (G) EMERGENCY CALL SYSTEM.

C ~~Bed Space : There must be at least 3 feet on each side or between recovery beds and space at the foot of the bed for work and/or circulation.~~

SECTION 17 - INFECTION AND DISEASE CONTROL

17.1 THE AMBULATORY SURGICAL CENTER SHALL HAVE A MULTI-DISCIPLINARY INFECTION CONTROL COMMITTEE CHARGED WITH THE RESPONSIBILITY OF INVESTIGATION AND RECOMMENDATIONS FOR THE PREVENTION AND CONTROL OF INFECTION AND COMMUNICABLE DISEASE.

17.2 THE INFECTION CONTROL COMMITTEE SHALL DEVELOP AND IMPLEMENT POLICIES AND PROCEDURES RELATED TO INFECTION AND DISEASE CONTROL INCLUDING, BUT NOT LIMITED TO:

- (A) THE ADMISSION OF PATIENTS WITH SPECIFIC INFECTIOUS DISEASES;

- (B) ANNUAL REVIEW OF CLINIC POLICIES AND PROCEDURES TO ENSURE COMPLIANCE WITH THE GOVERNING BOARD'S CHOSEN NATIONAL STANDARD FOR INFECTION CONTROL, AND ANY SPECIFIC RECOMMENDATIONS FROM LOCAL OR STATE PUBLIC HEALTH AGENCIES.
- (C) ORIENTATION AND CONTINUING EDUCATION OF PERSONNEL ON THE CONTROL OF NOSOCOMIAL AND INFECTIOUS DISEASES, INCLUDING UNIVERSAL PRECAUTIONS;
- (D) THE REPORTING OF COMMUNICABLE DISEASES AS REQUIRED BY APPLICABLE STATE AND FEDERAL LAWS AND REGULATIONS;
- (E) CLEANING AND/OR DISINFECTION OF THE CENTER AND EQUIPMENT; AND
- (F) EFFECTIVE CONTROL AND ERADICATION OF INSECTS AND RODENTS.

SECTION 4618 - PATIENT CARE UNIT

- A 18.1** An ambulatory surgical center shall maintain a distinct patient care area if the ambulatory surgical center provides surgical services for persons needing longer periods of care and/or observation beyond the recovery period and prior to discharge, but not to exceed 24 hours. Patient rooms shall have direct exit to the corridor or exit way and shall have a maximum of two beds per room.
- B 18.2** Each patient room shall be a minimum of 100 square feet for a one-bed occupancy and 80 square feet per bed for a two-bed occupancy, exclusive of closets or lockers. In a two-bed patient room, privacy shall be provided by cubicle curtains or other appropriate partitions.
- C 18.3** Each patient room shall contain at least one, appropriately sized patient bed equipped with a mattress protected by waterproof material and a pillow.
- D 18.4** Each patient room shall be in an area that is visible to the staff at the nursing station and shall be equipped with a nurse call system.
- E 18.5** A patient bathroom, with toilet and sink shall be provided in the immediate vicinity of the patient bedroom(s). Immediate vicinity means in the patient bedroom, adjacent to the patient bedroom or directly across the corridor from the patient bedroom.
- F 18.6** Patient rooms shall be equipped with medical and personal care equipment that is necessary to meet the needs of the patient.

SECTION 47 19 – EQUIPMENT AND SUPPLIES

- 19.1** EQUIPMENT SHALL BE IN GOOD WORKING ORDER AND SHALL BE AVAILABLE IN SUFFICIENT QUANTITY TO ENSURE ADEQUATE PATIENT CARE BASED UPON THE PROCEDURES TO BE PERFORMED IN THE CENTER.
 - (A) MONITORING EQUIPMENT, SUCTION APPARATUS, OXYGEN AND RELATED ITEMS SHALL BE AVAILABLE WITHIN THE SURGICAL/PROCEDURE AREAS AND RECOVERY AREAS.
 - (1) CENTERS THAT CONDUCT SURGERY OR PROCEDURES USING GENERAL ANESTHESIA SHALL HAVE CARDIAC PULMONARY RESUSCITATION EQUIPMENT.
 - (2) CENTERS THAT DO NOT USE GENERAL ANESTHESIA SHALL HAVE AT LEAST ONE AUTOMATED EXTERNAL DEFIBRILLATOR (AED).
 - (B) Sterilizing equipment of appropriate type shall be available and of sufficient capacity to adequately sterilize instruments and operating room materials as well as laboratory equipment and supplies. The sterilizing equipment shall have an approved recording

thermometer and safety features. The accuracy of such instrumentation and equipment shall be checked and calibrated periodically, preventive maintenance shall be provided as necessary and a log maintained.

(C) CENTERS USING LASER EQUIPMENT SHALL MAINTAIN WRITTEN DOCUMENTATION OF A SAFETY AND MAINTENANCE PROGRAM RELATED TO THE USE OF THE LASER EQUIPMENT.

A 19.2 Storage, Maintenance and Distribution: There shall be safe and sanitary storage, maintenance and distribution of sterile supplies and equipment, in accordance with adequate written policies and procedures which also govern shelf life.

B 19.3 Segregation: Sterile supplies and equipment shall not be mixed with unsterile supplies, shall be stored in dust proof and moisture free units, and shall be properly labeled.

~~C Sterilizing Equipment: Sterilizing equipment of appropriate type shall be available and of sufficient capacity to adequately sterilize instruments and operating room materials as well as laboratory equipment and supplies. The sterilizing equipment shall have an approved recording thermometer and safety features. The accuracy of such instrumentation and equipment shall be checked and calibrated periodically, preventive maintenance shall be provided as necessary and a log maintained.~~

SECTION 48120 - HOUSEKEEPING SERVICES AND MAINTENANCE

A 20.1 Organization: Each facility CENTER shall provide housekeeping services which ensure a pleasant, safe and sanitary environment. ~~The facility shall be kept clean and orderly.~~ IF THE CENTER CONTRACTS WITH AN OUTSIDE VENDOR TO PROVIDE HOUSEKEEPING SERVICES, THERE SHALL BE A WRITTEN AGREEMENT REGARDING THE SERVICES AND THE CENTER SHALL BE ULTIMATELY RESPONSIBLE FOR QUALITY CONTROL OF THE CONTRACTOR.

~~B 20.2 Written Policies and Procedures:~~ Appropriate WRITTEN policies and procedures shall be established and ~~followed~~ APPROVED BY THE INFECTION CONTROL COMMITTEE which ensure adequate cleaning and/or disinfection of the physical ~~facility~~ STRUCTURE and equipment.

~~C 20.3 Storage:~~ All cleaning materials, solutions, cleaning compounds, and hazardous substances, shall be properly identified and stored in ~~a safe place~~ ACCORDANCE WITH THE MANUFACTURERS' INSTRUCTIONS.

20.4 CLEANING METHODS SHALL MINIMIZE THE DISPERSION OF DUST PARTICLES THAT MAY CONTAIN MICRO-ORGANISMS IN CLEAN/STERILE AREAS.

20.5 THE CENTER SHALL HAVE WRITTEN POLICIES AND PROCEDURES REGARDING A PREVENTATIVE MAINTENANCE PROGRAM TO ENSURE THAT THE PHYSICAL PLANT AND EQUIPMENT ARE KEPT IN GOOD REPAIR AND TO PROVIDE FOR THE SAFETY, WELFARE AND COMFORT OF THE CENTER OCCUPANTS.

~~D. Clinical Areas:~~ Clinical areas shall be maintained at a high level of cleanliness at all times.

~~E. Dry Dusting and Sweeping:~~ Dry dusting and sweeping shall be prohibited in clean/sterile areas

~~F. Rubbish and Refuse Containers:~~ All rubbish and refuse containers in treatment areas shall be impervious, lined and clean.

~~G. Handwashing:~~ All personnel shall wash their hands after handling refuse, pursuant to established ASC facility policy.

SECTION 4921 - LAUNDRY AND LINENS

~~21.1~~ ~~Written provisions shall be made for the proper handling of linens and washable goods.~~ THE CENTER SHALL HAVE WRITTEN POLICIES AND PROCEDURE REGARDING THE HANDLING OF LINENS AND LAUNDRY.

A 21.2 Outside Laundry: Laundry that is sent out shall be sent to a commercial or hospital laundry. A contract for laundry services performed by commercial laundries for ambulatory surgical centers shall include applicable standards of this Section ~~49~~ 21.

B 21.3 Storage: If soiled linen is not processed on a daily basis, a separate, properly ventilated storage area shall be provided.

C 21.4 Processing: The laundry processing area shall be arranged to allow for an orderly, progressive flow of laundry from the soiled to the clean area.

D 21.5 Washing Temperatures: The water temperature and duration of washing cycle shall be consistent with the temperature and duration recommended by the manufacturers of the laundry chemicals being used.

E 21.6 Packaging: The linens to be returned from the outside laundry to the facility CENTER shall be completely wrapped or covered to protect against contamination.

F 21.7 Soiled Linen Transportation: Soiled linen shall be enclosed in an impervious bag and removed from surgery units after each procedure.

G 21.8 Soiled Linen Carts: Carts, if used to transport soiled linen, shall be constructed of impervious materials, cleaned and disinfected after each use.

H 21.9 Clean Linen Storage Room: Adequate provisions shall be made for storage of clean linen.

I 21.10 Contaminated Linens: Contaminated linens shall be afforded appropriate special treatment by the laundry.

J 21.11 Procedures: Adequate procedures for the handling of all laundry and for the positive identification, proper packaging and storage of sterile linens must be developed and followed.

~~SECTION 20 – MAINTENANCE~~

A. ~~Written Policies and Procedures: There shall be written policies and procedures for a preventive maintenance program which is implemented to keep the entire facility CENTER and equipment in good repair and to provide for the safety, welfare and comfort of the occupants of the building(s).~~

~~SECTION 21 – INCINERATION~~

A. ~~Agreement: If there is no pathological incinerator on the premises, the facility must have an agreement with another facility that has an approved pathological incinerator for the proper disposal of pathological waste.~~

B. ~~Incinerator for Pathological Waste: Any pathological waste incinerator must meet the applicable Colorado Air Quality Control Commission's regulations at 5 CCR 1001-3, 5 CCR 1001-5, and 5 CCR 1001-8. Part B. The Colorado Air Quality Control Commission regulations are incorporated by reference in accordance with Section 1.C of this rule.~~

C. ~~Refuse Incinerators: Refuse incinerators are prohibited.~~

~~SECTION 22 – PEST CONTROL~~

~~A. Pest Control: Adequate written policies and procedures shall be developed and implemented to provide for effective control and eradication of insects and rodents.~~

~~B. Outer Air Openings: All openings to the outer air shall be effectively protected against the entrance of insects and rodents, etc., by self-closing doors, closed windows, screens, controlled air currents or other effective means.~~

SECTION 23 22 - WASTE MANAGEMENT ~~STORAGE AND DISPOSAL~~

~~A 22.1 Sewage and Sewer Systems: All sewage shall be discharged into a public sewer system.~~

~~B 22.2 Refuse and Rubbish:~~

4(A) Medical waste shall be disposed of in accordance with the Department's Regulations Pertaining to Solid Waste Sites and Facilities at 6 CCR 1007-2, Part 1, Section 13, Medical Waste. These regulations are incorporated by reference in accordance with Section 1.6 3 of this rule CHAPTER 20.

2 (B) All garbage and refuse not treated as sewage shall be collected in approved IMPERVIOUS containers with liners in such manner as not to become a nuisance, and shall be removed from the facility CENTER once a day. The facility CENTER shall have a paved outside area for storage of garbage and refuse containers. Refuse incinerators are prohibited.

(C) ALL PERSONNEL SHALL WASH THEIR HANDS AFTER HANDLING REFUSE AS SPECIFIED BY THE CENTER'S INFECTION AND DISEASE CONTROL POLICIES AND PROCEDURES.

SECTION 24 23 - COMPLIANCE WITH FGI GUIDELINES

Effective July 1, 2013, all ambulatory surgical centers shall be constructed in conformity with the standards adopted by the Director of the Division of Fire Prevention and Control (DFPC) at the Colorado Department of Public Safety. For construction initiated or systems installed on or after July 1, 2013, that affect patient health and safety and for which DFPC has no applicable standards, each facility CENTER shall conform to the relevant section(s) of the Guidelines for Design and Construction of Health Care Facilities, (2010 Edition), Facilities Guidelines Institute. The Guidelines for Design and Construction of Health Care Facilities, (2010 Edition), Facilities Guidelines Institute (FGI), is hereby incorporated by reference and excludes any later amendments to or editions of the Guidelines. The 2010 FGI Guidelines are available at no cost in a read only version at: <http://fgiguidelines.org/digitalcopy.php>
http://openpub.realread.com/rserver/browser?title=/FGI/2010_Guidelines

SECTION 25 24 - ~~DEPARTMENT OVERSIGHT~~ LICENSE FEES

~~A LICENSURE FEES. Fees shall be submitted to the Department as specified below.~~

24.1 AN APPLICANT FOR AN AMBULATORY SURGICAL CENTER LICENSE SHALL SUBMIT, IN THE FORM AND MANNER SPECIFIED BY THE DEPARTMENT, A LICENSE APPLICATION WITH THE CORRESPONDING NON REFUNDABLE FEE AS SET FORTH BELOW:

1. (A) Initial license: ~~(when such initial licensure is not a change of ownership).~~ A license applicant shall submit with an application for licensure a nonrefundable fee of \$6,600.

2. (B) Renewal license: A license applicant shall submit with an application for licensure a nonrefundable fee as follows: Base: \$1,440; Per Operating or Procedure Room: \$200. The renewal fee shall not exceed \$3,000.

3- (C) Change of Ownership: A license applicant shall submit with an application for licensure a nonrefundable fee of \$4,100.

4- (D) Provisional License: The license applicant may be issued a provisional license upon submittal of a nonrefundable fee of \$2,500. If a provisional license is issued, the provisional license fee shall be in addition to the initial or renewal license fee.

5- (E) Conditional License: A ~~facility~~ CENTER that is issued a conditional license by the Department shall submit a nonrefundable fee ranging from 10 to 25 percent of its applicable renewal fee. The percentage shall be determined by the Department. If the conditional license is issued concurrent with the initial or renewal license, the conditional license fee shall be in addition to the initial or renewal license fee.

SECTION 25 – AMBULATORY SURGICAL CENTER WITH A CONVALESCENT CENTER

25.1 GENERAL: IN ADDITION TO COMPLIANCE WITH THE PRECEDING SECTIONS 1 THROUGH 24, AN AMBULATORY SURGICAL CENTER WITH A CONVALESCENT CENTER SHALL ALSO COMPLY WITH THIS SECTION 25 REGARDING THE OPERATION AND MAINTENANCE OF THE CONVALESCENT CENTER.

25.2 PATIENT TRANSFER: A LICENSED AMBULATORY SURGICAL CENTER WITH A CONVALESCENT CENTER SHALL PROVIDE FOR THE PROMPT AND SAFE TRANSFER OF PATIENTS BETWEEN THE AMBULATORY SURGICAL CENTER AND THE CONVALESCENT CENTER. EACH PATIENT TRANSFERRED FROM THE AMBULATORY SURGICAL CENTER TO THE CONVALESCENT CENTER SHALL HAVE A VISIBLE MEANS OF IDENTIFICATION ON HIS OR HER PERSON.

25.3 PATIENT CARE SERVICES: THE CONVALESCENT CENTER SHALL HAVE WRITTEN POLICIES AND PROCEDURES REGARDING THE PROVISION OF DIRECT PATIENT CARE THAT INCLUDES, BUT IS NOT LIMITED TO:

(A) THE HANDLING OF MEDICAL EMERGENCIES;

(B) COORDINATION OF CARE ACROSS MULTIPLE DISCIPLINES, AS APPLICABLE;

(C) INITIAL AND REVISED PATIENT ASSESSMENTS AND CARE PLANS; AND

(D) DISCHARGE PLANNING.

25.4 DIETARY SERVICES: THE CONVALESCENT CENTER SHALL PROVIDE FOOD SERVICE TO PATIENTS ADMITTED TO INPATIENT BEDS.

(A) PERSONS ASSIGNED TO FOOD PREPARATION AND SERVICE SHALL HAVE THE APPROPRIATE TRAINING NECESSARY TO STORE, PREPARE AND SERVE FOOD IN A MANNER THAT PREVENTS FOOD-BORNE ILLNESS

(B) MEALS SHALL BE PREPARED, STORED AND SERVED IN A MANNER THAT PREVENTS FOOD-BORNE ILLNESS.

(C) THE FOOD SERVICE AREA SHALL BE AN AREA SEPARATE FROM THE EMPLOYEE LOUNGE OR OTHER AREAS USED BY FACILITY PERSONNEL OR THE PUBLIC

(D) ALL FOOD SHALL BE PRE-PACKAGED AND REQUIRE MICROWAVE HEATING ONLY AND DISPOSABLE PRODUCTS FOR PREPARATION AND SERVICE SHALL BE USED UNLESS THE FACILITY DEVELOPS AND IMPLEMENTS POLICIES AND PROCEDURES FOR THE SAFE PREPARATION, STORAGE AND SERVING OF FOODS.

(E) CATERING AND ALTERNATIVE METHODS OF MEAL PROVISION SHALL BE ALLOWED IF PATIENT NEEDS AND THE INTENT OF THIS PART OF THE REGULATIONS ARE MET.

25.5 PHARMACEUTICAL SERVICES: THE CONVALESCENT CENTER SHALL COMPLY WITH THE PHARMACEUTICAL SERVICES REQUIREMENTS SET FORTH IN SECTION 14 OF THIS CHAPTER 20.

25.6 INFECTION CONTROL: THE CONVALESCENT CENTER SHALL COMPLY WITH THE INFECTION CONTROL REQUIREMENTS SET FORTH IN SECTION 17 OF THIS CHAPTER 20.

25.7 PATIENT CARE UNIT: THE CONVALESCENT CENTER SHALL COMPLY WITH THE PATIENT CARE UNIT REQUIREMENTS SET FORTH IN SECTION 18 OF THIS CHAPTER 20

25.8 HOUSEKEEPING AND MAINTENANCE: THE CONVALESCENT CENTER SHALL COMPLY WITH THE HOUSEKEEPING AND MAINTENANCE REQUIREMENTS SET FORTH IN SECTION 20 OF THIS CHAPTER 20.

25.9 LAUNDRY AND LINENS: THE CONVALESCENT CENTER SHALL COMPLY WITH THE LAUNDRY AND LINENS REQUIREMENTS SET FORTH IN SECTION 21 OF THIS CHAPTER 20.

25.10 WASTE MANAGEMENT: THE CONVALESCENT CENTER SHALL COMPLY WITH THE LAUNDRY AND LINENS REQUIREMENTS SET FORTH IN SECTION 22 OF THIS CHAPTER 20.

25.11 CONTRACTED SERVICES: ALL CONTRACTED SERVICES SHALL BE DOCUMENTED BY A WRITTEN AGREEMENT. THE WRITTEN AGREEMENT SHALL INCLUDE THE NAMES OF THE OWNER OR CORPORATE OFFICERS AUTHORIZED TO SIGN THE AGREEMENT AND THE CENTER SHALL BE ULTIMATELY RESPONSIBLE FOR QUALITY CONTROL OF THE CONTRACTED SERVICES.

25.12 COMPLIANCE WITH FGI GUIDELINES:

EFFECTIVE FEBRUARY 1, 2015, ALL CONVALESCENT CENTERS SHALL BE CONSTRUCTED IN CONFORMITY WITH THE STANDARDS ADOPTED BY THE DIRECTOR OF THE DIVISION OF FIRE PREVENTION AND CONTROL (DFPC) AT THE COLORADO DEPARTMENT OF PUBLIC SAFETY. FOR CONSTRUCTION INITIATED OR SYSTEMS INSTALLED ON OR AFTER JULY 1, 2013, THAT AFFECT PATIENT HEALTH AND SAFETY AND FOR WHICH DFPC HAS NO APPLICABLE STANDARDS, EACH FACILITY CENTER SHALL CONFORM TO THE RELEVANT SECTION(S) OF THE GUIDELINES FOR DESIGN AND CONSTRUCTION OF HEALTH CARE FACILITIES, (2010 EDITION), FACILITIES GUIDELINES INSTITUTE. THE GUIDELINES FOR DESIGN AND CONSTRUCTION OF HEALTH CARE FACILITIES, (2010 EDITION), FACILITIES GUIDELINES INSTITUTE (FGI), IS HEREBY INCORPORATED BY REFERENCE AND EXCLUDES ANY LATER AMENDMENTS TO OR EDITIONS OF THE GUIDELINES. THE 2010 FGI GUIDELINES ARE AVAILABLE AT NO COST IN A READ ONLY VERSION AT:

[HTTP://FGIGUIDELINES.ORG/DIGITALCOPY.PHP](http://fgiguideelines.org/digitalcopy.php)

[HTTP://OPENPUB-REALREAD.COM/RRSERVER/BROWSER?TITLE=/FGI/2010-GUIDELINES](http://openpub.realread.com/rrserver/browser?title=/FGI/2010-GUIDELINES)

25.13 LICENSE FEES: FOR NEW LICENSE APPLICATIONS RECEIVED OR RENEWAL LICENSES THAT EXPIRE ON OR AFTER MARCH 1, 2015, AN APPLICANT FOR AN AMBULATORY SURGICAL CENTER WITH A CONVALESCENT CENTER LICENSE SHALL SUBMIT, IN THE FORM AND MANNER SPECIFIED BY THE DEPARTMENT, A LICENSE APPLICATION WITH THE CORRESPONDING NON REFUNDABLE FEE AS SET FORTH BELOW

(A) INITIAL LICENSE: A LICENSE APPLICANT SHALL SUBMIT WITH AN APPLICATION FOR LICENSURE A NONREFUNDABLE FEE OF \$6,960.

(B) RENEWAL LICENSE: A LICENSE APPLICANT SHALL SUBMIT WITH AN APPLICATION FOR LICENSURE A NONREFUNDABLE FEE AS FOLLOWS: BASE: \$1,800; PER OPERATING OR PROCEDURE ROOM: \$200. THE RENEWAL FEE SHALL NOT EXCEED \$3,360.

(C) CHANGE OF OWNERSHIP: A LICENSE APPLICANT SHALL SUBMIT WITH AN APPLICATION FOR
LICENSURE A NONREFUNDABLE FEE OF \$4,460.

(D) PROVISIONAL LICENSE: THE LICENSE APPLICANT MAY BE ISSUED A PROVISIONAL LICENSE UPON
SUBMITTAL OF A NONREFUNDABLE FEE OF \$2,860. IF A PROVISIONAL LICENSE IS ISSUED, THE
PROVISIONAL LICENSE FEE SHALL BE IN ADDITION TO THE INITIAL OR RENEWAL LICENSE FEE.

(E) CONDITIONAL LICENSE: A CENTER THAT IS ISSUED A CONDITIONAL LICENSE BY THE
DEPARTMENT SHALL SUBMIT A NONREFUNDABLE FEE RANGING FROM 10 TO 25 PERCENT OF ITS
APPLICABLE RENEWAL FEE. THE PERCENTAGE SHALL BE DETERMINED BY THE DEPARTMENT. IF
THE CONDITIONAL LICENSE IS ISSUED CONCURRENT WITH THE INITIAL OR RENEWAL LICENSE, THE
CONDITIONAL LICENSE FEE SHALL BE IN ADDITION TO THE INITIAL OR RENEWAL LICENSE FEE.

* * * * *



COLORADO

Board of Health

Department of Public Health & Environment

NOTICE OF PUBLIC RULE-MAKING HEARING BEFORE THE COLORADO BOARD OF HEALTH

NOTICE is hereby given pursuant to the provisions of Section 24-4-103, C.R.S., that the Colorado Board of Health will conduct a public rule-making hearing on December 17, 2014 at 10 a.m. in the Sabin-Cleere Conference Room of the Colorado Department of Public Health and Environment, Bldg. A, First Floor, 4300 Cherry Creek Drive, South, Denver, CO 80246, to consider the promulgation of amendments to 6 CCR 1011-1, Chapter 20, Ambulatory Surgical Center. The amendments being proposed are designed to reflect current industry and department standards, re-arrange the current rules into a more concise format and differentiate between centers that perform surgery under general anesthesia and centers that perform diagnostic procedures under mild sedation. In addition, the division's proposed amendments include up-dated standards of care for the operation of convalescent centers, in anticipation of the repeal of 6 CCR 1011-1, Chapter 11, Convalescent Centers. The amendments have been developed by the Health Facilities and Emergency Medical Services Division of the Colorado Department of Public Health and Environment pursuant to Sections 25-1.5-103 and 25-3-101, et seq., C.R.S.

The agenda for the meeting and the proposed amendments will also be available on the board's website, <https://www.colorado.gov/pacific/cdphe/boh> at least 7 days prior to the meeting. The proposed rules, together with the proposed statement of basis and purpose, specific statutory authority and regulatory analysis will be available for inspection at the Colorado Department of Public Health and Environment, 4300 Cherry Creek Drive South EDO-A5, Denver, Colorado 80246-1530 at least five working days prior to the hearing. Copies of the proposed rules may be obtained by contacting the Colorado Department of Public Health and Environment, Health Facilities and Emergency Medical Service Division, HFEMS-A2, 4300 Cherry Creek Drive S., Denver, CO 80246, or by calling (303) 692-2836.

The Board encourages all interested persons to participate in the hearing by providing written data, views, or comments, or by making oral comments at the hearing. At the discretion of the Chair, oral testimony at the hearing may be limited to three minutes or less depending on the number of persons wishing to comment. Pursuant to 6 CCR 1014-8, §3.02.1, written testimony must be submitted no later 5:00 p.m., Thursday, December 11, 2014. Persons wishing to submit written comments should submit them to: Colorado Board of Health, ATTN: Jamie L. Thornton, Program Assistant, Colorado Department of Public Health and Environment, 4300 Cherry Creek Drive South EDO-A5, Denver, Colorado 80246-1530 or by e-mail at: cdphe.bohrequests@state.co.us

Dated this 20th day of October, 2014.

Deborah Nelson
Board of Health Administrator

Notice of Rulemaking Hearing

Tracking number

2014-01152

Department

1507 - Department of Public Safety

Agency

1507 - Division of Fire Prevention and Control

CCR number

8 CCR 1507-32

Rule title

PRESCRIBED BURNING IN COLORADO

Rulemaking Hearing

Date

12/09/2014

Time

02:00 PM

Location

690 Kipling St. Lakewood, CO 80215 First Floor Conference Room

Subjects and issues involved

Further explanation of the Certified Burner Point Assessment

Statutory authority

CRS 24-33.5-1203.5; 24-33.5-1217; 24-33.5-1217.5; 24-33.5-1217.7

Contact information

Name

Melissa Lineberger

Title

Policy Analyst

Telephone

3032395879

Email

melissa.lineberger@state.co.us

**DEPARTMENT OF PUBLIC SAFETY
DIVISION OF FIRE PREVENTION AND CONTROL
RULES AND REGULATIONS
CONCERNING
8 CCR 1507-32
PRESCRIBED BURNING IN COLORADO**

STATEMENT OF BASIS, STATUTORY AUTHORITY, AND PURPOSE

Pursuant to Section 24-33.5-1203.5, C.R.S., the Director of the Colorado Division of Fire Prevention and Control shall promulgate rules as necessary to carry out the duties of the Division of Fire Prevention and Control. This rule is proposed pursuant to this authority and is intended to be consistent with the requirements of the State Administrative Procedure Act, Section 24-4-101, et seq., C.R.S.

Senate Bill 13-083 directed the Division to implement a prescribed burn program in Colorado, including creating minimum standards for conducting prescribed burns on any area in the state, except for prescribed burning conducted by an agency of the federal government, pursuant to Section 24-33.5-1217. To be exempt from these standards, other users of prescribed fire, including local governments and nongovernmental organizations must adopt or have already adopted guidelines or standards that are in substantial compliance with the intent of CRS 24-33.5-1217.5 for prescribed burning under their control.

Senate Bill 13-083 also tasked the Division with implementing a prescribed burning training program for those conducting prescribed burns in the State of Colorado. The purpose of the certification program is to measure the level of knowledge, skill, and abilities possessed by State employees and also to attest that these individuals meet nationally recognized standards as specified in the National Wildfire Coordinating Group's Wildland Fire Qualification System Guide. These competency-based standards permit evaluation of training programs and promote uniformity in State employee training and skill-based qualification levels. SB 13-083 also directed the Division of Fire Prevention and Control to develop a voluntary training and certification program for private landowners and their agents to safely and successfully plan, initiate, and complete controlled fire treatments on private land within the State of Colorado.

The purpose of this rule is to incorporate the provision of SB 13-083 within the rules of the Division of Fire Prevention and Control pertaining to prescribed fires in the State of Colorado.

These responsibilities are considered a matter of public safety; therefore the absence of implementing rules to carry out the purpose of these statutes would be contrary to the public peace, health, and safety of the State. For these purposes it is imperatively necessary that the proposed rules be adopted.

Paul Cooke, Director
Colorado Department of Public Safety
Division of Fire Prevention and Control

Date of Adoption

DEPARTMENT OF PUBLIC SAFETY

DIVISION OF FIRE PREVENTION AND CONTROL

RULES AND REGULATIONS CONCERNING 8 CCR 1507-32 PRESCRIBED BURNING IN COLORADO

APPLICABILITY

These rules and regulations constitute the minimum standards for all prescribed burning conducted in the State of Colorado, except for prescribed burning conducted by an agency of the federal government. To be exempt from these standards, other users of prescribed fire, including local governments and nongovernmental organizations, must adopt or have already adopted guidelines or standards that are in substantial compliance with the intent of Section 24-33.5-1217.5, C.R.S. for prescribed burning under their control. These rules do not apply to controlled agricultural burning or controlled ditch burning.

ARTICLE 1 – AUTHORITY TO ADOPT RULES AND REGULATIONS

- 1.1 The Director of the Division of Fire Prevention and Control is authorized by the provisions of Section 24-33.5-1203.5, C.R.S., to promulgate rules in order to carry out the duties of the Division of Fire Prevention and Control.
- 1.2 Sections 24-33.5-1203.5 and 24-33.5-1217, C.R.S. establish the authority and duty of the Division of Fire Prevention and Control to implement a prescribed burning program for the State of Colorado and to establish training standards for certified burners.
- 1.3 The Director of the Division of Fire Prevention and Control is authorized to establish fees and charges necessary to recover all direct costs that the Division incurs in providing training to and processing applications for persons seeking certification under the Prescribed Fire Program pursuant to Section 24-33.5-1217.

ARTICLE 2 – DEFINITIONS

2.1 The definitions provided in 24-33.5-1202, C.R.S., apply to these rules. If any of the definitions provided in these rules conflict with NWCG definitions of the same terms in the documents incorporated in Article 3, the definitions of those terms in these rules supersede the NWCG definitions. The following definitions apply:

“Applicant” means a person who has satisfied the requirements to be examined for certification or an entity that applies for recognition as an accredited academy or training facility.

“Burn Boss 3” means a person who has met all of the prerequisite and requisite training to be certified by his or her agency to meet NWCG qualification standards to lead low complexity prescribed burn projects.

“Burn Boss 2” means a person who has met all of the prerequisite and requisite training to be certified by his or her agency to meet NWCG qualification standards to lead moderate complexity prescribed burn projects.

“Burn Boss 1” means a person who has met all of the prerequisite and requisite training to be certified by his or her agency to meet NWCG qualification standards to lead high complexity prescribed burn projects.

“Certified Burner” means an individual who successfully completes the Division’s Certified Burner training and certification program and possesses a valid certification number. Where the term “Certified Burn Manager” is used in state statute, this term is replaced by the term Certified Burner for purposes of these rules.

“Certified Proctor” means an individual who meets or exceeds the requirements to be certified as a written and/or practical examination proctor.

“Class” means a single meeting or session devoted to a specific prescribed fire or non-prescribed fire training objective.

“Cognitive Objective” means pertinent written questions, lists, or problems related to the level at which a person is being tested.

“Course” means any grouping of classes or series of lessons or lectures combined to attain a particular education level or training objective.

“Demonstrate” means to show by actual use. This may be supplemented by, or when actual use is not feasible, replaced by, simulation, explanation, illustration, or a combination of these methods.

“Director” means the Director of the Division of Fire Prevention and Control in the Department of Public Safety.

“Division” or “DFPC” means the Division of Fire Prevention and Control in the Department of Public Safety.

“Fire department” means the duly authorized fire protection organization of a town, city, county, or city and county, a fire protection district, or a metropolitan district or county improvement district that provides fire protection.

“Firefighter” means any person, whether paid or volunteer, who is actively participating in or employed by a public or private fire service unit in this state.

“High Complexity Burn” means a burn classified as high complexity by NWCG’s Prescribed Fire Complexity Rating System Guide based on risk, potential consequences, and technical difficulty.

“Low Complexity Burn” means a burn classified as low complexity by NWCG’s Prescribed Fire Complexity Rating System Guide based on risk, potential consequences, and technical difficulty.

"Masticated Fuels" means fuels, such as brush, small-diameter trees, and slash, that have been ground or chewed into small pieces of woody material through a mechanical wildland fuels treatment process, and generally left to carpet the ground.

"Moderate Complexity Burn" means a burn classified as moderate complexity by NWCG's Prescribed Fire Complexity Rating System Guide based on risk, potential consequences, and technical difficulty.

"National Wildfire Coordinating Group" or "NWCG" means the nationally recognized group made up of federal and state cooperating agencies which governs nationally based training and qualification standards for wildland fire, including prescribed fire. NWCG also includes subcommittees and working teams governed by NWCG directors.

"Non-certified" means an applicant who does not possess a valid certification recognized by DFPC.

"Physical Demand" means the work capacity levels that are assigned to all wildland fire management positions to quantify physical fitness for a specified position. The various levels are measured over a specific distance, with a defined cargo load and efficiently accomplished within a specified time limit and in accordance with procedures and standards established by the NWCG.

"Policies" means formal guidelines promulgated by DFPC concerning the methods, procedures, and processes for implementing these rules and administering any certification program.

"Prescribed Burning" or "Prescribed Fire" means the application of fire, in accordance with a written prescription for vegetative fuels, under specified environmental conditions while following appropriate precautionary measures that ensure public safety and that is confined to a predetermined area to accomplish public safety or land management objectives. The term excludes controlled agricultural burns and controlled ditch burns as defined in CRS 24-33.5-1201.

"Prescribed Fire Manager Type 2" or "RXM2" means a person who has met all of the prerequisite and requisite training to be certified by his or her agency to meet NWCG qualification standards to lead moderate complexity prescribed burn projects.

"Prescribed Fire Manager Type 1" or "RXM1" means a person who has met all of the prerequisite and requisite training to be certified by his or her agency to meet NWCG qualification standards to lead high complexity prescribed burn projects.

"Refresher training" means a course of instruction, condensed over a short period of time, designed to provide training to persons for the purpose of preparing them for renewal of certification.

"Safely" means to perform the objective without endangering or injuring oneself or others.

"State agency" means all of the departments, divisions, commissions, boards, bureaus, and institutions in the executive branch of state government. "State agency" does not include the legislative or judicial department, the department of law, the department of state, the department of the treasury, or state-supported institutions of higher education.

“With competence” means possessing knowledge, training, skills, and judgment needed to satisfactorily and safely perform indicated objectives, as determined by the examining authority.

ARTICLE 3 – GUIDES, DOCUMENTS, AND STANDARDS INCORPORATED BY REFERENCE

3.1 The following guides and standards are adopted by these regulations. The following standards are published by the National Wildfire Coordinating Group, National Interagency Fire Center, Boise, ID 83705. Copies of these guides and standards can be obtained from the National Wildfire Coordinating Group via the Great Basin Cache Supply Office, 3833 S. Development Ave. Boise, ID 83705 or via www.nwccg.gov.

3.1.1 Interagency Standards for Fire and Aviation Operations (January 2013) NFES 2724

3.1.2 Prescribed Fire Complexity Rating System Guide (January 2004) PMS 424, NFES 2474

3.1.3 Interagency Prescribed Fire Planning and Implementation Procedures Guide (July 2008)

3.1.4 Fire Effects Guide (June 2001) NFES 2394

3.1.5 Wildland Fire Qualification System Guide (October 2013) PMS 310-1

3.1.6 NWCCG Glossary of Wildland Fire Terminology (July 2012) PMS 205

3.2 The following policy is adopted by these regulations. The following policy is published by the Colorado Division of Fire Prevention and Control. Copies of this policy can be obtained at 690 Kipling Street, Denver, CO 80215 or online at www.dfs.state.co.us.

3.2.1 Colorado State Prescribed Fire Planning and Implementation Policy Guide (January 2014)

3.3 The Division shall maintain copies of the complete texts of the adopted guides and standards for public inspection. Interested parties may inspect the referenced incorporated materials during regular business hours at the Division Office located at 690 Kipling St, Lakewood, CO 80215.

3.4 This rule does not include later amendments or editions of the incorporated material.

3.5 Questions, clarifications, or interpretation of any guidelines, policy, procedure, or standard adopted by reference in these rules should be addressed in writing to: Prescribed Fire Program Manager/Branch Chief, Colorado Division of Fire Prevention and Control, 690 Kipling St, Lakewood, CO 80215.

ARTICLE 4 – TYPES OF CERTIFICATION, FEES, AND APPLICATION REQUIREMENTS

4.1 The following prescribed fire certifications are available through the Division:

4.1.1 Certified Burner

4.1.2 Burn Boss Type 3-RXB3

4.2 The Division recognizes NWCG certifications that relate to prescribed fire as referenced in the Wildland Fire Qualification System Guide and the Interagency Prescribed Fire Planning and Implementation Guide referenced in Article 3.

4.3 Certified Burner Program

4.3.1 Application Requirements

- a) Certified Burner Course. Members of the public must sign up for this course through the vendor or institution providing the course on behalf of the Division. Information regarding upcoming courses can be obtained by contacting the Prescribed Burn Manager at the Division.
- b) Application for Certification. After an applicant has completed the Certified Burner course, final exam, and related task book, he or she must send the completed task book and the fees outlined in 4.3.3 to the Certification Manager at the Division in order to obtain certification and a certification number.

4.3.2 Training Components.

- a) The Certified Burner Course is a 32-hour course over four days. The Certified Burner Course will cover the following information on prescribed fire:
 - 1) Basic Fire Behavior
 - 2) Introduction to Prescribed Burning
 - 3) Legal Aspects of Prescribed Burning
 - 4) Developing a Prescribed Burn Plan
 - 5) Smoke Management
 - 6) Prescribed Burning Exercise
- b) At the end of the course, the instructor will administer a final exam. Prospective Certified Burners who have taken the course and passed the exam with a score of 70% or higher will be issued a task book that must be completed within three years of the exam date in order to obtain certification as a Certified Burner.
- c) Prospective Certified Burners who score below 70% on the final exam may retake the exam two times without retaking the entire course. A minimum thirty (30) day waiting period is required between examination attempts. Prospective Certified Burners who score below 70% on the final exam after three tries will be required to retake the Certified Burner Course and pass the final exam in order to obtain a task book and certification.
- d) After successful completion of the certified burner course and final exam, students will receive a task book which requires certain tasks to be performed in a suitable manner

under the supervision of the Division or a designated agent. The task book identifies specific tasks that need to be evaluated, verified, initialed, and dated by the Division or a designated agent for each specific burn project. These multiple tasks evaluate the trainee's performance and identify any deficiencies that may require additional project assignments to complete. At the point when all tasks have been satisfactorily completed, the task book must be submitted to the Division with the application fee and any supporting documents in order for an applicant to obtain certification.

4.3.3 Terms and Duration of Certification

- a) Certificates expire on January 1 of the fifth year following issuance. For example, a certificate issued on January 10, 2014 will expire on January 1, 2019.
- b) By issuing a Certified Burner certification number, the Division is verifying that an individual has successfully completed the Certified Burner Course and task book and is qualified to perform low complexity prescribed burns as defined by NWCG's Prescribed Fire Complexity Rating System Guide adopted by reference in Section 3.1.2.
- c) Certified Burners must complete at least two separate prescribed fire projects to be eligible for certification renewal at the expiration of their certification. At the time of certification expiration, documentation of this minimum requirement must accompany the renewal application and payment of the renewal fee.
- d) If a Certified Burner does not renew his or her certification within 90 days of expiration or if the Certified Burner has not completed the required amount of prescribed burns during his or her certification, then he or she must retake the Certified Burner Course and complete the associated task book again to obtain certification.

4.3.4 Fees

Certified Burner Course*	\$200 - \$500 (varies based on host location)
Application Fee for Certified Burner Certification	\$30.00
Renewal Fee for Certified Burner Certification prior to expiration	\$20.00
Reinstatement Fee for Certified Burner Certification fewer than 90 days past expiration	\$40.00

*Note: To the extent that grant funds are available, these courses may be provided at no or significantly lower cost to the participant.

4.4 Burn Boss Type 3 – RXB3

4.4.1 Application Requirements

a) Applicants must sign up for this course through the vendor or institution providing the course on behalf of the Division. Information regarding upcoming courses can be obtained by contacting the Prescribed Burn Manager at the Division.

b) Applicants for the Burn Boss Type 3 Certification must possess the following NWCG qualifications:

1) Required Training: Intermediate Wildland Fire Behavior (S-290)

2) Required Experience:

i) Satisfactory Performance as an Incident Commander, Type 5 (ICT5); or

ii) Firefighter Type 1 (FFT1) and Successful position performance as a Prescribed Fire Burn Boss Type 3 (RXB3)

3) Physical Fitness Level - Arduous

4.4.2 Training Components

a) The Burn Boss Type 3 Course is the same 32-hour course over four days as the Certified Burner Course. The Course will cover the following information on prescribed fire:

1) Basic Fire Behavior

2) Introduction to Prescribed Burning

3) Legal Aspects of Prescribed Burning

4) Developing a Prescribed Burn Plan

5) Smoke Management

6) Prescribed Burning Exercise

4.4.3 Fees

Burn Boss Type 3 Course	\$200 - \$500 (varies based on host location)
-------------------------	---

4.4.4 Certification/Credentials Received. An applicant for RXB3 who successfully completes the course, exam, and task book must be certified by his or her sponsoring agency. The Division will certify RXB3 applicants who are employed by the Division and may certify employees from other state agencies with an interagency agreement.

ARTICLE 5 – GROUNDS AND PROCESSES FOR RENEWAL, SUSPENSION, AND REVOCATION OF CERTIFICATIONS

5.1 The Division, in accordance with the Administrative Procedures Act, C.R.S. 24-4-101, et seq., may deny or revoke any certificate or refuse to renew a certificate to any applicant for, but not limited to, the following reasons:

5.1.1 Failure to meet requirements specified in these rules pertaining to the issuance of certificates and/or the renewal of certification

5.1.2 Any conduct as described in Section 5.2 pertaining to good cause for disciplinary action

5.1.3 Fraud, misrepresentation, or deception in applying for or securing certification. Or in taking any written or practical certification exam

5.1.4 Aiding and abetting another person in procuring or attempting to procure certification for any person who is not eligible for certification

5.1.5 Creating a disturbance during a state practical skills evaluation or a state written examination, or conducting themselves in a manner that disrupts other persons taking the examination or prevents the examination proctor from conducting the examination.

5.2 In addition to the reasons outlined in 5.1, the Division may revoke an individual's Certified Burner certification if the individual is assessed fifteen (15) points as outlined in 5.2.1 during the course of any one certification period.

5.2.1 Violation Point Assessment Table

Certified Burner initiates a burn outside of prescription parameters based upon morning forecast	Five (5) Points
Certified Burner obtains an authorization knowingly using false information	Fifteen (15) Points
Fire escapes from the prescribed area and does not cause damage to the property of the Certified Burner or landowner	Three (3) Points
An emergency response agency is required to take suppression actions because of a burn led by Certified Burner.	Two (2) Points
Certified Burner fails to pay suppression charges on an escaped burn within 15 days of receipt of second notice	Three (3) Points
Certified Burner fails to identify or mitigate smoke sensitive areas	Two (2) Points
Certified Burner burns without obtaining an authorization	Fifteen (15) Points
Certified Burner fails to attempt to shut down a burn after notification from the Division or Colorado Air Pollution Control Division	Five (5) Points
Certified Burner's escaped fire causes damage to the property/improvements of persons other than the Certified Burner	Five (5) Points
Certified Burner attempts to burn as a Certified Burner without a written prescription at the site of the burn while burn is being conducted	Five (5) Points

5.2.2 The Division will discover potential violations through direct investigation or from information provided by local or state agencies or the general public. The Division will investigate all allegations of a Certified Burner committing one of the violations in 5.2.1. Following a determination that a violation has been committed, the Division will send a written notice of violation to the Certified Burner's address on file with the Division. Upon receipt of the notification, a Certified Burner then has thirty (30) days to respond in writing to contest the notice of violation. The protest may include any relevant information or documentation as to why the points should not be assessed against the Certified Burner.

5.2.3 Once the Division receives a Certified Burner's contest of a violation notice, the Division Director shall determine whether points should be assessed against the Certified Burner and notify the Certified Burner of his or her decision in writing within thirty days of receipt of a Certified Burner's contest of a violation notice. This decision shall be considered a final agency action for the purposes of the Colorado Administrative Procedure Act, 24-4-101, et seq., C.R.S.

5.2.4 If a Certified Burner accumulates 15 points during one certification period, the Division will send a notice of decertification to the violator. The Certified Burner has 30 days from the date the notice of decertification is issued to protest the decertification notice to the Division Director. The Division Director shall notify the Certified Burner of his or her decision on the Certified Burner's decertification within 30 days of receipt of a Certified Burner's protest of a decertification notice. This decision shall be considered a final agency action for purposes of the Colorado Administrative Procedure Act, 24-4-101, et seq., C.R.S.

5.2.5 Once decertified, an individual must complete the Certified Burner Course and the requisite training task book in order to be recertified as a Certified Burner.

ARTICLE 6: PRESCRIBED FIRE POLICY

6.1 The rules and standards provided in this Article 6 govern prescribed burning occurring on state lands or conducted by state agencies on private lands.

6.2 The Division adopts the Colorado State Prescribed Fire Planning and Implementation Policy Guide as referenced in Section 3.2.1 as the minimum standard for prescribed fire planning and implementation for Colorado state agencies and for prescribed burns conducted on state lands in Colorado.

6.3 Prescribed Fire Plans.

6.3.1 Prescribed fire plans developed before the effective date of these rules must receive a technical review in order to ensure compliance with the 2014 Colorado State Prescribed Fire Planning and Implementation Policy Guide before the plan can be implemented.

6.3.2 Prescribed fire plans developed after the effective date of these rules must receive an additional technical review after three years if the plan is not implemented.

6.3.3 Prescribed fire plans expire five years after their approval date and must be rewritten to ensure compliance with new or modified policies or environmental changes.

ARTICLE 7: SEVERABILITY

7.1 If any provision or application of these rules is held invalid, all other provisions and applications of these rules will remain in effect.

ARTICLE 8: INQUIRIES

8.1 All questions or requests for interpretation of these rules should be submitted in writing to the Colorado Division of Fire Prevention and Control, Prescribed Fire Manager.

Notice of Rulemaking Hearing

Tracking number

2014-01098

Department

500,1008,2500 - Department of Human Services

Agency

2519 - Child Protection Ombudsman Program

CCR number

12 CCR 2519-1

Rule title

Child Protection Ombudsman Program

Rulemaking Hearing

Date

12/05/2014

Time

10:00 AM

Location

Court House, Commissioners Meeting Room, 203 Eureka Street, Central City, Colorado 80427

Subjects and issues involved

#13-10-29-1: Child Protection Ombudsman Program

Statutory authority

19-3.3-101, et seq.; 19-3.3-102(4); 25-20.5-406(2)(a)(IX); 26-1-107; 26-1-109; 26-1-111; 26-1-139(6)(d), C.R.S. (2014)

Contact information

Name

Joscelyn Gay

Title

Office of the Executive Director

Telephone

303-866-2806

Email

joscelyn.gay@state.co.us

Title of Proposed Rule: Child Protection Ombudsman Program

Rule-making#: 13-10-29-1

Office/Division or Program: Rule Author: Joscelyn Gay
Office of the Executive Director

Phone: 303-866-2806

E-Mail:
joscelyn.gay@state.co.us

STATEMENT OF BASIS AND PURPOSE

Summary of the basis and purpose for the rule or rule change. *(State what the rule says or does, explain why the rule or rule change is necessary and what the program hopes to accomplish through this rule.)*

Promulgation of rules for the Child Protection Ombudsman is required by statute, Section 19-3.3-102(4), C.R.S. Additionally, an audit in July 2014 found that the Colorado Department of Human Services needed to exert more administrative and programmatic oversight.

The Ombudsman Program was established to 1) improve accountability and transparency in the child protection system and promote better outcomes for children and families involved in the child protection system and 2) allow families, concerned citizens, mandatory reporters, employees of the state department and county departments, and other professionals who work with children and families to voice their concerns without fear of reprisal, about the response by the child protection system to children experiencing, or at risk of experiencing, child maltreatment.

The Ombudsman Program receives inquiries/concerns from the public about the child protection system and then conducts the level of review or investigation necessary to resolve the issue. The Ombudsman Program works with the State Department, counties, and child protection agencies to explore the issue and makes any necessary recommendations or suggestions to the legislature, the State Department, counties or agencies to resolve the issue.

These rules include the duties and qualifications of the Ombudsman; criteria for reviews and investigations; timing of reviews and investigations; reporting of recommendations; access to documents; and reporting.

An emergency rule-making (which waives the initial Administrative Procedure Act noticing requirements) is necessary:

<input type="checkbox"/>
<input type="checkbox"/>

to comply with state/federal law and/or

to preserve public health, safety and welfare

Explain:

Initial Review 11/07/2014

Proposed Effective Date 02/01/2015

Final Adoption 12/05/2014

EMERGENCY Adoption N/A

[Note: These are new rules; therefore, no strikes and caps applicable.]

Title of Proposed Rule: Child Protection Ombudsman Program

Rule-making#: 13-10-29-1

Office/Division or Program: Rule Author: Joscelyn Gay
Office of the Executive Director

Phone: 303-866-2806

E-Mail:
joscelyn.gay@state.co.us

STATEMENT OF BASIS AND PURPOSE (continued)

Authority for Rule:

State Board Authority: 26-1-107, C.R.S. (2014) - State Board to promulgate rules; 26-1-109, C.R.S. (2014) - state department rules to coordinate with federal programs; 26-1-111, C.R.S. (2014) - state department to promulgate rules for public assistance and welfare activities.

Program Authority: (give federal and/or state citations and a summary of the language authorizing the rule-making)
19-3.3-101, et seq. (2014), - creation of child protection ombudsman program;
19-3.3-102(4), C.R.S. (2014) – the state department shall develop policies and procedures and shall promulgate any rules necessary for implementation, operation, and administration of the child protection ombudsman program
25-20.5-406(2)(a)(IX), C.R.S. (2014) – member of the Colorado State Fatality Prevention Review Team in the Department of Public Health and Environment
26-1-139(6)(d), C.R.S. (2014) – member of the CDHS child fatality review team

Does the rule incorporate material by reference?

☐

Yes

☒

No

Does this rule repeat language found in statute?

☐

Yes

☒

No

If yes, please explain.

The program has sent this proposed rule-making package to which stakeholders?

This rule package has been shared with the Office of the Child Protection Ombudsman, S.B. 14-201 Advisory Committee, Policy Advisory Committee, the Child Welfare Sub-PAC, the Division of Child Welfare, and the Ombudsman Advisory Committee.

Attachments:

Regulatory Analysis

Overview of Proposed Rule

Stakeholder Comment Summary

Title of Proposed Rule: Child Protection Ombudsman Program

Rule-making#: 13-10-29-1

Office/Division or Program: Rule Author: Joscelyn Gay
Office of the Executive Director

Phone: 303-866-2806

REGULATORY ANALYSIS

(complete each question; answers may take more than the space provided)

1. List of groups impacted by this rule:

Which groups of persons will benefit, bear the burdens or be adversely impacted by this rule?

Children, families, and guardians in the Child Protection System
Advocates in the Child Protection System
County Child Welfare offices
CDHS Division of Child Welfare
Office of the Colorado Child Protection Ombudsman

2. Describe the qualitative and quantitative impact:

How will this rule-making impact those groups listed above? How many people will be impacted? What are the short-term and long-term consequences of this rule?

These rules will impact any child welfare provider that has been subject to an investigation of the Child Protection Ombudsman. The rules will:

- Assist children, families, and guardians who interact with or are confused by the child protection system.
- Help counties and the state improve child welfare policy and practice.
- Help providers understand the process the Office will follow conducting an investigation and what is expected with regard to release of documents and confidentiality.
- Help the Ombudsman Program understand what is expected related to its activities.

3. Fiscal Impact:

For each of the categories listed below explain the distribution of dollars; please identify the costs, revenues, matches or any changes in the distribution of funds even if such change has a total zero effect for any entity that falls within the category. If this rule-making requires one of the categories listed below to devote resources without receiving additional funding, please explain why the rule-making is required and what consultation has occurred with those who will need to devote resources.

State Fiscal Impact *(Identify all state agencies with a fiscal impact, including any Colorado Benefits Management System (CBMS) change request costs required to implement this rule change)*

No fiscal impact is anticipated. The Ombudsman Program received an appropriation of \$504,000 from the General Assembly in 2014 to do this work. These rules reflect the cost of doing business.

County Fiscal Impact

This is considered the cost of doing business in the child welfare system; counties are expected to respond to inquiries and complaints within their existing allocation.

Federal Fiscal Impact

None. No federal funds contribute to this program.

Title of Proposed Rule: Child Protection Ombudsman Program

Rule-making#: 13-10-29-1

Office/Division or Program: Rule Author: Joscelyn Gay
Office of the Executive Director

Phone: 303-866-2806

REGULATORY ANALYSIS (continued)

Other Fiscal Impact (such as providers, local governments, etc.)

None. Providers must respond to inquiries and complaints within the cost of doing business.

4. Data Description:

List and explain any data, such as studies, federal announcements, or questionnaires, which were relied upon when developing this rule?

None.

5. Alternatives to this Rule-making:

Describe any alternatives that were seriously considered. Are there any less costly or less intrusive ways to accomplish the purpose(s) of this rule? Explain why the program chose this rule-making rather than taking no action or using another alternative.

This rule-making is required by the authorizing statute for the Child Protection Ombudsman. The State Auditor's Office recently (July 2014) made a number of recommendations asking the Department to strengthen its administrative and programmatic oversight, while maintaining the Program's independence. These rules reflect these dual objectives.

Title of Proposed Rule: Child Protection Ombudsman Program

Rule-making#: 13-10-29-1

Office/Division or Program: Office of the Executive Director
Rule Author: Joscelyn Gay

Phone: 303-866-2806

OVERVIEW OF PROPOSED RULE

Compare and/or contrast the content of the current regulation and the proposed change.

<u>Section Numbers</u>	<u>Current Regulation</u>	<u>Proposed Change</u>	<u>Stakeholder Comment</u>			
x.000	New	Adds rules regarding the Child Welfare Ombudsman Program	—	Yes	<u>X</u>	No
x.100	New	Definitions	—	Yes	<u>X</u>	No
x.200	New	Duties of the Ombudsman	—	Yes	<u>X</u>	No
x.210	New	Scope of authority	—	Yes	<u>X</u>	No
x.220	New	Performance measures	—	Yes	<u>X</u>	No
x.230	New	Qualifications of the Ombudsman and staff	—	Yes	<u>X</u>	No
x.240	New	Conflicts of Interest	—	Yes	<u>X</u>	No
x.300	New	Resolution of complaints against the Ombudsman	—	Yes	<u>X</u>	No
x.400	New	The role of the State Department	—	Yes	<u>X</u>	No
x.500	New	County responsibilities	—	Yes	<u>X</u>	No
x.600	New	Complaint Resolution Process	—	Yes	<u>X</u>	No
x.610	New	Inquiries	—	Yes	<u>X</u>	No
x.620	New	Reviews	—	Yes	<u>X</u>	No
x.630	New	Investigations	—	Yes	<u>X</u>	No
x.640	New	Ombudsman initiated reviews and investigations	—	Yes	<u>X</u>	No
x.700	New	Access to records/ confidentiality	—	Yes	<u>X</u>	No
x.800	New	Advisory Council	—	Yes	<u>X</u>	No
x.900	New	Annual Report	—	Yes	<u>X</u>	No

Title of Proposed Rule: Child Protection Ombudsman Program

Rule-making#: 13-10-29-1

Office/Division or Program: Rule Author: Joscelyn Gay
Office of the Executive Director

Phone: 303-866-2806

STAKEHOLDER COMMENT SUMMARY

DEVELOPMENT

The following individuals and/or entities were included in the development of these proposed rules (such as other Program Areas, Legislative Liaison, and Sub-PAC):

Staff attended meetings of these groups to present the draft rules and solicit feedback. Individuals contacted staff directly or provided feedback during the meeting and presentation of the rules.

National Association of Counsel for Children
Child Protection Ombudsman
Child Protection Ombudsman Advisory Committee
S.B. 14-201 Advisory Committee
Child Protection Ombudsman stakeholders
Child Protection System stakeholders
Office of Children, Youth and Families
Division of Child Welfare
Policy Advisory Committee
Policy Advisory Committee Child Welfare Sub-PAC

THIS RULE-MAKING PACKAGE

The following individuals and/or entities were contacted and informed that this rule-making was proposed for consideration by the State Board of Human Services:

National Association of Counsel for Children
Child Protection Ombudsman
Child Protection Ombudsman Advisory Committee
S.B. 14-201 Advisory Committee
Child Protection Ombudsman stakeholders
Child Protection System stakeholders
Office of Children, Youth and Families
Division of Child Welfare
Policy Advisory Committee
Policy Advisory Committee Child Welfare Sub-PAC

Are other State Agencies (such as Colorado Department of Health Care Policy and Financing) impacted by these rules? If so, have they been contacted and provided input on the proposed rules?

The Colorado Department of Public Health and Environment (CDPHE) has been informed of these rules. No direct impact to CDPHE contained in these rules.

☒ Yes ☐ No

Title of Proposed Rule: Child Protection Ombudsman Program

Rule-making#: 13-10-29-1

Office/Division or Program: Rule Author: Joscelyn Gay
Office of the Executive Director

Phone: 303-866-2806

STAKEHOLDER COMMENT SUMMARY (continued)

Have these rules been reviewed by the appropriate Sub-PAC Committee?

☒ Yes ☐ No

Date presented January 9, 2014. Were there any issues raised? X Yes ☐ No

If not, why.

Comments were received from stakeholders on the proposed rules:

☐ Yes ☒ No

If "yes" to any of the above questions, summarize and/or attach the feedback received by specifying the section and including the Department/Office/Division response. Provide proof of agreement or ongoing issues with a letter or public testimony by the stakeholder.

(x CCR xxxx-1)

x.000 CHILD WELFARE OMBUDSMAN PROGRAM

x.100 DEFINITIONS

Case: Any document(s) or any other written, electronic, audio or other material pertaining to a child or youth in the child protection system when there has been a determination by a county that a file will be opened.

Child Protection System: The law, services and provisions governed by Title 19 of the Colorado Revised Statutes (C.R.S.).

Complaint: Any concern or allegation posed to the Office of the Child Protection Ombudsman regarding a child who has come to the attention of the child protection system related to any agency that receives public money.

Contact: Any call, email, question or inquiry posed to the Office of the Child Protection Ombudsman.

Contract Agency: The agency that oversees the administration of the Child Protection Ombudsman Program required in Section 19-3.3-102(4), et seq., C.R.S.

County Department: A county or city and county department of human or social services.

Egregious incident: An incident of suspected abuse or neglect involving significant violence, torture, use of cruel restraints, or other similar, aggravated circumstances or a situation in which a physician determines that a child is in serious, critical, or life threatening condition as the result of sickness or injury caused by suspected abuse, neglect, or maltreatment.

Emergency: An unforeseen combination of circumstances or a resulting state that calls for immediate action.

Inquiry: Any contact made with the Office of the Child Protection Ombudsman seeking clarification of a point of fact, procedure, or process. Inquiries include requests for information or resource referrals regarding the child protection system. Questions can pertain to the status of a case in the child protection system that is currently pending or resolved.

Interfere: To file motions or to take a position on a matter before the court in order to interfere, intervene or influence the court in any way. An amicus brief is an exception to this provision.

Investigation: A comprehensive, independent examination of fact, procedure, process, or actions associated with a complaint regarding a child in the child protection system. Investigations may include, but are not limited to, reviews of all documents, including those from third parties associated with the case that would be available to the county or State Department; reviews of all electronic records and computer systems that would otherwise be available to the State Department or a county department of human/social services; reviews of systemic issues; interviews of staff, family members or children in the child protection system (this is not the equivalent of subpoena power); reviews of agency policies, processes, and/or procedures; and/or reviews of law and rule governing the child protection system.

Office: The Office of the Child Protection Ombudsman.

Ombudsman: The director of the Office of the Child Protection Ombudsman.

Review: A contact with the Ombudsman Program that requires some level of research to gather the necessary information to respond to the complaint. A review requires time and some level of initial evaluation before an adequate response can be provided to the complainant or a decision is made to open an investigation.

State Department: The Colorado Department of Human Services.

Systemic Investigation: An investigation of systemic issues which may result in recommendations to the legislature and/or the State Department regarding changes in policy, rule, law or best practice to improve the child protection system.

Urgent: A situation that calls for immediate action.

x.200 DUTIES OF THE OMBUDSMAN

The Office shall independently and impartially review each complaint in an objective and fair manner free from bias and shall treat all parties without favor or prejudice.

A. It is the duty of the Office to:

1. Improve accountability and transparency in the child protection system by allowing and encouraging the voicing of concerns about the child protection system.
2. Receive complaints from the community, including agency representatives relating to child protection cases, policies or processes.
3. Review and seek resolution of all contacts or refer the complaint to the State Department or the appropriate agency or entity for resolution. Timelines for each type of contact/complaint received include thirty (30) calendar days for inquiries, ninety (90) calendar days for reviews, and one hundred eighty (180) calendar days for investigations unless the Office determines that an additional length of time is necessary. If an additional length of time is necessary, the Ombudsman shall communicate this for each review or investigation at the monthly status updates with the director of the state office overseeing the state's child protection unit or his/her designee.
4. Provide recommendations to the State Department and county departments of human/social services regarding any issue or case reviewed or investigated.
5. Recommend nationally-recognized best practices and effective programs relating to publicly-funded child protection systems.
6. Provide technical assistance to the state, city, and county departments of human/social services and/or providers as requested.
7. Prioritize duties and activities to enable responses to emergency contacts or complaints.
8. Provide policy makers with information on Colorado's child protection system, where appropriate.
9. Recommend to the Executive Director of the State Department and any appropriate agency or entity, such budgetary, regulatory and administrative changes, including systemic changes, which are intended to improve the safety and well-being of children and families involved in the child protection system in Colorado.
10. Work with the State Department and county human/social services agencies to educate the public concerning child maltreatment and the role of the community in strengthening families and keeping children safe.
11. Continue to monitor, evaluate, and make recommendations to the State Department to support simplified grievance resolution processes that are transparent, accountable, and accessible to children and families within the child protection system.
12. Establish a uniform system to collect and analyze data on contacts, complaints, inquiries, reviews, and investigations collected and resolved by the Ombudsman.

13. Maintain relevant continuing education and periodic updating of qualifications needed by any staff of the Office to include maintaining full understanding of state provided training regarding the child protection system.
 14. Serve as a key advisor for the legislature, child protection system, and to the Executive Director of the State Department.
 15. Strive to resolve conflict between disagreeing parties in the child protection system.
 16. Serve as a member of the Colorado Department of Human Services' (CDHS) Child Fatality Review Team (CFRT) per Section 26-1-139(6)(d), C.R.S., and the Colorado Department of Public Health and Environment (CDPHE), Colorado Fatality Prevention System per Section 25-20.5-406(2)(a)(IX), C.R.S.
- B. Any policies, procedures or practices of the Office must align with state requirements.

x.210 SCOPE OF THE OMBUDSMAN'S AUTHORITY

The Office shall investigate complaints without interfering in ongoing court or child protection cases. The Office is not intended to create a parallel system to the State's child protection system. The Office's role is not to investigate suspected cases of child abuse, but to report information to the appropriate investigative agency for investigation.

Critical information regarding the safety of a child in a pending or ongoing child protection case shall be immediately communicated to the director of the state office overseeing the state's child protection unit or his/her designee, the county and the agency involved for appropriate action.

- A. The Office shall communicate with the agency involved in a review or investigation in order to inform said agency regarding the status of the ongoing case. The Office shall make advisory recommendations about the case in its report to the agency. The Office shall keep the State Department apprised of the status of all reviews and investigations occurring in the child protection system at regularly scheduled meetings.
- B. The Office shall not investigate complaints associated with the Judicial Department or judicial proceedings. Complaints associated with the Judicial Department shall be referred to the appropriate agency within the Judicial Department.
- C. The Office shall not investigate attorney misconduct. Complaints associated with attorney misconduct shall be referred to the Colorado Supreme Court, Office of Attorney Regulation.
- D. As a statutorily required member of the CDHS Child Fatality Review Team, the Office should share any information received by the Office about a fatality, near fatality or egregious incident slated for review by the CDHS Child Fatality Review Team (CFRT) with the CFRT. The Office may conduct its own investigation; however, due to its statutorily required membership on the CDHS Child Fatality Review Team, the Office is encouraged to coordinate release of its report with the CDHS Child Fatality Review Team report.
- E. The Office shall safeguard the confidential records, reports, investigation material, and information received as a result of participation in the CDHS Child Fatality Review Team and the Colorado Fatality Prevention System.
- F. The Office shall not access records in the possession of any public agency that are unrelated to a complaint being reviewed or investigated, or which concern an individual who is not directly involved in the case under review or investigation.
- G. The Office shall not release any information that would adversely affect an ongoing criminal or regulatory investigation or prosecution. The Office shall confer with the responsible agency to ensure any release of information would not interfere with the investigation. When the agency's investigation is completed and judicial proceedings have been initiated, the Office shall confer with the prosecution, city or county attorney, or attorney representing the regulatory body, or the

Office shall wait until the criminal or civil judicial proceedings are complete before release of any information.

x.220 PERFORMANCE MEASURES

The Office's annual contract shall contain performance measures that at a minimum shall include:

- A. Collection and reporting of data on a monthly basis on the types, demographics and characteristics of contacts, complaints, inquiries, reviews and investigations received, as well as data on the resolution of such items and any recommendations that are developed.
- B. The Office will employ strategies to increase public awareness of the purpose, function, and access to the Ombudsman's office. In addition, the Ombudsman's office is expected to educate the public on child maltreatment and the role of the community in keeping children safe.
- C. Section 19-3.3-108, C.R.S., requires an annual report on all statutory, regulatory, budgetary or administrative recommendations relating to child protection services (see the Annual Report section of these rules).

x.230 QUALIFICATIONS OF THE OMBUDSMAN

The contract agency shall establish a committee to develop the qualifications and hiring process for the Ombudsman. The committee shall include the contract agency, county representatives, and advocates from the child protection system. The contract agency shall select the Ombudsman with full consideration of the committee's criteria.

- A. It is recommended that the Ombudsman be a full-time, qualified position with the following qualifications:
 - 1. Is a graduate of an accredited four-year college or university. Receipt of a Masters' or advanced degree is preferred.
 - 2. Demonstrates five (5) years of progressively responsible experience and/or a working knowledge in promoting system efforts to ensure the safety, permanency and well-being of children.
 - 3. Demonstrates familiarity with the many aspects of the Colorado child protection system and the obligations of protecting children while maintaining and supporting families.
 - 4. Possesses the skills and knowledge required to establish standards of professional conduct and guiding principles for how the Office will operate in Colorado. Demonstrates the ability to utilize extensive assessment and situation analysis skills at the highest levels.
 - 5. Exhibits excellent communication skills including an ability to communicate with a wide range of people and in a culturally competent manner. Utilizes excellent listening skills.
 - 6. Has experience dealing with various aspects of mediation, conflict resolution or alternative dispute resolution.
 - 7. Utilizes a working knowledge of systems and change management principles.
 - 8. Demonstrates the ability to develop and direct an organization, including utilization of a good collaborative working style in a team environment.
 - 9. Exhibits proven experience with human resource management, including hiring, career planning, corrective actions, and organizational development.

10. Demonstrates proven experience developing and managing budgets for an organization and demonstrates proficiency in the use of computers and data systems.
 11. Utilizes effective written and verbal communication skills aimed at addressing specific issues or concerns as well as system improvement proposals. Experience and demonstrated effective relations with media highly desirable.
 12. Maintains relevant education and periodic updating of qualifications needed for the Office.
 13. Demonstrates decision-making based on values, principles and requirements that are consistent with State laws and regulations and consistent with current best practice in child protection.
- B. Office staff, other than the official Ombudsman, conducting reviews and investigations shall have at a minimum the following background and expertise to conduct such reviews and investigations:
1. A Bachelor's degree in social work, law enforcement or a human behavioral science field and at least three years professional casework experience; or,
 2. A Master's degree in social work or a human behavioral sciences field and at least two years professional casework experience.
- C. Any candidate for a position in the Office shall receive a comprehensive background check conducted by the contract agency against the Colorado Bureau of Investigations (CBI), the Federal Bureau of Investigations (FBI) and the state's child protection computer systems. In addition, all Office staff shall receive Data Security Training and sign confidentiality agreements. Records of successful completion shall be kept by the Office or the contract agency.
1. Disqualifying offenses include convictions of:
 - a. Child abuse, as specified in Section 18-6-401, C.R.S.;
 - b. A crime of violence, as defined in Section 18-1.3-406, C.R.S.;
 - c. Any offense involving unlawful sexual behavior, as defined in Section 16-22-102 (9), C.R.S.;
 - d. Any offense, the underlying factual basis of which has been found by the court on the record to include an act of domestic violence, as defined in Section 18-6-800.3, C.R.S.;
 - e. Any misdemeanor convictions listed in Section 24-31-305(1.5), C.R.S.; and,
 - f. Any offense in any other state, the elements of which are substantially similar to the elements of any one of the offenses described in sub-paragraphs "a." through "e." of this subparagraph 1.
 2. For purposes of paragraph 1, "convictions" means a conviction by a jury or by a court and shall also include a deferred judgment and sentence agreement, a deferred prosecution agreement, a deferred adjudication agreement, an adjudication, or a plea of guilty or nolo contendere.
 3. The convictions identified in paragraph 1 shall be determined according to the records of the Colorado Bureau of Investigations, the Federal Bureau of Investigations, and the computer system at the state judicial department, or any other source, as set forth in Section 26-6-107(1)(a)(I.5), C.R.S.

4. A certified copy of the judgment of a court of competent jurisdiction of such conviction, deferred judgment and sentence agreement, deferred prosecution agreement, or deferred adjudication agreement shall be prima facie evidence of such conviction or agreement and will be grounds for denial of employment.
 5. The person's employment is conditional upon a satisfactory background check in all three (3) systems.
 6. Payment of the fee for the background check is the responsibility of the individual being checked.
- D. Sub-contractors of the Office must also comply with state confidentiality requirements and sign confidentiality agreements to this effect.

x.240 CONFLICTS OF INTEREST

The Ombudsman and Ombudsman staff may not be anyone who has any conflict of interest or who is unable to independently and impartially perform the duties of the program.

The contract agency and the staff of the Office must maintain an obligation to the public that cannot be interfered with self-interest or obligation to another group or established program. The staff of the Office must be above reproach in all relationships and must be free from impropriety or conflicts of interest.

x.300 RESOLUTION OF COMPLAINTS AGAINST THE OFFICE

The Office shall implement a grievance process for complainants against the Office. The Office shall include notice of the deadline for any grievance by the complainant when a copy of the final report is provided to the complainant. The complainant must transmit his/her grievance to the Office within two (2) weeks of the Office's report being made public.

Grievances shall be resolved at the lowest possible level. The Office's conflict resolution process shall provide for:

- A. Transmittal of all grievances to the Ombudsman;
- B. A written final decision by the Ombudsman shall be provided to the complainant within thirty (30) calendar days;
- C. Closure of the grievance and issuance of a written final decision if the Ombudsman has resolved the grievance to the complainant's satisfaction;
- D. If the complainant is not satisfied with the resolution of the complaint by the Ombudsman, the complainant shall refer the grievance to the executive director of the contract agency overseeing the Office;
- E. The executive director of the contract agency overseeing the Office shall review the complaint and issue a decision within thirty (30) calendar days;
- F. The executive director of the contract agency overseeing the Office shall provide written notification of the decision to the complainant, the Ombudsman, and the executive director of the State Department or his/her designee; and,
- G. If the complainant is not satisfied with the resolution of the complaint by the executive director of the contract agency overseeing the Office, the complainant may refer the complaint to the Executive Director of the State Department or their designee for resolution within thirty (30) calendar days. Such resolution by the Executive Director or his/her designee shall be communicated to the complainant and the executive director of the contract agency in writing and shall be considered final.

x.400 THE ROLE OF THE STATE DEPARTMENT

The Executive Director of the State Department or his/her designee shall administer, monitor, and evaluate the contract for the Office in accordance with Section 19-3.3-102, C.R.S., and any other applicable laws or regulations pertaining to state contracts.

All intellectual property including without limitation, databases, software, documents, research, programs and codes, as well as all reports, studies, data, photographs, negatives or other documents, drawings or materials prepared by the contractor or the Office in the performance of its obligations under the contract shall be the exclusive property of the State of Colorado.

To the extent feasible, the State Department will procure the Office's contract such that the continuity and stability of the Office is maximized in full compliance with state procurement and contracting rule and law.

The State Department shall provide, within the budget and contract for the Office as appropriated by the General Assembly, the compensation, operating budget, and resources needed to fulfill the Office's duties.

The State Department shall make available to any Office staff who conduct reviews and investigations any state sponsored child welfare related training free of charge, on a space available basis.

Upon receipt of adequate background checks, the State Department shall provide the Office staff with the highest level of access to the State's child protection computer system free of charge.

x.500 COUNTY RESPONSIBILITIES

Upon being contacted by the Office regarding the initiation of a review or an investigation, the director of the county department of human/social services shall designate one staff member as the point of contact with the Ombudsman. This individual shall be responsible for responding to and coordinating any requests made by the Ombudsman.

- A. The county department under review or investigation shall provide any requested information held by the county, including copies of such documents if requested, to the Office within seven (7) calendar days. If the volume of documents requested is extensive, a county may request an extension, in writing, of up to thirty (30) calendar days to provide the documents. The county is not responsible to provide the records of third parties unless those records are in the county's possession as of the date of the Ombudsman's request and release of those records is allowable per statute.
- B. A county or state employee, or the employee of a publicly funded provider in the child protection system, shall be available for an interview as requested by the Office. Employees requested for interview by the Office may have present a supervisor, legal counsel, or other agency representative at the scheduled interview.
- C. Upon receipt of a draft report of findings and recommendations from the Ombudsman, the county department of human/social services may respond to the recommendations and findings in writing within fourteen (14) calendar days of receipt of the draft report. If no response is to be provided, the county department of human/social services shall inform the Office in writing within the fourteen (14) calendar day period.
- D. The county department of human/social services shall discuss any findings and recommendations presented to the agency with the director of the state office overseeing the state's child protection unit or his/her designee to determine whether an action and implementation plan is necessary, and shall inform the Office of when and if an action plan will be forthcoming. If an action plan is to be submitted, the county will have an additional fourteen (14) calendar days to complete and submit the action plan.
- E. The county may request an extension of time to respond beyond the fourteen (14) calendar days required by the Office. Approval of any extensions of time shall be provided in writing to the appropriate entity by the Office.

- F. The county shall receive reports from the Office of the outcome of any review or investigation for any provider agency that receives public money within the child protection system. If appropriate, the county may require an action plan or decide to take corrective action against the provider based on the recommendations and findings of the Ombudsman.

x.600 COMPLAINT RESOLUTION PROCESS

The Office shall evaluate and categorize contacts received as “contacts,” “complaints,” “inquiries,” “reviews,” and “investigations”. The Office shall maintain a database that reflects the key elements of each contact or complaint.

The Office shall have the authority to review or investigate any issue brought to the Ombudsman's attention regarding a child in the child protection system related to an agency or provider that receives public money. This authority includes examining or copying agency documents, files and electronic/computerized records, to the extent permitted by statute, to aid or assist in its reviews and/or investigations.

- A. All complaints to the Office must be in writing or reduced to writing by the Office Office staff. The Office shall maintain a confidential record of the name and address of any individual who files a complaint unless the reporting party chooses to remain anonymous.
- B. The Office shall maintain matching database and case records that include, at a minimum, the specifics of the complaint/contact, the resolution of the complaint/contact and any findings/recommendations associated with the contact/complaint.
- C. The Office shall review complaints raised by members of the community and give a fair review or investigation (including supervisory review) of those complaints. To the extent applicable, reviews and/or investigations may include reviews of court transcripts, interviews with families, children, attorneys, guardians ad litem or others involved in the case to help ensure the Office develops a comprehensive understanding of the case.
- D. In the course of reviewing or investigating a complaint, the Office may identify violations of law, policy, procedure or unreasonable action not related to the issues raised by the complainant. The Office shall have the authority to review these other issues and, if an investigation is warranted, shall follow the process outlined for investigations.
- E. If the Office discovers a statewide systemic issue in the process of an investigation, the Office shall report the issue to the Executive Director of the State Department or his/her designee and include the issue in its annual report to the Executive Director of the State Department and the General Assembly.
- F. If no law, rule or practice exists to cover a situation encountered by the Office or the Office discovers a situation that it feels is urgent, the Office shall immediately notify the director of the county department of human/social services where the child resides and the Executive Director of the State Department and his/her designee and include reference to this issue in its annual report. The Office shall make appropriate recommendations related to this or any other situation to the Executive Director of the State Department and the General Assembly for changes.
- G. The contract agency or the Office may participate as an amicus in any appellate court of the State of Colorado.
- H. The Office shall have the discretion to act informally to resolve a complaint at the lowest possible administrative level.
- I. Within the context of the Office's investigations or reviews, the State Department, county departments of human/social services or any agency to which recommendations are made shall have fourteen (14) calendar days from the date of receipt of the recommendations from the Office to develop a response to the recommendations. Should an agency decide not to submit a response, the agency shall communicate such to the Office in writing within the fourteen (14) calendar day period.

- J. The Office shall not release a report of findings that does not include an addendum from the investigated entity of the entity's response, lack of response, challenge or acceptance of findings.
- K. If, after discussion with the State Department's director of the child protection unit, an action and implementation plan is required, the investigated entity shall have an additional fourteen (14) calendar days to submit such action and implementation plan. Such plan may include, but is not limited to, policy modifications/development, specific training for staff, corrective actions, or systemic changes.
- L. The Office shall post any response and/or action plan on its website with the original report of findings.

x.610 INQUIRIES

Inquiries generally consist of systems navigation questions or resource referrals. All inquiries must be documented and must be resolved or followed up on within thirty (30) calendar days, unless the Office determines that an additional length of time is necessary. If an additional length of time is necessary, the Office shall communicate this at the monthly status update with the director of the State office overseeing the state's child protection unit or his/her designee.

x.620 REVIEWS

Upon receiving a complaint, the Office will gather any information necessary to determine whether the complaint warrants a review or an investigation. The review and report of findings or recommendations shall be completed within ninety (90) calendar days, unless the Office determines that an additional length of time is necessary. If an additional length of time is necessary, the Office shall communicate this for each review or investigation at the monthly status update with the director of the state office overseeing the state's child protection unit or his/her designee.

At the conclusion of a review, a written report including any findings and/or recommendations shall be provided to the reviewed entity, the county department of human/social services, the complainant and the director of the state office overseeing the state's child protection unit or his/her designee.

Findings or recommendations may include, but are not limited to, better adherence to policy, procedure, or practice improvement in accordance with nationally recognized best practice standards in child protection.

Findings or recommendations shall be discussed with the reviewed entity.

x.630 INVESTIGATIONS

The Office may conduct an investigation based on, but not limited to:

- A. Information collected in the review process that corroborates the concerns raised by the complainant;
- B. A review that results in possible violations of law (specifically Title 19 or Title 26) or Child Welfare rules pursuant to 12 CCR 2509-3 of the Code of Colorado Regulations;
- C. Evidence of egregious actions or inactions by an employee or agency being reviewed;
- D. The identification of multiple inaccuracies in documentation, which compromises the authenticity or credibility of such documentation;
- E. Evidence of decisions, actions, or inactions of a reviewed entity that appear to be recurring and/or could seriously harm children and/or their parents/caregivers; and/or,
- F. An issue or problem in the investigated entity's child protection service delivery that appears to be systemic or chronic and adversely affects children and/or their parents/caregivers.

The Office shall notify the Executive Director of the State Department or his/her designee, the appropriate county department of human/social services, and the agency being investigated in writing that an investigation has been initiated.

The Office shall provide regular updates to the director of the appropriate county department of human/social services or their designee and to the director of the state office overseeing the State's child protection unit or his/her designee.

Investigations shall be completed within one hundred eighty (180) calendar days unless the Office determines that an additional length of time is necessary. If an additional length of time is necessary, the Office shall communicate this at the monthly status update with the director of the state office overseeing the state's child protection unit or his/her designee.

Recommendations included in the final report shall plainly state the rule, law, or policy that has been violated, and what corrective actions are recommended. Recommendations shall be clear, fact-based, reasonable, and actionable.

Investigations shall reflect the perspectives of parties associated with the complaint, if appropriate.

The State Department, county departments of human/social services or any agency to whom recommendations are made, shall within fourteen (14) calendar days of receiving draft written recommendations, develop a response to the recommendations. Should an agency decide not to submit a response, the agency shall inform the Office in writing within the fourteen (14) calendar day period. The content of the response(s) shall be at the discretion of the county or agency investigated.

The time frames for completion of inquiries, reviews, and investigations established in this rule do not include the fourteen (14) day response or fourteen (14) day "action plan" periods.

If, after discussion with the director of the State Department's unit for child protection, an action and implementation plan is required, the investigated entity shall have an additional fourteen (14) calendar days beyond the fourteen (14) calendar day response period to submit such action and implementation plan to the Office.

Development of an action/implementation plan shall be based on a discussion and determination by the appropriate county department and the State Department. Such action/implementation plan may include, but is not limited to:

- A. Policy modifications/development;
- B. Specific training for staff;
- C. Corrective actions; or,
- D. Systemic changes.

The Office may change or edit its draft report of findings or recommendations based on the response provided by the investigated entity. Any such changes or edits shall be made at the sole discretion of the Office.

The final report shall be provided to the Executive Director of the State Department and his/her designee, the director of the appropriate county department of human/social services, the director of the investigated entity, and the complainant. A public version of the final report and any addenda shall be posted on the Office's website.

x.640 OMBUDSMAN INITIATED REVIEWS AND INVESTIGATIONS

The Office may act on its own initiative to review or investigate issues in the child protection system within the Office's prescribed jurisdiction (Sections 19-3.3-102 and 103, C.R.S.).

- A. If the Office determines there is a concerning pattern to the nature of complaints regarding a particular practice, policy, activity, or individual, notification will be made to the state and county child protections units and the provider agency by phone and in writing so the issue(s) can be addressed as quickly as possible.
- B. If in the course of reviewing a complaint, the Office identifies violations of law, policy, procedure or unreasonable action not related to the issues raised by the complainant, the Office shall have the authority to review these other issues, and if an investigation is warranted, shall follow the process outlined for investigations.
- C. If the Office discovers a statewide systemic issue in the process of an investigation, the Office shall inform the appropriate county director of human/social services, the Executive Director of the State Department and his/her designee, and shall include the issue in its annual report to the Executive Director of the State Department and the General Assembly.
- D. If no law, rule or practice exists to cover a situation encountered by the Office or the Office discovers a situation that it feels is urgent and such action would contribute to the protection and safety of children, the Office shall immediately notify the Executive Director of the State Department and his/her designee and the appropriate county director of human/social services. The Office shall also include reference to the issue in its annual report under the section on recommendations to the Executive Director of the State Department and the General Assembly.

x.700 ACCESS TO RECORDS/CONFIDENTIALITY

The Office shall have access to the same records and proceedings as would otherwise be available to the state or county departments of human/social services, including records of third parties, associated with any case.

- A. Any Office case records requested by the State Department shall be provided, but redacted, to prevent the release of any identifying information by the Office.
- B. The Office shall have the highest level of access to the state child protection computer system after passage of all appropriate background checks.
- C. State, county or other providers under investigation by the Office shall release all relevant records to the extent permitted by law within thirty (30) days. The State Department or county departments of human/social services are required to release the documents in their current case file as of the date of the request. The Office shall collect any records from third parties not currently held in the files of the State Department or the county department of human/social services as needed.
- D. The types of records that may be available to the state or county department include, but are not limited to, records from:
 - 1. Law Enforcement
 - 2. Courts
 - 3. Colorado Bureau of Investigations (CBI)
 - 4. National Crime Information Center (NCIC)
 - 5. District Attorneys
 - 6. Coroners
 - 7. Medical Records (with appropriate release)
 - 8. Immigration and Customs Enforcement (ICE)

9. County Financial Management Ssystem (CFMS)
 10. Child Support Enforcement (CSE)
 11. Education
 12. Vital Records
- E. Records or information received by the Office shall not be divulged or released to any third party or agency and shall be held in confidence except as otherwise provided in rule or law.-
 - F. The Office shall maintain confidentiality of complaints and shall not be compelled to testify or to release records. The Office shall maintain the confidentiality of individuals from whom information is acquired except as necessary to perform the duties of the Office and as required by Section 19-3.3-103, C.R.S. Records, interviews or other information obtained by the Office shall not be subpoenaed or produced for any purpose.
 - G. The Office shall be empowered to contract with outside advisory experts, such as physicians, when necessary to assist in an investigation as required under Article 3.3, Title 19, C.R.S. The Office shall pay for an outside expertise out of funds provided through the contract with the State.

x.800 ADVISORY COUNCIL

The Office shall establish an Advisory Council of individuals who are interested in enhancing the safety and well-being of children, contributing to the continuous improvement of the child protection system, and contributing to the advancement of the Office of the Child Protection Ombudsman.

The Advisory Council shall meet quarterly and be comprised of at least twelve (12) members who are stakeholders with experience in the child protection system. One member shall be appointed by the Executive Director of the State Department and at least one member shall be appointed by the Colorado Human Services Directors Association. All members shall sign a state-approved confidentiality agreement that extends through the length of their appointment.

Advisory Council meetings shall be open to the public and follow Section 24-6-401, C.R.S., et seq., as applicable.

x.900 ANNUAL REPORT

The annual report of the Office shall include, but not be limited to:

- A. An executive summary of the activities, data, and recommendations of the Office;
- B. A summary of the response times of the Office for each category of response (e.g., contacts, complainants, inquiries, reviews and complaints);
- C. A description of the duties and yearly priorities of the Office;
- D. A full data report, to include a summary of compliance with the Office's performance measures and the volume, resolution and demographics of contacts, complaints, inquiries, reviews and investigations received by the Office, including complaints not accepted by the Office and the reason the contact was rejected or closed;
- E. As permitted by Office confidentiality standards, a description and disposition of investigations;
- F. A summary of all advisory recommendations made for statutory, regulatory, budgetary, or administrative changes, including grievance process changes and systemic issues;

- G. A summary of the successes and needs of the Office including the success or gaps in providing services to children and families, and identification of barriers that prevent the optimal operation of the Child Protection Ombudsman Program.

The Office shall provide a confidential preliminary copy of the annual report to the Executive Director of the State Department or his/her designee and such other persons or agencies who may have need for an advanced annual report by August 1 of each year. The preliminary annual report shall be confidential and will be so entitled on the cover page. Any recipient of the preliminary annual report shall not release, disclose, or publicize any of its content to the public, or any other entity, without the express written consent of the Office. The State Department may share the preliminary annual report with other state officials to the extent necessary to carry out its duties while maintaining the overall confidentiality of the report.

The State Department may request modifications of opinion, findings, or recommendations presented in the preliminary annual report by submitting a request to the Office within fourteen (14) calendar days of receipt of the report. If the State Department does not request a modification, the preliminary report shall become final twenty-one (21) calendar days after the State Department receives the preliminary annual report. The Office shall have the right to make stylistic, grammatical and organizational changes to the report without further review by the State Department. The final report shall not be subject to further modification by the State Department and shall be provided to the Executive Director of the State Department and his/her designee by the Office by August 30 of each year.

The final annual report shall be provided to the State Department and other such departments or agencies as deemed appropriate by the Office and shall be posted on the State Department's and the Office 's websites. The State Department shall distribute the final annual report to the Governor and to the health and human services committees of the House of Representatives and of the Senate, or any successor committees per Section 19-3.3-108, C.R.S.

Permanent Rules Adopted

Department

Department of Revenue

Agency

Division of Gaming - Rules promulgated by Gaming Commission

CCR number

1 CCR 207-1

Rule title

1 CCR 207-1 GAMING REGULATIONS 1 - eff 11/30/2014

Effective date

11/30/2014

BASIS AND PURPOSE FOR RULE 12

The purpose of Rule 12 is to establish a procedure for the testing and approval by the Commission of gaming devices and equipment, to establish requirements for the gaming devices and equipment to be used in limited gaming in Colorado, and to establish procedures for the storage of gaming devices and equipment in compliance with section 12-47.1-302 (2), C.R.S. The statutory basis for Rule 12 is found in sections 12-47.1-201, C.R.S., 12-47.1-203, C.R.S., 12-47.1-302, C.R.S., and 12-47.1-806, C.R.S.

RULE 12 GAMING DEVICES AND EQUIPMENT

47.1-1201 Device and equipment approval.

- (1) No slot machine, note acceptor, token acceptor, coin acceptor, hopper, ticketing (TITO) system, progressive controller, gaming system, table game with electronic or electromechanical components, mechanical or electronic shuffling device, chips, tokens, or other gaming equipment may be used for limited gaming purposes by any licensee without prior written approval of the Division. The approval must describe with particularity the equipment or device approved. (amend. perm. 03/30/02, amend. perm. 01/30/04)
- (2) Each individual slot machine component part and table game must be inspected for proper settings/optioning/rule text (as applicable) by the offering retailer or operator before it is used for limited gaming. This shall include inspection of all required documentation on Division approved forms for proper completion. Each licensed manufacturer, distributor, associated equipment supplier, operator or retailer must ensure that all component parts, media storage devices and slot machines shipped and offered for play in the State's limited gaming areas are approved for use in the State of Colorado. (amend. perm. 03/30/02) *Amended 2/14/14*
- (3) No licensed manufacturer, distributor, associated equipment supplier, operator, or retailer shall sell, offer for sale, offer for play, or use for any other gaming purpose any slot machine or component part that the licensee knows, or reasonably should know, will malfunction in any manner that affects game play or the accuracy of the required meters. Licensed manufacturers and distributors and licensed associated equipment suppliers shall notify the Division in writing within seven days of the discovery of a malfunction that affects game play or the accuracy of the required meters in a model of slot machine, component part, or game program submitted and approved for use in Colorado. (47.1-1201(1) added perm. 10/30/99) *Amended 2/14/14*

47. 1-1202 Gaming device and gaming system testing.

- (1)
 - (a) All slot machines, and such other devices and equipment as the Director may determine, shall be tested and certified by a testing laboratory contracted with the State prior to use in limited gaming. The cost of such testing shall be paid for by those licensees requesting approval of the devices or equipment. *Eff 03/02/2007*
 - (b) Licensed manufacturers and distributors and licensed associated equipment suppliers shall make available upon request to the Division of Gaming any slot machine, media storage device or other gaming equipment for the Division to temporarily possess and use for review, training and/or investigative purposes. The Division's request shall be made in accordance with Division procedures and shall be approved by the Division. *Eff 03/02/2007, Amended 2/14/14*

(2)

- (a) No gaming system that affects the reporting of adjusted gross proceeds or of statistical data required to be generated and maintained by a licensee pursuant to regulations or Internal Control Minimum Procedures, no gaming system for monitoring slot machines or other games, nor any other associated hardware or software may be used to support gaming operations by any licensee without prior written approval of the Division. Gaming systems that affect the reporting of adjusted gross proceeds or of statistical data required to be generated and maintained by a licensee must ensure data integrity, accuracy, availability and security. [Eff 03/02/2007](#)
 - (b) No subsequent modifications or upgrades to any gaming system that affect the reporting of adjusted gross proceeds or of statistical data required to be generated and maintained by a licensee pursuant to regulations or Internal Control Minimum Procedures may be relied upon to support gaming operations by any licensee without prior written approval of the Division. [Eff 03/02/2007](#)
 - (c) Approval for systems described in paragraphs (a) and (b) of this subsection (2) shall occur in two phases: [Eff 03/02/2007](#)
 - (i) Phase I shall be initial approval before a licensee can implement any gaming system or its modification or upgrade to ensure compliance with all limited gaming regulations and Internal Control Minimum Procedures. Phase I initial system approval shall require that the underlying system specific hardware and software be tested and approved by the Division, or its authorized agents. Persons requesting phase I approval shall pay for all related testing costs directly to the approved testing organization. [Eff 03/02/2007](#)
 - (ii) Phase II shall be on-site testing conducted in accordance with procedures relating to gaming systems as provided for in the Internal Control Minimum Procedures. Phase II must occur before the licensee may rely solely on the system or its modification or upgrade. [Eff 03/02/2007](#)
- (3) Gaming system output that affects the reporting of adjusted gross proceeds or of statistical data required to be generated and maintained by a licensee pursuant to limited gaming regulations shall be subject to phase II testing. [Eff 03/02/2007](#)
- (4) For good cause shown, the Division may waive any of the requirements imposed by this regulation. [Eff 03/02/2007](#)
- (5) All devices, including slot machines, equipment and gaming systems required to be tested under this section shall be tested to the standards established by this Rule 12 at the time the device is tested. Amendments to this Rule 12 shall not be retroactively applied to any device tested and approved before the effective date of the amendment unless the device is required to be retested at the independent laboratory after the effective date as the result of any modification, alteration or upgrade. A retest shall be performed to the new standards unless the manufacturer or associated equipment supplier can demonstrate to the Division that the new standards would hinder the design of the device or would otherwise pose a hardship due to capacity limitations in the device's originally approved platform. [Eff 03/02/2007, Amended 2/14/14](#)
- (6) All data stored on the gaming system must utilize secure methods as approved by the Division for storage and authorized access management. No unrecoverable data shall be removed from these databases without prior authorization from the Division. An unalterable audit trail must be maintained by the system that documents all activity in the gaming system.

47.1-1203 Appeal of test results.

Any person requesting approval of equipment or devices, which request is denied by the Director, may appeal such denial in writing to the Commission within 10 days of receipt of notice of denial. The appeal shall be considered an adjudicatory proceeding and shall be scheduled for hearing by the Commission.

47.1-1204 Blackjack table – physical characteristics.

(47.1-1204 repealed and readopted as 47.1-803, with amendments, perm. 12/30/98)

47.1-1205 Cards – receipt and storage.

When decks of cards are received for use in a licensed establishment, they must be inventoried and stored in a locked cabinet. The cabinet must be located in a secure location. The location must be approved by the Division. A secondary storage area must be located in a secure area approved by the Division. (amended perm. 03/30/03)

As necessary, the licensee or the licensee's agent must open the cabinet and remove the appropriate number of decks of cards, distribute the decks to the dealer at each table, and place the extra decks in a card reserve.

The card reserve must be a locked compartment approved by the Division.

47.1-1206 Cards – inspection and removal from use.

- (1) Prior to their use at a table, decks must be inspected by the dealer. The dealer must check the front and back of each card to ensure that it is not flawed, scratched, or marked in any way. If, after checking the cards, the dealer finds that certain cards are damaged or improper, a substitute deck must be brought from the card reserve. The damaged or improper cards must be placed in a sealed envelope or container, identified by table number, date, and time, and signed or initialed by the dealer and a pit supervisor.
- (2) Cards damaged during the course of play must be replaced. The damaged cards must be placed in a sealed envelope or container, identified by table number, date, and time, and must be signed or initialed by the dealer and a pit supervisor. (amended perm. 09/30/03)
- (3) The licensee must remove cards at any time if there is any indication of tampering, flaws, scratches, marks, or other defects that might affect the integrity or fairness of the game or at the request of an authorized representative of the Division or Commission. The damaged cards must be placed in a sealed envelope or container identified by table number, date and time, and must be signed or initialed by the dealer and a pit supervisor. (amended perm. 09/30/03)
- (4) A label must be attached to an envelope or container which identifies the date and time and which must be signed or initialed by a pit supervisor.
- (5) Where a licensee has no reason to believe that damaged or flawed cards in a sealed envelope or container were so damaged or flawed as a result of an unlawful act, motive, or scheme, the licensee may dispose of such cards after 30 days in any manner designed to prevent their future use in limited gaming. (amended perm. 09/30/03)

47.1-1207 Cards, envelopes, and containers to Division.

All envelopes and containers containing cards which indicate purposeful tampering must be turned over to the Division who may inspect them for tampering, marks, alterations, missing or additional cards, or anything that might indicate unfair play.

47.1-1208 Duties of a licensee.

Any representative of the Division may request that a licensee remove all or designated cards from play or storage for the purpose of inspection. Any representative of the Division may conduct the inspection or may request an employee of the licensee to conduct the inspection. If an employee of the licensee will conduct the inspection, the employee must follow the procedures required by the Division.

Cards that are inspected and found to be without any indication of tampering, marks, alteration, or anything that might indicate unfair play, and decks of cards that are found to be without missing or additional cards, may be returned to the retail licensee to be immediately destroyed or canceled.

47.1-1209 Destruction of cards.

Destruction of cards removed from play must be by shredding or by other means approved by the Director or the Director's designee. Cancellation of logo cards must be by drilling a circular hole of at least one fourth inch in diameter through the center of each card in the deck or by other means approved by the Director or the Director's designee.

47.1-1210 Dealing shoes.

(47.1-1210 repealed and readopted as 47.1-805, with amendments, perm. 12/30/98)

47.1-1211 Poker table.

Poker tables to be used in a licensed establishment must have an identifying number, assigned by the retail licensee, on the top surface of the table or a table accessory. This table number must be visible to surveillance personnel and must be able to be captured on surveillance video of table activity. (amended perm. 03/30/03)

47.1-1212 Approval of chips and tokens – procedures. [Eff. 04/30/2009]

A licensee may not issue chips or tokens or sell or redeem chips or tokens unless the specifications of the chips or tokens have been approved in writing by the Division. A licensee may not issue chips or tokens or sell or redeem chips or tokens that are modifications of chips or tokens previously approved by the Division unless the modifications have been approved by the Division.

Prior to any artwork submissions, the following must be on file with the Division:

A verification upon oath or notarized affirmation, executed by the chief operating officer of the chip or token manufacturer, or a person with equivalent responsibilities, that such manufacturer has a written system of internal controls, approved by the Division, which describes in detail the current administrative, accounting and security procedures which are utilized in the manufacture, storage and shipment of the chips, tokens and related material. The written system must include at a minimum, a detailed, narrative description of the procedures and controls implemented to ensure the integrity and security of the manufacturing process, from design through shipment, including but not limited to those procedures and controls designed specifically to:

- (a) Provide for the secure storage or destruction of all pre-production prototypes, samples, production rejects and other nonsalable product;
- (b) Provide security over the finished art work, hubs, plates, dies, molds, stamps and other related items which are used in the manufacturing process;
- (c) Prevent the unauthorized removal of product from the production facility through the utilization of security devices such as metal detectors, and surveillance cameras;

- (d) Restrict access to raw materials, work-in-process, and finished goods inventories to authorized personnel;
- (e) Provide for the documentation of approval of production runs;
- (f) Establish and maintain a perpetual inventory system which adequately documents the flow of materials through the manufacturing process;
- (g) Provide for the reconciliation of the raw material used to the finished product on a job-by-job basis. Significant variances are to be documented, investigated by management personnel, and immediately reported to the Division and to the licensee who authorized the manufacturer to produce the chips or tokens;
- (h) Provide for quarterly physical inventory counts to be performed by individual(s) independent of the manufacturing process which are reconciled to the perpetual inventory records. Significant variances are to be documented, investigated by management personnel, and immediately reported to the Division;
- (i) Establish a framework which provides for the security and accountability of products and materials sent to or received from subcontractors or satellite production facilities;
- (j) Document controls over the shipment of finished product; and
- (k) Provide such other or additional information as the Division may require.

The Division may, in writing, approve variations from the specific requirements of this regulation if in the opinion of the Division the alternative controls and procedures meet the objectives of this regulation.

If anything in (a) through (k) above changes, the chip or token manufacturer must notify the Division of Gaming, in writing, of the changes within 30 days.

Requests for approval of chips, tokens, and modifications to previously approved chips or tokens must include the following in addition to other items of information that the Division may require:

- (1) Exact color drawings of each side and the edge of the proposed chip, and/or exact black and white drawings of each side and the edge of the proposed token, drawn to actual size and drawn in scale to 2½ times larger than actual size showing the measurements of the proposed chip or token in each dimension;
- (2) Written specifications for the proposed chips or tokens;
- (3) The name and address of the manufacturer; and
- (4) The licensee's intended use for the proposed chips or tokens.

If the Division in its discretion is satisfied that the proposed chips or tokens conform with the requirements of this chapter, the Division will provide the licensee with written approval of the artwork. The licensee must submit one sample of the proposed chip or token in final manufactured form to the Division. Sample chips must be notched. If the Division is satisfied that the sample conforms with the requirements of this chapter and with the information submitted with the application, the Division will approve the proposed chip or token and notify the licensee in writing. The Division will return the approved sample chip or token to the licensee.

A license applicant awaiting approval of its operator and/or retail gaming license may not accept transfer and accountability of approved chips or tokens from the chip or token manufacturer until the applicant's

operator and/or retail gaming license has been approved by the Colorado Limited Gaming Control Commission. (amended perm. 03/30/04, amended perm. 03/02/06)

47.1-1213 Specifications for chips and tokens. [Eff. 04/30/2009]

- (1) Chips and tokens must be designed, manufactured, and constructed in compliance with all applicable statutes, rules, and policies of the United States, the State of Colorado, and other states to prevent counterfeiting of the chips or tokens. Chips and tokens must not resemble any current or past coinage or currency of the United States or any other nations.

In addition to other specifications that the Division may approve, the following must appear on the chip or token unless stated otherwise elsewhere in this Rule:

- (a) The name of the issuing establishment must be inscribed on both sides of a chip or metal token;
 - (b) The name of the city in which the establishment is located must be inscribed on one side of the chip or metal token, with the exception of roulette chips;
 - (c) The value of the chip or token must be inscribed on both sides of a chip or metal token;
 - (d) A chip must be designed so that the denomination of the chip shall be distinguished from that of other chips when viewed on surveillance monitors.
- (2) The following provisions shall apply only to tournament chips:
 - (a) The design of the tournament chip shall be distinctively different than the design of the chips and tokens approved for non-tournament limited gaming use at the licensee's gaming establishment.
 - (b) No tournament chip may display a word or symbol representing a monetary denomination.
 - (c) Each side of each tournament chip must conspicuously display the inscription, "no cash value."
 - (d) The chip may, but need not, display a number, which represents the number of points or units of credit that the chip represents. If such a number is used, it must appear on both sides of the chip.
 - (e) Tournament chips may not be used, and licensees shall not permit their use, in transactions other than the tournaments or promotions sponsored by the licensee.
- (3) If an approved table game requires the use of special chips or tokens, such chips and tokens shall have these specifications:
 - (a) The name of the retail licensee offering the game must be inscribed or printed on both sides of the chip or token.
 - (b) The name of the game, or a logo representing the game, must be inscribed or printed on both sides of the chip or token.
 - (c) The chip or token may, but need not, display a number which represents the value of the chip. If such a number is used, it must appear on both sides of the chip.

- (d) During field trial testing of a proposed variation table game, and for not longer than the first 30 days that a retail licensee offers play of an approved table game, game chips and tokens may be used without the inscriptions required by (3)(a) and (b), above.
 - (e) Chips and tokens designed and approved for play of specific games may not be used, and licensees shall not permit their use, in play of any game other than the designated game.
- (4) The following provisions shall apply only to nonvalue roulette chips:
- (a) The design of nonvalue roulette chips shall be distinctively different than the design of the chips and tokens approved for any other limited gaming use at the licensee's gaming establishment.
 - (b) No roulette chip may display a word or symbol representing a monetary denomination.
 - (c) Each nonvalue chip utilized by a licensee shall be issued solely for the purpose of gaming at roulette. The nonvalue chip(s) at each roulette table shall include:
 - (i) The name of the issuing establishment inscribed on both sides of the chip;
 - (ii) A design, insert or symbol, on both sides, differentiating it from the nonvalue chips being used at every other roulette table in the establishment; and
 - (iii) The word "roulette" imprinted on both sides.
 - (d) Nonvalue roulette chips issued at a roulette table shall only be used for gaming at that table in the licensee's gaming establishment and shall not be used for gaming at any other table in the licensee's gaming establishment.
 - (e) No person at a roulette table shall be issued or permitted to game with nonvalue chips that are identical in color and design to value or nonvalue chips being used by another person at the same table.
 - (f) Nonvalue chips shall only be presented for redemption at the table from which they were issued and shall not be redeemed or exchanged at any other location in the licensee's gaming establishment. When so presented, the dealer at such table shall exchange them for an equivalent amount of value chips which may then be used by the patron in other gaming or redeemed as any other value chips.
- (5) The following provisions shall apply only to non-cashable chips: *Effective 9/14/2012*
- (a) The design of non-cashable chips shall be distinctively different than the design of the chips and tokens approved for any other limited gaming use at the licensee's gaming establishment. Non-cashable chips may be any size, shape, or color. Once a licensee adopts a size and/or shape, it must not deviate from that size and/or shape unless approval is received from the Division.
 - (b) Non-cashable chips shall display a word or symbol representing value.
 - (c) Non-cashable chips are not redeemable for cash, must be wagered, and must be played until a win/loss decision. The non-cashable chips shall include:
 - (i) The name of the issuing establishment inscribed on both sides of the chip;

- (ii) A design, insert or symbol, on both sides, differentiating it from any other chips; and
 - (iii) The word non-cashable imprinted on both sides of the chip.
 - (d) Immediately following the win/loss decision, the non-cashable chip must be dropped in the table's drop box.
 - (e) All winning wagers made with non-cashable chips must be paid with cashable chips; no winning wager may be paid with a non-cashable chip.
 - (f) Non-cashable chips issued shall only be used for gaming at tables as stated in the house rules.
 - (g) Non-cashable chips represent a wager and will be paid according to the value on the chip and the odds of the table game type.
 - (h) Non-cashable chips will not be maintained in table trays as part of the inventory.
 - (i) Non-cashable chips cannot be accepted for a tip wager or as a tip.
 - (j) Non-cashable chips may not be used to buy in at any table game being used for tournament play which requires the use of nonvalue tournament chips.
 - (k) Non-cashable chips may not be used to buy in or make any wager at any player banked poker game.
- (6) The following provisions shall apply only to promotional chips:
- (a) The design of promotional chips shall be distinctively different than the design of the chips and tokens approved for any other limited gaming use at the licensee's gaming establishment.
 - (b) Promotional chips may be any size or shape.
 - (c) No promotional chips shall display a word or symbol representing value.
 - (d) Promotional chips are not to be used in live play.
 - (e) Promotional chips are not redeemable for cash.

47.1-1214 Specifications for the shape and size of chips. Amended 9/14/2012

Chips must be disk-shaped, must be .130 inch thick, and must have a diameter of between 1.53 and 1.57 inches, unless stated otherwise elsewhere in this Rule.

47.1-1214.5 Chip design definition.

"Design" means the chip colors, logos, artwork, lettering, and monetary symbols that comprise the appearance of the chip. "Design" does not include size specifications.

47.1-1215 Colors of chips.

Denominations of chips must be denoted by the following colors on each side:

- (1) The 25-cent chip must be predominantly yellow;
- (2) The 50-cent chip must be predominantly blue;
- (3) The one dollar chip must be predominantly white;
- (3.1) The two-dollar chip must be predominantly beige;
- (3.5) The two dollar and fifty cent chip must be predominantly pink;
- (3.6) The three-dollar chip must be predominantly brown;
- (4) The five dollar chip must be predominantly red;
- (4.5) The ten dollar chip must be predominantly gray;
- (5) The twenty five dollar chip must be predominantly green;
- (5.5) The one hundred dollar chip must be predominantly black;
- (5.6) The five hundred dollar chip must be predominantly purple; and
- (5.7) The one thousand dollar chip must be predominantly orange.
- (6) Tournament chips may be of any color.
- (6.1) Non-cashable chips may be of any color.
- (6.2) Promotional chips may be of any color.
- (7) Chips designed for play of specific games may be of any color, or in the colors required by the rules of the game. (47.1-1215(6) amended, (7) added perm 05/30/01); (4.5) added perm 08/30/02)

47.1-1216 Specifications for tokens.

- (1) One-dollar metal tokens must be disk-shaped and must measure from 1.459 through 1.474 inches in diameter, from .095 through .115 inch thick. [Eff 03/02/2007](#)
- (2) Two dollar metal tokens must be disk-shaped and must measure from 1.292 inches through 1.392 inches in diameter, from .092 inches through .104 inches thick. [Eff 03/02/2007](#)
- (3) Five dollar metal tokens must be disk-shaped and must measure from 1.740 inches through 1.760 inches in diameter, from .115 inches through .135 inches thick. [Eff 03/02/2007](#)
- (4) Ten dollar metal tokens must be disk-shaped and must measure from 1.700 inches through 1.760 inches in diameter, from .096 inches through .104 inches thick.
- (5) Twenty-five dollar metal tokens must be disk-shaped and must measure from 1.650 inches through 1.710 inches in diameter, from .096 inches through .104 inches thick.
- (6) Metal tokens must not be manufactured from material possessing sufficient magnetic properties to allow it to be accepted by a coin mechanism other than that of a slot machine. Metal tokens

may not be manufactured from a three-layered material consisting of a copper-nickel alloy clad on both sides of a pure copper core nor from a copper-based material unless the total of zinc, nickel, aluminum, magnesium, and other alloying materials is at least 20 percent of the token's weight.

47.1-1217 Other devices.

Other devices with which gaming is conducted must be designed, manufactured, approved, used, discontinued, destroyed, or otherwise disposed of in accordance with the provisions of this chapter, except that other devices must be of a shape, size, design, or other specifications approved or required by the Director.

47.1-1218 Ownership identification on gaming devices.

If the retail licensee is not responsible for the repairs, malfunctions, payment of winnings, or disputes regarding payments for a slot machine, the retailer must affix in a prominent place to each slot machine exposed for play, pursuant to the operator's license or an agreement, a sign or label that identifies the person or persons responsible for repairs or malfunctions of the machine, payments of winnings, and disputes regarding payments.

A licensee may not expose for play a slot machine that fails to display the information required by this Section. (47.1-1218 perm.09/30/97)

47.1-1219 Drop box requirements.

A drop box must be locked to the table with a lock separately keyed from the container itself. Currency exchanged for chips at the table and all other items or documents relating to transactions at the table must be put immediately into the drop box by the dealer. (47.1-1219 perm, 09/30/01 amended perm 03/30/03)

47.1-1220 Persons not to bring their own cards, die (dice), roulette ball, tokens, or chips.

No person may bring onto the licensed premises or unlicensed premises of a retail licensee, or introduce into a game, playing cards, die (dice), roulette ball, tokens, or chips other than those obtained from that retail licensee except as allowed in Regulation 47.1-1303.

47.1-1221 Definitions for slot machines.

The following definitions apply to all slot machine hardware and software requirements: [Eff 03/02/2007](#)

- (1) "Leakage current" means an electrical current which flows when a conductive path is provided between exposed portions of a slot machine and the environmental electrical ground when the slot machine is isolated from the normal AC power ground; [Eff 03/02/2007](#)
- (2) "Inappropriate coin in" means a coin or token which has been accepted by a slot machine after the slot machine has already accepted the maximum number of coins or when the slot machine is in a state which normally rejects additional coins, sometimes caused by mechanical timing limits in coin handling equipment; [Eff 03/02/2007](#)
- (3) "Par sheet" means documentation which depicts the possible outcomes from the play of a slot machine, the probability of occurrence of each, and the contribution of each winning outcome to the payback percentage of a slot machine. The documentation must also list the applicable game and personality program version(s), as well as the payable identification numbers (as identified in the machine's configuration menus and/or display) of the media operating within the slot machine. [Eff 03/02/2007](#)

- (4) "Random access memory" or "RAM" means the electronic component used for computer work space and storage of volatile information in a slot machine; [Eff 03/02/2007](#)
- (5) "Randomness" means the unpredictability and absence of pattern in the outcome of an event or sequence of events; [Eff 03/02/2007](#)
- (6) "Random number generator" means a hardware, software, or combination hardware and software device for generating number values that exhibit characteristics of randomness; [Eff 03/02/2007](#)
- (7) "Read only memory" or "ROM" means the electronic component used for storage of nonvolatile information in a slot machine, including programmable ROM and erasable programmable ROM (EPROM); [Eff 03/02/2007](#)
- (8) "Tilt condition" means a programmed error state for a slot machine which occurs when the slot machine detects an internal error, malfunction, or attempted cheating. The machine ceases processing further input, output, or display information other than that indicating the tilt condition itself. [Eff 03/02/2007](#)
- (9) "Ticket Redemption Kiosk" is a device which uses real-time transaction processing to the Ticket In/Ticket out (TITO) module of the gaming system for redemption of tickets or slot coupons in exchange for currency and coin. Kiosks are not capable of gaming functionality and may not issue tickets or slot coupons in exchange for currency and coin.
- (10) Ticket definitions: [Eff 03/02/2007](#)
 - (a) Delayed Ticket: A ticket generated by a TITO-enabled slot machine, which contains all information necessary for validation, but for which the TITO system has not yet received the validation information. [Eff 03/02/2007](#)
 - (b) Incomplete Ticket: An incomplete ticket contains, at a minimum, the ticket validation number printed across the leading edge of the ticket, but is not of a quality that can be validated and redeemed through the automated functionality of a TITO system. [Eff 03/02/2007](#)
 - (c) Online Ticket: A ticket which contains all information necessary for validation, which may be presented for redemption to the TITO system before its expiration. [Eff 03/02/2007](#)
 - (d) Redeemed Ticket: A ticket which has been properly validated and redeemed by the TITO system and is no longer reflected as an active (i.e., unredeemed) ticket in the TITO system database. [Eff 03/02/2007](#)
 - (e) Offline Ticket: A ticket generated by a TITO-enabled slot machine, which contains all information necessary for validation, but is not of a quality that can be validated at a slot machine or ticket redemption kiosk. When the system is offline, other system programs allow for the generation and redemption of tickets. [Eff 7/1/13](#)
- (11) TITO System: A gaming system which has a centralized Ticket Validation Component and allows for issuance, validation, and acceptance of tickets at TITO-enabled gaming devices, and the validation and acceptance of tickets at kiosks or validation units, for gaming operations.
- (12) Ticket Validation Component: That function of the gaming system whereby this system receives information about a ticket from a floor device and compares the ticket in question to the information in the system's database. This determines the validity of the ticket for redemption. [Eff 03/02/2007](#)

- (13) Media storage device: A storage media or electronic device that contains critical control program components which include, but are not limited to, EPROMs, compact flash cards, optical disks, hard drives, solid state drives, USB drives, or other media as approved by the Division.

47.1-1222 Control program requirements.

- (1) A slot machine must complete a comprehensive check of the control program during a power cycle of the gaming device for possible corruption caused by failure of the program storage media. Test methodology must detect 99.99 percent of all possible failures. [Eff 03/02/2007](#)
- (2) The program residing in the slot machine must be contained in a media storage device which is not alterable through any use of the circuitry or programming of the slot machine itself. Hard disk, CD ROM, and other media storage devices in lieu of EPROMs may be acceptable; however, the media storage device must be approved by the Division. Non-volatile memory chips (e.g., a flash EPROM) may be used for the note acceptor, ticket printer, sound and graphic programs if the procedure used to send information to the flash EPROM is secure from unauthorized tampering and the procedure has been approved by the Division. Flash EPROMs must not contain any information related to the security, operation, or metering of the game except as directly related to the operation of the note acceptor, ticket printer, sound and graphics routines. [Eff 03/02/2007](#)
- (3) The control program must check for corruption of random access memory locations used for crucial slot machine functions, including information relating to the play and final outcome of the last ten games played, random number generator outcome, and any error states. These memory areas must be checked for corruption following game initiation but prior to the display of the game outcome to the player. Detection of corruption is a game malfunction and must result in a tilt condition which identifies the error and causes the slot machine to cease further functions. [Eff 03/02/2007](#)
- (4) All slot machines must have the capacity to display a complete play history for the last ten games. Retention of play history for additional prior games is encouraged. The display must indicate the game outcome (or a representative equivalent), intermediate play steps (such as a hold and draw sequence or a double-down sequence), credits available, bets placed, credits or coins paid, and credits cashed out. Slot machines offering games with a variable number of intermediate play steps per game may satisfy this requirement by providing the capability to display the last 50 play steps. Slot machines interfaced to any bonusing event or system must display a complete transaction history for the most recent transaction and the previous thirty-four transactions prior to the most recent transaction that incremented any of the meters. Last game recall must also be time and date stamped, to allow for determination of credit meter incrementation (i.e., coins, notes, tickets, slot coupons, or won credits). If a game incorporates take-or-risk bonus play, then last game recall must recall all award values presented or offered, and the ordering and outcome of the risk events.
- (5) The gaming system or TITO-enabled slot machines must maintain an audit log(s) that records, at a minimum, the total of the last 25 ticket-in and slot coupon-in transactions. Upon redemption of a ticket or slot coupon, the log(s) shall properly update with the redemption information, including the date and time of redemption, amount, and at least the last four digits of the validation number.
- (6) The gaming system or TITO-enabled slot machines must maintain an audit log that records, at a minimum, the last 25 ticket-out transactions. Upon ticket issuance, the log shall properly update with the ticket issued information, including the date and time of issuance, amount of ticket, and at least the last four digits of the ticket validation number.
- (7) Slot machines equipped with note acceptors must maintain an audit log that records, at a minimum, the last five notes accepted. Upon note acceptance, the log shall properly update with the note information, including the date and time of acceptance, and the note value. This log must not be cleared upon removal of the stacker. [Eff 03/02/2007](#)

- (8) The slot machine must clearly display all game program and version identification numbers on demand, including peripheral devices such as the note acceptor and the ticket printer installed in the game. The game program and version identification numbers displayed must agree with the contracted test laboratory's certification reports.

47.1-1223 Meters.

- (1) A slot machine must have electronic (soft) meters with all meters being visible without opening the machine. These meters must have at least ten digits and they must accumulate in electronic digital storage and provide the means for on-demand display of the stored information. *Eff 03/02/2007*
- (2) All slot machines must have the following soft meters. These meters are displayed in dollars and cents.
- (a) Coin in. The machine must have a meter specifically labeled "Coin In" that accumulates for all wagers made no matter the form in which the wager was made. The Coin In meter must accumulate the total value of all wagers (coins, tokens, currency, tickets, or any other means of placing a wager). This meter shall:
- (i) For multi-game and multi-denomination/multi-game machines, provide the information necessary, on a per payable basis, to calculate a weighted average theoretical payback percentage; and
- (ii) For machines which contain paytables with a difference in theoretical payback percentage which exceeds four percent between wager categories, maintain and display coin in meters and the associated theoretical payback percentage, for each wager category with a different theoretical payback percentage, and calculate a weighted average theoretical payback percentage for that payable. Machines that may include an element of skill are exempt from this requirement.
- (b) Coin Out. The machine must have a meter specifically labeled "Coin Out" that accumulates the total value of all amounts directly paid by the machine as a result of winning wagers, whether the payout is made from the hopper, to a credit meter, or by any other means. This meter will not record amounts awarded as the result of any external bonusing system or a progressive payout. *Eff 11/30/2007*
- (c) Machine Paid Progressive Payout. The machine must have a meter specifically labeled "Machine Paid Progressive Payout" that accumulates the total value of credits paid as a result of progressive awards paid directly by the machine. This meter does not include awards paid as a result of an external bonusing system.
- (d) Coin Drop. The machine must have a meter specifically labeled "Coin Drop" that accumulates the total value of coins or tokens diverted to the drop. For games that do not have the ability to support coins or tokens, this meter is not required.
- (e) Bill In. The machine must have a meter specifically labeled "Bill In" that accumulates the total value of currency accepted. Additionally, the machine must have a specific meter for each denomination of currency accepted that records the number of bills accepted of each denomination.
- (f) Attendant Paid Jackpots. The machine must have a meter specifically labeled "Attendant Paid Jackpots" that accumulates the total value of credits paid by an attendant resulting from a single winning alignment or combination, the amount of which is not capable of being paid by the machine itself. This does not include attendant paid progressive amounts or amounts awarded as a result of an external bonusing system. This meter

only includes awards resulting from a specifically identified amount listed in the manufacturer's par sheet.

- (g) Attendant Paid Progressive Payout. The machine must have a meter specifically labeled "Attendant Paid Progressive Payout" that accumulates the total value of credits paid by an attendant as a result of progressive awards that are not capable of being paid by the machine itself.
- (h) Attendant Paid Cancelled Credits. The machine must have a meter specifically labeled "Attendant Paid Cancelled Credits" that accumulates the total value paid by an attendant resulting from a player initiated cash-out that exceeds the physical or configured capability of the machine to make the proper payout amount.
- (i) Voucher Out. The machine must have a meter specifically labeled "Voucher Out" that accumulates the total value of all tickets issued by the machine. Voucher Out is interchangeable with Ticket Out.
- (j) Voucher In. The machine must have a meter specifically labeled "Voucher In" that accumulates the total value of all tickets, including slot coupons, accepted by the machine. Voucher In is interchangeable with Ticket In. [Eff 1/30/2007](#)
- (k) Wagering Account Transfer In (WAT In). The machine must have a meter specifically labeled "WAT In" that accumulates the total value of cashable credits electronically transferred to the machine from a wagering account by means of an external connection between the machine and a cashless wagering system. [Eff 11/30/2007](#)
- (l) Wagering Account Transfer Out (WAT Out). The machine must have a meter specifically labeled "WAT Out" that accumulates the total value of cashable credits electronically transferred from the machine to a wagering account by means of an external connection between the machine and a cashless wagering system. [Eff 11/30/2007](#)
- (m) Cashable Electronic Promotion In (CEP In). The slot machine must have a meter specifically labeled "Cashable Electronic Promotion In" that accumulates the total value of cashable credits electronically transferred to the slot machine by means of an external connection between the slot machine and an electronic promotional credit system. [Eff 1/30/2007, Rev eff 1/14/2012](#)
- (n) Cashable Electronic Promotion Out (CEP Out). The slot machine must have a meter specifically labeled "Cashable Electronic Promotion Out" that accumulates the total value of cashable credits electronically transferred from the slot machine by means of an external connection between the slot machine and an electronic promotional credit system. [Eff 11/30/2007, Rev 1/14/2012](#)
- (o) Machine Paid External Bonus Payout. The machine must have a meter specifically labeled "Machine Paid External Bonus Payout" that accumulates the total value of additional amounts awarded as a result of an external bonusing system and paid by the slot machine. [Eff 11/30/2007, Rev 1/14/2012](#)
- (p) Attendant Paid External Bonus Payout. The machine must have a meter specifically labeled "Attendant Paid External Bonus Payout" that accumulates the total value of amounts awarded as a result of an external bonusing system paid by an attendant. [Eff 11/30/2007, Rev 1/14/2012](#)
- (q) Non-Cashable Electronic Promotion In (NCEP In). The slot machine must have a meter specifically labeled "Non-Cashable Electronic Promotion In" that accumulates the total value of non-cashable credits electronically transferred to the slot machine by means of

an external connection between the slot machine and an electronic promotional credit system. [Eff 1/14/2012](#)

- (r) Non-Cashable Electronic Promotion Out (NCEP Out). The slot machine must have a meter specifically labeled "Non-Cashable Electronic Promotion Out" that accumulates the total value of non-cashable credits electronically transferred from the slot machine by means of an external connection between the slot machine and an electronic promotional credit system. [Eff 1/14/2012](#)
- (s) Such other meters as may be required by the Director. [Eff 1/30/2007, Rev 1/14/2012](#)
- (3) For slot machines that are unable to display the specific meter labels required by CLGR 47.1-1223(2), and the individual meters meet the functional definitions set forth in CLGR 47.1-1223(2), a legend must be used to indicate the information each meter accumulates. Such legend must be located within the slot machine. Multiple functionalities may not increment to a single meter. [Eff 03/02/2007](#)
- (4) A slot machine must be equipped with electronic meters that record the number of times the cabinet door is opened. No slot machine may have a mechanism that causes the electronic meters to clear automatically when an error occurs. A slot machine's meters must be maintained at all times, regardless of whether the machine is being supplied with power. Electronic meter readings must be recorded before and after the electronic meter is cleared. Licensees must maintain adequate records when any electronic meters are cleared. [Eff 03/02/2007](#)
- (5) Electronic meters must have an accuracy rate of 99.99 percent or better. [Eff 03/02/2007](#)
- (6) A slot machine must have an electronically stored digital meter of at least eight digits for the number of games played since "power on", the number of games played since "door closure", and the number of games since "game initialization (ram clear)". The slot machine must provide the means for on-demand display of the stored information. [Eff 03/02/2007](#)
- (7) Slot machines must have electronic meters that are visible to the player capable of displaying the following information relating to the current play or monetary transaction: [Eff 03/02/2007](#)
 - (a) The number of coins or credits wagered; [Eff 03/02/2007](#)
 - (b) The number of coins or credits won; [Eff 03/02/2007](#)
 - (c) The number of coins paid by the hopper; [Eff 03/02/2007](#)
 - (d) The number of credits available for wagering (credit meter), if applicable. [Eff 03/02/2007](#)

47.1-1224 Randomness events.

Events in slot machines are occurrences of elements or particular combinations of elements that are available on the particular slot machine. A random event has a given set of possible outcomes, each with a given probability of occurrence. The set of these probabilities is called the distribution. Two events are independent if the outcome of one has no influence over the outcome of the other. The outcome of one event cannot affect the distribution of another event if the two events are independent. The random number generator in a slot machine must produce game plays that are random and independent, so that a complete future game outcome cannot be predicted from a previous game's outcome. Slot machine games may use information from the outcome of a previous game in the next game provided that information cannot be used to predict the entire final outcome of the next game. The payable must explain how the information from the previous game is used in the next game. Random number generators must continue to run in the background whether or not games are being played on the slot machine. [Eff 03/02/2007](#)

47.1-1225 Basic slot machine specifications.

- (1) In addition to the specifications in sections 47.1-1226 through 47.1-1240 inclusive, slot machines must: [Eff 03/02/2007](#)
 - (a) Be controlled by one or more microprocessors; [Eff 03/02/2007](#)
 - (b) Be compatible to online data monitoring and electronic meter acquisitions; [Eff 03/02/2007](#)
 - (c) Have a separate internal enclosure for the circuit board located behind the main front door; and [Eff 03/02/2007](#)
 - (d) Continue a game with no data loss after a power failure. [Eff 03/02/2007](#)
- (2) RAM clears must be performed only in accordance with manufacturers' specifications. [Eff 03/02/2007](#)

47.1-1226 Safety requirements.

Electrical and mechanical parts and design principles must not subject a player to physical hazards. Spilling a conductive liquid on the slot machine must not create a safety hazard or alter the slot machine's performance. The power supply used in a slot machine must be designed to make minimum leakage of current in the event of an intentional or inadvertent disconnection of the AC power ground. The power supply must be appropriately fused or protected by circuit breakers.

47.1-1227 Backup battery.

A battery backup device must be installed that is capable of maintaining the accuracy of required information for 180 days after power is discontinued for the slot machine. The backup device must be kept within the logic board compartment. (47.1-1227 perm 09/30/97)

47.1-1228 ON and OFF switch.

An on and off switch that controls the electrical current used to operate the slot machine and its associated equipment must be located in an accessible place within the interior of the slot machine.

47.1-1229 Coin and note acceptors.

- (1) An electronic coin or token acceptor, or a note acceptor, may be installed in a slot machine. Coin, token, and note acceptors must be approved by the Division to indicate that they meet the requirements of this section. All programmable coin acceptors with multiple programmable channels must be secured in a manner so that only one channel can be programmed unless more than one channel is required to accept different mints of the same type, value, and otherwise identical tokens of the same licensee; multiple channels must not be enabled for any other reason. Coin, token, and note acceptors must be designed to accept designated coin, tokens, tickets, or notes and reject others on the basis of metal composition, size, composite makeup, or equivalent security. [Eff 03/02/2007](#)
- (2) Coin Acceptors. [Eff 03/02/2007](#)
 - (a) Licensees must ensure their coin acceptors do not accept and credit other consideration, such as another licensee's tokens. [Eff 03/02/2007](#)
 - (b) The coin acceptor, and the slot machine's related parts, must be capable of handling and accurately accounting for all accepted coins. [Eff 03/02/2007](#)

(3) Note Acceptors. [Eff 03/02/2007](#)

- (a) The gaming device shall not credit the note or ticket received until the note acceptor confirms it has successfully received and stacked the note/ticket. [Eff 03/02/2007](#)
- (b) The note acceptor and its related parts shall be designed to be secure from unauthorized access, tampering, and note/ticket removal. [Eff 03/02/2007](#)
- (c) If the note acceptor stacker is full, the gaming device must disable the note acceptor and refuse to accept notes/tickets. The gaming device may generate an error message and hard tilt the note acceptor. [Eff 03/02/2007](#)
- (d) If a power loss or any door open condition occurs when accepting a note/ticket into the note stacker, and no credits have been vended to the game for this note/ticket, the note/ticket should either be returned to the patron, or the appropriate credits should be vended to the game with the note/ticket being stacked in the note acceptor after the error condition is cleared. [Eff 03/02/2007](#)

47.1-1230 Automatic light.

A light must be installed on the top of each slot machine and kiosk that automatically illuminates when the interior of the slot machine or kiosk is accessed. Video bar top slot machines do not need a light, but must display a message on the screen indicating that a door is open. This provision, in whole or in part, may be waived by the Director. (47.1-1230 perm.09/30/97)

47.1-1231 Access to interior.

Logic boards, read only memory and random access memory and any other discrete logic that determines the outcome of the device (either directly or indirectly) must be secured in the machine. (47.1-1231 perm.09/30/97)

47.1-1232 Hardware switches.

Hardware switches may be installed to control graphic routines, speed of play, sound, or any other feature approved by the Division. (47.1-1232 perm.09/30/97)

47.1-1233 Rules of play.

- (1) The rules of play for a slot machine game must be displayable on the slot machine face, glass or video screen. Rules of play must have approval of the Division. The Division may reject the rules if they are incomplete, confusing, or misleading.
- (2) The payable for a slot machine game program must be displayable prior to making a wager and must include an explanation of any special features and the amount of the awards for all winning combinations. For bonus features, a range of values is acceptable. The slot machine must not allow the payable or pay out percentage of a slot machine game to be altered, except in a manner approved by the Division.
- (3) The slot machine game program may be replaced at the discretion of the licensee provided that the replacement game program has been approved for use in Colorado. (47.1-1233 perm.09/30/97)
- (4) Multi-station slot machines that initiate games without a required action by the patron must have a countdown clock advising the patron when the game will start. (47.1-1233(4) added perm. 10/30/99)

- (5) Slot machine games involving skill that use something other than a deck of cards must display the probabilities of occurrence for all symbols used in the game. (47.1-1233(5) added perm. 10/30/99
- (6) Slot machine games may award additional free play, known as “bonus play,” which may include free spins, re-spins, or other games or events with similar or different play as the base game. Bonus play may be player initiated, or automatic. The game must clearly indicate when it is in bonus play, as opposed to normal play mode. [Eff 01/30/2008](#)
- (a) If bonus play is player initiated, and player selection is time limited, the payable must explain the time-out parameter. If the player fails to take the required action before the expiration of the required time, the game may initiate the selection. [Eff 01/30/2008](#)
 - (b) If bonus play uses a terminator or other element to cause play to terminate, the payable must define and explain the terminator. [Eff 01/30/2008](#)
 - (c) The bonus play may offer the player alternative hidden selections, known as “take or risk” selections. Once the player makes a selection, and its value is revealed to the player, the game may offer the player the opportunity to forego the selection in lieu of another hidden selection, under the following conditions: [Eff 01/30/2008](#)
 - (i) The amounts “offered” to the player are not transferred to the player's win meter until the player has either exhausted all available opportunities, or the player has affirmatively chosen to keep the award revealed in lieu of another hidden selection. [Eff 01/30/2008](#)
 - (ii) The player cannot risk or lose any base game awards transferred to the win meter. [Eff 01/30/2008](#)
 - (iii) The payable must fully explain the take or risk functionality and expected player behavior. [Eff 01/30/2008](#)
 - (iv) The game must explain how many risk attempts the player will receive. [Eff 01/30/2008](#)
 - (v) The player must have a means of clearly communicating the player's decision to the game. [Eff 01/30/2008](#)
 - (vi) “Double-up” offers are prohibited. [Eff 01/30/2008](#)
 - (d) The bonus play may include physical skill based components which affect the return to the player if the following conditions are met: [Eff 11/30/2007](#)
 - (i) The difference between the minimum and the maximum pay for all physical skill based outcomes or awards may not exceed a four percent contribution to the overall return to the player of the gaming device. [Eff 11/30/2007](#)
 - (ii) Information explaining the physical skill based functionality must be prominently displayed on the award glass or video display. This information should include that there is a physical skill based advantage. [Eff 11/30/2007](#)
- (7) A player must be able to cash out his/her credits from a game, regardless of the amount. If the game utilizes a residual credit gamble feature, this feature shall have a theoretical return to the player of 100 percent. This requirement does not apply to non-cashable electronic promotional credits downloaded onto a slot machine.

47.1-1234 Multi-game and multi-denomination slot machines.

- (1) A multi-game slot machine is a single gaming device with more than one displayable and playable game program. A multi-denomination slot machine is a single gaming device with more than one denomination offered for play and allows the patron to choose the denomination to wager. [Eff 03/02/2007](#)
- (2) A multi-game slot machine and a multi-denomination slot machine with separate unique pay schedules must both display the weighted theoretical hold for the slot machines on demand. [Eff 03/02/2007](#)
- (3) A multi-game slot machine must have a last game recall that can display the last ten games, including any bonus occurrences which result in awards, and any other significant events such as tilts, credit cash outs, note acceptor transactions, or jackpots. Last game recall must also be time and date stamped, to allow for determination of credit meter (i.e. coins, notes, electronic, or won credits). [Eff 03/02/2007](#)

47.1-1235 Power supply filter.

Slot machine power supply filtering must be sufficient to prevent disruption of the slot machine play by power fluctuations. (47.1-1235 perm.09/30/97)

47.1-1236 Error conditions-automatic reset.

Slot machines must be capable of detecting and displaying the following conditions, which must be automatically cleared by the slot machine upon initiation of a new play sequence:

- (1) Door open. (47.1-1235 perm.09/30/97)
- (2) If a power loss or any door open condition occurs when accepting and escrowing a ticket while awaiting validation confirmation, the ticket should either maintain a valid status in the TITO system and be returned to the patron, or the appropriate automatic payment should be vended with the ticket being stacked in the note acceptor and redeemed through the system after the error condition is cleared. [Amended 1/14/2012](#)

47.1-1237 Error conditions-cleared by attendant.

Slot machines must be capable of detecting and displaying the following error conditions, which an attendant must clear: [Eff 03/02/2007](#)

- (1) Coin in jam; [Eff 03/02/2007](#)
- (2) Coin out jam; [Eff 03/02/2007](#)
- (3) Hopper empty or timed out; [Eff 03/02/2007](#)
- (4) RAM corruption error; [Eff 03/02/2007](#)
- (5) Program error; [Eff 03/02/2007](#)
- (6) Hopper runaway or extra coin paid out; [Eff 03/02/2007](#)
- (7) Reverse coin in and note-in (coin or note/ticket traveling the wrong way through acceptor); [Eff 03/02/2007](#)

- (8) Reel spin error that affects the outcome of the game. The specific reel number must be identified in the error code; [Eff 03/02/2007](#)
- (9) Low RAM battery, for batteries external to the RAM itself; [Eff 03/02/2007](#)
- (10) Print failure, if the slot machine has no other means to make a payout. A replacement ticket may be printed once the failure condition has been cleared; [Eff 03/02/2007](#)
- (11) Printer mechanism paper jam. A paper jam condition must be monitored at all times during the print process; and [Eff 03/02/2007](#)
- (12) Printer mechanism paper out, if the slot machine has no other means to make a payout. [Eff 03/02/2007](#)

47.1-1238 Hopper mechanism.

Hoppers are mechanical devices which dispense coins or tokens. Hoppers must be designed to detect jams, extra payouts, hopper runaways and hopper empty conditions. The slot machine or kiosk control program must monitor the hopper mechanism for these error conditions on all game states. It must also account for all contents paid from the hopper including erroneous or extra payments arising from a hopper malfunction. If a hopper error occurs while the hopper is engaged in cashing out coins or tokens, it must be able to recover to the state it was in immediately prior to the interruption and valid payment must be vended. Hopper pay and credit limits must be designed to permit compliance by licensees with taxation laws and regulations. (47.1-1238 perm.09/30/97) (47.1-1238 amended perm. 10/30/99)

47.1-1239 Communication protocol.

A slot machine which is capable of bidirectional communication with internal or external associated equipment must use a communication protocol which ensures that erroneous data or signals will not adversely affect the operation of the machine.

47.1-1240 Number and value of credits wagered.

Redeemable credits and wagers must be accumulated from wins or from coin, token, tickets, or notes. A slot machine may not offer or allow any wagers, which violate the \$100 maximum wager restriction for any wagered game played. Any configuration setting that would allow a wager to exceed the \$100 maximum wager and/or that can be altered in any way must be maintained behind a secure means. An attendant key switch may not be used to satisfy this requirement.

A double up feature may reside within the game media, provided it is capable of being disabled via a secure means.

47.1-1241 Software requirements for randomness testing.

A slot machine must have a random number generator. All random number generators must comply with the specifications detailed below. [Eff 03/02/2007](#)

- (1) A reel, card, ball or other event that determines the outcome of the play satisfies at least 99 percent confidence level using the standard chi-squared analysis. Chi-squared analysis is the sum of the squares of the difference between the expected result and the observed result. [Eff 03/02/2007](#)
- (2) A reel, card, ball or other event that determines the outcome of the play satisfies at least 99 percent confidence level using the Median Runs Test or any similar pattern checking statistic. The Median Runs test is a mathematical statistic that determines the existence of recurring patterns within a set of data. [Eff 03/02/2007](#)

- (3) A reel, card, or ball is independently chosen without reference to any other event produced during that play. This test is the correlation test. Each pair of events is considered random if they meet at least the 99 percent confidence level using standard correlation analysis. [Eff 03/02/2007](#)
- (4) A reel, card, ball or other event is independently chosen without reference to the same event in the previous game or games. This test is the serial correlation test. The event is considered random if it meets at least 99 percent confidence level using standard serial correlation analysis. [Eff 03/02/2007](#)
- (5) The random number generator and random selection process must be impervious to influences from outside the slot machine, including, but not limited to, electromagnetic interference, electrostatic interference and radio frequency interference. A slot machine must use appropriate communication protocols to protect the random number generator and random selection process from influence by associated equipment which is conducting data communications with the slot machine. [Eff 03/02/2007](#)

47.1-1242 Software requirements for percentage payout.

The slot machine must meet the following maximum and minimum theoretical pay out during the expected lifetime of the slot machine:

- (1) The slot machine game program must theoretically pay out at least 80 percent and no more than 100 percent of the amount wagered. The theoretical payout percentage is determined using standard methods of probability theory. When applied to games whose outcome is determined in whole or in part by skill, the 100 percent theoretical pay out shall be computed using the optimum play strategy for compliance of the given game tested and the 80 percent theoretical payout will be computed using the lowest manufacturer's expected return for the game program.
- (2) The slot machine game program must have a probability of obtaining the maximum advertised single payout better than 1 in 17 million. A multi-link progressive slot machine game program must have a probability of obtaining the maximum advertised payout better than 1 in 50 million.
- (3) Whenever a licensee offers a progressive jackpot as a part of the slot machine payout, the amount of the payout may not be included in the theoretical payout percentage for purposes of satisfying the minimum and maximum pay out requirements specified in this section, unless some or all of the progressive parameters or contribution amounts are guaranteed by the game. In those cases, the minimum values ensured by the game shall be used to determine the theoretical payout percentage. (47.1-1242 perm.09/30/97) [Amended 2/14/14](#)

47.1-1243 Software requirements for continuation of game after malfunction.

A slot machine must be capable of continuing the current play with all current play features after a slot machine malfunction is cleared.

- (1) For multi-station games, each player station must be capable of recording in its event log, any tilt/malfunction that occurred during normal game play.
- (2) For multi-station roulette games utilizing a mechanical wheel, a visual advisement to the patron must be displayed on each player station as to the status of the wager when a wheel malfunction occurs._

47.1-1244 Progressive slot machine games defined.

- (1) A progressive slot machine game is a slot machine game with an award that increases based on the placement or result of a wager. A progressive slot machine game can be:

- (a) A single slot machine game; or
 - (b) Two or more linked slot machine games in a single Colorado licensed retail establishment; or
 - (c) Linked with two or more slot machine games between two or more Colorado licensed retail establishments (Multi-link system, also known as Wide Area Progressive (WAP)).
- (2) A progressive jackpot on a single slot machine game or on two or more slot machine games within a Colorado licensed retail establishment may be transferred to another progressive slot machine game(s) within the licensed establishment or a different licensed retail establishment in the event of a malfunction or replacement or for some other good reason as approved by the Director or the Director's designee. If a transfer occurs, the progressive jackpot liability transfer must be immediately documented and the liability maintained by the licensee offering the progressive jackpot until the progressive transfer is completed. Once a progressive award has been offered for play, it must be permitted to remain until it is won by a player or transferred to another progressive slot machine game.
- (3) The progressive slot machine game must be linked to a meter showing the payoff that is visible to all players who are playing the game which may potentially win the progressive amount. This meter is the progressive jackpot meter.

Records must be maintained that record the amount shown on a progressive jackpot meter. Supporting documents must be maintained to explain any reduction in the pay off amount from a previous entry. The records and documents must be retained for a period established by the Division. (47.1-1244(3) amended perm. 10/30/99)

- (4) Linked progressive slot machine games. Each progressive slot machine game on any link must have the same probability of hitting the combination that will award the progressive jackpot. A variance of no greater than .005% from the median odds for all games on a link will be acceptable.
 - (a) (Repealed effective 12/15/14)

(Former paragraphs 47.1-1244 (4)(b) through (4)(s) were relocated and renumbered to 47.1-1244 (15)(a) through (15)(r), effective 12/15/2014).
- (5) Normal mode of progressive slot machine games.
 - (a) During the normal mode of progressive slot machine games, the progressive controller must continuously monitor each game on the link for all wagers and must multiply these wagers by the rate of progression in order to determine the correct amounts to apply to the progressive jackpot. The progressive display must be updated on a real time basis as play on the link occurs.
 - (b) A multi game slot machine offering any progressive games for play must apply all of the wagers during each and every game which can win a certain progressive award to that progressive award. The multi game slot machine must not apply any wagers during any game that cannot win a certain progressive award to that progressive award. All progressive awards that can be won by a game must be displayed by the slot machine any time the game is displayed on the slot machine.
 - (c) The current total progressive jackpot must be clearly visible to each player when in the normal playing position.

- (6) Requirements for progressive controller. Each progressive controller linking one or more progressive slot machine game must be housed in a double-keyed compartment or secured in a manner approved by the Division. The licensee offering the progressive must establish key control procedures that ensure no one person has access to the controller's configuration data. There must be a progressive entry authorization log within each controller and the log must be completed by any person gaining entrance to the controller. This log must be entered on a form provided by the Division.
- (7) Multiple linkage of progressive slot machine games. If more than one progressive slot machine game is linked to the progressive controller, the progressive controller must automatically reset to the minimum amount after an award and continue normal play. The progressive jackpot meter must display the following information:
- (a) The identity of the machine that caused the progressive jackpot meter to activate;
 - (b) The winning progressive jackpot amount; and
 - (c) The new normal mode amount that is displayed to the other players on the link.
- (8) Alternating displays. If this rule prescribes multiple items of information to be displayed on a slot machine, it is sufficient to have the information displayed in an alternating fashion.
- (9) Progressive jackpot meter information. A progressive jackpot meter or progressive controller must keep the following information in nonvolatile memory which must be available upon demand:
- (a) The maximum amount of the progressive payout for each meter displayed;
 - (b) The minimum amount or reset amount of the progressive payout for each meter displayed; and
 - (c) The rate of progression for each meter.
- (10) If a progressive slot machine game has been offered for play, the progressive jackpot amount for that game cannot be changed to a lower amount until after the progressive jackpot has been won. When a progressive jackpot has been won, the amount must be changed prior to any subsequent play.
- (11) Limits on jackpot of progressive slot machine games. A licensee may impose a limit on the jackpot of a progressive slot machine game if the limit imposed is greater than the current progressive jackpot displayed on the slot machine game at the time the limit is imposed. The licensee must inform the public with a prominently posted notice of progressive slot machine games with the limits.
- (12) Discontinuance of progressive slot machine games.

No licensee may discontinue a progressive slot machine game until all of the advertised progressive amounts or prizes or both have been awarded, or the advertised progressive amount, minus the normal non-progressive award for the combination that would have awarded the progressive amount, is moved to another progressive link within the licensed establishment or this amount is disbursed in another method approved by the Division, such as an additional payout.

(paragraph 47.1-1244 (12)(b) was relocated and renumbered to 47.1-1244 (15)(s), effective 12/15/2014)

- (13) Cash requirements. Unless the Commission has approved the payment of prizes by annuity and except for the cash requirements for multi-link systems as defined in Section 16, a licensee who offers a progressive slot machine game for play must maintain a minimum cash reserve as prescribed in the Internal Control Minimum Procedures established by the Division to ensure the licensee has cash available to pay all progressive liabilities. Manufacturers who enter into an agreement to place non multi-link progressive awards in casinos must maintain funds in a bank, or other financial institution, chartered by the State of Colorado, equal to the amount of these awards.
- (14) Requirements apply to single machine games found within a single Colorado licensed retail establishment. The requirements of this rule are intended to apply equally to one progressive slot machine game linked to a progressive controller as well as several progressive slot machine games linked to one progressive controller. The Division may grant waivers in order that both single slot machine games and multiple slot machine games linked to a progressive controller may meet the requirements of this rule.(47.1-1244 perm. 5/30/93)(47.1-1244 perm. 9/30/97)
- (15) Multi-link systems are the collection of hardware, software, and associated equipment used to link and monitor progressive slot machine games across telecommunication lines between two or more Colorado licensed retail establishments. In addition to the above requirements for linked progressive slot machine games, multi-link systems must comply with the following:
- (a) The method of communication over the multi-link system must consist of either dedicated online communication lines (direct connect) or dial-tone lines which may be subject to certain restrictions imposed by the Division or the Commission.
 - (b) All communication packets between each location and the multi-link central monitoring system must be encrypted, and encryption keys must be alterable upon demand.
 - (c) All multi-link systems must be online with a minimum one-way communication time to or from the linked progressive slot machine games of no more than 15 seconds.
 - (d) All meter reading data must be obtained in real-time in an online, automated fashion. When requested to do so, the system must return meter readings on all devices attached to the system within ten minutes (or within a time frame determined and approved by the Division, where the person operating the multi-link system provides the Division supporting data, indicating that total meter acquisition is taking longer than ten minutes) of the meter acquisition request. This limitation shall not apply to the length of time it takes the central monitoring system to calculate and print reports, but rather only to the time it takes to gather data used for such process. Manual reading of meter values may not be substituted for these requirements.

There is no restriction as to the acceptable method of obtaining meter reading values; provided, such methods must consist of either pulses leading from the slot machine computer board or associated wiring, or the use of serial interface to the gaming device's RAM or other non-volatile memory.
 - (e) The multi-link system must have the ability to monitor entry into the main access door of the machine as well as into the logic area of the machine and report it to the central monitoring system within one polling cycle.
 - (f) The current total progressive jackpot must be clearly visible to each player when in the normal playing position. Because the polling cycle may cause a delay, the jackpot meter need not precisely show the actual monies in the progressive pool at each instance. In addition, nothing shall prohibit the use of odometer or other "paced" updating of progressive displays. In the case of the use of "paced" updating displays, the progressive

jackpot meter must display the winning value within 30 seconds of the jackpot being recognized by the central system, if the remote site is communicating to the central monitoring system.

If a jackpot is recognized in the middle of a system-wide poll cycle, the overhead display may contain a value less than the aggregated jackpot amount calculated by the central monitoring system. The coin in values from the remaining portion of the poll cycle will be received by the central monitoring system but not the local site, in which case the jackpot amount paid will always be the higher of the two reporting amounts.

- (g) A retail licensee utilizing a multi-link system must suspend play on the multi-link at its licensed premise if a communication failure in the system cannot be corrected within 24 hours.

- (h) Jackpot verification procedures must include the following:

When a jackpot is won, the vendor of, or person operating or controlling, the multi-link system must have the opportunity to inspect the machine, media storage device, the error events received by the central monitoring system, and any other data which could reasonably be used to ascertain the validity of the jackpot.

The central monitoring system must produce reports that clearly demonstrate the method of arriving at the payoff amount. This must include the coin in contributed at the beginning of the polling cycle immediately following the previous jackpot and include all coin in contributed up to, and including, the polling cycle, which includes the jackpot signal. Coin in contributed to the system after the jackpot occurs in real-time, but during the same polling cycle are deemed to have been contributed to the progressive amount prior to the jackpot. Coin in contributed to the system subsequent to the jackpot message being received are deemed to have been contributed to the progressive amount of the next jackpot.

The jackpot may be paid in installments as long as each machine clearly displays the fact that the jackpot will be paid in installments. In addition, the number of installments and time between installments must be clearly displayed on the face of the machine in a nonmisleading manner.

Two jackpots that occur in the same polling cycle are deemed to have occurred simultaneously; therefore, each "winner" will receive the full amount shown on the progressive jackpot meter.

- (i) Approval by the Commission of any multi-link system will occur in two phases: 1) initial approval; and 2) on-site testing.

The approval of any multi-link system must include a Phase I system approval whereby the underlying gaming devices and any associated device or system including all hardware and software must be tested and approved by the Division or its authorized agents.

Phase II approval must include field inspection at the central monitoring system site and multiple Colorado licensed retail establishments to ensure compliance with these rules. Operation of the system will be authorized only after the Commission is satisfied that the system meets both the Phase I and Phase II testing requirements, as well as any other requirements that the Commission may impose to assure the integrity, security, and legal operation of the multi-link system.

- (j) Any multi-link system vendor, or person authorized to control or operate a multi-link system, must supply reports to the Division which support and verify the economic activity on the system.

Any multi-link system vendor, or person authorized to control or operate a multi-link system, must supply, as requested, reports and information to the Division indicating the amount of, and basis for, the current jackpot amount (the amount currently in play). Such reports may include an "aggregate report" and a "detail report". The "aggregate report" may show only the balancing of the system with regard to system-wide totals. The "detail report" must be in such form as to indicate for each machine, summarized by location, the coin in and coin out totals as such terms are commonly understood in the industry. These reports must be provided to the Division on a monthly basis.

In addition, upon the invoicing of any retail licensee participating in a multi-link system, each such licensee must be given a printout for each machine installed in a retail license establishment, showing the coin in contributed by each machine to the jackpot for the period for which an invoice is remitted, and any other information required by the Division or Commission to confirm the validity of the licensee's contributions to the jackpot amount.

- (k) The central monitoring system site must be equipped with an uninterruptible power supply and the central monitoring system must be capable of online data redundancy should hard disk peripherals fail during operation.
- (l) The person authorized to control or operate a multi-link system, must hold a valid operator or manufacturer distributor license issued by the Commission and must obtain approval from the Commission as to the methods of funding the progressive prize pool and calculating and receiving payments from participating retail licensees for operating and managing the multi-link system.
- (m) In calculating adjusted gross proceeds, a retail licensee may deduct its pro-rata contribution to any progressive jackpots awarded during the month. This amount must be listed on the detailed accounting records provided by the person authorized to control or operate the multi-link system. A retail licensee's contribution is based on the coin in from that retail licensee's machines on the multi-link system, compared to the total amount of coin in on the whole system for the time period(s) between jackpot(s) awarded.
- (n) In the event a retail licensee ceases operations and a progressive jackpot is awarded subsequent to the last day of the final month of operation, the retail licensee may not file an amended tax return or make claim for a gaming tax refund based on its contributions to that particular progressive prize pool.
- (o) The central monitoring system for the multi-link must be in a secure location approved by the Division. If the licensee operating the central monitoring system proposes to locate the system outside the state of Colorado, the licensee shall reimburse the Division or its agents for reasonable costs to travel to the site (i) to inspect its configuration and operation prior to authorizing its operation, and (ii) to otherwise inspect the system location in connection with investigations concerning failures of the system or its operation or for such other purposes as the Division deems appropriate. The central monitoring system memory device must be approved for use in the State of Colorado. The licensee operating the central monitoring system must also provide sufficient internal controls to address the security of the equipment. (amended perm. 03/30/03)
- (p) The person authorized to operate or control a multi-link system must maintain a copy of all lease and contractual agreements with retail licensees and supply a copy to the Division upon request. (amended perm. 03/02/01)

(q) The multi-link system prize fund (the amount of money contributed by the participating retail licensees) must be audited, in accordance with generally accepted auditing standards, on the multi-link system operator's year-end basis, by an independent accountant licensed by the Colorado Board of Accountancy. Two copies of this report must be submitted to the Division within 90 days after the end of the multi-link system operator's business year-end.

(r) Mixed maximum bet progressive link. If all gaming devices connected to a multi-link system do not offer the same maximum bet value, all such gaming devices must equalize the expected value of winning the progressive jackpot by setting the odds of winning the progressive jackpot in proportion to the amount wagered on each device, or by requiring the same wager value on each device to win the progressive jackpot. A variance of no greater than .005% from the median odds for all games on a link will be acceptable. The method of equalizing the expected value of winning the progressive jackpot shall be conspicuously displayed on each device connected to the system. (amended perm. 03/30/03)

(s) The vendor operating the multi-link system must submit a written plan for discontinuance and receive approval from the Division prior to discontinuing any multi-link system. The plan must include the projected discontinuance date, detailed accounting of the multi-link system fund including any outstanding expenses and fees due the vendor for operating the system, in accordance with the vendor's written agreement with retail licensees, the distribution of the fund balance, and the final reporting requirements of the system. The final distribution amount is transferred to another multi-link system operated by the vendor or disbursed in a manner approved by the Division. The final distribution amount is the fund balance less the cost of paying the current jackpot less any outstanding expenses and fees due the vendor for operating the multi-link system. (amended perm. 03/02/01)

(16) Cash requirements for multi-link systems:

(a) Definitions:

(i) "Discount rate" means the current prime rate as published in the *Wall Street Journal*.

(ii) "Periodic payments" means progressive jackpot awards paid in a series of annual payments.

(iii) "Present value" means the current value of a future payment or series of payments, discounted using the discount rate.

(b) The person authorized to operate a multi-link system must maintain funds in a bank, or other financial institution, chartered by the State of Colorado, equal to:

(i) The first payment of a progressive jackpot award(s) paid in periodic payments, plus

(ii) The present value of the aggregate remaining balance of the periodic payments owed on all jackpots won by patrons on the multi-link system(s). with commission approval, persons authorized to operate a multi-link system can purchase U.S. Government backed fixed-income instruments (i.e., "treasury strips") or U.S. Agency Securities to fund the jackpots paid over multiple years.

These amounts must be maintained for each multi-link progressive jackpot.

- (c) For progressive jackpot awards that are paid in a single payment, the person authorized to operate a multi-link system must maintain funds in a bank, or other financial institution, chartered by the State of Colorado, equal to:
 - (i) The current progressive liability as reflected on the progressive jackpot meter(s), plus
 - (ii) The present value of one additional multi-link progressive jackpot reset amount.These amounts must be maintained for each multi-link progressive jackpot.
- (d) On a quarterly basis, the person authorized to operate a Colorado multi-link system must provide to the division a report detailing the required funds.

47.1-1244.5 Increasing probability and progressive bonus slot machine games.

(Repealed effective 12/15/2014)

47.1-1245 Slot machine tournaments.

Slot machine tournaments may be conducted by operator and retail licensees upon licensed premises meeting the security and surveillance requirements of the rules and regulations and of the Internal Control Minimum Procedures. A tournament must conclude no later than the 31st day following the first day of tournament play. A tournament may be conducted by only one licensee; two or more licensees may not jointly conduct a single tournament. [Eff 03/02/2007](#)

47.1-1246 Tournament machines required.

All tournament play must be on machines into which has been installed a tournament board, one or more tournament media storage devices, or other tournament electronics which have been inspected and approved in accordance with the regulations, and for which the tournament feature has been enabled. All machines used in a single tournament shall utilize the same electronics and machine settings. During the time slot machines are enabled for tournament play, only tournament credits may be wagered and paid out. Tournament credits have no cash value.

47.1-1247 Qualification of players.

At the licensee's discretion, the licensee may establish qualification or selection criteria to limit the eligibility of players. Such criteria, if used, should be reasonably related to limited gaming.

47.1-1248 Entry fee.

The tournament entry fee for each player may not exceed ten thousand dollars for the entire tournament, regardless of the number of qualification or play-off rounds played. The tournament must be structured so that the minimum number of machine plays available to each player, without the accumulation of any winning credits, is equal to not less than the entry fee divided by one hundred. (amend. perm. 03/30/02)

47.1-1249 Calculation of adjusted gross proceeds of tournament play.

For purposes of slot machine tournament play only, the adjusted gross proceeds for the tournament shall be the total amount received by the licensee for all entry fees less the total amount paid to the winner(s) as prizes. The value of merchandise awarded as prizes shall be the actual cost of purchase paid by the licensee. Licensees awarding prizes of merchandise shall retain purchase invoices showing the cost of such merchandise. If the value of all prizes exceeds the amount received in tournament entry fees, the licensee may not declare a loss against adjusted gross proceeds.

47.1-1250 Cash receipts and prize awards – accounting.

Cash received for tournament entry fees must be kept separate and apart from all other cash received by the licensee until such time as it is counted. Cash and merchandise paid out to winners as prize money shall be accounted for on forms specified by the Division.

47.1-1251 Rules of play – slot machine tournaments.

The rules for the conduct of each tournament shall be reduced to writing and a copy must be posted and/or available to all tournament players. An information copy of the rules must also be provided to the local office of the Division of Gaming at least five days in advance of the scheduled start of the tournament.

47.1-1252 Conduct of tournament.

The following rules shall apply to all slot machine tournament play and must be included in the printed rules for each tournament:

- (1) All players shall begin the tournament with an equal amount of points, credits, or playing time.
- (2) A player's initial machine assignment shall be drawn randomly by means of either an electronic or manual selection process. If there is to be any re-assignment of machines during subsequent rounds of play, the new machine assignments for remaining players shall also be drawn randomly by means of either an electronic or manual selection process.
- (3) For tournament play utilizing credits or points, players are eliminated from the tournament when they lose all of their credits.
- (4) Play will continue until either (a) the end of the final round as is defined in the tournament rules, or (b) until only one player has not been eliminated. The winner(s) shall be decided by the total accumulation of points for the duration of the tournament.
- (5) Each player shall be permitted to play only one machine and the player shall make all decisions without advice from any other person. Any communication, during play, between a player and a spectator is prohibited. No player may play other than the player's own machine.

47.1-1253 House rules for tournament play.

House rules for the tournament, which must also be included in the printed rules, shall include at a minimum:

- (1) The amount of the entry fee and either (a) the starting number of machine credits, or (b) the period of time allowed for play;
- (2) How the final round of play is to be determined and the tournament concluded;
- (3) How many prizes are to be awarded, and the exact description of each prize; and
- (4) Any additional house rules governing play of the tournament. (47.1-1245 through 47.1-1253 perm. 10/30/93)

47.1-1254 Progressive table games defined.

- (1) A progressive table game is a table which is equipped with a progressive game controller which increases the progressive jackpot liability as wagers are made by patrons to specifically win the progressive jackpot liability.
- (2) A progressive jackpot may be transferred to another progressive table game within a Colorado licensed retail establishment or a different licensed retail establishment in the event of the progressive table game malfunction or replacement or for some other good reason as approved by the Director or the Director's designee. When the maximum jackpot limit is reached, it must be permitted to remain until it is won by a player or transferred to another progressive table game.
- (3) Records must be maintained that record the amount shown on a progressive jackpot meter. Supporting documents must be maintained to explain any reduction in the pay off amount from a previous entry. The records and documents must be retained for a period established by the Division. (47.1-1254(3) amended perm. 10/30/99)
- (3.5) The progressive table game must be linked to a display showing the payoff which is visible to all players who are playing at the table which may potentially win the progressive amount. This display is the progressive meter.
- (4) Each table on the link must have the same probability of hitting the combination that will award the progressive jackpot, and all tables on any link must be located on the licensed premises of one or more retail establishments.
- (5) During the normal mode of progressive table games, the progressive controller must continuously monitor each table on the link for inserted coins, or coins, chips or tokens placed on the table sensors, and must multiply the accepted coins, chips or tokens by the rate progression in order to determine the correct amounts to apply to the progressive jackpot. The progressive display must be constantly updated as play on the link is continued.
- (6) Each progressive controller linking one or more progressive tables must be housed in a dual keyed compartment or secured in a manner approved by the Division. The licensee offering the progressive must establish key control procedures that ensure no one person may have access to a controller's configuration data. There must be a progressive entry authorization log within each controller and the log must be completed by any person gaining entrance to the controller. The log must be entered on a form provided by the Division. If the progressive controller is integrated with a personal computer software system, logical access over the personal computer software components must be designed to prevent unauthorized access to the software.
- (7) If a progressive jackpot is recorded on a progressive table which is linked to the progressive controller and more than one table is linked to the controller, the progressive controller must identify the table that caused the progressive meter to activate and it must display the winning progressive amount.
- (8) If more than one progressive table game is linked to the progressive controller, the progressive controller must be reset to the minimum amount before normal play continues. The progressive meter shall display the following information:
 - (a) The identity of the table that caused the progressive meter to be activated;
 - (b) The winning progressive amount; and
 - (c) The new normal mode amount that is used by the other players on the link.
- (9) If this rule prescribes multiple items of information to be displayed on a progressive meter sign, it is sufficient to have the information displayed in an alternating fashion.

- (10) A progressive meter or progressive controller must keep the following information in nonvolatile memory which shall be displayed upon demand:
- (a) The number of progressive jackpots won on each progressive meter if the progressive display has more than one winning amount;
 - (b) The cumulative amounts paid on each progressive meter if the progressive display has more than one winning amount;
 - (c) The maximum amount of the progressive payout for each meter displayed;
 - (d) The minimum amount or reset amount of the progressive payout for each meter displayed; and
 - (e) The rate of progression for each meter.
- (11) In addition to the metering requirements in 47.1-1255, each progressive table game must have a separate software meter that counts the number of times each progressive meter is activated.
- (12) Each progressive table's controller must have a separate key and key switch to reset the progressive meter or meters or another reset mechanism that has the approval of the Director or the Director's designee.
- (13) A licensee may impose a limit on the jackpot of a progressive table game if the limit imposed is greater than the possible maximum jackpot payout on the progressive table game at the time the limit is imposed. The licensee must inform the public with a prominently posted notice of progressive table games with the limits.
- (14) If a licensee wishes to discontinue offering a progressive table game jackpot, the licensee may petition the Director or the Director's designee for permission to either reduce the qualifications or criteria for winning the award, allowing the award to be paid more quickly, or to transfer the award liability to the jackpot offered by a different game. If a retail licensee intends to close its business while having a progressive jackpot award liability, the licensee may petition the Director or the Director's designee for permission to transfer the award liability, together with the award fund, to another retail licensee offering a comparable jackpot award.
- (15) Unless the Commission has approved the payment of prizes by annuity, a licensee who has a progressive table(s) game must maintain a minimum cash reserve as prescribed in the Internal Control Minimum Procedures established by the Division to ensure the licensee has cash available to pay the total of all progressive table game jackpots that may be won at the location.
- (16) The requirements of this rule are intended to apply equally to one progressive table game linked to a progressive controller as well as several progressive table games linked to one progressive controller. The Director or the Director's designee may grant waivers in order that both single progressive table games and multiple progressive table games linked to a progressive controller may meet the requirements of this rule. (47.1-1254 added, perm. 11/30/96)

47.1-1255 Progressive table game meter requirements.

Progressive table games must be equipped with an electro-mechanical meter that records all coins-in transactions at the table. The meter must have at least six digits. A progressive table games meter must be maintained at all times. In the event an electro-mechanical meter malfunctions, meter readings must be recorded before and after the electro-mechanical meter is replaced. Electro-mechanical meters must have an accuracy rate of 99 percent or better. (47.1-1255 added, perm. 11/30/96)

47.1-1256 Slot machine awards.

A person lawfully playing a slot machine is the only person who can receive the award from a slot machine. A licensee must not give the award to another person to claim. If more than one person is playing a slot machine, including two persons playing a machine together, the award must be given to the person who made a valid wager on the game and completed a valid game play that resulted in the award. An award abandoned in the tray or on the credit meter of a slot machine becomes null and void and the property of the casino unless the person who lawfully won the award makes a claim for the award. (47.1-1256 perm. 9/30/97; [amended perm. 4/30/11](#))

47.1-1257 Definition of component parts.

- (1) A component part of a slot machine is a part (including equipment, system, or device) which performs an essential function in the operation of the slot machine. Essential function includes, but is not limited to, the acceptance of wagers; the payout of awards; the determination of the outcome of the game; the capture, transmission, or storage of electronic game information; and security. Some examples of component parts are: hoppers, coin acceptors, microprocessors and related circuitry, programmed media storage devices, note acceptors, ticket printers, and any other parts the Division determines are component parts. [Eff 04/30/2007](#)
- (1.5) Associated equipment is a device, piece of equipment or system used remotely or directly in connection with gaming or any game. This term includes a device, piece of equipment, or system used to monitor, collect, or report gaming transactions data or to calculate adjusted gross proceeds and gaming taxes. Some examples of associated equipment include progressive systems, slot monitoring systems, ticket redemption kiosks, gaming systems, and any other parts the Division determines are associated equipment.
- (2) A component part does not include those parts which, if removed, do not impair the essential function of a slot machine, such as light bulbs, lamps, buttons, switches, speakers, wires, cabinets, decorative glass, batteries, fuses, screws, bolts, nuts, brackets, hinges, locks, springs, handles, payable glass, video display units, stepper motors, reel strips, and power supplies. [Eff 04/30/2007](#)
- (3) All slot machine component parts and associated equipment must be kept secured. [Eff 04/30/2007](#)

47.1-1258 Manufacturers and distributors of component parts.

- (1) Manufacturers and distributors of the component parts of a slot machine must obtain a Colorado manufacturer/distributor license, as required by the Limited Gaming Act of 1991, before selling or distributing slot machine components in Colorado. This rule does not require a manufacturer or distributor who supplies component parts to a licensed manufacturer or distributor of slot machines to obtain a license, provided those parts are installed by a licensed manufacturer or distributor. All component parts used in slot machines in Colorado must be approved by the Division. (47.1-1258 perm. 9/30/97)
- (2) Suppliers of associated equipment must obtain a Colorado associated equipment supplier license as required by the Limited Gaming Act of 1991.

47.1-1259 Incidental repairs.

A licensed operator or retailer may perform incidental repairs on its slot machines. All persons actually performing internal service or repairs on slot machines must display a Colorado gaming license. The licensed operator is responsible for ensuring that all service and repairs on its slot machines, including the installation or repairs of component parts and associated equipment such as bill acceptors, ticket printers, gaming systems, or other parts which would significantly alter the current or subsequent operation of the

slot machine, are done correctly and are in compliance with Division requirements. (47.1-1259 perm. 9/30/97)

47.1-1260 Cheating and compliance.

The Division can take immediate and appropriate action against all slot machines, including component parts and associated equipment, that are found to be susceptible to any cheating methods and/or are out of compliance with Rule 12. The Division can require the manufacturer and the operator of the slot machines to take whatever actions are necessary to ensure that the slot machines are not susceptible to any cheating method and are in compliance with Rule 12. (47.1-1260 perm. 9/30/97)

47.1-1261 Specifications for slot coupons.

A slot coupon is an encoded coupon that is only issued by a licensee's gaming system to be redeemed at a slot machine, cage validation unit or kiosk. Slot coupons must:

- (1) Be the same dimensions as U.S. currency;
- (2) Have an expiration date;
- (3) Contain the printed name of the casino;
- (4) Be clearly labeled as a slot coupon;
- (5) Have a validation number, which must be printed on the leading edge of the ticket; *Amended 1/14/2012*
- (6) Have a secondary validation number, identical to the primary validation number, which must be printed on the body of the ticket;
- (7) Contain a coupon bar code generated with a unique algorithm;
- (8) Contain a description of any restrictions on the redemption of the coupon;
- (9) Be generated by a gaming system approved by the Division;
- (10) Contain the dollar value of the coupon printed both numerically and in text;
- (11) Contain a sequence number for all slot coupons printed for each specific promotion or event; and
- (12) Be redeemable by being played or cashed out. *Amended 1/14/2012*

47.1-1262 Use of slot coupons.

- (1) Slot coupons can be accepted by slot machines, redeemed at the cage validation unit or redeemed at a kiosk as part of a gaming system.
- (2) The slot machines must have note acceptors in order to accept slot coupons. The note acceptors accepting slot coupons must communicate with the slot machines' microprocessors. The gaming system must validate all slot coupons before redeeming and stacking the slot coupons. Only after redeeming the slot coupons can credits be issued to the slot machine, through the gaming system. The gaming system must maintain a record of each slot coupon accepted, validated and redeemed by the system. Once a slot coupon is accepted, validated and redeemed, that coupon shall not be redeemed again.

- (3) The status of a slot coupon shall not be changed to unpaid or unredeemed once it has been redeemed, voided or expired. If communication is broken between the gaming system and the slot machine, cage validation unit or kiosk, the slot machine, validation unit or kiosk must reject all slot coupons until communication is restored.
- (4) Slot coupons redeemed at a slot machine are included as drop in the calculation of adjusted gross proceeds (AGP); however, slot coupons are not a deduction from AGP.
- (5) All credits vended to the slot machine from redeemed slot coupons must be capable of either being played or cashed out. Patrons must not be required to play credits.

47.1-1263 Definitions for cashless gaming systems.

Repealed effective March 5, 2007. [Eff 03/05/2007](#)

47.1-1264 Cashless system standards.

Repealed effective March 5, 2007. [Eff 03/05/2007](#)

47.1-1265 Electronic transfer of funds.

Repealed effective March 5, 2007. [Eff 03/05/2007](#)

47.1-1266 Electronic transfers of promotional funds.

Repealed effective March 5, 2007. [Eff 03/05/2007](#)

47.1-1267 Cashless system bonuses.

Repealed effective March 5, 2007. [Eff 03/05/2007](#)

47.1-1268 Validity of tickets and slot coupons.

- (1) Casinos may offer ticketing systems whereby TITO-enabled slot machines accept tickets and slot coupons and issue tickets in exchange for cash, tokens, credits, or tickets using TITO systems.
- (2) A gaming system shall not use, permit the use of, accept, or redeem tickets or slot coupons issued by another licensee.
- (3) If a slot machine, validation unit in the cage, or kiosk cannot validate the ticket or slot coupon, it must reject the ticket or slot coupon.
- (4) The gaming system's validation unit(s) must have the ability to identify invalid tickets and slot coupons and notify the cashier:
 - (a) The validation number cannot be found;
 - (b) The ticket or slot coupon has already been redeemed; or
 - (c) The amount on file for the ticket or slot coupon.

47.1-1269 General ticketing standards.

- (1) TITO-enabled slot machines must be capable of issuing and accepting only the casino's tickets. The Division must approve the design of all tickets. [Eff 03/02/2007](#)

- (2) All tickets must have the following minimum characteristics: [Eff 03/02/2007](#)
- (a) A primary validation number, which must be printed on the leading edge of the ticket; [Eff 03/02/2007](#)
 - (b) A secondary validation number, identical to the primary validation number, which must be printed on the body of the ticket; [Eff 03/02/2007](#)
 - (c) At least one unique identifier, such as a barcode; [Eff 03/02/2007](#)
 - (d) Casino name; [Eff 03/02/2007](#)
 - (e) Slot machine house number; [Eff 03/02/2007](#)
 - (f) Date and time the ticket was generated; [Eff 03/02/2007](#)
 - (g) Dollar value of the ticket, printed both numerically and in text; [Eff 03/02/2007](#)
 - (h) A statement that the ticket will expire 120 days after issuance; [Eff 03/02/2007](#)
 - (i) Sequence number of the ticket printed by the slot machine; and [Eff 03/02/2007](#)
 - (j) Be the same size or dimensions as United States currency. [Eff 03/02/2007](#)
- (3) The status of a ticket shall not be changed to unpaid or unredeemed once it has been redeemed, voided or expired.

47.1-1270 Validation.

TITO systems must provide for online, real-time validation of online tickets. Prior to issuing or authorizing issuance of consideration (whether cash, tokens, credits, or another ticket) in exchange for a ticket, the TITO system must validate the ticket from the ticketing validation component. Casinos shall have at least one ticketing validation component which may be located in a cashier cage.

47.1-1271 Use of tickets under circumstances of conflicting wagering denominations.

If a ticket or slot coupon has a value that is not evenly divisible by the wagering denomination, when inserted into a TITO-enabled slot machine, the machine shall either

- (1) Return the ticket or slot coupon to the patron;
- (2) Accept the ticket or slot coupon and allow for insertion of additional wagering consideration if the ticket value is less than the wagering denomination; or
- (3) Accept the ticket or slot coupon and either display the indivisible portion of the ticket or slot coupon on a credit meter or issue another ticket for that indivisible portion.

47.1-1272 Types of tickets.

- (1) A TITO-enabled slot machine must be capable of generating online tickets, and may be capable of generating offline or delayed tickets. [Amended 7/1/13, Amended 2/14/14](#)
- (2) Online tickets: If a TITO-enabled slot machine is properly communicating with the ticketing system, the machine will be able to generate an online ticket. When a patron requests the issuance of a ticket in this situation, the machine will generate a ticket that utilizes the validation information

generated by the ticketing system or the machine, and communicate to the ticketing system that it has successfully completed the transaction.

- (3) Offline tickets: If a TITO-enabled slot machine is offline, system components allow for the authentication of tickets produced by the host system during down time, verification that the redeeming system was also the issuing system, and validation of the ticket in the system. [Eff 7/1/13](#)
- (4) Delayed Tickets: If a TITO-enabled slot machine loses communication with a ticketing system before validation information is successfully communicated to the ticketing system for the last ticket out transaction, all subsequent cashout attempts must result in the gaming machine issuing payment to the player via another available means such as, but not limited to, a hopper pay or a handpay. The gaming machine must be capable of storing delayed ticket data until such time that it has been successfully communicated to the ticketing system. However, the ticketing system may continue to issue tickets provided printed information on the ticket includes an authentication code derived by a hash or other secure encryption method, verifies the redeeming system was also the issuing system, and validates the amount of the voucher. [Amended 7/1/13](#)
 - (a) Ticketing systems may include a function whereby, prior to the restoration of communications, delayed ticket information may be manually input into the ticketing system at a cashier station or other secure location.
 - (b) When communications are restored, delayed ticket information provided by the machine to the ticketing system must be reconciled to the delayed tickets that were manually honored. [Amended 7/1/13](#)
- (5) Tickets expire 120 days after issuance which is explicitly stated on each ticket. Upon expiration, the ticket is no longer valid for gaming purposes. Ticketing systems must recognize expired tickets as invalid and unredeemable. [Amended 7/1/13](#)

47.1-1273 Ticket printers.

Ticket printers must be mounted inside a secure area of the TITO-enabled slot machine, and must be designed to detect paper jams, paper out, and print failure.

47.1-1274 Ticket reports outlined in the Internal Control Minimum Procedures.

The reporting requirements for ticketing transactions are defined in the Internal Control Minimum Procedures established by the Division. [Eff 03/02/2007](#)

47.1-1275 Ticket redemption kiosks.

- (1) Ticket redemption kiosks must perform to the same security standards as TITO-enabled slot machines, and must include logs as required throughout this rule. [Eff 04/30/2007](#)
- (2) Kiosks must include a means to protect against transaction failure and data loss due to AC power loss. [Eff 04/30/2007](#)
- (3) All kiosks must detect and display the following conditions. These conditions may be automatically cleared by the kiosk when the condition no longer exists and upon completion of a new transaction: [Eff 04/30/2007](#)
 - (a) Power reset; [Eff 04/30/2007](#)
 - (b) Door open; [Eff 04/30/2007](#)

- (c) Door closed; [Eff 04/30/2007](#)
 - (d) System communication loss. Non-system transactions may continue while system communication is down; and [Eff 04/30/2007](#)
 - (e) Printer paper low. As kiosks do not issue tickets, printer paper low is specific to the printing of receipts. [Eff 04/30/2007](#)
- (4) All kiosks must detect and display the following error conditions that prohibit new transactions and may only be cleared by an attendant: [Eff 04/30/2007](#)
- (a) Failed to make payment; [Eff 04/30/2007](#)
 - (b) Bill validator failure; and [Eff 04/30/2007](#)
 - (c) Printer failure (out of paper, jam, etc.). As kiosks do not issue tickets, printer failure is specific to the printing of receipts. [Eff 04/30/2007](#)
- (5) Each kiosk connected to a gaming system must be uniquely identified by that gaming system. This includes kiosks that are connected to the gaming system through a gateway or kiosk server. [Eff 04/30/2007](#)
- (6) Each kiosk must be capable of synchronizing its real-time clock to that of the gaming system. [Eff 04/30/2007](#)
- (7) All kiosks must be equipped with electronic digital storage meters of at least ten digits that can be displayed upon demand. The meters accumulate values in dollars and cents from drop to drop. When applicable, the following meters are required (e.g., if the device accepts coin, then Physical Coin In would be required): [Eff 04/30/2007](#)
- (a) Physical Coin In. The kiosk must have a meter specifically labeled "Physical Coin In" that accumulates the value of all coins accepted by the kiosk; [Eff 04/30/2007](#)
 - (b) Physical Coin Out. The kiosk must have a meter specifically labeled "Physical Coin Out" that accumulates the value of all coins paid by the kiosk; [Eff 04/30/2007](#)
 - (c) Voucher In. The kiosk must have a meter specifically labeled "Voucher In" that accumulates the total value of all slot machine issued tickets accepted by the kiosk. Voucher In and Ticket In are interchangeable; [Eff 04/30/2007](#)
 - (d) Bill In. The kiosk must have a meter specifically labeled "Bill In" that accumulates the total value of currency accepted. Additionally, the machine must have a specific meter for each denomination of currency accepted that records the number of bills accepted by the kiosk; [Eff 04/30/2007](#)
 - (e) Bill Out. The kiosk must have a meter specifically labeled "Bill Out" that accumulates the total value of currency dispensed. Additionally, the machine must have a specific meter for each denomination of currency dispensed that records the number of bills dispensed by the kiosk; and [Eff 04/30/2007](#)
 - (f) Such other meters required by the Division. [Eff 04/30/2007](#)
 - (g) For kiosks that are unable to display the specific meter labels required, a legend must be used to indicate what information a specific meter accumulates. Such legend must be located within the kiosk.

- (8) All kiosks must have the capacity to display a complete transaction history for the most recent transaction and the previous thirty-four transactions prior to the most recent transaction for voucher redemption transactions. History must include disposition of transaction, date and time of transaction, and amount of transaction. [Eff 04/30/2007](#)
- (9) Kiosks or kiosk servers must be capable of producing the following reports upon demand: [Eff 04/30/2007](#)
 - (a) Voucher Transaction Report. The report must include the disposition (paid, partial pay, unpaid, etc.) of tickets accepted by the kiosk, the validation number, the date and time of redemption, and the amount. This information must be available by reconciliation period (i.e., by day, shift or drop cycle); and [Eff 04/30/2007](#)
 - (b) Reconciliation Report. The report must include the current cash balance of the kiosk, the current ticket balance in total by dollar amount and by ticket count of the kiosk, and the reconciliation period date and time. [Eff 04/30/2007](#)
- (10) A kiosk shall not allow for greater than \$3,000 in consecutive cash for cash transactions. [Eff 04/30/2007](#)
- (11) A kiosk must resist forced illegal entry and must retain evidence of any entry until properly cleared. A kiosk must have a protective cover over the circuit boards that contain programs and circuitry used in the system communication and control of the kiosk, including any electronically alterable program storage media. The cover must be designed to permit installation of a security locking mechanism by the manufacturer or end user of the kiosk. [Eff 04/30/2007](#)
- (12) Each kiosk interfaced with a gaming system shall employ a secure communication method as approved by the Division. [Eff 04/30/2007](#)
- (13) A kiosk that has the ability to issue funds from an automated teller machine (ATM) network in accordance with Regulation 47.1-1276 shall ensure that the ATM network does not interface with the gaming system and is capable of generating reports separately identifying and summarizing ATM transactions from ticket redemption transactions and, if applicable, slot coupon redemption and bill breaking transactions. [Eff 04/30/2007](#)

47.1-1276 Restriction on ATM or credit card functionality.

Except for a stand-alone ticket redemption kiosk, no device or equipment that has the capability to dispense cash or any other item of value through the functionality of an automated teller machine (ATM) shall be physically attached to, or placed in the same cabinet or other housing unit with any gaming device or equipment. [Eff 04/30/2007, Amended 7/1/13](#)

47.1-1277 Ticket and slot coupon irregularity notification.

The Division must be immediately notified of any incident of a ticket or slot coupon being presented for redemption which the validation system indicates has already been redeemed, or evidence that a ticket or slot coupon has been counterfeited, tampered with, or altered in any way which would affect the integrity, fairness, reliability or suitability of the ticket or slot coupon. This would include the system issuance of an invalid ticket or slot coupon.

47.1-1278 Secure database.-

(47.1-1278 repealed and readopted as 47.1-1202 (6))

47.1-1279 Wireless handheld validation unit and the supporting wireless local area network.

Wireless handheld validation units may be used with a supporting wireless local area network (WLAN) for activities that impact gaming transactions provided the following security precautions are observed:

- (1) The wireless local area network must comply with industry standards, defined in the Internal Control Minimum Procedures;
- (2) An authentication process must comply with industry standards, defined in the Internal Control Minimum Procedures, to maintain network security;
- (3) Licensees will provide an encryption/decryption process which complies with industry standards, defined in the Internal Control Minimum Procedures, to maintain network security;
- (4) Each unit and user must be authenticated to the gaming system before transactions can proceed. Users must be authorized and registered in the gaming system to perform transactions;
- (5) All wireless access points and units must be controlled to prevent unauthorized physical and virtual access;
- (6) Each wireless access point must communicate through a firewall. The firewall must reside between the WLAN and the Local Area Network (LAN);
- (7) An Intrusion Detection System (IDS) and an Intrusion Protection System (IPS) must be used to identify and prevent attacks from unauthorized users and devices. The IDS/IPS must have a system produced audit trail, and must be provided to the Division upon request;
- (8) Each wireless access point and device must be configured so that the settings are different from the default values and must not identify the casino, Service Set Identifier (SSID) or domain name;
- (9) The licensee must perform periodic review and testing of the unit and the supporting WLAN as defined in the Internal Control Minimum Procedures;
- (10) The licensee will be held responsible for proper use of the unit and the supporting WLAN as defined in the Internal Control Minimum Procedures; and
- (11) Wireless handheld transactions cannot occur outside the licensed premises.

47.1-1280 Dice – physical characteristics.

Dice shall:

- (1) Be formed in the shape of a perfect cube and of a size no smaller than 0.750 of an inch on each side nor any larger than 0.775 of an inch on each side;
- (2) Be transparent and made exclusively of cellulose except for the spots, name or trade name of the casino licensee and serial number or letters contained thereon;
- (3) Have the surface of each of its sides perfectly flat and the spots contained in each side perfectly flush with the area surrounding them;
- (4) Have all edges and corners perfectly square and forming perfect 90 degree angles;
- (5) Have the texture and finish of each side exactly identical to the texture and finish of all other sides;

- (6) Have its weight equally distributed throughout the cube and no side of the cube heavier or lighter than any other side of the cube;
- (7) Have its six sides bearing white circular spots from one to six respectively with the diameter of each spot equal to the diameter of every other spot on the die;
- (8) Have spots arranged so that the side containing one spot is directly opposite the side containing six spots, the side containing two spots is directly opposite the side containing five spots and the side containing three spots is directly opposite the side containing four spots; each spot shall be placed on the die by drilling into the surface of the cube and filling the drilled out portion with a compound which is equal in weight to the weight of the cellulose drilled out and which forms a permanent bond with the cellulose cube, and shall extend into the cube exactly the same distance as every other spot extends into the cube to an accuracy tolerance of .0004 of an inch; and
- (9) Have imprinted or impressed thereon the name or trade name of the casino licensee in which the die is being used, and a unique serialized number.

47.1-1281 Dice – receipt, storage, inspections, and removal from use.

- (1) When dice are received for use in a licensed premises, they must be inventoried and the boxes shall be placed for storage in a primary or secondary storage area located in a secure location approved by the Division. Dice maintained in secondary storage areas shall be transferred to the primary storage area before being distributed to the pits or tables.
- (2) All primary and secondary storage areas shall have two separate locks. The licensee's security department shall maintain one key and the table games department shall maintain the other key.
- (3) As necessary, the licensee shall remove the appropriate number of dice from the primary storage area.
- (4) Once removed from the primary storage area, the licensee shall take the dice to the pit and shall secure them in a single locked drawer designated for gaming instruments (i.e., cards, dice, roulette balls, and gaming forms) or distribute them to a boxperson or other pit supervisor.
 - (a) Prior to use in a game, the manager on duty or pit supervisor shall inspect the dice with a micrometer, balancing caliper, a steel set square and a magnet or any other instrument approved by the Division. A balancing caliper, a steel set square and a magnet, shall be kept in a compartment at each craps table or pit stand and shall be at all times readily available for use by the Division upon request.
 - (b) Following this inspection, the dice shall be placed in a cup on the table for use in gaming. At all times while the dice are at the table, they shall never be left unattended.
 - (c) If dice are stored in the pit, they shall be kept in a single locked drawer designated for gaming instruments (i.e., cards, dice, roulette balls, and gaming forms). Access to the locked storage area is limited to the pit supervisor. The pit supervisor shall maintain a current log that reflects the current number and color of dice in the locked storage area. Any discrepancy shall be immediately reported to the Division.
- (5) The licensee shall remove any dice from use any time there is any indication of tampering, flaws or other defects that might affect the integrity or fairness of the game, or at the request of the Division.

- (6) At the end of the gaming day or at such other times as may be necessary, a pit supervisor shall visually inspect each die for evidence of tampering. Any evidence of tampering or suspected tampering must be immediately reported to the Division.
- (7) Any die showing evidence of tampering shall be placed in a sealed envelope or container, identified by table number, date, and time, and the envelope must be signed or initialed by the boxperson and pit supervisor.
- (8) All extra dice in reserve that are to be destroyed or cancelled shall be placed in a sealed envelope or container, with a label attached to each envelope or container which identifies the date and time and is signed by the pit supervisor.
- (9) At least once each gaming day, or at such other times as may be necessary, a licensed security officer shall collect and sign all envelopes or containers of used dice and any dice in reserve that are to be destroyed or cancelled and shall transport them to a designated location approved by the Division for cancellation or destruction. No dice that have been placed in a cup for use in gaming shall remain on a table for more than 24 hours.

47.1-1282 Cancellation and destruction of dice.

All dice removed from a game, except those retained for Division inspection, shall be immediately cancelled to prevent reintroduction of the dice to the game. Cancellation shall occur by use of a cancellation tool, scribe or any other tool to produce a cancellation mark that is permanent and clearly visible on each die. Licensees shall have the option to destroy the cancelled dice by drilling a circular hole of at least three-sixteenths of one inch (3/16") in diameter through the center of each die or by any other method approved by the Director or the Director's designee.

47.1-1283 Electronic promotional credit system definition. [Eff 1/14/2012](#)

"Electronic promotional credit system" (EPCS) means a system of components, hardware, software and communication technology that securely transmits credits to and from a slot machine in the form of electronic promotional credits. There are two types of promotional credits in the EPCS:

- (1) Cashable electronic promotional credits are the total value of cashable credits electronically transferred to a slot machine by means of an external connection between the slot machine and the EPCS. These credits must be redeemable for cash by the patron.
- (2) Non-cashable electronic promotional credits are the total value of non-cashable credits electronically transferred to or from the slot machine by means of an external connection between the slot machine and the EPCS. These credits are not redeemable for cash.

47.1-1284 Electronic promotional credit system control program requirements. [Eff 1/14/2012](#)

Slot machines linked to an EPCS must have the ability to recall the last 25 transactions received from and the last 25 transactions transmitted to the EPCS. The transaction logs must include the transaction value, and time and date. Alternatively, there can be a single 100-event log; the single event log must have the type of transaction (upload/download) including restrictions (cashable/non-cashable), transaction value, time and date.

47.1-1285 Electronic promotional credit system standards. [Eff 1/14/2012](#)

- (1) Communication between slot machines, other devices and EPCS must be secured in a manner approved by the Division. EPCS access controls (individual login and password) must be used to secure all functions. All system users must be granted requisite permission to a function(s) on any EPCS ensuring access controls provide adequate segregation of duties.

- (2) The communication process used between gaming devices and the EPCS must be robust and stable enough to secure all transactions such that all events can be identified and logged for subsequent audit and reconciliation.
- (3) In addition to all other requirements of this section, the licensee must comply with the following standards:
 - (a) All winning wagers, including a winning wager made with non-cashable electronic promotional credits, shall be paid with cashable credits;
 - (b) The cashable and non-cashable status of promotional credits must be maintained. Cashable promotional credits must never be converted to non-cashable promotional credits;
 - (c) All cashable electronic promotional credits must be paid from the slot machine. Cashable electronic promotional credits cannot be uploaded back to the EPCS;
 - (d) The EPCS must prompt the patron to enter a unique identifier known as a Personal Identification Number (PIN) prior to downloading electronic promotional credits;
 - (e) Patrons must access their promotional credits utilizing their magnetic strip card and PIN;
 - (f) Any disclaimers and rules for the promotional credits must be clearly identified or displayed to the patron;
 - (g) If any communication errors are present, there must be a message to notify the patron;
 - (h) The EPCS must prohibit direct wagering at a slot machine through the use of a credit card or debit card;
 - (i) The EPCS must employ network clock synchronization technology; and
 - (j) The EPCS must maintain records of each download/upload and adjustment of electronic promotional credits.

47.1-1286 Establishing electronic promotion meters. [Eff 1/14/2012](#)

To allow the direct electronic transfer of promotional credits to a slot machine, transfers must be recorded using the electronic promotion metering methodology as defined in 47.1-1223.

47.1-1287 Personal identification number (PIN). [Eff 1/14/2012](#)

EPCS allows patrons to download electronic promotional credits to a slot machine from the EPCS through the use of a unique magnetic strip card at the slot machine. The licensee issues a patron a unique magnetic strip card. The patron establishes his/her PIN.

For security and verification purposes, when establishing a pin, the EPCS must allow the patron to independently and confidentially enter a secure PIN a minimum of two times; the numbers must successfully match each time entered.

EPCS approved for use at the licensee's facility must allow:

- (1) No more than three (3) consecutive failed PIN entry attempts prior to disabling access to electronic promotional credits;

- (2) The entering of a PIN that is encrypted and masked from any view; and
- (3) All patrons to have the ability to change or authorize the change of their PIN which would include resetting the PIN.

47.1-1288 Patron online access. [Eff 1/14/2012](#)

If online access is provided for patrons, it must be segregated from direct access to the EPCS or gaming system and/or logical restrictions must exist to facilitate secure access.

47.1-1289 Communication. [Eff 1/14/2012](#)

The following types of messages must be displayed to patrons on either the slot machine or a system display attached to the slot machine, to indicate the reason(s) for transaction failure or unintended results:

- (1) Invalid PIN – can prompt for re-entry, but must not allow access until the correct PIN is provided. The EPCS must allow no more than three (3) consecutive failed access attempts before the system disables access to the electronic promotional credits;
- (2) Communication Failure – must result if the EPCS or any interfaced slot machine loses communication with each other;
- (3) Card Unknown/Locked – must display a message indicating the EPCS is unavailable;
- (4) Time-out must display a message if after a specified timeframe from the time the patron has successfully input his/her PIN, he/she does not download any electronic promotional credits. In lieu of a message, the display may revert to a previous menu requiring the patron to re-input his/her PIN prior to being able to download electronic promotional credits; and
- (5) Slot machines interfaced to an EPCS must, at the slot machine level, display a relevant informational message whenever any patron-initiated transaction occurs. During the transaction, the slot machine must possess bi-directional communication and must “lock” until the transaction is completed and the transfer is confirmed.

47.1-1290 Promotional play without an established membership. [Eff 1/14/2012](#)

An EPCS may be used by licensees to issue promotional credits to patrons who may not have an established membership ID on the EPCS. In this case, a unique PIN is not required.

47.1-1291 Control system operations. [Eff 1/14/2012](#)

At a minimum, the licensee must ensure the EPCS performs the following functions:

- (1) Validate the identity of the device(s) from which a transmission is received;
- (2) Monitor data for complete and accurate transmission;
- (3) Detect the presence of corrupt or lost data packets; and
- (4) As necessary, reject the transmission.

47.1-1292 Transfer of electronic promotional credits. [*Eff 1/14/2012*](#)

All non-cashable credits must be wagered before any cashable credits are committed. If non-cashable and cashable credits are co-mingled on the credit meter of the slot machine, the slot machine must wager the credits from the non-cashable credit balance first.

All cashable credits on a slot machine must be played or paid out at the slot machine.

John W. Suthers
Attorney General

Cynthia H. Coffman
Chief Deputy Attorney General

Daniel D. Domenico
Solicitor General



Ralph L. Carr
Colorado Judicial Center
1300 Broadway, 10th floor
Denver, CO 80203
Phone 720-508-6000

State of Colorado
Department of Law
Office of the Attorney General

Tracking number: 2014-00963

Opinion of the Attorney General rendered in connection with the rules adopted by the
Division of Gaming - Rules promulgated by Gaming Commission

on 10/16/2014

1 CCR 207-1

GAMING REGULATIONS

The above-referenced rules were submitted to this office on 10/16/2014 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

October 29, 2014 11:47:13

A handwritten signature in black ink, appearing to read "JWS", is written over a light blue rectangular background.

John W. Suthers
Attorney General
by Daniel D. Domenico
Solicitor General

Permanent Rules Adopted

Department

Department of Education

Agency

Colorado State Board of Education

CCR number

1 CCR 301-96

Rule title

1 CCR 301-96 Rules for the Administration of the Instruction of Cardiopulmonary Resuscitation in Public Schools Grant Program 1 - eff 11/30/2014

Effective date

11/30/2014

COLORADO STATE BOARD OF EDUCATION
Department of Education
1 COLORADO CODE OF REGULATION 301-96
RULES FOR INSTRUCTION IN CARDIOPULMONARY
RESUSCITATION IN PUBLIC SCHOOLS GRANT PROGRAM
AND REQUIREMENT FOR CERTIFICATION OF PUBLIC SCHOOL ATHLETIC
COACHES IN CARDIOPULMONARY RESUSCITATION

Authority: Article IX, Section 1, Colorado Constitution. 22-2-106(1)(a) and (c); 22-2-107(1)(c); 22-7-409(1.5); 22-1-129 and 22-1-125.5 of the Colorado Revised Statutes (C.R.S.).

1.00 Statement of Basis and Purpose.

The statutory basis for these emergency rules adopted on August 14, 2014 is found in 22-2-106(1)(a) and (c), State Board Duties; 22-2-107(1)(c), State Board Powers; 22-1-129(3) C.R.S., Instruction in Cardiopulmonary Resuscitation and the Use of Automated External Defibrillators; and 22-1-125.5(2), C.R.S., Requirement for Certification of Public School Athletic Coaches in Cardiopulmonary Resuscitation.

The Cardiopulmonary Resuscitation in Public Schools Act requires the State Board of Education to promulgate rules for the implementation of the program, including at a minimum: The process by which a local education provider may apply for and receive grant moneys pursuant to this section, including application requirements and deadlines; the number and amount of each grant and whether grant moneys will be awarded in the order applications are received or through some other method; the process for achieving a balanced distribution of grant moneys to applicants including rural, urban, and suburban local education providers; and procedures for monitoring a local education provider's compliance with the provisions of this section and specifically that moneys awarded pursuant to this section are used for reasonable costs associated with psychomotor-skills-based cardiopulmonary resuscitation training and training on the use of automated external defibrillators, including but not limited to training materials and the temporary employment of cardiopulmonary resuscitation instructors or other trainers.

The Requirement for Certification of Public School Athletic Coaches in Cardiopulmonary Resuscitation, 22-1-125.5(2), C.R.S., requires that the State Board shall promulgate rules concerning the coaching staff positions that are included in this requirement.

2.00 Definitions.

- 2.00 (1) Department: The Department of Education created and existing pursuant to section 24-1-115, C.R.S.
- 2.00 (2) Local Education Provider: A school district, a charter school authorized by a school district pursuant to part 1 of article 30.5 of this title, a charter school authorized by the state charter school institute pursuant to part 5 of article 30.5 of this title, or a board of cooperative services created and operating pursuant to article 5 of this title that operates one or more public schools.
- 2.00 (3) Psychomotor Skills Development: The use of hands-on practice that supports cognitive learning.
- 2.00 (4) State Board: The State Board of Education created and existing pursuant to Section 1 of Article IX of the State Constitution.
- 2.00 (5) Currently Certified in CPR: The person has completed training in cardiopulmonary resuscitation from a nationally recognized evidence-based certification program within the preceding two years.
- 2.00 (6) Coach: Head and assistant coaches of all athletic programs recognized by the Colorado High School Activities Association (CHSAA).
- 2.00 (7) Qualified Cardiopulmonary Instructors: Instructors that have successfully completed a nationally recognized instruction and have maintained current certification to teach cardiopulmonary resuscitation.

2.01 Grant awards for the Instruction of Cardiopulmonary Resuscitation to Students and Coaches.

Local education providers may apply for a grant or grants to provide instruction to students in any of grades nine through twelve and school staff in any of grades nine through twelve in cardiopulmonary resuscitation and the use of an automated external defibrillator. The instruction funded pursuant to section 22-1-129, C.R.S., must include a nationally recognized, psychomotor-skills-based instructional program that reflects current, national, evidence-based, emergency cardiovascular care guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator.

- 2.01 (1) **Application Timeline.** Subject to available appropriations, applications will be due to the Department on or after September 1 in each year that funding is available.

- 2.01 (2) **Application Procedures.** The Department will be the responsible agency for implementing the Instruction of Cardiopulmonary Resuscitation to Students and Coaches Grant Program. The Department will develop a Request for Proposal (RFP), pursuant to the Department's RFP process and pursuant to the requirements and timelines found in 22-1-129, C.R.S.
- 2.01 (3) **Number and Amount of Grants.** No more than 200 grants will be awarded and distribution of funds will be subject to available appropriations.
- 2.01 (4) **Geographic Distribution.** The Department will award grants through a balanced distribution of grant moneys to applicants including rural, urban and suburban local education providers.
- 2.01 (5) **Reporting.** In any fiscal year in which the general assembly makes an appropriation to the department for the purposes of the program, each education provider that receives a grant through the program will report to the Department of Education at the end of the school year. This report will include:
- 2.01 (5) (a) The program used for instruction;
- 2.01 (5) (b) The number of classes taught;
- 2.01 (5) (c) The number of students completing the instruction;
- 2.01 (5) (d) The number of coaches certified in CPR; and
- 2.01 (5) (e) An accounting of the funds used to provide these trainings.

2.02 Requirement for certification of public school athletic coaches in cardiopulmonary resuscitation and use of automated external defibrillators. By January 1, 2015, all coaches currently employed by local education providers must have current certification in CPR. The program must also include training regarding the use of automated external defibrillators.

John W. Suthers

Attorney General

Cynthia H. Coffman

Chief Deputy Attorney General

Daniel D. Domenico

Solicitor General



Ralph L. Carr

Colorado Judicial Center

1300 Broadway, 10th floor

Denver, CO 80203

Phone 720-508-6000

**State of Colorado
Department of Law**

Office of the Attorney General

Tracking number: 2014-00812

**Opinion of the Attorney General rendered in connection with the rules adopted by the
Colorado State Board of Education**

on 10/08/2014

1 CCR 301-96

**RULES FOR THE ADMINISTRATION OF THE INSTRUCTION OF CARDIOPULMONARY
RESUSCITATION IN PUBLIC SCHOOLS GRANT PROGRAM**

The above-referenced rules were submitted to this office on 10/09/2014 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

October 22, 2014 15:01:57

A handwritten signature in black ink, appearing to read "JWS", is written over a light blue rectangular background.

John W. Suthers

Attorney General

by Daniel D. Domenico

Solicitor General

Permanent Rules Adopted

Department

Department of Education

Agency

Colorado State Board of Education

CCR number

1 CCR 301-97

Rule title

1 CCR 301-97 Rules for the Administration of the School Health Professional Grant
Program 1 - eff 11/30/2014

Effective date

11/30/2014

COLORADO STATE BOARD OF EDUCATION

Department of Education

1 COLORADO CODE OF REGULATION 301-97

RULES FOR THE ADMINISTRATION OF

THE SCHOOL HEALTH PROFESSIONAL GRANT PROGRAM

Authority: Article IX, Section 1, Colorado Constitution. 22-2-106(1)(a) and (c); 22-2-107(1)(c); 22-7-409(1.5); 22-96-101 et seq. of the Colorado Revised Statutes (C.R.S.).

1.00 Statement of Basis and Purpose.

The statutory basis for these emergency rules adopted on August 14, 2014 is found in 22-2-106(1)(a) and (c), State Board Duties; 22-2-107(1)(c), State Board Powers; and 22-96-101 through 22-96-105, the School Health Professional Grant Program, C.R.S.

The School Health Professional Grant Program, 22-96-101 through 22-96-105, C.R.S., requires the State Board of Education to promulgate rules for the implementation of the program, including but not limited to: the timeline for submitting applications to the Department; the form of the grant application and any information in addition to that specified in section 22-96-104 (2), C.R.S. to be included in the application; any criteria for awarding grants in addition to those specified in section 22-96-104 (3), C.R.S.; and any information to be included in the Department's program report in addition to that required in section 22-96-105, C.R.S.

2.00 Definitions.

- 2.00 (1) Department: The Department of Education created and existing pursuant to section 24-1-115, C.R.S.
- 2.00 (2) Education Provider: A school district, a board of cooperative services, a charter school authorized by a school district pursuant to Part 1 of Article 30.5 of Title 22 C.R.S., or a charter school authorized by the State Charter School Institute pursuant to Part 5 of Article 30.5 of Title 22 C.R.S.

- 2.00 (3) School Health Professional: A state-licensed or state-certified school nurse or other state-licensed or state-certified health professional qualified under state law to provide support services to children and adolescents.
- 2.00 (4) Secondary School: A public school that includes any of grades seven through twelve.
- 2.00 (5) State Board: The State Board of Education created pursuant to Section 1 of Article IX of the State Constitution.

2.01 Implementation Procedures.

- 2.01 (1) **Application Timeline.** During the 2014-15 school year, the Department will conduct an initial grant funding competition for the School Health Professional Grant Program. Applications will be due to the Department on or before October 1, 2014. Beginning on May 1, 2015, and May 1 of each year thereafter, subject to available appropriations, School Health Professional Grant applications will be due for funding available July 1 of the subsequent fiscal year.
- 2.01 (2) **Application Procedures.** The Department will be the responsible agency for implementing the School Health Professional Grant Program. The Department will develop a Request for Proposal (RFP), pursuant to the Department's RFP process and pursuant to the requirements and timelines found in 22-96-104, C.R.S. If the Department determines an application is missing any information required by rule to be included with the application, the Department may contact the education provider to obtain the missing information. Each grant application, at a minimum, shall specify:
 - 2.01 (2) (a) The intended recipient secondary schools, the number of health professionals employed by the education provider in secondary schools prior to receipt of a grant, and the ratio of students to school health providers in the secondary schools operated by or receiving services from the education provider;
 - 2.01 (2) (b) The education provider's plan for use of the grant moneys, including the extent to which the grant moneys will be used to increase the number of school health professionals at recipient secondary schools and to provide substance abuse and behavioral health care services at recipient secondary schools, including screenings, referrals to community organizations, and training for students, families and staff on substance abuse issues;

- 2.01 (2) (c) The education provider's plan for involving leaders at the recipient secondary schools and in the surrounding community and the faculty at recipient secondary schools in increasing the capacity and effectiveness of the substance abuse and behavioral health care services provided to secondary school students enrolled in or receiving educational services from the education provider;
- 2.01 (2) (d) The extent to which the education provider has developed or plans to develop community partnerships to serve substance abuse and behavioral health care needs of all of the secondary students enrolled in or receiving educational services from the education provider;
- 2.01 (2) (e) The extent to which the education provider has seen increased incidence of disciplinary actions for drug use or selling drugs;
- 2.01 (2) (f) The extent to which the education provider has an existing program that can be expanded to increase the availability of school health professionals;
- 2.01 (2) (g) The amount of matching funds that the education provider intends to provide to augment any grant moneys received from the program and the anticipated amount and source of any matching funds;
- 2.01 (2) (h) The education provider's plan for continuing to fund the increase in school health professional services following expiration of the grant; and
- 2.01 (2) (i) An assurance of the education provider's commitment to participate in the Healthy Kids Colorado Survey and School Health Profiles.
- 2.01 (3) **Application Priority Criteria.** In reviewing applications and making recommendations to the State Board, the Department shall prioritize applications based on the following criteria:
 - 2.01 (3) (a) The education provider's need for additional school Health professionals in secondary schools, demonstrated by the local school and community data regarding marijuana and the number of marijuana establishments located within the boundaries of a school district;
 - 2.01 (3) (b) The existence of a successful school health team in the education provider's school or schools;
 - 2.01 (3) (c) The amount of the matching funds that the education provider is able to commit;

- 2.01 (3) (d) The education provider's emphasis and commitment to implement evidence-based and research-based programs and strategies; and
- 2.01 (3) (e) The likelihood that the education provider will continue to fund the increases in the level of school health professional services following expiration of the grant.
- 2.01 (4) **Additional Review Criteria.** The Department and the State Board shall consult with experts in the area of school health professional services when establishing any additional criteria for awarding grants and in reviewing applications and selecting grant recipients.
- 2.01 (5) **Duration and Amount of Grant Awards.** Subject to available appropriations, the State Board shall award grants to applying education providers pursuant to 22-96-104, C.R.S. The State Board shall base the grant awards on the Department's recommendations. Each grant shall have an initial term of one year. In making the award, the State Board shall specify the amount of each grant.
- 2.01 (5) (a) An education provider that receives a grant under the program shall use the moneys to increase the level of funding the education provider allocates to secondary school health professionals to provide substance abuse and behavioral health care to students prior to receiving the grant and not to replace other funding sources allocated to provide school health professionals for students in secondary schools.
- 2.01 (6) **Reporting.** In any fiscal year in which the general assembly makes an appropriation to the department for the purposes of the program, each education provider that receives a grant through the program shall report the following Information to the department each year during the term of the grant:
 - 2.01 (6) (a) The number of school health professionals hired using grant moneys; and
 - 2.01 (6) (b) A list and explanation of the services provided using grant moneys.
- 2.01 (7) **Evaluation of Program.** On or before May 1, 2015, and on or before May 1 in each fiscal year thereafter in which the general assembly makes an appropriation to the Department for the purposes of the program, the Department shall submit to the Education Committees of the Senate and the House of Representatives, or any successor Committees, a report that, at a minimum, summarizes the Information received by the

department pursuant to subsection (1) of this 22-96-105, C.R.S. The Department shall also post the report to its web site.

John W. Suthers

Attorney General

Cynthia H. Coffman

Chief Deputy Attorney General

Daniel D. Domenico

Solicitor General



Ralph L. Carr

Colorado Judicial Center

1300 Broadway, 10th floor

Denver, CO 80203

Phone 720-508-6000

**State of Colorado
Department of Law**

Office of the Attorney General

Tracking number: 2014-00813

**Opinion of the Attorney General rendered in connection with the rules adopted by the
Colorado State Board of Education**

on 10/08/2014

1 CCR 301-97

**RULES FOR THE ADMINISTRATION OF THE SCHOOL HEALTH PROFESSIONAL GRANT
PROGRAM**

The above-referenced rules were submitted to this office on 10/09/2014 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

A handwritten signature in black ink, appearing to read "JWS", is written over a light blue rectangular background.

John W. Suthers

Attorney General

by Daniel D. Domenico

Solicitor General

October 22, 2014 15:01:18

Permanent Rules Adopted

Department

Department of Regulatory Agencies

Agency

Division of Professions and Occupations - Office of Speech-Language Pathology Certification

CCR number

4 CCR 748-1

Rule title

4 CCR 748-1 Rules Regulating Speech-Language Pathologist Certification, Practice, and Discipline 1 - eff 11/30/2014

Effective date

11/30/2014



Dora
Department of Regulatory Agencies

**Division of
Professions and
Occupations** Lauren
Larson
Division Director

**Office of Speech-
Language Pathology
Certification** Karen M.
McGovern
Program Director

John W. Hickenlooper
Governor

Barbara J. Kelley
Executive
Director

**IT IS HEREBY
ORDERED:**

The attached Rules Regulating Speech-Language Pathologist Certification, Practice, and Discipline, are adopted for codification in 4 *Code of Colorado Regulations* (CCR) 748-1.

The basis for these rules is House Bill 12-1303, which is codified in Article 43.7 of Title 12, C.R.S., and is known as the Speech-Language Pathology Practice Act. The purpose of these rules is to regulate persons practicing speech-language pathology in Colorado by implementing the requirements of the Act. The rules generally include provisions regulating certification, reinstatement, continuing competency, reporting, liability insurance, patient records, fines, and non-certified practice. The statutory authority for these rules can be found in §§ 12-43.7-105(1), 106, 107, 108(1)(e), 110(2), 113, and 116(5); 12-70-101; 24-4-103; 24-4-105(11); 24-34-102(8) and (8.5); 24-34-105; and, 24-34-107 C.R.S.

I find the attached rules to be fair, impartial, and non-discriminatory. Therefore, I hereby adopt the attached rules with the preceding statement of basis, purpose, and statutory authority.

Dated this 9th day of October, 2014.

Ronne Hines, Deputy Director, Healthcare
Branch Division of Professions and Occupations

Fax 303.894.7764

www.dora.state.co.us

V/TDD 711

DEPARTMENT OF REGULATORY AGENCIES

Division of Professions and Occupations Office of Speech-Language Pathology Certification

RULES REGULATING SPEECH-LANGUAGE PATHOLOGIST CERTIFICATION, PRACTICE, AND DISCIPLINE

4 CCR 748-1

[Editor's Notes follow the text of the Rules at the end of this CCR Document]

Basis, Purpose, and Statutory Authority

The basis for these rules is House Bill 12-1303, which is codified in Article 43.7 of Title 12, C.R.S., and is known as the Speech-Language Pathology Practice Act. The purpose of these rules is to regulate persons practicing speech-language pathology in Colorado by implementing the requirements of the Act. The rules generally include provisions regulating certification, reinstatement, continuing competency, reporting, liability insurance, patient records, fines, and non-certified practice. The statutory authority for these rules can be found in §§ 12-43.7-105(1), 106, 107, 108(1)(e), 110(2), 113, and 116(5); 12-70-101; 24-4-103; 24-4-105(11); 24-34-102(8) and (8.5); 24-34-105; and, 24-34-107 C.R.S.

Rule 1 – Application for Certification

The purpose of this rule is to specify the form and manner of an application for speech-language pathologist certification, as required by § 12-43.7-106, C.R.S.

- A. An applicant for certification must:
1. Submit a completed application for certification in a manner prescribed by the Director;
 2. Submit with the application all fees established by the Director pursuant to § 12-43.7- 106(6), C.R.S.;
 3. Attest that the applicant will, prior to providing speech-language pathology services to patients, maintain the professional liability insurance coverage required under Rule 6;
 4. Attest that the applicant has developed a written plan ensuring the security of patient records in compliance with § 12-43.7-116, C.R.S.;
 5. Attest that the information in the application is true and correct to the best of the applicant's knowledge and belief; and
 6. Submit additional information as may be required by the Director.

Rule 2 – Education and Clinical Fellowship Requirements

The purpose of this rule is to detail the educational and clinical fellowship requirements for certification set forth in § 12-43.7-106(1), C.R.S.

- A. An applicant for certification must have successfully completed a master's or higher degree in communication sciences and disorders granted by an accredited institution of higher education recognized by the United States Department of Education. An applicant is presumed to have met the requirements of this paragraph if the applicant has successfully completed a master's or higher degree in a speech-language pathology program that is accredited by the Council on Academic Accreditation of the American Speech-Language-Hearing Association or its successor association.
- B. An applicant for certification must have successfully completed a speech-language pathology clinical fellowship approved by either the Director or a Director-approved national certifying body. The American Speech-Language-Hearing Association is a Director-approved national certifying body.
- C. An applicant who holds a current Certificate of Clinical Competence (CCC) granted by the American Speech-Language-Hearing Association in speech-language pathology meets the education and clinical fellowship requirements of this rule.
- D. The Director does not require that an applicant maintain ASHA membership as a condition of certification.

Rule 3 – Examination Requirement

The purpose of this rule is to clarify the examination requirement set forth in § 12-43.7-106(1)(c), C.R.S.

- A. An applicant is eligible for certification by examination only if the applicant:
 - 1. has passed the national examination approved by the American Speech-Language-Hearing Association or its successor association;
 - 2. has passed an examination that, in the Director's determination, is substantially equivalent to the examination approved by the American Speech-Language-Hearing Association or its successor association, subject to the requirements of paragraph (B) of this rule; or
 - 3. holds a current Certificate of Clinical Competence (CCC), granted by the American Speech-Language-Hearing Association or its successor association, in speech-language pathology.
- B. An applicant seeking certification under subparagraph (A)(2) of this rule bears the burden of proving to the Director that the examination is substantially equivalent to the examination approved by the American Speech-Language-Hearing Association or its successor association.

Rule 4 – Certification by Endorsement

The purpose of this rule is to delineate the requirements for certification by endorsement set forth in § 12- 43.7-106(4), C.R.S.

- A. An applicant who holds a current, valid license or certification as a speech-language pathologist in another jurisdiction may apply for certification by endorsement.
- B. A jurisdiction that requires, as a condition of licensure or certification, a current Certificate of Clinical Competence (CCC) granted by the American Speech-Language-Hearing Association in speech-language pathology is deemed to have qualifications substantially equivalent to those required in Colorado.

- C. An applicant for certification by endorsement must meet the requirements set forth in Rules 1, 2, and 3. An endorsement applicant who was licensed or certified in another jurisdiction on the basis of a current Certificate of Clinical Competence (CCC) granted by the American Speech- Language-Hearing Association in speech-language pathology is deemed to have met the requirements of Rules 2 and 3.
- D. In addition to meeting the requirements set forth in Rules 1-3, an applicant for certification by endorsement must demonstrate competency to practice speech-language pathology. To demonstrate competency an applicant must submit, in a manner required by the Director, information establishing that the applicant:
 - 1. has actively practiced as a speech-language pathologist for at least 400 hours within a 12 month period during the three years immediately preceding the application;
 - 2. has completed, during the two years immediately preceding the application, 48 hours of continuing education that:
 - a. relates to the practice of speech-language pathology; and
 - b. meets the approval of the Director;
 - 3. holds a current Certificate of Clinical Competence (CCC) granted by the American Speech-Language-Hearing Association in speech-language pathology; or
 - 4. has otherwise maintained competency as a speech-language pathologist, as determined by the Director.

Rule 5 – Certification Requirements: Credit for Military Experience

The purpose of this rule is to outline the conditions and procedures governing the evaluation of an applicant's military training and experience under § 24-34-102(8.5), C.R.S.

- A. An applicant for certification as a speech-language pathologist may submit information about the applicant's education, training, or experience acquired during military service. It is the applicant's responsibility to provide timely and complete information for the Director's review.
- B. In order to meet the requirements for certification, such education, training, or experience must be substantially equivalent to the required qualifications that are otherwise applicable at the time the application is received by the Director.
- C. The Director will determine, on a case-by-case basis, whether the applicant's military education, training, or experience meet the requirements for certification.

Rule 6 – Professional Liability Insurance

The purpose of this rule is to delineate the professional liability insurance requirements set forth in § 12-43.7-106(2) and (4), C.R.S.

- A. A certificate holder who provides speech-language pathology services to patients shall maintain professional liability insurance coverage:
 - 1. with an insurance company authorized to do business in Colorado; and
 - 2. in an amount no less than one million dollars per claim and three million dollars per annum in the aggregate.

- B. A certificate holder who is not providing speech-language pathology services to patients is exempt from maintaining professional liability insurance coverage.
- C. An applicant or certificate holder shall submit proof of coverage to the Director upon request.

Rule 7 – Reinstatement of Expired Certification

The purpose of this rule is to state the requirements for reinstatement of a certification that has expired, pursuant to §§ 24-34-102(8) and 24-34-105, C.R.S.

- A. An applicant seeking reinstatement of an expired certification must complete a reinstatement application, pay a reinstatement fee, attest to complying with the professional liability insurance coverage requirements of Rule 6, and attest that the applicant has developed a written plan ensuring the security of patient records in compliance with § 12-43.7-116, C.R.S.
- B. An applicant seeking to reinstate a certification that has been expired for less than two years from the date of receipt of the reinstatement application must provide documentation of ten (10) Professional Development Activities (PDA), as defined in Rule 9, for each year the certificate was expired.
- C. An applicant seeking to reinstate a certification that has been expired for two or more years but less than five years from the date of receipt of the reinstatement application must demonstrate competency to practice, in a manner required by the Director, by:
 - 1. providing verification of licensure or certification in good standing from another state, along with proof of active practice in that state for two of the previous five years from the date of application for reinstatement;
 - 2. providing documentation of the applicant's completion, within the two years immediately preceding the application for reinstatement, of ten (10) PDA, as defined in Rule 9, for each year the certificate was expired;
 - 3. providing documentation that the applicant has active certification by the American Speech-Language-Hearing Association; or
 - 4. any other means approved by the Director.
- D. An applicant seeking to reinstate a certification that has been expired for five or more years from the date of receipt of the reinstatement application must demonstrate competency to practice, in a manner required by the Director, by:
 - 1. providing verification of licensure or certification in good standing from another state, along with proof of active practice in that state for two of the previous five years from the date of application for reinstatement;
 - 2. providing evidence of supervised practice for a period of no less than six months, subject to the terms established by the Director; or
 - 3. any other means approved by the Director.

Rule 8 – Inactive Certification Status and Reactivation of Certification

The purpose of this rule is to specify the regulations governing inactive certification status and reactivation of certification as authorized under § 12-70-101, C.R.S.

- A. A certified speech-language pathologist may request inactive certification status in the manner prescribed by Director.
- B. A speech-language pathologist with an inactive certificate shall not engage in any act or conduct that constitutes the practice of speech-language pathology.
- C. A speech-language pathologist with an inactive certificate is exempt from the continuing professional competency requirements of § 12-43.7-107, C.R.S., and Rule 9.
- D. Inactive certificate status does not:
 - 1. prevent the Director from investigating complaints or imposing discipline against a speech-language pathologist in accordance with Article 43.7 of Title 12, C.R.S.; or
 - 2. limit or restrict the Director's functions, duties, or obligations, under Article 43.7 of Title 12, C.R.S.
- E. Except as otherwise provided by this rule, a speech-language pathologist with an inactive certificate remains subject to all provisions of these rules and all provisions of Article 43.7 of Title 12, C.R.S.
- F. A speech-language pathologist may reactivate an inactive certificate by:
 - 1. submitting a completed application for reactivation and paying a fee established by the Director;
 - 2. submitting proof, in a manner prescribed by the Director, that the speech-language pathologist's licenses or certificates held in other states or jurisdictions are in good standing;
 - 3. attesting that the applicant will, prior to providing speech-language pathology services to patients, maintain the professional liability insurance coverage required under Rule 6; and
 - 4. providing documentation of the applicant's completion, within the two years immediately preceding the application for reactivation, of ten (10) PDA, as defined in Rule 9, for each year the certificate was inactive .

Rule 9 – Continuing Professional Competency

The purpose of this rule is to establish a program of ongoing continuing professional competency as set forth in § 12-43.7-107, C.R.S., wherein a certified speech-language pathologist shall maintain and demonstrate continuing professional competency in order to renew, reinstate, or reactivate a certificate to practice speech-language pathology in the state of Colorado.

A. Definitions

- 1. *Continuing Professional Competency*: the ongoing ability of a speech-language pathologist to learn, integrate, and apply the knowledge, skill, and judgment to practice as a speech-language pathologist according to generally accepted standards and professional ethical standards.
- 2. *Continuing Professional Development (CPD)*: the Director's program through which a certificate holder can satisfy the continuing professional competency requirements in order to renew, reinstate, or reactivate a certificate.

3. *Deemed Status*: a certificate holder who satisfies the continuing professional competency requirements of an accrediting body or entity approved by the Director pursuant to § 12-43.7-107(2), C.R.S., may qualify for “Deemed Status.”
4. *Learning Plan*: the Director-approved form through which a certificate holder documents his/her goals and plans of learning that were developed from his/her reflective self-assessment (RSAT), which is defined below. A certificate holder shall execute his/her learning plan by completing professional development activities (PDA) as required before a certificate is renewed.
5. *Military Exemption*: as set forth in § 12-70-102, C.R.S., a certificate holder who has been called to federally funded active duty for more than 120 days for the purpose of serving in a war, emergency or contingency may request an exemption from the continuing professional competency requirements for the renewal, reinstatement, or reactivation of his/her certification for the one (1) year renewal period that falls within the period of service or within six months following the completion of service.
6. *Professional Development Activities (PDA)*: learning activities undertaken to increase the certificate holder's knowledge and skill or hone existing knowledge and skill for the purpose of continuing professional competency. PDA are equivalent to clock hours; one PDA is equal to one (1) clock hour (60 minutes).
7. *Program Manual*: an instructional guide to assist the certificate holder in understanding the continuing professional competency requirements and the CPD program.
8. *Reflective Self-assessment Tool (RSAT)*: a reflective practice tool in which a certificate holder can reflect upon his/her knowledge and skills pertaining to the foundational areas of speech-language pathology taking into account the certificate holder's current level and area of practice.

B. Continuing Professional Competency Requirements

1. Effective after the 2014 renewal of a certificate, or upon the completion of any renewal of a certificate thereafter, the certificate holder shall demonstrate continuing professional competency in order to renew by:
 - a. participation in the Continuing Professional Development (CPD) program;
 - b. participation in a program of continuing professional competency through an accrediting body or an entity approved by the Director as set forth in § 12-43.7-107(2), C.R.S. this status is hereafter known as “Deemed Status” as defined herein; or
 - c. receiving an exemption for military service as defined in § 12-70-102, C.R.S. Military exemptions must be approved by the Division of Professions and Occupations. A certificate holder seeking a military exemption shall submit a request in writing with evidence that his/her military service meets the criteria established in § 12-70-102, C.R.S., and section E of this rule.
2. A certificate holder shall attest at the time of the renewal of a certificate to his/her compliance with continuing professional competency requirements.

C. Continuing Professional Development (CPD) Program

1. The CPD Program entails the following:

- a. the certificate holder shall complete the Reflective Self-Assessment Tool (RSAT) once per renewal period. A certificate holder shall use the form approved by the Director.
- b. the execution of a Learning Plan once per renewal period that is based upon the certificate holder's RSAT. The certificate holder shall use the form approved by the Director.
- c. accrual of ten (10) PDA per year of each renewal period.

2. Professional Development Activities (PDA)

- a. PDA must be relevant to the certificate holder's practice as a speech-language pathologist and pertinent to his/her learning plan. The Director will not pre-approve specific courses or providers. The certificate holder shall determine which activities and topics will meet his/her learning plan, and select an appropriate course and provider.

- b. PDA are organized into the following six (6) categories. One (1) PDA is granted per one (1) clock hour of qualifying activity with the exception of the category "Presentations" in which two (2) PDA are credited for every one (1) hour of presentation delivery. This 2:1 ratio acknowledges the preparation of the presentation. PDAs are credited only once per presentation.

- i. Volunteer Service

- ii. Mentoring/Supervision

- iii. Presentations

- iv. Coursework

- v. Independent Learning

- vi. Group Study

- c. PDA must be earned through a minimum of two (2) categories. Specifically, for each year of a renewal period, no more than five (5) PDA will be credited in any one (1) category. The exception to this requirement is the "Coursework" category in which all ten (10) PDA may be accrued and credited.

- d. PDA will be accepted if the activity is included in the current Program Manual. The current Program Manual will be available to all certificate holders through the program and will set forth accepted PDA within each category. The Director has sole discretion to accept or reject PDA that are not identified in the current program manual.

- e. The total required annual PDA must be earned within the same year in which credit is requested. PDA will be credited toward only one (1) renewal period.

3. Audit of Compliance

- a. The following documentation is required for an audit of compliance of a certificate holder's participation in the CPD program:

- i. a signed Learning Plan that contains the certificate holder's goals in the form and manner set forth in the current Program Manual as approved by the Director.
 - ii. documentation of the required PDA in compliance with the current Program Manual and this Rule.
 - iii. the Director has sole discretion to accept or reject PDA that do not meet the criteria established by the Director as defined in the current Program Manual and this Rule.
- b. As set forth in § 12-43.7-107(4), C.R.S., records of assessments or other documentation developed or submitted in connection with the CPD Program are confidential and not subject to inspection by the public or discovery in connection with a civil action against a speech-language pathologist or other professional regulated under this title. A person or the Director shall not use the records or documents unless used by the Director to determine whether a speech-language pathologist is maintaining continuing professional competency to engage in the profession.
- c. The current Program Manual will set forth the documentation methods and standards for compliance with this Rule.

D. Deemed Status

1. Qualification. In order to qualify for "Deemed Status" upon renewal, the certificate holder shall:
 - a. attest to his/her deemed status; and;
 - b. attest that the requested continuing professional competency program is substantially equivalent to the CPD program administered by the Director and must include, at a minimum each renewal period, the following components:
 - i. an assessment of knowledge and skills;
 - ii. ten (10) contact hours of continuing education or learning activities per year of the renewal period; and
 - iii. demonstration of completion of continuing competency activities.
2. Administrative Approval. The Director has sole discretion to administratively approve accrediting bodies and/or entities meeting the criteria established in this section. Once an accrediting body and/or entity is approved, such approval will be publically published.
3. Compliance Audit. A Certificate holder claiming "Deemed Status" is subject to an audit of compliance. To satisfy an audit of compliance, the certificate holder shall submit appropriate evidence of participation in a qualifying program through submission of:
 - a. a letter from the accrediting body or entity approved by the Director specifying that the certificate holder has completed the continuing professional competency program, or

- b. other documentation approved by the Director which reflects the certificate holder's completion of a program of continuing professional competency.

E. Military Exemption.

1. Military exemptions must be approved by the Division of Professions and Occupations. A certificate holder seeking a military exemption shall submit a request in writing with evidence that his/her military service meets the criteria established in § 12-70-102, C.R.S..
2. After being granted a military exemption, in order to complete the renewal process, a certificate holder shall attest to his/her military exemption.

F. Records Retention. A certificate holder shall retain documentation demonstrating his/her compliance for either two (2) complete renewal periods or four (4) years, whichever period is longer.

G. Non-Compliance. Falsifying an attestation or other documentation regarding the certificate holder's compliance with continuing professional competency requirements constitutes the falsification of information in an application and may be grounds for discipline pursuant to §§ 12-43.7-110(2)(b) and (k), C.R.S.

H. Reinstatement and Reactivation. A certificate holder seeking to reinstate or reactivate a certificate shall meet the continuing professional competency requirements detailed in Rule 7 and Rule 8.

Rule 10 – Duty to Self-Report Certain Medical Conditions

The purpose of this rule is to specify the notification requirements regarding a physical or mental illness or condition that affects a certificate holder's ability to practice speech-language pathology or practice as a speech-language pathologist with reasonable skill and safety to patients, pursuant to § 12-43.7-115, C.R.S.

- A. No later than 30 days from the date a physical or mental illness or condition affects a certified speech-language pathologist's ability to perform speech-language pathology services with reasonable skill and safety, the certified speech-language pathologist shall provide the Director, in writing, the following information:
1. The diagnosis and a description of the illness or condition;
 2. The date that the illness or condition was first diagnosed;
 3. The name of the current treatment provider and documentation from the current treatment provider confirming the diagnosis, date of onset, and treatment plan; and
 4. A description of the certified speech-language pathologist's practice and any modifications, limitations or restrictions to that practice that have been made as a result of the illness or condition.
- B. The certified speech-language pathologist shall notify the Director of any worsening of the illness or condition, or any significant change in the illness or condition that affects the certified speech-language pathologist's ability to practice with reasonable skill and safety, within 30 days of the change of the illness or condition. The certified speech-language pathologist shall provide the Director, in writing, the following information:
1. the name of the current treatment provider, documentation from the current treatment provider confirming the change of the illness or condition, the date that the illness or

condition changed, the nature of the change of the illness or condition, and the current treatment plan; and

2. a description of the certified speech-language pathologist's practice, and any modifications, limitations, or restrictions to that practice that have been made as a result of the change of condition.
- C. Compliance with this rule is a prerequisite for eligibility to enter into a Confidential Agreement with the Director pursuant to § 12-43.7-115(2), C.R.S. However, mere compliance with this rule does not require the Director to enter into a Confidential Agreement. Rather, the Director will evaluate all facts and circumstances to determine whether a Confidential Agreement is appropriate.
- D. If the Director discovers that a certified speech-language pathologist has a mental or physical illness or condition that affects the certified speech-language pathologist's ability to practice with reasonable skill and safety, and the certified speech-language pathologist has not timely notified the Director of such illness or condition, the certified speech-language pathologist may be subject to disciplinary action pursuant to § 12-43.7-110(2)(d)(I), C.R.S.

Rule 11 – Duty to Report Convictions, Judgments, and Adverse Actions

The purpose of this rule is to clarify the requirements and procedures for reporting convictions, judgments, and other adverse actions in order to enforce the provisions of § 12-43.7-110, C.R.S.

- A. A certified speech-language pathologist shall report to the Director, in a manner established by the Director, within 30 days of:
1. A felony conviction of the certificate holder, or a conviction of any crime related to the practice of speech-language pathology, whether under the laws of this or any other state or the United States (a guilty verdict, or a plea of guilty, nolo contendere, or no contest accepted by the court is considered a conviction);
 2. A disciplinary action imposed upon the certificate holder by another jurisdiction that licenses, certifies, or registers speech-language pathologists which would otherwise be a violation of § 12-43.7-110, C.R.S., including but not limited to a citation, sanction, probation, civil penalty, or a denial, suspension, revocation or modification of a license or certificate, whether it is imposed by consent decree, order, or other decision, for any cause other than failure to pay a license fee by the due date or failure to meet continuing professional education or competency requirements;
 3. Revocation or suspension by another state board, municipality, federal or state agency of any health services related license or certificate; or
 4. Any judgment, award, or settlement of a civil action or arbitration, in any jurisdiction, in which there was a final judgment or settlement against the licensee or certificate holder with respect to the practice of speech-language pathology.
- B. Report contents.
1. If the event is an action by any governmental agency, the report to the Director must include the name of the agency, its jurisdiction, the case name, court docket, proceeding or case number by which the event is designated, and a copy of the consent decree, order, or decision.
 2. If the event is a felony conviction, the report to the Director must include the court, its jurisdiction, the case name, the case number, a description of the matter or a copy of the

indictment or charges, and any plea or verdict entered by the court. Within 30 days of the imposition of sentence for a felony conviction, the certificate holder shall provide to the Director a copy of the imposition of sentence. Within 30 days of the completion of any terms of the sentence, the certificate holder shall provide written notice to the Director of the completion of the sentence terms.

3. If the event concerns a civil action or arbitration proceeding, the report to the Director must include the court or arbiter, the jurisdiction, the case name, the case number, a description of the matter or a copy of the complaint, and a copy of the verdict, the court or arbitration decision, or, if settled, the settlement agreement and court's order of dismissal.

- C. In addition to any report required under this rule, the speech-language pathologist may also submit a written statement of explanation.

Rule 12 – Duty to Report Change of Contact Information to the Director’s Office

The purpose of this rule is to clarify the requirement for certificate holders to notify the Director of a change in submitted information pursuant to § 24-34-107, C.R.S.

A certified speech-language pathologist shall report to the Office of Speech-Language Pathology Certification any name, address, telephone, or email change within 30 days of the change. The Office of Speech-Language Pathology Certification will not change a certified speech-language pathologist's information of record without explicit written notification from the certified speech-language pathologist. Notification in any written manner approved by the Division is acceptable.

Rule 13 – Use of Title

The purpose of this rule is to clarify the appropriate use of authorized titles pursuant to § 12-43.7-104, C.R.S.

- A. A speech-language pathologist shall only use the titles authorized by § 12-43.7-104(1), C.R.S., in conjunction with the practice of speech-language pathology.
- B. A speech-language pathologist shall not use the term “Doctor” or “Dr.” in conjunction with the practice of speech-language pathology unless the speech-language pathologist has successfully completed a doctoral degree in communication sciences and disorders as described in § 12-43.7- 106(1)(a), C.R.S.

Rule 14 – Protection & Disposition of Patient Records

The purpose of this rule is to specify a certified speech-language pathologist's responsibilities with respect to the patient access to, and security, maintenance, storage, disposal, and disposition of patient records as set forth in § 12-43.7-116, C.R.S.

- A. For purposes of this rule and § 12-43.7-116, C.R.S., “certified speech-language pathologist responsible for patient records” means a certified speech-language pathologist who is
 1. required under generally accepted standards of practice to document, without limitation, patient history, care, progress, or status; or
 2. responsible for patient access to, or the security, maintenance, storage, disposal, or disposition of patient records.

- B. A certified speech-language pathologist responsible for patient records shall comply with the requirements of § 12-43.7-116, C.R.S., and with state and federal laws pertaining to patient access to, or the security, maintenance, storage, disposal, or disposition of patient records.
- C. A certified speech-language pathologist responsible for patient records may comply with the requirements of § 12-43.7-116(1), C.R.S., by adopting a written plan used by a hospital, clinic, or other organization with whom the speech-language pathologist is affiliated, provided that the written plan complies with the requirements of this rule.
- D. A certified speech-language pathologist responsible for patient records shall comply with his or her written plan developed under § 12-43.7-116(1), C.R.S., to the extent said plan does not violate state or federal law.
- E. If a practice is composed of multiple certified speech-language pathologists responsible for patient records, the practice may provide the information required by § 12-43.7-116(3), C.R.S., on behalf of all certificate holders in the practice.
- F. In the case of an investigation, pending disciplinary action, or other administrative action undertaken by the Director, a certified speech-language pathologist shall retain patient records until the investigation, disciplinary action, or other administrative action is complete.

Rule 15 – Imposition of Fines

The purpose of this rule is to establish a fine structure and the circumstances under which fines may be imposed by the Director as authorized by § 12-43.7-110(2), C.R.S.

- A. The Director may impose a fine in lieu of or in addition to any other disciplinary sanction.
- B. The Director may impose a separate fine for each violation of Article 43.7 of Title 12, C.R.S., any rule adopted by the Director, or any Order issued by the Director.
- C. The Director may impose fines consistent with the following fining schedule:
 - 1. For a certificate holder's first violation, a fine of no more than one thousand dollars (\$1,000.00).
 - 2. For a certificate holder's second violation, a fine of no more than two thousand five hundred dollars (\$2,500.00).
 - 3. For a certificate holder's third and any additional violations, a fine of no more than five thousand dollars (\$5,000.00).
- D. Unless ordered otherwise, a certificate holder shall pay any total fine amount of five hundred dollars (\$500.00) or less, including any applicable surcharge, at the time the Final Agency Order or Stipulation between the parties becomes effective. A certificate holder shall pay any total fine amount greater than five hundred dollars (\$500.00), including any applicable surcharge, in accordance with the terms of the Final Agency Order or Stipulation. A certificate holder who fails to pay a fine required pursuant to a Final Agency Order or Stipulation is subject to additional disciplinary action as set forth in Section 12-43.7-110(2)(e) and (r), C.R.S., including suspension or revocation of the certificate holder's speech-language pathologist certificate.
- E. Payment of a fine does not exempt the certificate holder from compliance with the statutes and rules governing the practice of speech-language pathology or any orders of the Director.

- F. Except as otherwise required by law, all fines collected under this rule will be transferred and credited to the State's General Fund.

Rule 16 – The Authorized Practice of Speech-Language Pathology by a Person Not Certified in Colorado

The purpose of this rule is to outline the conditions under which a speech-language pathologist not registered in Colorado may practice for a limited period of time under § 12-43.7-108(1)(e), C.R.S.

- A. A legally qualified speech-language pathologist from another state or country may provide speech-language pathology services, without need for certification in Colorado, on behalf of a temporarily absent speech-language pathologist registered in this state. The uncertified practice may not occur more than once annually and may not exceed a total of thirty days' duration.
- B. The temporarily absent Colorado certified speech-language pathologist shall ensure that the visiting, uncertified speech-language pathologist possesses a current and active license, certification, or registration in good standing in another state or country.
- C. The temporarily absent Colorado certified speech-language pathologist shall provide the visiting, uncertified speech-language pathologist with the Colorado Speech-Language Pathology Practice Act, Article 43.7 of Title 12, C.R.S., and the Director's rules and policies governing the regulation of speech-language pathologists in Colorado.

Rule 17 – Declaratory Orders

The purpose of this rule is to establish procedures for the handling of requests for declaratory orders filed pursuant to the Colorado Administrative Procedure Act at § 24-4-105(11), C.R.S.

- A. Any person or entity may petition the Director for a declaratory order to terminate controversies or remove uncertainties as to the applicability of any statutory provision or of any rule or order of the Director.
- B. The Director will determine, at her discretion and without notice to petitioner, whether to rule upon such petition. If the Director determines not rule upon such a petition, the Director will promptly notify the petitioner of her action and state the reasons for such decision.
- C. In determining whether to rule upon a petition filed pursuant to this rule, the Director will consider the following matters, among others:
 - 1. Whether a ruling on the petition will terminate a controversy or remove uncertainties as to the applicability to petitioner of any statutory provisions or rule or order of the Director.
 - 2. Whether the petition involves any subject, question or issue that is the subject of a formal or informal matter or investigation currently pending before the Director or a court involving one or more petitioners.
 - 3. Whether the petition involves any subject, question or issue that is the subject of a formal or informal matter or investigation currently pending before the Director or a court but not involving any petitioner.
 - 4. Whether the petition seeks a ruling on a moot or hypothetical question or will result in an advisory ruling or opinion.
 - 5. Whether the petitioner has some other adequate legal remedy, other than an action for declaratory relief pursuant to C.R.C.P. 57, which will terminate the controversy or remove

any uncertainty as to the applicability to the petitioner of the statute, rule, or order in question.

D. Any petition filed pursuant to this rule must set forth the following:

1. The name and address of the petitioner and whether the petitioner is certified pursuant to Title 12, Article 43.7, C.R.S.
2. The statute, rule, or order to which the petition relates.
3. A concise statement of all of the facts necessary to show the nature of the controversy or uncertainty and the manner in which the statute, rule, or order in question applies or potentially applies to the petitioner.

E. If the Director determines that she will rule on the petition, the following procedures apply:

1. The Director may rule upon the petition based solely upon the facts presented in the petition. In such a case:
 - a. Any ruling of the Director will apply only to the extent of the facts presented in the petition and any amendment to the petition.
 - b. The Director may order the petitioner to file a written brief, memorandum, or statement of position.
 - c. The Director may set the petition, upon due notice to petitioner, for a non-evidentiary hearing.
 - d. The Director may dispose of the petition on the sole basis of the matters set forth in the petition.
 - e. The Director may request the petitioner to submit additional facts in writing. In such event, such additional facts will be considered as an amendment to the petition.
 - f. The Director may take administrative notice of facts pursuant to the Colorado Administrative Procedure Act at § 24-4-105(8), C.R.S., and may utilize her experience, technical competence, and specialized knowledge in the disposition of the petition.
 - g. If the Director rules upon the petition without a hearing, she will promptly notify the petitioner of her decision.
2. The Director may, at her discretion, set the petition for hearing, upon due notice to petitioner, for the purpose of obtaining additional facts or information or to determine the truth of any facts set forth in the petition or to hear oral argument on the petition. The hearing notice to the petitioner must set forth, to the extent known, the factual or other matters that the Director intends to inquire. For the purpose of such a hearing, to the extent necessary, the petitioner has the burden of proving all the facts stated in the petition; all of the facts necessary to show the nature of the controversy or uncertainty; and the manner in which the statute, rule, or order in question applies or potentially applies to the petitioner and any other facts the petitioner desires the Director to consider.

F. The parties to any proceeding pursuant to this rule are the Director and the petitioner. Any other person may seek leave of the Director to intervene in such a proceeding, and leave to intervene

will be granted at the sole discretion of the Director. A petition to intervene must set forth the same matters as are required by Section D of this Rule. Any reference to a "petitioner" in this rule also refers to any person who has been granted leave to intervene by the Director.

- G. Any declaratory order or other order disposing of a petition pursuant to this rule constitutes agency action subject to judicial review pursuant to the Colorado Administrative Procedure Act at § 24-4-106, C.R.S.

Editor's Notes

History

2013	Statement of Basis and Purpose, Rules 1 through 8, and Rules 10 through 17 adopted 3/28/2014; effective 5/15/2013.
2014	Amended Basis, Purpose, Statutory Authority, Rules 7 and 8 adopted 10/9/2014; effective 11/30/2014.
2014	Rule 9 adopted 10/9/2014; effective 11/30/2014.

John W. Suthers

Attorney General

Cynthia H. Coffman

Chief Deputy Attorney General

Daniel D. Domenico

Solicitor General



Ralph L. Carr

Colorado Judicial Center

1300 Broadway, 10th floor

Denver, CO 80203

Phone 720-508-6000

**State of Colorado
Department of Law**

Office of the Attorney General

Tracking number: 2014-00931

**Opinion of the Attorney General rendered in connection with the rules adopted by the
Division of Professions and Occupations - Office of Speech-Language Pathology Certification**

on 10/09/2014

4 CCR 748-1

**RULES REGULATING SPEECH-LANGUAGE PATHOLOGIST CERTIFICATION, PRACTICE, AND
DISCIPLINE**

The above-referenced rules were submitted to this office on 10/09/2014 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

A handwritten signature in black ink, appearing to read "JWS", is written over a light gray rectangular background.

John W. Suthers

Attorney General

by Daniel D. Domenico

Solicitor General

October 22, 2014 15:02:35

Permanent Rules Adopted

Department

Department of Public Health and Environment

Agency

Air Quality Control Commission

CCR number

5 CCR 1001-13

Rule title

5 CCR 1001-13 REGULATION No. 11 MOTOR VEHICLE EMISSIONS INSPECTION
PROGRAM 1 - eff 11/30/2014

Effective date

11/30/2014

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Air Quality Control Commission

REGULATION NUMBER 11

MOTOR VEHICLE EMISSIONS INSPECTION PROGRAM

5 CCR 1001-13

PART A: General Provisions, Area of Applicability, and Schedules for Obtaining Certification of Emissions Control, Definitions, Exemptions, and Clean Screen/Remote Sensing

PART B: Standards and Procedures for the Approval, Operations, Gas Span Adjustment, Calibration and Certification of the Air Pollution Control Division (Division) Approved Test Analyzer Systems for Use in the Basic and Enhanced Program Areas, Test Analyzer Systems for Licensed Dealers in the Enhanced Area, and Clean Screen Test Analyzer Systems

PART C: Inspection Procedures and Requirements for Exhaust Emissions, Fuel Evaporation Control, Visible Smoke Emissions, Emissions Control Systems, On-Board Diagnostics Clean Screening; and Practices to Ensure Proper Emissions Related Adjustments and Repairs

PART D: Qualification and Licensing of Emissions Mechanics, Emissions Inspectors, and Clean Screen Inspectors; Licensing of Emissions Inspection and Readjustment Stations, Inspection-Only Stations, Inspection-Only Facilities, Fleets, Motor Vehicle Dealer Test Facilities and Enhanced Inspection Centers, Clean Screen Inspection Sites; and Registration of Emissions Related Repair Facilities and Technicians

PART E: Prohibited Acts and Penalties to Ensure Proper Inspection Procedures, Adherence to Prescribed Procedures and Effective Emissions Related Repairs

PART F: Maximum Allowable Emissions Limits for Motor Vehicle Exhaust, Evaporative and Visible Emissions for Light-Duty and Heavy-Duty Vehicles

PART G: Reserved

PART H: Statements of Basis, Specific Statutory Authority and Purpose

APPENDIX A: Technical Specifications

APPENDIX B: Standards and Specification for Calibration/Span Gas Suppliers

REFERENCES

Pursuant to Section 24-4-103 (12.5), C.R.S., material incorporated by reference is available during normal working hours, or copies may be obtained at a reasonable cost, from the Technical Secretary of the Air Quality Control Commission c/o the Colorado Department of Public Health and Environment, 4300 Cherry Creek Drive South, Denver, Colorado 80246-1530 or material incorporated by reference within this regulation may be examined at any state publications depository library. References do not include later amendments to or additions of incorporated material.

PART A **General Provisions, Area of Applicability, Schedules for Obtaining Certification of Emissions Control, Definitions, Exemptions, and Clean Screening/Remote Sensing**

I. APPLICABILITY

Subject to the provisions described in Sections I.A and I.B of this Part A and pursuant to the schedule in Section I.C. and V.B. of this Part A, all non-diesel fueled motor vehicles which are registered in the AIR Program area or which motor vehicle is owned or operated by a non-resident who meets the requirements of Section, 42-4-310(1)(c)(I), C.R.S., will be subject to On-Board Diagnostics and/or an exhaust and evaporative emissions, smoke opacity and emissions control, equipment inspection as a prerequisite to initial or renewal of the vehicle registration. Any person owning or operating a business and any post-secondary educational institution located in the program area as defined in Subsection A of this section shall annually inform by written notice all persons employed by such business or attending classes that they are required to comply with the provisions of this regulation. The provisions of this regulation applicable to Larimer and Weld counties shall not be included in the state implementation plan.

I.A. Geographic Areas of Applicability

This regulation shall apply to the AIR Program area as defined in Section 42-4-304(20), C.R.S. as amended by Senate Bill 09-003.

I.B. Vehicles Eligible for AIR Program Inspection Procedures

This regulation shall apply to all motor vehicles as defined in Section 42-4-304(18), C.R.S.

Vehicles that are registered in a program area and are being operated outside such area but within another program area shall comply with the requirements of the area where such vehicles are being operated. Vehicles registered in a program area that is being temporarily operated outside the state at the time of registration or registration renewal may apply to the department of revenue for a temporary exemption from program requirements. Upon return to the program area, such vehicles must be in compliance with all requirements within fifteen days. A temporary exemption shall not be granted if the vehicle will be operated in an emissions testing area in another state unless proof of emissions from that area is submitted.

Pursuant to Section, 42-4-310(1)(c)(I), C.R.S. motorists operating vehicles in the enhanced program area shall comply with the provisions of the enhanced program.

The burden of proof in establishing an exemption from inclusion in all or any part of the AIR Program inspection requirements is on the vehicle owner.

I.C. Schedules for Obtaining Certifications of Emissions Control

I.C.1. REPEALED

I.C.2. Inspection schedules during calendar year 1995 and thereafter, vehicles are to be inspected according to the schedules established in Sections, 42-4-304(3)(b) (II), and, 42-4-310(1)(b)(II), C.R.S. as amended.

I.C.3. No used vehicle which is required to be registered in the program area shall be registered, unless such vehicle has a Certification of Emissions Control, or of Emissions Exemption. The seller of a used vehicle is required to obtain a Certification of Emissions Control for the new owner at the time of sale. This paragraph (3) does not apply to the sale of a motor vehicle that is inoperable or otherwise cannot be tested in accordance with this regulation if the seller of the motor vehicle provides a written notice to the purchaser pursuant to Section 42-4-310(4), C.R.S. If a motor vehicle is being registered for the first time in the program area, the owner shall obtain the certification and submit it with the

application for registration to the Department of Revenue or an authorized agent of the Department of Revenue.

I.C.3.a. On or after October 1, 1989, no used vehicle which is required to be registered in the program area shall be registered, unless such vehicle has a Certification of Emissions Control, or of Emissions Exemption. The seller of a used vehicle is required to obtain a Certification of Emissions Control for the new owner at the time of sale. This paragraph (3) does not apply to the sale of a motor vehicle which is inoperable or otherwise cannot be tested in accordance with this regulation or that is being sold pursuant to Part 18 (Vehicles Abandoned on Public Property) or Part 21 (Vehicles Abandoned on Private Property) of Article 4 of Title 42, C.R.S. if the seller of the motor vehicle provides a written notice to the purchaser pursuant to Section 42-4-310(4), C.R.S. If a motor vehicle is being registered for the first time in the program area, the owner shall obtain the certification and submit it with the application for registration to the Department of Revenue or an authorized agent of the Department of Revenue.

I.C.3.b. An inspection is not required prior to the sale of a motor vehicle with at least twelve months remaining before the vehicle's certification of emissions compliance expires if such certification was issued when the vehicle was new.

I.C.3.c. Effective January 1, 2015, a motor vehicle being registered in the program area for the first time may be registered without an inspection or certification if the vehicle has not yet reached its seventh model year pursuant to Section 42-4-310(1)(a)(II)(C)C.R.S.

I.C.4. Any motor vehicle may be voluntarily inspected and a Certification of Emissions Control obtained which shall be valid as specified in Section I.C.2. of this Part A.

I.C.5. (Reserved)

I.C.5.a. As it pertains specifically to federally owned or leased vehicles; tactical military vehicles are not required to be inspected.

I.C.5.b. Federal installation managers are to declare all federal employee-owned vehicles operated on the installation and demonstrate that these vehicles have complied with periodic inspection requirements pursuant to 40 CFR Section 51.356(A)(4). Inspection results shall be reported to the Department of Revenue AIR Program section and up-dated based on inspection cycles.

I.C.6. (Reserved)

I.C.7. Fleets of twenty or more eligible vehicles shall be periodically inspected, comply with inspection provisions and obtain a Certification of Emissions Control.

I.C.7.a. Fleets may pursue licensing as a fleet inspection station under Part D of this Regulation Number 11 pursuant to Section, 42-4-309, C.R.S. and comply with the provisions of that section.

I.C.7.b. Fleets may elect to comply with periodic inspection requirements under the provisions of Section 42-4-309 (2)(a), C.R.S. to include the inspection schedules of Sections 42-4-304(3)(b)(II) and 42-4-310(1)(b)(II)(a), C.R.S.

I.C.7.c. As it pertains to the fleet vehicles provisions pursuant to Section, 42-4-309, C.R.S. and this Section I.C.7., municipal fleets of twenty vehicles or more may comply with periodic inspection requirements as specified in Section 42-4-309(2)(a), C.R.S. to include inspection schedule of Sections 42-4-304(3)(b)(II) and 42-4-310 (1)(b)(II)(a), C.R.S.

I.C.8. New motor vehicles being registered with a Manufacturer's Statement of Origin (MSO), Manufacturer's Certificate of Origin (MCO) or similar document shall be issued a registration without a Certificate of Emissions Control.

Such new motor vehicles are to be issued a Verification of Emissions Test exemption windshield sticker at the time of sale that shall be valid for a period of seven (7) years. The selling dealer is responsible for obtaining the Verification of Emissions Test.

New vehicles under this section shall also include those new vehicles leased under an MSO or MCO or similar document and seven years without an inspection. Such new leased vehicles are to be issued a Verification of Emissions Test exemption windshield sticker at the time of initiation of the lease that shall be valid for a period of seven (7) years.

After the seventh year, such vehicles shall be issued a registration only with a Certificate of Emissions Control. The inspection schedule for these vehicles shall then revert to a biennial inspection cycle.

A used motor vehicle may be registered in the program area without an inspection if, on the date of vehicle registration, at least twelve months remain before the expiration of the Verification of Emissions Test exemption if such certification was issued when the vehicle was new.

Effective January 1, 2015 vehicles that were originally issued a Verification of Emissions Test exemption windshield sticker at the time of new vehicle sale that was valid for a period of four years shall have that time period extended to seven years. I.C.9.a. Compliance with AIR Program inspection requirements will not be required for wholesale transactions between motor vehicle dealers licensed pursuant to Article 6 of Title 12, C.R.S.

I.C.9.b. Motor vehicle dealers shall have motor vehicles inventoried or consigned for retail sale inspected annually. A further inspection is not required at the time of sale if:

- i. For a 1982 or later motor vehicle, there are at least twelve months remaining before the vehicle's certification of emission compliance expires and the dealer has had the vehicle inspected since acquiring it.
- ii. For a 1981 or earlier motor vehicle, the vehicle has a valid certification of emission compliance and the dealer has had the vehicle inspected since acquiring it. Such a vehicle purchased from a licensed motor vehicle dealer may be registered in the

program area without an inspection if, on the date of vehicle registration, at least nine months remain before the expiration of such certification.

I.C.10. Reserved

I.C.11. Eligible fleets as defined in Section 42-4-309, C.R.S. that declare not to self-inspect shall be inspected according to the same schedules, subject to the same emissions related repair requirements and waiver provisions as non-fleet vehicles.

I.C.12. For the purposes of 42-4-309(6)(B) if a vehicle fails the test or is untestable due to mechanical and/or electrical/electronic problem, the motorist shall have the same recourse as that of not passing an inspection. However, Section 42-4-309(6), C.R.S. and the regulations implementing such provision, shall not be federally enforceable, and shall not be incorporated into the State Implementation Plan.

II. DEFINITIONS

1. "Accreditation" means certification that the instrument and instrument manufacturer meet the operating criteria specifications and requirements of the Colorado Department of Health, Air Quality Control Commissions as specified in Part B of this regulation.
2. "Air Intake Systems" are those systems that allow for the induction of ambient air (to include preheated air) into the engine combustion chamber for the purpose of mixing with a fuel for combustion.
3. "AIR Program Station" is an Automobile Inspection and Readjustment (AIR) Station that qualifies and is licensed to operate as an emissions inspection and readjustment station.
4. "Air System" is a system for providing supplementary air into the vehicle's exhaust system to promote further oxidation of HC and CO gases and to assist catalytic reaction.
5. "BAR 90" refer to the California Bureau of Automotive Repair specifications for Exhaust Gas Test Analyzer Systems (TAS) that became effective in 1990. "BAR 97" refers to the California Bureau of Automotive Repair specifications for Exhaust Gas Test Analyzer Systems (TAS) that became effective in 1997.
6. "Basic Engine Systems" are those parts or assemblies which provide for the efficient conversion of a compressed air/fuel charge into useful power to include but not limited to valve train mechanisms, cylinder head to block integrity, piston-ring-cylinder sealing integrity and post-combustion emissions control device integrity.
7. "Calibration" is the process of establishing or verifying the total response curve of an exhaust gas analyzer. Calibration is a laboratory procedure using several different calibration gases having precisely known concentrations.
8. "Calibration Gases" are gases of precisely known concentration that are usually used in the laboratory as references for establishing or verifying the calibration curve of an exhaust gas analyzer.
9. "Catalytic Converter" is a post-combustion device that oxidizes HC and CO gases and/or reduces oxides of nitrogen.

10. "Certification" means assurance by the authorized source, whether it is a laboratory, the manufacturer, or the State, that a specific product or statement is in fact true and meets all required accreditation requirements.
11. "Certification of Emissions Control" shall have the same meaning as set forth in Section 42-4-304(3)(1), C.R.S.
12. "Chlorofluorocarbon" (CFC) is a class I stratospheric ozone depleting compound as listed in Appendix A, final rule vol.57.mp 147 Federal Register, 40 CFR Part 82.
13. "Clean Screen Inspection Site" is that location within the program area as defined in Section 42-4-304(20)(a), C.R.S., approved by the Division and the Department of Revenue.
14. "Clean Screen Inspector" is a person found qualified by the Division, and licensed by the Executive Director to operate Clean Screen Inspection equipment.
15. "Clean Screen Program" is that program as defined in Section 42-4-304(3.5), C.R.S.
16. "Clean Screened Vehicle" is a vehicle that is eligible for inspection, has at least two consecutive passing remote sensing emissions readings performed at approved Clean Screen Inspection Sites prior to its registration renewal date, or for vehicles identified as low emitters on the low emitting vehicle index, one passing remote sensing reading prior to its registration date, and has otherwise complied with the provisions of Section IV of this Part A, Section XII of Part C and Section VI of Part F.
17. "Clean Screen Data Manager" is that person or entity that contracts with the state to provide clean screen data management functions. This same person or entity may also act as general contractor in conducting and facilitating clean screen inspections.
18. "Colorado 94" refers to those test analyzer systems that are based on BAR 90 but modified as specified by the Division for use in the AIR Program for the period of time after January 1, 1994. "Colorado AIR Program BAR 97 Exhaust Gas Analyzer" or Colorado 97" refers to those test analyzer systems that are based on BAR 97, but modified as specified by the Division for all fleet inspection stations and inspection-only facilities that become licenses after May 1, 2010.
19. "Colorado Automobile Dealer Transient Mode Test Analyzer System" is a dynamometer based inspection system capable of performing an inspection grade (IG 240) emissions inspection procedure under simulated driving conditions. The procedure is intended for determining the compliance status for used vehicles prior to retail sale.
20. "Colorado On-Board Diagnostic (OBD) Test Analyzer System" or "OBD TAS" refers to the analytical and testing instrumentation used to verify automotive emissions and to prompt the emissions inspector through the elements of an official Colorado OBD emissions inspection.
21. "Compliance" means verification that certain submission data and hardware submitted by a manufacturer for accreditation consideration, meet all required accreditation requirements.
22. "Diagnostic Trouble Code (DTC)" is an alpha-numeric code representing a specific fault or problem identified by the OBD system on a vehicle. OBD diagnostic trouble codes are standardized across all vehicle manufacturers and are defined individually in the Society of Automotive Engineers Recommended Practice J2012.
23. "Division" is the Air Pollution Control Division of the Colorado Department of Public Health and Environment.

24. "Electrical, Electronic, or Electro-mechanical Span" is the adjustment of an exhaust gas analyzer using an electronic signal rather than a calibration or span gas as a reference source.
25. "Emissions Control Systems" are those parts, assemblies or systems originally installed by the manufacturer in or on a vehicle for the purpose of reducing emissions.
26. "Estes Park Area" means that part of the program area west of Range 71 West in Larimer County.
27. "Executive Director of the Department of Revenue" or "Executive Director" is the representative of the Department of Revenue or designee responsible for the field enforcement of the AIR Program, licensing of emissions mechanics, clean screen inspectors and inspection stations.
28. "Fuel Control Systems" are mechanical, electro-mechanical, galvanic or electronic parts or assemblies that regulate the air/fuel ratio in an engine for the purpose of providing a combustible charge.
29. "Fuel Filler Neck Restrictor system" is the orifice and obstruction ("Flapper Door") in the gas tank filler neck that prevents the insertion of a "leaded gasoline" nozzle and deters the introduction of "leaded fuel".
30. "Gas Span" is the adjustment of an exhaust gas analyzer to correspond with known concentrations of span gases.
31. "Gas Span Check" is a procedure using known concentrations of span gases to verify the gas span adjustment of an analyzer.
32. "Gross Vehicle Weight (GVW) Rating" is the maximum recommended combined weight of the motor vehicle and its load as prescribed by the manufacturer and expressed on a permanent identification label affixed to the motor vehicle.
33. "Heavy Duty Vehicles (HDV)" are those motor vehicles for model years 1978 and earlier having a GVW rating of greater than 6000 pounds and for model years 1979 and newer, having a GVW rating of greater than 8,500 pounds.
34. "Idle Mode" means a condition where the vehicle engine is warm and running at the rate specified by the manufacturer's curb idle, where the engine is not propelling the vehicle, and where the throttle is in the closed or idle stop position.
35. "Ignition Systems" are those parts or assemblies that are designed to cause and time the ignition of a compressed air/fuel charge.
36. "Inspection Area" is the area that is occupied by the analyzer, sample hose and the vehicle being inspected.
37. "Inspection-only station" is that licensed station within the basic program area as defined in Section 42-4-304(2), C.R.S., which meets the requirements of Section 42-4-308, C.R.S., which facility the operator is licensed to operate by the Executive Director as an inspection-only station.
38. "Instrument" is the complete system that samples and reads out the concentration of pollutant HC and CO gas plus CO₂ gas. The instrument includes the sample handling system, the exhaust gas analyzer and the enclosure cabinet.

39. "Light Duty Vehicles (LDV)" are those motor vehicles (to include trucks) for model years 1978 and earlier having a GVW rating of 6,000 pounds or less and for model years 1979 and newer having a GVW rating of 8,500 pounds or less.
40. "Low Emitting Vehicle Index" refers to a statistical table summarizing the probability of vehicles passing the IM 240 inspection. The statistical table will be updated annually by each July 1st. The low emitting vehicle index must meet the requirements of Part F, VI.B. based on a tabulation of the previous calendar year's IM 240 inspection program results.
41. "Malfunction Indicator Light (MIL)" is a warning light located on the dash of vehicles equipped with On-Board Diagnostic (OBD) systems that notifies the motorist that a malfunction to the vehicle's emissions control system has been detected.
42. "Motor Vehicle Emissions Compliance Inspectors (ECI)" are those persons employed and authorized by the Department of Revenue for licensing and enforcement of the AIR Program.
43. "North Front Range Area" is the portion of the Program Area located in Larimer and Weld Counties as set forth in Section 42-4-304(20) as amended by Senate Bill 09-003. The North Front Range area is a State-Only program and is not part of any State Implementation Plan with the US EPA.
44. "On-Board Diagnostics II (OBD or OBDII) Test" means the electronic retrieval of stored readiness status, diagnostic trouble codes, malfunction indicator light (MIL) illumination status, and other information from a vehicle's OBD system to determine if any emission related trouble codes are present and if the MIL is commanded to be on, which would indicate the existence of an emission related malfunction with the vehicle.
45. "Original Condition" means the condition as installed by the manufacturer but not necessarily to the original level of effectiveness.
46. "Program Area" is that geographic area defined in Section 42-4-304(20), C.R.S. as amended by Senate Bill 09-003.
47. "Registration Renewal Date" is the last day of the month in which the vehicle registration expires as defined in Section 42-3-103, C.R.S.
48. "Span Gases" are gases of known concentration used as references to adjust or verify the adjustment of an exhaust gas analyzer's span settings.
49. "State Emissions Technical Center Personnel" are those persons employed by or authorized by the Department of Health for technical or administrative support of the AIR Program.
50. "Tampering" is the removal or rendering inoperative of any device or element of design installed on or in a motor vehicle engine, drivetrain, fuel system or exhaust system used to control emissions.
51. "Test Analyzer Systems" (TAS) in the context of this regulation is that analytical instrumentation used to measure automotive emissions and prompt the operator through other elements of an emissions inspection.
52. "True Concentration" is the concentration of the gases of interest as measured by a standardized instrument which has been calibrated with 1% precision gases traceable to the National Institute for Standards and Technology.

53. "Zero Gas" is a gas, usually air or nitrogen, which is used as a reference for establishing or verifying the zero point of an exhaust gas analyzer.
- III. EXEMPTION FROM SECTION 42-4-314, C.R.S. FOR DEPARTMENT OF DEFENSE PERSONNEL PARTICIPATING IN THE PRIVATELY OWNED VEHICLE IMPORT CONTROL PROGRAM
- III.A. U.S. Department of Defense (DOD) personnel participating in the DOD POV (privately owned vehicle) Import Control Program operating a 1975 or subsequent model year automobile, are exempt from the prohibition of C.R.S., 42-4-314(2), C.R.S. insofar as it pertains to filler neck restrictors, catalytic converter systems, and, if applicable, exhaust gas oxygen (O₂) sensor(s), if one of the following conditions are met:
- III.A.1. The automobile will be driven to the port and surrendered for exportation under said program within ten (10) working days of disconnection, deactivation, or inoperability of the restrictor, catalytic converter systems, or exhaust gas oxygen (O₂) sensor(s); or
- III.A.2. The reconnection, reactivation, or reoperability of the restrictor, catalytic converter systems, and, if applicable, exhaust gas oxygen (O₂) sensor(s), is made within ten (10) working days from the time the owner picked up the automobile at the port.
- III.B. Persons disconnecting, deactivating, or rendering inoperable any filler neck restrictor, catalytic converter system, exhaust gas oxygen (O₂) sensor(s) on 1975 or subsequent model year automobile of DOD personnel participating in the DOD POV Import Control Program which will be driven to the port and surrendered for exportation under said program within ten (10) working days are exempt from the prohibition of 42-4-314, C.R.S.
- III.C. Unless otherwise exempt under this Section III of Part A, vehicles shall be required to be configured as a vehicle certified by the EPA for sale and use within the United States pursuant to 40 CFR, Part 86, Subpart A.
- IV. CLEAN SCREEN/REMOTE EMISSIONS SENSING
- IV.A. Geographic Area of Applicability
- IV.A.1. (Reserved)
- IV.A.2. The Division shall implement an expanded clean screen program in the enhanced program area.
- IV.A.3. (Reserved)
- IV.B. Vehicles Eligible to participate in the Clean Screen/Remote Emissions Sensing Program
- IV.B.1. The clean screen program established in this Section IV. of Part A shall apply to eligible motor vehicles as defined in 42-4-310(5)(a), C.R.S., for which registration will expire within twelve months, a certificate of emissions control is a prerequisite to renewal and which are registered in a clean screen program county.
- IV.B.2. The counties of Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, Jefferson, Larimer, and Weld are clean screen counties.

IV.C. REPEALED

IV.D. Schedule for collection of emissions inspection fees by county clerks and recorders.

The clerks and recorders for the counties of Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, Jefferson, Larimer and Weld shall collect an emissions inspection fee in the amount specified pursuant to Section 42-3-304(19)(a)(I), C.R.S. at the time of registration of a motor vehicle that the Department of Revenue has determined to have been clean screened, unless a valid certification of emissions compliance has already been issued for the vehicle being registered indicating that the vehicle passed the applicable emissions test at an enhanced inspection center, motor vehicle dealer test facility or fleet inspection station.

V. EXPANSION OF THE ENHANCED EMISSIONS PROGRAM TO THE NORTH FRONT RANGE AREA

V.A. Program Commencement

Beginning November 1, 2010, unless the Division comes back to the Commission and the Commission agrees to a later date, motor vehicles registered in the North Front Range Area, and vehicles operating in the North Front Range Area that meet the requirements of Section 42-4-310(1)(c)(I), C.R.S. shall be subject to an Enhanced emissions inspection as defined in Section 42-4-304(8.5). Notwithstanding the above, the Estes Park Area, located west of Range Seventy-one (71) West, shall be excluded from the Enhanced Emissions Program. Such inspection shall be the same as the inspection required in the Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, and Jefferson county portions of the Program Area. The Vehicle Emissions Inspection program in the North Front Range area is a State-Only program and is not part of any state implementation plan with the US EPA.

V.B. Requirement to Obtain Certification of Emission Control and Emissions Inspection Schedule

- V.B.1. Except as otherwise provided in Title 42, Article 4, Part 3, C.R.S. and this Regulation Number 11, a motor vehicle that is subject to the North Front Range Area Inspection and Maintenance Program pursuant to Subsection V.A. above may not be registered or sold without a valid Certification of Emissions Control. In order to obtain a Certification of Emissions Control the vehicle must either pass the applicable emissions inspection or obtain a waiver from the Department of Revenue under this Regulation Number 11.
- V.B.2. Subject to the phase-in provision in Subsection V.B.3. below, emissions inspections shall be conducted and Certification of Emissions Controls shall remain valid in accordance with the schedules set forth in Section 42-4-304(3), C.R.S., Section 42-4-310(1)(b)(II), C.R.S. and Part A, Section I.C. of this Regulation Number 11.
- V.B.3. In order to better balance the number of inspections from year to year, odd number model year motor vehicles that require biennial inspections under Subsection V.B.2. above, shall be inspected commencing January 1, 2011. This phase-in shall not excuse a vehicle from an inspection in 2010 that is required due to the sale or transfer of the motor vehicle.

PART B Standards and Procedures for the Approval, Operation, Gas Span Adjustment, Calibration and Certification of the Division Approved Test Analyzer Systems for

Use in the Basic and Enhanced Areas and Test Analyzer Systems for Licensed Dealers in the Enhanced Area

I. APPROVAL OF THE COLORADO 94 AND COLORADO 97 TEST ANALYZER SYSTEMS

- I.A. From January 1, 1995 and thereafter no emissions inspection required by the AIR Program in the enhanced program area shall be performed unless the instrument used for measuring exhaust gases from motor vehicles is identified as a Colorado AIR Program Colorado 94 exhaust gas analyzer. For any emissions inspection station licensed after May 1, 2010, a Colorado BAR 97 exhaust gas analyzer must be used. Sources of vendors for the approved analyzers may be obtained from the Program Administrator, Mobile Sources Section, Air Pollution Control Division, Colorado Department of Public Health and Environment, 4300 Cherry Creek Drive South, Denver CO 80246-1530.
- I.B. As an element of accreditation, the Division will accept a Certification statement for the exhaust gas analytical and sampling system portion of the Colorado AIR Program Colorado 94 exhaust gas analyzer or a Colorado BAR 97 exhaust gas analyzer from the California Bureau of Automotive Repair (BAR) or a recognized laboratory. The Division or its designee will determine the manufacturers' compliance with the revisions and additions to the specifications necessary for use of the instrument within the AIR Program. Those testing procedures are to be included with the bid specifications.
- I.C. The following statement is a requirement of the AIR Program for approval of an exhaust gas analyzer and is included to make manufacturers and purchasers of exhaust gas analyzers aware of the warranty requirements of Section 207(b) of the federal Clean Air Act, as amended 1981.

207(b) Warranty Requirements:

Unless an exhaust gas analyzer has been certified by the manufacturer as having met the specifications of 40 CFR Part 85, Subpart W as published in Part IX of the May 22, 1980 Federal Register, an inspection performed using that analyzer may not qualify a 1982 or later model year vehicle for warranty repair coverage according to the provisions of the Emission Control System Performance Warranty (Section 207(b) of the federal Clean Air Act).

II. APPLICATIONS FOR APPROVAL OF COLORADO 94 OR COLORADO BAR 97 TEST ANALYZER SYSTEMS EQUIPMENT MANUFACTURERS

Those manufacturers wishing to participate in the open bid process shall make application with the Air Pollution Control Division, Mobile Sources Section, of the Colorado Department of Public Health and Environment, 4300 Cherry Creek Drive South, Denver, CO 80246-1530 on forms provided thereby. All manufacturers making application shall meet the requirements as specified by the Department of Administration and the Procurement Code, Articles 101-112 of Title 24, C.R.S.

A manufacturer requesting the approval of an instrument for the measurement of exhaust gases for use in the AIR Program station shall make application therefore with the Air Pollution Control Division, 4300 Cherry Creek Drive South, Denver, CO 80246-1530 on forms provided thereby. All manufacturers making application shall meet the technical specifications and administrative requirements specified by the Air Pollution Control Division.

III. PERFORMANCE AND DESIGN SPECIFICATIONS FOR THE COLORADO 94 AND COLORADO BAR 97 EXHAUST GAS ANALYZERS

Pursuant to Section 42-4-306(3)(a), C.R.S the specifications for the exhaust gas analyzer required for inspections conducted July 1, 1987 and thereafter are attached to this regulation as Appendix A. These specifications include but are not limited to the provisions of California BAR 90, data collection, service/maintenance, requirements for replacement or loan instruments and warranty for the period of the agreement. These specifications are described in a separate document entitled "Colorado Department of Public Health and Environment Specifications for Colorado 94 Analyzer - Hardware Specifications" March 17, 1994 as adopted by the Commission. This information is available from the Air Pollution Control Division, Mobile Sources Section, 4300 Cherry Creek Drive South, Denver, CO 80246-1530. Those manufacturers making application should refer to Section II of this Part B.

The Division in its discretion may accept substitute specifications for Test Analyzer Systems provisions that such substitute specifications are equivalent to those contained in Appendix A.

IV. SPAN GASES FOR USE WITH COLORADO 94 AND COLORADO BAR 97 TEST ANALYZER SYSTEMS

IV.A. General

The instrument manufacturer and his designated marketing vendors shall, supply span gases approved by the Division to any ultimate purchaser of his unit. The instrument manufacturer shall also provide the analyzer purchaser with a comprehensive, up-to-date list (with addresses and phone numbers) of gas blenders approved by the Division. Each new or used instrument sold by the instrument manufacturer or marketing vendor shall have full span gas containers installed and operational at time of delivery.

IV.B. Span Gas Blends

The span gas concentrations supplied to the AIR Program stations shall conform to the specifications contained in Section VI. of this Part B.

Only gas blends supplied by Division approved blenders selected pursuant to Section 42-4-306(3)(a) and labeled in conformance with samples in Attachment VI of Appendix A, shall be offered for sale in Colorado. Suppliers of span and calibration gases to the Colorado AIR Program must be approved by the Division's Colorado AIR Program Standards Lab (CAPSL), located at 11609 Teller Street, Broomfield, CO 80020.

Pursuant to Section 42-4-306(3)(a), the Division shall select blenders authorized to provide span gases that comply with the standards and specifications set out in Appendix B. The requirement to use gases procured pursuant to the standards and specification in Appendix B shall not be federally enforceable, and shall not be part of the State Implementation Plan.

IV.C. Optical Correction Factor [also referred to as "C" factor, propane to hexane conversion factor" (P.E.F.)].

Each instrument shall be permanently labeled with its correction factor visible from the outside of its cabinet. The correction factor shall be carried to at least two decimal places e.g., (0.52). Factor confirmation shall be made on each assembled analyzer by measuring both N-hexane and propane on assembly line quality checks. P.E.F. limitations are described in the specifications document attached to this regulation as Appendix A.

IV.D. Running Changes and Equipment Updates

The Commission must approve any changes to design or performance characteristics of component specifications that may affect instrument performance. It will be the instrument

manufacturer's responsibility to confirm that such changes have no detrimental effect on analyzer performance. All Colorado 94 exhaust gas analyzers will be updated as needed and as specified in the specifications document.

V. DOCUMENTATION, LOGISTICS, AND WARRANTY REQUIREMENTS

V.A. Instruction Manual

The instruction manual accompanying each analyzer shall contain at least the following:

- V.A. 1. Complete technical description.
- V.A.2. If available, functional schematics (mechanical and electrical).
- V.A.3. Accessories and options (included and/or available).
- V.A.4. Model number, identification markings and location.
- V.A.5. Operating maintenance to include periodic recommendations, i.e., daily, weekly, monthly, and procedure for maintaining sample system integrity (leaks, hang-up, calibration, filters, etc.).
- V.A.6. Required service schedule identifying the items needing maintenance and the procedures to be followed by the purchaser. The services to be performed only by the manufacturer shall be clearly identified.
- V.A.7. Warranty provisions to include listing of warranty repair stations by name, address, and phone number.
- V.A.8. The name, address, and phone number of the permanent Colorado representative offering training, service, warranties, etc.
- V.A.9. Information and terms of manufacturers service contract clearly stating the coverage including but not limited to each party's obligation, period of coverage, cost, service response times, availability of loaner units. Manufacturer or designee performed service/maintenance provisions and costs shall be so stated for the duration of the program and annually up-dateable costs.

VI. CALIBRATION OF COLORADO 94 AND COLORADO BAR 97 TEST ANALYZER SYSTEMS

The Division shall use and require for use in the calibration and spanning of exhaust gas analyzers span gases and containers supplied by authorized blenders meeting the following parameters, blends, and specifications:

VI.A. Standardizing Instruments

The calibration gases for standardizing instruments shall conform to the provisions outlined in 40 CFR, Section 86.114 (July 1, 1992) (EPA) for automotive exhaust emissions testing. Those gases shall be of "precision" quality, certified to be within $\pm 1\%$ of the labeled concentration, and traceable to the National Institute for Standards and Technology (NIST).

VI.B. AIR Program Station Instruments

The span gases supplied to AIR Program stations shall conform to the following:

VI.B.1. Tri-blends of HC, CO, CO₂ in a carrier gas of nitrogen (N₂). The hydrocarbon (HC) gas will be propane.

VI.B.2. The concentrations) of the span gas blends (two) shall be within limits established by the Division to provide for uniform exhaust gas analyzer spanning. The Division may establish such limits to ensure gasses are measurable based upon the ranges or scales of the equipment.

VI.B.3. The accuracy of the AIR Program station span gas blend shall be certified by the blender to be $\pm 2\%$ of labeled concentration and traceable to the NIST.

VI.C. AIR Program stations will calibrate the exhaust gas instrument once every 72 hours as determined by the instrument or as needed in order to maintain accuracy.

VI.D. All AIR Program exhaust gas analyzers will be calibrated only with span gases bearing a Colorado approval label.

VI.E. Additional specifications related to calibration requirements are described in the specifications document attached to this document as Appendix A.

VII. APPROVAL OF THE COLORADO AUTOMOBILE DEALERS TRANSIENT MODE TEST ANALYZER SYSTEM

Any applicable emissions inspection required by the AIR Program performed by a licensed Motor Vehicle Dealers Test Facility pursuant to Section 42-4-304 (19), C.R.S., in the enhanced program area, shall be performed utilizing a Colorado Automobile Dealer Transient Mode (IG 240) test analyzer system approved by the state open bid process. Sources of vendors for the approved test system may be obtained from the Program Administrator, Mobile Sources Section, Air Pollution Control Division, Colorado Department of Public Health and Environment, 4300 Cherry Creek Drive South, Denver Colorado 80246-1530.

This Section VII, and the associated design and performance specifications set out in Appendix A, Attachment III, shall not be federally enforceable and shall not be part of the State Implementation Plan.

VIII. APPLICATIONS FOR APPROVAL OF THE COLORADO AUTOMOBILE DEALERS TRANSIENT MODE TEST ANALYZER SYSTEM

Those manufacturers wishing to participate in the open bid process shall make application with the Air Pollution Control Division, Mobile Sources Section, of the Colorado Department of Public Health and Environment, 4300 Cherry Creek Drive South, Denver Colorado 80246-1530 on forms provided thereby. All manufactures making application shall meet the requirements as specified by the Department of Administration and Procurement Code, Articles 101-112 of Title 24, C.R.S.

The design and performance specifications for the Colorado Automobile Dealers Transient Mode Test Analyzer System Technical and Hardware Specification Document of January 27, 1997 attached as Appendix A, Attachment III. Pursuant to 42-4-306(3)(a)(I)(C), the Division shall let bids for the procurement of instruments that comply with such specifications. In addition to the specifications set out in Appendix A, attachment III, qualifying bids shall:

Include a bid for the procurement of any working/support and span gases necessary for the operation of such Colorado Automobile Dealers Transient Mode Test Analyzer System, unless all such gases are already subject to a contract issued pursuant to 42-4-306(3)(a)(I)(C). Any bid for the procurement of such gases shall comply with the relevant requirements of Part B, IV of the Regulation Number 11 and relevant requirements of Standards and Specifications for Calibration and Span Gas Suppliers, attached as

Appendix B, including the "Gas Requirements for the Basic and Enhanced Inspection Test Programs, 1997" as set out in Section 5 of Appendix B.

Include a comprehensive and up-to-date list of working/support and span gas suppliers subject to a contract issued pursuant to 42-4-306(3)(a)(I)(C). A copy of such list shall be provided to each purchaser.

Provide for the Division-approved calibration gases for calibration of the Colorado Automobile Dealers Transient Mode Test Analyzer System.

A service and maintenance plan, including a description of services, service response times, periodic maintenance schedules and annual service agreement costs inclusive of all services necessary to comply with the Colorado Automobile Dealers Transient Mode Test Analyzer System Technical and Hardware Specification Document of January 27, 1997. Service agreement costs are to be listed annually and shall be for the remaining period of the AIR Program.

IX. APPROVAL OF THE COLORADO ON-BOARD DIAGNOSTIC (OBD) TEST ANALYZER SYSTEM

Any applicable on-board diagnostic emissions inspection required by the Air Program performed shall be performed utilizing an on-board diagnostic (OBD) test analyzer system approved by the state. Sources of vendors for the approved Colorado On-Board Diagnostic Test Analyzer System may be obtained from the Program Administrator, Mobile Sources Section, Air Pollution Control Division, Colorado Department of Public Health and Environment, 4300 Cherry Creek Drive South, Denver, Colorado 80246-1530.

X. THE COLORADO ON-BOARD DIAGNOSTIC (OBD) TEST ANALYZER SYSTEM

The design and performance specifications for the Colorado On-Board Diagnostic Test Analyzer System are outlined in the Society of Automotive Engineers J1979 Standard.

In addition to the specifications set out in J1979 Standard, additions and/or modifications to the operational, data collection, data recording and quality assurance auditing functions shall be outlined in a Colorado On-Board Diagnostic (OBD) Test Analyzer System Requirements Specification, to be submitted by the Division for Air Quality Control Commission approval no later than December 31, 2013.

XI. REQUESTS FOR APPROVAL OF CLEAN SCREEN TEST ANALYZER SYSTEMS

XI.A. REPEALED

XI.B. Calibration gas blends intended for Clean Screen Test Analyzer Systems shall be verified and approved subject to the requirements of Standards and Specifications for Calibration and Span Gas Suppliers including Gas Requirements for the Basic and Enhanced Inspection Test Programs, 1997, (Appendix B).

Concentrations of calibration gases noted above are to be determined pending system configuration, operating ranges and expected emissions readings.

State audit blends for Clean Screen Test Analyzer Systems shall be of varying concentrations of and shall conform to the above gas blending standards.

PART C Inspection Procedures and Requirements for Exhaust Emissions, Fuel Evaporation Control, Visible Smoke Emissions, Emissions Control Systems, On-Board Diagnostics (OBD); and Practices to Ensure Proper Emissions Related Adjustments and Repairs

I. PRE-INSPECTION REQUIREMENTS

- I.A. A licensed emissions mechanic, licensed emissions inspector or authorized emissions inspector must perform all aspects of the inspection. It is the responsibility of emissions mechanics and emissions inspectors to notify the Department of Revenue of their current place of employment and any subsequent transfer, and place of residence. The Contractor shall be responsible for its personnel and notifying the Department of all personnel assignments and adjustments in those assignments.

The emissions mechanic not employed by an "Inspection-Only Station" shall notify the customer prior to initiating an emissions inspection if he/she is unable to perform the required adjustments and/or repairs for that particular vehicle should that vehicle fail the inspection. Otherwise the emissions mechanic shall not conduct an inspection on a motor vehicle unless that emissions mechanic so notifies the customer or is able to perform the adjustment and/or repair procedures for that particular vehicle as prescribed by the manufacturer and specified by Section IV. of this Part C.

- I.B. Inspections may only be performed on the premises of the licensed address as prescribed in Part D Section I. A. 2. The entire inspection shall take place within the reach of the analyzer hose.

- I.C. In consideration of maintaining inspection integrity:

I.C.1. The temperature of the inspection area when utilizing one or more test analyzer systems as specified in Part B of this regulation shall be between 41°F and 110°F (5°C and 43°C) during the inspection. Inspection area temperatures must be accurately recorded, and monitored in a well-ventilated location away from vehicle engine and exhaust heat sources and out of direct sunlight. The inspection area includes the vehicle being inspected.

I.C.2. The test analyzer system and other inspection equipment shall be kept in an area within the facility that affords adequate protection from the weather.

I.C.3. A permanent location that meets all applicable requirements of this rule to provide for the inspection of vehicles is required. Electrical supply must be public utility designated for that area and meeting the analyzer manufacturer's requirements for to the test analyzer system is to be dedicated to this purpose. Full-time connectivity to a dedicated data transmission media meeting the analyzer manufacturer's requirements for the test analyzer system.

- I.D. Upon a physical verification of the vehicle identification number (VIN) and license plate number, the emissions mechanic or emissions inspector will enter this information into the program database in order to match this information with the state registration record. In the case of a match, the emissions mechanic or emissions inspector shall proceed. If no match is found, a new inspection record will be created. All non-Colorado registered vehicles and first time registrations with the State of Colorado will require the creation of a new inspection record by the emissions mechanic or emissions inspector.

- I.E. The emissions mechanic or emissions inspector shall ascertain from the inspection record data base if an initial inspection or an after-repairs inspection is to be conducted. If an after-repairs inspection is to be conducted, previous inspection data is required for comparison. Specific emissions related repair information as specified in Section VII (B) of this Part C shall be entered to the database. Inspections conducted within 60 days of the initial inspection date are to be considered an after-repairs inspection. Inspections

conducted greater than 60 days from the initial inspection date are to be considered initial inspections. The emissions mechanic or emissions inspector shall accurately enter vehicle, and last inspection information as required for vehicle emissions inspection records.

- I.F. The emissions mechanic or emissions inspector shall perform a cursory safety assessment of the motor vehicle prior to inspection. If in the opinion of the emissions mechanic or emissions inspector the vehicle is unsafe to inspect due to engine/drive-line metallic noises, or leaking fluids, the request for inspection may be refused.

II. EXHAUST EMISSIONS INSPECTION PROCEDURES

- II.A. All heavy-duty vehicles and all 1981 and older model year vehicles to be inspected at licensed inspection-only facilities or licensed enhanced inspection centers in the enhanced program area shall be administered an EPA approved idle short test as specified in 40 CFR, Part 51, Subpart S, Appendix B.

II.A.1. The emissions mechanic or emissions inspector will use a certified TAS to select the appropriate idle short test cycle based upon the make, model year engine family and vehicle classification. These idle short tests include, but may not be limited to, a standard single speed idle test; the pre-idle 30-second pre-conditioning idle test with the high speed (2500 ± 300 RPM) pre-conditioning cycle before the idle mode; a standard two speed (3 - mode) idle test with the raised idle segment at 2500 ± 300 RPM; second chance raised idle pre-conditioning for 30 seconds just prior to the idle mode after an initial failure, and second chance restart in which the ignition is turned off for ten (10) seconds and then restarted to complete the emissions inspection procedure. All sampling modes shall (each) be thirty seconds in duration and raised engine speed modes be it for pre-conditioning or sampling, shall be $2500 \text{ RPM} \pm 300 \text{ RPM}$. As a pass/fail determination, the vehicle's emissions levels must be the same as or less than applicable limits at the designated engine speed(s) in order to pass.

II.A.2. The entire vehicle shall be in normal operating condition and at normal operating temperature, which shall be determined by carefully feeling the top radiator hose while the engine is not operating, by checking the temperature gauge, and/or operating the vehicle prior to performing the idle emissions inspection. Vehicles are not to be idled for extended periods of time but rather inspected in an expeditious manner as soon as normal operating temperature is achieved. The vehicle shall be inspected in an as-received condition.

II.A.3. The inspection shall be performed with the transmission in park or neutral and with all accessories off.

II.A.4. The analyzer probe shall be inserted at least twelve (12) inches or as recommended by the analyzer manufacturer for a quality sample whichever is greater.

II.A.5. For all vehicles equipped with a multiple exhaust system, the analyzer's dual exhaust procedure must be used.

II.A.6. If a baffle or screen prevents probe insertion to an adequate depth, a suitable probe adapter or snug fitting hose that effectively lengthens the exhaust pipe may be used.

- II.A.7. The appropriate emissions limits specified in Part F of this regulation would be utilized by the certified test analyzer system. In selecting appropriate emissions limits, for motor vehicles of model years 1978 and earlier having a gross vehicle weight (GVW) rating of greater than 6000 lbs., or of model years 1979 and newer having a gross vehicle weight rating of greater than 8500 lbs., the emissions mechanic or emissions inspector shall identify that particular vehicle's GVW rating by examining the vehicle information (metal) plate or sticker. These motor vehicles will be subject to the applicable emissions limits as listed in Part F of this regulation. If the vehicle information plate or sticker is missing, illegible or the GVW rating information is not otherwise available, the emissions mechanic or emissions inspector shall examine the engine exhaust emissions control information label which is permanently affixed to the engine and determine heavy-duty engine/vehicle federal certification status. Vehicle engines not labeled as having complied with applicable U.S. EPA heavy-duty regulations by the manufacturer are assumed to be light-duty vehicles and subject to the emissions limits listed in Part F of this regulation. Emissions limits for vehicles in which the engine has been changed shall be based upon whichever is newest, the vehicle or the replacement engine, as specified on a vehicle evaluation form (DR2365) or bar coded label generated by emissions technical center staff or designee.
- II.A.8. In the event the tachometer over-ride mode must be utilized to inspect a vehicle, an accurate auxiliary tachometer must be used to verify engine speeds mandated in Part C, Section II.A.1.
- II.A.9. The vehicle will be evaluated for the presence of visible smoke emissions. The evaluation is to be performed during all (engine) operating conditions of the inspection procedures prescribed in Part C, Sections II.A.1 through II.A.11.
- II.A.10. A Certification of Emissions Compliance shall be issued if the vehicle passes the emissions control systems inspection (for 1975 and newer model year vehicles only), the exhaust and evaporative emissions inspection, and there is no evidence of visible smoke emissions.
- II.A.11. If the vehicle fails the initial emissions inspection the owner is to have appropriate emissions related repairs or adjustments made and may return the vehicle to an AIR Program station, facility or center, as appropriate, for reinspection. Within ten (10) calendar days of the initial test, one free reinspection shall be provided to the motorist if the vehicle is returned to the same station or facility at which the initial test was performed. A motorist shall be entitled to one free after-repairs test at any contractor operated center within ten (10) calendar days of the initial test performed at a contractor operated center. If during repairs, it is determined the necessary parts are not available, the motorist may be issued a temporary Certificate of Emissions Control by Department of Revenue personnel. Proof of part(s) non-availability as described in Part C, Section III.D. of this part is required. Motorists pursuing a temporary Certificate of Emissions Control must facilitate final vehicle inspection and compliance with adopted regulation.
- II.B. All model year 1982 and newer light-duty vehicles, except vehicles required to be OBD tested pursuant to Part C, Section II.C. to be inspected at licensed enhanced inspection centers within the enhanced program area shall be administered an EPA approved transient loaded mode inspection procedure as specified in 40 CFR, Part 51 Subpart S Federal Register as amended to incorporate OBD testing August 6, 1996.
- II.B.1. Vehicles shall be inspected in an as-received condition.

- II.B.2. The inspection shall be performed with all accessories off.
- II.B.3. The appropriate emissions limits as specified in Part F of this regulation shall be selected by the TAS based upon the model year and vehicle classification.
- II.B.4. Light-duty vehicles of model year 1995 and older found to be safe but unable to be dynamometer tested shall be administered an idle short test as specified in 40 CFR, Part 51, Subpart S, Appendix B. OBD equipped light-duty vehicles that are unable to be tested on the dynamometer shall be tested using the OBD test procedures in Part C, Section II.C. to include meeting passing criteria in Part F, Section VII. Eligibility for an alternative test procedure shall be determined by the Division. The current eligibility list for an alternative test to the I/M 240 is maintained in the Air Pollution Control Division's Emissions Technical Center Procedures Manual.
- II.B.5. Heavy-duty vehicles to be inspected at licensed enhanced inspection centers within the enhanced program area shall be administered an appropriate EPA approved idle short test as specified in Section II (A) of this Part C.
- II.B.6. The inspector may refuse to conduct the transient driving cycle dynamometer inspection procedure if the tires on the drive wheels are worn such that the cords are visible or sidewalls are peeling or blistered.
- II.C. Effective January 1, 2015, light-duty vehicles, to include light-duty trucks in their eighth through eleventh model year, and all light-duty vehicles, to include light-duty trucks of model year 1996 and newer that are unable to be tested on an IM 240 test, are to be inspected at licensed enhanced inspection centers and shall be administered an EPA approved on-board diagnostic test as specified in 40 CFR, 85.2222. Effective July 1, 2015, 1996 and newer light-duty vehicles, to include light duty trucks, that are owned by a fleet that operates a Fleet Inspection Station shall be administered an EPA approved on-board diagnostic test as specified in 40 CFR. 85.2222.
 - II.C.1. Vehicles shall be inspected in an as-received condition.
 - II.C.2. The on-board diagnostic inspection shall be conducted with the key-on/engine running.
 - II.C.3. The on-board diagnostic test analyzer system shall determine what monitors are supported by the diagnostic system and the readiness status for applicable monitors.
 - II.C.3.a. If the readiness evaluation indicates that a vehicle has more than one unset (not ready) readiness monitor, and the malfunction indicator light (MIL) is commanded off, the vehicle shall be subjected to an IM 240 emissions inspection immediately.
 - II.C.3.b. If the vehicle's on-board diagnostics are unable to communicate electronically with the Colorado OBD Test Analyzer System, the vehicle will be subjected to an IM 240 emissions inspection immediately.
 - II.C.3.c. The readiness requirement, outlined in this Part C, Section II.C.3.a. may be waived to accommodate for specific vehicles with known readiness design problems, in accordance with applicable technical service

bulletins, EPA guidance, or division technical findings, as approved by the Division.

- II.C.4. The OBD test analyzer system shall evaluate the malfunction indicator light status and record status information in the vehicle test record.
- II.C.5. All diagnostic trouble codes resulting in malfunction indicator light commanded-on status shall be recorded in the vehicle test record.
- II.C.6. If the vehicle meets the passing criteria for the OBD inspection as listed in Part F, Section VII. Of this regulation, the vehicle passes the on-board diagnostic inspection.
- II.C.7. Vehicles in an OBD "not ready" status, or vehicles unable to communicate with the OBD Test Analyzer System that default to an IM 240 test as described in Part C, Section II.B. shall be subject to pass/fail for the applicable IM 240 pass/fail standards in Part F, Section III. of this regulation.
- II.C.8. If the malfunction indicator light is not commanded on and the vehicle passed the mil visual inspection, as outlined in this Part C, Section III.B., the vehicle shall pass the on-board diagnostic portion of the emissions inspection even if diagnostic trouble codes are present.
- II.C.9. The division may require no more than five percent, at random, of all OBD tested vehicles to undergo an IM 240 test at the time of the OBD testing. The failure of the vehicle to pass IM 240 shall be reported to the motorist, but shall not be used to fail the vehicle.

III. EMISSIONS CONTROL SYSTEMS INSPECTION PROCEDURES

Motor vehicles shall be configured as required for sale or use within the United States pursuant to 40 CFR, Part 86, Subpart A; unless specific documentation in the form of a state issued vehicle evaluation form (DR2365) or an EPA (EPA form 3520) or DOT exemption is submitted. To ensure compliance with this requirement, for all inspections performed through December 31, 2014, the emissions mechanic or emissions inspector shall inspect all model year 1975 through 1995 and newer model year vehicles and assess the integrity of the emissions control system in accordance with the procedures set forth in this Section III. Effective January 1, 2015, the emissions mechanic or emissions inspector shall inspect all model year 1975 through 1995 model year vehicles and assess the integrity of the emissions control system in accordance with the procedures set forth in this Section III.

- III.A. All model year 1975 through 1995 model year vehicles shall be visually inspected for the presence and operability of the air system, catalytic converter system(s) and oxygen (O₂) systems. If these parts or systems are not operating as designed, inoperable or have been removed or otherwise tampered with, the vehicle will not qualify for a Certification of Emissions Control. In assessing whether the proper emissions control systems are present, the emissions mechanic or emissions inspector shall examine the emissions control information decal within the engine compartment to determine the appropriate emissions control systems for that particular vehicle. If an emissions control information decal is missing, incomplete, illegible or is not appropriate for the specific vehicle, the emissions mechanic or inspector may contact a state emissions technical center for guidance, use other reference materials or refer the vehicle to a state emissions technical center for further evaluation.

For the period December 1, 2012 through December 31, 2014, in place of the visual inspection, the emissions control systems, model year 1996 and newer vehicles may be inspected using the vehicle's on-board diagnostic (OBD) systems. To utilize this alternative inspection procedure, the emissions inspector must interrogate the vehicle's OBD system using Division approved procedures and equipment. If the emissions inspector is unable to interrogate the OBD system, or if the interrogation reveals either that the malfunction indicator light (MIL) is commanded on or that any OBD monitors are not set, the vehicle shall be visually inspected in accordance with the procedures set forth in Subsection III.A.

III.B. An assessment of the emissions control system malfunction/service-maintenance indicator(s) performance shall be conducted by the emissions mechanic or emissions inspector on those vehicles so equipped.

For those vehicles equipped with "check engine" dash indicator lights or similar emissions control systems malfunction or service-maintenance indicator(s), the following procedure if applicable will be performed to assess the integrity of the system:

- Ignition Off, Engine Off = indicator(s) off
- Ignition On, Engine Off = indicator(s) on or displayed
- Ignition On, Engine Running = indicator(s) off

The failure of the system to respond as described above shall be reported to the motorist, but shall not be used to fail the vehicle.

III.C. The repair/replacement of catalytic converters must incorporate the same type, style and location on the exhaust system relative to engine as originally designed by the vehicle manufacturer. If a new original equipment manufacturer (OEM) part is not used, only an EPA "accepted" after-market component appropriate to that application may be used. Verification of the correct application and certification status must be performed at the time of reinspection. The submittal and review of repair receipts as specified in Subsection VII.B of this section is required in order to substantiate proper repairs of applicable emissions control system.

III.D. If the necessary part(s) will not be available prior to the month of expiration of the present vehicle registration, and the owner obtains a signed form or statement to that effect from a manufacturer's dealer for that make vehicle, or from an automotive parts supplier which in the normal course of business supplies part(s) for that vehicle, Department of Revenue personnel after verification may issue a temporary Certification of Emissions Control. The form or statement provided must specifically identify by part numbers and description, the necessary part(s). The owner then has until the expiration of the temporary certification to complete the necessary repairs or replacement.

IV. ON-BOARD DIAGNOSTIC INSPECTION PROCEDURES

Effective January 1, 2015, light-duty vehicles to include light-duty trucks of model year 1996 through those vehicles that have reached their eleventh model year old equipped with California on-board diagnostic (OBDII) or EPA on-board diagnostic systems (EPA, OBD) shall be evaluated to determine operability and integrity of the applicable system(s). The OBD system will be connected to the TAS and interrogated. Fault codes and diagnostics shall be reported to the motorist with other emissions inspection information but with the exception of dynamometer incompatible vehicles as noted in Part C, Section II.B.4. shall not be used to fail the vehicle.

V. EVAPORATIVE FUEL CONTROL INSPECTION PROCEDURES

Model year 1975 and newer vehicles shall be inspected for the presence and integrity of the gasoline cap(s). The gasoline cap(s) of such vehicles inspected in the nine county Front Range enhanced program area as defined in Section 42-4-304(9)(a)., shall also be inspected for sealing integrity as specified in Part F, Section IV of this regulation.

Vehicles with a missing gasoline cap(s) shall not qualify for issuance of a Certificate of Emissions Control. Motorists whose vehicles have gasoline cap(s) demonstrating excessive leakage shall be notified of the deficiency, repair/replacement and a full retest shall be mandatory.

VI. FREE REINSPECTION

Vehicles which fail any or all elements of an emissions inspection are eligible for one free reinspection within ten (10) calendar days if presented to the same station or facility as initially inspected and failed. In the case of the contractor operated enhanced inspection center network, the ten (10) day free reinspection shall be honored at any enhanced inspection center.

VII. REPAIR INFORMATION

Any after-repairs reinspection of a vehicle initially failed calls for the submittal of a completed official AIR Program emissions repair form.

VIII. CERTIFICATION OF EMISSIONS CONTROL

In order to obtain a Certificate of Emissions Control, the vehicle must meet the following conditions:

VIII.A. Certification of Emissions Compliance may be issued if:

VIII.A.1. The vehicle emissions levels are the same as or less than the applicable emissions limits; or

VIII.A.2. For vehicles in model years seven through ten subject to an on-board diagnostic inspection, the OBD system meets the passing criteria established in Part F, Section VII. of this regulation, and

VIII.A.3. There are no smoke emissions visible from the vehicle engine crankcase and/or tailpipe, and

VIII.A.4. For 1975 through 1995 model years, the vehicle passes the emissions control systems inspection, and

VIII.A.5. Under enhanced inspection requirements, the vehicle owner/operator of a 1995 or newer model year vehicle shall demonstrate compliance with any federal emissions recall-pursuant to 40 CFR Part 85.1902 (d) or remedial repair plan pursuant to Section 207 (C) of the federal Clean Air Act for which owner notification occurs after 01 January 1995.

VIII.B. A Certification of Emissions Waiver may be issued if:

VIII.B.1. The vehicle passes the emissions control systems inspection (1975 and newer model year vehicles only) required by Part C, Section III. A, B and C. and there are no smoke emissions visible from the vehicle's exhaust, and the vehicle is not

tampered, as determined by the Division's Emissions Technical Center staff or their direct designee.

VIII.B.2.Enhanced Program

For model year 1968 and newer, at least seven hundred fifteen dollars (\$715) or as adjusted annually by the Consumers Price Index for Urban Consumers (CPIU) of the previous year as compared to 2003 has been spent on emissions related adjustments and repairs as specified in Part C, Section IX, provided that proof of repair costs for that specific vehicle has been provided to Department of Revenue personnel or their designee in the form of an itemized receipt for parts purchased if repaired by the owner, or , invoice, work order, manifest, or statement in which emissions related parts and/or repairs are specifically identified as specified in 42-9-108 C.R.S.

For model year 1967 and earlier at least seventy-five dollars (\$75) has been spent on emissions related adjustments and repairs as specified in Part C, Section IX provided that proof of repair costs for that specific vehicle has been provided to and verified by the emissions inspector in the form of an itemized receipt for parts purchased if repaired by the owner, or invoice, work order, manifest, or statement in which emissions related parts and/or repairs, are specifically identified as specified in 42-9-108 C.R.S .

The motorist is to be referred to the Department of Revenue or its designee pursuant to Sections IX. C.. of this Part C.

.

VIII.C. If in the opinion of the Division's Emissions Technical Center personnel or its designee that no additional emissions related repairs would be effective or needed, yet the vehicle's Malfunction Indicator Light remains illuminated, and the repair expenditure limits have not been met, the vehicle will be given the alternate IM240 inspection in lieu of the OBD inspection. If the vehicle is unable to be inspected using the IM240 inspection procedure or continues to exceed one or more emissions limits, a waiver which shall not exceed one inspection cycle in duration shall be issued upon physical verification of systems operation and vehicle performance by emissions technical center personnel.

VIII.D. For vehicles registered and operated in the enhanced area, upon verification by a Department of Revenue Motor Vehicle Emissions Compliance Inspector, a waiver not to exceed one inspection cycle may be granted to obtain necessary emissions related repairs on a vehicle in the case of economic hardship when the Certificate of Emissions Waiver requirements of this section have not been met. It must be verified that the vehicle owner in question is participating in an established and recognized public assistance program. The provisions of this Paragraph D shall only apply to a vehicle once. To obtain a hardship waiver, the registered owner of the vehicle in question shall satisfy the following requirements:

VIII.D.1. The vehicle must fail for carbon monoxide, hydrocarbons, and/or oxides of nitrogen or OBD.

VIII.D. 2. The hardship waiver will not be approved for vehicles that are tampered, missing equipment, fail the evaporative inspection, or fail for visible smoke.

VIII.D. 3. The vehicle owner must be participating in an established and recognized public assistance program.

VIII.D. 4. The vehicle must be the sole means of transportation for the vehicle owner, and the owner must not have more than two vehicles registered in his/her name.

VIII.D. 5. Such extension may be granted only once per vehicle.

VIII.E. A Certificate of Emissions Waiver will not be issued to a vehicle that is eligible for the Emissions Control Systems Performance Warranty, 207(b) of the federal Clean Air Act. Per the provisions of the 207(b) Performance Warranty, the repair costs necessary for compliance with AIR Program emissions limits specified in Part F of this regulation will be borne by the vehicle manufacturer or his authorized dealer representative.

IX. (Reserved)X. EMISSIONS RELATED REPAIRS

X.A. Emissions related repairs include only those adjustments to and maintenance and repair of the motor vehicle that are directly related to the reduction of exhaust emissions and/or undertaking repairs that extinguish the OBD Malfunction Indicator Light (MIL) necessary to comply with the applicable emissions limits and procedures. The expenditure for emissions related repairs does not include the inspection fee as specified in Section 42-4-311, C.R.S. or expenses associated with the adjustments to and maintenance, replacement, and repair of air pollution control equipment on the vehicle if the need for such adjustment, maintenance, or repair pursuant to Part C, Section III is due to disconnection of, tampering with, or abuse to such air pollution control equipment. Air pollution control equipment is any part, assembly or system originally installed by the manufacturer for the sole or primary purpose of reducing emissions.

X.B. Repairs and maintenance to the following systems shall qualify as emissions related repairs insofar as the purpose is to reduce exhaust emissions or extinguish the OBD MIL:

- Air Intake Systems
- Ignition Systems
- Fuel Control Systems
- Emissions Control Systems
- Basic Engine Systems
- Microprocessor (O₂) based air/fuel control systems.

X.C. If the vehicle continues to exceed applicable emissions limit, or continues to fail OBD, the vehicle must undergo specific emissions related repairs. Adjustments and repairs must be accomplished to the point of compliance, or the applicable repair cost ceiling has been met. If the applicable emissions related adjustment and repair requirements have been met, the vehicle owner may be referred to a Department of Revenue Motor Vehicle Emissions Compliance Inspector to receive a waiver. Repairs must have been reasonably calculated to achieve a reduction in emissions of those components of the inspection that the vehicle failed, pursuant to manufacturer's specifications as required by 42-4-306 (7)(a)(II)(A) and 42-9-111 C.R.S.

In order to be creditable to the enhanced repair cost limits, adjustments and repairs must have been performed by a repair facility/technician registered with the Division pursuant to Part D of this regulation.

Only the appropriate emissions failure related parts costs should apply to applicable waiver limits for repairs not performed at a licensed emissions inspection station or registered repair facility/technician.

XI. ENGINE CHANGES

- XI.A. For those vehicles in which the original engine has been replaced, the emissions limits and applicable emissions control equipment for the year and model of the vehicle body/chassis, as per registration/title or replacement engine, whichever is newest, shall apply. For those diesel powered vehicles which have been converted to operate on fuel(s) other than diesel; the emissions limits and applicable emissions control equipment for the year, make and model of the gasoline powered engine equivalent as originally manufactured, for the vehicle body/chassis, per the registration or replacement engine, whichever is newest, shall apply as determined by emissions technical center personnel or designee and specified on an official AIR Program vehicle evaluation form (DR2365).
- XI.B. For 1975 and newer vehicles in which the original engine has been replaced, if either the vehicle body/chassis original engine, as per registration/title or replacement engine as manufactured had a catalytic converter system, air injection reaction system, and/or microprocessor based air/fuel control system, these emission control systems must be present, intact and operational before a Certification of Emissions Control may be issued.
- XI.C. For those vehicles titled/registered as model year 1975 and newer, that were assembled by other than a licensed manufacturer such as kit-cars, registered/titled according to Section(s) 42-6-108 and/or 42-5-205, C.R.S. and assigned a state or manufacturer specific identification number, the applicable emissions control equipment and standards will be based upon a determination by technical center personnel of the vintage of the vehicle engine. The technical center personnel may issue an affidavit and the year of the engine shall be presumed to be that stated by the vehicle owner unless it is determined by state emissions technical center personnel or designee, after physical inspection of the vehicle engine, that the year of the engine is other than stated by the owner.

XII. CLEAN SCREEN INSPECTION PROGRAM PROCEDURES

- XII.A. Eligibility to participate
 - XII.A.1. Vehicles specified in Part A, Section IV.B., are eligible for participation in the Clean Screen Program.
 - XII.A.2. Clean Screen inspections applicable to the program are those performed within twelve months prior to an individual vehicle's registration renewal date.
 - XII.A.3. Vehicles are eligible for participation in the Clean Screen Program when the two most recent consecutive emissions readings observed during the 12-months prior to its registration date comply with the standards specified in Part F, Section VI. Additionally, vehicles that are identified as low emitters on the low emitting vehicle index are eligible for participation in the clean screen program when the most recent emissions reading observed during the 12-months prior to their registration date complies with the standard specified in Part F, Section VI.
 - XII.A.4. The following vehicles are ineligible for participation in the Clean Screen Program:
 - XII.A.4.a. New Vehicles as specified in Section 42-4-310(b)(II)(A), C.R.S.

XII.A.4.b. Vehicles involved in a change of ownership.

XII.A.4.c. Vehicles owned by the United States government or any agency thereof pursuant to Section 42-4-310(l)(b)(I), C.R.S.

XII.B. All aspects of inspection must be performed by a licensed Clean Screen Inspector.

XII.C. Clean Screen Test Analyzer Systems

XII.C.1. Vehicles participating in the Clean Screen Program shall be tested as specified in this Part C utilizing a Clean Screen Test Analyzer System recognized by the Division as having complied with the performance and design requirements specified in Part B, Section IX. of this regulation.

XII.C.2. Clean Screen Test Analyzer Systems will be periodically calibrated and maintained as required in Part B, Section IX. of this regulation.

XII.C.3. The inspection data processing system(s) used by the Data Manger and Clean Screen Inspector will be that approved by the Division, and the Department of Revenue.

XII.D. Vehicle owners participating in the Clean Screen Program are not subject to the provisions of Part C, Sections I. through XI.

XII.E. Certification of Emissions Control.

In order to obtain a Certificate of Emissions Control the following conditions must be met:

XII.E.1. The vehicle emissions levels are the same as or less than the limits specified in Part F, Section VI.

XII.E.2. The most recent two consecutive emissions readings were observed within twelve months of the registration renewal date.

XII.E.3. No non-complying emissions readings are observed between or subsequent to the last pair of complying readings.

XII.E.4. For vehicles that are identified as low emitters on the low emitting index the most recent emission reading was observed within 12-months of the registration renewal date. For these vehicles, identification as a low emitter on the low emitting vehicle index shall take the place of the second remote sensing reading otherwise required under Section XII.E.2., above.

PART D Qualification and Licensing of Emissions Mechanics, Emissions Inspectors, and Clean Screen Inspectors; Licensing of Emissions Inspection and Readjustment Stations, Inspection-Only Stations, Inspection-Only Facilities, Fleets, Motor Vehicle Dealer Test Facilities, Enhanced Inspection Centers; Qualification of Clean Screen Inspection Sites; and Registration of Emissions Related Repair Facilities and Technicians

I. LICENSING OF EMISSIONS INSPECTION AND READJUSTMENT STATIONS, INSPECTION-ONLY STATIONS, INSPECTION-ONLY FACILITIES, ENHANCED INSPECTION CENTERS, FLEET INSPECTION STATIONS AND MOTOR VEHICLE DEALER TEST FACILITIES

I.A. Emissions Site Requirements for the Licensing of Emissions Inspection and Readjustment Stations, Inspection-Only Stations, Inspection-Only Facilities, Fleet Inspection Stations and Motor Vehicle Dealer Test Facilities:

I.A.1. Applicability

All emissions inspection and readjustment stations, inspection-only stations, inspection-only facilities, fleet inspection stations, and motor vehicle dealer test facilities are required to meet all applicable standards pursuant to this Part D and the Department of Revenue's adopted regulations in order to qualify for licensing for operation in Colorado's AIR Program.

To achieve the uniformity and security needed in test site locations; in order to meet federal EPA regulations contained in Federal Register vol. 57, Number 215, of the Federal Register and meet the statutory requirements contained in Sections 42-4-301 through 42-4-316, C.R.S.; the Air Quality Control Commission adopts this standard for emissions site requirements.

I.A.2. Standards for emissions inspection sites:

I.A.2.a. All facilities shall be a permanent type of structure.

I.A.2.b. All sites must be capable of receiving mail.

I.A.2.c. All test facilities shall have a minimum of two off-street parking spaces for staging to accommodate additional vehicles.

I.A.2.d. All test site facilities shall have a customer waiting area that provides for observation of the entire emissions inspection process. Observation can be, direct observation, observation by electronic equipment, or other methods that prove to be as effective with prior approval of the Department of Revenue.

I.A.2.e. All test sites shall be capable of conducting all aspects of the inspection process within the confines of a building or structure, and maintaining ambient air temperatures between 41 degrees and 110 degrees Fahrenheit in the inspection area as defined in Section I. C. 1. of Part C of this regulation. Inspections are not required to be performed within the confines of a structure or building provided ambient temperatures are within such parameters.

I.A.2.f. All test site facilities shall have an adequate exhaust removal system which shall be designed so as to not alter the inspection results and to assure safe ambient air quality of the inspection area as established by the Occupational Safety and Health Administration pursuant to 29 CFR, Part 1910, Subpart Z.

I.A.3. Pursuant to Sections 42-4-306(4)(a) and 42-4-307 (8)(a), C.R.S. as amended, the Division shall develop or contract for the development of a training program for emissions mechanics and emissions inspectors. The training program shall be comprehensive in nature and address all aspects of vehicle inspection procedures specified for this regulation.

- I.A.3.a. Participation by emissions inspectors intending to operate in the enhanced program area shall be required.
- I.A.3.b. Participation by emissions mechanics intending to operate in the basic program area shall be voluntary.
- I.A.3.c. Training classes shall be funded by tuition charged to the participants.
- I.A.3.d. The following tuition rates and fees shall apply
 - I.A.3.d.(1) The training class fee shall be no greater than \$150 per participant.
 - I.A.3.d.(2) The instructor's fee for presenting a class shall not exceed \$400.
 - I.A.3.d.(3) The training manual for those emissions mechanics who choose not to participate in a training class shall be no greater than \$25.
- I.A.3.e. These same training provisions shall be applicable to the requalification provisions of Section II.B. of this Part D.

- I.B. The following tools, reference manuals and diagnostic equipment shall be available for performance of inspections; and within the basic program, emissions related adjustments and repairs.
 - I.B.1. Division approved calibrated and spanned Test Analyzer System (TAS) or On-Board Diagnostic Test Analyzer System (OBD TAS).
 - I.B.1.a. As a provision of continued license to perform AIR Program inspections, the TAS must be updated as required, pursuant to this regulation.
 - I.B.1.b. The station or facility owner or operator shall maintain a full service/maintenance contract with the equipment manufacturer or equipment manufacturer's designee valid for the duration of the program but renewable on an annual basis
 - I.B.2. Rules for the operation of AIR Program inspection stations provided by the Colorado Department of Revenue.
 - I.B.3. Tachometer capable of reading 4,6 and 8 cylinders, 0-6,000 RPM minimum at no greater than 10 RPM of actual speed.
 - I.B.4. Emissions control systems applications guide as incorporated into the TAS, and oxygen sensor/check engine light, systems maintenance guide in either printed or electronic medium.
 - I.B.5. Dwell meter.
 - I.B.6. Ignition timing light.
 - I.B.7. Propane enrichment kit for idle mixture adjustment and diagnostics.

- I.B.8. Commercially available reference manuals giving idle speed, idle mixture, mixture control dwell or fuel injection duration, timing, dwell, fast idle speed specification, high altitude specifications and information covering the emissions control systems description, diagnostic and repair procedures for the year models of vehicles involved in the AIR Program. In either printed or electronic medium.
- I.B.9. Sufficient hand tools including but not limited to suitable computer scanner diagnostic link, digital volt/ohm meter, vacuum pump and other automotive diagnostic equipment for proper performance of the inspections, adjustments and emissions related repairs as applicable to the licensed entity.
- I.B.10. Division approved span gas and equipment for performing gas span checks and calibrations.
- I.B.11. Suitable non-reactive tail pipe extenders or probe adapter for inspecting vehicles with screened or baffled exhaust systems, or exhaust systems with multiple tail pipes.
- I.B.12. The analyzer manufacturer's maintenance and calibration manual must be retained in the inspection area.
- I.B.13. (Reserved)
- I.B.14. Items #5, 6, 7, 8 and 9 above are not required for licensing as an inspection-only station or inspection-only facility.
- I.B.15. Items #3 through 11 above are not required for a vehicle fleet self inspection station pursuant to 42-4-309 C.R.S.
- I.C. A licensed emissions mechanic or emissions inspector who has successfully completed a hands-on proficiency check administered by the Department of Revenue in accord with the Commission regulations and those of the Department of Revenue, and the criteria specified in Part D of this regulation is or will be available to make a proper inspection. Enhanced inspection centers shall be open 8:30 am - 7:30 p.m. weekdays, and Saturday 8:00 a.m. - 1:00 p.m.
- I.D. An emissions inspection-only station and inspection-only facility, must so indicate same by posting a sign in a readily visible location, and that no emissions related adjustments or repair services are available should the vehicle fail the inspection procedure.
- I.E. A person to whom there are twenty (20) or more vehicles registered, or to whom said number of vehicles are leased for not less than six continuous months, or are consigned for sale, may be licensed as a "fleet inspection station" or as a dealer licensed under Article 6 of Title 12, C.R.S., a motor vehicle dealers test facility and conduct inspections of that fleet or those vehicles inventoried or consigned for retail sale. As a fleet inspection station or motor vehicle dealer test facility, no inspections may be conducted for the employees or general public, but only on vehicles owned, leased by the business, or consigned or held in inventory for sale. A Certificate of Emissions Control issued by a fleet emissions inspection station will be valid for 12 months, one vehicle registration cycle.
 - I.E.1. Under the self-inspection provisions of Section 42-4-309, C.R.S. for fleets of twenty (20) or more vehicles, the retail sale of a fleet vehicle within the enhanced

program area requires full compliance with applicable inspection procedures as performed by an enhanced inspection center or an (enhanced) inspection-only facility.

- I.E.2. At the time of initial licensing and annually thereafter, the vehicle fleet shall be declared by completing a listing of all eligible vehicles by make, model year, light-heavy duty classification, vehicle identification number, license plate number, and if applicable unit number and state of registration on forms provided by the Division.
- I.F. All AIR Program inspection stations, facilities and centers are required to post in a conspicuous location in a clearly legible fashion a sign indicating the fees charged for inspections and in the basic program area, and maximum fees for emissions related adjustments and repairs required for the issuance of a Certificate of Emissions Control.
- I.G. All AIR Program inspection stations, facilities and centers are required to be linked via dedicated service line to the program data/communications network.
 - I.G.1. Basic program inspection services providers and independent inspection-only facilities in the enhanced area shall be linked to the data network via dedicated voice quality telephone lines with a dial-up back-up telephone line.
 - I.G.2. Enhanced inspection centers shall be linked via dedicated data quality lines with dedicated voice quality lines as dial-up back-up.
- I.H. All sites must provide for reasonable access in order for Departments of Revenue (or if applicable, Health) staff to conduct periodic quality control and audit functions as necessary.
- I.I. Upon request for a license as an emissions inspection and readjustment station, inspection-only station, fleet inspection station, motor vehicle dealer test facility, or inspection-only facility, applicants shall complete forms approved by the Department of Revenue which shall include but not be limited to a declaration of any past violations of AIR Program statute Section 42-4-301 through 42-4-316, C.R.S. as amended or any rule or regulation pursuant to such law.

II. QUALIFICATION AND LICENSING OF EMISSIONS MECHANICS AND EMISSIONS INSPECTORS

II.A. Qualification of Emissions Mechanics and Emissions Inspectors

- II.A.1. Application for qualification as an emissions mechanic and emissions inspector shall be filed with the Air Pollution Control Division. The Division shall administer issuance of letters of qualification. Applications for such letters of qualification shall be completed on forms provided by the Division. Before an applicant may be given a letter of qualification, he must comply with the requirements of this Section II. The Division will notify applicants of the evaluation requirements prior to testing.
- II.A.2. An applicant must demonstrate knowledge, skill, and competence concerning the conduct of emissions inspections, and within the basic program area the adjustment and repair of vehicles to manufacturers' specifications. Such knowledge, skill and competence will be shown by passing a written and skills

proficiency qualification test including, but not limited to, knowledge of the following:

- II.A.2.a. Operation and purpose of emissions control systems.
- II.A.2.b. Relationship of exhaust and evaporative HC and CO to timing and air/fuel ratio control.
- II.A.2.c. Adjustment and repair to manufacturers' and applicable high altitude specifications.
- II.A.2.d. Rules and regulations of AIR Program and proper inspection procedures.
- II.A.2.e. Contemporary diagnostic and engine tune-up procedures.
- II.A.2.f. The provisions of the Emissions Control Systems Performance Warranty pursuant to Section 207 (A) and (b) of the federal Clean Air Act as it applies to the AIR Program.
- II.A.2.g. Visual inspection of the required emissions control equipment for 1975 and newer vehicles.
- II.A.2.h. Operation of and proper use, care maintenance, calibration and gas span checking of the Division-approved inspection equipment.
- II.A.2.i. Proper use of, security, and distribution of inspection forms, Certificates of Emissions Control, and supplemental inspection documents.
- II.A.2.j. Emissions related adjustment and repair requirements for all vehicles failing the initial emissions inspection.
- II.A.2.k. Inspecting for visible smoke emissions.
- II.A.2.l. (Reserved)
- II.A.2.m. Cause and effect of air pollution.
- II.A.2.n. Purpose, goal and function of the AIR Program.
- II.A.2.o. Exhaust and evaporative emissions inspection procedures and rationale for use.
- II.A.2.p. Public relations and motorist assistance.
- II.A.2.q. Safety procedures in the inspection lane or bay.

II.B. Regualification Requirements for all Emissions Mechanics and Emissions Inspectors

- II.B.1. Upon the determination by the Commission of the necessity of technically updating the qualifications for emissions mechanics or emissions inspectors and, upon development or approval of retraining courses and retesting requirements for emissions mechanics to demonstrate said qualification, emissions mechanics, or holders of certificates of qualification, shall be required to requalify biennially.

II.B.2. Emissions mechanics and emissions inspectors shall be required to requalify within ninety days from the date of written notification by the Department of Revenue. Said notice shall be mailed to the address of record in the office of the Department of Revenue charged with licensing of emissions mechanics and inspectors, which notice shall inform the person of the necessity of requalification and the nature of such skills, systems, and procedures requiring the retraining for the continued performance of the emissions inspection. The notice shall give the name and location of training sources approved or accredited for purposes of retraining, the necessity of requalification by a certain date, and the nature and evidence of documentation to be filed with the Department of Revenue evidencing such requalification, and state that failure to requalify within said period of time shall result in suspension or revocation of the emissions mechanic's or emissions inspector's license or certification as described in the Department of Revenue rules and regulations.

II.B.3. The Division shall issue a letter of requalification to any person who has requalified to the satisfaction of the Division and according to the requalification regulation of the Department of Revenue.

II.C. Transmittal of Letters of Qualification and Issuance of Emissions Mechanic's and Emissions Inspector's Licenses

The Division shall provide a listing of all letters of qualification or letters of requalification for emissions mechanics or emissions inspectors to the Department of Revenue, and, upon application by any person qualified, the Department of Revenue shall issue an emissions mechanic's or emissions inspector's license or renewal license in accord with the regulations of that department.

II.D. Lapse of Certificate of Qualification for Emission Mechanic.

A person to whom the Division has issued a letter of qualification, who has not been issued an emissions mechanic's or emissions inspector's license within six (6) months from the date of issuance of the most recently issued letter of qualification shall be deemed to have forfeited said qualification and shall be required to reapply if a new letter of qualification is requested.

II.E. Program License Application Performance Review Criteria

II.E.1. Applicability

Pursuant to Sections 42-4-306(4)(c) and 42-4-308(1)(b), C.R.S. the Commission is authorized to establish minimum performance criteria for licensed emissions inspectors, mechanics, and stations. Based on these performance criteria, Section 42-4-312, C.R.S. grants authority to the Executive Director of the Department of Revenue to suspend or revoke a license on a finding of a pattern of violations.

In order to meet federal act requirements and to provide consistent criteria for the Department of Revenue's review of performance based evaluations that may result in a denial of the license application, the Executive Director of the Department of Revenue or the designee shall apply criteria contained in this Section E.

II.E.2. Standards

The following criteria shall be used by the Department of Revenue's Executive Director or his designee in the review of any emissions license application for a mechanic, inspector,

inspection and readjustment station, inspection-only station, inspection-only facility, fleet station, or motor vehicle dealer test facility.

Performance

Based on violations and penalties provided in Section 42-4-313(4)(b)(1), C.R.S. the following criteria will be used for the review of any emissions license application listed in this section:

- II.E.2.a. Any substantiated violation of intentional passing of a failing vehicle.
- II.E.2.b. Any substantiated violation of performance of emissions tests by an unlicensed mechanic, inspector, or station.
- II.E.2.c. Any substantiated violation of performance of an emissions test on falsified emissions test equipment.
- II.E.2.d. Any substantiated violation of failing of passing vehicles.
- II.E.2.e. Any substantiated violation of flagrant misuse of emissions program control documents.
- II.E.2.f. Any substantiated pattern of non-compliance with AIR Program regulations.
- II.E.2.g. Any substantiated violation of false statements on any emissions license application in an attempt to conceal problems such as: administrative hearings held for program violations, any probation of any emissions license held previously or currently held, any suspension or revocation of any emissions license held previously or currently.

For the purposes of emissions license application review, past performance may entail complete program history review of any person, persons, or officers of a corporation, or partners of any partnership that hold or held a license with the AIR Program.

- II.E.2.h. As a prerequisite to licensing of an emissions mechanic or emissions inspector, a hands-on proficiency check to address the criteria described in Section II. A. 2. of this Part D will be administered by the Department of Revenue in accord with the regulations of the Commission. This evaluation will be conducted at the emissions mechanic's or emissions inspector's place of employment and on an exhaust gas analyzer or test analyzer system that would be used to conduct inspections.

In order to provide for continuity and consistency with training, testing and licensing activities conducted per this Part D, the development and maintenance of the hand-on proficiency check will be coordinated between the Department of Revenue and the Division.

III. REGISTRATION OF EMISSIONS RELATED REPAIR FACILITIES

- III.A. Automotive Emissions Related Repair Facilities May Voluntarily Register with the Division.

- III.A.1. The repair facility/technicians agree to have the effectiveness of their emissions related repairs and repair costs monitored by the Division on an on-going basis.
 - III.A.2. Repair facility/technicians agree to have repair effectiveness listing provided to those motorists whose vehicles fail any element of the inspection procedures specified in Part C of this regulation.
 - III.A.3. The facility shall complete and process AIR Program repair report forms as approved by the Division. Repair report form processing equipment may incorporate PC based bar code technology such that one-dimensional "3 of 9" and two dimensional "PDF 417" symbology can be read and written. The system must be capable of supporting form generation software provided by the state. The printer shall be an ink jet printer or equivalent capable of printing the bar code symbology stated. Refer to Section 2.14 of the TAS specifications attached as Appendix A of this regulation for microcomputers specifications. The Division shall determine performance equivalence.
- III.B. As an aid to motorists seeking emissions related repair assistance, a means will be established whereby a listing of registered repair facilities whose repair effectiveness would be made available and presented to the motorist at the time of inspection failure. Repair effectiveness shall include but may not be limited to:
- a. Number of vehicles repaired and retested
 - b. Percent passing on first retest
 - c. Percent requiring additional repairs and retests
 - d. Percent issued waivers

The listing shall document any recognized professional automotive accreditation or memberships that may include but not be limited to the National Institute for Automotive Service Excellence, or Automotive Service Association. The listing may also indicate the vehicle make(s) or vehicle classification that the repair facility specializes in.

- III.C. Repair facilities may request removal from the listing or temporary placement on an inactive listing while measures are being taken to improve repair effectiveness.
- III.D. It is further suggested that:
- III.D.1. The repair facility/technicians will seek out appropriate training when repair effectiveness deficiencies are identified.
 - III.D.2. Repair facilities will hire and retain technicians certified under "Automotive Service Excellence" tests number A-1, A-6, A-8, and L-1 and that technicians will maintain these levels of certifications.
 - III.D.3. That the repair facility be adequately equipped and maintain a level of diagnostic and repair equipment necessary to perform emissions related repairs based upon the criteria set forth by the Automotive Service Association of Colorado, Incorporated.
 - III.D.4. The Department of Revenue performs a site evaluation of facilities that apply to assess compliance and confirm qualifications.

III.D.5. The facility has or could comply with the provisions established in Part D of this regulation and have not been subject to the penalties prescribed by Section 42-9-111, C.R.S.

III.E. The Division will monitor and periodically report to individual repair facilities their repair effectiveness and average costs as compared to other registered repair facilities.

III.F. The Division shall make repair effectiveness data available to the general public upon request as well as periodically to the Department of Revenue.

III.G. The Division may request a site evaluation of any registered repair facility by the Department of Revenue for reasons of diminished repair effectiveness or noted consumer complaints.

III.H. The Division shall identify the level(s) of repair effectiveness that would result in inadequate emission(s) reductions and negatively impact consumer protection.

IV. REQUIREMENTS FOR CLEAN SCREEN/REMOTE SENSING SITES

IV.A. Applicability

Clean Screen Inspection Sites must meet all applicable standards pursuant to this Part D and the Department of Revenue's regulations in order to qualify for operating in Colorado's Clean Screen Program.

IV.B. Standards for emissions inspection sites

All sites shall comply with all applicable state and local codes/ordinances and maintain appropriate permits for that specific municipality and location.

IV.C. All Clean Screen Sites must provide reasonable access in order for Department of Revenue (and if applicable, Division) staff to conduct periodic quality control and audit functions as necessary.

IV.D. Applicants for a license as a Clean Screen Emissions Inspector shall complete forms approved by the Department of Revenue which shall include, but not be limited to, a declaration of any past violations of AIR Program statute Sections 42-4-301 through 42-4-316, C.R.S., as amended or any rule or regulation pursuant to such law.

IV.E. A Clean Screen Inspection Site where two consecutive emissions readings collected at the same location on the same day may be used, must meet site criteria for same-day remote sensing devices established by the Division, and as licensed by the Department of Revenue.

V. QUALIFICATION OF CLEAN SCREEN EMISSIONS INSPECTORS

V.A. Clean Screen Emissions Inspector applicants shall apply for letters of qualification on forms provided by the Division. The Division shall issue letters of qualification to applicants who comply with the requirements of this Section V. The Division will notify applicants of the evaluation requirements specified in Part D, Section V.B. prior to testing.

V.B. An applicant for a letter of qualification or requalification must demonstrate knowledge, skill, and competence concerning the operation of Clean Screen emissions inspections. Such knowledge, skill and competence will be demonstrated on actual Clean Screen

equipment and by passing a skills proficiency qualification test including, but not limited to, knowledge of the following:

V.B.1. Operation of and proper use, care, maintenance, calibration and gas span checking of the Division-approved Clean Screen Test Analyzer System.

V.B.2. Safety procedures for the Clean Screen Inspection Site.

V.B.3. Proper setup and breakdown of the Clean Screen equipment

VI. REQUALIFICATION REQUIREMENTS FOR ALL CLEAN SCREEN EMISSIONS INSPECTORS

VI.A. Upon the determination by the Division of the necessity of updating the technical qualifications for Clean Screen Emissions Inspectors, holders of certificates of qualification shall be required to requalify biannually. The Division may waive this requirement should it be unnecessary.

VI.B. Clean Screen Emissions Inspectors shall be required to requalify within ninety days from the date of electronic notification by the Department of Revenue.

VI.C. The Division shall issue a letter of requalification to any licensed Clean Screen Emissions Inspector who meets the requirements of Section Part D, Section V.B.

VII. TRANSMITTAL OF LETTERS OF QUALIFICATION AND ISSUANCE OF CLEAN SCREEN INSPECTOR LICENSES

The Division shall provide a listing of all letters of qualification or letters of requalification for Clean Screen Inspectors to the Department of Revenue, and upon application by any person qualified, the Department of Revenue may issue a Clean Screen Inspector's license or renewal license in accordance with the regulations of that department.

VIII. LAPSE OF CERTIFICATE OF QUALIFICATION FOR CLEAN SCREEN INSPECTOR

A person to whom the Division has issued a letter of qualification, who has not been issued a Clean Screen Inspector license within six (6) months from the date of issuance of the most recently issued letter of qualification shall be deemed to have forfeited said qualification and shall be required to reapply if a new letter of qualification is requested.

IX. PROGRAM LICENSE APPLICATION PERFORMANCE REVIEW CRITERIA

IX.A. Applicability

Pursuant to Sections 42-4-306(4)(c) and 42-4-308(1)(b), C.R.S., the Commission is authorized to establish minimum performance criteria for licensed Clean Screen Inspectors and Data Management Contractor(s). Based on these performance criteria, Section 42-4-312, C.R.S., grants authority to the executive director of the Department of Revenue to suspend or revoke a license.

In order to provide consistent criteria for the Department of Revenue's review of performance based evaluations that may result in a denial of a license application, or revocation of a license, the executive director of the Department of Revenue or the designee shall apply criteria contained in Sections IV through VII of this Part D.

IX.B. Requirements

The Department of Revenue's executive director or his designee in the review of any emissions license application shall use the following criteria for a Clean Screen Inspector, or Clean Screen Data Manager.

Performance

Based on violations and penalties provided in Section 42-4-313(4)(b)(1), C.R.S., the following criteria will be used for the review of any license application listed in the section:

- IX.B.1. Any violation of intentional passing of a failing vehicle.
- IX.B.2. Any violation of performance of Clean Screen inspections by an unlicensed inspector, or at an unapproved/unlicensed site.
- IX.B.3. Any violation of performance of a Clean Screen inspection on a falsified Clean Screened Test Analyzer System.
- IX.B.4. Any violation of flagrant misuse of Clean Screen inspection data, control documents, vehicle owner information, or vehicle registration data.
- IX.B.5. Any pattern of non-compliance with AIR Program regulations, including Clean Screen provisions.
- IX.B.6. Any violation of false statements on any license application.
- IX.B.7. As a prerequisite to licensing of a Clean Screen Inspector, a hands-on proficiency check to address the criteria described in Section V of this Part D will be administered by the Department of Revenue in accord with the regulations of the Commission. This evaluation will be conducted at a mutually agreed upon location and on an approved Clean Screen Test Analyzer System that would be used to conduct inspections.

In order to provide for continuity and consistency with qualifying and licensing activities conducted per this Part D, the development and maintenance of the hands-on proficiency check will be coordinated between the Department of Revenue and the Division.

PART E Prohibited Acts and Penalties to Ensure Proper Inspection Procedures, Adherence to Prescribed Procedures and Effective Emissions Related Repairs

- I. THIS PART E DESCRIBES THE GROUNDS UPON WHICH THE LICENSE OF AN EMISSIONS MECHANIC, EMISSIONS INSPECTOR OR ANY TYPE OF AIR PROGRAM INSPECTION BUSINESS MAY BE SUSPENDED, FOR A PERIOD OF TIME NOT LESS THAN Six MONTHS, OR REVOKED.

I.A. Pattern of Violations

The license of an emissions mechanic, emissions inspector, inspections and readjustment station, inspection-only station, inspection-only facility, fleet inspection facility, motor vehicle dealer test facility, or contractor's contract may be revoked or suspended, as appropriate pursuant to Sections 42-4-312 and, 42-4-313, C.R.S., if such mechanic, inspector or facility has engaged in a pattern of violations of the provisions of this Regulation Number 11, or other applicable statutes or regulations, including, but not limited to:

- I.A.1. AIR Program inspection business, and/or emissions inspector or emissions mechanic is involved in any unauthorized entry into the analyzer or inspection system that result in a fraudulent inspection report and/or emissions certificate being issued.
- I.A.2. AIR Program inspection business, and/or emissions inspector or emissions mechanic caused an inspection report and/or emissions certificate to be issued to a vehicle that did not at the time of issue comply with the laws, rules or regulations.
- I.A.3. AIR Program inspection business, and/or emissions inspector or emissions mechanic makes, issues, or knowingly uses any imitation or deceptively similar or counterfeit inspection report and/or emissions certificate.
- I.A.4. AIR Program inspection business, and/or emissions inspector or emissions mechanic possesses an inspection report and/or emissions certificate which is known to be fictitious, or was issued for another vehicle, or was issued without an emissions inspection test having been performed when required.
- I.A.5. Exercising licensing privilege other than those granted by the Department of Revenue and the Commission.
- I.A.6. AIR Program inspection(s) have not or are not being made in accordance with applicable laws and the rules and regulations of the Department or the Commission.
- I.A.7. Vehicles have not or are not being repaired in accordance with applicable laws and the rules and regulations of the Department or the Commission.
- I.A.8. Emissions mechanic or emissions inspector failed to a post-valid license.
- I.A.9. AIR Program inspection business, and/or emissions inspector or emissions mechanic failed to post AIR Program license(s) in a location available and conspicuous to the public.
- I.A.10. AIR Program inspection business, and/or emission inspector or emissions mechanic failed to use the correct inspection report form issued by the Department.
- I.A.11. AIR Program inspection business, and/or emissions inspector or emissions mechanic used an inspection report form for a purpose other than permitted by the Department.
- I.A.12. AIR Program inspection business, and/or emissions inspector or emissions mechanic failed to complete the correct inspection report form or.
- I.A.13. AIR Program inspection business, and/or emissions inspector or emissions mechanic loaned, sold, gave or transferred inspection report forms to another AIR Program inspection business or mechanic.
- I.A.14. Repealed.

- I.A.15. AIR Program inspection business, and/or emissions inspector or emissions mechanic performed air tests with an analyzer or test system that was not certified.
- I.A.16. AIR Program inspection business, and/or emissions inspector or emissions mechanic used span gas that was not approved.
- I.A.17. AIR Program inspection business, and/or emissions inspector or emissions mechanic, failed to have tools, supplies and records available for inspection by the Department of Revenue.
- I.A.18. AIR Program inspection business, and/or emissions inspector or emissions mechanic used "escape" mode in analyzer without valid reason.
- I.A.19. AIR Program inspection business, and/or emissions inspector or emissions mechanic failed to properly identify and record a vehicle that fails the air test.
- I.A.20. AIR Program inspection business, and/or emissions inspector or emissions mechanic failed to properly identify and record a vehicle that passes the emissions inspection.
- I.A.21. AIR Program inspection business, emissions inspector or emissions mechanic falsely reports an (incorrect) vehicle identification number or vehicle information on a DR2411 form supplied by the Department of Revenue.
- I.A.22. AIR Program inspection business, and/or emissions inspector or emissions mechanic performed inspections while under suspension or administrative hold.
- I.A.23. AIR Program inspection business, and/or emissions inspector or emissions mechanic continued using an analyzer knowing it was malfunctioning.
- I.A.24. AIR Program inspection business, emissions inspector or emissions mechanic charged more than posted fee for service.
- I.A.25. AIR Program inspection business, through its agent denied the issue of a vehicle inspection report and/or Certificate of Emissions Compliance when at the time of inspection the vehicle did comply with the laws, rules and regulations for the issuance of such a certificate.
- I.A.26. AIR Program inspection business was not open and available to perform inspection services during normal business hours.
- I.A.27. AIR Program inspection business, through its agent, failed to issue a Certificate of Waiver to a vehicle that met all the requirements.
- I.A.28. AIR Program inspection business, through its agent, issued a Certificate of Waiver to a vehicle that was eligible pursuant to Section 207(b) of the federal Clean Air Act
- I.A.29. AIR Program inspection business, through its agent, performed repairs to the emissions control systems of a vehicle that are eligible for any manufacturer's warranties without informing the owner of said warranties.

- I.A.30. AIR inspection business failed to display all required signs and post fees for inspection services.
- I.A.31. Electrical supply fails to meet voltage and frequency requirements of 110V (±) 10% 60HZ, or is not publicly supplied as appropriate to that area.
- I.A.32. AIR Program inspection business, through its agent, performed an inspection when the temperature of the inspection area was not between 41 degrees and 110 degrees Fahrenheit.
- I.A.33. AIR Program inspection business could not account for controlled documents.
- I.A.34. Emissions mechanic or emissions inspector failed to keep their access code secure which resulted in an inspection conducted by an unlicensed person.
- I.A.35. Emissions mechanic or emissions inspector failed to keep his current mailing address on file with the Department of Revenue.
- I.A.36. A licensed emissions mechanic or emissions inspector is not employed at the facility.
- I.B. Conditions Under Which a Station, Facility or Center License may be Denied, Suspended or Revoked.

In addition to the grounds listed in Section A, the license of any inspection and readjustment station, inspection-only station, inspection-only facility, fleet inspection facility, motor vehicle dealer test facility or the Contractor, may be suspended or revoked as appropriate pursuant to Sections 42-4-312 and, 42-4-313, C.R.S. for any of the following violations:

- I.B.1. AIR Program inspection business, and/or its agent have engaged in a pattern of violation of any provision of the applicable laws, rules or regulations.
- I.B.2. AIR Program inspection business, through its agent issued a vehicle inspection report and/or Certificate of Emissions Waiver when at the time of issue the vehicle did not comply with the laws, rules and regulations for the issuance of such a certificate.
- I.B.3. AIR Program inspection business, through its agent issued a vehicle inspection report and/or Certificate of Emissions Control without an air test having been performed.
- I.B.4. Adjustments or repairs were performed when such adjustments or repairs were not authorized or required.
- I.B.5. AIR Program inspection business is not equipped as required.
- I.B.6. AIR Program inspection business was not operating from the location for which the license was issued.
- I.B.7. Emissions mechanic or emissions inspector made false statements on official forms.
- I.B.8. Facilities of applicant for an AIR Program license are not properly equipped for the type of license applied for.

- I.B.9. The AIR Program inspection business flagrantly misuses control documents by committing any of the violations described in Part E, Sections I.A.10 through I.A.14.
- I.B.10. An unlicensed person performed all or any part of an inspection procedure.
- I.B.11. Within the enhanced program area, Motor Vehicle Dealer Test Facility inspections are limited to one per vehicle (consecutively) such that no vehicle shall be inspected twice consecutively. Following an inspection at a Motor Vehicle Dealer Test Facility that vehicle's inspection for the next cycle must be performed in the inspection-only network of enhanced inspection centers or decentralized inspection-only facilities; as applicable to the model year of the vehicle.
- I.C. Conditions Under Which an Emissions Mechanic or Emissions Inspector License may be Denied, Suspended or Revoked.
 - I.C.1. Emissions mechanic or emissions inspector caused a passing Certificate of Emissions Compliance to be issued to a failing vehicle.
 - I.C.2. Emissions mechanic or emissions inspector made false statements on official forms.
 - I.C.3. The emissions inspector or emissions mechanic performed two or more emissions inspections using a test analyzer system that was not updated as required by Part B or Appendix A of this regulation.
- I.D. Any action to suspend or revoke the license for any enhanced emissions center, or to revoke the contractor's agreement pursuant to this Part E, shall be subject to the terms of the agreement entered into pursuant to Section 42-4-304(5), C.R.S.

PART F Maximum Allowable Emissions Limits for Motor Vehicle Exhaust, Evaporative and Visible Emissions for Light-Duty and Heavy-Duty Vehicles

In order for a vehicle (owner) to obtain a Certificate of Emissions Compliance, the exhaust and evaporative emissions from the motor vehicle subject to an EPA approved emissions test as specified in Part C of this regulation may not exceed the applicable maximum concentrations or if applicable, maximum mass for exhaust carbon monoxide (CO), hydrocarbons (HC) and oxides of nitrogen (NOx); and the integrity requirements specified for fuel evaporation control and visible smoke.

I. LIGHT-DUTY VEHICLES (INCLUDING LIGHT-DUTY TRUCKS) SUBJECT TO IDLE SHORT TEST(S) FOR ALL VEHICLES OF MODEL YEAR 1981 AND NEWER SUBJECT TO IDLE SHORT TEST(S), THE EMISSIONS CONCENTRATION LIMITS OF THIS SECTION I SHALL ALSO APPLY AT RAISED IDLE SPEEDS AS SPECIFIED IN SECTION II OF PART C OF THIS REGULATION.

I.A. Maximum Concentration Limits for Light-Duty Vehicles (Includes Light-Duty Trucks)

Model Year	Percent Carbon Monoxide	Parts/million Hydrocarbon
1970 and earlier	3.5	1000

Model Year	Percent Carbon Monoxide	Parts/million Hydrocarbon
1971	3.0	1000
1972	3.0	1000
1973	3.0	1000
1974	3.0	1000
1975	2.0	600
1976	2.0	600
1977	1.5	400
1978	1.5	400
1979	1.5	400
1980	1.5	400
1981 and newer	1.2	220

- II. HEAVY-DUTY VEHICLES (1978 AND EARLIER GREATER THAN 6000 LBS. GVWR) SUBJECT TO IDLE SHORT TEST(S) FOR ALL VEHICLES OF MODEL YEAR 1981 AND NEWER SUBJECT TO IDLE SHORT TEST(S), THE EMISSIONS CONCENTRATION LIMITS OF THIS SECTION II SHALL ALSO APPLY AT RAISED IDLE SPEEDS AS SPECIFIED IN SECTION II OF PART C OF THIS REGULATION.

II.A. Maximum Concentration Limits for Heavy-Duty Vehicles

Model Year	Percent Carbon Monoxide	Parts/million Hydrocarbon
1967 and earlier	7.0	1500
1968	6.5	1200
1969	6.5	1200
1970	5.5	1000
1971	5.5	1000
1972	5.5	1000
1973	5.5	1000
1974	5.5	1000
1975	5.5	1000

Model Year	Percent Carbon Monoxide	Parts/million Hydrocarbon
1976	5.5	1000
1977	5.5	1000
1978	5.5	1000

Heavy-Duty Vehicles (1979 and Newer Greater Than 8500 lbs. GVWR) Subject to Idle Short Test(s)

1979	4.0	800
1980	3.5	800
1981	3.0	600
1982	3.0	600
1983	3.0	600
1984	3.0	600
1985	3.0	600
1986 and newer	2.0	300

III. TRANSIENT TEST MASS EMISSIONS LIMITS IN GRAMS/MILE (GPM)

III.A. Light-Duty vehicles (Excluding Light-Duty Trucks)

MODEL YEAR	HC	CO	NOx
1982	3.5	45.0	5.0
1983	3.5	30.0	4.5
1984	3.0	30.0	4.5
1985	2.5	20.0	4.5
1986	2.5	20.0	4.5
1987	2.5	20.0	4.0
1988	2.0	20.0	4.0
1989	2.0	20.0	4.0

MODEL YEAR	HC	CO	NOx
1990	2.0	20.0	3.5
1991	1.5	20.0	3.5
1992	1.5	15.0	3.5
1993	1.5	15.0	3.5
1994	1.2	15.0	3.0
1995	1.2	15.0	2.5
1996	1.2	15.0	2.0
1997	1.2	15.0	2.0
1998	1.2	15.0	1.5
1999 and newer	1.2	15.0	1.5

III.B. Light-Duty Trucks (equal to or less than 8,500 lbs. G.V.W.R.)

MODEL YEAR	HC	CO	NOx
1982	6.0	65.0	6.0
1983	6.0	65.0	6.0
1984	5.0	55.0	6.0
1985	4.5	45.0	6.0
1986	4.0	40.0	6.0
1987	3.5	30.0	5.5
1988	3.0	25.0	5.0
1989	3.0	25.0	5.0
1990	3.0	25.0	5.0
1991	2.5	25.0	4.5
1992	2.5	25.0	4.5
1993	2.5	25.0	4.5
1994	2.0	20.0	4.0

MODEL YEAR	HC	CO	NOx
1995	2.0	20.0	4.0
1996	1.2	15.0	3.5
1997	1.2	15.0	3.0
1998	1.2	15.0	2.5
1999 and newer	1.2	15.0	2.0

IV. EVAPORATIVE EMISSIONS CONTROL STANDARDS

System Integrity - A gas cap integrity check to assess the degree of leakage between the fuel filler neck sealing surface and the gasoline cap sealing surface shall be performed on all model year 1975 and newer vehicles.

IV.A. Pressure decay of the gasoline cap to filler neck sealing surfaces shall not exceed six (6) inches of water over a ten (10) second period, or

IV.B. The gasoline cap flow rate shall be compared to an orifice with a National Institute of Standards and Technology (NIST) traceable flow rate that will result in a pass/fail flow rate threshold of 60 cc/minute of air at 30 inches of water (column).

V. VISIBLE SMOKE

Vehicles shall not exhibit any continuous gray, blue, blue-black, or black smoke of greater than 5% opacity from the engine crankcase and/or tailpipe(s) during any engine operating condition of applicable inspection procedures.

VI. CLEAN SCREEN PROGRAM MAXIMUM ALLOWABLE EMISSIONS LIMITS

VI.A. In order to obtain a Certificate of Emissions Control through the Clean Screen Program, vehicles must not exceed maximum emissions concentrations of 0.50 percent carbon monoxide (CO), 1,000 parts per million nitrogen oxides (NOx), and 200 parts per million hydrocarbon (HC) as reflected in remote sensing emissions readings.

VI.B. Vehicle owners who participate in the Clean Screen Program shall not be subject to the provisions of this Part F other than this Section VI.

VI.B.1. On or before July 1st of each year the Air Pollution Control Division shall develop a low emitting vehicle index based on a tabulation of the previous calendar year's IM 240 inspection program results for specified make, model and model year of vehicles.

VI.B.2. A passing rate for exhaust emissions shall be set as the minimum allowable passing criteria for the low emitting vehicle index.

VI.B.3. In developing the low emitting vehicle index, the Division may use passing criteria as necessary, based on sound scientific evidence, to ensure that the use of the low emitting vehicle index is equivalent to or better than the use of a second remote sensing measurement in terms of air quality benefits.

VI.B.4. The passing rate criteria for the low emitting vehicle index, as established by the Division, shall be maintained and contained in the Air Pollution Control Division's Emissions Technical Center Procedures Manual.

VII. ON-BOARD DIAGNOSTIC INSPECTION PASSING CRITERIA

In order for a vehicle (owner) to obtain a certificate of emissions compliance, the results of the OBD inspection as specified in Part C, Section II.C. of this regulation must meet the following requirements:

- VII.A. The data link connector (DLC) is not missing, has not been tampered with, and is operational
- VII.B. The malfunction indicator light (MIL) illuminates when the ignition key is turned to the key on, engine off (KOEO) position.
- VII.C. The MIL extinguishes and remains off once the vehicle's engine is started (KOER).
- VII.D. The MIL status, as indicated by the on-board diagnostic test analyzer system is commanded off.
- VII.E. Only one readiness monitor may be set to "not ready" status.
- VII.F. Upon a retest, all monitors except the evaporative monitor must be set to "ready".

PART G Reserved

PART H Statements of Basis, Specific Statutory Authority and Purpose

I. AMENDMENTS TO PART A - E

ADOPTED MARCH 21, 1996

The amendments to Regulation Number 11 were adopted by the Air Quality Control Commission (Commission) of the State of Colorado. This Statement of Basis, Specific Statutory Authority and Purpose is required by Sections 24-4-103(4), C.R.S. The specific statutory authority for these changes is Sections 42-4-301 through 42-4-316, C.R.S. (1995 Supplement).

The revisions to Regulation Number 11 address the effects of recodifying Title 42 of Colorado's Revised Statutes. This regulatory action is necessary to correct statutory references within the regulation in order to be consistent with the renumbered statute. The only other change to the rule is to clarify that "licensed emissions inspectors" are eligible to perform an emissions inspection pursuant to Part C, Section I.A. The previous rule referred only to "authorized emissions inspectors". The purpose of this change is to avoid confusion between emissions inspectors authorized to perform an inspection at an enhanced inspection center and emissions inspectors licensed to do so at an inspection-only facility, fleet inspection station, or motor vehicle dealer test facility. This rule amendment does not change the rights or obligations of any person because the term "authorized emissions inspector" has been applied to include "licensed emissions inspectors" for purposes of Part C Section I. A. The specific statutory authority for this rule amendment is set out at Section 42-4-304 (7), C.R.S.

For the reasons noted, the Commission has adopted amendments to Regulation Number 11, Parts A-E. These rule revisions are administrative in nature; do not apply to stationary sources; and will have no regulatory impact on any person, facility or activity. Furthermore, the Commission has no discretion not to adopt the changes to the numbering scheme for the statutory provisions, and these revisions will have no significant fiscal impact. These revisions are not more stringent than the relevant federal requirements.

II. AMENDMENTS TO PARTS A, B, C, F, G, AND APPENDICES A AND B

ADOPTED JULY 17, 1997

The amendments to Regulation Number 11 were adopted by the Air Quality Control Commission (Commission) of the State of Colorado. This Statement of Basis, Specific Statutory Authority and Purpose is required by Sections 24-4-103(4), C.R.S. The specific statutory authority for these changes is Sections 42-4-301 through 42-4-316, C.R.S. (1995 Supplement).

1. Changes to Part A(I) (C) (9) and (11) address statutory amendments to Section 42-4-309 (6) enacted by the 1996 session of the General Assembly which make provision for an inspection voucher system for retail sale of used motor vehicles into the enhanced emissions inspection program area by licensed dealers. The rule revisions ensure that such dealers are not required to have the vehicle inspected prior to the sale provided they comply with the requirements of Section 42-4-309 (6). Furthermore, the revisions allow sellers to have a vehicle inspected up to one hundred twenty days prior to the sale. The specific authority for these changes is set out in Sections 42-4-309 (6) and 42-4-306 (7). This provision is necessary to implement state law, but is not required by federal law. The rule specifically provides that the provisions of 42-4-309 (6) are not federally enforceable, and are not included in the SIP. The Department of Revenue, may however, enforce such requirements, subject to the adoption of any regulations that may be necessary. Such administrative enforcement is necessary to ensure compliance with the statutory requirements. The revisions to Regulation Number 11, Part A(I)(C)(13) make it clear that a vehicle will fail the inspection for purposes of 42-4-309 (6) if the vehicle has any defect that makes it impractical or unsafe to test the vehicle.
2. The revisions to Part A(I)(B) clarify motorist compliance requirements For those persons that live in the basic program area yet commute into and have complied with enhanced program requirements. The specific statutory authority for these changes is set out in Sections 42-4-306 (7) and 42-4-310 (1) (c) (V). This provision is consistent with, and does not exceed, federal requirements.
3. The revisions to Part C (II)(G)(4) make it clear that vehicles with excessively long or short wheelbases, and specially designed vehicles equipped with hand controls or similar apparatus, are exempt from testing on the IM 240 dynamometer. The IM 240 dynamometer system is not designed to handle such vehicles, and the population of such vehicles is so small that this exemption will have no effect on emissions reductions. This provision is consistent with, and does not exceed, federal requirements. The specific statutory authority for this exemption is set out in Section 42-4-306 (6) (d).
4. The revisions to Part C (III) (D) eliminate the previous requirement to repair or replace the catalytic converter and exhaust gas oxygen sensor if the fuel inlet restrictor has become enlarged. Leaded fuels, which damaged these components, have not been available for several years and this rule is no longer necessary. This provision is consistent with, and does not exceed, federal requirements. The specific statutory authority for this exemption is set out at Section 42-4-306 (6) (a).
5. The revisions to Part C (XI) allow inspection stations to use vehicle identification numbers (VINs) issued by kit car manufacturers and by other states. The rule previously required inspection stations to use a VIN assigned by Colorado for kit cars, custom cars and home-built vehicles. Under the previous rule, such specialized vehicles were often required to comply with inspection criteria applicable to later model vehicles. As a result the inspection criteria were unreasonably stringent. This change will ensure that vehicles are inspected pursuant to the appropriate procedure, This provision is consistent with,

and does not exceed, federal requirements. The specific statutory authority for this provision is set out at Section 42-4-306 (6).

6. The revisions to Parts C (IV) and F (IV) provide a pressure integrity or leak check for gas caps in order to reduce emissions of volatile organic compounds, an ozone precursor. The gas cap pressure check requirements is based on established demonstrated methodologies, and will provide an estimated 40% reduction in VOC, an ozone precursor, to escape into the atmosphere. Such evidence supports the finding that the rule will result in a demonstrable reduction in air pollution. Because the Denver area is in the inspection and maintenance program due to carbon monoxide, rather than ozone problems, federal law does not require such a pressure check. The state did not take credit for such a pressure check in the maintenance plan for ozone, and associated redesignation request, recently adopted by the AQCC. Therefore, this provision is not required by federal law, and will not be incorporated into the State implementation Plan. An evaporative emissions inspection procedure is required pursuant to Sections 42-4-310 (2) (a) and 42-4-306 (6) (a), C.R.S. for those vehicles inspected in the metro Denver enhanced program area.
7. The revisions to Part B (IV)(B&C), (VI)(C&D) and Appendix B propose standards and specifications consistent with EPA and recognized industry standards for the manufacturer and “naming” of precision calibration gases for use in test analyzer systems. Consistent protocol reduces the burden to the gas manufacturer, those regulated parties that are end users of the calibration gases, and improve overall quality control. Additionally, revisions to Appendix B address specific program administrative needs such as the bar code tracking system necessary for tracking certified test analyzer system gases which have been placed into service. The revisions to Appendix B are consistent with guidance documents issued by EPA. Federal law requires span gases to be accurate within a tolerance of 2%, but federal law does not specifically require the state to establish requirements for manufacturers. Therefore, the requirements set out in Appendix B shall not be included in the SIP, and shall not be federally enforceable. The specific statutory authority for this action is Section 42-4-306 (3)(a)(I).
8. The revisions to Appendix A, attachment III establish equipment design and performance specifications for a “Motor Vehicle Dealer Transient Mode Test Analyzer System (IG 240)” to be used at Motor Vehicle Dealer Test Facilities (MVDTFs). Equipment that meets these specifications will allow MVDTFs to conduct emissions inspections on their used vehicle inventory prior to its retail sale. This provision provides increased convenience and reduced costs for affected automobile dealers that currently utilize the contractor operated IM 240 system in the enhanced program area. Use of this system is not mandated. Federal law does not require specifications for an IG 240, and the state did not take credit for inspections conducted at the time of sale or transfer of used vehicles sold by motor vehicle dealers. Therefore, the specifications applicable to MVDTFs and the IG 240 are not included in the SIP. The specific statutory authority for this revision is Sections 42-4-304 (19) and 42-4-306 (3)(a)(I)(A-C).
9. Revisions to Part A(I)(9) delete the present exemption that vehicles sold as “tow-away” by licensed dealers are not required to comply with applicable emissions inspection requirements at the time of sale. The proposal would eliminate present confusion within the regulated community. Part A (I)(9) is now consistent with Section 42-4-309(3)(a). The Commission is not required to create a specific exemption for tow-away vehicles and therefore has the authority to remove the existing exemption. Additional statutory authority is set out at Sections 42-4-306 (1) and 42-4-309 (3)(A).

The Department of Revenue is the state agency charged with the regulation of motor vehicle dealers, and for the titling and registration of motor vehicles. The tow-away exemption has

hampered the Department of Revenue's enforcement actions. Therefore, the Commission is repealing this exemption and deferring this issue to the Department of Revenue. The Department of Revenue should handle this issue through rule making or otherwise, as appropriate.

10. Revisions to Part A (V) amends the notice to interested parties that materials incorporated into the rule by reference may be examined at any state publications depository library, as required by Section 42-4-103 (12.5)(d). The revision expands the text of the existing notice of availability to be consistent with prescriptive state requirements.

For the reason noted, the Commission has adopted amendments to Regulation Number 11, Parts A, B, C, F, G and Appendices A and B. Revisions implement and/or clarify statutory provisions for the vehicle emissions inspection program pursuant to Sections 42-4-301 through 42-4-316, C.R.S. Rule revisions amend existing inspection procedures consistent with State Implementation Plan commitments.

III. REVISIONS TO PART C (VIII) AND PART F (III)

ADOPTED NOVEMBER 19, 1998

Basis and Purpose

The November 19, 1998 revisions to regulations Part C (VIII) (b.4) (b.5) and (c.-g.) reinstate, with some minor clarifications, text addressing compliance waivers and related inspection provisions regarding specific circumstances involving certain participating motorists and the repair of vehicles that had failed one or more emissions inspections. This text was inadvertently omitted during the last publication of the regulation, August 1997. The omitted text was initially adopted by the Commission immediately prior to implementing the improved basic program and enhanced inspection and maintenance program January 1995, pursuant to Sections 42-4-301 through 42-4-316, C.R.S. (1998). Reinstating this text results in the regulation being consistent with state statute and the federal program. The November 19, 1998 revisions to regulations Part F (III) reconcile the emissions limits used by enhanced inspection centers for motor vehicle emissions inspections with the emissions limits that were used for purposes of demonstrating attainment of the National Ambient Air Quality Standards (NAAQS) for carbon monoxide (CO) and for particulate matter less than ten microns in diameter (PM10). The rule change only applies to the enhanced emissions program and only affects the standards used for testing 1982 and newer vehicles.

The emissions limits adopted by the Commission are more stringent than the emissions limits that were being implemented prior to the hearing, but are less stringent than the emissions limits that were scheduled to take effect on January 1, 1999 under the previous version of Regulation Number 11.

The emissions limits adopted by the Commission must go into effect by the end of December 1998 in order to comply with the minimum federal requirement to show attainment of the NAAQS for CO by December 31, 2000.

The emissions limits contained in the previous rule for 1999 and beyond were more stringent than necessary to comply with federal law and were so stringent that many vehicles would not be able to comply with the standards even when repaired. Such emissions limits were based on EPA guidance issued in 1993. Experience with the program since then has demonstrated that such standards are unreasonable.

Federal Requirements

There are several federal requirements that are relevant to the emissions limits used in the AIR Program. 40 CFR Part 51 establishes specific emissions limits for the AIR Program. In addition, the AIR Program

was used to demonstrate attainment of the NAAQS for CO and PM10. Therefore, the emissions limits must be included as enforceable control measures in the State Implementation Plan.

For purposes of CO, 40 CFR Section 51.351 requires the AIR Program to achieve at least as much reduction in fleet emissions, measured in grams per mile, as the model federal program. The modeling results that were used to demonstrate compliance with the requirements of 40 CFR Part 51 were also used to demonstrate attainment of the NAAQS for CO in the Denver CO SIP. The emissions limits for CO and hydrocarbons implement the assumptions that were made in the modeling to show compliance with 40 CFR 51.351 and to show attainment of the CO NAAQS. The emissions limits for hydrocarbons are a necessary component of an effective CO control program and, therefore, are being included in the State Implementation Plan.

The emissions limits for NOx for the years 1999 through 2014 established in the rule are necessary to achieve the NOx reductions that were assumed for the AIR Program in the Denver PM10 SIP. Thus, such emissions limits are necessary to implement the control measures contained in the Denver PM10 SIP as required by federal law.

For the foregoing reasons, the Commission concludes that the emissions limits in Regulation Number 11 for the years 1999 through 2014 are necessary to comply with federal law and do not otherwise exceed the minimum federal requirements. However, the rule revision also includes an emissions limit for NOx for the year 2015 and beyond that is more stringent than the minimum federal requirements. Such more stringent NOx limit is necessary beginning in the year 2015 in order for the Denver Regional Council of Governments (DRCOG) to demonstrate that the transportation network for the Denver metropolitan area will remain below the emissions budget for NOx in the State Implementation Plan. Pursuant to federal law, the Commission must adopt such a control measure before DRCOG makes its conformity determination. 40 CFR 93.122(a)(3)(I). However, federal law does not require the more stringent emissions limit for NOx to be included in the State Implementation Plan. Therefore, the emissions limit for NOx established in Part F, Sections III.A.2 and III.B.2 shall not be included in the State Implementation Plan.

Statutory Authority

The specific statutory authority for the adoption of emissions limits for carbon monoxide, hydrocarbons and oxides of nitrogen is set out at Section 42-4-306(6), C.R.S. (1998).

Effective date of rule changes

Pursuant to Section 24-4-103(5), C.R.S. (1998), the standards or cut-points established by the Commission on November 19, 1998 shall take effect on December 30, 1998; provided the rule revisions are published in the Code of Colorado Regulations on December 10, 1998. Such an effective date is consistent with the relevant SIP demonstrations. For purposes of Section 42-4-306(6)(b)(ii), C.R.S. (1998), the standards established by this rule revision were established on November 19, 1998 even though such standards shall not become effective until December 30, 1998.

Findings pursuant to Section 25-7-110.8. C.R.S. (1998).

The revisions to Regulation Number 11 are based on reasonably available, validated, reviewed and sound scientific methodologies. The Commission has considered all scientific and other information made available by interested parties.

Evidence in the record supports the finding that the revised emissions limits will result in a demonstrable reduction in air pollution when compared to the emissions limits that were in effect prior to the rule change.

The rule adopted by the Commission is the most cost-effective alternative, and will maximize the air quality benefits of the regulation in the most cost-effective manner.

IV. REVISIONS TO PARTS A, B, C, D, AND F

ADOPTED FEBRUARY 19, 1999

Basis and Purpose

The February 19, 1999 revisions implement Sections 42-4-304 through 42-4-307 and 42-4-310, C.R.S. as amended, pursuant to S.B. 98-182. Additionally, the revisions codify the provisions of Sections 42-4-304 and 42-4-310, C.R.S. as amended, pursuant to S.B. 98-182.

Explanation of the Provisions

The revisions implement a "Clean Screen Program" as an operating element of Colorado's AIR Program as established in Sections 42-4-301 through 42-4-316, C.R.S. The Clean Screen Program is designed and intended to improve participating motorist convenience and reduce costs when complying with a periodic inspection requirement. Screening clean vehicles out of the vehicle population subject to inspection requirements reduces the burden of compliance on vehicle owners. One program premise is that these vehicles would have passed a traditional inspection and that air quality would not necessarily benefit from using traditional inspection procedures on these vehicles. Clean Screened vehicles would be exempt from complying with what would normally be mandatory inspection, for one inspection cycle.

Participation by owners of vehicles registered in the program areas specified, i.e., Larimer County and metro Greeley, Weld County as well as by owners of vehicles registered elsewhere but required to obtain a certification of emissions compliance by Section 42-4-310 (l)(c)(l), C.R.S., is voluntary. Provisions within the enabling legislation allow for participation by other program areas or for other areas of the state based upon a request by respective lead air quality planning agencies, and approval by the Commission.

As proposed for implementation in the Larimer County and Weld County program areas, Clean Screening is an appropriate application of remote emissions sensing technology. Based on the Greeley Pilot Study conducted by the Division, implementing this technology as an alternate inspection procedure brings with it an estimated maximum 4-7% loss in emissions reduction compared to traditional inspection procedures. The Environmental Protection Agency's modeling projects a 1% loss. The Commission concludes that this loss of emissions reductions will have no negative impact on compliance with the National Ambient Air Quality Standards for the areas included.

Reducing the number of vehicles seeking an inspection each cycle will reduce business for licensed inspection providers serving these program areas.

The Division is committed to continuously evaluating the performance of the program especially as it pertains to the specific emissions thresholds used in the program, impacts on air quality, and may request the Commission to consider revisions to elements of the program. Additionally, the Division has committed to evaluating the feasibility of low emission(s) profiling as a supplementary inspection criteria to a Clean Screen Program.

Statutory Authority

Sections 42-4-304 through 42-4-307, and Section 42-4-310, C.R.S., as amended, authorize adoption of a Clean Screen Program.

Federal Requirements

There are no specific federal requirements requiring a Clean Screen Program. This program is not a federal mandate. The United States Environmental Protection Agency has published general guidance that is reflected in the revised regulations. A revision of the SIP for the applicable program areas is necessary to reflect the potential emissions reduction impact associated with Clean Screen Program procedures.

Explanation of Additional Revisions to Regulation for February 19,1999.

The revisions to the regulation also implement the provisions of Sections 42-4-304 and 42-4-310, C.R.S., as amended, pursuant to SB 98-046 as it pertains to the responsibility of compliance with emissions inspection requirements for vehicles in the process of being sold. The provisions require the seller to obtain an emission inspection when the vehicle is operable and can be tested. Where the vehicle is deemed inoperable or otherwise cannot be tested, the seller must provide written notice to the purchaser prior to completion of the sale on specific forms prepared by the Department of Revenue.

Statutory Authority

The specific statutory authority for the provisions discussed above is set out at Sections 42-4-304 and 42-4-310, C.R.S. as amended. The Department of Revenue adopted and implemented regulations to address these provisions. Regulation Number 11 is now consistent with state statute.

Federal Requirements

There are no federal requirements as it pertains to these provisions.

Effective Date of Rule Changes

The effective date for the revisions to Regulation Number 11 shall be April 30, 1999.

V. AMENDMENTS TO PARTS A, C AND F (III)

ADOPTED JANUARY 10, 2000

Basis and Purpose

Regulation Number 11 requires periodic emissions tests for vehicles registered or operating within the program area, which covers most of the Front Range. The purpose of the program is to reduce the amount of carbon monoxide, oxides of nitrogen, and hydrocarbons emitted by automobiles. The purpose of the January 2000 revisions to Regulation Number 11 is to make the program more cost-effective and more convenient for motorists, and to do so in a manner that protects air quality.

This rule revision makes two changes to the motor vehicle emissions inspection program. First, it extends the clean screen program to the Denver metropolitan area. The dean screen program uses remote sensing technology to identify vehicles that do not need to be tested at an emissions inspection station. Beginning in the year 2002, the revised rule will allow a motorist that passes the requisite remote sensing test to obtain a certification of emissions compliance through the mail without taking the vehicle to an inspection station for a test.

Second, the rule-revisions amend the emissions standards for 1996 and later motor vehicles, beginning in the year 2002. The revisions make the standards consistent with the air pollution control technology on new vehicles.

Federal Requirements

The revisions to Regulation Number 11 were developed in conjunction with the redesignation of the Denver metropolitan area as an attainment area for carbon monoxide. Section 175 a of the federal Clean Air Act requires the State to demonstrate that the region will remain within the national ambient air quality standard (NAAQS) for carbon monoxide for ten years after EPA takes action on the maintenance plan. EPA may not take action on the maintenance plan until 2002. Thus, federal law requires the maintenance plan to show compliance with the NAAQS for carbon monoxide through the year 2013.

Air quality analyses performed for the maintenance plan indicate that the region will remain within the NAAQS for carbon monoxide through the year 2010, even with the clean screen program. The tools currently available for predicting air quality in the future suggest, however, that the clean screen program may be inconsistent with maintenance of the NAAQS for carbon monoxide after 2010. The rule revisions provide for the expiration of the clean screen program in the year 2010 in order to demonstrate maintenance of the NAAQS through 2013.

The rule revisions codify the emissions standards that were used to perform the computer modeling to demonstrate maintenance of the NAAQS. In performing the requisite computer modeling, the Air Pollution Control Division (APCD) used emissions standards that are more stringent than appeared in Regulation Number 11 prior to these amendments. The APCD used the more stringent standards in order to maximize the air quality benefits of the program for purposes of the computer model. Although the revisions make more stringent the emissions standards in the rule, the changes do not necessarily make the program as a whole more stringent. This is because, as a practical matter, more stringent standards will automatically apply under pre-existing state and federal law. The federal rules require vehicle manufacturers to equip all 1996 and later light-duty vehicles with on-board diagnostic systems that will cause vehicles with emissions in excess of the revised standards to display fault codes (40 CFR Section 86.094-17). Regulation Number 11 already provides that a vehicle will fail the emissions test if the on-board diagnostic system displays such a fault code (Regulation Number 11, Part C, Section III.C.). The result is that the federal standards for the on-board diagnostic systems (which are more stringent than even the revised standards) already apply as a practical matter. The rule change is necessary to allow the APCD to take credit for more stringent standards when performing the computer modeling exercise. The revision merely make the standards consistent with improved technology that vehicle manufacturers are using to meet the on-board diagnostic requirements and to meet the Tier-1 standards mandated by federal law. The revised standards do not exceed the requirements of federal law.

The air quality impacts of the revisions to Regulation Number 11 were analyzed using the computer models approved by EPA, as is required by federal rules. Regulation Number 11, as revised, is necessary to comply with the requirements of the federal act and is not more stringent than the requirements of the federal act.

Statutory Authority

Specific statutory authority for the extension of the clean screen program to the Denver area is provided in Section 42-4-306(23), C.R.S. (1999). Specific statutory authority to establish emissions standards is provided in Section 42-4-306(6)(a), C.R.S. (1999).

Findings pursuant to Section 25-7-110.8

The primary intent of the January 2000 changes to Regulation Number 11 is to make the motor vehicle emissions inspection program more convenient and less costly, rather than achieving further reductions in emissions of air pollution. In addition, the rules establish more stringent emissions standards for automobiles in order to make the standards consistent with technology mandated by federal law.

The revisions are based on the computer model currently approved by the EPA. The computer model used to develop the revised rule overstates the carbon monoxide problem the Denver area will face in the future. The EPA is currently updating and improving the computer model but the revised computer model has not been approved by EPA and may not be used for federal regulatory purposes. In spite of the

problems with the computer model used to develop this regulation, the regulation is based on the most reasonably available, validated, reviewed, and sound scientific methodologies currently available under federal law. All methodologies and information made available by interested parties have been considered.

The alternative chosen by the Commission provides the regulated community flexibility and achieves the necessary reduction in air pollution. The evidence is insufficient for the Commission to determine that the alternative chosen by the Commission is the most cost-effective alternative. The cost analysis developed by the Division indicates that it may be more cost-effective to eliminate the oxygenated fuels program instead of implementing a clean-screen program, but there is considerable uncertainty in that cost estimate. The impact of oxygenates on gasoline prices varies from year to year depending on the cost of ethanol and gasoline. Thus, reducing the oxygen content of gasoline does not ensure lower consumer gasoline prices. The Commission chose the alternative proposed by the Regional Air Quality Council (RAQC) for several reasons. First the RAQC's proposal is a balanced proposal that was developed through an inclusive stakeholder process. Second, it will establish a remote-sensing network, which is a necessary first step to establish a cost-effective high-emitter program in the future. Finally, the selection of a different option could delay the redesignation of the Denver area and would delay any cost-savings associated with such alternative.

VI. AMENDMENTS TO PARTS C AND D

ADOPTED NOVEMBER 16, 2000

Basis and Purpose

This rule revision makes two changes to the motor vehicle emissions inspection program. First, the change to Part C, Section XII.E.2 extends the time period for taking valid emissions readings for purposes of the clean screen program. This section previously required a reading within 90 days of the registration renewal date for the relevant motor vehicle. Since it often takes 90 days just to correlate the data, make the necessary communications and receive payment for the motorist, this time period was too restrictive and made the clean screen program impractical. The time period was extended by a minimum of 30 days to allow more time for emissions readings.

Second, the provision on licensing requirements for clean screen inspectors in Section IX.B.7 erroneously required such inspectors to demonstrate proficiency with the criteria in Section II.A.2 (qualifications for emissions mechanics and emissions inspectors) rather than Section V (qualifications for clean screen inspectors). The rule revision corrects this citation error.

Federal Requirements

The federal act and EPA regulations do not mention clean screen programs. See, 40 CFR Part 51, Subpart S. EPA has, however, developed a draft guidance document that authorizes the use of clean screen programs to exempt certain vehicles from the federally-required automobile inspection program. EPA document 420-P-98-008 (May 1998). The draft guidance document requires two remote-sensing readings, but does not require the readings to be any more recent than twelve months prior to the vehicle's regularly scheduled emissions test.

The clean screen program is voluntary and is designed to reduce the burden of the federally based automobile inspection program described at 40 CFR Part 51, Subpart S. Overall, the clean screen program results in an automobile inspection program that is less stringent than the program described in the federal regulations. Thus, the amendments will result in a motor vehicle inspection program that is less stringent than the program described in the federal regulations, but that requires more recent test results than is required by the draft federal guidance. Because EPA does not expressly require such a cutoff date, the revised rule will not be part of the federally enforceable SIP.

Although not expressly required by draft federal guidance, the requirement for a recent emission reading is necessary and reasonable to ensure that the emission test is representative of vehicle emissions near the time of registration. Motor vehicle emissions deteriorate over time. It follows that emission readings should be considered valid for a limited period of time. The General Assembly intended for 1982 and newer vehicles to be inspected every twenty-four months. Section 42-4-310(1)(b)(II)(C), C.R.S. A vehicle that passes a clean screen test based on a reading taken 120 days prior to the registration renewal date can go twenty-eight months without inspection (or even twenty-nine months if the motorist takes full advantage of the one month grace-period allowed by the Department of Revenue following the registration renewal date). The requirement for an emissions reading within 120 days of the registration renewal date strikes a reasonable balance between the requirement to implement a clean screen program and the legislative intent for emissions tests every two years.

The federal requirements for the licensing or certification of inspectors are set out at 40 CFR 51.367. The criteria established in Regulation Number 11, Part D, Section V are not more stringent than the federal requirements.

Statutory Authority

Specific statutory for the authority to promulgate regulations governing the operation of the clean screen program is set out at 42-4-306(23), C.R.S.

Findings Pursuant to 25-7-110.8. C.R.S.

The primary intent of the November 2000 changes to Regulation Number 11 is not to achieve further reductions in emissions of air pollution, but rather to make more practical the administration of the clean screen program. Thus, the rule revision is administrative in nature.

The expanded time period allows additional time for taking emission measurements, analyzing the data, and communicating with motorist and the Clerk and Recorder. The revision to the time period does not change the standards or technology used in the program. The revision is consistent with all relevant, reasonably available, validated, reviewed, and sound scientific methodologies. All validated, reviewed, and sound scientific methodologies and information made available by interested parties has been considered.

The rule revision makes the dean screen program more cost-effective, provides the contractor and motorists with greater flexibility, will achieve the necessary reduction in air pollution, and will maximize the air quality benefits of the automobile inspection program in the most cost-effective manner.

VII. AMENDMENTS

ADOPTED DECEMBER 20, 2001

Basis and Purpose

The December 2001 revisions to Regulation Number 11 do three things: First, the rule revisions expand the clean screen program to include the enhanced emissions program area. However, the Commission did not, at this time, establish an implementation schedule pursuant to Section 42-3-134, C.R.S. This rule change is necessary to establish the clean screen authority pursuant to Section 42-4-307.5(1), C.R.S. The creation of the clean screen authority is necessary so that the Colorado Department of Revenue may receive and expend funds pursuant to Sections 42-4-307(10.5)(a) and Section 13 of House Bill 2001 -1402 ("HB1402"). Thus, this portion of the rule change has no regulatory effect other than the creation of the clean screen enterprise. The Commission intends to hold a subsequent rulemaking hearing to establish an implementation schedule.

Second, the rule change excludes the El Paso county portion of the basic emissions program area from the clean screen program pursuant to Section 42-4-306(23)(a), C.R.S.

Third, the revisions conform Regulation Number 11 to the provisions of HB 1402, which repealed the Verification of Emissions Test requirements.

Federal Requirements

Although federal rules establish minimum performance requirements for the basic and enhanced emissions programs, nothing in the federal rules bear directly on the rule changes that were the subject of the December 2001 rulemaking hearing. The revised rule does not exceed the minimum requirements of federal law.

Statutory Authority

The specific statutory authority to expand the clean screen program to enhanced emissions program area is set out at 42-4-306(23)(b), C.R.S. The specific statutory authority to exclude the El Paso county portion of the basic emissions program area from the clean screen program is set out at 42-4-306(23)(a), C.R.S. The statutory authority to conform the Regulation to the applicable statutory provision is set out at 42-4-306(1), C.R.S.

Findings Pursuant to 25-7-110.8, C.R.S.

The requirement for findings set out in Section 25-7-110.8, C.R.S. does not apply to this rulemaking hearing. The creation of the clean screen authority is merely an administrative change; it is not intended to reduce air pollution. Similarly, the exclusion of El Paso County from the clean screen program is exempt from the requirements of 25-7-110.8 because it makes no change to the program applicable in that area because El Paso County was already exempt from the clean screen program. This rule change merely formalizes the area's status in the wake of HB 1402. Finally, the Commission has no discretion concerning the repeal of the provisions related to the verification of emissions tests. For these reasons, 25-7-110.8 does not apply to this matter.

VIII. AMENDMENTS TO PART A

ADOPTED JULY 18, 2002

Basis and Purpose

This rulemaking action removes the Fort Collins area component of the Automobile Inspection and Maintenance Program ("AIR Program") from the State Implementation Plan (SIP), but does not make any change in the state laws implementing the program. This means that the AIR Program will remain in full force and effect under state laws, but it will not be federally enforceable after January 1, 2004. The continuation of the AIR Program as a state-only program will afford the Division and the City of Fort Collins an opportunity to work together to identify feasible options to replace the AIR Program in the Fort Collins area.

The maintenance plan adopted by the Commission in conjunction with these rule changes includes a commitment to begin implementing the AIR Program in the Fort Collins area in the year 2026. Such a commitment is necessary to authorize state and local transportation planning agencies to take emissions reduction credit for such a program when such agencies make transportation conformity determinations 40 CFR 93.122(a)(iii). The Commission intends to reevaluate this commitment when it revises the maintenance plan, as it is required to do within eight years pursuant to as required by 42 USC 750 a (b), and may, in compliance with all applicable state and federal laws, revise the commitment as necessary and appropriate.

Federal Requirements

After January 1, 2004, the basic AIR Program will no longer be necessary to maintain the National Ambient Air Quality Standards for carbon monoxide in the Fort Collins area through the year 2015. Therefore, the program is no longer a federal requirement for the Fort Collins area. The Commission is removing the program from the State Implementation Plan, but is not repealing the program. The basic AIR Program will continue to apply in the Fort Collins area. Thus, the provisions of Regulation Number 11 applicable to motorists registered in the Fort Collins area are not required by federal law and are more stringent than the minimum federal requirements.

IX. AMENDMENTS TO PARTS A AND C

ADOPTED AUGUST 15, 2002

Basis and Purpose

The primary purpose of this rulemaking action is to switch Larimer and Weld counties to a pay-upon-registration system for the Clean Screen Program. The purpose of the Clean Screen Program is to make the Automobile Inspection and Readjustment Program ("the AIR program") more convenient, although not necessarily less expensive. The intent behind the pay-upon-registration system is to make it easier for motorists to pay for dean screen tests. Motorists were previously required to make a separate payment to the contractor by mail before a dean screen test could be used to register a motor vehicle. With the change adopted by the Commission, motorists will be able to pay for dean screens tests at the time of registration. This change should make the Clean Screen Program, and therefore the AIR Program, more convenient for motorists. This rule change is intended merely to give motorists an option.

Clean screen motorists will have the choice of paying for the clean screen test and using it to register the vehicle, or having the vehicle tested at a conventional inspection and readjustment station and paying for such test at the testing station.

The rule amendments include a change to the timing requirements for remote sensing readings to make the Clean Screen Program more flexible. As amended, the regulation requires two valid remote sensing readings within a twelve-month period in order to clean screen a vehicle. The regulation previously required the most recent reading to be within 120 days of the registration renewal date. The 120-day requirement exceeded the minimum federal requirement. The rule has been revised rule to reflect EPA guidance and to maximize the use of the Clean Screen Program. The contract provides for adequate quality assurance by requiring the contractor to return to the same remote sensing locations on a frequent basis. Such rotation of the remote sensing units should minimize the number of vehicles that are dean screened based solely on readings taken early in the twelve-month period.

In addition, the rule changes include several minor, housekeeping changes such as:

The elimination of a requirement for the agencies to develop the equivalent of a windshield sticker for clean screened vehicles. Such a rule was inconsistent with the change in statute eliminating the windshield sticker requirements.

The elimination of a provision requiring annual inspections for government vehicles. Such a rule was inconsistent with a change in statute establishing biennial inspections for such vehicles.

The repeal of provisions establishing a method to mail payments to the contractor.

Federal Requirements

There are no federal requirements relevant to the payment mechanism for the Clean Screen Program. As indicated above, the purpose of this change is to make the program more convenient and to provide motorists with an option. Although the AIR Program may not be federally required in Larimer or Weld county after January 1, 2004 federal law requires the continued implementation of the AIR program in such areas until removed from the SIP through the SIP revision process. In the meantime, motorists must pay for emissions tests. Therefore such payment requirements do not exceed minimum federal requirements.

For clean screen programs, federal guidelines require two remote sensing readings within twelve months. The rule change makes the Colorado rule identical to the federal guideline.

For these reasons, this rule change does not exceed minimum federal requirements and is not otherwise more stringent than federal law.

Statutory Authority

The statutory authority to establish the specific dates for county clerks and recorders to begin collecting emissions inspection fees is set out at Section 42-3-134(26.5)(a), C.R.S. The Commission expressed the start date as the month in which motor vehicle registrations come due in order to effectively coordinate the Commission rules with the motorist notification process used by the County Clerks and Recorders.

In addition Section 42-4-306(1) grants the Commission the authority to promulgate such regulations as may be necessary to implement the Automobile Inspection and Readjustment Program, which authority extends to all the relevant rule changes.

Findings Pursuant to 25-7-110.8. C.R.S.

The requirements of 25-7-110.8 do not apply to the August 15, 2002 rule revisions because such revisions were not adopted for the purpose of reducing air pollution. Section 25-7-110.8 requires the Commission to make express findings whenever it imposes new regulatory requirements to improve air quality. The changes are administrative in nature and that are designed to implement the Clean Screen Program and the pay-upon-registration program in an efficient and cost-effective manner. Therefore, the requirements of Section 25-7-110.8 do not apply here.

X. AMENDMENTS TO PARTS A AND C

ADOPTED OCTOBER 17, 2002

Basis and Purpose

This rulemaking action implements the Clean Screen Program in the enhanced emissions program area. The purpose of the Clean Screen Program is to make the Automobile Inspection and Readjustment Program ("the AIR program") more convenient, although not necessarily less expensive. This rule change is intended merely to give motorists the option of using the Clean Screen Program. Clean screened motorists will have the choice of paying for the clean screen test and using it to register the vehicle, or paying to have the vehicle tested at a conventional inspection and readjustment station and paying for such test at the testing station.

The rule was also changed so that the malfunction indicator light (MIL) and on-board diagnostic ("OBD II") fault codes will not be used as the basis for test failures. Data provided by the Division reveals that MIL and OBD II requirements are not cost effective test criteria.

Federal Requirements

There are no relevant federal requirements to the payment mechanism for the Clean Screen Program. As indicated above, the purpose of this change is to make the program more convenient and to provide motorists with an option.

Nothing in federal law requires MIL or OBD tests for pre-1996 vehicles. The rule change eliminates a pre-existing state requirement for such vehicles to pass MIL tests. The rule change also eliminates the requirement for 1996 and newer vehicles to pass MIL and OBD tests. Although federal law requires OBD tests on such newer vehicles registered in certain carbon monoxide and ozone nonattainment areas, such federal requirement no longer applies in Colorado because all carbon monoxide and ozone areas have been redesignated to attainment.

For these reasons, this rule change does not exceed minimum federal requirements and is not otherwise more stringent than federal law.

Statutory Authority

The statutory authority to establish the specific dates for County Clerks and Recorders to begin collecting emissions inspection fees is set out at Section 42-3-134(26.5)(a), C.R.S. The Commission expressed the start date as the month in which motor vehicle registrations come due in order to effectively coordinate the Commission rules with the motorist notification process used by the County Clerks and Recorders.

The authority to revise the OBD and MIL requirements is set out in Section 42-4-306((i)(a).

Findings Pursuant to 25-7-110.8, C.R.S.

The requirements of 25-7-110.8 do not apply to the October 2002 rule revisions. Section 25-7-110.8 requires the Commission to make express findings only when it imposes new or amended regulatory requirements intended to reduce air pollution. Essentially, the statute requires the Commission to determine that the costs and burdens imposed by the new or more stringent requirements are justified by the air quality benefits. The purpose of the October 2002 rule changes is to reduce the burden of Automobile Inspection and Readjustment Program. Therefore, the requirements of Section 25-7-110.8 do not apply to such revisions.

XI. AMENDMENTS TO PART C

ADOPTED NOVEMBER 21, 2002

This rule change requires the Division to make annual adjustments to the minimum expenditure required to qualify for a certification of emissions waiver, based on the consumer price index for all urban consumers for the Denver-Boulder metropolitan statistical area as authorized by Section 42-4-310(1)(d) (VI), C.R.S. The rule adopted by the Commission requires the Division to make such annual adjustments through the year 2004. The Commission intends to re-evaluate the waiver amount in 2004. At such time, the Division shall submit to the Commission an analysis of cost and emission reduction benefit, if any, associated with the adjustments to the waiver amount.

In addition, the rule was also modified so that changes adopted by the Commission at their October 17, 2002 hearing, concerning malfunction indicator light (MIL) requirements, will be delayed until April 1, 2003 to provide an opportunity to complete necessary computer software changes.

Federal Requirements

The federal requirements for an emissions waiver are set out in 40 CFR 51.360(a)(7). The federal rule requires a minimum expenditure of \$450, which amount is to be adjusted annually, beginning in 1998, based on the consumer price index. However, the federal requirement applies only in certain carbon

monoxide nonattainment areas. The federal requirement no longer applies to the Denver area since it has been redesignated as an attainment area for carbon monoxide, provided the waiver rate does not exceed 3% of the failed vehicles. Arguments can be made both ways on the question of whether the rule change exceeds minimum federal requirements. Arguably, it does not because the revised rule is consistent with the intent of the federal law to annually adjust the waiver amount based on the consumer price index.

Statutory Authority

The authority to revise the waiver amount is set out in Section 42-4-310(1)(d)(VI), C.R.S.

The authority to delay the effective date of the rule change concerning the MIL is set out in Section 24-4-103(5), C.R.S.

Findings Pursuant to 25-7-110.8. C.R.S

The revision of emissions repair waiver limits brings the waiver limits in line with the customer cost index. The rule revision is based on reasonably available, validated, reviewed, and sound scientific methodologies. All validated, reviewed, and sound scientific methodologies and information made available by interested parties has been considered. Evidence in the record supports the finding that the rule shall result in a demonstrable reduction in air pollution. The rule revision is the most cost-effective alternative, provides the regulated community flexibility, and achieves the necessary reduction in air pollution. The revised rule will maximize the air quality benefits of the regulation in the most cost-effective manner.

The requirements of 25-7-110.8 do not apply to the rule revision delaying repeal of the MIL test requirement. Section 25-7-110.8 requires the Commission to make express findings only when it imposes new or amended regulatory requirements intended to reduce air pollution. Essentially, the statute requires the Commission to determine that the costs and burdens imposed by the new or more stringent requirements are justified by the air quality benefits. The rule revision concerning delay of the MIL test requirement make implementation of the Commission revisions of October 17, 2002 possible, and thus reduce the cost and burden of the Automobile Inspection and Readjustment Program. Therefore, the requirements of Section 25-7-110.8 do not apply to such revisions.

XII. AMENDMENTS

ADOPTED DECEMBER 19, 2002

Basis and Purpose

This rulemaking action removes the Greeley component of the Automobile Inspection and Maintenance Program ("AIR Program") from the State Implementation Plan ("SIP"), effective January 1, 2004. The AIR Program would remain a state-only program while the lead air quality planning agency for the Greeley area evaluates options for discontinuing the program altogether or retaining it as a local program. The AIR Program for the Greeley area has been removed from the SIP because it is no longer necessary for the Greeley area to meet the ambient air quality standards.

The maintenance plan adopted by the Commission in conjunction with these rule changes includes a commitment to begin implementing the AIR Program in the Greeley area anew in the year 2026. Such a commitment is necessary to authorize state and local transportation planning agencies to take emissions reduction credit for such a program when such agencies make transportation conformity determinations, 40 CFR 93.122 (a) (iii). The Commission intends to reevaluate this commitment when it revises the maintenance plan, as it is required to do within eight years pursuant to as required by 42 USC Section 750 a (b), and may, in compliance with all applicable state and federal laws, revise the commitment as necessary and appropriate. The rule resulting from this rule change exceeds minimum federal

requirements because air quality modeling shows that the AIR Program is not necessary to maintain the national ambient air quality standard for carbon monoxide in the Greeley area after 2003.

Specific Statutory Authority

The application of the Basic AIR Program to the Greeley area is prescribed in state statute, Section 42-4-304(20)(a)(V). The Commission has the statutory authority to adopt a comprehensive State Implementation Plan (SIP) and to decide which control measure should be included in such SIP, Section 25-7-105, C.R.S. The Commission is required to exclude from the SIP rules that exceed the minimum requirements of federal law, and has the authority to adopt regulations exclusively under state authority, Section 25-7-105.1(1), C.R.S. Thus, the Commission has the statutory authority to maintain the AIR Program as a state-only rule in the Greeley area, but remove the program from the SIP for such area.

Findings Pursuant to 25-7-110.8, C.R.S.

The December 2002 changes to Regulation Number 11 merely change the federal status of the regulation; this rule change does not have any effect on air quality or motor vehicle emission. Thus, the rule change is administrative in nature, and is not based on scientific evidence demonstrating that it will improve air quality.

In evaluating the available options, the Commission considered the option of repealing the AIR Program for the Greeley area. Such an option would likely comply with the minimum federal requirements in a more cost-effective manner.

Notwithstanding the cost effectiveness of the repeal of the program, the Commission has retained the AIR Program as a state-only program. This is the same approach the Commission took for the City of Ft. Collins in July 2002. The retention of the regulation as a state-only rule will provide an opportunity for the North Front Range Transportation and Air Quality Planning Council to explore planning options for the region as a whole.

XII. AMENDMENTS

ADOPTED SEPTEMBER 18, 2003

Basis and Purpose

The purpose of this rulemaking action is to implement House Bill 2003-1016 and House Bill 2003-1357. The bills revised Sections 42-4-309 and 42-4-310, C.R.S. to allow the sale and registration of used motor vehicles without an emissions inspection if the motor vehicle is less than three years old, and to provide that motor vehicle dealers shall not be required to have vehicles inspected more than once a year.

Federal Requirements

The federal rules do not require an inspection upon vehicle sale or transfer. The relevant federal requirement is the general requirement for the state implementation plan to contain the control measures necessary to demonstrate maintenance of the national ambient air quality standards. Although the pre-existing requirement for an emissions test upon sale or transfer of a vehicle is included in the state implementation plan, Colorado did not take any emissions reduction credit for such a requirement. Thus, we may revise the state implementation plan to implement HB03-1016 and HB03-1357.

Statutory Authority

The Commission promulgates these regulatory changes pursuant to its authority to promulgate such regulations as may be necessary to implement the program set out in Section 42-4-306(1), C.R.S.

Findings Pursuant to 25-7-110.8, C.R.S.

The requirements of 25-7-110.8 do not apply to the September 2003 rule revisions because these revisions do not establish new requirements intended to reduce air pollution. Instead, the rule revisions relax pre-existing requirements as provided in HB03-1016 and HB03-1357.

XIII. AMENDMENTS

ADOPTED DECEMBER 18, 2003

The purpose of this revision is to postpone the change in emissions standards scheduled to take effect on January 1, 2004 for 1996 and newer light-duty vehicles. The standards scheduled to take effect on January 1, 2004 were overly stringent, and were likely to result in an unacceptable number of "false failures". A false failure occurs when a vehicle fails the emissions test even though there is nothing wrong with the vehicle. The effect of the rule change is to maintain the *status quo* pending a SIP revision based on MOBILE6. The Commission will reconsider the standards appropriate for 1996 and newer light-duty vehicles when it revises the carbon monoxide maintenance plan for the Denver metropolitan area.

The specific authority to establish emissions standards is set out at Section 42-4-306(6)(b), C.R.S.

The requirements of Section 25-7-110.8, C.R.S. do not apply to the November 2003 rule revision because the revision does not establish new requirements intended to reduce air pollution. Instead, the rule revision relaxes the emissions standards for 1996 and newer vehicles.

XV. AMENDMENTS

ADOPTED DECEMBER 18, 2003

Basis and Purpose

The purpose of this rulemaking action is to remove the El Paso County component of the automobile inspection and maintenance program ("AIR Program") from the federally enforceable state implementation plan (SIP). Although the AIR Program will continue to apply in El Paso County as state law, the Commission will schedule another hearing to consider terminating the program in El Paso County once the Division has evaluated the impact such termination may have on ozone concentrations.

The AIR program is no longer necessary to comply with minimum federal requirements in El Paso County. The retention of a state-only program is arguable more stringent than the minimum federal requirements, but it is reasonable and appropriate to retain the program while the Division evaluates the impacts the program may have on ozone concentrations.

Statutory Authority

Section 25-7-105, C.R.S. grants the Commission the authority to adopt a comprehensive SIP. In addition, Section 25-7-105.1(1), C.R.S. authorizes the Commission to adopt rules exclusively under state authority that shall not be part of the SIP.

Findings Pursuant to 25-7-110.8, C.R.S.

The December 2003 changes to Regulation Number 11 merely change the federal status of the regulation. This rule change is administrative in nature and will not have any effect on air quality or motor vehicle emissions.

XVI. AMENDMENTS

ADOPTED MARCH 12, 2004

Basis and Purpose

The revisions to Regulation Number 11 reduce the maximum number of vehicles that may be exempted from conventional emissions testing at an inspection station through the use of the Clean Screen Program. The Clean Screen Program, beginning February 28, 2005, may evaluate regulation Number 11 previously provided that up to 80% of the fleet. However, it appeared at the hearing the goal of screening 80% of the vehicle fleet with the Clean Screen Program was unrealistic; a more realistic goal would be to screen 50% of the vehicle fleet. Revising the Regulation and the SIP to reflect this reality will result in an emission reduction benefit for purposes of the attainment demonstration.

The Commission also repealed provisions stating that the NO_x standards and gas cap test requirements were not to be included in the State Implementation Plan. Previously, such requirements were not necessary to the SIP because the State took no credit for the measures for SIP modeling purposes. The requirements are, however, necessary for the attainment demonstration set out in the Early Action Compact Ozone Action Plan for the 8-hour Ozone Control Area. Therefore, these requirements must now be incorporated into the SIP.

The statutory authority for the rule change is set out at Section 42-4-306(23)(a), C.R.S. This rule revision is based on the recognition that practical and technical hurdles make it unlikely that the clean screen program will achieve the 80% level previously authorized by the regulation. The amendment is not intended to reduce pollution, rather the change is necessary so that the SIP will reflect the true nature of the clean screen program. Since this change is not intended to reduce air pollution, the requirements of 25-7-110.8 do not apply.

XVII. AMENDMENTS

ADOPTED FEBRUARY 18, 2005

Basis and Purpose

The purpose of this rulemaking is to specify that the AIR program will no longer apply in El Paso, Larimer, and Weld counties.

Federal Requirements

Federal law no longer requires the basic program in El Paso, Larimer, and Weld counties because the Commission has submitted carbon monoxide maintenance plans for such areas showing maintenance of the NAAQS without the AIR program.

Statutory Authority

The Commission promulgates these regulatory changes pursuant to its authority to promulgate such regulations as may be necessary to implement the program set out in Section 42-4-306(1), C.R.S. Specific statutory authority to specify that the AIR program no longer apply in El Paso, Larimer, and Weld counties is set out in Section 42-4-316(1), C.R.S.

Findings Pursuant to 25-7-110.8, C.R.S.

The requirements of 25-7-110.8 do not apply to the February 2004 rule revisions because these revisions do not establish new requirements intended to reduce air pollution. Instead, these revisions terminate the program in El Paso, Larimer, and Weld counties.

XVIII. AMENDMENTS

ADOPTED NOVEMBER 17, 2005

The purposed of this rulemaking is to implement provisions contained in HB05-1214 that eliminate the inspection requirement for vehicles that have not yet reached their fourth model year registering in the I/M Program area for the first time. Another purpose of this revision is to prevent a change in emissions standards scheduled to take effect on January 1, 2006 for 1996 and newer light-duty vehicles. The standards scheduled to take effect on January 1, 2006 were overly stringent, and were likely to result in an unacceptable number of "false failures". A false failure occurs when a vehicle fails the emissions test even though there is nothing wrong with the vehicle. The effect of the rule change is to maintain the status quo. The provisions amended in this rule change are not more stringent than federal requirements.

Statutory Authority

The Commission promulgates these regulatory changes pursuant to its authority to promulgate such regulations as may be necessary to implement the program set out in Section 42-4-306(1), C.R.S. and the authority to set emissions standards provided by Section 42-4-306(6)(b).

Findings Pursuant to 25-7-110.8, C.R.S.

The requirements of 25-7-110.8 do not apply to the November 2005 rule revisions because these revisions do not establish new requirements intended to reduce air pollution. Instead, these revisions implement state statute and lessen the cost and burden of the automobile inspection and readjustment program.

XIX. AMENDMENTS

ADOPTED JUNE 21, 2007

The purpose of this rulemaking is to allow the option of using a low emitting vehicle index in place of a second remote sensing clean screen measurement for clean screen program eligibility.

Federal Requirements

Federal requirements allow substitution of program elements or criteria contained in a State Implementation Plan when such new program element or criteria gives equal or greater air quality benefits than the program element or criteria replaced. Rule modifications adopted at this rule making are intended to produce similar air quality benefits as the old rule.

Statutory Authority

The Commission promulgates these regulatory changes pursuant to its authority to promulgate such regulations as may be necessary to implement the clean screen and high emitter programs set out in Sections 42-4-306(23), 42-4-307(12), and 42-4-310(5) C.R.S. Specific statutory authority for this rule change is set out in Section 42-4-306(23), C.R.S. General authority for this regulation is contained in the Colorado Air Pollution and Control Act (Colorado Act) Sections 25-7-105, and 25-7-109, C.R.S., which authorize the Commission to promulgate air emission control regulations to control air pollutants and to implement a State Implementation Plan (SIP) for maintenance of air quality.

Findings Pursuant to 25-7-110.8, C.R.S.

This rule modification is intended to make the Clean Screen Program more convenient to the public and increase the cost effectiveness of the program. It is administrative in nature, and is not intended to be

more stringent than existing rule. Therefore requirements of 25-7-110.8 do not apply to the April 2007 rule revisions because these revisions do not establish new requirements intended to reduce air pollution.

Factual and Policy issues For Commission To Decide

The requested rulemaking action is designed as a step to implement HB1302 requirements to increase the use of remote sensing to clean screen vehicles in the I/M Program. The requested rulemaking is not anticipated to raise any significant factual, policy or legal issues, but rather to improve the efficiency of the I/M Program, to reduce its regulatory burden, and to help facilitate the eventual implementation of a high-emitter program as required by statute.

Scientific/Technical Rationale

The proposed rule is designed to implement the requirements in HB06-1302 for increasing the use of remote sensing in the I/M Program and for building a framework for a high-emitter program. The scientific and technical basis for the specific revisions in this rulemaking are generally accepted results found in reports developed under the direction of the Colorado Air Quality Control Commission and the Air Pollution Control Division, including reports conducted by the state contractor, Envirotech, for the State of Colorado, such as the Greeley Study Report which EPA relied upon in developing its guidance for remote sensing programs.

Rule Portions Not Specifically Required by the Federal Act

The Federal Act does not specifically require this rule, nor is it more stringent than requirements of the federal act. Rather, it provides a means to more efficiently meet current requirements of the state implementation plan as now required under the federal act. In addition, as addressed above, this rule meets requirements under state law to improve the clean screen program.

Further, these revisions will include any typographical and grammatical errors throughout the regulation.

XX. AMENDMENTS

ADOPTED OCTOBER 18, 2007

This Statement of Basis, Specific Statutory Authority and Purpose complies with the requirements of the Colorado Administrative Procedure Act Sections 24-4-103(4), C.R.S. for new and revised regulations.

Basis and Purpose

The Air Quality Control Commission has adopted these state-only provisions as a means of implementing the legislative direction set forth in HB06-1302. The specific purpose of the amendments is to establish the regulatory requirements for a mandatory remote sensing based High Emitting Vehicle Identification Program on a limited pilot scale basis as an add-on to the existing vehicle inspection and maintenance program and to continue the Clean Screen Program as contemplated by HB06-1302. These revisions reflect the Commission's determination that the goals of HB06-1302 can be achieved in the most cost effective way by first enacting a High Emitting Vehicle Identification Pilot Project, that can be used to test the effectiveness of using remote sensing technology to identify high emitting vehicles prior to establishing a full scale High Emitting Vehicle Identification Program. In the establishing the pilot Program the Commission has concluded that while the program should be independent of the existing inspection and maintenance programs, the testing procedures and requirements should, for the most part, mirror the procedures and requirements applicable to the existing I/M programs. Additional requirements have been added, however, to make the Pilot Project more useful in studying the effectiveness of remote sensing technology in identifying high emitting vehicles without unduly burdening the motoring public, while still enacting the specific legislative directives set forth in HB06-1302.

These revisions are not specifically required by the Federal Clean Air Act and are not intended to be included in any State Implementation Plan

Specific Statutory Authority

The specific statutory authority for these revisions is set forth in Sections 42-4-307, 42-4-307.7, and 42-4-313 C.R.S, which direct the Commission to develop and implement a remote sensing based high emitting vehicle identification program, and to expand the existing Clean Screen Program.

Scientific/Technical Rationale

The proposed rule is designed to implement the requirements in HB06-1302 for increasing the use of remote sensing in the I/M Program and for building a framework for a high-emitter program. The scientific and technical basis for the specific revisions in this rulemaking are generally accepted results found in reports developed under the direction of the Colorado Air Quality Control Commission and the Air Pollution Control Division, including reports conducted by the state contractor, Envirotech, for the State of Colorado, such as the Greeley Study Report which EPA relied upon in developing its guidance for remote sensing programs. Evidence in the record supports the finding that the High Emitter Pilot Project will result in a reduction of air emissions through the identification and repair of high emitting vehicles.

XXI. AMENDMENTS

ADOPTED MARCH 20, 2008

Basis and Purpose

The purpose of this rulemaking is to implement revised, more stringent, model year emissions standards. It is expected that this revision will result in increased air quality benefits generated by the inspection and maintenance program. Another purpose of this revision is to delete obsolete language and correct minor typographic errors.

The effect of the rule change is to identify more high emitting motor vehicles. Emissions reductions generated by the repair of these vehicles are expected to assist in reducing summertime ozone concentrations. The state this summer violated the national ambient air quality standards for ozone, making necessary these modifications. The provisions amended in this rule change are not more stringent than federal requirements.

Specific Statutory Authority

The Commission promulgates these regulatory changes pursuant to its authority to authority to set emissions standards as provided by Section 42-4-306(6)(b)(I), C.R.S. Additional authority is set forth in Section 42-4-306(1), C.R.S., which gives the Commission the authority to adopt regulations as may be necessary to implement the emissions testing program.

Scientific/Technical Rationale

The rule is based on reasonably available, validated, reviewed, and sound scientific methodologies including analysis of existing emission testing data and EPA approved mobile source emissions modeling. It will result in demonstrable reductions in ozone precursor emissions, and should help reduce the risk to human health or the environment from high ozone levels in the Denver Metro Area. Among the options considered, the regulatory option chosen will maximize the air quality benefits in the most cost-effective manner.

XXII. AMENDMENTS

ADOPTED OCTOBER 16, 2008

Basis and Purpose

The purpose of this rulemaking is to implement revised visual inspection procedures and methodology for 1996 and newer model year vehicles. It is expected that this rule revision will result in improved inspection throughput, resulting in shorter vehicle wait times and improved motorist convenience. Another purpose of this revision is to delete obsolete language and correct minor typographic errors.

The effect of the rule change is to shorten the amount of time it takes to inspect vehicles for exhaust and gas cap evaporative emissions.

Currently the state receives no sip credit from visual inspecting 1996 and newer vehicles. Therefore, this rule change will result in no sip credit loss. Vehicles that would be expected to fail the visual component of the I/M inspection will continue to be detected through interrogation of the MIL command and OBD system.

Another purpose of this rulemaking is to eliminate certain no longer relevant components of the regulation, concerning chlorofluorocarbons and motor vehicle filler-neck inspections. These inspections have become obsolete, and no longer serve a purpose. Chlorofluorocarbons have been outlawed for a number of years now. The filler-neck restriction was to prevent the use of leaded gasoline in unleaded fueled vehicles. Leaded gasoline use in on-highway motor vehicles has been banned since 1993.

Specific Statutory Authority

The Commission promulgates these regulatory changes pursuant to its authority to authority to set emissions inspection requirements and procedures as provided by Section 42-4-306(a), C.R.S. Additional authority is set forth in Section 42-4-306(1), C.R.S., which gives the Commission the authority to adopt regulations as may be necessary to implement the emissions testing program.

Scientific/Technical Rationale

The rule is based on reasonably available, validated, reviewed, and sound scientific methodologies. This rule change will bring the visual inspection component in line with current EPA guidance and requirements and the practices of other states. The regulatory change will maximize the air quality benefits from the AIR Program, while improving motorist convenience in a cost-effective manner.

XXIII. AMENDMENTS

ADOPTED DECEMBER 12, 2008

Basis and Purpose

In November 2007, USEPA designated the Denver Metro Area (DMA) and North Front Range (NFR) as out of attainment with the then current eight-hour ozone standard of 0.84 ppm. Since that time, USEPA has promulgated a new, stricter standard of 0.75 ppm.

High ozone concentrations are of concern since breathing ozone can trigger a variety of health problems including chest pain, coughing, throat irritation, and congestion. It can worsen bronchitis, emphysema, and asthma. Ground-level ozone also can reduce lung function and inflame the linings of the lungs. Emissions from motor vehicles are one of the prime contributors to ozone pollution in the DMA and NFR.

The purpose of this rulemaking is to expand the existing enhanced emissions inspection program currently applicable in the seven County Denver Metro Areas to the AIR Program area of Larimer and

Weld counties. It is important to re-establish an inspection and maintenance program in this area as part of the state's efforts to reduce ozone precursor emissions in the Denver Metro and North Front Range Area.

Specific Statutory Authority

The Commission promulgates these regulatory changes pursuant to 42-4-306(9)(A)(II), C.R.S., which allows the Commission to expand the existing enhanced emissions inspection program to the AIR Program Area portions of Larimer and Weld counties. Additional authority is set forth in Section 42-4-306(1), C.R.S., which gives the Commission the authority to adopt regulations as may be necessary to implement an emissions testing program.

Scientific/Technical Rationale

The rule is based on reasonably available, validated, reviewed, and sound scientific methodologies. Analysis of existing motor vehicle emissions inspection programs and their benefits, both in state, as well as from other states, were analyzed in developing this rule. Emissions benefits were derived using EPA approved mobile source emissions modeling.

Comprehensive analysis of this rule shows that it will result in demonstratable reductions in ozone precursor emissions, and should help reduce the risk to human health or the environment from high ozone levels in the Area. Among the options considered, the regulatory option chosen will maximize the air quality benefits in the most cost-effective manner.

XXIV. AMENDMENTS

ADOPTED MARCH 18, 2010

Basis and Purpose

The purpose of this rulemaking is to provide agreement with statute regarding program boundaries, update certain technical specifications, and provide for some limited flexibility for the startup of the enhanced vehicle inspection and maintenance program in the North Front Range area. This rule revision will result in:

- 1) Boundaries for the inspection and maintenance program in Larimer and Weld Counties that are consistent with the boundaries established in SB09-003. While the Commission interprets that the boundaries that the legislature adopted in Section 42-4-304(20) as part of SB09-003 are self-implementing, this regulatory action will provide clarity for the motoring public and the county clerks in understanding which geographic areas in Larimer and Weld Counties are included and excluded from emissions testing requirements,
- 2) Specifications for an up-to-date test analyzer system for vehicle fleets and independent inspection shops (for 1981 and older vehicles) to provide a voluntary alternative to centralized emissions testing,
- 3) A set of interim phase-in emissions cut-points (pass/fail standards) that better reflect the condition of vehicles in the North Front Range vehicle fleet and the capabilities of the North Front Range automobile repair industry, and
- 4) Flexibility of program start date that reflect the realities of starting up a major contractor-operated public program in the North Front Range,

5) A demonstrable reduction in tailpipe and evaporative emissions of ozone precursor pollutants that will help Colorado achieve compliance with the 8 hour ozone standard in the Denver Metropolitan Area and North Front Range.

The enhanced emissions program startup in the North Front Range is a state-only emissions reduction strategy and is not included in any State Implementation Program (SIP) with the US EPA.

The Commission has extended the timeline for implementation of the program for the Estes Park area and intends for the Division to return to the Commission to discuss an analysis of the applicable science and the effects of the program on the population living in the region. The Commission also intends for the Division to provide a review of other vehicle emission testing programs that could be implemented in the area.

Specific Statutory Authority

The Commission promulgates these regulatory changes pursuant to its authority to: 1) establish regulations for program areas under 42-4-306(1); 2) review and change emissions program area boundaries under 42-4-304 (20) (d); 3) establish technical specifications for Test Analyzer Systems under 42-4-306 (3)(a); and 4) to establish interim emissions cut-points (standards) under 42-4-306 (6). Statute also provides flexibility for startup of the North Front Range enhanced I/M Program in 42-4-304 (20)(c) as amended by SB 09-003.

Scientific/Technical Rationale

The proposed rule is based on reasonably available, validated, reviewed, and sound scientific methodologies. All validated, reviewed and sound scientific methodologies and information made available by interested parties has been considered by the Commission in the adoption of this revision. Further, the Commission finds, based on the evidence in the record, that this revision will bring about reductions in risks to human health and the environment associated with ground-level ozone, as well as its precursor pollutants, and that these benefits justify the costs to government and the public. This revision maximizes air quality benefits in the most cost-effective manner of all alternatives available to the Commission. This proposed rule change will provide clarity for citizens, county clerks, and vehicle fleet operators in the North Front Range. It will also ensure that the vehicle emissions failure rate of this new program is reasonable, manageable and that those vehicles that fail emissions are repairable within the capabilities of local repair businesses. Finally, the proposed rule will allow administrative flexibility to begin the program when the testing network is complete and the public has been properly informed of program requirements. The record demonstrates that this change will result in demonstrable reductions in tailpipe and evaporative ozone precursor emissions from vehicles in the Front Range ozone non-attainment area.

XXV. AMENDMENTS

ADOPTED AUGUST 19, 2010

Basis and Purpose

The purpose of this rulemaking is to revise the provisions of Regulation Number 11 to add a Nitrogen Oxides (NOx) cut-point to the selection criteria used in the Clean Screen Program. This change will enhance the environmental effectiveness of the Automobile Inspection and Readjustment (AIR) Program as a whole by helping to ensure that vehicles with high NOx emissions are not exempted from testing through the Clean Screen Program. This change will also address one of the key recommendations by the State Auditor's Office during the 2009 performance audit of the AIR Program.

Specific Statutory Authority

The Commission promulgates these regulatory changes pursuant to its authority to establish rules governing the Clean Screen Program including clean screen emission levels pursuant to Sections 42-4-306 (23)(a) and 42-4-306 (6)(a), C.R.S.

Scientific/Technical Rationale

The rule is based on reasonably available, validated, reviewed, and sound scientific methodologies including analysis of existing emission testing data, clean screen data and EPA approved mobile source emissions modeling. It will result in demonstrable reductions in ozone precursor emissions as well as mobile source air toxics, and should help reduce the risk to human health or the environment from vehicle emissions in the program area. Among the options considered, the regulatory option chosen will maximize the air quality benefits in the most cost-effective manner.

XXVI. AMENDMENTS

ADOPTED OCTOBER 21, 2010

Basis and Purpose

The purpose of this rulemaking is to correct 12 clerical errors for the implementation of the enhanced vehicle inspection and maintenance program in Colorado's North Front Range.

This rule revision will result in a set of interim phase-in emissions cut-points (pass/fail standards) that better reflect the condition of vehicles in the North Front Range vehicle fleet and the capabilities of the North Front Range automobile repair industry.

The Commission's intent to implement phase-in cutpoints is evident in the Statement of Basis and Purpose for the March 18, 2010 rulemaking hearing; however 12 of the 108 numerical values in the tables adopted at that time were incorrect. This rulemaking is intended to correct those 12 values and implement the Commission's original intent from its March 18, 2010 public hearing.

The enhanced emissions program startup in the North Front Range is a state-only emissions reduction strategy and is not included in any State Implementation Program (SIP) with the US EPA.

Specific Statutory Authority

The Commission promulgates these regulatory changes pursuant to its authority to establish interim emissions cut-points (standards) under 42-4-306 (6) C.R.S.

Scientific/Technical Rationale

The proposed rule is based on reasonably available, validated, reviewed, and sound scientific methodologies. All validated, reviewed and sound scientific methodologies and information made available by interested parties has been considered by the Commission in the adoption of this revision. This proposed rule change will ensure that the vehicle emissions failure rate of this new program is reasonable, manageable and that those vehicles that fail emissions are repairable within the capabilities of local repair businesses.

XXVII. AMENDMENTS

ADOPTED JANUARY 20, 2011

Basis and Purpose

The purpose of this rulemaking is to correct 12 clerical errors for the implementation of the enhanced vehicle inspection and maintenance program in Colorado's North Front Range.

This rule revision will result in a set of interim phase-in emissions cut-points (pass/fail standards) that better reflect the condition of vehicles in the North Front Range vehicle fleet and the capabilities of the North Front Range automobile repair industry.

The Commission's intent to implement phase-in cutpoints is evident in the Statement of Basis and Purpose for the March 18, 2010 rulemaking hearing; however 12 of the 108 numerical values in the tables adopted at that time were incorrect. This rulemaking is intended to correct those 12 values and implement the Commission's original intent from its March 18, 2010 public hearing.

The enhanced emissions program startup in the North Front Range is a state-only emissions reduction strategy and is not included in any State Implementation Program (SIP) with the US EPA.

Specific Statutory Authority

The Commission promulgates these regulatory changes pursuant to its authority to establish interim emissions cut-points (standards) under 42-4-306 (6) C.R.S.

Scientific/Technical Rationale

The proposed rule is based on reasonably available, validated, reviewed, and sound scientific methodologies. All validated, reviewed and sound scientific methodologies and information made available by interested parties has been considered by the Commission in the adoption of this revision. This proposed rule change will ensure that the vehicle emissions failure rate of this new program is reasonable, manageable and that those vehicles that fail emissions are repairable within the capabilities of local repair businesses.

XXVIII. AMENDMENTS

ADOPTED SEPTEMBER 15, 2011

Basis and Purpose

The purpose of this rulemaking is to revise the provisions of Regulation Number 11 to exclude the Estes Park area from the North Front Range Enhanced IM Program. Previous rulemaking had scheduled the Estes Park area to be included in the program on December 31, 2011.

Specific Statutory Authority

The Commission promulgates these regulatory changes pursuant to its authority to establish rules governing program adoption and implementation pursuant to Sections 42-4-304(20)(d) and 42-4-306(1) and 42-4-306 (6)(a) and Section 42-4-306 (7)(a) and Section 42-4-306 (9)(a)(II), C.R.S.

Scientific/Technical Rationale

As compared with the Denver Metro North Front Range region, the Estes Park area is unique because most summertime vehicle emissions are from tourist vehicles, the areas older residents would experience a hardship driving to remote testing stations, the increased vehicle miles travelled to the test stations is counter-productive, and the cost of emission reductions is proportionally higher in Estes Park.

In developing this rule, the Division met with Estes Park and Larimer County officials on April 13, 2011 to discuss the upcoming rulemaking proceedings and the Division's proposal. Those officials obtained party status and presented an alternative proposed rule to exclude Estes Park from the emissions program.

XXIX. AMENDMENTS

ADOPTED MAY 17, 2012

Basis and Purpose

The purpose of this rulemaking is to:

- Remove the regulatory prohibition that disallows government fleet-owned vehicles from being clean screened by roadside emissions monitors,
- Clarify the language for criteria to issue an economic hardship waiver for a vehicle that cannot pass emissions,
- Add clarifying language to the body of the regulation that clearly designates the North Front Range I/M Program as a state-only program and that it is not part of any State Implementation Plan with US EPA,
- Remove obsolete provisions for less-stringent phase-in emissions standards (cutpoints) for the North Front Range enhanced program startup, and remove the repealed Part G, which established regulatory authority to operate the roadside remote sensing high emitter pilot project through July 1, 2010.
- Replace language that was inadvertently deleted in Part F that provides for specific pass/fail criteria for 1981 and newer vehicles receiving a two-speed idle emissions test.

The Automobile Inspection and Readjustment (AIR) Program is designed to reduce motor vehicle emissions through the detection and repair of high emitting gasoline-powered motor vehicles. To accomplish this goal vehicles within the program area are required to undergo a periodic inspection at an emissions testing station. Vehicles that fail the inspection must undergo repairs and pass a retest in order to register their vehicle. To reduce the inconvenience for motorists, the AIR Program also uses roadside remote sensing devices to screen out clean vehicles and exempt them from their periodic test (Clean Screen Program). Clean screened vehicle owners still pay the \$25 inspection fee.

Government-owned fleet vehicles (City, County, State, School district and special district vehicles) are required to undergo emissions testing just like privately-owned vehicles. Since government-owned vehicles renew their registration information every year in a completely different manner than privately owned vehicles, and government vehicles do not pay an annual registration fee, there was never a mechanism for notification of "Passing Roadside Emissions" or payment for clean screen of government vehicles. Therefore, government vehicles were prohibited by Regulation from participation in Clean Screen.

At the request of several local governments, and in an effort to comply with directives from the Governor's office, the Division, Department of Revenue and the emissions inspection contractor have agreed to develop procedures to provide for clean screen notification and payment mechanisms to allow government fleet vehicles to be clean screened, at the option of the government agency. The proposed rule in this request for hearing removes the regulatory prohibition against clean screening Government vehicles in Part C, Section XII.A.4.c.

The Commission is revising rules on hardship waivers in Part C, Section VIII.D. to ensure that the Commission's rules are consistent with its statutory authority. The Commission is revising rules to clarify that the North Front Range program is a state-only program to address an objection from the US EPA in

Part A, Section II.40. and Part A, Section V.A. The Commission is removing provisions already noted in the regulation as repealed or obsolete (North Front Range phase-in cutpoints in Part F, Section III.C. and Part F, Section III.D. and the High emitter pilot project), and replacing language that was inadvertently rescinded in 2006 (pass/fail criteria for 1981 and newer vehicles receiving a two-speed idle emissions test).

The Commission is revising the language for criteria to issue an economic hardship waiver for a vehicle that cannot pass emissions after receiving comment that Regulation Number 11 should, but does not, establish those criteria. The Commission adds clarifying language that clearly designates the North Front Range I/M Program as a state-only program because, under the previous version of the rules governing the North Front Range I/M program, it is not clear whether the program is in the State Implementation Plan approved by the Environmental Protection Agency. When originally adopted, the Commission intended for the program to be state-only. EPA sought clarification, so the rules now explicitly state that the program is state-only.

Finally, the Commission is removing expired cutpoints and addressing the inadvertent deletion of pass/fail criteria for older vehicles.

This rule revision will result in:

- 1) Improved convenience and reduced costs for state and local government fleet operators, by making emissions compliance easier and faster,
- 2) Legal and regulatory clarity in the rule language, while not affecting procedures and operation of the program or its customers,
- 3) A lean and streamlined regulation by removing repealed and obsolete provisions.

Specific Statutory Authority

The Commission has the authority to promulgate rules governing the operation of the clean screen program pursuant to Section 42-4-306(23). The Commission has the authority to promulgate rules governing the issuance of economic hardship waivers pursuant to Section 42-4-306 (7) (a) (II) (C), C.R.S.; the labeling of the North Front Range as state-only falls under the general authority of the Commission to promulgate rules pursuant to Section 42-4-306 (1) C.R.S.; establishing cutpoints and pass-fail criteria in Section 42-4-306 (6)(a) C.R.S.; operating the remote sensing high emitter project in Section 42-4-307.7 C.R.S.

Additional findings under Sections 25-7-110.5(5) and 25-7-110.8, C.R.S

None of the revisions in this rulemaking exceed federal requirements. With the exception of the revision addressing the two-speed idle emissions test, these rules are not federally mandated, nor are there any counterpart federal rules. The rule is based upon reasonably available, validated, reviewed, and sound scientific methodologies, and the Commission has considered all information submitted by interested parties. This revision will result in cost savings and efficiencies to state and local government vehicle fleets with minimal impact on air quality and emissions, and that the cost savings to government and the public justify the slight air quality impact. This proposed rule change will provide clarity for citizens, government vehicle fleet operators, and the automotive repair industry and achieve any necessary reduction in air pollution. These rules will maximize the air quality benefits of the regulation in the most cost-effective manner.

XXX. AMENDMENTS

ADOPTED DECEMBER 20, 2012

This revision to Regulation Number 11, Parts A, B, C, D, E, F and H – is to amend language that would extend model-year exemptions; require on-board diagnostic inspections; no longer require visual inspections of emission control systems on 1996 model-year and newer vehicles; require retesting after failing gas cap integrity test; delete obsolete language; and revise typographical, grammatical, and formatting errors.

This Statement of Basis, Specific Statutory Authority, and Purpose complies with the requirements of the Colorado Administrative Procedures Act, Section 24-4-103, C.R.S., and the statutory authority provided in Sections 42-4-301 through 42-4-316, C.R.S._

Basis and Purpose

The Commission's December 2012 amendments are intended to assure that emission reduction benefits are maintained while at the same time increasing the flexibility and convenience of motor vehicle emission inspections. The amendments increase new vehicle model-year exemptions from emissions testing from four to seven years. The amendments provide for OBD inspections of 1996 year-model and newer motor vehicles for the first two testing cycles (four model years) after the seven year new vehicle exemption runs out. Procedures are included to default to the use of OBD testing on vehicles that are not readily testable using IM 240; and to default to IM 240 testing on vehicles that are not readily testable with OBD. Visual inspections of emission control equipment are eliminated on 1996 year-model and newer motor vehicles. To clarify and assure compliance with the federal requirements at Title 40, Part 51, Subpart S, 51.357, the already current practice of requiring a full retest after a gas cap failure is being specified as part of the evaporative fuel control inspection procedures.

Federal Requirements

The current inspection and maintenance program, except in the North Front Range is contained in Colorado's ozone State Implementation Plan (SIP). Any revision to the program requires that air quality credits achieved from the program are not lost.

In general, EPA rules require certain nonattainment areas implement Inspection and Maintenance programs as part of a SIP. Under the Clean Air Amendments of 1990, the Denver metropolitan area was required to implement an "Enhanced" IM Program, specifically for carbon monoxide. Since that time, the state has come into attainment with carbon monoxide, but the program remains a necessary element of Colorado's ozone SIP. The North Front Range area of the program operates as a state-only program

Specific Statutory Authority

Sections 42-4-306 and 42-4-310, C.R.S. authorize the Air Quality Control Commission ("Commission") to promulgate rules for inspection of motor vehicle emissions. Section 42-4-306(8) authorizes the Commission to exempt motor vehicles from emission inspections. Section 42-4-306(3)(b)(V)(B) authorizes the Commission to promulgate rules for alternative motor vehicle emission inspections, including on-board diagnostics (OBD) inspections. 42-4-306(6)(a) authorizes the Commission to promulgate rules on inspection procedures, including those related to OBD and evaporative gases.

Findings Pursuant to 25-7-110.8, C.R.S.

The revision of the rule is to lessen the regulatory burden on the motoring public through expanding the new vehicle exemption period to seven years and the introduction of OBD inspection to select vehicles, among other measures, while maintaining the current air quality benefits received from the program, in a cost effective manner, at similar or reduced costs to the current program.

The rule revision is based on reasonably available, validated, reviewed, and sound scientific methodologies. All validated, reviewed, and sound scientific methodologies and information made

available by interested parties has been considered. Evidence in the record supports the finding that the rule shall result in a continued demonstrable reduction in air pollution. The rule revision is the most cost-effective alternative, provides the regulated community flexibility, and achieves the necessary reduction in air pollution. The revised rule will maximize the air quality benefits of the regulation in the most cost-effective manner.

XXXI. AMENDMENTS

ADOPTED NOVEMBER 21, 2013

This revision to Regulation Number 11 is to amend language that will clarify provisions contained in the existing regulation concerning model year exemptions and program implementation dates, updating the listed repair waiver cost limit from \$450 to the currently used \$715 limit, modifying qualification criteria used to grant an economic hardship waiver, and incorporating a new Test Analyzer Specification for On-board Diagnostics in Appendix A. Obsolete technical specifications and procedures are being deleted and formatting, grammatical and typographical corrections are being made.

This Statement of Basis, Specific Statutory Authority, and Purpose complies with the requirements of the Colorado Administrative Procedures Act, Section 24-4-103, C.R.S., and the statutory authority provided in Sections 42-4-301 through 42-4-316, C.R.S..

Basis and Purpose

The Commission's November 2013 amendments are intended to clarify, amplify, and streamline the rule in support of previous recent changes to the Automobile Inspection and Readjustment Program. The proposed modifications are considered minor and will not result in any significant change in program costs or air quality benefits.

The basis of these modifications is to address any ambiguities that may exist in the interpretation of new program changes, as well as add a new Test Analyzer Specification for On-board Diagnostics as required by Regulation Number 11, Part B, Section X.

Federal Requirements

The current inspection and maintenance program is contained in Colorado's ozone State Implementation Plan (SIP), with the exception of Larimer and Weld Counties in the North Front Range. Any revision to the program requires that air quality credits achieved from the program are not lost.

In general, EPA rules require certain nonattainment areas implement Inspection and Maintenance programs as part of a SIP. Under the Clean Air Amendments of 1990, the Denver metropolitan area was required to implement an "Enhanced" IM Program, specifically for carbon monoxide. Since that time, the state has come into attainment with carbon monoxide, but the program remains a necessary element of Colorado's ozone SIP. The North Front Range area of the program operates as a state-only program

Specific Statutory Authority

Sections 42-4-306 and 42-4-310, C.R.S. authorize the Air Quality Control Commission ("Commission") to promulgate rules for inspection of motor vehicle emissions. Section 42-4-306(8) authorizes the Commission to exempt motor vehicles from emission inspections. Section 42-4-306(3)(b)(V)(B) authorizes the Commission to promulgate rules for alternative motor vehicle emission inspections, including on-board diagnostics (OBD) inspections. 42-4-306(6)(a) authorizes the Commission to promulgate rules on inspection procedures, including those related to OBD and evaporative gases.

Findings Pursuant to 25-7-110.8, C.R.S.

The revision of the rule is to clarify provisions contained in rule or that are administrative in nature. These changes do not increase the regulatory burden on the motoring public, while maintaining the current air quality benefits received from the program, in a cost effective manner, at similar or minimally reduced costs to the current program.

The rule revision is based on reasonably available, validated, reviewed, and sound scientific methodologies. All validated, reviewed, and sound scientific methodologies and information made available by interested parties has been considered. Evidence in the record supports the finding that the rule shall result in a continued demonstrable reduction in air pollution. The rule revision is the most cost-effective alternative, provides the regulated community flexibility, and achieves the necessary reduction in air pollution. The revised rule will maximize the air quality benefits of the regulation in the most cost-effective manner.

XXXII. AMENDMENTS

ADOPTED OCTOBER 16, 2014

Basis and Purpose

These revisions to Regulation Number 11 are intended to clarify and make more transparent existing provisions, delete obsolete language, delete certain qualifying criteria and standards, and introduce more flexibility to the Automobile Inspection and Readjustment (AIR) Program. The changes primarily relate to recent changes the Air Quality Control Commission (Commission) made to the program that resulted in new requirements that will become effective starting January 1, 2015.

Seven changes were made in this rule making. 1) Changes that removed incomplete and obsolete qualifying criteria for certain vehicles that are unable to be tested on the IM240 chassis dynamometer; 2) modified the use of the roadside remote sensing clean screen 'Low Emitter Index' to allow for greater utilization of this customer convenience element; 3) permitted self-inspecting gasoline vehicle fleets to utilize the more effective and convenient OBD II testing procedure on all 1996 model year and newer vehicles; 4) revised Appendix A and deleted Appendix B that removed obsolete specifications and procedures for inspection analyzer calibration gases; 5) established a definition for Tampering and revised language to clarify and modernize provisions for issuance or repair waivers; 6) corrected certain typographical, grammatical, and formatting errors; and 7) allowed for the use of two remote sensing readings collected at the same location on the same day to qualify vehicles for clean screening, and delegated authority to the Division to authorize or deny the use of same-day observations from a single unit at any given location.

This Statement of Basis, Specific Statutory Authority, and Purpose complies with the requirements of the Colorado Administrative Procedures Act, Section 24-4-103, C.R.S., and the statutory authority provided in Sections 42-4-301 through 42-4-316, C.R.S.

Federal Requirements

The current inspection and maintenance program, except in the North Front Range is contained in Colorado's ozone State Implementation Plan (SIP). Any revision to the program requires that air quality credits achieved from the program are not lost.

In general, EPA rules require certain nonattainment areas implement Inspection and Maintenance programs as part of a SIP. Under the Clean Air Amendments of 1990, the Denver metropolitan area was required to implement an "Enhanced" Inspection and Maintenance Program, specifically for carbon monoxide. Since that time, the state has come into attainment with carbon monoxide, but the program remains a necessary element of Colorado's ozone SIP. The North Front Range area of the program operates as a state-only program

Specific Statutory Authority

Sections 42-4-306 (1) and (3)(b)(V)(B) authorize the Commission to remove incomplete and obsolescent qualifying criteria for certain vehicles that are unable to be tested on the IM240. Sections 42-4-307.7 (4) and (6) authorize the Commission to modify roadside remote sensing clean screen 'Low Emitter Index' criteria. Section 42-4-306 (14)(b) authorizes the Commission to permit self-inspecting gasoline vehicle fleets to utilize the more effective and more convenient OBD II testing procedures. Section 42-4-306 (3) (a)(1)(A) authorizes the Commission to remove obsolete specifications and procedures for inspection analyzer calibration gases. And, Section 42-4-306 (16)(a)(1) authorizes the Commission to clarify and modernize provisions for issuance of repair waivers.

Findings Pursuant to 25-7-110.8, C. R. S.

Revisions are being made to clarify provisions in the rule and to provide increased program flexibility and convenience. These changes do not increase the regulatory burden on the motoring public, while maintaining the current air quality benefits received from the program, in a cost effective manner, at similar or minimally reduced costs to the current program

The rule is based on reasonably available, validated, reviewed, and sound scientific methodologies. All validated, reviewed, and sound scientific methodologies and information made available by interested parties have been considered. Evidence in the record supports the finding that the rule shall result in a continued demonstrable reduction in air pollution. The rule revision is the most cost-effective alternative, provides the regulated community flexibility, and reduces risks to human health and the environment by achieving necessary reductions in air pollution. The revised rule will maximize the air quality benefits of the regulation in the most cost-effective manner.

APPENDIX A Technical Specifications

Revised Sept 09, 1994

INTRODUCTION

The Colorado AIR Program is in the process of modifying its current automotive inspection and maintenance program to comply with the Clean Air Amendments of 1990. Colorado's current program is based upon BAR 84 inspection technology utilizing a decentralized program format encompassing nine Front Range counties. In order to achieve compliance with the Clean Air Amendments of 1990, Colorado will change to a program format that will have a contractor based operation conducting the IM 240 emissions test and a population of independent inspectors conducting inspections utilizing a new Colorado 94 emissions analyzer. The contractor is based in the "enhanced" program area, basically the Denver metropolitan area and will inspect 1982 and newer vehicles. Independent inspection facilities will inspect vehicles of all years within the "basic" program area as well as being able to inspect 1981 and older vehicles within the "enhanced" area.

The demands for more accurate analytical information as well as a more automated inspection process with real-time data transfer has superseded the capabilities of BAR 84 technology. Current BAR 90 analytical technology is acceptable, but other system enhancements are necessary to meet Colorado's inspection needs. These enhancements and other technical details are described in the remainder of this document.

1.0 GENERAL

1.1 Design Goals

The specifications that have been developed are designed utilizing a personal computer system. The analyzer system must be capable of performing uniform and consistent emission tests for Colorado's Automotive Inspection and Readjustment (AIR) Program. Features of the analyzer include: vehicle emissions measurements of hydrocarbon (HC), carbon monoxide (CO), carbon dioxide (CO₂) and oxygen (O₂); engine RPM measurements, exhaust dilution determinations, pressure test system for EVAP; data entry; data retrieval tables; a dedicated printer (for vehicle inspection certificates) and an additional printer for diagnostics and general purpose printouts; data recording on double sided high density 1.44 megabyte (Mb) 3.5" floppy diskette and a 120Mb (or greater) hard drive; modem for "on-line real time" data transmission; CRT information display to the inspector; bar code (2D) reader and printing capabilities; and fully menu driven, interactive simple microprocessor controlled operation.

Additional, automatic features required include: gas calibrations, zero and span checks, pressure calibrations, gas auditing procedure; leak checks, HC hang-up checks, audit menus (i.e., data read system), test sequencing, and low-flow checks. The analyzer shall be designed and constructed to provide reliable and accurate service in the automotive environment. The software used in the analyzer shall consist of a process control system as well as data look-up files. Security shall be provided to prevent unauthorized modifications to the software or test data and recording unauthorized entry (tampering) and locking out of the inspection process when detected.

The emissions analyzer software shall be designed for maximum operational simplicity.

It shall also be capable of providing emission-reading characteristics, independent of the inspection function, which can be used for vehicle diagnostic.

1.2 Useful Life

The useful life of the analyzer shall be a minimum of five years.

1.3 Nameplate Data

A nameplate including the following information shall be permanently affixed to the housing of the analyzer:

Name and Address of Manufacturer

Model Description

Serial Number

Date of Assembly

The manufacturer shall affix a stick-on type label to the analyzer that contains a toll-free telephone number for customer service. This number can also be included in a service software message.

1.4 Manuals

Each analyzer shall be delivered with the following manuals:

- A. Reference Operating Instructions
- B. Operation Instruction Manual

- C. Maintenance Instruction Manual (limited)
- D. Initial Start-up Instructions

Colorado 94 Analyzer manufacturers may consolidate manuals. The manuals shall be constructed of durable materials and shall not deteriorate as a result of normal use over a five-year period. The analyzer housing shall provide convenient storage for each manual in a manner that will:

- E. Allow easy use.
- F. Prevent accidental loss or destruction.

1.5 Certification Documentation

The analyzer software shall be fully documented. Two copies of the documentation listed below shall be submitted to the Colorado Department of Public Health and Environment as part of the certification application.

- A. Complete program listings. Program listings may be on diskette. They are not required to be submitted with the application for certification.
- B. Functional specifications.
- C. Functional flowcharts of the software.
- D. Example inputs and outputs from all processes.
- E. Detailed interface information on system components including the identification of protocol and output specifications.
- F. All DOS file layouts with file names, file types, file security, field names, field types, field sizes, and field editing criteria.

Documentation provided by the vendor to meet this requirement will be treated as proprietary information by the Colorado Department of Public Health and Environment.

Prior to certification of any Colorado 94 emissions analyzer for sale in Colorado, the manufacturer of such analyzer shall provide the Division with software source codes and all other technical information (including, but not limited to all working codes, schematics and drawings) necessary to operate, maintain, calibrate and repair such analyzer in the event that the manufacturer or its agent ceases providing adequate maintenance, calibration and repair services in Colorado. The manufacturer shall keep such information current, and will provide the Division with copies of any and all changes. So long as such maintenance, calibration and repair, services are available from the manufacturer or its agent, the Division shall protect such information as confidential commercial data if it is clearly marked as such. In the event that the manufacturer becomes insolvent or stops providing adequate maintenance, repair or calibration services in Colorado all such information shall be the property of the Division and may be released to a third party as necessary to repair, calibrate and maintain the analyzers.

1.6 Warranty Coverage/Mandatory Service Contract

A written warranty coverage agreement, signed by an authorized representative of the equipment manufacturer and the vehicle inspection station owner, which provides a complete description of coverage for all systems and components and all manufacturer provided services listed in Section 1.8, must accompany the sale or lease of each Colorado 94 emissions analyzer.

An extended service contract must be available upon the expiration of the manufacturers original warranty period. Original manufacturer's warranty shall be a minimum of one year from the date of purchase. The "service contract" shall be offered in one-year increments and is a mandatory condition of inspection station operation. The "service contract" agreement shall include the inspection station owner's name, inspection station address, telephone number, inspection station identification number, analyzer serial number and detailed terms of the agreement. The agreement must extend for at least one year with the expiration date entered to software file and monitored by the system clock. Approaching expiration messages must be displayed at daily system start-up beginning thirty days prior to expiration and massaging "30 days until expiration, 29 days etc." Failure to renew the "service contract agreement" will cause the analyzer to automatically "lock-out" from any official inspection process. Renewals shall be offered at the inspection station owner's request and governed by "good business" practices between the parties involved. Service contract agreements must be available by the manufacturer for the mandated life of the Colorado AIR Program. Cost disclosures and detailed descriptions of coverage's must be available in printed form and distributed to all Colorado 94 users. Cost disclosure shall also be made for "consumable" inventory items 1.8B. This information would most appropriately be presented with the original manufactures warranty.

1.7 Tampering Resistance

Controlled access design shall be the responsibility of the manufacturer and is subject to approval by the Colorado Department of Public Health and Environment. Analyzer service personnel, inspectors or others shall be prohibited, to the Colorado Department of Public Health and Environment satisfaction, from creating or changing any test results, programs or data files contained in the analyzer. Manufacturers shall utilize special BIOS partitions, or other appropriate software and hardware provisions, deemed necessary to protect the I/M files and programs. The protection features shall prevent access to the secured floppy disk drive and those portions of the hard disk containing I/M programs and test data or files.

The emission analyzer and the sampling system shall be made tamper-resistant to the Colorado Department of Public Health and Environment satisfaction. At a minimum, the manufacturer shall develop tamper-resistant features to prevent unauthorized access though the cabinet. Microswitches, keyed locks, or software algorithms requiring the use of a password, which can be changed by the Colorado Department of Public Health and Environment would all be acceptable provided the physical or logical design effectively prevents unauthorized access.

Manufacturers may offer analyzers with additional floppy disk drives that can run optional software application programs.

If tampering occurs, a software lockout algorithm shall be activated which aborts any existing test sequence and prevents further inspections until an authorized AIR Program official clears the lockout.

The lockout system shall be designed so that an AIR Program official from the audit menu can activate it. Only AIR Program Auditors may remove lockouts put in place from the audit menu. Manufacturers shall develop a system by which their service technicians shall be prevented from clearing "tamper" lockouts.

Optional software packages shall not interfere with the normal operation of the I/M inspection and testing software, and shall not compromise the tamper-resistant features of the analyzer.

Manufacturer field service representatives will not have access to DOS, unless assurances acceptable to the Colorado Department of Public Health and Environment have been provided that insure, integrity of the system will not be jeopardized.

1.8 Manufacturer Provided Services

The manufacturer shall agree to provide the following services to the inspection station as part of the manufacturer's original warranty and thereafter as a portion of the service contract agreement. The cost of a service agreement is to be listed on a year-by-year basis. Future charges cannot exceed the amount published.

- A. Delivery, installation, calibration, and verification of the proper operating condition of a Colorado 94 emissions analyzer.
- B. Quarterly (90 days) examination, calibration, and routine maintenance of the analyzer and sampling systems. Full systems support and repair, including loaner units. Upon initial sale or loan, provide "extra" printer medium (1 ea.) sample filter(s)(2), sample hose (1) and sample probes (1). Maintain the "extra" consumable inventory upon examination and provide a software history file for the replacement of consumables accessible to AIR Program officials. Consumables and the cost(s) thereof must be disclosed in the service agreement.
- C. Instruct all certified inspectors employed by the inspection station at the time of installation in the proper use, maintenance, and operation of the analyzer. The analyzer shall contain a feature that will allow an inspector to go through the complete inspection procedure without generating an official inspection record. This function will be used for evaluating inspector performance, by AIR Program officials, or by the manufacturer for demonstration purposes. The "training mode" shall not require the use of an inspector's access code or allow access to secured areas of hardware or software. The display shall show a message throughout the inspection that this is not an official inspection. Vehicle inspection reports shall indicate to the satisfaction of the Colorado Department of Public Health and Environment that they are for training only. No official Certificate of Compliance will be generated during the training exercise.
- D. On-site service response by a qualified repair technician within two (2) business days, (48 hours) excluding Sundays and national holidays, of a request from the inspection station. The names, toll-free telephone numbers, and service facility addresses of all manufacturer representatives responsible for equipment service shall be provided to the inspection station. A service representative shall be available at all times during normal working hours. Sundays and national holidays are not included. All system repairs, component replacements, and/or analyzer adjustments, shall be accomplished on-site within 48 hours after a service request has been initiated. If the completion of this work is not possible within this time period, a Colorado 94 loaner unit shall be provided until the malfunctioning unit is properly repaired and returned to service. Service representatives shall have a software driven menu option that allows the transfer of inspection station, inspector information and other applicable data files from one analyzer to another without manual inputs and without transfer of previous test files.
- E. Updates of the "Functional" software will be limited to once per year at no cost.

Updates of operational software i.e., file based information will be on an "as required" basis. All forms of software updating will utilize modem technology for the updating process. File updates are at no cost and every effort will be made to minimize them.

- F. The analyzer software shall be designed so that AIR Program officials can insert a floppy disk, prepared by the manufacturer, into the Program system host, and update the existing software version, via modem. A system of manual updating by program officials utilizing the auditor's menu shall also be available. Look-up tables and message screens shall be designed sufficiently separate from the main operations software so that it is not possible, to interfere in any way with the operations of the analyzer.

The Colorado Department of Public Health and Environment will require the manufacturer to render updates as necessary in the first year of the program to ensure the program meets all design criteria. Thereafter software updates will be limited to once per year at no cost. Since modem software updating will be utilized, there are no costs to the analyzer owner. A software version number, consisting of a four character alpha-numeric code made up of the last two digits of the year followed by a two character version number, shall be recorded in the analyzer and included on each vehicle test record. The analyzer manufacturer shall not modify any existing software version without obtaining written approval from the Colorado Department of Public Health and Environment.

The Colorado Department of Public Health and Environment may require the manufacturers to conduct on-site or laboratory testing of in-use analyzers in order to document continued compliance. When an analyzer is removed from the field, for repair or testing, manufacturers shall supply the inspection station from which it was removed with a temporary replacement unit meeting all program requirements. Manufacturers shall pay for all necessary shipping and transfer costs for the replacement of the analyzer selected for compliance testing. Manufacturers shall also pay for any required testing performed by their personnel or by an independent company.

The manufacturers shall provide training to AIR Program officials on all operational, maintenance, and quality control features of the analyzers, including full access to and use of inspection menus, audit menus and calibration menus, as well as optional programs offered to inspectors. Such training shall be conducted at the manufacturer's expense as a condition of certification and thereafter at reasonable intervals upon written request by the Colorado Department of Public Health and Environment

1.9 Certification Requirements

The manufacturer shall submit a formal certificate to the Colorado Department, of Public Health and Environment that states that any analyzer sold or leased by the manufacturer or its authorized representatives for use in the Colorado AIR Program will satisfy all design and performance criteria described in these specifications. The manufacturer shall also provide sufficient documentation to demonstrate conformance with these criteria including a complete description of all hardware components, the results of appropriate performance testing, and a point-by-point response to specific requirements. Previous certification by the California Bureau of Automotive Repair (BAR) is necessary for the analytical bench.

In addition, a full description of the company's service procedures and policies, as well as sample contracts, warranties, and extended service agreements, shall be provided as part of the certification application to ensure proper maintenance of all analyzers throughout their useful life. One fully functional analyzer shall be presented for evaluation and one additional fully functional analyzer for the certification process. If certified these units will remain in AIR Program possession for continued in-use evaluation for the life of the AIR Program. In the event that 1 %

of overall unit sales exceed this two-unit base, in-use evaluation will require 1 % of overall unit sales for in use evaluation.

2.0 CONSTRUCTION DESIGN

2.1 Materials

All materials used in the fabrication of the analyzer and the appropriate housing assembly shall be new and of industrial quality and durability. Contact between non-ferrous and ferrous metals shall be avoided where possible. Suitable protective coatings shall be applied where galvanic action is likely. All mechanical fasteners shall have appropriate locking features. Use of self-tapping screws shall be limited. All parts subject to adjustment or removal and reinstallation shall not be permanently deformed by the adjustment or removal-reinstallation process and this process shall not cause deformations to adjoining parts. Only materials that are not susceptible to deterioration when in contact with automobile exhaust gases shall be used.

2.2 Construction

The analyzer shall be complete and all necessary parts and equipment required for satisfactory operation shall be furnished. A suitable means of storing the probes and sample hose shall be provided. A means of storing the "spares" inventory shall be included. All parts shall be manufactured and assembled to permit the replacement and/or adjustment of components and parts without requiring the modification of any parts or the basic equipment design. Where practical, components and/or subassemblies shall be modularized. The analyzer cabinet finish shall be baked enamel or another durable finish.

2.3 Mobility

The analyzer unit shall be designed for easy and safe movement over rough surfaces and/or graded surfaces (15° incline). The center of gravity and wheel design shall be such that the analyzer can negotiate a vertical grade separation of one-half inch (1/2") without overturning when being moved in a prescribed manner. Industrial grade, swivel casters shall be used to permit 360° rotation of the unit. The caster wheels shall be equipped with oil resistant tires and foot operated brakes capable of preventing movement on a 15° incline.

2.4 Electrical Materials/Construction

Unless otherwise specified, all electrical components and wiring shall conform to standards established by the Underwriters Laboratories, Standard for Electrical and Electronic Measuring and Testing Equipment (U.L-1244).

The analyzer shall operate from an 115VAC, 60 hertz (Hz) supply. An input voltage variation of ± 12 volts shall not change analyzer performance more than 1 % of full scale. The analyzer must operate on a 15 AMP breaker. The power cable shall be equipped with a standard three-prong connector at the inlet, and shall have a National Electrical Code rating of SO, SJO or better with an overall length not to exceed 25 feet. Each emissions analyzer shall incorporate safety devices to prevent conditions hazardous to personnel or detrimental to equipment. The system shall be grounded to prevent electrical shock, and adequate circuit overload protection shall be provided. The analyzer shall incorporate an internal surge protector.

2.5 Sampling System

The sampling system consists of two subsystems: (1) external sampling system; and (2) internal sampling system. The external system shall include a sample probe, sample hose twenty-five feet

(25') in length, a water trap, and a filtration system. The internal subsystem shall include but not necessarily be limited to, a sample pump and bypass pump, or an equivalent system approved by the Colorado Department of Public Health and Environment.

The sample probe shall incorporate a positive means of retention to prevent it from slipping out of the tailpipe when in use. A thermally insulated, securely attached handgrip shall be provided on the probe in such a manner that easy probe insertion using one hand is ensured.

The probe shall also have a smooth surface near the probe tip before the flexible portion of the probe to be used for sealing of the span gas adaptor necessary for field or on-board leak checking (vacuum or gas) or response time checking equipment. For standardization, it is recommended that the sealing surface be one-half inch (1/2") in outside diameter and one-half to one inch (1/2" to 1") long. A probe tip cap shall be provided for the sample system leak check. A probe tip adapter or assembly shall be included for use with spark arrester type tail pipes.

The interconnecting hose shall be of such design and weight that the inspector can easily handle it. The hose shall be of non-kinking construction and fabricated of materials that will not be affected by or react with the exhaust gases. Molecular HC hang-up shall be minimized. The hose connection to the analyzer shall be reinforced at the point of maximum bending. The system shall be designed with a water trap in the bypass sample stream. The water trap shall be continually self-draining. The trap bowl shall be constructed of a durable transparent material. The water trap should be located as low as possible on the analyzer so that condensed water in the sample hose will drain into them. However, the trap must be placed in a position readily visible to the inspector. The sample for the analyzer shall be obtained from the top of the water trap. The sampling system shall be equipped with a suitable particulate filter upstream of the optical bench. There may be a secondary filter located in the sample hose, serviceable by the inspector. This filter must have sufficient capacity to filter the samples obtained during the routine testing of vehicles in the inspection station. Threaded connections must be used to attach the filter to the sample hose. A prompt shall be provided to the inspector indicating when the filter should be changed based on an indication of low flow (automatic lock-out) or other criteria approved by the Colorado Department of Public Health and Environment.

The pumps shall contain corrosion resistant internal surfaces. The pumps shall have a minimum operational life of 2,000 hours without failure.

The sample pump system may be a single pump, multiple pumps, or a multiple stage pump or an equivalent system approved by the Colorado Department of Public Health and Environment. The sample pump shall have integral motor overload protection and be permanently lubricated. The bypass system shall be connected in the sample system so that any water condensed in the water trap is removed and dumped outside the system.

2.6 Storage Temperature

While in storage, the analyzer and all components thereof shall be undamaged from ambient air temperatures ranging from 0° F to 120° F.

2.7 Operating Temperature

The analyzer and all components shall operate within calibration limits in ambient air temperatures ranging from 41° F to 110° F.

2.8 Humidity Conditions

The analyzer shall be designed for use inside a building that is vented or open to outside ambient humidity. The analyzer, including all components of the analytical, sampling, and computer systems, shall operate within the required performance specifications at ambient conditions of up to 80% percent non-condensing relative humidity throughout the required temperature range, assuming the components are reasonably protected by the inspector from direct contact with water, or other condensing moisture. Failure of any component due to exposure to temperature and humidity extremes within this limits specified during actual use shall be corrected at the manufacturer's expense.

2.8.1 Temperature Control

Analyzer components that affect sensitivity and calibration shall have their internal temperatures controlled to maintain design temperature when exposed to prevailing ambient conditions. If internal operating temperatures are exceeded the analyzer will automatically lockout from any official inspection process.

2.9 Barometric Pressure Compensation

Barometric pressure compensation shall be provided. Compensation shall be made for elevations up to 6,000 feet (mean sea level). At any given altitude and temperature, errors due to barometric pressure changes of \pm two inches (2") of mercury shall not exceed the accuracy limits specified in this specification. Manufacturers shall describe in writing how compensation will be accomplished. The method used shall be acceptable if approved by the Colorado Department of Public Health and Environment.

2.10 Operational Design

A. Analytical System

These analyzers shall utilize non-dispersive infrared systems for measuring hydrocarbons (HC), carbon monoxide (CO), and carbon dioxide (CO₂). Oxygen (O₂) shall also be measured and ambient air will be used for calibration purposes.

B. Readout Display/CRT Screen

The screen shall contain numerical HC (as hexane), CO, CO₂ and O₂ displays and a pass/fail indication at the completion of the inspection process. Pressure purge shall be a pass/fail indication, with pressure/time values recorded to file.

The numerical display shall be of a digital format. The resolution of the emissions display shall be as follows:

HC: XXXX ppm (as hexane)

CO: XX.XX%

CO₂: XX.X%

O₂: XX.X%

The **MINIMUM** display increments shall be 1 ppm HC, 0.01 % CO, 0.1% CO₂, and 0.1% O₂. The displays shall be capable of full-scale readings of 2000 ppm HC (as hexane), 9.99% CO, 16.0% CO₂ and 25.0% O₂.

CRT display is to be employed for an exhaust sample validity (sample dilution). This indication will signal excess dilution in the exhaust system based upon measurement of CO + CO₂ emissions.

The analyzer shall be capable of selecting the pass/fail values (limits) based on vehicle model year, vehicle type, or other criteria. The system shall be designed in such a manner that the standards and vehicle groups may be readily revised by a modem software update.

Specific emissions limits and vehicle model year groupings are available in this Regulation Number 11, Part F: maximum allowable emissions limits for motor vehicle exhaust, evaporative and visible emissions for Light-Duty and Heavy-Duty vehicles.

2.11 Automatic Calibrations

The analyzer shall be designed to require an automatic two-point gas calibration for HC, CO, and CO₂, and an automatic electrical zero and span check. (O₂ shall be measured by ambient air.) The automatic gas calibration shall be conducted every 24 or 72 hours, activated by the internal clock. The option of 24 HOUR calibration will be software selectable, with the default @ 72 hours. Electrical zero and span check (automatic) shall be required prior to each test sequence. User-friendly prompts shall be provided to the inspector to indicate every step needed to properly perform the required gas calibration (including when it is necessary to turn the gas cylinder valve on and off).

If the system is not calibrated, or the system fails the calibration or the zero and span check, an error message or fault indication shall be displayed and the analyzer shall be locked out to prevent the performance of an emissions inspection. Lockout will remain until the system is properly calibrated and passes a calibration check and zero and span check.

The calibration record will contain before and after calibration readings. The gas calibration shall ensure that accuracy specifications are satisfied and that linearity is correct at the required span points. The gas calibration and leak check procedures shall require no more than five (5) minutes to complete. The analyzer shall provide adequate prompts on the display to guide the inspector through the calibration procedure in a manner that minimizes the amount of calibration gas used.

The system shall have the capability of printing historical calibration data for specified date ranges by the AIR Program Auditor. (Audit menu, calibration history)

For HC, CO and CO₂, analyzer manufacturers shall limit gas usage during the gas calibration procedure to two liters per point. The analyzer shall also be designed to keep the loss of calibration gas to an absolute minimum (less than 0.5 liters in 24 hours) if the calibration gas valve(s) is/are not shut off. Manufacturers shall provide an evaluation of this capability, consisting of at least four (4) analyzers, with their certification application materials and shall demonstrate this feature during certification.

The analyzer shall be equipped with a gas calibration port for the purpose of performing a probe to calibration port comparison for audit purposes. Gas auditing shall be accomplished by introducing standard gases into the analyzer either through the calibration port or through the probe. Span gases utilized for calibration shall be within two percent (2%) of the following points: Ambient air may be used to calibrate the O₂ sensor.

	1.0	% carbon monoxide (CO)
	6.0	% carbon monoxide (CO ₂)
	Bal.	Nitrogen (N ₂)
(HC)	1200	ppm propane
	4.0	% carbon monoxide (CO)
	12.0	% carbon monoxide (CO ₂)
	Bal.	Nitrogen (N ₂)

The standard gases used to calibrate, and audit the analyzers shall satisfy the criteria included in the Federal Clean Air Act, Section 207 (b) and described in Subpart W of Part 85 of Chapter I, Title 40 of the Code of Federal Regulations. In order to ensure that the quality of the standard gases used in the program meet these specifications, all standard gases purchased by the inspection facility for use in the analyzer must conform to the requirements established in 1990 by the California BAR for Test Analyzer System Calibration Gases. Calibration gases must be purchased from a vendor that is approved by the Division,. These requirements include the testing and certification of the concentration, accuracy, precision, and purity of the standard gases to within the referenced limits and the labeling of individual gas canisters describing these and other specified parameters.

Automatic EVAP Pressure Calibration

The pressure test system is to be calibrated every 24 or 72 hours and zero/span checked before each inspection. Pressure calibration checks should be performed simultaneously with the gas calibration procedure. Calibration and/or zero span checks must pass or the analyzer must lockout from further testing until the discrepancies are corrected. All calibrations will be stored to the Cal.Dat file. Pressure system calibrations shall be performed in a maximum time period of 5 minutes, calculated independently from the gas calibration and leak check. The optional 24-hour option shall be selectable and defaulted to 72 hours.

A. Automatic Leak Check

An automatic leak checking system shall be provided that will allow the vacuum side of the system to be checked for leakage. Appropriate valves lines, and switches shall be installed to permit this operation. Minimal activity by the inspector, such as setting the probe in a holder or capping the probe, is permitted, provided errors resulting from improper inspector action would be identified by the computer and would require corrective actions. Improper action would cause the system to fail a leak check, and automatically lockout. User-friendly prompts shall be provided to the inspector to indicate every step needed to properly perform the required leak check (including when it is necessary to turn the gas cylinder valve on and off).

A system leak check shall be accomplished every 4 or 24 hours and in conjunction with the gas calibration performed every 24/72 hours, activated by the internal clock. The 4-hour option shall be software selectable with the 24 hours as the default value. Four-hour leak checks are required only for those facilities performing more than 4000 inspections per year. The analyzer shall not allow an error of more than $\pm 3\%$ of reading using mid-range Colorado certified span gas to perform the leak check. Fittings and connectors

used on the sample hose and probe shall be constructed to inhibit the bypass of the leak check. A maximum of two liters of calibration gas may be used to perform the leak check. If the system is not leak checked, or the system fails a leak check, an error message or fault indication shall be displayed, and the analyzer will be locked out to prevent the performance of an emission inspection, until the system is properly leak checked and passes.

B. Automatic HC Hang-Up Check

The analyzer shall be designed for using ambient air induced through the sample probe, prior to each test sequence. The analyzer shall have a CRT prompt/indicator. "Hang-up" activation shall cause the analyzer to automatically sample ambient air through the sample line and probe. The system shall continue to sample room air for a maximum of **150** seconds or until the HC response is below 20-ppm hexane.

If the HC hang-up does not drop below 20 ppm within **150** seconds, a message shall be displayed indicating possible dirty filters or sample line. If after **150** seconds HC levels are not below specified values, the test shall be discontinued until HC hang-up is corrected. When the level stabilizes below this value, an indication that testing may begin shall be displayed. The analyzer shall be locked out from operating until the HC level is met.

C. Vehicle Diagnostics

During analyzer warm-up, emissions diagnostics and other gas reading functions shall be prohibited. After successful warm-up and for the purpose of vehicle diagnosis or repairs, the analyzer shall have a menu selection that will allow the analyzer to continuously monitor the vehicle exhaust.

The automatic data collection system shall be prevented from operating anytime the analyzer is not being used in the official emissions inspection mode.

D. Dilution

The analyzer manufacturer shall document to the satisfaction of the Colorado Department of Public Health and Environment that the flow rate on the analyzer shall not cause more than 10% dilution during sampling of the exhaust at normal idle (10% dilution defined as sample of 90% exhaust and 10% ambient air). Manufacturers shall utilize the procedures specified by the BAR for demonstrating this dilution criterion. The analyzer shall be equipped with a feature to identify vehicle exhaust system leaks and sample dilution. The preferred method for identifying leaks is monitoring the CO & CO₂ levels in the exhaust. Other additional techniques that can demonstrate improved sensitivity to leaks may also be used.

DILUTION VALUES:

All light duty vehicles: 6%

All heavy-duty vehicles: 5%

If the CO + CO₂ reading is less than the limit, the inspector shall be prompted to check the exhaust system for leaks and to make sure that the sample probe is all the way into the tailpipe. If the excessive dilution is detected after the initiation of the test sequence,

the analyzer output shall display "SAMPLE DILUTION". If dilution continues the inspector shall be required to "Abort Test". The system shall store the "Abort Test" indication.

E. Engine Tachometer

A digital display tachometer shall be CRT displayed for the purpose of measuring engine speed. The tachometer operation shall be by two means; (1) radio frequencies "RF" type transmitter/receiver that requires no direct vehicle connection and can detect engine RPM on vehicles utilizing "DIS" systems. (2) a cable type connection capable of detecting engine RPM from all forms of current O.E.M. ignition technology. Tachometer performance shall be no less than; RPM with a 0.5 second response time and an accuracy of $\pm 3.0\%$ of actual RPM. During an official inspection process, the software will prompt the inspector to shut the engine off while connecting the RPM probe (only if a cable connection is being made). A software "HELP" screen will be available to assist the inspector in locating an RPM signal. This information may be supplied or reviewed by the Colorado Department of Public Health and Environment. Based on the vehicle identification information available to the inspector, the analyzer will prompt the inspector as to which vehicles require a specific type or method of connection of the tachometer pick-up. Analyzers shall be provided with all the software and hardware that is necessary to make them capable of reading engine RPM from all O.E.M. ignition technologies in use at the time of certification, Possible updates may be required to enable future ignition systems to be monitored for engine RPM.

F. Analytical Bench Accuracy

Each analyzer shall meet the following analytical accuracy requirement:

<u>Channel</u>	<u>Range</u>	<u>Accuracy</u>
HC ppm	0-400	± 12 ppm
	401-1000	± 30 ppm
	1001-	± 80 ppm
	2000	
CO%	0-2.00	± 0.15 %
	2.01-5.00	2.040%
CO2%	04.0%	± 0.6
	4.1-14.0	$\pm 0.5\%$
	14.1-16.0	$\pm 0.6\%$
O2%	0-10.0	$\pm 0.5\%$
	0-10	$\pm 1.3\%$

The analyzer display resolution electronics shall have sufficient resolution and accuracy to achieve the following:

HC	1 ppm	HC
CO	0.01 %	CO
CO2	0.1%	CO2
O2	0.1%	O2

G. Drift

If zero and/or calibration drift cause the infrared signal levels to move beyond the adjustment range of the analyzer, the inspector shall be locked out from testing and instructed to call for service.

H. Warm-Up

The analyzer shall reach stabilized operation in an inspection station environment within 15 minutes at ° 41 degrees Fahrenheit from "power on". The instrument shall be considered "warmed-up" when the zero and span readings for HC, CO, and CO2 have stabilized, within $\pm 3\%$ of full range of low scale, for five minutes without adjustment.

Functional operation of the gas-sampling unit shall remain disabled through a system lockout until the instrument meets stability and warm-up requirements. If the analyzer does not achieve stability with 15 minutes, from "power-on", it shall be locked out from I/M testing and a message shall be displayed instructing the inspector to call for service.

During the warm-up, the Main Menu shall be displayed unless an optional functional menu or menus are offered. The analyzer system shall lock out all bench related functions during warm-up. During warm-up, a message under the main menu shall be prominently displayed as follows: "Warm-up in progress - checking for stability". During the initial entry into the "warm-up" period, and before any other menu can be selected, the software will automatically enter a "bulletin display" function and display any messages or bulletins forwarded from the AIR Program host system via modem transfer in the past 72 hours. This screen will reference the inspector.dat file and require each inspector to enter their access code as verification of receipt, before allowing that inspector to Proceed with an inspection. No inspector can enter into an official inspection without having "logged on" as having seen the Bulletin screen. When stability is achieved and the warm-up requirements are satisfied, access to gas bench functions shall be permitted.

I. System Response Time Requirements

The response time from the probe to the display shall not exceed eight (8) seconds to 90% of a step change in input, nor will it exceed 12 seconds to 95% of a step change in input. For the O2 sensor, the response time shall be no more than fifteen (15) seconds to 90% of full scale.

J. Optical Correction Factors

The hexane/propane equivalency factor (PEF) shall be limited to values between 0.49 and 0.52. If an optical bench is used that can demonstrate accuracy of propane/hexane identification within specification, using a range greater or lesser than indicated, it will be considered. Factor confirmation shall be made on each analyzer assembly by measuring both N-hexane and propane on assembly line quality checks. The PEF shall be permanently stored in non-volatile memory. The PEF shall be displayed on the monitor on request by inquiry through the menu system. The optical bench shall be marked with a permanent "stamped" type tag identifying its PEF.

The signal strength from the source to the detector for all channels shall be monitored such that when the signal degrades beyond the adjustment range of the analyzer, the analyzer shall be locked out from operation, i.e. fail calibration.

K. Interference Effects

The effect of extraneous gas interference on the HC, CO, and CO₂ analyzers shall not exceed ± 10 ppm HC, $\pm 0.05\%$ CO, and $\pm 0.20\%$ for CO₂.

The instrument design shall insure that readings do not vary as a result of electromagnetic radiation and induction devices normally found in the inspection environment (including high energy vehicle ignition systems, RF transmission radiation sources, and building electrical systems). In addition, the manufacturer shall ensure that the analyzer processor and memory components are sufficiently protected to prevent the loss of programs and test records.

2.12 Gas Calibration File

At the conclusion of each gas calibration the required data shall be placed in the CAL.DAT file.

2.13 Microcomputer Specifications

A. A standard microcomputer must be included in the analyzer and is to be used to control all analyzer functions. Each vendor is to develop DOS executable programs for each required function. These programs shall:

1. control each of the analyzer functions and time of function;
2. examine and obtain values from all of the analyzer sensors;
3. read and write information to diskette in standard DOS format; and
4. copy the analyzer, inspection station identification information from the hard disk onto each new floppy diskette when formatted.

The Colorado Department of Public Health and Environment reserves the right to add additional programs and functional performance requirements, up to the technical limits of the hardware, to improve the I/M program.

Sufficient flexibility shall be provided in the design of the microcomputer system to allow expansion of the analyzer to include, but not be limited to, the following additional capabilities:

1. connect and recover data from vehicle on-board diagnostic systems (OBD) meeting SAE specifications when they become available;
2. monitor vehicle recall data; identify, record and process data as required when an official EPA/SAE format is identified.
3. accommodate additional input channels in both analog and digital form. Two free slots, 16 bit capability.

The manufacturer may offer additional features that utilize the microcomputer as a stand-alone personal computer by providing optional software to perform various non-I/M functions. Such offerings must not interfere with the inspection requirements, or in any manner affect or allow the inspector to tamper with the inspection-related computer programming or data files.

The analyzer shall be equipped with an internal clock that operates independently from the power source and will provide accurate and automatic date and time information for the following functions:

- a. each test performed;
- b. automatic gas calibration and pressure test check (72 hours); (24 hour) optional
- c. automatic leak check (4 or 24 hours and every 24/72 hours for automatic gas calibration), and leak check combination.
- d. audit sequence:

All equipment and software submitted for Colorado certification must be the full and current configuration proposed for sale. Partial, dated, or incomplete models are not acceptable.

Acceptance of the microcomputer portion of the Colorado 94 Analyzer system will be dependent upon the satisfactory performance of the full-proposed configuration meeting all the requirements of this specification.

The proposed hardware configuration must be fully supported by all software and/or operating systems listed in the acceptance requirements or elsewhere in these specifications. Performance tests to prove compatibility will be conducted. The vendor will bear all shipping and equipment preparation charges for the certification testing.

2.14 Standard Hardware: Minimum Required Configuration

1. Operating System

DOS Version 6.2 or most current

2. Processor

The microprocessor must be fully compatible with the Intel 80486 microprocessor. Upgradable to Pentium technology.

3. RAM Memory

The system must contain at least 2 MB of user available RAM. (expandable to 16 MB)

4. Power Up Sequence

The system must include a power up sequence that provides a self-diagnostic routine to check the on-line presence of critical PC components (including, at a minimum, the processor, firmware ROM, hard disk controller, keyboard, clock, modem, printers, bar code reader I/O ports, setup RAM and memory).

5. Video

The CRT display must be at least 12" in diagonal measure and operate in a VGA mode.

The software shall automatically blank the screen or use a screen saver mode, if no keyboard entry is made for 10 minutes. The display shall return when the inspector strikes any key.

6. Floppy Disk

Each unit must come with an IBM compatible floppy disk drive that will permit full usage of 2SHD 1.44 Mb 3.5" removable media. The drive must be located in a secured area accessible only to authorized AIR Program Service representatives. That secured drive must also include an approved method to limit logical access. Colorado Department of Public Health and Environment will test the system for drive security and it should not provide access to the secured floppy except through the approved security procedure. The secured floppy drive shall be designated the "A" drive.

7. Hard Disk

Each unit must come with at least 120 megabytes of hard disk storage. The vendor may use up to 40 megabytes for their programs and data provided at least a full 80 megabytes of usable storage is available for Colorado Department of Public Health and Environment and user information. The hard disk is to be self-parking (where applicable), shock mounted, and able to operate reliably in the inspection environment. The hard disk must also include a Colorado Department of Public Health and Environment approved method of limiting access to data and programs. The hard disk containing programs and data files shall be designated the "C" drive.

8. I/O Ports

The unit must include sufficient I/O ports of proper configuration to allow the connection of all required options and the capability to add additional I/O boards.

9. Keyboard

The Colorado 94 Analyzer keyboard must be fully interfaced with the microcomputer and have all of the necessary normal, numeric, cursor, control, shift, alternate, and function

keys needed to operate a standard IBM PC compatible microcomputer, preferably 101 keys should be provided.

10. Bar Code Scanner

The bar code scanner shall be equivalent to the PDF 1000 "HV" (High Visibility) Scanner from Symbol Technologies. Performance specifications are included in Technical Specification Appendix A. The PDF 1000 "HV" is a scanner capable of reading both 1-D and PDF-417(2-D) bar codes.

11. Hard Disk Expansion

System must include a hard disk interface that will fully support a second internal disk drive of the same type as the original type drive or a functional equivalent approved by the Colorado Department of Public Health and Environment that does not compromise tamper-resistance.

12. Additional Storage

3.5" 1.44 Mb Floppy Disk Drive IBM Optical disk drive, floptical, CD ROM reader etc., these options would be for manufacturer offered look up tables, service information or other options requiring additional storage capability.

13. Communications

Hayes compatible modem at 14,400B, M.N.P. Level 5. Error correction: Microcom networking protocol (M.N.P.) levels 1-4 and V.42 data compression: M.N.P. level 5 and V.32BIS/V.42BIS. Protocol will be provided within the operational software package. Modem communications will be necessary during the inspection process for V.I.N. verification, multiple "I" Test Control, vehicle recall etc., from the Network System Host Computer.

2.15 Required Printers

A. Diagnostic printer:

A 24 pin impact printer shall be supplied which is dedicated to the task of printing designated information on a VEHICLE DIAGNOSTIC FORM, or other repair type information. Continuous, fanfold, preprinted (ghost printed certificates) will be used. The printer shall print information on the certificate using 12 characters per inch and 80 characters per line.

B. Certificate Printer:

The certificate printer is to be a "thermal transfer" technology printer, capable of producing PDF 417, two dimensional bar code and Code 39, one-dimensional bar code. As of date, Standard Register produces a model of printer that meets or exceeds all requirements necessary to print upon the required certificate. This model is a PT650 Thermal/Thermal Transfer Printer. Specifications of the certificate printer shall be Standard Register FT650 or equivalent. With equivalency being defined as successful completion of printing, security, storing and dispensing of the required certificate. Final acceptance of alternative printers lies with written State approval.

Standard Register PT650 technical specifications are included in the Technical Specification Appendix B.

PHYSICAL SPECIFICATIONS OF CERTIFICATE:

Physical specifications of the certificate, to include print fields, physical design, materials and sizing are to be determined by the Department of Revenue.

C. Certificate Security:

The inspection certificate printer and certificate storage area shall be located in a secured area. Access to the area securing the printer and certificates shall be available only to the licensed inspector at the station. The certificate storage area shall have a redundant security system utilizing both a hardware lock and a software lock that meets Colorado Department of Public Health and Environment approval. Certificates will be prevented from being "pulled" through the printer. A form of printer locking must be utilized. The secured area containing certificates and the certificate printer, shall be designed so that the same key can be used to open any access doors that secure any optional storage media. If any of these doors are opened, a microswitch (or equivalent) shall be used which prevents the printing of certificates and records each event with time and date to an entry.dat file.

The purpose of the software lock is to restrict access to the printer with the following exceptions: loading and aligning certificates prior to printing, clearing paper misfeed or jam problems, etc., and to provide a record of the personnel performing those functions.

The area containing the certificates shall be located so that proper routing is maintained on the certificates as they are fed through the printer.

If tampering occurs, a software lockout algorithm shall be activated which aborts any existing test sequence and prevents further emission testing until an AIR Program official clears the lockout.

There shall be easy access to the vehicle diagnostic report printer so that the inspector can easily replace paper, clear paper jams and change ribbons.

2.16 Clock/Calendar

The analyzer unit shall have a real time clock/calendar which shall make available the current date and time. Date will be in month, day, year format and time will be in 24-hour format. The AIR Program system host computer shall update both time and date during each transfer of data via the system modem.

The date/time, along with the time the test started and when it ended, is to be included on the test record. The start time is when the inspector's access code is entered and the end time is when the analyzer data is written to the test file.

If the clock/calendar fails or becomes unstable (as referenced to the program host system during modem data transfer), the analyzer unit shall be locked out from I/M testing and a message shall be displayed indicating that service is required.

Resetting of the clock, independent of the host updating, shall require controlled access.

2.17 Lockout Notification

The analyzer shall alert the inspector of any lockout situation by prominently displaying a message on the CRT. Any lockout condition will be stored to file.

2.18 Vehicle Diagnosis

The analyzer shall be capable of menu selection that will allow the analyzer to be used as an ordinary garage type emissions analyzer for general automotive repair work and diagnostics.

2.19 Software Loading

The inspector shall not have to load the microcomputer's operating or applications software to operate the analyzer. On each POWER ON of the analyzer, the analyzer shall automatically do all microcomputer component self-diagnostics, memory checking, and loading of all necessary operating software without inspector intervention. Upon satisfactory computer component check out, the applications software is to present a menu of available analyzer operations. All offered features are to be menu-driven. For each feature, a context sensitive, on-line help facility is to be provided which can be accessed preferably with a single keystroke.

3.0 DISPLAY PROMPTS AND PROGRAMMING CRITERIA REQUIREMENTS

Operational software requirements will be available from the Division upon request.

ATTACHMENT I PDF 1000 Scanner

This document is contained in the Air Pollution Control Division's Emissions Technical Center Procedures Manual and is incorporated by reference.

ATTACHMENT II Thermal Transfer Printer

This document is contained in the Air Pollution Control Division's Emissions Technical Center Procedures Manual and is incorporated by reference.

ATTACHMENT III Colorado Automobile Dealers Transient Mode Test Analyzer System

This document is contained in the Air Pollution Control Division's Emissions Technical Center Procedures Manual and is incorporated by reference.

ATTACHMENT IV Specifications for Colorado 97 Analyzer

INTRODUCTION

Colorado's current enhanced I/M program contains a two-speed idle (TSI) emissions testing component, the Colorado 94 Test Analyzer System that is based upon BAR 90 technology. The TSI program utilizes a decentralized, independent inspection only format encompassing the nine Front Range counties. The DMA program is expanding to the North Front Range counties of Weld and Larimer in 2010. This inspection only population of independent inspectors will conduct inspections utilizing a new Colorado 97 emissions analyzer.

The demands for more accurate analytical information as well as a more automated inspection process with real-time data transfer has superseded the capabilities of BAR 90 (Colorado 94) technology. System enhancements are necessary to meet Colorado's inspection needs. These enhancements and other technical details are described in this document.

1.0 GENERAL

It is expected that the Colorado 97 software will be Colorado 94 software upgraded to BAR 97 and SAE J1978 and J1979 compliance.

1.1 Design Goals

The specifications that have been developed are designed utilizing a personal computer system. The analyzer system must be capable of performing uniform and consistent emission tests for Colorado's Automotive Inspection and Readjustment (AIR) Program. Features of the analyzer include: vehicle emissions measurements of hydrocarbon (HC), carbon monoxide (CO), carbon dioxide (CO₂) and oxygen (O₂); engine RPM measurements, exhaust dilution determinations, pressure test system for EVAP; OBD II monitor readiness and diagnostic trouble code retrieval; data entry; data retrieval tables; a dedicated printer (for vehicle inspection certificates; data recording on hard drive or removable media ; modem for "on-line real time" data transmission; monitor information display to the inspector; bar code reader and printing capabilities; and fully menu driven, interactive simple microprocessor controlled operation.

Additional, automatic features required include: gas calibrations, zero and span checks, pressure calibrations, gas auditing procedure; leak checks, HC hang-up checks, audit menus (i.e., data read system), test sequencing, and low-flow checks. The analyzer shall be designed and constructed to provide reliable and accurate service in the automotive environment. The software used in the analyzer shall consist of a process control system as well as data look-up files. Security shall be provided to prevent unauthorized modifications to the software or test data and recording unauthorized entry (tampering) and locking out of the inspection process when detected.

The emissions analyzer software shall be designed for maximum operational simplicity.

It shall also be capable of providing emission-reading characteristics, independent of the inspection function, which can be used for vehicle diagnostic.

1.2 Useful Life

The useful life of the analyzer shall be a minimum of five years.

1.3 Nameplate Data

A nameplate including the following information shall be permanently affixed to the housing of the analyzer:

Name and Address of Manufacturer

Model Description

Serial Number

Date of Assembly

The manufacturer shall affix a stick-on type label to the analyzer that contains a toll-free telephone number for customer service. This number can also be included in a service software message.

1.4 Manuals

Each analyzer shall be delivered with the following manuals:

- A. Reference Operating Instructions
- B. Operation Instruction Manual
- C. Maintenance Instruction Manual (limited)
- D. Initial Start-up Instructions

Colorado 97 Analyzer manufacturers may consolidate manuals. The manuals shall be constructed of durable materials and shall not deteriorate as a result of normal use over a five-year period. The analyzer housing shall provide convenient storage for each manual in a manner that will:

- E. Allow easy use.
- F. Prevent accidental loss or destruction.

1.5 Certification Documentation

The analyzer software shall be fully documented. Two copies of the documentation listed below shall be submitted to Colorado Department of Public Health and Environment as part of the certification application.

- A. Complete program listings. Program listings may be on disk. They are not required to be submitted with the application for certification.
- B. Functional specifications.
- C. Functional flowcharts of the software.
- D. Example inputs and outputs from all processes.
- E. Detailed interface information on system components including the identification of protocol and output specifications.
- F. All file layouts with file names, file types, file security, field names, field types, field sizes, and field editing criteria.

Documentation provided by the vendor to meet this requirement will be treated as proprietary information by Colorado Department of Public Health and Environment.

Prior to certification of any Colorado 97 emissions analyzer for sale in Colorado, the manufacturer of such analyzer shall provide the Division with software source codes and all other technical information (including, but not limited to all working codes, schematics and drawings) necessary to operate, maintain, calibrate and repair such analyzer in the event that the manufacturer or its agent ceases providing adequate maintenance, calibration and repair services in Colorado. The manufacturer shall keep such information current, and will provide the Division with copies of any and all changes. So long as such maintenance, calibration and repair, services are available from the manufacturer or its agent, the Division shall protect such information as confidential commercial data if it is clearly marked as such. In the event that the manufacturer becomes insolvent or stops providing adequate maintenance, repair or calibration services in Colorado all such information shall be the property of the Division and may be released to a third party as necessary to repair, calibrate and maintain the analyzers.

1.6 Warranty Coverage/Service Contract

A written warranty coverage agreement, signed by an authorized representative of the equipment manufacturer and the vehicle inspection station owner, which provides a complete description of coverage for all systems and components and all manufacturer provided services listed in Section 1.8, must accompany the sale or lease of each Colorado 97 emissions analyzer.

An extended service contract shall be available upon the expiration of the manufacturers original warranty period. Original manufacturer's warranty shall be a minimum of one year from the date of purchase. The "service contract" shall be offered in one-year increments. The "service contract" agreement shall include the inspection station owner's name, inspection station address, telephone number, inspection station identification number, analyzer serial number and detailed terms of the agreement. The agreement must extend for at least one year and if purchased, the expiration date must be entered to software file and monitored by the system clock. Approaching expiration messages must be displayed at daily system start-up beginning thirty days prior to expiration and messaging "30 days until expiration, 29 days etc." Renewals shall be offered at the inspection station owner's request and governed by "good business" practices between the parties involved. Service contract agreements must be available by the manufacturer for the mandated life of Colorado AIR Program. Cost disclosures and detailed descriptions of coverage's must be available in printed form and distributed to all Colorado 97 users. Cost disclosure shall also be made for "consumable" inventory items 1.8B. This information would most appropriately be presented with the original manufactures warranty.

1.7 Tampering Resistance

Controlled access design shall be the responsibility of the manufacturer and is subject to approval by Colorado Department of Public Health and Environment. Analyzer service personnel, inspectors or others shall be prohibited, to Colorado Department of Public Health and Environment satisfaction, from creating or changing any test results, programs or data files contained in the analyzer. Manufacturers shall utilize special BIOS partitions, or other appropriate software and hardware provisions, deemed necessary to protect the I/M files and programs. The protection features shall prevent access to the secured floppy disk drive and those portions of the hard disk containing I/M programs and test data or files.

The emission analyzer and the sampling system shall be made tamper-resistant to the Colorado Department of Public Health and Environment satisfaction. At a minimum, the manufacturer shall develop tamper-resistant features to prevent unauthorized access through the cabinet. Microswitches, keyed locks, or software algorithms requiring the use of a password which can be changed by the Colorado Department of Public Health and Environment would all be acceptable provided the physical or logical design effectively prevents unauthorized access.

Manufacturers may offer analyzers with additional disk drives that can run optional software application programs.

If tampering occurs, a software lockout algorithm shall be activated which aborts any existing test sequence and prevents further inspections until an authorized AIR Program official clears the lockout.

The lockout system shall be designed so that an AIR Program official from the audit menu can activate it. Only AIR Program Auditors may remove lockouts put in place from the audit menu. Manufacturers shall develop a system by which their service technicians shall be prevented from clearing "tamper" lockouts.

Optional software packages shall not interfere with the normal operation of the I/M inspection and testing software, and shall not compromise the tamper-resistant features of the analyzer.

Manufacturer field service representatives will not have access to DOS, unless assurances acceptable to Colorado Department of Public Health and Environment have been provided that insure, integrity of the system will not be jeopardized.

1.8 Manufacturer Provided Services

The manufacturer shall agree to provide the following services to the inspection station as part of the manufacturer's original warranty and thereafter as a portion of the service contract agreement. The cost of a service agreement is to be listed on a year-by-year basis. Future charges cannot exceed the amount published.

- A. Delivery, installation, calibration, and verification of the proper operating condition of a Colorado 97 emissions analyzer.
- B. Quarterly (90 days) examination, calibration, and routine maintenance of the analyzer and sampling systems. Full systems support and repair, including loaner units. Upon initial sale or loan, provide "extra" printer medium (1 ea.) sample filter(s) (2), sample hose (1) and sample probes (1). Maintain the "extra" consumable inventory upon examination and provide a software history file for the replacement of consumables accessible to AIR Program officials. Consumables and the cost(s) thereof must be disclosed in the service agreement.
- C. Instruct all certified inspectors employed by the inspection station at the time of installation in the proper use, maintenance, and operation of the analyzer. The analyzer shall contain a feature that will allow an inspector to go through the complete inspection procedure without generating an official inspection record. This function will be used for evaluating inspector performance, by AIR Program officials, or by the manufacturer for demonstration purposes. The "training mode" shall not require the use of an inspector's access code or allow access to secured areas of hardware or software. The display shall show a message throughout the inspection that this is not an official inspection. Vehicle inspection reports shall indicate to the satisfaction of Colorado Department of Public Health and Environment that they are for training only. No official Certificate of Compliance will be generated during the training exercise.
- D. On-site service response by a qualified repair technician within two (2) business days, (48 hours) excluding Sundays and national holidays, of a request from the inspection station. The names, toll-free telephone numbers, and service facility addresses of all manufacturer representatives responsible for equipment service shall be provided to the inspection station. A service representative shall be available at all times during normal working hours. Sundays and national holidays are not included. All system repairs, component replacements, and/or analyzer adjustments, shall be accomplished on-site within 48 hours after a service request has been initiated. If the completion of this work is not possible within this time period, a Colorado 97 loaner unit shall be provided until the malfunctioning unit is properly repaired and returned to service. Service representatives shall have a software driven menu option that allows the transfer of inspection station, inspector information and other applicable data files from one analyzer to another without manual inputs and without transfer of previous test files.

- E. Updates of the "Functional" software will be limited to once per year at no cost.

Updates of operational software, i.e., file based information will be on an "as required" basis. All forms of software updating will utilize modem technology for the updating process. File updates are at no cost and every effort will be made to minimize them.

- F. The analyzer software shall be designed so that AIR Program officials can insert a disk, prepared by the manufacturer, into the Program system host, and update the existing software version, via modem. A system of manual updating by program officials utilizing the auditor's menu shall also be available. Look-up tables and message screens shall be designed sufficiently separate from the main operations software so that it is not possible, to interfere in any way with the operations of the analyzer.

Colorado Department of Public Health and Environment will require the manufacturer to render updates as necessary in the first year of the program to ensure the program meets all design criteria. Thereafter software updates will be limited to once per year at no cost. Since modem software updating will be utilized, there are no costs to the analyzer owner. A software version number, consisting of a four character alpha-numeric code made up of the last two digits of the year followed by a two character version number, shall be recorded in the analyzer and included on each vehicle test record. The analyzer manufacturer shall not modify any existing software version without obtaining written approval from Colorado Department of Public Health and Environment.

Colorado Department of Public Health and Environment may require the manufacturers to conduct on-site or laboratory testing of in-use analyzers in order to document continued compliance. When an analyzer is removed from the field, for repair or testing, manufacturers shall supply the inspection station from which it was removed with a temporary replacement unit meeting all program requirements. Manufacturers shall pay for all necessary shipping and transfer costs for the replacement of the analyzer selected for compliance testing. Manufacturers shall also pay for any required testing performed by their personnel or by an independent company.

The manufacturers shall provide training to AIR Program officials on all operational, maintenance, and quality control features of the analyzers, including full access to and use of inspection menus, audit menus and calibration menus, as well as optional programs offered to inspectors. Such training shall be conducted at the manufacturer's expense as a condition of certification and thereafter at reasonable intervals upon written request by Colorado Department of Public Health and Environment

1.9 Certification Requirements

The manufacturer shall submit a formal certificate to Colorado Department, of Public Health and Environment that states that any analyzer sold or leased by the manufacturer or its authorized representatives for use in Colorado AIR Program will satisfy all design and performance criteria described in these specifications. The manufacturer shall also provide sufficient documentation to demonstrate conformance with these criteria including a complete description of all hardware components, the results of appropriate performance testing, and a point-by-point response to specific requirements. Previous certification by the California Bureau of Automotive Repair (BAR) is necessary for the analytical bench.

In addition, a full description of the company's service procedures and policies, as well as sample contracts, warranties, and extended service agreements, shall be provided as part of the certification application to ensure proper maintenance of all analyzers

throughout their useful life. One fully functional analyzer shall be presented for evaluation and one additional fully functional analyzer for the certification process. If certified these units will remain in AIR Program possession for continued in-use evaluation for the life of the AIR Program. In the event that 1 % of overall unit sales exceed this two-unit base, in-use evaluation will require 1 % of overall unit sales for in use evaluation.

2.0 HARDWARE SPECIFICATIONS

2.1 General

Colorado 97 hardware shall be compliant with the BAR 97 Section 2 specification, the August 2008 revision available at: <http://www.bar.ca.gov/pdf/Industry/GasBlenderSpecifications.pdf>

And/or current SAE on-board diagnostic "J" standards including but not limited to J1978 and J1979 available from SAE.

NOTE: The Colorado 97 is not an ASM system. ASM hardware, i.e. the dynamometer and NOx sensor, are not needed. By extension, ASM software is also unnecessary.

2.2 Span Gases

The Colorado 97 shall use two tri-blend span gas blends meeting the current California BAR97 calibration span gas low (blend 31) and high (blend 34) specifications, bearing an official "Colorado Approved Calibration Gas" label as shown in Attachment VI of this Appendix A, and supplied by a vendor approved by the Division .

2.3 Audit Gases

Audit gases shall meet California BAR97 audit gas specifications for low range and mid range #2 audit gases without NO, as approved by the Division.

3.0 SOFTWARE COMPONENTS

3.1 Communication and Data Field Specification

Operational software requirements at a minimum must support the existing Colorado 94 Communication Protocol and Data Field Specification. For inquiries referencing the Communication and Data Field Specification, please contact the Colorado Air Pollution Control Division

3.2 Society of Automotive Engineers (SAE) "J" Standards

The Colorado 97 shall be compliant with current SAE on-board diagnostic "J" standards including but not limited to J1978 and J1979.

3.3 OBD II

The Colorado 97 must be capable of accessing OBD II readiness monitors and diagnostic trouble codes. The operational software requirements will be available from the Division upon request.

3.4 Forms


The Colorado 97 shall be capable of completing the current, print on demand Vehicle Inspection Report (VIR) form. Examples of the VIR are following this Section 3.0.

3.5 Upgrades

Software shall be updated/upgraded per Section 1.8 of this Attachment IV.

Vehicle Inspection Report – Passing Form

DR 2071A (01/31/12)




VEHICLE INSPECTION REPORT

STATE OF COLORADO

RESULTS

A2510FEL9H



Overall Result	Emissions	Equipment Inspection	On Board Diagnostics	Smoke	Total Amount Paid
PASS	PASS	PASS	PASS	PASS	0.00

VEHICLE INFORMATION				OFFICIAL USE ONLY	
DATE: 26-OCT-2011 11:29:41	YEAR: 2007	STATION: 5025E	TEST: 2		
VIN:	MAKE: CHR	LANE: 01	TVFY: B8B6		
PLATE:	MODEL: PT CRUISER	ODOMETER: 22000	VVFY: E7BA		

EMISSIONS TEST INFORMATION				EQUIPMENT INSPECTION	
	READINGS	LIMITS	RESULTS		
HC GPM	0.0099	4.0000	PASS	Catalytic Converter Presence:	PASS
CO GPM	0.0011	20.0000	PASS	Air Injection System Presence:	PASS
CO2 GPM	204.1342			Oxygen Sensor Presence:	PASS
NOx GPM	0.0002	9.0000	PASS	Gas Cap Presence:	PASS
				Gas Cap Integrity:	


ON BOARD DIAGNOSTICS	
Check Engine Light: PASS	Check Engine Light Command Status: Off
Diagnostic Trouble Codes:	P0100, Mass or Volume Air Flow Circuit Malfunction P0200, Injector Circuit Malfunction P0201, Injector Circuit Malfunction - Cylinder 1 P0300, Random/Multiple Cylinder Misfire Detected P0302, Cylinder 2 Misfire Detected

CONSUMER INFORMATION

Congratulations, your vehicle has passed the emissions inspection. If you are renewing your registration by mail, follow the instructions regarding the renewal process located on the back side of your renewal notice. If you are renewing your registration in person, the Certificate of Emissions Control, located below, must accompany all supporting documents at the time of registration. After 24 hours, you may renew your registration online at www.colorado.gov/renewplates. If the Certificate of Emission Control is lost, a new inspection is required at the owner's/operator's expense. For questions, comments and complaints contact Air Care Colorado at 303-456-7090 or the Department of Revenue at 303-205-3603 and if located outside the Denver Metro Area, call 888-200-8827. Retain this document in the vehicle as proof of emission compliance.

PLEASE REMOVE THE "CERTIFICATE OF EMISSIONS CONTROL", LOCATED BELOW, AND INCLUDE IT WITH YOUR RENEWAL CARD AND REGISTRATION PAYMENT. DO NOT STAPLE THIS DOCUMENT OR PAYMENT TO YOUR RENEWAL CARD.


----- CUT HERE -----



State of Colorado

VOID

A2510FEL9H



DATE	26-OCT-2011	VIN	
YEAR	2007	MAKE	PT CRUISER
PLATE		FACILITY	5025E INSPECTOR 55555

Vehicle Inspection Report – Failing Form



VEHICLE INSPECTION REPORT

B1610DLP91

STATE OF COLORADO RESULTS



Overall Result	Emissions	Equipment Inspection	On Board Diagnostics	Smoke	Total Amount Paid
FAIL	FAIL	FAIL	ADVISE	FAIL	0.00

VEHICLE INFORMATION				OFFICIAL USE ONLY	
DATE:	20-SEP-2012 10:32:06	YEAR:	2001	STATION:	5016E
VIN:		MAKE:	FORD	LANE:	01
PLATE:	TEST1	MODEL:	FOCUS	ODOMETER:	12345
				TEST:	I
				TVFY:	F161
				VVFY:	

EMISSIONS TEST INFORMATION				EQUIPMENT INSPECTION	
	READINGS	LIMITS	RESULTS		
HC GPM	3.8625	1.2000	FAIL	Catalytic Converter Presence:	FAIL
CO GPM	27.1893	15.0000	FAIL	Air Injection System Presence:	FAIL
CO2 GPM	433.8854			Oxygen Sensor Presence:	FAIL
NOx GPM	2.9067	1.5000	FAIL	Gas Cap Presence:	PASS
				Gas Cap Integrity:	FAIL

ON BOARD DIAGNOSTICS	
Check Engine Light: FAIL	Check Engine Light Command Status: On
Diagnostic Trouble Codes:	
0115, Engine Coolant Temperature Circuit Malfunction	
0130, O2 Sensor Circuit Malfunction (Bank 1 Sensor 1)	
0172, System too Rich (Bank 1)	

CONSUMER INFORMATION		
Your vehicle has failed to comply with required State regulations for emissions inspection. All items listed as failure must be addressed prior to your next inspection. For questions, comments and complaints contact Air Care Colorado at 303-456-7090 or the Department of Revenue at 303-205-5603 and if located outside the Denver Metro Area, call 888-200-8827. You are entitled to one free reinspection within 10 calendar days, the reinspection can be performed at any one of Air Care Colorado's centers. The information recorded on this report is extremely valuable to a repair technician when having your vehicle repaired. If your vehicle fails the reinspection, you may be entitled to a waiver. Waiver eligibility information, to include hardship waivers, is available at the inspection station or by calling the Department of Revenue at 303-205-5603.		
HIGH HC READINGS	HIGH CO READINGS	HIGH NOx READINGS
HIGH HC READINGS ARE A RESULT OF UNBURNED OR PARTIALLY BURNED FUEL.	HIGH CO READINGS OCCUR WHEN THE AIR/FUEL MIXTURE IS TOO RICH.	HIGH NOx READINGS ARE THE RESULT OF HIGH COMBUSTION TEMPERATURES AND/OR PRESSURES.

CUT HERE

VEHICLE REPAIR FORM		
This form must be completed by the person performing the repairs AND accompany the vehicle at the time of reinspection.		
Mark here if some or all repairs were warranty or recall related: <input type="checkbox"/>	Parts Costs:	\$
Repaired by Vehicle Owner: <input type="checkbox"/> Repaired by Repair Facility: <input type="checkbox"/>	Labor costs:	\$
Repair Date:	Miscellaneous Costs:	\$
Name of Repair Facility:	Diagnostic Costs:	\$
Name of Person Filling Out Form:	Total Repair Costs:	\$
Technician Number:		
Facility Number:		
Signature:		
VIN:		

INTRODUCTION

This document contains specifications for manufacturers to design a Colorado (CO) Onboard Diagnostic (OBD) Test Analyzer System (CO-OBD-TAS) for use in the Colorado Automobile Inspection and Readjustment (AIR) program. The CO-OBD-TAS certified for use shall be capable of conducting OBD emissions inspections, malfunction indicator lamp/check engine light (MIL) visual inspections, gas cap visual and pressure tests and a visual opacity check.

Changes to Regulation 11 allow for OBD Inspections as of January 1st 2015. Light-duty vehicles in their eighth through eleventh (8th-11th) model years will receive a mandatory (i.e., pass/fail determination) OBD inspection.

The OBD, MIL, gas cap and opacity inspections shall be conducted in accordance with the procedures set forth in AQCC Regulation No. 11, 40 C.F.R. Part 51, and EPA guidance document 420-R-01-015, *Performing Onboard Diagnostic System Checks as Part of a Vehicles Inspection and Maintenance Program*.

Design Goals

The CO-OBD-TAS must be designed and constructed to provide reliable and accurate service in the automotive service environment and have a useful life of at least five years. The software used in the CO-OBD-TAS must consist of a process control system capable of using reference data. The software also must be designed for maximum operational simplicity and be capable of providing testing information that can be used for vehicle diagnostics. In addition, the CO-OBD-TAS must include security measures that will prevent unauthorized modifications to the software or inspection data, record unauthorized entry, also known as tampering, and prevent subsequent inspections when tampering is detected.

The CO-OBD-TAS specifications contain the minimum requirements for CO-OBD-TAS used to perform emissions inspections in the AIR Program. Manufacturers may include additional items with approval from the Colorado Department of Public Health and Environment (CDPHE).

It is expected that the CO-OBD-TAS software will be SAE 1978 and J1979 compliant. The OBD inspection will include a visual and functional (bulb) check of the Malfunction Indicator Light (MIL) and an electronic examination of the vehicle's OBD computer. As outlined in the EPA guidance document, there are seven steps in this OBD inspection:

- Initiate the inspection by collecting and entering the vehicle identification information;
- Perform a visual inspection of the MIL and perform a key-on, engine-off inspection;
- Locate the vehicle's data link connector (DLC) and connect the OBD test equipment;
- Start and run the vehicle;
- With the OBD test equipment connected, determine the following:
 - o The status of the vehicle's non-continuous readiness monitors;
 - o The status of the MIL (commanded on or off);
 - o The Diagnostic Trouble Codes (DTCs);
- Electronically record the results of the OBD inspection; and

- Turn off the vehicle and disconnect the scan tool.

Pass/Fail Requirement

The CO-OBD-TAS shall fail vehicles for the following reasons:

- o Gas Cap visual fails; or
- o Gas Cap integrity does not meet the standards; or
- o Visual opacity greater than 5%; or
- o The MIL does not illuminate at all during the Bulb check (Fail); or
- o The MIL stays illuminated when the vehicle is running (Fail); or
- o MIL status is commanded on; regardless of whether or not the MIL is actually illuminated (Fail).

The CO-OBD-TAS shall pass vehicles for the following reasons:

- o Gas Cap visual inspection passes;
- o Gas Cap integrity is within standards;
- o Visual opacity less than 5%;
- o The readiness requirements in Section 4 are met;
- o The MIL visual bulb check passes;
- o The MIL is not commanded on; and
- o No Fraud is detected, as per Section 7.

Readiness Monitors

As part of the OBD inspection, the status of the vehicle's non-continuous readiness monitors is to be queried. The OBD TAS Manufacturer will implement EPA's listing of "Manufacturers Known to Have OBD Readiness Issues" and apply corrections to the readiness monitor requirements for those vehicles.

Otherwise the following readiness monitors requirements apply:

- o The oxygen sensor and/or heated oxygen sensor monitor(s) shall be ready if supported;
- o The catalyst monitor shall be ready if supported; and
- o A 2001 or newer model year shall have no more than one (1) supported readiness monitor not ready; or
- o A 2000 or older model year shall have no more than two (2) supported readiness monitors not ready

If the readiness monitor requirements are not met and the MIL is not commanded on then the inspection shall be automatically aborted with the reason printed out the vehicle Inspection Report (VIR).

If a vehicle is unable to receive an OBD inspection (i.e. unable to communicate, DLC or readiness monitor issues), then the inspection will be aborted and the reason printed out the vehicle Inspection Report (VIR).

Keyless Ignitions

If a vehicle has a keyless ignition, then the OBD TAS software shall bypass the MIL bulb check. The software shall determine keyless ignition systems electronically, by way of an OBD test information look-up table. The software shall provide for an override (changes the default, from the table, for the keyless ignition data field) in case the keyless ignition vehicle is not listed in the table.

OBD Retest Requirements

The same readiness monitor requirements in Section 4 shall apply to OBD re-tests.

OBD Fraud Prevention

The contractor will build an OBD inspection fraud detection module as approved by the CDPHE in the CO-OBD-TAS software.

OBD Equipment Requirements

The CO-OBD-TAS must include hardware and software necessary to access the on-board computer systems on all model-year 1996 and newer vehicles. The equipment design and operation of the CO-OBD-TAS must meet the federal requirements contained in Title 40 of the Code of Federal Regulations (CFR), Chapters 85.2207-2231 and the recommended practices regarding OBD inspections contained in the J1962, J1978 and J1979 published by the Society of Automotive Engineers (SAE). The CO-OBD-TAS must be able to connect to the vehicle's OBD connector and access, at a minimum, the following OBD data:

- o The engine revolutions per minute (RPM);
- o The readiness monitor status;
- o The malfunction indicator light (MIL) status;
- o The OBD communications protocol;
- o The electronic VIN; and
- o The diagnostic trouble codes (DTCs).

At a minimum, the CO-OBD-TAS must also be capable of communicating with all OBD vehicles that use the following communications protocols:

- o International Organization for Standardization (ISO) 9141;
- o Variable pulse width (VPW) as defined in the SAE's J1850;
- o Pulse width modulation (PWM) as defined in the SAE's J1850;

- o Keyword protocol 2000 (KWP); and
- o Controller area network (CAN) as defined in the ISO 15765-4.3:2001.

The OBD interrogation process must be fully integrated into the CO-OBD-TAS, automated, and require no inspector intervention to collect and record the OBD data retrieved via the OBD connector link. No separate interface may be used.

The CO-OBD-TAS shall meet the design and performance specifications in the Air Quality Control Commission's (AQCC) Regulation Number 11.

Gas Cap Tester

The gas cap tester must be able to supply air pressure significant enough to produce and measure a leak rate of 60 cubic centimeters per min (cc/min) of air at 30 inches of water pressure. The tester must be tamper resistant; control the air supply pressure and prevent over pressurization; provide a visual or digital signal that the required air supply pressure is within the acceptable range and a flow comparison test is ready to be conducted; be supplied with a reference passing gas cap, or equivalent, with a nominal 52-56 cc/min leak rate; and be supplied with a reference failing gas cap, or equivalent, with a nominal 64-68 cc/min leak rate.

The tester may use: a squared edged circular orifice to generate the required leak rate; and ambient air or any convenient low pressure source.

The gas cap tester connector must be a minimum length of 20 feet so that it can reach gas caps that are attached to vehicles.

The CO-OBD-TAS must prevent all inspections if the gas cap tester calibration has not passed in the last 24 hours.

Gas Cap adapters must be available for at least 95 percent of the gas caps used for the most recent 12 model-year light-duty vehicles and trucks. Varying internal volumes of the gas caps and adapter assemblies must not affect the accuracy of the inspection results. Adapters must be made available the first day of each year upon the introduction of new model-year vehicles.

Opacity

The CO-OBD-TAS software shall require an entry for a visual opacity inspection.

Recording of Test Results/Documentation

The CO-OBD-TAS shall automatically record the date, start time, station, and inspector ID for each test. Required data for each element of the inspection shall be collected and entered into the CO-OBD-TAS. A data specification is available from CDPHE upon request. Due to possible systems changes or new requirements, the required data list may be changed.

The CO-OBD-TAS shall print the test results in the form of a state-approved Vehicle Inspection Report (VIR, Form DR2071). The CO-OBD-TAS shall print these forms from plain security paper or some other paper as approved by CDPHE. The VIR shall contain at a minimum the OBD test results. VIRs for vehicles with a passing OBD test shall include a Certificate of Emissions Compliance (CEC) printed on the VIR.

Computers and Peripheral Requirements

The CO-OBD-TAS functions must be controlled by a personal computer (PC), or functional equivalent, and include the hardware and software needed to perform the functions required by this specification.

The CDPHE reserves the right to add additional programs and performance requirements, up to the technical limits of the hardware, to improve the AIR program.

The manufacturer may offer a CO-OBD-TAS with additional disk drives that can run optional software hardware application programs, however, the computer must not be bootable from any additional drive, nor must any program run from one of these drives have access to the computer's operating system. Additional drives must be located in a limited access secured area within the CO-OBD-TAS cabinet. The peripheral equipment, such as bar code readers, OBD scanners, and keyboards may use wireless communication to interact with the CO-OBD-TAS.

VID Communications Overview

A required component of the AIR program is the electronic transmission of inspection data. The

Centralized Emissions Testing Contractor for the Colorado AIR program has an electronic network that enables the CO-OBD-TAS to automatically connect to a centralized vehicle identification database (VID). The CO-OBD-TAS must demonstrate the ability to receive, install, use, and transmit data to and receive data from the VID using the communications protocol. The communications protocol will be provided by the CDPHE.

Each inspection station must obtain and maintain VID communication services. The CO-OBD-TAS must use the communications protocol to access the features of the VID communications services in order to conduct vehicle inspections.

Printer

A laser printer or a CDPHE approved equivalent printer must be supplied with each CO-OBD-TAS purchased, leased, or upgraded. The CO-OBD-TAS's printer must be interchangeable with a locally purchased off-the-shelf laser printer.

Power and Telephone Cord

The modem must be, at a minimum, designed to connect to the CO-OBD-TAS with a modular telephone connector that has a standard wiring configuration. The connector must be located on the back of the CO-OBD-TAS cabinet. Alternatives to this requirement may be proposed to the CDPHE for evaluation.

The telephone and power cords must be at least 25 feet long and enclosed in a protective cable meeting the Underwriter's Laboratory approval. Alternative methods to protect the telephone and power cords may be submitted to the CDPHE for approval. The manufacturer shall design the cabinet so that convenient storage is provided for the excess telephone and power cords.

Power Requirements

The CO-OBD-TAS must operate on an alternating current (AC) and must not be powered by a portable AC generating unit. Input power must be 115 volts of alternating current (VAC) with 60 hertz. The instruments must meet the specified requirements over an input voltage variation of at least +/- 12 volts.

Construction

The CO-OBD-TAS must be designed and constructed to provide reliable and accurate service in the automotive service environment. The CO-OBD-TAS must be supplied with a cabinet that is equipped with a storage area large enough to secure all accessories and operating manuals.

Materials

The materials used in construction of the CO-OBD-TAS must be resistant to corrosive substances found in the automotive service environment and be designed to last for at least five years. The exterior and interior finish of the entire cabinet and console must be sufficiently durable to withstand the chemicals and environmental conditions normally encountered in the automotive service environment for the period of the warranty.

Mobility

The CO-OBD-TAS may be permanently mounted or mobile with the use of wheels. Wheels must be at least five inches in diameter and have a locking mechanism capable of preventing movement on a 15 degree incline.

The CO-OBD-TAS must be designed to move over rough surfaces, through three-inch deep holes, and on 15 degree inclines without tipping over. The CO-OBD-TAS must not tip over when placed at the center of an inclined plane and rotated 360 degrees stopping in the position where it is most likely to tip over. The incline plane must make an angle of 10 degrees with the horizontal floor. In addition, the CO-OBD-TAS must not become unstable or tip over when rolled straight off the edge of a two-inch high platform or when one wheel is rolled over a drain, two inches below the surface, or inside an 18-inch diameter depression.

Electrical Design

Fuses or circuit breakers must be used to protect individual electrical circuits in the CO-OBD-TAS. The main circuit breaker and fuses must be readily accessible from the exterior of the cabinet. CO-OBD-TAS operation must be unaffected by electrical line noise and voltage surges. The CO-OBD-TAS must be protected from voltage surges to prevent damage to the internal components from a simultaneous start up of a 220 volt compressor, an arc welder, hydraulic controls, and other equipment commonly found in the typical automotive service environment.

Bar Code Scanner

The bar code scanner must be able to read a one-dimensional (1-D) and a two-dimensional (2-D) bar code through a windshield and use visible laser diode technology or an equivalent approved by the CDPHE. The bar code scanner must not be able to read Universal Product Code (UPC) 1-D bar codes. The bar code scanner must be able to withstand multiple drops to concrete covering a distance of at least 4 feet and be environmentally sealed to withstand the normal operating conditions of an automotive service environment.

Additional Specifications

The useful life of the CO-OBD-TAS shall be a minimum of five years.

A nameplate including the following information shall be permanently affixed to the housing of the CO-OBD-TAS: Name and Address of Manufacturer, Model Description, Serial Number, and Date of Assembly.

Each CO-OBD-TAS shall be delivered with the following manuals: Reference Operating Instructions,

Operation Instruction Manual, Maintenance Instruction Manual (limited), and Initial Start-up Instructions

CO-OBD-TAS manufacturers may consolidate manuals. The manuals shall be constructed of durable materials and shall not deteriorate as a result of normal use over a five-year period. The CO-OBD-TAS housing shall provide convenient storage for each manual in a manner that will allow easy use and prevent accidental loss or destruction.

The CO-OBD-TAS software shall be fully documented. Two copies of the documentation listed below shall be submitted to CDPHE as part of the Certification application.

Functional Specifications

CO-OBD-TAS manufacturers shall provide for use during the Acceptance Testing Process:

- o Functional flowcharts of the software;
- o Example inputs and outputs from all processes;
- o Detailed interface information on system components including the identification of protocol and output specifications; and
- o All file layouts with file names, file types, file security, field names, field types, field sizes, and field editing criteria.

Documentation provided by the vendor to meet this requirement will be treated as proprietary information by Colorado Department of Public Health and Environment.

Prior to certification of any CO-OBD-TAS for sale in Colorado, the manufacturer shall provide the CDPHE technical information (including, but not limited to all working codes, schematics and drawings) necessary to operate, maintain and repair such CO-OBD-TAS in the event that the manufacturer ceases providing adequate maintenance, and repair services in Colorado.

The CO-OBD-TAS manufacturer shall keep such information current, and will provide CDPHE with copies of any and all changes. So long as such maintenance and repair services are available from the manufacturer or its agent, the CDPHE shall protect such information as confidential commercial data if it is clearly marked as such. In the event that the manufacturer becomes insolvent or stops providing adequate maintenance or repair services in Colorado all such information shall be the property of the CDPHE and may be released to a third party as necessary to repair and maintain the CO-OBD-TAS.

Warranty Coverage

A written warranty coverage agreement, signed by an authorized representative of the equipment manufacturer and the vehicle inspection station owner, which provides a complete description of coverage for all systems and components and all manufacturer provided services must accompany the sale or lease of each CO-OBD-TAS. Original manufacturer's warranty shall be a minimum of one year from the date of purchase. An extended service contract shall be available upon the expiration of the manufacturers original warranty period.

Tampering Resistance

Controlled access design shall be the responsibility of the manufacturer and is subject to approval by CDPHE. CO-OBD-TAS service personnel, inspectors or others shall be prohibited, to satisfaction of CDPHE, from creating or changing any test results, programs or data files contained in the CO-OBD-TAS. The CO-OBD-TAS shall be made tamper-resistant to the satisfaction of CDPHE and DOR.

If tampering occurs, a software lockout algorithm shall be activated which aborts any existing test sequence and prevents further inspections until an authorized AIR Program official clears the lockout.

Auditing Requirements

Title 42, Article 4, Part 3, C.R.S. establishes the I/M Program-based authority of the Colorado Department of Revenue (DOR). As such, DOR is responsible for emissions inspector and station licensing as prescribed by C.R.S., AQCC Regulation 11, and DOR Regulation 1. In order to maintain the integrity of the I/M Program, DOR conducts various quality assurance audits of the CO-CO-OBD-TAS units. The specification for this audit will be provided by CDPHE and DOR.

Manufacturer Provided Services

The CO-OBD-TAS manufacturer shall agree to provide the following services to the inspection station as part of the manufacturer's original warranty:

The delivery, installation, calibration, and verification of the proper operating condition of a CO-OBD-TAS.

Instruction of all certified inspectors employed by the inspection station, at the time of installation, in the proper use, maintenance, and operation of the CO-OBD-TAS.

On-site service response by a qualified repair technician within two (2) business days, (48 hours) excluding Sundays and national holidays, of a request from the inspection station.

CDPHE will require the manufacturer to render updates as necessary in the first year of the program to ensure the program meets all design criteria. Thereafter software updates will be limited to once per year at no cost. Since modem software updating will be utilized, there are no costs to the CO-OBD-TAS owner. A software version number, consisting of a four character alpha-numeric code made up of the last two digits of the year followed by a two character version number, shall be recorded in the CO-OBD-TAS and included on each vehicle test record. The CO-OBD-TAS manufacturer shall not modify any existing software version without obtaining written approval from CDPHE.

CO-OBD-TAS manufacturers shall provide training to AIR Program officials on all operational, maintenance, and quality control features of the CO-OBD-TAS units, including full access to and use of inspection menus and audit menus. Such training shall be conducted at the manufacturer's expense as a condition of certification.

Certification Requirements

The CO-OBD-TAS manufacturer shall submit a formal certificate to CDPHE that states that any CO-OBD TAS sold or leased by the manufacturer or its authorized representatives for use in Colorado AIR Program will satisfy all design and performance criteria described in these specifications. The manufacturer shall also provide sufficient documentation to demonstrate conformance with these criteria including a complete description of all hardware components, the results of appropriate performance testing, and a point-by-point response to specific requirements.

In addition, a full description of the company's service procedures and policies, as well as sample contracts, warranties, and extended service agreements, shall be provided as part of the certification application to ensure proper maintenance of all CO-OBD-TAS throughout their useful life. One fully functional CO-CO-OBD-TAS shall be presented for evaluation and certification process.

The Acceptance Testing Procedure (ATP) for CO-OBD-TAS will include a verification that the unit meets all requirements in this specification and federal requirements contained in 40 CFR §§85.2207 - 85.2231 and the recommended practices contained in the J1962, J1978, and J1979 published by the SAE. The

ATP procedures and acceptance criteria are contained in the EPA's guidance document, "Performing Onboard Diagnostic System Checks as Part of a Vehicle Inspection and Maintenance Program" (EPA, 2001) or EPA's applicable update to this document.

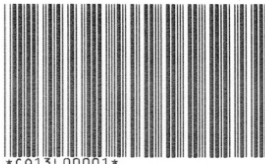
ATTACHMENT VI "Colorado Approved" Calibration Span Gas Label Samples



**Colorado
Approved
Calibration Gas**

AIR94 LOW

BLENDER AIR LIQUIDE
LOT # 031820131
FILL DATE 03/18/2013
EXPIRES 05/13/2016
AIR # CO13L00001



CO13L00001



**Colorado
Approved
Calibration Gas**

AIR94 MID

BLENDER AIR LIQUIDE
LOT # 031820132
FILL DATE 03/18/2013
EXPIRES 05/13/2016
AIR # CO13M00001



CO13M00001

John W. Suthers

Attorney General

Cynthia H. Coffman

Chief Deputy Attorney General

Daniel D. Domenico

Solicitor General



Ralph L. Carr

Colorado Judicial Center

1300 Broadway, 10th floor

Denver, CO 80203

Phone 720-508-6000

State of Colorado

Department of Law

Office of the Attorney General

Tracking number: 2014-00698

**Opinion of the Attorney General rendered in connection with the rules adopted by the
Air Quality Control Commission**

on 10/16/2014

5 CCR 1001-13

REGULATION No. 11 MOTOR VEHICLE EMISSIONS INSPECTION PROGRAM

The above-referenced rules were submitted to this office on 10/16/2014 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

A handwritten signature in black ink, appearing to read "JWS", is shown within a rectangular box.

John W. Suthers

Attorney General

by Daniel D. Domenico

Solicitor General

October 29, 2014 11:47:48

Permanent Rules Adopted

Department

Department of Public Health and Environment

Agency

Health Facilities and Emergency Medical Services Division (1011, 1015 Series) - by Colo Bd of Health

CCR number

6 CCR 1011-1 Chap 07

Rule title

6 CCR 1011-1 Chap 07 STANDARDS FOR HOSPITALS AND HEALTH FACILITIES:
CHAPTER 07 - ASSISTED LIVING RESIDENCES 1 - eff 12/15/2014

Effective date

12/15/2014

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Health Facilities and Emergency Medical Services Division

STANDARDS FOR HOSPITALS AND HEALTH FACILITIES

CHAPTER VII - ASSISTED LIVING RESIDENCES

6 CCR 1011-1 Chap 07

Adopted by the Board of Health on October 15, 2014

1.102 DEFINITIONS.

[Publication Instructions: Replace current existing text at section 1.102(6)(c) through section 1.102(6)(c)(ii) with the following new text at section 1.102(6)(c)]

102(6)(c) A Supportive Living Program residence that, in addition to the criteria specified in paragraph (a) above, is certified by the Colorado Department of Health Care Policy and Financing to also provide health maintenance activities, behavioral management and education, independent living skills training and other related services as set forth in the supportive living program regulations at 10 CCR 2505-10, §8.515.85 (Oct. 1, 2014), which are hereby incorporated by reference.

1.105 ADMINISTRATIVE FUNCTIONS

[Publication Instructions: Replace current existing text at section 1.105(1)(b)(iii) with the following new text at section 1.105(1)(b)(iii)]

- (iii) Needs medical or nursing services, as defined herein, on a twenty-four hour basis, except for care provided by a Supportive Living Program residence or by a psychiatric nurse in those facilities which are licensed to provide services specifically for the mentally ill.

[Publication Instructions: After section 1.105(6)(a)(ii), add the following new text for section 1.105(6)(a)(iii)]

- (iii) When a Supportive Living Program resident has met his or her transitional planning goals.

John W. Suthers

Attorney General

Cynthia H. Coffman

Chief Deputy Attorney General

Daniel D. Domenico

Solicitor General



Ralph L. Carr

Colorado Judicial Center

1300 Broadway, 10th floor

Denver, CO 80203

Phone 720-508-6000

**State of Colorado
Department of Law**

Office of the Attorney General

Tracking number: 2014-00919

**Opinion of the Attorney General rendered in connection with the rules adopted by the
Health Facilities and Emergency Medical Services Division (1011, 1015 Series) - by Colo Bd of Health**

on 10/15/2014

6 CCR 1011-1 Chap 07

CHAPTER 07 - ASSISTED LIVING RESIDENCES

The above-referenced rules were submitted to this office on 10/17/2014 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

A handwritten signature in black ink, appearing to read "JWS", is shown within a rectangular box.

John W. Suthers

Attorney General

by Daniel D. Domenico

Solicitor General

October 29, 2014 11:50:07

Permanent Rules Adopted

Department

Department of Labor and Employment

Agency

Division of Oil and Public Safety

CCR number

7 CCR 1101-8

Rule title

7 CCR 1101-8 CONVEYANCE REGULATIONS 1 - eff 01/01/2015

Effective date

01/01/2015

**COLORADO DEPARTMENT OF
LABOR AND EMPLOYMENT
DIVISION OF OIL AND PUBLIC SAFETY**

CONVEYANCE REGULATIONS

7 C.C.R. 1101-8

Effective: January 1, 2015



CONVEYANCE REGULATIONS
COLORADO DEPARTMENT OF LABOR AND EMPLOYMENT
DIVISION OF OIL AND PUBLIC SAFETY

TABLE OF CONTENTS

ARTICLE 1 GENERAL PROVISIONS.....	1
Section 1-1 Statement of Basis and Purpose.....	1
Section 1-2 Statutory Authority.....	1
Section 1-3 Effective Date.....	1
Section 1-4 Definitions.....	1
Section 1-5 Scope.....	6
ARTICLE 2 ADMINISTRATION.....	7
Section 2-1 Registration.....	7
Section 2-2 Adoption of Nationally Recognized Safety Standards.....	8
Section 2-2-1 Standard Adoption.....	8
Section 2-3 Inspections, Tests and Maintenance.....	8
Section 2-3-1 Periodic Inspections and Certificates of Operation.....	8
Section 2-3-2 Periodic and Acceptance Tests.....	11
Section 2-3-3 Maintenance.....	13
Section 2-4 Alteration and New Installation.....	14
Section 2-4-1 Alteration.....	14
Section 2-4-2 New Installation.....	17
Section 2-4-3 Alternate Materials and Methods Request.....	18
Section 2-5 Automated People Movers.....	18
Section 2-6 Accident Reporting.....	19
Section 2-7 Implementation of Adopted Standards for Existing Conveyances.....	20

Section 2-8 Shut-down of a Dangerous Conveyance.....	21
Section 2-9 Dormant.....	22
Section 2-10 Removed From Service.....	23
Section 2-11 Removal of Conveyance from Facility.....	24
ARTICLE 3 AUTHORITY HAVING JURISDICTION.....	25
Section 3-1 Authority Having Jurisdiction Requirements.....	25
ARTICLE 4 LICENSING.....	26
Section 4-1 Licensing Qualifications.....	26
Section 4-1-1 Conveyance Mechanic.....	26
Section 4-1-2 Emergency and Temporary Conveyance Mechanic.....	28
Section 4-1-3 Conveyance Contractor.....	29
Section 4-1-4 Conveyance Inspector.....	29
ARTICLE 5 ENFORCEMENT.....	33
Section 5-1 Enforcement Program.....	33
Section 5-1-1 Notice of Violation.....	33
Section 5-1-2 Enforcement Order.....	33
Section 5-1-3 Informal Conference.....	33
Section 5-1-4 License Review Board.....	34

ARTICLE 1 GENERAL PROVISIONS

Section 1-1 Statement of Basis and Purpose

These regulations are promulgated to establish rules for the design, installation, registration, construction, operation, maintenance, and inspection of conveyances, and for the licensing of conveyance mechanics, contractors, and inspectors. The purpose of these regulations is to ensure that elevators and other automated conveyances, accessible to the general public, are correctly and safely installed and operated within the state.

Section 1-2 Statutory Authority

These regulations have been created pursuant to the Elevator and Escalator Certification Act, Title 9 Article 5.5 Section 116 of the Colorado Revised Statutes (C.R.S.).

Section 1-3 Effective Date

These amended regulations shall be effective on January 1, 2015 and supersedes all prior editions. The prior editions of the regulations were effective February 1, 2013, January 1, 2011, January 1, 2010 and January 1, 2009. Emergency regulations were in effect from April 2, 2008 until the promulgation of permanent rules.

The effective date for the requirements regarding Personnel Hoists, as described in ANSI A10.4, will be July 1, 2017.

Section 1-4 Definitions

Terms in these regulations shall have the same definitions as those found in Article 5.5 of Title 9 of the C.R.S. or as defined below.

ACCEPTANCE INSPECTION. The initial inspection and witnessing of acceptance testing, conducted by a licensed Conveyance Inspector, of a new or altered conveyance to verify compliance with standards as defined in these regulations.

ACCEPTANCE TEST. The testing, conducted by a Conveyance Mechanic, of a new or altered conveyance to verify compliance with standards as defined in these regulations.

ADMINISTRATOR. The Director of the Division of Oil and Public Safety within the Department of Labor and Employment or the Director's designee.

ADVISORY BOARD. A group of experts within the conveyance industry chosen by the Administrator to assist in the development of regulations and resolution of issues relating to the operation of the program.

AFFILIATED. An employment or subsidiary relationship between two entities.

ALTERATION. As defined in American Society of Mechanical Engineers (ASME) A17.1: any change to equipment, including its parts, components, and/or subsystems, other than maintenance, repair, or replacement and as further defined by the Administrator as an activity that requires an alteration permit, as defined in Section 2-4-1.

ALTERATION, EMERGENCY. An alteration that is limited to minor alteration activities and to those facilities where the building is dependent on the conveyance as the sole means of access and no

other conveyance is available. The conveyance contractor performing such alteration shall submit a minor alteration permit application to the Administrator or Approved AHJ by the next working day.

ALTERATION, MAJOR. An alteration that is extensive in scope such that it warrants a complete witnessed acceptance inspection and applicable tests.

ALTERATION, MINOR. An alteration that is minor in scope, such that it only warrants the specific component(s) being altered to be tested and inspected.

ALTERATION, SUBSTANTIAL. An alteration that includes:

- (a) The change in the type of service of an elevator, or
- (b) The change in the type of operation control or motion control on an elevator, or
- (c) The replacement of a controller in conjunction with another alteration on an electric elevator.

ALTERNATE MATERIALS AND METHODS REQUEST. The submittal of documentation to the Administrator or Approved AHJ by a conveyance owner or conveyance contractor that justifies the use of alternate methods or materials for the implementation of standards adopted pursuant to these regulations.

ANSI. American National Standards Institute.

ANSI/ASSE A10.4. Personnel Hoists and Employee Elevators on Construction and Demolition Sites.

ASCE. American Society of Civil Engineers.

ASCE 21. Automated People Mover Standards published as ASCE 21 Parts 1 through 4, as amended by the ASCE.

ASME. American Society of Mechanical Engineers.

ASME A17.1. Safety Code for Elevators and Escalators published by ASME.

ASME A17.2. Guide for Inspection of Elevators, Escalators, and Moving Walks published by ASME.

ASME A17.3. Safety Code for Existing Elevators and Escalators published by ASME.

ASME A18.1. Safety Standard for Platform Lifts and Stairway Chairlifts published by ASME.

ASSE. American Society of Safety Engineers.

AUTHORITY HAVING JURISDICTION. A local jurisdiction that includes a fire department, fire district or fire authority that is responsible for enforcing the requirements of a code or standard or for approving equipment, materials, an installation or a procedure.

AUTHORITY HAVING JURISDICTION (AHJ), APPROVED. A local jurisdiction or any agent thereof that has been approved by the Administrator pursuant to Section 3-1 of these regulations.

AUTHORIZED PERSONNEL. As defined in ASME A17.1; "persons who have been instructed in the operation of the equipment and designated by the owner to use the equipment." This does not include the general public.

AUTOMATED PEOPLE MOVER (APM). As defined in ASCE 21; “a guided transit mode with fully automated operation, featuring vehicles that operate on guideways with exclusive right-of-way.”

AUTOMATED PEOPLE MOVER ALTERATION. Any change to equipment, including its parts, components and/or subsystems, other than maintenance, repair or replacement that does not materially affect the APM integrity, operation or control.

CERTIFICATE OF OPERATION (CO). A document issued by the Administrator or an Approved AHJ for a conveyance indicating that the conveyance has had the required safety inspection and tests, and that fees have been paid as set forth in these regulations.

CERTIFICATE OF OPERATION, CONSTRUCTION (CCO). A document issued by the Administrator or an Approved AHJ for a conveyance that allows the temporary operation of a conveyance for the support of construction activities and is not accessible to the public.

CERTIFICATE OF OPERATION, TEMPORARY (TCO). A document issued by the Administrator or an Approved AHJ for a conveyance that allows the temporary operation of a conveyance for public use if life safety issues have not been identified following the inspection of the conveyance by a conveyance inspector.

CERTIFICATE OF SUBSTANTIAL COMPLETION. Certificate issued by the owner of an APM system stating that work relating to a product has progressed to the point that the owner can beneficially occupy or utilize the product for the purpose for which it is intended and the work and product comply with all applicable codes and regulations.

CONVEYANCE. A mechanical device to which these regulations apply pursuant to Section 1-5.

CONVEYANCE CONTRACTOR. A person who holds a current conveyance contractor license issued by the Administrator.

CONVEYANCE MECHANIC. A person who holds a current conveyance mechanic or temporary conveyance mechanic license issued by the Administrator and who is employed by a Conveyance Contractor.

CONVEYANCE OWNER. The owner of the conveyance or assigned agent responsible for maintaining the conveyance.

DOOR RESTRICTORS. As described in the currently adopted edition of ASME A17.1.

DUMBWAITER. As defined in ASME A17.1; a hoisting and lowering mechanism equipped with a car of limited size that moves in guide rails and serves two or more landings that is used exclusively for carrying materials.

ELECTRIC ELEVATOR. As defined in ASME A17.1; a power elevator in which the energy is applied, by means of an electric driving machine.

ELEVATOR. As defined in ASME A17.1; a hoisting or lowering mechanism, equipped with a car that moves within guides and serves two or more landings.

ELEVATOR, SPECIAL PURPOSE PERSONNEL. As defined in ASME A17.1; An elevator that is limited in size, capacity, and speed, and permanently installed in structures, such as grain elevators, radio antennae, bridge towers, underground facilities, power plants, and similar structures to provide vertical transportation of authorized personnel and their tools and equipment only.

ELEVATOR, WIND TURBINE TOWER. As defined in ASME A17.1; A hoisting and lowering mechanism equipped with a car located within a wind turbine tower.

ESCALATOR. As defined in ASME A17.1; a power-driven inclined, continuous stairway used for raising or lowering passengers.

FIREFIGHTERS' SERVICE. As described in the currently adopted edition of ASME A17.1.

HYDRAULIC ELEVATOR. As defined in ASME A17.1; a power elevator in which the energy is applied, by means of a liquid under pressure, in a hydraulic jack.

INJURY. An injury that results in death or requires medical treatment (other than first aid) administered by a physician or by registered professional personnel under the standing orders of a physician. Medical treatment does not include first aid treatment for one time treatment and subsequent observation of minor scratches, cuts, burns, splinters, and any other minor injuries that do not ordinarily require medical care even though treatment is provided by a physician or by registered professional personnel.

INSPECTOR, AHJ. A conveyance inspector who holds a current conveyance inspector license issued by the Administrator, is employed by an Approved AHJ to inspect a conveyance, and who is not affiliated with the conveyance mechanic whose repair, alteration or installation is being inspected.

INSPECTOR, AHJ-APPOINTED. A conveyance inspector who holds a current conveyance inspector license issued by the Administrator, is employed by a non-profit entity, voluntary association or other council of governments that has been appointed or designated by an Approved AHJ to provide conveyance plan review and/or inspection services and who is not affiliated with the conveyance mechanic whose repair, alteration or installation is being inspected.

INSPECTOR, CONVEYANCE. A person who meets the definition of AHJ Inspector, AHJ-Appointed Inspector or Private Inspector.

INSPECTOR, PRIVATE. A conveyance inspector who holds a current conveyance inspector license issued by the Administrator, is not an Approved AHJ or Approved AHJ-appointed conveyance inspector, is retained by the conveyance owner to inspect a conveyance, is not affiliated with the conveyance owner, general contractor or conveyance contractor who is performing work on the conveyance, or with the conveyance mechanic whose repair, alteration, or installation is being inspected.

LICENSE. A written license, duly issued by the Administrator, authorizing a person, sole proprietor, firm, or company to carry on the business of erecting, constructing, installing, altering, servicing, repairing, maintaining or performing inspections of conveyances covered by these regulations.

LOCAL JURISDICTION. A city, county, city and county or any agent thereof.

MAINTENANCE CONTROL PROGRAM (MCP). A documented set of maintenance tasks, maintenance procedures, examinations, and tests to ensure that equipment is maintained in compliance with the requirements of the currently adopted edition of ASME A17.1.

MANAGING AGENT. A person or company that is hired by the building owner or lessee to be responsible for maintenance of the conveyance(s).

MATERIAL RISK. A risk to public safety as determined by the Administrator in cooperation with local jurisdictions.

MOTION CONTROL. As defined in ASME A17.1; that portion of a control system that governs the acceleration, speed, retardation, and stopping of the moving member.

MOVING WALK. As defined in ASME A17.1; a type of passenger-carrying device on which passengers stand or walk and in which the passenger-carrying surface remains parallel to its direction of motion and is uninterrupted.

NFPA 13. The National Fire Protection Association 13 – Standard for the Installation of Sprinkler Systems.

OPERATION CONTROL. As defined in ASME A17.1; that portion of a control system that initiates the starting, stopping, and direction of motion, in response to a signal from an operating device.

PERIODIC INSPECTION. The inspection and testing conducted by a licensed conveyance inspector of an existing conveyance to verify compliance with standards as defined in these regulations.

PERSONNEL HOIST. A personnel hoist or employee elevator as defined in ANSI A10.4-2007; a mechanism and its hoistway for use in connection with the construction, alteration, ongoing maintenance or demolition of a building, structure or other work. It is used for hoisting and lowering workers or materials or both, and is equipped with a car that moves vertically on guide members.

PLATFORM LIFT. As defined in ASME A18.1; a powered hoisting and lowering mechanism designed to transport mobility impaired persons on a guided platform that travels vertically or on an incline.

PRIVATE RESIDENCE CONVEYANCE. A power passenger conveyance that is limited in size, capacity, rise, and speed and is designed to be installed in a private residence or in a multiple dwelling as a means of access to a private residence.

REFINISH. Those cab refinishing activities that are limited to “in place” work such that the removal of the cab panels or walls is not required and does not include any change in the type of materials of the existing cab interior. These cab refinishing activities shall not add or subtract weight to the existing cab.

REPAIR. As defined in ASME A17.1; reconditioning or renewal of parts, components, and/or subsystems necessary to keep equipment in compliance with applicable Code requirements.

REPLACEMENT. As defined in ASME A17.1; the substitution of a device or component and/or subsystems, in its entirety, with a unit that is basically the same as the original for the purpose of ensuring performance in accordance with applicable Code requirements.

SYSTEM VERIFICATION. Activities with a set of minimum standards by which an APM system application shall be verified to meet the ASCE 21 Parts 1, 2 and 3 and which shall include the elements of design review, analysis, qualification test, acceptance test, inspection, demonstration, and previous experience as listed in ASCE 21 Part 4 Section 14 (System Verification and Demonstration).

TYPE OF SERVICE. The passenger or freight classification for the use of an elevator.

Section 1-5 Scope

These Conveyance Regulations apply to all conveyances listed below, as defined in Section 1-4, except as provided in Section 1-5(4).

- (1) Hoisting and lowering mechanisms equipped with a car or platform that moves between two or more landings. Such equipment includes, but is not limited to:
- (a) Elevators;
 - (b) Platform lifts;
 - (c) Personnel hoists; and
 - (d) Dumbwaiters.
- (2) Power-driven stairways and walkways for carrying persons between landings. Such equipment includes, but is not limited to:
- (a) Escalators; and
 - (b) Moving walks.
- (3) Automated People Movers (APM) as defined in ASCE 21.
- (4) The following are not included in the scope of these regulations:
- (a) Material hoists within the scope of ANSI A10.5;
 - (b) Manlifts within the scope of ASME A90.1;
 - (c) Mobile scaffolds, towers, and platforms within the scope of ANSI A92;
 - (d) Powered platforms and equipment for exterior and interior maintenance within the scope of ASME A120.1;
 - (e) Conveyors and related equipment within the scope of ASME B20.1;
 - (f) Cranes, derricks, hoists, hooks, jacks, and slings within the scope of ASME B30.10;
 - (g) Industrial trucks within the scope of ASME B56;
 - (h) Items of portable equipment that are not portable escalators;
 - (i) Tiering or piling machines used to move materials between storage locations that operate entirely within one story;
 - (j) Equipment for feeding or positioning materials at machine tools, printing presses, and other similar equipment;
 - (k) Skip or furnace hoists;
 - (l) Wharf ramps;
 - (m) Railroad car lifts or dumpers;
 - (n) Line jacks, false cars, shafters, moving platforms, and similar equipment used by a certified conveyance contractor for installing a conveyance;

- (o) Conveyances at facilities regulated by the Mine Safety and Health Administration in the United States Department of Labor, or its successor, pursuant to the "Federal Mine Safety and Health Act of 1977," Pub.L. 91-173, codified at 30 U.S.C. sec. 801 et seq., as amended;
- (p) Elevators within the facilities of gas or electric utilities that are not accessible to the public;
- (q) A passenger tramway defined in §25-5-702, C.R.S.;
- (r) Conveyances in a single-family residence; or
- (s) Stairway chairlifts as defined in ASME A18.1.
- (t) Special purpose personnel elevators and wind turbine tower elevators that are used by authorized personnel, but are not accessible to or used by customers or members of the general public.

ARTICLE 2 ADMINISTRATION

Section 2-1 Registration

- (1) The conveyance owner shall register the conveyance with the Administrator.
- (2) The registration notice shall include:
 - (a) A completed conveyance registration form, which is provided on the Administrator's website; and
 - (b) The registration fee of \$200 per conveyance.
- (3) Upon the Administrator's approval of the registration, the Administrator will assign a unique number to each conveyance and to the facility at which each conveyance is located.
- (4) Conveyances installed after July 1, 2008, shall be registered with the Administrator before they are placed into service.
- (5) The conveyance owner shall be responsible for notifying the Administrator of any change in ownership or management contact information within thirty (30) days of change.

Section 2-2 Adoption of Nationally Recognized Safety Standards

Section 2-2-1 Standard Adoption

- (1) Within this regulation, the Administrator adopts standards and codes as listed below except as amended by the Administrator.
 - (a) ASME A17.1 - 2013
 - (b) ASME A18.1 - 2011
 - (c) ASME A17.3 - 2005
 - (d) ASCE 21 Parts 1, 2, 3, and 4

- (2) Nothing in these regulations prohibits a local jurisdiction from adopting and enforcing standards which are more stringent than the minimum requirements included herein.
- (3) Following the initial adoption of standards described in (1) of this Section, the Approved AHJ will remain current in adoption of future standard editions as they are adopted by the Administrator within the timeframe stated in the Memorandum of Agreement (MOA) or as determined by the Administrator.
- (4) The Administrator, in cooperation with the Advisory Board, shall review the latest edition of a standard listed in (1) of this Section and shall determine whether all or any portion of the edition of the standard will be modified or deleted as it pertains to these regulations.
- (5) The standards listed in (1) of this Section may be examined by contacting the Conveyance Section Program Manager at the office of the Administrator located at 633 17th Street, Suite 500 in Denver, Colorado.

Section 2-3 Inspections, Tests and Maintenance

Section 2-3-1 Periodic Inspections and Certificates of Operation

2-3-1-1 Periodic Inspection

- (1) The conveyance owner shall arrange for a periodic inspection of an existing conveyance on an annual frequency. The inspection shall be completed by a conveyance inspector. The conveyance owner may authorize a general contractor or conveyance contractor to select, contract with, or hire a conveyance inspector.
- (2) The conveyance owner shall provide onsite access at all times to all keys necessary for authorized personnel to conduct maintenance and inspections and to Administrator personnel to conduct inspections. These keys shall include all keys listed in Section 8.1, as applicable, of the currently adopted edition of ASME A17.1. Such keys shall include, but not be limited to:
 - (a) Machine room or control room, or machine or control space
 - (b) Hoistway access and hoistway enable switch
 - (c) Phase I and phase II firefighters' emergency operation switch
 - (d) Emergency or standby power emergency access selector switch
 - (e) Pit access, if applicable
 - (f) Equipment access panels
- (3) The conveyance inspector shall:
 - (a) Shall obtain the permission of the conveyance owner to conduct the periodic inspection, acceptance inspection or test witness inspection, prior to commencing inspection activities.
 - (b) Inspect the conveyance to the applicable code edition as follows:
 - (i) The code edition adopted by the AHJ at the time of original installation and/or alteration or

- (ii) If no code edition was adopted by the AHJ, the inspector shall inspect to the code edition that was in effect at time of original installation and/or alteration.
- (c) Conduct the inspection using the latest edition of ASME A17.2 as guidance.
- (d) Witness all applicable tests in accordance with Section 2-3-2.
- (e) Document results of the inspection on an inspection report form provided on the Administrator's website. All applicable portions of the inspection report shall be completed.
- (f) Submit the completed inspection report(s) to the conveyance owner.
- (4) The conveyance owner shall submit the passing inspection report(s) and the required fee of \$30 per conveyance to the office of the Administrator within 30 days of the date of inspection.
- (5) All inspections must be completed prior to the expiration date of the current Certificate of Operation. The Administrator may commence enforcement actions for operating the conveyance without a current Certificate of Operation.
- (6) The expiration date for the ensuing Certificate of Operation will be set at the last day of the month of the inspection date.
- (7) The inspection may occur as early as the first day of the month prior to the expiration of the Certificate of Operation to maintain the current Certificate of Operation expiration date. If the inspection occurs before this date, the beginning date of the ensuing Certificate of Operation will be set at the last day of the month of the inspection.

2-3-1-2 Certificate of Operation

- (1) A conveyance shall not operate unless the Conveyance Owner maintains a current Certificate of Operation for the conveyance. The Certificate of Operation must be available for review at the property where the conveyance is located.
- (2) Following the Administrator's review of the inspection report described in 2-3-1-1 and determination that the conveyance is in compliance with the applicable standards listed in Section 2-2-1(1) or the standard under which the conveyance was installed or altered and the conveyance is registered according to Section 2-1 of these regulations, the Administrator will issue the Certificate of Operation for the conveyance.
- (3) The Administrator may not issue the Certificate of Operation for the conveyance unless all deficiencies identified during previous periodic inspections have been corrected.

2-3-1-3 Temporary Certificate of Operation

- (1) The Administrator may issue a Temporary Certificate of Operation for a conveyance if the temporary operation of the conveyance by the public is necessary and imminent life safety issues have not been identified by a conveyance inspector. The Temporary Certificate of Operation shall be valid for a period as determined by the Administrator but shall not exceed one hundred and eighty (180) days from the date of issuance.

2-3-1-4 Construction Certificate of Operation

- (1) The Administrator may issue a Construction Certificate of Operation for an elevator that shall be valid for a period of ninety (90) days if the temporary operation of the elevator is necessary to support building construction activities. The operation of the elevator shall conform to the following.
- (a) The elevator shall be registered with the Administrator prior to the elevator being placed into service.
 - (b) The Administrator or Approved AHJ has issued an installation or alteration permit.
 - (c) A full passing acceptance inspection and a completed conveyance inspection form shall be submitted to the Administrator or Approved AHJ. Fire service operation and fire rating of the hoistway and machine room do not need to be completed for a passing acceptance inspection for a Construction Certificate of Operation.
 - (d) The following items are required during construction use of the conveyance.
 - (i) The elevator shall conform to the requirements of the currently adopted edition of ASME A17.1.
 - (ii) All testing shall be completed by a licensed conveyance mechanic and witnessed by a licensed inspector.
 - (iii) The elevator shall have a designated attendant for operation.
 - (iv) The elevator shall be run on independent service only.
 - (v) A means of 2-way communication shall be provided. Cell phones shall not be accepted as a means of 2-way communication.
 - (vi) The machine room shall be enclosed and have a lockable door to prevent entry.
 - (vii) The hall call stations, if installed, shall be inactive.
 - (viii) Penetrations that allow an object to be inserted in the hoistway while the elevator is in motion shall not be allowed.
 - (ix) Substantially flush floor surface shall be used in front of the entrances.
 - (x) Adequate lighting shall be used in front of the entrances and in the machine room.
 - (xi) The Construction Certificate of Operation shall be posted inside the elevator and shall be visible to riders at all times.
 - (e) If the finished cab interior was not installed when the initial tests were performed for a Construction Certificate of Operation, all tests shall be performed again before a Certificate of Operation is issued.
- (2) The Construction Certificate of Operation can be renewed following the inspection by a conveyance inspector and approval of the inspection report by the Administrator or Approved AHJ. A Certificate of Operation for public use will be issued by the Administrator or Approved AHJ only after re-inspection and approval of the inspection report by the Administrator.

Section 2-3-2 Periodic and Acceptance Tests

- (1) Tests referred to as Category 1 and Category 5 in ASME A17.1 shall be performed by a conveyance mechanic employed by a conveyance contractor on all existing conveyances, except for an APM, at the following frequencies.
 - (a) Category 1 test shall be performed annually.
 - (b) Category 5 test shall be performed every five (5) years.
 - (c) Acceptance tests shall be completed in accordance with the applicable provisions of the currently adopted edition of ASME A17.1.
- (2) Tests referred to as One-Year and Five-Year in ASME A18.1 shall be performed by a conveyance mechanic employed by a conveyance contractor on all existing platform lifts at the following frequencies.
 - (a) Three (3) years for platform lifts installed outdoors.
 - (b) Five (5) years for platform lifts installed indoors.
 - (c) Acceptance tests shall be completed in accordance with the applicable provisions of the currently adopted edition of ASME A18.1.
- (3) The results of all tests discussed in Section 2-3-2 shall be recorded on the applicable conveyance test report form that is provided on the Administrator's website and be submitted to the Administrator upon request. The test report must be signed by the conveyance mechanic performing the test and, if applicable, the inspector witnessing the test.
- (4) A conveyance inspector shall witness the performance of the following tests.
 - (a) Acceptance tests for conveyances listed in Section 1-5(1), (2) and (3) before the conveyance is placed into service.
 - (i) For new installations, major alterations and substantial alterations, acceptance tests shall be completed in accordance with the applicable provisions of the currently adopted edition of ASME A17.1.
 - (ii) For minor alterations, only the portion or component that was altered must be tested and inspected in accordance with the applicable provisions of the currently adopted edition of ASME A17.1.
 - (b) Category 1 tests for conveyances listed in Section 1-5(1)(a) at least once every five (5) years.
 - (c) Category 5 tests for conveyances listed in Section 1-5(1)(a) at least once every five (5) years.
 - (d) Category 1 tests for conveyances listed in Section 1-5(2) every year.
 - (e) Tests referred to as One-Year and Five-Year in ASME A18.1 at least once every five (5) years for platform lifts installed indoors and at least once every six (6) years for platform lifts installed outdoors.
- (5) The frequency of test performance and witnessing as described in this section 2-3-2 is summarized in the following table:

Table 2-3-2: Frequency of Periodic and Acceptance Tests
--

Conveyance Type	Category 1 (One-Year)		Category 5 (Five-Year)	
	Perform	Witness	Perform	Witness
Traction Elevators	Annually	5 years	5 years	5 years
Hydraulic Elevators	Annually	5 years	5 years ¹	5 years ¹
Other Elevators ²	Annually	5 years	5 years	5 years
Escalators & Moving Walks	Annually	Annually	Not required	Not required
Indoor Platform Lifts	5 years	5 years	5 years	5 years
Outdoor Platform Lifts	3 years	6 years	3 years	6 years
Private Residence Elevators installed in commercial buildings ³	5 years	5 years	5 years	5 years

¹ A category 5 test is only required to be conducted and witnessed on a hydraulic elevator if the elevator is equipped with safeties, a plunger gripper, a governor, an oil buffer, or an overspeed valve.

² Includes roped-hydraulic elevators and LU/LA elevators.

³ Private Residence Elevators shall not be installed in commercial settings after January 1, 2008, per section 2-4-2(5). For requirements of approved installations, refer to section 2-7(5).

- (6) The conveyance owner or designated conveyance contractor performing the acceptance test shall be responsible to notify the Administrator prior to the test.
- (7) Upon completion of a periodic test or an acceptance test, a metal test tag shall be permanently mounted to the controller, in a readily visible location, in accordance with currently adopted code.
- (8) If Category 5 testing without load via alternative test methodologies will be utilized, the conveyance owner or conveyance contractor must notify the Administrator prior to development of the base-line and alternative testing procedures.

Section 2-3-3 Maintenance

- (1) Conveyances listed in ASME A17.1 shall comply with the maintenance requirements listed subsections (2) through (4) below and shall comply with these requirements by July 1, 2015.
- (2) A Maintenance Control Program (MCP) shall be in place to maintain the equipment in compliance with ASME A17.1. The MCP shall comply with the following and as described in the currently adopted edition of ASME A17.1:
 - (a) An MCP for each conveyance shall be:
 - (i) Provided by the conveyance contractor responsible for maintenance or by the conveyance owner.
 - (ii) Kept onsite in the machine or control room, or machinery or control space.
 - (iii) Presented in hard-copy or electronic form. The conveyance contractor or conveyance owner shall ensure that the mode of presentation is viewable by conveyance contractors, mechanics, inspectors, and the Administrator at all times from the time of the acceptance inspection and test or from the time of equipment installation or alteration.
 - (b) The MCP shall include, but not be limited to, the following:

- (i) Required maintenance tasks and procedures, such as cleaning, lubricating and adjusting the equipment.
 - (ii) Code required examination and tests listed with the associated equipment.
 - (iii) Specified scheduled maintenance intervals.
 - (iv) Procedures for tests, periodic inspections, maintenance, replacements, adjustments, and repairs of the detection means and related circuits for traction-loss, broken-suspension-member, residual-strength.
 - (c) The MCP shall be updated when the components listed in the MCP have been revised.
- (3) On-site documentation for conveyances installed or altered after January 1, 2008, shall comply with the currently adopted edition of ASME A17.1 as follows:
- (a) The on-site documentation shall be:
 - (i) Kept on-site in the machine or control room, or machinery or control space.
 - (ii) Presented in hard-copy or electronic form. The conveyance contractor or conveyance owner shall ensure that the mode of presentation is viewable by conveyance contractors, mechanics, inspectors, and the Administrator at all times.
 - (b) On-site documentation shall include:
 - (i) Up-to-date wiring detailing circuits of all electrical protective devices.
 - (ii) Procedures for all inspections and tests.
 - (iii) Written checkout procedures.
 - (iv) Written evacuation procedures by authorized emergency personnel.
 - (v) Written procedures for cleaning cars and hoistway that have transparent enclosures.
- (4) MCP maintenance records shall document compliance with the currently adopted edition of ASME A17.1 and shall comply with the following:
- (a) The MCP maintenance records shall be:
 - (i) Kept on-site in the machine or control room, or machinery or control space.
 - (ii) Presented in hard-copy or electronic form. The conveyance contractor or conveyance owner shall ensure that the mode of presentation is viewable by conveyance contractors, mechanics, inspectors, and the Administrator at all times.
 - (b) Maintenance records shall include the following items.
 - (i) Description of maintenance tasks performed, including dates of service.
 - (ii) Description and dates of examinations, tests, adjustments, repairs and replacements.

(iii) Description and dates of all call backs (trouble calls) or reports that are reported to elevator personnel by any means, including corrective action taken.

(iv) Written record of the findings on the firefighter's service operation.

(5) Conveyances listed in ASME A18.1 shall comply with the following requirements by July 1, 2015:

(a) An MCP for each conveyance shall be provided by the contractor responsible for maintenance, presented in hard-copy or electronic form, and located on-site. The conveyance contractor or conveyance owner shall ensure that the mode of presentation is viewable by conveyance contractors, mechanics, inspectors. The MCP shall include applicable items as listed in subsection (2)(b).

(c) Applicable documentation listed in subsection (3)(b) shall be kept on-site.

(d) Applicable MCP maintenance records listed in subsection (4)(b) shall be kept on-site.

Section 2-4 Alteration and New Installation

Section 2-4-1 Alteration

(1) The conveyance owner or conveyance contractor who intends to complete an alteration on an existing conveyance shall submit a permit application and fees to the Administrator at least thirty (30) days prior to commencing construction. The permit application shall include the following items.

(a) A completed permit application on the form provided on the Administrator's website.

(b) Fee payment of \$150 per conveyance.

(2) Prior to the alteration of the conveyance, the permit application shall be reviewed and documentation approved by the Administrator. If all documentation in Section 2-4-1(1) is not complete and accurate, the application will not be approved and the applicant will be notified of the deficiencies. If approved, the permit issued by the Administrator shall be displayed in the conveyance control room or control space associated with the permitted conveyance.

(3) Alteration activities shall commence within one hundred and eighty (180) days from the date of issuance of the permit from the office of the Administrator.

(4) Alteration activities regarding elevators which require a permit application to be submitted to the Administrator are items listed in ASME A17.1 and include the following:

(a) Minor Alteration Types

(i) Addition of power operation to door systems.

(ii) Changes to the guide rails, supports, or fastenings.

(iii) Changes to car or counterweight buffers.

(iv) Increase or decrease of the dead weight of the car that is sufficient to increase or decrease the sum of the dead weight and rated load, as originally installed, by more than 5%. Where this alteration increases the original building design reactions by more than 5%, the permit application shall also include

documentation that the adequacy of the affected building structure has been verified by a licensed professional engineer.

- (v) Installation of new car or counterweight safeties or alteration to existing safeties. If new car safeties are added to an existing conveyance, the permit application shall also include documentation that the adequacy of the affected building structure, guide rails, supports, and fastenings have been verified by a licensed professional engineer.
- (vi) Installation, other than Replacement, or alteration to a speed governor.
- (vii) Alteration to the terminal stopping device.
- (viii) Alteration to the standby or emergency power system.
- (ix) Alteration to firefighters' emergency operation.
- (x) Addition of a hoistway entrance.
- (xi) Controller replacement for a hoistway door, car door, or car gate.
- (xii) Increase in working pressure by more than 5%.
- (xiii) Change to or replacement of a plunger or cylinder (to include the installation of a plunger gripper).
- (xiv) Replacement of an existing control valve with a valve of another type.
- (xv) Replacement of a hydraulic tank.
- (xvi) Replacement of a hydraulic tank and valve (power unit).
- (xvii) Any work within a cab other than that specified in section 2-4-1-1 (1).

(b) Major Alteration Types

- (i) Increase of rated load.
- (ii) Installation or alteration to driving machine, driving machine brake or driving machine sheaves. This includes moving a driving machine.
- (iii) Increase to the rated speed.
- (iv) Increase or decrease in rise.
- (v) Change in the type of service of an elevator.
- (vi) Changes in a freight elevator to allow passengers.
- (vii) Installation or replacement of the controller.
- (viii) Change in type of motion or operation control.
- (ix) Any alteration to a dumbwaiter, material lift or platform lift.

(5) Alteration activities regarding escalators and moving walks which require a permit application and processing fee of \$150 per conveyance to be submitted to the Administrator are listed below.

(a) Minor Alteration Types

- (i) Installation of skirt deflector device. Step/Skirt Indexing testing is required to be performed if the test indicated that the escalator was out of conformance if a skirt deflector had been installed.
- (ii) Alteration to handrails or handrail system.
- (iii) Alterations that involve the trusses, girders or supporting structures.
- (iv) Any alteration to or addition of operating and/or safety devices.
- (v) Alteration to or addition to lighting, access or electrical work.
- (vi) Alteration to entrance or egress.

(b) Major Alteration Types

- (i) Change in angle of inclination or geometry of balustrades.
- (ii) Alteration to step system or treadway system.
- (iii) Alteration to the step wheel tracks or track system.
- (iv) Changes in rated load or speed.
- (v) Installation or replacement of the controller.

(6) The Administrator or Approved AHJ may allow a conveyance contractor to perform emergency work on a conveyance that normally requires a permit if the alteration activity is as defined in Section 1-4 Emergency Alteration.

(7) Following any alteration of a conveyance, where a permit is required from the Administrator or the Approved AHJ according to Section 2-4-1, the conveyance owner shall arrange for an Acceptance Test and Inspection of the conveyance in accordance with Section 2-3-2. The conveyance owner may authorize a general contractor or conveyance contractor to select, contract with, or hire a conveyance inspector who is not affiliated with the conveyance owner, general contractor, or conveyance contractor. The acceptance inspection and issuance of a Certificate of Operation shall be processed by the Administrator in accordance with Section 2-3-1.

Section 2-4-1-1 Elevator Cab Interiors

(1) A conveyance owner may conduct the following type of repair work within the interior of an elevator cab without notification to or obtaining a permit from the Administrator.

- (a) Change light lamps, not to include replacement of the luminaire (fixture).
- (b) Repair or Refinish existing materials.

- (2) A conveyance owner or a licensed conveyance contractor shall first obtain a permit from the Administrator as described in Section 2-4-1 for work within an elevator cab that involves the installation or alteration of cab components. A licensed conveyance mechanic shall conduct this work or direct the execution of this work completed by a conveyance helper or apprentice to ensure the safety of the conveyance.

Section 2-4-2 New Installation

- (1) The Conveyance Owner or Conveyance Contractor who intends to install a conveyance shall submit a permit application and fees to the Administrator at least thirty (30) days prior to commencing construction. The permit application will include the following:
 - (a) A completed permit application on the form provided on the Administrator's website.
 - (b) Fee payment of \$300 per conveyance.
- (2) Prior to the installation of the conveyance, the permit application shall be reviewed and documentation approved by the Administrator. If all documentation in Section 2-4-2(1) is not complete and accurate, the application will not be approved and the applicant will be notified of the deficiencies. If approved, the permit issued by the Administrator shall be displayed in the conveyance control room or control space associated with the permitted conveyance.
- (3) Installation activities shall commence within one (1) year from the date of receipt of the permit application at the office of the Administrator.
- (4) Following the installation, where a permit is required from the Administrator or Approved AHJ according to Section 2-4-2, the conveyance owner shall arrange for an Acceptance Test and Inspection of the conveyance in accordance with Section 2-3-2. The conveyance owner may authorize a general contractor or conveyance contractor to select, contract with, or hire a conveyance inspector who is not affiliated with the conveyance owner, general contractor, or conveyance contractor. The acceptance inspection and issuance of a Certificate of Operation shall be processed by the Administrator in accordance with Section 2-3-1.
- (5) After January 1, 2008, the Administrator shall not allow the installation of a Private Residence Conveyance in any commercial setting where the public or multiple private residences have access to the conveyance.

Section 2-4-3 Alternate Materials and Methods Request

- (1) The Administrator or Approved AHJ may grant the use of alternate materials and methods on a case-specific basis, for the implementation requirements of the adopted codes or standards listed in Section 2-2.
- (2) Requests for the use of alternate materials and methods where a conveyance is not located within the area of an Approved AHJ shall be submitted to the Administrator and be completed on the alternate materials and methods request form provided on the Administrator's website. This request will not be reviewed unless the appropriate form and required documentation are complete.
- (3) A submitted Alternate Materials and Methods Request shall not relieve a person from complying with the applicable standards adopted in these regulations unless the Administrator or the Approved AHJ expressly approve the use of alternate materials and methods.

Section 2-5 Automated People Movers

- (1) The conveyance contractor who intends to install an APM or perform an APM alteration shall conform to Section 2-4-1 or 2-4-2.
- (2) The conveyance owner or managing agent where the APM system is located shall arrange for inspection of verification testing of the installed or altered APM system by a conveyance inspector and shall submit the following items to the Administrator.
 - (a) Report documenting System Verification completed at the factory.
 - (b) Report documenting on-site System Verification.
 - (c) Certificate of Substantial Completion.
- (3) A conveyance inspector shall witness the testing of the APM system as defined in ASCE 21 Part 4 Section 16.2 (Annual Internal Audit Responsibilities) on an annual frequency. The results of the testing shall be submitted to the Administrator.
- (4) Following the Administrator's determination that the documentation listed in (2) or (3) of this Section indicates that the conveyance conforms to standards listed in Section 2-2-1(d), the Administrator will issue the Certificate of Operation for the APM system.

Section 2-6 Accident Reporting

- (1) Any accident involving a conveyance that caused or could have caused injury to a person should be investigated by the conveyance owner or managing agent to determine if maintenance or repairs are needed to ensure proper operation of the conveyance and that the conveyance is in compliance with these regulations.
- (2) Following any accident involving a conveyance that causes injury to any person, the conveyance owner or managing agent shall.
 - (a) Conduct a preliminary investigation to determine whether the accident was the result of a component of the conveyance that malfunctioned or was not in compliance with these regulations.
 - (b) Report this information to the Administrator or Approved AHJ via a phone call, email or facsimile within 24 hours of the accident. This report shall include the following items.
 - (i) Caller's first and last name, phone number, and organization.
 - (ii) Accident location with conveyance description, facility name, facility address, and conveyance registration number assigned by the Administrator.
 - (iii) Description of the accident and the preliminary determination of whether the accident was a result of a component of the conveyance that malfunctioned or is not in compliance with these regulations.
- (3) Based on results of the preliminary accident investigation, the following activities shall be conducted.
 - (a) If the accident is not the result of the malfunction of a component of the conveyance and the conveyance is in compliance with these regulations, the conveyance owner may make the conveyance accessible to the public.

- (b) If the accident is the result of a component of the conveyance that malfunctioned or is not in compliance with these regulations, the Administrator or Approved AHJ will suspend or revoke the Certificate of Operation for the conveyance and the conveyance owner shall complete the following.
 - (i) Immediately shut down the conveyance and arrange for an inspection of the conveyance to verify the cause of the accident prior to a conveyance contractor performing any modifications or repairs to the conveyance.
 - (ii) Arrange for a full Inspection of the conveyance following any modifications or repairs.
 - (iii) Complete and submit to the Administrator or Approved AHJ an accident investigation report, using the form that is provided on the Administrator's website, within 30 days of the accident or as approved by the Administrator. This report shall include a description of the actions taken to investigate the cause of the accident, corrective actions taken to repair and test the performance of the conveyance and any inspection reports.
 - (iv) The conveyance shall not be made accessible to the public without a current Certificate of Operation issued by the Administrator or Approved AHJ.
- (4) Following the review of the preliminary investigation information in (2) of this Section, the Administrator or Approved AHJ will notify the conveyance owner or conveyance contractor if the Certificate of Operation will be suspended or revoked and activities listed in (3)(b) of this Section are to be completed.
- (5) When the Approved AHJ becomes aware of an accident associated with a conveyance, the Approved AHJ will immediately report this accident to the Administrator.

Section 2-7 Implementation of Adopted Standards for Existing Conveyances

- (1) All conveyances installed prior to July 1, 2008 are exempt from complying with currently adopted edition of ASME A17.3 unless one of the following conditions exists:
 - (a) Substantial Alteration of a conveyance, or
 - (b) An elevator presents a Material Risk.

Any alteration caused by the conditions listed above shall conform to the currently adopted edition of ASME A17.1.
- (2) Material Risk related to Firefighters' Service is present except if any of the following conditions apply:
 - (a) The elevator complies with ASME A17.1 - 1981 Rules 211.1 and 211.3, or
 - (b) The elevator travels less than 75 feet above or below the emergency personnel access, or
 - (c) The building is equipped with an automatic sprinkling system according to the NFPA 13

Any elevator that does not meet one or more of the conditions listed above shall comply with Firefighters' Service requirements as described in the currently adopted version of ASME A17.1 by January 1, 2015. An AHJ may require and may enforce more stringent standards than these minimum requirements regarding Firefighters' Service, including full compliance with ASME A17.3. Contact the AHJ for local requirements and enforcement.

(3) Regarding Door Restrictors, the following shall apply.

- (a) Door Restrictors shall be installed and operational on all elevators installed on or after January 1, 1990.
- (b) Where there is evidence that door restrictors have been previously installed and not properly maintained, regardless of original installation date, the door restrictors shall be repaired to operate as intended.
- (c) Door restrictors shall be installed in accordance with ASME A17.1-2013, Section 2.14.5.7 where an alteration permit is issued that includes a change in the type of Motion Control or Operation Control.
- (d) Following review of additional information regarding door restrictors, the Administrator will determine whether door restrictors shall be required on elevators installed prior to January 1, 1990.

(4) The Administrator will allow continued operation of a Hydraulic Elevator that has a hydraulic cylinder buried in the ground and is not provided with a safety bulkhead (typically installed prior to 1973) after January 1, 2012 if the conveyance owner completes one of the following actions in conformance with ASME A17.3 – 2005.

- (a) The hydraulic cylinder shall be provided with a safety bulkhead, or
- (b) The elevator shall be provided with car safeties, guide rails, guide-rail supports, and fastenings conforming to the currently adopted edition of ASME A17.1, or
- (c) The elevator shall be provided with a plunger gripper that shall grip the plunger when the applicable maximum governor tripping speed is achieved.

The Administrator may approve an extension to the due date listed in this subsection until December 31, 2013.

(5) The Administrator will allow continued operation of a Private Residence Conveyance installed in any building other than in a single-family residence if the following conditions are met:

- (a) The conveyance was installed prior to January 1, 2008.
- (b) The conveyance is registered with the Administrator on a form that is provided on the Administrator's website.
- (c) The conveyance shall conform to all alteration and inspection requirements according to Article 2, and testing frequency listed in Section 2-3-2 (5).

(6) The Administrator will only require a code data plate, as required by ASME A17.1, on an existing conveyance if the conveyance was installed on or after July 1, 1997. For conveyances installed prior to July 1, 1997, the absence of a code data plate is not a violation of these regulations, the edition of ASME A17.1 that will be referenced for inspection purposes will be one of the following:

- (a) The edition in effect, or adopted by a local jurisdiction, on the date of installation.
- (b) The edition listed on an existing code data plate.

- (7) The Administrator may allow deviations to specific code requirements for elevators located in law enforcement facilities, mental hospitals, or similar facilities, that are used to transport prisoners or other detainees. These elevators are still required to comply with inspections, testing and maintenance requirements of Section 2-3.

Section 2-8 Shut-down of a Dangerous Conveyance

- (1) If a conveyance inspector determines that a conveyance poses imminent danger to passengers or inspection/maintenance personnel or equipment, the conveyance inspector shall immediately notify the Administrator or the Approved AHJ and the conveyance owner of the condition of the conveyance and shall follow the procedures of the Approved AHJ or as listed in policy on the Administrator's website to shut down the dangerous conveyance.
- (2) If a conveyance mechanic determines that a conveyance poses imminent danger to passengers or inspection/maintenance personnel, the conveyance mechanic shall notify his/her employing conveyance contractor. Upon this notification, the conveyance contractor shall immediately notify the Administrator or the Approved AHJ and the conveyance owner of the condition of the conveyance and follow the procedures of the Approved AHJ or as listed in policy on the Administrator's website to shut down the dangerous conveyance.
- (3) Any conveyance that has been shut down shall not be placed back into service without first obtaining approval from the Administrator or the Approved AHJ.
- (4) Upon shut-down of a conveyance, the conveyance owner shall have the necessary repairs completed within three (3) months from the date of shut-down or place the conveyance in either a Dormant or Removed from Service state.

Section 2-9 Dormant

- (1) A conveyance is considered dormant based on the following conditions.
- (a) The Traction (electric) elevator car is parked at the top of the hoistway and the counterweights are parked at the bottom of the hoistway or the hydraulic elevator is parked at the bottom of the hoistway.
 - (i) The hoistway doors are latched in the closed position; and
 - (ii) The fuses are removed from the main line disconnect (if applicable); and
 - (iii) The mainline disconnect is locked in the "off" position with a wire seal or a red tag provided by the Administrator is placed on the disconnect switch.
 - (b) Escalators/Moving Walks are considered dormant based on the following conditions.
 - (i) The mainline disconnect is locked in the "off" position with a wire seal or a red tag provided by the Administrator is placed on the disconnect switch; and
 - (ii) Entrances are permanently barricaded. Escalators that have been made dormant can not be used as a stairway.
- (2) A conveyance inspector or Administrator shall verify the status of the conveyance as dormant, place a wire seal on the mainline disconnect switch, document the activities on an inspection report, submit the inspection report to the conveyance owner, who shall then submit the report to the Administrator without fee.

- (3) A conveyance shall not be made dormant for more than five (5) years. At the end of five (5) years the conveyance owner shall obtain a valid certificate of operation or remove the conveyance from service pursuant Section 2-10.
- (4) To place a dormant conveyance back in service the following conditions shall be met.
- (a) All applicable tests according to Section 2-3-2 must be current, or if the applicable testing schedule was not maintained during dormancy, the applicable Category 1 and Category 5 tests must be completed and witnessed by a conveyance inspector.
 - (b) If the applicable testing schedule was maintained, a conveyance inspector must perform a periodic inspection on the conveyance.
 - (c) Prior to conveyance operation, the conveyance owner must mitigate all violations identified on the inspection report and obtain a valid certificate of operation from the Administrator or Approved AHJ.
 - (d) A temporary certificate of operation will not be issued when placing a dormant conveyance back in operation.

Section 2-10 Removed From Service

- (1) A conveyance is removed from service per the following items as listed in the currently adopted edition of ASME A17.1.
- (a) Traction (electric) elevator, dumbwaiters and material lifts
 - (i) Remove the power feed line from the mainline disconnect switch; and
 - (ii) Suspension ropes are removed; and
 - (iii) Car and counterweights are parked at the bottom of the hoistway; and
 - (iv) The hoistway doors are permanently barricaded or sealed in the closed position on the hoistway side. The lowest landing hoistway door may be sealed on the lobby side.
 - (b) Hydraulic elevators
 - (i) Remove the power feed line from the mainline disconnect switch; and
 - (ii) The hydraulic elevator car is parked at the bottom of the hoistway; and
 - (iii) If provided, suspension means are removed and counterweight is parked at the bottom of the hoistway; and
 - (iv) Pressure piping has been disassembled and a section removed from the premises; and
 - (v) The hoistway doors are permanently barricaded or sealed in the closed position on the hoistway side. The lowest landing hoistway door may be sealed on the lobby side.
 - (c) Escalators/Moving Walks

- (i) The mainline disconnect is locked in the “off” position with a wire seal or a red tag provided by the Administrator is placed on the disconnect switch; and
 - (ii) Entrances are permanently barricaded. Escalators that have been removed from service cannot be used as a stairway.
- (2) A conveyance inspector shall verify the status of the conveyance as out of service, place a wire seal on the mainline disconnect switch, document the activities on an inspection report, submit the inspection report to the conveyance owner, who shall then submit the report to the Administrator without fee.
- (3) If a conveyance owner has removed a conveyance from service and intends to place the conveyance back into operation, the conveyance shall conform to all of the provisions of the applicable standard listed in Section 2-2-1.
- (4) All applicable tests must be performed and witnessed according to Section 2-3-2.
- (5) Prior to conveyance operation, the conveyance owner must mitigate all violations identified on the inspection report and obtain a valid certificate of operation from the Administrator or Approved AHJ. A temporary certificate of operation may not be issued when placing a out-of-service conveyance back in operation.

Section 2-11 Removal of Conveyance from Facility

- (1) The conveyance owner must notify the Administrator when a conveyance is removed from the facility by completing the conveyance removal notification form provided on the Administrator’s website.

ARTICLE 3 AUTHORITY HAVING JURISDICTION

Section 3-1 Authority Having Jurisdiction Requirements

- (1) A municipality or county (an authority having jurisdiction), or any agent thereof, may enter into a memorandum of agreement (MOA) with the Administrator under which the Administrator may delegate to the AHJ the authority to regulate conveyances located within the territory of the AHJ, provided that the AHJ program has standards that are equal to or more stringent than the minimum standards listed in Sections 2-2 through 2-11 of these regulations. The Administrator will maintain regulation activities described in Sections 2-1 (Registration).
- (2) If an MOA as described above is executed, the AHJ will become an Approved AHJ and will be responsible for enforcing the applicable provisions of these regulations.
- (3) The Approved AHJ will submit to the Administrator general information regarding new or existing conveyances as determined by the Administrator and listed in the MOA. This information will be reported annually no later than January 31st following the previous twelve-month reporting period.
- (4) The Approved AHJ may set fees and collect or contract the collection of these fees to offset the cost of conducting activities described in Section 2-3 for conveyances located within the Approved AHJ territory. Fee amounts will be determined by the Approved AHJ or agreed upon by the Approved AHJ and the contracted inspection organization.
- (5) Inspections of public school conveyances in Approved AHJ territories shall be conducted by the Approved AHJ or, with prior consent of the Administrator or Approved AHJ, by a Conveyance Inspector contracted by the public school district.

ARTICLE 4 LICENSING

Section 4-1 Licensing Qualifications

This section describes the requirements for the licensing of conveyance contractors, conveyance mechanics and conveyance inspectors. Each license allows the applicable licensee to perform installation, alteration, replacement, maintenance, removal, dismantling, or inspection activities of conveyances as identified in Section 1-5 and as listed on the license. The Administrator may request documentation in addition to that described in the following sections to verify the accuracy of information provided with a license application.

Table 4-1: Licensing Fees for Conveyance Mechanics, Temporary Mechanics, Contractors and Inspectors	
License Type	License Fee
Mechanic	\$125.00
Temporary Mechanic	\$25.00
Conveyance Contractor	\$500.00
Inspector	\$175.00
Replacement License	\$25.00

Section 4-1-1 Conveyance Mechanic

- (1) The Administrator may issue a conveyance mechanic license to the applicant if the applicant has provided documentation required in this Section. The conveyance mechanic license will indicate the type of conveyance on which the licensee is allowed to conduct work per these regulations. The types of conveyance mechanic licenses are as follows.
- (a) Type 1: All conveyances with the exception of APM, which would include elevators, escalators, moving walkways, platform lifts and dumbwaiters, as described in ASME A17.1 and A18.1.
 - (b) Type 2: Platform lifts only, as described in ASME A18.1.
 - (c) Type 3: APM as described in ASCE 21.
 - (d) Type 4: All conveyances listed in (1)(a) and (c) of this Section.
- (e) Type 5: All conveyances listed in (1)(b) and (c) of this Section.(2) A person applying for a conveyance mechanic license shall submit to the Administrator a completed conveyance mechanic license application using the form that is provided on the Administrator's website, the license fee, listed in Section 4-1 and documentation that, as determined by the Administrator, indicates the applicant is qualified under one of the following scenarios.
- (a) The applicant submits documentation that proves that the applicant has successfully completed a conveyance mechanic training program. This program will be subject to audit by the Administrator. Evaluation criteria for Administrator audit may include, but is not limited to, review of course materials, required classroom and field hours, classroom activities, and test materials and procedures. Based on evaluation of the conveyance mechanic license training curriculum, the Administrator may set limitations on the license issued. To be approved, the training program shall:
 - (i) Be registered with the United States Department of Labor Office of Apprenticeship (USDOL) under specific apprentice occupation categories assigned by the

USDOL to license types listed in (1) of this Section, and shall include classroom and field training according to the USDOL requirements on the actual equipment listed in the license types, or

- (ii) Be approved by the Administrator. Applicants seeking licensure under programs approved solely by the Administrator shall submit to the Administrator an executed affidavit on a form that is provided by the Administrator and signed by the applicant which states that during the applicant's participation in the approved program, the applicant's work experience consisted of at least 1,700 hours per year performing activities listed in the work process schedule attached to the affidavit.

- (b) In lieu of qualifying pursuant to (2)(a) of this Section, the applicant may qualify if the applicant submits to the Administrator one of the following types of documentation.

- (i) Documentation that the applicant holds a current and valid license from another state whose standards, as determined by the Administrator, meet or exceed those of these regulations. This documentation will consist of:

- (A) A copy of the license;

- (B) Contact name, phone number and the issuing department of the state in which the license was obtained.

- (ii) Documentation that the applicant has obtained both of the following items.

- (A) Three (3) years of work experience as a conveyance mechanic on non-residential conveyances without supervision. One (1) year of work experience will equal 1,700 hours. Documentation of work experience will consist of:

- (I) A statement on the employer's letterhead and signed by the personnel Administrator or other person of authority affirming that the condition in (A) is true; and,

- (II) Personnel records that indicate the timeframe and listing of hours for completion of the experience described in (A); or

- (III) An affidavit on a form that is provided by the Administrator and signed by the applicant which states that the work experience indicated in personnel records submitted consists of unsupervised mechanic activities listed in the work process schedule attached to the affidavit.

- (B) A passing score on an examination provided by the Administrator, or a conveyance contractor thereof, on the codes and standards that relate to the type of conveyance mechanic license applied for, as described in (1) of this Section.

- (3) The Administrator may add to the issued license an exclusion for performing work on specific conveyance equipment if the applicant has not provided to the Administrator proof of adequate training on this equipment as included in one of the licensing application methods listed in (2) of this Section.

- (4) A person who obtains a conveyance mechanic license shall also complete eight (8) hours of continuing education that has been approved by the Administrator every two (2) years.
- (5) If a Type 1 or 4 licensee is approved to perform work on escalators and moving walkways, the required continuing education shall also include training on this equipment in order to continue to be qualified to perform work on this equipment.
- (6) Following review of the application, the Administrator will notify the applicant of the approval or disapproval of the application. If the applicant is approved, the notification will include the conveyance mechanic license number, the type of conveyance on which the conveyance mechanic may perform work, a license card, and a payment receipt. If the applicant is not approved, the notification will include a description of the deficiencies in the application.
- (7) The conveyance mechanic license issued by the Administrator shall be valid for one (1) year. The Administrator may renew a license, provided the applicant submits the following:
 - (a) Completed conveyance mechanic license application form.
 - (b) License renewal fee, listed in Section 4-1; and
 - (c) Copy of certification indicating that the applicant completed continuing education required in this Section.

Section 4-1-2 Emergency and Temporary Conveyance Mechanic

- (1) When an emergency exists, as defined in § 9-5.5-108 (2) C.R.S., the Administrator may issue an emergency conveyance mechanic license. This license will be issued to a person who, based on the judgment of a conveyance contractor, has acceptable documented experience and education to perform work on specific types of conveyances identified in Section 1-5. Within five (5) business days after commencing work, the applicant will complete and submit the conveyance mechanic license application to the Administrator. There will be no license fee for an emergency conveyance mechanic license.
- (2) Upon notification to the Administrator from a conveyance contractor that there are no mechanics available to perform conveyance work, the Administrator may issue a temporary conveyance mechanic license. This license will be issued to a person who is enrolled in and progressing through a mechanic training program as described in Section 4-1-1 (2), and based on the judgment of a conveyance contractor, has acceptable documented experience and education to perform work on specific types of conveyances identified in Section 4-1-1 (1). At least five(5) working days prior to commencing work, the conveyance contractor who will employ the temporary conveyance mechanic shall submit the following documentation to the Administrator.
 - (a) A completed temporary conveyance mechanic license application on the form that is provided on the Administrator's website.
 - (b) The license fee, listed in Section 4-1.
- (3) Following review of the application, the Administrator will notify the conveyance contractor and temporary conveyance mechanic applicant of the approval or disapproval of the application. If the applicant is approved, the notification will include the temporary conveyance mechanic license number and the type of conveyance on which the temporary conveyance mechanic may perform work. If the applicant is not approved, the notification will describe the deficiencies in the application.

- (4) The emergency conveyance mechanic license will be valid for sixty (60) days and the temporary conveyance mechanic license will be valid for thirty (30) days. The Administrator may renew a temporary mechanic license, provided the conveyance contractor submits the license fee and notification to the Administrator that renewal is requested for a license issued the prior month. This documentation may include multiple license renewal requests for several conveyance mechanics.

Section 4-1-3 Conveyance Contractor

- (1) The Administrator will consider issuing a conveyance contractor license to a company if the applicant submits to the Administrator a completed conveyance contractor license application form provided on the Administrator's website, the license fee, listed in Section 4-1 and:
- (a) The applicant employs, at a minimum, one (1) conveyance mechanic licensed with the Administrator. The employment of temporary or emergency conveyance mechanics does not satisfy this requirement. This documentation shall consist of a statement on the employer's letterhead that is signed by the personnel administrator or other person of authority affirming that this requirement has been met.
 - (b) A certificate of insurance, declaration page or insurance policy indicating that the applying company possesses insurance coverage according to § 9-5.5-115 (1) C.R.S.
- (2) The conveyance contractor license issued by the Administrator shall be valid for one (1) year. The Administrator may renew a license, provided the applicant submits the following.
- (a) Completed conveyance contractor license application form.
 - (b) Documentation as described in 4-1-3(1)(i) of this Section.
 - (c) A certificate of insurance, declaration page or insurance policy indicating that the applying company possesses insurance coverage according to § 9-5.5-115 (1) C.R.S.
 - (d) License renewal fee, listed in Section 4-1.

Section 4-1-4 Conveyance Inspector

- (1) The Administrator may issue a conveyance inspector license to the applicant if the applicant has provided documentation required in this Section. The conveyance inspector license will indicate the type of conveyance for which the licensee is allowed to inspect per these regulations. The types of conveyance inspector licenses are as follows.
- (a) Type 1: All conveyances with the exception of APM, which would include elevators, escalators, personnel hoists, moving walkways, platform lifts, stairway chairlifts and dumbwaiters, as described in ASME A17.1 and A18.1.
 - (b) Type 2: APM as defined in ASCE 21.
 - (c) Type 3: All conveyances listed in (a) and (b) of this Section.
- (2) A person applying for a conveyance inspector license shall submit to the Administrator a completed conveyance inspector license application using the form that is provided on the Administrator's website, the license fee, listed in Section 4-1 and documentation that, as determined by the Administrator, indicates that the applicant is qualified under one of the following scenarios.

(a) Private conveyance inspector.

(i) To obtain a Type 1 conveyance inspector license, the applicant shall submit to the Administrator documentation that, as determined by the Administrator, proves that:

(A) The applicant is certified to inspect conveyances by a nationally recognized conveyance association as determined by the Administrator, which will consist of a copy of the front and back of a current certification card from the issuing association; or

(B) The applicant qualifies as Elevator Personnel as defined in ASME A17.1 and the applicant has been approved to take the certification exam offered by a nationally recognized conveyance association as determined by the Administrator. The applicant shall attend the first available exam offered by a nationally recognized conveyance association and obtain certification within 6 (six) months of licensure. If the applicant fails the exam, the Administrator may suspend the applicant's license until proof of certification is submitted to the Administrator.

(ii) To obtain a Type 2 conveyance inspector license, the applicant will submit to the Administrator documentation that, as determined by the Administrator, indicates that the applicant.

(A) Possesses a current Professional Engineer license, or

(B) Has, at a minimum, three (3) years of experience participating in APM inspections and audits.

(b) AHJ Conveyance Inspector or AHJ-appointed Conveyance Inspector.

(i) To obtain a Type 1 conveyance inspector license, the applicant shall submit to the Administrator documentation that proves the applicant is certified to inspect conveyances by a nationally recognized conveyance association as determined by the Administrator, which will consist of a copy of the front and back of a current certification card from the issuing association; or

(ii) The applicant submits the following items to the Administrator.

(A) Documentation that the applicant intends to obtain certification within 1 (one) year from licensure, and

(B) Agrees to complete at least eight (8) weeks of conveyance inspection activities under the direct supervision of a conveyance inspector prior to conducting conveyance inspection activities without direct supervision. During this supervised period, the licensee shall be trained on the inspection of any type of conveyance which the licensee will encounter in the inspection territory. Documentation shall be submitted to and approved by the Administrator which indicates that the applicant has received the required supervision prior to conducting unsupervised conveyance inspection activities.

- (3) If a licensee qualifies by (2)(a)(i)(B) or (2)(b)(ii) of this Section and the licensee fails to obtain certification as required, the Administrator may suspend or revoke the licensee's conveyance inspector license.
- (4) Beginning January 1, 2014, all new and renewing applicants shall successfully pass a test that will be administered by the Administrator on these Regulations, Policies and Guidance Documents which are available on the Administrators website.
- (a) A new applicant shall successfully pass the test administered by the Administrator before a license will be issued.
- (b) A current licensee renewing their conveyance license may take this test up to one hundred and eighty (180) days prior to the expiration date listed on the license issued by the Administrator.
- (c) All applicants shall obtain a passing score of not less than 90% to receive a new or renewal license from the Administrator.
- (5) All applicants shall obtain a passing score of not less than 90% on these Regulations, Policies, and Guidance Documents administered by the Administrator every three (3) years.
- (6) Any private conveyance inspector or AHJ-appointed conveyance inspector applicant shall also submit to the Administrator a certificate of insurance or insurance policy indicating the applicant possesses insurance coverage according to § 9-5.5-115 (2) C.R.S.
- (7) An AHJ conveyance inspector applicant is exempt from the requirement to provide insurance, pursuant to § 9-5.5-115 (2) C.R.S., while performing Approved AHJ official duties.
- (8) If a licensee receives a Type 1 license and will be conducting inspection activities on escalators or moving walks, the licensee shall complete at least eight (8) hours of inspection training on this equipment prior to conducting unsupervised inspection activities on this equipment. This training shall consist of direct supervision under a conveyance inspector who has at least eight (8) hours of experience inspecting, installing or maintaining this type of equipment. This requirement shall not apply to a licensee who has received training on this type of equipment through an Administrator-approved training program.
- (9) The conveyance inspector license issued by the Administrator shall be valid for one (1) year. The Administrator may renew a license, provided the applicant submits the following.
- (a) Completed conveyance inspector license application form.
- (b) Documentation that the applicant is certified by a nationally recognized conveyance association.
- (c) A certificate of insurance, declaration page or insurance policy indicating that the applicant possesses insurance coverage according to § 9-5.5-115 (2) C.R.S.
- (c) License renewal fee, listed in Section 4-1.

ARTICLE 5 ENFORCEMENT

Section 5-1 Enforcement Program

The Administrator provides these regulations to assist the regulated community with maintaining safe and proper operation of regulated conveyances. When a regulated conveyance or licensed conveyance mechanic, contractor or inspector is found to be out of compliance with these regulations, the Administrator will pursue enforcement actions against the regulated party. The enforcement process will include requiring the regulated party to make repairs and/or upgrades, perform system tests, keep records, maintain current licenses, and other actions to bring the conveyance or licensee back into compliance. During and following the enforcement process, the Administrator will continue to assist the regulated party to remain in compliance. The enforcement process may include monetary penalties up to one thousand dollars (\$1,000) per conveyance per day of violation according to statute §8-20-104 C.R.S. if the enforcement obligations are not implemented according to the required schedule.

Section 5-1-1 Notice of Violation

- (1) A Notice of Violation (NOV) may be issued when a conveyance is found to be out of compliance with these regulations and/or statutes §8-20 and 9-5.5 C.R.S. A NOV may also be issued if the licensed contractor, mechanic or inspector has violated any part of these regulations or any applicable statutes.
- (2) Within ten (10) working days after an NOV has been issued, the person issued the NOV may file a written request with the Administrator for an informal conference regarding the NOV. If the person issued the NOV does not request an informal conference within this time-frame, all provisions of the NOV shall become final and not subject to further discussion. If the NOV is not resolved within the prescribed time frame, the Administrator may then seek judicial enforcement of the NOV, or an Enforcement Order may be issued.

Section 5-1-2 Enforcement Order

- (1) An Enforcement Order may be issued when the violations included within an NOV are not resolved within the prescribed time frame. The Enforcement Order may include increased fines up to one thousand dollars (\$1,000.00) per conveyance for each day of violation. In addition, the Enforcement Order may include shut-down of the conveyance, and suspension and/or revocation of a conveyance license.
- (2) Within ten (10) working days after an Enforcement Order has been issued, the owner/operator may file a written request with the Executive Director for an informal conference regarding the Enforcement Order. If the owner/operator does not request an informal conference within this time-frame, all provisions of the Enforcement Order shall become final and not subject to further discussion. If the Enforcement Order is not resolved within the prescribed time frame, the Administrator may then seek judicial enforcement of the Enforcement Order.

Section 5-1-3 Informal Conference

- (1) Upon receipt of the request, the Administrator shall provide the owner/operator with notice of the date, time and place of the informal conference. The Administrator shall preside at the informal conference, during which the owner/operator and Division personnel may present information and arguments regarding the allegations and requirements of the NOV or the Enforcement Order.

- (2) Within twenty (20) days after the informal conference, the Administrator shall issue a Settlement Agreement in which the violations from the NOV and/or Enforcement Order will be upheld, modified or stricken. The Settlement Agreement will include a schedule of required activity for resolution of the violations. If the terms and/or schedule in the Settlement Agreement are not satisfied, either an Enforcement Order will be issued, re-issued, or the Administrator may seek judicial enforcement.

Section 5-1-4 License Review Board

The Administrator shall establish a License Review Board that shall consist of members of the Conveyance Advisory Board. This Board will make recommendations to the Administrator on matters concerning suspension or revocation of conveyance licenses.

John W. Suthers

Attorney General

Cynthia H. Coffman

Chief Deputy Attorney General

Daniel D. Domenico

Solicitor General



Ralph L. Carr

Colorado Judicial Center

1300 Broadway, 10th floor

Denver, CO 80203

Phone 720-508-6000

**State of Colorado
Department of Law**

Office of the Attorney General

Tracking number: 2014-00897

**Opinion of the Attorney General rendered in connection with the rules adopted by the
Division of Oil and Public Safety**

on 10/17/2014

7 CCR 1101-8

CONVEYANCE REGULATIONS

The above-referenced rules were submitted to this office on 10/17/2014 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

October 29, 2014 11:45:52

A handwritten signature in black ink, appearing to read "JWS", is written over a light blue rectangular background.

John W. Suthers

Attorney General

by Daniel D. Domenico

Solicitor General

Permanent Rules Adopted

Department

Department of Agriculture

Agency

State Board of Stock Inspection Commissioners

CCR number

8 CCR 1205-6

Rule title

8 CCR 1205-6 STATE BOARD OF STOCK INSPECTION FEES 1 - eff 01/01/2015

Effective date

01/01/2015

COLORADO DEPARTMENT OF AGRICULTURE

State Board of Stock Inspection Commissioners

8 CCR 1205-6

STATE BOARD OF STOCK INSPECTION FEES

1. Applicability

The provisions of this rule shall apply to all inspection services as allowed by statute and conducted by the authorized inspectors of the State Board of Stock Inspection Commissioners (Brand Board) and for the assessment of all recorded brands in the State of Colorado.

2. Definitions

- 2.1 "Brand assessment" means a fee for every brand recorded in the office of the Brand Board to cover a five-year period.
- 2.2 "Cancelled brand" means any recorded brand that assessment fees have not been paid for in a three and one-half year period.
- 2.3 "Cattle" means all cattle and calves.
- 2.4 "Feedlot" means a lot, pen enclosure or building where cattle are fed for warm-up or fattening purposes and which is secured by gates to prevent the livestock from movement to adjoining areas outside of the feedlot.
- 2.5 "Hide" or "fallen hide" means the skin from livestock.
- 2.6 "Horses" means all horses, mules, donkeys and burros.
- 2.7 "Livestock" means all cattle, calves, horses, mules, donkeys and burros. Sheep may be treated as livestock for purpose of this rule at the request of the owner thereof.
- 2.8 "Public livestock market" or "licensed market" means any place, establishment or facility commonly known as a livestock market, conducted or operated for compensation or profit licensed in the state of Colorado, where brand inspection is normally maintained.
- 2.9 "Recorded brand" is property which shall be subject to sale, assignment, transfer, devise, and descent, as personal property.

3. Inspection Fees – Cattle

- 3.1 The minimum fee for all cattle inspections except cattle shipped from a feedlot directly to slaughter shall be \$20.00 per stop and shall be due and payable to the inspector when the inspector arrives at the designated inspection point, whether or not an inspection of the livestock actually takes place.
- 3.2 The inspection fee for all cattle shipped from a feedlot directly to slaughter shall be the greater of a minimum inspection fee of \$15.00 or the per head inspection fee set forth in sections 3.4 and 3.5 of this rule.

- 3.3 The per head inspection fee for country cattle (cattle not shipped from a feedlot directly to slaughter) shall be \$.65.
- 3.4 The per head inspection fee for cattle located in a feedlot shipped directly to slaughter shall be \$.63 for 1-500 head.
- 3.5 The per head inspection fee for cattle located in a feedlot shipped directly to slaughter shall be \$.60 for 501 and greater head on one inspection certificate.
- 3.6 The per head inspection fee for cattle located in a certified feedlot shipping directly to slaughter at a USDA licensed slaughter facility shall be \$.48.
- 3.7 The per head inspection fee for cattle consigned to licensed markets shall be \$.65.
- 3.8 The inspection fee for cattle hides/fallen hides shall be \$.25 per hide.
- 3.9 The fee for an annual travel permit issued for show cattle shall be \$20.00 per head.
- 3.10 The fee for an annual travel permit issued for rodeo cattle shall be \$3.00 per head.
- 3.11 The fee for a dairy/feedlot calf permit shall be \$50.00 per year.

4. Inspection Fees – Horses

- 4.1 The minimum inspection fee for all horse inspections shall be \$35.00 per owner and shall be due and payable to the inspector when the inspector arrives at the designated inspection point, whether or not an inspection of the livestock actually takes place.
- 4.2 The per head inspection fee for horses not consigned to licensed markets shall be \$2.00.
- 4.3 The per head inspection fee for horses consigned to licensed markets shall be \$3.00.
- 4.4 The fee for a horse permanent travel card shall be \$35.00 per horse.

5. Inspection Fees – Sheep

- 5.1 The minimum fee for sheep inspections shall be \$15.00 per stop and shall be due and payable to the inspector when the inspector arrives at the designated inspection point, whether or not an inspection of the livestock actually takes place.
- 5.2 The per head inspection fee for sheep shall be \$.40.

6. Licenses/Permits

- 6.1 The fee for an annual public livestock market license shall be \$200.00.
- 6.2 The fee for an annual certified feedlot license/permit shall be \$1,000.00.
- 6.3 The fee for a brand inspection waiver permit shall be \$100.00 (waiver is good for two calendar years).

7. Brand Registration/Estrays

- 7.1 The brand initiation/application fee shall be \$200.00, which fee shall be non-refundable.

- 7.2 The fee for recording brand transfers shall be \$100.00.
- 7.3 The fee for leasing a brand shall be \$100.00.
- 7.4 The estray administration fee shall be \$20.00 per head.
- 7.5 The estray advertisement fee shall be \$20.00 per head.

8. Brand Assessment Fees

Except as set forth in section 8.6 of this rule below, the provisions of this section 8 shall be applicable to brand assessment fees for the five-year brand registration period from January 1, 2017 through December 31, 2021 and every 5-year period thereafter. The assessment fees shall be deposited into the brand assessment account.

- 8.1 The five-year brand assessment fee shall be \$300.00 per brand.
- 8.2 The five-year assessment fee is due and payable in full by January 1 of the beginning of the five-year period for any brand recorded as of that date.
- 8.3 Any new brand recorded after January 1 of the first year of a five-year brand assessment period is prorated to \$60.00 per year for the remainder of the five-year assessment period for each brand.
- 8.4 The prorated fee is due and payable in full when the brand is recorded.
- 8.5 Late fees shall be assessed according to the schedule below. All late fees shall be credited to the brand inspection fund.
 - 8.5.1 The late fee for any brand assessment paid six months after the assessment is due shall be \$25.00.
 - 8.5.2 The late fee for any brand assessment paid one year after the assessment is due shall be \$50.00.
 - 8.5.3 The late fee for any brand assessment paid two years after the assessment is due shall be \$75.00.
 - 8.5.4 The late fee for any brand assessment paid three years after the assessment is due shall be \$100.00.
- 8.6 Any cancelled brand that is reinstated shall be charged a late fee in addition to the delinquent assessments due at the time of reinstatement, together with a \$200.00 application fee. The late fee portion of the payment shall be credited to the brand inspection fund. The late fee for any brand cancelled as of January 1, 2015 shall be \$200 plus the fees set forth in section 8.5 of this rule. The late fee for any brand cancelled during the five-year assessment period beginning January 1, 2012 shall be \$100.00 plus the fees set forth in section 8.5 of this rule. The late fee for any brand cancelled during the five-year assessment period beginning January 1, 2017 and thereafter shall be as set forth in section 8.5 of this rule.

Sections 9 through 20 are reserved

21. Statement of Basis, Specific Statutory Authority and Purpose

21.1 Adopted December 9, 2004 - Effective February 1, 2005

21.1.1 **Basis:** This rule is proposed by the State Board of Stock Inspection Commissioners (the Board), division of the Colorado Department of Agriculture and an enterprise for purposes of Section 20 of Article X of the State Constitution, to maintain the essential services provided by the Board and authorized brand inspectors. The fee increases are reasonably related to the goal of providing essential services.

21.1.2 **Specific Statutory Authority:** This regulation is adopted pursuant to the Board's fee-setting authority set forth in Sections 35-41-104, 35-43-115, 35-53-129, 35-53-115, 35-53-101, 35-43-105, 24-72-203(1)(a), 35-43-109, 35-44-106, 35-53-130, 35-53-103, 35-53-106, 35-55-103, and 38-20-207, C.R.S. (2004) and is intended to be consistent with the requirements of the State Administrative Procedures Act, Section 24-4-101 et seq. (the "APA"), C.R.S. (2004).

21.1.3 **Purpose:** The purpose of this regulation proposed by the Board is to adopt by rule the schedule of fees to be assessed for service rendered by the Board and its authorized brand inspectors beginning February 1, 2005 and thereafter.

House Bill 04-1351, enacted by the General Assembly, gives the Board authority to set fees for its services by rule. The law specifies timeframes that the board must allow when considering fee changes, in order to give as much notice as possible to affected parties. In this vein, the board and/or its representatives met with constituents within the livestock community on July 1, 2004, when the Board met to discuss current and anticipated financial issues. The Board met again July 19, 2004, with the livestock industry and presented its draft fee proposal. On August 23, 2004, the Board announced that it would proceed with a formal fee proposal at its next regular meeting. Having duly provided public notice of its intent to do so, the Board approved the proposed fee increase schedule on September 22, 2004. At that public meeting, the Board then authorized staff to proceed with filing notice of its intent to pursue rulemaking on the fee schedule under the APA.

By February 1, 2005, the Board will have complied with all public notice requirements by:

(1) Having publicly noticed its intent to approve the fee schedule in its regularly scheduled meeting on September 22, 2004, pursuant to Section 35-41-104(a-c); and

(2) Having issued public notice of the rulemaking hearing pursuant to the APA during which additional public testimony will be taken on the Board's intent to adopt the fee schedule by rule.

The Board thoroughly examined its anticipated funding needs and considered a variety of options to meet the needs. This is the first significant fee increase since approximately 1998. Department staff gathered extensive financial data on the Board's costs and revenues and utilized linear regression analysis to determine options. A copy of the linear regression analysis is available to the public by contacting the Colorado Department of Agriculture at 303.239.4100. The Board decided to propose a fee schedule that increases most fees it charges while leaving others at the rate that existed prior to Board approval of the proposed fee schedule.

21.2 Adopted August 9, 2006 – Effective October 2, 2006

21.2.1 **Basis:** These revisions are proposed by the State Board of Stock Inspection Commissioners (the Board) to change the fee structure intended to revise and disencumber the brand records of unused brands and to provide revenues to publish new

brand books and otherwise assist in the operational cost of the division of brand inspection.

21.2.2 Specific Statutory Authority: These revisions are adopted pursuant to the State Board of Stock Commissioner's authority to set brand assessment fees set forth in 35-43-115 C.R.S. (2005).

21.2.3 Purpose: The purpose of these rule revisions is to increase the current fee for the assessment of brands, to adopt a schedule for late fees related to unpaid assessments, and to set fees for the reinstatement of cancelled brands.

21.3 Adopted September 14, 2011 – Effective October 30, 2011

21.3.1 Basis: These revisions are proposed by the State Board of Stock Inspection Commissioners (the Board) to change the fee structure for brand assessments, which fee is used to revise and disencumber the brand records of unused brands, to provide revenues to publish new brand books, and otherwise to assist with the operational cost of the Division of Brand Inspection. Additionally, the rules introduce an application fee for anyone who is seeking to reinstate a canceled brand. Finally, the revisions remove out-dated language from the rules.

21.3.2 Specific Statutory Authority: These revisions are adopted pursuant to the State Board of Stock Inspection Commissioner's authority to set brand assessment fees set forth at § 35-43-115, C.R.S.

21.3.3 Purpose: The purpose of these rule revisions is to increase the current fee for the assessment of brands, to strike out-dated language from the rules, and to harmonize the application fee for new brands with those for canceled brands seeking reinstatement.

21.4 Adopted October 15, 2014 – Effective January 1, 2015

21.4.1 Basis: This rule is proposed by the State Board of Stock Inspection Commissioners (the "Board") to maintain the essential services provided by the Board and authorized brand inspectors. The fee increases are reasonably related to the goal of providing essential services to the constituents the Brand board and its inspectors serve.

21.4.2 Specific Statutory Authority: This rule is proposed for adoption pursuant to the Board's various fee-setting authorities, as set forth in §§ 35-41-104, 35-43-105, 35-43-109, 35-43-115, 35-43-129, 35-43-130, 35-44-106, 35-53-101, 35-53-105, 35-53-115, 35-53-129, 35-53-130, 35-53-133, 35-53.5-106 and 107, 35-55-103, and 38-20-207, C.R.S.

21.4.3 Purpose: The Board's sole funding source to support all that it is required to do is the fee system provided in the Board's enabling statutes, including per-head inspection fees. As a result of a drought in Colorado, the number of livestock that require inspection has dropped significantly over the last few years, with no projected increase in the immediate future. The Board's revenue stream has been and will continue to be affected by this. Thus, the Board recognized the need to re-visit the entire fee structure to change the fees to reflect how the livestock industries are evolving in Colorado and how those changes are affecting the Board's revenues and its ability to discharge its statutory and regulatory duties. The Board's staff compared a variety of funding and fee options and determined that the ones proposed in this rule-making are the most efficient, practical, and equitable for the industry as a whole.

These revisions incorporate changes as a result of the Department's Regulatory

Efficiency Review Process conducted in accordance with the Governor's Executive Order D 2012-002.

John W. Suthers
Attorney General

Cynthia H. Coffman
Chief Deputy Attorney General

Daniel D. Domenico
Solicitor General



Ralph L. Carr
Colorado Judicial Center
1300 Broadway, 10th floor
Denver, CO 80203
Phone 720-508-6000

State of Colorado
Department of Law
Office of the Attorney General

Tracking number: 2014-00984

Opinion of the Attorney General rendered in connection with the rules adopted by the
State Board of Stock Inspection Commissioners

on 10/15/2014

8 CCR 1205-6

STATE BOARD OF STOCK INSPECTION FEES

The above-referenced rules were submitted to this office on 10/20/2014 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

October 24, 2014 12:12:46

John W. Suthers
Attorney General
by Daniel D. Domenico
Solicitor General

Permanent Rules Adopted

Department

Department of State

Agency

Secretary of State

CCR number

8 CCR 1505-11

Rule title

8 CCR 1505-11 NOTARY PROGRAM RULES 1 - eff 11/30/2014

Effective date

11/30/2014

COLORADO SECRETARY OF STATE

8 CCR 1505-11

Notary Program Rules

Rules as Adopted – Clean

October 7, 2014

[Current 8 CCR 1505-11 is stricken in its entirety and re-codified as follows:]

Rule 1. Definitions

- 1.1 “Approved course of instruction” means a live classroom or webcast course approved by the Secretary of State.
- 1.2 “Approved vendor” means a vendor approved by the Secretary of State who provides an approved course of instruction to notaries and prospective notaries for a fee.
- 1.3 “Course provider” means an entity other than an individual that uses the Secretary of State’s curriculum, in addition to any entity-specific practices, to provide notary training to its employees or members free of charge.
- 1.4 “DAN” means the unique document authentication number issued by the Secretary of State and required by sections 12-55-106.5, 12-55-111(4), and 12-55-112(4.5)(b), C.R.S., for electronic notarizations.
- 1.5 “Electronic notarization” means a notary’s notarization of electronic records that includes the notary’s and the document signer’s electronic signatures.
- 1.6 “Electronic notarization software” means any software, coding, disk, card, certificate, or program that creates and affixes the notary’s electronic signature.
- 1.7 “New applicant” means a person seeking a commission as a Colorado notary for the first time or a formerly commissioned notary in Colorado whose commission has been expired for more than 30 days.

Rule 2. Notary Commissions

- 2.1 Filing and training requirements
 - 2.1.1 All notary filings must be submitted via the Secretary of State’s online electronic filing system.
 - 2.1.2 No more than six months before applying for a commission, a new applicant must

successfully complete training and pass the exam administered by the Secretary of State.

- 2.1.3 The Secretary of State will grant credit only for completion of courses offered by an approved vendor, an approved course provider, or the Secretary of State.
- 2.1.4 The Secretary of State may require a notary who has committed misconduct meriting a disciplinary proceeding to retake and successfully complete the training and exam.
- 2.1.5 Examination. The Secretary of State's open book examination will test the applicant's understanding of notary duties contained in the following:
 - (a) Title 12, Article 55 (The Notaries Public Act) of the Colorado Revised Statutes;
 - (b) Title 38, Article 30 (Titles and Interests) of the Colorado Revised Statutes;
 - (c) Title 1, Article 40 (Initiative and Referendum) of the Colorado Revised Statutes; and
 - (d) The Official Notary Handbook published by the Secretary of State.

2.2 Electronic notarization

- 2.2.1 A notary must submit a notice of intent on the approved form and receive approval from the Secretary of State before the notary may electronically notarize a document. A new applicant may file the intent at the time of application but may only electronically notarize a document after he or she has been commissioned and approved. If the applicant intends to use a different electronic signature than a DAN, the applicant must attach an example of the electronic signature, a description of the electronic signature technology, and contact information for the technology's supplier or vendor. A notary must notify the Secretary of State of all electronic signature changes.
- 2.2.2 A notary must include his or her notary identification number in an electronic notarization.
- 2.2.3 For purposes of section 12-55-106.5(1), C.R.S., a notary's name means the notary's printed legal name.
- 2.2.4 A notary must:
 - (a) Use a different DAN for each electronic notarization;
 - (b) Take reasonable measures to secure assigned DANs against another person's access or use and must not permit such access or use; and

- (c) Request new DANs to replace lost or stolen DANs after notifying the Secretary in the same manner as for a journal or seal.
- 2.2.5 A notary must verify that the document signer has adopted an electronic signature to function as his or her signature before electronically notarizing a document.
- 2.2.6 Expiration of the Secretary of State's approval to notarize electronically
 - (a) Approval automatically expires:
 - (1) Upon revocation, expiration, or resignation of the notary's commission;
 - (2) 30 days after the notary's name changes unless the notary previously submitted a name change.
 - (3) Upon conviction of a felony;
 - (4) If the notary moves out of Colorado; or
 - (5) Upon the expiration or revocation of the technology described in the notification.
 - (b) If approval expires, the notary or the notary's authorized representative must destroy all electronic notarization software and unused DANs unless:
 - (1) The notary's commission expired; and
 - (2) Within 30 days of the commission's expiration, the Secretary of State recommissions the notary and the notary reregisters his or her electronic signature.

Rule 3. Notary Trainer Requirements

3.1 Trainer Application

3.1.1 A course provider applicant must:

- (a) Submit an application that includes:
 - (1) Procedures to establish the identity of a person attending a live course and ensure that the person is present for the required time;
 - (2) Procedures to ensure that the person receiving the certificate of completion is the same person who completed the course;
 - (3) Copies of any course handout materials, workbooks, and tests; and

- (4) A draft copy of the certificate of successful completion as required by Rule 3.3.

- (b) Attend training provided by the Secretary of State.

3.1.2 A vendor applicant must submit an application that includes:

- (a) Procedures to establish the identity of a person attending a live course and ensure that the person is present for the required time;
- (b) Procedures to ensure that the person receiving the certificate of completion is the same person who completed the course;
- (c) Copies of any course handout materials, workbooks and tests;
- (d) A draft copy of the certificate of successful completion as required by Rule 3.3;
- (e) A detailed curriculum; and
- (f) The required application fee.

3.1.3 Deficient application. The Secretary of State will notify an applicant of any application or curriculum deficiencies. If the applicant fails to cure the deficiency within 30 days after the mailing date of the notice, the Secretary will consider the application rejected. A rejected applicant may request a hearing in accordance with the State Administrative Procedure Act (Article 4 of Title 24, C.R.S.).

3.2 Vendor-specific requirements

3.2.1 The Secretary of State must approve a vendor's proposed curriculum before a vendor may offer a notary training course. Curriculum must be based on:

- (a) The Colorado Notaries Public Act including but not limited to: the physical presence requirement, duty not to notarize a blank document, duty to use a notarial certificate, disqualifying interest, application procedures, resignation requirements, duty to maintain a journal of notarial acts, revocation proceedings, liability, identification of signers, role of the notary, and official misconduct; and
- (b) Widely accepted best practices, including but not limited to the role of the notary and notarizations for the elderly.

3.2.2 Seal of Accreditation

- (a) The Secretary of State will provide a seal of accreditation to a vendor applicant within 60 days after receipt of a subsequently approved

application.

- (b) A vendor must prominently display the seal of accreditation on all vendor materials provided to a course attendee.
- (c) A seal of accreditation expires four years after issuance. To renew accreditation, a vendor must submit the required form and fee.
- (d) A vendor may not assign or transfer a seal of accreditation to another vendor or curriculum without the Secretary of State's approval.
- (e) The seal of accreditation does not imply endorsement of a vendor's products or services or other courses.

3.2.3 Vendor's list of attendees. An approved vendor must maintain and, upon request, provide a list of attendees and the following information to the Secretary of State:

- (a) The name of the instructor or instructors who taught the approved course of instruction;
- (b) The date, time, and location of the approved course of instruction;
- (c) Whether proof of completion was issued to each attendee;
- (d) Each course attendee's full name and the type of current government-issued photo identification used to establish the course attendee's identity.

3.3 Certificate of completion. When a student successfully completes a course, the approved vendor or course provider must issue the graduate a certificate of successful completion.

3.3.1 Approved vendors and course providers must ensure that only a person who has completed an approved course of instruction receives a certificate of successful completion. Vendors and course providers may not issue a certificate of completion to an attendee who is absent during any substantive part of the course.

3.3.2 A certificate of successful completion of an approved course of instruction expires six months from the date of issuance.

3.3.3 The certificate of proof of successful completion of an approved course of instruction must contain:

- (a) The name of the vendor or course provider who provided the course;
- (b) The name of the person who completed the course;
- (c) The date of completion of the course;

- (d) The statement, “This certificate of proof of completion is valid for a period of six months from the date of issuance.”; and
 - (e) For vendors, the seal of accreditation.
- 3.4 Notification of changes. Using their letterhead, approved vendors and course providers must notify the Secretary of State within 30 days of:
 - 3.4.1 A change in physical address or email address.
 - 3.4.2 Substantial changes to an approved curriculum and provide copies of the changes.
- 3.5 Duty to revise training. Approved vendors and course providers must revise approved courses of instruction as necessary to ensure that the courses accurately reflect current Colorado law.
- 3.6 Enforcement
 - 3.6.1 Duty to respond to the Secretary of State’s written request. Vendors and course providers must respond in writing within 20 business days of receiving a written request from the Secretary of State for any information relating to a complaint or approved course of instruction. The Secretary of State will send a written request to the address or email address listed on the most current application.
 - 3.6.2 Onsite inspections. Approved vendors and course providers must permit the Secretary of State or the Secretary’s designee to attend any approved course of instruction without prior notice at no charge to observe, monitor, audit, and investigate.
 - 3.6.3 Complaints. A person may file a complaint against an approved vendor or course provider with the Secretary of State alleging a violation of these rules. The person must submit a signed and dated complaint on the Secretary of State’s standard form.
 - 3.6.4 Grounds for termination of accreditation or approval. The Secretary of State may terminate an approved vendor’s accreditation or approval of a course provider for any of the following reasons:
 - (a) Violation of any provision of these rules.
 - (b) Misrepresentation of a notary public’s duties and authority under Colorado law.
 - (c) Deviation from the lesson plan for an approved course of instruction.
 - (d) Making representations that the Secretary of State endorses, recommends, or mandates use of any of the vendor’s products, goods, or services.

- (e) Failure to timely respond to the Secretary of State's request for communication or otherwise cooperate with an investigation.

3.6.5 Right to appeal termination of accreditation or approval. If the Secretary of State proposes to terminate an approved vendor's accreditation status or approval of a course provider, the vendor or course provider has the right to request a hearing as provided in the State Administrative Procedure Act, (Article 4 of Title 24, C.R.S.)

- (a) If the approved vendor or the course provider does not request a hearing, termination will be effective 30 days after the mailing date of the termination notice.
- (b) Termination does not bar the Secretary of State from beginning or continuing an investigation concerning the vendor or course provider.

John W. Suthers

Attorney General

Cynthia H. Coffman

Chief Deputy Attorney General

Daniel D. Domenico

Solicitor General



Ralph L. Carr

Colorado Judicial Center

1300 Broadway, 10th floor

Denver, CO 80203

Phone 720-508-6000

**State of Colorado
Department of Law
Office of the Attorney General**

Tracking number: 2014-00826

**Opinion of the Attorney General rendered in connection with the rules adopted by the
Secretary of State**

on 10/07/2014

8 CCR 1505-11

NOTARY PROGRAM RULES

The above-referenced rules were submitted to this office on 10/23/2014 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

John W. Suthers

Attorney General

by Daniel D. Domenico

Solicitor General

October 24, 2014 12:13:25

Permanent Rules Adopted

Department

Department of Public Safety

Agency

Division of Fire Prevention and Control

CCR number

8 CCR 1507-30

Rule title

8 CCR 1507-30 FIRE CODE ENFORCEMENT AND CERTIFICATION OF FIRE INSPECTORS FOR PUBLIC SCHOOLS, CHARTER SCHOOLS AND JUNIOR COLLEGES 1 - eff 11/30/2014

Effective date

11/30/2014

DEPARTMENT OF PUBLIC SAFETY
Division of Fire Prevention and Control

8 CCR 1507- 30

**CODE ENFORCEMENT AND CERTIFICATION OF INSPECTORS FOR PUBLIC
SCHOOLS, CHARTER SCHOOLS AND JUNIOR COLLEGES**

STATEMENT OF BASIS, STATUTORY AUTHORITY, AND PURPOSE

Pursuant to Section 24-33.5-1203.5, C.R.S., the Director of the Colorado Division of Fire Prevention and Control shall promulgate rules as necessary to carry out the duties of the Division of Fire Prevention and Control. This rule is proposed pursuant to this authority and is intended to be consistent with the requirements of the State Administrative Procedures Act, Section 24-4-101, et seq., C.R.S.

House Bill 09-1151 directed that the responsibility for the oversight of public school construction and maintenance be consolidated into the Department of Public Safety, Division of Fire Prevention and Control. Enforcement responsibility of Building Code requirements was formerly within the Department of Labor, Division of Oil and Public Safety. Enforcement of Fire Code requirements is within the Department of Public Safety, Division of Fire Prevention and Control. Both responsibilities are now within the Division of Fire Prevention and Control.

The major purpose of this rule change is to update the building and fire codes utilized for the construction and maintenance of regulated school facilities. The updated codes are superior to the previously adopted codes as they incorporate newer technologies and incorporate advanced protection methodologies and systems. In addition, specific amendments have been made to the codes in order to address an identified conflict between security and fire safety concerns of school boards.

The revised provisions incorporated herein provide an alternative to prescriptive fire safety requirements in order to allow school personnel to safely respond to lockdown situations. A timeline is provided to allow school boards to budget for and implement methods which will effectively and prescriptively resolve fire safety concerns while fully meeting the security needs of the schools.

Another purpose of this rule change is to adjust the adopted fee structure in order that the Division can adequately cover its incurred costs for the services it provides. Other modifications are meant to clarify ambiguous provisions within statute and previous rules.

These responsibilities are considered as a matter of life safety importance, therefore the absence of implementing rules to carry out the purpose of the statutes would be contrary to the public peace, health and safety of the state. For these purposes it is imperative that the proposed rules be adopted.

Paul Cooke
Director, Division of Fire Prevention and Control

October 16, 2014
Date of Adoption

DEPARTMENT OF PUBLIC SAFETY
Division of Fire Prevention and Control

8 CCR 1507- 30

**CODE ENFORCEMENT AND CERTIFICATION OF INSPECTORS FOR PUBLIC
SCHOOLS, CHARTER SCHOOLS AND JUNIOR COLLEGES**

ARTICLE 1 – Purpose and Authority to Promulgate Rules

1.1 Purpose:

- 1.1.1 These rules establish uniform standards and minimum requirements for the construction, inspection and maintenance of public school buildings and structures.
- 1.1.2 The purpose of these rules is to ensure that public school buildings or structures are constructed and inspected in compliance with Sections 22-32-124, 23-71-122, C.R.S adopted codes and applicable rules.

1.2 Technical Rationale

- 1.2.1 The technical requirements of these rules are supported primarily by codes developed by the International Code Council, a membership association dedicated to building safety and fire prevention. These rules establish minimum requirements for building systems using prescriptive and performance related provisions, which are widely used to construct residential and commercial buildings, including homes and schools.

1.3 Statutory Authority

- 1.3.1 Sections 22-32-124, 23-71-122 and 24-33.5-1203, C.R.S. establish the authority and duty of the Division to conduct or oversee the necessary plan reviews, issue building permits, and cause the necessary inspections to be performed as required by the adopted codes for buildings and structures of public schools, institute charter schools, charter schools and junior colleges.
- 1.3.2 Section 24-33.5-1213.5, C.R.S. establishes the authority and duty of the Division to certify persons to conduct Building Code plan reviews and inspections for buildings and structures of public schools, institute charter schools, charter schools and junior colleges. Such persons are reviewed and certified as part of the Prequalified Building Department process, or through third-party building inspector certification.
- 1.3.3 Section 24-33.5-1211 C.R.S. establishes the authority and duty of the Division to certify persons to conduct Fire Code plan reviews and inspections for buildings and structures of public schools, institute charter schools, charter schools and junior colleges.
- 1.3.4 Sections 22-32-124 and 23-71-122, C.R.S. establish the authority of the local fire department or the Division to inspect buildings and structures of a Board when deemed necessary to assure that they are maintained in accordance with the adopted Codes.
- 1.3.5 The Director of the Division is authorized by the provisions of section 24-33.5-1203.5, C.R.S., to promulgate rules in order to carry out the duties of the Division. This rule is adopted pursuant to the authority in section 24-33.5-1203.5, C.R.S. and is intended to be

consistent with the requirements of the State Administrative Procedures Act, section 24-4-101, et seq. (the "APA"), C.R.S.

- 1.3.6 The Director of the Division is authorized to establish fees and charges necessary to defray the anticipated costs of the program.

ARTICLE 2 – Definitions

- 2.1 The definitions provided in 24 33.5 1202, C.R.S., shall apply to these rules. The following additional definitions shall also apply:

ANNUAL PERMIT – An official document issued by the Division, or a Prequalified Building Department, in accordance with the International Building Code and Article 6.9 of this Rule.

BOARD – The school district Board of education, charter school, institute charter school, junior college, or their designated representative, subject to these rules.

BUILDING DEPARTMENT - The appropriate Building Department of an authority, county, town, city, or city and county and includes a Building Department within a fire department.

BUILDING PERMIT - An official document issued by the Division, or a Prequalified Building Department, which authorizes the erection, alteration, demolition and/or moving of buildings and structures.

CERTIFICATE OF COMPLIANCE – An official document issued by the Division, or the Prequalified Building Department, stating that materials and products meet specified standards, or that work was performed in compliance with approved construction documents.

CERTIFICATE OF OCCUPANCY - An official document issued by the Division, or the Prequalified Building Department, which authorizes a building or structure to be used or occupied.

CEU – Means continuing education units. Each 10 hours of related professional development activities equals one CEU.

COMPANY – A corporation, partnership, firm or association, two or more persons having a joint or common interest, or any other legal or commercial entity.

CORE AND SHELL PERMIT - An official document issued by the Division, or the Prequalified Building Department, which is limited to authorizing the construction of foundation, columns, floor slabs, roof structure, exterior walls, and exterior glazing to the point of the building being weather tight.

CONSTRUCTION - Work that is not considered as maintenance or service, and that requires a building permit or Annual Permit.

C.R.S. – Means Colorado Revised Statutes

DEMOLITION PERMIT - An official document issued by the Division, or the Prequalified Building Department, which is limited to authorizing the demolition of all or part of a building or structure.

DIRECTOR – The Director of the Division of Fire Prevention and Control.

DIVISION – Means the Division of Fire Prevention and Control.

FIRE CHIEF -- The chief officer of the fire department serving the jurisdiction, or a duly authorized representative.

FIRE CODE OFFICIAL – The designated authority charged with the administration and enforcement of the Fire Code. Refer to Article 5 for information pertaining to the definition of the Fire Code Official.

FOUNDATION - Work related to building footings, piers, foundation walls, slabs on grade, under slab and underground building services.

FOUNDATION PERMIT - An official document issued by the Division, or the Prequalified Building Department, which is limited to authorizing the construction of foundations.

ICC – Means the International Code Council and its legacy codes.

INDIVIDUAL (or PERSON) – Means a person, including an owner, manager, officer, employee, or individual.

INSPECTION, TESTING AND MAINTENANCE PROGRAM – A program conducted by the building owner to satisfy the periodic inspection, testing and maintenance requirements of fire protection and life safety systems as required by applicable codes and standards.

INSTALLATION – The initial placement of equipment or the extension, modification or alteration of equipment after the initial placement.

LOCAL AUTHORITY HAVING JURISDICTION (AHJ) – The Building Department, Fire Chief, Fire Marshal or other designated official of a county, municipality, special authority, or special district that has fire protection and life safety systems enforcement responsibilities and employs or otherwise provides a Certified Inspector.

MAINTENANCE – To sustain in a condition of repair that will allow performance as originally designed or intended.

MAINTENANCE INSPECTIONS – Refers to periodic inspections conducted by the local fire department or the Division to verify conformance with the adopted Fire Code, rules and standards. Such maintenance inspections shall not be considered to relieve the building owner of the responsibility to conduct an inspection, testing and maintenance program for fire protection and life safety systems as required by the adopted Fire Code and Standards.

MECHANICAL PERMIT – An official document issued by the Division, or Prequalified Building Department, which is limited to authorizing an owner, authorized agent or contractor who desires to erect, install, enlarge, alter, remove, convert or replace a mechanical system, in accordance with the adopted mechanical code.

MOU – Means memorandum of understanding.

NICET – Means the National Institute for Certification in Engineering Technologies.

NFPA – Means the National Fire Protection Association.

PREQUALIFIED BUILDING DEPARTMENT – Means a Building Department that employs certified plans examiners and inspections, that has been approved by the Division and has executed a Memorandum of Understanding with the Division in accordance with Article 4 of this rule.

QUALIFIED FIRE DEPARTMENT - A fire department providing fire protection service for the buildings and structures of the Board that has Certified Fire Inspectors, as defined by C.R.S. 24-33.5-1202(2.5) at the appropriate level for the task being performed.

QUALIFIED TRADESPERSON - Means an employee of the Board who has satisfactorily demonstrated to the Division that they either hold a current building inspector certification from ICC or other similar national organization, or have at least five years of demonstrated education, training, and experience in commercial building construction or inspection.

SERVICE (or REPAIR) – Means to repair in order to return the system to operation as originally designed or intended.

SMALL PROJECT PERMIT: An official document issued by the Division, or a Prequalified Building Department, in accordance with Article 6.8 of this Rule.

TEMPORARY CERTIFICATE OF OCCUPANCY - An official document issued by the Division, or the Prequalified Building Department, which authorizes a building or structure to be temporarily used or occupied for a period not to exceed 90 days, unless an extension has been granted by the Division, or the Prequalified Building Department.

TEMPORARY CONSTRUCTION TRAILER/OFFICE – A temporary modular building, owned and operated by the contractor that is less than 1,000 square feet and only placed for the duration of the project. Trailers meeting this definition are exempt from this rule. Trailers not meeting this definition shall be considered as a modular building and permitted as such.

THIRD PARTY INSPECTOR – Building inspectors that have been certified by the Division to perform third party inspection services in accordance with Article 10.1 of this rule.

TOTAL PROJECT VALUATION-The construction cost of the project for which the permit is being issued including materials and labor, such as electrical, gas, mechanical, plumbing, equipment, and permanent systems. Such valuation will be calculated using one of the following two methods:

1. For new construction or additions to existing facilities, construction cost is calculated based on a per square foot cost using the International Code Council's Building Valuation Data Square Foot Construction Cost Table published February 2013.
2. For all other projects, construction cost is equal to the cost of the project as demonstrated by detailed estimates provided by the Business Entity.

ARTICLE 3 – Codes, Documents and Standards incorporated by reference

3.1 The following codes and the standards referenced therein are adopted and promulgated as minimum standards for the construction and maintenance of all property, buildings and structures of a Board in the State of Colorado. Plans submitted for review prior to April 1, 2015 are allowed to comply with the 2006 codes adopted under previous rule.

3.1.1 International Building Code - 2015 Edition, First Printing: May 2014(Copyright 2014 by International Code Council, Inc. Washington, D.C.).

As amended by the following:

1010.1.11 Classroom Door Hardware. In classrooms within group E occupancies, hardware shall include a means to manually lock egress doors from inside the classroom.

Such means shall not prevent these doors from being readily openable from the egress side without key or special knowledge or effort.

Exceptions:

1. Egress door assemblies which operate in compliance with NFPA 80 within classrooms of group E occupancies shall not be required to include a manual locking means.
 2. Egress doors within classrooms of group E occupancies which are fully sprinklered in accordance with 903.3.1.1 shall not be required to include a manual locking means.
 3. Egress door within classrooms of group E occupancies complying with 1020.1, exception 1 shall not be required to include a manual locking means.
- 3.1.2 International Fire Code - 2015 Edition, First Printing: May 2014 (Copyright 2014 by International Code Council, Inc. - Washington, D.C.), including Appendices B and C.

As amended by the following:

703.2. Opening protectives. Opening protectives shall be maintained in an operative condition in accordance with NFPA 80. Where allowed by the *fire code* official, the application of field applied labels associated with the maintenance of opening protectives shall follow the requirements of the *approved* third-party certification organization accredited for *listing* the opening protective. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable. Fusible links shall be replaced promptly whenever fused or damaged. Fire door assemblies shall not be modified.

Exceptions:

1. Egress door assemblies within classrooms of group E occupancies which are fully sprinklered in accordance with 903.3.1.1 and which are required to be locked during security lockdown situations are allowed to be provided with an approved manual means to prevent automatic latching.
2. Egress door assemblies within classrooms of group E occupancies complying with 1020.1, exception 1 and which are required to be locked during security lockdown situations are allowed to be provided with an approved manual means to prevent automatic latching.
3. Egress door assemblies within classrooms of group E occupancies not complying with exceptions 1 or 2 which are required to be locked during security lockdown situations are allowed to be provided with an approved manual means to prevent automatic latching provided that all of the following are met:
 - 3.1. Egress doors shall be readily openable from the egress side without the use of a key or special knowledge or effort.
 - 3.2. The device used to prevent latching can be quickly disabled or removed in the event of an evacuation.
 - 3.3. No more than one such device may be used on any egress door.

- 3.4. Devices shall be disabled or removed at all times that the classroom is unoccupied.
- 3.5. Faculty working within the room shall disable or remove the device used to prevent latching in event of an evacuation, whether for a drill or an actual emergency.
- 3.6. Subsequent to all evacuations, the Principal or designee shall verify the status of devices and initiate appropriate corrective action in cases where responsible staff fails to disable or remove them.
- 3.7. The School District's School Safety, Readiness, and Incident Management Plan Includes training and/or other procedures necessary to ensure compliance with these requirements.
- 3.8. Egress door hardware shall be replaced with hardware complying with IBC Section 1010.1.11 by no later than January 1, 2018.
- 3.9. This exception may be rescinded by the Fire Code Official upon evidence of noncompliance with these provisions.

1031.10. Any door latching hardware in classrooms within group E occupancies that is repaired or replaced shall comply with Section 1010.1.11.

Exceptions:

- 1. Egress door assemblies complying with 703.2, Exceptions 1 or 2.
- 2. Egress door assemblies which operate in compliance with NFPA 80.
- 3.1.3 International Mechanical Code - 2015 Edition, First Printing: May 2014 (Copyright 2014 by International Code Council, Inc. - Washington, D.C.).
- 3.1.4 International Energy Conservation Code - 2015 Edition, First Printing: May 2014 (Copyright 2014 by International Code Council, Inc. - Washington, D.C.).
- 3.1.5 International Existing Building Code- 2015 Edition, First Printing: May 2014 (Copyright 2014 by International Code Council, Inc. - Washington, D.C.).

As amended by the following:

604.2. Repair or Replacement of Door Hardware in Classrooms. Any door latching hardware in classrooms within group E occupancies that is repaired or replaced shall comply with IBC Section 1010.1.11.

Exceptions:

- 1. Egress door assemblies which operate in compliance with NFPA 80 within classrooms of group E occupancies shall not be required to include a manual locking means.
- 2. Egress doors within classrooms of group E occupancies which are fully sprinklered in accordance with IBC Section 903.3.1.1 shall not be required to include a manual locking means.

3. Egress doors within classrooms of group E occupancies complying with IBC Section 1020.1, exception 1 shall not be required to include a manual locking means.

3.1.6 International Residential Code – 2015 Edition, First Printing: May 2014 (Copyright 2014 by International Code Council, Inc. - Washington, D.C.)

- 3.2 The Division shall maintain copies of the complete texts of the adopted codes, which are available for public inspection during regular business hours. Interested parties may inspect the referenced incorporated materials and/or obtain copies of the adopted codes for a reasonable fee by contacting the Fire and Life Safety Section Chief at the Division, 700 Kipling St, Lakewood, CO, and/or The State Depository Libraries. Copies of the adopted codes are available from the organization originally issuing the codes, the International Code Council, Inc., through the International Code Council Regional Office Bookstores, reached by calling 888-ICC-SAFE or on the web at www.iccsafe.org.
- 3.3 In the event that a new edition of the code is adopted, the code current at the time of permit application shall remain in effect throughout the work authorized by the permit.
- 3.4 This rule does not include later amendments or editions of the incorporated material.

ARTICLE 4 – Prequalification of Building Department.

- 4.1 The Division may prequalify a Building Department to conduct the necessary plan reviews, issue building permits, conduct inspections, issue certificates of occupancy, issue Temporary Certificates of Occupancy, and take enforcement action to ensure that a building or structure has been constructed in conformity with these rules.
- 4.2 In lieu of applying for a building permit through the Division, an affected Board may, at its own discretion, opt to use the appropriate Prequalified Building Department that otherwise has code enforcement jurisdiction over the location in which the school is situated and has entered into a MOU with the Division as the delegated authority to conduct building code plan reviews, inspections and issue certificates of occupancy.
 - 4.2.1 A Building Department that otherwise has code enforcement jurisdiction over the location in which a school is situated may, through intergovernmental agreement (IGA), utilize the services of another Prequalified Building Department. A copy of this IGA shall be provided to the Division prior to submitting for any permit.
- 4.3 Prequalification Process
 - 4.3.1 Application Form: In order to be considered for prequalification, the Building Department shall complete an application form, and include each qualified applicant seeking certification as a plan reviewer or inspector on a public school construction project. Qualified applicants shall comply with 10.1.2. A) Plan reviewer and Inspector certifications issued by the Division to applicants holding ICC or national certifications will be valid for three years, whereas certifications issued to applicants on the basis of demonstrated education, training, and experience will be valid for one year, and will require ICC or national certification prior to renewal.
 - 4.3.2 Memorandum of Understanding: After the Division has reviewed the application and determined that the Building Department has plan reviewers and inspectors that have the necessary education, training, and experience; the Division may issue and execute a Memorandum of Understanding (MOU) between the Building Department and the Division. Pursuant to this MOU, the Division may prequalify a Building Department to

conduct the necessary plan reviews, issue building permits, conduct inspections, issue Certificates of Occupancy, and issue Temporary Certificates of Occupancy to ensure that a building or structure has been constructed in conformity with the adopted building and fire codes, and take enforcement action.

- A) Nothing in the MOU shall be construed to allow the Building Department to take enforcement action other than in relation to the building codes adopted by the Division.
- B) Nothing in the MOU shall be construed to allow the Division to delegate to a Prequalified Building Department without the approval of the Board unless such action is taken for violation of third party inspection requirements as described in Article 7.1.2 of this rule.
- C) Nothing in the MOU shall be construed to allow the Building Department to assume authority for plan review and/or inspection services in locations in which it does not otherwise have code enforcement authority.

4.4 Duties of Prequalified Building Departments

- 4.4.1 The Prequalified Building Department shall conduct the necessary plan reviews, issue building permits, conduct inspections, issue certificates of occupancy, issue Temporary Certificates of Occupancy, and take enforcement action to ensure that a building or structure constructed in conformity with the building and fire codes adopted by the Division.
- 4.4.2 The Prequalified Building Department shall not take enforcement action other than in relation to the building codes adopted by the Division.
- 4.4.3 The Prequalified Building Department shall only use plan reviewers and inspectors within their Building Department that have been certified by the Division to work on public school construction projects.
- 4.4.4 The Prequalified Building Department shall cause copies of the building plans to be sent to the local fire department and the Division for review of fire safety issues.
- 4.4.5 If the building or structure is in conformity with the adopted building and fire codes, and if the Qualified Fire Department or the Division certifies that the building or structure is in compliance with the adopted fire code, the Prequalified Building Department shall issue the necessary Certificate of Occupancy prior to use of the building or structure by the permit applicant.
- 4.4.6 If all inspections are not completed and the Board requires immediate occupancy, and if the Board has passed the appropriate inspections, including fire inspections, that indicate there are no life safety issues the Prequalified Building Department may issue a Temporary Certificate of Occupancy to allow the Board to occupy the buildings and structures.
- 4.4.7 The Prequalified Building Department shall attest that inspections are complete and all violations are corrected before the Board is issued a Certificate of Occupancy. Inspection records shall be retained by the Prequalified Building Department for two years after the Certificate of Occupancy is issued.
- 4.4.8 The Prequalified Building Department may set reasonable fees and collect these fees to offset the cost of plan review and inspection of public school construction projects. Public

School Boards shall be notified of any adjustment of fees a minimum of thirty (30) days prior to the effective date of the change

ARTICLE 5 – Definition of Fire Code Official and Delegation of Fire Code Authority.

- 5.1 The Fire Code Official for buildings and structures of public schools, institute charter schools, charter schools and junior colleges shall be the Division.
- 5.2 Where the local authority having jurisdiction has Certified Fire Inspectors at the appropriate level for the task, the responsibility of conducting the necessary construction plan reviews and inspections required by the adopted Fire Code will be delegated to the Local Authority having Jurisdiction in the location of the structure. Upon delegation of this responsibility, the local authority having jurisdiction shall be considered as the Fire Code Official.
- 5.3 If the local authority having jurisdiction declines to perform the plan review or any subsequent inspection, or if a Certified Fire Inspector is not available, the Division shall perform the construction plan reviews and inspections required by the adopted Fire Code and shall be considered as the Fire Code Official.
- 5.4 Where the Division serves as the Fire Code Official, it shall seek approval from the local fire department on code provisions requiring approval of the fire chief.

ARTICLE 6 – Building Permit Application

- 6.1 Notification of Delegation to a Prequalified Building Department.
 - 6.1.1 For projects that require a permit that will be reviewed and inspected by a Prequalified Building Department, the Board must notify the Division prior to beginning construction. Notification should include:
 - A) Name of project (including school district);
 - B) Location of project;
 - C) Scope of work;
 - D) Projected cost;
 - E) Planned construction start and end dates;
 - F) Identification of Fire Code Official (Qualified Fire Department or Division);
 - G) Identification of local fire department (whether qualified or not) to which plans will be submitted.
 - H) Identification of building code official (Prequalified Building Department).
- 6.2 Preliminary Application Package Review
 - 6.2.1 For any construction project, the Board or the Division may request and hold, a preliminary review meeting with either the Division or the Prequalified Building Department, and the local fire department, at the appropriate design stage of document preparation.

6.2.2 If a preliminary review meeting is requested, the following items should be included in the preliminary review package:

- A) A key plan or site plan as applicable, showing the property address(s) (or legal description), boundaries, existing buildings, proposed buildings and/or additions, parking lots, fenced areas, fire hydrants, fire equipment access, water supply and topography.
- B) Sufficient documentation to illustrate and describe the design of the project, establishing the scope, relationships, forms, size and appearance of the project by means of plans, sections and elevations, typical construction details, and equipment layouts. The documents shall include outline specifications that identify major materials and systems and establish in general their quality levels.
- C) A code plan that includes the following minimum information:
 - (1) Calculation of the allowable and actual square footage of the new construction;
 - (2) The floor plan of all new construction, existing to remain, and remodel areas;
 - (3) The proposed occupancy group(s) of the building. Include daytime use and after-hours use occupancy groups where applicable;
 - (4) All fire and smoke rated construction (including rated exit corridors, fire walls, fire barriers, fire partitions, smoke barriers), and construction capable of resisting the passage of smoke; and
 - (5) All exits and all stairways.

6.2.3 The Division, the local fire department, and/or the Board may request a meeting or teleconference, in a timely manner, at any time during the preliminary review. All parties shall make reasonable accommodations for such requested meeting or teleconference.

6.3 Building Permit Application Submittal

6.3.1 For all construction projects not covered under an annual building permit, a small project permit or a fire protection permit as defined this Article, the Board must submit a complete plan review application package to the Division or the Prequalified Building Department, and the local fire department, not less than 30 days prior to beginning construction. The Board may request from the Division, or the Prequalified Building Department, an exemption to the 30-day minimum submittal period, which will be considered on a case-by-case basis.

6.3.2 The permit application requirements are available on the Division's website.

6.3.3 The building permit application package shall be concurrently submitted to the Division and to the local fire department.

6.4 Plan Review and Permitting

6.4.1 The Division will notify the Board upon receipt of a complete building permit application submittal or if the building permit application is incomplete.

- 6.4.2 The Building Code plan review shall be completed by a certified building plans examiner within the Division, or by the Prequalified Building Department.
 - 6.4.3 The Fire Code plan review shall be completed by an individual certified as a Fire Inspector III – Plans Examiner within the Division, or by the Qualified Fire Department.
 - 6.4.4 For delegated fire code review and inspection arrangements, the Fire Code Official has 20 business days, upon receipt of a complete review package, to submit the completed fire review to the Division or the Prequalified Building Department. The Fire Code Official shall forward their approval, or list of comments and corrections to for inclusion in the consolidated report of both building and fire code reviews.
 - 6.4.5 The Fire Code Official may request, in writing, an extension from the Division on the basis of the complexity of the building plans. Extension requests shall be copied to the affected Board.
 - 6.4.6 The Division, the local fire department and/or the Board may request a meeting or teleconference at any time during the construction document review. The Division shall make reasonable accommodations for such meeting or teleconference.
 - 6.4.7 Upon completion of the review, and after receipt of the fire review from the Fire Code Official, and, if necessary, the Fire Chief the Division or the Prequalified Building Department will provide to the Board a comprehensive list of corrections from both building and fire code reviews to be addressed prior to the issuance of a Building Permit. This list of corrections shall not be considered as all-inclusive, and may not be considered as approval of any condition in violation of applicable code. Once all corrections have been satisfactorily addressed, the Division or the Prequalified Building Department shall issue the Building Permit.
- 6.5 Phased Permitting
- 6.5.1 Upon request by the Board, the Division may issue phased permits for demolition, construction of foundations, and construction of core and shell, provided that construction documents for that portion of the building or structure being permitted have been submitted per Article 6-3. The holder of such permit for demolition, or the construction of foundations or vertical construction shall proceed at the holder's own risk with building operation and without assurance that a permit for the entire structure will be granted. Issuance of this permit shall not be considered all inclusive and may not be considered as approval of any condition in violation of applicable codes.
- 6.6 Deferred Design/Build Submittals / Shop Drawings
- 6.6.1 Deferred design/build (shop drawing) submittals for fire protection and life systems are permitted, however construction documents shall provide sufficient information to show compliance with Fire Code requirements and coordination between fire systems and other building systems (i.e., HVAC systems, security systems).
 - 6.6.2 Shop (Installation) drawings for fire protection and life safety systems shall be submitted to the Fire Code Official for review and approval prior to beginning installation of the system.
 - A) Fire sprinkler shop drawing shall be submitted to the Fire Code Official in accordance with C.C.R. 1507-11 - Colorado Fire Suppression Program and the requirements of the Fire Code and NFPA 13 – *Installation of Sprinkler Systems*.

- (1). Provide a minimum of three (3) complete copies of the submittal.
- (2). Submittal packages shall contain the minimum information required by the adopted Fire Code and NFPA 13.
- B) Fire alarm shop drawings shall be submitted to the Fire Code Official in accordance with the requirements of the Fire Code and NFPA 72 – *National Fire Alarm Code*.
 - (1). Provide a minimum of three (3) complete copies of the submittal.
 - (2). Submittal packages shall contain the minimum information required by the adopted Fire Code and NFPA 72.
- C) Shop (installation) drawings for other systems regulated by the Fire Code shall be submitted to the Fire Code Official in accordance with the Fire Code, and the appropriate reference standard for the system as indicated in the Fire Code.

6.6.3 Minimum qualifications for fire protection and life safety system design and installation.

- A) Fire Suppression Systems
 - (1) Any installation, modification, alteration, or repair of a fire suppression system shall be in accordance with C.C.R. 1507-11 - Colorado Fire Suppression program.
- B) Fire Alarm Systems
 - (1) The design of any new system or alteration of an existing fire alarm system using the prescriptive requirements of NFPA 72 shall be performed by a person that is currently a professional engineer or certified by NICET at a level III or level IV in fire protection engineering technologies - fire alarm systems, or another nationally recognized organization approved by the Division.
 - (2) The design of any new system or alteration of an existing fire alarm system using performance based design methods as described by NFPA 72 or alternative materials and methods as described by the adopted Fire Code shall be performed by a person that is currently a professional engineer.
 - (3) The installation of a fire alarm system shall be performed by or supervised by a person that is currently certified at a minimum of NICET level II in fire protection engineering technologies – fire alarm systems, or another nationally recognized organization approved by the Division.
- C) Other Fire Protection Systems regulated by the Fire Code.
 - (1) The design and installation shall be performed by a company or individual with manufacturer approved training for the specific system, or as otherwise required by the applicable Code section or referenced standard.

6.7 Fire Protection Permits

- 6.7.1 Fire protection projects, involving only the installation, modification, repair or replacement of fire protection and life safety systems, or other activities regulated solely by the Fire Code are exempt from the requirements of Article 6.3; however a fire protection permit shall be obtained from the Fire Code Official in accordance with this Article and the IFC.
- 6.7.2 Submit system shop or installation drawings in accordance with the requirements of Article 6.6.
- 6.8 Small Project Permit
 - 6.8.1 In lieu of a full Building Permit, the Division may issue a small construction project permit for certain small projects. Small project permit application requirements differ from full building permit projects, as defined and documented on Division small project application forms and checklists.
 - 6.8.2 Small Project Scope: Small projects are limited in scope, as defined by the Small Project Permit Policy, issued by the Division.
- 6.9 Annual Permits
 - 6.9.1 In lieu of an individual permit for each alteration to an already approved mechanical or building installation, the Division or Prequalified Building Departments may issue an Annual Permit, upon application, to any Board regularly employing one or more Qualified Tradespersons in the building, structure or on the premises owned or operated by the Board. Annual Permits shall remain valid for a period of 12 months from the issuance date. The Board shall notify the Local Fire Department prior to the commencement of work conducted under an Annual Permit. A Prequalified Building Department may also require notification prior to commencement of projects conducted under an Annual Permit.
 - 6.9.2 Annual Permit Scope: Annual Permit projects are limited in scope to the following:
 - 1. Like-for-like replacement of previously approved mechanical equipment;
 - 2. Installation of non-fire rated doors in non-bearing walls or partitions;
 - 3. Adding glazing or window to existing non-fire rated door;
 - 4. Repair of existing panic hardware;
 - 5. Installation of skylight(s) greater than ten feet away from a firewall;
 - 6. Installation of one or more occupational therapy hooks;
 - 7. Installation of fence dugout(s) greater than six feet in height;
 - 8. Installation of vocational instruction equipment (projectors, screens, portable shop equipment);
 - 9. Demolition or removal of portable modular units.
 - 6.9.3 Annual Permit Records: The Board to whom an Annual Permit is issued shall keep a detailed record, including stamped engineered drawings (if applicable), of all replacements made under such Annual Permit.
 - 6.9.4 All work completed under an Annual Permit shall be inspected by a Third Party Inspector or a Qualified Tradesperson within 10 days of completion of a project, and such inspections shall be recorded on an inspection log. The Division, or the Prequalified Building Department that chooses to issue Annual Permits, shall have access to all inspection logs at all times and such records shall be submitted to the Division or the Prequalified Building Department within 30 days of the expiration date of Annual Permit.

- 6.9.5 If the inspection logs associated with the Annual Permit demonstrate compliance with the Annual Permit requirements, The Division or the Prequalified Building Department may issue a Certificate of Compliance for projects completed under that permit.
- 6.9.6 If the inspection logs associated with the Annual Permit demonstrate noncompliance with the Annual Permit requirements, the division will issue a correction notice and may withhold issuing another Annual Permit to the Board until all corrections have been satisfied.

ARTICLE 7 – Construction Inspections

7.1 Building Code Inspections

- 7.1.1 Construction or work for which a permit is required shall be subject to inspection by the Division, a Third Party Inspector contracted by the Board, or the Prequalified Building Department. Such construction or work shall remain accessible and exposed for inspection purposes until approved. Neither the Division, a Third Party Inspector contracted by the Board, nor the Prequalified Building Department shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.
- 7.1.2 Third Party Inspections: For all building permit applications issued by the Division, the affected Board shall hire and compensate third-party inspectors certified by the Division to perform inspections. A listing of certified Third Party Inspectors will be posted on the Division website. If the Board is unable to obtain a third-party inspector, a Building Department that has been prequalified by the Division shall oversee the project. If the Board is unable to obtain a third-party inspector and no Building Department has been prequalified, the Division shall conduct or contract with a Third Party Inspector to perform the required inspections and the Board shall compensate the Division or the contracted third-party inspectors for all associated inspection costs.
 - A) Prior to commencement of construction on projects requiring third party inspections, the Board shall notify the Division of the designated Third Party Inspector for the permitted project. The notification shall be made in writing using a form provided by the Division. The Division may request a preconstruction meeting with the Board, the contractor hired to perform the work, and the certified Third Party Inspector
 - B) The Division shall require a sufficient number of third-party inspection reports to be submitted by the inspector based upon the scope and cost of the project to ensure quality inspections are performed. Concurrent with the permit approval, the Division shall issue an Inspection Card specifying the applicable required inspections as set forth in Chapter 1 of the Building Code.
 - (1) The inspection card shall be on site throughout the duration of the project.
 - C) Violation of Third-Party Inspection Requirements: If the Division finds that inspections are not completed satisfactorily, or that all violations are not corrected, the Division shall take enforcement action against the appropriate Board pursuant to Article 11, and may require that the next project undertaken by the Board be delegated to the Prequalified Building Department
- 7.1.3 For permits issued by the Division, the final inspection shall be conducted only by the Division, after all work required by the building permit is completed. Mid-construction

inspections may be performed to observe progress and verify compliance with third-party inspection requirements as deemed necessary by the Division.

- 7.1.4 Third Party Inspectors shall include their printed name and state certification number in the appropriate location on the inspection report or card.

7.2 Fire Code Inspections

- 7.2.1 Project sites shall be inspected by the Fire Code Official to verify compliance with the Fire Code and approved construction documents. Construction inspections shall be conducted by a person certified as Fire Inspector II or Fire Inspector III – Plans Examiner. Third-party inspection provisions do not apply to the required Fire Code inspections. Fire inspections shall be performed by the Division, or the Qualified Fire Department. Neither the Division nor the Qualified Fire Department shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

- 7.2.2 A Certified Fire Suppression System Inspector shall perform inspections of fire suppression systems in accordance with C.C.R. 1507-11 – Colorado Fire Suppression Program.

- A) If the Certified Fire Inspector II also holds a Fire Suppression System Inspector certification, the inspector may perform both inspections.
- B) If the Certified Fire Inspector II is not also a Certified Fire Suppression System Inspector, the Fire Code Official shall obtain the services of a Certified Fire Suppression System Inspector to perform the suppression system inspections.

- 7.3 Results of all inspections shall be documented on the job site inspection card and in the official records of the inspecting entity, including type of inspection, date of inspection, identification of the responsible individual making the inspection, and comments regarding approval or disapproval of the inspection. Inspection records shall be retained by the inspecting entity for two years after the Certificate of Occupancy is issued.

- 7.3.1 Certified Fire Inspectors shall include their printed name and State fire inspector certification number in the appropriate locations on the inspection report or card.

7.4 Inspection Request Notification to the Division.

- 7.4.1 The Division shall be provided with notification in writing at least 5 days prior to any requested inspection. The Division will make all reasonable efforts to provide the inspection on the requested day or time, provided an inspector is available. If the inspection schedule is full, an alternate day and time will be proposed.

- 7.4.2 It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this code.

- 7.4.3 Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval from the appropriate inspection entity. The inspector, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or their agent wherein the same fails to comply with the codes adopted in these rules. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the appropriate inspection entity. The re-inspection shall be requested in accordance with Article 7.4.1.

ARTICLE 8 – Certificate of Occupancy

- 8.1 The Board shall not occupy or use a public school building or structure until a Certificate of Occupancy or a Temporary Certificate of Occupancy has been issued by Division, or the Prequalified Building Department.
- 8.2 The Division, or the Prequalified Building Department, may issue a Temporary Certificate of Occupancy if a Board requires immediate occupancy, and if the Board has passed the appropriate inspections, including fire inspections, that indicate there are no life safety issues. The Temporary Certificate of Occupancy shall expire ninety days after the date of issuance. If no renewal of the Temporary Certificate of Occupancy is issued or a permanent Certificate of Occupancy is not issued, the building shall be vacated upon expiration of the Temporary Certificate of Occupancy.

ARTICLE 9 – Maintenance Inspections and Inspection, Testing and Maintenance Programs.

- 9.1 Maintenance Inspections.
 - 9.1.1 The fire department providing fire protection service or the Division may perform inspections of buildings, facilities, and structures when deemed necessary to assure that they are maintained in accordance with the adopted Fire Code.
 - A) Maintenance inspections shall be performed at least annually.
 - B) If the fire department is unable or unwilling to perform maintenance inspections, the Division shall have the authority and duty to perform them.
 - C) If the fire department does not have an inspector certified as a Fire Inspector I or above, the Division will perform regular maintenance inspections for the Board to ensure compliance with this rule and the applicable statutes.
 - 9.1.2 Qualified Fire Departments performing maintenance inspections are required to notify the Division that such inspections are being performed and provide documentation when inspections are completed. If notice and/or documentation is not provided, the Division will attempt to contact the Qualified Fire Department. If documentation is still not provided, the Division will have the duty to inspect.
 - 9.1.3 Nothing in this Article 9.1 shall prohibit the fire department providing fire protection services from conducting routine assessments of buildings and structures, or prevent the department from correcting violations that pose an immediate threat to life safety. Additionally, nothing in this Article 9.1 shall prohibit the fire department from seeking enforcement action in a court of competent jurisdiction.
 - 9.1.4 A fire department providing fire protection service for buildings and structures of a Board that chooses to perform Fire Code inspections may refer notices of deficiencies to the Division for evaluation and enforcement.
 - A) Notices of deficiencies and requests for evaluation and enforcement shall be submitted in writing to the Public School Program Administrator as described in Article 13 of this Rule.
- 9.2 Inspection, Testing and Maintenance Programs.

- 9.2.1 The Board shall ensure that building systems are inspected, tested, and maintained as required by the adopted codes and referenced standards.
- 9.2.2 Personnel employed by a Board performing inspection, testing, and maintenance programs are not required to be Certified Fire Inspectors.
 - A) Exception: Personnel performing work on system components that would require permits, licensing, or registrations under any adopted codes, laws, or rules shall be registered or licensed as appropriate.
- 9.2.3 Inspection, Testing, and Maintenance Records shall be retained for at least two years. Records shall indicate the procedure or inspection performed by the organization that performed the procedure or inspection, the results, and the date. The Board shall provide these records for review by the Qualified Fire Department or to the Division upon request.

ARTICLE 10 – Building Code and Fire Code Inspector Certification

10.1 Building Code Inspectors

- 10.1.1 Building Inspectors shall be certified as part of the Prequalified Building Department process as described in Article 4 of this rule, or certified as Third-Party Building Inspectors in accordance with this Article 10.1.
- 10.1.2 Third Party Building Inspector Certification
 - A) Applicants seeking such certification shall be at least eighteen (18) years of age and have the following minimum qualifications:
 - (1) Hold current, appropriate building inspector certifications from ICC or other similar national organization, and have demonstrated education, training, and experience, or
 - (2) Have at least five years of demonstrated education, training, and experience in commercial building inspections and receive national certification within one year after the date of certification. Qualified applicants that have at least five years of demonstrated education, training, and experience in appropriate building inspections will be issued certifications for one year. Certification renewal will be contingent on the applicant obtaining commercial building inspector certification from ICC or other similar national organization, prior to the expiration date of the applicant's inspector certification.
- 10.1.3 Duties of Third-Party Inspectors
 - A) Third Party Inspectors, contracted by the Board, shall conduct the required inspections, and require corrections or modifications as necessary to ensure that a building or structure is constructed in conformity with the building code adopted by the Division.
 - B) Third Party Inspectors, contracted by the Board, shall enforce only the codes adopted by the Division
 - C) The Board shall only use inspectors that are certified by the Division to work on Public School Construction projects.

- D) Third Party Inspectors contracted by the Board shall cause copies of their inspection reports to be sent to the Division.
- E) If all inspections are not completed and a building requires immediate occupancy, and if the Board has passed the appropriate inspections that indicate there are no life safety issues, the certified Third Party Inspectors contracted by the Board shall notify the Division so that a Temporary Certificate of Occupancy may be issued to allow the Board to occupy the buildings and structures.
- F) Third Party Inspectors contracted by the Board shall attest that inspections are complete and all violations are corrected before the Division issues the Board a Certificate of Occupancy. The certified Third Party Inspectors shall retain inspection records for two years after the Certificate of Occupancy is issued.

10.1.4 Applicants shall complete the following items for application as a Certified Third Party Inspector:

- A) Complete the application form for third-party inspector certification, which is available from the Division website.
- B) Provide a resume and sufficient proof of qualification including proof of national certifications, or description of equivalent education, training and experience.
- C) Pay the required certification fee.

10.2 Fire Inspector Certification

10.2.1 Fire Inspectors performing construction plan review and inspections shall be "Certified Fire Inspectors" as defined in section 24-33.5-1202 (2.5), C.R.S.

10.2.2 There shall be three levels of certification for Fire Inspectors. Inspectors shall be certified to the appropriate level defined in Sections A through C of this Article for the task performed.

- A) FIRE INSPECTOR I - In order to become certified as Fire Inspector I, a person must meet at least one of the following criteria:
 - (1) Possess current and valid inspector certification(s) issued by a nationally recognized organization, which includes knowledge in fire protection and life safety systems, plan review and inspection. The following certifications are approved:
 - (a) ICC Fire Inspector I
 - (b) NFPA Fire Inspector I
 - (2) Submit documentation to the Division to demonstrate that they have the requisite skills and knowledge specified in NFPA 1031 – *Standard for Professional Qualifications for Fire Inspector and Plans Examiner* for Fire Inspector I, including education, training and experience. The following list identifies examples of education, training and experience that may be considered as equivalent to the requisite skills and knowledge for Fire Inspector I. This list shall not be considered as all-inclusive.

- (a) A combination of three (3) years of education and work experience in fire protection and/or code enforcement is required. Education shall be an Associate Degree or above in Fire Science, Fire Prevention, Fire Protection Engineering or other approved related major. Work experience shall be specifically in fire prevention, fire protection, code enforcement or inspection.
- (b) Evidence of completion of courses that directly relate to fire protection inspections delivered by a recognized organization or institution.
- (c) Current Colorado license as a registered professional engineer specializing in fire protection.
- (d) Submit evidence of current and valid certification in another state, which is determined by the Division to be at least equivalent to the requirements listed herein.

B) FIRE INSPECTOR II - In order to become certified as Fire Inspector II, a person must meet at least one of the following criteria:

- (1) Possess current and valid inspector certification(s) issued by a nationally recognized organization, which includes knowledge in fire protection and life safety systems, plan review and inspection. The following certifications are approved:
 - (a) ICC Fire Inspector II
 - (b) NFPA Fire Inspector II
- (3) Submit documentation to the Division to demonstrate that they have the requisite skills and knowledge specified in NFPA 1031 – *Standard for Professional Qualifications for Fire Inspector and Plans Examiner* for Fire Inspector II including education, training and experience. The following list identifies examples of education, training and experience that may be considered as equivalent to the requisite skills and knowledge for Fire Inspector II. This list shall not be considered as all inclusive.
 - (a) A combination of four (4) years of education and work experience in fire protection and/or code enforcement is required. Education shall be an Associate Degree or above in Fire Science, Fire Prevention, Fire Protection Engineering or other approved related major. Work experience shall be specifically in fire prevention, fire protection, code enforcement or inspection.
 - (b) Evidence of completion of courses that directly relate to fire protection inspections delivered by a recognized organization or institution.
 - (c) Current Colorado license as a registered professional engineer specializing in fire protection.

- (d) Submit evidence of current and valid certification in another state, which is determined by the Division to be at least equivalent to the requirements listed herein.
- C) FIRE INSPECTOR III – PLANS EXAMINER - In order to become certified as Fire Inspector III – Plans Examiner, a person must meet at least one of the following criteria:
 - (1) Possess current and valid inspector certification(s) issued by a nationally recognized organization, which includes knowledge in fire protection and life safety systems, plan review and inspection. Applicants holding at least one qualification from each of the following categories are approved.
 - (a) ICC Fire Inspector II, NFPA Fire Inspector II, or DFPC Fire Inspector II and
 - (b) ICC Fire Plans Examiner, ICC Building Plans Examiner, or NFPA Fire Plan Examiner, or

2 years minimum documented plan review experience.
 - (2) Submit documentation to the Division to demonstrate that they have the requisite skills and knowledge specified in NFPA 1031 – *Standard for Professional Qualifications for Fire Inspector and Plans Examiner* for Fire Inspector II and for Fire Plans Examiner II, including education, training and experience. The following list identifies examples of education, training and experience that may be considered as equivalent to the requisite skills and knowledge for Fire Inspector III. This list shall not be considered as all inclusive.
 - (a) A combination of five (5) years of education and work experience in fire protection and/or code enforcement is required. Education shall be an Associate Degree or above in Fire Science, Fire Prevention, Fire Protection Engineering or other approved related major. Work experience shall be specifically in fire prevention, fire protection, code enforcement or inspection.
 - (b) Evidence of completion of courses that directly relate to fire protection inspections delivered by a recognized organization or institution.
 - (c) Current Colorado license as a registered professional engineer specializing in fire protection.
 - (d) Submit evidence of current and valid certification in another state, which is determined by the Division to be at least equivalent to the requirements listed herein.
- D) Recognized organizations or institutions for equivalent training and education include, but are not limited to:
 - (1) Regionally accredited post-secondary institutions
 - (2) National Fire Protection Association
 - (3) International Code Council

- (4) National Fire Academy
- (5) IFMA Fire Protection Institute
- (6) State chapters of nationally recognized organizations or institutions

10.2.3 Duties of Certified Fire Inspectors

- A) Fire Inspectors shall conduct the required plan reviews and inspections, and require corrections or modifications as necessary to ensure that a building or structure is constructed in conformity with the fire codes adopted by the Division.
- B) Fire Inspectors shall enforce only the codes adopted by the Division.
- C) Fire Inspectors shall cause copies of their inspection reports to be sent to the Division.
- D) If all inspections are not completed and a building requires immediate occupancy, and if the Board has passed the appropriate inspections that indicate there are no life safety issues, the Fire Inspector may recommend to the Division or the Prequalified Building Department that a Temporary Certificate of Occupancy be issued to allow the Board to occupy the buildings and structures.
- E) Fire Inspectors or their employers shall maintain records of all plan reviews and inspections conducted during the three year certification period or longer, as required by law. Said records shall be made available for review by the Division, upon request.

10.2.4 Applicants shall complete the following items for application as a Certified Fire Inspector:

- A) Complete the application form for inspector certification, which is available from the Division website.
- B) If the applicant does not have equivalent national certifications, and is not taking the state examination, provide a resume and sufficient proof of equivalent qualification including education, training and experience to document that minimum certification requirements are satisfied.
- C) Pay the required certification fee.

10.3 Renewal of Inspector Certifications

10.3.1 Third-Party Inspector and Fire Inspector Certifications are valid for a period of three years from the date of issuance, unless earlier suspended or revoked.

10.3.2 Renewal of Inspector certification is the responsibility of the certified individual. Renewal shall require an application accompanied by the following:

- A) Complete the application form for inspector certification renewal, which is available from the Division.
- B) Certification renewal is contingent on meeting *one* of the following educational requirements during the three-year certification period:
 - (1) Fifteen hours of continuing education relating to the field of building construction or fire protection, as applicable, including, but not limited to,

classes, seminars, and training conducted by professional organizations or trade associations; or.

- (2) Documentation to the Division of 1.5 CEU's relevant to the field of building construction or fire protection as applicable, by participation in educational and professional activities. CEU's will be granted for the professional development activities as depicted in the table below: (It is important to obtain documentation and keep records of each activity attended during the certification period).
- (3) Successful renewal of equivalent ICC or NFPA certifications shall be considered as acceptable criteria for renewal of the State inspector certification. Submit proof of ICC or NFPA renewal with the renewal application.

Participation as a student in a seminar or technical session related to building construction or fire protection and life safety systems (depending upon the certification) conducted by a qualified organization ¹ .	0.1 CEU per clock hour of attendance
Attendance at NFPA and/or ICC code development hearings related to fire protection, fire prevention or life safety.	0.1 CEU per clock hour of attendance up to 1.0 CEU per renewal period.
Committee or board service for NFPA and/or ICC for one full year.	0.5 CEU per committee, per year.
Instruction of a seminar or technical session delivered for a related professional association, state or local code enforcement agency, standards writing organization or any related program.	0.1 CEU per clock hour of instruction delivered.
Participation as a student in a university, community college, junior college, technical or vocational school in a course related to, building construction or fire protection, fire prevention or life safety (depending upon the certification).	1.0 CEU per credit hour.
Participation as an instructor in a university, community college, junior college, technical or vocational school in a course related to building construction or fire protection, fire prevention or life safety (depending upon the certification).	1.0 CEU per credit hour.
Documented in-house training or continuous employment as a code official, plans examiner, or inspector. Training shall be documented and approved by the chief executive, fire chief or training officer for the applicant's organization.	Up to 0.3 CEU per renewal period.
Publication of a paper, book or technical article for a related textbook or professional trade journal.	1.0 CEU per publication.

¹ Pertinent courses provided by organizations listed in 10.2.2(D) as well as the National Fire Sprinkler Association, National Fire Alarm Association, American Fire Sprinkler Association, and International Fire Marshal's Association are deemed qualified. Courses provided by other entities may be accepted after review by the Division.

- C) Payment of the required renewal fee.

10.4 Denial, revocation, suspension, annulment, limitation or modification of certification.

10.4.1 Denial of Certification

- A) The Division, in accordance with the Administrative Procedures Act, Section 24-4-101, et seq., C.R.S., may deny any certificate or refuse to renew a certificate to any applicant for, but not limited to, the following reasons:
 - (1) Failure to meet requirements specified in these rules pertaining to the issuance of certificates and/or the renewal of certification.
 - (2) Any conduct as described in Article 10.4.2.B pertaining to good cause for disciplinary action.
 - (3) Fraud, misrepresentation, or deception in applying for or securing certification, or in taking any written certification examination.
 - (4) Aiding and abetting another person in procuring or attempting to procure certification for any person who is not eligible for certification.

10.4.2 Revocation, suspension, or limitation of certification.

- A) Any certification issued by the Division may be suspended, summarily suspended, revoked, or limited for good cause in accordance with the Administrative Procedures Act, Section 24-4-101, et seq., C.R.S.
- B) Good cause for disciplinary sanctions listed in this Article (denial, revocation, suspension, annulment, limitation, or modification of certification) shall include, but not be limited to:
 - (1) Evidence that the minimum standards for certification set forth in these rules have not been met.
 - (2) Material misstatement or misrepresentation on the application for certification.
 - (3) Proof of unfitness.
 - (4) Proof of individual's failure to meet, and continue to meet, performance standards at the level certified.
 - (5) Obtaining or attempting to obtain certification or recertification by fraud, misrepresentation, deception, or subterfuge.
 - (6) Materially altering any Division certificate, or using and/or possessing any such altered certificate.
 - (7) Unlawfully discriminating in the provisions of services based upon national origin, race, color, creed, religion, sex, age, physical or mental disability, sexual preference, or economic status.
 - (8) Representing qualifications at any level above the person's current certification level.
 - (9) Failure to pay required fees for certification.

- 10.4.3 In addition to those items listed in Rule 10.4.2.B, good cause for disciplinary sanctions listed in this Article (denial, revocation, suspension, annulment, limitation, or modification of certification) against the certification held by an exam proctor shall include, but not be limited to:
- A) Failure to adhere to the policies, procedures, and administrative requirements for delivery, documenting, test administration, and certification as adopted, administered and/or recognized by the Division.
 - B) Failure to maintain security over written exams, including unauthorized access or reproduction of examination materials.
- 10.4.4 If the Division finds that grounds exist for the denial, revocation, suspension, annulment, limitation, or modification of certification of any applicant, action shall be taken according to the provisions of the Colorado Administrative Procedure Act, Section 24-4-101, et seq., C.R.S.
- 10.4.5 Upon the denial, revocation, suspension, annulment, limitation, or modification of any applicant, all certificates, cards, patches or other identification issued by the Division for said certification and accreditation levels shall be returned to the Division.

ARTICLE 11 – Enforcement

- 11.1 The Director of the Division shall enforce the requirements of the codes adopted in Article 3 in accordance with the provisions of Section 24-33.5-1213, C.R.S.
- 11.1.1 The Director may issue a notice of violation to a person who is believed to have violated the provisions of the Codes as determined by an inspection in accordance with the procedures described in Section 24-33.5-1213, C.R.S.
- 11.1.2 An enforcement order issued pursuant to Section 24-33.5-1213, C.R.S. may impose a civil penalty, depending upon the severity of the alleged violation, not to exceed five hundred dollars per violation, for each day of violation; except that the Director may impose a civil penalty not to exceed one thousand dollars per violation, for each day of violation, that results in, or may reasonably be expected to result in, serious bodily injury.
- 11.1.3 The Director may file suit in the district court in the judicial district in which a violation is alleged to have occurred to judicially enforce an enforcement order issued pursuant to Section 24-33.5-1213, C.R.S.
- 11.2 A person who is the subject of, and is adversely affected by, a notice of violation or enforcement order issued pursuant to Article 11 may appeal such action to the Executive Director of the Department of Public Safety. The Executive Director shall hold a hearing to review such notice or order and take final action in accordance with Title 24, Article 4, C.R.S.. Final agency action shall be subject to judicial review pursuant to Title 14, Article 4, C.R.S..
- 11.3 It is not the intent of this Article 11 to remove, limit or modify enforcement authority of the fire department providing fire protection service for buildings or structures of a Board.

ARTICLE 12 – Appeals

- 12.1 A board of education, the state charter school institute, a charter school, or a junior college board of trustees that is the subject of, and adversely affected by, a decision or interpretation made by an entity that conducts a plan review or inspection pursuant to Sections 22-32-124 or 23-71-

122(1)(v), C.R.S., may appeal such action to the Board of Appeals formed by Section 24-33.5-1213.7, C.R.S.

12.1.1 The affected party shall first appeal to the plan review or inspection entity. After consideration, the entity shall issue its final written decision on the matter.

12.1.2 If the affected party still disagrees with a decision made by a local authority having jurisdiction or prequalified building department it may appeal to the Director. After consideration, the Director or his designee shall issue the Division's final written decision on the matter.

12.1.3 If the affected party still disagrees, it may appeal to the General Board of Appeals. The appeal shall be filed within thirty days after the date of the final written decision by the Director or his designee. Upon receipt of an appeal, the Division shall notify the Chair of the Board of Appeals and schedule a hearing no more than fifteen days after the date the appeal was filed.

12.1.3 An application for appeal shall be based on a claim that the true intent of this code or the standards legally adopted therein have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The Board of Appeals shall not waive any requirements of the codes or standards; however the Board of Appeals may recommend alternative materials or methods as provided in the codes or standards. The final written decision of the Board of Appeals is final agency action for purposes of section 24-4-106, C.R.S.

ARTICLE 13 – Fees and Charges

13.1 Inspector Certification Fees: The Division shall charge the following fees for inspector certifications:

Inspector Certification Fees	
Certification of Inspectors equivalent qualification review	\$40.00
Renewal of Fire Inspector certification	\$20.00
Certification or renewal of Inspectors by reciprocity of equivalent ICC or NFPA certifications.	\$10.00

13.2 Plan review, construction permit and inspection fees.

13.2.1 The Division shall charge a fee for plan review and issuance of a permit to cover the actual, reasonable, and necessary expenses of the Division for those expenses related to the Public School Construction Program.

13.2.2 The plan review, construction permit and inspection fees are calculated based on the total project valuation (TPV).

- A) The building inspection component of this fee in 13.2.4.A only includes an oversight (interim) inspection and a final inspection conducted by the Division prior to the issuance of a Certificate of Occupancy.
- B) The fire inspection component of the fee in 13.2.4.B includes the necessary rough and final inspections.

- C) Division inspection fees do not include costs associated with inspections conducted by local fire departments or third-party inspectors.
- D) Inspections, including travel time, beyond those specified above, will be assessed a fee of \$100/hour or portion thereof.

13.2.3 The Director of the Division will review the fund balance periodically and may reduce or increase the amount of the fee, if necessary, pursuant to section 24-75-402 (3) and 24-75-402 (4), C.R.S.

13.2.4 The following table enables determination of total fees (plan review and construction permit fees) prior to submittal of a project. The fee applied to a project will be the fee schedule in effect on the date of application submittal.

- A) Fees for Building Code reviews performed by the Division

Building Code Plan Review, Permit and Inspection Fees

Total Project Valuation (TPV)	Fee	
\$1 to \$25,000	\$ 0	+ .0300(TPV) (\$150 min)
\$25,001 to \$50,000	\$750	+ .0200(TPV - \$25,000)
\$50,001 to \$100,000	\$1250	+ .0130(TPV - \$50,000)
\$100,001 to \$500,000	\$1,900	+ .0070(TPV - \$100,000)
\$500,001 to \$1,000,000	\$4,700	+ .0060(TPV - \$500,000)
\$1,000,001 to \$2,000,000	\$7,700	+ .0030(TPV - \$1,000,000)
\$2,000,001 to \$4,000,000	\$10,700	+ .0020(TPV - \$2,000,000)
\$4,000,001 to \$16,000,000	\$14,700	+ .0010(TPV - \$4,000,000)
\$16,000,001 +	\$18,700	+ .0006(TPV - \$16,000,000)

- (1) Portable/Modular Building Fees per site: \$950 for the first unit, each additional portable/modular is \$120, up to 10 units.
- (2) Re-Roof: Use fee schedule above, \$950 minimum
- (3) Boiler/Chiller/Furnace/Air Handling Unit: Use fee schedule above, \$950 minimum
- (4) Annual Permit: \$600

- B) Fees for Fire Code reviews by the Division

- (1) Fire Code Review Fees are equal to the project valuation cost multiplied by a factor of \$0.00064, with a minimum fee of \$350.
- (2) Fire alarm system replacements use schedule above, with a minimum fee of \$900.

- C) Both Building and Fire Code Reviews performed by the Division

- (1) Fees will equal the sum of both the Building review fees in Article 13.2.4.A and the Fire review fees in Article 13.2.4.B.

13.2.5 Half of the fees must be submitted prior to commencement of plan review and the remaining half must be submitted prior to permit issuance. Inspections shall not be performed until the required fee has been paid.

13.2.6 Re-inspection fees: The Division may assess a \$400 re-inspection fee for each inspection or re-inspection, when such portion of work for which the inspection is called is not completed, or when corrections previously called for are not made. Reinspections exceeding 4 hours in length, including travel time, will be charged \$100 for each additional hour or portion thereof.

A) This Article is not to be interpreted as requiring re-inspection fees the first time a job is rejected for failure to comply with the requirements of the adopted code. It is intended to control the practice of calling for inspections before the work is ready for such inspection or re-inspection.

13.2.7 Off-hours inspections: The Division may assess an off-hours inspection fee of \$400 for inspections requested outside of normal business hours.

A) Normal inspection hours are Monday through Friday between 7:00 am and 5:00 pm.

B) Off-hours inspections are scheduled on an "as-available" basis. The Division is not obligated to provide inspections outside of normal operating hours if an inspector is not available.

13.2.8 The Division may assess a fee of \$100 for the replacement of a lost inspection record card.

13.3 Maintenance Inspection Fees: The following fees shall be charged for maintenance inspections performed by the Division:

Maintenance Inspection Fees	
0 – 150 Students	\$150
151 – 300 Students	\$300
301 – 450 Students	\$450
451 or more Students	\$600

13.3.1 Student counts for fees shall be based upon the current pupil membership data published at the time of the inspection by the Colorado Department of Education.

13.3.2 Fees are charged per address. Total student counts are considered for consolidated schools located at one address.

13.3.3 Failure to pay for Fire Code inspections performed shall result in a notice of violation and enforcement in accordance with Article 11 of this rule.

13.4 Fees may be waived or modified when appropriate at the discretion of the Director or his designee. Requests for waiver or modification shall be in writing.

ARTICLE 14 – Severability

- 14.1 If any provision, or application of these rules are held invalid, all other provisions and applications of these rules, shall remain in effect.

ARTICLE 15 – Inquiries

- 15.1 All questions or requests for interpretation of these rules shall be submitted in writing to the Colorado Division of Fire Prevention and Control, Fire and Life Safety Section Chief.

John W. Suthers
Attorney General

Cynthia H. Coffman
Chief Deputy Attorney General

Daniel D. Domenico
Solicitor General



Ralph L. Carr
Colorado Judicial Center
1300 Broadway, 10th floor
Denver, CO 80203
Phone 720-508-6000

State of Colorado
Department of Law
Office of the Attorney General

Tracking number: 2014-00975

Opinion of the Attorney General rendered in connection with the rules adopted by the
Division of Fire Prevention and Control

on 10/16/2014

8 CCR 1507-30

FIRE CODE ENFORCEMENT AND CERTIFICATION OF FIRE INSPECTORS FOR PUBLIC
SCHOOLS, CHARTER SCHOOLS AND JUNIOR COLLEGES

The above-referenced rules were submitted to this office on 10/17/2014 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

October 29, 2014 11:52:05

A handwritten signature in black ink, appearing to read "JWS", is written over a light blue rectangular background.

John W. Suthers
Attorney General
by Daniel D. Domenico
Solicitor General

Permanent Rules Adopted

Department

Department of Human Services

Agency

Income Maintenance (Volume 3)

CCR number

9 CCR 2503-7

Rule title

9 CCR 2503-7 OTHER ASSISTANCE PROGRAMS 1 - eff 12/01/2014

Effective date

12/01/2014

Tracking# 2014-00899
FA/P 10/3/14, eff. 12/1/14

I:/14050101_Submittal
[I:/14050101.doc]

(9 CCR 2503-1)

[Instructions: insert at the end of the Statement of Basis and Purpose section.]

Revisions to Sections 3.750.11 through 3.750.13, 3.751.1, 3.751.31, 3.751.35, 3.751.41 through 3.751.43, 3.751.51, 3.751.53, 3.751.71 through 3.751.72, 3.752, 2.752.2 through 3.752.21, 3.752.22 through 3.752.23, 3.752.25 through 3.752.28, 3.754.1, 3.755.11 through 3.755.13, 3.755.21, 3.756.11, 3.756.2, 3.758.31 through 3.758.32, 3.758.41, 3.758.46 through 3.758.47, 3.759.11 (9 CCR 2503-7); 3.901 through 3.903, 3.904.1, 3.905, 3.908.1, 3.910, 3.913, 3.915.2, 3.915.3, 3.919, and 3.921 (9 CCR 2503-9) ; and, addition of Sections 3.751 through 3.751.22, 3.751.44, 3.751.64, 3.752.211 through 3.752.212, 3.753 through 3.754, 3.754.11 through 3.754.12, 3.755.14 through 3.755.17, 3.755.44 (9 CCR 2503-7) were adopted as final at the 10/3/2014 State Board meeting (Rule-making#s 14-5-1-1 and 14-8-25-1), with an effective date of 12/1/2014. Statement of Basis and Purpose and specific statutory authority for these revisions were incorporated by reference into the rule. These materials are available for review by the public during normal working hours at the Colorado Department of Human Services, Office of Enterprise Partnerships, State Board Administration.

(9 CCR 2503-7)

[Instructions: Replace the following.]

3.750 LOW-INCOME ENERGY ASSISTANCE PROGRAMS

3.750.1 AUTHORITY

3.750.11 Low-Income Home Energy Assistance Act [Rev. eff. 12/1/14]

Programs authorized under the Low-Income Home Energy Assistance Act include a Heating Fuel Assistance Program and a Crisis Intervention Program.

3.750.12 Intent of the Heating Fuel Assistance Program [Rev. eff. 12/1/14]

The Heating Fuel Assistance Program is intended to help meet winter home heating costs of households composed of low-income families and individuals.

3.750.13 Intent of the Crisis Intervention Program [Rev. eff. 12/1/14]

The Crisis Intervention Program (CIP) is intended to assist with the repair or replacement of the non-working primary heating system of approved Heating Fuel Assistance Program applicants.

3.750.14 (None) [Rev. eff. 2/1/12]

3.750.15 Funding [Rev. eff. 9/1/11]

This program is federally and privately funded and is subject to availability of funds. If funds are increased, decreased or become unavailable, the services provided herein shall be increased, decreased or terminated accordingly.

3.751 GENERAL PROVISIONS

3.751.1 DEFINITIONS [Rev. eff. 12/1/14]

"Applicant": The person who completes and signs the basic LEAP application form. This is also the only household member who is required to provide proof of lawful presence as defined in these rules.

"Approved Vendor" means a vendor that has signed a state specified agreement as it is prescribed in Section 3.758.46.

"Bulk Fuel": Bulk fuel is an energy source for home heating which may be purchased in quantity from a fuel supplier and stored by the household to be used as needed. Normally, bulk fuel includes wood, propane, kerosene, coal and fuel oil.

"Completed Application": A basic LEAP application shall be considered to be a completed application when:

- A. The applicant has provided an adequate response to all application questions which are necessary to determine eligibility and payment level;
- B. The applicant has provided all required verification. A Social Security Number (SSN) for each household member or proof of application for a SSN must be provided. A SSN is required to determine eligibility. If no SSN is provided for a household member, that member will not be included in the household, but the member's income will be counted;
- C. The application is signed;
- D. The applicant has provided proof of lawful presence in the United States (see Section 3.753).

"Date of Application": For purposes of the Low-Income Energy Assistance Programs, the date of application shall be the date an application form that contains a legible name and address is received by the county department.

"Disabled or Handicapped": For purposes of the Low-Income Energy Assistance Programs, the term disabled or handicapped means persons who receive vocational rehabilitation assistance; Social Security disability, SSI, AB, AND, veterans disability payments, or who provide a physician's statement which indicates incapacity to engage in substantial gainful employment. This definition may be different for other public assistance programs.

"Elderly": For the purposes of these rules, the term elderly means aged 60 or over.

"Eligibility Period": There shall be one eligibility period for the Basic Low-Income Energy Assistance Programs from November 1st through April 30th. If April 30th for a particular calendar year falls on a holiday or weekend, then the eligibility period shall be extended until midnight the next business day. This program is contingent upon the continued availability of funds in accordance with Sections 3.750.15 and 3.758.48.

"Emergency Applicant": This is a household which has had heat service discontinued or is threatened with discontinuance, or is out of fuel or will run out of fuel within fourteen calendar days or the client is responsible for heating costs that are included in rent and has received an eviction notice to vacate the premises within thirty (30) calendar days.

Applications for households in these situations shall be processed expeditiously and the emergency addressed within fourteen calendar days of notification of the emergency by the applicant to the county department.

"Estimated Home Heating Costs (EHHC)": The amount of the heating costs incurred during the previous heating season for the applicant's address at the time of application to be used as an estimate, or projection, of the anticipated heating costs for the current heating season (November 1st through April 30th). Such estimated heating costs shall not include payment arrearages, investigative charges, reconnection fees, or other such charges not related to residential fuel prices and consumption levels. An EHHC can only be obtained from approved vendors, for all other vendors use flat rates.

"Heat Related Arrearage": Any past due amounts for the primary heating fuel and/or supportive fuel.

"Home Heating Costs": Charges related directly to the primary heating fuel used in a residential dwelling.

"Household": The term "household" shall mean any individual or group of individuals who are living together as one economic unit for whom primary heating fuel is customarily purchased in common or who make undesignated payments for heat in the form of rent.

"Income Verification Period": The income verification period is from the date of application to the same date of the prior month (approximately thirty (30) calendar days prior to date of application) when used to verify income except for earned ongoing income in accordance with Section 3.752.22, B.

"Life Threatening Crisis" means a household whose members' health and/or well-being would likely be endangered if energy assistance or repair or replacement of the primary heating system is not provided.

"Non-Bulk Fuel": Non-bulk or metered fuel is an energy source for home heating which is provided by a utility company and is regulated and metered by the utility company. Normally, non bulk fuel includes natural gas and electricity.

"Non-Traditional Dwelling": A non-traditional dwelling means a structure that provides housing that is not affixed to a permanent physical address or is enumerated as such in this rule (see Section 3.752.25), including, but not limited to, cars, vans, buses, tents and lean-tos.

"Point in Time": Point in time indicates that eligibility is determined by accounting for the circumstances of the household on the date of the application, regardless of any changes thereafter.

"Poverty Level": The term poverty level as used in these rules describes federal guidelines updated annually by the U.S. Department of Health and Human Services. The guidelines, printed in the Federal Register, establish minimum subsistence income levels by household size.

"Primary Heating Fuel": The primary heating fuel is the main type of fuel used to provide heat within the dwelling. When heat (such as natural gas and/or electric) is included in the rent, this may be reflected as "utilities" included in rent.

"Primary Heating Source": The primary heating system that provides heat to the dwelling such as a furnace, wood burning stove or boiler. Temporary or portable heating sources are not considered a primary heating source and, therefore, are not eligible for LEAP assistance.

"Program Year": means from November 1st through April 30th for the Heating Fuel Assistance Program. If April 30th for a particular calendar year falls on a holiday or weekend, then the eligibility periods shall be extended until midnight the next business day. This program is contingent upon the continued availability of funds in accordance with Sections 3.750.15 and 3.758.48.

"Propane Bottles are small propane containers that hold less than one hundred (100) gallons.

"Public Assistance Income": For purposes of verifying income under the Low-Income Energy Assistance Programs, the term public assistance income shall mean income received from the following types of Department of Human Services programs:

- A. Colorado Works;
- B. OAP (Old Age Pension, both the SSI-supplement and State-only groups);
- C. AND (Aid to the Needy Disabled, both the SSI-supplement and State-only groups);
- D. AB (Aid to the Blind, both the SSI-supplement and State-only groups);
- E. NCRA (Non-Categorical Refugee Assistance);
- F. SSDI (Social Security Disability Insurance) for clients on another state program, such as a Medicaid waiver or buy in program.

"Report of Contact (ROC)" means the electronic chronological history of the case which contains both system generated entries and manual entries.

"Subsidized Housing": Subsidized housing means housing in which a tenant receives an ongoing governmental or other subsidy (e.g., assistance provided by a church) and the amount of rent paid is based on the amount of the tenant's income.

"Supportive Fuel": Supportive fuel is an energy source needed to operate the primary heating system in a residential setting. For example, electricity is a supportive fuel required to operate a natural gas furnace. Supportive fuels are not eligible for LEAP assistance.

"Traditional Dwelling": Traditional dwelling means a structure that provides a housing or residential environment that is affixed to a permanent physical address.

"Vendor": A vendor is an individual, a group of individuals, or a company who is regularly in the business of selling fuel (bulk or non bulk) to customers for residential home heating purposes.

3.751.2 HOUSEHOLDS [Eff. 12/1/14]

- A. Any individual considered as part of an approved household cannot subsequently be considered as part of another household during the same eligibility period.
- B. Each person living at a dwelling must be counted as either a member of the applicant's household or a member of a separate household.
- C. The maximum number of household members shall be fifteen (15). The maximum number of separate households shall be nine (9).
- D. The following cannot be classified as separate households:
 - 1. Husband and wife living together;
 - 2. Children under eighteen (18) years of age and living in the same dwelling as the parent or guardian, unless emancipated;
 - 3. Individuals that enter into civil unions.

3.751.21 Permanent Separation [Eff. 12/1/14]

A married couple is considered to be permanently separated when:

- A. They are divorced or legally separated; or,
- B. Both physical and financial ties have been dissolved and a relationship as spouses no longer exists.

3.751.22 Presumption of Marriage [Eff. 12/1/14]

Unless there has been a divorce or legal separation, the presumption is made that the couple is still married. Such presumption must be refuted by persons, other than the spouses, who can establish that they are in a position to know and assert that a complete and permanent separation does, in fact, exist.

3.751.3 NON DISCRIMINATION POLICIES/RIGHT AND OPPORTUNITY TO APPLY

3.751.31 Non-Discrimination [Rev. eff. 12/1/14]

Non-discrimination policies as outlined in this rule manual shall apply to all households applying for the Heating Fuel Assistance Program .

3.751.32 Opportunity to Apply [Rev. eff. 11/1/84]

All persons shall be provided an opportunity to file an application form on the date of initial contact with the county department during the application period.

3.751.33 Interpreters [Rev. eff. 9/1/11]

An interpreter shall be available to assist persons known to the Department to be non-English speaking in completing application forms and to provide information between the applicant and the county department.

3.751.34 Authorized Representative [Rev. eff. 11/1/13]

A formal, legal authorized representative may apply on behalf of an applicant household when the applicant household is unable to apply on its own behalf. Proper legal documentation of guardianship and/or durable power of attorney must be presented.

3.751.35 Authorized Signature by Mark [Rev. eff. 12/1/14]

Applicants who are partially or totally illiterate and who cannot write their names shall make a mark, and such mark shall be witnessed by the signature of at least one witness. The address of such witness shall follow the signature. County workers may act as witnesses if not related to the applicant.

3.751.4 NOTICE AND HEARINGS

3.751.41 Timely and Adequate Notice [Rev. eff. 12/1/14]

The requirements for providing timely and adequate notice of proposed actions and opportunity for hearings and appeals are as provided in the chapter on "Administrative Procedures" in Section 3.830 (9 CCR 2503-8), except as specifically provided in the rules governing the Heating Fuel Assistance Program.

3.751.42 Denials [Rev. eff. 12/1/14]

Notices of denial shall advise the applicant of the reason for the denial, the regulation citation relied on by the county department, and appeal rights and procedures. For advance payments of the Heating Fuel Assistance Program, notices of denial shall advise the applicants of their right to a forthwith hearing.

3.751.43 Request for a State Level Fair Hearing [Rev. eff. 12/1/14]

County departments shall notify the State LEAP office in writing within seven (7) days upon receipt of a request for a State level fair hearing by an applicant on Heating Fuel Assistance Program. See Sections 3.850.1 – 3.850.56 (9 CCR 2503-8).

3.751.44 Notice of Appropriate Use of Electronic Benefit Transfer (EBT) Card [Eff. 12/1/14]

An explanation shall be provided regarding the process of utilizing the Electronic Benefit Transfer (EBT) card. This explanation shall include prohibited establishments including, but not limited to, liquor stores, gambling establishments, adult oriented establishments and marijuana shops; and an explanation that the LEAP cash portion issued on the EBT card may be suspended with identified misuse.

3.751.5 RECOVERY AND FRAUD PROCEDURES

3.751.51 Recoveries [Rev. eff. 12/1/14]

County departments must institute recoveries to ensure that Heating Fuel Assistance Program benefits do not exceed the maximum amounts described in these rules. Recovery procedures shall be the same as in adult program rules as described in the "Administrative Procedures" Chapter or as otherwise specified in these rules. Note: Sections 3.810.13, 3.810.14, and 3.810.32 (9 CCR 2503-8) do not apply to LEAP.

3.751.52 Determination of Recovery of Overpayment [Rev. eff. 10/1/01]

When overpayments, made directly to the client, have been verified by the county department, a determination as to whether recovery is appropriate shall be made within fifteen (15) calendar days after receipt of reports issued by the State Department designed to assist county departments in identifying and correcting such payments.

3.751.53 Definition of Overpayment [Rev. eff. 12/1/14]

Overpayment of Heating Fuel Assistance Program benefits shall mean a household has received benefits in excess of the amount due that household based on eligibility and payment determination in accordance with these rules.

3.751.6 REPORTING AND MONITORING

3.751.61 Reporting

All recoveries shall be reported to the State Department at the conclusion of the program year.

3.751.62 Reports and Fiscal Information [Rev. eff. 11/1/98]

County departments shall provide the State Department with reports and fiscal information as deemed necessary by the State Department.

3.751.63 Monitoring [Rev. eff. 11/1/98]

The State Department shall have responsibility for monitoring programs administered by the county departments based on a monitoring plan developed by the State Department. Such plan shall include provisions for programmatic and local reviews and methods for corrective actions.

3.751.64 County Case File Review [Eff. 12/1/14]

County department supervisory personnel shall review eligibility determinations monthly, from October 1st to May 30th, and submit the results of those reviews when requested by the state. At minimum the supervisor shall:

- A. Pull a random sample of two determinations per technician;
- B. Determine the correctness of eligibility determinations accomplished.
- C. Ensure timely correction of any determination errors; and,
- D. Maintain a record of the cases reviewed for audit purposes.

3.751.7 REIMBURSEMENT AND SANCTIONS

3.751.71 Reimbursements [Rev. eff. 12/1/14]

Subject to allocations as determined by the State Department, county departments shall be reimbursed up to 100% for all allowable costs incurred for the operation of the Heating Fuel Assistance Program, outreach, and other administrative costs.

3.751.72 Sanctions [Rev. eff. 12/1/14]

County departments which fail to follow the rules of the Heating Fuel Assistance Program shall be subject to administrative sanctions as determined by the State Department (see 11 CCR 2508-1).

3.752 LOW-INCOME ENERGY ASSISTANCE PROGRAM: HEATING FUEL ASSISTANCE PROGRAM [Rev. eff. 12/1/14]

3.752.1 APPLICATION PERIOD [Rev. eff. 11/1/13]

To apply for LEAP, the general public shall submit a written State prescribed application form (IML-4) during the period of November 1st through April 30th. If April 30th for a particular calendar year falls on a holiday or weekend, then the eligibility periods shall be extended until midnight the next business day. These programs are contingent upon the continued availability of funds in accordance with Sections 3.750.15 and 3.758.48. The county department shall accept all application forms that are received or postmarked during the application period. Facsimile copies of completed application forms shall be accepted as valid. Preference shall be given to application forms received from public assistance households (such as Colorado Works, Old Age Pension (OAP), Aid to the Needy Disabled (AND), Aid to the Blind (AB), and Food Assistance). Such applications received prior to November 1st shall be accepted and may be processed; however, eligibility shall not be effective until November 1st. Application forms received or postmarked after the closing date shall be denied. Eligibility will be determined based on the applicant's circumstances on the date the application is received by the county department. Although applications may be accepted and processed earlier, the effective date of application shall not be before November 1st.

3.752.2 PROGRAM ELIGIBILITY REQUIREMENTS [Rev. eff. 12/1/14]

To be determined eligible for a Heating Fuel Assistance Program payment, households must, at time of application, be vulnerable to the rising costs of home heating, and meet income and other requirements of the program as defined in these regulations.

The following factors shall be considered as of the date of application: Colorado state residency, U.S. citizenship/alien status, lawful presence, income, vulnerability, fuel type, household composition, shared living arrangements, dwelling type, and estimated home heating costs.

3.752.21 Countable Unearned Income [Rev. eff. 12/1/14]

Countable unearned income includes but is not limited to the following, as well as payments from any other source which are considered to be a gain or benefit to the applicant or recipient:

- A. Inheritance, gifts, and prizes;
- B. Dividends and interest received on savings bonds, leases, etc.;
- C. Income from rental property;
- D. Proceeds of a life insurance policy to the extent that they exceed the amount expended by the beneficiary for the purpose of the insured recipient's last illness or burial that are not covered by other benefits;
- E. Proceeds of a health insurance policy or personal injury lawsuit to the extent that they exceed the amount to be expended or required to be expended for medical care;
- F. Strike benefits;
- G. Income from jointly owned property: - in a percentage at least equal to the percentage of ownership or, if receiving more than percentage of ownership, the actual amount received;
- H. Lease bonuses (oil or mineral) received by the lessor as an inducement to lease land for exploration are income in the month received;
- I. Oil or mineral royalties received by the lessor are income in the month received;
- J. Supplemental Security Income (SSI) benefits received by an applicant or recipient shall be considered income in the month received;
- K. Income derived from monies (or other property acquired with such monies) received pursuant to the "Civil Liberties Act of 1988", P.L. 100-383;
- L. Amounts withheld from unearned income because of a garnishment are countable as unearned income.

3.752.211 Periodic Payments [Eff. 12/1/14]

The following types of periodic payments are among those included in countable unearned income:

- A. Annuities - payments calculated on an annual basis which are in the nature of returns on prior payments or services; they may be received from any source;
- B. Pension or retirement payments - payments to an applicant or recipient following retirement from employment; such payments may be made by a former employer or from any insurance or other public or private fund;

- C. Disability or survivor's benefits - payment to an applicant or recipient who has suffered injury or impairment, or, to such applicant's or recipient's dependents or survivors; such payments may be made by an employer or from any insurance or other public or private fund;
- D. Worker's compensation payments - payments awarded under federal and state law to an injured employee or to such employee's dependents; amounts included in such awards for medical, legal, or related expenses incurred by an applicant or recipient in connection with such claim are deducted in determining the amount of countable unearned income;
- E. Veteran compensation and pension - payments based on service in the armed forces; such payments may be made by the U.S. Veterans Administration, another country, a state or local government, or other organization. Any portion of a VA pension that is paid to a veteran for support of a dependent shall be considered countable unearned income to the dependent rather than the veteran.
- F. Unemployment compensation - payments in the nature of insurance for which one qualifies by reason of having been employed and which are financed by contributions made to a fund during periods of employment;
- G. Railroad retirement payments - payments, such as sick pay, annuities, pensions, and unemployment insurance benefits, which are paid by the Railroad Retirement Board (RRB) to an applicant or recipient who is or was a railroad worker, or to such worker's dependents or survivors;
- H. Social Security Benefits - Old Age (or Retirement), Survivors and Disability Insurance payments (OASDI or RSDI) made by the Social Security Administration; also included are special payments at age seventy-two (72) (Prouty benefits) and black lung benefits;
- I. Supplemental Security Income (SSI) - public assistance payments made by the Social Security Administration to an applicant or recipient sixty five (65) years of age or older, or who is blind or disabled; such payments are considered in accordance with requirements specified in the applicable assistance program chapter.

3.752.212 Military Allotment [Eff. 12/1/14]

A military allotment received on behalf of an applicant or recipient for those individuals included in the budget unit shall be considered as income in the month received.

3.752.22 Income and Household Size Criteria [Rev. eff. 12/1/14]

- A. All countable unearned income shall be the countable gross unearned income received in the income verification period, not to exceed one month's income.
- B. For purposes of determining a household's eligibility, earned ongoing income shall be the countable gross income in any four (4) weeks of the eight (8) weeks prior to the application date.
- C. Determining Monthly Income

If a household member is paid less than monthly, the county department shall determine gross monthly income by:

1. Weekly/Bi-Weekly Income

a. Weekly Income

Adding four gross weekly income amounts to obtain total monthly income.

b. Bi-Weekly Income

Adding two gross bi-weekly income amounts to obtain total monthly income.

2. Semi-Monthly Income

Adding two gross semi-monthly income amounts to obtain total monthly income.

3. Partial Month Income

a. Terminated Income

If a household member's income is terminated as of the application date, use actual income received in the income verification period.

b. Earned New Income

If a household member has a new source of earned income as of the application date, use income received in the income verification period.

c. Unemployment/Other Unearned Income

If a household member has not received his/her first check from this source of income as of the income verification period, do not count any income from this source. If the household member has received the first check from this source of income as of the income verification period, use actual income for the income verification period.

- D. All applicant households whose countable income for the eligibility period is one hundred fifty percent (150%) of the federal poverty level, shall meet the income requirements for the Heating Fuel Assistance Program. The State Department shall adjust the income limits annually based on funds available and the federal poverty guidelines published in the Federal Register applicable at the time of application; no later editions or amendments are included. The following table contains the income standards:

HOUSEHOLD SIZE	MONTHLY GROSS INCOME 150% of Poverty
1	\$1,459
2	1,967
3	2,474
4	2,982
5	3,489
6	3,997
7	4,504
8	5,012
Each Additional Person	508

- E. Households which have been denied basic benefits and have had changes in circumstances may reapply.

3.752.23 Income Exclusions [Rev. eff. 12/1/14]

To determine eligibility for financial assistance and the amount of the assistance payment, the following shall be exempt from consideration as either resources or income:

- A. The value of food assistance and USDA donated foods;
- B. Benefits received under Title III, Nutrition Program for the Elderly, of the Older Americans Act;
- C. The value of supplemental food assistance received under the special food services program for children provided for in the National School Lunch Act and under the Child Nutrition Act, including benefits received from the special supplemental food program for Women, Infants and Children (WIC);
- D. Home produce utilized for personal consumption;
- E. The value of any assistance paid with respect to a dwelling unit under:
 - 1. The United States Housing Act of 1937;
 - 2. The National Housing Act;
 - 3. Section 101 of the Housing and Urban Development Act of 1965;
 - 4. Title V of the Housing Act of 1949; or,
 - 5. Section 202(h) of the Housing Act of 1959.
- F. Payments to volunteers serving as foster grandparents, senior health aides, or senior companions, and to persons serving in the Service Corps of Retired Executives (score) and Active Corps of Executives (ace) and any other program under Title I (Vista) when the value of all such payments adjusted to reflect the number of hours such volunteers are serving is not equivalent to or greater than the minimum wage, and Title II and III of the Domestic Volunteer Services Act;
- G. Compensation received by the applicant or recipient pursuant to the Colorado Crime Victims Compensation Act shall not be considered as income, property, or support available to the applicant or recipient. This is compensation paid to innocent victims or dependents of victims of criminal acts who suffer bodily injury;
- H. Monies received pursuant to the Civil Liberties Act of 1988;
- I. Any payment made from the Agent Orange Settlement Fund;
- J. The value of any commercial transportation ticket, for travel by an applicant or recipient (or spouse) among the fifty (50) states, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the northern Mariana Islands, which is received as a gift by such applicant or recipient (or such spouse) and is not converted to cash;
- K. Reparation payments made under Germany's law for compensation of national socialist persecution (German Restitution Act);
- L. Any money received from the Radiation Exposure Compensation Trust Fund;
- M. Reparation payments made under Sections 500 through 506 of the Austrian General Social Insurance Act;
- N. Payments to applicants or recipients because of their status as victims of Nazi persecution;
- O. Income paid to children of Vietnam veterans who were born with spina bifida;

- P. All financial aid monies, including educational loans, scholarships, and grants;
- Q. Earned income of children under the age of 18 who are residing with a parent or guardian;
- R. Reimbursement received for expenses incurred in connection with employment from an employer;
- S. Reimbursement for past or future expenses, to the extent they do not exceed actual expenses, and do not represent gain or benefit to the household;
- T. Payments made on behalf of the household directly to others;
- U. Payment received as foster care income; foster children are not considered household members;
- V. Home care allowance, if paid to a non-household member;
- W. State/county diversion payments;
- X. Reverse mortgages;
- Y. Subsidized housing utility allowances;
- Z. G.I. Bill educational allowances, including housing and food allowances.

3.752.24 Resources [Rev. eff. 10/1/01]

There is no resource criteria for the Low-Income Energy Assistance Program.

The value of the household's resources shall not be considered for the purpose of determining eligibility for assistance.

3.752.25 Vulnerability [Rev. eff. 12/1/14]

- A. A household shall be vulnerable in order to qualify for Heating Fuel Assistance Program benefits. Vulnerability shall mean the household must be responsible for the costs of home heating as defined below:
 1. The household is paying home heating costs directly to a vendor and is subject to home heating cost increases.
 2. The household is living in non-subsidized housing and is paying home heating costs either in the form of rent or as a separate charge in addition to rent.
 3. The household resides in subsidized housing as defined in the "Definitions" Section of these rules; and, 1) the unit has an individual meter which identifies specific heating usage of that unit and the household is subject to increased cost for home heating, or 2) the tenant is subject to a heating surcharge assessed by means other than an individual meter. Such surcharges may include percentage fees assessed to the tenant for home heating. Under no circumstances shall rental costs be assumed to be subject to change due to an increase in home heating costs unless otherwise verified in writing by the county department.
 4. The applicant household in a residence where more than one household resides shall be considered vulnerable if the applicant household contributes toward the total expenses of the residence. These expenses include, but are not limited to, shelter and utilities.

5. The applicant household must live in a traditional dwelling.

B. Households in the following living arrangements shall not be considered to be vulnerable:

1. Institutional group care facilities, public or private, such as nursing homes, foster care homes, group homes, alcoholic treatment centers, or other such living arrangements where the provider is liable for the costs of shelter and home heating, in part or in full, on behalf of such individuals;
2. Room and board, bed and breakfast;
3. Correctional facilities;
4. Dormitory, fraternity or sorority house;
5. Subsidized housing as defined in the "Definitions" section of these rules which does not have an individual check meter for heat for each unit or which cannot provide other evidence of responsibility for paying home heating surcharges;
6. Any applicant, or applicant household who is considered homeless or resides in non-traditional dwellings;
7. Commercial properties that also serve as the client's dwelling;
8. Hotels, unless proof that the household has lived or will live in the hotel continuously for thirty (30) calendar days at the time of application and that heat is included in rent. Proof may be shown by providing a monthly statement, billing statement or receipt indicating the monthly arrangement.

Landlords or other providers of shelter shall not be considered to be vulnerable unless they meet the definition of household and the eligibility requirements of the Heating Fuel Assistance Program.

Vulnerability shall be verified for all applicant households as defined in these rules.

3.752.26 Mandatory Weatherization [Rev. eff. 12/1/14]

Households approved to receive a LEAP benefit must agree to have their dwelling weatherized if contacted by a state-authorized weatherization agency. Failure to permit or complete weatherization may result in denial of LEAP benefits for the following year.

A. Exemptions

1. Households containing a member(s) whose mental or physical health could be exacerbated by weatherization shall be exempt.
2. A household whose landlord refuses to allow weatherization shall not have benefits denied.
3. The local weatherization agency shall fully document the circumstances permitting the exemption.

B. Households Who Refuse Weatherization

1. Households who refuse or terminate weatherization before completion shall not be approved for LEAP benefits for the following year and a LEAP denial hold shall be placed on the

household at that address by the State LEAP office. The hold can only be removed by the State LEAP office.

2. If the household has moved to another address that has been weatherized, the household may be approved for a LEAP benefit if otherwise eligible. If the new dwelling is not already weatherized, weatherization must be completed before approved for LEAP.
3. If a denied household subsequently allows the dwelling to be weatherized or weatherization completed, the household must reapply and, as long as other eligibility criteria are met, may be approved for LEAP benefits after notification from the local weatherization agency that the weatherization is completed.

C. State Weatherization Office Responsibilities

1. Assure that standards, as delineated in Sections A and B above, are applied uniformly and equitably.
2. Notify the state LEAP office by September 30th of all households who refuse weatherization.
3. Notify households who refuse weatherization, by first-class mail, that their refusal may result in denial of LEAP benefits for the following year.
4. Weatherization shall be completed as soon as possible on dwellings where the household previously refused or didn't complete weatherization and subsequently allows the dwelling to be weatherized.

3.752.27 Mandatory Crisis Intervention Program (CIP) Inspection [Eff. 12/1/14]

Households that received assistance from the Crisis Intervention Program (CIP) must agree to have an inspection of the work performed, to ensure that the equipment is safe, when contacted by a state-authorized agency. Failure to permit the inspection may result in denial of leap benefits for the following year.

A. Exemptions

1. Households containing a member(s) whose mental health concerns could be exacerbated by presence of the inspector shall be exempt.
2. A household whose landlord refuses to allow the inspector in the property shall not have benefits denied.

B. Households Who Refuse CIP Inspection

1. Households who refuse to allow the inspection shall not be approved for LEAP benefits for the following year and a LEAP denial hold shall be placed on the household at that address by the state LEAP office. The hold can only be removed by the state LEAP office.
2. If the household has moved to another address, the household may be approved for a LEAP benefit if otherwise eligible.
3. If a denied household subsequently allows the dwelling to be inspected, the household must reapply and, as long as other eligibility criteria are met, may be approved for LEAP benefits after notification from the inspecting agency that the inspection is completed.

C. State CIP Contractor's Responsibilities

The state contractor will:

1. Assure that standards, as delineated in Sections A and B, above, are applied uniformly and equitably.
2. Notify the state LEAP office by September 30th of each year of all households that refuse inspection.
3. Notify households that refuse inspection that their refusal may result in denial of LEAP benefits for the following year.

3.753 GENERAL REQUIREMENTS FOR CITIZENSHIP AND LAWFUL PRESENCE [Eff. 12/1/14]

3.753.1 CITIZENSHIP AND ALIEN STATUS [Eff. 12/1/14]

The following are citizens of the United States and are generally eligible to receive social services and public assistance.

- A. Persons born in the United States, Puerto Rico, Guam, Virgin Islands (U.S.), American Samoa, or Swain's Island;
- B. Persons who have become citizens through the naturalization process;
- C. Persons born to U.S. citizens outside the United States with appropriate documentation.

3.753.11 Verification of Citizenship in the United States [Eff. 12/1/14]

Documents that are acceptable as verification of citizenship can be found at 1 CCR 201.17, Attachment A.

3.753.111 Verification of Questionable Citizenship Information [Eff. 12/1/14]

The following shall be used in considering questionable statement(s) of citizenship from applicant:

- A. The claim of citizenship is inconsistent with statements made by the applicant, or with other information on the application, or on previous applications.
- B. The claim of citizenship is inconsistent with information received from another reliable source.

Application of the above criteria by the eligibility worker must not result in discrimination based on race, religion, ethnic background or national origin, and groups such as migrant farm workers or Native Americans shall not be targeted for special verification. The eligibility worker shall not rely on a surname, accent, or appearance that seems foreign to find a claim to citizenship questionable. Nor shall the eligibility worker rely on a lack of English speaking, reading or writing ability as grounds to question a claim to citizenship.

3.753.12 Verification of Lawful Presence in the United States [Eff. 12/1/14]

Pursuant to Section 24-76.5-103, Colorado Revised Statutes (C.R.S.), verification of lawful presence in the United States, is required for applicants of state or local benefits, and federal benefits provided by the Colorado Department of Human Services or by the county departments of human/social services under the supervision of the State Department.

- A. For purposes of this section:

"Affidavit" means a state prescribed form wherein an applicant attests, subject to the penalties of perjury, that he/she is lawfully present in the United States. An affidavit need not be notarized.

"Applicant" means a natural person eighteen years of age or older who submits an application to receive a state or local public benefit, or a federal public benefit, on his or her own behalf.

"Application" means an initial or re-application for benefits.

"Federal public benefits" has the same meaning as provided in 8 U.S.C. Section 1611; no later amendments or editions of this section are incorporated. Copies may be available for inspection during regular business hours by contacting Colorado Department of Human Services, Food and Energy Assistance Division, 1575 Sherman Street, Denver, Colorado 80203, or any state publications library.

"Produce" means to provide for inspection either: 1) an original or 2) a true and complete copy of the original document. A document may be produced either in person or by mail.

"State or local public benefits" has the same meaning as provided in 8 U.S.C. 1621; no later amendments or editions of this section are incorporated. Copies may be available for inspection during regular business hours by contacting the Colorado Department of Human Services, Food and Energy Assistance Division, 1575 Sherman Street, Denver, Colorado 80203, or any state publications library.

B. In order to verify his or her lawful presence in the United States, an applicant must:

1. Produce and provide:

- a. A valid Colorado driver's license or a Colorado identification card issued pursuant to Article 2 of Title 42, C.R.S.; or,
- b. A United States military card or military dependent's identification card; or,
- c. A United States coast guard merchant mariner card; or,
- d. A Native American tribal document; or,
- e. Any other document authorized by rules adopted by the Department of Revenue (1 CCR 201-17); or,
- f. Those applicants who cannot produce one of the required documents may demonstrate lawful presence by both executing the affidavit and executing a request for waiver. The request for waiver must be provided to the Colorado Department of Revenue in person, by mail, or online, and must be accompanied by all documents the applicant can produce to prove lawful presence. A request for a waiver can be provided to the Department of Revenue by an applicant representative.

Once approved by the Department of Revenue, the waiver is assumed to be permanent, but may be rescinded and cancelled if, at any time, the Department of Revenue becomes aware of the applicant's violation of immigration laws. If the waiver is rescinded and cancelled, the applicant has the opportunity to appeal.

The county department is responsible for verifying that the applicant is the same individual indicated as being lawfully present through the waiver.

2. Execute an affidavit saying that:

- a. He or she is a United States citizen or legal permanent resident; or,
- b. He or she is otherwise lawfully present in the United States pursuant to federal law.

3.753.13 Legal Immigrant [Eff. 12/1/14]

“Legal immigrant” means an individual who is not a citizen or national of the United States and who was lawfully admitted to the United States by the Citizenship and Immigration Services (CIS) as an actual or prospective permanent resident or whose physical presence is known and allowed by the CIS.

3.753.14 Documentation of Legal Immigrant [Eff. 12/1/14]

An alien considered a legal immigrant will normally possess one of the following forms provided by the Citizenship and Immigration Services (CIS) as verification:

- A. I-94 arrival/departure record.
- B. I-551: resident alien card (I-551).
- C. Forms I-688b or I-766 employment authorization document.
- D. A letter from CIS indicating a person's status.
- E. Letter from the U.S. Dept. of Health and Human Services (HHS) certifying a person's status as a victim of a severe form of trafficking.
- F. Iraqi and Afghan individuals who worked as translators for the U.S. military, or on behalf of the U.S. government, or families of such individuals; and have been admitted under a Special Immigrant Visa (SIV) with specific Visa categories of SI1, SI2, SI3, SI6, SI7, SI9, SQ1, SQ2, SQ3, SQ6, SQ7, or SQ9. Eligibility limitations are outlined in Section 3.710.31, I.
- G. Any of the documents permitted by the Colorado Department of Revenue rules for evidence of lawful presence (1 CCR 201-17, Attachment B).

3.753.15 Verification with Systematic Alien Verification of Entitlement (SAVE) Program [Eff. 12/1/14]

Legal immigrants applying for public assistance must present documentation from CIS showing the applicant's status. All documents must be verified through SAVE (Systematic Alien Verification for Entitlements) to determine the validity of the document.

3.753.16 Qualified Alien [Eff. 12/1/14]

A “qualified alien” is defined as follows:

- A. An alien lawfully admitted for permanent residence;
- B. An alien paroled into the United States under the Immigration and Naturalization Act (INA) for a period of at least one year;
- C. An alien granted conditional entry pursuant to Section 203(a)(7) of the INA prior to April 1, 1980;
- D. A refugee;

- E. An asylee;
- F. An alien whose deportation is being withheld;
- G. A Cuban or Haitian entrant;
- H. A victim of severe form of trafficking who has been certified as such by the U.S. Department of health and Human Services (HHS);
- I. Iraqis and Afghans granted Special Immigrant Visa status;
- J. An alien who has been battered or subjected to extreme cruelty in the U.S. by a family member;
- K. An alien admitted to the U.S. as an Amerasian immigrant;
- L. An individual who was born in Canada and possesses at least fifty percent (50%) American Indian blood or is a member of an Indian tribe;

3.753.17 Aliens and Temporary Residents Not Eligible for Assistance [Eff. 12/1/14]

The following individuals are not eligible for public assistance or social services programs:

- A. An alien with no status verification from the U.S. Citizenship and Immigration Service;
- B. An alien granted a specific voluntary departure date;
- C. An alien applying for a status; or,
- D. A citizen of foreign nations residing temporarily in the United States on the basis of Visas issued to permit employment, education, or a visit.

3.753.18 Citizenship - Lawful Presence Requirements [Eff. 12/1/14]

An applicant who does not meet lawful presence requirements or a household member who does not meet citizenship requirements shall not be included as a household member; however, all countable income of this individual shall be counted as part of the household's total income. The household's application shall not be denied due to lack of documentation regarding citizenship or lawful presence requirements if there are other household members who meet the citizenship requirements (i.e., minors born in the United States).

3.753.19 Alternate Verification of Lawful Presence [Eff. 12/1/14]

In order to verify the applicants lawful presence in the United States, a county department can use a print out from the Department of Motor Vehicle's database documenting a valid status of the applicant's Colorado driver's license or identification as verification, if it indicates that the applicant is lawfully present.

3.753.2 Residence [Eff. 12/1/14]

3.753.21 Colorado Residency [Eff. 12/1/14]

To be eligible for assistance, an applicant shall be a resident of Colorado at the time application is made. There shall be no durational residence requirement. An applicant or recipient who establishes intent to remain in Colorado shall, for public assistance purposes, be considered a current resident. "Intent to remain" may be established by any or all of the following:

- A. Acquiring by purchase, rental, or other arrangements housing facilities used as a home;
- B. Household effects, equipment, and personal belongings being located in the home or being in transit;
- C. Securing employment or engaging in other self-supporting activity based in Colorado;
- D. Parents entering children in local schools;
- E. Completing the affidavit of intent – residence form; and/or;
- F. Entering Colorado with a job commitment or in search of employment in Colorado.

3.753.22 Residency Requirements [Eff. 12/1/14]

Applicant households must meet the state residency requirements as contained in these rules. The household must reside at the address for which it applied to receive LEAP benefits.

3.754 REASONS FOR DENIAL OF ASSISTANCE [Eff. 12/1/14]

"Denial" means that an application shall be denied when the applicant fails to meet the eligibility requirements of the program. A denial also may be assessed on the basis of such factors as, but not limited to:

- A. Refusal of the applicant to furnish information necessary to determine eligibility;
- B. Applicant unwilling to have the county department contacts a collateral source to secure information and refusal of the applicant to sign the state-approved authorization for release of information form;
- C. Applicant does not supply information or otherwise fails to cooperate with the county department within the standards of promptness time limits and after having received notification of the reason for delay;
- D. Applicant moves to an unknown address before determination of eligibility has been completed;
- E. Refusal of a third party to provide documentation of essential verifications.

3.754.1 FACTORS FOR DENIAL [Rev. eff. 12/1/14]

Any of the following factors shall be the basis for the denial of an applicant household:*

- A. Excess income; 3.752.22 (04).
- B. Not vulnerable to rising home heating costs; 3.752.25 (03).
- C. A household not meeting citizenship/lawful presence requirements; 3.753.11 (13).
- D. A household is a duplicate household or was previously approved as part of another household; 3.751.1, "Household" (06).
- E. The household has voluntarily withdrawn its application; 3.756.18 (09).
- F. The household has received Heating Fuel Assistance Program benefits from another county; 3.756.17 (10).

- G. The household has failed to provide complete application information or required verification; 3.756.12 (11).
- H. The household is not a resident of Colorado; 3.752.26 (07).
- I. The household failed to sign the application form; 3.751.1, "Completed Application", C (21).
- J. The household filed an application outside of the application period; 3.752.1 (14).
- K. Unable to locate the applicant; 3.756.19 (25).
- L. Refused weatherization services from a state weatherization agency; 3.752.28 (26).
- M. The applicant failed to provide valid identification; 3.753.11, B, 1 (05).
- N. The applicant failed to provide an affidavit; 3.753.11, B, 2 (08).
- O. The applicant failed to provide valid identification; 3.753.11, B, 1, and the applicant failed to provide an affidavit; 3.753.11, B, 2 (18).
- P. Non-traditional dwelling; 3.751.1 (23).
- Q. The household does not reside at the address for which it applied to receive benefits; 3.752.26 (24).
- R. LEAP can only assist with the primary heating fuel for the primary heating source; 3.751.1 (22).
- S. The applicant household refused a bulk fuel delivery, thereby relinquishing the benefit; 3.751.54 (28).
- T. The household refused inspection of the Crisis Intervention Program work; 3.752.27 (27).

(*Note: The rule citation is shown followed by the denial reasons which are to be used when coding the worksheet and data entering into the computer system.)

3.754.11 Appropriate Reason for Denial [Eff. 12/1/14]

The county department shall use the most appropriate reason for denial; if the county department is unclear as to the most appropriate reason for denial, it shall consult the State Department.

3.754.12 Notice of Denial [Eff. 12/1/14]

A notice of denial shall be provided to the applicant within seven (7) calendar days of the decision; the state will provide the notices to the county department for distribution.

3.755 VERIFICATION POLICIES AND CASE RECORD DOCUMENTATION

3.755.1 GENERAL

3.755.11 Verification in Determining Initial Eligibility and Payment Amount [Rev. eff. 12/1/14]

Income, estimated home heating costs, and vulnerability shall be verified in determining initial eligibility and/or payment amount. If a household applied during the prior LEAP program year and there are no changes in the applicant, address and fuel provider, vulnerability and lawful presence (provided that IDs are valid in accordance with Section 3.753) may be copied from the prior year case file and provided in the current case file.

3.755.12 Conflicting Information [Rev. eff. 12/1/14]

If the county obtains information which would affect the initial determination of an applicant household's eligibility or payment level and which is different than information provided by the applicant, the county shall inform the applicant and provide an opportunity for response or explanation. Eligibility shall be determined by using the correct information. In these cases, an applicant who meets eligibility criteria shall not be denied because the applicant provided information that was different than information subsequently obtained by the county. Information used to determine eligibility and benefit level shall be documented in the system. However, in appropriate cases, the counties may institute fraud proceedings.

3.755.13 Case Record [Rev. eff. 12/1/14]

The case record shall contain at a minimum:

- A. The application and any other supplemental forms the applicant is required to submit;
- B. Documentation of all verification as required in these rules;
- C. Written explanation on the report of contact of any discrepancy between information contained on the application and information in the LEAP system;
- D. Calculations used to compute income, documentation of the source of estimated home heating costs and any other written notations on the report of contact necessary to provide a clear and adequate record of action taken on the case. The eligibility workers shall date and initial each entry.
- E. Documentation of all written notices sent to the applicant household requesting missing information and/or verification necessary to determine eligibility and/or payment level.
- F. Complete documentation in emergency or expedited cases including when, to whom, and how a vendor and/or client contact is made.
- G. All historical data used must be present in the file and documented in the Report of Contact (ROC).

3.755.14 Written Policy [Eff. 12/1/14]

Each county department shall develop a written policy stipulating the order of the case record, and the content of all records in that county department shall be filed according to that county department policy. The county department must stipulate that case record material must be fastened to the file folder in order to secure the information and maintain the filing order.

3.755.15 County Storage of Records [Eff. 12/1/14]

The county department shall be responsible for the provision of a safe place for storage of case records and confidential material. If a county department shares building space with other county offices, locked files to store case material shall be used. Janitors and other maintenance personnel shall be instructed concerning the confidential nature of information.

3.755.16 State Authority Required for Removal of Case Records [Eff. 12/1/14]

Case records are the property of and shall be restricted to use by the State Department and county department. Only on authority of the State Department may case records be removed from the office of the county department.

3.755.17 Archiving Case Files [Eff. 12/1/14]

The county department shall archive three (3) program years plus the current program year files and make them available to the State upon request.

3.755.2 VERIFYING INCOME

3.755.21 Adequate Verification of Income [Rev. eff. 12/1/14]

The case record shall contain adequate verification of income. Adequate verification is defined as any of the following:

- A. Unearned income, such as pensions or retirement income, veteran's benefits, workman's compensation, unemployment or supplemental security income shall be verified in writing, such as an award letter or cost of living adjustment (COLA) letter, issued after the last general increase for that type of assistance, which shows the gross amount before any deductions. Acceptable verification includes documentation from federal/state/system inquiries (i.e., a copy of applicable CBMS screens). Copies of bank deposits or checks shall not be adequate verification of gross income.
- B. Verification of child support income shall include at a minimum:
 - 1. Verification through the Automated Child Support Enforcement System (ACSES); or,
 - 2. Verification through the Family Support Registry (FSR); or,
 - 3. Copies of checks, money orders or other document(s) including written statements or affidavits from the non-custodial parent that documents the income paid directly to the custodial parent.
 - 4. An exception shall be made in cases of domestic violence defined in Section 3.602.1 of this manual. Client declaration shall be sufficient in such cases.
- C. Social Security income may be verified by an award letter, issued by the social security administration, after the last general increase. Acceptable verification includes documentation from federal/state/system inquiries (i.e., a copy of applicable CBMS screens). Gross Social Security income includes income before any deductions for Medicare or other medical insurance. Copies of bank deposit or checks shall not be adequate verification of gross Social Security income.
- D. Earned ongoing income shall be verified for at least four (4) weeks of the eight (8) weeks prior to the application date and shall consist of pay stubs or statements from employers which state the period worked, pay frequency and the actual gross income earned.
- E. Public assistance income shall be verified through the most current active county records. The Low-Income Energy Assistance Program case record must specifically reference the source document of the income information via federal and/or state system inquiries (i.e., a copy of applicable CBMS screens).
- F. Verification of income other than public assistance income of applicant households may be obtained through the most current active county records. The Low-Income Energy Assistance Program case record must specifically reference the source document of the income verification (i.e., source document name and/or number and document date).

- G. Verification may be obtained by collateral contact, provided that the case record contains complete information on the name and title of the person contacted, the name of the employer or agency, the period of employment and the actual gross income received, earned or unearned.
- H. In verifying zero income, the county shall examine income of all adult members of the household by using the Department of Labor and Employment (DOLE) verification system and one or more of the following methods:
1. Obtain a reasonable explanation in writing from the household on how they meet living expenses;
 2. Verify final date of employment with last employer;
 3. Colorado Benefits Management System (CBMS).
- I. Verification of self-employment income shall include, at a minimum:
1. Profit and loss statements, i.e., self-employment ledger; and,
 2. Receipts for business-related expenses are required in order to be considered as deductions:
 - a. Rent or mortgage is not an allowable expense when the applicant is operating a business from his or her residence.
 - b. Utilities, data and phone bills including cell phones are not allowable expenses when the account is in the name of an individual.
 - c. Fuel expenses are allowable for vehicles used solely for business and for individuals who use personal vehicles that are directly related to the work and necessary to conduct business. The county may accept gas receipts and/or documentation of mileage for those vehicles that are not used solely for business. If using a mileage log, the deduction is then based on the number of miles times the county's established reimbursement rate.
- J. Owners of LLC's or S-Corps are considered employees of the corporation and therefore cannot be considered self-employed. Because they are not considered self-employed, they are not entitled to the exclusion of allowable costs of producing self-employment income. The income from these types of corporations should be counted as regular earned income, not self employment income.

3.755.3 (None)

3.755.4 VULNERABILITY

3.755.41 Evidence of Vulnerability [Rev. eff. 11/1/13]

All households shall be required to provide evidence of vulnerability for the primary heating fuel for the residence at the time of application. Evidence shall consist of items, such as a copy of the current or most recent fuel bill that the household is responsible for paying or a copy of the current or previous month's rent receipt if heat is included in rent. In instances where a rent receipt is used to provide proof of vulnerability, the rent receipt must specifically notate that heat and/or utilities are included in rent. A lease or rent statement from the applicant's landlord is required if the rent receipt is not specific. The county may use prior year's fuel bill if the information supplied matches the current application/information. If historical information is being used to verify vulnerability, a notation must be made in the case record. If the fuel bill that is submitted as evidence of vulnerability is in the name of a person other than the applicant household, the case record shall contain a notation that explains the discrepancy in names.

3.755.42 Subsidized Housing Rent Documentation [Rev. eff. 11/1/13]

Applicant households living in subsidized housing units shall be required to provide documentation specifying that the household is subject to heating surcharges when home heating usage exceeds the amount of the household's heating allowance, within the current LEAP program year, or evidence of a separate heating bill.

3.755.43 Wood Permits [Rev. eff. 6/1/09]

Applicants who cut their own wood shall be required to provide a copy of their wood cutting permit. If a permit is not available, the applicants must provide a written and signed statement that they cut their own wood, plus documented proof that they cut it on their own land or that they have permission from the landowner.

3.755.44 Wood Purchase [Eff. 12/1/14]

Applicants who use wood as their primary heating fuel must provide a receipt from a wood vendor. Receipts must include the vendor's name, address, telephone number, date and the name and address of the buyer; it must also contain the amount of wood purchased, the date of the purchase and the cost.

3.755.5 ESTIMATED HOME HEATING COSTS

3.755.51 Verification [Rev. eff. 11/1/06]

County departments shall obtain verification of estimated home heating costs. Verification shall consist of evidence provided by fuel vendor or applicant for the residence at the time of application.

If the county changes the Estimated Home Heating Costs (EHHC) originally provided by the fuel vendor, the county must obtain written verification of this change from the fuel vendor. The written verification from the vendor shall be placed in the case record.

3.755.6 OTHER FACTORS AFFECTING ELIGIBILITY AND PAYMENT AMOUNTS [Rev. eff. 9/1/11]

Other factors affecting eligibility and payment amounts of an applicant household may be verified if determined necessary.

3.756 PROCEDURES FOR PROCESSING APPLICATIONS AND NOTIFYING APPLICANT HOUSEHOLDS

3.756.1 PROCEDURES

3.756.11 Application [Rev. eff. 12/1/14]

Heating Fuel Assistance Program applicants shall submit a completed application form as defined in the "Definitions" section 3.751.1 of these rules to the county department in order to be considered for Heating Fuel Assistance Program benefits. The county department shall not require office interviews for purposes of determining eligibility.

[Instructions: Replace the following.]

**3.756.2 ADVANCE PAYMENT OF THE HEATING FUEL ASSISTANCE PROGRAM BENEFIT
(applicable only when a signed Vendor Agreement has not been secured) [Rev. eff.
12/1/14]**

- A. A shut-off notice or other documentation of intent to terminate heating services by the heating supplier or landlord or that termination of service has occurred; or,
- B. For households that use bulk fuel, a written declaration by the household that the fuel supply has been or will be depleted within the next two weeks and the specific amount needed to maintain heat in the home until payroll runs.
- C. For households where heat is included in rent, an eviction notice and a written statement from the landlord that the client will not be evicted for thirty (30) days if request for advance of the payment is accepted.

For purposes of advance payment, notices of denial shall advise the applicants of the reason for denial, appeal rights and procedures including, but not limited to, a hearing.

3.757 PROCEDURE FOR REPORTING ELIGIBILITY AND PAYMENT INFORMATION

3.757.11 [Rev. eff. 9/1/11]

The county will be required to correct any inaccuracies as they may result in an erroneous payment amount and/or incorrect eligibility determination. Information reported on the household's income, family size, estimated home heating costs, subsidized housing heat allowance, and number of separate households is the basis for the amount of LEAP benefit.

3.757.12 [Rev. eff. 9/1/11]

County departments shall enter completed applications into the LEAP automated system as eligibility is determined.

3.758 PAYMENT POLICIES

3.758.1 (NONE)

3.758.2 (NONE)

3.758.3 CHANGES IN HOUSEHOLD COMPOSITION AFFECTING ISSUANCE OF PAYMENT

3.758.31 Change in Household Circumstances [Rev. eff. 12/1/14]

If, prior to payment, an eligible household's circumstances change, which involves separation or divorce of a marriage or common law arrangement, and the household includes dependent children, the Heating Fuel Assistance Program payment(s) shall be provided to the parent or guardian who resides with and has the responsibility for the care of the dependent children.

If the household does not include dependent children, the Heating Fuel Assistance Program payment(s) shall be paid to the person listed as applicant.

3.758.32 Death of Payee Affecting Issuance of Payment [Rev. eff. 12/1/14]

When the payee for a Heating Fuel Assistance Program benefit dies, any payment to which the payee was entitled shall be kept available according to the following rules:

- A. The surviving spouse or other household member shall be entitled to the Heating Fuel Assistance Program payee's benefit provided that the surviving spouse or other household member was included as part of the Heating Fuel Assistance Program payee's household upon Heating Fuel Assistance Program eligibility determination.
- B. In the case of a single member household client payment, the payment will expunge after three hundred sixty-five (365) days. In the case of a single member household vendor payment, the vendor will follow the process outlined in the vendor agreement.

3.758.4 PAYMENT METHODS

3.758.41 Heating Fuel Assistance Program Payment [Rev. eff. 12/1/14]

For an approved household which pays home heating costs directly to a fuel vendor, payment shall be made as a vendor payment, provided a written vendor agreement has been secured. The State Department shall be required to provide vendors servicing their county with an opportunity to sign the state prescribed vendor agreement. County departments shall provide vendors with applications, brochures, envelopes, and other outreach material. In cases where a written vendor agreement has not been secured, payment shall be issued directly to the eligible household.

For an approved household that pays home heating costs to a landlord, payment of the Heating Fuel Assistance Program payment shall be made directly to the eligible household. Under no circumstances shall a direct payment be made to a landlord.

3.758.42 - 3.758.45 (None)

3.758.46 Vendor Payment Procedures [Rev. eff. 12/1/14]

- A. When a direct vendor payment is made, the county department shall be required:
 - 1. To notify each household of the amount and month such assistance is scheduled to be paid on its behalf,
 - 2. To notify the household of the vendor to be paid on the household's behalf,
 - 3. To contact the vendor to explain the vendor payment process, when applicable.
 - 4. To notify each eligible household in writing of the eligible household's responsibilities to continue to pay toward the household's heating costs. Such notification shall advise the household that the Heating Fuel Assistance Program payment is not intended to totally pay a household's heating costs.

If the household has received a notice from the vendor to terminate services or has already had services terminated, the household is responsible to negotiate a payment arrangement with their vendor.
 - 5. To notify the vendor in writing of each household's eligibility and projected payment amount.
- B. Prior to any Heating Fuel Assistance Program payment being made directly to a fuel vendor on behalf of an eligible household, the following terms of agreement shall be obtained from the fuel vendor in writing and notice of the same shall be included with the Heating Fuel Assistance Program payment in accordance with a State prescribed form. Any revision or modification of the

assurances below, necessitated by unique circumstances, shall be submitted in writing to the State Department for approval prior to execution of the vendor agreement.

- C. Refer to the State approved vendor agreement for specific requirements, conditions and procedures. This agreement is available on the Colorado Department of Human Services web site at www.colorado.gov/CDHS/LEAP.

3.758.47 Methodology for Calculating Heating Fuel Assistance Program Benefits [Rev. eff. 12/1/14]

The payment amount for an eligible Heating Fuel Assistance Program household shall be determined in accordance with the following method:

Step A. Determine Estimated Home Heating Costs (EHHC)

The county department shall determine estimated home heating costs for November 1st through April 30th for the household's current residence at the time of application. The methodology for calculating estimated home heating costs is outlined below.

The county department shall determine the applicant household's estimated home heating costs as follows:

1. An applicant household's estimated home heating cost shall consist of the total actual home heating costs for the primary heating fuel for November 1st through April 30th, of the prior year's heating season. Vendors serving applicant households shall be required to supply actual home heating costs for November 1st through April 30th of the prior year's heating season.
2. For any applicant whose home heating costs for the prior year's heating season are not available or determined by the county department to be invalid, the county department shall use the flat rate amount. The State Department shall adjust the flat rate amounts annually based on the average actual home heating costs found in the LEAP system by dwelling type for the prior year's heating season contained in the following table:

	NAT. GAS	PROPANE FUEL OIL	ELEC.	WOOD	COAL	PROPANE BOTTLES	WOOD GATHER- ING
House, Mobile Home	\$474	\$960	\$1,190	\$781	\$ 482	\$384	\$200
Duplex, Triplex, Fourplex, Townhouse	\$386	\$852	\$ 949	\$582	\$ 482	\$341	\$200
Apartment, Condominium, Hotel, Cabin	\$310	\$852	\$ 689	\$582	\$ 482	\$341	\$200
Camper, 5th Wheel	\$381	\$745	\$ 964	\$560	\$ 432	\$298	\$200

3. The State Department shall adjust the standard rates for heating costs that are included in rent annually based on the flat rate amounts adjustment contained in the following table:

	NATURAL GAS	PROPANE FUEL OIL	ELECTRIC	WOOD	COAL
House, Mobile Home	\$ 190	\$ 384	\$ 476	\$ 313	\$ 193
Duplex, Triplex, Fourplex, Townhouse	\$ 155	\$ 341	\$ 380	\$ 233	\$ 193
Apartment, Condominium, Hotel,	\$ 124	\$ 341	\$ 276	\$ 233	\$ 193
Cabin, Camper, 5 th Wheel, RV	\$ 153	\$ 298	\$ 386	\$ 224	\$ 173

Step B. Initial Statewide Adjustment

The state LEAP office will adjust benefit levels at the beginning of each LEAP program year based upon the projected number of leap applications to be received and the estimated level of funding. Annually, this calculation determines the percentage of the estimated home heating costs (EHC) of the applicant household to be adjusted.

Step C. Adjustment for Electric Heat

Households using electric heat will have their electric usage costs reduced to the percentage amounts listed below.

HEAT PORTION OF TOTAL ELECTRIC EHC

House/mobile home	62% for heat
Townhouse / duplex / triplex / fourplex	48% for heat
Apartment, condominium, hotel, rooming house	43% for heat
Cabin, RV, 5th wheel, camper	50% for heat

Step D. Adjustment for Shared Living Arrangements

The estimated home heating costs shall be adjusted if the household shares living arrangements with other households but is determined to be a separate household as defined in the "Definitions" section of these rules. If the household shares living arrangements with other households, the estimated home heating cost shall be divided by the number of separate households sharing the living arrangements, whether or not all households sharing the living arrangements are eligible for the Heating Fuel Assistance Program.

Step E. Adjustment for Subsidized Housing Home Heating Allowance

The State Department shall adjust the amount of estimated home heating cost remaining after Step B if the household resides in subsidized housing (as defined in the "Definitions" section of these rules). A flat rate rental cost allowance for heating (\$30 per month or \$180 per heating season) shall be deducted from the remaining amount of estimated home heating costs. If the household does not live in subsidized housing, the amount remaining after Step B shall be the estimated home heating cost.

Step F. Determine Heating Fuel Assistance Program Amount

The State Department shall determine a benefit amount for each eligible household by subtracting the applicable adjustments listed above, in Steps B-E from the household's estimated home heating costs (EHC) determined in Step A, 1-3. Any eligible household will receive at least the minimum, up to and including, the maximum benefit amount established by the Department for the LEAP program year.

3.758.48 Adjustments [Rev. eff. 9/1/11]

The State Department will provide the county departments advance written notice of any statewide benefit level adjustments.

Any statewide adjustment to the LEAP benefit level cannot be appealed.

The benefit amount in a prior LEAP program year is not indicative of a current LEAP program year benefit amount and benefit levels may vary from program year to program year depending on funding and the applicant pool.

3.758.49 Forfeiture of Benefit [Eff. 11/1/98]

If the benefit is not properly claimed within the current federal fiscal year for the period of intended use, the household will forfeit the remaining benefit.

3.759 OUTREACH AND REFERRAL

3.759.1 COUNTY DEPARTMENTS

3.759.11 Operation [Rev. eff. 12/1/14]

The county department has responsibility for the operation of a county wide outreach program. The outreach program shall be operated in accordance with guidelines contained in this section. The county may opt to contract with other agencies to perform all or part of the required outreach activities. Counties must assure that outreach includes:

- A. Coordination with other agencies, organizations, and groups to facilitate the participation of potentially eligible persons with emphasis on most vulnerable (e.g., elderly, disabled, home bound, non-English speaking);
- B. Access to Heating Fuel Assistance Program information and application forms. Outreach staff must identify locations in the county, such as community action programs, Social Security offices, low income housing sites, etc., for distribution of information, taking of applications, etc., through these sites. In addition, the county must have sufficient telephone lines to ensure access to information without requiring office visits;
- C. An effective county wide information and referral system involving local agencies and organizations;
- D. A referral system to weatherization and other energy conservation programs in the county;
- E. Special efforts to meet the needs of target groups (e.g., home visits for home bound, outstationing of outreach staff, etc.). County departments shall assist disabled and elderly (as defined in the "Definitions" section of these rules) applicants in completing applications and securing the required verification;
- F. Regular communications with cooperating agencies to identify concerns, problems, etc.;
- G. Encourage utility companies to refer their customers to the county departments.

3.759.12 Outreach Plan [Rev. eff. 11/1/03]

The county department shall develop an outreach plan which describes specific activities the county will perform to carry out the specific responsibilities outlined in 3.759.11, above. The plan shall be available for public inspection at the county department.

3.759.13 Reporting Requirements

County departments shall comply with outreach reporting requirements as prescribed by the State Department. Failure to comply may result in the recovery of outreach funds.

John W. Suthers

Attorney General

Cynthia H. Coffman

Chief Deputy Attorney General

Daniel D. Domenico

Solicitor General



Ralph L. Carr

Colorado Judicial Center

1300 Broadway, 10th floor

Denver, CO 80203

Phone 720-508-6000

**State of Colorado
Department of Law**

Office of the Attorney General

Tracking number: 2014-00899

**Opinion of the Attorney General rendered in connection with the rules adopted by the
State Board of Human Services: #14-5-1-1 2014-15 LEAP Update**

on 10/03/2014

9 CCR 2503-7

OTHER ASSISTANCE PROGRAMS

The above-referenced rules were submitted to this office on 10/10/2014 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

October 22, 2014 14:59:57

A handwritten signature in black ink, appearing to read "JWS", is written over a light blue rectangular background.

John W. Suthers

Attorney General

by Daniel D. Domenico

Solicitor General

Permanent Rules Adopted

Department

Department of Human Services

Agency

Income Maintenance (Volume 3)

CCR number

9 CCR 2503-9

Rule title

9 CCR 2503-9 COLORADO CHILD CARE ASSISTANCE PROGRAM 1 - eff
12/01/2014

Effective date

12/01/2014

Tracking# 2014-00902
FA/P 10/3/14, eff. 12/1/14

I:/14082501_Submittal
[I:/14082501.doc]

(9 CCR 2503-1)

[Note: Statement of Basis and Purpose is incorporated with Tracking# 2014-00899 (Rule-Making# 14-5-1-1)]

(9 CCR 2503-9)

[Instructions: replace the following.]

3.900 COLORADO CHILD CARE ASSISTANCE PROGRAM (CCCAP)

3.901 CCCAP MISSION AND APPROPRIATIONS [Rev. eff. 12/1/14]

A. Mission

The purpose of CCCAP is to provide eligible families with financial assistance for child care of their choosing; to provide families with timely and efficient access to quality child care; and to assist families in meeting their self-sufficiency goals by providing referrals to needed support services.

B. Appropriations

Nothing in these rules shall create a legal entitlement to child care assistance. Counties must not be required to expend funds exceeding allocated state and federal dollars or exceeding any matching funds expended by the counties as a condition of drawing down federal and state funds.

When a county can demonstrate, through a written justification in its county CCCAP plan, that it has insufficient CCCAP allocations, a county department is not required to implement a provision or provisions of rule enacted under statutory provisions that are explicitly "subject to available appropriations." The county department is not required to implement that or those rules or statutory provision(s) for which it has demonstrated through its annual CCCAP plan that it has insufficient CCCAP allocations to implement, except for the entry income eligibility floor referenced in Section 3.919, E.

As part of its demonstration, the county department must include a list of priorities reflecting community circumstance in its county CCCAP plan that prioritizes the implementation of the rules and/or provisions of statute that are "subject to available appropriations."

If the State Department determines the county CCCAP plan is not in compliance with these rules and/or provisions of statute, the State Department will first work with the county department to address the concerns. If a resolution cannot be agreed upon, the State Department reserves the right to deny the county CCCAP plan. If the State Department denies the county CCCAP plan, the county and the state must work together to complete a final approved county CCCAP plan

that is in compliance with these rules and statute. A county may pursue an appeal of the State Department denial of the plan pursuant to Section 26-2-715(3), C.R.S.

3.902 CHILD CARE PROGRAM ELIGIBILITY [Rev. eff. 12/1/14]

Eligible Colorado Child Care Assistance Program populations must be an adult caretaker(s) or teen parent(s) of a child, meet program guidelines, and are one of the following:

- A. Participants in the Colorado Works Program who have a signed Individual Responsibility Contract that requires them to be in an eligible activity, as defined in Section 3.631.3, can receive Colorado Works child care for up to forty-five (45) calendar days while additional assessment is completed. Participants must be eligible for and receiving state diversion or basic cash assistance to continue receiving Colorado Works child care assistance past the forty-five (45) calendar days.
- B. Low income adult caretakers or teen parents who are in an eligible activity qualify for CCCAP, and need child care assistance.
- C. Families eligible for Child Welfare Child Care through Child Welfare (refer to the Child Welfare rules at Section 7.302 (12 CCR 2509-4)).
- D. Food assistance recipients who are participating in the Employment First Program (refer to the Food Stamp rules at Section B-4215 (10 CCR 2506-1)).

3.903 DEFINITIONS [Rev. eff. 12/1/14]

"Additional care needs" means a child who has a physical and/or mental disability and needs a higher level of care on an individualized basis than that of his/her peers at the same age level.

"Adult caretaker" means a person in the home who is financially contributing to the welfare of the child and is the parent, adoptive parent, step-parent, legal guardian, or person who is acting in "loco parentis".

"Adult caretaker education" means information relayed to adult caretaker(s) about their child care options and other available services.

"Adverse action" means any action by the counties or their designee, which adversely affects the person's eligibility for or right to services provided or authorized under the Colorado Child Care Assistance Program.

"Affidavit" means a voluntary written declaration reflecting the personal knowledge of the declarant.

"Applicant" means the adult caretaker(s) or teen parent(s) who sign(s) the application form, re-determination form, and/or the client responsibilities agreement form.

"Application" is a state approved form that may include, but is not limited to:

- A. An original application, which is the first application for the Colorado Child Care Assistance Program filed by prospective program participant; or,
- B. A redetermination application filed by an enrolled program participant; or,
- C. A reapplication, which is any subsequent application filed after an original application which is also not for redetermination; or,
- D. Any application for some additional program benefit by an enrolled program participant.

"Application date" means the date that the county receives the signed application. Required supporting documents may be submitted up to thirty (30) days after receipt of the signed completed application.

"Application date for pre-eligibility determinations" means the date that the application is received from the provider by the county. Required supporting documents may be submitted up to thirty (30) days after receipt of the signed application.

"Application process" means an application process which includes all of the following:

- A. The state approved, signed low-income child care application form completed by the applicant and any other adult caretaker(s) or his/her authorized representative, which includes appeal rights. Counties with Head Start programs may accept the Head Start application in lieu of the low-income child care application for those children enrolled in the Head Start program; and,
- B. The client responsibilities agreement form signed by the applicant and any other adult caretaker(s); and,
- C. The required verification supporting the information declared on the application form; and,
- D. As a county option, an orientation for new applicants may be required.

"Attestation of mental competence" means a signed statement from a qualified provider declaring that no one in the home where the care is provided has been determined to be insane or mentally incompetent by a court of competent jurisdiction; or specifically that the mental incompetence or insanity is not of such a degree that the provider cannot safely operate as a qualified provider.

"Authorized care" means licensed or qualified child care providers to whom social/human services will authorize payment.

"Authorization start date" means the date from which payments for child care services will be paid by the county.

"Cash assistance" means payments, vouchers, and other forms of benefits designed to meet a family's ongoing basic needs such as food, clothing, shelter, utilities, household goods, personal care items, and general incidental expenses. Cash assistance may include supportive services to families based on the assessment completed. All state diversion payments of less than four (4) consecutive months are not cash assistance. For the purpose of child care, county diversion payments are not cash assistance.

"Child care authorization notice" means state prescribed form given to the household and the provider(s) of the household's choosing which authorizes the purchase of child care and includes the parental fee, payable by the adult caretaker(s) or teen parent(s) to the provider(s), for children listed on the child care authorization notice and will serve as notice to the adult caretaker(s) or teen parent(s), and provider(s) of approval or change of child care services. Colorado's child care authorization notice(s) are vouchers for the purposes of the Colorado Child Care Assistance Program.

"CHATS" means the Child Care Automated Tracking System.

"Child Care Fiscal Agreement" means a State prescribed agreement between counties or their designees and provider(s), which defines the rate payable to the provider(s) and responsibilities of the counties or their designees and the provider(s).

"Child care providers" means licensed individuals or businesses that provide less than twenty-four (24) hour care and are licensed or qualified providers including child care centers, preschools, and child care homes. Qualified providers include care provided in the child's own home, in the home of a relative, or in the home of a non-relative.

"Child Care Resource and Referral Agencies" (CCR&R) means agencies or organizations available to assist individuals in the process of choosing child care providers.

"Child care staff" means individuals who are designated by county departments of human/social services or their designees to administer all, or a portion of, the Colorado Child Care Assistance Program (CCCAP) and includes, but is not limited to, workers whose responsibilities are to refer children for child care assistance, determine eligibility, authorize care, process billing forms, and issue payment for child care subsidies.

"Child Welfare Child Care" means less than twenty four (24) hour child care assistance to maintain children in their own homes or in the least restrictive out-of-home care when there are no other child care options available. See rule manual Volume 7, Section 7.302, Child Welfare Child Care (12 CCR 2509-4).

"Citizen/legal resident" means a citizen of the United States, current legal resident of the United States, or lawfully present in the United States pursuant to Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996, Public Law 104-193; Federal Register notices 62 FR 61344 and 63 FR 41657-41686. (No later amendments or editions are incorporated. Copies of this material may be inspected by contacting the Colorado Department of Human Services, Director of the Division of Child Care, 1575 Sherman Street, Denver, Colorado; or any state publications depository library.) . Since the child is the beneficiary of child care assistance, the citizen/legal resident requirement only applies to the child who is being considered for assistance.

"Clear and convincing" means proof which results in a reasonable certainty of the truth of the ultimate fact in controversy. It is stronger than a preponderance of the evidence and is unmistakable or free from serious or substantial doubt.

"Colorado Child Care Assistance Program (CCCAP)" means a program of the Division of Child Care which provides child care subsidies to families in the following programs: Low-Income, Colorado Works, and Child Welfare. The Division of Child Care is responsible for the oversight and coordination of all child care funds and services which are awarded to the Colorado Department of Human Services.

"Colorado Works" means a program of public assistance which assists participants in achieving self-sufficiency by promoting job preparation and employment.

"Colorado Works households" means members of the same TANF household who meet requirements of the Colorado Works program, through receipt of cash assistance or state diversion payments while working toward achieving self sufficiency through eligible work activities and eventual employment where the parent/caretaker is included in the assistance unit, as defined in Sections 3.600.12 through 3.600.19 and Section 3.631.3.

"Confirmed abuse or neglect" means any report of an act or omission that threatens the health or welfare of a child that is found by counties, law enforcement agency, or entity authorized to investigate abuse or neglect to be supported by a preponderance of the evidence.

"Cooperation with child support enforcement (county option)" means applying for child support enforcement for all children with an obligor regardless of CCCAP eligibility within thirty (30) calendar days of the completion and approval of the Child Care Assistance Program application and maintaining compliance with child support enforcement case(s) unless a good cause exemption exists. The county IV-D administrator or designee determines cooperation with Child Support Enforcement. If child care benefits are terminated due to failure to cooperate, the household will remain ineligible in counties that utilize this option until cooperation is verified.

"Counties" means the county departments of social/human services or other agency designated by the Board of County Commissioners as the agency responsible for the administration of the Colorado Child Care Assistance Program.

"Current immunizations" means immunization records or a statement from a qualified medical professional showing that immunizations are current and up-to-date according to the recommended shot schedule issued by the Colorado Department of Public Health and Environment for the child(ren) based on their current age unless there is a signed statement from the adult caretaker(s) or teen parent(s) indicating an exemption for religious or medical reasons.

"Deemed income" means countable income from excluded members of the Colorado Works assistance unit, as found in Sections 3.609.2 – 3.609.4.

"Disabled child" means a child who has a physical or mental disability and is incapable of caring for himself or herself or who is under court supervision and who has additional care needs identified by an Individual Health Care Plan (IHCP), Individual Education Plan (IEP), physician's/professional's statement, or child welfare treatment plan. The additional care needs identified will require additional care by a provider based on a fee for service and/or require care for a child who is age thirteen (13) up to the nineteenth (19th) birthday.

"Discovery" means that a pertinent fact related to child care eligibility was found to exist.

"Early care and education provider" means a school district or provider that is licensed pursuant to Part 1 of Article 6 of this Title or that participates in the Colorado preschool program pursuant to Article 28 of Title 22, C.R.S.

"Eligible activity", for the purpose of child care, means the activity that the teen parent(s) or adult caretaker(s) are involved in. This may include job search; employment; and/or education/training, if the county supports education/training. For teen parents, education/training is an approved activity for all counties.

"Eligible child" means a child under the age of thirteen (13) years who needs child care services during a portion of the day, but less than twenty four (24) hours, and is physically residing with the eligible adult caretaker(s); or a child with additional care needs under the age of nineteen (19) who is physically or mentally incapable of caring for himself or herself or is under court supervision. Any child served through the Colorado Works Program or the Low-Income Child Care Program must be a citizen of the United States or a qualified alien as defined in Section 3.919, H, 1.

"Eligibility worker" means an employee of the counties or their designee, whose responsibility is to determine eligibility for the Colorado Child Care Assistance Program (CCCAP).

"Employment" means holding a part time or full time job for which wages, salary, in-kind income or commissions are received.

"Employment First" means a self sufficiency program funded by the Department of Agriculture for food benefit recipients not participating in Colorado Works.

"Employment verification" means the county form or a signed statement from the employer or employer's authorized designee stating employment begin date, hourly wage or gross salary amount, work schedule, payment frequency, date of first paycheck and verifiable employer contact information.

"Entered employment" means upon starting a new job the employment verification letter shall be used to anticipate income.

"Entry income eligibility level" means the level above which an adult caretaker is not eligible at original application. The level is set by each county between the base, which is at or above one hundred sixty-five percent (165%) of the federal poverty level, and the maximum ceiling, which is eighty-five percent (85%) of the Colorado state median income.

"Equivalent full-time units" mean all part-time units times a factor of .55 to be converted to full-time units. The full-time equivalent units added to the other full-time units must be less than thirteen (13) in order to be considered part-time for parental fees.

"Exit income eligibility level" is the income level, at redetermination of eligibility, above which the county may deny continuing eligibility, and based on the federal poverty levels. Each county sets their exit eligibility level, though it must be higher than the entry income eligibility level and cannot exceed the maximum ceiling, which is eighty-five percent (85%) of the Colorado state median income. If the county set entry income level is above one hundred eighty-five percent (185%) of the federal poverty level, the exit eligibility income level may be equal to the entry income eligibility level.

"Fingerprint-based criminal background check" means a complete set of fingerprints for anyone eighteen (18) years of age and older residing in the provider's home, taken by a qualified law enforcement agency, and submitted to the Colorado Department of Human Services, Division of Child Care, for subsequent submission to the Colorado Bureau of Investigations (CBI). If the adult has been living in Colorado for less than two years, he/she will also be required to submit a background check with the Federal Bureau of Investigation (FBI). Costs for all investigations are the responsibility of the person whose fingerprints are being submitted.

"Fraud" means an individual who has secured or attempted to secure or aided or abetted another person in securing public assistance to which the individual was not eligible by means of willful misrepresentation/withholding of information or intentional concealment of any essential facts. Fraud is determined as a result of any of the following:

- A. Obtaining a "waiver of intentional program violation"; or,
- B. An administrative disqualification hearing; or,
- C. Civil or criminal action in a state or federal court.

"Funding concerns" means a determination by a county that actual or projected expenditures indicate a risk of overspending of that county's available CCCAP allocation in a current fiscal year.

"Good cause exemption for child support" includes potential physical or emotional harm to the adult caretaker, teen parent or child; if a pregnancy was related to rape or incest; legal adoption or receiving pre-adoption services; or, when the county director or his/her designee has/have determined any other exemptions.

"Head Start" is a federally funded early learning program that provides comprehensive services to low-income pregnant women and families with children ages birth to five years of age through provision of education, health, nutrition, social and other services.

"High-quality early childhood program" means a program operated by a provider with a fiscal agreement through CCCAP and that is in the top three levels of the State Department's quality rating and improvement system, is accredited by a State Department-approved accrediting body, or is an Early Head Start or Head Start program that meets federal standards.

"Household" includes: all children in the home who are under eighteen (18) years of age; all children under nineteen (19) years of age who are still in high school and the responsibility of the adult caretaker(s); and the adult caretaker(s) or teen parent(s).

"*In loco parentis*" means a person who is assuming the parental obligations for a minor, including protecting his/her rights and/or a person who is standing in the role of the parent of a minor without having gone through the formal adoption process. Parental obligations include, but are not limited to, attending

parent teacher conferences, regularly picking up and dropping children at child care, and regularly taking the child to doctor appointments.

"Incapacitated" means a physical or mental impairment which substantially reduces or precludes the person from providing care for his/her child(ren). Such condition must be documented by a physician's statement or other medical verification which establishes a causal relationship between the impairment and the ability to provide child care.

"Income eligibility" means that eligibility for child care subsidies is based on income, as listed in Section 3.920, and determined by measuring the countable family income and size against eligibility guidelines. Income eligibility must be based on the prior thirty (30) calendar day period for initial application, a best estimate of anticipated income from the employment verification letter for new employment, or on the prior thirty (30) day period for ongoing eligibility, unless, on a case-by-case basis, the prior thirty (30) day period does not provide an accurate indication of anticipated income, in which case a county can require evidence of up to twelve (12) of the most recent months of income. An adult caretaker may also provide evidence of up to twelve (12) of the most recent months of income if they choose to do so if such evidence more accurately reflects the adult caretaker's current income level.

"Intentional Program Violation (IPV)" means an intentional act committed by an individual for the purposes of establishing or maintaining a Colorado Child Care Assistance Program household's eligibility to receive benefits for which they were not eligible.

"Involuntarily out of the home" means circumstances where an adult caretaker or teen parent is out of the home due to circumstances beyond his/her immediate control to include, but not be limited to, incarceration, resolution of immigration issues, and/or restraining orders.

"Job search" means the low-income child care eligible activity for adult caretaker(s) or teen parent(s) are participating in making them eligible for no fewer than sixty (60) actual days of child care in a twelve (12) month period. The twelve (12) month period begins on the first actual day of job search. Job Search enrollees are approved and monitored to ensure that activities comply with county standards.

"Low-Income Program" means a child care component within the Colorado Child Care Assistance Program that targets families with an adult caretaker(s) or teen parent(s) who is/are in an eligible activity and not participants in the Colorado Works assistance unit or Employment First program.

"Maternity leave" means that a new mother is not in her eligible activity for up to twelve (12) consecutive weeks for the birth and care of a newborn child.

"Negative licensing action" means a Final Agency Action resulting in the denial, suspension, or revocation of a license issued pursuant to the Child Care Licensing Act or the demotion of such a license to a probationary license. The Colorado Child Care assistance Program cannot do business with any provider who has a denied, suspended or revoked child care license.

"One adult caretaker or teen parent eligible household composition" means:

- A. The adult caretaker or teen parent is engaged in an eligible activity and needs child care; or,
- B. A two-adult caretaker or teen parent household is considered a one-adult caretaker household when one adult or teen parent caretaker is involuntarily out of the home.

"Overpayment" means child care assistance that an adult caretaker or teen parent, received or was paid to a provider received, for which they were not eligible.

"Parent" means a biological, adoptive or stepparent of a child.

"Parental fee" means a child care co-payment made by an adult caretaker or teen parent to the child care provider(s) and is paid prior to any state/county child care funds being expended.

"Pay stubs" means a form or statement from the employer indicating the name of the employee, the gross amount of income, mandatory and voluntary deductions from pay (i.e. FICA, insurance, etc.), net pay and pay date, along with year-to-date gross income.

"Physical custody" means that a child is living with, or in the legal custody of, the adult caretaker or teen parent on the days/nights they receive child care assistance.

"Post eligibility period" means ninety (90) days from the date of the redetermination at which time the household income exceeds the exit income eligibility level set by the county.

"Primary adult caretaker" means the person listed first on the application and who accepts primary responsibility for completing forms and providing required verification. This does not preclude the other adult applicant or teen parent from being held equally responsible for any recovery. This also means that the second adult caretaker is equally responsible for reporting changes and participating in an eligible activity.

"Prudent person principle" means that the rules contained herein are intended to be sufficiently flexible to allow the eligibility worker to exercise reasonable judgment in executing his/her responsibilities.

"Qualified provider" means a family child care home provider who is not licensed but provides care for a child(ren) from the same family or an individual who is not licensed but provides care for a child(ren) who is related to the individual, if the child's care is funded in whole or in part with money received on the child's behalf from the publicly funded Colorado Child Care Assistance Program (CCCAP) under rule manual Volume 7, Section 7.701.33, A, 1, b. (12 CCR 2509-8).

"Recipient" means the person receiving the benefit. For the purposes of the Colorado Child Care Assistance Program, the recipient is the child.

"Redetermination (Redet)" is the process to update eligibility for the Colorado Child Care Assistance Program (CCCAP). This process is completed every twelve (12) months, includes completion of the State approved form, and provides the verification needed to determine continued eligibility.

"Redetermination of income eligibility" means the criteria used by a county to determine eligibility of an adult caretaker already enrolled in CCCAP for whom these rules require a redetermination of eligibility. The county set redetermination eligibility rate level must exceed that county's base rate for eligibility. If the county set entry income level is above one hundred eighty-five percent (185%) of the federal poverty levels, the exit eligibility income level may be equal to the entry income eligibility level.

"Regionally accredited institution of higher education" means a community college, college, or university which is a candidate for accreditation or is accredited by one of the following regional accrediting bodies: [Middle States Association of Colleges and Schools](#), [New England Association of Schools and Colleges](#), [North Central Association of Colleges and Schools](#), [Northwest Commission on Colleges and Universities](#), [Southern Association of Colleges and Schools](#), [Western Association of Schools and Colleges](#), [Accrediting Commission for Community and Junior Colleges](#).

"Relative" means a blood or adoptive relative to include, but not limited to: a brother, sister, uncle, aunt, first cousin, nephew, niece, or persons of preceding generations denoted by grand, great, great-great, or great-great-great; a stepbrother, stepsister; or, a spouse of any person included in the preceding groups even after the marriage is terminated by death or divorce.

"Risk-based audit" means audit selection based on a combination of the likelihood of an event occurring and the impact of its consequences. This may include, but not be limited to, the number, dollar amounts

and complexity of transactions; the adequacy of management oversight and monitoring; previous regulatory and audit results; and/or reviews for separation of duty.

"Self-employment" means earned income for a person who is responsible for all taxes and/or other required deductions from income.

"Slot contracts (county option)" means a type of rate paid to providers in communities where care may not be otherwise available to CCCAP children if the county did not reserve slots.

"State or local public benefit" means any grant, contract, loan, professional license, or commercial license provided by an agency of a state or local government or by appropriated funds of a state or local government.

"Substantiated" means that the investigating party has found a preponderance of evidence to support the complaint.

"Target population" means a population whose eligibility is determined by criteria different than other child care populations and has a priority to be served regardless of waiting lists, based upon appropriations. (Current target populations are families whose income is at or below 130% of the current federal poverty guidelines and teen parents.)

"Teen parent" means a parent under twenty-one (21) years of age who has physical custody of his/her child(ren) for the period that care is requested and is in an eligible activity, such as attending junior high/middle school, high school, GED program, vocational/technical training activity, employment or job search.

"Tiered reimbursement" means a pay structure that reflects increasing rates of reimbursement for high-quality early childhood programs that receive CCCAP monies.

"Timely written notice" means, for the purpose of CCCAP rules, that any adverse action shall be preceded by a prior notice period of eleven (11) calendar days. "Timely" means that written notice is provided to the household at least by the business day following the date the action was entered into the eligibility system. The eleven (11) calendar day prior notice period constitutes the period during which assistance is continued and no adverse action is to be taken during this time.

"Training and education" means educational programs including regionally accredited post-secondary training for a Bachelor's degree or less, or a workforce training program such as vocational or technical job skills training, for at least any two years when offered as secondary education for a period of up to forty eight (48) months per eligible adult caretaker(s). Workforce training programs include educational activities such as high school diploma, high school equivalency examination, English as a Second Language, or adult basic education.

"Transition families" means families ending their participation in the Colorado Works Program due to employment or training who have signed a client responsibilities agreement form and verified eligibility for Low-Income Child Care Assistance.

"Two adult caretaker or teen parent eligible household compositions" include:

- A. A household where both adult caretakers or teen parents are engaged in an eligible activity during the same hours and neither can care for the child(ren); or,
- B. A household when one adult caretaker or teen parent is voluntarily absent from the home for a temporary period of time but both adult caretakers are in an eligible activity; or,

- C. One adult caretaker or teen parent is engaged in an eligible activity and the second adult caretaker or teen parent is incapacitated such that, according to a medical professional (i.e., a physician or licensed certified psychologist), they are unable to care for the child(ren); or,
- D. One adult caretaker or teen parent households are considered a two adult caretaker or teen parent household when another adult or teen parent contributes financially to the welfare of the child and assumes parental rights, duties and obligations similar to those of a biological parent without going through the formalities of a legal adoption.

"Units" or "unit of care" means the period of time care is billed by a provider and paid for a family. (These units would be full-time, part-time, full-time/part-time, or full-time/full-time.)

"Voluntarily out of the home" means circumstances where an adult caretaker or teen parent is out of the home due to his/her choice to include, but not be limited to, job search, employment, military service, vacations, and/or family emergencies.

"Waiting list" means a list maintained by a county reflecting individuals who have submitted an application for the CCCAP program for whom the county is not able to enroll due to funding concerns.

"Willful misrepresentation/withholding of information" means an understatement, overstatement, or omission, whether oral or written, made by a household voluntarily or in response to oral or written questions from the department, and/or a willful failure by a household to report changes in income, if the family's income exceeds eighty-five percent (85%) of the State median income within ten (10) days, or changes to the qualifying eligible activity within four weeks of the change.

[Instructions: replace the following.]

3.904.1 TEEN PARENT RESPONSIBILITIES [Ref. eff. 12/1/14]

- A. The teen parent must be in a verified eligible activity, qualify for, and need child care assistance.
- B. The teen parent must meet the eligibility guidelines set by the state and the county of residence.

===

[Instructions: replace the following title and subsections.]

3.905 ARRANGEMENT FOR CHILD CARE SERVICES [Rev. eff. 12/1/14]

===

B. Parental Fees

===

9. Parental fees shall be assessed based on the following formula:

PERCENT FPG	FOR FIRST CHILD- PERCENT OF HOUSEHOLD INCOME	EACH ADDITIONAL CHILD
At or below 100%	1%	NONE
Above 100% and at or below 103%	2%	\$15
Above 103% and at or below 106%	3%	\$15
Above 106% and at or below 109%	4%	\$15
Above 109% and at or below 112%	5%	\$15
Above 112% and at or below 115%	6%	\$15
Above 115% and at or below 118%	7%	\$15
Above 118% and at or below 121%	8%	\$15
Above 121% and at or below 124%	9%	\$15
Above 124% and at or below 130%	10%	\$15
Above 130% and at or below 160%	11%	\$25
Above 160% and at or below 185%	12%	\$35

Above 185% and at or below 205%	13%	\$40
Above 205% and at or below 225%	14%	\$40
When income is above county set level but less than 85% state median	12%-25%	\$40

10. When income is above county set level but less than eighty five percent (85%) state median, the parental fees shall be increased incrementally as outlined by the individual family transition plan up to the six month limit.
11. Parental fees, as assessed by the parental fee formula, may be reduced to five dollars (\$5) for hardship reasons for up to six (6) months per hardship award. The county director or his/her designee must approve fee reductions and a written justification placed in the case file and noted in the case record in the Child Care Automated Tracking System (CHATS). Any hardship award may be extended so long as justification for extending the hardship award exists.
12. Current Monthly Federal Poverty Guidelines and State Median Income for State Fiscal Year 2015 is as follows:

Family Size	100% Federal Poverty Guideline (FPG) FFY <u>2014</u>	130% Federal Poverty Guideline (FPG) FFY <u>2014</u> (State Minimum Income Limit)	85% State Median Income (SMI) FFY 2015 (State and Federal Maximum Income Limit)
2	\$1311	\$1704	\$4067
3	\$1649	\$2144	\$5024
4	\$1988	\$2584	\$5981
5	\$2326	\$3024	\$6937
6	\$2664	\$3463	\$7894
7	\$3003	\$3903	\$8253
8	\$3341	\$4343	\$8612
9	\$3638	\$4729	\$8971
Each Additional person	\$338	\$440	See Below*

* To calculate the State Median Income for each additional family member above nine persons, add three (3) percentage points to the percentage for a six-person family (132%) and multiply the new percentage by the state's estimated median income for a four-person family.

13. When all children in a family are in part-time care, the parental fee shall be assessed at fifty-five percent (55%) of the above-calculated fee. Part-time care is defined as an average of less than thirteen (13) full-time equivalent units of care per month.

C. Authorization for Payment

Counties shall use the State prescribed child care authorization notice form to purchase care on a child-by-child basis and identify the amount of care and length of authorized care. Payment for care will be authorized for providers who have a license or who are qualified providers and have a current, signed fiscal agreement with the county (see 3.908 Eligible Facilities).

Except under limited circumstances, the duration of the child care authorization notice must be the same as the child care eligibility period for the child's adult care taker(s) or teen parent(s). Circumstances where the authorization and eligibility may not align include, but are not limited to:

1. When an eligible child is or will be enrolled in a program that does not intend to operate for the entire eligibility period.
2. When an eligible child's adult caretaker or teen parent does not intend to keep the child enrolled with their initial provider(s) during the entire eligibility period.
3. When the adult caretaker(s) or teen parent(s) are participating in time limited activities such as job search or education/training.
4. When payment will be made to the provider(s), the county must forward the child care authorization notice form to the provider(s) within seven (7) working days of determined eligibility. This time limit applies to original, changed and terminated actions. The state may not reimburse counties if the seven working day requirement is not met.
5. Child care will be paid for children under the age of thirteen (13) for a portion of a day, but less than twenty-four (24) hours. Child care for eligible activities will include reasonable transportation time from the child care location to eligible activity and from eligible activity to child care location.
6. Children over the age of thirteen (13) but up to age nineteen (19), who are physically or mentally incapable of caring for himself or herself or under court supervision, may be eligible for child care due to having additional care needs for a portion of a day but less than twenty-four (24) hours. Counties may pay more for children who have additional care needs based upon verified individual needs and documented in county policy, but rates cannot exceed the provider's published private pay rates.
7. Counties may pay for activity fees if the provider charges such fees, and if the Child Care Fiscal Agreement contains the provider's policy on activity fee costs. Counties shall set their own limit on activity fees with prior notice to the State Department.
8. Counties may pay for transportation costs if the provider charges such costs, and if the Child Care Fiscal Agreement contains the provider's policy on transportation costs. Allowable costs include the provider's charges for transportation from the provider's facility to another child care or school facility. Transportation costs do not include travel between an adult caretaker's or teen parent's home and the provider's facility. Counties shall set their own limit on transportation fees with prior notice to the State Department.
9. Counties may pay for registration fees if the provider is licensed, and if the Child Care Fiscal Agreement contains the provider's policy on registration costs. Counties shall set their own limit on registration fees with prior notice to the State Department.
10. Any money paid or payable to providers shall be subject to execution, levy, attachment, garnishment or other legal process.
11. Expenditures Shall be Necessary and Reasonable

Expenditures shall be necessary and reasonable for proper and efficient performance and administration. A cost is reasonable if, in its nature and amount, it meets all the following criteria:

- a. Expenditures Shall be Compared to Market Prices for Reasonableness

Expenditures shall be compared to the market prices for comparable goods or services as a test for reasonableness.

b. Expenditures Shall be Ordinary and Necessary

Expenditures shall be of a type generally recognized as ordinary and necessary for the operation of the governmental unit or the performance of the federal award.

c. Expenditures Shall Meet Standards Such as Sound Business Practices and Arms-Length Bargaining

Expenditures shall have restraints or requirements imposed by such factors as: sound business practices; arms-length bargaining; Federal, State and other laws and regulations; and, terms and conditions of the State and/or Federal award. "Arms-length bargaining" means both parties to a contract have relatively equal powers of negotiation upon entering the contract. Neither party has a disproportionate amount of power to strong-arm the other party. Less-than-arms-length transactions are prohibited and these include, but are not limited to, those where; one party is able to control or substantially influence the actions of the other.

d. Expenditures Shall Be the Same as Would Be Incurred by a Prudent Person

Expenditures shall not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the cost. A prudent person is one who considers their responsibilities to the governmental unit, its employees, the public at large, and the federal government.

[Instructions: replace the following.]

3.908.1 PRE-ELIGIBILITY DETERMINATIONS [Rev. eff. 12/1/14]

The Early Care and Education provider may provide services to the family prior to the final determination of eligibility and shall be reimbursed for such services only if the county determines the family is eligible for services and there is no need to place the family on the waiting list. The start date of eligibility is defined in Section 3.913, FF. If the family is found ineligible for services, the Early Care and Education provider shall not be reimbursed for any services provided during the period between his/her pre-eligibility determination and the county's final determination of eligibility.

The Early Care and Education provider or county may conduct a pre-eligibility determination for child care assistance for a potential program participant to facilitate the determination process.

- A. The Early Care and Education provider may submit the prospective program participant's state approved application, release of information, and documentation to the county for final determination of eligibility for child care assistance. The provider must signify on the first page of the application in the space provided that a pre-eligibility determination has been made by the provider.
- B. The Early Care and Education provider or county may provide services to the family prior to final determination of eligibility, and the county shall reimburse a provider:
 - 1. As of the date the county receives the application from the provider for such services only if the county determines the prospective program participant is eligible for services; and,
 - 2. There is no need to place the prospective program participant on a waiting list.
- C. All supporting documentation for an application submitted by a provider must be received in thirty (30) calendar days or the application may be determined ineligible by the county.
- D. If the prospective program participant is found ineligible for services, the county must not reimburse the Early Care and Education provider for any services provided during the period between its pre-eligibility determination and the county's final determination of eligibility.
- E. If an Early Care and Education provider or county has conducted a pre-eligibility determination, they must include documentation of the information on which the pre-eligibility determination has been made in or with the application. The documentation must include household income, household composition, and eligible activity.
- F. When a county conducts a pre-eligibility determination, the county must notify the prospective provider with the referral for pre-eligibility authorization that payment for care provided prior to full eligibility may not occur if the adult caretaker or teen parent is ultimately deemed ineligible for the CCCAP program.
- G. A provider may refuse to serve a county pre-eligibility authorized program participant.

3.909 REGISTRATION OF QUALIFIED PROVIDERS [Rev. eff. 7/1/11]

The counties or their designee shall register qualified providers and include the following provider information: name, address (not a P.O. Box #), phone number and social security number. Pursuant to Section 24-76.5-103, C.R.S., counties or their designee must verify the lawful presence in the United States of all applicants for state or local public benefits, or federal benefits provided by the Colorado Department of Human Services, or by the county departments of human/social services or their designee

under the supervision of the State Department pursuant to Section 3.140.12, except as otherwise provided in subsection (3) of 24-76.5-103, C.R.S. Any contract provided by an agency of a state or local government is considered a public benefit.

3.910 PROVIDER RATES [Rev. eff. 12/1/14]

Counties may opt to adopt the state recommended provider(s) rates or may elect to set their own rate limits. If counties elect to set their own rates, they must notify the state on the state-prescribed form prior to implementation of those rates. A county that chooses to opt out of adhering to the state-established provider rates must consult with its local Early Childhood Council, any relevant local resource and referral agency, and child care providers in the county who serve or want to serve children in the CCCAP program, and must provide opportunities for these entities to inform and provide comment on county-established rates. State and county set rates must be paid in accordance with payment policies set forth below.

A. Payments shall be made in part time/full time daily rates.

1. Part-time is defined as zero (0) hours, zero (0) minutes, and one (1) second through five (5) hours, zero (0) minutes, and zero (0) seconds per day. Part time is paid at fifty-five percent (55%) of the full time rate, unless the county designates otherwise.
2. Full time is defined as five (5) hours, zero (0) minutes, and one (1) second through twelve (12) hours, zero (0) minutes, and zero (0) seconds.
3. Full-time/part time is defined as twelve (12) hours, zero (0) minutes, one (1) second through seventeen (17) hours, zero (0) minutes, zero (0) seconds of care.
4. Full time/full time is defined as seventeen (17) hours, zero (0) minutes, one (1) second through twenty-four (24) hours, zero (0) minutes, zero (0) seconds of care.
5. Counties may set rates for basic and alternative care as defined by the county and reported in the county plan.

B. Absences and Holidays

1. Counties must pay for absences in accordance with the policy set by the county. Any absence policy set by the county must address payments to hold a child's slot with a provider when the child is not in care to include, but not limited to, payments for scheduled school breaks, absences, and holidays.
2. Counties have the discretion to roll payments for absences and holidays into their regular daily provider reimbursement rates, or may pay for absences and holidays with a daily rate as they occur and pursuant to the county policies.
3. Tiered Absences and Holidays
 - a. Whether a county rolls their absences and holidays in addition to their regular daily provider reimbursement rate, or they pay them separately, and if a child utilizes care at multiple providers, counties must reimburse providers proportionate to the quantity of care provided overall or in accordance with the child's actual use of care.
 - b. Counties must reimburse providers for absences and holidays per twelve (12) months of continuous eligibility based on the following schedule:

- 1) For providers in the first level of the department's quality rating and improvement system, no fewer than six (6) absences or holidays;
- 2) For providers in the second level of the department's quality rating and improvement system, no fewer than ten (10) absences or holidays;
- 3) For providers in the top three levels of the department's quality rating and improvement system, no fewer than fifteen (15) absences or holidays.

C. Bonus Payments

Counties must not at any time use federal Child Care Development Block Grant Funds (CCDBG), or state General Funds, for the payment of bonuses to child care providers serving children in the CCCAP program. A county must not use CCDBG or state General Funds to retroactively increase the daily rate paid to child care providers and issue a payment to providers based on that retroactive calculation.

- D. Upon notice to the state, counties may negotiate fiscal agreements that are modified to include rates and fees in a single rate of payment in a slot contract.

- E. Providers who contend that the county has not made payment for care provided under the Colorado Child Care Assistance Program in compliance with these rules may request an informal conference with staff, the appropriate supervisor, the county director or the director's designee, and, if requested by the provider(s), state program staff. Any request for a conference shall be submitted in writing within fifteen (15) calendar days of the date of the action. The county shall hold that conference within two (2) weeks of the date of the request. The county shall provide written notice of its final decision within fifteen (15) business days of the conference. The purpose of the conference shall be limited to discussion of the payments in dispute and the relevant rules regarding payment.

[Instructions: replace the following.]

3.913 COUNTY RESPONSIBILITIES [Rev. eff. 12/1/14]

- A. Counties shall administer the Colorado Child Care Assistance Program in compliance with State Department fiscal and program regulations and in accordance with the terms associated with their allocation. Counties will be allocated child care funds annually.
- B. Counties or their designee shall establish administrative controls to ensure appropriate internal controls and separation of duties (this means that the same employee shall not authorize and process payment for child care services).
- C. Counties shall use forms as specified when required by the State Department.
- D. The county must make a decision on whether to approve or deny an application within fifteen (15) calendar days of the date the applicant or their authorized representative completes the application process. If all verification has not been submitted within thirty (30) calendar days of the application date then the county may require a new application.

===

[Instructions: replace the following subsection.]

QQ. Authorization for Care

- 1. Counties must authorize care based on verified need, by establishing an authorization to cover the maximum amount of units needed to ensure care is available based on the client's participation in an eligible activity, and must not be linked directly to an adult caretaker's or teen parent's employment, education, job search, or workforce training schedule, and should not be tied to the client's activity schedule and should be based on the child's need for care.
- 2. For pre-eligibility care reimbursable after eligibility has been determined and the county can provide subsidy for the potential program participant, authorization shall be dated to the date the pre-eligibility application was received by the county.

===

[Instructions: Add the following subsections at the end of the sequence.]

- AAA. Counties must maintain a current and accurate waiting list in the state identified human services case management system of adult caretakers and teen parents who have applied for the CCCAP program and are likely to be found eligible based on self-reported income and job, education, job search, or workforce training activity if potential program participants are not able to be served at the time of application due to county funding concerns. Counties may enroll adult caretakers and teen parents from waiting lists according to local priorities and may require an applicant to restate his or her intention to be kept on the waiting list every six months in order to maintain his or her place on the waiting list.
- BBB. Counties must post eligibility, authorization, and administration policies and procedures so they are easily accessible and readable to the layperson. The policies must be sent to the State Department for compilation.

[Instructions: replace the following.]

3.915.2 CONFIDENTIALITY [Rev. eff. 12/1/14]

The use or disclosure of information by the counties or their designee(s) concerning current or prior applicants and recipients shall be prohibited except for purposes directly connected with the administration of public assistance and welfare and related State Department activities which include:

- A. Administration of county child care programs:
 - 1. Establishing of eligibility.
 - 2. Determining amount and type of child care assistance to be provided.
 - 3. Providing child care assistance.
- B. Any investigation, recovery, prosecution, or criminal or civil proceeding in connection with the administration of the program.
- C. An adult caretaker or teen parent applying for CCCAP may authorize a licensed child care provider or head start provider to assist them with the completion of a CCCAP application, including collection and organization of supporting documentation and submission of the application and supporting documents to a county department of human or social services. Authorization for application assistance and release of information must be obtained on a department-approved form and included with the CCCAP application.

3.915.3 TIMELY WRITTEN NOTICE OF ADVERSE ACTION [Rev. eff. 12/1/14]

A decision to take adverse action concerning an applicant or a provider for assistance payments will result in a written notice mailed to the applicant or provider within one (1) business day of the decision. The written notice is considered mailed when it is faxed, emailed, hand-delivered, or deposited with the postal service. Fifteen (15) calendar days will follow the date of mailing the notice before adverse action is actually taken with the following exceptions, which require no prior notice:

- A. When facts indicate an overpayment because of probable fraud or an intentional program violation and such facts have been verified to the extent possible.
- B. When the proposed adverse action is based on a clear, written statement signed by the individual which states that s/he no longer wishes to receive assistance or services.
- C. When the counties or their designee(s) have confirmed the death of a recipient or of the applicant when there is no other eligible applicant(s) available or willing to act as the new payee.
- D. The counties have the authority to terminate a fiscal agreement with any provider without advance notice if a child's health or safety is endangered or if the provider is under a negative licensing action.

At the time of redetermination, an adult caretaker(s) or teen parent(s) enrolled in CCCAP, whose household income exceeds the exit income eligibility levels set by the county but are still engaged in eligible activities, must continue to receive the CCCAP subsidy for no less than ninety (90) calendar days; except that in no event shall child care assistance be provided if the household income exceeds eighty-five percent (85%) of the Colorado state median income.

[Instructions: replace the following.]

3.919 ELIGIBILITY FOR LOW-INCOME PROGRAM FAMILIES [Rev. eff. 12/1/14]

In order to be eligible for child care assistance the following criteria must be met:

- A. All applicants and recipients must be verified residents of the county from which assistance is sought and received.
- B. The applicant(s) must be an adult caretaker or teen parent who meet(s) the following criteria; applicants must meet the criteria of one or more of the following activities:
 - 1. Is actively participating in an eligible activity; and,
 - 2. Meets the low-income eligibility guidelines set by the county and state; and,
 - 3. Must have physical custody of the child for the period they are requesting care.
- C. The application process must be completed and adult caretaker(s) or teen parents must sign the required application forms. This includes:
 - 1. The State approved, signed form completed by the applicant or their authorized representative, which includes appeal rights. Counties with Head Start programs may accept the Head Start application in lieu of the Low-Income Child Care application for those children enrolled in the head start program; and,
 - 2. The client responsibilities agreement form; and,
 - 3. The required verification supporting the information declared on the application form; and,
 - 4. An orientation for new applicants as a county option.
- D. For families ending their participation in the Colorado Works Program due to employment or training, a Low-Income Child Care application shall not be required for transition families, except as outlined in items below. Adult caretakers or teen parents shall be required to complete and sign a client responsibilities agreement form and provide verification of income and eligible activity as set forth in Section 3.919, E and I. Counties shall obtain needed verification, if available, through other public assistance programs. Counties shall re-determine the transition family's circumstances as defined in Section 3.921.

Counties shall not be required to transition families if any of the following apply:

- 1. The family leaves the Colorado Works Program due to an Intentional Program Violation (IPV) as determined in Section 3.500 or as outlined in county policy; or,
- 2. The family needs child care for training and the residing county does not include training as an eligible activity or the applicant has exceeded the maximum allowable training period for that county; or,
- 3. The residing county's maximum income level is below that of the transitioning family; or,
- 4. The residing county has a waiting list and the county waiting list policy does not exempt transition families; or,

5. If a family is not transitioned for the reasons outlined above, the county shall provide notice as set forth in Sections 3.915.3 and 3.915.4.

E. Low-Income Eligibility Guidelines

1. Adult caretaker gross income may not exceed the maximum defined by the county of residence of the applicant. Subject to available appropriations, each county shall determine its maximum gross monthly income guidelines not to exceed eighty-five percent (85%) of the state median income. Entry income eligibility cannot be set below one hundred sixty-five percent (165%) of federal poverty level.
2. Generally, the expected monthly income amount is based on the income received in the prior thirty (30) day period; except that, when the prior thirty (30) day period does not provide an accurate indication of anticipated income as referenced in the definition of "Income Eligibility" in Section 3.903 or under circumstances as specified below, a different period of time may be applicable:
 - a. For new or changed income, a period shorter than a month may be used to arrive at a projected monthly amount.
 - b. For contract employment in cases, such as in some school systems, where the employees derive their annual income in a period shorter than a year, the income shall be prorated over the term of the contract, provided that the income from the contract is not earned on an hourly or piecework basis.
 - c. For regularly received self-employment income, net earnings will usually be prorated and counted as received in a prior thirty (30) day period, except for farm income. For further information, see Section 3.920, A, 1-2, on self-employment under countable earned income.
 - d. For all other cases where receipt of income is reasonably certain but the monthly amount is expected to fluctuate, a period of up to twelve months may be used to arrive at an average monthly amount.
 - e. For income from rental property to be considered as self-employment income, the adult caretaker(s) or teen parent(s) must actively manage the property at least an average of twenty (20) hours per week. Income from rental property will be considered as unearned income if the adult caretaker(s) or teen parent(s) are not actively managing the property an average of at least twenty (20) hours per week. Rental income, as self-employment or as unearned income, must be averaged over a twelve (12) month period to determine monthly income. Income from jointly owned property must be considered as a percentage at least equal to the percentage of ownership or, if receiving more than percentage of ownership, the actual amount received.
 - f. For cases where a change in the monthly income amount can be anticipated with reasonable certainty, such as with Social Security cost-of-living increases, or other similar benefit increases, the expected amount must be considered in arriving at countable monthly income for the month received.
 - g. Income inclusions and exclusions (Section 3.920) must be used in income calculations.
 - h. Irregular child support income must be averaged over a period of time up to twelve (12) months in order to calculate household income.

3. Income Verification at Application

- a. Written documentation of earned and unearned income needed for ongoing employment or an employment verification letter for new employment is required within thirty (30) calendar days of the date of application.
- b. If written documentation is not available at time of eligibility determination, verbal verification from the employer or other person issuing the payment may be obtained. Counties must document the verbal verification in the case file to include the date that the information was received, who provided the information, and a contact phone number.
- c. If income is not verified within thirty (30) calendar days, the applicant's case will be closed and they will need to reapply for child care subsidies.

4. Income Eligibility at Re-Determination

Beginning with the first twelve (12) month re-determination, counties may adopt the following eligibility criteria for employed and self-employed families whose incomes exceed one hundred thirty percent (130%) of federal poverty guidelines. Gross monthly earned household income for employed and self-employed adults or teen parents must exceed county child care payments by the following percentages:

- a. Twenty percent (20%) if one or two children are in child care.
- b. Ten percent (10%) if three or more children are in child care.
- c. County may exempt a household from meeting a percentage requirement, on a case by case basis, if five or more children are in care.

An adult caretaker or teen parent may volunteer to pay a child care fee that is higher than the required fee in order to meet the eligibility criteria of this rule.

If criteria 4, a or b are not met, the family shall not be eligible for assistance.

Families who become ineligible for child care due to the provisions of this rule and re-apply for Low-Income Assistance shall meet the conditions of this rule at time of application.

This eligibility criterion may be adopted by counties within the regulatory confines contained herein upon notice to the State Department.

===

[Instructions: replace the following subsection.]

I. Eligible Activities

Applicants must meet the criteria of one of the following activities:

1. Employment Criteria

Applicants may be employed full or part time. Applicants must submit written verification of employment and wages within fifteen (15) calendar days of the date the application is received by the county or designated agency. Owners of LLC's and S-Corporations,

because they have limited personal liability for the debts and actions of the business, are considered employees of the corporation. This verification must be three months of pay stubs if ongoing employment or an employment verification letter if it is new employment. The employed person must show that his/her taxable gross income divided by the number of hours of care used for the employment activity equals at least the current federal minimum wage.

2. Self-Employed Criteria

- a. At time of application, self-employed applicants must submit written verification of self-employment status within fifteen (15) calendar days of application. This verification would be a self-employment form from the Internal Revenue Service (IRS) or other government agency with the authority to validate self-employment status.
- b. The person must submit a ledger listing his/her income and work-related expenses. All expenses must be verified or they will not be allowed.
- c. The person must submit an expected weekly employment schedule that includes approximate employment hours. This is required upon beginning self-employment, at application, and at re-determination.
- d. The person must show that he/she has maintained an average income that exceeds their business expenses from self-employment.
- e. The person must show that his/her taxable gross income divided by the number of hours of care used for the employment activity equals at least the current federal minimum wage.

3. Job Search Criteria

Job search child care is available to eligible participants for no fewer than sixty (60) actual days of child care in a twelve (12) month period beginning with the first authorized actual day of job search activity.

The amount of care authorized each day must, at a minimum, be commensurate with the amount needed to complete the job search tasks.

- a. Job search must be approved when individuals lose their jobs while enrolled in the Low-Income program and job search child care is approved by the county or designee and monitored to ensure that job search activities comply with county or state standards.
- b. Subject to available appropriations, job search may be approved for new applicants, when approved by the county or designee and monitored to ensure that job search activities comply with county or state standards.

4. Training Criteria and Education

Subject to available appropriations, an adult caretaker or teen parent who is enrolled in a regionally accredited post-secondary education program or a workforce training program is eligible for CCCAP for at least two years of the post-secondary education or workforce training program, provided all other eligibility requirements are met during those two years. A county may give priority for services to a working adult caretaker or teen parent

over an adult caretaker or teen parent enrolled in postsecondary education or workforce training.

Counties' child care staff may refer adult caretakers and teen parents to community employment and training resources for assistance in making a training and postsecondary education decision.

- a. Adult caretaker educational programs include post secondary education for a first bachelor's degree or less, or vocational/technical job skills training when offered as secondary education which result in a diploma or certificate, for at least any two years. This is limited to coursework for the degree or certificate.
- b. In addition to the months of assistance available for post secondary and vocational or technical training, up to twelve (12) months of assistance is allowable for high school equivalency examination, high school diploma, English as a Second Language or adult basic education.

J. Transition Off Low-Income Assistance (County Option)

At the option of the county, families receiving Low-Income Child Care Assistance, who become ineligible because their income exceeds the gross monthly income guidelines set by the county, may continue to receive assistance for up to six months following the date they became ineligible when the following criteria are met:

===

[Instructions: replace the following title and subsections.]

3.921 RE-DETERMINATION [Rev. eff. 12/1/14]

===

- D. Parental fees shall be reviewed upon a reported change or at re-determination. An adjusted parental fee will be based on an average of at least the past thirty (30) days gross income or a best estimate of anticipated income in the event of new employment or a change in the adult caretaker(s)' or teen parent(s)' regular monthly income. Unless, on a case-by-case basis, the prior thirty (30) day period does not provide an accurate indication of anticipated income, in which case a county can require evidence of up to twelve (12) of the most recent months of income. An adult caretaker may also provide evidence of up to twelve (12) of the most recent months of income if they choose to do so if such evidence more accurately reflects the adult caretaker's current income level. The fee change shall be effective the first full calendar month after the change is reported and verified, and timely written notice is provided.
- E. For adult caretaker(s) or teen parent(s) whose children are enrolled in Head Start or Early Head Start, counties shall extend re-determination of eligibility to annually coincide with the Head Start or Early Head Start program schedule. These families are still responsible for notifying the county of any changes that may impact eligibility (see paragraph C. of this section).

John W. Suthers
Attorney General

Cynthia H. Coffman
Chief Deputy Attorney General

Daniel D. Domenico
Solicitor General



Ralph L. Carr
Colorado Judicial Center
1300 Broadway, 10th floor
Denver, CO 80203
Phone 720-508-6000

State of Colorado
Department of Law
Office of the Attorney General

Tracking number: 2014-00902

Opinion of the Attorney General rendered in connection with the rules adopted by the
State Board of Human Services: #14-8-25-1 Implement Components of HB14-1317 on CCCAP Modifications

on 10/03/2014

9 CCR 2503-9

COLORADO CHILD CARE ASSISTANCE PROGRAM

The above-referenced rules were submitted to this office on 10/10/2014 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

October 22, 2014 15:00:17

John W. Suthers
Attorney General
by Daniel D. Domenico
Solicitor General

Permanent Rules Adopted

Department

Department of Health Care Policy and Financing

Agency

Medical Services Board (Volume 8; Medical Assistance, Children's Health Plan)

CCR number

10 CCR 2505-10

Rule title

10 CCR 2505-10 MEDICAL ASSISTANCE - STATEMENT OF BASIS AND PURPOSE,
AND RULE HISTORY 1 - eff 11/30/2014

Effective date

11/30/2014

THIS PAGE IS NOT FOR PUBLICATION

SECRETARY OF STATE**RULES ACTION SUMMARY AND FILING INSTRUCTIONS****SUMMARY OF ACTION ON RULE(S)**

1. Department / Agency Name: Health Care Policy and Financing / Medical Services Board
2. Title of Rule: MSB 14-06-25-A, Revision to the Medical Assistance Health Program Services and Supports Rule Concerning Amount, Scope and Duration of Ambulatory Surgery Centers, Section 8.570.3.D
3. This action is an adoption of: an amendment
4. Rule sections affected in this action (if existing rule, also give Code of Regulations number and page numbers affected):
Sections(s) 8.570.3.D, Colorado Department of Health Care Policy and Financing, Staff Manual Volume 8, Medical Assistance (10 CCR 2505-10).
5. Does this action involve any temporary or emergency rule(s)? No
If yes, state effective date:
Is rule to be made permanent? (If yes, please attach notice of hearing). Yes

PUBLICATION INSTRUCTIONS*

Add new definitions text at §8.570.1, unnumbered paragraphs 1 – 4. Replace existing text at §8.570.2.A with new text provided. Remove current text at §8.570.3.B.1 and renumber paragraph 2. Add new text at §8.570.3.C.2 and remove current text beginning at 8.570.3.C.2 through the end of §8.570.3.D. Add new section §8.570.4.D and renumber the current sections at §8.570.4 and §8.570.4.A to §8.570.5 and §8.570.5.A. Add new section §8.570.6 and §8.570.7. Renumber current sections 8.570.6, §8.570.6.A, §8.570.6.B to §8.570.8 and §8.570.8.A and §8.570.8.B. Replace current text at §8.570.6.B.2 with new text provided. Renumber current section 8.570.5 to 8.570.9. All text indicated in blue is for reference only and should not be revised. This change is effective 11/30/2014.

THIS PAGE IS NOT FOR PUBLICATION

Title of Rule: Revision to the Medical Assistance Health Program Services and Supports Rule Concerning Amount, Scope and Duration of Ambulatory Surgery Centers, Section 8.570.3.D

Rule Number: MSB 14-06-25-A

Division / Contact / Phone: HPSS / Max Salazar / x3289

STATEMENT OF BASIS AND PURPOSE

1. Summary of the basis and purpose for the rule or rule change. (State what the rule says or does and explain why the rule or rule change is necessary).

The Department is updating this rule to include content from the Ambulatory Surgery Center Benefit Coverage Standard. Specifically, the rule will define the amount, scope and duration of the benefit.

2. An emergency rule-making is imperatively necessary

- ☐ to comply with state or federal law or federal regulation and/or
- ☐ for the preservation of public health, safety and welfare.

Explain:

3. Federal authority for the Rule, if any:

§1905(a)(9) of the Social Security Act

4. State Authority for the Rule:

25.5-1-301 through 25.5-1-303, C.R.S. (2013);
§ 25.5-5-301(2)(d), C.R.S. (2013)

Initial Review

08/08/2014

Final Adoption

09/12/2014

Proposed Effective Date

10/30/2014

Emergency Adoption

DOCUMENT #02

THIS PAGE IS NOT FOR PUBLICATION

Title of Rule: Revision to the Medical Assistance Health Program Services and Supports Rule Concerning Amount, Scope and Duration of Ambulatory Surgery Centers, Section 8.570.3.D

Rule Number: MSB 14-06-25-A

Division / Contact / Phone: HPSS / Max Salazar / x3289

REGULATORY ANALYSIS

1. Describe the classes of persons who will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule.

This rule will impact the providers of ambulatory surgery center services.

2. To the extent practicable, describe the probable quantitative and qualitative impact of the proposed rule, economic or otherwise, upon affected classes of persons.

By clearly defining clinical criteria in the ambulatory surgery center services benefit, the Department hopes to achieve its goal to reduce inappropriate utilization and variations in care.

Clearly-defined rules will provide assurance for persons receiving benefits that services meet established criteria, will provide better guidance for service providers, will assure that public funds are more responsibly allocated and will reduce the administrative burden on the Department. Additionally, clearly-defined rules will reduce confusion and unnecessary adversarial situations among those receiving benefits, service providers and the Department and will simplify the appeal process for all participants.

3. Discuss the probable costs to the Department and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues.

This rule does not have any costs to the Department or any other agency as a result of its implementation and enforcement.

4. Compare the probable costs and benefits of the proposed rule to the probable costs and benefits of inaction.

Enforceable policy rules will help the Department recover improper payments for inappropriate services rendered, uphold decisions based upon evidence-based criteria, and reduce the volume of appeals. By being able to enforce evidence-based criteria, this rule may generate cost-savings as inappropriate utilization and appeal volumes are reduced.

5. Determine whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule.

THIS PAGE IS NOT FOR PUBLICATION

N/A. All benefits must be adequately described in rule.

6. Describe any alternative methods for achieving the purpose for the proposed rule that were seriously considered by the Department and the reasons why they were rejected in favor of the proposed rule.

N/A. Because the Department's previous method of defining amount, scope, and duration in rule through Incorporation by Reference was repealed by the Committee on Legal Services, the Department must include this content within the rule.

8.570 AMBULATORY SURGERY CENTERS

8.570.1 DEFINITIONS

Ambulatory Surgery Center (ASC) means an entity that operates exclusively for the purpose of furnishing surgical services for its clients that do not require hospitalization. An ASC may be independent or part of a hospital, but only if the building space utilized by the ASC is physically, administratively, and financially independent and distinct from other operations of the hospital.

CMS means the Centers for Medicare and Medicaid Services.

The Department refers to the Colorado Department of Health Care Policy and Financing.

Inpatient Basis in Hospitals means preventive, therapeutic, surgical, diagnostic, medical and rehabilitative services that are furnished by the Hospital for the care and treatment of inpatients and are provided in the Hospital by or under the direction of the physician.

8.570.2 REQUIREMENTS FOR PARTICIPATION

8.570.2.A. An ASC shall be certified by CMS to participate in the Medicare program as an ASC and be licensed by the Colorado Department of Public Health and Environment as an ASC.

8.570.3 COVERED SERVICES AND LIMITATIONS

8.570.3.A. Covered services are those surgical and other medical procedures that:

1. Are ASC procedures that are grouped into categories corresponding to the CMS defined groups.
2. Are commonly performed on an inpatient basis in hospitals, but may be safely performed in an ASC.
3. Are limited to those requiring a dedicated operating room (or suite), and generally requiring a post-operative recovery room or short-term (not overnight) convalescent room.

8.570.3.B. Covered surgical procedures are limited to those that do not generally exceed:

1. A total of 4 hours recovery or convalescent time.

8.570.3.C. If the covered surgical procedures require anesthesia, the anesthesia must be:

1. Local or regional anesthesia; or
2. General anesthesia.

8.570.4.D. DENTAL PROCEDURES

1. Qualifying clients may receive covered and medically necessary dental services in an ASC when those services cannot be delivered safely and effectively in a private office.

8.570.5 NON-COVERED SERVICES

8.570.5.A Non-covered services are those services that:

1. Are not commonly performed or may safely be performed in a physician's office;
2. Generally result in extensive blood loss;
3. Require major or prolonged invasion of body cavities;
3. Directly involve major blood vessels; or
4. Are generally emergency or life-threatening in nature.
5. Pose a significant safety risk to clients or are expected to require active medical monitoring at midnight of the day on which the surgical procedure is performed (overnight stay) when furnished in an ASC.
6. Are not listed in the annual ASC billing manual.

8.570.6. CLIENT ELIGIBILITY

Eligible Clients include any Client enrolled in Colorado Medicaid for whom a covered ASC service is a medical necessity as defined at 10 CCR 2505-10 Section 8.076.1.8.

8.570.7. PRIOR AUTHORIZATION

The physician performing the surgery shall be responsible for obtaining all necessary Prior Authorizations for those procedures requiring pre-procedure approval by the Department.

8.570.8 REIMBURSEMENT

8.570.8.A For payment purposes, ASC surgical procedures are placed into groupers. The Health Care Procedural Coding System (HCPCS) is used to identify surgical services.

8.570.8.B Reimbursement for approved surgical procedures shall be allowed only for the primary or most complex procedure. No reimbursement is allowed for multiple or subsequent procedures. No reimbursement shall be allowed for services not included on the Department approved list for covered services. Approved surgical procedures identified in the ASC groupers shall be reimbursed a facility fee at the lower of the following:

1. Submitted charges; or
2. Department approved list for covered services.

8.570.9 ALLOWABLE COSTS

The services payable under this rule are facility services furnished to clients in connection with covered surgical procedures specified in Section 8.570.3.

1. Services and items reimbursed as part of the facility fee include, at a minimum, the following:
 - a) Use of the facilities where the surgical procedures are performed.
 - b). Nursing, technician, and related services.
 - c). Drugs, biologicals, surgical dressings, supplies, splints, casts, and appliances and equipment directly related to the provision of surgical procedures.

- d). Diagnostic or therapeutic services or items directly related to the provision of a surgical procedure.
 - e). Administrative, record keeping and housekeeping items and services.
 - f). Materials for anesthesia.
 - g). Intra-ocular lenses (IOLs).
 - h). Supervision of the services of an anesthetist by the operating surgeon.
2. Services and items that are not reimbursed as part of the facility fee, but that may be reimbursed separately include the following:
- a). Physician services.
 - b). Anesthetist services.
 - c). Laboratory, X-ray or diagnostic procedures (other than those directly related to performance of the surgical procedure.)
 - d). Prosthetic devices excluding IOLs.
 - e). Ambulance services.
 - f). Leg, arm, back and neck braces.
 - g). Artificial limbs.
 - h). Durable medical equipment for use in the client's home.

THIS PAGE IS NOT FOR PUBLICAITON

SECRETARY OF STATE**RULES ACTION SUMMARY AND FILING INSTRUCTIONS****SUMMARY OF ACTION ON RULE(S)**

1. Department / Agency Name: Health Care Policy and Financing / Medical Services Board
2. Title of Rule: MSB 14-07-03-A, Revision to the Medical Assistance Provider Relations and Dental Program Division Rule Concerning Dental Services for Children, Section 8.202
3. This action is an adoption of: new rules
4. Rule sections affected in this action (if existing rule, also give Code of Regulations number and page numbers affected):

Sections(s) 8.202, Colorado Department of Health Care Policy and Financing, Staff Manual Volume 8, Medical Assistance (10 CCR 2505-10).
5. Does this action involve any temporary or emergency rule(s)? No
If yes, state effective date:
Is rule to be made permanent? (If yes, please attach notice of hearing). <Select One>

PUBLICATION INSTRUCTIONS*

Add the text in a new subsection beginning at §8.202.1 through the end of §8.202.5. This revision is effective 11/30/2014.

THIS PAGE IS NOT FOR PUBLICAITON

Title of Rule: Revision to the Medical Assistance Provider Relations and Dental Program Division Rule Concerning Dental Services for Children, Section 8.202

Rule Number: MSB 14-07-03-A

Division / Contact / Phone: Medicaid Programs & Services / Max Salazar / 3289

STATEMENT OF BASIS AND PURPOSE

1. Summary of the basis and purpose for the rule or rule change. (State what the rule says or does and explain why the rule or rule change is necessary).

Colorado currently provides a dental benefit to children 20 years of age and younger in the Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) program. However, the Department engaged in a Benefits Collaborative Process to define the amount, scope and duration of Dental Services for Children. This rule therefore implements the recommendations and policies that were developed through that process.

2. An emergency rule-making is imperatively necessary

☐ to comply with state or federal law or federal regulation and/or

☐ for the preservation of public health, safety and welfare.

Explain:

3. Federal authority for the Rule, if any:

42 U.S.C. §§1396d(a)(4)(B), 1396d(r)(1)(A)(i), and 1396d(r)(3).

4. State Authority for the Rule:

25.5-1-301 through 25.5-1-303, C.R.S. (2013);
§§ 25.5-1-301-303, C.R.S. (2013); § 25.5-5-102(1)(g)

Initial Review

08/08/2014

Final Adoption

10/10/2014

Proposed Effective Date

11/30/2014

Emergency Adoption

DOCUMENT #05

THIS PAGE IS NOT FOR PUBLICAITON

Title of Rule: Revision to the Medical Assistance Provider Relations and Dental Program Division Rule Concerning Dental Services for Children, Section 8.202

Rule Number: MSB 14-07-03-A

Division / Contact / Phone: Medicaid Programs & Services / Max Salazar / 3289

REGULATORY ANALYSIS

1. Describe the classes of persons who will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule.

Colorado currently provides a dental benefit to children 20 years of age and younger in the Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) program. Children who accessed those services will likely experience an increase in the level of services they are receiving.

2. To the extent practicable, describe the probable quantitative and qualitative impact of the proposed rule, economic or otherwise, upon affected classes of persons.

Clients will be positively impacted by this rule. Where dental benefits for children were defined in a very basic manner, there is now a much more robust and thorough explanation of benefits.

The purpose of this rule change is to ensure that children's dental policies and procedures are based on current best practice and are clearly defined because an Administrative Services Organization was hired to manage the Children's Dental benefit starting July 1, 2014. The Department was given financial resources by the Joint Budget Committee in the FY 13-14 budget to hire a dental ASO vendor specifically to improve the management of the Medicaid children's dental benefit and to demonstrate cost savings by employing a proprietary utilization management system.

All revisions to this children's dental rule were initially proposed by our consultants (Dr. Randi Tillman and Kevin Klein, MBA of Adroit Consulting). These recommendations were then shared with the public and dental program stakeholders, including several pediatric dental providers and organizations in Colorado, and other key stakeholders such as the Colorado Dental Association. Further revisions were made through the Dental Benefits Collaborative Process (from August 2013 through February 2014). The revised children's dental rule clearly defines covered and non-covered services, frequency and service limitations. Some prominent examples of where consensus was reached and the types of revisions being made to children's dental rule after significant stakeholder input include: increasing the frequency of x-rays allowed for high-risk children ages 2 to 20 (i.e. every six months if evidence of active decay); allowing oral health risk assessments for children above the age of 5 to be performed by dental or qualified medical personnel three (3) times per year without requiring it to be part of a well-child visit (which

THIS PAGE IS NOT FOR PUBLICAITON

allows for treatment at a school-based health clinic); the inclusion of coverage for risk-based services for clients allow those who are at increased risk of periodontal disease due to diabetes, pregnancy, or history of periodontal treatment to be eligible for any combination of up to four (4) cleanings or four (4) periodontal maintenance visits per year; and adding fluoride varnish applications for high-risk children above the age of 5, up to 3 times per year (this change was included in the FY 14-15 Long Bill).

The development and revisions process has had several iterations in order to ensure the revised children's dental rule is clear and concise and to include current practices missing from earlier drafts. These recent revisions have been circulated via email to the dental stakeholders' distribution group which includes interested clients, dental providers, professional dental association representatives and advocates, clients, and community partners and educators in oral health. Thus far, the revisions have not met opposition and none of the revisions increase costs to clients, providers or the state.

In FY 12-13, utilization and associated benefit costs for the Children's Dental (EPSDT) benefit were as follows:

1. 368,079 Eligible Children accessed this benefit:
2. Total expenditures were \$95,487,025; and
3. Per capita expenditure averaged \$259.42.

3. Discuss the probable costs to the Department and to any other agency of the implementation

This benefit was already offered through Early Periodic Screening, Diagnosis, and Treatment (EPSDT). Since the purpose of this rule is simply to define the benefit in full, the Department will likely experience little to no additional costs by the implementation of this benefit.

4. Compare the probable costs and benefits of the proposed rule to the probable costs and benefits of inaction.

See items #2 and #3.

5. Determine whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule.

This rule is legislatively mandated and therefore less costly methods are unavailable.

6. Describe any alternative methods for achieving the purpose for the proposed rule that were seriously considered by the Department and the reasons why they were rejected in favor of the proposed rule.

There were no alternative methods for achieving the purpose of this proposed rule as it was legislatively mandated.

THIS PAGE IS NOT FOR PUBLICAITON

8.202 DENTAL SERVICES FOR CHILDREN

8.202.1 DEFINITIONS

Apexication is a method of inducing a calcified barrier at the apex of a nonvital tooth with incomplete root formation.

Apexogenesis refers to a vital pulp therapy procedure performed to encourage physiological development and formation of the root end.

Child Client means an individual who is age 20 years or under and eligible for medical assistance benefits.

Comprehensive Oral Evaluation means a thorough evaluation and documentation of a client's dental and medical history to include extra-oral and intra-oral hard and soft tissues, dental caries, missing or unerupted teeth, restorations, occlusal relationships, periodontal conditions (including periodontal charting), hard and soft tissue anomalies, and oral cancer screening, as defined by the Current Dental Terminology (CDT) (2014).

Comprehensive Periodontal Evaluation means the procedure that is indicated for patients showing signs or symptoms of periodontal disease and for patients with risk factors such as smoking or diabetes. It includes evaluation of periodontal conditions, probing and charting, evaluation and recording of the patient's dental and medical history and general health assessment. It may include the evaluation and recording of dental caries, missing or unerupted teeth, restorations, occlusal relationships and oral cancer evaluation, as defined by the Current Dental Terminology (CDT) (2014).

Dental Caries is a common chronic infectious transmissible disease resulting from tooth-adherent specific bacteria that metabolize sugars to produce acid which demineralizes tooth structure over time (tooth decay).

Dental professional means licensed dentist or dental hygienist enrolled with Colorado Medicaid.

Detailed and Extensive Oral Evaluation – Problem Focused, By Report means a detailed and extensive problem focused evaluation entails extensive diagnostic and cognitive modalities based on the findings of a comprehensive oral evaluation. Integration of more extensive diagnostic modalities to develop a treatment plan for a specific problem is required. The condition requiring this type of evaluation should be described and documented. Examples of conditions requiring this type of evaluation may include dentofacial anomalies, complicated perio-prosthetic conditions, complex temporomandibular dysfunction, facial pain of unknown origin, conditions requiring multi-disciplinary consultation, etc., as defined by the Current Dental Terminology (CDT) (2014).

Diagnostic Imaging means a visual display of structural or functional patterns for the purpose of diagnostic evaluation, as defined by the Current Dental Terminology (CDT) (2014).

Early, Periodic Screening, Diagnosis and Treatment (EPSDT) Services means services that are available to clients 20 and under which are determined to be medically necessary and offered through the State Plan even if not available to other eligibility categories.

Endodontic services means services which are concerned with the morphology, physiology and pathology of the human dental pulp and periradicular tissues.

Emergency Services means the need for immediate intervention by a physician, osteopath or dental professional to stabilize an oral cavity condition.

Evaluation means a patient assessment that includes gathering of information through interview, observation, examination, and use of specific tests to diagnose existing conditions, as defined by the Current Dental Terminology (CDT) (2014).

High Risk of Caries is indicated in Child Clients who present with demonstrable caries, a history of restorative treatment, dental plaque, and enamel demineralization; or Child Clients of mothers with a high caries rate, especially with untreated caries; or Child Clients who sleep with a bottle containing anything other than water, or who breastfeed throughout the night (at-will nursing); or Child Clients with special health care needs.

Immediate Intervention or Treatment is when a patient presents with symptoms and/or complaints of pain, infection or other conditions that would require immediate attention.

Limited Oral Evaluation – Problem Focused means an evaluation limited to a specific oral health problem or complaint, as defined by the Current Dental Terminology (CDT) (2014).

Oral Cavity means the jaw, mouth or any structure contiguous to the jaw.

Oral Evaluation For A Patient Under Three Years of Age And Counseling With Primary Caregiver means the diagnostic services performed for a child under the age of three, preferably within the first six months of the eruption of the first primary tooth, including recording the oral and physical health history, evaluation of caries susceptibility, development of an appropriate preventive oral health regimen and communication with and counseling of the child's parent, legal guardian and/or primary caregiver, as defined by the Current Dental Terminology (CDT) (2014).

Palliative Treatment for Dental Pain means emergency treatment to relieve the client of pain; not a mechanism for addressing chronic pain.

Periodic Oral Evaluation means an evaluation performed on a client of record to determine any changes in the patient's dental and medical status since a previous comprehensive or periodic evaluation. This includes an oral cancer evaluation and periodontal screening where indicated, and may require interpretation of information acquired through additional diagnostic procedures, as defined by the Current Dental Terminology (CDT) (2014).

Periodontal Treatment means the therapeutic plan intended to stop or slow periodontal (gum) disease progression.

Preventive services means services concerned with promoting good oral health and function by preventing or reducing the onset or development of oral diseases or deformities and the occurrence of oro-facial injuries, as defined by the Current Dental Terminology (CDT) (2014).

Prophylaxis (Cleaning) is the removal of dental plaque and calculus from teeth in order to prevent dental caries, gingivitis and periodontitis.

Qualified Medical Personnel means physicians (MDs), osteopaths (DOs), nurse practitioners and physician assistants with a focus on primary care, general practice, internal medicine, pediatrics and who have participated in on-site training by the "Cavity Free at Three" team or have completed Module 2 (child oral health) and Module 6 (fluoride varnish) in the Smiles for Life curriculum when treating Child Clients age 0 years through 12 years of age. The qualified medical personnel must have participated in Module 3 (adult oral health) and Module 6 (fluoride varnish) in the Smiles for Life curriculum when treating Child Clients ages 12 years and older. Qualified medical personnel who complete this training must provide the documentation of this training when requested.

Re-Evaluation - Limited, Problem Focused (Established Patient; Not Post-Operative Visit) means assessing the status of a previously existing condition. For example, a traumatic injury where no treatment was rendered but patient needs follow-up monitoring; an evaluation for undiagnosed continuing

pain; or a soft tissue lesion requiring follow-up evaluation, as defined by the Current Dental Terminology (CDT) (2014).

Restorative means services rendered for the purpose of rehabilitation of dentition to functional or aesthetic requirements of the client, as defined by the Current Dental Terminology (CDT) (2014).

Screening means a program designed to evaluate the health status and potential of an individual. In the process it may be found that a person has a particular disease or condition or is at greater-than-normal risk of its development. Screening may include taking a personal and family health history and performing a physical examination, tests, laboratory tests, or radiologic examination and may be followed by counseling, education, referral, or further testing.

Special Healthcare Needs means any physical, developmental, mental, sensory, behavioral, cognitive, or emotional impairment or limiting condition that requires medical management, health care intervention, and/or use of specialized services or programs. The condition may be developmental or acquired and may cause limitations in performing daily self-maintenance activities or substantial limitations in a major life activity.

Year begins on the date of service.

8.202.2 BENEFITS

8.202.2.A Covered Services

1. Covered Evaluation Procedures:

- a. Oral Evaluation For A Patient Under Three Years of Age And Counseling With Primary Caregiver; shall be limited to Child Clients age 0 through 2, two (2) per year per provider or location.
 - i. Oral Evaluation For A Patient Under Three Years of Age And Counseling With Primary Caregiver shall include:
 1. Risk assessment;
 2. Oral hygiene instruction; and
 3. Anticipatory guidance.
 - ii. For Child Clients age 0 through 2 who are at high risk for caries, an additional two (2) Oral Evaluation For A Patient Under Three Years of Age And Counseling With Primary Caregiver is allowed per year for a total of four (4) per year; a formal caries risk assessment shall be performed and documented as part of the patient record.
 - iii. May be performed by dental professional or qualified medical personnel.
 - iv. Oral Evaluation For A Patient Under Three Years of Age And Counseling With Primary Caregiver will not be reimbursed if it is provided on the same day as a periodic oral evaluation. When both are provided on the same day, only the periodic oral evaluation will be reimbursed.
- b. Screening for Child Clients ages 3 and 4, Including State or Federally Mandated Screenings; shall be limited to two (2) per year.
 - i. For Child Clients ages 3 and 4 who are at high risk for caries, an additional two (2) screenings is allowed per year for a total of four (4) per year; a formal caries

risk assessment must be performed and documented as part of the patient record.

- ii. Shall be performed by a dental professional or qualified medical personnel.
 - iii. A screening will not be reimbursed if it is provided on the same day of service as any comprehensive, periodic, periodontal, oral evaluation for patient under three years of age and counseling with primary caregiver, or limited oral problem focused evaluation. When provided on the same day, only the comprehensive, periodic, periodontal, oral evaluation for patient under three years of age and counseling with primary caregiver, or limited oral problem focused evaluation will be reimbursed.
- c. Screening of a Patient; shall be limited to Child Clients ages 5 years and older, three (3) per year.
- i. Shall be performed by dental professional or qualified medical personnel.
 - ii. Does not count towards other evaluation frequency limits.
 - iii. A screening will not be reimbursed if it is provided on the same day of service as any comprehensive, periodic, periodontal, oral evaluation for patient under three years of age and counseling with primary caregiver, or limited oral problem focused evaluation. When provided on the same day, only the comprehensive, periodic, periodontal, oral evaluation for patient under three years of age and counseling with primary caregiver, or limited oral problem focused evaluation will be reimbursed.
- d. Periodic Oral Evaluation, Established Patient; shall be limited to two (2) per year per provider or location.
- i. Limited to any combination of two (2) comprehensive, periodic, periodontal, oral evaluation for patient under three years of age and counseling with primary caregiver, or limited oral problem focused evaluations per year.
 - ii. Must be rendered by a dental professional.
 - iii. Periodic oral evaluation will not be reimbursed if it is provided on the same day as an oral evaluation for a patient under three years of age and counseling with primary caregiver. When both are provided on the same day, only the periodic oral evaluation will be reimbursed.
- e. Limited Oral Evaluation – Problem Focused; available to Child Clients presenting with a specific oral health condition or problem shall be limited to limited to two (2) per year per provider or location.
- i. Must be rendered by a dental professional. Dental hygienists shall only provide limited oral evaluations for a Child Client of record.
 - ii. Does not count against other oral exam frequencies.
- f. Comprehensive Oral Evaluation, New or Established Patient; shall be limited to one (1) every three (3) years per provider or location.
- i. Limited to any combination of two (2) comprehensive, periodic, periodontal, oral evaluation for patient under three years of age and counseling with primary caregiver, or limited oral problem focused evaluations per year.

- ii. Must be rendered by a dental professional.
 - g. Detailed and Extensive Oral Evaluation – Problem Focused, By Report; shall be limited to two (2) per year per provider or location.
 - i. Limited to any combination of two (2) comprehensive, periodic, periodontal, oral evaluation for patient under three years of age and counseling with primary caregiver, or limited oral problem focused evaluations per year.
 - ii. Must be rendered by a dental professional.
 - h. Re-evaluation – Limited, Problem Focused (Established Patient; Not Post-Operative Visit); shall be limited to two (2) per year per provider or location.
 - i. Limited to any combination of two (2) comprehensive, periodic, periodontal, oral evaluation for patient under three years of age and counseling with primary caregiver, or limited oral problem focused evaluations per year.
 - ii. Must be rendered by a dental professional.
 - i. Comprehensive Periodontal Oral Evaluation, New or Established Patient; shall be limited to Child Clients ages 15 through 20, one (1) per year per provider or location.
 - i. Limited to any combination of two (2) comprehensive, periodic, periodontal, oral evaluation for patient under three years of age and counseling with primary caregiver, or limited oral problem focused evaluations per year.
 - ii. Must be rendered by a dental professional.
2. Covered Diagnostic Imaging Procedures:
- a. Intra-oral; complete series, for Child Clients age 6 through 20, shall be limited to one (1) per five (5) years per provider or location; minimum of ten (10) (periapical or posterior bitewing) images intended to display the crowns and roots of all teeth, periapical areas and alveolar bone required in the radiographic survey counts as one (1) set of bitewings per year.
 - b. Intra-oral first periapical x-ray, shall be limited to six (6) per one (1) year per provider or location.-Intra-oral first periapical x-ray will not be reimbursed if it is provided on the same day as a full mouth series. Where both are provided on the same day, only the full mouth series will be reimbursed.
 - c. Each additional periapical x-ray. Each additional periapical x-ray will not be reimbursed if it is provided on the same day as a full mouth series. Where both are provided on the same day, only the full mouth series will be reimbursed. Working and final treatment films for endodontics are not covered.
 - d. Bitewing; single image, shall be limited to Child Clients ages 2 through 20, one (1) set per year per provider or location; one set is equal to one (1) to four (4) films.
 - i. For Child Clients ages 2 through 20 years who are at high risk of caries, bitewing x-rays are a benefit once every six (6) months.
 - e. Bitewing; two images, shall be limited to Child Clients ages 2 through 20, one (1) set per year per provider or location; one (1) set is equal to two (2) to four (4) films.

- i. For Child Clients ages 2 through 20 who are at high risk of caries, bitewing x-rays are a benefit once every six (6) months.
 - f. Bitewing; three images, shall be limited to Child Clients ages 10 through 20, one (1) set per year per provider or location; one (1) set is equal to two (2) to four (4) films.
 - i. For Child Clients ages 10 through 20 who are at high risk of caries, bitewing x-rays are a benefit once every six (6) months.
 - g. Bitewing; four images, shall be limited to Child Clients ages 10 through 20, one (1) set per year per provider or location; one (1) set is equal to two (2) to four (4) films.
 - i. For Child Clients ages 10 through 20 who are at high risk of caries, bitewing x-rays are a benefit once every six (6) months.
 - h. Vertical bitewings; shall be limited to Child Clients ages 6 through 20, seven (7) to eight (8) images, one (1) every five (5) years per provider or location. Counts as a full mouth series.
 - i. Panoramic image; shall be limited to Child Clients ages 6 through 20, with or without bitewing, one (1) per three (3) years per provider or location. Counts as full mouth series.
 - i. For Child Clients age 6 or under with trauma or suspected pathology, additional panoramic films may be approved subject to EPSDT guidelines.
 - j. Occlusal film; shall be limited to one (1) per arch per two (2) years per provider or location.
 - i. For Child Clients with trauma or pulpal treatment, additional occlusal films may be approved subject to EPSDT guidelines.
- 3. Covered Preventive Services
 - a. Dental Prophylaxis (Cleaning); shall be limited to two (2) per year. Tooth brushing alone does not qualify as a prophylaxis.
 - b. Fluoride varnish or fluoride gel, shall be limited to two (2) per year. Fluoride rinse is not a covered benefit.
 - i. Ages 0 through 4:
 - 1. Child Clients at high risk of caries may receive an additional two (2) per year for a total of four (4) per year; a formal caries risk assessment must be performed and documented as part of the Clients medical record.
 - 2. May be provided by dental professional or qualified medical personnel.
 - a. Qualified medical personnel administering this service must do so:
 - i. in conjunction with an oral evaluation for a patient under age 3 (up until day before the third birthday); or
 - ii. in conjunction with a screening for patients ages 3 through 4 (up until day before the fifth birthday).

3. Fluoride varnish is the only acceptable topical treatment for Child Clients age 0 through 4.
 4. Only qualified medical personnel and dental professionals may perform this service.
 - ii. Age 5 and older:
 1. Child Clients age 5 and over may receive an additional one (1) per year with no adjustment for risk for a total of three (3) per year.
 2. Fluoride varnish is the only acceptable topical treatment for Child Clients age 5. Fluoride gel will be reimbursed for Child Clients ages 6 and over.
 3. Only qualified medical personnel and dental professionals shall perform this service.
 - c. Sealants for Child Clients ages 5 through 15, shall be limited to two (2) per lifetime per tooth. Sealants are limited to:
 - i. Permanent molars only.
 - ii. Occlusal surfaces only.
 - iii. Tooth must be caries-free and have no restorations.
 - d. Child Clients age 20 or under who indicate as high risk of periodontal disease or high risk of caries may receive any combination of up to four (4) prophylaxes (cleanings) or four (4) periodontal maintenance visits per year. Indicators of high risk of periodontal disease include:
 - i. Active and untreated caries (decay) at the time of examination; or
 - ii. History of periodontal scaling and root planning; or
 - iii. History of periodontal surgery; or
 - iv. Diabetic diagnosis; or
 - v. Pregnancy.
4. Covered Space Maintenance.
- a. Fixed Space Maintainers for Lost Primary Molars; shall be limited to Child Clients age 0 through 14, two (2) per quadrant per lifetime. Includes maintenance and repair.
 - b. Removable Space Maintainers for Lost Primary Molars; shall be limited to Child Clients age 0 through 14, two (2) per quadrant per lifetime. Includes maintenances and repair.
 - c. Re-cementation of Space Maintainer; shall be limited to Child Clients age 0 through 14, one (1) per year. Will not be reimbursed within six (6) months of original placement by the same dentist or group.
 - d. Removal of a Fixed Space Maintainer; shall be limited to Child Clients age 0 through 20, one (1) per lifetime. Will not be reimbursed to the dentist who placed the appliance or the

group where the appliance was originally delivered within six (6) months of original placement. May be subject to post-treatment and pre-payment review.

5. Covered Minor Restorative Services.

- a. Routine amalgam and composite fillings on posterior and anterior teeth are covered services. Restoration of primary teeth close to exfoliation is not covered.
 - i. For Child Clients who present with overt symptomatology or ectopic eruption because of an inability to extract the exfoliating teeth themselves, extraction of primary teeth may be approved subject to EPSDT guidelines.
- b. The occlusal surface is exempt from the three (3) year frequency limitations listed below when a multi-surface restoration is required or following endodontic therapy.
- c. Amalgam and composite fillings shall be limited to one (1) time per surface per tooth, every three (3) years. The limitation shall begin on the date of service and multi-surface fillings are allowable. Amalgam and composite fillings will not be reimbursed if it is provided on the same day of treatment as a crown. Where both are provided on the same day, only the crown will be reimbursed.
- d. Prefabricated Stainless Steel Crown, Primary Tooth; may be replaced once every three (3) years.
- e. Prefabricated Stainless Steel Crown, Permanent Tooth; may be replaced once every three (3) years.
- f. Prefabricated Stainless Steel Crown, with Resin Window; may be replaced once every three (3) years.
- g. Protective Restoration, shall be limited to once per lifetime per tooth, primary and permanent teeth.
- h. Interim Therapeutic Restoration, Primary Dentition; shall be limited to once per lifetime per tooth, primary teeth only. Not considered a definitive restoration.

6. Covered Major Restorative Services

- a. The following crowns are a covered service:
 - i. Single crowns, shall be limited to one (1) per tooth every seven (7) years. Requires prior authorization.
 - ii. Core build-up; building, shall be limited to one (1) per tooth every seven (7) years. Requires prior authorization.
 - iii. Pre-fabricated post and core, shall be limited to one (1) per tooth every seven (7) years. Requires prior authorization.
- b. Permanent crowns shall be limited to Child Clients ages 16 years and older.
- c. Crowns are covered services only when all of the following conditions are met:
 - i. The tooth is in occlusion; and
 - ii. The cause of the problem is either decay or fracture; and

- iii. The tooth is not a third molar; and
- iv. The Child Client's record reflects evidence of good and consistent oral hygiene; and one of the following is also true:
 - 1. The tooth in question requires a multi-surface restoration and it cannot be restored with other restorative materials; or
 - 2. A crown is requested by the dental professional through the prior authorization process for cracked tooth syndrome and the tooth is symptomatic and appropriate testing and documentation is provided.
- d. Crown materials shall be limited to porcelain, full porcelain, noble metal, or high noble metal, on anterior teeth and premolars.

7. Covered Endodontic Services

- a. The following endodontic procedures are covered:
 - i. Therapeutic Pulpotomy (Excluding Final Restoration; removal of the top part of the pulp and application of medicament), shall be limited to one (1) per tooth per lifetime, primary teeth only. Therapeutic Pulpotomy is not allowable as the first state of root canal treatment or for Apexogenesis. Will not be reimbursed if the original treatment was previously reimbursed to the same Provider by Colorado Medicaid.
 - ii. Pulpal Debridement, shall be limited to one (1) per tooth per lifetime; permanent teeth only.
 - 1. Covered in emergency situations only.
 - 2. Exempt from prior authorization process but may be subject to post-treatment and pre-payment review.
 - 3. Will not be reimbursed when root canal is completed on the same day by the same dentist or dental office.
 - iii. Partial Pulpotomy for Apexogenesis; shall be limited to one (1) per tooth per lifetime; permanent teeth only.
 - 1. Exempt from prior authorization process but may be subject to post-treatment and pre-payment review.
 - iv. Root Canal, Anterior Tooth; shall be limited to one (1) per tooth per lifetime; permanent teeth only.
 - v. Root Canal, Bicuspid; shall be limited to one (1) per tooth per lifetime; permanent teeth only.
 - vi. Root Canal, Molar; shall be limited to one (1) per tooth per lifetime; permanent teeth only.
 - vii. Retreatment of Previous Root Canal Therapy, Anterior Tooth; shall be limited to one (1) per lifetime; permanent teeth only. Will not be reimbursed if the original treatment was previously reimbursed to the same dentist or group by Colorado Medicaid. Requires prior authorization.

- viii. Retreatment of Previous Root Canal Therapy, Bicuspid Tooth; shall be limited to one (1) per tooth per lifetime. Will not be reimbursed if the original treatment was previously reimbursed to the same dentist or group by Colorado Medicaid. Requires prior authorization.
- ix. Retreatment of Previous Root Canal Therapy, Posterior Tooth; shall be limited to one (1) per tooth per lifetime. Will not be reimbursed if the original treatment was previously reimbursed to the same dentist or group by Colorado Medicaid. Requires prior authorization.
- x. Apexification/ Recalcification procedures; shall be limited to one (1) per tooth per lifetime; permanent teeth only.
 - 1. Exempt from prior authorization process but may be subject to post-treatment and pre-payment review.
- xi. Pulpal Regeneration; shall be limited to one (1) per tooth per lifetime.
 - 1. Exempt from prior authorization process but may be subject to post-treatment and pre-payment review.

b. Endodontic procedures are covered services when:

- i. The tooth is not a third molar; and
- ii. The Child Client's record reflects evidence of good and consistent oral hygiene; and
 - 1. The cause of the problem is either decay or fracture; and one of the following is also true:
 - a. The tooth is in occlusion; or
 - b. A root canal is requested by the dental professional through the prior authorization process for cracked tooth syndrome and the tooth is symptomatic and appropriate testing and documentation is provided.
- c. In all instances in which the Child Client is in acute pain or there exists acute trauma, the dentist should take the necessary steps to relieve the pain and complete the Emergency Services. In these instances, there may not be time for prior authorization. Such emergency services shall be subject to post-treatment and pre-payment review.
- d. Working films (including the final treatment film) for endodontic procedures are considered part of the procedure and will not be reimbursed separately.

8. Covered Periodontal Treatment

- a. Gingivectomy or Gingivoplasty, Four or More Contiguous Teeth or Tooth Bounded Spaces per Quadrant; shall be limited to one (1) per three (3) years per Child Client per quadrant. Includes six (6) months of postoperative care. Requires prior authorization.
- b. Gingivectomy or gingivoplasty, One to Three Contiguous Teeth or Tooth Bounded Spaces per Quadrant; shall be limited to one (1) per three (3) years per Child Client per quadrant. Includes six (6) months of postoperative care. Requires prior authorization.

- c. Gingivectomy or Gingivoplasty to Allow Access for Restorative Procedure, per Tooth; shall be limited to one (1) per three (3) years per Child Client per quadrant.
- d. Full Mouth Debridement to Enable Comprehensive Evaluation and Diagnosis; shall be limited to Child Clients ages 13 through 20.
 - i. Exempt from prior authorization process for Child Clients ages 13 through 20 but may be subject to post-treatment and pre-payment review.
 - ii. Other periodontal treatments will not be reimbursed when provided on the same date as full mouth debridement. Where other periodontal services are provided on the same day, only the full mouth debridement will be reimbursed.
 - iii. Prophylaxis (cleaning) will not be reimbursed if it is provided on the same day as full mouth debridement. Where both are provided on the same day, only the full mouth debridement will be reimbursed.
- e. Periodontal Scaling and Root Planing; Four (4) or More Teeth per Quadrant; shall be limited to once per quadrant every three (3) years.
 - i. Only covered by report. Periodontal disease must be documented. Requires prior authorization.
 - ii. Prophylaxis (cleaning) will not be reimbursed if it is provided on the same day as a periodontal scaling and root planing; four (4) or more teeth per quadrant. Where both are provided on the same day, only the periodontal scaling and root planing; four (4) or more teeth per quadrant will be reimbursed.
 - iii. No more than two (2) quadrants per day.
- f. Periodontal Scaling and Root Planing; One (1) to Three (3) Teeth per Quadrant; shall be limited to once per quadrant every three (3) years.
 - i. Only covered by report. Periodontal disease must be documented in the medical record. Requires prior authorization.
 - ii. Prophylaxis (cleaning) will not be reimbursed if it is provided on the same day as a periodontal scaling and root planing; one (1) to three (3) teeth per quadrant. Where both are provided on the same day, only the periodontal scaling and root planing; one (1) to three (3) teeth per quadrant will be reimbursed.
 - iii. No more than two (2) quadrants per day.
- g. Periodontal Maintenance; shall be limited to two (2) times per year; counts as a prophylaxis (cleaning).
 - i. Periodontal maintenance is a covered service for Child Clients age 20 or under who are at high risk of periodontal disease or for caries. Indicators of high risk of periodontal disease include:
 - 1. History of periodontal scaling and root planing; or
 - 2. History of periodontal surgery; or
 - 3. Diabetic diagnosis; or
 - 4. Pregnancy; or

5. By report when periodontal disease can be documented. Requires prior authorization.
 - h. For child clients who are at high risk for periodontal disease as indicated above, any combination of up to four (4) prophylaxes (cleanings) or four (4) periodontal maintenance visits are allowed per year.
 - i. In all instances in which the Child Client is in acute pain or there exists acute trauma, the dentist should take the necessary steps to relieve the pain and complete the necessary emergency services. In these instances, there may not be time for prior authorization. Such emergency services shall be subject to post-treatment and pre-payment review.
9. Covered Removable Prosthetics
 - a. Removable prosthetics are not covered if eight (8) or more posterior teeth (natural or artificial) are in occlusion. Anterior teeth shall be covered, irrespective of the number of teeth in occlusion.
 - b. Removable prosthetics covered include:
 - i. Removable Partial Upper Denture, Resin Based; shall be limited to one (1) time every five (5) years. Requires prior authorization.
 - ii. Removable Partial Lower Denture, Resin Based; shall be limited to one (1) time every five (5) years. Requires prior authorization.
 - iii. Removable Partial Upper Denture, Cast Metal Framework; shall be limited to one (1) time every five (5) years. Requires prior authorization.
 - iv. Removable Partial Lower Denture, Cast Metal Framework; shall be limited to one (1) time every five (5) years. Requires prior authorization.
 - v. Removable Partial Upper Denture, Flexible Base; shall be limited to one (1) time every five (5) years. Requires prior authorization.
 - vi. Removable Partial Lower Denture, Flexible Base; shall be limited to one (1) time every five (5) years. Requires prior authorization.
 - vii. Complete Upper Dentures; shall be limited to one (1) time every five (5) years. Includes initial six (6) months of relines. Requires prior authorization.
 - viii. Complete Lower Dentures; shall be limited to one (1) time every five (5) years. Includes initial six (6) months of relines. Requires prior authorization.
 - ix. Immediate Upper Dentures; shall be limited to one (1) per lifetime per patient. Includes initial six (6) months of relines. Requires prior authorization.
 - x. Immediate Lower Dentures; shall be limited to one (1) per lifetime per patient. Includes initial six (6) months of relines. Requires prior authorization.
 - xi. Obturator Prosthesis, Surgical, Definitive and/or Modification; covered by report. Requires prior authorization.
10. Covered Oral Surgery, Palliative Treatment and Anesthesia
 - a. The following surgical and palliative treatments are covered:

- i. Simple Extraction; shall be limited to one (1) time per tooth.
- ii. Surgical Extraction; shall be limited to one (1) time per tooth.
- iii. Extraction, Coronal Remnants, Deciduous Tooth; shall be limited to one (1) time per tooth.
- iv. Incision and Drainage of Abscess; concurrent with extraction will be covered by report when narrative of medical necessity can be documented. Will not be reimbursed in same surgical area and on same visit as any other definitive treatment codes; except for covered services necessary for diagnosis. Such incision and drainage procedures may be subject to post-treatment and pre-payment review.
- v. Palliative Treatment of Dental Pain; will not be reimbursed on same visit as any definitive treatment codes; except for radiographs necessary for diagnosis. Will not be reimbursed when only other service is writing a prescription.
- vi. Deep Sedation/General Anesthesia.
 - 1. Only for Child Clients with special health care needs as that term is defined at Section 8.202.1., or when there is sufficient evidence to support medical necessity.
 - 2. Nitrous oxide will not be reimbursed if provided on the same day as deep sedation/general anesthesia, intravenous conscious sedation, or non-intravenous conscious sedation. Where multiple levels of anesthesia are provided on the same day, only the deep sedation/general anesthesia will be reimbursed.
- vii. Nitrous Oxide; will not be reimbursed if it is provided on the same day as deep sedation/general anesthesia, intravenous conscious sedation, or non-intravenous conscious sedation. Where multiple levels of anesthesia are provided on the same day, only the highest level of anesthesia administered will be reimbursed.
- viii. Intravenous Conscious Sedation.
 - 1. Only for Child Clients with special health care needs as that term is defined at Section 8.202.1., or when there is sufficient evidence to support medical necessity.
 - 2. Intravenous conscious sedation will not be reimbursed if provided on the same day as deep sedation/general anesthesia, nitrous oxide, or non-intravenous conscious sedation. Where multiple levels of anesthesia are provided on the same day, only the highest level of anesthesia administered will be reimbursed.
- ix. Non-Intravenous Conscious Sedation.
 - 1. Only for Child Clients with special health care needs as that term is defined at Section 8.202.1., or when there is sufficient evidence to support medical necessity.
 - 2. Non- intravenous conscious sedation will not be reimbursed if provided on the same day as deep sedation/general anesthesia, nitrous oxide, or intravenous conscious sedation. Where multiple levels of anesthesia are

provided on the same day, only the highest level of anesthesia administered will be reimbursed.

- b. In all instances in which the Child Client is in acute pain, the dentist should take the necessary steps to relieve the pain and complete the necessary emergency services. In these instances, there may not be time for prior authorization. Such emergency services shall be subject to post-treatment and pre-payment review.
- c. Biopsies are covered only in instances where there is a suspicious lesion.
- d. Removal of third molars is only covered in instances of acute pain and overt symptomatology.
- e. Extraction of primary teeth which are close to exfoliation will not be covered.
 - i. For Child Clients who present with overt symptomatology or ectopic eruption because of an inability to extract the exfoliating teeth themselves, extraction of primary teeth may be approved subject to EPSDT guidelines.

11. Covered Hospital-Based Services

- a. Dental treatment is covered in a hospital or outpatient facility, under deep sedation or general anesthesia, only when there is medical necessity.
- b. Under this Section 11, medical necessity, shall be limited to the following:
 - i. Patients with a documented physical, mental or medically compromising condition.
 - ii. Patients who have a dental need and for whom local anesthesia is ineffective because of acute infection, anatomic variation or allergy.
 - iii. Patients who are extremely uncooperative, unmanageable, anxious or uncommunicative and who have dental needs deemed sufficiently urgent that care cannot be deferred. Evidence of the attempt to manage in an outpatient setting must be provided.
 - iv. Patients who have sustained extensive orofacial and dental trauma.
 - v. Child Clients ages 6 and under who present with rampant decay.
- c. All operating room cases require prior authorization, even if the complete treatment plan is not available.
- d. Consistent with the Guidelines of the American Academy of Pediatric Dentistry, the following shall be considered when contemplating treatment of a child under deep sedation or general anesthesia:
 - i. Alternative behavioral guidance modalities.
 - ii. Dental needs of the patient.
 - iii. The effect on the quality of dental care.
 - iv. The patient's emotional development.
 - v. The patient's medical status.

- e. General anesthesia and sedation are not covered services when the patient is cooperative and requires minimal dental treatment, or when the patient has a concomitant medical condition which would make general anesthesia or sedation unsafe.
12. Early and Periodic Screening, Diagnosis and Treatment (EPSDT) Services will be provided to Child Clients age 20 years and under if the criteria are met.

8.202.2.B. Exclusions.

1. Notwithstanding exceptions for EPSDT Services, the following services/treatments are not a benefit for Child Clients age 20 years and under:
 - a. Cosmetic procedures.
 - b. Crowns in the following categories:
 - i. Cosmetic crowns;
 - ii. Multiple units of crown and bridge;
 - iii. To restore vertical dimension;
 - iv. When Child Client has active and advanced periodontal disease;
 - v. When the tooth is not in occlusion; or
 - vi. When there is evidence of periapical pathology.
 - c. Implants.
 - d. Endodontic surgery.
 - e. Treatment for temporomandibular joint disorders.
 - f. Oral hygiene instruction.
 - g. Working and final treatment films for root canal treatment.
 - h. Root canals for third molars.
 - i. Removal of third molars. Removal of third molars is only covered in instances of acute pain and overt symptomatology.
 - j. Any service that is not listed as covered.

8.202.3 PRIOR AUTHORIZATION REQUEST

1. Emergency Services do not require a prior authorization and shall be subject to pre-payment review.
2. Prior authorizations or benefits shall be denied for reasons of poor dental prognosis, lack of dental necessity or appropriateness or because the requested services do not meet the generally accepted standard of dental care.

3. The following services require prior authorization:
 - a. Single crowns; core build-ups; post and cores.
 - b. Gingivectomy.
 - c. Complete, partial, and immediate dentures.
 - d. Obturators.
 - e. Scaling and root planing (periodontal maintenance).
 - f. Retreatment of root canals; prior authorization is not required for pulpal debridement in instances of acute pain.
 - g. Hospital-based services when treatment is required.

8.202.4. PROVIDER REQUIREMENTS/REIMBURSEMENT

8.202.4.A. Dental services shall only be provided by a dental professional who is enrolled with Colorado Medicaid with the exception of services rendered to Child Clients by qualified medical personnel. Providers shall only provide covered services that are within the scope of their practice.

8.202.4.B. The following billing limitations apply:

1. Restorations:
 - a. Tooth preparation, anesthesia, all adhesives, liners and bases, polishing and occlusal adjustments are included within the reimbursement rate for restoration. Unbundling of dental restorations for billing purposes is not allowed.
 - b. Restorations for permanent and primary teeth are paid at the same rate.
 - c. The total restorative fee for a primary tooth cannot exceed the current maximum benefit for a prefabricated stainless steel crown.
 - d. Amalgam and composite restorations are reimbursed at the same rate.
 - e. Claim payment to a dental provider for one (1) or more restorations for the same tooth is limited to a total of four (4) tooth surfaces.
2. Pulpal debridement; if a dentist completes a pulpal debridement procedure, and subsequently completes a root canal on the same tooth; payment for the pulpal debridement will be subtracted from the final root canal payment.
3. Hospital procedures; payment for services performed in the operating room or outpatient facility, when scheduled for the convenience of the provider or the patient in the absence of medical necessity, will not be reimbursed.
4. In the event that two or more treatments could be used to adequately diagnose and treat a dental condition, the Provider shall use the least costly of those options in accordance with best dental practices.
5. If a procedure is not listed as covered benefit, the procedure will not be covered, unless special consideration and approval has been obtained, to reflect extenuating circumstances.

6. A client may make personal expenditures for services not covered by Medicaid and shall be charged the lower of the Medicaid Fee Schedule or submitted charges.

8.202.5 ELIGIBLE CLIENTS

Dental services described in this Section 8.202 shall apply to Child Clients age 20 years and under.

John W. Suthers

Attorney General

Cynthia H. Coffman

Chief Deputy Attorney General

Daniel D. Domenico

Solicitor General



Ralph L. Carr

Colorado Judicial Center

1300 Broadway, 10th floor

Denver, CO 80203

Phone 720-508-6000

State of Colorado

Department of Law

Office of the Attorney General

Tracking number: 2014-00884

**Opinion of the Attorney General rendered in connection with the rules adopted by the
Medical Services Board (Volume 8; Medical Assistance, Children's Health Plan)**

on 10/10/2014

10 CCR 2505-10

MEDICAL ASSISTANCE - STATEMENT OF BASIS AND PURPOSE, AND RULE HISTORY

The above-referenced rules were submitted to this office on 10/10/2014 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

John W. Suthers

Attorney General

by Daniel D. Domenico

Solicitor General

October 22, 2014 15:03:21

Permanent Rules Adopted

Department

Department of Human Services

Agency

Food Assistance Program (Volume 4B)

CCR number

10 CCR 2506-1

Rule title

10 CCR 2506-1 RULE MANUAL VOLUME 4B, FOOD ASSISTANCE 1 - eff 12/01/2014

Effective date

12/01/2014

Tracking# 2014-00900
FA/E 10/3/14, eff. 12/1/14
(former TN# 2014-00938
emergency 9/5/14, eff. 10/1/14)

I:/14081201_Submittal
[I:/14081201.doc]

(10 CCR 2506-1)

[Instructions: insert the following paragraph at the end of the Statement of Basis and Purpose.]

Revisions to Sections 4.207.3, 4.401.1, 4.407.1, and 4.407.3 through 4.407.31 were final (permanent) adoption of prior emergency rules at the 10/3/2014 State Board meeting (Rule-making# 14-8-12-1), with an effective date of 12/1/2014. Statement of Basis and Purpose and specific statutory authority for these revisions were incorporated by reference into the rule. These materials are available for review by the public during normal working hours at the Colorado Department of Human Services, Office of Enterprise Partnerships, State Board Administration.

[Instructions: replace the following section.]

4.207.3 Benefit Allotment [Em. eff. 10/1/14; Rev. eff. 12/1/14]

- A. After eligibility has been established, the monthly Food Assistance benefit allotment will be determined. The state automated system will compute the household's allotment. The following formula shall be used to determine a household's benefit allotment.
1. Multiply the net monthly income by thirty percent (30%).
 2. Round the product up to the next whole dollar if it ends in one (1) through ninety-nine (99) cents.
 3. Subtract the result from the maximum benefit allowed for the appropriate household size, as shown in E. below.
- D. Except for an initial month, If the allotment for a one- or two-person household is less than ten dollars (\$10), round the allotment up to the minimum benefit allowed for one- or two-person household. If the calculation of benefits for an initial month is less than ten dollars (\$10), then no benefits shall be issued to the household for the initial month.
- E. The Food Assistance maximum and minimum monthly benefit allotment tables will be adjusted as announced by the United States Department of Agriculture (USDA, Food and Nutrition Service (FNS)).

HOUSEHOLD SIZE	MAXIMUM MONTHLY ALLOTMENT
	EFFECTIVE OCTOBER 1, 2014

1	\$194
2	\$357
3	\$511
4	\$649
5	\$771
6	\$925
7	\$1,022
8	\$1,169
EACH ADDITIONAL PERSON	+ \$146

HOUSEHOLD SIZE	MINIMUM MONTHLY ALLOTMENT EFFECTIVE OCTOBER 1, 2014
1-2	\$16

[Instructions: replace the following section.]

4.401.1 Gross Income Eligibility Determination [Em. eff. 10/1/14; Rev. eff. 12/1/14]

A household, except those eligible under basic categorical eligibility, that does not include a member who is elderly or a person with a disability, as defined in Section 4.304.41, may be eligible if its monthly non-exempt earned and unearned income does not exceed the gross income level. Except for households that are eligible under basic categorical eligibility, households without person who is elderly and/or a person with a disability shall be ineligible for Food Assistance if its monthly income, after deducting any legally obligated child support payments and no other deductions, exceeds the gross income level. In such cases, there is no computation to consider deductions. Instead, a Notice of Action form is completed to deny the household.

- A. The gross income level for households that do not include a member who is elderly and/or a person with a disability is one hundred thirty percent (130%) of the federal poverty level.
- B. The gross income level for households eligible under expanded categorical eligibility that include a member who is elderly or a person with a disability is two hundred percent (200%) of the federal poverty level. If the household exceeds 200% of the federal poverty level, the household shall be reviewed under basic categorical eligibility rules and/or standard eligibility rules as outlined in

Section 4.206. If the household is eligible under standard eligibility rules, the household shall only be subject to the net income level of one hundred percent (100%) of the federal poverty level.

C. Gross Income Levels

Effective October 1, 2014, the gross income level for one hundred thirty percent (130%), two hundred percent (200%), and one hundred sixty-five percent (165%) of the federal poverty level for the corresponding household size is as follows:

Household Size	130% Gross Income Level	200% Gross Income Level	165% Gross Income Level
1	\$1,265	\$1,946	\$1,605
2	\$1,705	\$2,622	\$2,163
3	\$2,144	\$3,300	\$2,722
4	\$2,584	\$3,976	\$3,280
5	\$3,024	\$4,652	\$3,838
6	\$3,464	\$5,330	\$4,396
7	\$3,904	\$6,006	\$4,955
8	\$4,344	\$6,682	\$5,513
Each additional person	+ \$440	+ \$678	+ \$559

[Instructions: replace the following section.]

4.401.2 Net Income Eligibility Determination [Em. eff. 10/1/14; Rev. eff. 12/1/14]

- A. All households, except those who are eligible under basic categorical eligibility, whose income does not exceed the gross income level as outlined in this section shall have their eligibility for benefits computed allowing the earned income, standard, dependent care, medical, and shelter deductions, as appropriate. The household shall be eligible only if its monthly gross income, less the allowable Food Assistance deductions, is below the maximum net eligibility level for their household size. A household that exceeds the net eligibility level must be denied, except for households eligible under basic categorical eligibility rules.
- B. A household that is ineligible for either expanded or basic categorical eligibility shall be eligible for Food Assistance benefits if its monthly nonexempt earned and unearned income, less all applicable deductions, including the earned income, standard, medical, dependent care, and unlimited excess shelter deduction, does not exceed the maximum net income level.
- C. If a household contains a member who is fifty-nine (59) years old on the date of application, but who will become sixty (60) years of age before the end of the month of application, the local office shall determine the household's eligibility as if the person is sixty (60) years of age.

D. Net Income Levels

Effective October 1, 2014, the net income level of one hundred percent (100%) of the federal poverty level for the corresponding household size is as follows:

Household Size	100% Net Income Level
1	\$973
2	\$1,311
3	\$1,650
4	\$1,988
5	\$2,326
6	\$2,665
7	\$3,003
8	\$3,341
Each additional member	+ \$339

[Instructions: replace the following section.]

4.407.1 Standard Deduction [Em. eff. 10/1/14; Rev. eff. 12/1/14]

A standard deduction of 8.31% of the federal poverty income guidelines for the household size will be used to calculate the amount that is allowed to all households. The established standard amount will be adjusted annually as announced by the Food and Nutrition Service, USDA. The calculation of 8.31% of the federal poverty income guidelines for eligible members will be used for all households up to the household size of six (6). All households with six (6) or more eligible members will use the six (6) person standard deduction.

STANDARD DEDUCTION AMOUNT				
Household Size	1-3	4	5	6+
Effective October 1, 2014	\$155	\$165	\$193	\$221

[Instructions: replace the following section.]

4.407.3 Excess Shelter Deduction [Em. eff. 10/1/14; Rev. eff. 12/1/14]

- A. Households shall receive a deduction for the allowable monthly shelter costs that are in excess of fifty percent (50%) of the household's income after all other deductions. Shelter expenses are allowed as billed to a household member or as paid or billed to a disqualified individual. Shelter costs that are paid by or billed to a person disqualified for fraud shall be allowed as a deduction for eligible members in their entirety. Shelter costs, paid or billed to a person disqualified for being an ineligible non-citizen or for failure to provide a Social Security Number shall be divided evenly among all household members and the disqualified individual. All except the disqualified person's pro rata share is counted as a shelter cost of the household.
- B. A shelter deduction cap, as specified below, applies to households that do not contain person who is elderly and/or a person with a disability as defined in Section 4.304.41. Those households containing a person who is elderly and/or a person with a disability shall receive an excess shelter deduction for the monthly cost of shelter that exceeds fifty percent (50%) of the household's monthly income after all other applicable deductions.

SHELTER DEDUCTION CAP	
Effective October 1, 2014	\$490

- C. Homeless households shall be entitled to use a standard estimate of shelter expenses for households in which all members are homeless and are not receiving free shelter throughout the calendar month. The Food and Nutrition Service, USDA, has provided a current estimate of one hundred forty-three dollars (\$143) and shall update this figure annually when the shelter cap for other households is adjusted.

All homeless households that incur or reasonably expect to incur shelter costs during a month shall be eligible for the estimate unless higher shelter costs are verified, at which point the household may use actual shelter costs rather than the estimate. If a homeless household has difficulty in obtaining traditional types of verification of shelter costs, the eligibility technician shall use the prudent person principle in determining if verification obtained is adequate. Homeless households that incur no shelter costs during the month shall not be eligible for the standard estimate.

- D. A household may claim both the costs of its actual residence and those for a home that is not occupied by the household because of employment or training away from home; or illness; or abandonment caused by a natural disaster or casualty loss.

For costs of a home vacated by the household to be included in the household's shelter costs, the household must intend to return to the home; the current occupants of the home, if any, must not be claiming the shelter costs for Food Assistance purposes; and the home must not be leased or rented during the absence of the household.

- E. Allowable shelter costs shall include only the following:
1. Continuing charges for the shelter, including rent, mortgages, condo, and association fees or other continuing charges leading to the ownership of the shelter such as loan repayments for the purchase of a mobile home, including interest on such payments.

- a. If a homeowner has drawn money down in a reverse mortgage and now wants to make monthly payments to repay some of the amount drawn, the repayment shall be considered a charge leading to the ownership of a home, such as a loan repayment. To be deductible, the charge must be continuing. If the household expects to make monthly payments, the client's charges are considered to be continuing, and the repayments shall be allowed as a shelter cost. If the repayment is not continuing, it does not meet the requirement and the payments shall not be allowed as a shelter deduction.
 - b. Payments on loans secured by a lien placed on the property by the lending institution, such as a second mortgage or home equity loan, shall be considered a continuing charge for shelter. Payments on unsecured loans or personal loans are not considered shelter costs.
 - c. Expenses incurred to keep a pet that are billed separately from the household's rent are not allowable as shelter deductions.
2. Property taxes, state and local assessments, and insurance on the structure itself, but not separate costs for insuring furniture or personal belongings.
3. Charges to repair or rebuild a home substantially damaged or destroyed due to a natural disaster such as a fire or flood. Allowable expenses are those that have not been, and will not be, reimbursed by private or public relief agencies, insurance companies, or any other source.
4. Utility costs which include charges for heating and cooking fuel; water and sewer; well installation and maintenance; septic tank installation and maintenance; garbage and trash collection fees; and, fees charged by the utility provider for initial installation of the utility.
5. A telephone allowance for one telephone or the cost of telephone service that is associated with a specific device, which includes land-line service or cellular service, including disposable cell phones, and voice over internet protocol (VOIP). Households are not allowed to deduct the cost of pay phones and of phone cards that are not associated with a specific device. One-time deposits shall not be included as shelter costs. With regard to VOIP, only the cost of VOIP is deductible; other charges such as Internet connectivity fees and monthly cable/internet fees are not deductible.

4.407.31 Four-Tiered Mandatory Standard Utility Allowance [Em. eff. 10/1/14; Rev. eff. 12/1/14]

Effective October 1, 2008, a four tiered mandatory standard utility allowance deduction was implemented in determining a household's excess shelter deduction. Households cannot claim actual utility expenses and are only entitled to one of the four utility allowances. The four utility allowances shall be reviewed annually and adjusted each year, based on Federal approval, to reflect Colorado's cost of utilities. No utility expenses can be allowed as an income exclusion for self-employed households when a mandatory utility allowance is given to the household.

When determining expedited eligibility, the appropriate utility allowance shall be applied when establishing the household's shelter costs.

The four (4) tiers are as follows:

- A. Heating and Cooling Utility Allowance (HCUA)

1. "Cooling costs" are defined as utility expenses relating to the operation of air conditioning systems, room air conditioners, swamp coolers, or evaporative coolers. Fans are not an allowable cooling cost. A heating and cooling utility allowance (HCUA) is available only to households who:
 - a. Incur or anticipate a heating or cooling expense separate and apart from their rent or mortgage;
 - b. Received a Low-Income Energy Assistance Program (LEAP) payment within the previous twelve (12) month period, regardless of whether or not the individual is still residing at the address for which he/she received the LEAP payment;
 - c. Live in private rental housing and are billed by their landlords on the basis of individual usage or are charged a flat rate separately from their rent for heating and cooling;
 - d. Share a residence and who incur at least a portion of the heating or cooling cost; each household will be entitled to the full HCUA; or,
 - e. Live in public housing and are responsible for excess heating and/or cooling costs.
2. A Food Assistance household, which incurs or anticipates a heating or cooling expense on an irregular basis, may continue to receive the HCUA between billing periods.
3. Operation of a space heater, electric blanket, heat lamp, cooking stove and the like when used as a supplemental heating source are allowable costs when determining eligibility for the basic utility allowance (BUA), but do not qualify a household for the HCUA.
4. The HCUA standard is as follows:

Effective October 1, 2014	\$462
---------------------------	-------

B. Basic Utility Allowance (BUA)

1. The Basic Utility Allowance (BUA) is mandated for any households that are not entitled to the HCUA and that incur at least two (2) non-heating or non-cooling utility costs, such as electricity, water, sewer, trash, cooking fuel, or telephone.
2. If more than one assistance group shares in paying non-heating or non-cooling utility costs of the dwelling, the full BUA will be allowed for each assistance group sharing in the utility costs.
3. The BUA standard is as follows:

Effective October 1, 2014	\$291
---------------------------	-------

C. One Utility Allowance (OUA)

1. The OUA is mandated for any household that is not entitled to the HCUA or BUA but is responsible for only one (1) non-heating or one (1) non-cooling utility expense. The OUA is not allowed if the household's only utility expense is a telephone.

2. If more than one (1) assistance group shares in paying one (1) non-heating or one non-cooling utility costs of the dwelling, the full OUA will be allowed for each assistance group sharing in the utility costs.
3. The OUA standard is as follows:

Effective October 1, 2014	\$55
---------------------------	------

D. Telephone Allowance

1. The telephone allowance is available to households whose only utility expense is for a telephone. If more than one assistance group shares in paying the telephone expense and that is the only utility expense of the dwelling, the full phone standard will be allowed for each assistance group sharing in the telephone expense.
2. The telephone allowance is as follows:

Effective October 1, 2014	\$74
---------------------------	------

John W. Suthers

Attorney General

Cynthia H. Coffman

Chief Deputy Attorney General

Daniel D. Domenico

Solicitor General



Ralph L. Carr

Colorado Judicial Center

1300 Broadway, 10th floor

Denver, CO 80203

Phone 720-508-6000

**State of Colorado
Department of Law**

Office of the Attorney General

Tracking number: 2014-00900

**Opinion of the Attorney General rendered in connection with the rules adopted by the
State Board of Human Services: #14-8-12-1 Food Assistance Federal Fiscal Year 2015 SUA and COLA**

on 10/03/2014

10 CCR 2506-1

RULE MANUAL VOLUME 4B, FOOD ASSISTANCE

The above-referenced rules were submitted to this office on 10/10/2014 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

October 22, 2014 15:00:38

A handwritten signature in black ink, appearing to read "JWS", is written over a light blue rectangular background.

John W. Suthers

Attorney General

by Daniel D. Domenico

Solicitor General

Permanent Rules Adopted

Department

Department of Human Services

Agency

State and Veterans Nursing Homes (Volume 11)

CCR number

12 CCR 2511-1

Rule title

12 CCR 2511-1 RULE MANUAL VOLUME 11, STATE AND VETERANS NURSING HOMES 1 - eff 12/01/2014

Effective date

12/01/2014

Tracking# 2014-00898
FA/P 10/3/14, eff. 12/1/14

I:/14072101_Submittal

(12 CCR 2511-1)

[Instructions: Insert the following paragraph at the end of the Statement of Basis and Purpose section.]

Revisions to Sections 11.100 through 11.300 were final adoption following publication at the 10/3/2014 State Board rule-making session, with an effective date of 12/1/2014 (Rule-Making# 14-7-21-1). Statement of Basis and Purpose and specific statutory authority for these revisions were incorporated by reference into the rule. These materials are available for review by the public during normal working hours at the Colorado Department of Human Services, Office of Enterprise Partnerships, State Board Administration.

[Instructions: Replace the following sections.]

11.000 COLORADO VETERANS COMMUNITY LIVING CENTERS [Rev. eff. 12/1/14]

11.100 DEFINITIONS [Rev. eff. 12/1/14]

"Applicant" means the individual applying for residency in a Veterans Community Living Center which includes the applicant's legal representative.

"Colorado resident" means an individual who currently resides in Colorado, intends to reside in Colorado permanently and who does not maintain a primary residence in another state.

"Colorado State Veterans Center" means Veterans Community Living Center at Homelake and the Domiciliary at Homelake located in Monte Vista, Colorado.

"Legal representative" means an individual who has the legal authority to take a particular action on behalf of an applicant or resident.

"Medical leave" means absence of the resident from the Center due to admittance to a hospital or other institution as defined in the Department of Health Care Policy and Financing rules, Section 8.482.43 (10 CCR 2505-10).

"Surviving spouse" means a person who was married to a Veteran at the time of the Veteran's death, and who has not remarried or held himself or herself out to the public to be the spouse of another person.

"Veteran" means a person who served in the active military, naval, or air service, and who was discharged or released there from under conditions other than dishonorable.

"Veterans Community Living Center" means any State nursing home or a nursing home administered under contractual obligation with a party that has been designed and constructed to qualify for federal funds and that is operated so as to qualify for per diem payments from the United States Department of Veterans Affairs.

11.110 RESIDENT ELIGIBILITY [Rev. eff. 12/1/14]

An eligible resident in a Veterans Community Living Center shall:

- A. Be a Colorado resident Veteran; or,
- B. Be a non-Colorado resident Veteran; or,
- C. Be a spouse/surviving spouse of a Colorado resident or non-Colorado resident Veteran; or,
- D. Be a surviving parent whose child(ren) who (all) died while serving in the armed forces of the United States; and,
- E. Be able to be served safely by the reasonable and customary care provided in the Veterans Community Living Center as determined by the Home's admission staff in conjunction with any applicable state or federal law or regulation.

11.120 ADMISSION PROCESS, WAIT LIST, AND PRIORITY [Rev. eff. 12/1/14]

- A. A person seeking admission to a Veterans Community Living Center may obtain an application form and information describing the application procedures from the individual Center. Staff shall provide the applicant with information regarding all required documentation, information and verifications necessary to complete the application when the application is requested.
- B. Staff shall conduct a preadmission screening of the applicant to determine if the applicant meets the eligibility requirements stated in Section 11.110 within five business days of receipt of the application. If the requirements are met, the Center's admissions staff shall review the submitted materials as outlined in Section 11.120, C. Once the applicant has been determined eligible, the applicant shall be admitted to the Center or placed on the Center's wait list, if applicable.
- C. Applicants shall provide the following information:
 - 1. A signed admission application, including completed financial information, a functional assessment, medical information and authorization for release of information; and,
 - 2. Verification of eligibility for admission, including proof of discharge from the armed services and a copy of the DD-214 Form, if applicable.
- D. In the event admission is denied, admission's staff shall provide the applicant with information regarding their right to request a review of the denial and the review process. The applicant can request a review of the denial by sending a request in writing to the administrator of the home within thirty (30) calendar days of the date on the applicant's notice of denial. The administrator shall conduct a final review of the admission's staff decision within ten calendar days of receipt from the applicant and shall notify the applicant in writing of the final decision. The decision of the administrator shall constitute final agency action.
- E. If a Veterans Community Living Center does not have a vacant bed for an approved admission, the applicant shall be placed on a wait list administered by each Center. Wait list protocols shall be based on the following rank:
 - 1. Date of completed application.
 - 2. Applicant is a resident Veteran.
 - 3. Applicant is a non-resident Veteran.
 - 4. Applicant is a spouse/surviving spouse.

5. Applicant is a parent of a child(ren) who (all) died while serving in the United States Armed Forces.
- F. An applicant on the wait list offered admission has ten business days from the date of the written notice of admission to accept or decline admission to the Center. If the applicant declines the offer of admission, the applicant's name shall be removed from the list, unless the applicant requests to be moved to the bottom of the wait list. If the applicant fails to respond to the offer of admission within ten business days from the date of the written notice, the applicant shall be moved to the bottom of the wait list.
- G. The Veterans Community Living Center shall require all approved applicants to declare all sources and amounts of monthly income. Staff shall evaluate the financial status of an approved applicant to determine the person's ability to pay toward the cost of care and to calculate the maintenance rate.

11.130 VETERANS COMMUNITY LIVING CENTER RESPONSIBILITIES [Rev. eff. 12/1/14]

- A. A resident shall be provided with the following information upon admission to a Veterans Community Living Center:
 1. General information about the Center, resident care, services and activities available.
 2. Resident Rights as found in Section 25-1-120, C.R.S.
 3. Grievance procedures per the Colorado Department of Public Health and Environment Regulations for long-term care facilities (6 CCR 1011-1).
 4. Other applicable Center policies including the Center's rates, room reservation policy and charges.
- B. The Center's staff shall review the above stated information with the resident or the resident's legal representative. After reviewing this information, the resident or resident's legal representative shall sign a statement indicating they have received and reviewed the information and agrees to abide by the Center's rules and regulations. This statement shall be kept with the resident's admission agreement. If changes occur to the information, the Center shall inform the resident and provide a copy of the changes. The resident or resident's legal representative shall sign a statement indicating they have received and reviewed a copy of the changes and agrees to abide by the changes.

11.140 ROOM RESERVATION CHARGES [Rev. eff. 12/1/14]

- A. The resident or the resident's legal representative shall notify the Center twenty-four (24) hours in advance of any planned absences of over ten hours.
- B. A resident whose bed is held during an absence shall be responsible for any charges that accrued before or during the leave period. If the resident or resident's legal representative does not agree in writing to pay the reservation charge, the Center may reassign the resident's bed to another resident or discharge the resident and place the resident on the Center's wait list.
- C. There shall be no room reservation charge to a Medicaid resident on medical leave if no source of payment, other than the resident's funds, are available and the Center's current occupancy is less than ninety percent (90%) of capacity.
- D. Calculation of room reservation charges shall be as follows:

1. For non-Veteran Medicaid residents the room reservation charge shall be the Center's current Medicaid per diem rate, less total food and linen service costs as computed from the most recent Med-13 Cost Report submitted to the Colorado Department of Health Care Policy and Financing (HCPF). In no case shall the charge be greater than the per diem rate less two dollars (\$2).
2. For Veteran Medicaid residents the room reservation charge shall be the Center's current Medicaid per diem rate less total food and linen service costs as computed from the most recent Med-13 Cost Report submitted to the HCPF. In no case shall the charge be greater than the per diem rate less two dollars (\$2). If the resident is absent from the Center less than ninety-six (960 hours, the current per diem rate provided by the U.S. Department of Veterans Affairs shall be subtracted from the room charge.

Room reservation charges for a Veteran Medicaid resident, whose absence results in a loss of U.S. Department of Veterans Affairs per diem payment (greater than 96 hours), shall include the current per diem reimbursement provided by the U.S. Department of Veterans Affairs, retroactive to the resident's date of departure.

3. For private pay residents the room reservation charge shall be the Center's private pay daily rate, less the daily total food and linen service costs as computed from the most recent Med-13 Cost Report submitted to HCPF.
 4. Homelake Domiciliary residents shall be allowed thirty (30) days of approved leave per state fiscal year, excluding Medical Leave. Residents absent from the domiciliary over thirty days per fiscal year may be subject to discharge. The Homelake Domiciliary room reservation charge during any approved leave shall be the resident's current daily rate at the time of leave. At the resident's request, a domiciliary room shall be held for a resident admitted to the nursing home for up to thirty days at the resident's current daily rate. If the resident fails to return to the facility within thirty days, the resident shall be evaluated for continued stay at the domiciliary. If the resident is not approved for continued stay, the resident shall be given five business days to vacate the Homelake Domiciliary. The resident shall be responsible for the payment of rent through the day of departure.
- E. A bed may be held without charge for an approved applicant for up to two weeks from the date of acceptance of the offer of admission. Bed holds prior to admission may exceed two weeks from the date of acceptance with the approval of the Center's administrator; however, the applicant shall be responsible for the daily rate following the first two weeks from the date of acceptance of the offer of admission.

11.150 FINANCIAL INFORMATION [Rev. eff. 12/1/14]

- A. An applicant or resident shall be the primary source of financial information to determine ability to pay except when management of the applicant's or resident's financial affairs has been designated to the legal representative. If the applicant or resident is not the source of financial information, the reason shall be noted in the financial information file.
- B. Residents shall apply for all federal and state benefits for which they may be eligible within thirty days of admission. The resident's status with the Center and eligibility for continued care shall not be affected if the resident is denied benefits.

11.160 MAINTENANCE RATES – PAYMENT FOR CARE [Rev. eff. 12/1/14]

- A. Pursuant to Section 26-12-108, C.R.S., the Department shall establish rates for care of residents as nearly equal to the cost of operation and maintenance of the Centers as practicable.

- B. Current rates shall be given to each applicant. Each Center shall send a written notice of any increase in proposed rates to each resident no later than fourteen business days prior to the effective date of the new rate.
- C. Each Home shall have the authority to request pre-payment from a resident.

11.170 PAST DUE ACCOUNTS [Rev. eff. 12/1/14]

- A. A resident's account shall be deemed past due if the debt has not been paid by the close of business on the due date. The due date is ten calendar days from the end of the month for which a resident resided at the Center. Interest may be accrued on accounts which are thirty days past due, and may be referred to the State Controller for collection.
- B. Discharge proceedings may be instituted per the Colorado Department of Public Health and Environment Regulations for long-term care facilities (6 CCR 1011-1) when an account is past due. Discharge proceedings shall be stopped if full payment is received by Center prior to the discharge taking place.

11.200 BURIAL AT THE COLORADO VETERANS COMMUNITY LIVING CENTER AT HOMELAKE [Rev. eff. 12/1/14]

- A. Current cemetery operation protocols shall remain in effect until such time as adequate moneys are available to fund construction of the northernmost triangular parcel of the cemetery in its entirety. Adequate moneys shall include funds for surveys, design, testing and inspection, code review, and construction.
- B. "Reservation" means the ability of an honorably discharged veteran, who is a Colorado resident, to reserve space in the cemetery for himself/herself and his/her spouse.
 - 1. Reservations shall be contingent upon receipt of one-half of the published U.S. Department of Veterans Affairs burial benefit at the time of the reservation.
 - 2. Reservations shall begin upon completion of the construction of the triangular northernmost parcel of the cemetery. Eligible individuals may place their names on a waitlist for reservations until such time as construction is complete.
 - 3. Any person who has made a reservation with the Department on or before May 3, 2012, shall retain such right to reservation.
- C. Site selection shall be at the discretion of the Colorado Veterans Community Living Center at Homelake.
- D. Only upright marble markers or headstones furnished by U.S. Department of Veterans Affairs shall be permitted.

11.300 LOCAL ADVISORY BOARD [Rev. eff. 12/1/14]

- A. Each Veterans Community Living Center shall institute a local advisory board. The local advisory board shall ensure appropriate communication channels are in place between the Center, the local community, and other stakeholder groups in order to resolve issues or celebrate successes at the earliest opportunity.
- B. The local advisory board shall consist of a minimum five members, at least one of the members shall be a resident of the Center or a person who at the time of his or her appointment is a family member of a resident at the Center.

- C. The local advisory board shall submit a year-end report to the Office Director of the Veterans Community Living Centers by July 30 of each year beginning in 2008. The year-end report shall summarize board activities, member concerns, resident concerns, staffing vacancies, accomplishments and any other issues the board deems appropriate.

John W. Suthers

Attorney General

Cynthia H. Coffman

Chief Deputy Attorney General

Daniel D. Domenico

Solicitor General



Ralph L. Carr

Colorado Judicial Center

1300 Broadway, 10th floor

Denver, CO 80203

Phone 720-508-6000

**State of Colorado
Department of Law**

Office of the Attorney General

Tracking number: 2014-00898

**Opinion of the Attorney General rendered in connection with the rules adopted by the
State Board of Human Services: #14-7-21-1 Community Living Centers Pursuant to SB14-096**

on 10/03/2014

12 CCR 2511-1

RULE MANUAL VOLUME 11, STATE AND VETERANS NURSING HOMES

The above-referenced rules were submitted to this office on 10/09/2014 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

October 22, 2014 14:59:09

A handwritten signature in black ink, appearing to read "JWS", is written over a light blue rectangular background.

John W. Suthers

Attorney General

by Daniel D. Domenico

Solicitor General

Terminated Rulemaking

Department

Department of Revenue

Agency

Motor Vehicle Dealer Board

CCR number

1 CCR 205-1

Tracking number

2014-00929

Termination date

10/16/2014

Reason for termination

This rulemaking is being terminated due to an overwhelming response from interested persons on all sides of the issues, many of whom raised significant concerns about the proposed changes to the required disclosure rules. Additionally, there are concerns that the hearing procedure issues have not been fully evaluated by interested persons.

Terminated Rulemaking

Department

Department of Revenue

Agency

Motor Vehicle Dealer Board

CCR number

1 CCR 205-2

Tracking number

2014-00930

Termination date

10/16/2014

Reason for termination

This rulemaking is being terminated due to an overwhelming response from interested persons on all sides of the issues, many of whom raised significant concerns about the proposed changes to the required disclosure rules. Additionally, there are concerns that the hearing procedure issues have not been fully evaluated by interested persons.

Departmental Regulatory Agendas

Department

Department of Agriculture



Colorado Department of Agriculture 2015 Regulatory Agenda

Adopt February 11, 2015 – Effective March 30, 2015

Notice Published	February 25, 2015
Rule Number	8 CCR 1202-7
Rule Title	"Rules for Pet Food Under the Colorado Feed Law, Sections 35-60-101 through 115, C.R.S."
Statutory Authority	35-60-109 C.R.S.
Purpose	The purpose of the proposed rule amendments is to specify raw pet food labeling requirements to include safe handling directions on the label; specify labeling exemptions for pet food items made from animal skin and/or cartilage to allow these products to be distributed without a guaranteed analysis statement; update the edition of the AAFCO Official publication recognized by Colorado to a more recent edition; amend product name requirements for pet foods to give manufacturers more flexibility when allowing the "95% rule" in Section 4; add pet chew to the list of items exempted from distribution fees; make the Pet Food Rules a stand-alone set of rules; change the expiration date for registrations and the due date for small package distribution reports and fees to December 31 st ; and general editing and clean-up of text and removal of unnecessary and obsolete text. Additional changes may be proposed as a result of the Department's Regulatory Efficiency Review process conducted in accordance with 24-4-103.3 C.R.S.
Persons/Parties Affected	Feed manufacturers

Published: October 31, 2015



Notice Published	February 25, 2015
Rule Number	8 CCR 1202-6
Rule Title	"Rules for Commercial Feed Under the Colorado Feed Law, Sections 35-60-101 through 115, C.R.S."
Statutory Authority	35-60-109 C.R.S.
Purpose	The purpose of the proposed rule amendments is to specify labeling requirements for wild bird seed products to allow manufacturers to use a statement of composition instead of a guaranteed analysis statement; change the expiration date for registrations and the due date for small package distribution reports and fees to December 31 st ; update the state recognized edition of the AAFCO Official publication to a more recent edition; remove section (5) III "In lieu of ingredient statement" as it is not in the consumers interest; and general editing and clean-up of text and removal of unnecessary and obsolete text. Additional changes may be proposed as a result of the Department's Regulatory Efficiency Review process conducted in accordance with 24-4-103.3 C.R.S.
Persons/Parties Affected	Feed manufacturers

Notice Published	February 25, 2015
Rule Number	8 CCR 1203-23
Rule Title	"Rules Pertaining to the Administration and Enforcement of the Industrial Hemp Regulatory Program Act"
Statutory Authority	35-60-104 C.R.S.
Purpose	The purpose of the proposed rule amendments is to clarify what activities are commercial and which constitute research and development; require an abstract for research and development registrations; clarify that registrations cannot be transferred; prohibit commercial and research and development cultivation from continuous property; increase the fee to cover program costs; limit changes that can be made through amendments to the registration; clarify information required on the registration and timelines for submitting the information; change the percentage of required inspections based on type of seed planted; clarify conditions for granting a waiver to the THC results; and clarify the THC percentage of material that may enter the chain of commerce. Additional changes may be proposed as a result of consultation with the advisory committee and the Department's Regulatory Efficiency Review process conducted in accordance with 24-4-103.3 C.R.S.
Persons/Parties Affected	Hemp producers for both commercial and research and development cultivation

Published: October 31, 2015



Notice Published	February 25, 2015
Rule Number	8 CCR 1203-22
Rule Title	"Colorado Seed Potato Act"
Statutory Authority	35-27.3-108 C.R.S.
Purpose	The purpose of the proposed rule amendments is to change the allowed tolerance for Potato Virus Y NTN on imported seed potatoes. Additional changes may be proposed as a result of consultation with the advisory committee and the Department's Regulatory Efficiency Review process conducted in accordance with 24-4-103.3 C.R.S.
Persons/Parties Affected	Potato producers throughout the state

Adopt September 23, 2015 – Effective November 14, 2015

Notice Published	July 25, 2015
Rule Number	8 CCR 1202-5
Rule Title	"Storage and Handling of Anhydrous Ammonia"
Statutory Authority	35-13-103 C.R.S.
Purpose	The purpose of the proposed rule amendments is for general editing and clean-up of text and removal of unnecessary and obsolete text; defining and clarifying rule context and definitions; and establishing additional welding repair document requirements. Additional changes may be proposed as a result of the Department's Regulatory Efficiency Review process conducted in accordance with 24-4-103.3 C.R.S.
Persons/Parties Affected	Fertilizer dealers and agricultural producers who utilize anhydrous ammonia

Published: October 31, 2015



Adopt October 21, 2015 – Effective December 30, 2015

Notice Published	September 25, 2015
Rule Number	8 CCR 1205-2
Rule Title	"Administration and Enforcement of the Alternative Livestock Act, Sections 35-41.5-101 – 117, C.R.S."
Statutory Authority	35-41.5-101 – 117 C.R.S.
Purpose	Changes may be proposed as a result of the Department's Regulatory Efficiency Review process conducted in accordance with 24-4-103.3 C.R.S.
Persons/Parties Affected	Elk and fallow deer breeders, producers, alternative livestock facility owners and operators, alternative livestock transport companies, State Board of Stock Inspection Commissioners, Colorado Department of Agriculture Brand Inspection and Animal Health Divisions, and Colorado Department of Natural Resources Parks and Wildlife Division

Adopt November 11, 2015 – Effective December 30, 2015

Notice Published	September 25, 2015
Rule Number	8 CCR 1201-17
Rule Title	"Concerning the Prevention of Disease in Alternative Livestock"
Statutory Authority	Title 35, Article 50 C.R.S.
Purpose	The purpose of the proposed rule amendments is to update language and outdated terms and make the alternative livestock rules consistent with the new federal chronic wasting disease, TB, and brucellosis rules, and the animal disease traceability rule. Incorporate recommendations from the alternative livestock producers to protect the native cervid population from the negative impact of chronic wasting disease and tuberculosis. Additional changes may be proposed as a result of the Department's Regulatory Efficiency Review process conducted in accordance with 24-4-103.3 C.R.S.
Persons/Parties Affected	Alternative livestock producers, farmers and ranchers, livestock transport companies, and the Colorado Division of Parks and Wildlife

Published: October 31, 2015



Notice Published	September 25, 2015
Rule Number	8 CCR 1201-16
Rule Title	"Rules Pertaining to Control and Eradication of Scrapie in Sheep and Goats"
Statutory Authority	Title 35, Article 50 C.R.S.
Purpose	The purpose of the proposed rule amendments is to update language and outdated terms; make scrapie disease control and eradication rules consistent with the new federal animal disease traceability rule; incorporate recommendations from the Colorado Wool Growers Association; and protect the sheep industry from the negative impact of scrapie disease. Additional changes may be proposed as a result of the Department's Regulatory Efficiency Review process conducted in accordance with 24-4-103.3 C.R.S.
Persons/Parties Affected	Colorado wool growers, lamb feedlots, farmers/ranchers, livestock transport companies, and livestock auction market owners within Colorado and in other states that produce, sell, or transport livestock

Notice Published	September 25, 2015
Rule Number	8 CCR 1206-2
Rule Title	"Rules Pertaining to the Administration and Enforcement of the Colorado Noxious Weed Act"
Statutory Authority	35-5.5-115 C.R.S.
Purpose	The purpose of the proposed rule amendments is to designate new List A species following an assessment of their invasiveness in Colorado; remove a species from List B following an analysis of this plant's current distribution and behavioral status; update eight List B species management plans; and update reference numbers for new figures, and correct any existing typographical errors and/or obsolete language. Additional changes may be proposed as a result of the Department's Regulatory Efficiency Review process conducted in accordance with 24-4-103.3 C.R.S.
Persons/Parties Affected	Local governments, weed management programs, and landowners

Published: October 31, 2015



Regulatory Efficiency Review

Rule Number	8 CCR 1202-4
Rule Title	"Fertilizers and Soil Conditioners"
Statutory Authority	35-12-114 C.R.S.
Purpose	Changes may be proposed as a result of the Department's Regulatory Efficiency Review process conducted in accordance with 24-4-103.3 C.R.S.
Persons/Parties Affected	Commercial fertilizer and compost manufacturers, sellers and users. An extensive consultation and review process will be completed, involving industry and Colorado State University.

Rule Number	8 CCR 1202-13
Rule Title	"Rules Pertaining to the Administration and Enforcement of the Custom Processing of Meat Animals Act"
Statutory Authority	35-33-104 C.R.S.
Purpose	Changes may be proposed as a result of the Department's Regulatory Efficiency Review process conducted in accordance with 24-4-103.3 C.R.S.
Persons/Parties Affected	Custom meat processors and customers

Rule Number	8 CCR 1202-12
Rule Title	"Administration and Enforcement of the Sale of Meat Act Method of Sale of Home Food Service"
Statutory Authority	35-33.5-105 C.R.S.
Purpose	Changes may be proposed as a result of the Department's Regulatory Efficiency Review process conducted in accordance with 24-4-103.3 C.R.S.
Persons/Parties Affected	Home food service businesses and customers

Rule Number	8 CCR 1206-1
Rule Title	"Water Quality Control Concerning Agricultural Chemicals and Ground Water"
Statutory Authority	25-8-205.5(3)(b) C.R.S.
Purpose	Changes may be proposed as a result of the Department's Regulatory Efficiency Review process conducted in accordance with 24-4-103.3 C.R.S.
Persons/Parties Affected	Commercial or private entities storing agricultural chemicals in bulk quantities

Published: October 31, 2015



Rule Number	8 CCR 1206-3
Rule Title	"Administration and Enforcement of the Weed Free Forage Crop Certification Act"
Statutory Authority	35-27.5-103 C.R.S.
Purpose	Changes may be proposed as a result of the Department's Regulatory Efficiency Review process conducted in accordance with 24-4-103.3 C.R.S.
Persons/Parties Affected	Producers of weed free forage or mulch, government agencies managing public land, and the Colorado Department of Transportation

Rule Number	8 CCR 1203-8
Rule Title	"Rules and Regulations Pertaining to the Administration and Enforcement of the Colorado Chemigation Act"
Statutory Authority	35-11-104 C.R.S.
Purpose	Changes may be proposed as a result of the Department's Regulatory Efficiency Review process conducted in accordance with 24-4-103.3 C.R.S.
Persons/Parties Affected	Producers applying agriculture chemicals through a closed irrigation system

Rule Number	8 CCR 1203-1
Rule Title	"Administration and Enforcement of the Pesticide Act"
Statutory Authority	Title 35, Article 9 C.R.S.
Purpose	Changes may be proposed as a result of the Department's Regulatory Efficiency Review process conducted in accordance with 24-4-103.3 C.R.S.
Persons/Parties Affected	Pesticide manufacturers, pesticide retailers, pesticide users, and the general public

Rule Number	8 CCR 1203-2
Rule Title	"Rules and Regulations Pertaining to the Administration and Enforcement of the Pesticide Applicators' Act"
Statutory Authority	Title 35, Article 10 C.R.S.
Purpose	Changes may be proposed as a result of the Department's Regulatory Efficiency Review process conducted in accordance with 24-4-103.3 C.R.S.
Persons/Parties Affected	Pesticide users (commercial, limited commercial, public and private), pesticide sensitive individuals, and the general public

Published: October 31, 2015



Departmental Regulatory Agendas

Department

Department of Corrections



COLORADO

Department of Corrections

2014-2015 Regulatory Agenda

Adrienne L. Jacobson/PIO
Hilary Johnson/Policy Analyst
November 1, 2014

Summary of Agency Rule Reviews (Regulatory Plan Progress)

Since the Department began conducting rule reviews pursuant to EO 2012-002, the Colorado Department of Corrections has reviewed 889 rules. It is important to note that we review all of our rules annually, as required by American Correctional Association standards, and we use a rolling calendar system for these reviews. Accordingly, the total number of rules reviewed and amended may include several reviews/modifications of the same rule for different purposes.

As a result of these rule reviews, the Department has made modifications to 317 rules and has abolished 28 rules.

2013-2014 Regulatory Agenda Summary of Progress

The Colorado Department of Corrections made significant progress toward completing all regulatory goals outlined on the 2013-2014 Regulatory Agenda.

Highlights of the Department's achievements this past year include:

NEW RULES

250-76, "Sure and Swift Program"

While not included on the 2013-2014 Regulatory Agenda, this AR was implemented pursuant to requested parole modifications contained in HB13-1355, the purpose of the program is to include the use of short term jail stays as an immediate sanction for certain violation behavior. Research indicates that when responses to parole violations are "sure and swift" they are more effective at impacting long term behavioral change.

600-09, "Close Custody Housing Operations"

This AR was included on the 2013-2014 Regulatory Agenda and is in furtherance of the Department's Restrictive Housing reforms.

250-75, "Low Risk/Low Custody Supervision"

While not included on the 2013-2014 Regulatory Agenda, this AR was implemented pursuant to requested parole modifications contained in HB13-1355, the purpose of this policy is to establish low risk/low custody parole caseloads in order to maximize contact standards. This change is based on evidence-based practices that demonstrate that over supervising low risk/low needs offenders may actually increase their risk for recidivism.

650-06, "Violence Reduction Program"

While not included on the 2013-2014 Regulatory Agenda, this AR was implemented to assist in reducing violence within our prisons. Our offender-staff assaults are currently the lowest they have been in two years. While it is too soon to know for certain if the implementation of this policy is the reason for the reduction, it certainly is a factor.

1500-04, "Field Training and Evaluation Program"

While not included on the 2013-2014 Regulatory Agenda, this AR was implemented pursuant to requested parole modifications contained in HB13-1355, this policy provides guidelines for specific hands-on training for parole officers. The one on one training provided in the Field Training program is conducted by assigned field training officers and is aimed at providing specific instruction that is unique to the role of the Parole Officer.

1450-49, "Employee Request for Religious Accommodation"

While not included on the 2013-2014 Regulatory Agenda, this AR was implemented pursuant to employee litigation and in order to clarify longstanding employee religious accommodation processes.

RULES MODIFIED DUE TO STATUTORY CHANGES

550-04, "Identification of Violent Offenders" was modified to revise the definition of deadly weapon to conform with C.R.S. 18-1-901(3)(e). This modification was implemented on April 1, 2013.

1350-04, "Open Records Requests" was modified to add specific language regarding transmission formats for requests for records and maximum fees associated therewith to conform with C.R.S. 24-72-201 *et. Seq.* This modification was implemented on August 1, 2014.

1450-14, "Overtime and Compensatory Time for DOC Employees" was modified to incorporate statutory changes outlined in SB13-210 regarding the 14 day work period. This modification was implemented June 1, 2014 and modified again on October 15, 2014.

100-37, "DOC Employee Scheduling and Use of Annual Leave and Holiday Leave" was modified to incorporate statutory changes outlined in SB13-210 regarding the 14 day work period. This modification was implemented on February 15, 2014 and currently being modified for additional clarity.

1450-48, "DOC Employee Timekeeping" was modified to incorporate statutory changes outlined in SB13-210 regarding the 14 day work period. This modification was implemented on March 15, 2014.

2014-2015 Colorado Department of Corrections Regulatory Agenda

This Regulatory Agenda is submitted pursuant to the requirements of HB 12-1008 as codified in C.R.S. 2-7-203(4).

New Rules Proposed:

Title of Proposed Rule	300-XX, "Emergent Entry"
Statutory or other Basis for Adoption of Rule	C.R.S. 17-1-103
Purpose of Proposed Rule	To provide guidance to CDOC employees as to when entry may be made, by force, into an offenders cell when it appears to be an emergent situation.
Schedule for Adoption of Rule	Expected implementation: January 2015
Persons/Parties Affected by Rule	CDOC Employees, CDOC Offenders
Title of Proposed Rule	600-XX, "Internal Facility Classification"
Statutory or other Basis for Adoption of Rule	C.R.S. 17-1-103
Purpose of Proposed Rule	To provide guideline for the effective management and appropriate cell placement of offenders within each institution.

Schedule for Adoption of Rule	Expected implementation: February 2015
Persons/Parties Affected by Rule	CDOC Employees, CDOC offenders
Title of Proposed Rule	650-XX, "Segregation"
Statutory or other Basis for Adoption of Rule	C.R.S. 17-1-103
Purpose of Proposed Rule	To provide guidelines for consistent privileges and conditions of confinement for all segregation areas within the Department.
Schedule for Adoption of Rule	Expected implementation: March 2015
Persons/Parties Affected by Rule	CDOC Employees, segregated CDOC offenders
Title of Proposed Rule	450-XX, "Prison Trained Canine Companion Program"
Statutory or other Basis for Adoption of Rule	C.R.S. 17-1-103
Purpose of Proposed Rule	To provide standard processes for effective canine program operations department wide.
Schedule for Adoption of Rule	Expected implementation: April 2015
Persons/Parties Affected by Rule	CDOC Employees, CDOC Offenders in the Canine Companion Program
Title of Proposed Rule	1350-XX, "Victim-Offender Dialogue (VOD) in Cases of Violent Crime"
Statutory or other Basis for Adoption of Rule	C.R.S. 17-1-103
Purpose of Proposed Rule	To provide guidelines for the implementation of victim offender dialogues within the department.
Schedule for Adoption of Rule	Expected implementation: February 2015
Persons/Parties Affected by Rule	CDOC employees, CDOC offenders, Victims
Title of Proposed Rule	TBD
Statutory or other Basis for Adoption of Rule	C.R.S. 17-1-103 C.R.S. 17-33-101(7)
Purpose of Proposed Rule	To develop policies for the administration of the grant program required by HB1355
Schedule for Adoption of Rule	Expected implementation: January 2015
Persons/Parties Affected by Rule	CDOC employees, Community agencies applying for grants.

Rules to be revised:

Title(s) of Rule(s) being Revised	1450-01, "Code of Conduct"
Statutory or other Basis for Revision of Rule(s)	C.R.S. 24-18-104(2)(b) C.R.S. 24-18-105(5) C.R.S. 24-18-109(2)(c)
Purpose of Revised Rule(s)	To provide guidance to CDOC employees on the ethical conduct of state business.
Schedule for Revision of Rule(s)	Review month: June Expected implementation: September 2014

Persons/Parties Affected by Rule(s)	CDOC Employees
Title of Rule(s) being Revised	700-15, "Pharmacy Services"
Statutory or other Basis for Revision of Rule(s)	C.R.S. 12-22-133(1)(a)(III)
Purpose of Revised Rule(s)	Provide guidance to CDOC employees as to when medications, medical supplies or medical devices can be re-dispensed.
Schedule for Revision of Rule(s)	Review month: November Expected implementation: February 2015
Persons/Parties Affected by Rule(s)	CDOC Employees, Offenders utilizing medical services.
Title of Rule(s) being Revised	1350-02, "Victim Notification Program"
Statutory or other Basis for Revision of Rule(s)	C.R.S. 24-4.1-302 <i>et seq.</i>
Purpose of Revised Rule(s)	To revise the definition "Victim"
Schedule for Revision of Rule(s)	Review month: July Expected implementation: October 2015
Persons/Parties Affected by Rule(s)	CDOC Employees, offenders, enrolled victims
Title of Rule(s) being Revised	250-55RD, "Fugitive Operations for Adult Parole and Community Corrections"
Statutory or other Basis for Revision of Rule(s)	C.R.S. 17-1-102 <i>et. Seq.</i>
Purpose of Revised Rule(s)	To ensure that the Departmental AR providing guidance on fugitive apprehension is in alignment with statutory changes.
Schedule for Revision of Rule(s)	Review month: January Expected implementation: April 2015
Persons/Parties Affected by Rule(s)	CDOC Employees, CDOC Parolees
Title of Rule(s) being Revised	950-07, "Sentence Computation"
Statutory or other Basis for Revision of Rule(s)	HB13-1323
Purpose of Revised Rule(s)	To put into AR our current revised practice for reviewing mittimus received from the courts to clarify consecutive or concurrent sentencing.
Schedule for Revision of Rule(s)	Review month: November Expected implementation: February 2015
Persons/Parties Affected by Rule(s)	CDOC Employees, Department of Justice, Courts, Offenders
Title of Rule(s) being Revised	1450-30, "Use of Accumulated Sick Leave and Family/Medical Leave Act"
Statutory or other Basis for Revision of Rule(s)	HB13-1222 - changes may be required once rulemaking and direction from DPA is received
Purpose of Revised Rule(s)	To clarify changes made by new legislation
Schedule for Revision of Rule(s)	Review month: December Expected implementation: March 2015
Persons/Parties Affected by	CDOC Employees and their families

Rule(s)	
Title of Rule(s) being Revised	1150-14, "Background Investigations"
Statutory or other Basis for Revision of Rule(s)	C.R.S. 24-5-101 <i>et. Seq.</i>
Purpose of Revised Rule(s)	To ensure that the Departmental AR providing guidance on the background investigation process for employment is in alignment with statutory changes.
Schedule for Revision of Rule(s)	Review month: December Expected implementation: March 2015
Persons/Parties Affected by Rule(s)	CDOC Employees, Applicants
Title of Rule(s) being Revised	1450-08, "DOC Employee Separations"
Statutory or other Basis for Revision of Rule(s)	HB13-1118 and SB13-210
Purpose of Revised Rule(s)	To update ARs to reflect legislative changes in employment condition for correctional officers and the provision of photographic identification for retired peace officers.
Schedule for Revision of Rule(s)	Review month: December Expected implementation: March 2015
Persons/Parties Affected by Rule(s)	CDOC employees
Title of Rule(s) being Revised	1350-04, "Open Record Requests"
Statutory or other Basis for Revision of Rule(s)	C.R.S. 24-72-305.5 C.R.S. 24-72-205
Purpose of Revised Rule(s)	To ensure that the Departmental AR providing guidance on open records requests is in alignment with statutory changes.
Schedule for Revision of Rule(s)	Review month: May Expected implementation: August 2015
Persons/Parties Affected by Rule(s)	DOC Employees, Public and others making record requests
Title of Rule(s) being Revised	1450-40, "Evaluation of Staffing Requirements"
Statutory or other Basis for Revision of Rule(s)	SB13-210
Purpose of Revised Rule(s)	To incorporate standards set forth in new legislation regarding 14 day work period.
Schedule for Revision of Rule(s)	Review month: December Expected implementation: March 2015
Persons/Parties Affected by Rule(s)	DOC Employees
Title of Rule(s) being Revised	950-02, "Health Records Confidentiality/Access"
Statutory or other Basis for Revision of Rule(s)	C.R.S. 25-1-801 <i>et. Seq.</i>
Purpose of Revised Rule(s)	To ensure that the Departmental AR providing guidance on medical record release is in alignment with statutory changes
Schedule for Revision of Rule(s)	Review month: February Expected implementation: May 2015
Persons/Parties Affected by	DOC Employees, Attorneys/doctors/family

Rule(s)	members/offenders requesting copies of medical records
Title of Rule(s) being Revised	1450-35, "DOC Employees/Applicants with Disability"
Statutory or other Basis for Revision of Rule(s)	C.R.S. 24-34-803(3)(a)&(b)
Purpose of Revised Rule(s)	To ensure that the Departmental AR providing guidance on employee disability accommodation, regarding service animals, is in alignment with statutory changes
Schedule for Revision of Rule(s)	Review month: July Expected implementation: October 2015
Persons/Parties Affected by Rule(s)	DOC Employees, applicants

This Regulatory Agenda has been reviewed and approved by the Executive Director of the Colorado Department of Corrections on this 31st day of October, 2014.



Rick Raemisch
Executive Director
Colorado Department of Corrections

Departmental Regulatory Agendas

Department

Department of Education



COLORADO
Department of Education

2014-15 State Board of Education Regulatory Agenda

Submitted to:
**Colorado Secretary of State and
Colorado Legislative Council**

By:
Carey Taylor Markel, Esq.
**Policy Analyst, Data Privacy Officer and
Director of State Board Relations**

November 1, 2014

2014-15 Regulatory Agendas for State Board of Education and Division of Capital Construction

State Board of Education Regulatory Agenda

Basis for Adoption	Purpose	Rule	Notice Date	Hearing Date	Adopt Date	Parties Potentially Affected
SB 14-215	Allow for administration of a new grant program to enhance the presence of school health professionals in secondary schools throughout the state to support students with substance abuse and other behavioral health needs.	Rules for the Administration of the School Health Professional Grant Program	Aug	Sept	Oct	School districts, public schools, students and parents
HB 14-1276	Allow for administration of a new grant program for psychomotor-skills-based cardiopulmonary resuscitation training and training on the use of automated external defibrillators.	Rules for the Administration of the Instruction in Cardiopulmonary Resuscitation in Public Schools Grant Program	Aug	Sept	Oct	School districts, public schools, students and parents
HB 14-1382	Allow authorizers of online schools to augment their student count documentation procedures if they choose to do so, in line with the revised statute.	REVISE: 1 CCR 301-71, Rules for the Administration, Certification and Oversight of Colorado Online Programs	Sept	Oct	Nov	School districts, public schools, students and parents
HB 14-1085	Allow for administration of new literacy grant program, including the release of a Request for Proposals for Adult Education Partnerships, with a goal of educating adults needing basic education in order to transition to postsecondary education	Rules for Administration of Adult Education and Literacy Grant Program	Sept	Oct	Nov	Adult Education providers and program participants

Basis for Adoption	Purpose	Rule	Notice Date	Hearing Date	Adopt Date	Parties Potentially Affected
	or enter employment.					
SB 14-150	Bring rules into alignment with updated legislation, extending the Colorado Counselor Corps Grant Program.	REVISE: 1 CCR 301-74, Rules for the Administration of the School Counselor Corps Grant Program	Sept	Oct	Nov	School districts, public schools, students and parents
HB 14-1292	Bring rules into alignment with updated legislation, requiring the State Board of Education to revise the list of automatic waivers for charter schools using criteria outlined in statute.	REVISE: 1 CCR 301-35, Rules for the Administration of the Waiver of Statute and Rule	Sept	Oct	Nov	Charter schools, charter school authorizers, students and parents
HB 14-1298	Bring rules into alignment with updated legislation, establishing the English Language Proficiency Grant Program to support local education providers in providing services to English Language Learners.	REVISE: 1 CCR 301-10, Rules for the Administration of the English Language Proficiency Act	Sept	Oct	Nov	School districts, public schools, students and parents
SB 14-124	Allow for administration of a new leadership development grant program to incentivize the creation of new leadership development programs and support turnaround leader training.	Rules for Administration of the School Turnaround Leaders Development Program	Sept	Oct	Nov	School districts, public schools, students and parents
HB 14-202	Bring rules into alignment with updated legislation, concerning the requirements applicable to the School Energy Loan Program.	REVISE: 1 CCR 301-85, Rules for Governing the Renewable Energy and Efficiency for Schools Loan Program	Sept	Oct	Nov	School districts, public schools, students and parents
HB 14-1102	Update rules to allow for administration	REVISE: 301-8, Rules for	Nov	Jan	Feb	School districts,

Basis for Adoption	Purpose	Rule	Notice Date	Hearing Date	Adopt Date	Parties Potentially Affected
	of a new grant program.	the Administration of the Exceptional children's Educational Act				public schools, students and parents
HB 14-1385	Update rules to allow for administration of the new High School Achievement and Growth Award.	Revise: 1-CCR 301-51, Rules for the Administration of the Colorado School Awards Program	Nov	Dec	Jan	School districts, public schools, students and parents
HB 14-1102; HB 14-1208; OLLS review	Update and expand rules for gifted education programs to align with updated legislation; update definition of an "Administrative Unit" to include a multi-district administrative unit, in alignment with updated legislation; update provisions related to temporary teacher eligibility in response to recommendations from Office of Legislative Legal Services.	REVISE: 1 CCR 301-8, Rules for the Administration of the Exceptional children's Educational Act	Dec	Feb	March	School districts, public schools, students and parents
Recent opinion from the Office of the Attorney General	Revise rules to align with recent legal opinion concerning Spanish assessments.	REVISE: 1 CCR 301-92, Rules for the Administration of the Colorado Reading to Ensure Academic Development Act	Dec	Feb	March	School districts, public schools, students and parents
Updates to current policies and OLLS review	Update requirements in educator licensing rules to align with state statutes and current policies; address concern from Office of Legislative Legal Services	REVISE: 1 CCR 301-37, Rules for the Administration of the Educator Licensing Act of	March	May	June	School districts, public schools, students and parents

Basis for Adoption	Purpose	Rule	Notice Date	Hearing Date	Adopt Date	Parties Potentially Affected
	regarding the term “Provisional Career and Technical Education Authorization.”	1991				
HB 14-1382	Revise rules to incorporate recommendations from Online Education Task Force concerning the certification of authorizers of multi-district online schools.	REVISE: 1 CCR 301-71, Rules for the Administration, Certification & Oversight of Colorado Online Programs	March	May	June	School districts, public schools, students and parents
HB 14-1294	Adopt rules consistent with new legislation concerning student data privacy.	Rules for the Protection of Student Data Privacy	March	May	June	School districts, public schools, students and parents
Updates to federal regulations	Rules must be updated to adhere to revisions to federal regulations.	REVISE: 1 CCR 301-79, Healthy Beverage Policy	March	May	June	School districts, public schools, students and parents
Updates to federal regulations	Rules must be updated to adhere to revisions to federal regulations.	REVISE: 1 CCR 301-3, Food and Nutrition Services	March	May	June	School districts, public schools, students and parents
SB 14-058	Change the term “general equivalency diploma” or “GED” to “high school equivalency examination,” in alignment with updated legislation.	REVISE: 1 CCR 301-2, Administration of General Educational Development Test Program	Aug	Oct	Nov	School districts, public schools, students and parents

Division of Capitol Construction Regulatory Agenda

Basis for Adoption	Purpose	Rule	Notice Date	Hearing Date	Adopt Date	Parties Potentially Affected
§ 22-43.7-106(2)(i)(I) C.R.S.	The Capital Construction Assistance Board (Assistance Board) may promulgate rules, in accordance with Article 4 of Title 24, C.R.S., as are necessary and proper for the administration of the BEST Act. The Assistance Board is directed to establish Public School Facility Construction Guidelines in rule pursuant to §22-43.7-107(1)(a), C.R.S.	1 CCR 303(1) - Public School Facility Construction Guidelines	Oct	Dec	Jan	All Public: School Districts, Charter Schools, Boards of Cooperative Education Services, Colorado School for the Deaf & the Blind. Consultants working on BEST fund projects.
§ 22-43.7-106(2)(i)(I) C.R.S.	The Public School Capital Construction Assistance Board may promulgate rules, in accordance with Article 4 of Title 24, C.R.S., as are necessary and proper for the administration of the BEST Act.		Oct	Dec	Jan	All Public: School Districts, Charter Schools, Boards of Cooperative Education Services, Colorado School for the Deaf & the Blind. Consultants working on BEST fund projects.

--	--	--	--	--	--	--

Departmental Regulatory Agendas

Department

Department of Health Care Policy and Financing



November 1, 2014

Legislative Council
200 East 14th Avenue
Denver, CO 80203

Legislative Council:

The Department of Health Care Policy and Financing (Department) presents this report to comply with House Bill 12-1008, as stipulated in Section 2-7-203, C.R.S.

The passage of HB 12-1008 (Methods for Providing Input to Executive Branch Agencies About Proposed Rules), as codified at Section 24-4-103 C.R.S., requires all state departments to compile an annual Departmental Regulatory Agenda and deliver to staff of the Legislative Council on November 1, 2012 and each November 1 thereafter. The agenda must specify a list of new rules or revisions to existing rules that the Department expects to propose in the next calendar year; the statutory or other basis for adoption of the proposed rules; the purpose of the proposed rules; the contemplated schedule for adoption of the rules; and an identification and listing of persons or parties that maybe affected positively or negatively by the rules. Beginning with regulatory agendas submitted on and after November 1, 2013 and each November 1 thereafter, a list and brief summary of all permanent and temporary rules actually adopted since the previous departmental regulatory agenda was filed must be included.

In addition, the Department is required to submit the Departmental Regulatory Agenda to the Secretary of State for publication in the Colorado Register and post the Agenda on the website.

Please find enclosed the agenda of rules the Department plans to submit for rule-making in 2015. This list includes what is anticipated at this time, but is by no means a complete and comprehensive list. Circumstances vary and it is difficult to predict what additional rule revisions may be necessary based on new federal and state requirements. In addition, some of the proposed rules listed may have to be postponed or canceled due to unforeseen circumstances.

For questions about this report please contact Zach Lynkiewicz, Legislative Liaison, via email at zach.lynkiewicz@state.co.us or by phone at 303-866-2031.

Sincerely,

Susan E. Birch, MBA, BSN, RN
Executive Director

SEB:jlc

Enclosure: 2015 Departmental Regulatory Agenda



Cc: State Library

Bettina Schneider, Budget Analyst, Office of State Planning and Budgeting
Katherine Blair Mulready, Health Policy Advisor, Governor's Office
Susan E. Birch, MBA, BSN, RN, Executive Director
John Bartholomew, Finance Office Director
Suzanne Brennan, Health Programs Office Director
Jed Ziegenhagen, Community Living Office Director
Chris Underwood, Health Information Office Director
Judy Zerzan, Client and Clinical Care Office Director
Tom Massey, Policy and Communications Office Director
Zach Lynkiewicz, Legislative Liaison



2015 Regulatory Agenda of new rules or revisions to existing rules that the department expects* to propose

Title/Description	Basis and/or Statutory Authority	Purpose of Proposed Rule	Estimated Rule-Making Schedule	List of Persons or Parties That May Be Affected Positively or Negatively
Hospital Provider Fee Program	C.R.S. § 25.5-4-402.3(3)(e)(I)	The hospital provider fee is calculated each year and must change to ensure sufficient fee is received to fund hospital reimbursement and to fund Medicaid and CHP+ expansions funded by the program.	January 2015	Colorado hospitals and Low-income and disabled Coloradans eligible for hospital provider fee-funded Medicaid and CHP+ expansions.
Colorado Dental Health Care Program for Low-Income Seniors	C.R.S. § 25.5-3-404 (4)	<p>Pursuant to Senate Bill 14-180, the purpose of the Colorado Dental Health Care Program for Low-Income Seniors is to promote the health and welfare of Colorado’s low-income seniors by providing access to dental care to individuals age 60 and over who are not eligible for dental services under any other dental health care program, such as Medicaid or the Old Age Pension (OAP) Health and Medical Care Program.</p> <p>This program will provide grants throughout the state to local Area Agencies on Aging (AAA), public health agencies, Community Health Centers, private dental practices, and other community-based organizations who meet application criteria developed under the guidance of the Senior Dental Advisory Committee.</p>	December 2014	Low-income seniors who are not eligible for public or private dental benefits, Federally Qualified Health Centers, safety net clinics, Area Agencies on Aging, public health agencies, and private dental practices.

* This list includes what is anticipated at this time, but is by no means a complete and comprehensive list. Please refer to the Regulatory Agenda Cover Letter for additional information.

Title/Description	Basis and/or Statutory Authority	Purpose of Proposed Rule	Estimated Rule-Making Schedule	List of Persons or Parties That May Be Affected Positively or Negatively
Implementation of new federal provider screening regulation	Sec. 6401 of the Affordable Care Act and 42 CFR Parts 447 and 455.	The proposed rule will implement new federal requirements for screening providers before they are enrolled in Medicaid. These federal requirements seek to prevent waste, fraud and abuse in Colorado's Medicaid program.	The desired effective date of this rule is June 1, 2015. During the spring of 2015, our workgroup hopes to gain approval for this rule from the MSB and from CMS through a state plan amendment.	This rule will impact enrollment for all of Colorado's Medicaid providers in some way. All current providers will be required to revalidate their enrollment in Medicaid by 2016 and institutional and group providers will need to pay a fee to enroll. Additionally some providers may be required to undergo onsite visits before and after enrollment and pass criminal background checks.
Update to rules for deeming sponsor's income for legally present immigrants applying for the Medicaid Program	8 USC 1631 (Sec. 421 of the Personal Responsibility Work Opportunity and Reconciliation Act of 1996 as P.L. 104-208 and P.L. 105-33)	The proposed rule will update the department's rules at 8.100.3.K.1, requiring the deeming of a legally present immigrant's sponsor's income toward their eligibility for Medicaid.	The rule-making schedule will depend on when changes can be made in CBMS. We hope this may be possible no later than the end of 2015.	Sponsored legally present immigrants who are applying for Medicaid eligibility.
Revisions to the Medicaid Eligibility Rules Concerning Clarification updates to section 8.100.1	42 CFR Parts 431, 435	Based on the 2014 regulatory review of rule, incorporates changes to wording of rules to provide clarification on the intention of the policy.	July 2015	The change will have a positive affect by providing clarity on the policies for the programs.
Revisions to the Medicaid Eligibility Rules Concerning Clarification updates to section 8.100.3	42 CFR Parts 431, 435	Based on the 2014 regulatory review of rule, incorporates changes to wording of rules to provide clarification on the intention of the policy.	July 2015	The change will have a positive affect by providing clarity on the policies for the programs.
Revisions to the Medicaid Eligibility Rules Concerning Clarification updates to section 8.100.4	42 CFR Parts 431, 435	Based on the 2014 regulatory review of rule, incorporates changes to wording of rules to provide clarification on the intention of the policy.	July 2015	The change will have a positive affect by providing clarity on the policies for the programs.

* This list includes what is anticipated at this time, but is by no means a complete and comprehensive list. Please refer to the Regulatory Agenda Cover Letter for additional information.

Title/Description	Basis and/or Statutory Authority	Purpose of Proposed Rule	Estimated Rule-Making Schedule	List of Persons or Parties That May Be Affected Positively or Negatively
Revisions to the Medicaid Eligibility Rules Concerning Clarification updates to section 8.100.7	42 CFR 435; 20 CFR 416, Title XIX , section 1924 of the Social Security Act	Based on the 2014 regulatory review of rule, incorporates changes to wording of rules to provide clarification on the intention of the policy.	September 2015	The change will have a positive affect by providing clarity on the policies for the programs.
Revisions to the Children’s Basic Health Plan Eligibility Rules Concerning Clarification updates to section 100	42 CFR 457.310,315, 320,2102(b)(1)(B)(v), 2112, CHIPRA Reauthorization 2009 sec 214,SPA CS8, 42 CFR 457.355,42 CFR 435.1102 and 1103, 2112	Based on the 2014 regulatory review of rule, incorporates changes to wording of rules to provide clarification on the intention of the policy.	July 2015	The change will have a positive affect by providing clarity on the policies for the programs.
Revisions to the Children’s Basic Health Plan Eligibility Rules Concerning Clarification updates to section 300	42 CFR 457.310,315 and 320,2102(b)(1)(B)(v), 2112, SPA CS7 and SPA CS8]	Based on the 2014 regulatory review of rule, incorporates changes to wording of rules to provide clarification on the intention of the policy.	July 2015	The change will have a positive affect by providing clarity on the policies for the programs.
Revisions to the Children’s Basic Health Plan Eligibility Rules Concerning Clarification updates to section 400	XXI sec 2112.7(e)	Based on the 2014 regulatory review of rule, incorporates changes to wording of rules to provide clarification on the intention of the policy.	July 2015	The change will have a positive affect by providing clarity on the policies for the programs.
Revisions to the Medicaid and CHP+ Eligibility Rules Concerning elimination of the 5-year bar for legal permanent children and pregnant women section 8.100.4 and 100 and 400	42 CFR 457.320(b)(6),(c) and (d) and HB 09-1353	Implements policy to provide Medicaid and CHP+ coverage to otherwise eligible legal permanent children and CHP+ Prenatal women.	June 2015	The change will have a positive affect by providing expanding coverage to additional children and pregnant women.
Revisions to the Medicaid Eligibility Rules Concerning Clarification Updates to Section 8.100.6.P	Section 201 of the Ticket to Work and Work Incentive Improvement Act of 1999, Public Law 106-170	Based on client experience with the current policy, making improvements to enhance the client eligibility experience	March 2015	The change will have a positive affect by providing clarity on the policies for the programs.

* This list includes what is anticipated at this time, but is by no means a complete and comprehensive list. Please refer to the Regulatory Agenda Cover Letter for additional information.

Title/Description	Basis and/or Statutory Authority	Purpose of Proposed Rule	Estimated Rule-Making Schedule	List of Persons or Parties That May Be Affected Positively or Negatively
Revisions to the Medicaid Eligibility Rules Concerning Clarification Updates to Section 8.100.6.Q	Patient Protection and Affordable Care Act of 2010, Public Law 11-148	Based on client experience with the current policy, making improvements to enhance the client eligibility experience	March 2015	The change will have a positive affect by providing clarity on the policies for the programs.
Revisions to the Medicaid Eligibility Rules Concerning suspension of Medicaid benefits for incarcerated individuals 8.100.3.G.1.b	42 CFR Parts 431, 435 and SB 08-006	Based on the 2014 regulatory review of rule, incorporates changes to wording of rules to provide clarification on the intention of the policy.	July 2015	The change will have a positive affect by providing clarity on the policies for the programs.
Prosthetics and Orthotics	C.R.S. § 25.5-5-202 (1)(f)	Incorporate Benefit Coverage Standard into rule	Spring 2015	Medicaid members, supply providers
Apnea Monitors	C.R.S. § 25.5-5-102 (1)(f)	Incorporate Benefit Coverage Standard into rule	Spring 2015	Medicaid members, supply providers
Authorized Representative	C.R.S. § 25.5-10-201, et seq.; CRS 25.5-10-303	Provide authority for designation of Authorized Representative	April 2015	Community Centered Boards, Persons receiving HCBS-DD or HCBS-SLS services
Abuse, Mistreatment, Neglect and Exploitation	C.R.S. § 25.5-10-201, et seq.; CRS 25.5-10-303	Revise authority for investigations regarding abuse, mistreatment, neglect, and exploitation	June 2015	Community Centered Boards, CDHS, Adult Protective Service Agencies, Medicaid Service Agencies
Consumer Directed Attendant Support Services (CDASS) into Home and Community Based Services, Supported Living Services (HCBS-SLS)	C.R.S. § 25.5-10-201, et seq.; CRS 25.5-10-303	Implement the CDASS service delivery model into the HCBS-SLS waiver.	TBD (requires CMS approval for waiver amendment)	Community Centered Boards, Persons receiving HCBS-DD or HCBS-SLS services
Support Level Review Process	C.R.S. § 25.5-10-201, et seq.; CRS 25.5-10-303	Revise the requirement to have a panel review when a request for a Support Level Review is made.	May 2015	Community Centered Boards, Persons receiving HCBS-DD or HCBS-SLS services, Service Provider Agencies
School Based Health Centers	C.R.S. § 25-20.5-503	Define the amount, scope and duration of this benefit.	January 2015	Providers of these services and clients who utilize these services.
Home Health	C.R.S. § 25.5-5-102(1)(f)	Define the amount, scope and duration of this benefit.	January 2015	Providers of these services and clients who utilize these services.
Maternity Services	C.R.S. § 25.5-5-102(1)(d)	Define the amount, scope and duration of this benefit.	January 2015	Providers of these services and clients who utilize these services.

* This list includes what is anticipated at this time, but is by no means a complete and comprehensive list. Please refer to the Regulatory Agenda Cover Letter for additional information.

Title/Description	Basis and/or Statutory Authority	Purpose of Proposed Rule	Estimated Rule-Making Schedule	List of Persons or Parties That May Be Affected Positively or Negatively
Women's Health	C.R.S. § 25.5-5-102(1)(d)	Define the amount, scope and duration of this benefit.	January 2015	Providers of these services and clients who utilize these services.
Emergent Transportation	C.R.S. § 25.5-5-202(2)	Define the amount, scope and duration of this benefit.	January 2015	Providers of these services and clients who utilize these services.
Outpatient Substance Use Disorder	C.R.S. § 25.5-5-202(1)(g)	Define the amount, scope and duration of this benefit.	January 2015	Providers of these services and clients who utilize these services.
Adult Dental Services	C.R.S. § 25.5-5-202(1)(w)	Update rule language.	January 2015	Providers of these services and clients who utilize these services.
Imaging	C.R.S. § 25.5-5-102(1)(c)	Define the amount, scope and duration of this benefit.	February 2015	Providers of these services and clients who utilize these services.
Lab and Pathology	C.R.S. § 25.5-5-102(1)(c)	Define the amount, scope and duration of this benefit.	February 2015	Providers of these services and clients who utilize these services.
Wheelchair Services	C.R.S. § 25.5-5-102(1)(l)	Define the amount, scope and duration of this benefit.	March 2015	Providers of these services and clients who utilize these services.
NEMT amount	C.R.S. § 25.5-5-202(2)	Define the amount, scope and duration of this benefit.	March 2015	Providers of these services and clients who utilize these services.
Breast and Cervical Program	C.R.S. § 25.5-5-308	Update rule to comply with new statute.	March 2015	Providers of these services and clients who utilize these services.
Orthodontic Services	C.R.S. § 25.5-5-102(1)(g)	Define the amount, scope and duration of this benefit.	March 2015	25.5-1-301 through 25.5-1-303, C.R.S. (2013)
Cardiac Stress Testing	C.R.S. § 25.5-5-102(1)(d)	Define the amount, scope and duration of this benefit.	March 2015	Providers of these services and clients who utilize these services.
DME Oxygen	C.R.S. § 25.5-5-102(1)(l)	Define the amount, scope and duration of this benefit.	April 2015	Providers of these services and clients who utilize these services.
Intersex Surgery	C.R.S. §§ 25.5-5-102(1)(a) and 25.5-5-102(1)(d)	Define the amount, scope and duration of this benefit.	May 2015	Providers of these services and clients who utilize these services.
Augmentative and Alternative Communication Devices	C.R.S. § 25.5-5-202(1)(f)	Define the amount, scope and duration of this benefit.	May 2015	Providers of these services and clients who utilize these services.
Physical and Occupational Therapy	C.R.S. § 25.5-5-202(1)(l)(II,III)	Define the amount, scope and duration of this benefit.	May 2015	Providers of these services and clients who utilize these services.
PET Scans	C.R.S. § 25.5-5-102(1)(c)	Define the amount, scope and duration of this benefit.	June 2015	Providers of these services and clients who utilize these services.

* This list includes what is anticipated at this time, but is by no means a complete and comprehensive list. Please refer to the Regulatory Agenda Cover Letter for additional information.

Title/Description	Basis and/or Statutory Authority	Purpose of Proposed Rule	Estimated Rule-Making Schedule	List of Persons or Parties That May Be Affected Positively or Negatively
Medical Necessity	C.R.S. §§ 25.5-1-301 through 25.5-1-303, C.R.S. (2013)	Define the amount, scope and duration of this benefit.	July 2015	Providers of these services and clients who utilize these services.
Private Duty Nursing	C.R.S. § 25.5-5-202(1)(n)	Update rule language.	August 2015	Providers of these services and clients who utilize these services.
Transplants	C.R.S. § 25.5-5-102(1)(a)	Define the amount, scope and duration of this benefit.	August 2015	Providers of these services and clients who utilize these services.
Office Visits	C.R.S. § 25.5-5-102(1)(d)	Define the amount, scope and duration of this benefit.	September 2015	Providers of these services and clients who utilize these services.
Genetic Testing	C.R.S. § 25.5-5-102(1)(d)	Define the amount, scope and duration of this benefit.	September 2015	Providers of these services and clients who utilize these services.
Transgender	C.R.S. § 25.5-5-102(1)(d)	Define the amount, scope and duration of this benefit.	October 2015	Providers of these services and clients who utilize these services.
Vision	C.R.S. § 25.5-5-202(1)(d)	Define the amount, scope and duration of this benefit.	November 2015	Providers of these services and clients who utilize these services.
Client Overutilization Program	42 CFR 456.3 and 431.54(e)	Changes to authority to accommodate program changes. Specifically, criteria for program enrollment might change as will other program definitions and processes.	Implementation date proposed for November 2016. Rule process should start May 2015.	Those clients who fit the criteria for inclusion in the program. Impact could be positive as the lock-in relationship could lead to changed behaviors and improved outcomes. Impact on providers is dependent on whether additional dollars will be provided.
Medicaid Managed Care Program	42 CFR 438.2 and 438.8	Adding Prepaid Inpatient Health Plan (PIHP) as an option to our managed care options. The Department is exploring payment and program options and having this type of program in the rules would ensure it is an option if appropriate.	Implementation date proposed for May 2015. Rule process should start December 2014.	None – would only be adding Prepaid Inpatient Health Plan (PIHP) as an option to our managed care options.

* This list includes what is anticipated at this time, but is by no means a complete and comprehensive list. Please refer to the Regulatory Agenda Cover Letter for additional information.

Title/Description	Basis and/or Statutory Authority	Purpose of Proposed Rule	Estimated Rule-Making Schedule	List of Persons or Parties That May Be Affected Positively or Negatively
Respite Redesign	C.R.S. § 25.5-6-307	Changing the respite benefit to allow for more consumer direction and to come into compliance with the new HCBS final rule.	Spring-Summer of 2015.	Providers of NFs will be negatively affected as clients will no longer be allowed that choice for respite under an HCBS waiver. Clients, families, and other providers will be positively affected as it will allow for more choice and provider participation in a varying amount of services.
Non-Medical Transportation Redesign	C.R.S. § 25.5-6-307	NMT needs additional oversight to better protect both the Department and clients. Additionally, the Department wants to explore more consumer directed options and modernize the service to serve people in a more flexible manner.	Fall 2015.	Providers and clients will be positively affected. Some NMT providers may seem this change as burdensome but the Department will work with stakeholders to ensure transitions to new service delivery mechanisms and oversight appropriately.
Independent Living Skills Training (ILST) Redesign	C.R.S. § 25.5-6.703	Changing the benefit to better define the service provided to clients, allow for more providers to offer the service, and change limitations on who can be a skills trainer.	Winter/Spring 2015	Providers may be negatively affected. Clients will be positively affected.
Day Treatment Redesign	C.R.S. § 25.5-6.703	Changing the benefit to better serve clients	TBD	Providers and clients will be positively affected.
Home Modification Redesign	C.R.S. § 25.5-6-307	Modifying the benefit to better serve clients and allow more consumer choice.	TBD	Providers and clients will be positively affected by this change in their allowance to offer more choice.
SLP Changes to include ALR Licensing	C.R.S. § 25.5-6-114	Changing the rule to allow for the DPHE change in the ALR license.	TBD (Dependent on DPHE)	Providers will be positively affected as they will have security in the appropriate licensure without the current ambiguity in the rule that allows for two licenses. Clients and other stakeholders will not notice, nor be affected, by the change.

* This list includes what is anticipated at this time, but is by no means a complete and comprehensive list. Please refer to the Regulatory Agenda Cover Letter for additional information.

Title/Description	Basis and/or Statutory Authority	Purpose of Proposed Rule	Estimated Rule-Making Schedule	List of Persons or Parties That May Be Affected Positively or Negatively
Home and Community Based Services (CHCBS) In Home Support Services (IHSS) Rules Redesign	C.R.S. § 25.5-5-1202	IHSS within CHCBS has received criticism from the State Auditor, the Medicaid Fraud Unit, and stakeholders for its lack of clarity regarding the benefit and the associated business practices	Spring 2015	CHCBS clients and case managers will receive clarification of the benefit.
CHCBS Rule Adjustment for Point in Time Cap	C.R.S. § 25.5-6-902	The CHCBS waiver currently operates at an upper limit of 1308 clients. This rule is outdated and needs to be adjusted to match current procedures.	Spring 2015	n/a
PETI regulations	42 C.F.R. §435.725	This year, the legislature approved the Adult Dental Benefit. This is great for Colorado's Medicaid population, but necessitates changes to the Nursing Facility Post Eligibility Treatment of Income Regulations to coordinate with the changes.	Spring 2015	All Nursing Facility residents and providers.
MED-13 treatment of travel expenses	C.R.S. § 25.5-6-202, 204	Currently, business travel is not reimbursable as a direct or indirect health care expense for Nursing Facilities. This means that Nursing Facilities are not reimbursed appropriately for the cost of sending their clinical professionals to trainings, or bringing in outside clinical experts to evaluate patients. The proposed rule will delineate between travel expenses that are appropriate for reimbursement as health care expenses, and travel expenses which should continue to be considered administrative and general.	Winter 2014/2015	All Nursing Facilities.
Nursing Facility Audit timeline	C.R.S. § 25.5-4-301	There is no explicit deadline for providers to submit required documentation to the Department. The result is a large expense borne by the Department and providers as audits extend for months longer than necessary. The proposed change will set fair, firm deadlines for the submission of required documentation in the audit process.	Spring 2015	All Nursing Facilities

* This list includes what is anticipated at this time, but is by no means a complete and comprehensive list. Please refer to the Regulatory Agenda Cover Letter for additional information.

Title/Description	Basis and/or Statutory Authority	Purpose of Proposed Rule	Estimated Rule-Making Schedule	List of Persons or Parties That May Be Affected Positively or Negatively
Hospital Back-Up Rules – Redesign of the Hospital Back Up program and rules	State Plan Amendment Attachment 4.19D	The MassPro bankruptcy revealed some flaws in our HBU process, as well as changes that need to be made to improve the quality of care that clients receive, as well as clarifying the authority of the Department enforce program criteria.	Spring 2015	All HBU clients and facilities, as well as any Nursing Facilities that would like to participate in the HBU program.
Alternative Care Facility Rules	C.R.S. § 25.5-6-114	The ACF regulations need to be clarified with regards to the requirements for protective oversight. Clarity needs to be brought to the tension between protective oversight and client choice.	TBD	All Alternative Care Facilities and residents of ACFs.
Redesign of the 5615 form	C.R.S. § 25.5-4-201 et seq.	The Department is looking to redesign the 5615 form. When this happens, the regulations relating to the 5615 form will have to	TBD	Counties, Long Term Medicaid clients, Nursing Facilities, Intermediate Care Facilities
Revisiting the Nursing Facility Benefits – Items that may be included in calculating per diem costs	C.R.S. § 25.5-6-202, 204	Revise regulations to more appropriately allocate costs for Nursing Facilities.	TBD	All Nursing Facilities and clients of Nursing Facilities
Nursing Facility Cost Reporting	C.R.S. § 25.5-6-202	The Department’s Nursing Facility auditors are reviewing the audit procedures and remedies. We anticipate this may necessitate changes to the Cost Reporting Regulations.	TBD	Nursing Facilities
Enforcement of Penalties against Nursing Facilities	C.R.S. § 25.5-6-205	The Department’s Nursing Facility auditors are reviewing the audit procedures and remedies. We anticipate changes to be made to the enforcement of penalties section as a result of this review.	TBD	Nursing Facilities
PASRR (Pre-Admission Screening and Annual Resident Reviews)	42 C.F.R. §440	The ULTC 100.2 assessment tool used in the PASRR screening process is being revised. May need to address the PASRR regulations to be consistent with the new assessment tool.	TBD	All long term care clients and facilities

* This list includes what is anticipated at this time, but is by no means a complete and comprehensive list. Please refer to the Regulatory Agenda Cover Letter for additional information.

Title/Description	Basis and/or Statutory Authority	Purpose of Proposed Rule	Estimated Rule-Making Schedule	List of Persons or Parties That May Be Affected Positively or Negatively
Revisions to the MED-13 Regulations	C.R.S. § 25.5-6-202, 204	This year, we have created a workgroup dedicated to working with providers to identify issues with the rules. We anticipate that there will be numerous issues with the MED-13 process, and will be ready to be responsive to these suggestions.	Summer/Fall 2015	All Nursing Facilities
Program Integrity	42 CFR 455.23	Revision for federally required suspension of payments process.	December 2015	All Providers
Screening for Excluded Employees and Contractors	Section 6032 of the Deficit Reduction Act	Technical revisions on compliance with statutory requirement.	May 2015	All Providers

* This list includes what is anticipated at this time, but is by no means a complete and comprehensive list. Please refer to the Regulatory Agenda Cover Letter for additional information.

2014 Regulatory Summary of all permanent and temporary rules actually adopted

Rule Number	Rule Title	Rule Summary	Adoption Month/Status
MSB 13-08-27-A	Revision to the Medical Assistance Rule Concerning Consumer Directed Attendant Support Services Expansion into Home and Community Based Service Brain Injury Waiver, Section 8.510	In an effort to create a more person centered approach to providing Home and Community Based Services the Department seeks to expand its Consumer Directed Attendant Support Services (CDASS) into the Brain Injury Waiver. Initially it is expected this program will be utilized by 15-19 individuals currently receiving services on the waiver. As part of the expansion plan the Department will also implement a set of quality metrics to better account for program usage and client satisfaction.	November 2013 Permanent Adoption
MSB 13-07-15-A	Revision to the Medical Assistance Health Program Services and Supports Rule Concerning the Disorders of Sex Development or Intersex Surgical Remediation (Intersex Surgery) Benefit Coverage Standard Incorporation by Reference, Section 8.300.3.D	<p>The purpose of this rule is to incorporate by reference the Benefit Coverage Standard for Disorders of Sex Development (DSD) or Intersex Surgical Remediation into the Medical Assistance Health Program Rule. Incorporating the standard by reference gives the standard the full force of law as though the actual standard were published in the Colorado Code of Regulations.</p> <p>The underlying standard was created through the Benefits Collaborative project. The goal of the project is to ensure appropriate benefit utilization while maintaining statewide equity and consistency in the delivery of services. This is accomplished by clearly defining sufficiency, amount, duration and scope of the benefits. Clearly-defined coverage standards will provide assurance for persons receiving benefits that services meet established criteria and will provide better guidance for service providers.</p> <p>Additionally the standards will assure that public funds are more responsibly allocated and will reduce the administrative burden on the Department. To achieve that goal, this project has placed a high emphasis on using evidence-based criteria, which is more reliable, in defining coverage standards for available benefits. Well-defined criteria will reduce confusion and unnecessary adversarial situations among those receiving benefits, service providers and the Department. Lastly, clearly-defined benefits will simplify the appeal process for all participants.</p>	November 2013 Tabled

Rule Number	Rule Title	Rule Summary	Adoption Month/Status
MSB 13-02-22-A	Revision to the Medical Assistance Rule Concerning Consumer Directed Attendant Support Services, 10 CCR 2505-10, Section 8.551	The rules set forth at 10 CCR 2505-10 Section 8.551 were implemented for the Consumer Directed Attendant Support (CDAS) pilot program. After the pilot program ended, new rules were promulgated at 10 CCR 2505-10 Section 8.510 for the long term operation and provision of Consumer Directed Attendant Support Services (CDASS). Section 8.551 is no longer current and is being repealed.	December 2013 Permanent Adoption
MSB 13-10-23-A	Revision to the Medical Assistance Rule Concerning The Alternative Benefit Plan and Habilitative Services for Medicaid Expansion Adults, Section 8.016 and 8.017	<p>Beginning January 1, 2014, the department will implement the Medicaid Expansion as required by the Affordable Care Act (ACA). The ACA requires that all new expansion clients receive a benefit package known as the Alternative Benefit Plan (ABP). CMS sets certain standards for the ABP with regard to the benefits provided and the amount, scope and duration of those benefits. The ABP is largely similar to the current Medicaid benefit package.</p> <p>The ABP has two new benefits that are not currently included in the base Medicaid package: Preventive Services and Habilitative Services. The State therefore is required to add these services to the Alternative Benefit Plan. In an effort to align Medicaid benefits, the current Medicaid package will be expanded to include preventive and wellness services.</p> <p>At the time, habilitative services will only be added to the ABP and once the state retrieves appropriate data on usage and costs, it will consider adding it to State Plan Medicaid. This rule therefore establishes the amount, scope, duration and other service limitations for habilitative services.</p>	December 2013 Emergency Adoption
MSB 13-11-12-A	Revision to the Medical Assistance Eligibility Rule Concerning Changes Set Forth in the Affordable Care Act to Provide Medical Assistance to Former Foster Care Youth, Section 8.100.4.H	The rule addresses youth in foster care under the state's or tribes' responsibility and also enrolled in Medicaid under the state's Medicaid State Plan. The proposed rule change amends 10 CCR 2505-10, Section 8.100.4.H to comply with the Affordable Care Act, Public Law 111-148, extending medical assistance to age 26 for former foster care youth that were in Colorado foster care at ages 18,19, 20 or 21 and receiving Medicaid. It intends to continue their Medicaid beyond the age they would leave the foster care system and provide insurance consistent with peers that have families with insurance that typically can continue to provide health insurance until age 26.	December 2013 Emergency Adoption

Rule Number	Rule Title	Rule Summary	Adoption Month/Status
MSB 13-10-08-A	Revision to the Medical Assistance Rule Concerning the Colorado Indigent Care Program (CICP), Sections 8.904.f.2d., and 8.907.B. a-d	<p>Language will be deleted in Section 8.904.F.2.d. of the CICP regulation that allows Adults without Dependent Children who have incomes below 10% of the Federal Poverty Level and are on a waitlist for Medicaid to receive discounted services under CICP. This policy existed because the number of Adults without Dependent Children Medicaid enrollees was limited and there was a waitlist. The waitlist will be eliminated with the expansion of Medicaid for eligible clients with incomes up to 133% of the Federal Poverty Level. Therefore, there is no longer a need to reference it in the CICP rules.</p> <p>Language will be deleted from Section 8.907.B.a-d. of the CICP regulation which exempts homeless persons from applying for and being denied Medicaid benefits before being eligible for CICP. This policy existed because previously Medicaid did not cover low-income Adults without Dependent Children.</p> <p>Effective January 2014, under the Affordable Care Act (ACA), Medicaid will be expanded to cover all adults age 19-64 with incomes at or below 133% of the Federal Poverty Level. This rule change will align CICP with changes to Medicaid. This rule change clarifies that low-income adults, including homeless persons, must be denied Medicaid before being eligible for CICP. Changes to sections 8.904F.2d and 8.907.B. a-d are needed to comply with program regulations, which require categorically applicants to apply for Medicaid prior to approval for CICP.</p>	January 2014 Permanent Adoption

Rule Number	Rule Title	Rule Summary	Adoption Month/Status
MSB 13-10-18-A	Revision to the Medical Assistance Rule Concerning Hospital Provider Fees Collection and Disbursement, Section 8.2000	<p>Under recommendation of the Hospital Provider Fee Oversight and Advisory Board, the proposed rule revisions include changes to fees assessed upon hospital providers and payments to hospital providers.</p> <p>The Colorado Health Care Affordability Act [25.5-4-402.3, C.R.S. (2013)] instructs the Department to charge hospital provider fees and obtain federal Medicaid matching funds. The hospital provider fee is the source of funding for supplemental Medicaid payments to hospitals and payments associated with the Colorado Indigent Care Program (CICP). It is also the source of funding for the expansion of eligibility for Medicaid adults to 133% of the federal poverty level (FPL), the expansion of the Child Health Plan Plus (CHP+) to 250% FPL implemented, the implementation of a Medicaid Buy-In Program for working adults and children with disabilities up to 450% of the FPL, and to fund 12-months continuous eligibility for Medicaid children.</p> <p>The proposed rule revisions will allow the Department to collect sufficient fees from hospitals to fund the health coverage expansions and hospital payments to comply with state statute and the Medicaid State Plan agreement with the Centers for Medicare and Medicaid Services. The proposed rule revisions ensure continuing health care coverage for the Medicaid and CHP+ expansions funded by hospital provider fees and access to discounted health care services for CICP clients.</p>	January 2014 Permanent Adoption

Rule Number	Rule Title	Rule Summary	Adoption Month/Status
MSB 13-10-23-A	Revision to the Medical Assistance Rule Concerning The Alternative Benefit Plan and Habilitative Services for Medicaid Expansion Adults, Section 8.016 and 8.017	<p>Beginning January 1, 2014, the department will implement the Medicaid Expansion as required by the Affordable Care Act (ACA). The ACA requires that all new expansion clients receive a benefit package known as the Alternative Benefit Plan (ABP). CMS sets certain standards for the ABP with regard to the benefits provided and the amount, scope and duration of those benefits. The ABP is largely similar to the current Medicaid benefit package.</p> <p>The ABP has two new benefits that are not currently included in the base Medicaid package: Preventive Services and Habilitative Services. The State therefore is required to add these services to the Alternative Benefit Plan. In an effort to align Medicaid benefits, the current Medicaid package will be expanded to include preventive and wellness services.</p> <p>At the time, habilitative services will only be added to the ABP and once the state retrieves appropriate data on usage and costs, it will consider adding it to State Plan Medicaid. This rule therefore establishes the amount, scope, duration and other service limitations for habilitative services.</p>	January 2014 Permanent Adoption
MSB 13-10-31-B	Revision to the Medical Assistance Eligibility Rule Concerning Continuous Eligibility Section 8.100.4.G	<p>The proposed rule changes amend 10 CCR 2505-10, Section 8.100.4.G to grant continuous eligibility for children eligible for Medicaid. This rule will guarantee coverage without interruption for 12 months regardless of change in income or household size. Continuous coverage ensures that children are not suddenly dropped from coverage, therefore preventing harmful disruptions in their healthcare coverage.</p>	January 2014 Permanent Adoption

Rule Number	Rule Title	Rule Summary	Adoption Month/Status
MSB 13-11-12-A	Revision to the Medical Assistance Eligibility Rule Concerning Changes Set Forth in the Affordable Care Act to Provide Medical Assistance to Former Foster Care Youth, Section 8.100.4.H	The rule addresses youth in foster care under the state's or tribes' responsibility and also enrolled in Medicaid under the state's Medicaid State Plan. The proposed rule change amends 10 CCR 2505-10, Section 8.100.4.H to comply with the Affordable Care Act, Public Law 111-148, extending medical assistance to age 26 for former foster care youth that were in Colorado foster care at ages 18,19, 20 or 21 and receiving Medicaid. It intends to continue their Medicaid beyond the age they would leave the foster care system and provide insurance consistent with peers that have families with insurance that typically can continue to provide health insurance until age 26.	January 2014 Permanent Adoption
MSB 13-11-29-A	Revision to the Medical Assistance Health Programs Rule Concerning the Removal of Co-Payments for Clients Receiving Preventive Services, Section 8.754.5	The Affordable Care Act (ACA) (42 USC § 1396d(a)(13) (2010)) requires that preventive services be included in the new benefit package made available to all Medicaid expansion clients. The law also requires that the services be provided without a co-pay. In order to align the benefit packages for expansion and non-expansion Medicaid clients, the Department is adding preventive services to the benefit package for non-expansion Medicaid clients. To comply with the ACA, the attached rule eliminates cost sharing for all preventive and wellness services for all Medicaid clients.	January 2014 Permanent Adoption
MSB 13-10-03-A	Revision to the Medical Assistance Rule Concerning the Merging of Clients in the Persons Living With AIDS (PLWA) Waiver to the Elderly, Blind, and Disabled (EBD) Waiver, Section 8.485.	The Rule changes the EBD waiver to allow for clients receiving services on the PLWA waiver to now receive services on the EBD waiver.	February 2014 Permanent Adoption
MSB 13-10-03-B	Revision to the Medical Assistance Rule Concerning the Repeal of the Persons Living with AIDS Waiver (PLWA), Section 8.496.	The rule repeals the PLWA waiver to allow for clients receiving services on the PLWA waiver to now receive services on the EBD waiver	February 2014 Permanent Adoption

Rule Number	Rule Title	Rule Summary	Adoption Month/Status
MSB 13-10-22-A	Revision to the Medical Assistance Rule Concerning Early and Periodic Screening Diagnosis and Treatment (EPSDT) Personal Care Section 8.280	This rule change targets four categories. First, it revises the existing wording of the rule to achieve more clarity. Second, there are certain policies which the Department no longer has in place or have otherwise changed and therefore need to be updated. Third, new federal regulations for EPSDT have been promulgated and therefore those changed need to be reflected in the rule. Fourth, the Department will implement a personal care benefit in 2014 which is a component of EPSDT. This rule change therefore defines the purpose of that program.	February 2014 Permanent Adoption
MSB 13-10-22-B	Revision to the Medical Assistance Rule Concerning Adults without Dependent Children Section 8.205.4.A	<p>The Department proposes to remove all references to AwDC in the MSB rules, effective January 1, 2014. All existing AwDC clients and waitlist clients will be converted to MAGI Adults and will be covered by MSB rules related to MAGI Adults. Approximately 20,000 AwDC clients and 9,000 AwDC waitlist clients will be affected by this change. The rules concerning the AwDC waiver program eligibility, enrollment, and benefits will be obsolete, since the waiver will no longer exist. In May 2012, the Department began enrolling adults without dependent children (AwDC) into Medicaid through an 1115 Demonstration Waiver. The waiver allowed childless adults with incomes up to 10 percent of the federal poverty level to receive Medicaid coverage, but the program's enrollment was capped. Initially, the Department enrolled 10,000 clients, later raising the cap to 21,691. The Department maintained a waitlist of eligible clients and used a randomized selection process each month to enroll clients into available slots.</p> <p>On January 1, 2014, AwDC with incomes up to 133 percent of the federal poverty level will be eligible to enroll in Medicaid through the Affordable Care Act. Beginning in January, the Department will receive 100 percent federal match on these clients rather than the 50 percent match available through the waiver. All waiver clients and waitlist clients will be able to enroll through this Medicaid expansion without caps or waitlists, so the waiver program will no longer be needed. The waiver will end on December 31, 2013.</p>	February 2014 Permanent Adoption

Rule Number	Rule Title	Rule Summary	Adoption Month/Status
MSB 13-11-19-A	Revision to the Medical Assistance Rule Concerning Treatment of Oral Medical Conditions for Adult Clients, Section 8.201	Colorado Senate Bill 13-242 requires that the Department create a limited adult dental benefit, available as of April 1, 2014. The Department is engaged in a Benefits Collaborative Process to create a defined benefit that details the full amount, scope and duration of this new benefit. Until such time that process concludes, the Department is amending Section 8.201 to: 1) remove language that prohibits services covered as of April 1 and 2, 2014) add preventive, diagnostic and restorative services (except for those restorative services expressly excluded) as a covered benefit for adults age 21 and older.	February 2014 Permanent Adoption
MSB 13-11-26-A	Revision to the Medical Assistance Rule Concerning Transfer of the Intellectual and Developmental Disabilities Services Program Rules, Section 8.600	This proposed rule is a transfer of existing rules. This rule is necessary in order to implement HB 13-1314, concerning the transfer of programs for persons with intellectual and developmental disabilities (I/DD) to the Department of Health Care Policy and Financing. As a part of this transfer, rules currently located in the Department of Human Services section of the Colorado Code of Regulations are being relocated to the Department of Health Care Policy and Financing section of the Code. There are no changes being made to the provisions in these rules; therefore, there is no impact to clients, providers or other stakeholders.	February 2014 Permanent Adoption
MSB 13-10-31-A	Revision to the Child Health Plan Plus Rule Concerning Continuous Eligibility, Section 430	The proposed rule changes amends 10 CCR 2505-3, section 430 to grant continuous eligibility for CHP+. This rule will guarantee coverage without interruption for 12 months regardless of change in income or household size. Continuous coverage ensures that children are not suddenly dropped from coverage, therefore preventing harmful disruptions in their healthcare coverage	March 2014 Permanent Adoption

Rule Number	Rule Title	Rule Summary	Adoption Month/Status
MSB 14-02-06-A	Revision to the Medical Assistance Special Financing Division Rule Concerning Hospital Provider Fee Collection and Disbursement, Sections 8.2003.A., 8.2004.D., and 8.2004.E.	The Bipartisan Budget Act of 2013 (Public Law number 113-67), signed into law by President Obama on December 26, 2013, eliminated the reduction in the FFY 2013-14 DSH allotment, which increased Colorado's DSH allotment from \$91,612,207 to \$98,648,517. Hospital provider fees serve as the state share to draw the DSH allotment. In order to draw the full DSH allotment as recommended by the Hospital Provider Fee Oversight and Advisory Board, the Department must increase the outpatient services fee rate and increase payment rates for the Colorado Indigent Care Program (CICP) in rule. The federal Centers for Medicare and Medicaid Services (CMS) is currently reviewing an amendment to the Department's Medicaid State Plan and approval is expected before the rules are presented to the Medical Services Board in March 2014.	March 2014 Emergency Adoption
MSB 13-08-16-A	Revision to the Medical Assistance Pharmacy Section Rule Concerning Excluded Drug Coverage	Effective January 1, 2014, section 2502 of the Affordable Care Act amends Section 1927 (d)(7) of the Social Security Act by prohibiting the exclusion of coverage of smoking cessation products, barbiturates and benzodiazepines, under the Medicaid program. These agents are currently covered drugs; however, the Medicaid rules permit the exclusion of these agents. Therefore, the rule change deletes these agents from the list of drugs which may be excluded from coverage. In addition, this rule revises outdated language.	March 2014 Permanent Adoption
MSB 13-10-22-D	Revision to the Medical Assistance Rule Concerning the Community Mental Health Services Program Section 8.212	This rule addresses enrollment, exemptions, rights/protections, required services and emergency services concerning the Community Mental Health Services program. The revision of this rule includes the addition of substance use disorder services, and eliminates benefit limits. Additionally, the Department is changing the name of the Community Mental Health Service program to the Community Behavioral Health Services program.	April 2014 Permanent Adoption

Rule Number	Rule Title	Rule Summary	Adoption Month/Status
MSB 14-01-09-A	Revision to the Medical Assistance Nursing Facility Rule Concerning Services and Items Not Included in the Per Diem Payment, Section 8.440.2	<p>This rule lists items and services that are not included in a facility's per diem reimbursement rate. The first portion of this rule lists items and services that are not reimbursed in the per diem, but that may be charged to clients' personal needs funds. The second portion lists items and services that are not included in the per diem reimbursement, and may not be charged to the clients' personal needs funds.</p> <p>The current rule lists a service that is not covered, but the language currently used is unclear and has caused some confusion on the part of long term care facilities and the department. The revision will clarify this item, reducing the frustration of providers and the number of appeals.</p>	April 2014 Permanent Adoption
MSB 14-01-09-B	Revision to the Medical Assistance Long Term Service and Supports Rule Concerning Provider Appeals, Section 8.050	<p>The current rule only addresses the process if a nursing facility receives a physical copy of notifications. With the department's recent efforts to increase the use of technology and electronic copies, there is a need to codify a new process for nursing facilities that addresses receipt of electronic copies as opposed to physical copies. This revision provides the legal support for delivering rate determinations to nursing facilities by electronic copy, and details the steps nursing facilities may take to challenge these determinations. This will provide the department insulation from legal liability when the department does issue notifications electronically. It will also enable the department to make full use of electronic notification, which will make both the department and nursing facilities more efficient.</p>	April 2014 Permanent Adoption

Rule Number	Rule Title	Rule Summary	Adoption Month/Status
MSB 14-01-09-C	Revision to the Medical Assistance Long Term Supports and Services Rule Concerning Health Care Reimbursement Rate Calculation, Section 8.443.7.A	<p>This rule lists the costs that may be considered health care costs for the purpose of calculating the per diem reimbursement rate.</p> <p>The current rule requires owners and owner related parties to keep contemporaneous time logs in order to allocate the cost of their services to separate facilities. This is administratively burdensome on both the facility and department auditors. The proposed revision removes the burden by replacing this requirement with a simple formula intended to accurately reflect the cost, without the burden of contemporaneous time keeping. This may make both facilities and the department more efficient.</p> <p>In Section A.2, admissions personnel was too broad a category for inclusion in the health care cost allocation. The change to admissions coordinator narrows this category to align with policy objectives.</p> <p>In Section A.5, vaccinations are being explicitly included as health care services that may be reimbursed so that the rule is consistent with current practices.</p> <p>In Section A.7, changes are being made to reflect the changing delivery of health care and the ubiquitous use of computers in direct and indirect delivery of healthcare. This change will allow Facilities to be reimbursed as a healthcare cost for the cost of computers and software used in the delivery of healthcare.</p>	April 2014 Permanent Adoption
MSB 14-01-10-B	Revision to the Medical Assistance Long Term Supports and Services Rule Concerning Reimbursement for Administrative and General Costs, Section 8.443.8.A	<p>This rule defines which costs must be considered administrative and general for the purpose of calculating the per diem reimbursement rate.</p> <p>The current rule is ambiguous with how it allocates computer service fees and software costs. This revision will clarify how these costs are to be allocated. Clarifying how we treat these costs may reduce the number of appeals, and will make it easier for nursing facilities to comply with the regulations. It will also simplify the task of auditors.</p>	April 2014 Permanent Adoption

Rule Number	Rule Title	Rule Summary	Adoption Month/Status
MSB 14-01-22-A	Revision to the Medical Assistance Health Programs Service and Supports Rule Concerning Treatment of Oral Medical Conditions for Adult Clients, Section 8.201	Colorado Senate Bill 13-242 requires that the Department create a limited adult dental benefit. The Department engaged in a Benefits Collaborative Process to define the amount, scope and duration of this new benefit. This rule therefore implements the full dental benefit.	April 2014 Permanent Adoption
MSB 14-01-24-A	Revision to the Medical Assistance Special Financing Division Rule Concerning the Old Age Pension Health Care Program Dental Benefit, Section 8.940	<p>Under the Old Age Pension State Only Program, the following State funded benefits are provided: physician and practitioner services, inpatient hospital, outpatient services, lab and x-ray, emergency transportation, emergency dental, pharmacy, home health services and supplies, and Medicare cost sharing. Currently, Old Age Pensioners receive an emergency dental benefit. The proposed rule change will provide a dental benefit that mirrors the new adult Medicaid benefit.</p> <p>The proposed rule will also delete obsolete language referencing the Old Age Pension Health Care Supplemental Program. Funding for the Supplemental Program was abolished through SB 11-210 in July 2012. The proposed rule also deletes language that references reimbursement rates. This language will be replaced with language added that states information pertaining to reimbursement rates is published in the Provider Bulletin.</p>	April 2014 Permanent Adoption
MSB 14-02-06-A	Revision to the Medical Assistance Special Financing Division Rule Concerning Hospital Provider Fee Collection and Disbursement, Sections 8.2003.A., 8.2004.D., and 8.2004.E	Under recommendation from the Hospital Provider Fee Oversight and Advisory Board, the proposed rule increases hospital provider fees and Disproportionate Share Hospital (DSH) reimbursement to qualified hospitals due to the increase in Colorado's Federal Fiscal Year (FFY) 2013-14 federal DSH allotment under the Bipartisan Budget Act of 2013 (Public Law number 113-67).	April 2014 Permanent Adoption
MSB 14-02-25-A	Revision to the Medical Assistance Home and Community Based Services Brain Injury Waiver Rule Concerning the Transitional Living Program, Section 8.516.30	The revision to the rules under the Home and Community Based Services Brain Injury waiver enables providers to offer a more robust array of services by altering definitions and time limits on therapeutic treatment for clients. These proposed revisions also alter the definition of medically stable in order to expand therapeutic services to clients.	May 2014 Permanent Adoption

Rule Number	Rule Title	Rule Summary	Adoption Month/Status
MSB 14-02-25-B	Revision to the Medical Assistance Home and Community based Services for Person with Brain Injury Rule Concerning Counseling, Section 8.516.50	This revision to the rules for the Home and Community Based Services Counseling services within the Brain Injury waiver enables families to receive counseling and training services without the waiver recipient in the room. This revision expands family services.	May 2014 Permanent Adoption
MSB 14-02-25-C	Revision to the Medical Assistance Home and Community Based Services for Persons with Brain Injury Rule Respite Care, Section 8.516.70	The revision to the rules for the Home and Community Based Services Respite Care service within the Brain Injury waiver requires changes to clarify limits and better define processes for clients and case managers to request additional units of the service.	May 2014 Permanent Adoption
MSB 14-02-25-D	Revisions to the Medical Assistance Home and Community Based Services for Persons with Brain Injury Rule Substance Abuse Counseling, Section 8.516.60	The rule change expands the provider pool for substance abuse services as specified under the HCBS-BI waiver by changing the level of certification required for the Certified Addictions Counselor. The proposed rule change also revises typographical errors from previous versions.	May 2014 Permanent Adoption
MSB 14-02-25-E	Revisions to the Medical Assistance Home and Community Based Services for Persons with Brain Injury Rule Concerning Eligible Persons, Section 8.515.5	Revisions to the Eligible Persons section within the Home and Community Based Services Brain Injury Waiver rule expands eligibility by eliminating barriers to enrollment such as age restrictions of when the injury occurred and requirements for a prognosis showing continued functional improvement.	May 2014 Permanent Adoption
MSB 14-02-25-F	Revision to the Medical Assistance Home and Community-Based Services Rule Concerning Persons with Spinal Cord Injury (HCBS-SCI). Rule 10 C.C.R. 2505-10, Sections 8.517.5, 8.517.6	The Home and Community-Based Services for persons with Spinal Cord Injury (HCBS-SCI) waiver pilot program reached its 67 client capacity limit in November of 2013. Currently there is a waiting list with resources opening onto the program on July 1st, 2014. The current rule only offers broad guidance regarding the waiting list. This amended rule will meet the need for more specific guidance regarding the criteria and processes for managing the waiting list	May 2014 Permanent Adoption

Rule Number	Rule Title	Rule Summary	Adoption Month/Status
MSB 14-02-26-A	Revision to the Medical Assistance Rule Concerning Home and Community Based Services Pediatric Hospice Waiver, Section 8.504	<p>The proposed rule amends the regulations for the Home and Community Based Services for Children with Life Limiting Illness Waiver (HCBS-CLLI) 10 CCR 2505-10 8.504. The HCBS-CLLI (formally HCBS-PHW) was audited by the legislative audit committee. The audit found the waiver was not following the original intentions of the legislation. In order to comply with audit findings and recommendations the program rules need to be revised.</p> <p>The current HCBS-CLLI rules do not clearly define the services or provider qualifications. CLLI services have been redefined and changed and provider qualifications have been updated in the waiver. Updated rules are needed to implement these changes.</p> <p>The HCBS-CLLI (Children with Life Limiting Illness) program name was recently changed from HCBS-PHW (Pediatric Hospice Waiver) to HCBS-CLLI. The rule revision will also provide an opportunity to update the program name.</p>	May 2014 Permanent Adoption
MSB 14-02-28-A	Revision to the Medical Assistance Pharmacy Section Rule Concerning Application To Participate In The Medical Assistance Pharmacy Program Repeal of Form Med - 11E	FORM MED-11E, attached to the Medical Assistance rule, is a pharmacy provider enrollment application form from c. 1984. The form is no longer used to enroll pharmacy providers. The department has a standard enrollment application form that is accessible through its website for all providers. Repealing the MED -11E form will eliminate unnecessary confusion for providers and staff.	May 2014 Permanent Adoption
MSB 14-04-04-A	Revision to the Medical Assistance Health Program Services and Supports Division Rule Concerning Speech – Language and Hearing Services, 8.200.3.D.2	The Department is updating this rule to include content from the Speech-Language & Hearing Benefit Coverage Standard. Specifically, the rule will define the amount, scope and duration of the benefit.	May 2014 Emergency Adoption
MSB 14-04-04-A	Revision to the Medical Assistance Health Program Services and Supports Division Rule Concerning Speech – Language and Hearing Services, 8.200.3.D.2	The Department is updating this rule to include content from the Speech-Language & Hearing Benefit Coverage Standard. Specifically, the rule will define the amount, scope and duration of the benefit.	June 2014 Permanent Adoption
MSB 14-04-21-A	Revision to the Medical Assistance Pharmacy Section Rule Concerning Durable Medical Equipment and Disposable Medical Supplies Provider Rate Increase, Section 8.590.7.I	The proposed rule will increase the DME reimbursement rate by 2% to account for General Assembly funding appropriation	June 2014 Emergency Adoption

Rule Number	Rule Title	Rule Summary	Adoption Month/Status
MSB 14-04-21-B	Revision to the Medical Assistance Rule for Outpatient Hospital Reimbursement, Section 8.300.6	On April 30, 2014, Governor Hickenlooper signed House Bill 14-1336, which set the Colorado state budget for FY 2014-15. After much debate by the General Assembly, the signed budget includes reimbursement increases for Medicaid providers, including hospitals. As a result, Medicaid hospitals are receiving a 2% increase in their reimbursement rate for outpatient services. This outpatient reimbursement rate change requires a new rule since the rate history is included in the regulation for cost settlement purposes. Currently, hospitals are reimbursed at 70.2% of cost for outpatient services (excluding those services reimbursed based upon the fee schedule such as lab, physical therapy, and occupational therapy). Effective July 1, 2014, the proposed rule will change the reimbursement to 71.6% of cost, which represents a payment increase of 2.0% as required by House Bill 14-1336.	June 2014 Emergency Adoption
MSB 14-04-21-C	Revision to the Medical Assistance Federally Qualified Health Centers Rule Concerning Encounter Rate Calculation, Section 8.700.6	The purpose of this rule is to preserve the public health, safety, and welfare. Since 2009, FQHC providers have been receiving rate cuts during the budget shortfall. This rule will eliminate the midpoint reduction for services provided by Federally Qualified Health Centers participating in Medicaid. After multiple years of rate cuts, the increase contained in this rule may allow these facilities to provide improved services to more recipients	June 2014 Emergency Adoption
MSB 14-06-02-A	Revision to the Medical Assistance Health Programs Services and Supports Rule Concerning Dental Services, Section 8.201	The Joint Budget Committee authorized funding for complete dentures during the 2014 legislative session. The appropriation included approximately \$26.8 million total funds from the Adult Dental Fund and the Hospital Provider Fee Cash Fund. The purpose of this rule change is to add dentures to our existing rules regarding Dental Services. The specific unit limits were developed through the Benefits Collaborative Process and with the input/advice from our consultants and other key stakeholders such as the Colorado Dental Association. This benefit will be subject to prior authorization and will not be subject to the \$1,000 annual maximum for Dental Services.	June 2014 Emergency Adoption

Rule Number	Rule Title	Rule Summary	Adoption Month/Status
MSB 13-12-20-A	Revision to the Medical Assistance Rule Concerning the Program of All-Inclusive Care for the Elderly, Section 8.497	<p>The statute authorizing the Program of All-Inclusive Care for the Elderly (PACE), Section 25.5-5-412, C.R.S. was modified pursuant to SB 12-023. Therefore, rules implementing aspects of the program, 10 C.C.R. 2505-10, Section 8.497, have been added to account for the changes authorized in SB 12-023.</p> <p>SB 12-023 added two requirements to the PACE state statute:</p> <ol style="list-style-type: none"> 1) To allow Medicaid clients that are eligible for PACE but enrolled in a managed care organization, RCCO, or other risk based entity to disenroll and enroll in PACE (if a client chooses to do so); and 2) To allow PACE organizations to contract with an enrollment broker to include information on PACE in the enrollment broker's marketing materials to eligible long-term care clients. 	July 2014 Permanent Adoption
MSB 14-04-21-A	Revision to the Medical Assistance Pharmacy Section Rule Concerning Durable Medical Equipment and Disposable Medical Supplies Provider Rate Increase, Section 8.590.7.I	The proposed rule will increase the DME reimbursement rate by 2% to account for General Assembly funding appropriation	July 2014 Permanent Adoption
MSB 14-04-21-B	Revision to the Medical Assistance Rule for Outpatient Hospital Reimbursement, Section 8.300.6	On April 30, 2014, Governor Hickenlooper signed House Bill 14-1336, which set the Colorado state budget for FY 2014-15. After much debate by the General Assembly, the signed budget includes reimbursement increases for Medicaid providers, including hospitals. As a result, Medicaid hospitals are receiving a 2% increase in their reimbursement rate for outpatient services. This outpatient reimbursement rate change requires a new rule since the rate history is included in the regulation for cost settlement purposes. Currently, hospitals are reimbursed at 70.2% of cost for outpatient services (excluding those services reimbursed based upon the fee schedule such as lab, physical therapy, and occupational therapy). Effective July 1, 2014, the proposed rule will change the reimbursement to 71.6% of cost, which represents a payment increase of 2.0% as required by House Bill 14-1336.	July 2014 Permanent Adoption

Rule Number	Rule Title	Rule Summary	Adoption Month/Status
MSB 14-04-21-C	Revision to the Medical Assistance Federally Qualified Health Centers Rule Concerning Encounter Rate Calculation, Section 8.700.6	The purpose of this rule is to preserve the public health, safety, and welfare. Since 2009, FQHC providers have been receiving rate cuts during the budget shortfall. This rule will eliminate the midpoint reduction for services provided by Federally Qualified Health Centers participating in Medicaid. After multiple years of rate cuts, the increase contained in this rule may allow these facilities to provide improved services to more recipients	July 2014 Permanent Adoption
MSB 14-06-02-A	Revision to the Medical Assistance Health Programs Services and Supports Rule Concerning Dental Services, Section 8.201	The Joint Budget Committee authorized funding for complete dentures during the 2014 legislative session. The appropriation included approximately \$26.8 million total funds from the Adult Dental Fund and the Hospital Provider Fee Cash Fund. The purpose of this rule change is to add dentures to our existing rules regarding Dental Services. The specific unit limits were developed through the Benefits Collaborative Process and with the input/advice from our consultants and other key stakeholders such as the Colorado Dental Association. This benefit will be subject to prior authorization and will not be subject to the \$1,000 annual maximum for Dental Services.	July 2014 Permanent Adoption

Rule Number	Rule Title	Rule Summary	Adoption Month/Status
MSB 14-03-05-B	Revision to the Medical Assistance Rule Concerning the Limitation to Medicaid Estate Recovery, Section 8.063	<p>The purpose of this rule amendment is to remove the Department's ability to make recoveries under its estate recovery program that are optional under federal law. The amendment reflects the various recoveries that the Department is required to make under its program. This change is necessary to encourage newly eligible individuals under the Affordable Care Act to apply for Medicaid who might perceive estate recovery as a reason not to apply.</p> <p>Reports in the media suggested that individuals coming to Medicaid for the first time through the exchanges created in response to the Affordable Care Act might be reluctant to apply because of Medicaid estate recovery programs. Colorado's program had implemented the optional provisions of federal law by permitting estate recoveries for any medical assistance services for clients over the age of 55. The rule amendment removes the optional recoveries and limits Colorado's estate recovery rights to those items required by federal law.</p>	August 2014 Permanent Adoption
MSB 14-04-02-B	Revision to the Medical Assistance Rule Concerning Home and Community Based Services Brain Injury Waiver, Section 8.515.85	The addition of Section 8.515.85 will provide Supportive Living Program providers with guidelines for service provision. Prior to this addition, there were no rules for Supportive Living Program providers under the HCBS Brain Injury Waiver.	August 2014 Permanent Adoption
MSB 14-04-24-A	Revision to the Medical Assistance Rule Concerning Reasonable Opportunity Period for Citizens and Non-Citizens, Section 8.100.3.G and 8.100.3.H.	The proposed rule changes amend 10 CCR 2505-10, Section 8.100.3.G and 8.100.3.H, to reflect changes to Reasonable Opportunity Period for citizens and national, and incorporate the ROP into the eligibility determination process for non-citizens.	August 2014 Permanent Adoption

Rule Number	Rule Title	Rule Summary	Adoption Month/Status
MSB 14-09-16-A	Revision to the Medical Assistance Provider Relations and Dental Program Rule Concerning Oral Surgery, Section 8.200	The purpose of this rule is to update the dental billing requirements to allow oral surgeons in the Medicaid program who hold dual licensures to enroll as both a dental and medical provider so they may bill both dental and medical codes. The Department previously restricted oral surgeons, only allowing them to enroll and bill medical or dental but not both, in order to prevent billing twice for performing the same service. Now the Department has contracted with a Dental Administrative Services Organization which will monitor utilization and ensure that oral surgeons do not bill twice for the same service.	October 2014 Emergency Adoption
MSB 14-07-03-A	Revision to the Medical Assistance Provider Relations and Dental Program Division Rule Concerning Dental Services for Children, Section 8.202	Colorado currently provides a dental benefit to children 20 years of age and younger in the Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) program. However, the Department engaged in a Benefits Collaborative Process to define the amount, scope and duration of Dental Services for Children. This rule therefore implements the recommendations and policies that were developed through that process.	October 2014 Permanent Adoption
MSB 14-06-25-A	Revision to the Medical Assistance Health Program Services and Supports Rule Concerning Amount, Scope and Duration of Ambulatory Surgery Centers, Section 8.570.3.D	The Department is updating this rule to include content from the Ambulatory Surgery Center Benefit Coverage Standard. Specifically, the rule will define the amount, scope and duration of the benefit.	October 2014 Permanent Adoption

Departmental Regulatory Agendas

Department

Department of Human Services



**REGULATORY AGENDA
SUMMARY OF ATTACHED DOCUMENTS**

- 1) Regulatory Plan
- 2) Regulatory Agenda, November 1, 2014-October 31, 2015
- 3) Regulatory Agenda Status of Rules, November 1, 2013-October 31, 2014





COLORADO

Department of Human Services

Regulatory Plan For the Department of Human Services November 1, 2014 - October 31, 2015

The Colorado Department of Human Services (CDHS) respectfully submits this Regulatory Plan for November 1, 2014 through October 31, 2015.

The Department has conducted a Rule Reduction Review (RRR) project, beginning in 2011. All Department rules were reviewed and determined to: 1) need to be repealed, 2) need to be revised, or 3) to continue as currently promulgated. The project included a review of all Departmental rules in an effort to repeal obsolete or redundant rules while revising remaining rules to ensure that they are clear, concise, consistent, and current. The broader goal of the project was to update, reduce, revise, clarify, and in many cases consolidate public assistance rules served by the Department's programs and to allow county departments of social/human services and community partners to provide services more efficiently.

The Department has completed the initial Rule Reduction Review project established for 2011 through 2013 that, alone, provided review of 4,498 rules and resulting in 2,289 revisions and 855 repeals (approximately 50% and 19% of all Department rules, respectively). Through September 2014, all rules reviewed total 5,493 with 2,666 revisions and 1,453 repeals.

The Department has established a preliminary schedule over the next three years for regular review to assure that the rules remain current and necessary. For this year's Plan, the rule-making proposed on the November 1, 2014-October 31, 2015 Regulatory Agenda is incorporated.

Agency Rule-Making#	Subject Matter	Office and/or Division or Program	Proposed Adoption Date
13-10-29-1	Rules Concerning Child Protection Ombudsman Program	Office of the Executive Director	December 5, 2014
	Telecommunications Equipment Distribution Program (TEDP)	Office of Enterprise Partnerships/Commission for the Deaf and Hard of Hearing	TBD
	Behavioral Health Rule Revisions	Office of Behavioral Health	TBD

	Coordinated Community Behavioral Health Crisis System Rules Pursuant to Senate Bill 13-266	Office of Behavioral Health	TBD
14-3-4-1	Child Protection and Child Welfare Rule Rewrite, Realignment, and Modification to Special Economic Assistance (SEA)	Office of Children, Youth and Families/Division of Child Welfare	November 7, 2014
14-9-3-1	Colorado Child Abuse and Neglect Hotline Pursuant to H.B. 13-1271	Office of Children, Youth and Families/Division of Child Welfare	November 7, 2015
14-9-9-1	Child Welfare Training Rules, Including Hotline Employees	Office of Children, Youth and Families/Division of Child Welfare	November 7, 2015
	Other Permanent Placement Living Arrangement (OPPLA) Rule Revisions	Office of Children, Youth and Families/Division of Child Welfare	March 6, 2015
	Revision and Realignment of the Child Welfare Rules	Office of Children, Youth and Families/Division of Child Welfare	Spring 2015
	Domestic Violence Program Revisions	Office of Children, Youth and Families/Domestic Violence Program	Spring 2015
	Sex Offender Registry Check	Office of Children, Youth and Families/Division of Child Welfare	Possibly include with Child Placement Agency (CPA) rules
	Reinstatement of Parental Rights Pursuant to S.B. 14-062	Office of Children, Youth and Families/Division of Child Welfare	TBD
	State Unit on Aging Revisions to Services for the Aging/Older Americans Act Programs	Office of Community Access and Independence/Aging and Adult Services	May 8, 2015
	Child Care Safe Sleep and Disaster Preparedness	Office of Early Childhood/Early Care and Learning	February 6, 2015
	Child Care Center Rules	Office of Early Childhood/Early Care and Learning	Spring 2015
	Further Revisions to Implement Provisions of H.B. 14-1317 Regarding Colorado Child Care Assistance Program Modifications	Office of Early Childhood/Early Care and Learning	Spring 2015

	Quality Rating and Improvement System (QRIS)	Office of Early Childhood/Early Care and Learning	Spring 2015
	Early Intervention Program	Office of Early Childhood/Community and Family Support	Summer 2015
14-8-26-1	Aid to the Needy Disabled State Only (AND-SO) Changes to the Supplemental Security Income (SSI) Application Requirement Pursuant to S.B. 14-012	Office of Economic Security/Employment and Benefits Division	January 22, 2015
14-10-14-1	Clarifying the Restricted Use of Electronic Benefits Transfer for Temporary Assistance for Needy Families (TANF)/Colorado Works and Adult Financial Cash Benefits	Office of Economic Security/Employment and Benefits Division	January 22, 2015
	Transitional Food Assistance	Office of Economic Security/Food and Energy Assistance	February 6, 2015
	2015 Cost of Living Adjustment to Old Age Pension	Office of Economic Security/Employment and Benefits Division	December 2014
	Federal Fiscal Year 2015 Change in Resource Standards	Office of Economic Security/Food and Energy Assistance	December 2014
	Federal Fiscal Year 2016 Cost of Living Adjustment (COLA) and Utility Allowance Updates	Office of Economic Security/Food and Energy Assistance	September 4, 2015
	Food Assistance Claim Threshold	Office of Economic Security/Food and Energy Assistance	Spring 2015
	Food Assistance Claim Updates and Clarifications	Office of Economic Security/Food and Energy Assistance	Summer 2015
	Food Assistance Updates and Clarifications to Fair Hearing Rules	Office of Economic Security/Food and Energy Assistance	Summer 2015
	Annual Update for the Low-Income Energy Assistance Program (LEAP)	Office of Economic Security/Food and Energy Assistance	October 2015
	Post-Temporary Assistance for Needy Families (TANF) Employment Incentive	Office of Economic Security/Employment and Benefits Division	TBD
	Further Revisions to the Adult Financial Rules	Office of Economic Security/Employment and Benefits Division	TBD

	Social Security Number Change for Colorado Works	Office of Economic Security/Employment and Benefits Division	TBD
	Simplifying Income for Colorado Works	Office of Economic Security/Employment and Benefits Division	TBD
	Rules for Child Support Enforcement	Office of Economic Security/Child Support Enforcement	TBD
	Rules for Colorado Refugee Services Program	Office of Economic Security/Refugee Services	TBD



COLORADO

Department of Human Services

Regulatory Agenda Department of Human Services November 1, 2014 - October 31, 2015

The Colorado Department of Human Services (CDHS) respectfully submits the following document in fulfillment of the statutory requirements set forth in Sections 2-7-202, 2-7-203(2), (4) and 24-4-103(2), (3), (11)(a), Colorado Revised Statutes.

Overview of Department of Human Services Rule-making Entities

CDHS has four Type I rule-making entities for which it was required to submit this report concerning their anticipated regulatory agendas for November 1, 2014 through October 31, 2015, pursuant to Sections 2-7-202(6) and 2-7-203, C.R.S. These rule-making entities include the: Executive Director of the Department of Human Services; State Board of Human Services; Juvenile Parole Board; and the Adoption Intermediary Commission.

All four rule-making entities follow the requirements set forth in the Colorado Administrative Procedure Act (APA) including, but not limited to, noticing and posting of rule-making, involvement of stakeholders in the rule-making process, and preparing regulatory analyses for each rule proposed for adoption by its respective board. Additionally, all rule-making sessions are conducted as open public meetings.

Executive Director Rules

An Executive Director rule-making session occurs on an as needed basis for rule-making purposes which are also preceded by stakeholder input and feedback on proposed new rules, modifications to existing rules, and repeal of outdated or redundant rules.

State Board of Human Services

The State Board of Human Services meets on a regular basis, usually the first Friday of each month, to conduct business including rule-making. Prior to the rule-making session, stakeholder input and feedback is sought on all proposed new rules, modifications to existing rules, and repeal of outdated or redundant rules.

Juvenile Parole Board

The Juvenile Parole Board meets regularly to conduct its work pursuant to statutory mandates; however, they meet on an as needed basis for rule-making purposes. Prior to rule-making, stakeholder input is sought on proposed new rules, modifications to existing rules, and repeal of outdated or redundant rules.

Adoption Intermediary Commission

Similar to the Juvenile Parole Board, the Adoption Intermediary Commission convenes to conduct work in fulfillment of its statutory mandates and meets on an ad hoc basis for rule-making.

Consistent with the other three rule-making entities in the Department, stakeholder input is sought on proposed new rules, modifications to existing rules, and repeal of outdated or redundant rules prior to rule-making.

Rule Review Project

The Department undertook a Rule Reduction Review project that included a review of all Departmental rules in an effort to repeal obsolete or redundant rules while revising remaining rules to ensure that they are clear, concise, consistent, and current. The broader goal of the project was to update, reduce, revise, clarify, and in many cases consolidate public assistance rules that serve low-income families, persons with disabilities, and older adults to allow county and partner staff to provide services more efficiently.

The Department has completed the initial Rule Reduction Review project which, alone, provided revisions to approximately 50% of all Department rules and 19% in repeals. One large rule-making package that contributed to these revisions was a rewrite and realignment of rules for the Food Assistance Program, where 788 rules were reviewed and either revised or repealed.

Please feel free to contact Dee Martinez, Deputy Executive Director for Enterprise Partnerships, at 303-866-4479, or dee.martinez@state.co.us, should you have questions or need additional information.

State Board of Human Services

The following rules are inclusive of anticipated rules, as of November 1, 2014. Changes may occur pursuant to changes in state or federal law and other factors that cannot be fully anticipated. At this time, the Department does not anticipate fee increases related to the adoption of these rules. The Department reserves the right to amend this agenda as additional information becomes available.

The following list of rules is presented according to the primary office within the Department that is bringing the rule before the Board. However, it should be noted that some rules may have an affect on multiple programs.

Rules Concerning the Office of Behavioral Health

Persons or parties who may be affected positively or negatively by rule-making regarding the programs and services provided by the Office of Behavioral Health: county departments of human and social services; state departments providing services to clients of the department; community behavioral health centers; residents of the state mental health institutes; entities providing services to children, youth and families; entities providing mental health and substance use/abuse services; and, recipients of mental health and substance use/abuse services.

Rule	Coordinated Community Behavioral Health Crisis System Rules Pursuant to Senate Bill 13-266.
New rule or revision	Revision and/or new rules.
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board to promulgate rules pursuant to the State Board authority granted pursuant to 26-1-107, C.R.S.; 27-60-103, C.R.S. To revise and update current rules.
Purpose	To implement Senate Bill 13-266, which authorizes the State Board of Human Services to establish any necessary rules for crisis services.
Proposed Stakeholder Outreach	Colorado Department of Public Health and Environment (CDPHE); Colorado Department of Health Care Policy and Financing (HCPF); Colorado Department of Regulatory Agencies (DORA); Colorado Behavioral Healthcare Council; community mental health centers; mental health clinics; Colorado Designated Managed Service Organizations; Colorado Hospital Association; consumer and family advocacy agencies; designated mental health facilities; substance use/abuse treatment providers; county departments of human/social services; Policy Advisory Committee (PAC) and Sub-PAC committees.
Schedule	TBD

Rule	Behavioral Health Rule Revisions
New rule or revision	Revisions
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board to promulgate rules pursuant to the State Board authority granted pursuant to 26-1-107, C.R.S.; 27-60-103, C.R.S.; 27-66-102, C.R.S.; 27-67-106, C.R.S.; 27-80-108, C.R.S.; 27-80-213, C.R.S.; 27-90-102, C.R.S.; 27-90-103, C.R.S. To revise and update current rules.
Purpose	To clarify behavioral health rules and to clean up grammar in Sections 21.100-21.330.9 (2 CCR 502-1). This sets the framework for re-evaluation and integration in continuation of the Department's further rule reduction review.
Proposed Stakeholder Outreach	Colorado Department of Public Health and Environment (CDPHE); Colorado Department of Health Care Policy and Financing (HCPF); Colorado Department of Regulatory Agencies (DORA); Colorado Behavioral Healthcare Council; community mental health centers; mental health clinics; Colorado Designated Managed Service Organizations; Colorado Hospital Association; consumer and family advocacy agencies; designated mental health facilities; substance use/abuse treatment providers; county departments of human/social services; Policy Advisory Committee (PAC) and Sub-PAC committees.
Schedule	TBD

Rules Concerning the Office of Children, Youth and Families

Affected parties may include: county departments of human and social services; state departments providing services to clients of CDHS; entities interacting with children and youth in Child Welfare and Youth Corrections settings; private youth corrections facilities; recipients of child welfare services; entities providing services to children, youth and families; and persons affected by domestic violence.

Rule	14-3-4-1: Child Protection and Child Welfare Rule Rewrite, Realignment, and Modification to Special Economic Assistance (SEA)
New rule or revision	Revisions and new rules
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board to promulgate rules pursuant to the State Board authority granted pursuant to 26-1-107, C.R.S.; 19-1-116(1.5), (2)(b)(I), C.R.S.; 26-5-110, C.R.S.; 26-5.5-103(1), C.R.S.; 26-5.5-104(2)(b), (4)(a)(I); 26-5-201, C.R.S.; 42 USC 671, Section 471(a)(28). To revise and update current rules.
Purpose	The purposes for the rule changes are to: remove outdated goals, definitions and language; re-structure rules to be more easily understood by workers and supervisors; add new rules that have been approved by the Child Welfare Sub-Policy Advisory Committee (Sub-PAC) covering jurisdiction, new safety and risk assessment, new definitions, case closure summaries, and domestic violence; and, increase the Core Services Program Special Economic Assistance (SEA) limit from \$400 per family to \$800 per family, per year, to align with the cost of living increases.
Proposed Stakeholder Outreach	Child Protection Task Group, Office of the Child's Representative, Child Protection Ombudsman's office, Rocky Mountain Children's Law Center, Child Welfare Executive Leadership Council, Child Welfare Training Academy, Colorado Department of Human Services (CDHS) Policy Advisory Committee (PAC), the Division of Child Welfare PAC-Subcommittee members, CDHS Administrative Review Division, County Departments of Human/Social Services, Office of Information and Technology - Colorado Trails Automation,
Schedule	Tabled until November 2014 for final adoption, effective January 2015

Rule	14-9-3-1: Colorado Child Abuse and Neglect Hotline Pursuant to H.B. 13-1271
New rule or revision	Revisions and new rules pursuant to legislation
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board to promulgate rules pursuant to the State Board authority granted pursuant to 26-1-107, C.R.S.; 26-5-111(1)(a)(II), C.R.S.; 26-5-111(4), C.R.S. To create and revise current rules.
Purpose	Section 26-5-111, C.R.S., requires the creation of a statewide child abuse and neglect reporting hotline system and authorizes rule-making to outline standards to promote consistency in hotline and screening practices throughout the state.

	Accordingly, the purpose of these proposed rules is to implement legislation pursuant to H.B. 13-1271 and to establish operations of the statewide child abuse and neglect hotline reporting system, which will go live on January 1, 2015. These rules establish procedures to ensure that all calls routed through the Colorado Child Abuse and Neglect Hotline are answered by a live person; that all reports and inquiries received throughout the state are thoroughly documented in the state automated case management system; that calls, reports, and inquiries are quickly transferred to the county departments that are responsible for decision-making; and, that there is more consistency of call data collection to assess where more supports and resources may be needed throughout the state.
Proposed Stakeholder Outreach	The rules are based upon the recommendations of the Hotline Steering Committee, which approved the rules on August 22, 2014. The rules were also presented to the Policy Advisory Committee (PAC), the Child Welfare Sub-PAC, and the Child Welfare Executive Leadership Council; county stakeholders; and the Child Protection Task Group.
Schedule	Initial Review October 2014, adoption November 2014, effective January 1, 2015

Rule	14-9-9-1: Child Welfare Training Rules, Including Hotline Employees
New rule or revision	Revisions
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board to promulgate rules pursuant to the State Board authority granted pursuant to 26-1-107, C.R.S.; 26-5-111(1)(a)(II), C.R.S.; 26-5-111(4), C.R.S. To revise and update current rules.
Purpose	Statute requires the implementation of the Statewide Hotline by January 1, 2015, and with that mandate the State Department is required to create rules regarding the training and certification of hotline staff. Since revisions are necessary in the training section of the rules to include hotline staff, revisions to the entire training section are being proposed to streamline the rules and increase clarity.
Proposed Stakeholder Outreach	Policy Advisory Committee, Child Welfare Sub-PAC, Training Steering Committee, Hotline Steering Committee, Office of the Child's Representative, Child Protection Task Group, Child Welfare Executive Leadership Council (CWELC), and Rocky Mountain Children's Law Center
Schedule	Initial Review October 2014, adoption November 2014, effective January 1, 2015

Rule	Sex Offender Registry Check
New rule or revision	Revision of existing rules
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board to promulgate rules pursuant to the State Board authority granted pursuant to 26-1-107, C.R.S.; 16-22-101, C.R.S. et seq.; 19-2-403.3, C.R.S.; 19-2-410, C.R.S. To revise and update current rules.
Purpose	Include in the foster care home, kinship homes, adoptive home, Child Placement Agency (CPA), group home, group centers and Residential Child Care Facility (RCCF) certification and licensing an additional check for applicants, all adults in the homes, and the physical address of the home/facility against the National Sex Offender Registry.
Proposed Stakeholder Outreach	County departments of human/social services; Child Placement Agencies, foster families, kinship families, and congregate care facilities.
Schedule	Potentially to be included in a CPA rule re-write early 2015.

Rule	Reinstatement of Parental Rights Pursuant to S.B. 14-062
New rule or revision	New rule
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board to promulgate rules pursuant to the State Board authority granted pursuant to 26-1-107, C.R.S.; 19-3-612, C.R.S. To revise and update current rules, including new rules to reinstate parental rights.
Purpose	To implement Senate Bill 14-062, this authorizes the State Board of Human Services to establish rules for assessment of parents to support reinstatement of the parent-child legal relationship.
Proposed Stakeholder Outreach	County departments of human/social services; Policy Advisory Committee (PAC) and Sub-PAC committees, State Court Administrator's Office for judicial officer and Respondent Parent Attorney, Office of Child Representatives (OCR), and Court Appointed Special Advocate (CASA)
Schedule	TBD

Rule	Other Permanent Placement Living Arrangement (OPPLA) Rule Revisions
New rule or revision	Revision of existing rule
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board to promulgate rules pursuant to the State Board authority granted pursuant to 26-1-107, C.R.S.; 19-1-115.5, C.R.S; 19-1-116, C.R.S. To revise and update current rules.
Purpose	Alignment of Colorado's rules and practice with the federal law and promising practices from other states is needed in order to ensure that Colorado youth have

	maximum opportunity to achieve positive outcomes in their lives. An analysis of the Other Permanent Placement Living Arrangement (OPPLA) rule was conducted as part of the C-Stat process; it was determined that the Colorado rule is inconsistent with federal law.
Proposed Stakeholder Outreach	County departments of human/social services; Policy Advisory Committee (PAC) and Sub-PAC committees, State Court Administrator's Office for judicial officer and Respondent Parent Attorney, Office of Child Representatives (OCR), and Court Appointed Special Advocate (CASA).
Schedule	Submitted to Sub-PAC on 10/3/14, needs approval from PAC on November 2014; Permanency Task group to develop rules in November 2014; approval at the Policy Advisory Committee (PAC) meeting in January 2015. Initial Review before the State Board in February 2015, adoption in March 2015, effective in May 2015.

Rule	Revisions and Realignment of the Child Welfare Rules
New rule or revision	Revision of existing rules
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board to promulgate rules pursuant to the State Board authority granted pursuant to 26-1-107, C.R.S.; 19-1-116(1.5), (2), C.R.S.; 26-5-110, C.R.S.; 26-5.5-103, C.R.S.; 26-5.5-104, C.R.S.; 26-5-201, C.R.S. ; 42 USC 671, Sec. 471(a)(28). To revise and update current rules.
Purpose	Update and better organize all of 7.300 (12 CCR 2509-4), 7.400 (12 CCR 2509-5), and 7.500 (12 CCR 2509-6) of the Child Welfare rules regarding: Ongoing services to the family, in home, out of home, placement services, Core Services, independent living, National Youth in Transition Database (NYTD), Chaffee Foster Care Independence Program, placement type definitions, aspects of the IV-E Wavier initiatives, responsibilities of foster parents, adoption services, Indian Child Welfare Act (ICWA), Interstate Compact on the Placement of Children (ICPC), Relative Guardianship Assistance Program (RGAP), Administrative Review (ARD), and Resource Development
Proposed Stakeholder Outreach	County departments of human/social services; Policy Advisory Committee (PAC) and Sub-PAC committees; advisory groups, stakeholders and affected agencies and providers.
Schedule	TBD: possibly Spring 2015

Rule	Domestic Violence Program
New rule or revision	Revisions, repeals, and additions of new rules
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board to promulgate rules pursuant to the authority granted pursuant to 26-1-107, C.R.S.; 26-7.5-104, C.R.S. To add, repeal, and revise current rules.
Purpose	To make Domestic Violence Program (DVP) rules current with programmatic trends, shore up existing standards, and make consistent with practice.
Proposed Stakeholder Outreach	DVP-funded programs, Colorado Coalition Against Domestic Violence, Colorado Organization for Victim Assistance, county departments of social/human services, individual crime victims, CDHS internal stakeholders, and others.
Schedule	TBD: possibly Spring 2015

Rules Concerning the Office Community Access and Independence

Affected parties may include: county departments of human and social services; state departments providing services to clients of the Department; persons with disabilities and their families; entities providing services to aging citizens; residents at the State Veteran Community Living Centers.

Rule	State Unit on Aging Revisions to Services for the Aging/Older Americans Act Programs
New rule or revision	Revisions
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board to promulgate rules pursuant to authority granted pursuant to 26-1-107, C.R.S.; 26-3.1-108, C.R.S.; 26-11-100.1, C.R.S., et seq.; 26-11-201, C.R.S., et seq. To revise and update current rules.
Purpose	To bring State Unit on Aging rules into alignment with federal requirements regarding the expenditure of program income and eligibility for the National Family Caregiver Services program; remove burdensome rules around the requirement of keeping program income in interest bearing accounts; ensure financial accountability of federal funds during transitions between agencies; and, foster implementation of modified diets within the Older Americans Act and State Funding for Senior Services Nutrition Programs.
Proposed Stakeholder Outreach	Colorado Commission on Aging; Aging Sub-Policy Advisory Committee (Sub-PAC); Area Agencies on Aging; Older American Act and state Funding for Senior Services Nutrition Service Providers; Registered Dietitians; and, the Department of Health Care Policy and Financing.
Schedule	Proposed initial review in April 2015 and adoption in May 2015.

Rules Concerning the Office of Early Childhood

Affected parties may include: county departments of human and social services; public health providers; state departments providing services to clients of the Department; recipients of early childhood services; providers of early intervention and early childhood mental health services; case management entities; entities providing licensed child care; recipients of child care services and child care assistance; clients impacted by home visitation programs; and, entities providing services to children and their families.

Rule	Child Care Safe Sleep and Disaster Preparedness
New rule or revision	New rules and/or revisions
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board to promulgate rules pursuant to authority granted pursuant to 26-1-107, C.R.S.; 26-6-101, C.R.S., et seq. National report on disaster preparedness and a letter from the Department of Public Health and Environment on safe sleep prompt these changes. To revise and update current rules.
Purpose	New rules to revise existing safe sleep and disaster preparedness rules; to increase safety in child care facilities.
Proposed Stakeholder Outreach	All licensed child care facilities and stakeholder groups; county departments of social/human services
Schedule	Proposed for Initial Review January 2015, adoption February 2015, effective April 2015.

Rule	Child Care Center Rules
New rule or revision	Revisions
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board to promulgate rules pursuant to authority granted pursuant to 26-1-107, C.R.S.; 26-6-101, C.R.S., et seq. To revise and update current rules.
Purpose	To promulgate provider and stakeholder rule changes. Updates to the Child Care Center rules, Section 7.702 (12 CCR 2509-8), based on a stakeholder group's recommendations over two years of monthly meetings.
Proposed Stakeholder Outreach	All licensed child care centers and stakeholder groups; county departments of social/human services
Schedule	Proposed for early 2015

Rule	Further Revisions to Implement Provisions of H.B. 14-1317 Regarding Colorado Child Care Assistance Program Modifications
New rule or revision	Revisions
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board to promulgate rules pursuant to authority granted pursuant to 26-1-107, C.R.S.; 26-2-803 through 26-2-805, C.R.S. To revise and update current rules.
Purpose	To modify Colorado Child Care Assistance Program (CCCAP) rules to meet the intent of H.B. 14-1317. Additional rules for the implementation of H.B. 14-1317 that were not promulgated in October 2014 under the initial rule-making package (#314-8-25-1).
Proposed Stakeholder Outreach	HB 14-1317 Joint Implementation Task Force, county departments of social/human services, Colorado Human Services Directors Association, Colorado Counties Incorporated, Colorado Children's Campaign, Early Childhood Leadership Commission, Colorado Association for the Education of Young Children, Colorado Early Childhood Education Association, The Early Childhood Sub-PAC, the Finance Sub-PAC, the Economic Security Sub-PAC and the Policy Advisory Committee, the Early Childhood Summit and the Early Childhood State Partners, Colorado Resource and Referral Agencies, Colorado Early Childhood Councils, Head Start, all CCCAP providers, parents, and stakeholder groups.
Schedule	Proposed for early 2015

Rule	Quality Rating and Improvement System (QRIS)
New rule or revision	New rules
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board to promulgate rules pursuant to authority granted pursuant to 26-1-107, C.R.S.; 26-6-604, C.R.S. To add rules for implementation of statute.
Purpose	To implement uniform standards for the Quality Rating and Improvement System (QRIS) as a component of the Department of Defense Quality Child Care Standards Pilot Program.
Proposed Stakeholder Outreach	All licensed child care providers and stakeholder groups
Schedule	Proposed for early 2015

Rule	Early Intervention Program
New rule or revision	Revisions
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board to promulgate rules pursuant to authority granted pursuant to 26-1-107, C.R.S.; 27-10.5-703, C.R.S. To revise and update current rules.
Purpose	Changes are needed in the Early Intervention Program rules to add new definitions, revise child outcomes and general data collection requirements, and revise fiscal reporting requirements. To revise and update current rules.
Proposed Stakeholder Outreach	Colorado Department of Education; Colorado Department of Health Care Policy and Financing; Community Centered Boards; Child Find teams; Colorado Coordinating Council; Federal Office of Special Education Programs, and local early intervention providers.
Schedule	Proposed adoption in Summer 2015

Rules Concerning the Office of Economic Security

Affected parties may include: county departments of human and social services; local Colorado Works offices and recipients of employment assistance; community organizations providing services to refugees; individuals impacted by child support enforcement and services; entities providing food assistance and energy assistance benefits; and, recipients of the programs and services provided by the Office.

Rule	14-8-26-1: Aid to the Needy Disabled State Only (AND-SO) Changes to the Supplemental Security Income (SSI) Application Requirement Pursuant to S.B 14-012
New rule or revision	Revisions
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board to promulgate rules pursuant to authority granted pursuant to 26-1-107, C.R.S.; 26-2-111 and 26-2-119, C.R.S.; 26-2-111, C.R.S.; 26-2-111, C.R.S. To revise and update current rules.
Purpose	<p>The proposed rules allow for certain exceptions for an AND-SO applicant to delay application for SSI benefits when working with a county approved navigator. These rules are also developed in order to effectively implement the “Federal Supplemental Security Income Application Assistance Pilot Program” identified in Senate Bill 14-012. S.B. 14-012 states that the State Department may promulgate rules allowing a county to waive the requirement that a person apply for Supplemental Security Income (SSI) benefits prior to receiving Aid to the Needy Disabled State Only (AND-SO) under such conditions and for such period of time as the State Department deems appropriate to ensure that a person has the opportunity to submit a thorough and complete SSI benefits application.</p> <p>The purpose of the pilot program is to increase the federal income assistance reimbursement rate for AND-SO and to evaluate best practices for ensuring that accurate and complete applications for Supplemental Security Income (SSI) and Social Security Disability Insurance (SSDI) benefits are submitted by persons applying for or receiving AND. One of the primary components of the pilot program is to ensure that assistance is provided to persons applying for or receiving AND-SO in completing applications for SSI and SSDI benefits in a thorough and timely manner. This assistance will be accomplished by utilizing county approved navigators.</p>
Proposed Stakeholder Outreach	County Human Services Directors Association; Colorado Commission on Aging; Colorado Legal Services; The Legal Center; Colorado Senior Lobby; Single Entry Point agencies; Community Centered Boards; Economic Security Sub-PAC; Colorado Cross-Disability Coalition; All Families Deserve a Chance (AFDC) Coalition; Colorado Coalition for the Homeless; Colorado Gerontological Society
Schedule	Proposed initial review in December 2014 and adoption in January 2015.

Rule	14-10-14-1: Clarifying the Restricted Use of Electronic Benefits Transfer for Temporary Assistance for Needy Families (TANF)/Colorado Works and Adult Financial Cash Benefits
New rule or revision	To revise and update current rules.
Statutory or other basis for adoption of rule	<p>The State Department is authorized to act through the State Board to promulgate rules pursuant to authority granted pursuant to 26-1-107, C.R.S.; 26-2-104, C.R.S.; Public Law 112-96.</p> <p>The Office of Legislative Legal Services (OLLS) has the authority to review all rules promulgated by State Agencies. OLLS staff have found the rule regarding EBT restrictions does not completely meet the statutory requirements.</p>
Purpose	The purpose of this rule is to clarify the appropriate use of the Electronic Benefits Transfer (EBT) for recipients of Temporary Assistance for Needy Families (TANF)/Colorado Works and Adult Financial Cash Benefits to include all of the locations where EBT use is prohibited pursuant to state law. It is required to include the prohibition of cash EBT withdrawals from automated teller machines at race tracks and in stores or establishments in which the principal business is the sale of firearms. There also needs to be clarification that "gambling establishments" include commercial bingo facilities, in-state simulcast facilities, and any other type of gaming establishment defined in state law.
Proposed Stakeholder Outreach	County Human Services Directors Association; Colorado Commission on Aging; Colorado Legal Services; The Legal Center; Colorado Senior Lobby; Single Entry Point agencies; Economic Security Sub-PAC; Colorado Gerontological Society; All Families Deserve a Chance (AFDC) Coalition; Area Agencies on Aging; Legal Aid of Metropolitan Denver; Colorado Center on Law and Policy; CDHS Food Assistance Division, Low-Income Energy Assistance Program, Colorado Refugee Services Program, and Division of Child Welfare; Colorado Department of Health Care Policy and Financing; Policy Advisory Committee (PAC)-Subcommittee members; and, Colorado Department of Revenue Liquor/Tobacco Enforcement Division.
Schedule	Proposed Initial Review in December 2014

Rule	Transitional Food Assistance
New rule or revision	New Rule
Statutory or other basis for adoption of rule	<p>The State Department is authorized to act through the State Board to promulgate rules pursuant to authority granted pursuant to 26-1-107, C.R.S.; 26-2-301, C.R.S.</p> <p>To revise and update current rules.</p>
Purpose	The purpose of this rule is to implement transitional food assistance benefits to provide stable food benefits to families leaving the Colorado Works program while receiving Food Assistance. Transitional food assistance is meant to help meet a family's nutritional needs for five months as it transitions into self-sufficiency.

Proposed Stakeholder Outreach	Hunger Free Colorado; County Human Services Directors Association; Colorado Legal Services; The Legal Center; Economic Security Sub-PAC; Colorado Cross-Disability Coalition; All Families Deserve a Chance (AFDC) Coalition; Colorado Coalition for the Homeless; CDHS Early Care and Learning/Child Care Program
Schedule	Proposed Initial Review in January 2015

Rule	2015 Cost of Living Adjustment to Old Age Pension
New rule or revision	Revision
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board to promulgate rules pursuant to the State Board authority granted pursuant to 26-1-107, C.R.S., and the Colorado Constitution, Article XXIV, Section 4. To revise and update current rules.
Purpose	To authorize an increase in the Cost of Living Adjustment (COLA) for recipients of Old Age Pension upon announcement by the Social Security Administration.
Proposed Stakeholder Outreach	County Human Services Directors Association; Colorado Commission on Aging; Area Agencies on Aging; Colorado Legal Services; The Legal Center; Colorado Senior Lobby; Colorado Gerontological Society; Single Entry Point agencies; Economic Security Sub-Policy Advisory Committee; and, county departments of human/social services.
Schedule	TBD: annual cost of living adjustments are usually effective January of each year

Rule	Post-Temporary Assistance for Needy Families (TANF) Employment Incentive
New rule or revision	New Rule
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board to promulgate rules pursuant to the State Board authority granted pursuant to 26-1-107, C.R.S.; 26-2-705, C.R.S.; 26-2-706, C.R.S.; 26-2-706.5, C.R.S.; 26-2-706.6, C.R.S.; 26-2-711, C.R.S.; 26-2-712, C.R.S.; 45 CFR 260 To revise and update current rules.
Purpose	To allow for counties to implement a post-TANF incentive program to those who leave the TANF/Colorado Works program due to employment income, in an effort to assist them in retaining employment.
Proposed Stakeholder Outreach	Hunger Free Colorado; County Human Services Directors Association; Colorado Legal Services; The Legal Center; Economic Security Sub-PAC; Colorado Cross-Disability Coalition; All Families Deserve a Chance (AFDC) Coalition; Colorado Coalition for the Homeless; and, CDHS Early Care and Learning/Child Care Program
Schedule	TBD

Rule	Further Revisions to the Adult Financial Rules
New rule or revision	Revision
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board to promulgate rules pursuant to the State Board authority granted pursuant to 26-1-107, C.R.S.; Colorado Constitution, Article XXIV, Section 6; 26-2-109, C.R.S.; 26-2-111, C.R.S.; 26-2-122.3, C.R.S.; 26-2-122.4, C.R.S.; 26-2-129, C.R.S. To revise and update current rules.
Purpose	To modernize the Adult Financial Programs and streamline rules to better meet the needs of the elderly and disabled population.
Proposed Stakeholder Outreach	County Human Services Directors Association; Colorado Commission on Aging; Area Agencies on Aging; Colorado Legal Services; The Legal Center; Colorado Senior Lobby; Colorado Gerontological Society; Single Entry Point agencies; Economic Security Sub-Policy Advisory Committee; and, county departments of human/social services.
Schedule	TBD

Rule	Social Security Number Change for Colorado Works
New rule or revision	Revision
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board to promulgate rules pursuant to the State Board authority granted pursuant to 26-1-107, C.R.S.; 26-2-705, C.R.S.; 26-2-706, C.R.S.; 26-2-706.5, C.R.S.; 26-2-706.6, C.R.S.; 26-2-711, C.R.S.; 45 CFR 260. To revise and update current rules.
Purpose	To allow adequate time for customers to provide proof of a Social Security Number for newly added members of the household.
Proposed Stakeholder Outreach	County Human Services Directors Association; Employment and Benefits Division, Food and Energy Assistance; All Families Deserve a Chance (AFDC) Coalition; Economic Security Sub-Policy Advisory Committee; and, county departments of human/social services.
Schedule	TBD

Rule	Simplifying Income for Colorado Works
New rule or revision	Revision
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board to promulgate rules pursuant to the State Board authority granted pursuant to 26-1-107, C.R.S.; 26-2-705, C.R.S.; 26-2-706, C.R.S.; 26-2-706.5, C.R.S.; 26-2-706.6, C.R.S.; 26-2-711, C.R.S.; 45 CFR 260. To revise and update current rules.
Purpose	To simplify complex rules around earned and unearned income requirements for the Colorado Works Program.
Proposed Stakeholder Outreach	County Human Services Directors Association; All Families Deserve a Chance (AFDC) Coalition; Economic Security Sub-Policy Advisory Committee; and, county departments of human/social services.
Schedule	TBD

Rule	Rules for Child Support Enforcement
New rule or revision	Revisions and/or new rules
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board to promulgate rules pursuant to the State Board authority granted pursuant to 26-1-107, C.R.S.; 26-13-101, C.R.S., et seq.; Federal Preventing Sex Trafficking and Strengthening Families Act of 2014 (HR4980) passed September 29, 2014. To revise and update current rules.
Purpose	HR4980 requires states to adopt and pass rules to implement the Uniform Interstate Family Support Act (UIFSA) 2008. Currently, Colorado is under UIFSA 2001 and much of the guidance/direction for managing/implementing UIFSA lies in current Child Support Enforcement rules.
Proposed Stakeholder Outreach	County departments of social/human services; Policy Advisory Committee; Economic Security Sub-PAC; advisory groups
Schedule	TBD

Rule	14-1-31-1: Rules for Refugee Services, Including Update to Status and Documentation Requirements for Eligibility, Benefits and Services
New rule or revision	Revisions
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board to promulgate rules pursuant to the State Board authority granted pursuant to 26-1-107, C.R.S.; 26-2-111(1)(a), C.R.S., et seq.; 26-1-109, C.R.S.; Immigration and Nationality Act (INA), Public Law No. 82-414; 45 CFR 400.4; 45 CFR 400.5
Purpose	The rule change will reduce redundant or unnecessary rules found in eligibility rules (9 CCR 2503) by moving general rules specific to the Colorado Refugee Services Program into one section. This rule also updates the definitions to reflect guidance from the Office of Refugee Resettlement pertaining to 1) the status that confer eligibility for Refugee benefits; 2) the documentation that is needed to prove an individual has such status. This definition should also serve as the Department's definition of a Refugee for all programs that provide services or assistance and provide a single point for reference
Proposed Stakeholder Outreach	County Human Services Director's Association; Policy Advisory Committee; Economic Security Sub-PAC; advisory groups; CDHS Employment and Benefits Division
Schedule	TBD

Rule	Federal Fiscal Year 2015 Change in Resource Standards
New rule or revision	Revision
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board to promulgate rules pursuant to authority granted pursuant to 26-1-107, C.R.S.; 26-2-301, C.R.S.; 26-2-302, C.R.S.; Agricultural Act of 2014; 7 CFR 273.9; 7 CFR 273.10; 7 CFR 273.12(e). To revise and update current rules.
Purpose	To update the resource standards that changed beginning with Federal Fiscal Year (FFY) 2015. This information is usually received in late September.
Proposed Stakeholder Outreach	Aurora Community Connection; Hunger Free Colorado; Share Our Strength/Cooking Matters; Care and Share; Food Assistance Performance Improvement Plan workgroup; Office of Economic Security Sub-Policy Advisory Committee; county departments of human/social services.
Schedule	Proposed for emergency adoption in December 2014

Rule	Federal Fiscal Year 2016 Cost of Living Adjustment (COLA) and Utility Allowance Updates
New rule or revision	Revision
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board to promulgate rules pursuant to authority granted pursuant to 26-1-107, C.R.S.; 26-2-301, C.R.S.; 26-2-302, C.R.S.; Agricultural Act of 2014; 7 CFR 273.9; 7 CFR 273.10; 7 CFR 273.12(e). To revise and update current rules.
Purpose	To update the eligibility standards that change each year and are effective each October 1 st . This information is received in August and, therefore, results in an emergency rule change to ensure the information is in rule effective October 1 st .
Proposed Stakeholder Outreach	Aurora Community Connection; Hunger Free Colorado; Share Our Strength/Cooking Matters; Care and Share; Food Assistance Performance Improvement Plan workgroup; Office of Economic Security Sub-Policy Advisory Committee; county departments of human/social services.
Schedule	Proposed for Initial Review September 2015, effective October 1, 2015

Rule	Food Assistance Claim Threshold
New rule or revision	Revision
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board to promulgate rules pursuant to authority granted pursuant to 26-1-107, C.R.S.; 26-2-301, C.R.S.; 26-2-302, C.R.S. To revise and update current rules.
Purpose	To establish a dollar threshold for when to establish an overpayment against a household. The purpose is to resolve outstanding federal compliance issues in regards to claims and to simplify the administration of the Food Assistance Program.
Proposed Stakeholder Outreach	Aurora Community Connection; Hunger Free Colorado; Share Our Strength/Cooking Matters; Care and Share; Food Assistance Performance Improvement Plan workgroup; Office of Economic Security Sub-Policy Advisory Committee; county departments of human/social services.
Schedule	Proposed for Spring 2015

Rule	Food Assistance Claim Updates and Clarifications
New rule or revision	Revision
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board to promulgate rules pursuant to authority granted pursuant to 26-1-107, C.R.S.; 26-2-301, C.R.S.; 26-2-302, C.R.S. To revise and update current rules.
Purpose	To clarify rules on claims as identified through the Office of Economic Security Sub-PAC claims workgroup.
Proposed Stakeholder Outreach	Aurora Community Connection; Hunger Free Colorado; Share Our Strength/Cooking Matters; Care and Share; Food Assistance Performance Improvement Plan workgroup; Office of Economic Security Sub-Policy Advisory Committee; county departments of human/social services.
Schedule	Proposed for second quarter of 2015

Rule	Food Assistance Updates and Clarifications to Fair Hearing Rules
New rule or revision	Revision
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board to promulgate rules pursuant to authority granted pursuant to 26-1-107, C.R.S.; 26-2-301 through 26-2-306, C.R.S. To revise and update current rules.
Purpose	To clarify rules on fair hearings and fraud to resolve federal compliance issues regarding fair hearings.
Proposed Stakeholder Outreach	Aurora Community Connection; Hunger Free Colorado; Share Our Strength/Cooking Matters; Care and Share; Food Assistance Performance Improvement Plan workgroup; Office of Economic Security Sub-Policy Advisory Committee; county departments of human/social services.
Schedule	Proposed for second quarter of 2015

Rule	Annual Update for the Low-Income Energy Assistance Program (LEAP)
New rule or revision	Revisions
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board to promulgate rules pursuant to the State Board authority granted pursuant to 26-1-107, C.R.S.; 26-2-122.5 C.R.S.; 40-8.7-109, C.R.S.; 40-8.7-112(1), C.R.S. To revise and update current rules.
Purpose	To revise, clarify and update the income guidelines and flat rates for benefit calculation.
Proposed Stakeholder Outreach	Colorado Legal Services, Policy Advisory Committee (PAC), Economic Security Sub-PAC, Energy Outreach Colorado (EOC), Colorado Energy Office (CEO), Governor's Commission on Low Income Energy Assistance, Colorado Cross-Disability Coalition, Colorado Rural Electric Association, County LEAP managers, County Human Services Directors Association
Schedule	TBD: end of calendar year 2014

Rules Concerning the Office of the Executive Director

Affected parties may include: parties impacted by child welfare services; mandatory reporters; agencies assessing and referrals for child protection; and county directors and their respective departments of human and social services.

Rule	13-10-29-1: Rules Concerning Child Protection Ombudsman Program
New rule or revision	New rules
Statutory or other basis for adoption of rule	<p>The State Department is authorized to act through the State Board or the Executive Director to promulgate rules pursuant to the State Board authority granted pursuant to 26-1-107, C.R.S. and the Executive Director authority granted pursuant to 26-1-109 C.R.S.; Section 19-3.3-101, et seq., C.R.S.; 19-3.3-102(4), C.R.S.; 25-20.5-406(2)(a)(IX), C.R.S.; 26-1-139(6)(d), C.R.S.</p> <p>Additionally, an audit in July 2014 found that the Colorado Department of Human Services needed to exert more administrative and programmatic oversight. To create program rules.</p>
Purpose	<p>The Ombudsman Program was established to 1) improve accountability and transparency in the child protection system and promote better outcomes for children and families involved in the child protection system and 2) allow families, concerned citizens, mandatory reporters, employees of the state department and county departments, and other professionals who work with children and families to voice their concerns without fear of reprisal, about the response by the child protection system to children experiencing, or at risk of experiencing, child maltreatment.</p> <p>These rules include the duties and qualifications of the Ombudsman; criteria for reviews and investigations; timing of reviews and investigations; reporting of recommendations; access to documents; and reporting.</p>
Proposed Stakeholder Outreach	Child Protection Ombudsman Advisory Committee; Child Protection Ombudsman; Colorado Legal Services; National Association of Counsel for Children; S.B. 14-201 Advisory Committee; Child Protection Ombudsman stakeholders; Child Protection system stakeholders; Office of Children, Youth and Families, Division of Child Welfare; Policy Advisory Committee(PAC); Policy Advisory Committee Child Welfare Sub-PAC; advocates of child protection
Schedule	Initial Review November 2014, adoption in December 2014, effective February 2015.

Rules Concerning the Office Enterprise Partnerships

Affected parties may include: Persons or parties who may be affected positively or negatively by rule-making regarding the programs and services provided by the Commission for the Deaf and Hard of Hearing; state departments providing services to clients of the department; entities providing services; non-profit community organizations; and, recipients of services such as deaf, late-deafened, hard-of-hearing and deaf-blind communities.

Rule	Telecommunications Equipment Distribution Program (TEDP)
New rule or revision	Revisions
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board to promulgate rules pursuant to the State Board authority granted pursuant to 26-1-107, C.R.S.; 26-21-106 through 26-21-107, C.R.S. To revise and update current rules.
Purpose	The rules found in Section 27.100 (12 CCR 2516-1) establish types of telecommunications equipment for CCDHH to distribute, coordination of quality services including criteria for applicants, and other procedures. Revisions would ensure clarity and efficiency for internal and external stakeholders. A technical clean up may be required after the sunset review process is completed in the 2015 legislative session.
Proposed Stakeholder Outreach	Colorado Association of the Deaf/Veditz Policy Institute, Hearing Loss Association of America/Colorado, Association of Late-Deafened Adults Association/Colorado, Helen Keller National Center, Division of Vocational Rehabilitation, Division of Aging and Adult Services, Colorado Department of Education, Assistive Technology Partners, Senior Centers
Schedule	TBD

Rule	Legal Auxiliary Services (LAS)
New rule or revision	Revisions
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board to promulgate rules pursuant to the State Board authority granted pursuant to 26-1-107, C.R.S.; 26-21-106 through 26-21-107, C.R.S. To revise and update current rules.
Purpose	The rules found in Section 27.200 (12 CCR 2516-1) establish quality standards, coordination of services, and complaint procedures for the provision of auxiliary aids and services for interactions between a deaf or hard-of-hearing individual and any state court or administrative proceeding or court-ordered services. The revisions would ensure clarity and efficiency for internal and external stakeholders. A technical clean up may be required after the sunset review process is completed in the 2015 legislative session.
Proposed Stakeholder Outreach	Colorado Association of the Deaf/Veditz Policy Institute, Hearing Loss Association of America/Colorado, Association of Late-Deafened Adults Association/Colorado, Helen Keller National Center, Colorado Registry of Interpreters for the Deaf, Division of Vocational Rehabilitation, Office of Administrative Court, Office of Behavioral Health, Treatment Agencies
Schedule	TBD

Rule	Grant Program of the Colorado Commission for the Deaf and Hard of Hearing
New rule or revision	Revision
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board to promulgate rules pursuant to the State Board authority granted pursuant to 26-1-107, C.R.S.; 26-21-107.5, C.R.S. To revise and update current rules.
Purpose	The rules found in Section 27.400 (12 CCR 2516-1) establish a sound protocol and management of the grant program that funds local government, state agencies, state-operated programs, and private non-profit community-based organizations to address the needs of the deaf, hard-of-hearing and deaf-blind communities. These rules would ensure clarity and efficiency for internal and external stakeholders. A technical clean up may be required after the sunset review process is completed in the 2015 legislative session.
Proposed Stakeholder Outreach	Colorado Association of the Deaf/Veditz Policy Institute, Hearing Loss Association of America/Colorado, Association of Late-Deafened Adults Association/Colorado, Helen Keller National Center, Colorado Registry of Interpreters for the Deaf, Local and State Government Agencies, State-operated Programs, non-profit Community Organizations
Schedule	TBD

Juvenile Parole Board

Rules Concerning the Juvenile Parole Board

An extensive list of individuals and organizations are routinely consulted in the development of rules and in the formal rule-making process. Due to the range of subject matter falling under the purview of the Department, this list is diverse and can change. Affected parties may include: youth and families who are involved in the Division of Youth Corrections system and in the related process of Juvenile Parole; Judicial; law enforcement; and county departments of human and social services.

There are no rules anticipated rules as of November 1, 2014. Changes may occur pursuant to changes in state or federal law and other factors that cannot be fully anticipated. The Department reserves the right to amend this agenda as additional information becomes available.

Adoption Intermediary Commission

Rules Concerning the Adoption Intermediary Commission

An extensive list of individuals and organizations are routinely consulted in the development of rules and in the formal rule-making process. Due to the range of subject matter falling under the purview of the Department, this list is diverse and can change. Affected parties may include: confidential adoption intermediaries; Child Placement Agencies; individuals seeking research into adoption records.

There are no rules anticipated rules as of November 1, 2014. Changes may occur pursuant to changes in state or federal law and other factors that cannot be fully anticipated. The Department reserves the right to amend this agenda as additional information becomes available.



COLORADO

Department of Human Services

Status Report of Regulatory Agenda Rule-Making for the Department of Human Services November 1, 2013 - October 31, 2014

(note: a Status line has been added to each proposed rule on the prior 2013-14 Regulatory Agenda)

The Colorado Department of Human Services (CDHS) respectfully submits the following document in fulfillment of the statutory requirements set forth in Sections 2-7-202, 2-7-203(2), (4) and 24-4-103(2), (3), (11)(a), Colorado Revised Statutes (2014)., as established in House Bill 12-1008 “Concerning additional methods for providing input to executive branch agencies about proposed rules, and, in connection therewith, directing agencies to establish representative groups to evaluate and comment on proposed rules, requiring agencies to notify the general assembly of any rule-making that results in increases in fees or fines, and requiring agencies to submit departmental regulatory agendas to the general assembly”; and, House Bill 13-1299 “Concerning Changes to the ‘State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act’ of 2010”.

Overview of Department of Human Services Rule-Making Entities

CDHS has four Type I rule-making entities for which it was required to submit this report concerning their anticipated regulatory agendas for November 1, 2013 through October 31, 2014, pursuant to Sections 2-7-202(6) and 2-7-203, C.R.S. (2013). These rule-making entities include the: Executive Director of the Department of Human Services; State Board of Human Services; Juvenile Parole Board; and the Adoption Intermediary Commission.

All four rule-making entities follow the requirements set forth in the Colorado Administrative Procedure Act (APA) concerning posting, noticing, and preparing regulatory analyses for each rule proposed for adoption by its respective board. Additionally, all rule-making sessions are conducted as open public meetings.

Executive Director Rules

An Executive Director rule-making session occurs on an as needed basis for rule-making purposes, which are also preceded by stakeholder input and feedback on proposed new rules, modifications to existing rules, and repeal of outdated or redundant rules.

State Board of Human Services

The State Board of Human Services meets on a regular basis, usually the first Friday of each month, to conduct business including rule making. Prior to the rule-making session, stakeholder input and feedback is sought on all proposed new rules, modifications to existing rules, and repeal of outdated or redundant rules.

Juvenile Parole Board

The Juvenile Parole Board meets regularly to conduct its work pursuant to statutory mandates; however, they meet on an as needed basis for rule-making purposes. Prior to rule-making, stakeholder input is sought on proposed new rules, modifications to existing rules, and repeal of outdated or redundant rules.

Adoption Intermediary Commission

Similar to the Juvenile Parole Board, the Adoption Intermediary Commission convenes to conduct work in fulfillment of its statutory mandates and meets on an ad hoc basis for rule-making.

Consistent with the other three rule-making entities in the Department, stakeholder input is sought on proposed new rules, modifications to existing rules, and repeal of outdated or redundant rules prior to rule-making.

Rule Review Project

The Department undertook a Rule Reduction Review project that included a review of all Departmental rules in an effort to repeal obsolete or redundant rules while revising remaining rules to ensure that they are clear, concise, consistent, and current. The broader goal of the project was to update, reduce, revise, clarify, and in many cases consolidate public assistance rules that serve low-income families, persons with disabilities, and older adults to allow county and partner staff to provide services more efficiently.

The Department has completed the second phase of this project, including revisions of approximately 2,100 rules. There are two large rule-making packages that contributed to these revisions: 1) rewrite of the Adult Financial Services rules and 2) rewrite of the Food Assistance Program rules.

Please feel free to contact Dee Martinez, Deputy Executive Director for Enterprise Partnerships, at 303-866-4479, or dee.martinez@state.co.us, should you have questions or need additional information.

State Board of Human Services

Following is a summary of rules promulgated from November 1, 2013 through October 31, 2014, based on the Regulatory Agenda submitted on November 1, 2013. Additional changes may have occurred due to state or federal law and other factors that could not be fully anticipated.

The following list of rules is presented according to the primary office within the Department that brought the rule before the Board.

Rules Concerning the Office of Behavioral Health

Persons or parties who may be affected positively or negatively by Office rule-making: county departments of human and social services; state departments providing services to clients of the department; community behavioral health centers; entities providing services to children, adolescents and families; residents of state mental health institutes at Fort Logan and Pueblo; entities providing community treatment and recovery programs (such as mental health and substance use services); and, recipients of community treatment and recovery services.

Rule	Coordinated Community Behavioral Health Crisis System Rules Pursuant to Senate Bill 13-266
New rule or revision	Revision and/or new rules.
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board to promulgate rules pursuant to the State Board authority granted pursuant to 26-1-107, C.R.S.; 27-60-103, C.R.S. To revise and update current rules.
Purpose	To implement Senate Bill 13-266, which authorizes the State Board of Human Services to establish any necessary rules for crisis services.
Proposed Stakeholder Outreach	Colorado Department of Public Health and Environment (CDPHE); Colorado Department of Health Care Policy and Financing (HCPF); Colorado Department of Regulatory Agencies (DORA); Colorado Behavioral Healthcare Council; community mental health centers; mental health clinics; Colorado Designated Managed Service Organizations; Colorado Hospital Association; consumer and family advocacy agencies; designated mental health facilities; substance abuse treatment providers; county departments of human/social services; Policy Advisory Committee (PAC) and Sub-PAC committees.
Schedule	TBD
Status	Proposed rules were postponed until the next rule-making cycle.

Rules Concerning the Office of Children, Youth and Families

Affected parties may include: county departments of human and social services; entities interacting with children and youth in Child Welfare and Youth Corrections settings; private youth corrections facilities; recipients of child welfare services; entities providing services to children, youth and families, including permanency and child protection; individuals in need of services due to domestic violence.; and, collaboration with other state agencies providing services to clients of CDHS.

Rule	#13-8-6-1: Creating a New Program Area (PA3) that Enables the Reporting and Tracking of County Expenditures Relating to Prevention and Intervention Activities
New rule or revision	Revision and new rules to implement legislation.
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board to promulgate rules pursuant to the authority granted pursuant to 26-1-107, C.R.S.; 19-1-116(1.5), (2)(b)(I), 26-5-110, 26-5.5-103(1), 26-5.5-104(2)(b), (4)(a)(I), C.R.S. (2013). To revise current rules and implement legislation.
Purpose	This proposed rule allows counties to provide prevention and intervention services with existing funding sources. This rule change was authorized under House Bill 11-1196, Flexible Funding for Families.
Proposed Stakeholder Outreach	Colorado Department of Health Care Policy and Financing, Office of Information and Technology - Colorado Trails Automation Staff, Colorado Trails Users Group, Office of Behavioral Health Planning and Advisory Council, Division of Youth Corrections Senate Bill 94 Advisory Board, CDHS Financial Officers Group ; Policy Advisory Committee (PAC) and Sub-PAC committees; and, county departments of human/social services
Schedule	Initial review October 4, 2013 and noticed for adoption on November 8, 2013.
Status	Adopted November 8, 2013.

Rule	#13-6-10-1: Foster Care Revisions, Repeals, and Additions, including Provisions of S.B. 13-047
New rule or revision	Revision, repeal, implementation of legislation.
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board to promulgate rules pursuant to the authority granted pursuant to 26-1-107, C.R.S.; 19-7-102 and 26-6-102(12), C.R.S., and Child and Family Services Improvement and Innovation Act (P.L. 112-34). To revise and update current rules.
Purpose	To create clarity and efficiency for stakeholders and to implement provisions of Senate Bill 13-047 to provide protection of youth in foster care from identity theft.
Proposed Stakeholder Outreach	Colorado Counties, Inc. (CCI); Colorado Association of Family and Children's Agencies (CAFCA); Colorado Coalition of Adoptive Families (COCAF); Colorado Human Services Directors Association (CHSDA); CHSDA foster care rules subcommittee; county adoption supervisors; Colorado State Foster Parent Association; Colorado Trails User Group (CTUG); Foster Care and Adoption Agencies of Colorado; Foster Care Coordinators; Office of the Child's Representative (OCR); Rocky Mountain Children's Law Center; Child Protection

	Task Group; Permanency Task Group; Policy Advisory Committee (PAC) and Sub-PAC committees; and Treatment Foster Care Task Group.
Schedule	TBD
Status	This proposed rule was removed from the rule-making schedule; possibly incorporate into overall review and rewrite of Child Welfare rules.

Added Rule	#14-2-3-1: Foster Care and Family Service Plan Revisions, Including Provisions of S.B. 13-047
New rule or revision	Revisions to implement legislation
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board to promulgate rules pursuant to the authority granted pursuant to 26-1-107, C.R.S.; 19-7-102, C.R.S.; 25-14-202, C.R.S., et seq.; 25-14-204(1)(i), C.R.S.; 25-14-301, C.R.S.; 26-1-111, C.R.S.; 42 U.S.C. 675, Sec. 475(1)(I) To revise and update current rules.
Purpose	The basis and purpose of this rule-making package is as follows: <ul style="list-style-type: none"> ● Revising activities that reflect current practice and demonstrate family and other participants' involvement in family service planning, and clarifying the locations for documentation in the automated case record. The rule is necessary due to a legislative foster care audit conducted in late 2012. ● Revising activities and documentation requirements for county departments regarding youth in foster care who are sixteen at least sixteen (16) years of age. This rule is necessary pursuant to Senate Bill 13-047 regarding protection of youth in foster care against identity theft and receipt of free credit reports. ● Clarifying and updating rules regarding smoking by foster care providers when children/youth are in placement and during transportation activities.
Proposed Stakeholder Outreach	Colorado Counties, Inc. (CCI); Colorado Association of Family and Children's Agencies (CAFCA); Colorado Coalition of Adoptive Families (COCAF); Colorado Department of Public Health and Environment; Colorado Human Services Directors Association (CHSDA); Colorado State Foster Parent Association; Colorado Trails User Group (CTUG); County Adoption Supervisors; Foster Care and Adoption Agencies of Colorado; Foster Care Coordinators; Office of the Child's Representative (OCR); Rocky Mountain Children's Law Center; Child Protection Task Group; Permanency Task Group; Policy Advisory Committee (PAC); Child Welfare Sub-PAC; Treatment Foster Care Task Group; CDHS Administrative Review Division; and the 24 Hour Licensing/Monitoring Team
Schedule	TBD
Status	Adopted May 2, 2014

Added Rule	#14-3-4-1: Child Protection and Child Welfare Rule Rewrite, Realignment, and Modification to Special Economic Assistance (SEA)
New rule or revision	Revision and additions
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board to promulgate rules pursuant to the authority granted pursuant to 26-1-107, C.R.S.; 19-1-116(1.5), (2)(b)(I), C.R.S.; 26-5-110, C.R.S; 26-5.5-103(1), C.R.S; 26-5.5-104(2)(b), (4)(a)(I), C.R.S.; 26-5-201, C.R.S.; 42 USC 671, Sec. 471(a)(28) To revise and incorporate additions to the current rules.
Purpose	The purposes for the rule changes are to: <ul style="list-style-type: none"> • Remove outdated goals, definitions and language; • Re-structure rules to be more easily understood by workers and supervisors; • Add new rules that have been approved by the Child Welfare Sub-Policy Advisory Committee (Sub-PAC) covering jurisdiction, new safety and risk assessment, new definitions, case closure summaries , and domestic violence; • Increase the Core Services Program Special Economic Assistance (SEA) limit from \$400 per family to \$800 per family, per year, to align with the cost of living increases.
Proposed Stakeholder Outreach	Colorado Department of Human Services (CDHS) Policy Advisory Committee (PAC), the Division of Child Welfare PAC-Subcommittee members, CDHS Administrative Review Division, County Departments of Human/Social Services, Office of Information and Technology - Colorado Trails Automation, Child Protection Task Group, Office of the Child's Representative, Ombudsman's office, Rocky Mountain Children's Law Center, Child Welfare Executive Leadership Council, Child Welfare Training Academy, and local county stakeholders
Schedule	TBD
Status	This proposed rule was introduced for initial review on September 5, tabled October 3, and is proposed for adoption on November 7, 2014, effective January 1, 2015.

Rule	#14-9-3-1: Implementation of House Bill 13-1271 Regarding a Child Abuse Reporting Hotline System
New rule or revision	Revision, repeal, additions to implement legislation.
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board to promulgate rules pursuant to the authority granted pursuant to 26-1-107, C.R.S. (2013). To revise and update current rules.
Purpose	To implement House Bill 13-1271 in order for it to go live in January 2015.
Proposed Stakeholder Outreach	Office of the Child's Representative; Child Protection Task Group; Colorado Counties, Inc.; Colorado Human Services Directors Association (CHSDA); and county departments of human/social services.
Schedule	TBD
Status	This proposed rule was introduced for initial review on October 3 and is proposed for adoption on November 7, 2014, effective January 1, 2015.

Added Rule	#14-9-9-1: Child Welfare Training Rules, Including Hotline Employees
New rule or revision	Revision and additions
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board to promulgate rules pursuant to the authority granted pursuant to 26-1-107, C.R.S.; 26-5-111(1)(a)(II), (4), C.R.S. To revise and update current rules.
Purpose	Statute requires the implementation of the Statewide Hotline by January 1, 2015, and with that mandate the State Department is required to create rules regarding the training and certification of hotline staff. Since revisions are necessary in the training section of the rules to include hotline staff, revisions to the entire training section are being proposed to streamline the rules and increase clarity.
Proposed Stakeholder Outreach	Policy Advisory Committee (PAC), Child Welfare Sub-PAC, Training Steering Committee, Hotline Steering Committee, Office of the Child's Representative, Child Protection Task Group, Child Welfare Executive Leadership Council (CWELC), and Rocky Mountain Children's Law Center
Schedule	TBD
Status	This proposed rule was introduced for initial review on October 3 and is proposed for adoption on November 7, 2014, effective January 1, 2015.

Rules Concerning the Office of Early Childhood

Affected parties may include: county departments of human and social services; public health providers; state departments providing services to clients of the Department; recipients of early childhood services; providers of early intervention and early childhood mental health services; case management entities; entities providing licensed child care; recipients of child care services and child care assistance; clients impacted by home visitation programs; and, entities providing services to children and their families.

Rule	13-1-2-1: Implementation of Provisions of House Bill 12-1228 and House Bill 12-1276 Regarding Child Care Licensing
New rule or revision	Revisions
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board to promulgate rules pursuant to the State Board authority granted pursuant to 26-1-107, 26-6-103.7(2), 26-6-105.7, 26-6-107, C.R.S. To revise and update current rules.
Purpose	<ul style="list-style-type: none">● House Bill 12-1228 affects the Neighborhood Youth Organization (NYO) license type. This license type was created in 2010 with the passage of HB 10-1044. The bill originated through the efforts of Colorado's Boy's and Girls Clubs, whose activities had always fallen outside of licensing regulations and laws, as children come and go of their own volition. When the bill passed, the Department worked closely with the Boy's and Girl's Clubs to draft the current set of regulations. House Bill 12-1228 reinstated the criminal background check options that had been a part of H.B. 10-1044, which had been removed by H.B. 11-1145, which brought universal Federal Bureau of Investigation (FBI) checks to all licensed care. This bill allows NYOs to instead conduct one of the following on their employees and volunteers that work with youth: 1) a background check by the Colorado Bureau of Investigation (CBI), 2) an FBI background check if the person has lived in Colorado less than two years, 3) a comparison search using ICON, the state's judicial records system, or 4) a background check by a private entity. These background checks must be done every two years.● House Bill 12-1276 is a bill that grew directly out of licensing violations cited against facilities that were using classroom learning materials with children under thirty-six (36) months of age that posed choking and laceration hazards. Specifically, Montessori schools use learning stations that contain small elements that could present a choking hazard. Once the Department started citing facilities in 2011 for violation of this rule, appeals of this citation began to be received by the Department. The appeals were denied.

	(continued) As a result, child care providers were able to work with legislators to advance H.B. 12-1276, which has two effects. First, it changes the composition of the appeals panel. Second, it sets a framework for the management of appeals, and sets a very specific appeals process for denied appeals related to materials waivers. While the bill does not define materials, the Department interprets materials to mean any item used in a child care classroom as part of the learning environment. The Department interpreted H.B. 12-1276 as a strong message from the legislature to allow flexibility in materials. For this reason, the Department has granted over thirty (30) material waivers to Montessori schools since the passage of H.B. 12-1276. The bill requires that the state board promulgate rules to implement the law.
Proposed Stakeholder Outreach	Boys and Girls Clubs of Colorado; and, all licensed providers, which includes family child care home providers, child care center providers, pre-schools, school aged programs, residential camps, and all 24-hour license types.
Schedule	Proposed initial review in November 2013 and adoption in December 2013.
Status	Adopted December 6, 2013

Rule	13-9-16-1: Cleanup of Early Intervention Program Rules
New rule or revision	Revisions
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board to promulgate rules pursuant to authority granted pursuant to 26-1-107, C.R.S.; 27-10.5-103(2), C.R.S.; 27-10.5-703(3)(b), C.R.S.; 34 C.F.R. Part 303 – Federal Part C of IDEA, Early Intervention Program for Infants and Toddlers with Disabilities, published in September 28, 2011. To revise and update current rules.
Purpose	Technical changes are needed in the Early Intervention Program rules to correct a typographical error, to include a rule that was inadvertently omitted from the officially published rules but a federal requirement, and other minor changes.
Proposed Stakeholder Outreach	Colorado Department of Education; Colorado Department of Health Care Policy and Financing; Community Centered Boards; Child Find teams; Colorado Coordinating Council; Federal Office of Special Education Programs.
Schedule	Proposed initial review in December 2013 and adoption at January 2014 rule-making session.
Status	Adopted January 10, 2014

Rule	13-10-9-1: Implementation of a Provision of House Bill 13-1117 to Transfer the Nurse Home Visitor Program from the Department of Public Health and Environment to the Department of Human Services
New rule or revision	New rules
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board to promulgate rules pursuant to authority granted pursuant to 26-1-107, C.R.S.; 26-6.4.101, C.R.S. [formerly 25-31-101], as amended by H.B. 13-1117. To revise and update rules transferred from the Department of Public Health and Environment.
Purpose	These proposed rules transfer the Nurse Home Visitor Program from the Colorado Department of Public Health and Environment (6 CCR 1016-1) to the Colorado Department of Human Services (12 CCR 2509-9) following the passage of House Bill 13-1117, which made changes to Section 26-6.4-101, C.R.S., et seq. (formerly Section 25-31-101, C.R.S. et seq.). The Nurse Home Visitor Program provides regular, in-home visiting nurse services to low-income, first-time mothers, with their consent, from pregnancy through the child's second birthday. The program provides trained visiting nurses to help educate mothers on the importance of nutrition and avoiding alcohol and drugs, including nicotine, and to assist and educate mothers in providing general care for their children and in improving health outcomes for their children.
Proposed Stakeholder Outreach	Invest in Kids, Nurse-Family Partnership model representative for Colorado; University of Colorado Denver, Clinical and Community Affairs; University of Colorado College of Nursing, Anschutz Medical Campus; county public health departments; and, non-profit organizations across the state funded to implement the NHVP; and, county departments of human/social services.
Schedule	Proposed initial review in December 2013 and adoption at January 2014.
Status	Adopted February 2, 2014

Added Rule	14-1-29-1: Implementation of House Bill 13-1084 Regarding Change in Federal Employee Tax Identification Number
New rule or revision	Revision
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board to promulgate rules pursuant to authority granted pursuant to 26-1-107, C.R.S.; 26-6-105(2)(b)(I), C.R.S.; 26-6-107, C.R.S. To revise and update current rules pursuant to legislation.
Purpose	This proposed rule implements House Bill 13-1084, which repealed a single provision of law that previously required a licensed child care provider to submit an original application for a license when they changed their Federal Employee Identification Number (FEIN). The general rules regulating child care facilities still require an original application when a change in FEIN occurs. While the Department has stopped enforcing this rule that now conflicts with law, it is necessary to repeal this requirement from rules.

Proposed Stakeholder Outreach	All licensed child care providers, Colorado Association for the Education of Young Children, Early Childhood Education Association of Colorado
Schedule	Proposed adoption at June 6, 2014 rule-making session.
Status	Adopted June 6, 2014

Added Rule	14-2-13-1: Revisions of Early Intervention Program Rules, Including Alignment with Federal Regulations
New rule or revision	Revisions
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board to promulgate rules pursuant to authority granted pursuant to 26-1-107, C.R.S.; 10-16-104(1.3), C.R.S.; 27-10.5-104.5, C.R.S.; 27-10.5-703(3)(b), C.R.S.; 27-10.5-709(1), C.R.S.; 34 C.F.R. Part 303 – Federal Part C of IDEA, Early Intervention Program for Infants and Toddlers with Disabilities, published in September 28, 2011. To revise and update current rules.
Purpose	The purpose of these proposed rule revisions is to include new language required to meet federal regulations related to who may or may not be involved in family assessment, to add clarifying language to rules to address issues that have been identified through quality assurance activities, to make additional technical corrections to cite references that have changed as a result of statutory revisions, and other minor technical changes. Additionally, throughout the rules that are being revised, the term “early intervention services” is corrected to be uncapped. These rules implement federal regulations under Part C of the Individuals with Disabilities Education Act (IDEA), 34 C.F.R., Part 303. The rules are necessary to implement the full range of activities for the Early Intervention Program in Colorado. With the promulgation of rules, the Office of Early Childhood, Division of Community and Family Support, is able to provide guidance and direction to local agencies that provide Early Intervention services, and meet federal assurances that are part of the annual grant application and assurances for Part C funds.
Proposed Stakeholder Outreach	Colorado Department of Education; Colorado Department of Health Care Policy and Financing; Colorado Department of Regulatory Agencies, Division of Insurance; Community Centered Boards; Child Find teams; Colorado Interagency Coordinating Council; Early Intervention providers; advocacy organizations
Schedule	Proposed adoption at May 2, 2014 rule-making session.
Status	Adopted May 2, 2014

Added Rule	14-4-29-1: Colorado Child Care Assistance Program (CCCAP) Federal Poverty Guideline Update
New rule or revision	Revisions
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board to promulgate rules pursuant to authority granted pursuant to 26-1-107, C.R.S.; 26-2-801, et seq., C.R.S. To revise and update current rules.
Purpose	This proposed rule package provides an annual update of the Federal Poverty Guidelines for use by counties in the administration of the Colorado Child Care Assistance Program (CCCAP) by repealing the former guidelines and replacing them with the new ones.
Proposed Stakeholder Outreach	All County Departments of Human Services via communications sent to the human services directors, the Colorado Human Services Directors Association; Colorado Counties, Inc.; the 1,700 licensed child care providers serving CCCAP children; the CCCAP Collaborative; the Policy Advisory Committee (PAC) and the Office of Early Childhood Sub PAC. A survey Monkey was sent to all above listed stakeholders to enable written feedback to be captured and managed efficiently.
Schedule	Proposed for adoption at August 2014 rule-making session.
Status	Adopted August 8, 2014

Rule	14-8-25-1: Implementation of Components of H.B. 14-1317 Regarding Colorado Child Care Assistance Program (CCCAP) Program Modifications
New rule or revision	Revisions
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board to promulgate rules pursuant to authority granted pursuant to 26-1-107, C.R.S.; 26-2-803 through 26-2-805, C.R.S. (2013), as amended by H.B. 14-1317. To revise and update current rules.
Purpose	The purpose of this rule-making package is to propose changes that implement components of House Bill 14-1317. House Bill 14-1317 made significant changes to the Colorado Child Care Assistance Program, and included substantial funding of over \$10,000,000 appropriated and available July 1, 2014. While the work of distributing the funds is under discussion and preparation, this rule package operationalizes what the funds purchase, which are the improvements to the Colorado Child Care Assistance Program (CCCAP). Not all of the CCCAP modifications in House Bill 14-1317 require rule-making, but those that do include: <ul style="list-style-type: none"> • Extension of the period of job-search as an eligible activity from thirty (30) to sixty (60) days; • Addition of ninety (90) days of eligibility for families whose income has risen to a level that results in their ineligibility;

	<p>(continued)</p> <ul style="list-style-type: none"> ● Decoupling of the parent's work schedule and the child's care schedule, allowing children to attend child care when their parent is not engaged in their eligible activity; ● Aligning, when practicable, the eligibility of the family and its authorization for care with a provider; ● A requirement that counties maintain wait lists for families that the county is unable to enroll due to financial constraints; ● Easy access to county policies and procedures for program families; ● Tiered reimbursement rates for quality rated providers. Tiered Reimbursement provides incremental increases in reimbursement rates as a provider attains or sustains a higher level of quality rating; ● Tiered systems of parental co-pays and county payment for absences and holidays based on the provider ratings in the State's quality rating and improvement system.
Proposed Stakeholder Outreach	HB 14-1317 Joint Implementation Task Force; all Colorado counties; Colorado Human Services Directors Association; Colorado Counties, Incorporated; Colorado Children's Campaign; all licensed child care providers; Early Childhood Leadership Commission; Colorado Association for the Education of Young Children; Colorado Early Childhood Education Association; The Early Childhood Sub-PAC, the Finance Sub-PAC, the Economic Security Sub-PAC and the PAC; the Early Childhood Summit and the Early Childhood State Partners; Colorado Resource and Referral Agencies; Colorado Early Childhood Councils; Head Start; Family Friend and Neighbor Care; parents and the general public.
Schedule	Proposed for adoption at October 3, 2014 rule-making session.
Status	Adopted October 3, 2014

Rules Concerning the Office of Economic Security

Affected parties may include: county departments of human and social services; local Colorado Works offices; community organizations providing services to refugees; entities that provide heating and food assistance; entities providing services to aging citizens; Area Agencies on Aging; and, recipients of services provided by the Office.

Rule	12-1-3-2: Rewrite of the Food Assistance Program per Rule Reduction Review
New rule or revision	Revisions and repeals
Statutory or other basis for adoption of rule	<p>The State Department is authorized to act through the State Board to promulgate rules pursuant to authority granted pursuant to 26-1-107, C.R.S.; 26-2-301, C.R.S.; 26-2-302, C.R.S.; 7 CFR 271-276; Public Law 110-234, the Food, Conservation and Energy Act of 2008 (2008 Farm Bill).</p> <p>To revise, update, and repeal current rules.</p>
Purpose	<p>The Food Assistance Program completed a comprehensive rewrite of the Food Assistance rules. As a result of the rule reduction efforts initiated by Executive Order D 2011-005, the Program repealed twenty-six (26) outdated rules effective May 1, 2012. Rewriting the Food Assistance Program's rules in its entirety is the next step in the rule reduction efforts.</p> <p>The Food Assistance rules have not had a comprehensive update for over twenty years. There are currently close to five hundred (500) food assistance rules (10 CCR 2506-1) and overtime, revisions have only occurred to a limited portion of the rules. This has led to the rules not flowing in an order that is user friendly for county workers and other stakeholders. Sometimes, the appropriate rule was difficult to find; rules were duplicative of each other; had outdated terminology; and, in a few instances, rules conflicted with one another or were not in alignment with current practice. Additionally, in efforts to meet federal timely processing standards, over the past several years the program has provided clarification and guidance to county departments through Agency Letters and not through the rule-making process. As a result of the program's history, a complete rewrite of the Food Assistance Program rules is necessary to ensure that the rules are correct, up-to-date, reflect current practice, and are more user-friendly.</p>
Proposed Stakeholder Outreach	<p>Six (6) full-day work group sessions were conducted over the course of thirteen (13) months to elicit feedback from county eligibility staff and county investigators. In addition to the work group sessions, the proposed rule-making was sent to the following stakeholders:</p> <ul style="list-style-type: none">• Colorado Legal Services• Colorado Human Services Directors Association (CHSDA)• Food Assistance monthly meeting with the ten large counties• Hunger Free Colorado• Aurora Community Connection

	(continued) <ul style="list-style-type: none"> • Share Our Strength/Cooking Matters • Care and Share • Weld Food Bank • Office of Economic Security Sub-PAC • CDHS Colorado Works Program, Adult Financial Services, and the Office of Appeals • Economic Security Sub-PAC
Schedule	Proposed initial review in May 2014 and adoption in June 2014.
Status	Adopted July 11, 2014

Rule	13-3-5-1: Revision and Consolidation of Adult Financial Program Rules
New rule or revision	Consolidation, Revision, Repeals.
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board to promulgate rules pursuant to authority granted pursuant to 26-1-107, C.R.S.; Colorado Constitution, Article XXIV, Section 6; 26-2-111, C.R.S.; 26-2-111, C.R.S.; 26-1-109, C.R.S.; 26-2-122.3, C.R.S.; 26-2-122.4, C.R.S.; 26-2-129, C.R.S.). To revise, consolidate and update current rules.
Purpose	These rule changes update the rules related to all Adult Financial programs, including Old Age Pension (OAP), Aid to the Needy Disabled (AND), Home Care Allowance (HCA), Special Populations Home Care Allowance (SP-HCA), Adult Foster Care (AFC), and Burial. A complete rule revision will require three phases in order to complete a full and comprehensive revision. This proposed rule will complete Phase One. Phase One will reorganize, consolidate, and simplify the rules.
Proposed Stakeholder Outreach	Economic Security Sub-Policy Advisory Committee; County Human Services Directors Association; Colorado Commission on Aging; Colorado Legal Services; The Legal Center; Colorado Senior Lobby; Single Entry Point Agencies; Community Centered Boards; Adult Financial Rule Task Group, Colorado Gerontological Society, All Families Deserve a Chance (AFDC) Coalition, Area Agencies on Aging
Schedule	Proposed initial review in January 2014 and adoption February 2014.
Status	Adopted January 10, 2014

Rule	13-8-19-1: Maximum and Minimum Benefit Allotment for Food Assistance
New rule or revision	Revision
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board to promulgate rules pursuant to authority granted pursuant to 26-1-107, C.R.S. (2013); 26-2-301 and 26-2-302, C.R.S. (2013); Food, Conservation and Energy Act of 2008 (2008 Farm Bill); 7 CFR 2713.10(e)(2)(ii)(C); 7 CFR 273.10(e)(4); The American Recovery Reinvestment Act of 2009 (ARRA). To revise and update current rules.
Purpose	To be in compliance with federal regulations to be effective November 1, 2013. The rule change adjusts the benefit amounts and includes the maximum and minimum benefit allotments that a household can receive in the food assistance rules. The American Recovery and Reinvestment Act of 2009 (ARRA) authorized a temporary increase in the maximum benefit allotment a household is eligible to receive beginning April 1, 2009, and also increased the minimum allotment a one- or two-person household can receive. These temporary increases end October 31, 2013. Due to the temporary increases ending, the maximum and minimum benefit allotments have been adjusted by the United States Department of Agriculture, Food and Nutrition Service (USDA, FNS). The changes are effective November 1, 2013.
Proposed Stakeholder Outreach	Aurora Community Connection; Hunger Free Colorado; Share Our Strength/Cooking Matters; Care and Share; Weld Food Bank; Food Assistance Performance Improvement Plan workgroup; Office of Economic Security Sub-Policy Advisory Committee; county departments of human/social services.
Schedule	Adopted emergency October 2013, to be adopted final (permanent) November 2013.
Status	Adopted emergency October 4 effective November 1, 2013; adopted final (permanent) November 8, 2013, effective January 1, 2014
Rule	13-9-12-1: Implementation of a Provision of House Bill 10-1384 on Financial Responsibility for Sponsors of Non-Citizens

New rule or revision	Revision
Statutory or other basis for adoption of rule	<p>The State Department is authorized to act through the State Board to promulgate rules pursuant to authority granted pursuant to 26-1-107, C.R.S. (2013); 26-2-111(2) and 26-2-111.8, C.R.S. (2013).</p> <p>To revise and update current rules.</p>
Purpose	<p>The purpose of this change is to implement new eligibility requirements for the Adult Financial programs, including Old Age Pension (OAP) and Aid to the Needy Disabled (AND) programs.</p> <p>The change will enforce financial responsibility requirements for relative sponsors of qualified non-citizens as required by House Bill 10-1384, which has an effective date of January 1, 2014. Sponsors of qualified non-citizens are required to sign a federal Affidavit of Support, which is a binding contract requiring that the sponsor provide for the qualified non-citizen's needs. For the OAP and AND programs, this is enforced by deeming income and resources from the sponsor to the qualified non-citizen during determination of eligibility. Currently, only income and resources from non-relative sponsors is deemed to the client. H.B. 10-1384 requires that income and resources from all sponsors, including the sponsor's spouse, be deemed to the client for eligibility purposes.</p>

Proposed Stakeholder Outreach	County Human Services Directors Association; Colorado Commission on Aging; Colorado Legal Services; The Legal Center; Colorado Senior Lobby; Single Entry Point agencies; Community Centered Boards; Adult Financial Rules Task Group; Economic Security Sub-Policy Advisory Committee; and, county departments of human/social services.
Schedule	Initial review October 2013 and adoption in November 2013.
Status	Adopted November 8, 2013

Rule	13-11-13-1: Old Age Pension Cost of Living Adjustment (OAP COLA) for 2014 and In-kind Support Maintenance Adjustment
New rule or revision	Revisions
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board to promulgate rules pursuant to the State Board authority granted pursuant to 26-1-107, C.R.S. Colorado Constitution, Article XXIV, Section 6; 26-2-111 C.R.S.; 26-2-114, C.R.S.; 26-1-109, C.R.S.; 26-2-111 C.R.S.; 20 CFR 416 et seq. To revise and update current rules.
Purpose	<p>On October 30, 2013, the Social Security Administration (SSA) announced a 1.5% Cost of Living Adjustment (COLA) for all Social Security and Supplemental Security Income recipients effective December 31, 2013. This increased the Supplemental Security Income (SSI) maximum payment by \$11 ($\\$710 \times 1.5\% = \\$11$) to \$721 per month. This rule will revise the Colorado Department of Human Services rules to increase the Old Age Pension (OAP) grant standard to \$748 in order to pass along the COLA increase. The components of the grant standard will be adjusted accordingly.</p> <p>Also, because of the SSI COLA, the In-Kind Support Maintenance (ISM) amount needs to be modified for OAP and Aid to the Needy Disabled/Aid to the Blind/Supplemental Security Income-Colorado Supplement (AND/AB/SSI-CS) recipients. ISM is used to calculate the client's fair share of housing and utility costs. If a client is not paying his/her fair share of the cost for their shelter, the balance is calculated as in-kind income to the client. For example, if the client lives in a home with two other adults and the mortgage and utilities are \$750 per month, the client's fair share would be \$250 per month. If the client is not paying any of those costs, \$250 is counted as in-kind income to the client. However, if the client's fair share is more than the ISM published in rule, the maximum charged to the client as in-kind income would be the ISM amount. So, if the client's fair share is \$500, the ISM would apply instead.</p>
Proposed Stakeholder Outreach	County Human Services Directors Association; Colorado Commission on Aging; Area Agencies on Aging; Colorado Legal Services; The Legal Center; Colorado Senior Lobby; Colorado Gerontological Society; Single Entry Point agencies; Economic Security Sub-Policy Advisory Committee; and, county departments of human/social services.
Schedule	TBD
Status	Adopted emergency December 6, 2013 effective January 1, 2014; adopted final (permanent) February 7 effective April 1, 2014

Rule	14-8-12-1: Food Assistance Federal Fiscal Year 2015 Standard Utility Allowance Update and Cost of Living Adjustment (formerly entitled Maximum and Minimum Benefit Allotment for Food Assistance)
New rule or revision	Revisions
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board to promulgate rules pursuant to authority granted pursuant to 26-1-107, C.R.S. (2013); 26-2-301 and 26-2-302, C.R.S. (2013); Agricultural Act of 2014 (2014 Farm Bill); 7 CFR 273.9(a), (3)(1)(i), (d)(1)(i), (d)(6)(ii), (iii); 7 CFR 273.10(e)(2)(ii)(C), (4)(i); 7 CFR 273.12(e). To revise and update current rules.
Purpose	<p>The rule changes are necessary to be in compliance with federal regulations and serves two purposes:</p> <p>A. The first purpose is to revise five Food Assistance Program rules (10 CCR 2506-1) to outline the Federal Fiscal Year (FFY) 2015 income eligibility standards and deductions that are adjusted annually to be effective each October 1st. The adjustments are based on a cost of living adjustment (COLA) as determined by the United States Department of Agriculture, Food and Nutrition Service (USDA, FNS). Colorado received the FFY15 COLA adjustments on August 4, 2015. The following eligibility standards and deductions will be updated:</p> <ul style="list-style-type: none"> • Gross income standard for one hundred thirty percent (130%), one hundred sixty five percent (165%), and two hundred percent (200%) of the Federal Poverty Level (FPL) • Net income standard for 100% of the FPL • Standard deduction • Maximum shelter deduction • Maximum and minimum benefit allotments <p>B. The second purpose is to revise Section 4.407.31, A-D, “Four-Tiered Mandatory Standard Utility Allowance,” to incorporate the FFY 2015 Standard Utility Allowances (SUA). Federal regulation 7 CFR 273.9(d)(6)(iii)(B) requires states to annually review its standard utility allowance and to make adjustments based on changes in the current cost of living. The Colorado Food Assistance Program utilizes a four-tiered mandatory Standard Utility Allowance when determining a household’s shelter deduction and food assistance allotment. Households with income and who are responsible for paying utility costs are eligible to receive a utility deduction based on one of the four tiers. Colorado received federal approval to continue to utilize the Consumer Price Index for all Urban Consumers (CPI-U) to determine the FFY 2015 SUA amounts, which resulted in a 1.88% increase to each of the four tiers when using CPI-U data from May 2013 through June 2014.</p>
Proposed Stakeholder Outreach	Office of Economic Security Sub-PAC; Food Assistance Performance Improvement Plan monthly meeting which consists of representatives from the ten largest counties
Schedule	Possible emergency adoption in October 2014 and final (permanent) adoption in November 2014.
Status	Emergency adoption September 5 effective October 1, 2014; final (permanent)

	adoption October 3 effective December 1, 2014.
Rule	14-5-1-1: 2014-15 Low-Income Energy Assistance Program (LEAP) Update
New rule or revision	Revisions
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board to promulgate rules pursuant to authority granted pursuant to 26-1-107, C.R.S.; 26-2-122.5 C.R.S.; 40-8.7-109, C.R.S.; 40-8.7-112(1), C.R.S. To revise and update current rules.
Purpose	<p>The Low-Income Energy Assistance Program (LEAP) is reviewed annually for updates that might be needed for the next period, effective November 1st. There are four main purposes for this rule change:</p> <ul style="list-style-type: none"> • To copy rules from the general eligibility rule sections 3.100 (9 CCR 2503-1) and 3.200 (9 CCR 2503-2), and only those rules that apply to LEAP or that are currently referenced within LEAP program rules. Those rules that will be copied will be copied verbatim, except that they may exclude those sections that do not apply to LEAP or they were already excluded in LEAP rule by reference, those with exclusions will be indicated in the summary table below. This is due to the intent to repeal 3.100 and 3.200 at a later date. • To add a rule that requires the county departments of social/human services to conduct case file reviews and submit documentation to the State LEAP office as recommended by the Office of the State Auditor, based on 2012-2013 LEAP audit findings. • To revise, clarify and update the income guidelines and flat rates for benefit calculation. • To clarify appropriate use of the Electronic Benefits Transfer (EBT) for recipients of Low-Income Energy Assistance Program (LEAP) cash benefits. The rule also specifies restricted use and consequences for the prohibited use of automated teller machines (ATMs) or transactions with similar electronic technology in establishments such as, but not limited to, liquor stores, casinos, gambling casinos, gambling establishments, adult oriented establishments and marijuana shops.
Proposed Stakeholder Outreach	Colorado Legal Services, Economic Security Sub-PAC, Energy Outreach Colorado (EOC), Colorado Energy Office (CEO), Governor's Commission on Low Income Energy Assistance, Colorado Cross-Disability Coalition, Colorado Rural Electric Association, County LEAP managers and the County Human Services Directors Association
Schedule	Possible initial review in August 2013 and adoption in September 2013.
Status	Adopted October 3, 2014

Added Rule	14-3-28-1: Additional Old Age Pension Cost of Living Adjustment (OAP COLA) Increase for 2014
New rule or revision	Revisions
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board to promulgate rules pursuant to the State Board authority granted pursuant to 26-1-107, C.R.S.; 26-1-111, C.R.S.; 26-2-111(2), C.R.S.; 26-2-114, C.R.S.; Colorado Constitution, Article XXIV, Section 6; 20 CFR 416, et seq. To revise and update current rules.
Purpose	On October 30, 2013, the Social Security Administration (SSA) announced a 1.5% Cost of Living Adjustment (COLA) increase for all Social Security and Supplemental Security Income recipients. This COLA increase was adopted by the State Board of Human Services on December 6, 2013, effective January 1, 2014. At that time, the Old Age Pension (OAP) grant standard increased from \$737 to \$748. In February 2014, the Joint Budget Committee approved an additional 1.5% COLA to bring the total increase to three percent (3%). This increase was passed in H.B. 14-1238, the CDHS Supplemental for 2014. This rule will revise the Colorado Department of Human Services rules to increase the OAP grant standard from \$748 to \$759 in order to pass along the additional COLA increase, to be implemented retroactively to January 1, 2014. The components of the grant standard will be adjusted accordingly.
Proposed Stakeholder Outreach	County Human Services Directors Association; Colorado Commission on Aging; Colorado Legal Services; The Legal Center; Colorado Senior Lobby; Single Entry Point agencies; Community Centered Boards; Economic Security Sub-PAC; Colorado Cross-Disability Coalition; All Families Deserve a Chance (AFDC) Coalition; Colorado Coalition for the Homeless
Schedule	TBD
Status	Emergency adoption May 2 effective May 2, 2014; final (permanent) adoption June 6 effective August 1, 2014

Added Rule	14-5-28-1: Aid to the Needy Disabled (AND) Grant Increase and Changes to the Supplemental Security Income (SSI) Requirement for Implementation of S.B. 14-012
New rule or revision	Revisions
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board to promulgate rules pursuant to the State Board authority granted pursuant to 26-1-107, C.R.S.; 26-1-111, C.R.S.; 26-2-111 and 26-2-119, C.R.S. (2013), as amended by S.B. 14-012. To revise and update current rules.
Purpose	The purpose of this rule is to implement Senate Bill 14-012 effective August 6, 2014, which provides an increase to the Aid to the Needy Disabled State Only (AND-SO) grant by an additional eight percent (8%). This increased the maximum payment by \$14 ($\$175 \times 8\% = \14) to \$189 per month. These proposed rules will increase the AND-SO grant standard to \$189 in order to comply with the Senate Bill.
Proposed Stakeholder Outreach	County Human Services Directors Association; Colorado Commission on Aging; Colorado Legal Services; The Legal Center; Colorado Senior Lobby; Single Entry Point agencies; Community Centered Boards; Economic Security Sub-PAC; Colorado Cross-Disability Coalition; All Families Deserve a Chance (AFDC) Coalition; Colorado Coalition for the Homeless; Colorado Gerontological Society
Schedule	TBD
Status	Emergency adoption July 11 effective August 6, 2014; final (permanent) adoption August 8 effective October 1, 2014

Rule	14-1-31-1: Refugee Services Program Revisions
New rule or revision	Revisions
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board to promulgate rules pursuant to the State Board authority granted pursuant to 26-1-107, C.R.S. (2013). To revise and update current rules.
Purpose	To clarify and centralize the definition of "refugee" and documentation of verification for refugee status regarding eligibility for benefits.
Proposed Stakeholder Outreach	Colorado Legal Services County Human Services Directors Association; county departments of human/social services; Economic Security Sub-Policy Advisory Committee.
Schedule	TBD
Status	Removed from rule-making schedule at this time.

Added Rule	14-5-29-1: Adult Foster Care Cost of Living Adjustment (AFC COLA) Increase for 2014
New rule or revision	Revisions
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board to promulgate rules pursuant to the State Board authority granted pursuant to 26-1-107, C.R.S.; 26-1-111, C.R.S.; 26-2-111, C.R.S.; 26-2-122.3, C.R.S.; 20 CFR 416, et seq. To revise and update current rules.
Purpose	<p>The purpose of this rule is to implement a three percent (3%) Cost of Living Adjustment (COLA) increase for Old Age Pension (OAP) recipients receiving Adult Foster Care (AFC) as passed in H.B. 14-1238, the CDHS Supplemental Appropriation, by the State Legislature and signed by the Governor. The COLA is to be implemented retroactively to January 1, 2014. The State Human Services Board adopted this increase to the OAP grant standard at the May 2 rule-making session. It is also necessary to increase the AFC grant, as OAP is considered a “parent” program, which means that an increase to OAP requires an increase to the AFC grant as well.</p> <p>On October 30, 2013, the Social Security Administration (SSA) announced a 1.5% Cost of Living Adjustment increase for all Social Security and Supplemental Security Income recipients effective December 31, 2013. This COLA increase was approved by the State Board of Human Services on December 6, 2013. In February 2014, the Joint Budget Committee approved an additional 1.5% COLA to bring the total increase to 3%. This rule will revise the Colorado Department of Human Services rules to increase the Adult Foster Care maximum grant standard from \$1,323 per month to \$1,353 in order to pass along the full COLA increase.</p>
Proposed Stakeholder Outreach	County Human Services Directors Association; Colorado Commission on Aging; Colorado Legal Services; The Legal Center; Colorado Senior Lobby; Single Entry Point agencies; Community Centered Boards; Economic Security Sub-PAC; Colorado Cross-Disability Coalition; All Families Deserve a Chance (AFDC) Coalition; Colorado Coalition for the Homeless
Schedule	TBD
Status	Emergency adoption June 6 effective June 6, 2014; final (permanent) adoption August 8 effective October 1, 2014

Added Rule	14-5-30-1: Restricted Use of Electronic Benefits Transfer for Temporary Assistance for Needy Families (TANF)/Colorado Works and Adult Financial Cash Benefits
New rule or revision	Revisions
Statutory or other basis for adoption of rule	<p>The State Department is authorized to act through the State Board to promulgate rules pursuant to the State Board authority granted pursuant to 26-1-107, C.R.S.; 26-1-111, C.R.S.; 26-2-104, C.R.S.; 42 U.S.C. Section 608(a)(12); Colorado's Temporary Assistance for Needy Families (TANF) State Plan requires compliance with 42 U.S.C. 608(a)(12) and includes marijuana shops as additional restricted establishments.</p> <p>To revise and update current rules.</p>
Purpose	<p>The purpose of this rule is to clarify appropriate use of the Electronic Benefits Transfer (EBT) for recipients of Temporary Assistance for Needy Families (TANF)/Colorado Works and Adult Financial cash benefits.</p> <p>The Middle Class Tax Relief and Job Creation Act of 2012, 126 Stat. 156, Pub. L. 112-96 (Feb. 22, 2012), codified in relevant part at 42 U.S.C. Section 608(a)(12), requires states to maintain policies and practices to prevent TANF funds from being used in any electronic benefit transfer transaction in any liquor store; any casino, gambling casino, or gambling establishment; or any adult-oriented establishment. The rule also specifies restricted use and consequences for the prohibited use of automated teller machines (ATMs) or transactions with similar electronic technology in establishments such as, but not limited to, liquor stores, casinos, gambling casinos, gambling establishments, adult oriented establishments and marijuana shops.</p>
Proposed Stakeholder Outreach	County Human Services Directors Association; Colorado Commission on Aging; Colorado Legal Services; The Legal Center; Colorado Senior Lobby; Single Entry Point agencies; Community Centered Boards; Colorado Gerontological Society; All Families Deserve a Chance (AFDC) Coalition; Area Agencies on Aging; Legal Aid of Metropolitan Denver; Colorado Center on Law and Policy; and, Colorado Department of Human Services Food Assistance Division, Low-Income Energy Assistance Program, Colorado Refugee Services Program, and Child Welfare; Colorado Department of Health Care Policy and Financing; Policy Advisory Committee (PAC); and, Economic Security Sub-PAC; Colorado Department of Revenue Liquor/Tobacco Enforcement Division
Schedule	TBD
Status	Emergency adoption July 11 effective July 11, 2014; final (permanent) adoption August 8 effective October 1, 2014

Rules Concerning the Office of Community Access and Independence (formerly the Office of Long Term Care)

Affected parties may include: county departments of human and social services; state departments providing services to clients of the Department; developmentally disabled individuals and their families; Community Centered Boards; entities providing services to aging citizens; at-risk adults in need of protection; residents at the State Veteran Nursing Homes; residents of Regional Centers; vocational rehabilitation services; and, entities providing services to the clients of the Department.

Rule	13-7-16-1: Adult Protective Services Rule Revisions Related to Senate Bill 13-111
New rule or revision	Revisions
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board to promulgate rules pursuant to authority granted pursuant to 26-1-107, C.R.S. (2013); 26-3.1-108, C.R.S. To revise and update current rules.
Purpose	<p>Adult Protective Services Program (APS) rules provide county APS programs with directions on program requirements. The Colorado Revised Statutes were revised due to the passage of Senate Bill 13-111 concerning abuse of at-risk adults. As a result, Adult Protective Services rules are being revised to align them with the new statute. Additionally, appropriations were made in Senate Bill 13-111. Rules are required to clarify the use of the appropriations. This rule revision provides counties with guidance on how and when it is appropriate to spend those funds.</p> <ul style="list-style-type: none"> • These rule changes add two new definitions and revise two others to align APS rules with updated definitions used in S.B. 13-111. • A new rule related to caseload averages was added to align APS rules with the General Assembly's intent to ensure county departments maintain a case load average of no more than twenty-five (25) clients to one (1) caseworker. • Repeal of APS Rule 30.520, B, concerning prior written consent for release of financial records was removed because S.B. 13-111 repealed Section 6-21-103, C.R.S., that authorized prior consent. • Rules related to the County Services Funds were written to provide guidance to the counties on when and on what types of service the funds may be spent. <p>Rules related to Adult Protection teams have been modified slightly to allow for flexibility for counties in the type of team that is coordinated in their particular community. These changes will allow counties to more readily adapt their team processes as best practices related to team coordination evolves with continuing research into at-risk adult mistreatment and interventions. In addition to the changes driven by S.B. 13-111 and the updates to the AP team rules, some minor technical cleanup is included in these proposed rule changes.</p>
Proposed Stakeholder Outreach	County Departments of Human/Social Services; Colorado Commission on Aging; Colorado Legal Services; Colorado Senior Lobby; Area Agencies on Aging; AARP; Policy Advisory Committee (PAC); Economic Security Sub-PAC; Economic Security Sub-PAC APS task group; Financial Sub-PAC Allocation Task Group
Schedule	Proposed initial review in January 2014 and adoption in February 2014.
Status	Adopted February 7, 2014

Rule	14-2-10-1: Adult Protective Services Program Rule Revision Related to the New Data System and S.B. 13-111 Regarding Abuse of At-Risk Adults
New rule or revision	Revisions
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board to promulgate rules pursuant to authority granted pursuant to 26-1-107, C.R.S.; 26-1-109, C.R.S.; 26-1-111, C.R.S.; 26-3.1-101, C.R.S.; 26-3.1-102; 26-3.1-108 C.R.S.; 26-3.1-110, C.R.S.
Purpose	<p>Adult Protective Services (APS) program rules provide county department APS programs with direction on program requirements. The Colorado Revised Statutes were revised due to the passage of Senate Bill 13-111. As a result, the rules are being revised to align them with current law.</p> <p>Additionally, on July 1, 2014, APS has a new data system that all counties will be required to use for case management. This rule revision provides counties with guidance on the data system requirements. Finally, these rule revisions provide counties guidance around best practice standards for APS casework and provision of protective services, which can now be implemented primarily because of the new data system and the increased flexibility in case management as a result.</p>
Proposed Stakeholder Outreach	County Departments of Human/Social Services; Colorado Commission on Aging; Colorado Legal Services; Colorado Senior Lobby; Area Agencies on Aging; Colorado Cross Disability Coalition; Community Centered Boards; ARCs, Policy Advisory Committee (PAC); Economic Security Sub-PAC; APS task group; American Association of Retired Persons (AARP)
Schedule	Proposed initial review in April 2014 and adoption in May 2014.
Status	Adopted July 11, 2014

Rule	13-12-4-1: Implementation of H.B. 13-1314 to Transfer Rules Regarding Programs Administered by the Division for Developmental Disabilities to the Colorado Department of Health Care Policy and Financing (HCPF)
New rule or revision	Repeals
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board or the Executive Director to promulgate rules pursuant to the State Board authority granted pursuant to 26-1-107, C.R.S.; 26-1-109, C.R.S.; 26-1-111, C.R.S.; 25.5-10-101, C.R.S., et seq. (formerly 27-10.5-101, C.R.S., et seq.). To repeal rules in compliance with legislation.
Purpose	<p>These proposed rules repeal existing rules in the Colorado Department of Human Services, which will be fully transferred to the Colorado Department of Health Care Policy and Financing (HCPF). This rule-making is necessary in order to implement House Bill 13-1314, concerning the transfer of programs for persons with intellectual and developmental disabilities (I/DD) to the Department of Health Care Policy and Financing. The existing rules at Section 16.000, et seq. (2 CCR 503-1), will be transferred in their entirety to HCPF rules at Section 8.600 (10 CCR 2505-10). In order to accomplish this, the existing rules will be repealed by the State Board of Human Services and re-promulgated at HCPF through the Medical Services Board.</p> <p>Aside from technical changes to incorporate these rules into HCPF's rule format, there are no changes being made to the provisions in these rules; therefore, there is no impact to clients, providers or other stakeholders. Technical revisions include: 1) updating references to the Department of Health Care Policy and Financing and address information; 2) changing the name of the Division for Developmental Disabilities to the Division for Intellectual and Developmental Disabilities; and 3) reflecting current statutory citations of Title 25.5, Article 10.</p>
Proposed Stakeholder Outreach	There was extensive outreach to reach interested stakeholder by CDHS and HCPF, including Community Centered Boards; Colorado Department of Health Care Policy and Financing; county departments of human/social services.
Schedule	Proposed for initial review in December 2013 and adoption in January 2014.
Status	Adopted March 7, 2014

Rule	14-3-10-1 (formerly referenced as 13-4-25-1): Revisions to the Vocational Rehabilitation Rules Concerning Implementation of a New Case Management System, Alignment of Service Delivery, and Correction of Audit Findings
New rule or revision	Revisions
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board to promulgate rules pursuant to authority granted pursuant to 26-1-107, C.R.S.; 26-1-109, C.R.S.; 26-1-111, C.R.S.; 24-4-103(13), C.R.S.; 26-8-101, C.R.S., et seq.; 26-8-104(1)(a), (b), C.R.S.; 34 CFR Part 361. To revise and update current rules.
Purpose	<p>Rule changes will ensure consistency with proposed policy changes within the Division of Vocational Rehabilitation (DVR); allow increased efficiency through DVR's utilization of a new electronic case management system; and address initial audit findings from the 2013 DVR Performance Audit completed by the Office of the State Auditor. Policy changes include the areas of: dispute resolution, mediation and appeals; wait list management, verification of client income related to the provision of vocational rehabilitation services; increased frequency of contact between DVR clients and staff; changes in how services are provided to clients; and changes on how closure occurs for clients receiving sub-minimum wage. Changes are required to align the intake, eligibility determination, wait list management process, service delivery process and closure process with DVR's new electronic case-management system.</p> <p>The 2013 Performance Audit by the Colorado Office of the State Auditor resulted in audit findings within the following DVR programmatic areas: eligibility determinations; comparable services and benefits; severity of disability determinations; fiscal management; client use of state-owned equipment; and client contributions. Audit findings require changes in current rules.</p>
Proposed Stakeholder Outreach	<p>The Division of Vocational Rehabilitation's (DVR's) extensive list of stakeholders was notified via email about the period of public comment and was provided an opportunity for comment via an online period that was from December 20, 2013 until January 21, 2014.</p> <p>Public comment on DVR's proposed revisions to the policy was made available using the posting of an announcement on the DVR website, emails soliciting feedback to DVR's stakeholder list, including the State Rehabilitation Council (SRC) and the Client Assistance Program, and the availability of feedback postcards for clients, applicants and the public at each DVR office. Some of the stakeholders are: DVR stakeholders electronic list of statewide agencies and individuals having interest in DVR, the public-at-large (via website publication on the DVR website), the State Rehabilitation Council, the Client Assistance Program, partner state agencies such as the Department of Education, statewide workforce centers, local and state-level advocacy programs, community rehabilitation programs, DVR staff and persons with disabilities.</p>
Schedule	Proposed for initial review in December 2013 and adoption in January 2014.
Status	Adopted August 8, 2014

Added Rule	14-7-21-1: Name Change for the State Veterans Nursing Homes to the Veterans Community Living Centers Pursuant to Senate Bill 14-096
New rule or revision	Revisions
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board to promulgate rules pursuant to the State Board authority granted pursuant to 26-1-107, C.R.S.; 26-1-109, C.R.S.; 26-1-111, C.R.S.; and 24-1-120(5), C.R.S.; 26-12-101, C.R.S., et seq., 26-12-103, C.R.S.; and 26-12-201 through 26-12-203, C.R.S., as amended by S.B. 14-096. To revise and update rules.
Purpose	Pursuant to Senate Bill 14-096, the State Veterans Nursing Homes are being renamed to the Veterans Community Living Centers. This legislation was effective August 6, 2014. All references to the State and Veterans Nursing Homes will be changed to Veterans Community Living Centers. All references to "Home" will be changed to "Center". This name change will reflect that the wide array of services provided to state veterans.
Proposed Stakeholder Outreach	The Commission on State and Veterans Nursing Homes; Colorado Department of Health Care Policy and Financing; Colorado Department of Public Health and Environment
Schedule	TBD
Status	Adopted October 3, 2014

Rules Concerning the Office of the Executive Director

Affected parties may include: parties impacted by child welfare services; and county directors and their respective departments of human and social services.

Rule	13-10-29-1: Child Protection Ombudsman Program
New rule or revision	New rules
Statutory or other basis for adoption of rule	The State Department is authorized to act through the State Board or the Executive Director to promulgate rules pursuant to the State Board authority granted pursuant to 26-1-107, C.R.S., and the Executive Director authority granted pursuant to 26-1-108, C.R.S.; 19-3.3-101, et seq.; 19-3.3-102(4), C.R.S.; 25-20.5-406(2)(a)(IX), C.R.S.; 26-1-109, C.R.S.; 26-1-111, C.R.S.; 26-1-139(6)(d). To create new rules.
Purpose	To outline duties, qualifications, and processes of the Child Protection Ombudsman Program for clarity and efficiency for stakeholders.
Proposed Stakeholder Outreach	National Association of Counsel for Children; Child Protection Ombudsman; Child Protection Ombudsman Advisory Committee; S.B. 14-201 Advisory Committee; Child Protection Ombudsman stakeholders; Child Protection System stakeholders ; Office of Children, Youth and Families; Division of Child Welfare; Policy Advisory Committee; Policy Advisory Committee Child Welfare Sub-PAC.
Schedule	Proposed initial review in January 2014 and adoption in February 2014.
Status	Postponed initial review until November 2014.

Juvenile Parole Board

The following rule(s) are inclusive of anticipated rules, as of November 1, 2013. Changes may occur pursuant to changes in state or federal law and other factors that cannot be fully anticipated. The Department reserves the right to amend this agenda as additional information becomes available.

Rules Concerning the Juvenile Parole Board

An extensive list of individuals and organizations are routinely consulted in the development of rules and in the formal rule-making process. Due to the range of subject matter falling under the purview of the Department, this list is diverse and can change. Affected parties may include: youth and families who are involved in the Division of Youth Corrections system and in the related process of Juvenile Parole; Judicial department; law enforcement; victims of crimes; and county departments of human and social services.

Rule	JPB 13-6-20-1: Juvenile Parole Decision Criteria
------	--

New rule or revision	Revision
Statutory or other basis for adoption of rule	Rule-making authority for the Juvenile Parole Board (JPB) and related duties are established in 19-2-206, C.R.S.; 19-2-207, C.R.S.; 24-1-120(6)(c), C.R.S.; 26-1-109, C.R.S.; 26-1-111, C.R.S.; 24-4.1-301 through 24-4.1-304, C.R.S.
Purpose	<p>The changes in rule are necessary in order to more closely align the “Decision Criteria” used by the Juvenile Parole Board (JPB) in making decisions about a juvenile’s parole with the Colorado Department of Human Services’ approach to the juvenile justice system. By creating three headings, the rule more precisely defines or communicates the three areas that JPB members shall focus on during interviews with the juvenile and multi-disciplinary team, and during deliberation.</p> <p>The rule revision also includes reference to the Victims Rights Act that acknowledges, among other things, that a victim has the right to be treated with fairness, dignity and respect as well as to be informed, present, and heard at specific critical stages of the criminal justice system. These critical stages are defined by the Victims Rights Act and include hearings in which parole decisions are made. The inclusion of the Victims Rights Act in the criteria that the Juvenile Parole Board members employ to make these decisions will ensure that the board considers victims’ rights, as well as victim and community impact and safety when making parole decisions.</p> <p>Finally, the rule revision removes the criteria that the JPB consider pending charges of a juvenile in order to ensure due process rights of the juvenile.</p>
Proposed Stakeholder Outreach	Colorado Organization for Victim Assistance, Colorado Coalition Against Sexual Assaults, Children’s Law Center, District Attorney’s Office, District Attorney Victim Witness Coordinators, Colorado Department of Public Safety Division of Criminal Justice, Colorado Department of Human Services Division of Youth Corrections, Colorado Department of Corrections, Colorado Board of Parole
Schedule	Proposed for adoption at November 13, 2013 JPB rule-making session.
Status	Adopted November 13, 2013

Departmental Regulatory Agendas

Department

Department of Labor and Employment

HB 12-1008 Report November 1, 2014 (submitted by CDLE to Legislative Council and Secretary of State)

Estimated Date for action	Division	Rule	Purpose of proposed change	Statutory basis for Rule	Identification of Stakeholders (and planned stakeholder outreach)	Fine or Fee Increase?	Notice to General Assembly
Rule Proposed 9-2015 / Hearing 11-2015 / Effective 1-1-2016	Division of Labor	Colorado Minimum Wage Order 32	Article XVIII, Section 15, of the Colorado Constitution requires the Colorado minimum wage to be adjusted annually for inflation.	Title 8, Articles 1, 4, 6, and 12, C.R.S and Article XVIII, Section 15, of the Colorado Constitution	Representative Stakeholders were identified and emailed material related to the new rules. (I.e. the proposed Rules, the Statement of Basis and Purpose, the Regulatory Analysis, Fact Sheets, FAQs, etc.) They were personally contacted to gather comments, questions or concerns about the rules and that information was used in finalizing the Rule. The new rules were also sent to approximately 200+ individuals and groups that have indicated an interest in receiving Division of Labor notices, publications, and information.	No	Not Required
3/1/2015	Division of Oil and Public Safety (OPS)	7 CCR 1101-5 Boiler and Pressure Vessel Regulations	CRS 9-4-104(1)(c) allows OPS to delegate authority to a municipality to regulate boilers if OPS approves an application submitted by the municipality proving comparability to OPS regulations. Therefore, OPS will add regulation requirements for the application process, qualification of the Chief Boiler Inspector and staff inspectors, and other items such as data sharing. In addition to this revision, OPS also proposes to make general format and clarification changes to the regulation.	CRS 9-4-103 (1)	OPS will conduct at least one meeting with stakeholders consisting of owners, installers, inspectors, manufacturers and municipalities.	No	Not Required

HB 12-1008 Report November 1, 2014 (submitted by CDLE to Legislative Council and Secretary of State)

Estimated Date for action	Division	Rule	Purpose of proposed change	Statutory basis for Rule	Identification of Stakeholders (and planned stakeholder outreach)	Fine or Fee Increase?	Notice to General Assembly
1/15/2015	OPS	7 CCR 1101-12 Amusement Rides and Devices Regulations	7 CCR 1101-12 Section 1-4 (B) currently exempts trampolines from regulation. Because reports of injuries to the public are prevalent at commercial trampoline facilities, OPS and some owners, operators and manufacturers believe that these amusement devices should be regulated. Regulation requirements would include installation and operation according to manufacturers recommendations and adopted standards (ASTM F2970), obtaining a permit to operate from OPS (application and fee), annual 3rd-party inspection,	CRS 8-20-1002 (1)	OPS will conduct at least one meeting with stakeholders consisting of owners, inspectors, manufacturers and municipalities.	No	Not Required

HB 12-1008 Report November 1, 2014 (submitted by CDLE to Legislative Council and Secretary of State)

Estimated Date for action	Division	Rule	Purpose of proposed change	Statutory basis for Rule	Identification of Stakeholders (and planned stakeholder outreach)	Fine or Fee Increase?	Notice to General Assembly
7/1/2015	OPS	7 CCR 1101-8 Conveyance Regulations	Regulation revisions in 2014 (adopted 10-17-14 and effective 1-1-2015) included the adoption of updated editions of national industry codes causing some significant changes in the way conveyance owners and their contractors must maintain and present maintenance procedures and records. Generally with these types of regulation changes, additional clarification of and possible changes to requirements are necessary. Some items needing clarification have already been identified.	CRS 9-5.5-112 (1)	OPS will conduct at least one meeting with stakeholders consisting of owners, contractors, Union representatives, inspectors, manufacturers and municipalities.	No	Not Required

HB 12-1008 Report November 1, 2014 (submitted by CDLE to Legislative Council and Secretary of State)

Estimated Date for action	Division	Rule	Purpose of proposed change	Statutory basis for Rule	Identification of Stakeholders (and planned stakeholder outreach)	Fine or Fee Increase?	Notice to General Assembly
7/1/2015	OPS	7 CCR 1101-14 Petroleum Regulations	In 7 CCR 1101-14 Section 5-2, Table 5-1 will be revised to establish a more realistic cleanup goal for the groundwater volatilizing to indoor air exposure pathway. Currently the cleanup goal is extremely conservative. National research conducted in several states over many years indicates that we should be including an attenuation factor, which would allow for a less stringent and more accurate cleanup goal.	CRS 8-20.5-209 (2)	OPS will conduct at least one meeting with stakeholders consisting of tank owners, tank operators, environmental consultants, and municipalities.	No	
Dec 2014-Feb 2015	Division of Unemployment Insurance	Rule 7, Employer Records and Reports, and Rule 12 Good Cause	Add language regarding good cause and contacting employers when separation information was not submitted by employer	8-74-102, C.R.S.	UI maintains a list of stakeholders and other interested parties. All will be contacted and public notice sent.	No	No
Apr-Jul 2015	Division of Unemployment Insurance	Rule 5, Benefit Charging	Establish a pattern of nonresponse to allow an employer's account to be charged for overpayments that are caused by the employer's nonresponsiveness.	8-79-102 (5), C.R.S	Employers and third party representatives are all stakeholders. Communications will be drafted in advance and input sought to gather comments and questions before rules drafted. Proposed rules will be vetted with UI Stakeholder group, and public notice will be sent to all those who have expressed interest in this topic.	No	No

HB 12-1008 Report November 1, 2014 (submitted by CDLE to Legislative Council and Secretary of State)

Estimated Date for action	Division	Rule	Purpose of proposed change	Statutory basis for Rule	Identification of Stakeholders (and planned stakeholder outreach)	Fine or Fee Increase?	Notice to General Assembly
Apr-Jul 2015	Division of Unemployment Insurance	Rule 15, Benefit Overpayments	Based on the administrative costs to establish and collect overpayments of UI benefits, establish a threshold dollar amount for when an overpayment will be established and collected	8-79-102 and 8-81-101, C.R.S.	UI maintains a list of stakeholders and other interested parties. All will be contacted and public notice sent.	No	No
Ongoing	Division of Unemployment Insurance	General rule review	Eliminate red tape, clarify rules, improve efficient operation of the workers' compensation system	8-72-102, C.R.S.	UI maintains a list of stakeholders and other interested parties. All will be contacted and public notice sent.		
March	Division of Workers' Compensation (DOWC)	Rule 2.5 (surcharge) and Rule 10 (utilization)	Mandatory review	\$8-44-112 and \$8-47-107	Notice will be issued	No	
June	DOWC	Rule 17 (fee schedule)	Mandatory review	\$8-42-101(3)	Ongoing medical policy advisory panel	No	
October	DOWC	Rules 16 & 18	Mandatory review	\$8-42-101	Ongoing medical policy advisory panel	No	
Ongoing	DOWC	General rule review	eliminate red tape, clarify rules, improve efficient operation of the workers' compensation system	\$8-47-107	Task force meetings with impacted stakeholders	Not anticipated	

Departmental Regulatory Agendas

Department

Department of Law



JOHN W. SUTHERS
Attorney General

CYNTHIA H. COFFMAN
Chief Deputy Attorney General

DANIEL D. DOMENICO
Solicitor General

**STATE OF COLORADO
DEPARTMENT OF LAW**

OFFICE OF THE ATTORNEY GENERAL

Ralph L. Carr
Colorado Judicial Center
1300 Broadway, 10th Floor
Denver, Colorado 80203
Phone (720) 508-6000

**DEPARTMENT OF LAW REGULATORY AGENDA
FOR CALENDAR YEAR 2015**

This document contains the Colorado Department of Law's regulatory agenda for calendar year 2015 submitted pursuant to C.R.S. §2-7-203(2)(a)(IV).

**List of New Rules or Revisions to Existing Rules Expected to Be
Proposed in CY 2015**

A. Colorado Debt- Management Services (DMSA)

1. Proposed Rules

- a. New rules under the DMSA defining terms used therein.
- b. New rules under the DMSA concerning records required to be retained by persons subject to the Act.
- c. Repeal of outdated existing rules under the DMSA, specifically Rule 2, Adjustment of Dollar Amounts – Consumer Price Index, and Rule 3, Insurance Cancellation Notice, 4 CCR 902-2 (7-08).
- d. New rule regarding the amount of the surety bond so that the bond amount could be based on the amount of debt under the providers' enrollment agreements.

2. Statutory Basis

The statutory basis for adoption of any proposed rules is C.R.S. §12-14.5-232(c).

3. Purpose

The purpose of the any proposed rules is to provide clarification to persons subject to the DMSA of terms used therein so they may conform their conduct to the law. Established record retention requirements result in better compliance, consumer protection, and efficient enforcement. In addition, amendments to the DMSA in 2011 repealed several statutory sections. Rules that implemented those sections are no longer needed and should be repealed for simplicity and to avoid confusion.

4. Contemplated Schedule for Adoption

Rules will likely be adopted and/or repealed by October 1, 2014.

5. Listing of Persons and Parties Affected

Persons subject to the Act, including debt-management service companies and consumers that contract with such companies, will be affected by this anticipated rulemaking.

B. Uniform Consumer Credit Code (UCCC)

1. Proposed Rules

- a. Amending rule 10(7) under the UCCC to clarify what records are required concerning payment and account histories.
- b. New rule regarding fees for electronic payment.

2. Statutory Basis

The statutory basis for adoption of any proposed rules is C.R.S. §5-6-104(1)(e).

3. Purpose

The purpose of the proposed rules is to provide clarification to persons subject to the UCCC. Clarified record retention requirements result in better compliance, consumer protection, and efficient enforcement.

4. Contemplated Schedule for Adoption

Rules will likely be adopted and/or repealed by December 1, 2014.

5. Listing of Persons and Parties Affected

Persons subject to the Act, including supervised lenders and consumers that contract with such companies, will be affected by this anticipated rulemaking.

C. Colorado Fair Debt Collection Practices Act (CFDCPA)

1. Proposed Rules

- a. Amend rule 1.04 under the CFDCPA regarding the process for Letters of Admonition.
- b. Amend rule 2.03(1) to clarify what “expressly authorized” means.
- c. New rule regarding what is and is not allowed as far as a payment convenience fee.
- d. New rule regarding the requirements before a collection agency may utilize ACH or other electronic payment methods in the collection of a debt.

2. Statutory Basis

The statutory basis for adoption of any proposed rules is C.R.S. §12-14-114.

3. Purpose

The purpose of the any proposed rules is to provide clarification to persons subject to the CFDCPA of terms used therein so they may conform their conduct to the law. Clarification in definitions and processes results in better compliance, consumer protection, and efficient enforcement.

4. Contemplated Schedule for Adoption

Rules will likely be adopted and/or repealed by November 1, 2014.

5. Listing of Persons and Parties Affected

Persons subject to the Act, including collection agencies and consumers that are collected upon by such companies, will be affected by this anticipated rulemaking.

D. Peace Officers Standards and Training (P.O.S.T.)

1. Proposed Rules

- a. Amending Rule 14, Fingerprint-Based Criminal History Record Check, to update the description of the fingerprint card to be used for the criminal history record check.
- b. Amending Rule 17, Certification Records, to correct some grammatical and style errors and change the submission of the information from paper to electronically.
- c. Amending Rule 20, Vehicle Identification Number Inspector Programs, to correct some grammatical and style errors and to update the name of the manual to be used in the program.
- d. Amending Rule 21, Basic and Reserve Training Academies, to update and clarify issues about instructor qualifications, completion of the basic academic program and certification and recordkeeping for academies.
- e. Add Rule 28, In-Service Training Program. This rule creates an annual in-service training program for certified peace officers.

2. Statutory Basis

The statutory basis for adoption of the proposed rules are C.R.S. §24-31-303(1)(g), C.R.S. §24-31-305(1.7)(c) and C.R.S. 24-31-303 (l).

3. Purpose

The purpose of the amended rules is to provide clarification to persons subject to POST peace officer certification requirements and provide updated information regarding items utilized in these rules. The purpose of adding Rule 28 is to provide an annual in-service training program to employed certified peace officers which will, in turn, improve the health, safety and welfare of the citizens of Colorado.

4. Contemplated Schedule for Adoption

Rules will likely be adopted by November 21, 2014.

5. Listing of Persons and Parties Affected

Peace officers, including those applying for certification and those currently employed as certified peace officers, will be affected by this anticipated rulemaking.

Departmental Regulatory Agendas

Department

Department of Local Affairs



COLORADO

Department of Local Affairs

Proposed Regulatory Agenda

For Calendar Year
2015

The Department of Local Affairs (DOLA) has prepared this report on its proposed Regulatory Agenda for the calendar year 2015. This Report is being submitted to fulfill the Department's requirements under C.R.S. 2-7-203 (HB 12-1008). In addition, this report will fulfill the requirements of SB14-063 "Concerning the mandatory review of existing executive branch agency rules conducted by each principal department".

The Department of Local Affairs has a total of 22 titles of rules published in the Code of Colorado Regulations (CCR) and made available on the Secretary of States website. These 22 titles contained 451 individual rules. Of these 22 titles published in CCR, eight (8) titles, and a total of 28 individual rules have been previously repealed; leaving 14 active titles and 423 individual rules.

During June, 2014, DOLA administratively reviewed these 14 active titles along with the corresponding 423 individual rules. This administrative review identified another 16 rules that will require further action of either amending or repealing of these rules.

The divisions within DOLA maintain an ongoing public notification on the website for the review of their official rules. The notice provides that the respective divisions conducts continuous review of all of its rules to assess the continuing need for appropriateness, cost effectiveness of its rules to determine if they should be continued in their current form and modified or repealed. Each division accepts written input concerning its rules at any time. The review considers:

1. Whether each rule is necessary;
2. Whether each rule overlaps or duplicates other rules or other federal, state or local government rules;
3. Whether each rule is written in plain language and is easy to understand;
4. Whether each rule has achieved the desired intent and whether more or less regulation is necessary;
5. Whether each rule can be amended to give more flexibility, reduce regulatory burdens, or reduce unnecessary paperwork or steps while maintaining its benefits;
6. Whether each rule is implemented in an efficient and effective manner;
7. Whether a cost-benefit analysis was required to be performed and, if so, whether a cost benefit analysis was performed for each rule pursuant to Section 24-4-103(2.5), C.R.S.; and
8. Whether each rule is adequate for the protection of the safety, health, and welfare of the state or its residents.

The following list contains all of the rules listed on the Code of Colorado Regulations (CCR) as posted on the Secretary of State's website.

8 CCR 1301-1 - BOARD OF ASSESSMENT APPEALS PROCEDURES OF PRACTICE AND PROCEDURES OF REVIEW

8 CCR 1302-1 - FACTORY BUILT HOUSING CONSTRUCTION CODE AND MULTIPLE DWELLING CODE - **Repealed effective 11/30/03**

8 CCR 1302-2 - RESOLUTION NO.26 - RECREATIONAL AND PARK TRAILER VEHICLES - **Repealed effective 11/30/03**

8 CCR 1302-3 - RESOLUTION NO. 25 - FACTORY BUILT HOUSING - **Repealed effective 11/30/03**

8 CCR 1302-4 - RESOLUTION NO. 10 - MANUFACTURED HOME CONSTRUCTION STANDARDS AND PROCEDURAL REGULATIONS

8 CCR 1302-5 - RESOLUTION NO. 23 - LIMITS FOR REVOLVING LOAN PROGRAM

8 CCR 1302-6 - RESOLUTION NO. 24 - FACTORY BUILT NONRESIDENTIAL STRUCTURE - **Repealed effective 11/30/03**

8 CCR 1302-7 - RESOLUTION NO. 38 - MANUFACTURED HOUSING INSTALLATIONS

8 CCR 1302-8 - RESOLUTION NO. 36 - ON-SITE CONSTRUCTION AND SAFETY CODES FOR MOTELS, HOTELS AND MULTI-FAMILY DWELLINGS IN THOSE AREAS OF THE STATE WHERE NO SUCH STANDARDS EXIST

8 CCR 1302-9 - RESOLUTION NO. 27 - HOME INVESTMENT TRUST FUND - SHORT TERM LOANS

8 CCR 1302-10 - RESOLUTION NO. 29 - ON-SITE CONSTRUCTION AND SAFETY CODES - **Repealed effective 11/30/03**

8 CCR 1302-11 - RESOLUTION NO. 35 - FACTORY BUILT NONRESIDENTIAL STRUCTURES

8 CCR 1302-12 - RESOLUTION NO. 34 - FACTORY BUILT HOUSING

8 CCR 1302-13 - RESOLUTION NO. 32 - RECREATIONAL AND PARK TRAILER VEHICLES - **Repealed effective 11/30/03**

8 CCR 1304-1 - RULES AND REGULATIONS GOVERNING PERSONAL PROPERTY DEDUCTION, VALUATION AND DEPRECIATION OF MOBILE HOMES

8 CCR 1304-2 - RULES AND REGULATIONS FOR EXEMPT PROPERTIES

8 CCR 1306-1 - NON-RATED PUBLIC SECURITIES REPORTING - **Repealed effective 12/02/02**

8 CCR 1306-2 - PARTIAL REIMBURSEMENT OF WASTE TIRE PROCESSING AND USAGE - **Repealed Effective 01/14/2012**

8 CCR 1306-3 - CONSERVATION TRUST FUND ADMINISTRATION, INCLUDING MONITORING, ENFORCEMENT AND GUIDANCE REGARDING ALLOWABLE EXPENDITURES (C.R.S. 29-21-101)

8 CCR 1307-1 - SEARCH AND RESCUE

8 CCR 1308-1 - PRIVATE ACTIVITY BOND PROGRAM RULES

8 CCR 1309-1 – RULE FOR FILING TIER II REPORTS ELECTRONICALLY

Proposed Rule Revisions During the 2015 Calendar Year

At the time of preparation of this Report, three divisions within DOLA are contemplating rule revisions during the 2015 calendar year. These divisions are the Executive Director's Office (EDO), Division of Housing (DOH), and the Division of Property Taxation (DPT).

Executive Director's Office:

The Department of Local Affairs is authorized to promulgate rules pursuant to C.R.S. 24-1-125(1). The Executive Director's Office (EDO) coordinated the Department's administrative rule review during June 2014. During this review, EDO determined that Rule 8 CCR 1309-1 RULE FOR FILING TIER II REPORTS ELECTRONICALLY can be repealed and contemplates this action during the 2015 calendar year.

Rule 8 CCR 1309-1, RULE FOR FILING TIER II REPORTS ELECTRONICALLY, effective December 1, 2010, was established under the authority of C.R.S. 24-32-2603.5(2)(b) and (c). This rule allowed the Colorado Emergency Planning Commission to receive Type II reports from the owner or operator of facilities subject to EPCRA Section 312 by electronic submittal.

HB 12-1283 in part, transferred the Division of Emergency Management and the Colorado Emergency Planning Commission to the Department of Public Safety. The transfer of the Division and the Commission did not transfer this specific rule and therefore the rule needs to be repealed by the Department of Local Affairs. The Colorado Emergency Planning Commission will not be impacted by the repeal of this rule.

Division of Housing:

The Division of Housing and the State Housing Board are authorized to promulgate rules pursuant to C.R.S. 24-32-705(j) and 24-32-707(g). The Division of Housing and the State Housing Board plan to repeal 8 CCR 1302-9 – Resolution No. 27 – HOME

INVESTMENT TRUST FUND – SHORT TERM LOANS during the 2015 calendar year. During the 2014 Legislative Session, HB 14-1017 was passed and adopted which revised the Division's statute C.R.S. 24-32-717 regarding the administration of the housing investment trust fund. The statutory revisions made in HB14-1017 make the rules within 8 CCR 1302-9 – Resolution No. 27 – HOME INVESTMENT TRUST FUND – SHORT TERM LOANS obsolete and unnecessary and therefore these rules can be repealed in their entirety.

The Division of Housing, within the Department of Local Affairs is authorized to promulgate rules pursuant to C.R.S. 24-32-1709.5(3) as it relates to 8 CCR 1308-1 PRIVATE ACTIVITY BOND PROGRAM RULES. The passage of SB 09-041 revised provisions regarding Private Activity Bonds C.R.S. 24-32-1700, et al, including fees DOLA may charge for running this cash funded program. The passage of SB 09-041 negates the need for this rule and therefore the rule should be repealed in its entirety.

Division of Property Taxation:

The Division of Property Taxation is created pursuant to C.R.S. 39-2-101, the head of which is the property tax administrator, which office is created by section 15 of article X of the State Constitution. The property tax administrator is authorized to adopt rules and regulations pursuant to C.R.S. 39-2-108 and C.R.S. 39-2-117(7). The Division of Property Taxation plans to evaluate the following rules during the 2015 calendar year:

8 CCR 1304-1 RULES AND REGULATIONS GOVERNING PERSONAL PROPERTY DEDUCTION, VALUATION AND DEPRECIATION OF MOBILE HOMES

These rules are long past obsolete but they are still in the Code of Colorado Regulations. The statute that gave the Property Tax Administrator the authority to promulgate them was repealed in 1982. In that same bill information on mobile homes was added to the list of topics to be covered in the Assessors' Reference Library. It is clear that this is just a cleanup measure with the only question being the appropriate way to approach it.

8 CCR 1304-2 RULES AND REGULATIONS FOR EXEMPT PROPERTIES

The primary reason to revise this rule is to conform Rule V.B.2. to a change in statutory language made in HB 14-1074. There may be other minor revisions made to a few rules but no significant substantive changes are anticipated.

The State Board of Equalization:

The State Board of Equalization is created in C.R.S. 39-9-101 and is comprised of the Governor, or his designee, the Speaker of the House of Representatives, or his designee, the President of the Senate, or his designee, and two members appointed by the Governor with the consent of the senate. The State Board of Equalization is empowered to promulgate rules and regulations as authorized in C.R.S. 39-9-103(8).

The State Board of Equalization is not a part of the Department of Local Affairs. However, personnel from the Division of Property Taxation staff the State Board of Equalization and provide support services so the Board can fulfill its functions. Therefore, in order to help promote greater transparency of its operations, the Department of Local Affairs felt it would be appropriate to include the proposed revisions to the rules promulgated by the Board in the Department's Regulatory Agenda.

8 CCR 1506-1 GENERAL RULES OF PROCEDURE AND ABSTRACT OF ASSESSMENT HEARINGS

These are the rules under which the State Board of Equalization operates. They have not been reviewed in thirty years and the Board's duties and procedures have changed during that time. Personnel from the Division of Property Taxation will assist the Board with identifying needed changes, additions and deletions, and help with the procedural steps necessary to effectuate any rule modifications.

Rules Revised During The 2014 Calendar Year

There was only one rule revision completed during the 2014 calendar year. This revision was completed by the Division of Housing (DOH). Statutory authority is granted to DOH in C.R.S. 24-32-3304, et al, for the promulgation of rules establishing standards for the installation and setup of manufactured housing.

The Division undertook the update of this rule in 8 CCR 1302-7 Resolution No. 38 – MANUFACTURED HOUSING INSTALLATION during the 2013 calendar year. The Office of Legislative Services identified a very small error within the newly proposed rules and therefore this process was continued into the 2014 calendar year. The word "address" had been inadvertently removed from the list of required information to be contained on the insignia. The word "address" was re-inserted into the sentence containing the requirements. DOH completed these rule modifications during the 2014 calendar year.

Departmental Regulatory Agendas

Department

Department of Natural Resources



COLORADO

Department of Natural Resources

Executive Director's Office
1313 Sherman Street, Room 718
Denver, CO 80203

Memorandum

To: Members of the Colorado General Assembly
From: Mike King, Executive Director
Date: November 3, 2014
Re: Departmental Regulatory Agenda

On May 17, 2012, Governor Hickenlooper signed into law [HB 12-1008](#), which amends the Colorado Administrative Procedure Act (APA) and requires rulemaking agencies to undertake certain additional methods for soliciting input on executive-branch agencies' rulemaking activities.

Annually on November 1, executive-branch agencies must file a Departmental Regulatory Agenda (DRA) containing:

- A list of new rules or amendments that the department or its divisions expect to propose in the next calendar year;
- The statutory or other basis for adoption of the proposed rules;
- The purpose of the proposed rules;
- The contemplated schedule for adoption of the rules;
- An identification and listing of persons or parties that may be affected positively or negatively by the rules; and
- A list and brief summary of all permanent and temporary rules adopted since the previous DRA was filed.

The DRA is to be filed with Legislative Council staff for distribution to committee(s) of reference, posted on the department's web site, and submitted to the Secretary of State for publication in the Colorado Register. Each department is also to present its DRA as part of its hearing and presentation pursuant to 2-7-203(2)(a)(III)(A), C.R.S.

The following comprises the Department of Natural Resources' DRA for 2014-2015 and is provided in accordance with 24-7-203(2)(a)(IV), C.R.S. As set forth below, five of DNR's divisions anticipate proposing new or amended rules in 2015, and two of DNR's divisions adopted rules since DNR filed its previous DRA on November 1, 2013. Please let me know if you have any questions.



1) Colorado Parks and Wildlife

The Colorado Parks and Wildlife (CPW) Commission is a citizen board, appointed by the Governor, which sets regulations and policies for Colorado's state parks and wildlife programs. While some annual regulations passed by the Commission contain substantive programmatic and management changes, they most often address public use of state parks and hunting and fishing restrictions, including season dates, hunting areas, bag and possession limits, licensing requirements, manner of take provisions, land use regulations, and any other special conditions or restrictions necessary to properly manage Colorado's state parks and wildlife.

The tables found below set forth CPW's anticipated regulatory hearings for 2015 as well as its regulatory summary for 2014. These rulemaking proceedings are authorized pursuant to the Parks and Wildlife Commission's authority in sections 33-1-101 to 33-6-209, C.R.S. (the "Wildlife Act"), and especially sections 33-1-104, 33-1-106, 33-1-107, 33-1-108, 33-1-121, 33-2-104, 33-2-105, 33-2-106, 33-3-104, 33-4-101, 33-4-102 and 33-5.5-102, 33-6-107, 33-6-109, 33-6-112, 33-6-113, 33-6-114, 33-6-114.5, 33-6-117, 33-6-119, 33-6-121, 33-6-124, 33-6-125, 33-6-127, 33-6-128, 33-6-130, 33-6-205, 33-6-206, 33-6-207, 33-6-208, 33-6-209, C.R.S., and in sections 33-10-101 to 33-33-113, C.R.S. (the "Parks Act"), and especially sections 33-10-106, 33-10-107, 33-10.5-107, 33-11-109, 33-12-101, 33-12-103, 33-12-103.5, 33-12-106, 33-12.5-103, 33-13-103, 33-13-104, 33-13-106, 33-13-109, 33-13-110, 33-13-111, 33-14-107, 33-14.5-107, 33-32-103 and 33-33-105 C.R.S.

A. Anticipated Regulatory Calendar, 2015

Month	Chapter	Regulatory Change*	Step	Finalized	Affected Parties
January	Chapter P-1 - Parks and Outdoor Recreation Lands	Open annually for all issues	Step 1 of 2	March, 2015	Parks users
	Chapter P-7 - Passes, Permits and Registrations	Open annually for all issues	Step 1 of 2	March, 2015	Parks users
	Chapter W-0 - General Provisions	Open annually for all issues	Step 2 of 2	January, 2015	Hunters/anglers
	Chapter W-2 - Big Game	Annual changes to sheep and goat quotas	Step 1 of 1	January, 2015	Hunters
	Chapter W-2 - Big Game	Annual changes to deer, elk, pronghorn, bear, moose, sheep, goat, and lion seasons	Step 2 of 2	January, 2015	Hunters
	Chapter W-9 - Division Properties	Open annually for all issues	Step 1 of 2	March, 2015	Hunters/anglers
March	Chapter P-1 - Parks and Outdoor Recreation Lands	Open annually for all issues	Step 2 of 2	March, 2015	Parks users
	Chapter P-7 - Passes, Permits and Registrations	Open annually for all issues	Step 2 of 2	March, 2015	Parks users
	Chapter W-2 - Big Game	Annual big game clean-up	Step 1 of 1	March, 2015	Hunters
	Chapter W-9 - Division Properties	Open annually for all issues	Step 2 of 2	March, 2015	Hunters/anglers
May	Chapter 2 - Big Game	Annual changes to deer, elk, pronghorn, bear, and moose quotas	Step 1 of 1	May, 2015	Hunters
	Chapter W-3 - Furbearers and Small Game, Except Migratory Birds	Open for annual review including all issues, except turkey	Step 1 of 2	July, 2015	Hunters
	Chapter W-5 - Small Game - Migratory Birds	Open annually for all issues	Step 1 of 2	July, 2015	Hunters
July	Chapter W-3 - Furbearers and Small Game, Except Migratory Birds	Open for annual review including all issues, except turkey	Step 2 of 2	July, 2015	Hunters

	Chapter W-5 - Small Game - Migratory Birds	Open annually for all issues	Step 2 of 2	July, 2015	Hunters
August	Chapter W-5 - Small Game - Migratory Birds	Changes to late season waterfowl package if July adoptions don't adhere to federal regulations published after July	Step 1 of 1	August, 2015	Hunters
September	Chapter W-1 - Fishing	Open annually for all issues	Step 1 of 2	November, 2015	Anglers
	Chapter W-2 - Big Game	Annual changes to lion harvest quotas	Step 1 of 1	September, 2015	Hunters
	Chapter W-2 - Big Game	Open annually for CPI adjustments to nonresident big game license fees	Step 1 of 2	November, 2015	Hunters
	Chapter W-3 - Furbearers and Small Game, Except Migratory Birds	Annual changes to turkey seasons	Step 1 of 2	November, 2015	Hunters
	Chapter W-15 - License Agents	Open annually for CPI adjustments to the sale of licenses by license agents	Step 1 of 2	November, 2015	License Agents
November	Chapter W-0 - General Provisions	Open annually for all issues	Step 1 of 2	January, 2016	Hunters/anglers
	Chapter W-1 - Fishing	Open annually for all issues	Step 2 of 2	November, 2015	Anglers
	Chapter W-2 - Big Game	Annual changes to deer, elk, pronghorn, bear, moose, sheep, goat, and lion seasons	Step 1 of 2	January, 2016	Hunters
	Chapter W-2 - Big Game	Open annually for CPI adjustments to nonresident big game license fees	Step 2 of 2	November, 2015	Hunters
	Chapter W-3 - Furbearers and Small Game, Except Migratory Birds	Annual changes to turkey seasons	Step 2 of 2	November, 2015	Hunters
	Chapter W-3 - Furbearers and Small Game, Except Migratory Birds	Annual changes to turkey quotas	Step 1 of 1	November, 2015	Hunters
	Chapter W-15 - License Agents	Open annually for CPI adjustments to the sale of licenses by license agents	Step 2 of 2	November, 2015	License Agents

B. Regulations Adopted, Nov. 2013 - Oct. 2014

Month	Chapter	Regulatory Change	Finalized
November	Chapter W-1 - Fishing (and related provisions of Chapter W-0 General Provisions)	The Commission finalized regulations in its annual review of Chapter W-1 - Fishing and related provisions of Chapter W-0 - General Provisions. Changes include the following: <ul style="list-style-type: none"> • Adding Tiger Trout and Cutbow to the game fish definitions and to the list of statewide daily bag and possession limits. • Placing harvest and terminal tackle restrictions on additional cutthroat trout conservation waters. • Removing bag and possession limits for brown trout on the Dolores River below Bradfield Bridge. • Removing bag and possession limits for yellow perch at Spinney Mountain Reservoir. • Removing bag and possession limits for walleye at Stagecoach Reservoir. 	November 14, 2013
	Chapter W-2 - Big Game (and related provisions of Chapter 15 - License Agents)	The Commission finalized statutorily-required nonresident license price adjustments associated with the Consumer Price Index (CPI), and associated license agent commission rates. In addition, the Commission raised the price of non-resident antlerless elk licenses to \$450.	November 14, 2013
	Chapter W-3 - Furbearers and Small Game, except Migratory Birds	The Commission finalized turkey regulations for the 2014 spring and fall seasons. Specific changes include: <ul style="list-style-type: none"> • Regulations opening private lands in GMUs 91 and 92 to over-the-counter spring turkey hunting. • Adding youth-only spring turkey licenses to GMUs 91, 92, 96, 101 and 102. • Adding private-land-only spring bearded turkey licenses to GMU 444. 	November 14, 2013
	Chapter W-9 - Wildlife Properties	The Commission finalized regulations permanently adopting time, place and use restrictions that had previously been administratively established by the Director on the Bayfield Lions Shooting Range in La Plata County and Sikes Ranch State Wildlife Area in Baca and Las Animas Counties.	November 14, 2013

	Chapter W-13 - Possession of Wildlife, Scientific Collecting, and Special Licenses (and related provisions of Chapter W-6 Falconry)	The Commission finalized regulations associated with a citizen petition for rule-making requesting the Commission allow exportation of raptors that did not originate from the wild within Colorado that are held in private possession under an educational permit, falconry license, or propagator's license.	November 14, 2013
	Chapter W-14 – Wildlife Rehabilitation	The Commission finalized regulations associated with a citizen petition for rule-making requesting the Commission remove the requirement that a provisional rehabilitator's sponsor be present at facility inspections if that provisional rehabilitator is a current fully licensed rehabilitator for any other species.	November 14, 2013
January	Chapter W-0 - General Provisions	The Commission finalized regulations in its annual review of Chapter W-0 - General Provisions. Changes include the following: <ul style="list-style-type: none"> • Prohibiting the use of drones (unmanned aircraft) as an aid in scouting, hunting and taking of wildlife. • Requiring any captive Cervid imported into the state to be from a herd that has been under surveillance for Chronic Wasting Disease (CWD) for a period of at least 60 months unless CPW and the Colorado Department of Agriculture otherwise agree that the associated risk is negligible. • Adding all species in the family Cervidae to the prohibited species list with the exception of those defined as alternative livestock or unregulated wildlife and those currently possessed by properly-licensed commercial parks. • Prohibiting the placing or depositing of minerals or salt for wildlife statewide. • Realigning the boundary between GMU 95 and GMU 951. • Realigning the boundary between S-49 and S-68 and changing the name of S-68 from "Cotopaxi" to "Northern Sangre De Cristos. • Realigning the boundary between S-22 and S-36 to better reflect local bighorn sheep populations. 	January 15, 2014
	Chapter 2 - Big Game	The Commission finalized regulations in its annual review of Chapter W-2 - Big Game. Changes include the following: <ul style="list-style-type: none"> • Annual changes to season dates, limited license areas and license numbers, and manner of take provisions for bighorn sheep and Rocky Mountain goat. • Annual changes to season dates, limited license areas and manner of take provisions for deer, elk, pronghorn, moose, mountain lion, and bear. • Annual changes to limited license application and drawing processes. • Creating a non-resident big game/fishing combination license. • Increasing the "Pay to Play" preference point fee for residents and non-residents to \$40 (except for resident deer and pronghorn, which are \$30). • Opening GMU S-36 (Bellows Creek) to bighorn sheep hunting for the 2014 season. • Closing the rifle hunt in mountain goat unit G1 and incorporating the G1 geographic area into the G14 archery hunt. • Adding a private-land-only (PLO) bear season in B-14 (GMUs 48, 481, 49, 56, 561, and 57). • Closing the auction and raffle license deer season on November 30, or on the last day of the latest antlered or either-sex season date in any given unit, whichever is later. • Establishing an archery white-tailed only (WTO) deer hunt in GMU 103. • Adding over-the-counter (OTC) WTO deer licenses west of I-25 and in GMU 140. • Creating youth-only antlerless deer hunts for GMUs 43, 47, and 471 (D-13). • Establishing a PLO antlered deer hunt in GMU 511 during the 4th rifle season. • Removing Game Management Unit (GMU) 142 (Pinon Canyon Maneuver Site) from hunt codes EF133L1R, DE136O1A, DM128O2M and DF128O2M. • Changing "List C" elk licenses in the San Luis Valley and the Gunnison Basin to "List B." • Creating an antlerless elk hunting subunit in GMU 20 to reduce game damage and conflicts associated with the resident elk herd. • Establishing an either-sex moose hunt in GMUs 1 and 201. • Establishing antlered and antlerless moose hunts in GMUs 15 and 27. 	January 15, 2014
	Chapter W-16 - Procedural Rules for the Wildlife Commission	The Commission finalized regulations in its annual review of Chapter W-16 - Procedural Rules extending authority to the Director to take emergency administrative actions in the event of a natural disaster that displaces persons from their homes or closes areas to public access and results in a time critical demand for use of park resources or a complete (or near complete) loss of hunting opportunity, such as extending parks stay length limits, issuing license refunds, exchanging licenses, issuing vouchers or reinstating preference points.	January 10, 2013

March	Chapter P-7 – Passes, Permits and Registrations	The Commission finalized regulations in its annual review of Chapter P-7 - Passes, Permits and Registrations. Changes include the following: <ul style="list-style-type: none"> • Allowing reduction of fees for state park facilities to maximize revenue, including reducing fees for facility rentals during off-peak use periods at the discretion of the Regional Manager • Clarifying residency regulations associated with the Aspen Leaf Lifetime card, including, but not limited to, clarifying that one must be a resident to continue to use the Aspen Leaf Lifetime card • Annual update to qualification guidelines for Centennial (low income) Pass based on federal poverty guidelines. 	March 6, 2014
	Chapter W-2 - Big Game	The Commission finalized administrative clean-up changes to Chapter W-2 - Big Game regulations. These regulations also broaden available season dates for 'Dream Hunt' license for youth with life-threatening illnesses.	March 6, 2014
	Chapter W-9 - Division Properties (and related provisions of Chapter W-1 - Fishing)	The Commission finalized regulations in its annual review of Chapter W-9 - Division Properties and related provisions of Chapter W-1 - Fishing. Issues incorporated into the final regulations include, but are not limited to, the following: <ul style="list-style-type: none"> • Modifying regulations associated with blinds and tree stands to be erected on state wildlife areas (SWAs), including prohibiting the placement of blinds earlier than 30 days prior to a big game or waterfowl hunting season • Correction and clarification of use regulations for fishing and hunting lease properties in Jackson County, including the Brownlee, Brownlee II, Manville, Murphy, Odd Fellows, Verner, Diamond J and Richard SWAs • Establishing property-specific use regulations on the newly-acquired Colorow SWA • Allowing hunters with limited GMU 030 spring turkey licenses access to Skipper's Island of the Horsethief Canyon SWA • Opening the Mount Ouray SWA, south of Chaffee County Rd. 160, to public access and modifying legal methods of take, including, but not limited to, allowing the use of muzzleloaders. • Allowing the discharge of shotguns and muzzleloaders on a portion of the Mount Shavano SWA open to public access • Renaming the Wilbur Unit of the Oak Ridge SWA to the Jon Wangnild Unit of the Oak Ridge SWA • Allowing dogs on leash on the paved Riverfront Trail within the Walker State Wildlife Area • Enrolling the Sikes Ranch STL into the CPW Public Access Program with applicable restrictions • Changing the name of the Sand Creek STL in Chaffee Co. to the Sand Creek Central STL • Enrolling the Burchfield STL into the CPW Public Access Program with applicable restrictions • Enrolling Prospect STL into the CPW Public Access Program with applicable restrictions 	March 6, 2014
	Chapter 15 - License Agents	The Commission finalized administrative changes to Chapter W-15 - License Agents regulations to correct license prices set forth in the agent commission rate table.	March 6, 2014
May	Chapter W-2 - Big Game	The Commission finalized regulations approving the 2014 limited license numbers for deer, elk, pronghorn, bear and moose for all Game Management Units in the state that have limited licenses for these species. The Commission also finalized regulations relevant to the 'Landowner Voucher Program', including, but not limited to, implementing Senate Bill 13-188 and the recommendations of CPW's 'Landowner Voucher Program Review Committee'.	May 8, 2014
	Chapter W-9 - Division Properties	The Commission finalized regulations of Chapter W-9 - Division Properties, as follows: <ul style="list-style-type: none"> • Adopting property-specific regulations on the newly-acquired Urad Lake SWA in Clear Creek County to provide public wildlife recreation opportunities while preserving and enhancing the property's wildlife values. • Incorporation of the youth mentor portion of Atwood STL into the Overland Trail SWA system. • Modification of the closing date of Ford Bridge STL to end of February to comply with terms of its lease agreement. • Extension of the open period of Poudre River STL to May 15 to accommodate spring turkey hunting opportunities. 	May 8, 2014
	Chapter W-11 - Wildlife Parks and Unregulated Wildlife	The Commission finalized regulations of Chapter W-11 - Wildlife Parks and Unregulated Wildlife clarifying exemptions from Parks and Wildlife Commission regulations and license requirements, including, but not limited to, license exemption for scientific collections permits, zoo accredited by the AZA, and certain activities licensed by the U.S. Department of Agriculture.	May 8, 2014
	Chapter P-3 - River Outfitters	The Commission passed an emergency regulation establishing automobile insurance requirements for River Outfitters transporting clients to and from river trips.	May 8, 2014

July	Chapter P-3 - River Outfitters	The Commission finalized regulations establishing automobile insurance requirements for River Outfitters transporting clients to and from river trips. These changes include a floor change made by Tim Monahan adding language to the Basis and Purpose indicating these regulations provide reasonable protection to the members of the general public.	July 11, 2014
	Chapter W-0 - General Provisions	The Commission finalized regulations consolidating the management of invasive terrestrial wildlife species, including feral hogs, Eurasian collared-doves, European starlings and English or house sparrows, into one category instead of treating them separately or disparately throughout Parks and Wildlife Commission regulations. These changes include a floor change made by Tim Monahan retaining an "in" under section #002.k.2.	July 11, 2014
	Chapter W-3 - Furbearers and Small Game, Except Migratory Birds	The Commission finalized regulations in its annual review of Chapter W-3- Furbearers and Small Game, including 2014-2015 season dates.	July 11, 2014
	Chapter W-5 - Small Game and Migratory Game Birds (and related provisions of Chapter W-9 - Wildlife Properties)	The Commission finalized regulations setting 2014-2015 migratory bird hunting dates and bag limits. Significant changes included: <ul style="list-style-type: none"> • Removing or modifying access and use restriction on Attwood State Wildlife Area (SWA), Brush SWA, Jean K Tool SWA, Red Lion SWA, and Jackson Lake SWA during duck season after completion of the Blue Ribbon Panel study. • Changing regulations to allow more hunting opportunities for the Union Tract of Elliot SWA, Brush Prairie Ponds SWA, and Andrick Ponds SWA. • Allowing additional hunting opportunities on the North and South Hamlin Tracts of Elliott SWA. • Closing Frank SWA north of the Poudre River in order for fee title landowners to safely conduct mining operations on that portion of the property. • Establishing a premier lottery reservation hunt on Tamarack Ranch SWA. • Modifications of State Trust Lands parcels to ensure compliance with lease provisions. 	July 11, 2014
	Chapter W-6 - Falconry	The Commission passed final regulations requiring only one falconer to record take of an individual raptor against his/her annual wild take quota and modifying reporting requirements for raptor caretaking by another person.	July 11, 2014
August	Chapter W-5 - Small Game and Migratory Game Birds	The Commission passed emergency regulations and finalized them to establish annual changes to 2014 waterfowl and migratory bird hunting seasons and related provisions in order to comply with federal regulations.	August 8, 2014
September	Chapter P-2 - Boating	The Commission finalized regulations including administrative clean ups in accordance with Executive Order D 2012-002 ("Regulatory Efficiency Reviews").	September 11, 2014
	Chapter P-3 - River Outfitters	The Commission finalized regulations including administrative clean ups in accordance with Executive Order D 2012-002 ("Regulatory Efficiency Reviews").	September 11, 2014
	Chapter W-2 - Big Game	The Commission finalized 2014-2015 Mountain Lion harvest limit quotas, as recommended by staff. The Commission also finalized the implementation of the 2015-2019 Big Game Season Structure, including the following: <ul style="list-style-type: none"> • Changes to limited license application and drawing processes. • Changes to increase youth hunting preference. 	September 11, 2014

2) Division of Water Resources

A. Anticipated Regulatory Calendar, 2015

i. Water Well Construction Rules

The Division of Water Resources (DWR) anticipates adopting amendments to 2 CCR 402-2, its rules for water well construction, pump installation, and monitoring and for construction of observation holes/wells pursuant to Sections 37-91-104(1)(c), (j) and (k), 37-91-106(4) and 37-91-110(2), C.R.S. The purpose of these rule amendments are to protect the state's ground water supplies and provide public safety by setting standards and requirements for the construction and repair of wells, test holes, dewatering wells, and monitoring and observation holes/wells; well plugging, sealing, and abandonment; and pump installation, cistern installation and

repair. Rule amendments will affect water well users throughout the state, well constructors, water resource engineers, hydrogeologists and pump installers. DWR is currently seeking stakeholder input via public meetings, public comment, and direct discussions with stakeholders. Preliminary input indicates that changes may be warranted for rules concerning casing and grouting, dewatering wells, pump installation, well testing, monitoring/observation hole/wells, geotechnical test holes, and disinfection and abandonment of wells. DWR anticipates publishing draft rules in May 2015 and adopting final rules in July 2015.

ii. State Engineer Procedural Rules

DWR anticipates adopting amendments to its procedural rules, 2 CCR 402-5, pursuant to authority granted in the Water Right Determination and Administration Act, 37-92-101 et seq., C.R.S. and the Ground Water Management Act, sections 37-90-101 et seq., C.R.S. These regulations govern all procedures and hearings before the State Engineer except when acting pursuant to the authority delegated by the Colorado Ground Water Commission or the State Board of Examiners of Water Well and Pump Installation Contractors. The rules are intended to assure that all hearings held before the State Engineer are conducted in a fair and impartial manner, to assure that all parties to the proceedings are accorded due process of law, and to provide the state engineer with all relevant facts and information pertinent to decision making. These rules have not been updated since their adoption in 1984 and revisions appear necessary to include clarification of authority to cover certain hearing types pursuant to rules and regulations adopted since promulgation of these rules. Further, inclusion of provisions for alternative dispute resolution and use of Water Court Rule 11 procedures (meetings of experts) will likely be proposed. Ground water users throughout the state (except in designated basins), water attorneys, and water resource engineers could be affected by the proposed amendments. DWR anticipates circulating an initial draft of amendments to water users and attorneys in December 2014, publishing draft rules in March/April 2015, and adopting final rules in May/June 2015.

iii. Fee Rules and Regulations

DWR anticipates adopting amendments to its fee rules concerning the water data bank cash fund, the publication cash fund, and the satellite monitoring system cash fund, pursuant to authority in Sections 37-80-111.5, 37-80-102(1)(h), 24-72-205 and 24-4-103, C.R.S. The purpose of these rule amendments will be to set fees collected by the state engineer for data generated, collected, compiled; for the sale of publications; and for the use of the satellite monitoring system. An amendment is necessary because the rules have not been updated since 1994 and costs have significantly changed. In addition, technological advancements have occurred in the last 20 years in the way data is collected, retrieved and made available to the public, requiring further update and clarification of the rules. These rule amendments could affect water users who require data and information concerning water rights and use throughout the state, water attorneys, and water resource engineers and firms. DWR anticipates completing a draft of the proposed rules in April 2015, circulating that draft among stakeholders for comment and discussion during May/June 2015, redrafting and publishing proposed amendments in August 2015, and adopting final rules in September 2015.

iv. Republican River Basin Well-Metering Rules

DWR anticipates amending its rules governing the measurement of ground water diversions in the Republican River Basin, 2 CCR 402-16, pursuant to 37-90-102(1)(g), 37-80-104 and 24-4-101, et seq., C.R.S. The purpose of such amendments is to obtain information for the administration of water rights in the Republican River Basin and to assist in compliance with the Republican River Compact. The proposed amendments will include new geographical boundaries for required compliance with the rules to include all wells within the Compact's administrative ground water model domain. Proposed rule amendments will be published in November 2014, and final action is anticipated on December 16, 2014. Note that these rule amendments were included in DNR's 2014 DRA and are included here because final adoption is anticipated to take place in the reporting year covered by this DRA.

v. Rio Grande Basin Groundwater and Irrigation Rules

DWR anticipates proposing amendments applicable to the Rio Grande Basin concerning withdrawal of groundwater and establishing criteria for the beginning and end of the irrigation season, pursuant to authority in Sections 37-80-104 and 37-92-501, C.R.S. These rule amendments will allow groundwater use while protecting senior surface water rights and the Rio Grande Compact, while also regulating the Confined and Unconfined Aquifers so as to maintain a Sustainable Water Supply in each aquifer system, and establish criteria for the beginning and ending of the Irrigation Season for all irrigation water rights, pursuant to section 37-92-501(4)(b)(II), C.R.S. These rules could affect surface and ground water users in Rio Grande Basin, water resource engineers, hydrologists, water lawyers, ground water modelers. In 2009, the division convened a Special Advisory Committee to work on these rules, which included municipalities, local governments, county governments, state agencies, conservation and irrigation districts, conservancy districts, individual water users, and water-user associations. The final rule package is very near to completion, and will likely be filed in December 2014. The new rules were included in the 2014 regulatory agenda for the Department, and they are included again here to ensure continued notice/compliance due to their promulgation late in the calendar year.

vi. Arkansas River Rules on post-1985 depletions

DWR anticipates proposing new rules for the Arkansas River Basin, pursuant to authority in 37-80-104 and 37-92-501, C.R.S., to facilitate new appropriations, enlarge uses of pre-existing appropriations, and provide opportunities to “re-irrigate” land that would otherwise be subject to permanent dry-up by creating an administrative approval process for these depletions.

Litigation between Kansas and Colorado, initiated in 1985, led to negotiations with Kansas in which Colorado negotiated away the authority to include post-1985 depletions in Rule 14 Plans. Thus, only pre-1986 depletions may be included in such plans, and only depletions associated with Rule 14 Plans receive the presumptive depletion factors and usability discount. See Kansas v. Colorado, Fifth and Final Report of the Special Master, Vol. II, Appendices A.3, J.2 (Jan. 2008). Currently, replacement of these depletions can only receive temporary approval as part of a substitute water supply plan pursuant to a pending application in water court for an augmentation plan, or permanent approval as part of a court-approved augmentation plan. See 37-92-308, C.R.S. Compared to the process for replacing depletions pursuant to a Rule 14 Plan, this process is significantly more lengthy and costly, and also provides significantly less long-term flexibility than Rule 14 Plans, which can better account for the fluctuating availability of replacement sources of water. The re-irrigation plans contemplated in this rulemaking would provide some of the same benefits to water users in the basin that existing Rule 14 Plans provide, by reducing initial costs and offering greater flexibility with respect to replacement sources.

Initial public meetings were held in August 2014, and further meetings are scheduled for mid-November 2014. DWR expects to circulate preliminary draft rules to stakeholders and obtain feedback from an advisory committee in late January 2015. Further public meetings will be held in spring and summer of 2015, with a formal rulemaking hearing in November/December 2015.

B. Regulations Adopted, Nov. 2013 - Oct. 2014

DWR did not adopt any permanent or temporary rules since the previous DRA was filed on November 1, 2013.

3. Division of Reclamation, Mining, and Safety

A. Anticipated Regulatory Calendar, 2015

i. Coal Mine Rules

The Division of Reclamation, Mining and Safety (DRMS) anticipates proposing adoption of changes and corrections to its coal-mining rules, pursuant to rulemaking authority under the Colorado Surface Coal Mining Reclamation Act, 34-33-108(1), C.R.S. These rule amendments will clarify existing rules and correct typographical errors; be no less effective than and conform to the federal counterpart regulations at 30 CFR Part 700; and conform to requirements set forth by the Director of the U.S. Department of the Interior Office of Surface Mining (OSM) that arose out of deficiencies identified by OSM in its ongoing review of the MLRB coal-mining rules.¹ Failure to adopt these rule amendments could result in OSM substituting direct federal enforcement on all or part of DRMS's approved regulatory program for coal mining activities, as outlined in 30 C.F.R. §§ 732.17, 733.12 and 733.13.

The changes that DRMS anticipates proposing include minor edits and corrections to errors and omissions, as well as substantive amendments and revisions to several sections of the rules that address: protection of the hydrologic balance; subsidence; valid existing rights determinations to mine lands designated unsuitable for mining; roads; coal exploration; technical revisions to permits; performance bonds; blasting; backfilling and grading; re-vegetation; petitions to designate lands unsuitable for coal mining; permit application review; permit eligibility; application information; applicant, operator, and permittee information; automated information entry and maintenance; permit suspension and rescission; ownership and control findings; challenge procedures; transfer, assignment, or sale of permit rights; and, alternative enforcement.

DRMS submitted the proposed rules to the OSM for informal review on March 30, 2009, March 12, 2010, and February 28, 2011. Comments from and revisions required by OSM have been incorporated into the rules that DRMS will propose. DRMS received a letter from OSM on May 16, 2013 that identified additional minor omissions in the proposed rules and, on July 19, 2013, DRMS provided OSM with revised proposed rules that responded to these concerns. DRMS received another deficiency letter from the OSM on February 27, 2014, followed by a revised DRMS submittal to the OSM dated March 17, 2014. DRMS received a last deficiency note from the OSM on May 13, 2014, and DRMS responded with a revised submittal on the same day. The OSM informally approved the DRMS package on May 22, 2014. The pending Program Amendment was resubmitted to the OSM as a Formal Program Amendment on October 1, 2014.

DRMS held two public meetings to discuss the proposed rule revisions and has received written comments from the Colorado Mining Association and others. In addition to members of the mining industry, other impacted groups include interested citizens, environmental groups, and local jurisdictions in which coal mines are located. DRMS will notify stakeholders regarding the re-submittal of the proposed rules to OSM for a final formal review, once that occurs. Upon receiving approval from OSM to move forward, DRMS will initiate the state rulemaking process which will include additional stakeholder outreach.

¹ The affected rules are 2 CCR 407-2, as well as the Rules and Regulations of the Colorado Mined Land Reclamation Board for Coal Mining, including Rules 1.03.2; 1.04; 1.07 through 1.15; 2.01.3; 2.02.2; 2.02.3; 2.02.4; 2.02.5; 2.03.3; 2.03.4; 2.03.5; 2.03.7; 2.04.5; 2.04.6; 2.04.12; 2.04.13; 2.05.3; 2.05.4; 2.05.6; 2.06.8; 2.07.1; 2.07.3; 2.07.4; 2.07.6; 2.07.7; 2.07.8; 2.07.9; 2.07.10; 2.08.4; 2.08.5; 2.08.6; 2.11; 2.11.1; 2.11.2; 2.11.3; 2.11.4; 3.03.2; 4.03.1; 4.03.2; 4.03.3; 4.05.3; 4.05.9; 4.05.13; 4.05.15; 4.06.4; 4.07.3; 4.08.1; 4.08.2; 4.08.4; 4.08.5; 4.09.1; 4.09.3; 4.10.2; 4.10.4; 4.11.3; 4.11.5; 4.14.2; 4.14.4; 4.14.5; 4.15.1; 4.15.7; 4.15.8; 4.15.9; 4.15.11; 4.16.3; 4.17; 4.18; 4.20.1; 4.20.3; 4.20.4; 4.22.4; 4.25.2; 4.25.3; 4.25.5; 4.30.1; 5.02.2; 5.03.2; 5.03.5; 5.04; 5.04.3; 5.04.7; 5.04.8; 5.05.1; 5.06; 5.06.1; 5.06.2; 5.06.3; 5.06.4; 6.01.1; 6.01.3; 6.04; 7.06.2; and 7.06.3.

ii. Limited Impact Mining Operations

DRMS anticipates proposing amendments to its hard-rock mining rules, 2 CCR 407-1, to implement the provisions of SB 14-076 by creating a new category of Limited Impact Permits for mining operations that impact 5 acres or less of surface area, pursuant to 34-32-106(1)(c) and 108(1), C.R.S. This new class of permit (a “110(1) permit”) will allow small miners to legally proceed with mining operations under the appropriate level of technical review and scrutiny, and it will create an opportunity to legally mine for small scale operators who presently consider the larger 110(2) permit too expensive. The five-acre Limited Impact Permit will require public notice and opportunity for public involvement, proof of legal right of entry, annual reports and progress of reclamation, and a sufficient financial warranty. These rules could affect the mining industry (gold panning clubs, prospectors, small scale operators), surface owners, and environmental groups. DRMS will initiate public meetings with stakeholders in November 2014. DRMS anticipates commencement of the rulemaking proceeding in the first quarter of 2015, with completion expected in the second quarter of 2015.

B. Regulations Adopted, Nov. 2013 - Oct. 2014

DRMS did not adopt any permanent or temporary rules since the previous DRA was filed on November 1, 2013.

4. Colorado Oil and Gas Conservation Commission

The Colorado Oil and Gas Conservation Commission (COGCC) has statutory authority to conduct rulemaking pursuant to § 34-60-105, C.R.S. and has specific authority to promulgate the rules discussed below pursuant to § 34-60-106(2)(d), C.R.S.

A. Anticipated Regulatory Calendar, 2015

i. FloodPlain Best Practices

The Commission anticipates considering amendments to the 300 Series Rules (Drilling, Development, Production, and Abandonment), 600 Series Rules (Safety Regulations), 900 Series Rules (E&P Waste Management), and 1200 Series Rules (Protection of Wildlife Resources) to implement rule changes recommended in the COGCC Staff Report, “Lessons Learned’ in the Front Range Flood of September 2013.” The scope of proposed rule changes will be developed through stakeholder meetings prior to commencement of formal rulemaking. In addition to rules related to recommendations in the staff’s “Lessons Learned” report, the Commission may consider new rules to require subsurface shut-off valves at multi-well pads in or near urban areas, and requirements under the Underground Injection Control well program for using diesel fuels during hydraulic fracture stimulation. A rulemaking on floodplain practices could impact mineral owners, surface owners, local governments, environmental groups, and industry to varying degrees. The COGCC anticipates this rulemaking hearing would commence in the first quarter of 2015.

ii. Regulatory changes proposed by the Governor’s Task Force on State and Local Control of Oil and Gas Operations

The COGCC will timely consider any recommendations for policy or regulatory changes made by the Governor’s Task Force on State and Local Control of Oil and Gas Operations. The Governor’s Task Force is scheduled to meet between September 2014 and February 27, 2015. Should such recommendations come forth from the Task Force, the COGCC will commence rulemaking to consider whether and how to implement them.

iii. Horizontal Offset Well Analysis for the Denver-Julesburg Basin

The COGCC anticipates considering amendments to the 300 Series Rules (Drilling, Development, Production, and Abandonment) to adopt the DJ Basin Horizontal Offset Policy as a rule for the Denver-Julesburg

Basin. The DJ Basin Horizontal Offset Policy was adopted on June 20, 2013 and revised December 17, 2013. This policy was adopted to address the potential for communication between new horizontal wells and nearby, existing offset wells during hydraulic fracture stimulation of the horizontal well. This rulemaking would align COGCC rules with the DJ Basin Horizontal Offset Policy. A rulemaking to codify the DJ Basin Horizontal Offset Policy in rule could impact mineral owners, surface owners, environmental groups, and industry to varying degrees. The COGCC anticipates that such a rulemaking hearing would commence in the second quarter of 2015.

iv. 900-Series Update

The COGCC anticipates considering amendments to the 900 Series Rules (Exploration and Production Waste Management) to address flaring, the use of unlined skim pits, and a review of the Table 910-1 standards, specifically the standards for Arsenic. A rulemaking on exploration and production waste management could impact individuals, surface owners, environmental groups, and industry to varying degrees. The COGCC anticipates that such a rulemaking hearing would commence in the third quarter of 2015.

v. Noise

The COGCC may consider amendments to the 800 Series Rules (Aesthetic and Noise Control Regulations) to include maximum permissible noise levels on the db(C) scale. Rule 802.d currently requires an operator to obtain a low frequency noise impact analysis by a qualified sound expert, including identification of any reasonable control measures to mitigate such low frequency noise impact. However, the current Rule does not explicitly establish a maximum for permissible noise levels. A rulemaking on noise levels could impact individuals, surface owners, community organizations, environmental groups, and industry to varying degrees. The Commission is currently engaging with noise consultants on the issue and anticipates that it may propose rule amendments in the fourth quarter of 2015.

vi. Wildlife Map Rulemaking - Greater Sage Grouse

The COGCC, in conjunction with Colorado Parks and Wildlife (CPW), anticipates proposing updates to maps showing, and spatial data identifying, the individual and combined extents of restricted surface occupancy areas and sensitive wildlife habitat areas for greater sage-grouse. This map update follows a 2013 rulemaking that updated maps identifying habitat areas for other wildlife species in Colorado; those updated maps became effective on September 30, 2013. A rulemaking to update Greater Sage Grouse maps could impact individuals, surface owners, royalty owners, environmental groups, sportsmen, and industry to varying degrees. The COGCC will commence this rulemaking promptly after CPW finalizes updates to the greater sage-grouse habitat maps.

B. Regulations Adopted, Nov. 2013 - Oct. 2014

i. "Clean-Up Rulemaking"

On January 19, 2012, Executive Order D 2012-002 ("Executive Order") directed Colorado's regulatory agencies to periodically review their rules for regulatory efficiency, to assess the continuing need for, appropriateness, and cost effectiveness of their rules, and to determine whether rules should be maintained, modified, or repealed. The Commission's "Clean-up Rulemaking" was part of its Executive Order review, and was designed to make Commission Rules easier to understand and more consistent and efficient. The changes adopted were largely non-substantive, and included correcting cross-references and typographical errors, removing unnecessary language, and improving readability. Changes to Commission rules approved during the "Clean-Up Rulemaking" took effect on September 30, 2014.

ii. Penalty and Enforcement Rulemaking

The COGCC is currently engaged in a rulemaking to implement House Bill 14-1356, which amended the penalty provisions of the Colorado Oil and Gas Conservation Act. This "Penalty and Enforcement Rulemaking" also

will modify existing Commission rules to implement recommendations proposed in the Commission's "Enforcement and Penalty Policy Review under Executive Order D 2013-004," issued December 10, 2013. Finally, amendments to clarify specific requirements in several rules have been proposed to make the rules easier to understand, consistent with Executive Order D 2012-002. The COGCC staff has held three stakeholder meetings on this topic, and formal rulemaking proceedings are scheduled for the December 15-16, 2014 Commission Hearings.

5. State Land Board

A. Anticipated Regulatory Calendar, 2015

The State Land Board (SLB) anticipates conducting a rulemaking to rescind its rules regarding the management of the Stewardship Trust, 2 CCR 409-2. Upon review by the SLB staff, it was determined that these rules are unnecessary and inconsistent with the existing Stewardship Trust statute. In addition, the SLB Commissioners believe that their management objectives for the Stewardship trust can be handled more effectively with the newly adopted Stewardship Trust policy (Board Policy 400-1) rather than by formal rule. A rulemaking to rescind rules regarding management of the Stewardship Trust is not expected to impact stakeholders or the public, since the substance of the rules are contained in current Board Policy 400-1. The SLB anticipates that this rulemaking will occur in January 2015.

B. Regulations Adopted, Nov. 2013 - Oct. 2014

The SLB did not adopt any permanent or temporary rules since the previous DRA was filed on November 1, 2013.

Departmental Regulatory Agendas

Department

Department of Personnel and Administration



COLORADO

Department of Personnel
& Administration

1525 Sherman St.
Denver, CO 80203

Department of Regulatory Agencies
1560 Broadway
Denver, CO 80202

Re: Pits & Peeves Report
Nov. 1, 2014

Executive Summary:

Pursuant to §24-4-103.3, C.R.S. the Department of Personnel & Administration (DPA) reports that from January 1, 2014 through October 31, 2014 it conducted a thorough review of all 1,935 rules under its authority and made recommendations to modify and/or repeal outdated or unnecessary rules to help alleviate burdensome or unnecessary regulations.

Since 2012: DPA began its Pits & Peeves initiative following the issuance of Executive Order D 2012-002. Since its first review under this Executive Order DPA has modified 362 rules and repealed 122 rules. The Department also has repeatedly reviewed and updated its rule count of total rules under its authority. The 2014 total rule count represents an updated and more consistent count of rules between divisions.

In 2014: The Department completed a thorough review of all 1,935 rules under its authority, earmarking 154 rules for modification and 201 for repeal in the upcoming year (see *Appendix A*). This review was conducted under the standards outlined in DPA's 2014 Regulatory Plan (see *Appendix B*).

Rulemaking highlights in 2014 included modifying general services procedural rules for the Office of Administrative Courts and modifying the rules governing the transfer of the Address Confidentiality Program from the Secretary of State's Office to DPA.

In 2015: Rulemaking activity (see *Appendix C - Regulatory Agenda*) will focus on system efficiency changes and simplification of rules that affect customers of the Division of Central Services and the Office of Administrative Courts. This Regulatory Agenda is required pursuant to the "SMART Act" (§24-4-102 et seq., C.R.S.).

Long-Term Goals: The Department intends to continue its review of rules and make the associated appropriate changes consistent with the intent of §24-4-103.3, C.R.S. at a rate of approximately 33 percent of the rules under its authority each year between now and 2016. Achieving this task will result in comprehensive rule review within four years or less of the project start.



DPA Organizational Overview:

In 2014 the Division of Finance and Procurement was consolidated under the Office of the State Controller. The Department of Personnel & Administration now oversees the following division structure:

Division of Human Resources

- Compensation
- Benefits
- Risk Management
- Training and Development

Division of Central Services

- Address Confidentiality Program
- Capitol Complex
- Integrated Document Solutions
- Fleet Management

Statewide Programs

- Office of Administrative Courts
- Office of the State Architect
- State Archives
- Colorado State Employee Assistance Program (C-SEAP)

Office of the State Controller

- Central Payroll
- FAST Team
- Central Contracts
- State Purchasing Office
- Central Collection Services
- eProcurement/CORE

State Personnel Board¹

¹ The State Personnel Board is a constitutionally created board, independent of the Department of Personnel & Administration. DPA provides administrative support for the Board and works collaboratively with it on matters that intersect with the Division of Human Resources.



Regulatory Review:

Regulatory Plan and Review Results: The Department's Regulatory Plan began with the issuance of Executive Order D 2012-002. In 2012 the Department undertook a general review of its entire body of rules. In 2014 the Department completed a thorough review of all 1,935 rules under its authority, earmarking 154 rules for modification and 201 for repeal (see *Appendix A*). In 2014 the Department also outlined a more robust regulatory plan (*Appendix B*) and intends to continue its review of rules and make the associated appropriate changes consistent with the intent of §24-4-103.3, C.R.S. at a rate of approximately one-third of the rules under its authority each year between now and 2016. Achieving this benchmark will result in comprehensive rule review within four years or less.

Review Standards: Rules were reviewed by the Department using the standards set forth in the Department of Regulatory Agencies' guidance as detailed in *Appendix B*. Review standards have been made more robust in 2014, and the accounting of rules within various DPA divisions have been re-analyzed in order to create a more consistent and accurate report. As a result, DPA now reports that it oversees 1,935 individual rules (up from last year's report of 1,446 reported in last year's *Pits & Peeves* report).

Category of Rule to be Reviewed by Year: Looking forward, the Department will analyze rules according to an annual schedule that touches approximately one-third of the rules under the Department's authority each year from now through 2016. In 2014, rules primarily affecting administrative court and address confidentiality were addressed in the last year.

In 2015 the Department anticipates conducting rulemaking that primarily streamlines and addresses authority in the Division of Central Services, repealing two outdated rules concerning authority that has been transferred to outside agencies, and repealing unnecessary rules governing risk management.

The Department does not undergo sunset reviews that will interrupt the progress of this schedule.

Jurisdiction/Authority of Rulemaking Body: The Department operates primarily under the authority of Title 24 of the Colorado Revised Statutes. As part of its annual review process, the Department cross-reviewed its authorities both from the statutes looking toward rulemaking authority, as well as from the existing rule and linking it back to the enabling statute.

2014 Actions Taken: Changes in civil procedures occasioned by the Colorado Supreme Court required DPA to update general services procedural rules in the Office of Administrative Courts. Colorado State Archives codified new practices in applying rates to users that reduced the number of rates charged from in excess of 30 down to 11 different rate categories. The Address Confidentiality Program rules were modified in order to accommodate the transfer of the program from the Secretary of State to DPA and update the rules for recent changes to the program.

Actions Pending and 2015 Regulatory Agenda: The Department's 2015 regulatory agenda was filed with legislative council and posted to the Department's website on Nov. 1, 2014, in compliance with §24-4-102 et seq., C.R.S. The Department anticipates it will conduct a minimum of five rulemakings



throughout the year - some to clarify existing rules, some to address structural changes to the Department's operations driven by new legislation, and some to repeal obsolete rules. The Department's full 2015 regulatory agenda is attached (see *Appendix C*).

At the writing of this report the Department currently has one rulemaking in process to modify Division of Human Resources rules as they pertain to the Family Care Act.

Regulatory Priorities for DPA in 2015:

- Modify rules governing implementation of e-Filing for worker's compensation cases before the Office of Administrative Courts;
- Modify Central Services rules governing waivers and parking for state facilities;
- Repeal rules governing Risk Management in the Division of Human Resources;
- Repeal rules governing Electronic Signatures, which are no longer under DPA's statutory authority;
- Repeal rules governing the Public Safety Communications Trust Fund, which are no longer under DPA's statutory authority;
- Repeal Travel Management rules currently under the Division of Central Services and determine if they should be re-promulgated under the Office of the State Controller.



Appendix A

Review Summary by Division



2014 Department of Personnel & Administration Rule Review

CCR	Title	Sections	Rules	Modify?	Repeal?	Next Planned Review
1 CCR 101-1	Fiscal Rules	43	77	0	0	2015
1 CCR 101-6	Accounts Receivable Collections	7	24	15	0	2016
1 CCR 101-9	Procurement Rules	144	356	0	0	2015
1 CCR 1-2-1	Leasing Real Property on Behalf of State Government	2	4	0	0	2015
1 CCR 103-1	Division of Central Services Rules	104	228	0	55	2016
1 CCR 103-2	Capitol Complex Parking Rules	12	53	29	2	2016
1 CCR 103-3	State Capitol Building Group Grounds Permit Regulations	12	53	0	0	2016
1 CCR 103-4	State Use of Colorado Convention Center Display Space	7	27	0	0	2016
1 CCR 103-5	Leasing Rules for Capitol Complex Tenants	11	26	0	0	2016
1 CCR 103-6	Address Confidentiality Program Rules	13	36	0	0	2016
1 CCR 105-1	Rules for the Risk Management Division of Department of Administration	7	83	0	72	2016
1 CCR 105-2*	<i>Rules and Regulations of the State Claims Board*</i>	3	15	0	0	2016
1 CCR 104-1	Procedural Rules (Office of Administrative Courts)	28	64	65	0	2015
1 CCR 104-2	Judicial Conduct for Administrative Law Judges	5	18	0	0	2015
1 CCR 104-3	Procedural Rules for Workers Compensation Hearings	28	77	31	4	2015
1 CCR 109-1	Cost Accounting for Public Works Project	4	8	0	0	2015
1 CCR 109-2	State Archives Administrative Rule	2	6	0	0	2015
1 CCR 110-1	Public Safety Communications Trust Fund	3	15	0	15	N/A***
1 CCR 111-1	Colorado Rules Regarding the Use of Electronic Signatures in Governmental Transactions	6	53	0	53	N/A***
4 CCR 801-1	Personnel Director's Administrative Procedures	11	547	2	0	2015-2018****
4 CCR 801-1**	<i>Personnel Board Rules**</i>	7	165	12	0	2015
Total		459	1935	154	201	

* Rules adopted by the State Claims Board independent from the authority of DPA.

** 4 CCR 801-1 Includes rules adopted by the State Personnel Board independent from the authority of DPA.

*** DPA is considering full repeal of the rules, and if repealed, no future review will be required.

**** DPA plans to review several sections of the rules each year between 2015 and 2018.

2014 DPA Rule Review -- 1 CCR 101-1 Fiscal Rules

Rule Name	Section	Rule	Last reviewed	Last modification effective date	Next planned regular review	2014 Review: Recommend to modify?	2014 Review: Recommend to repeal?
Accounting Principles and Standards	1-1	1-1	2012	9/1/1995	10/1/2015		
Use of the State Financial System	1-2	1-2	2012	7/1/2003	10/1/2015		
Access to the State Financial System	1-3	1-3	2012	7/1/2003	10/1/2015		
Automated Interfaces with the State Financial System	1-4	1-4	2012	7/1/2003	10/1/2015		
State Financial System Security	1-5	1-5	2012	9/1/1995	10/1/2015		
State agency or institution of higher education Accounting Systems	1-6	1-6	2012	9/1/1995	10/1/2015		
Delegated Signature Authority	1-7	1-7	2012	9/1/1995	10/1/2015		
Pre-Audit Responsibility for Accounting Documents and Financial Transactions	1-8	1-8	2012	9/1/1995	10/1/2015		
Reporting Theft or Embezzlement	1-9	1-9	2012	7/1/2006	10/1/2015		
Accountability and Capitalization of Equipment	1-10	1-10	2012	9/1/1996	10/1/2015		
Propriety of Expenditures	2-1	2-1	2012	9/1/1995	10/1/2015		

Commitment Vouchers	2-2						10/1/2015		
Authorities			1	2012		1/1/2009	10/1/2015		
Definitions			2	2012		1/1/2009	10/1/2015		
Rule			3	2012		1/1/2009	10/1/2015		
Dollar Limits and Requirements			4	2012		1/1/2009	10/1/2015		
State Purchase Orders			5	2012		1/1/2009	10/1/2015		
State Contracts			6	2012		1/1/2009	10/1/2015		
Statutory Violations			7	2012		1/1/2009	10/1/2015		
Advance Payments			8	2012		1/1/2009	10/1/2015		
Emergencies			9	2012		1/1/2009	10/1/2015		
Vendor Agreements			10	2012		1/1/2009	10/1/2015		
Purchase Order Terms and Conditions			11	2012		1/1/2009	10/1/2015		
Receiving Reports	2-3		2-3	2012		7/1/2003	10/1/2015		
Purchase Discounts	2-4		2-4	2012		9/1/1995	10/1/2015		
Interest Payment on Delinquent Payables	2-5		2-5	2012		7/1/2003	10/1/2015		
Interagency Purchases and Payments	2-6		2-6	2012		9/1/1995	10/1/2015		
Official Functions and Training Functions	2-7		2-7	2012		7/1/2003	10/1/2015		
Miscellaneous Compensation and Other Benefits (Perquisites)	2-8		2-8	2012		8/1/2005	10/1/2015		
Moving and Relocation	2-9		2-9	2012		7/1/2003	10/1/2015		
Procurement Card	2-10		2-10	2012		4/1/2004	10/1/2015		
State Contracts	3-1						10/1/2015		
Authorities			1	2012		1/1/2009	10/1/2015		
Definitions			2	2012		1/1/2009	10/1/2015		
Categories			3	2012		1/1/2009	10/1/2015		

Rule		4	2012	1/1/2009	10/1/2015	
Content of State Contracts		5	2012	1/1/2009	10/1/2015	
Approved State Contract Forms		6	2012	1/1/2009	10/1/2015	
State Contract Approvals		7	2012	1/1/2009	10/1/2015	
State Contract Legal Review		8	2012	1/1/2009	10/1/2015	
State Controller Review and Approval		9	2012	1/1/2009	10/1/2015	
Accounting for State Contracts		10	2012	1/1/2009	10/1/2015	
Monitoring of State Contracts		11	2012	1/1/2009	10/1/2015	
Independent Contractor Relationship		12	2012	1/1/2009	10/1/2015	
Exceptions to Fiscal Rule 3-1		13	2012	1/1/2009	10/1/2015	
Special Provisions		14	2012	1/1/2009	10/1/2015	
Capital Construction Administration	4-1	4-1	2012	8/1/2005	10/1/2015	
Capital Construction Projects	4-2	4-2	2012	9/1/1995	10/1/2015	
Capital Construction Project Retainage	4-3	4-3	2012	9/1/1995	10/1/2015	
Travel	5-1		2012	7/1/2009	10/1/2015	
Authorities		1	2012	7/1/2009	10/1/2015	
Definitions		2	2012	7/1/2009	10/1/2015	
Rule		3	2012	7/1/2009	10/1/2015	
Travel Authorization		4	2012	7/1/2009	10/1/2015	
Travel Advance		5	2012	7/1/2009	10/1/2015	
Traveling Away from Home		6	2012	7/1/2009	10/1/2015	
Non-allowable Travel Expenses		7	2012	7/1/2009	10/1/2015	
Certification and Approval		8	2012	7/1/2009	10/1/2015	
Reimbursement Requirements		9	2012	7/1/2009	10/1/2015	

Payment of Travel Expenses		10	2012	7/1/2009	10/1/2015		
Special Situations		11	2012	7/1/2009	10/1/2015		
Per Diem Rates		12	2012	7/1/2009	10/1/2015		
Cash Receipts and Deposits	6-1	6-1	2012	9/1/1995	10/1/2015		
Change Funds and Petty Cash Funds	6-2	6-2	2012	4/1/2004	10/1/2015		
Imprest Cash Accounts and Bank Accounts	6-3	6-3	2012	9/1/1995	10/1/2015		
Entertainment Expense Bank Accounts	6-4	6-4	2012	9/1/1995	10/1/2015		
State Treasury Loans and Advances	6-5	6-5	2012	9/1/1995	10/1/2015		
Refunds and Reimbursements	6-6	6-6	2012	9/1/1995	10/1/2015		
Checks Returned for Insufficient Funds	6-7	6-7	2012	7/1/1998	10/1/2015		
Federal Cash Management	6-8	6-8	2012	9/1/1995	10/1/2015		
Cash and Custodial Funds	7-1	7-1	2012	9/1/1995	10/1/2015		
Expiration and Rollforward of Appropriations	7-3	7-3	2012	12/1/2001	10/1/2015		
Overexpenditures and Required Reporting	7-4	7-4	2012	9/1/1995	10/1/2015		
Financial Statements	8-1	8-1	2012	4/1/2004	10/1/2015		
Quarterly Financial Reporting	8-2	8-2	2012	9/1/1995	10/1/2015		
Cost Allocation Plans	8-3	8-3	2012	4/1/2004	10/1/2015		
Use of the State Payroll System	9-1	9-1	2012	5/1/2000	10/1/2015		

Direct Deposit Payroll for State Employees Paid on the State Payroll System	9-2	9-2	2012	5/1/2000	10/1/2015		
Final Pay for a Terminating State Employee	9-3	9-3	2012	5/1/2000	10/1/2015		
Overpayments	9-4	9-4	2012	7/1/2003	10/1/2015		
Count	43	77				0	0

2014 DPA Rule Review -- 1 CCR 101-6 Central Collection Services

Rule Name	Section	Rule	Last reviewed	Last modification effective date	Next planned regular review	2014 Review: Recommend to modify?	2014 Review: Recommend to repeal?
Purpose, Statutory Authority, Responsibility, Applicability, Definitions, and Rule	1.00		3/18/2013	5/15/2013	2016	Yes	
Purpose		1.01	3/18/2013	5/15/2013	2016		
Statutory Authority		1.02	3/18/2013	5/15/2013	2016		
Responsibility		1.03	3/18/2013	5/15/2013	2016	Yes	
Authority		1.04	3/18/2013	5/15/2013	2016		
Definitions		1.05	3/18/2013	5/15/2013	2016		
Rule		1.20	3/18/2013	5/15/2013	2016		
Requirements of State Agencies and Participating Institutions of Higher Education	2.00		3/18/2013	5/15/2013	2016		
Designated Responsibility		2.10	3/18/2013	5/15/2013	2016		
Accounting Requirements		2.20	3/18/2013	5/15/2013	2016	Yes	
Determination of Payment Plan		2.30	3/18/2013	5/15/2013	2016		
Credit Information		2.40	3/18/2013	5/15/2013	2016		
Follow-up Procedures		2.50	3/18/2013	5/15/2013	2016		
Debts Referred to Central Collection Services		2.60	3/18/2013	5/15/2013	2016	Yes	
Reports From Abolished Claimant State Entities		2.70	3/18/2013	5/15/2013	2016		
Requirements of Central Collection Services	3.00		3/18/2013	5/15/2013	2016	Yes	
Debt Offset		3.10	3/18/2013	5/15/2013	2016	Yes	

Debts Referred to Private Counsel and Private Collection Agencies		3.20	3/18/2013	5/15/2013	2016	Yes	
Remittance of Proceeds Recovered From Debts and Reporting Requirements		3.30	3/18/2013	5/15/2013	2016	Yes	
Assignment of Debts		3.40	3/18/2013	5/15/2013	2016	Yes	
Restrictions on Private Counsel and Collection Agency Contracts		3.50	3/18/2013	5/15/2013	2016	Yes	
Write-off, Release, and Compromise	4.00		3/18/2013	5/15/2013	2016	Yes	
Write-off of Accounts Receivable		4.10	3/18/2013	5/15/2013	2016	Yes	
Release of Accounts Receivable		4.20	3/18/2013	5/15/2013	2016	Yes	
Compromise of Accounts Receivable		4.30	3/18/2013	5/15/2013	2016	Yes	
Release and Compromise Reporting		4.40	3/18/2013	5/15/2013	2016	Yes	
Charges	5.00		3/18/2013	5/15/2013	2016		
Interest and Collection Fees		5.10	3/18/2013	5/15/2013	2016		
Charges to Participating Entities for Collection Services		5.20	3/18/2013	5/15/2013	2016		
Distribution of Recoveries	6.00		3/18/2013	5/15/2013	2016		
Administrative Hardship	7.00		3/18/2013	5/15/2013	2016		
Count	7	24				15	0

2014 DPA Rule Review -- 1 CCR 101-9 Procurement Rules

Rule Name	Section	Rule	Last reviewed	Last modification effective date	Next planned regular review	2014 Review: Recommend to modify?	2014 Review: Recommend to repeal?
ARTICLE 101							
GENERAL PROVISIONS							
PART 1 PURPOSES, CONSTRUCTION AND APPLICATION							
General	R-24-101-102-01	R-24-101-102-01	8/1/2012		10/15/2015		
Expenditure of Funds	R-24-101-102-02	R-24-101-102-02	8/1/2012		10/15/2015		
Applicability	R-24-101-105-01		8/1/2012		10/15/2015		
Applicability		(a)	8/1/2012		10/15/2015		
Applicability		(b)	8/1/2012		10/15/2015		
Applicability		(c)	8/1/2012		10/15/2015		
Applicability		(d)	8/1/2012		10/15/2015		
Applicability		(e)	8/1/2012		10/15/2015		
Applicability		(f)	8/1/2012		10/15/2015		
Applicability		(g)	8/1/2012		10/15/2015		
Applicability		(h)	8/1/2012		10/15/2015		
Applicability		(i)	8/1/2012		10/15/2015		
PART 2 DETERMINATIONS							
Preparation and Execution	R-24-101-201-01	R-24-101-201-01	8/1/2012		10/15/2015		
Content	R-24-101-201-02	R-24-101-201-02	8/1/2012		10/15/2015		
Supporting Information	R-24-101-201-03	R-24-101-201-03	8/1/2012		10/15/2015		
Retention	R-24-101-201-04	R-24-101-201-04	8/1/2012		10/15/2015		
PART 3 DEFINITIONS							
Terms Defined in Colorado Procurement Code	R-24-101-301		8/1/2012		10/15/2015		

Terms Defined in Colorado Procurement Code		(a)		8/1/2012		10/15/2015		
Terms Defined in Colorado Procurement Code		(b)		8/1/2012		10/15/2015		
Terms Defined in Colorado Procurement Code		(c)		8/1/2012		10/15/2015		
PART 4 PROCUREMENT RECORDS AND INFORMATION								
No Rules						10/15/2015		
ARTICLE 102 PROCUREMENT ORGANIZATION								
PART 1 EXECUTIVE DIRECTOR OF THE DEPT. OF PERSONNEL								
No Rules						10/15/2015		
PART 2 DIVISION OF PURCHASING								
Mandatory and Permissive Price Agreements	R-24-102-202-01	R-24-102-202-01		11/1/2013		10/15/2015		
Bid Information and Distribution System (BIDS)	R-24-102-202.5-01	R-24-102-202.5-01		11/1/2013		10/15/2015		
Use of BIDS- Goods and Services	R-24-102-202.5-02			11/1/2013		10/15/2015		
Use of BIDS- Goods and Services		(a)		11/1/2013		10/15/2015		
Use of BIDS- Goods and Services		(b)		11/1/2013		10/15/2015		
Use of BIDS- Goods and Services		(c)		11/1/2013		10/15/2015		

BIDS Fees	R-24-102-202.5-03		11/1/2013		10/15/2015		
BIDS Fees		(a)	11/1/2013		10/15/2015		
BIDS Fees		(b)	11/1/2013		10/15/2015		
BIDS Fees		(c)	11/1/2013		10/15/2015		
Use of BIDS- Notice of Construction Projects and Professional Services	R-24-102-202.5-04		11/1/2013		10/15/2015		
Use of BIDS- Notice of Construction Projects and Professional Services		(a)	11/1/2013		10/15/2015		
Use of BIDS- Notice of Construction Projects and Professional Services		(b)	11/1/2013		10/15/2015		
Use of BIDS- Notice of Construction Projects and Professional Services		(c)	11/1/2013		10/15/2015		
Purchasing Delegation Limits	R-24-102-204-01	R-24-102-204-01	11/1/2013		10/15/2015		
Delegation Criteria	R-24-102-204-02		11/1/2013		10/15/2015		
Delegation Criteria		(a)	11/1/2013		10/15/2015		
Delegation Criteria		(b)	11/1/2013		10/15/2015		
Construction Services	R 24-102-206-01	R 24-102-206-01	11/1/2013		10/15/2015		
Other Service Contracts	R 24-102-206-02	R 24-102-206-02	11/1/2013		10/15/2015		
Written Notice and Post of Notice Timeline	R 24-102-206-03	R 24-102-206-03	11/1/2013		10/15/2015		

PART 3 ORGANIZATION OF PUBLIC PROCUREMENT									
No Rules								10/15/2015	
PART 4 STATE PROCUREMENT RULES									
No Rules								10/15/2015	
PART 5 COORDINATION									
No Rules								10/15/2015	
ARTICLE 103 SOURCE SELECTION AND CONTRACT FORMATION									
PART 1 DEFINITIONS									
Terms Defined in This Chapter	R-24-103-101-01			11/1/2013				10/15/2015	
Terms Defined in This Chapter		(a)		11/1/2013				10/15/2015	
Terms Defined in This Chapter		(b)		11/1/2013				10/15/2015	
Terms Defined in This Chapter		(c)		11/1/2013				10/15/2015	
Terms Defined in This Chapter		(d)		11/1/2013				10/15/2015	
Terms Defined in This Chapter		(e)		11/1/2013				10/15/2015	
Terms Defined in This Chapter		(f)		11/1/2013				10/15/2015	
Terms Defined in This Chapter		(g)		11/1/2013				10/15/2015	
Terms Defined in This Chapter		(h)		11/1/2013				10/15/2015	
Terms Defined in This Chapter		(i)		11/1/2013				10/15/2015	

Terms Defined in This Chapter		(j)	11/1/2013		10/15/2015		
Terms Defined in This Chapter		(k)	11/1/2013		10/15/2015		
Terms Defined in This Chapter		(l)	11/1/2013		10/15/2015		
Terms Defined in This Chapter		(m)	11/1/2013		10/15/2015		
Terms Defined in This Chapter		(n)	11/1/2013		10/15/2015		
Terms Defined in This Chapter		(o)	11/1/2013		10/15/2015		
Terms Defined in This Chapter		(p)	11/1/2013		10/15/2015		
PART 2 METHODS OF SOURCE SELECTION							
Invitation for Bids	R-24-103-202a-01		8/1/2012		10/15/2015		
Invitation for Bids		(a)	8/1/2012		10/15/2015		
Invitation for Bids		(b)	8/1/2012		10/15/2015		
Invitation for Bids		(c)	8/1/2012		10/15/2015		
Pre-bid Conferences	R-24-103-202a-02	R-24-103-202a-02	8/1/2012		10/15/2015		
Amendments to							
Invitations for Bids	R-24-103-202a-03	R-24-103-202a-03	8/1/2012		10/15/2015		
Withdrawal of Bids	R-24-103-202a-04		8/1/2012		10/15/2015		
Withdrawal of Bids		(a)	8/1/2012		10/15/2015		
Withdrawal of Bids		(b)	8/1/2012		10/15/2015		
Withdrawal of Bids		(c)	8/1/2012		10/15/2015		
Telephone Bids	R-24-103-202a-05	R-24-103-202a-05	8/1/2012		10/15/2015		
Electronic Bids	R-24-103-202a-06	R-24-103-202a-06	8/1/2012		10/15/2015		
Timeliness of Bids	R-24-103-202a-07		8/1/2012		10/15/2015		
Timeliness of Bids		(a)	8/1/2012		10/15/2015		
Timeliness of Bids		(b)	8/1/2012		10/15/2015		
Timeliness of Bids		(c)	8/1/2012		10/15/2015		
Bid Receipt, Opening and Recording	R-24-103-202a-08		8/1/2012		10/15/2015		

Bid Receipt, Opening and Recording		(a)	8/1/2012		10/15/2015		
Bid Receipt, Opening and Recording		(b)	8/1/2012		10/15/2015		
Bid Receipt, Opening and Recording		(c)	8/1/2012		10/15/2015		
Mistakes in Bids	R-24-103-202a-09		8/1/2012		10/15/2015		
Mistakes in Bids		(a)	8/1/2012		10/15/2015		
Mistakes in Bids		(b)	8/1/2012		10/15/2015		
Bid Evaluation and Award	R-24-103-202a-10		8/1/2012		10/15/2015		
Bid Evaluation and Award		(a)	8/1/2012		10/15/2015		
Bid Evaluation and Award		(b)	8/1/2012		10/15/2015		
Bid Evaluation and Award		(c)	8/1/2012		10/15/2015		
Bid Evaluation and Award		(d)	8/1/2012		10/15/2015		
Disposition of Bid Surety	R-24-103-202a-11	R-24-103-202a-11	8/1/2012		10/15/2015		
Multi-Step Sealed Bidding	R-24-103-202a-12		8/1/2012		10/15/2015		
Multi-Step Sealed Bidding		(a)	8/1/2012		10/15/2015		
Multi-Step Sealed Bidding		(b)	8/1/2012		10/15/2015		
Records	R-24-103-202a-13	R-24-103-202a-13	8/1/2012		10/15/2015		
General Provisions	R-24-103-202b-01		11/1/2013		10/15/2015		
General Provisions		(a)	11/1/2013		10/15/2015		
General Provisions		(b)	11/1/2013		10/15/2015		
General Provisions		(c)	11/1/2013		10/15/2015		
General Provisions		(d)	11/1/2013		10/15/2015		
General Provisions		(e)	11/1/2013		10/15/2015		
General Provisions		(f)	11/1/2013		10/15/2015		

General Provisions		(g)	11/1/2013	10/15/2015		
General Provisions		(h)	11/1/2013	10/15/2015		
Invitation for Bids	R-24-103-202b-02		11/1/2013	10/15/2015		
Invitation for Bids		(a)	11/1/2013	10/15/2015		
Invitation for Bids		(b)	11/1/2013	10/15/2015		
Invitation for Bids		(c)	11/1/2013	10/15/2015		
Invitation for Bids		(d)	11/1/2013	10/15/2015		
Bidder Submissions	R-24-103-202b-03		11/1/2013	10/15/2015		
Bidder Submissions		(a)	11/1/2013	10/15/2015		
Bidder Submissions		(b)	11/1/2013	10/15/2015		
Public Notice	R-24-103-202b-04		11/1/2013	10/15/2015		
Public Notice		(a)	11/1/2013	10/15/2015		
Public Notice		(b)	11/1/2013	10/15/2015		
Addenda to Invitation for Bids	R-24-103-202b-05		11/1/2013	10/15/2015		
Addenda to Invitation for Bids		(a)	11/1/2013	10/15/2015		
Addenda to Invitation for Bids		(b)	11/1/2013	10/15/2015		
Addenda to Invitation for Bids		(c)	11/1/2013	10/15/2015		
Pre-Opening Modification or Withdrawal of Bids	R-24-103-202b-06		11/1/2013	10/15/2015		
Pre-Opening Modification or Withdrawal of Bids		(a)	11/1/2013	10/15/2015		
Pre-Opening Modification or Withdrawal of Bids		(b)	11/1/2013	10/15/2015		
Pre-Opening Modification or Withdrawal of Bids		(c)	11/1/2013	10/15/2015		
Timeliness of Bids	R-24-103-202b-07		11/1/2013	10/15/2015		
Timeliness of Bids		(a)	11/1/2013	10/15/2015		
Timeliness of Bids		(b)	11/1/2013	10/15/2015		
Timeliness of Bids		(c)	11/1/2013	10/15/2015		

Receipt, Opening, and Recording of Bids	R-24-103-202b-08			11/1/2013			10/15/2015		
Receipt, Opening, and Recording of Bids		(a)		11/1/2013			10/15/2015		
Receipt, Opening, and Recording of Bids		(b)		11/1/2013			10/15/2015		
Receipt, Opening, and Recording of Bids		(c)		11/1/2013			10/15/2015		
Mistakes in Bids	R-24-103-202b-09			11/1/2013			10/15/2015		
Mistakes in Bids		(a)		11/1/2013			10/15/2015		
Mistakes in Bids		(b)		11/1/2013			10/15/2015		
Mistakes in Bids		(c)		11/1/2013			10/15/2015		
Mistakes in Bids		(d)		11/1/2013			10/15/2015		
Mistakes in Bids		(e)		11/1/2013			10/15/2015		
Mistakes in Bids		(f)		11/1/2013			10/15/2015		
Bid Evaluation and Award	R-24-103-202b-10			11/1/2013			10/15/2015		
Bid Evaluation and Award		(a)		11/1/2013			10/15/2015		
Bid Evaluation and Award		(b)		11/1/2013			10/15/2015		
Bid Evaluation and Award		(c)		11/1/2013			10/15/2015		
Bid Evaluation and Award		(d)		11/1/2013			10/15/2015		
Bid Evaluation and Award		(e)		11/1/2013			10/15/2015		
Multi-Step Sealed Bidding	R-24-103-202b-11			11/1/2013			10/15/2015		
Multi-Step Sealed Bidding		(a)		11/1/2013			10/15/2015		
Multi-Step Sealed Bidding		(b)		11/1/2013			10/15/2015		

Multi-Step Sealed Bidding		(c)	11/1/2013		10/15/2015		
Multi-Step Sealed Bidding		(d)	11/1/2013		10/15/2015		
Definitions	R-24-103-202.3a-01		11/1/2013		10/15/2015		
Definitions		(a)	11/1/2013		10/15/2015		
Definitions		(b)	11/1/2013		10/15/2015		
Definitions		(c)	11/1/2013		10/15/2015		
Definitions		(d)	11/1/2013		10/15/2015		
Definitions		(e)	11/1/2013		10/15/2015		
Written Determination	R-24-103-202.3a-02	R-24-103-202.3a-02	11/1/2013		10/15/2015		
Award	R-24-103-202.3a-03	R-24-103-202.3a-03	11/1/2013		10/15/2015		
Evaluation	R-24-103-202.3a-04	R-24-103-202.3a-04	11/1/2013		10/15/2015		
Competative Sealed Best Value Bidding - Construction	R-24-103-202.3b-01	R-24-103-202.3b-01	11/1/2013		10/15/2015		
Competative Sealed Best Value Bidding - Construction	R-24-103-202.3b-02	R-24-103-202.3b-02	11/1/2013		10/15/2015		
Competative Sealed Best Value Bidding - Construction	R-24-103-202.3b-03	R-24-103-202.3b-03	11/1/2013		10/15/2015		
The Requirements of 24-103-202.5 Regarding Low Tie Bids	R-24-103-202.5-01		11/1/2013		10/15/2015		
The Requirements of 24-103-202.5 Regarding Low Tie Bids		(a)	11/1/2013		10/15/2015		
The Requirements of 24-103-202.5 Regarding Low Tie Bids		(b)	11/1/2013		10/15/2015		

The Requirements of 24-103-202.5 Regarding Low Tie Bids				11/1/2013			10/15/2015		
Competitive Sealed Proposals	R-24-103-203		(c)	8/1/2012			10/15/2015		
Definitions	R-24-103-203-01			8/1/2012			10/15/2015		
Definitions		(a)		8/1/2012			10/15/2015		
Definitions		(b)		8/1/2012			10/15/2015		
Definitions		(c)		8/1/2012			10/15/2015		
Definitions		(d)		8/1/2012			10/15/2015		
Definitions		(e)		8/1/2012			10/15/2015		
Written Determinations	R-24-103-203-02			8/1/2012			10/15/2015		
Written Determinations		(a)		8/1/2012			10/15/2015		
Written Determinations		(b)		8/1/2012			10/15/2015		
When Competitive Sealed Bidding Is "Not Practicable"	R-24-103-203-03			8/1/2012			10/15/2015		
When Competitive Sealed Bidding Is "Not Practicable"		(a)		8/1/2012			10/15/2015		
When Competitive Sealed Bidding Is "Not Practicable"		(b)		8/1/2012			10/15/2015		
When Competitive Sealed Bidding Is "Not Practicable"		(c)		8/1/2012			10/15/2015		
When Competitive Sealed Bidding Is "Not Practicable"		(d)		8/1/2012			10/15/2015		
When Competitive Sealed Bidding Is "Not Advantageous"	R-24-103-203-04			8/1/2012			10/15/2015		

When Competitive Sealed Bidding Is "Not Advantageous".		(a)	8/1/2012		10/15/2015		
When Competitive Sealed Bidding Is "Not Advantageous".		(b)	8/1/2012		10/15/2015		
Dollar Thresholds for, and Contents of, Requests for Proposals (RFP's)	R-24-103-203-05		8/1/2012		10/15/2015		
Dollar Thresholds for, and Contents of, Requests for Proposals (RFP's)		(a)	8/1/2012		10/15/2015		
Dollar Thresholds for, and Contents of, Requests for Proposals (RFP's)		(b)	8/1/2012		10/15/2015		
Vendor Inquiries	R-24-103-203-06	R-24-103-203-06	8/1/2012		10/15/2015		
Proposal Preparation Time	R-24-103-203-07	R-24-103-203-07	8/1/2012		10/15/2015		
Opening and Recording of Proposals	R-24-103-203-08	R-24-103-203-08	8/1/2012		10/15/2015		
Evaluation of Proposals	R-24-103-203-09		8/1/2012		10/15/2015		
Evaluation of Proposals		(a)	8/1/2012		10/15/2015		
Evaluation of Proposals		(b)	8/1/2012		10/15/2015		
Evaluation of Proposals		(c)	8/1/2012		10/15/2015		
Evaluation of Proposals		(d)	8/1/2012		10/15/2015		
Evaluation of Proposals		(e)	8/1/2012		10/15/2015		

Proposal Discussion with Individual Offerors after Opening	R-24-103-203-10		8/1/2012		10/15/2015		
Proposal Discussion with Individual Offerors after Opening		(a)	8/1/2012		10/15/2015		
Proposal Discussion with Individual Offerors after Opening		(b)	8/1/2012		10/15/2015		
Proposal Discussion with Individual Offerors after Opening		(c)	8/1/2012		10/15/2015		
Award	R-24-103-203-11	R-24-103-203-11	8/1/2012		10/15/2015		
Small Purchases	R-24-103-204		8/1/2012		10/15/2015		
Small Purchases		(a)	8/1/2012		10/15/2015		
Small Purchases		(b)	8/1/2012		10/15/2015		
Purchase Orders	R-24-103-204-01	R-24-103-204-01	8/1/2012		10/15/2015		
Competition Not Required	R-24-103-204-02		8/1/2012		10/15/2015		
Competition Not Required		(a)	8/1/2012		10/15/2015		
Competition Not Required		(b)	8/1/2012		10/15/2015		
Competition Not Required		(c)	8/1/2012		10/15/2015		
Competition Not Required		(d)	8/1/2012		10/15/2015		
Competition Not Required		(e)	8/1/2012		10/15/2015		
Documented Quotes	R-24-103-204-03		8/1/2012		10/15/2015		
Documented Quotes		(a)	8/1/2012		10/15/2015		

Documented Quotes		(b)	8/1/2012	10/15/2015		
Documented Quotes		(c)	8/1/2012	10/15/2015		
Documented Quotes		(d)	8/1/2012	10/15/2015		
Documented Quotes		(e)	8/1/2012	10/15/2015		
Documented Quotes		(f)	8/1/2012	10/15/2015		
Documented Quotes		(g)	8/1/2012	10/15/2015		
Documented Quotes		(h)	8/1/2012	10/15/2015		
Documented Quotes		(i)	8/1/2012	10/15/2015		
Sole Source Procurements	R-24-103-205-01		8/1/2012	10/15/2015		
Sole Source Procurements		(a)	8/1/2012	10/15/2015		
Sole Source Procurements		(b)	8/1/2012	10/15/2015		
Negotiation	R-24-103-205-02	R-24-103-205-02	8/1/2012	10/15/2015		
Definition of Emergency Conditions	R-24-103-206-01	R-24-103-206-01	8/1/2012	10/15/2015		
Scope of Emergency Procurements	R-24-103-206-02	R-24-103-206-02	8/1/2012	10/15/2015		
Authority to Make Emergency Procurements	R-24-103-206-03	R-24-103-206-03	8/1/2012	10/15/2015		
Source Selection Methods	R-24-103-206-04		8/1/2012	10/15/2015		
Source Selection Methods		(a)	8/1/2012	10/15/2015		
Source Selection Methods		(a)	8/1/2012	10/15/2015		

Competitive Reverse Auctions	R-24-103-208-01		8/1/2012		10/15/2015		
Competitive Reverse Auctions		(a)	8/1/2012		10/15/2015		
Competitive Reverse Auctions		(b)	8/1/2012		10/15/2015		
Competitive Reverse Auctions		(c)	8/1/2012		10/15/2015		
Competitive Reverse Auctions		(d)	8/1/2012		10/15/2015		
Competitive Negotiation	R-24-103-208-02		8/1/2012		10/15/2015		
Competitive Negotiation		(a)	8/1/2012		10/15/2015		
Competitive Negotiation		(b)	8/1/2012		10/15/2015		
Competitive Negotiation		(c)	8/1/2012		10/15/2015		
Competitive Negotiation		(d)	8/1/2012		10/15/2015		
Competitive Negotiation		(e)	8/1/2012		10/15/2015		
Competitive Negotiation		(f)	8/1/2012		10/15/2015		
Competitive Negotiation		(g)	8/1/2012		10/15/2015		
PART 3 CANCELLATION OF SOLICITATIONS: REJECTION OF BIDS OR PROPOSALS							
Scope of This Rule	R-24-103-301-01	R-24-103-301-01	8/1/2012		10/15/2015		
Policy	R-24-103-301-02	R-24-103-301-02	8/1/2012		10/15/2015		
Cancellation of Solicitation: Notice	R-24-103-301-03	R-24-103-301-03	8/1/2012		10/15/2015		

Cancellation of Solicitation: Rejection of all Bids or Proposals	R-24-103-301-04		8/1/2012		10/15/2015		
Cancellation of Solicitation: Rejection of all Bids or Proposals		(a)	8/1/2012		10/15/2015		
Cancellation of Solicitation: Rejection of all Bids or Proposals		(b)	8/1/2012		10/15/2015		
Cancellation of Solicitation: Rejection of all Bids or Proposals		(c)	8/1/2012		10/15/2015		
Cancellation of Solicitation: Rejection of all Bids or Proposals		(d)	8/1/2012		10/15/2015		
Cancellation of Solicitation: Rejection of all Bids or Proposals		(e)	8/1/2012		10/15/2015		
PART 4 QUALIFICATIONS AND DUTIES							
Application	R-24-103-401-01	R-24-103-401-01	8/1/2012		10/15/2015		
Standards of Responsibility	R-24-103-401-02		8/1/2012		10/15/2015		
Standards of Responsibility		(a)	8/1/2012		10/15/2015		
Standards of Responsibility		(b)	8/1/2012		10/15/2015		
Ability to Meet Standards	R-24-103-401-03	R-24-103-401-03	8/1/2012		10/15/2015		

Written Determination of Non- Responsibility Required	R-24-103-401-04	R-24-103-401-04	8/1/2012						
Requirements	R-24-103-402-01		11/1/2013					10/15/2015	
Requirements		(a)	11/1/2013					10/15/2015	
Requirements		(b)	11/1/2013					10/15/2015	
Definitions	R-24-103-403-01		11/1/2013					10/15/2015	
Definitions		(a)	11/1/2013					10/15/2015	
Definitions		(b)	11/1/2013					10/15/2015	
Requirement for Cost or Pricing Data	R-24-103-403-02		11/1/2013					10/15/2015	
Requirement for Cost or Pricing Data		(a)	11/1/2013					10/15/2015	
Requirement for Cost or Pricing Data		(b)	11/1/2013					10/15/2015	
Requirement for Cost or Pricing Data		(c)	11/1/2013					10/15/2015	
Submission of Cost or Pricing Data and Certification	R-24-103-403-03		11/1/2013					10/15/2015	
Submission of Cost or Pricing Data and Certification		(a)	11/1/2013					10/15/2015	
Submission of Cost or Pricing Data and Certification		(b)	11/1/2013					10/15/2015	
Submission of Cost or Pricing Data and Certification		(c)	11/1/2013					10/15/2015	
Submission of Cost or Pricing Data and Certification		(d)	11/1/2013					10/15/2015	
Submission of Cost or Pricing Data and Certification		(e)	11/1/2013					10/15/2015	

Meaning of Terms "Adequate Price Competition," "Establish ed Catalogue Prices or Market Prices"	R-24-103-402-04			11/1/2013		10/15/2015			
Meaning of Terms "Adequate Price Competition," "Establish ed Catalogue Prices or Market Prices"		(a)		11/1/2013		10/15/2015			
Meaning of Terms "Adequate Price Competition," "Establish ed Catalogue Prices or Market Prices"		(b)		11/1/2013		10/15/2015			
Meaning of Terms "Adequate Price Competition," "Establish ed Catalogue Prices or Market Prices"		(c)		11/1/2013		10/15/2015			
Meaning of Terms "Adequate Price Competition," "Establish ed Catalogue Prices or Market Prices"		(d)		11/1/2013		10/15/2015			
Defective Cost or Pricing Data	R-24-103-402-05			11/1/2013		10/15/2015			
Defective Cost or Pricing Data		(a)		11/1/2013		10/15/2015			
Defective Cost or Pricing Data		(b)		11/1/2013		10/15/2015			
Defective Cost or Pricing Data		(c)		11/1/2013		10/15/2015			

PART 5 TYPES OF CONTRACTS									
Multi-Year Contracts	R-24-103-503	R-24-103-503	8/1/2012				10/15/2015		
PART 6 AUDIT OF RECORDS									
No Rules							10/15/2015		
PART 7 DETERMINATIONS AND REPORTS									
No Rules							10/15/2015		
PART 8 SET ASIDES IN STATE PROCURE. FOR ALL PERSONS WITH SEVERE DISABILITIES									
No Rules							10/15/2015		
ARTICLE 104 SPECIFICATIONS									
PART 1 DEFINITIONS									
Terms Defined in this Chapter	R-24-104-101-01		8/1/2012				10/15/2015		
Terms Defined in this Chapter		(a)					10/15/2015		
Terms Defined in this Chapter		(b)					10/15/2015		
Terms Defined in this Chapter		(c)					10/15/2015		
Terms Defined in this Chapter		(d)					10/15/2015		
PART 2 SPECIFICATIONS									
General Purpose and Policies	R-24-104-201-01		8/1/2012				10/15/2015		
General Purpose and Policies		(a)	8/1/2012				10/15/2015		
General Purpose and Policies		(b)	8/1/2012				10/15/2015		

General Purpose and Policies		(c)	8/1/2012		10/15/2015		
Brand Name or Equal Specification:							
Conditions for Use	R-24-104-202	R-24-104-202	8/1/2012		10/15/2015		
Brand Name							
Specifications:							
Conditions for Use	R-24-104-202-01	R-24-104-202-01	8/1/2012		10/15/2015		
Qualified Products							
List: Conditions for Use	R-24-104-202-02	R-24-104-202-02	8/1/2012		10/15/2015		
ARTICLE 105 CONSTRUCTION CONTRACTS							
PART 1 MANAGEMENT OF CONSTRUCTION CONTRACTING							
Definitions	R-24-105-101-01	(a)	8/1/2012		10/15/2015		
General Definitions	R-24-105-101-02		8/1/2012		10/15/2015		
General Definitions		(a)	8/1/2012		10/15/2015		
General Definitions		(b)	8/1/2012		10/15/2015		
General Definitions		(c)	8/1/2012		10/15/2015		
General Definitions		(d)	8/1/2012		10/15/2015		
General Definitions		(e)	8/1/2012		10/15/2015		
General Definitions		(f)	8/1/2012		10/15/2015		
General Definitions		(g)	8/1/2012		10/15/2015		
PART 2 BONDS							
Acceptable Bid							
Security	R-24-105-201-02	R-24-105-201-02	8/1/2012		10/15/2015		
Exceptions	R-24-105-202-03	R-24-105-202-03	8/1/2012		10/15/2015		
Forms	R-24-105-203-01	R-24-105-203-01	8/1/2012		10/15/2015		
PART 3 CONSTRUCTION CONTRACT CLAUSES AND FISCAL RESPONSIBILITY							

Contract Clauses and Their Administration of the Contract	R-24-105-301	R-24-105-301	8/1/2012		10/15/2015		
General Conditions of the Contract	R-24-105-301-01	R-24-105-301-01	8/1/2012		10/15/2015		
ARTICLE 106 MODIFICATION AND TERMINATION OF CONTRACTS (FOR OTHER THAN CONSTRUCTION)							
Revisions to Contract Clauses	R-24-106-101-01	R-24-106-101-01	8/1/2012		10/15/2015		
Changes Clause	R-24-106-101-02		8/1/2012		10/15/2015		
Changes Clause		(a)	8/1/2012		10/15/2015		
Changes Clause		(b)	8/1/2012		10/15/2015		
Changes Clause		(c)	8/1/2012		10/15/2015		
Stop Work Order Clause	R-24-106-101-03		8/1/2012		10/15/2015		
Stop Work Order Clause		(a)	8/1/2012		10/15/2015		
Stop Work Order Clause		(b)	8/1/2012		10/15/2015		
Stop Work Order Clause		(c)	8/1/2012		10/15/2015		
Stop Work Order Clause		(d)	8/1/2012		10/15/2015		
Variations in Estimated Quantities Clause	R-24-106-101-04		8/1/2012		10/15/2015		
Variations in Estimated Quantities Clause		(a)	8/1/2012		10/15/2015		
Variations in Estimated Quantities Clause		(b)	8/1/2012		10/15/2015		
Price Adjustment Clause	R-24-106-101-05		8/1/2012		10/15/2015		

Price Adjustment Clause		(a)	8/1/2012		10/15/2015		
Price Adjustment Clause		(b)	8/1/2012		10/15/2015		
Termination for Default Clause	R-24-106-101-06		8/1/2012		10/15/2015		
Termination for Default Clause		(a)	8/1/2012		10/15/2015		
Termination for Default Clause		(b)	8/1/2012		10/15/2015		
Termination for Default Clause		(c)	8/1/2012		10/15/2015		
Termination for Default Clause		(d)	8/1/2012		10/15/2015		
Termination for Default Clause		(e)	8/1/2012		10/15/2015		
Liquidated Damages Clause	R-24-106-101-07	R-24-106-101-07	8/1/2012		10/15/2015		
Termination for Convenience Clause	R-24-106-101-08		8/1/2012		10/15/2015		
Termination for Convenience Clause		(a)	8/1/2012		10/15/2015		
Termination for Convenience Clause		(b)	8/1/2012		10/15/2015		
Termination for Convenience Clause		(c)	8/1/2012		10/15/2015		
Novation, Assignment or Change of Name	R-24-106-101-09		8/1/2012		10/15/2015		
Novation, Assignment or Change of Name		(a)	8/1/2012		10/15/2015		
Novation, Assignment or Change of Name		(b)	8/1/2012		10/15/2015		
Novation, Assignment or Change of Name		(c)	8/1/2012		10/15/2015		

ARTICLE 107 GOST PRINCIPLES							
Applicability of Cost Principles	R-24-107-101-01		8/1/2012			10/15/2015	
Applicability of Cost Principles		(a)	8/1/2012			10/15/2015	
Applicability of Cost Principles		(b)	8/1/2012			10/15/2015	
Allowable Costs	R-24-107-101-02		8/1/2012			10/15/2015	
Allowable Costs		(a)	8/1/2012			10/15/2015	
Allowable Costs		(b)	8/1/2012			10/15/2015	
Allowable Costs		(c)	8/1/2012			10/15/2015	
Reasonable Costs	R-24-107-101-03		8/1/2012			10/15/2015	
Reasonable Costs		(a)	8/1/2012			10/15/2015	
Reasonable Costs		(b)	8/1/2012			10/15/2015	
Reasonable Costs		(c)	8/1/2012			10/15/2015	
Reasonable Costs		(d)	8/1/2012			10/15/2015	
Reasonable Costs		(e)	8/1/2012			10/15/2015	
Allocable Costs	R-24-107-101-04		8/1/2012			10/15/2015	
Allocable Costs		(a)	8/1/2012			10/15/2015	
Allocable Costs		(b)	8/1/2012			10/15/2015	
Allocable Costs		(c)	8/1/2012			10/15/2015	
Allocable Costs		(d)	8/1/2012			10/15/2015	
Treatment of Specific Costs	R-24-107-101-05		8/1/2012			10/15/2015	
Treatment of Specific Costs		(a)	8/1/2012			10/15/2015	
Treatment of Specific Costs		(b)	8/1/2012			10/15/2015	
Treatment of Specific Costs		(c)	8/1/2012			10/15/2015	
Treatment of Specific Costs		(d)	8/1/2012			10/15/2015	
Treatment of Specific Costs		(e)	8/1/2012			10/15/2015	
Treatment of Specific Costs		(f)	8/1/2012			10/15/2015	

Treatment of Specific Costs		(g)	8/1/2012		10/15/2015		
Treatment of Specific Costs		(h)	8/1/2012		10/15/2015		
Treatment of Specific Costs		(i)	8/1/2012		10/15/2015		
Treatment of Specific Costs		(j)	8/1/2012		10/15/2015		
Cost Requiring Prior Approval to be Allowable	R-24-107-101-06		8/1/2012		10/15/2015		
Cost Requiring Prior Approval to be Allowable		(a)	8/1/2012		10/15/2015		
Cost Requiring Prior Approval to be Allowable		(b)	8/1/2012		10/15/2015		
Cost Requiring Prior Approval to be Allowable		(c)	8/1/2012		10/15/2015		
Cost Requiring Prior Approval to be Allowable		(d)	8/1/2012		10/15/2015		
Cost Requiring Prior Approval to be Allowable		(e)	8/1/2012		10/15/2015		
Applicable Credits	R-24-107-101-07		8/1/2012		10/15/2015		
Applicable Credits		(a)	8/1/2012		10/15/2015		
Applicable Credits		(b)	8/1/2012		10/15/2015		
Applicable Credits		(c)	8/1/2012		10/15/2015		
Advance Agreements	R-24-107-101-08		8/1/2012		10/15/2015		
Advance Agreements		(a)	8/1/2012		10/15/2015		
Advance Agreements		(b)	8/1/2012		10/15/2015		
Advance Agreements		(c)	8/1/2012		10/15/2015		

Use of Federal Cost Principles	R-24-107-101-09		8/1/2012		10/15/2015		
Use of Federal Cost Principles		(a)	8/1/2012		10/15/2015		
Use of Federal Cost Principles		(b)	8/1/2012		10/15/2015		
Authority to Deviate from Cost Principles	R-24-107-101-10		8/1/2012		10/15/2015		
ARTICLE 108 SUPPLY MANAGEMENT							
No Rules					10/15/2015		
ARTICLE 109 REMEDIES							
PART 1 PRELITIGATION RESOLUTION OF CONTROVERSIES							
Filing of Protest	R-24-109-102-01		8/1/2012		10/15/2015		
Filing of Protest		(a)	8/1/2012		10/15/2015		
Filing of Protest		(b)	8/1/2012		10/15/2015		
Requested Information	R-24-109-102-02		8/1/2012		10/15/2015		
Decision	R-24-109-102-03	R-24-109-102-03	8/1/2012		10/15/2015		
Stay of Procurement							
During Protest	R-24-109-103		8/1/2012		10/15/2015		
Suspension	R-24-109-105-01		8/1/2012		10/15/2015		
Suspension		(a)	8/1/2012		10/15/2015		
Suspension		(b)	8/1/2012		10/15/2015		
Debarment	R-24-109-105-02		8/1/2012		10/15/2015		
Debarment		(a)	8/1/2012		10/15/2015		
Debarment		(b)	8/1/2012		10/15/2015		
Debarment		(c)	8/1/2012		10/15/2015		
Statement of Policy	R-24-109-106-01	R-24-109-106-01	8/1/2012		10/15/2015		
Decision	R-24-109-106-02		8/1/2012		10/15/2015		
Decision		(a)	8/1/2012		10/15/2015		
Decision		(b)	8/1/2012		10/15/2015		

Decision			(c)	8/1/2012		10/15/2015	
PART 2 APPEALS							
Filing of Appeals	R-24-109-202-01			8/1/2012		10/15/2015	
Filing of Appeals			(a)	8/1/2012		10/15/2015	
Filing of Appeals			(b)	8/1/2012		10/15/2015	
Filing of Appeals			(c)	8/1/2012		10/15/2015	
Additional Information	R-24-109-202-02		R-24-109-202-02	8/1/2012		10/15/2015	
Hearing by the Executive Director	R-24-109-202-03			8/1/2012		10/15/2015	
Hearing by the Executive Director			(a)	8/1/2012		10/15/2015	
Hearing by the Executive Director			(b)	8/1/2012		10/15/2015	
Hearing by the Executive Director			(c)	8/1/2012		10/15/2015	
Decisions by the Executive Director	R-24-109-204		R-24-109-204	8/1/2012		10/15/2015	
PART 3 INTEREST							
No Rules						10/15/2015	
PART 4 SOLICITATIONS AND AWARDS IN VIOLATION OF THE LAW							
Applicability	R-24-109-401		R-24-109-401	8/1/2012		10/15/2015	
Definitions	R-24-109-401-01			8/1/2012		10/15/2015	
Definitions			(a)	8/1/2012		10/15/2015	
Definitions			(b)	8/1/2012		10/15/2015	
Definitions			(c)	8/1/2012		10/15/2015	
Authority of the Director or Head of a Purchasing Agency							
Factors to be Considered in Ratification of an Unauthorized Purchase	R-24-109-404-01		R-24-109-404-01	8/1/2012		10/15/2015	
	R-24-109-404-02			8/1/2012		10/15/2015	

Factors to be Considered in Ratification of an Unauthorized Purchase		(a)	8/1/2012		10/15/2015		
Factors to be Considered in Ratification of an Unauthorized Purchase		(b)	8/1/2012		10/15/2015		
Purchasing Agency Actions - Authorized Ratification	R-24-109-404-03		8/1/2012		10/15/2015		
Purchasing Agency Actions - Authorized Ratification		(a)	8/1/2012		10/15/2015		
Purchasing Agency Actions - Authorized Ratification		(b)	8/1/2012		10/15/2015		
Purchasing Agency Actions - Authorized Ratification		(c)	8/1/2012		10/15/2015		
Purchasing Agency Actions - In the Event of Denial	R-24-109-404-04		8/1/2012		10/15/2015		
Purchasing Agency Actions - In the Event of Denial		(a)	8/1/2012		10/15/2015		
Purchasing Agency Actions - In the Event of Denial		(b)	8/1/2012		10/15/2015		
Written Determination	R-24-109-404-05	R-24-109-404-05	8/1/2012		10/15/2015		

[illegible]

2014 DPA Rule Review -- 1 CCR 102-1 Leasing Property on Behalf of State Government

Rule Name	Section	Rule	Last reviewed	Last modification effective date	Next planned regular review	2014 Review: Recommend to modify?	2014 Review: Recommend to repeal?
Statement of Basis and Purpose	I	Rule I.A.	2014	2012	10/31/2015		
Statement of Basis and Purpose	I	Rule I.B.	2014	2012	10/31/2015		
Lease of Rental Property - Definitions	II	Rule II.A.	2014	2012	10/31/2015		
Lease of Rental Property - Rules	II	Rule II.B.	2014	2012	10/31/2015		
Count	2	4				0	0

2014 DPA Rule Review -- 1 CCR 103-1 Division of Central Services Rules

Rule Name	Section	Rule	Last reviewed	Last modification effective date	Next planned regular review	2014 Review: Recommend to modify?	2014 Review: Recommend to repeal?
DCS Waivers	1.00		9/20/2012	11/30/2011	10/1/2016		
Types	1.10		9/20/2012	11/30/2011	10/1/2016		
Equip and Software		1.10.01	9/20/2012	11/30/2011	10/1/2016		Yes
Personal Services		1.10.02	9/20/2012	11/30/2011	10/1/2016		Yes
Services		1.10.03	9/20/2012	11/30/2011	10/1/2016		Yes
Requests	1.20		9/20/2012	11/30/2011	10/1/2016		
Permission Review		1.20.01	9/20/2012	11/30/2011	10/1/2016		
		1.20.02	9/20/2012	11/30/2011	10/1/2016		
Required Information		1.20.03	9/20/2012	11/30/2011	10/1/2016		
Approvals	1.30		9/20/2012	11/30/2011	10/1/2016		
Provided in Writing		1.30.01	9/20/2012	11/30/2011	10/1/2016		
Time Limited		1.30.02	9/20/2012	11/30/2011	10/1/2016		
Periodic Review		1.30.03	9/20/2012	11/30/2011	10/1/2016		
Other Conditions		1.30.04	9/20/2012	11/30/2011	10/1/2016		Yes
Denials	1.40	1.40	9/20/2012	11/30/2011	10/1/2016		
Interagency Motor Pool	2.00		9/20/2012	11/30/2011	10/1/2016		
Responsibilities	2.10		9/20/2012	11/30/2011	10/1/2016		
DCS Responsibilities	2.11	2.11	9/20/2012	11/30/2011	10/1/2016		
State Agency Responsibilities	2.12		9/20/2012	11/30/2011	10/1/2016		
General Requirements		2.12.01	9/20/2012	11/30/2011	10/1/2016		
Driver's License		2.12.02	9/20/2012	11/30/2011	10/1/2016		
Operator Responsibilities	2.13	2.13	9/20/2012	11/30/2011	10/1/2016		
Use Charges	2.20	2.20	9/20/2012	11/30/2011	10/1/2016		
Commuting	3.00		9/20/2012	11/30/2011	10/1/2016		
Definitions	3.1		9/20/2012	11/30/2011	10/1/2016		
Agency		3.1.01	9/20/2012	11/30/2011	10/1/2016		
Commuting	3.1.02		9/20/2012	11/30/2011	10/1/2016		
		3.1.02a	9/20/2012	11/30/2011	10/1/2016		
		3.1.02b	9/20/2012	11/30/2011	10/1/2016		
		3.1.02c	9/20/2012	11/30/2011	10/1/2016		

Control Employee	3.1.03			9/20/2012	11/30/2011	10/1/2016	
		3.1.03a		9/20/2012	11/30/2011	10/1/2016	
		3.1.03b		9/20/2012	11/30/2011	10/1/2016	
Convenience of the State	3.1.04			9/20/2012	11/30/2011	10/1/2016	
		3.1.04a		9/20/2012	11/30/2011	10/1/2016	
		3.1.04b		9/20/2012	11/30/2011	10/1/2016	
		3.1.04c		9/20/2012	11/30/2011	10/1/2016	
De Minimis		3.1.05		9/20/2012	11/30/2011	10/1/2016	
Executive Director		3.1.06		9/20/2012	11/30/2011		
Qualified Non-personal Use Vehicle		3.1.07		9/20/2012	11/30/2011	10/1/2016	
State Employee		3.1.08		9/20/2012	11/30/2011	10/1/2016	
State-owned Motor Vehicle Requests		3.1.09		9/20/2012	11/30/2011	10/1/2016	
Only E.D. May Authorize	3.2	3.2.01		9/20/2012	11/30/2011	10/1/2016	
Based on Individual Employee		3.2.02		9/20/2012	11/30/2011	10/1/2016	
		3.2.03		9/20/2012	11/30/2011	10/1/2016	
Employee Changes Must be Reported		3.2.04		9/20/2012	11/30/2011	10/1/2016	
Annual Verification		3.2.05		9/20/2012	11/30/2011	10/1/2016	
Separate Non-commuter Designations		3.2.06		9/20/2012	11/30/2011	10/1/2016	
Classifications & Exemptions	3.3			9/20/2012	11/30/2011	10/1/2016	
Classification Categories		3.3.01		9/20/2012	11/30/2011	10/1/2016	
Exempt	3.3.02			9/20/2012	11/30/2011	10/1/2016	
		3.3.02a		9/20/2012	11/30/2011	10/1/2016	
		3.3.02b		9/20/2012	11/30/2011	10/1/2016	
		3.3.02c		9/20/2012	11/30/2011	10/1/2016	
Taxable		3.3.03		9/20/2012	11/30/2011	10/1/2016	
Reimbursable		3.3.04		9/20/2012	11/30/2011	10/1/2016	
No Guarantee of Approval		3.3.05		9/20/2012	11/30/2011	10/1/2016	
Limitations	3.4			9/20/2012	11/30/2011	10/1/2016	
Prohibited Personal Use	3.4.01			9/20/2012	11/30/2011	10/1/2016	
		3.4.01a		9/20/2012	11/30/2011	10/1/2016	
		3.4.01b		9/20/2012	11/30/2011	10/1/2016	

			3.4.01c	9/20/2012	11/30/2011	10/1/2016	
			3.4.01d	9/20/2012	11/30/2011	10/1/2016	
			3.4.01e	9/20/2012	11/30/2011	10/1/2016	
Returned During Extended Leave			3.4.02	9/20/2012	11/30/2011	10/1/2016	
Contract Employee Prohibition			3.4.03	9/20/2012	11/30/2011	10/1/2016	
Valuation & Taxation	3.5			9/20/2012	11/30/2011	10/1/2016	
Exempt not Taxable or Reimbursable			3.5.01	9/20/2012	11/30/2011	10/1/2016	
Taxable Imputed as Income			3.5.02	9/20/2012	11/30/2011	10/1/2016	
Reimbursable at Cost Per Mile	3.5.03			9/20/2012	11/30/2011	10/1/2016	
			3.5.03a	9/20/2012	11/30/2011	10/1/2016	
			3.5.03b	9/20/2012	11/30/2011	10/1/2016	
			3.5.03c	9/20/2012	11/30/2011	10/1/2016	
			3.5.03d	9/20/2012	11/30/2011	10/1/2016	
Contact SFM with Questions			3.5.04	9/20/2012	11/30/2011	10/1/2016	
Enforcement	3.6			9/20/2012	11/30/2011	10/1/2016	
Review by Each Department	3.6.01			9/20/2012	11/30/2011	10/1/2016	
			3.6.01a	9/20/2012	11/30/2011	10/1/2016	
			3.6.01b	9/20/2012	11/30/2011	10/1/2016	
			3.6.01d	9/20/2012	11/30/2011	10/1/2016	
			3.6.01e	9/20/2012	11/30/2011	10/1/2016	
Each Department Responsible for Restriction	3.6.02			9/20/2012	11/30/2011	10/1/2016	
			3.6.02a	9/20/2012	11/30/2011	10/1/2016	
			3.6.02b	9/20/2012	11/30/2011	10/1/2016	
			3.6.02c	9/20/2012	11/30/2011	10/1/2016	
DCS Director May Revoke Authorization			3.6.03	9/20/2012	11/30/2011	10/1/2016	
Each Agency Responsible for Penalties			3.6.04	9/20/2012	11/30/2011	10/1/2016	
			3.6.05	9/20/2012	11/30/2011	10/1/2016	
Vehicle Management Responsibilities.	4.00			9/20/2012	11/30/2011	10/1/2016	

Vehicle Acquisition	4.10		9/20/2012	11/30/2011	10/1/2016	
Size of State Fleet	4.11	4.11	9/20/2012	11/30/2011	10/1/2016	
Additional/Replacement Vehicles	4.12		9/20/2012	11/30/2011	10/1/2016	
Additional Vehicles		4.12.01	9/20/2012	11/30/2011	10/1/2016	
Short-term Requirements		4.12.02	9/20/2012	11/30/2011	10/1/2016	
Vehicle Rotations		4.12.03	9/20/2012	11/30/2011	10/1/2016	
Vehicle Availability		4.12.04	9/20/2012	11/30/2011	10/1/2016	
Grant Funded Vehicles		4.12.05	9/20/2012	11/30/2011	10/1/2016	
Fiscal Responsibility		4.12.06	9/20/2012	11/30/2011	10/1/2016	
Out-of-cycle Replacements		4.12.07	9/20/2012	11/30/2011	10/1/2016	
Minimum annual Miles	4.13	4.13	9/20/2012	11/30/2011	10/1/2016	
Purchasing Rules	4.14		9/20/2012	11/30/2011	10/1/2016	
Compliance with State Purchasing Rules		4.14.01	9/20/2012	11/30/2011	10/1/2016	
SFM will Identify Replacements		4.14.02	9/20/2012	11/30/2011	10/1/2016	
Approval for Additional Vehicles		4.14.03	9/20/2012	11/30/2011	10/1/2016	
Size of Vehicles	4.15	4.15	9/20/2012	11/30/2011	10/1/2016	
Vehicle Selection	4.16		9/20/2012	11/30/2011	10/1/2016	
Vehicle Must Meet Needs of the Job		4.16.01	9/20/2012	11/30/2011	10/1/2016	
Other Factors to Consider	4.16.02		9/20/2012	11/30/2011	10/1/2016	
		4.16.02a	9/20/2012	11/30/2011	10/1/2016	
		4.16.02b	9/20/2012	11/30/2011	10/1/2016	
		4.16.02c	9/20/2012	11/30/2011	10/1/2016	
Vehicle Specifications	4.17		9/20/2012	11/30/2011	10/1/2016	
Goal of Standardization		4.17.01	9/20/2012	11/30/2011	10/1/2016	
Vehicles Based on Agency Specifications		4.17.02	9/20/2012	11/30/2011	10/1/2016	
Base Level Vehicles will be Provided		4.17.03	9/20/2012	11/30/2011	10/1/2016	
License, Title and Registration	4.18		9/20/2012	11/30/2011	10/1/2016	
All Vehicles to be Registered with DOR		4.18.01	9/20/2012	11/30/2011	10/1/2016	
Undercover Plates		4.18.02	9/20/2012	11/30/2011	10/1/2016	

Only Official Plates & Decals Allowed		4.18.03	9/20/2012	11/30/2011	10/1/2016	
Plates Must Stay with Vehicle Assigned		4.18.04	9/20/2012	11/30/2011	10/1/2016	
Lost Plates		4.18.05	9/20/2012	11/30/2011	10/1/2016	
All Titles Will be Kept by SFM		4.18.06	9/20/2012	11/30/2011	10/1/2016	
Registration Renewal		4.18.07	9/20/2012	11/30/2011	10/1/2016	
Alternative Fuel Vehicles	4.19	4.19	9/20/2012	11/30/2011	10/1/2016	
Vehicle Operation	4.20		9/20/2012	11/30/2011	10/1/2016	
Use of State-Owned Vehicles	4.21	4.21	9/20/2012	11/30/2011	10/1/2016	
Commuting	4.22	4.22	9/20/2012	11/30/2011	10/1/2016	
Traffic Rules	4.23	4.23	9/20/2012	11/30/2011	10/1/2016	
	4.24	4.24	9/20/2012	11/30/2011	10/1/2016	
	4.25	2.25	9/20/2012	11/30/2011	10/1/2016	
	4.26		9/20/2012	11/30/2011	10/1/2016	
		4.26.01	9/20/2012	11/30/2011	10/1/2016	
		4.26.02	9/20/2012	11/30/2011	10/1/2016	
		4.26.03	9/20/2012	11/30/2011	10/1/2016	
		4.26.04	9/20/2012	11/30/2011	10/1/2016	
	4.27		9/20/2012	11/30/2011	10/1/2016	
		4.26.01	9/20/2012	11/30/2011	10/1/2016	
		2.26.02	9/20/2012	11/30/2011	10/1/2016	
	4.28		9/20/2012	11/30/2011	10/1/2016	
		4.28.01	9/20/2012	11/30/2011	10/1/2016	
		4.28.02	9/20/2012	11/30/2011	10/1/2016	
		4.28.04	9/20/2012	11/30/2011	10/1/2016	
		4.28.05	9/20/2012	11/30/2011	10/1/2016	
		4.28.06	9/20/2012	11/30/2011	10/1/2016	
	4.29	4.29	9/20/2012	11/30/2011	10/1/2016	
-	4.30		9/20/2012	11/30/2011	10/1/2016	
	4.31	4.31	9/20/2012	11/30/2011	10/1/2016	
	4.32	4.32	9/20/2012	11/30/2011	10/1/2016	
-	4.40		9/20/2012	11/30/2011	10/1/2016	
	4.41	4.41	9/20/2012	11/30/2011	10/1/2016	
	4.42		9/20/2012	11/30/2011	10/1/2016	
		4.42.01	9/20/2012	11/30/2011	10/1/2016	

		4.42.02	9/20/2012	11/30/2011	10/1/2016	
		4.42.03	9/20/2012	11/30/2011	10/1/2016	
		4.42.04	9/20/2012	11/30/2011	10/1/2016	
	4.43	4.43	9/20/2012	11/30/2011	10/1/2016	
	4.44	4.44	9/20/2012	11/30/2011	10/1/2016	
-	4.50		9/20/2012	11/30/2011	10/1/2016	
	5.51		9/20/2012	11/30/2011	10/1/2016	
		4.51.01	9/20/2012	11/30/2011	10/1/2016	
		4.51.02	9/20/2012	11/30/2011	10/1/2016	
		4.51.03	9/20/2012	11/30/2011	10/1/2016	
	4.52	5.52	9/20/2012	11/30/2011	10/1/2016	
	5.53		9/20/2012	11/30/2011	10/1/2016	
		4.53.01	9/20/2012	11/30/2011	10/1/2016	
		4.53.02	9/20/2012	11/30/2011	10/1/2016	
		4.53.03	9/20/2012	11/30/2011	10/1/2016	
		4.53.04	9/20/2012	11/30/2011	10/1/2016	
-	4.60		9/20/2012	11/30/2011	10/1/2016	
	4.61		9/20/2012	11/30/2011	10/1/2016	
		4.61.01	9/20/2012	11/30/2011	10/1/2016	
	4.61.02		9/20/2012	11/30/2011	10/1/2016	
		4.61.02a	9/20/2012	11/30/2011	10/1/2016	
		4.61.02b	9/20/2012	11/30/2011	10/1/2016	
		4.61.02c	9/20/2012	11/30/2011	10/1/2016	
		4.61.02d	9/20/2012	11/30/2011	10/1/2016	
		4.61.02d	9/20/2012	11/30/2011	10/1/2016	
		4.61.02e	9/20/2012	11/30/2011	10/1/2016	
		4.61.02f	9/20/2012	11/30/2011	10/1/2016	
		4.61.02g	9/20/2012	11/30/2011	10/1/2016	
		4.61.02h	9/20/2012	11/30/2011	10/1/2016	
		4.61.02i	9/20/2012	11/30/2011	10/1/2016	
		4.61.02j	9/20/2012	11/30/2011	10/1/2016	
	4.62		9/20/2012	11/30/2011	10/1/2016	
		4.62.01	9/20/2012	11/30/2011	10/1/2016	
		4.62.02	9/20/2012	11/30/2011	10/1/2016	
	4.63		9/20/2012	11/30/2011	10/1/2016	
	4.64		9/20/2012	11/30/2011	10/1/2016	
		4.64.01	9/20/2012	11/30/2011	10/1/2016	
		4.64.02	9/20/2012	11/30/2011	10/1/2016	

			4.64.03	9/20/2012	11/30/2011	10/1/2016	
	4.65		4.65	9/20/2012	11/30/2011	10/1/2016	
	4.70			9/20/2012	11/30/2011	10/1/2016	
	4.71		4.71	9/20/2012	11/30/2011	10/1/2016	
	4.72		4.72	9/20/2012	11/30/2011	10/1/2016	
	4.73		4.73	9/20/2012	11/30/2011	10/1/2016	
	4.74			9/20/2012	11/30/2011	10/1/2016	
			4.74.01	9/20/2012	11/30/2011	10/1/2016	
			4.74.02	9/20/2012	11/30/2011	10/1/2016	
			4.74.03	9/20/2012	11/30/2011	10/1/2016	
			4.74.04	9/20/2012	11/30/2011	10/1/2016	
	4.80		4.80	9/20/2012	11/30/2011	10/1/2016	
	4.81			9/20/2012	11/30/2011	10/1/2016	
	4.81.01			9/20/2012	11/30/2011	10/1/2016	
			4.81.01a	9/20/2012	11/30/2011	10/1/2016	
			4.81.01b	9/20/2012	11/30/2011	10/1/2016	
			4.81.01c	9/20/2012	11/30/2011	10/1/2016	
			4.81.01d	9/20/2012	11/30/2011	10/1/2016	
			4.81.01e	9/20/2012	11/30/2011	10/1/2016	
Revocation of Vehicle Assignment	5.00			9/20/2012	11/30/2011	10/1/2016	
	5.10			9/20/2012	11/30/2011	10/1/2016	
Definition of Assignment	5.11		5.11	9/20/2012	11/30/2011	10/1/2016	
Restrictions	5.20			9/20/2012	11/30/2011	10/1/2016	
Favoritism			5.2.01	9/20/2012	11/30/2011	10/1/2016	
Number of Vehicles			5.2.02	9/20/2012	11/30/2011	10/1/2016	
Basis for Revocation	5.30			9/20/2012	11/30/2011	10/1/2016	
Unofficial Use			5.3.01	9/20/2012	11/30/2011	10/1/2016	
Failure to File Reports			5.3.02	9/20/2012	11/30/2011	10/1/2016	
False Information			5.3.03	9/20/2012	11/30/2011	10/1/2016	
Required Signature			5.3.04	9/20/2012	11/30/2011	10/1/2016	
Abuse			5.3.05	9/20/2012	11/30/2011	10/1/2016	
Violation of Other Rules			5.3.06	9/20/2012	11/30/2011	10/1/2016	
Low Annual Mileage			5.3.07	9/20/2012	11/30/2011	10/1/2016	
Procedure for Revocation of Assignment	5.40			9/20/2012	11/30/2011	10/1/2016	
Notice of Violation	5.41		5.41	9/20/2012	11/30/2011	10/1/2016	
Revocation	5.42		5.42	9/20/2012	11/30/2011	10/1/2016	

Appeals	5.43	5.43	9/20/2012	11/30/2011	10/1/2016	
Reassignment	5.50		9/20/2012	11/30/2011	10/1/2016	
Request to Reinstate Vehicle	5.51	5.51	9/20/2012	11/30/2011	10/1/2016	
Annual Verification of Minimum Miles	6.00		9/20/2012	11/30/2011	10/1/2016	
Utilization Criteria	6.10		9/20/2012	11/30/2011	10/1/2016	
Minimum Annual Mileage	6.11	6.11	9/20/2012	11/30/2011	10/1/2016	
Reporting Requirements	6.20		9/20/2012	11/30/2011	10/1/2016	
Utilization Reports	6.21	6.21	9/20/2012	11/30/2011	10/1/2016	
Low Mileage	6.22		9/20/2012	11/30/2011	10/1/2016	
Agency Must Furnish Justification		6.22.01	9/20/2012	11/30/2011	10/1/2016	
Assignment May be Revoked		6.22.02	9/20/2012	11/30/2011	10/1/2016	
Justifications for Low Mileage		6.22.03a	9/20/2012	11/30/2011	10/1/2016	
		6.22.03b	9/20/2012	11/30/2011	10/1/2016	
		6.22.03c	9/20/2012	11/30/2011	10/1/2016	
		6.22.03d	9/20/2012	11/30/2011	10/1/2016	
		6.22.03e	9/20/2012	11/30/2011	10/1/2016	
		6.22.03f	9/20/2012	11/30/2011	10/1/2016	
			9/20/2012	11/30/2011	10/1/2016	
Higher Ed Opting Out of State Fleet	7.0		9/20/2012	11/30/2011	10/1/2016	
Notification in Writing		7.0.01	9/20/2012	11/30/2011	10/1/2016	
Withdrawal Will be Effective July 1		7.0.02	9/20/2012	11/30/2011	10/1/2016	
State Travel Program	20.00	20.00	9/20/2012	11/30/2011	N/A	Yes
Definitions	20.10		9/20/2012	11/30/2011	N/A	Yes
State Travel Management Program		20.10.01	9/20/2012	11/30/2011	N/A	Yes
Travel Compliance Designee (TCD)		20.10.02	9/20/2012	11/30/2011	N/A	Yes
Travel Payment Program Provider		20.10.03	9/20/2012	11/30/2011	N/A	Yes
Travel Payment Program	20.10.04		9/20/2012	11/30/2011	N/A	Yes
		20.10.04a	9/20/2012	11/30/2011	N/A	Yes

		20.10.04b	9/20/2012	11/30/2011	N/A		Yes
		20.10.04c	9/20/2012	11/30/2011	N/A		Yes
Commercial Travel Vendor		20.10.05	9/20/2012	11/30/2011	N/A		Yes
State Agency		20.10.06	9/20/2012	11/30/2011	N/A		Yes
State Employee		20.10.07	9/20/2012	11/30/2011	N/A		Yes
Responsibility and Applicability	20.15						
Responsibility		20.15.01	9/20/2012	11/30/2011	N/A		Yes
Applicability		20.15.02	9/20/2012	11/30/2011	N/A		Yes
Responsibilities	20.20						
The Program Shall	20.20.01						
		20.20.01a	9/20/2012	11/30/2011	N/A		Yes
		20.20.01b	9/20/2012	11/30/2011	N/A		Yes
		20.20.01c	9/20/2012	11/30/2011	N/A		Yes
		20.20.01d	9/20/2012	11/30/2011	N/A		Yes
		20.20.01e	9/20/2012	11/30/2011	N/A		Yes
		20.20.01f	9/20/2012	11/30/2011	N/A		Yes
		20.20.01g	9/20/2012	11/30/2011	N/A		Yes
Department E.D and Higher Ed CEO's	20.20.02						
		20.20.02a	9/20/2012	11/30/2011	N/A		Yes
		20.20.02b	9/20/2012	11/30/2011	N/A		Yes
Travel Compliance Designee	20.20.03						
		20.20.03a	9/20/2012	11/30/2011	N/A		Yes
		20.20.03b	9/20/2012	11/30/2011	N/A		Yes
		20.20.03c	9/20/2012	11/30/2011	N/A		Yes
		20.20.03d	9/20/2012	11/30/2011	N/A		Yes
		20.20.03e	9/20/2012	11/30/2011	N/A		Yes
		20.20.03f	9/20/2012	11/30/2011	N/A		Yes
		20.20.03g	9/20/2012	11/30/2011	N/A		Yes
		20.20.03h	9/20/2012	11/30/2011	N/A		Yes
		20.20.03j	9/20/2012	11/30/2011	N/A		Yes
Employee on State Business Travel	20.20.04						
		20.20.04a	9/20/2012	11/30/2011	N/A		Yes
		20.20.04b	9/20/2012	11/30/2011	N/A		Yes
		20.20.04c	9/20/2012	11/30/2011	N/A		Yes

		20.20.04c	9/20/2012	11/30/2011	N/A		Yes
Travel Payment Program	20.25		9/20/2012	11/30/2011	N/A		Yes
Travel Payment Program		20.25.01	9/20/2012	11/30/2011	N/A		Yes
Use of Payment Program		20.25.02	9/20/2012	11/30/2011	N/A		Yes
Purpose of Payment Program		20.25.03	9/20/2012	11/30/2011	N/A		Yes
Issuing Authority		20.25.04	9/20/2012	11/30/2011	N/A		Yes
		20.25.05	9/20/2012	11/30/2011	N/A		Yes
		20.25.06	9/20/2012	11/30/2011	N/A		Yes
		20.25.07	9/20/2012	11/30/2011	N/A		Yes
Extenuating Circumstances	20.30	20.30	9/20/2012	11/30/2011	N/A		Yes
Count	104	228				0	55

2014 DPA Rule Review -- 1 CCR 103-2 Capitol Complex Parking Rules

Rule Name	Section	Rule	Last reviewed	Last modification effective date	Next planned regular review	2014 Review: Recommend to modify?	2014 Review: Recommend to repeal?
General	1.0		9/24/2012	9/6/2006	10/1/2016		
DCS Responsibility		1.1	9/24/2012	9/6/2006	10/1/2016		
Included Properties		1.2	9/24/2012	9/6/2006	10/1/2016	yes	
Definitions	2.0		9/24/2012	9/6/2006	10/1/2016		
Agency Space		2.1	9/24/2012	9/6/2006	10/1/2016	yes	
Assignee		2.2	9/24/2012	9/6/2006	10/1/2016	yes	
Capitol Complex		2.3	9/24/2012	9/6/2006	10/1/2016	yes	
Carpooler		2.4	9/24/2012	9/6/2006	10/1/2016	yes	
Downtown Denver Area		2.4.1			10/1/2016		
Individual Space		2.5	9/24/2012	9/6/2006	10/1/2016		
Waiting List		2.6	9/24/2012	9/6/2006	10/1/2016		
Applications	3.0		9/24/2012	9/6/2006	10/1/2016		
Agency Spaces		3.1	9/24/2012	9/6/2006	10/1/2016	yes	
Employee Requirements		3.2	9/24/2012	9/6/2006	10/1/2016	yes	
Assignments	4.0		9/24/2012	9/6/2006	10/1/2016		
State Capitol Circle Spaces		4.1	9/24/2012	9/6/2006	10/1/2016	yes	
Allocation Process		4.2	9/24/2012	9/6/2006	10/1/2016		
Elected Officials		4.3	9/24/2012	9/6/2006	10/1/2016	yes	
Disabled Access Parking		4.4	9/24/2012	9/6/2006	10/1/2016		
Motorcycles and Scooters		4.5	9/24/2012	9/6/2006	10/1/2016	yes	
DPA Can Displace with 30-days Notice		4.6	9/24/2012	9/6/2006	10/1/2016	yes	
Parking at Owners Risk		4.7	9/24/2012	9/6/2006	10/1/2016		
No Reassignment or Subleasing		4.8	9/24/2012	9/6/2006	10/1/2016	yes	
Reserved Hours		4.9	9/24/2012	9/6/2006	10/1/2016		
Use by Other Public or Private Entities		4.10	9/24/2012	9/6/2006	10/1/2016	yes	
Fees	5.0		9/24/2012	9/6/2006	10/1/2016		
Rates Based on Parking Survey		5.1	9/24/2012	9/6/2006	10/1/2016		

Agency Space Billing		5.2	9/24/2012	9/6/2006	10/1/2016	yes	
Employee Required Payroll Deduction		5.3	9/24/2012	9/6/2006	10/1/2016		
Pro-rated Refunds		5.4	9/24/2012	9/6/2006	10/1/2016		
Revenues Deposited to Parking Fund		5.5	9/24/2012	9/6/2006	10/1/2016	yes	
Carpool and Vanpool Discounts	6.0		9/24/2012	9/6/2006	10/1/2016		
Requirements to Qualify	6.1		9/24/2012	9/6/2006	10/1/2016	yes	
		6.1(a)	9/24/2012	9/6/2006	10/1/2016	yes	
		6.1(b)	9/24/2012	9/6/2006	10/1/2016	yes	
		6.1(c)	9/24/2012	9/6/2006	10/1/2016	yes	
		6.1(d)	9/24/2012	9/6/2006	10/1/2016	yes	
		6.1(e)	9/24/2012	9/6/2006	10/1/2016	yes	
Reductions Specified		6.2	9/24/2012	9/6/2006	10/1/2016		
Failure to Comply		6.3	9/24/2012	9/6/2006	10/1/2016	yes	
Permits and Parking Access Devices	7.0		9/24/2012	9/6/2006	10/1/2016		
Rules for Tag and Access Devices		7.1	9/24/2012	9/6/2006	10/1/2016		
Charges if Lost		7.2	9/24/2012	9/6/2006	10/1/2016	yes	
Violations	8.0		9/24/2012	9/6/2006	10/1/2016		
Types of Violations (\$20)	8.1		9/24/2012	9/6/2006	10/1/2016	yes	
		8.1(a)	9/24/2012	9/6/2006	10/1/2016		
		8.1(b)	9/24/2012	9/6/2006	10/1/2016		
		8.1(c)	9/24/2012	9/6/2006	10/1/2016		
		8.1(d)	9/24/2012	9/6/2006	10/1/2016		
		8.1(e)	9/24/2012	9/6/2006	10/1/2016		
		8.1(f)	9/24/2012	9/6/2006	10/1/2016		
Types of Violations (\$50)	8.2		9/24/2012	9/6/2006	10/1/2016	yes	
		8.2(a)	9/24/2012	9/6/2006	10/1/2016		
		8.2(b)	9/24/2012	9/6/2006	10/1/2016		
		8.2(c)	9/24/2012	9/6/2006	10/1/2016		
		8.2(d)	9/24/2012	9/6/2006	10/1/2016		
		8.2(e)	9/24/2012	9/6/2006	10/1/2016		
Penalty Publication and Compliance with State Statute		8.3	10/14/2014	10/14/2014	10/1/2016	yes	

Enforcement	9.0			9/24/2012	9/6/2006	10/1/2016		
Only DPA May Enforce								
Citation to Appear at OAC		9.1		9/24/2012	9/6/2006	10/1/2016		
Contenting a Penalty		9.2		9/24/2012	9/6/2006	10/1/2016	yes	
Appeal to DCS Director		9.3		9/24/2012	9/6/2006	10/1/2016	yes	
Decision of DCS Director is Final		9.4		9/24/2012	9/6/2006	10/1/2016		yes
		9.5		9/24/2012	9/6/2006	10/1/2016		yes
Delinquent Fines		9.6		9/24/2012	9/6/2006	10/1/2016	yes	
Count	12	53					29	2

2014 DPA Rule Review -- 1 CCR 103-3 State Capitol Group Grounds Permit Regulations

Rule Name	Section	Rule	Last reviewed	Last modification effective date	Next planned regular review	2014 Review: Recommend to modify?	2014 Review: Recommend to repeal?
Definitions	1.0		9/24/2012	7/1/2010	10/1/2016		
Commercial Enterprise Event		1.1	9/24/2012	7/1/2010	10/1/2016		
Event Marshal		1.2	9/24/2012	7/1/2010	10/1/2016		
Executive Director		1.3	9/24/2012	7/1/2010	10/1/2016		
Limitation		1.4	9/24/2012	7/1/2010	10/1/2016		
Lincoln Park		1.5	9/24/2012	7/1/2010	10/1/2016		
Solicitation		1.6	9/24/2012	7/1/2010	10/1/2016		
State Capitol Complex Buildings and Grounds		1.7	9/24/2012	7/1/2010	10/1/2016		
State Capitol Grounds		1.8	9/24/2012	7/1/2010	10/1/2016		
Festival		1.9	9/24/2012	7/1/2010	10/1/2016		
Assembly		1.10	9/24/2012	7/1/2010	10/1/2016		
Event Coordinator		1.11	9/24/2012	7/1/2010	10/1/2016		
Extraordinary Event		1.12	9/24/2012	7/1/2010	10/1/2016		
		1.13	9/24/2012	7/1/2010	10/1/2016		
General Requirements	2.0		9/24/2012	7/1/2010	10/1/2016		
Activities Must be at Permitted Location		2.1	9/24/2012	7/1/2010	10/1/2016		
No Damage to State Property		2.2	9/24/2012	7/1/2010	10/1/2016		
Event Must Comply with Denver Cerfew		2.3	9/24/2012	7/1/2010	10/1/2016		
Cannot Block Building Entrances		2.4	9/24/2012	7/1/2010	10/1/2016		
Sound Systems		2.5	9/24/2012	7/1/2010	10/1/2016		
Event Coordinator Must be Present		2.6	9/24/2012	7/1/2010	10/1/2016		
Requirement for Event Marshal		2.7	9/24/2012	7/1/2010	10/1/2016		
E.D. May Impose Restrictions		2.8	9/24/2012	7/1/2010	10/1/2016		

State Capitol Grounds	3.0			9/24/2012	7/1/2010	10/1/2016		
Permits for Only One Event at a Time								
Limit on Solicitations		3.1		9/24/2012	7/1/2010	10/1/2016		
Commercial Enterprise Restrictions		3.2		9/24/2012	7/1/2010	10/1/2016		
No Camping Allowed		3.3		9/24/2012	7/1/2010	10/1/2016		
No Attachment to State Property		3.4		9/24/2012	7/1/2010	10/1/2016		
No Parking on Hardscape Pavers		3.5		9/24/2012	7/1/2010	10/1/2016		
No Incendiary Devices		3.6		9/24/2012	7/1/2010	10/1/2016		
Proof of Liability Insurance		3.7		9/24/2012	7/1/2010	10/1/2016		
		3.8		9/24/2012	7/1/2010	10/1/2016		
Lincoln Park	4.0			9/24/2012	7/1/2010	10/1/2016		
Permits for Only One Event at a Time		4.1		9/24/2012	7/1/2010	10/1/2016		
Solicitation Allowed		4.2		9/24/2012	7/1/2010	10/1/2016		
Commercial Enterprise Restrictions		4.3		9/24/2012	7/1/2010	10/1/2016		
No Camping Allowed		4.4		9/24/2012	7/1/2010	10/1/2016		
No Attachment to State Property		4.5		9/24/2012	7/1/2010	10/1/2016		
Candle Restrictions		4.6		9/24/2012	7/1/2010	10/1/2016		
Requirement of \$150 Donation		4.7		9/24/2012	7/1/2010	10/1/2016		
Proof of Liability Insurance		4.8		9/24/2012	7/1/2010	10/1/2016		
Other State Buildings and Grounds	5.0			9/24/2012	7/1/2010	10/1/2016		
		5.1		9/24/2012	7/1/2010	10/1/2016		
Permit Applications	6.0			9/24/2012	7/1/2010	10/1/2016		
Permit Required		6.1		9/24/2012	7/1/2010	10/1/2016		
At Least 30 Days Prior to Event		6.2		9/24/2012	7/1/2010	10/1/2016		
E.D May Waive 30 day Requirement		6.3		9/24/2012	7/1/2010	10/1/2016		
Approval Decision Within 20 days		6.4		9/24/2012	7/1/2010	10/1/2016		
Conflicting Applications	7.0			9/24/2012	7/1/2010	10/1/2016		

Criteria	7.1			9/24/2012	7/1/2010	10/1/2016		
Historic Usage			7.1.1	9/24/2012	7/1/2010	10/1/2016		
Submitted Same Day Requires Lottery			7.1.2	9/24/2012	7/1/2010	10/1/2016		
Lottery Procedures			7.1.3	9/24/2012	7/1/2010	10/1/2016		
Extraordinary Event Process			7.2	9/24/2012	7/1/2010	10/1/2016		
Permit Dedials	8.0			9/24/2012	7/1/2010	10/1/2016		
Incomplete, False or Misleading			8.1	9/24/2012	7/1/2010	10/1/2016		
Time and Place Already Booked			8.2	9/24/2012	7/1/2010	10/1/2016		
Event Cannot be Accomodated			8.3	9/24/2012	7/1/2010	10/1/2016		
Permit Revocation	9.0			9/24/2012	7/1/2010	10/1/2016		
Law Violations or Threat to Safety			9.1	9/24/2012	7/1/2010	10/1/2016		
Likely to Incite Lawless Action			9.2	9/24/2012	7/1/2010	10/1/2016		
Cancellations	10.0			9/24/2012	7/1/2010	10/1/2016		
			10.0	9/24/2012	7/1/2010	10/1/2016		
Appeals	11.0			9/24/2012	7/1/2010	10/1/2016		
			11.0	9/24/2012	7/1/2010	10/1/2016		
Count		12	53				0	0

2014 DPA Rule Review -- 1 CCR 103-4 State Use of Colorado Convention Center Display Space

Rule Name	Section	Rule	Last reviewed	Last modification effective date	Next planned regular review	2014 Review: Recommend to modify?	2014 Review: Recommend to repeal?
Basis, Authority and Responsibility	1.0		9/20/2012	3/6/2008	10/1/2016		
Basis and Purpose		1.1	9/20/2012	3/6/2008	10/1/2016		
Authority		1.2	9/20/2012	3/6/2008	10/1/2016		
Responsibility		1.3	9/20/2012	3/6/2008	10/1/2016		
Applicability and Definitions	2.0		9/20/2012	3/6/2008	10/1/2016		
Applicability		2.1	9/20/2012	3/6/2008	10/1/2016		
Definitions	2.2		9/20/2012	3/6/2008	10/1/2016		
Agency		2.2.01	9/20/2012	3/6/2008	10/1/2016		
Commercial		2.2.02	9/20/2012	3/6/2008	10/1/2016		
Colorado Products and Business		2.2.03	9/20/2012	3/6/2008	10/1/2016		
Department		2.2.04	9/20/2012	3/6/2008	10/1/2016		
Display Space		2.2.05	9/20/2012	3/6/2008	10/1/2016		
Executive Director		2.2.06	9/20/2012	3/6/2008	10/1/2016		
Private Non-profit		2.2.07	9/20/2012	3/6/2008	10/1/2016		
Product		2.2.08	9/20/2012	3/6/2008	10/1/2016		
Time Share		2.2.09	9/20/2012	3/6/2008	10/1/2016		
Management of Display Space	3.0		9/20/2012	3/6/2008	10/1/2016		
Graduated Fee Schedule		3.1	9/20/2012	3/6/2008	10/1/2016		
Contract Management		3.2	9/20/2012	3/6/2008	10/1/2016		
Scheduling Display Space	4.0		9/20/2012	3/6/2008	10/1/2016		
Permanent Display		4.1	9/20/2012	3/6/2008	10/1/2016		
Time Share Promotions		4.2	9/20/2012	3/6/2008	10/1/2016		
Scheduling		4.3	9/20/2012	3/6/2008	10/1/2016		
Responsibility of Exhibitor	5.0		9/20/2012	3/6/2008	10/1/2016		
Deposit of \$500		5.1	9/20/2012	3/6/2008	10/1/2016		

Display and Dismantle Time Allowed		5.2	9/20/2012	3/6/2008	10/1/2016		
Exhibitor is Solely Responsible for Exhibit Appearance		5.3	9/20/2012	3/6/2008	10/1/2016		
		5.4	9/20/2012	3/6/2008	10/1/2016		
Display Space Manage Must Review Content		5.5	9/20/2012	3/6/2008	10/1/2016		
Rules and Regulations of Center Apply		5.6	9/20/2012	3/6/2008	10/1/2016		
Responsibility of State	6.0		9/20/2012	3/6/2008	10/1/2016		
Designate Display Space Manager		6.1	9/20/2012	3/6/2008	10/1/2016		
Raise Funds for Permanent Display		6.2	9/20/2012	3/6/2008	10/1/2016		
Keep Interested Parties Informed		6.3	9/20/2012	3/6/2008	10/1/2016		
Count	7	27				0	0

2014 DPA Rule Review -- 1 CCR 103-5 Leasing Rules for Capitol Complex Tenants

Rule Name	Section	Rule	Last reviewed	Last modification effective date	Next planned regular review	2014 Review: Recommend to modify?	2014 Review: Recommend to repeal?
Definitions	1.0		9/24/2012	7/1/2010	10/1/2016		
Capitol Complex Program			9/24/2012	7/1/2010	10/1/2016		
DPA Tenant Handbook		1.1	9/24/2012	7/1/2010	10/1/2016		
Premises		1.2	9/24/2012	7/1/2010	10/1/2016		
Building		1.3	9/24/2012	7/1/2010	10/1/2016		
Office Space		1.4	9/24/2012	7/1/2010	10/1/2016		
Occupant		1.5	9/24/2012	7/1/2010	10/1/2016		
Leased Space Payments		1.6	9/24/2012	7/1/2010	10/1/2016		
		1.7	9/24/2012	7/1/2010	10/1/2016		
Owner Responsible for Fines		1.8	9/24/2012	7/1/2010	10/1/2016		
Common Policy Allocation		1.9	9/24/2012	7/1/2010	10/1/2016		
Responsibilities of Occupant	2.0		9/24/2012	7/1/2010	10/1/2016		
Use of Premises		2.1a	9/24/2012	7/1/2010	10/1/2016		
Use of Premises		2.1b	9/24/2012	7/1/2010	10/1/2016		
Use of Premises		2.1c	9/24/2012	7/1/2010	10/1/2016		
Use of Premises		2.1d	9/24/2012	7/1/2010	10/1/2016		
Use of Premises		2.1e	9/24/2012	7/1/2010	10/1/2016		
Use of Premises		2.1f	9/24/2012	7/1/2010	10/1/2016		
Payment	2.2		9/24/2012	7/1/2010	10/1/2016		
		2.2a	9/24/2012	7/1/2010	10/1/2016		
		2.2b	9/24/2012	7/1/2010	10/1/2016		
		2.2c	9/24/2012	7/1/2010	10/1/2016		
Alterations to Premises	2.3		9/24/2012	7/1/2010	10/1/2016		
		2.3a	9/24/2012	7/1/2010	10/1/2016		
Occupancy of Premises	2.4		9/24/2012	7/1/2010	10/1/2016		
		2.4a	9/24/2012	7/1/2010	10/1/2016		
Content of Office Space	2.5		9/24/2012	7/1/2010	10/1/2016		
		2.5a	9/24/2012	7/1/2010	10/1/2016		
Responsibilities of Owner	4.0		9/24/2012	7/1/2010	10/1/2016		
		4.1	9/24/2012	7/1/2010	10/1/2016		

Fiscal Funding	5.0		9/24/2012	7/1/2010	10/1/2016		
		5.1	9/24/2012	7/1/2010	10/1/2016		
Hold Over	6.0		9/24/2012	7/1/2010	10/1/2016		
		6.1	9/24/2012	7/1/2010	10/1/2016		
Termination	7.0		9/24/2012	7/1/2010	10/1/2016		
		7.1	9/24/2012	7/1/2010	10/1/2016		
Appeals	8.0		9/24/2012	7/1/2010	10/1/2016		
		8.1	9/24/2012	7/1/2010	10/1/2016		
Count	11	26				0	0

2014 DPA Rule Review -- 1 CCR 103-6 Address Confidentiality Program

Rule Name	Section	Rule	Last reviewed	Last modification effective date	Next planned regular review	2014 Review: Recommend to modify?	2014 Review: Recommend to repeal?
Introduction	1.0	1.0	5/20/2014	7/15/2014	10/14/2016		
Authority	1.1	1.1	5/20/2014	7/15/2014	10/14/2016		
Scope and Purpose	1.2	1.2	5/20/2014	7/15/2014	10/14/2016		
Specific Authority	1.3	1.3	5/20/2014	7/15/2014	10/14/2016		
Definitions	2.0		5/20/2014	7/15/2014	10/14/2016		
		2.1	5/20/2014	7/15/2014	10/14/2016		
		2.2	5/20/2014	7/15/2014	10/14/2016		
		2.3	5/20/2014	7/15/2014	10/14/2016		
		2.4	5/20/2014	7/15/2014	10/14/2016		
		2.5	5/20/2014	7/15/2014	10/14/2016		
		2.6	5/20/2014	7/15/2014	10/14/2016		
Application Assistant Designation	3.0		5/20/2014	7/15/2014	10/14/2016		
		3.1	5/20/2014	7/15/2014	10/14/2016		
		3.2	5/20/2014	7/15/2014	10/14/2016		
		3.3	5/20/2014	7/15/2014	10/14/2016		
		3.4	5/20/2014	7/15/2014	10/14/2016		
		3.5	5/20/2014	7/15/2014	10/14/2016		
		3.6	5/20/2014	7/15/2014	10/14/2016		
		3.7	5/20/2014	7/15/2014	10/14/2016		
Program Application	4.0		5/20/2014	7/15/2014	10/14/2016		
		4.1	5/20/2014	7/15/2014	10/14/2016		
Participant Telephone Number and Address Change	5.0		5/20/2014	7/15/2014	10/14/2016		
Program Cancellation	6.0		5/20/2014	7/15/2014	10/14/2016		
		6.1	5/20/2014	7/15/2014	10/14/2016		
		6.2	5/20/2014	7/15/2014	10/14/2016		
	6.3		5/20/2014	7/15/2014	10/14/2016		
		6.3(a)	5/20/2014	7/15/2014	10/14/2016		

			6.3(b)	5/20/2014	7/15/2014	10/14/2016		
			6.3(c)	5/20/2014	7/15/2014	10/14/2016		
			6.4	5/20/2014	7/15/2014	10/14/2016		
Appeal of Program Cancellation	7.0			5/20/2014	7/15/2014	10/14/2016		
			7.1	5/20/2014	7/15/2014	10/14/2016		
			7.2	5/20/2014	7/15/2014	10/14/2016		
			7.3	5/20/2014	7/15/2014	10/14/2016		
			7.4	5/20/2014	7/15/2014	10/14/2016		
			7.5	5/20/2014	7/15/2014	10/14/2016		
			7.6	5/20/2014	7/15/2014	10/14/2016		
Expedited Release of Participant Information to Criminal Justice Officials or Agencies	8.0			5/20/2014	7/15/2014	10/14/2016		
			8.1	5/20/2014	7/15/2014	10/14/2016		
			8.2	5/20/2014	7/15/2014	10/14/2016		
School Enrollment and Record Transfers	9.0			5/20/2014	7/15/2014	10/14/2016		
			9.1	5/20/2014	7/15/2014	10/14/2016		
			9.2	5/20/2014	7/15/2014	10/14/2016		
			9.3	5/20/2014	7/15/2014	10/14/2016		
Count	13	36					0	0

2014 DPA Rule Review - 1 CCR 105-1 DHR Risk Management Rules

Rule Name	Section	Rule	Last reviewed	Last modification effective date	Next planned regular review	2014 Review: Recommend to modify?	2014 Review: Recommend to repeal?
General Provisions	Chapter 1	1-1	July 2014	8/14/2006	None if repealed		Yes
General Provisions	Chapter 1	1-2	July 2014	8/14/2006	None if repealed		Yes
General Provisions	Chapter 1	1-3	July 2014	8/14/2006	None if repealed		Yes
General Provisions	Chapter 1	1-4	July 2014	8/14/2006	None if repealed		Yes
Definitions	Chapter 2	2-1	July 2014	8/14/2006	None if repealed		Yes
Definitions	Chapter 2	2-2	July 2014	8/14/2006	None if repealed		Yes
Definitions	Chapter 2	2-2-a	July 2014	8/14/2006	None if repealed		Yes
Definitions	Chapter 2	2-2-b	July 2014	8/14/2006	None if repealed		Yes
Definitions	Chapter 2	2-2-c	July 2014	8/14/2006	None if repealed		Yes
Definitions	Chapter 2	2-2-d	July 2014	8/14/2006	None if repealed		Yes
Definitions	Chapter 2	2-2-e	July 2014	8/14/2006	None if repealed		Yes
Definitions	Chapter 2	2-2-f	July 2014	8/14/2006	None if repealed		Yes
Definitions	Chapter 2	2-2-g	July 2014	8/14/2006	None if repealed		Yes
Definitions	Chapter 2	2-2-h	July 2014	8/14/2006	None if repealed		Yes
Definitions	Chapter 2	2-2-i	July 2014	8/14/2006	None if repealed		Yes
Definitions	Chapter 2	2-2-j	July 2014	8/14/2006	None if repealed		Yes
Investigation and Adjustment of Claims	Chapter 3	3-1	July 2014	8/14/2006	None if repealed		Yes
Investigation and Adjustment of Claims	Chapter 3	3-2	July 2014	8/14/2006	None if repealed		Yes
Investigation and Adjustment of Claims	Chapter 3	3-3	July 2014	8/14/2006	None if repealed		Yes
Investigation and Adjustment of Claims	Chapter 3	3-4	July 2014	8/14/2006	None if repealed		Yes
Investigation and Adjustment of Claims	Chapter 3	3-5	July 2014	8/14/2006	None if repealed		Yes
Investigation and Adjustment of Claims	Chapter 3	3-6	July 2014	8/14/2006	None if repealed		Yes
Investigation and Adjustment of Claims	Chapter 3	3-6-a	July 2014	8/14/2006	None if repealed		Yes
Investigation and Adjustment of Claims	Chapter 3	3-6-b	July 2014	8/14/2006	None if repealed		Yes
Investigation and Adjustment of Claims	Chapter 3	3-6-c	July 2014	8/14/2006	None if repealed		Yes

Investigation and Adjustment of Claims	Chapter 3	3-6-d	July 2014	8/14/2006	None if repealed		Yes
Investigation and Adjustment of Claims	Chapter 3	3-7	July 2014	8/14/2006	None if repealed		Yes
Investigation and Adjustment of Claims	Chapter 3	3-8	July 2014	8/14/2006	None if repealed		Yes
Investigation and Adjustment of Claims	Chapter 3	3-9	July 2014	8/14/2006	None if repealed		Yes
INVESTIGATION AND ADJUSTMENT OF CLAIMS	Chapter 3	3-10	July 2014	8/14/2006	None if repealed		Yes
Settlement	Chapter 4	4-1	July 2014	8/14/2006	None if repealed		Yes
Settlement	Chapter 4	4-1-a	July 2014	8/14/2006	None if repealed		Yes
Settlement	Chapter 4	4-1-b	July 2014	8/14/2006	None if repealed		Yes
Settlement	Chapter 4	4-1-c	July 2014	8/14/2006	None if repealed		Yes
Settlement	Chapter 4	4-1-d	July 2014	8/14/2006	None if repealed		Yes
Settlement	Chapter 4	4-1-e	July 2014	8/14/2006	None if repealed		Yes
Settlement	Chapter 4	4-2	July 2014	8/14/2006	None if repealed		Yes
Settlement	Chapter 4	4-2-a	July 2014	8/14/2006	None if repealed		Yes
Settlement	Chapter 4	4-2-b	July 2014	8/14/2006	None if repealed		Yes
Settlement	Chapter 4	4-2-c	July 2014	8/14/2006	None if repealed		Yes
Settlement	Chapter 4	4-2-d	July 2014	8/14/2006	None if repealed		Yes
Settlement	Chapter 4	4-3	July 2014	8/14/2006	None if repealed		Yes
Settlement	Chapter 4	4-3-a	July 2014	8/14/2006	None if repealed		Yes
Settlement	Chapter 4	4-3-b	July 2014	8/14/2006	None if repealed		Yes
Settlement	Chapter 4	4-3-c	July 2014	8/14/2006	None if repealed		Yes
Settlement	Chapter 4	4-3-d	July 2014	8/14/2006	None if repealed		Yes
Settlement	Chapter 4	4-4	July 2014	8/14/2006	None if repealed		Yes
Settlement	Chapter 4	4-4-a	July 2014	8/14/2006	None if repealed		Yes
Settlement	Chapter 4	4-4-b	July 2014	8/14/2006	None if repealed		Yes
Settlement	Chapter 4	4-4-c	July 2014	8/14/2006	None if repealed		Yes
Settlement	Chapter 4	4-4-d	July 2014	8/14/2006	None if repealed		Yes
Settlement	Chapter 4	4-4-e	July 2014	8/14/2006	None if repealed		Yes
Settlement	Chapter 4	4-5	July 2014	8/14/2006	None if repealed		Yes
Legal Defense and Contract Services	Chapter 5	5-1	July 2014	8/14/2006	None if repealed		Yes
Legal Defense and Contract Services	Chapter 5	5-2	July 2014	8/14/2006	None if repealed		Yes
Legal Defense and Contract Services	Chapter 5	5-3	July 2014	8/14/2006	None if repealed		Yes
Legal Defense and Contract Services	Chapter 5	5-4	July 2014	8/14/2006	None if repealed		Yes

Legal Defense and Contract Services	Chapter 5	5-5	July 2014	8/14/2006	None if repealed		Yes
Legal Defense and Contract Services	Chapter 5	5-6	July 2014	8/14/2006	None if repealed		Yes
Legal Defense and Contract Services	Chapter 5	5-7	July 2014	8/14/2006	None if repealed		Yes
Administration of Programs	Chapter 6	6-1	July 2014	8/14/2006	None if repealed		Yes
Administration of Programs	Chapter 6	6-1-a	July 2014	8/14/2006	None if repealed		Yes
Administration of Programs	Chapter 6	6-1-b	July 2014	8/14/2006	None if repealed		Yes
Administration of Programs	Chapter 6	6-1-c	July 2014	8/14/2006	None if repealed		Yes
Administration of Programs	Chapter 6	6-2	July 2014	8/14/2006	None if repealed		Yes
Administration of Programs	Chapter 6	6-3	July 2014	8/14/2006	None if repealed		Yes
Administration of Programs	Chapter 6	6-4	July 2014	8/14/2006	None if repealed		Yes
Administration of Programs	Chapter 6	6-4-a	July 2014	8/14/2006	None if repealed		Yes
Administration of Programs	Chapter 6	6-4-b	July 2014	8/14/2006	None if repealed		Yes
Administration of Programs	Chapter 6	6-4-c	July 2014	8/14/2006	None if repealed		Yes
Administration of Programs	Chapter 6	6-5	July 2014	8/14/2006	None if repealed		Yes
Administration of Programs	Chapter 6	6-6	July 2014	8/14/2006	None if repealed		Yes
Higher Education Exemption	Chapter 7	7-1	July 2014	12/1/2004	2016		
Higher Education Exemption	Chapter 7	7-2	July 2014	12/1/2004	2016		
Higher Education Exemption	Chapter 7	7-2-A	July 2014	12/1/2004	2016		
Higher Education Exemption	Chapter 7	7-2-B	July 2014	12/1/2004	2016		
Higher Education Exemption	Chapter 7	7-2-C	July 2014	12/1/2004	2016		
Higher Education Exemption	Chapter 7	7-3	July 2014	12/1/2004	2016		
Higher Education Exemption	Chapter 7	7-3-A	July 2014	12/1/2004	2016		
Higher Education Exemption	Chapter 7	7-3-B	July 2014	12/1/2004	2016		
Higher Education Exemption	Chapter 7	7-4-A	July 2014	12/1/2004	2016		
Higher Education Exemption	Chapter 7	7-4-B	July 2014	12/1/2004	2016		
Higher Education Exemption	Chapter 7	7-5	July 2014	12/1/2004	2016		
Count	7	83			0		72

2014 DPA Rule Review - 1 CCR 105-2 State Claims Board

Rule Name	Section	Rule	Last reviewed	Last modification effective date	Next planned regular review	2014 Review: Recommend to modify?	2014 Review: Recommend to repeal?
General Provisions	Chapter 1		7/1/2014	Unknown	2016		
		1.1	7/1/2014	Unknown	2016		
		1.2	7/1/2014	Unknown	2016		
		1.3	7/1/2014	Unknown	2016		
		1.4	7/1/2014	Unknown	2016		
Definitions	Chapter 2		7/1/2014	Unknown	2016		
		2.1	7/1/2014	Unknown	2016		
		2.2	7/1/2014	Unknown	2016		
		2.3	7/1/2014	Unknown	2016		
Procedural Rules	Chapter 3		7/1/2014	Unknown	2016		
		3.1	7/1/2014	Unknown	2016		
		3.2	7/1/2014	Unknown	2016		
		3.3	7/1/2014	Unknown	2016		
		3.4	7/1/2014	Unknown	2016		
		3.5	7/1/2014	Unknown	2016		
		3.6	7/1/2014	Unknown	2016		
		3.7	7/1/2014	Unknown	2016		
		3.8	7/1/2014	Unknown	2016		
Count	3	15				0	0

DPA Rule Review - 1 CCR 104-1 Office of Administrative Courts, Procedural Rules

Rule Name	Section	Rule	Last reviewed	Last modification effective date	Next planned regular review	2014 Review: Recommend to modify?	2014 Review: Recommend to repeal?
Preamble			2014	9/30/2014	10/31/2015	Yes	
Scope of Rules	1	Rule 1.A.	2014	9/30/2014	10/31/2015	Yes	
Scope of Rules	1	Rule 1.B.	2014	9/30/2014	10/31/2015	Yes	
Scope of Rules	1	Rule 1.C.	2014	9/30/2014	10/31/2015	Yes	
Scope of Rules	1	Rule 1.D.	2014	9/30/2014	10/31/2015	Yes	
Scope of Rules	1	Rule 1.E.	2014	9/30/2014	10/31/2015	Yes	
Scope of Rules	1	Rule 1.F.	2014	9/30/2014	10/31/2015	Yes	
Definitions and Rules of Construction	2	Rule 2.A	2014	9/30/2014	10/31/2015	Yes	
Definitions and Rules of Construction	2	Rule 2.B	2014	9/30/2014	10/31/2015	Yes	
Referral and Assignment of Cases	3	Rule 3	2014	9/30/2014	10/31/2015	Yes	
Setting of Hearings or Other Proceedings	4	Rule 4	2014	9/30/2014	10/31/2015	Yes	
Entry of Appearance and Withdrawal of Counsel	5	Rule 5	2014	9/30/2014	10/31/2015	Yes	
Expanded Media Coverage	6	Rule 6	2014	9/30/2014	10/31/2015	Yes	
Consolidation	7	Rule 7	2014	9/30/2014	10/31/2015	Yes	
Default Procedures	8	Rule 8.A.	2014	9/30/2014	10/31/2015	Yes	
Default Procedures	8	Rule 8.B.	2014	9/30/2014	10/31/2015	Yes	
Discovery	9	Rule 9.A	2014	9/30/2014	10/31/2015	Yes	
Discovery	9	Rule 9.B.	2014	9/30/2014	10/31/2015	Yes	
Discovery	9	Rule 9.C.	2014	9/30/2014	10/31/2015	Yes	
Discovery	9	Rule 9.D.	2014	9/30/2014	10/31/2015	Yes	
Discovery	9	Rule 9.E	2014	9/30/2014	10/31/2015	Yes	
Determination of Motions	10	Rule 10.A.	2014	9/30/2014	10/31/2015	Yes	

Determination of Motions	10	Rule 10.B.	2014	9/30/2014	10/31/2015	Yes	
Determination of Motions	10	Rule 10.C.	2014	9/30/2014	10/31/2015	Yes	
Determination of Motions	10	Rule 10.D.	2014	9/30/2014	10/31/2015	Yes	
Determination of Motions	10	Rule 10.E.	2014	9/30/2014	10/31/2015	Yes	
Determination of Motions	10	Rule 10.F.	2014	9/30/2014	10/31/2015	Yes	
Place of Hearing	11	Rule 11	2014	9/30/2014	10/31/2015	Yes	
Mediation Conferences	12	Rule 12	2014	9/30/2014	10/31/2015	Yes	
Prehearing Procedures	13	Rule 13.A.	2014	9/30/2014	10/31/2015	Yes	
Prehearing Procedures	13	Rule 13.B.	2014	9/30/2014	10/31/2015	Yes	
Prehearing Procedures	13	Rule 13.C.	2014	9/30/2014	10/31/2015	Yes	
Rules of Evidence	14	Rule 14	2014	9/30/2014	10/31/2015	Yes	
Rules of Civil Procedure	15	Rule 15.A.	2014	9/30/2014	10/31/2015	Yes	
Rules of Civil Procedure	15	Rule 15.B.	2014	9/30/2014	10/31/2015	Yes	
Files and Hearings open to the Public	16	Rule 16	2014	9/30/2014	10/31/2015	Yes	
Motions for Continuance	17	Rule 17.A.	2014	9/30/2014	10/31/2015	Yes	
Motions for Continuance	17	Rule 17.B.	2014	9/30/2014	10/31/2015	Yes	
Motions for Continuance	17	Rule 17.C.	2014	9/30/2014	10/31/2015	Yes	
Subpoenas	18	Rule 18.A.	2014	9/30/2014	10/31/2015	Yes	
Subpoenas	18	Rule 18.B.	2014	9/30/2014	10/31/2015	Yes	
Subpoenas	18	Rule 18.C.	2014	9/30/2014	10/31/2015	Yes	
Settlements	19	Rule 19	2014	9/30/2014	10/31/2015	Yes	
Ex Parte Communications	20	Rule 20	2014	9/30/2014	10/31/2015	Yes	
Procedure in Summary Suspension Matters	21	Rule 21.A.	2014	9/30/2014	10/31/2015	Yes	

Procedure in Summary Suspension Matters	21	Rule 21.B	2014	9/30/2014	10/31/2015	Yes	
Procedure in Summary Suspension Matters	21	Rule 21.C.	2014	9/30/2014	10/31/2015	Yes	
Procedure in Summary Suspension Matters	21	Rule 21.D.	2014	9/30/2014	10/31/2015	Yes	
Procedure in Summary Suspension Matters	21	Rule 21.E.	2014	9/30/2014	10/31/2015	Yes	
Computation and Modification of Time	22	Rule 22	2014	9/30/2014	10/31/2015	Yes	
Filing of Pleadings and Other Papers	23	Rule 23.A.	2014	9/30/2014	10/31/2015	Yes	
Filing of Pleadings and Other Papers	23	Rule 23.B.	2014	9/30/2014	10/31/2015	Yes	
Filing of Pleadings and Other Papers by Facsimile Copy	24	Rule 24.A.	2014	9/30/2014	10/31/2015	Yes	
Filing of Pleadings and Other Papers by Facsimile Copy	24	Rule 24.B.	2014	9/30/2014	10/31/2015	Yes	
Filing of Pleadings and Other Papers by Facsimile Copy	24	Rule 24.C.	2014	9/30/2014	10/31/2015	Yes	
Filing of Pleadings and Other Papers by Facsimile Copy	24	Rule 24.D.	2014	9/30/2014	10/31/2015	Yes	
Service of Pleadings and Other Papers	25	Rule 25.A.	2014	9/30/2014	10/31/2015	Yes	
Service of Pleadings and Other Papers	25	Rule 25.B.	2014	9/30/2014	10/31/2015	Yes	
Service of Pleadings and Other Papers	25	Rule 25.C.	2014	9/30/2014	10/31/2015	Yes	
Testimony by Telephone or other Electronic Means	26	Rule 26.A.	2014	9/30/2014	10/31/2015	Yes	
Testimony by Telephone or other Electronic Means	26	Rule 26.B.	2014	9/30/2014	10/31/2015	Yes	

Testimony by Telephone or other Electronic Means	26	Rule 26.D.	2014	9/30/2014	10/31/2015	Yes	
Court Reporters	27	Rule 27.A	2014	9/30/2014	10/31/2015	Yes	
Court Reporters	27	Rule 27.B.	2014	9/30/2014	10/31/2015	Yes	
Exhibit Notebooks	28	Rule 28	2014	9/30/2014	10/31/2015	Yes	
Outline for Prehearing Statement			2014	9/30/2014	10/31/2015		
Outline for Case Management Order			2014	9/30/2014	10/31/2015		
Count	28	64				65	0

DPA Rule Review - 1 CCR 104-2 Office of Administrative Courts, Judicial Conduct of ALJs

Rule Name	Section	Rule	Last reviewed	Last modification effective date	Next planned regular review	2014 Review: Recommend to modify?	2014 Review: Recommend to repeal?
Preamble			2014	1/1/1995	10/31/2015		
Independence & Integrity	Canon 1	Canon 1	2014	1/1/1995	10/31/2015		
Respect and Comply with the Law	Canon 2	Canon 2. A.	2014	1/1/1995	10/31/2015		
Use of Influence of the Office	Canon 2	Canon 2. B.	2014	1/1/1995	10/31/2015		
Discriminatory Organization	Canon 2	Canon 2. C.	2014	1/1/1995	10/31/2015		
Impartiality	Canon 3	Canon 3. A.	2014	1/1/1995	10/31/2015		
Diligence	Canon 3	Canon 3. B.	2014	1/1/1995	10/31/2015		
Disqualification	Canon 3	Canon 3. C.	2014	1/1/1995	10/31/2015		
Remittal of Disqualification	Canon 3	Canon 3. D.	2014	1/1/1995	10/31/2015		
Extra Judicial Activities	Canon 4	Canon 4. A.	2014	1/1/1995	10/31/2015		
Avocational Activities	Canon 4	Canon 4. B.	2014	1/1/1995	10/31/2015		
Charitable Activities	Canon 4	Canon 4. C.	2014	1/1/1995	10/31/2015		
Financial Activities	Canon 4	Canon 4. D.	2014	1/1/1995	10/31/2015		
Fiduciary Activities	Canon 4	Canon 4. E.	2014	1/1/1995	10/31/2015		
Arbitrator or Mediator	Canon 4	Canon 4. F.	2014	1/1/1995	10/31/2015		
Practice of Law	Canon 4	Canon 4. G.	2014	1/1/1995	10/31/2015		
Compensation & Reimbursement	Canon 4	Canon 4. H.	2014	1/1/1995	10/31/2015		
Disclosure	Canon 4	Canon 4. I.	2014	1/1/1995	10/31/2015		
Political Activity	Canon 5	Canon 5	2014	1/1/1995	10/31/2015		
Count	5	18				0	0

DPA Rule Review - 1 CCR 104-3 OAC, Procedural Rules for Worker's Compensation Hearings

Rule Name	Section	Rule	Last reviewed	Last modification effective date	Next planned regular review	2014 Review: Recommend to modify?	2014 Review: Recommend to repeal?
Definitions	1	Rule 1.A.	2014	3/19/2008	10/31/2015	Yes	
Definitions	1	Rule 1.B.	2014	3/19/2008	10/31/2015	Yes	
Definitions	1	Rule 1.C.	2014	3/19/2008	10/31/2015	Yes	
Applicability	2	Rule 2.A.	2014	3/19/2008	10/31/2015	Yes	
Applicability	2	Rule 2.B.	2014	3/19/2008	10/31/2015		
Ex Parte Communications	3	Rule 3.	2014	3/19/2008	10/31/2015	Yes	
Filing of Documents	4	Rule 4.A	2014	3/19/2008	10/31/2015	Yes	
Filing of Documents	4	Rule 4.B	2014	3/19/2008	10/31/2015	Yes	
Filing of Documents	4	Rule 4.C	2014	3/19/2008	10/31/2015	Yes	
Filing of Documents	4	Rule 4.D	2014	3/19/2008	10/31/2015	Yes	
Facsimile Filing	5	Rule 5.A.	2014	3/19/2008	10/31/2015	Yes	
Facsimile Filing	5	Rule 5.B.	2014	3/19/2008	10/31/2015		Yes
Facsimile Filing	5	Rule 5.C.	2014	3/19/2008	10/31/2015		Yes
Facsimile Filing	5	Rule 5.D.	2014	3/19/2008	10/31/2015		Yes
Service of Documents	6	Rule 6.A.	2014	3/19/2008	10/31/2015		
Service of Documents	6	Rule 6.B.	2014	3/19/2008	10/31/2015	Yes	
Hearing Request	7	Rule 7.	2014	3/19/2008	10/31/2015		
Application for Hearing and Notice to Set	8	Rule 8.A.	2014	3/19/2008	10/31/2015		
Application for Hearing and Notice to Set	8	Rule 8.B.	2014	3/19/2008	10/31/2015		
Application for Hearing and Notice to Set	8	Rule 8.C.	2014	3/19/2008	10/31/2015	Yes	
Application for Hearing and Notice to Set	8	Rule 8.D.	2014	3/19/2008	10/31/2015		

Application for Hearing and Notice to Set	8	Rule 8.E.	2014	3/19/2008	10/31/2015		
Application for Hearing and Notice to Set	8	Rule 8.F.	2014	3/19/2008	10/31/2015		
Application for Hearing and Notice to Set	8	Rule 8.G.	2014	3/19/2008	10/31/2015		
Application for Hearing and Notice to Set	8	Rule 8.H.	2014	3/19/2008	10/31/2015		
Application for Hearing and Notice to Set	8	Rule 8.I.	2014	3/19/2008	10/31/2015	Yes	
Application for Hearing and Notice to Set	8	Rule 8.J.	2014	3/19/2008	10/31/2015	Yes	
Application for Hearing and Notice to Set	8	Rule 8.K.	2014	3/19/2008	10/31/2015	Yes	
Application for Expedited Hearing	9	Rule 9.A.	2014	3/19/2008	10/31/2015		
Application for Expedited Hearing	9	Rule 9.B.	2014	3/19/2008	10/31/2015		
Application for Expedited Hearing	9	Rule 9.C.	2014	3/19/2008	10/31/2015	Yes	
Application for Expedited Hearing	9	Rule 9.D.	2014	3/19/2008	10/31/2015		
Application for Expedited Hearing	9	Rule 9.E.	2014	3/19/2008	10/31/2015		
Application for Expedited Hearing	9	Rule 9.F.	2014	3/19/2008	10/31/2015		
Application for Expedited Hearing	9	Rule 9.G.	2014	3/19/2008	10/31/2015		
Application for Expedited Hearing	9	Rule 9.H.	2014	3/19/2008	10/31/2015		

Application for Expedited Hearing	9	Rule 9.I	2014	3/19/2008	10/31/2015		
Disfigurement Award	10	Rule 10.A.	2014	3/19/2008	10/31/2015	Yes	
Disfigurement Award	10	Rule 10.B.	2014	3/19/2008	10/31/2015	Yes	
Notice of Hearing	11	Rule 11.	2014	3/19/2008	10/31/2015	Yes	
Issues for Hearing	12	Rule 12.	2014	3/19/2008	10/31/2015		
Witnesses	13	Rule 13.	2014	3/19/2008	10/31/2015		
Extensions of Time to Commence Hearing	14	Rule 14.	2014	3/19/2008	10/31/2015	Yes	
Hearing Vacated	15	Rule 15.	2014	3/19/2008	10/31/2015	Yes	
Motions	16	Rule 16.A	2014	3/19/2008	10/31/2015	Yes	
Motions	16	Rule 16.B.	2014	3/19/2008	10/31/2015	Yes	
Motions	16	Rule 16.C.	2014	3/19/2008	10/31/2015		
Motions	16	Rule 16.D.	2014	3/19/2008	10/31/2015		
Motions	16	Rule 16.E.	2014	3/19/2008	10/31/2015		
Motions	16	Rule 16.F.	2014	3/19/2008	10/31/2015	Yes	
Motions	16	Rule 16.G	2014	3/19/2008	10/31/2015		
Summary Judgment	17	Rule 17.	2014	3/19/2008	10/31/2015		
Subpoenas	18	Rule 18.	2014	3/19/2008	10/31/2015		
Hearings Open to Public	19	Rule 19.	2014	3/19/2008	10/31/2015	Yes	
Case Information Sheet (CIS)	20	Rule 20.A.	2014	3/19/2008	10/31/2015		
Case Information Sheet (CIS)	20	Rule 20.B.	2014	3/19/2008	10/31/2015		
Case Information Sheet (CIS)	20	Rule 20.C.	2014	3/19/2008	10/31/2015	Yes	
Case Information Sheet (CIS)	20	Rule 20.D.	2014	3/19/2008	10/31/2015		
Interpreters	21	Rule 21.A.	2014	3/19/2008	10/31/2015		
Interpreters	21	Rule 21.B.	2014	3/19/2008	10/31/2015	Yes	
Interpreters	21	Rule 21.C.	2014	3/19/2008	10/31/2015	Yes	
Testimony by Telephone, Videoconference or Other Electronic Means	22	Rule 22.A.	2014	3/19/2008	10/31/2015		

Testimony by Telephone, Videoconference or Other Electronic Means	22	Rule 22.B.	2014	3/19/2008	10/31/2015		
Non-Appearing Party	23	Rule 23.A	2014	3/19/2008	10/31/2015		
Non-Appearing Party	23	Rule 23.B	2014	3/19/2008	10/31/2015		
Non-Appearing Party	23	Rule 23.C.	2014	3/19/2008	10/31/2015		
Closing Statement	24	Rule 24.	2014	3/19/2008	10/31/2015	Yes	
Order	25	Rule 25	2014	3/19/2008	10/31/2015	Yes	
Petition to Review	26	Rule 26.A.	2014	3/19/2008	10/31/2015	Yes	
Petition to Review	26	Rule 26.B.	2014	3/19/2008	10/31/2015		
Petition to Review	26	Rule 26.C.	2014	3/19/2008	10/31/2015		
Petition to Review	26	Rule 26.D.	2014	3/19/2008	10/31/2015	Yes	
Petition to Review	26	Rule 26.E.	2014	3/19/2008	10/31/2015		
Petition to Review	26	Rule 26.F.	2014	3/19/2008	10/31/2015		
Requests for Transcripts of Hearings not in Connection with a Petition to Review	27	Rule 27.A.	2014	3/19/2008	10/31/2015		
Requests for Transcripts of Hearings not in Connection with a Petition to Review	27	Rule 27.B.	2014	3/19/2008	10/31/2015	Yes	
Retention of Reporters Notes and Audio Recordings of Hearings	28	Rule 28.	2014	3/19/2008	10/31/2015		
Count	28	77			31		4

2014 DPA Rule Review -- 1 CCR 109-1 Cost Accounting for Public Works Projects

Rule Name	Section	Rule	Last reviewed	Last modification effective date	Next planned regular review	2014 Review: Recommend to modify?	2014 Review: Recommend to repeal?
Purpose, Statutory Authority, Responsibility, Applicability, and Purpose	1.00		2014	Not known	2015		
Statutory Authority		1.01	2014	Not known	2015		
Responsibility		1.02	2014	Not known	2015		
Applicability		1.03	2014	Not known	2015		
Definitions		1.04	2014	Not known	2015		
Policy		1.05	2014	Not known	2015		
	1.20	1.20	2014	Not known	2015		
State Agency Procedures	1.30		2014	Not known	2015		
Public Work Projects Must Remain Intact		1.31	2014	Not known	2015		
Statutory Penalty		1.32	2014	Not known	2015		
Administrative Hardship	1.40		2014	Not known	2015		
Count	4	8				0	0

2014 DPA Rule Review -- 1 CCR 109-2 State Archives

Rule Name	Section	Rule	Last reviewed	Last modification effective date	Next planned regular review	2014 Review: Recommend to modify?	2014 Review: Recommend to repeal?
Fees for the office of the State Archives	1	Rule 1.A.	2014	10/15/2013	6/31/2015		
Subscription Based Fee	2	Rule 2.A.	2014	10/15/2013	6/31/2015		
Subscription Based Fee	2	Rule 2.B.	2014	10/15/2013	6/31/2015		
Subscription Based Fee	2	Rule 2.C.	2014	10/15/2013	6/31/2015		
Subscription Based Fee	2	Rule 2.D.	2014	10/15/2013	6/31/2015		
Subscription Based Fee	2	Rule 2.E.	2014	10/15/2013	6/31/2015		
Count	2	6				0	0

2014 DPA Rule Review - 1 CCR 110-1 Public Safety Communications Trust Fund

Rule Name	Section	Rule	Last reviewed	Last modification effective date	Next planned regular review	2014 Review: Recommend to modify?	2014 Review: Recommend to repeal?
Definitions, Eligibility, Applications	1-1-1		10/17/2014	2/1/1999	N/A		
Definitions, Eligibility, Applications		(A)	10/17/2014	2/1/1999	N/A		Yes
Definitions, Eligibility, Applications		(B)	10/17/2014	2/1/1999	N/A		Yes
Definitions, Eligibility, Applications		(C)	10/17/2014	2/1/1999	N/A		Yes
Definitions, Eligibility, Applications		(D)	10/17/2014	2/1/1999	N/A		Yes
Definitions, Eligibility, Applications		(E)	10/17/2014	2/1/1999	N/A		Yes
Eligibility	1-1-2		10/17/2014	2/1/1999	N/A		
Eligibility		(A)	10/17/2014	2/1/1999	N/A		Yes
Eligibility		(A)(1)	10/17/2014	2/1/1999	N/A		Yes
Eligibility		(A)(2)	10/17/2014	2/1/1999	N/A		Yes
Eligibility		(A)(3)	10/17/2014	2/1/1999	N/A		Yes
Eligibility		(B)	10/17/2014	2/1/1999	N/A		Yes
Eligibility		(C)	10/17/2014	2/1/1999	N/A		Yes
Eligibility		(D)	10/17/2014	2/1/1999	N/A		Yes
Application Procedures	1-1-3		10/17/2014	2/1/1999	N/A		
Application Procedures		(A)	10/17/2014	2/1/1999	N/A		Yes

Application Procedures		(B)	10/17/2014	2/1/1999	N/A		Yes
Application Procedures		(C)	10/17/2014	2/1/1999	N/A		Yes
Count	3	15				0	15

2014 DPA Rule Review - 1 CCR 111-1 Electronic Signatures

Rule Name	Section	Rule	Last reviewed	Last modification effective date	Next planned regular review	2014 Review: Recommend to modify?	2014 Review: Recommend to repeal?
Scope of Rules	R1	R1	10/17/2014	Unknown	N/A		Yes
Definitions	R2		10/17/2014	Unknown	N/A		
Definitions		A	10/17/2014	Unknown	N/A		Yes
Definitions		B	10/17/2014	Unknown	N/A		Yes
Definitions		C	10/17/2014	Unknown	N/A		Yes
Definitions		D	10/17/2014	Unknown	N/A		Yes
Definitions		E	10/17/2014	Unknown	N/A		Yes
Definitions		F	10/17/2014	Unknown	N/A		Yes
Definitions		G	10/17/2014	Unknown	N/A		Yes
Definitions		H	10/17/2014	Unknown	N/A		Yes
Definitions		I	10/17/2014	Unknown	N/A		Yes
Definitions		J	10/17/2014	Unknown	N/A		Yes
Definitions		K	10/17/2014	Unknown	N/A		Yes
Definitions		L	10/17/2014	Unknown	N/A		Yes
Definitions		M	10/17/2014	Unknown	N/A		Yes
Definitions		N	10/17/2014	Unknown	N/A		Yes
Definitions		O	10/17/2014	Unknown	N/A		Yes
Definitions		P	10/17/2014	Unknown	N/A		Yes
Definitions		Q	10/17/2014	Unknown	N/A		Yes
Definitions		R	10/17/2014	Unknown	N/A		Yes
Definitions		S	10/17/2014	Unknown	N/A		Yes
Definitions		T	10/17/2014	Unknown	N/A		Yes
Definitions		U	10/17/2014	Unknown	N/A		Yes
Definitions		V	10/17/2014	Unknown	N/A		Yes
Definitions		W	10/17/2014	Unknown	N/A		Yes
Definitions		X	10/17/2014	Unknown	N/A		Yes
Definitions		Y	10/17/2014	Unknown	N/A		Yes
Acceptable Technologies for Electronic Signatures	R3		10/17/2014	Unknown	N/A		
Acceptable Technologies for Electronic Signatures		A.1	10/17/2014	Unknown	N/A		Yes

Acceptable Technologies for Electronic Signatures		A.2	10/17/2014	Unknown	N/A		Yes
Acceptable Technologies for Electronic Signatures		A.3	10/17/2014	Unknown	N/A		Yes
Acceptable Technologies for Electronic Signatures		A.4	10/17/2014	Unknown	N/A		Yes
Acceptable Technologies for Electronic Signatures		B.1	10/17/2014	Unknown	N/A		Yes
Acceptable Technologies for Electronic Signatures		B.2	10/17/2014	Unknown	N/A		Yes
Acceptable Technologies for Electronic Signatures		B.3	10/17/2014	Unknown	N/A		Yes
Acceptable Technologies for Electronic Signatures		B.4	10/17/2014	Unknown	N/A		Yes
Identification of Additional Acceptable Technologies	R4		10/17/2014	Unknown	N/A		
Identification of Additional Acceptable Technologies		A	10/17/2014	Unknown	N/A		Yes
Identification of Additional Acceptable Technologies		B.1	10/17/2014	Unknown	N/A		Yes
Identification of Additional Acceptable Technologies		B.2	10/17/2014	Unknown	N/A		Yes
Identification of Additional Acceptable Technologies		B.3	10/17/2014	Unknown	N/A		Yes
Identification of Additional Acceptable Technologies		B.4	10/17/2014	Unknown	N/A		Yes
Certification Authority Application, Approval, Suspension, Revocation, and Renewal	R5		10/17/2014	Unknown	N/A		
Certification Authority Application, Approval, Suspension, Revocation, and Renewal		A.1	10/17/2014	Unknown	N/A		Yes
Certification Authority Application, Approval, Suspension, Revocation, and Renewal		A.2.a	10/17/2014	Unknown	N/A		Yes

Certification Authority Application, Approval, Suspension, Revocation, and Renewal		A.2.b	10/17/2014	Unknown	N/A		Yes
Certification Authority Application, Approval, Suspension, Revocation, and Renewal		A.2.c	10/17/2014	Unknown	N/A		Yes
Certification Authority Application, Approval, Suspension, Revocation, and Renewal		A.3	10/17/2014	Unknown	N/A		Yes
Certification Authority Application, Approval, Suspension, Revocation, and Renewal		A.4	10/17/2014	Unknown	N/A		Yes
Certification Authority Application, Approval, Suspension, Revocation, and Renewal		A.5	10/17/2014	Unknown	N/A		Yes
Certification Authority Application, Approval, Suspension, Revocation, and Renewal		A.6	10/17/2014	Unknown	N/A		Yes
Certification Authority Application, Approval, Suspension, Revocation, and Renewal		B.1	10/17/2014	Unknown	N/A		Yes
Certification Authority Application, Approval, Suspension, Revocation, and Renewal		B.2	10/17/2014	Unknown	N/A		Yes
Certification Authority Application, Approval, Suspension, Revocation, and Renewal		C.1	10/17/2014	Unknown	N/A		Yes

Certification Authority Application, Approval, Suspension, Revocation, and Renewal		C.2	10/17/2014	Unknown	N/A		Yes
Certification Authority Application, Approval, Suspension, Revocation, and Renewal		D	10/17/2014	Unknown	N/A		Yes
Presumption of Validity and Burden of Proof	R6	R6	10/17/2014	Unknown	N/A		Yes
Certification Authority Rating and Trust Guidelines (DRAFT)							
Count	6	53				0	53

2014 DPA Rule Review - 4 CCR 801-1 DHR Personnel Rules

Rule Name	Section	Rule	Last reviewed	Last modification effective date	Next planned regular review	2014 Review: Recommend to modify?	2014 Review: Recommend to repeal?
State Personnel Director	Chapter 1	1-6	Nov. 2013	7/1/2005	2018		
State Personnel Director	Chapter 1	1-7	Nov. 2013	7/1/2005	2018		
Appointing Authority	Chapter 1	1-8	Nov. 2013	7/1/2005	2018		
Appointing Authority	Chapter 1	1-9	Nov. 2013	7/1/2007	2018		
Appointing Authority	Chapter 1	1-10	Nov. 2013	7/1/2005	2018		
Appointing Authority	Chapter 1	1-11	Nov. 2013	7/1/2005	2018		
Employee Activities	Chapter 1	1-15	Nov. 2013	7/1/2005	2018		
Records	Chapter 1	1-21	Nov. 2013	7/1/2005	2018		
Records	Chapter 1	1-22	Nov. 2013	7/1/2005	2018		
Records	Chapter 1	1-23	Nov. 2013	7/1/2007	2018		
Records	Chapter 1	1-24	Nov. 2013	7/1/2005	2018		
Records	Chapter 1	1-25	Nov. 2013	3/30/2013	2018		
Definitions	Chapter 1	1-27	Nov. 2013	7/1/2007	2018		
Definitions	Chapter 1	1-28	Nov. 2013	7/1/2005	2018		
Definitions	Chapter 1	1-29	Nov. 2013	7/1/2005	2018		
Definitions	Chapter 1	1-30	Nov. 2013	7/1/2005	2018		
Definitions	Chapter 1	1-31	Nov. 2013	7/1/2005	2018		
Definitions	Chapter 1	1-32	Nov. 2013	7/1/2005	2018		
Definitions	Chapter 1	1-33	Nov. 2013	7/1/2005	2018		
Definitions	Chapter 1	1-34	Nov. 2013	7/1/2005	2018		
Definitions	Chapter 1	1-35	Nov. 2013	7/1/2005	2018		
Definitions	Chapter 1	1-36	Nov. 2013	7/1/2005	2018		
Definitions	Chapter 1	1-37	Nov. 2013	7/1/2005	2018		
Definitions	Chapter 1	1-37.1	Nov. 2013	3/30/2013	2018		
Definitions	Chapter 1	1-38	Nov. 2013	7/1/2005	2018		
Definitions	Chapter 1	1-38.1	Nov. 2013	3/15/2011	2018		
Definitions	Chapter 1	1-43	Nov. 2013	1/1/2014	2018		
Definitions	Chapter 1	1-46	Nov. 2013	3/30/2013	2018		
Definitions	Chapter 1	1-48	Nov. 2013	7/1/2005	2018		
Definitions	Chapter 1	1-50	Nov. 2013	7/1/2005	2018		
Definitions	Chapter 1	1-51	Nov. 2013	5/1/2010	2018		

Definitions	Chapter 1	1-52	Nov. 2013	7/1/2005	2018	
Definitions	Chapter 1	1-53	Nov. 2013	7/1/2005	2018	
Definitions	Chapter 1	1-53-1	Nov. 2013	3/15/2011	2018	
Definitions	Chapter 1	1-54	Nov. 2013	3/30/2013	2018	
Definitions	Chapter 1	1-55	Nov. 2013	3/30/2013	2018	
Definitions	Chapter 1	1-56-1	Nov. 2013	3/30/2013	2018	
Definitions	Chapter 1	1-57	Nov. 2013	7/1/2005	2018	
Definitions	Chapter 1	1-58	Nov. 2013	7/1/2005	2018	
Definitions	Chapter 1	1-59	Nov. 2013	7/1/2005	2018	
Definitions	Chapter 1	1-60	Nov. 2013	7/1/2005	2018	
Definitions	Chapter 1	1-62.2	Nov. 2013	3/30/2013	2018	
Definitions	Chapter 1	1-62.3	Nov. 2013	3/30/2013	2018	
Definitions	Chapter 1	1-62.4	Nov. 2013	3/30/2013	2018	
Definitions	Chapter 1	1-62.5	Nov. 2013	1/1/2014	2018	
Definitions	Chapter 1	1-63	Nov. 2013	7/1/2005	2018	
Definitions	Chapter 1	1-64.1	Nov. 2013	1/1/2014	2018	
Definitions	Chapter 1	1-68	Nov. 2013	7/1/2005	2018	
Definitions	Chapter 1	1-69	Nov. 2013	7/1/2005	2018	
Definitions	Chapter 1	1-70	Nov. 2013	5/1/2010	2018	
Definitions	Chapter 1	1-72	Nov. 2013	7/1/2005	2018	
Definitions	Chapter 1	1-73.1	Nov. 2013	3/15/2011	2018	
Definitions	Chapter 1	1-74	Nov. 2013	7/1/2005	2018	
Definitions	Chapter 1	1-77	Nov. 2013	7/1/2005	2018	
Payroll Deduction	Chapter 1	1-79	Nov. 2013	7/1/2007	2018	
Payroll Deduction	Chapter 1	1-79-A	Nov. 2013	8/1/2008	2018	
Payroll Deduction	Chapter 1	1-79-B	Nov. 2013	8/1/2008	2018	
Payroll Deduction	Chapter 1	1-79-C	Nov. 2013	7/1/2007	2018	
Payroll Deduction	Chapter 1	1-79-D	Nov. 2013	8/1/2008	2018	
Payroll Deduction	Chapter 1	1-79-E	Nov. 2013	7/1/2007	2018	
Payroll Deduction	Chapter 1	1-79-E-1	Nov. 2013	7/1/2007	2018	
Payroll Deduction	Chapter 1	1-79-E-2	Nov. 2013	7/1/2007	2018	
Payroll Deduction	Chapter 1	1-79-E-3	Nov. 2013	7/1/2007	2018	
Payroll Deduction	Chapter 1	1-79-E-4	Nov. 2013	7/1/2007	2018	
Payroll Deduction	Chapter 1	1-79-E-5	Nov. 2013	7/1/2007	2018	
Job Evaluation System	Chapter 2	2-1	Nov. 2013	7/1/2005	2017	
Job Evaluation System	Chapter 2	2-2	Nov. 2013	7/1/2005	2017	
Job Evaluation System	Chapter 2	2-3	Nov. 2013	7/1/2005	2017	
Individual Position Review	Chapter 2	2-5	Nov. 2013	7/1/2005	2017	

Individual Position Review	Chapter 2	2-6	Nov. 2013	7/1/2005	2017	
Individual Position Review	Chapter 2	2-7	Nov. 2013	5/1/2010	2017	
Individual Position Review	Chapter 2	2-7-A	Nov. 2013	5/1/2010	2017	
Individual Position Review	Chapter 2	2-7-A-1	Nov. 2013	5/1/2010	2017	
Individual Position Review	Chapter 2	2-7-A-2	Nov. 2013	5/1/2010	2017	
Individual Position Review	Chapter 2	2-8	Nov. 2013	7/1/2005	2017	
Individual Position Review	Chapter 2	2-9	Nov. 2013	7/1/2005	2017	
Individual Position Review	Chapter 2	2-10	Nov. 2013	7/1/2005	2017	
Individual Position Review	Chapter 2	2-10-A	Nov. 2013	7/1/2005	2017	
Individual Position Review	Chapter 2	2-10-B	Nov. 2013	7/1/2005	2017	
Individual Position Review	Chapter 2	2-10-B-1	Nov. 2013	3/30/2013	2017	
Individual Position Review	Chapter 2	2-10-B-2	Nov. 2013	7/1/2005	2017	
Individual Position Review	Chapter 2	2-10-B-3	Nov. 2013	7/1/2005	2017	
Individual Position Review	Chapter 2	2-10-C	Nov. 2013	7/1/2005	2017	
General Principles	Chapter 3	3-1	Nov. 2013	7/1/2005	2017	
General Principles	Chapter 3	3-2	Nov. 2013	7/1/2005	2017	
Annual Compensation Survey	Chapter 3	3-3	Nov. 2013	9/1/2012	2017	
Annual Compensation Survey	Chapter 3	3-4	Nov. 2013	7/1/2007	2017	
Annual Compensation Survey	Chapter 3	3-5	Nov. 2013	7/1/2005	2017	
Compensation Rates	Chapter 3	3-6	Nov. 2013	7/1/2005	2017	
Compensation Rates	Chapter 3	3-7	Nov. 2013	2/1/2007	2017	
Compensation Rates	Chapter 3	3-8	Nov. 2013	7/1/2007	2017	
Compensation Rates	Chapter 3	3-8-1	Nov. 2013	7/1/2007	2017	
Compensation Rates	Chapter 3	3-8-2	Nov. 2013	7/1/2007	2017	
Compensation Rates	Chapter 3	3-8-4	Nov. 2013	7/1/2007	2017	
Compensation Rates	Chapter 3	3-8-5	Nov. 2013	9/1/2012	2017	
Compensation Rates	Chapter 3	3-8-6	Nov. 2013	7/1/2007	2017	
Compensation Rates	Chapter 3	3-8-7	Nov. 2013	9/1/2012	2017	
Compensation Rates	Chapter 3	3-9	Nov. 2013	7/1/2006	2017	
Compensation Rates	Chapter 3	3-9-A	Nov. 2013	7/1/2006	2017	
Compensation Rates	Chapter 3	3-9-B	Nov. 2013	7/1/2006	2017	
Compensation Rates	Chapter 3	3-9-C	Nov. 2013	7/1/2006	2017	
Compensation Rates	Chapter 3	3-10	Nov. 2013	7/1/2005	2017	
Downward Adjustments	Chapter 3	3-11	Nov. 2013	7/1/2005	2017	
Downward Adjustments	Chapter 3	3-12	Nov. 2013	7/1/2005	2017	

Downward Adjustments	Chapter 3	3-13	Nov. 2013	7/1/2007	2017	
Downward Adjustments	Chapter 3	3-13-A	Nov. 2013	7/1/2005	2017	
Downward Adjustments	Chapter 3	3-14	Nov. 2013	7/1/2005	2017	
Downward Adjustments	Chapter 3	3-14-A	Nov. 2013	7/1/2005	2017	
Upward Adjustments	Chapter 3	3-15	Nov. 2013	7/1/2005	2017	
Upward Adjustments	Chapter 3	3-16	Nov. 2013	7/1/2005	2017	
Upward Adjustments	Chapter 3	3-17	Nov. 2013	7/1/2005	2017	
Upward Adjustments	Chapter 3	3-17-A	Nov. 2013	7/1/2005	2017	
Lateral Adjustments	Chapter 3	3-18	Nov. 2013	1/1/2014	2017	
Lateral Adjustments	Chapter 3	3-18-A	Nov. 2013	9/1/2012	2017	
Lateral Adjustments	Chapter 3	3-18-B	Nov. 2013	7/1/2005	2017	
Lateral Adjustments	Chapter 3	3-18-C	Nov. 2013	7/1/2005	2017	
Lateral Adjustments	Chapter 3	3-18-D	Nov. 2013	7/1/2005	2017	
Merit Pay	Chapter 3	3-19	Nov. 2013	9/1/2012	2017	
Merit Pay	Chapter 3	3-19-A	Nov. 2013	9/1/2012	2017	
Merit Pay	Chapter 3	3-19-B	Nov. 2013	9/1/2012	2017	
Merit Pay	Chapter 3	3-19-C	Nov. 2013	9/1/2012	2017	
Merit Pay	Chapter 3	3-19-C-1	Nov. 2013	9/1/2012	2017	
Merit Pay	Chapter 3	3-19-C-1-a	Nov. 2013	1/1/2014	2017	
Merit Pay	Chapter 3	3-19-C-1-b	Nov. 2013	9/1/2012	2017	
Merit Pay	Chapter 3	3-19-D	Nov. 2013	9/1/2012	2017	
Merit Pay	Chapter 3	3-19-D-1	Nov. 2013	9/1/2012	2017	
Merit Pay	Chapter 3	3-19-D-1-a	Nov. 2013	9/1/2012	2017	
Merit Pay	Chapter 3	3-19-E	Nov. 2013	9/1/2012	2017	
Merit Pay	Chapter 3	3-19-E-1	Nov. 2013	9/1/2012	2017	
Merit Pay	Chapter 3	3-19-E-2	Nov. 2013	9/1/2012	2017	
Merit Pay	Chapter 3	3-19-E-3	Nov. 2013	9/1/2012	2017	
Merit Pay	Chapter 3	3-19-F	Nov. 2013	9/1/2012	2017	
Incentives	Chapter 3	3-20	Nov. 2013	7/1/2006	2017	
Incentives	Chapter 3	3-21	Nov. 2013	9/1/2012	2017	
Incentives	Chapter 3	3-21-A	Nov. 2013	9/1/2012	2017	
Incentives	Chapter 3	3-21-A-1	Nov. 2013	7/1/2005	2017	
Incentives	Chapter 3	3-21-A-1-a	Nov. 2013	7/1/2005	2017	
Incentives	Chapter 3	3-21-A-1-b	Nov. 2013	7/1/2005	2017	
Incentives	Chapter 3	3-21-A-1-c	Nov. 2013	7/1/2005	2017	
Incentives	Chapter 3	3-21-B	Nov. 2013	7/1/2005	2017	
Incentives	Chapter 3	3-21-C	Nov. 2013	7/1/2005	2017	
Incentives	Chapter 3	3-21-D	Nov. 2013	7/1/2005	2017	

Medical Plan	Chapter 3	3-24	Nov. 2013	9/1/2012	2017	
Medical Plan	Chapter 3	3-24-A	Nov. 2013	7/1/2005	2017	
FLSA and Overtime	Chapter 3	3-25	Nov. 2013	7/1/2005	2017	
FLSA and Overtime	Chapter 3	3-26	Nov. 2013	8/1/2008	2017	
FLSA and Overtime	Chapter 3	3-27	Nov. 2013	8/1/2008	2017	
FLSA and Overtime	Chapter 3	3-27-A	Nov. 2013	7/1/2005	2017	
FLSA and Overtime	Chapter 3	3-27-B	Nov. 2013	7/1/2005	2017	
Eligibility	Chapter 3	3-28	Nov. 2013	7/1/2005	2017	
Eligibility	Chapter 3	3-29	Nov. 2013	7/1/2006	2017	
Eligibility	Chapter 3	3-30	Nov. 2013	7/1/2006	2017	
Eligibility	Chapter 3	3-31	Nov. 2013	7/1/2005	2017	
Dual Employment	Chapter 3	3-32	Nov. 2013	7/1/2005	2017	
Work Hours	Chapter 3	3-33	Nov. 2013	7/1/2005	2017	
Work Hours	Chapter 3	3-34	Nov. 2013	7/1/2005	2017	
Work Hours	Chapter 3	3-35	Nov. 2013	7/1/2005	2017	
Work Hours	Chapter 3	3-36	Nov. 2013	7/1/2005	2017	
Work Hours	Chapter 3	3-37	Nov. 2013	7/1/2005	2017	
Work Hours	Chapter 3	3-38	Nov. 2013	7/1/2005	2017	
Work Hours	Chapter 3	3-39	Nov. 2013	7/1/2005	2017	
Work Hours	Chapter 3	3-40	Nov. 2013	7/1/2005	2017	
Recordkeeping	Chapter 3	3-41	Nov. 2013	7/1/2007	2017	
Recordkeeping	Chapter 3	3-42	Nov. 2013	7/1/2005	2017	
Other Premium Pay	Chapter 3	3-43	Nov. 2013	7/1/2005	2017	
Other Premium Pay	Chapter 3	3-44	Nov. 2013	7/1/2007	2017	
Other Premium Pay	Chapter 3	3-45	Nov. 2013	7/1/2007	2017	
Other Premium Pay	Chapter 3	3-46	Nov. 2013	7/1/2005	2017	
Other Premium Pay	Chapter 3	3-47	Nov. 2013	7/1/2005	2017	
Other Premium Pay	Chapter 3	3-48	Nov. 2013	7/1/2005	2017	
Other Premium Pay	Chapter 3	3-49	Nov. 2013	8/1/2008	2017	
Other Premium Pay	Chapter 3	3-49-A	Nov. 2013	8/1/2008	2017	
Other Premium Pay	Chapter 3	3-49-B	Nov. 2013	7/1/2005	2017	
Other Premium Pay	Chapter 3	3-49-B.1	Nov. 2013	7/1/2005	2017	
Other Premium Pay	Chapter 3	3-49-B.2	Nov. 2013	7/1/2005	2017	
Other Premium Pay	Chapter 3	3-49-C	Nov. 2013	7/1/2005	2017	
Other Premium Pay	Chapter 3	3-49-D	Nov. 2013	7/1/2005	2017	
Other Premium Pay	Chapter 3	3-49-D.1	Nov. 2013	7/1/2005	2017	
Other Premium Pay	Chapter 3	3-49-D.2	Nov. 2013	7/1/2005	2017	
Other Premium Pay	Chapter 3	3-49-D.3	Nov. 2013	7/1/2005	2017	

Other Premium Pay	Chapter 3	3-50	Nov. 2013	7/1/2005	2017	
Postemployment Compensation	Chapter 3	3-51	Nov. 2013	1/1/2014	2017	
Postemployment Compensation	Chapter 3	3-52	Nov. 2013	9/1/2012	2017	
Postemployment Compensation	Chapter 3	3-53	Nov. 2013	9/1/2012	2017	
Postemployment Compensation	Chapter 3	3-54	Nov. 2013	1/1/2014	2017	
Postemployment Compensation	Chapter 3	3-54-1	Nov. 2013	9/1/2012	2017	
Postemployment Compensation	Chapter 3	3-54-2	Nov. 2013	9/1/2012	2017	
Postemployment Compensation	Chapter 3	3-54-3	Nov. 2013	9/1/2012	2017	
Postemployment Compensation	Chapter 3	3-54-4	Nov. 2013	9/1/2012	2017	
Postemployment Compensation	Chapter 3	3-54-5	Nov. 2013	9/1/2012	2017	
Postemployment Compensation	Chapter 3	3-54-6	Nov. 2013	9/1/2012	2017	
Postemployment Compensation	Chapter 3	3-54-7	Nov. 2013	9/1/2012	2017	
General Principles	Chapter 4	4-3	Nov. 2013	3/30/2013	2016	
General Principles	Chapter 4	4-4	Nov. 2013	3/30/2013	2016	
Job Announcement	Chapter 4	4-7	Nov. 2013	1/1/2014	2016	
Job Announcement	Chapter 4	4-8	Nov. 2013	7/1/2005	2016	
Job Announcement	Chapter 4	4-8-A	Nov. 2013	7/1/2005	2016	
Job Announcement	Chapter 4	4-8-B	Nov. 2013	7/1/2005	2016	
Job Announcement	Chapter 4	4-8-C	Nov. 2013	7/1/2005	2016	
Job Announcement	Chapter 4	4-8-D	Nov. 2013	7/1/2005	2016	
Job Announcement	Chapter 4	4-8-E	Nov. 2013	7/1/2005	2016	
Job Announcement	Chapter 4	4-8-F	Nov. 2013	7/1/2005	2016	
Job Announcement	Chapter 4	4-8-G	Nov. 2013	7/1/2005	2016	
Job Announcement	Chapter 4	4-8-H	Nov. 2013	7/1/2005	2016	
Job Announcement	Chapter 4	4-8-I	Nov. 2013	3/30/2013	2016	
Comparative Analysis	Chapter 4	4-10	Nov. 2013	3/30/2013	2016	
Comparative Analysis	Chapter 4	4-11	Nov. 2013	3/30/2013	2016	
Comparative Analysis	Chapter 4	4-12	Nov. 2013	3/30/2013	2016	
Comparative Analysis	Chapter 4	4-13	Nov. 2013	3/30/2013	2016	
Comparative Analysis	Chapter 4	4-14	Nov. 2013	7/1/2005	2016	

Comparative Analysis	Chapter 4	4-14-A	Nov. 2013	7/1/2005	2016	
Comparative Analysis	Chapter 4	4-14-B	Nov. 2013	7/1/2005	2016	
Comparative Analysis	Chapter 4	4-14-C	Nov. 2013	1/1/2014	2016	
Comparative Analysis	Chapter 4	4-15	Nov. 2013	3/30/2013	2016	
Comparative Analysis	Chapter 4	4-15-A	Nov. 2013	3/30/2013	2016	
Comparative Analysis	Chapter 4	4-15-B	Nov. 2013	3/30/2013	2016	
Comparative Analysis	Chapter 4	4-15-C	Nov. 2013	3/30/2013	2016	
Comparative Analysis	Chapter 4	4-16	Nov. 2013	3/30/2013	2016	
Comparative Analysis	Chapter 4	4-16-A	Nov. 2013	3/30/2013	2016	
Comparative Analysis	Chapter 4	4-16-B	Nov. 2013	3/30/2013	2016	
Comparative Analysis	Chapter 4	4-17	Nov. 2013	3/30/2013	2016	
Comparative Analysis	Chapter 4	4-20	Nov. 2013	3/30/2013	2016	
Employment Lists	Chapter 4	4-21	Nov. 2013	3/30/2013	2016	
Employment Lists	Chapter 4	4-22	Nov. 2013	3/30/2013	2016	
Employment Lists	Chapter 4	4-23	Nov. 2013	3/30/2013	2016	
Employment Lists	Chapter 4	4-24	Nov. 2013	3/30/2013	2016	
Employment Lists	Chapter 4	4-24-A	Nov. 2013	3/30/2013	2016	
Employment Lists	Chapter 4	4-24-B	Nov. 2013	3/30/2013	2016	
Employment Lists	Chapter 4	4-24-C	Nov. 2013	3/30/2013	2016	
Employment Lists	Chapter 4	4-25	Nov. 2013	3/30/2013	2016	
Employment Lists	Chapter 4	4-26	Nov. 2013	1/1/2014	2016	
Employment Lists	Chapter 4	4-26-A	Nov. 2013	1/1/2014	2016	
Employment Lists	Chapter 4	4-26-B	Nov. 2013	1/1/2014	2016	
Employment Lists	Chapter 4	4-28	Nov. 2013	1/1/2014	2016	
Employment Lists	Chapter 4	4-28-A	Nov. 2013	1/1/2014	2016	
Employment Lists	Chapter 4	4-28-A-1	Nov. 2013	1/1/2014	2016	
Employment Lists	Chapter 4	4-28-A-2	Nov. 2013	1/1/2014	2016	
Employment Lists	Chapter 4	4-28-A-3	Nov. 2013	1/1/2014	2016	
Employment Lists	Chapter 4	4-28-A-4	Nov. 2013	1/1/2014	2016	
Employment Lists	Chapter 4	4-28-B	Nov. 2013	1/1/2014	2016	
Employment Lists	Chapter 4	4-28-B-1	Nov. 2013	1/1/2014	2016	
Employment Lists	Chapter 4	4-28-B-2	Nov. 2013	1/1/2014	2016	
Employment Lists	Chapter 4	4-28-C	Nov. 2013	1/1/2014	2016	
Employment Lists	Chapter 4	4-28-C-1	Nov. 2013	1/1/2014	2016	
Employment Lists	Chapter 4	4-28-C-2	Nov. 2013	1/1/2014	2016	
Employment Lists	Chapter 4	4-28-C-3	Nov. 2013	1/1/2014	2016	
Employment Lists	Chapter 4	4-28-C-4	Nov. 2013	1/1/2014	2016	
Employment Lists	Chapter 4	4-28-C-5	Nov. 2013	1/1/2014	2016	

Employment Lists	Chapter 4	4-28-C-6	Nov. 2013	1/1/2014	2016	
Employment Lists	Chapter 4	4-28-C-7	Nov. 2013	1/1/2014	2016	
Employment Lists	Chapter 4	4-28-C-8	Nov. 2013	1/1/2014	2016	
Employment Lists	Chapter 4	4-28-C-9	Nov. 2013	1/1/2014	2016	
Employment Lists	Chapter 4	4-28-C-10	Nov. 2013	1/1/2014	2016	
Employment Lists	Chapter 4	4-29	Nov. 2013	3/30/2013	2016	
Referrals	Chapter 4	4-30	Nov. 2013	3/30/2013	2016	
Referrals	Chapter 4	4-31	Nov. 2013	1/1/2014	2016	
Referrals	Chapter 4	4-33	Nov. 2013	3/30/2013	2016	
Referrals	Chapter 4	4-34	Nov. 2013	3/30/2013	2016	
Referrals	Chapter 4	4-35	Nov. 2013	3/30/2013	2016	
Referrals	Chapter 4	4-36	Nov. 2013	3/30/2013	2016	
Referrals	Chapter 4	4-38	Nov. 2013	3/30/2013	2016	
Appointment	Chapter 4	4-39	Nov. 2013	3/30/2013	2016	
Appointment	Chapter 4	4-47	Nov. 2013	3/30/2013	2016	
Temporary Status	Chapter 4	4-48	Nov. 2013	7/1/2005	2016	
Temporary Status	Chapter 4	4-48-A	Nov. 2013	7/1/2005	2016	
Temporary Status	Chapter 4	4-48-B	Nov. 2013	3/30/2013	2016	
Temporary Status	Chapter 5	5-1	Nov. 2013	5/1/2010	2015	
General Principles	Chapter 5	5-1-A	Nov. 2013	5/1/2010	2015	
General Principles	Chapter 5	5-1-B	Nov. 2013	5/1/2010	2015	
General Principles	Chapter 5	5-1-C	Nov. 2013	5/1/2010	2015	
General Principles	Chapter 5	5-1-D	Nov. 2013	5/1/2010	2015	
General Principles	Chapter 5	5-2	Nov. 2013	5/1/2010	2015	
General Principles	Chapter 5	5-3	Nov. 2013	5/1/2010	2015	
General Principles	Chapter 5	5-4	Nov. 2013	5/1/2010	2015	
Accrued Paid Leave	Chapter 5	5-5	Nov. 2013	1/1/2014	2015	
Accrued Paid Leave	Chapter 5	5-5-A	Nov. 2013	7/1/2005	2015	
Accrued Paid Leave	Chapter 5	5-5-B	Nov. 2013	7/1/2013	2015	
Accrued Paid Leave	Chapter 5	5-5-B-1	Nov. 2013	7/1/2013	2015	
Accrued Paid Leave	Chapter 5	5-5-B-2	Nov. 2013	7/1/2013	2015	
Accrued Paid Leave	Chapter 5	5-6	Nov. 2013	5/1/2010	2015	
Accrued Paid Leave	Chapter 5	5-6-A	Nov. 2013	7/1/2005	2015	
Accrued Paid Leave	Chapter 5	5-6-B	Nov. 2013	7/1/2005	2015	
Accrued Paid Leave	Chapter 5	5-6-C	Nov. 2013	7/1/2005	2015	
Accrued Paid Leave	Chapter 5	5-7	Nov. 2013	7/1/2013	2015	
Accrued Paid Leave	Chapter 5	5-8	Nov. 2013	5/1/2010	2015	
Leave Sharing	Chapter 5	5-9	Nov. 2013	5/1/2010	2015	
Leave Sharing	Chapter 5					

Leave Sharing	Chapter 5	5-9-A	Nov. 2013	7/1/2005	2015	
Holiday Leave	Chapter 5	5-10	Nov. 2013	5/1/2010	2015	
Holiday Leave	Chapter 5	5-10-A	Nov. 2013	7/1/2005	2015	
Holiday Leave	Chapter 5	5-10-B	Nov. 2013	7/1/2005	2015	
Holiday Leave	Chapter 5	5-11	Nov. 2013	5/1/2010	2015	
Holiday Leave	Chapter 5	5-12	Nov. 2013	7/1/2013	2015	
Holiday Leave	Chapter 5	5-13	Nov. 2013	5/1/2010	2015	
Holiday Leave	Chapter 5	5-13-A	Nov. 2013	7/1/2005	2015	
Holiday Leave	Chapter 5	5-14	Nov. 2013	7/1/2013	2015	
Holiday Leave	Chapter 5	5-15	Nov. 2013	5/1/2010	2015	
Holiday Leave	Chapter 5	5-15-A	Nov. 2013	7/1/2005	2015	
Holiday Leave	Chapter 5	5-15-B	Nov. 2013	7/1/2005	2015	
Holiday Leave	Chapter 5	5-15-C	Nov. 2013	7/1/2005	2015	
Holiday Leave	Chapter 5	5-15-D	Nov. 2013	7/1/2005	2015	
Holiday Leave	Chapter 5	5-16	Nov. 2013	7/1/2005	2015	
Holiday Leave	Chapter 5	5-16-A	Nov. 2013	7/1/2005	2015	
Holiday Leave	Chapter 5	5-16-B	Nov. 2013	7/1/2005	2015	
Holiday Leave	Chapter 5	5-16-C	Nov. 2013	7/1/2005	2015	
Holiday Leave	Chapter 5	5-16-D	Nov. 2013	7/1/2005	2015	
Holiday Leave	Chapter 5	5-17	Nov. 2013	1/1/2014	2015	
Holiday Leave	Chapter 5	5-17-A	Nov. 2013	7/1/2005	2015	
Holiday Leave	Chapter 5	5-17-B	Nov. 2013	7/1/2005	2015	
Holiday Leave	Chapter 5	5-17-C	Nov. 2013	7/1/2005	2015	
Holiday Leave	Chapter 5	5-18	Nov. 2013	5/1/2010	2015	
Family/Medical Leave (FML)	Chapter 5	5-19	Nov. 2013	5/1/2010	2015	Yes
Family/Medical Leave (FML)	Chapter 5	5-20	Nov. 2013	5/1/2010	2015	Yes
Family/Medical Leave (FML)	Chapter 5	5-21	Nov. 2013	5/1/2010	2015	
Family/Medical Leave (FML)	Chapter 5	5-21-A	Nov. 2013	7/1/2014	2015	
Family/Medical Leave (FML)	Chapter 5	5-22	Nov. 2013	5/1/2010	2015	
Family/Medical Leave (FML)	Chapter 5	5-23	Nov. 2013	7/1/2013	2015	
Family/Medical Leave (FML)	Chapter 5	5-24	Nov. 2013	7/1/2005	2015	
Family/Medical Leave (FML)	Chapter 5	5-25	Nov. 2013	5/1/2010	2015	
Family/Medical Leave (FML)	Chapter 5	5-26	Nov. 2013	5/1/2010	2015	
Family/Medical Leave (FML)	Chapter 5	5-27	Nov. 2013	5/1/2010	2015	
Family/Medical Leave (FML)	Chapter 5	5-28	Nov. 2013	5/1/2010	2015	
Medical Certificates	Chapter 5	5-29	Nov. 2013	7/1/2013	2015	
Medical Certificates	Chapter 5	5-29-A	Nov. 2013	7/1/2013	2015	
Medical Certificates	Chapter 5	5-29-B	Nov. 2013	7/1/2013	2015	

Medical Certificates	Chapter 5	5-30	Nov. 2013	7/1/2013	2015	
Medical Certificates	Chapter 5	5-30-A	Nov. 2013	7/1/2013	2015	
Medical Certificates	Chapter 5	5-31	Nov. 2013	7/1/2013	2015	
Medical Certificates	Chapter 5	5-32	Nov. 2013	7/1/2013	2015	
Medical Certificates	Chapter 5	5-32-A	Nov. 2013	7/1/2013	2015	
Medical Certificates	Chapter 5	5-33	Nov. 2013	5/1/2010	2015	
Medical Certificates	Chapter 5	5-34	Nov. 2013	5/1/2010	2015	
Medical Certificates	Chapter 5	5-34-A	Nov. 2013	7/1/2005	2015	
Medical Certificates	Chapter 5	5-34-B	Nov. 2013	7/1/2005	2015	
Medical Certificates	Chapter 5	5-35	Nov. 2013	5/1/2010	2015	
Medical Certificates	Chapter 5	5-36	Nov. 2013	5/1/2010	2015	
Medical Certificates	Chapter 5	5-37	Nov. 2013	5/1/2010	2015	
Medical Certificates	Chapter 5	5-38	Nov. 2013	5/1/2010	2015	
Medical Certificates	Chapter 5	5-38-A	Nov. 2013	7/1/2005	2015	
Medical Certificates	Chapter 5	5-38-B	Nov. 2013	7/1/2005	2015	
Medical Certificates	Chapter 5	5-38-C	Nov. 2013	7/1/2005	2015	
Medical Certificates	Chapter 5	5-38-D	Nov. 2013	7/1/2005	2015	
Medical Certificates	Chapter 5	5-38-E	Nov. 2013	7/1/2005	2015	
Performance Management	Chapter 6	6-4	Nov. 2013	8/1/2008	2016	
Performance Management	Chapter 6	6-4-A	Nov. 2013	7/1/2005	2016	
Performance Management	Chapter 6	6-4-B	Nov. 2013	7/1/2005	2016	
Performance Management	Chapter 6	6-4-C	Nov. 2013	7/1/2005	2016	
Performance Management	Chapter 6	6-4-D	Nov. 2013	1/1/2014	2016	
Performance Management	Chapter 6	6-4-E	Nov. 2013	7/1/2007	2016	
Performance Management	Chapter 6	6-4-F	Nov. 2013	7/1/2005	2016	
Performance Management	Chapter 6	6-4-G	Nov. 2013	9/1/2012	2016	
Performance Management	Chapter 6	6-4-H	Nov. 2013	7/1/2005	2016	
Performance Management	Chapter 6	6-4-I	Nov. 2013	7/1/2007	2016	
Performance Management	Chapter 6	6-4-K	Nov. 2013	7/1/2005	2016	
Performance Management	Chapter 6	6-5	Nov. 2013	7/1/2007	2016	
Performance Management	Chapter 6	6-5-A	Nov. 2013	7/1/2005	2016	
Performance Management	Chapter 6	6-7	Nov. 2013	7/1/2005	2016	
Layoff Principles	Chapter 7	7-6	Nov. 2013	1/1/2014	2017	
Layoff Principles	Chapter 7	7-6-A	Nov. 2013	7/1/2014	2017	
Layoff Principles	Chapter 7	7-6-B	Nov. 2013	3/30/2013	2017	
Layoff Principles	Chapter 7	7-6-B-1	Nov. 2013	7/1/2005	2017	
Layoff Principles	Chapter 7	7-8	Nov. 2013	3/30/2013	2017	

Determining Priorities for Layoff and Retention Rights	Chapter 7	7-9	Nov. 2013	3/30/2013	2017	
Determining Priorities for Layoff and Retention Rights	Chapter 7	7-11	Nov. 2013	7/1/2005	2017	
Determining Priorities for Layoff and Retention Rights	Chapter 7	7-11-A	Nov. 2013	3/30/2013	2017	
Determining Priorities for Layoff and Retention Rights	Chapter 7	7-12	Nov. 2013	3/30/2013	2017	
Notice Requirements	Chapter 7	7-14	Nov. 2013	7/1/2005	2017	
Notice Requirements	Chapter 7	7-14-A	Nov. 2013	7/1/2005	2017	
Notice Requirements	Chapter 7	7-14-B	Nov. 2013	3/30/2013	2017	
Reallocation	Chapter 7	7-20	Nov. 2013	3/30/2013	2017	
Alternative Dispute Resolution (Informal problem-solving processes)						
Alternative Dispute Resolution (Informal problem-solving processes)	Chapter 8	8-9	Nov. 2013	7/1/2013	2016	
	Chapter 8	8-10	Nov. 2013	7/1/2013	2016	
Scope and Contents of Board Appeals	Chapter 8	8-37	Nov. 2013	3/30/2013	2016	
Director's Dispute Resolution Processes	Chapter 8	8-73	Nov. 2013	7/1/2013	2016	
Director's Dispute Resolution Processes	Chapter 8	8-74	Nov. 2013	7/1/2005	2016	
Director's Dispute Resolution Processes	Chapter 8	8-74-A	Nov. 2013	7/1/2005	2016	
Director's Dispute Resolution Processes	Chapter 8	8-74-A-1	Nov. 2013	7/1/2005	2016	
Director's Dispute Resolution Processes	Chapter 8	8-74-A-2	Nov. 2013	7/1/2005	2016	
Director's Dispute Resolution Processes	Chapter 8	8-74-A-3	Nov. 2013	7/1/2005	2016	
Director's Dispute Resolution Processes	Chapter 8	8-74-A-4	Nov. 2013	7/1/2005	2016	
Director's Dispute Resolution Processes	Chapter 8	8-74-A-5	Nov. 2013	7/1/2005	2016	
Director's Dispute Resolution Processes	Chapter 8	8-74-A-6	Nov. 2013	7/1/2005	2016	

Director's Dispute Resolution Processes	Chapter 8	8-74-B	Nov. 2013	7/1/2013	2016	
Director's Appeals	Chapter 8	8-75	Nov. 2013	7/1/2005	2016	
Director's Appeals	Chapter 8	8-75-A	Nov. 2013	7/1/2005	2016	
Director's Appeals	Chapter 8	8-75-B	Nov. 2013	7/1/2005	2016	
Director's Appeals	Chapter 8	8-75-C	Nov. 2013	1/1/2014	2016	
Director's Appeals	Chapter 8	8-76	Nov. 2013	7/1/2005	2016	
Director's Appeals	Chapter 8	8-76-A	Nov. 2013	7/1/2013	2016	
Director's Appeals	Chapter 8	8-77	Nov. 2013	7/1/2013	2016	
Director's Appeals	Chapter 8	8-78	Nov. 2013	7/1/2005	2016	
Director's Appeals	Chapter 8	8-78-A	Nov. 2013	7/1/2005	2016	
Director's Appeals	Chapter 8	8-79	Nov. 2013	7/1/2005	2016	
Director's Appeals	Chapter 8	8-79-A	Nov. 2013	7/1/2005	2016	
Director's Appeals	Chapter 8	8-79-B	Nov. 2013	7/1/2005	2016	
Director's Appeals	Chapter 8	8-80	Nov. 2013	7/1/2005	2016	
Director's Appeals	Chapter 8	8-81	Nov. 2013	7/1/2013	2016	
Director's Appeals	Chapter 8	8-82	Nov. 2013	7/1/2005	2016	
Performance Management Disputes	Chapter 8	8-83	Nov. 2013	7/1/2007	2016	
Performance Management Disputes	Chapter 8	8-84	Nov. 2013	7/1/2005	2016	
Performance Management Disputes	Chapter 8	8-84-A	Nov. 2013	7/1/2005	2016	
Performance Management Disputes	Chapter 8	8-84-B	Nov. 2013	1/1/2014	2016	
Performance Management Disputes	Chapter 8	8-85	Nov. 2013	7/1/2005	2016	
Performance Management Disputes	Chapter 8	8-85-A	Nov. 2013	7/1/2007	2016	
Performance Management Disputes	Chapter 8	8-85-B	Nov. 2013	8/1/2008	2016	
Performance Management Disputes	Chapter 8	8-85-C	Nov. 2013	9/1/2012	2016	
Performance Management Disputes	Chapter 8	8-86	Nov. 2013	7/1/2005	2016	
Performance Management Disputes	Chapter 8	8-87	Nov. 2013	7/1/2005	2016	

Performance Management Disputes	Chapter 8	8-87-A	Nov. 2013	7/1/2005	2016	
Performance Management Disputes	Chapter 8	8-87-A-1	Nov. 2013	7/1/2005	2016	
Performance Management Disputes	Chapter 8	8-87-A-2	Nov. 2013	7/1/2005	2016	
Performance Management Disputes	Chapter 8	8-87-A-3	Nov. 2013	7/1/2005	2016	
Performance Management Disputes	Chapter 8	8-87-A-4	Nov. 2013	7/1/2005	2016	
Performance Management Disputes	Chapter 8	8-87-B	Nov. 2013	1/1/2014	2016	
Performance Management Disputes	Chapter 8	8-87-B-1	Nov. 2013	7/1/2005	2016	
Performance Management Disputes	Chapter 8	8-87-B-2	Nov. 2013	7/1/2005	2016	
Performance Management Disputes	Chapter 8	8-87-B-2-a	Nov. 2013	7/1/2005	2016	
Performance Management Disputes	Chapter 8	8-87-C	Nov. 2013	8/1/2008	2016	
Performance Management Disputes	Chapter 8	8-88	Nov. 2013	7/1/2007	2016	
Performance Management Disputes	Chapter 8	8-88-A	Nov. 2013	7/1/2005	2016	
Performance Management Disputes	Chapter 8	8-88-A-1	Nov. 2013	7/1/2005	2016	
Performance Management Disputes	Chapter 8	8-88-A-2	Nov. 2013	7/1/2005	2016	
Performance Management Disputes	Chapter 8	8-88-A-3	Nov. 2013	7/1/2005	2016	
Performance Management Disputes	Chapter 8	8-88-B	Nov. 2013	7/1/2005	2016	
Performance Management Disputes	Chapter 8	8-89	Nov. 2013	7/1/2005	2016	
Discrimination Authority	Chapter 9	9-7	Nov. 2013	3/30/2013	2016	
	Chapter 10	10-1	Nov. 2013	7/1/2005	2018	
Determination of the Business Case	Chapter 10	10-2	Nov. 2013	7/1/2005	2018	

Determination of the Business Case	Chapter 10	10-2-A	Nov. 2013	7/1/2005	2018		
Determination of the Business Case	Chapter 10	10-2-A-1	Nov. 2013	7/1/2005	2018		
Determination of the Business Case	Chapter 10	10-2-A-2	Nov. 2013	7/1/2005	2018		
Determination of the Business Case	Chapter 10	10-2-A-3	Nov. 2013	7/1/2005	2018		
Determination of the Business Case	Chapter 10	10-2-A-4	Nov. 2013	7/1/2005	2018		
Determination of the Business Case	Chapter 10	10-2-B	Nov. 2013	7/1/2005	2018		
Determination of the Business Case	Chapter 10	10-2-B-1	Nov. 2013	7/1/2005	2018		
Determination of the Business Case	Chapter 10	10-2-B-2	Nov. 2013	7/1/2005	2018		
Determination of the Business Case	Chapter 10	10-2-B-3	Nov. 2013	7/1/2005	2018		
Determination of the Business Case	Chapter 10	10-2-B-4	Nov. 2013	7/1/2005	2018		
Determination of the Business Case	Chapter 10	10-2-C	Nov. 2013	7/1/2005	2018		
Evaluation of Potential Impact on Certified Employees	Chapter 10	10-3	Nov. 2013	7/1/2005	2018		
Evaluation of Potential Impact on Certified Employees	Chapter 10	10-3-A	Nov. 2013	7/1/2005	2018		
Evaluation of Potential Impact on Certified Employees	Chapter 10	10-3-B	Nov. 2013	7/1/2005	2018		
Evaluation of Potential Impact on Certified Employees	Chapter 10	10-3-B-1	Nov. 2013	7/1/2005	2018		
Evaluation of Potential Impact on Certified Employees	Chapter 10	10-3-B-2	Nov. 2013	7/1/2005	2018		

Evaluation of Potential Impact on Certified Employees	Chapter 10	10-3-C	Nov. 2013	7/1/2005	2018		
Evaluation of Potential Impact on Certified Employees	Chapter 10	10-3-D	Nov. 2013	7/1/2007	2018		
Evaluation of Potential Impact on Certified Employees	Chapter 10	10-3-D-1	Nov. 2013	7/1/2005	2018		
Evaluation of Potential Impact on Certified Employees	Chapter 10	10-3-D-2	Nov. 2013	7/1/2005	2018		
Evaluation of Potential Impact on Certified Employees	Chapter 10	10-3-D-3	Nov. 2013	7/1/2005	2018		
Evaluation of Potential Impact on Certified Employees	Chapter 10	10-3-E	Nov. 2013	3/30/2013	2018		
Evaluation of Potential Impact on Certified Employees	Chapter 10	10-3-F	Nov. 2013	7/1/2005	2018		
Contract Process and Requirements	Chapter 10	10-4	Nov. 2013	7/1/2005	2018		
Contract Process and Requirements	Chapter 10	10-4-A	Nov. 2013	7/1/2005	2018		
Contract Process and Requirements	Chapter 10	10-4-B	Nov. 2013	7/1/2005	2018		
Contract Process and Requirements	Chapter 10	10-4-C	Nov. 2013	7/1/2005	2018		
Contract Process and Requirements	Chapter 10	10-4-D	Nov. 2013	7/1/2005	2018		
Contract Process and Requirements	Chapter 10	10-4-D-1	Nov. 2013	7/1/2005	2018		
Contract Process and Requirements	Chapter 10	10-4-D-2	Nov. 2013	7/1/2005	2018		
Contract Process and Requirements	Chapter 10	10-4-E	Nov. 2013	7/1/2005	2018		

Contract Process and Requirements	Chapter 10	10-4-E-1	Nov. 2013	7/1/2005	2018	
Contract Process and Requirements	Chapter 10	10-4-E-2	Nov. 2013	7/1/2005	2018	
Contract Process and Requirements	Chapter 10	10-4-E-3	Nov. 2013	7/1/2005	2018	
Contract Process and Requirements	Chapter 10	10-4-E-4	Nov. 2013	7/1/2005	2018	
Contract Process and Requirements	Chapter 10	10-4-E-5	Nov. 2013	7/1/2005	2018	
Contract Process and Requirements	Chapter 10	10-4-F	Nov. 2013	7/1/2005	2018	
General Principles	Chapter 11	11-1	Nov. 2013	7/1/2010	2015	
General Principles	Chapter 11	11-2	Nov. 2013	7/1/2010	2015	
General Principles	Chapter 11	11-3	Nov. 2013	7/1/2010	2015	
Director Responsibilities	Chapter 11	11-4	Nov. 2013	7/1/2010	2015	
Director Responsibilities	Chapter 11	11-5	Nov. 2013	7/1/2010	2015	
Director Responsibilities	Chapter 11	11-6	Nov. 2013	7/1/2010	2015	
Director Responsibilities	Chapter 11	11-7	Nov. 2013	7/1/2010	2015	
Director Responsibilities	Chapter 11	11-7-A	Nov. 2013	7/1/2005	2015	
Director Responsibilities	Chapter 11	11-7-B	Nov. 2013	7/1/2005	2015	
Director Responsibilities	Chapter 11	11-7-C	Nov. 2013	1/1/2014	2015	
Director Responsibilities	Chapter 11	11-7-D	Nov. 2013	7/1/2005	2015	
Director Responsibilities	Chapter 11	11-7-E	Nov. 2013	7/1/2005	2015	
Director Responsibilities	Chapter 11	11-7-F	Nov. 2013	7/1/2005	2015	
Director Responsibilities	Chapter 11	11-7-G	Nov. 2013	7/1/2005	2015	
Director Responsibilities	Chapter 11	11-7-H	Nov. 2013	7/1/2005	2015	
Director Responsibilities	Chapter 11	11-8	Nov. 2013	7/1/2010	2015	
Director Responsibilities	Chapter 11	11-9	Nov. 2013	1/1/2014	2015	
Director Responsibilities	Chapter 11	11-9-A	Nov. 2013	7/1/2005	2015	
Director Responsibilities	Chapter 11	11-9-B	Nov. 2013	7/1/2005	2015	
Director Responsibilities	Chapter 11	11-9-B-1	Nov. 2013	7/1/2005	2015	
Director Responsibilities	Chapter 11	11-9-B-2	Nov. 2013	7/1/2005	2015	
Director Responsibilities	Chapter 11	11-9-B-3	Nov. 2013	7/1/2005	2015	
Director Responsibilities	Chapter 11	11-9-B-4	Nov. 2013	7/1/2005	2015	
Director Responsibilities	Chapter 11	11-9-C	Nov. 2013	7/1/2005	2015	
Director Responsibilities	Chapter 11	11-9-D	Nov. 2013	7/1/2005	2015	
Director Responsibilities	Chapter 11	11-9-D-1	Nov. 2013	7/1/2005	2015	

Director Responsibilities	Chapter 11	11-9-D-2	Nov. 2013	7/1/2005	2015	
Director Responsibilities	Chapter 11	11-10	Nov. 2013	7/1/2010	2015	
Director Responsibilities	Chapter 11	11-10-A	Nov. 2013	7/1/2005	2015	
Director Responsibilities	Chapter 11	11-10-B	Nov. 2013	7/1/2005	2015	
Director Responsibilities	Chapter 11	11-10-C	Nov. 2013	7/1/2005	2015	
Director Responsibilities	Chapter 11	11-10-D	Nov. 2013	7/1/2005	2015	
Director Responsibilities	Chapter 11	11-10-E	Nov. 2013	7/1/2005	2015	
Eligibility	Chapter 11	11-11	Nov. 2013	7/1/2010	2015	
Eligibility	Chapter 11	11-12	Nov. 2013	1/1/2014	2015	
Eligibility	Chapter 11	11-12-A	Nov. 2013	7/1/2005	2015	
Eligibility	Chapter 11	11-12-A-1	Nov. 2013	7/1/2005	2015	
Eligibility	Chapter 11	11-12-A-2	Nov. 2013	7/1/2005	2015	
Eligibility	Chapter 11	11-12-B	Nov. 2013	7/1/2005	2015	
Eligibility	Chapter 11	11-12-B-1	Nov. 2013	7/1/2005	2015	
Eligibility	Chapter 11	11-12-B-2	Nov. 2013	7/1/2005	2015	
Eligibility	Chapter 11	11-12-B-3	Nov. 2013	7/1/2005	2015	
Eligibility	Chapter 11	11-12-C	Nov. 2013	7/1/2005	2015	
Eligibility	Chapter 11	11-12-D	Nov. 2013	7/1/2005	2015	
Eligibility	Chapter 11	11-12-D-1	Nov. 2013	7/1/2005	2015	
Eligibility	Chapter 11	11-12-D-2	Nov. 2013	7/1/2005	2015	
Eligibility	Chapter 11	11-12-D-3	Nov. 2013	7/1/2005	2015	
Eligibility	Chapter 11	11-12-D-4	Nov. 2013	7/1/2005	2015	
Eligibility	Chapter 11	11-12-D-5	Nov. 2013	7/1/2005	2015	
Eligibility	Chapter 11	11-12-D-6	Nov. 2013	7/1/2005	2015	
Eligibility	Chapter 11	11-12-E	Nov. 2013	7/1/2005	2015	
Eligibility	Chapter 11	11-12-E-1	Nov. 2013	7/1/2005	2015	
Eligibility	Chapter 11	11-12-E-2	Nov. 2013	7/1/2005	2015	
Eligibility	Chapter 11	11-12-E-3	Nov. 2013	7/1/2005	2015	
Eligibility	Chapter 11	11-12-E-4	Nov. 2013	7/1/2005	2015	
Eligibility	Chapter 11	11-12-F	Nov. 2013	7/1/2005	2015	
Eligibility	Chapter 11	11-13	Nov. 2013	1/1/2014	2015	
Eligibility	Chapter 11	11-14	Nov. 2013	1/1/2014	2015	
Coverage of Benefits	Chapter 11	11-15	Nov. 2013	1/1/2014	2015	
Coverage of Benefits	Chapter 11	11-16	Nov. 2013	7/1/2010	2015	
Coverage of Benefits	Chapter 11	11-17	Nov. 2013	7/1/2010	2015	
Coverage of Benefits	Chapter 11	11-17-A	Nov. 2013	7/1/2005	2015	
Coverage of Benefits	Chapter 11	11-17-B	Nov. 2013	7/1/2005	2015	
Payment of Contributions	Chapter 11	11-18	Nov. 2013	7/1/2010	2015	

Payment of Contributions	Chapter 11	11-18-A	Nov. 2013	7/1/2005	2015		
Payment of Contributions	Chapter 11	11-18-B	Nov. 2013	7/1/2005	2015		
Payment of Contributions	Chapter 11	11-19	Nov. 2013	7/1/2010	2015		
Payment of Contributions	Chapter 11	11-20	Nov. 2013	7/1/2010	2015		
Payment of Contributions	Chapter 11	11-21	Nov. 2013	1/1/2014	2015		
Payment of Contributions	Chapter 11	11-21-A	Nov. 2013	7/1/2005	2015		
Payment of Contributions	Chapter 11	11-21-B	Nov. 2013	7/1/2005	2015		
Payment of Contributions	Chapter 11	11-21-B-1	Nov. 2013	7/1/2005	2015		
Payment of Contributions	Chapter 11	11-21-B-2	Nov. 2013	7/1/2005	2015		
Payment of Contributions	Chapter 11	11-22	Nov. 2013	7/1/2010	2015		
Payment of Contributions	Chapter 11	11-23	Nov. 2013	7/1/2010	2015		
Payment of Contributions	Chapter 11	11-24	Nov. 2013	1/1/2014	2015		
Appeal Procedures	Chapter 11	11-25	Nov. 2013	7/1/2010	2015		
Appeal Procedures	Chapter 11	11-25-A	Nov. 2013	7/1/2005	2015		
Appeal Procedures	Chapter 11	11-25-B	Nov. 2013	7/1/2005	2015		
Appeal Procedures	Chapter 11	11-26	Nov. 2013	7/1/2010	2015		
Appeal Procedures	Chapter 11	11-27	Nov. 2013	7/1/2010	2015		
Appeal Procedures	Chapter 11	11-27-A	Nov. 2013	7/1/2005	2015		
Appeal Procedures	Chapter 11	11-27-B	Nov. 2013	7/1/2005	2015		
Count	11	547				2	0

DPA Rule Review - 4 CCR 801-1 State Personnel Board

Rule Name	Section	Rule	Last reviewed	Last modification effective date	Next planned regular review	2014 Review: Recommend to modify?	2014 Review: Recommend to repeal?
Chapter 1	Chapter 1						
General Principle	Chapter 1	Board Rule 1-1	6/1/2014	7/1/2005	6/1/2015		
Board elections	Chapter 1	Board Rule 1-2	6/1/2014	7/1/2005	6/1/2015	Yes	
Service of process	Chapter 1	Board Rule 1-3	6/1/2014	7/1/2005	6/1/2015		
Meetings	Chapter 1	Board Rule 1-4	6/1/2014	7/1/2005	6/1/2015		
Materials for consideration at meetings	Chapter 1	Board Rule 1-5	6/1/2014	1/1/2007	6/1/2015		
Employee Activities	Chapter 1	Board Rule 1-12	6/1/2014	7/1/2005	6/1/2015		
Outside employment conflict	Chapter 1	Board Rule 1-13	6/1/2014	7/1/2005	6/1/2015		
Advance approval for other employment	Chapter 1	Board Rule 1-14	6/1/2014	7/1/2005	6/1/2015		
Use of state property	Chapter 1	Board Rule 1-16	6/1/2014	7/1/2005	6/1/2015		
Political activities	Chapter 1	Board Rule 1-17	6/1/2014	7/1/2005	6/1/2015		
Right to associate	Chapter 1	Board Rule 1-18	6/1/2014	7/1/2005	6/1/2015		
Waiver of rights	Chapter 1	Board Rule 1-19	6/1/2014	7/1/2005	6/1/2015		
Records	Chapter 1	Board Rule 1-20	6/1/2014	7/1/2005	6/1/2015		
Human Resource Innovation Programs	Chapter 1	Board Rule 1-26	6/1/2014	7/1/2005	6/1/2015	Yes	
Definition of certified	Chapter 1	Board Rule 1-32.1	6/1/2014	3/15/2011	6/1/2015		
Definition of day	Chapter 1	Board Rule 1-39	6/1/2014	3/15/2011	6/1/2015		
Definition of department	Chapter 1	Board Rule 1-40	6/1/2014	3/15/2011	6/1/2015		
Definition of departmental reemployment list	Chapter 1	Board Rule 1-40.1	6/1/2014	3/15/2011	6/1/2015		
Definition of disciplinary suspension	Chapter 1	Board Rule 1-41	6/1/2014	3/15/2011	6/1/2015		

Definition of dismissal	Chapter 1	Board Rule 1-42	6/1/2014	3/15/2011	6/1/2015		
Definition of employee	Chapter 1	Board Rule 1-44	6/1/2014	3/15/2011	6/1/2015		
Definition of employment lists	Chapter 1	Board Rule 1-45	6/1/2014	3/15/2011	6/1/2015		
Definition of exempt employee	Chapter 1	Board Rule 1-47	6/1/2014	3/15/2011	6/1/2015		
Definition of good cause	Chapter 1	Board Rule 1-49	6/1/2014	3/15/2011	6/1/2015		
Definition of non-disciplinary demotion	Chapter 1	Board Rule 1-55.1	6/1/2014	3/15/2011	6/1/2015		
Definition of non-permanent position	Chapter 1	Board Rule 1-56	6/1/2014	1/1/2013	6/1/2015		
Definition of permanent position	Chapter 1	Board Rule 1-61	6/1/2014	1/1/2013	6/1/2015		
Definition of position	Chapter 1	Board Rule 1-62	6/1/2014	3/15/2011	6/1/2015		
Definition of probationary	Chapter 1	Board Rule 1-62.1	6/1/2014	3/15/2011	6/1/2015		
Definition of reemployment list	Chapter 1	Board Rule 1-64	6/1/2014	3/15/2011	6/1/2015		
Definition of reinstatement	Chapter 1	Board Rule 1-64.2	6/1/2014	3/15/2011	6/1/2015		
Definition of resignation	Chapter 1	Board Rule 1-65	6/1/2014	7/1/2005	6/1/2015		
Definition of retention credit	Chapter 1	Board Rule 1-66	6/1/2014	10/1/2007	6/1/2015		
Definition of retirement	Chapter 1	Board Rule 1-67	6/1/2014	10/1/2007	6/1/2015		
Definition of sexual harassment	Chapter 1	Board Rule 1-71	6/1/2014	4/19/2005	6/1/2015		
Definition of status	Chapter 1	Board Rule 1-73	6/1/2014	4/19/2005	6/1/2015		
Definition of tenure	Chapter 1	Board Rule 1-75	6/1/2014	4/19/2005	6/1/2015		
Definition of termination	Chapter 1	Board Rule 1-76	6/1/2014	4/19/2005	6/1/2015		
Definition of transfer	Chapter 1	Board Rule 1-76.1	6/1/2014	4/19/2005	6/1/2015		
Definition of trial service	Chapter 1	Board Rule 1-77.1	6/1/2014	3/15/2011	6/1/2015		
Definition of unclassified position	Chapter 1	Board Rule 1-78	6/1/2014	4/19/2005	6/1/2015		

Chapter 2	Chapter 2								
Examination and class placement rules	Chapter 2	Board Rule 2-4	6/1/2014	4/19/2005	6/1/2015				
Chapter 4	Chapter 4								
Entry into personnel system	Chapter 4	Board Rule 4-1	6/1/2014	1/1/2013	6/1/2015				
Minimum qualifications	Chapter 4	Board Rule 4-2	6/1/2014	1/1/2013	6/1/2015				
Review of selection	Chapter 4	Board Rule 4-5	6/1/2014	1/1/2013	6/1/2015				
Request of accommodation	Chapter 4	Board Rule 4-6	6/1/2014	1/1/2013	6/1/2015				
Residency Waiver	Chapter 4	Board Rule 4-9	6/1/2014	1/1/2013	6/1/2015				
Appeal of content or conduct of exam	Chapter 4	Board Rule 4-18	6/1/2014	1/1/2013	6/1/2015				
State employee not within state system	Chapter 4	Board Rule 4-19	6/1/2014	1/1/2013	6/1/2015				
Prior appointments	Chapter 4	Board Rule 4-27	6/1/2014	1/1/2014	6/1/2015				
Multiple vacancies	Chapter 4	Board Rule 4-32	6/1/2014	1/1/2014	6/1/2015				
Methods to fill vacancies	Chapter 4	Board Rule 4-37	6/1/2014	1/1/2013	6/1/2015				
Provisional appointments	Chapter 4	Board Rule 4-40	6/1/2014	1/1/2013	6/1/2015				
Probationary service	Chapter 4	Board Rule 4-41	6/1/2014	1/1/2013	6/1/2015				
Probationary service period	Chapter 4	Board Rule 4-42	6/1/2014	1/1/2013	6/1/2015	Yes			
Trial service	Chapter 4	Board Rule 4-43	6/1/2014	1/1/2013	6/1/2015				
Trial service period	Chapter 4	Board Rule 4-44	6/1/2014	1/1/2013	6/1/2015				
Retention of certified status	Chapter 4	Board Rule 4-45	6/1/2014	1/1/2013	6/1/2015				
Early certification	Chapter 4	Board Rule 4-46	6/1/2014	1/1/2013	6/1/2015				
Conditional status	Chapter 4	Board Rule 4-49	6/1/2014	1/1/2013	6/1/2015				
Provisional status	Chapter 4	Board Rule 4-50	6/1/2014	1/1/2013	6/1/2015				
Substitute appointment	Chapter 4	Board Rule 4-51	6/1/2014	1/1/2013	6/1/2015				
Chapter 6	Chapter 6								
Employees to use best efforts	Chapter 6	Board Rule 6-1	6/1/2014	7/1/2005	6/1/2015				
Corrective action before disciplinary action	Chapter 6	Board Rule 6-2	6/1/2014	7/1/2005	6/1/2015				
Communication of performance plan	Chapter 6	Board Rule 6-3	6/1/2014	7/1/2005	6/1/2015				
Needs improvement rating	Chapter 6	Board Rule 6-6	6/1/2014	7/1/2005	6/1/2015				
Single incident	Chapter 6	Board Rule 6-8	6/1/2014	7/1/2005	6/1/2015				

Decision to take corrective or disciplinary action	Chapter 6	Board Rule 6-9	6/1/2014	7/1/2005	6/1/2015		
Meet with employee	Chapter 6	Board Rule 6-10	6/1/2014	7/1/2005	6/1/2015	Yes	
Corrective action	Chapter 6	Board Rule 6-11	6/1/2014	7/1/2005	6/1/2015		
Disciplinary action	Chapter 6	Board Rule 6-12	6/1/2014	7/1/2005	6/1/2015		
Alternatives	Chapter 6	Board Rule 6-13	6/1/2014	7/1/2005	6/1/2015		
Responsible decision maker	Chapter 6	Board Rule 6-14	6/1/2014	7/1/2005	6/1/2015	Yes	
Written notification of disciplinary action	Chapter 6	Board Rule 6-15	6/1/2014	7/1/2005	6/1/2015		
Chapter 7	Chapter 7						
Involuntary separation	Chapter 7	Board Rule 7-1	6/1/2014	3/1/2013	6/1/2015		
Minimize layoffs	Chapter 7	Board Rule 7-2	6/1/2014	3/1/2013	6/1/2015		
Administration of layoffs	Chapter 7	Board Rule 7-3	6/1/2014	3/1/2013	6/1/2015		
Notice of resignation	Chapter 7	Board Rule 7-4	6/1/2014	3/1/2013	6/1/2015		
Withdrawal of resignation	Chapter 7	Board Rule 7-5	6/1/2014	3/1/2013	6/1/2015		
Layoff principles	Chapter 7	Board Rule 7-7	6/1/2014	3/1/2013	6/1/2015		
Time bands	Chapter 7	Board Rule 7-10	6/1/2014	3/1/2013	6/1/2015		
Fulltime and partite positions	Chapter 7	Board Rule 7-13	6/1/2014	3/1/2013	6/1/2015		
Retention areas	Chapter 7	Board Rule 7-15	6/1/2014	3/1/2013	6/1/2015		
Limitation of retention rights	Chapter 7	Board Rule 7-16	6/1/2014	3/1/2013	6/1/2015		
Request to limit retention areas	Chapter 7	Board Rule 7-17	6/1/2014	3/1/2013	6/1/2015		
Retention rights	Chapter 7	Board Rule 7-18	6/1/2014	3/1/2013	6/1/2015		
Offer outside 75-mile radius	Chapter 7	Board Rule 7-19	6/1/2014	3/1/2013	6/1/2015		
Mandatory right to hearing	Chapter 7	Board Rule 7-21	6/1/2014	3/1/2013	6/1/2015		
Record keeping	Chapter 7	Board Rule 7-22	6/1/2014	3/1/2013	6/1/2015		
Chapter 8	Chapter 8						
Early informal resolution of disputes	Chapter 8	Board Rule 8-1	6/1/2014	7/1/2009	6/1/2015		
Dismissal or appeal	Chapter 8	Board Rule 8-2	6/1/2014	12/1/2009	6/1/2015		
Filing complaint	Chapter 8	Board Rule 8-3	6/1/2014	7/1/2005	6/1/2015		
Notice of appeal rights	Chapter 8	Board Rule 8-4	6/1/2014	7/1/2005	6/1/2015		
Grievance procedures	Chapter 8	Board Rule 8-5	6/1/2014	7/1/2005	6/1/2015		
Petition for Declaratory Order	Chapter 8	Board Rule 8-6	6/1/2014	7/1/2005	6/1/2015		

Employee no longer with state	Chapter 8	Board Rule 8-7	6/1/2014	7/1/2005	6/1/2015		
Grievance process	Chapter 8	Board Rule 8-8	6/1/2014	7/1/2005	6/1/2015		
Mediation communications privileged	Chapter 8	Board Rule 8-11	6/1/2014	10/1/2007	6/1/2015		
Facilitated settlement	Chapter 8	Board Rule 8-12	6/1/2014	7/1/2005	6/1/2015		
Settlements Private	Chapter 8	Board Rule 8-13	6/1/2014	7/1/2005	6/1/2015		
Parties in Settlement	Chapter 8	Board Rule 8-14	6/1/2014	7/1/2005	6/1/2015		
Notes taken	Chapter 8	Board Rule 8-15	6/1/2014	7/1/2005	6/1/2015		
Facilitator not witness	Chapter 8	Board Rule 8-16	6/1/2014	7/1/2005	6/1/2015		
Agreement entered as order	Chapter 8	Board Rule 8-17	6/1/2014	7/1/2005	6/1/2015		
Compliance with terms	Chapter 8	Board Rule 8-18	6/1/2014	7/1/2005	6/1/2015		
Petition for Declaratory Order	Chapter 8	Board Rule 8-19	6/1/2014	1/1/2007	6/1/2015		
Whistleblower complaint	Chapter 8	Board Rule 8-20	6/1/2014	7/1/2005	6/1/2015		
Copy to named department	Chapter 8	Board Rule 8-21	6/1/2014	7/1/2005	6/1/2015		
Board notify employee of governmental immunity act	Chapter 8	Board Rule 8-22	6/1/2014	7/1/2005	6/1/2015		
Statutory right to hearing	Chapter 8	Board Rule 8-23	6/1/2014	7/1/2005	6/1/2015		
Discretionary hearing	Chapter 8	Board Rule 8-24	6/1/2014	7/1/2005	6/1/2015		
Claims of discrimination	Chapter 8	Board Rule 8-25	6/1/2014	1/1/2007	6/1/2015		
Referral to CCRD	Chapter 8	Board Rule 8-26	6/1/2014	1/1/2007	6/1/2015		
Referral to ADA Coordinator	Chapter 8	Board Rule 8-27	6/1/2014	1/1/2007	6/1/2015		
Waiver of investigation	Chapter 8	Board Rule 8-28	6/1/2014	1/1/2007	6/1/2015	Yes	
Investigation in 270 days	Chapter 8	Board Rule 8-29	6/1/2014	1/1/2007	6/1/2015		
Written opinion of investigation	Chapter 8	Board Rule 8-30	6/1/2014	1/1/2007	6/1/2015		
Probable cause found	Chapter 8	Board Rule 8-31	6/1/2014	7/1/2005	6/1/2015		
No probable cause found	Chapter 8	Board Rule 8-32	6/1/2014	7/1/2005	6/1/2015		
Attorney fees and costs	Chapter 8	Board Rule 8-33	6/1/2014	7/1/2005	6/1/2015		
Abuse of discovery	Chapter 8	Board Rule 8-34	6/1/2014	7/1/2005	6/1/2015		
Submission of appeals	Chapter 8	Board Rule 8-35	6/1/2014	7/1/2005	6/1/2015		
Timely appeal	Chapter 8	Board Rule 8-36	6/1/2014	7/1/2005	6/1/2015		
Use of standard appeal form	Chapter 8	Board Rule 8-38	6/1/2014	7/1/2005	6/1/2015	Yes	
Insufficient grounds	Chapter 8	Board Rule 8-39	6/1/2014	7/1/2005	6/1/2015	Yes	

Determination of timeliness	Chapter 8	Board Rule 8-40	6/1/2014	7/1/2005	6/1/2015	
Discretionary hearing	Chapter 8	Board Rule 8-41	6/1/2014	7/1/2005	6/1/2015	
Appeal of State Personnel Director decision	Chapter 8	Board Rule 8-42	6/1/2014	1/1/2013	6/1/2015	
Petition for hearing after notice of action	Chapter 8	Board Rule 8-43	6/1/2014	7/1/2005	6/1/2015	
Mandatory disclosure	Chapter 8	Board Rule 8-44	6/1/2014	7/1/2005	6/1/2015	
Content of information sheet	Chapter 8	Board Rule 8-45	6/1/2014	7/1/2005	6/1/2015	Yes
Preliminary recommendation	Chapter 8	Board Rule 8-46	6/1/2014	1/1/2013	6/1/2015	
Consolidation of cases	Chapter 8	Board Rule 8-47	6/1/2014	7/1/2005	6/1/2015	Yes
Board appeals standard of review	Chapter 8	Board Rule 8-48	6/1/2014	7/1/2005	6/1/2015	
Applicability of CRCP	Chapter 8	Board Rule 8-49	6/1/2014	7/1/2005	6/1/2015	
Representation before Board	Chapter 8	Board Rule 8-50	6/1/2014	7/1/2005	6/1/2015	
Filing of pleadings	Chapter 8	Board Rule 8-51	6/1/2014	7/1/2005	6/1/2015	Yes
Filing of motions	Chapter 8	Board Rule 8-52	6/1/2014	7/1/2005	6/1/2015	
Discovery	Chapter 8	Board Rule 8-53	6/1/2014	1/1/2013	6/1/2015	
Prehearing statements	Chapter 8	Board Rule 8-54	6/1/2014	7/1/2005	6/1/2015	
Mandatory prehearing procedures	Chapter 8	Board Rule 8-55	6/1/2014	7/1/2005	6/1/2015	
Hearing to commence within 90 days of appeal	Chapter 8	Board Rule 8-56	6/1/2014	7/1/2005	6/1/2015	
Duty of attempt to resolve	Chapter 8	Board Rule 8-57	6/1/2014	7/1/2005	6/1/2015	
Responsible counsel	Chapter 8	Board Rule 8-58	6/1/2014	7/1/2005	6/1/2015	
Subpoenas	Chapter 8	Board Rule 8-59	6/1/2014	11/1/2013	6/1/2015	
Post-hearing procedures	Chapter 8	Board Rule 8-60	6/1/2014	7/1/2005	6/1/2015	
Recordings deleted	Chapter 8	Board Rule 8-61	6/1/2014	7/1/2005	6/1/2015	
Appeals of dismissal orders and initial decisions	Chapter 8	Board Rule 8-62	6/1/2014	7/1/2005	6/1/2015	
Designation of record	Chapter 8	Board Rule 8-63	6/1/2014	7/1/2005	6/1/2015	
Preparation of transcript	Chapter 8	Board Rule 8-64	6/1/2014	7/1/2005	6/1/2015	
Contents of appeal	Chapter 8	Board Rule 8-65	6/1/2014	7/1/2005	6/1/2015	
Decision of appeal in 90 days	Chapter 8	Board Rule 8-66	6/1/2014	7/1/2005	6/1/2015	
Filing briefs on appeal	Chapter 8	Board Rule 8-67	6/1/2014	7/1/2005	6/1/2015	

Preparation of briefs	Chapter 8	Board Rule 8-68	6/1/2014	7/1/2005	6/1/2015		
Copies of briefs	Chapter 8	Board Rule 8-69	6/1/2014	7/1/2005	6/1/2015		
No oral argument	Chapter 8	Board Rule 8-70	6/1/2014	7/1/2005	6/1/2015		
Service of notice of appeal to Court of Appeals	Chapter 8	Board Rule 8-71	6/1/2014	7/1/2005	6/1/2015		
Security	Chapter 8	Board Rule 8-72	6/1/2014	7/1/2005	6/1/2015		
Chapter 9	Chapter 9						
Diverse workforce	Chapter 9	Board Rule 9-1	6/1/2014	7/1/2005	6/1/2015		
Increase representation of population	Chapter 9	Board Rule 9-2	6/1/2014	7/1/2005	6/1/2015		
Discrimination prohibited	Chapter 9	Board Rule 9-3	6/1/2014	7/1/2005	6/1/2015		
Standards and guidelines	Chapter 9	Board Rule 9-4	6/1/2014	7/1/2005	6/1/2015		
Notification of prohibition against discrimination	Chapter 9	Board Rule 9-5	6/1/2014	7/1/2005	6/1/2015		
Remedies	Chapter 9	Board Rule 9-6	6/1/2014	7/1/2005	6/1/2015	Yes	
Dispute Resolution	Chapter 9	Board Rule 9-8	6/1/2014	7/1/2005	6/1/2015		
Count	7	165				12	0

Appendix B

DPA Regulatory Plan for 2014





COLORADO

Executive Director's Office

Department of Personnel
& Administration

November 1, 2014

2014 Regulatory Plan

The Department of Personnel & Administration sets a Regulatory Plan each year that specifies the rules it intends to review, as well as the timeline, criteria and procedures by which the rule review will occur. Each division underwent a complete review of all of the rules under its authority over the past two calendar years. As such, each division has been asked to identify approximately one-third of its rules to review this year, another one-third in 2015 and the final one-third in 2016.

Each division scheduled time to complete a thorough review of the identified rules, including stakeholder input and using the following criteria (as set forth in §24-4-103.3, C.R.S.):

- Whether the rule is necessary;
- Whether the rule overlaps or duplicates other rules of the agency or with other federal, state or local government rules;
- Whether the rule is written in plain language and is easy to understand;
- Whether the rule has achieved the desired intent and whether more or less regulation is necessary;
- Whether the rule can be amended to give more flexibility, reduce regulatory burdens, or reduce unnecessary paperwork or steps while maintaining its benefits;
- Whether the rule is implemented in an efficient and effective manner, including the requirements for the issuance of permits and licenses;
- Whether a cost-benefit analysis was performed by the applicable rule-making agency or official in the principal department pursuant to section 24-4-103 (2.5), C.R.S.; and
- Whether the rule is adequate for the protection of the safety, health, and welfare of the state or its residents.

In order to answer these questions, the rule should be reviewed back to its genesis to determine if the Department still has the appropriate statutory authority to have the rule in place. Conditions may have changed to the Department's organizational structure, to enabling statutes or new statutes or program function may have been added that might render a rule obsolete or in need of modification. It is recommended that each division include subject matter experts with knowledge of statutory authority and program history to help expedite the process.

Based on this review, the division shall determine whether the existing rules should be continued in their current form, amended or repealed.

Each division will list in a spreadsheet:

- all of the rules under its authority, along with the rule numbers from the Code of Colorado Regulations (CCR) maintained by the Secretary of State,
- the total number of rules for which the division has responsibility,
- a three-year schedule for rule review, and
- whether or not each is being recommended for modification or repeal.



In order to maintain uniformity across the Department, each division is provided a spreadsheet template containing specific tracking metrics necessary to complete a variety of reports. There is a tab for each division in DPA. Below are brief definitions to help guide divisions as they fill out the information in each column.

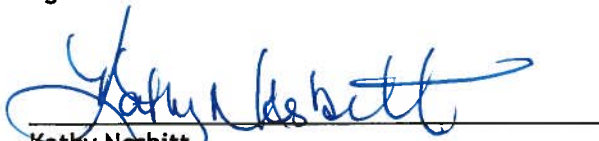
- **Column A: Rule Name**
This column should contain the name or subject description of the section/rule (i.e. "Definitions").
- **Column B: Section**
This column should contain the section or chapter number (i.e. "Chapter 1", "1-1", etc). If a section contains only one rule, the section should also be entered in Column C as a rule.
- **Column C: Rule**
This column should contain the subsection number under the CCR assigned to each specific rule. There should be a separate line for each individual rule. Divisions should not lump rules into similar topics or under one section, as there must be an accounting of each individual rule.
- **Column D: When was this rule last reviewed?**
This should reflect when the rule was last reviewed by the Division and subject matter experts.
- **Column E: Last modification effective date**
This column should contain the effective date of the last change made to this rule. Combined with the last reviewed date in Column D, this information should help guide a division's decision on when to next review the rule.
- **Column F: When is the next planned regular review?**
This should reflect when the Division plans to complete the next regular review of this rule. It is recommended that regular reviews occur no more than every 5 to 7 years. The Department is requesting that one-third of each divisions' rules be planned for review in 2014, 2015 and 2016, so that all have been reviewed within those three years. Please list the year the Division intends to review the rule. The review must include a thorough review of the rule's history, authority and applicability - not just simple reading of the rule - starting from the statutory authority to promulgate the rule, through any possible subsequent legislative changes to the statute, to whether the rule is still in use, relevant, enforced or requires repeal. Please see the detailed instructions in the Regulatory Plan.
- **Column G: 2014 recommendation to modify?**
Pits & Peeves requires departments to track any modification to contemporary rules. This typically is done via the formal rulemaking process. Any time an existing rule has been or should be modified - which includes adding a rule - it should be noted here for Department



planning purposes. Please answer yes/no, and highlight yes answers in yellow. The Policy & Communications Unit will total the yes answers after the spreadsheet is turned in.

- **Column H: 2014 recommendation to repeal?**
One of *Pits & Peeves* main goals is to eliminate unnecessary, outdated or burdensome rules. Repealing these rules is a specific reporting criterion of the initiative. This also helps plan rulemaking hearings for the upcoming year to be as efficient as possible Department-wide. Please answer yes/no, and highlight yes answers in yellow. The Policy & Communications Unit will total the yes answers after the spreadsheet is turned in.
- **Column I: Numbering**
This column has been populated with a formula ($=IF(ISBLANK(C4)=TRUE,0,1)$) to automate a count of all rules and not to count rows that do not include a section number. We will calculate the total after the division's spreadsheet is returned to the Policy & Communications Unit. The number represents the active rules (and any changes to that number) and is provided as part of the Department's annual *Pits & Peeves* report.

All rule reviews and corresponding completed spreadsheet are due to the Executive Director's Office, Policy & Communications Unit by Wednesday, October 15. They will be compiled into a final Department-wide report and Regulatory Agenda. This Regulatory Plan and the resulting report will be filed with the Department of Regulatory Agencies by October 31. The resulting Regulatory Agenda will be filed by November 1 with Legislative Council and the Secretary of State for publication in the Colorado Register. The Department will conduct rulemakings in 2015 according to the Regulatory Agenda and on an as-needed basis.


Kathy Nesbitt
Executive Director
Department of Personnel & Administration



Appendix C

DPA Regulatory Agenda for 2015



HB 12-1008 Regulatory Agenda, Department of Personnel & Administration, November 1, 2014

Location in CCR	CCR Title	Authoritative Body	Statutory Basis	Purpose	Estimated Hearing Date	Stakeholders
1 CCR 111-1	Electronic Signatures	Executive Director, Department of Personnel & Administration	24-30-2101 et seq.; 24-37.5-102 et seq	These rules were promulgated prior to passage of SB 08-155; this legislation repealed DPA statutory authority over this program	Winter 2014	Governor's Office of Information Technology; State agencies and controllers, legal community
1 CCR 110-1	Public Safety Communication Trust Fund	Executive Director, Department of Personnel & Administration	24-30-1104 et seq.; 24-37.5-102 et seq	These rules were promulgated prior to passage of SB 08-155; this legislation repealed DPA statutory authority over this program	Winter 2014	Governor's Office of Information Technology; State and other public safety agencies
1 CCR 103	Travel Management	Executive Director, Department of Personnel & Administration	24-30-1104 et seq.	Repeal from DCS and re-promulgate under SCO	Fall 2015	State employees, State procurement administrators, travel vendors
1 CCR 105	Personnel Director's Administrative Procedures - Risk Management	Executive Director, Department of Personnel & Administration	24-30-1516	Repeal unnecessary rules	Summer 2015	State employees, State human relations administrators; State controllers
1 CCR 104-3	Procedural rules for Workers' Compensation hearings	Executive Director, Department of Personnel & Administration	24-30-1500 et seq., 8-40 to 8-47 et seq.	To establish rules for Workers' Compensation hearings and relative to implementation of E-filing	Spring 2015	State agencies, public
1 CCR 103	Division of Central Services Rules	Executive Director, Department of Personnel & Administration	24-30-1104 et seq.	These rule changes are intended to clarify and carry out the provisions of the IDS Waiver process and State Parking Facilities Management.	Winter 2015	State procurement administrators, State employees

Departmental Regulatory Agendas

Department

Department of Public Health and Environment

2015

Regulatory Agenda



	Brief Description of Rule	Board or Commission	CCR Rule Number	Statutory Basis	Purpose	Anticipated Hearing Date**	Stakeholders
January 2015							
Water Quality Control Division	Primary Drinking Waters Regulations	Water Quality Control Commission	5 CCR 1002-11	\$25-1.5-202, \$25-8-202(1)(n), C.R.S.	Adopt federal revised total coliform rule and revise provisions regarding cross connection control, storage tanks, water haulers, and residual disinfectant concentration	January 12, 2015	Public Water System owners and operators; water haulers; general public
February 2015							
Hazardous Materials and Waste Management Division	Environmental Records Search	Solid and Hazardous Waste Commission	6 CCR 1007-7	N/A	Repeal of obsolete regulation	February 17, 2015	N/A
Dupey Synthes Delisting	Delisting of wastewater treatment sludge	Solid and Hazardous Waste Commission	6 CCR 1007-3, Part 261.31	\$25-15-302(2) C.R.S.	Final action on delisting waste generated by Dupey Synthes as it does not display hazardous characteristics	February 17, 2015	Dupey Synthes
Hazardous Materials and Waste Management Division	Beneficial Use of Water Treatment Sludge	Solid and Hazardous Waste Commission	5 CCR 1007-3	\$25-15-316 C.R.S.	Repeal of obsolete regulation	February 17, 2015	N/A
Environmental Health and Sustainability	School Regulations	Board of Health	6 CCR 1010-6	\$25-1.5-101(1)(a), (h), (k) and (l); \$25-1.5-102(1)(a) and (d), and \$25-1-108(1)(c)(1) C.R.S.	Updates to align with national standards and self-certification	February 18, 2015	Schools, school personnel, students, and families
Laboratory Services	Lab Newborn Screening	Executive Director	5 CCR 1005-4	\$25-4-802 & 803, \$25-4-1004 & 1004.5 C.R.S.	Updates to align newborn screening with national standards	February 18, 2015	Entities performing newborn screening, perinatal care providers, pediatricians, midwives, and their consumers

**In some instances the final action may occur on the date of the rulemaking hearing or may happen at a subsequent meeting.

	Brief Description of Rule	Board or Commission	CCR Rule Number	Statutory Basis	Purpose	Anticipated Hearing Date**	Stakeholders
Laboratory Services	Lab Newborn Screening	Board of Health	5 CCR 1005-4	§25-4-802 & 803, §25-4-1004 & 1004.5 C.R.S.	Updates to align newborn screening with national standards	February 18, 2015	Entities performing newborn screening, perinatal care providers, pediatricians, midwives, and their consumers
Laboratory Services	Lab Breath Alcohol Interlock Ignition Devices	Board Of Health	5 CCR 1005-3	§42-2-132.5 C.R.S.	Repeal unnecessary regulations	February 18, 2015	Law enforcement, Department of Revenue Hearing Officers, District Attorneys' Counsel, Defense Bar
Laboratory Services	Lab Testing for Alcohol & Other Drugs	Board Of Health	5 CCR 1005-2	§42-4-1304 C.R.S.	Updates to align with current practice	February 18, 2015	Law enforcement, Department of Revenue, District Attorneys' Counsel, Defense Bar
Health Facilities and Emergency Medical Services & Office of Emergency Preparedness and Response	Preparations for a bioterrorist event, pandemic influenza, or an outbreak	Board Of Health	6 CCR 1009-5	§25-1-108, §25-1-501, §24-33.5-701 et seq. C.R.S.	Update the number of days each agency must keep a supply of doxycycline or other antibiotic	February 18, 2015	Local public health agencies and hospitals
Hazardous Materials & Waste Management	Fees for Radiation Control Services	Board of Health	6 CCR 1007-1 Part 2 and 12	§25-1.5-101(1)(k) & (l), §25-11-103 & 104, §25-1-108, C.R.S.	Fees	February 18, 2015	All radioactive materials licensees, all radiation producing machine registrants

**In some instances the final action may occur on the date of the rulemaking hearing or may happen at a subsequent meeting.

	Brief Description of Rule	Board or Commission	CCR Rule Number	Statutory Basis	Purpose	Anticipated Hearing Date**	Stakeholders
Air Pollution Control	Regulation Number 6 - Standards of Performance for New Stationary Sources	Air Quality Control Commission	5 CCR 1001-8	§24-4-103; §25-7-102, -105 to -109, and -114 C.R.S.	Revise and repeal state-only emission standards, including mercury emission standards from electric generating units, and associated monitoring, recordkeeping and reporting requirements that duplicate federal requirements	February 19, 2015	All owners and operators of electric generating units, industrial trade associations, citizen and environmental groups, and individual citizens
Air Pollution Control	Regulation Number 8 - Control of Hazardous Air Pollutants	Air Quality Control Commission	5 CCR 1001-10	§24-4-103; 25-7-105 and -109 C.R.S	To incorporate by reference EPA’s National Emission Standards for Hazardous Air Pollutants for Coal- and Oil-Fired Electric Utility Steam Generating Units, as well as any revisions to revise and repeal requirements that duplicate federal requirements or that are no longer necessary	February 19, 2015	All owners and operators ofsubject units subject to these federal regulations, industrial trade associations, citizen and environmental groups, and individual citizens

**In some instances the final action may occur on the date of the rulemaking hearing or may happen at a subsequent meeting.

	Brief Description of Rule	Board or Commission	CCR Rule Number	Statutory Basis	Purpose	Anticipated Hearing Date**	Stakeholders
Air Pollution Control	Regulation Number 9 - Open Burning, Prescribed Fire and Permitting	Air Quality Control Commission	5 CCR 1001-11	§25-7-106(7) and (8), -109(2)(e), -114.7(2)(a)(III), -123, C.R.S.	To revise and update the methodology used to calculate fees for users of prescribed fire for 2015-2017, and if appropriate, to revise fees to support the program as required by statute.	February 19, 2015	All users of prescribed fire
March 2015							
Water Quality Control Division	Procedural Rules	Water Quality Control Commission	5 CCR 1002-21	C.R.S. 25-8-401(2)	Modify format for submittal of raw data into hearing record	March 10, 2015	Parties to rulemaking hearings
Colorado Health Care Professional Credentials Application Review Committee	Colorado Health Care Professional Credentials Application	Board Of Health	6 CCR 1014-4	§25-1-108.7 C.R.S.	Updates to align with practice and improve processing.	March 18, 2015	Credentialing entities, health care professionals
Environmental Health & Sustainability	Inspection Examining Board of Plumbers	Board Of Health	6 CCR 1010-15	§25-1.5-101(1)(h) C.R.S.	Repeal unnecessary regulations	March 18, 2015	Department of Regulatory Agencies Board of Plumbers
Health Facilities and Emergency Medical Service	General, Long Term Care, and Assisted Living Residences licensing standards	Board Of Health	6 CCR 1011-1 Ch 2, 5, 7	§25-1.5-103 & 108, §25-3-103 C.R.S.	Medication donation & technical clean-up	March 18, 2015	Licensed healthcare entities and their consumers
April 2015							
Water Quality Control Division	Graywater Control Regulation	Water Quality Control Commission	5 CCR 1002-86	C.R.S. 25-8-205(g)	Adopt a new control regulation for the use of graywater	April 13, 2015	Local public health agencies; universities; general public interested in using a graywater system

**In some instances the final action may occur on the date of the rulemaking hearing or may happen at a subsequent meeting.

	Brief Description of Rule	Board or Commission	CCR Rule Number	Statutory Basis	Purpose	Anticipated Hearing Date**	Stakeholders
Water Quality Control Division	Standards and Classifications for the Arkansas River Basin	Water Quality Control Commission	5 CCR 1002-32	C.R.S. 25-8-205(g)	Adopt a discharger specific variance	April 13, 2015	City of Pueblo
Disease Control & Environmental Epidemiology	Infant Immunization, Vaccines for Children, and Immunization of Students Attending School	Board Of Health	6 CCR 1009-2	25-4-903 & 904 C.R.S.	Implement HB 14-1288, technical clean-up and possibly update the Advisory Committee on Immunization Practices table	April 15, 2015	Hospitals, local public health, health care providers, school administrators and health professionals
Office of Planning & Partnerships	Minimum Qualifications for Public Health Directors and Medical Officers	Board Of Health	6 CCR 1014-6	\$25-1-503(1)(c), & \$25-1-508(5)(c)(1) C.R.S.	Updates following E.O. D 2012-002 review	April 15, 2015	Local public health agencies
Health Facilities and Emergency Medical Service	Home Care Agency licensing	Board Of Health	6 CCR 1011-1 Ch 26	\$25-1.5-103, \$25-3-103 C.R.S.	Disqualifying crimes	April 15, 2015	Licensed Home Care Agencies and their consumers
May 2015							
Solid and Hazardous Waste Commission	Annual Commission Fee	Solid and Hazardous Waste Commission	6 CCR 1007-3, Part 6	\$25-15-314 C.R.S.	Amend SHWC fee to fund operation of the Commission for Fiscal Year 2014-15	May 19, 2015	Treatment, storage, and disposal facilities, generators of hazardous waste, and transporters of hazardous waste
Solid and Hazardous Waste Commission	Commission Procedural Rules	Solid and Hazardous Waste Commission	6 CCR 1007-3, Part 7	\$25-15-302(2) C.R.S.	Amend the Commission's procedural rules	May 19, 2015	Commission members, parties interested in Commission hearings

**In some instances the final action may occur on the date of the rulemaking hearing or may happen at a subsequent meeting.

	Brief Description of Rule	Board or Commission	CCR Rule Number	Statutory Basis	Purpose	Anticipated Hearing Date**	Stakeholders
Hazardous Materials and Waste Management Division	Architectural Paint Stewardship Programs	Solid and Hazardous Waste Commission	6 CCR 1007-2, Part 1, Section TBD	\$25-17-401-410 C.R.S.	Create program specifications as allowed by SB 14-029	May 19, 2015	Paint consumers, retailers, contractors
Hazardous Materials & Waste Management	Radiation Control	Board Of Health	6 CCR 1007-1 Part 4	\$25-1-108, \$25-1.5-101(1)(k) & (l), \$25-11-104 C.R.S.	Technical revision to remove incorporation by reference and relocation Table 4 within the rule.	May 20, 2015	Radioactive materials licensees and radiation machine registrants requiring use of the specific tables or reference links
Hazardous Materials & Waste Management	Radiation Control	Board Of Health	6 CCR 1007-1 Part 22	\$25-1-108, \$25-1.5-101(1)(k) & (l), \$25-11-104 C.R.S.	New part to implement Nuclear Regulatory Commission requirements related to high risk radioactive materials	May 20, 2015	Specific radioactive materials licensees who possess high risk (Category 1 or 2) radioactive materials
June 2015							
Water Quality Control Division	Classifications and Standards for the South Platte River Basin	Water Quality Control Commission	5 CCR 1002-38	C.R.S. 25-8-203 and 204	Triennial review of water quality standards	June 8-10, 2015	City and town government; energy companies; mining companies; water and sanitation districts; water quality planning agencies; watershed associations; environmental groups; federal agencies - USFWS, EPA; Colorado Parks and Wildlife

**In some instances the final action may occur on the date of the rulemaking hearing or may happen at a subsequent meeting.

2015 Regulatory Agenda

	Brief Description of Rule	Board or Commission	CCR Rule Number	Statutory Basis	Purpose	Anticipated Hearing Date**	Stakeholders
Health Facilities and Emergency Medical Service	Assisted Living Residences licensing	Board Of Health	6 CCR 1011-1 Ch 7	\$25-1.5-103, \$25-3-103 C.R.S.	Fees	June 17, 2015	Licensed Assisted Living Residences and their consumers
Budget	Tobacco Settlement Monitoring & Reporting	Board Of Health	6 CCR 1014-2	\$25-1-108.5 C.R.S.	Updates following E.O. D 2012-002 review	June 17, 2015	Tobacco Master Settlement Agreement funding recipients
July 2015							
Center for Health & Environmental Data	Vital Statistics	Board Of Health	5 CCR 1006-1	\$25-2-103, C.R.S.	Updates following E.O. D 2012-002 review	May 20, 2015	Local public health agencies, offices designated by the State Registrar and consumers
August 2015							
Disease Control & Environmental Epidemiology	Infant Immunization, Vaccines for Children, and Immunization of Students Attending School	Board Of Health	6 CCR 1009-2	\$25-4-903 & 904 C.R.S.	Update the Advisory Committee on Immunization Practices table	August 19, 2015	Hospitals, local public health, health care providers, school administrators and health professionals
Hazardous Materials and Waste Management	Licensing of Radioactive Material	Board Of Health	6 CCR 1007-1, Part 3	\$25-1-108, \$25-1.5-101(1)(k), \$25-1.5-101(1)(l), \$25-11-104 C.R.S.	Technical revisions for Nuclear Regulatory Commission compatibility relating to unimportant quantities of source material	August 19, 2015	Licensees distributing exempt materials

**In some instances the final action may occur on the date of the rulemaking hearing or may happen at a subsequent meeting.

	Brief Description of Rule	Board or Commission	CCR Rule Number	Statutory Basis	Purpose	Anticipated Hearing Date**	Stakeholders
Air Pollution Control	Regulation Number 6 - Standards of Performance for New Stationary Sources	Air Quality Control Commission	5 CCR 1001-8	§24-4-103; §25-7-102, -105 to -109, and -114 C.R.S.	Incorporate by reference new and amended federal New Source Performance Standards into the Commission's regulations	August 20, 2015	All owners and operators of industrial equipment subject to federal New Source Performance Standards, local and State agencies, industrial trade associations, citizen and environmental groups, and individual citizens
Air Pollution Control	Regulation Number 8 - Control of Hazardous Air Pollutants	Air Quality Control Commission	5 CCR 1001-10	§24-4-103; 25-7-105 and -109 C.R.S.	Incorporate by reference new and amended federal National Emissions Standards for Hazardous Air Pollutants into the Commission's regulations	August 20, 2015	All owners and operators of industrial equipment subject to these federal regulations, local and State agencies, industrial trade associations, citizen and environmental groups, and individual citizens
September 2015							
Disease Control and Environmental Epidemiology	Epidemic and Communicable Disease Control	Board of Health	6 CCR 1009-1	§25-1.5-102 C.R.S.	Updates to align with current practice and community needs, and implement SB 14-173	September 16, 2015	Hospitals, local public health, health care providers

**In some instances the final action may occur on the date of the rulemaking hearing or may happen at a subsequent meeting.

2015 Regulatory Agenda

	Brief Description of Rule	Board or Commission	CCR Rule Number	Statutory Basis	Purpose	Anticipated Hearing Date**	Stakeholders
Environmental Health & Sustainability	Health and Sanitation of Child Care Facilities	Board Of Health	6 CCR 1010-7	§25-1.5-101(h), C.R.S.	Updates to align with current health and sanitation standards and updates following E.O. D 2012-002 review	September 16, 2015	Child Care facilities, Colorado Department of Human Services, local public health agencies, consumers
Environmental Health & Sustainability	Hazardous Playground Equipment	Executive Director	6 CCR 1010-18	§25-1.5-101(h), §25-5-508 C.R.S.	Updates following E.O. D 2012-002 review	September 16, 2015	Consumers
October 2015							
Health Facilities and Emergency Medical Services	Home Care Agency licensing	Board Of Health	6 CCR 1011-1 Ch 26	§25-1.5-103, §25-3-103, C.R.S.	Service agency conflicts and implementation of HB 14-1360	October 21, 2015	Licensed Home Care Agencies and their consumers
Health Facilities and Emergency Medical Services	Long Term Care	Board of Health	6 CCR 1011-1 Ch 5	§25-1.5-103 & 108, §25-3-103, C.R.S.	Modify definitions for licensed only facilities, amend drug disposal requirements, remove obsolete language and align with federal requirements	October 21, 2015	Long term care facilities and their consumers, Health Care Policy and Financing
November 2015							
Hazardous Materials and Waste Management	Composting	Solid and Hazardous Waste Commission	6 CCR 1007-2, Part 1, Section 14	§30-20-109 C.R.S.	Simplify the compost class structure and regulations	November 17, 2015	Solid waste landfill and compost facility owners, county and municipal governments
Hazardous Materials and Waste Management	Notification Requirements	Solid and Hazardous Waste Commission	6 CCR 1007-3, Part 99	§25-15-301, et seq. C.R.S.	Update public notification requirements	November 17, 2015	permitted entities
December 2015							

**In some instances the final action may occur on the date of the rulemaking hearing or may happen at a subsequent meeting.

	Brief Description of Rule	Board or Commission	CCR Rule Number	Statutory Basis	Purpose	Anticipated Hearing Date**	Stakeholders
Water Quality Control Division	Colorado's List of Impaired Waters and Monitoring and Evaluation List	Water Quality Control Commission	5 CCR 1002-93	C.R.S. 25-8-202, 203, and 204	Review and update Colorado's list of impaired waters	December 14, 2015	City and town government; energy companies; mining companies; water and sanitation districts; water quality planning agencies; watershed associations; environmental groups; federal agencies - USFWS, EPA; Colorado Parks and Wildlife
Water Quality Control Division	Classifications and Numeric Standards for River Basins Statewide	Water Quality Control Commission	5 CCR 1002-32, 33, 34, 35, 36, 37, 38	C.R.S. 25-8-202, 203, and 204	Annual review of temporary modifications	December 14, 2015	City and town government; energy companies; mining companies; water and sanitation districts; water quality planning agencies; watershed associations; environmental groups; federal agencies - USFWS, EPA; Colorado Parks and Wildlife
Health Facilities and Emergency Medical Service	Health facility licensing rules	Board of Health	6 CCR 1011-1, Chs. 4, 6, 8, 9,15,19, 20, 21 & 26	§25-1.5-103 & 108, §25-3-103, C.R.S.	License fee adjustments per HB12 -1294	December 16, 2015	Licensed healthcare entities and their consumers
Health Facilities and Emergency Medical Service	Medication Administration	Board of Health	6 CCR 1011-1 Ch 24	§25-1.5-103 & 108, §25-3-103, C.R.S.	Updates to the medication administration standards.	December 16, 2015	Licensed healthcare entities and their consumers

**In some instances the final action may occur on the date of the rulemaking hearing or may happen at a subsequent meeting.

	Brief Description of Rule	Board or Commission	CCR Rule Number	Statutory Basis	Purpose	Anticipated Hearing Date**	Stakeholders
Health Facilities and Emergency Medical Service	Statewide Emergency Medical and Trauma Care System	Board of Health	6 CCR 1015-4, Chapter 1	\$25-3.5-704 C.R.S.	Updates following E.O. D 2012-002 review	December 16, 2015	Emergency medical services providers, licensed entities, consumers
Prevention Services Division	Dental Assistance Program Service Grants	Board of Health	6 CCR 1015-8	\$25-21-109, C.R.S.	Repeal due to program transferring to the Department of Health Care, Policy & Financing	December 16, 2015	Dental assistance program grantees and the Department of Health Care, Policy & Financing
Hazardous Materials and Waste Management	Licensing Requirements for Uranium and Thorium Processing	Board Of Health	6 CCR 1007-1, Part 18	\$25-1-108, \$25-1.5-101(1)(k), \$25-1.5-101(1)(l), \$25-11-104 C.R.S.	Updates to meet Nuclear Regulatory Commission compatibility requirements and clarify public processes for license actions	December 16, 2015	Uranium licensees, potential uranium licensees, National Mining Assoc., uranium public interest groups, general public
Hazardous Materials and Waste Management	General Provisions	Board Of Health	6 CCR 1007-1, Part 1	\$25-1-108, \$25-1.5-101(1)(k), \$25-1.5-101(1)(l), \$25-11-104 C.R.S.	Conforming amendments to align Part 1 and Part 18 changes	December 16, 2015	Uranium licensees, potential uranium licensees, National Mining Assoc., uranium public interest groups, general public
Hazardous Materials and Waste Management	Radiation Control: Licensing of Radioactive Material	Board Of Health	6 CCR 1007-1, Part 3	\$25-1-108, \$25-1.5-101(1)(k), \$25-1.5-101(1)(l), \$25-11-104 C.R.S.	Align with Nuclear Regulatory Commission requirements	December 16, 2015	Licensees required to have financial assurance, radiopharmacy licensees, general public

**In some instances the final action may occur on the date of the rulemaking hearing or may happen at a subsequent meeting.

2014

Regulatory Agenda Summary



	Brief Description of Rule	Board or Commission	CCR Rule Number	Statutory Basis	Purpose	Anticipated Hearing Date**	Stakeholders	Result
January 2014								
Office of Health Equity	Health Disparities Grant Program	Board of Health	6 CCR 1014-5	§25-4-2203 C.R.S.	Updates definitions, aligns the grant program with statute, and improves program reporting	January 16, 2014	Nonprofit, for-profit, private, public and governmental entities providing grant services or working with entities to improve health equity	Adopted January 16, 2014
Health Facilities and Emergency Medical Services	Performance incentive	Board of Health	6 CCR 1011-1, Chapter II, Part 2	§25-1.5-103, §25-3-101 C.R.S.	Comply with HB12-1294, which mandates performance incentives for qualifying facilities	January 16, 2014	Licensed Healthcare entities	Adopted January 16, 2014
Health Facilities and Emergency Medical Services	Palliative care standards	Board of Health	6 CCR 1011-1, Chapter II, Part 3	§25-1.5-103, §25-3-101 C.R.S.	Establish palliative care standards applicable to all licensees who choose to offer such care	January 16, 2014	All healthcare entities that provide palliative care and consumers that receive such care	Adopted January 16, 2014
Health Facilities and Emergency Medical Services	Patient Record copy costs	Board of Health	6 CCR 1011-1, Chapter II, Part 5	§25-1.5-103, §25-1-802(1)(b)(I) C.R.S.	Comply with District Court Order and Governor's Executive Order D 2012-002	January 16, 2014	Licensed healthcare entities, consumers and medical records outsourcing firms	Adopted January 16, 2014



2014 Regulatory Agenda Summary

	Brief Description of Rule	Board or Commission	CCR Rule Number	Statutory Basis	Purpose	Anticipated Hearing Date**	Stakeholders	Result
February 2014								
*Hazardous Materials and Waste Management	*Asbestos Contaminated Soils	Solid and Hazardous Waste Commission	6 CCR 1007-2, Part 1, Section 5	§30-20-109 C.R.S.	Update and revise Section 5.5 - asbestos contaminates soil regulations	*From December 12, 2013; continued to February 18, 2014	Asbestos contaminated soil site and facility owners and operators (public and private); consultants	Adopted August 19, 2014
Prevention Services	Nurse Home Visitor Program	Board of Health	6 CCR 1016-1	§25-31-105(3) C.R.S.	Repeal rules as the program has moved to the Colorado Department of Human Services	From January 16, 2014; postponed until February 19, 2014	Nurse Family Partnership, Invest in Kids, local health agencies, Colorado Department of Human Services	Adopted February 19, 2014

	Brief Description of Rule	Board or Commission	CCR Rule Number	Statutory Basis	Purpose	Anticipated Hearing Date**	Stakeholders	Result
Air Pollution Control	Regulation Number 3 - Stationary Source Permitting and Air Pollutant Emission Notice Requirements	Air Quality Control Commission	5 CCR 1001-5	§25-7-105, -106 and -114 C.R.S.	Revisions to permitting and emissions reporting thresholds in Parts A, B and C, removal of the “catchall” provisions, and removal of the crude oil storage tank permit exemptions; these revisions support the full adoption of NSPS 0000	February 20, 2014	Owners and operators of industrial facilities subject to permitting and emissions reporting, local and State agencies, industrial trade associations, environmental groups, and individual citizens	Adopted February 23, 2014
Air Pollution Control	Regulation Number 6 - Standards of Performance for New Stationary Sources	Air Quality Control Commission	5 CCR 1001-8	§24-4-103; §25-7-102, -105 to -109, and -114 C.R.S.	Incorporate by reference those provisions of the federal NSPS 0000 not previously adopted by the State	February 20, 2014	Owners and operators of oil and gas equipment subject to federal New Source Performance Standards, local and State agencies, industrial trade associations, environmental groups, and individual citizens	Adopted February 23, 2014

	Brief Description of Rule	Board or Commission	CCR Rule Number	Statutory Basis	Purpose	Anticipated Hearing Date**	Stakeholders	Result
Air Pollution Control	Regulation Number 7 - Control of Ozone via Ozone Precursors and Control of Hydrocarbons via Oil and Gas Emissions (Emissions of Volatile Organic Compounds and Nitrogen Oxides)	Air Quality Control Commission	5 CCR 1001-9	§25-7-101, -105, and -109 C.R.S.	Revisions to further control volatile organic compounds and hydrocarbons from oil and gas equipment beyond current State and federal requirements	February 20, 2014	Owners and operators of oil and gas equipment, local and State agencies, industrial trade associations, environmental groups, and individual citizens	Adopted February 23, 2014
March 2014								
Water Quality Control	Regulation #75, Cheraw Lake Control Regulation	Water Quality Control Commission	5 CCR 1002-75	§25-8-205 C.R.S.	Repeal of regulation	March 11, 2014	Landowners around Cheraw Lake	Repealed March 11, 2014
	Regulation #38, Classifications and Numeric Standards for South Platte River Basin, Laramie River Basin, Republican River Basin, Smoky Hill River Basin	Water Quality Control Commission	5 CCR 1002-38	§25-8-101 et seq., §25-8-203 and §25-8-204, C.R.S.	Permanent adoption of Rocky Mountain Arsenal Wildlife Refuge's proposal to revise classifications and standards for lakes on Arsenal property, adopted on a temporary basis May 13, 2013	March 11, 2014	Rocky Mountain Arsenal and Denver Water	Final approval March 11, 2014

	Brief Description of Rule	Board or Commission	CCR Rule Number	Statutory Basis	Purpose	Anticipated Hearing Date**	Stakeholders	Result
	Regulation #32, Classifications and Numeric Standards for Arkansas River Basin	Water Quality Control Commission	5 CCR 1002-32	§25-8-101 et seq., §25-8-203 and §25-8-204, C.R.S.	U.S. Air Force Academy proposal to clarify description for Fountain Creek segment 11 and change the antidegradation classification	March 11, 2014	U.S. Air Force Academy	Final approval March 11, 2014
Hazardous Materials and Waste Management	Licensing Requirements for Uranium and Thorium Processing	Board Of Health	6 CCR 1007-1, Part 18	§25-1-108, §25-1.5-101(1)(k), §25-1.5-101(1)(l), §25-1.5-104(6) C.R.S.	Updates to meet Nuclear Regulatory Commission compatibility requirements and clarify public processes for license actions	March 19, 2014	Uranium licensees, potential uranium licensees, National Mining Assoc., uranium public interest groups, general public	Withdrawn
Hazardous Materials and Waste Management	General Provisions	Board Of Health	6 CCR 1007-1, Part 1	§25-1-108, §25-1.5-101(1)(k), §25-1.5-101(1)(l), §25-1.5-104(6) C.R.S.	Conforming amendments to align Part 1 and Part 18 changes	March 19, 2014	Uranium licensees, potential uranium licensees, National Mining Assoc., uranium public interest groups, general public	Withdrawn

	Brief Description of Rule	Board or Commission	CCR Rule Number	Statutory Basis	Purpose	Anticipated Hearing Date**	Stakeholders	Result
Hazardous Materials and Waste Management	Licensing of Radioactive Material	Board Of Health	6 CCR 1007-1, Part 3	\$25-1-108, \$25-1.5-101(1)(k), \$25-1.5-101(1)(l), \$25-1.5-104(6) C.R.S.	Conforming amendments to align Part 3 and Part 18 changes	March 19, 2014	Uranium licensees, potential uranium licensees, National Mining Assoc., uranium public interest groups, general public	Withdrawn
Health Facilities and Emergency Medical Services	Hospital infection control committees	Board of Health	6 CCR 1011-1, Chapter IV	\$25-1.5-103 and \$25-3-101 C.R.S.	Revise meeting requirements from monthly to quarterly to reflect current standards of practice	March 19, 2014	Licensed hospitals	Adopted March 19, 2014
Planning & Partnerships	Local Public Health Funding	Board of Health	6 CCR 1014-10	\$25-1-503 C.R.S.	Fulfill statutory mandate to recognize funding formula for distributing Local Planning and Support Funds	March 19, 2014	Local Public Health Agencies	Adopted March 19, 2014
April 2014								
Water Quality Control	Regulation #52, Drinking Water Revolving Fund Regulation	Water Quality Control Commission	5 CCR 1002-52	\$25-8-202(1)(g) and (0); \$37-95-107.8(4), C.R.S.	Improve the function and transparency of the Drinking Water Revolving Fund	April 14, 2014	City and town government, water and wastewater authorities, water and sanitation districts	Final approval April 14, 2014



	Brief Description of Rule	Board or Commission	CCR Rule Number	Statutory Basis	Purpose	Anticipated Hearing Date**	Stakeholders	Result
Prevention Services	Rules for Breast and Cervical Cancer Screening Program	Board Of Health	6 CCR 1015-11	§25-4-1505 C.R.S.	Ensure rules are aligned with current program requirements and are necessary to implement the program	April 16, 2014	Women's Wellness Connection Contractors	Adopted April 16, 2014
Hazardous Materials and Waste Management	Licensing of Radioactive Material	Board Of Health	6 CCR 1007-1, Part 3	§25-1-108, §25-1.5-101(1)(k), §25-1.5-101(1)(l), §25-1.5-104(6) C.R.S.	Align with Nuclear Regulatory Commission requirements (non-U related)	From February 19, 2014; postponed until April 16, 2014	Licensees required to have financial assurance, radiopharmacy licensees, general public	Adopted April 16, 2014
Health Facilities and Emergency Medical Services	Level I trauma volume criteria	Board of Health	6 CCR 1015-4, Chapter 3	§25-3.5-704 C.R.S.	Change the volume criteria for seriously injured trauma patients from 400 to 320 to reflect the change in severity scoring	April 16, 2014	Level I trauma centers	Adopted April 16, 2014

	Brief Description of Rule	Board or Commission	CCR Rule Number	Statutory Basis	Purpose	Anticipated Hearing Date**	Stakeholders	Result
Water Quality Control	Regulation #100, Water and Wastewater Facility Operators Certification Requirements	Water and Wastewater Facility Operators Certification Board	5 CCR 1003-2	§25-9-101-110, C.R.S.	Clarify and update regulation	April 29, 2014	Drinking water facility owners and operators; industrial and domestic wastewater facility owners and operators	Hearing continued to August 26, 2014; Revisions adopted August 26, 2014
May 2014								
	Regulation #64, Biosolids Regulation	Water Quality Control Commission	5 CCR 1002-64	§25-8-202(1)(c) and (2); §25-8-205(1)(e); §25-8-501(1) and (2); and §25-8-509, C.R.S.	Revisions proposed by the Rocky Mountain Water Environment Association Biosolids Committee	May 12, 2014	Domestic wastewater facilities generating biosolids (as beneficial use and persons applying biosolids for beneficial use)	Final approval May 12, 2014
	*Regulation #42, Site Specific Groundwater Standards	*Water Quality Control Commission	5 CCR 1002-42	§25-8-202; §25-8-203; §25-8-204; and §25-8-402, C.R.S.	Revisions proposed by Lowry Assumption, LLC	*May 12, 2014	Lowry neighborhood; landowners with property above the groundwater at issue	Preliminary Final Action May 12, 2014 - Final Action June 9, 2014
*Water Quality Control	*Regulation #55,	*Water Quality Control Commission	5 CCR 1002-55	§25-8-202; §25-8-308; §25-8-608, C.R.S.	Add regulations for the distribution of \$12 million in grants for flood affected communities	*May 12, 2014	Communities affected by the flood	Final approval May 12, 2014



	Brief Description of Rule	Board or Commission	CCR Rule Number	Statutory Basis	Purpose	Anticipated Hearing Date**	Stakeholders	Result
Health Facilities and Emergency Medical Services	EMS scope of practice	Executive Director/Chief Medical Officer	6 CCR 1015-3, Chapter 2	§25-3.5-203, 206 C.R.S.	Comply with HB13-1063 and establish standards for a critical care endorsement for EMS providers	May 21, 2014	Emergency medical service providers	Adopted May 21, 2014
Health Facilities and Emergency Medical Services & Office of Emergency Preparedness and Response	Preparations for a bioterrorist event, pandemic influenza, or an outbreak	Board Of Health	6 CCR 1009-5	§25-1-108(1)(c)(VI) C.R.S.	Update the number of days each agency must keep a supply of doxycycline or other antibiotic	May 21, 2014	Local public health agencies and hospitals	Withdrawn
Health Facilities and Emergency Medical Services	EMS education and certification	Board of Health	6 CCR 1015-3, Chapter 1	§25-3.5-203 C.R.S.	Comply with HB13-1063 critical care paramedicine endorsement requirements	May 21, 2014	Emergency medical service personnel	Adopted May 21, 2014

	Brief Description of Rule	Board or Commission	CCR Rule Number	Statutory Basis	Purpose	Anticipated Hearing Date**	Stakeholders	Result
Health Facilities and Emergency Medical Services	Dialysis treatment clinic changes	Board of Health	6 CCR 1011-1, Chapter XV	\$25-1.5-103, 108 C.R.S.	Comply with SB13-046 requiring dialysis clinics to have a nephrologist referral for outpatient dialysis treatment to patients with acute (but not end-stage) kidney failure	May 21, 2014	Licensed dialysis treatment clinics and acute kidney failure patients	Adopted May 21, 2014
Health Facilities and Emergency Medical Services	Assisted Living Residences: definition changes	Board of Health	6 CCR 1011-1, Chapter VII	\$25-1.5-103, \$25-3-101, \$25-27-104 C.R.S.	Clarify definitions and adjust license renewal fees to correspond with the consumer price index	May 21, 2014	Licensed assisted living residences and their consumers	Adopted May 21, 2014
Hazardous Materials and Waste Management	Hazardous Waste financial assurance regulations	Solid and Hazardous Waste Commission	6 CCR 1007-3, Part 266	\$25-15-301, et seq. C.R.S.	Modify and update the hazardous waste financial assurance regulations	From February 18, 2014; postponed until May 20, 2014	All hazardous waste treatment, storage, and disposal facilities	Adopted May 20, 2014
Hazardous Materials and Waste Management	Solid and Hazardous Waste Commission fee	Solid and Hazardous Waste Commission	6 CCR 1007-3, Part 6	\$25-15-314 C.R.S.	Amend SHWC fee to fund operation of the Commission for Fiscal Year 2014-15	May 20, 2014	Treatment, storage, and disposal facilities, generators of hazardous waste, and transporters of hazardous waste	Adopted May 20, 2014



	Brief Description of Rule	Board or Commission	CCR Rule Number	Statutory Basis	Purpose	Anticipated Hearing Date**	Stakeholders	Result
Hazardous Materials and Waste Management	Adjustments to Hazardous Waste Fees	Solid and Hazardous Waste Commission	6 CCR 1007-3, Part 100, Part 262	\$25-15-301, et seq. C.R.S.	Raise fees due to increasing Program costs	From November 18, 2014; moved to May 20, 2014	Treatment, storage, and disposal facilities, generators of hazardous waste, corrective action facilities	Adopted May 20, 2014
June 2014								
Water Quality Control	Regulations #33 and #37, Classifications and Numeric Standards for Upper and Lower Colorado River Basins	Water Quality Control Commission	5 CCR 1002-33; 5 CCR 1002-37	\$25-8-101 et seq., \$25-8-203 and \$25-8-204 C.R.S.	Triennial review of water quality standards as required by 25-8-202(f)	June 9, 2014	City and town government; energy companies; mining companies; water and sanitation districts; wastewater districts; water quality planning agencies; watershed associations; environmental groups; federal agencies - USFWS, NPS	Preliminary Final Action June 10, 2014 - Final Action August 11, 2014
Hazardous Materials and Waste Management	Transportation of Radioactive Material	Board Of Health	6 CCR 1007-1, Part 17	\$25-1-108, \$25-1.5-101(1)(k), \$25-1.5-101(1)(l), \$25-1.5-104(6) C.R.S.	Updates for compatibility with Nuclear Regulatory Commission requirements	From April 16, 2014; postponed until June 18, 2014	Licensees involved in transport of radioactive materials, general public	Adopted June 18, 2014



	Brief Description of Rule	Board or Commission	CCR Rule Number	Statutory Basis	Purpose	Anticipated Hearing Date**	Stakeholders	Result
Hazardous Materials and Waste Management	Registration of Radiation Producing Machines, Facilities, and Services	Board Of Health	6 CCR 1007-1, Part 2	\$25-1-108, \$25-1.5-101(1)(k), \$25-1.5-101(1)(l), \$25-1.5-104(6) C.R.S.	Updates to ensure the rules are current and accurate	June 18, 2014	X-Ray machine users and facilities, X-Ray servicing companies, general public	Adopted June 18, 2014
Health Facilities and Emergency Medical Services	License renewal fee modification	Board of Health	6 CCR 1011-1, Chapters II, VII, IX, X, XV, XVIII, XX, XXI, and XXVI	\$25-1.5-103, \$25-3-101 C.R.S.	Comply with HB12-1294 and reflect any changes necessary due to agency transfer of the life safety code section	From April 16, 2014; postponed until June 18, 2014	Licensed healthcare entities	Adopted June 18, 2014
Disease Control and Environmental Epidemiology	Colorado HIV and AIDS Prevention Grant Program	Board Of Health	6 CCR 1009-10	\$25-4-1414 C.R.S.	Update rules to ensure they are current, align with statute and clarify roles and responsibilities	From April 16, 2014; postponed until June 18, 2014	Colorado HIV/AIDS Prevention Program Advisory Committee, community based organizations serving persons at risk or living with of HIV/AIDS, local public /private health agencies, citizen groups, and individual citizens	Adopted June 18, 2014



	Brief Description of Rule	Board or Commission	CCR Rule Number	Statutory Basis	Purpose	Anticipated Hearing Date**	Stakeholders	Result
Laboratory Services	Newborn Screening	Board of Health	5 CCR 1005-4	§25-4-802 & 803, §25-4-1004, 1004.5 C.R.S.	Newborn screening test revisions	June 18, 2014	Entities performing newborn screening, perinatal care providers, pediatricians, midwives, and their consumers	Withdrawn
July 2014								
*Hazardous Materials and Waste Management	*Asbestos Contaminated Soils	Solid and Hazardous Waste Commission	6 CCR 1007-2, Part 1, Section 5	§30-20-109 C.R.S.	Update and revise Section 5.5 - asbestos contaminates soil regulations	*From February 18, 2014; continued to July 15, 2014	Asbestos contaminated soil site and facility owners and operators (public and private); consultants	Adopted August 19, 2014
Health Facilities and Emergency Medical Services	Children with life limiting illness waivers	Board of Health	6 CCR 1011-1, Chapters XXI & XXVI	§25-1.5-103, 108 C.R.S.	Align hospice care and home care standards with the Medicaid waiver program	July 16, 2014	Hospices, Home Care Agencies, children and families with life limiting waivers	Adopted July 16, 2014
Health Facilities and Emergency Medical Services	Persons with intellectual and developmental disabilities adjustments for Home Care Agencies	Board of Health	6 CCR 1011-1, Chapter XXVI	§25-27.5-104 C.R.S.	Technical changes to support Home Care Agencies that provide care to individuals with intellectual and developmental disabilities	July 16, 2014	Home Care Agencies and their consumers, Health Care Policy and Financing	Adopted July 16, 2014



	Brief Description of Rule	Board or Commission	CCR Rule Number	Statutory Basis	Purpose	Anticipated Hearing Date**	Stakeholders	Result
Laboratory Services	Breath Alcohol Interlock Ignition Devices	Board of Health	5 CCR 1005-3	§42-2-132.5(7) C.R.S.	Update and remove unnecessary regulations	From July 16, 2014	Law enforcement, Department of Revenue Hearing Officers, DA Counsel, Defense Bar	Withdrawn
Health Facilities and Emergency Medical Services	Persons with developmental disabilities group home changes	Board of Health	6 CCR 1011-1, Chapter VIII	§25-1.5-103, 108 C.R.S.	Align rules with current regulations adopted by the Department of Human Services and transferring to the Department of Health Care, Policy and Financing	July 16, 2014	Individuals with developmental disabilities and group homes, Health Care Policy and Financing	Adopted July 16, 2014
August 2014								
Water Quality Control	Regulation #53, Domestic Wastewater Treatment Grant Funding System; Regulation #54, Drinking Water Grant Fund, Regulation #55	Water Quality Control Commission	5 CCR 1002-53, 55, 55	§25-1.5-208, C.R.S.; §25-8-202(1) (e) and (g), C.R.S., and §25-8-703, C.R.S.	Improve the function and transparency of the Drinking Water Revolving Fund; repeal Regulations # 53 & #54 - incorporate into Regulation #55	August 11, 2014	City and town government, water and wastewater authorities, water and sanitation districts	Final approval August 11, 2014

	Brief Description of Rule	Board or Commission	CCR Rule Number	Statutory Basis	Purpose	Anticipated Hearing Date**	Stakeholders	Result
Water Quality Control	Regulation #34, Classifications and Numeric Standards for San Juan River Basin	Water Quality Control Commission	5 CCR 1002-34	§25-8-101 et seq., §25-8-203 and §25-8-204 C.R.S.	Adoption of a discharger specific variance.	August 11, 2014	Durango West Metropolitan District	Final approval August 11, 2014
*Hazardous Materials and Waste Management	*Asbestos Contaminated Soils	Solid and Hazardous Waste Commission	6 CCR 1007-2, Part 1, Section 5	§30-20-109 C.R.S.	Update and revise Section 5.5 - asbestos contaminates soil regulations	*From July 15, 2014; continued to August 19, 2014	Asbestos contaminated soil site and facility owners and operators (public and private); consultants	Adopted August 19, 2014
Hazardous Materials and Waste Management	Conditional Exclusion for Solvent - Contaminated Wipes	Solid and Hazardous Waste Commission	6 CCR 1007-3, Parts 260 and 261	§25-15-302(2) C.R.S.	Revise the definition of hazardous waste to conditionally exclude solvent-contaminated wipes that are disposed	From May 20, 2014; continued until August 19, 2014	Generators of solvent-contaminated wipes	Withdrawn
Disease Control and Environmental Epidemiology	Epidemic and Communicable Disease Control	Board of Health	6 CCR 1009-1	§25-1.5-102 C.R.S.	Reduce the number of reportable conditions and update language	August 20, 2014	Hospitals, local public health, health care providers	Adopted August 20, 2014

	Brief Description of Rule	Board or Commission	CCR Rule Number	Statutory Basis	Purpose	Anticipated Hearing Date**	Stakeholders	Result
Disease Control and Environmental Epidemiology	Reduce reportable birth defect conditions	Board of Health	6 CCR 1009-7	\$25-1.5-102, \$25-1-122 C.R.S.	Reduce reportable birth defect conditions	August 20, 2014	Hospitals, other healthcare facilities and laboratories	Withdrawn
*Disease Control and Environmental Epidemiology	Immunizations	Board of Health	6 CCR 1009-2	\$25-4-901, \$25-4-903 & 904 C.R.S.	Update immunization regulations and align with nationally recommended standards	August 20, 2014	Hospitals, local public health, health care providers, school administrators and health professionals	Adopted August 20, 2014
Health Facilities and Emergency Medical Services	Long term care changes	Board of Health	6 CCR 1011-1, Chapter V	\$25-1.5-103 & 108, \$25-3-103 C.R.S.	Modify definitions for licensed only facilities, amend drug disposal requirements, remove obsolete language and align with federal requirements	August 20, 2014	Long term care facilities and their consumers, Health Care Policy and Financing	Withdrawn
Prevention Services	Certification of Health Care Professionals Practicing in Rural Health Professional Shortage Areas to Qualify for the State Income Tax Credit	Board of Health	6 CCR 1015-6	\$39-22-126 C.R.S.	Repeal rule to align with the repeal of the enabling statute	From September 17, 2014; rescheduled for August 20, 2014	None, obsolete rule	Adopted August 20, 2014



	Brief Description of Rule	Board or Commission	CCR Rule Number	Statutory Basis	Purpose	Anticipated Hearing Date**	Stakeholders	Result
*Environmental Health and Sustainability	Grade A Pasteurized Milk and Fluid Milk Products	Board of Health	6 CCR 1010-4	§25-1.5-104(1)(b)(I) C.R.S.	Update and remove unnecessary regulations	August 20, 2014	Dairy plants and Dairy farms	Adopted August 20, 2014
Air Pollution Control	Regulation Number 3 - Stationary Sources Permitting and Air Pollutant Emission Notice Requirements	Air Quality Control Commission	5 CCR 1001-5	§25-7-105(1)(a)&(c), §25-7-105(12), §25-7-201 through §25-7-206, §25-7-210, §25-7-301, and §25-7-302, C.R.S.	Update the: global warming potential for methane; PM2.5 NSR requirements relating to condensable PM, significant impact levels, and significant monitoring concentrations; GHG plant wide applicability limitations; PSD permitting related to GHG emissions; revised APEN reporting requirements; and public notification requirements	August 21, 2014	Sources emitting methane, sources emitting GHGs, and large sources of PM2.5 emissions. All stationary sources required to submit a revised APEN.	Adopted August 21, 2014

	Brief Description of Rule	Board or Commission	CCR Rule Number	Statutory Basis	Purpose	Anticipated Hearing Date**	Stakeholders	Result
Air Pollution Control	Regulation Number 6 - Standards of Performance for New Stationary Sources	Air Quality Control Commission	5 CCR 1001-8	\$24-4-103; \$25-7-102, -105 to -109, and -114 C.R.S.	Incorporate by reference new and amended federal New Source Performance Standards into the Commission's regulations	August 21, 2014	All owners and operators of industrial equipment subject to federal New Source Performance Standards, local and State agencies, industrial trade associations, citizen and environmental groups, and individual citizens	Adopted August 21, 2014
Air Pollution Control	Regulation Number 8 - Control of Hazardous Air Pollutants	Air Quality Control Commission	5 CCR 1001-10	\$24-4-103; \$25-7-105 and -109 C.R.S.	Incorporate by reference new and amended federal National Emissions Standards for Hazardous Air Pollutants into the Commission's regulations	August 21, 2014	All owners and operators of industrial equipment subject to these federal regulations, local and State agencies, industrial trade associations, citizen and environmental groups, and individual citizens	Adopted August 21, 2014

	Brief Description of Rule	Board or Commission	CCR Rule Number	Statutory Basis	Purpose	Anticipated Hearing Date**	Stakeholders	Result
September 2014								
*Center for Health and Environmental Data	Medical Marijuana Registry	Board Of Health	5 CCR 1006-2	\$25-1.5-106(16) C.R.S.	Revisions to comply with audit findings and general updates	September 16, 2014	Medical marijuana patients participating in the Medical Marijuana Registry, caregivers, physicians, dispensaries, law enforcement	Adopted September 16, 2014
October 2014								
Health Facilities and Emergency Medical Services	Licensed facilities serving individuals with a brain injury that receive supported living services	Board of Health	6 CCR 1011-1, Chapter VII and XXVI	\$25-1.5-103, \$25-3-101 C.R.S.	Align licensing rules to support individuals with a brain injury that receive supported living services	From June 18, 2014; postponed to October 15, 2014	Licensed facilities providing supported living services for brain injured individuals, Colorado Department of Human Services Brain Injury Program, and Health Care Policy and Financing	Adopted October 15, 2014

2014 Regulatory Agenda Summary

	Brief Description of Rule	Board or Commission	CCR Rule Number	Statutory Basis	Purpose	Anticipated Hearing Date**	Stakeholders	Result
Laboratory Services	Environmental Laboratory Accreditation Rules	Board of Health	5 CCR 1005-1	\$25-1-108(1)(c)(I) & 25-1.5 101(1)(e) C.R.S.	Update and remove unnecessary regulations	October 15, 2014	Environmental Laboratory Directors, Water Quality Control Division, public and private utilities	Adopted October 15, 2014
Health Facilities and Emergency Medical Services	Quality Management Plans	Board of Health	6 CCR 1011-1, Chapter II, Part 3	\$25-1.5-103 , \$25-3-101, 109 C.R.S.	Amend quality management rules to more closely align with statute and court decisions	From September 16, 2014;rescheduled for October 15, 2014	Licensed healthcare entities	Adopted October 15, 2014
*Health Facilities and Emergency Medical Services	Air Ambulance Licensing	Board of Health	6 CCR 1015-3, Chapter 5	\$25-3.5-307 C.R.S.	Suspending fees	October 15, 2014	Air Ambulance Licensees and their consumers	Adopted October 15, 2014



	Brief Description of Rule	Board or Commission	CCR Rule Number	Statutory Basis	Purpose	Anticipated Hearing Date**	Stakeholders	Result
*Health Facilities and Emergency Medical Services	Patient Record copy costs	Board of Health	6 CCR 1011-1, Chapter II, Part 5	\$25-1.5-103, \$25-1-802(1)(b)(I) C.R.S.	Conforming amendments to align with HB 14-1186	October 15, 2014	Licensed healthcare entities, consumers and medical records outsourcing firms	Adopted October 15, 2014
*Hazardous Materials and Waste Management	Cleanup of Methamphetamine Laboratories	Board of Health	6 CCR 1014-3	\$25-18.5-101 C.R.S.	Contamination testing and evaluation, cleanup standards, training and certification program updates	October 15, 2014	Meth lab cleanup consultants and contractors, training providers, analytical laboratories, local health departments, apartment owners, realtors and attorneys	Adopted October 15, 2014

	Brief Description of Rule	Board or Commission	CCR Rule Number	Statutory Basis	Purpose	Anticipated Hearing Date**	Stakeholders	Result
Air Pollution Control	Motor Vehicle Emissions Inspection Program	Air Quality Control Commission	5 CCR 1001-13	§42-4-306 and §42-4-310, C.R.S.	Changes to Colorado's Motor Vehicle Emissions Inspection Program to address several minor regulatory issues; housekeeping and clean-up	October 16, 2014	Owners and operators of emission testing centers, local and State agencies, and individual citizens	Adopted October 16, 2014
November 2014								
Hazardous Materials and Waste Management	Modify the compost facility classifications and feedstock structure to align with current practices	Solid and Hazardous Waste Commission	6 CCR 1007-2, Part 1, Section 14	§30-20-109 C.R.S.	Simplify the compost class structure and regulations	From August 19, 2014; postponed until November 18, 2014	Solid waste landfill and compost facility owners and operators, county and municipal governments	Postponed until 2015
Hazardous Materials and Waste Management	Commission Procedural Rules	Solid and Hazardous Waste Commission	6 CCR 1007-3, Part 7	§25-15-302(7)(b) C.R.S.	Modify and update the Commission's Procedural Rules	From February 18, 2014; postponed until November 18, 2014	Commission Members, parties to Commission hearings	Postponed until 2015

	Brief Description of Rule	Board or Commission	CCR Rule Number	Statutory Basis	Purpose	Anticipated Hearing Date**	Stakeholders	Result
*Hazardous Materials and Waste Management	*Waste Tires	Solid and Hazardous Waste Commission	6 CCR 1007-2, Part 1, Section 10	§30-20-1401 C.R.S.	Modify the waste tire regulations to conform with HB 14-1352	*November 18, 2014	waste tire processors, tire monofills, end users, local governments, waste tire generators and haulers, tire manufacturers, landfills	pending
*Hazardous Materials and Waste Management	*Waste Tires	Solid and Hazardous Waste Commission	6 CCR 1007-2, Part 4	§30-20-1401 C.R.S.	Modify the waste tire regulations to conform with HB 14-1352	*November 18, 2014	waste tire processors, tire monofills, end users, local governments, waste tire generators and haulers, tire manufacturers, landfills	pending
*Dupey Synthes Delisting	*Delisting of wastewater treatment sludge	Solid and Hazardous Waste Commission	6 CCR 1007-3, Part 261.31	§25-15-302(2) C.R.S.	Delist wastewater treatment sludge generated by Dupey Synthes as it does not display hazardous characteristics	*November 18, 2014	Dupey Synthes	pending

	Brief Description of Rule	Board or Commission	CCR Rule Number	Statutory Basis	Purpose	Anticipated Hearing Date**	Stakeholders	Result
*Air Pollution Control	*Regional Haze Craig Power Plant Settlement Agreement	Air Quality Control Commission	5 CCR 1001-5	\$25-7-105(1), -102, -109(1)(a), -109(2) C.R.S.	Approve settlement agreement between Tri-State, EPA, Colorado, WildEarth Guardians and National Parks Conservation Association which revise the NOx emissions limit for Unit 1	November 20, 2014 (settlement agreement entered into in mid-2014 resulting in this rulemaking)	parties to the settlement	pending
December 2014								
Water Quality Control	Regulations #32, #33, #34, #35, #36, #37 and #38 - Classifications and Numeric Standards for river basins statewide	Water Quality Control Commission	5 CCR 1002-32; 5 CCR 1002-33; 5 CCR 1002-34; 5 CCR 1002-35; 5 CCR 1002-36; 5 CCR 1002-37; 5 CCR 1002-38	\$25-8-101 et seq., 25-8-203 and 25-8-204 C.R.S.	Annual review of temporary modifications	December 8, 2014	City and town government; energy companies; mining companies; water and sanitation districts; wastewater districts; water quality planning agencies; watershed associations; environmental groups; federal agencies - USFWS, NPS	pending



	Brief Description of Rule	Board or Commission	CCR Rule Number	Statutory Basis	Purpose	Anticipated Hearing Date**	Stakeholders	Result
Health Facilities and Emergency Medical Services	Ambulatory Surgery Center tiered standards	Board of Health	6 CCR 1011-1, Chapter XX	\$25-1.5-103, \$25-3-101 C.R.S.	Modify rules to support different levels of ambulatory surgery providers	From October 15, 2014; postponed to December 17, 2014	Licensed Ambulatory Surgery Centers and their consumers	Adoption Anticipated 12/17/14
Health Facilities and Emergency Medical Services	Convalescent Care Centers	Board of Health	6 CCR 1011-1, Chapter XI	\$25-1.5-103, \$25-3-101 C.R.S.	Update Convalescent Centers rules	From October 15, 2014; postponed to December 17, 2014	Licensed Convalescent Centers and their consumers	Adoption Anticipated 12/17/14
*Hazardous Materials and Waste Management	Registration of Radiation Producing Machines, Facilities, and Services	Board Of Health	6 CCR 1007-1, Part 2	\$25-1-108, \$25-1.5-101(1)(k), \$25-1.5-101(1)(l), \$25-1.5-104(6) C.R.S.	Updates to ensure the rules are current and accurate	December 17, 2014	X-Ray machine users and facilities, X-Ray servicing companies, general public	Adoption Anticipated 12/17/14
* indicates a rulemaking hearing not originally included on the 2014 Regulatory Agenda								

2014

Results of Mandatory Review of Rules

CDPHE 2014 Results of Mandatory Review of Rules

Staff Lead Contact Information (Name, Address & Email Address)	Board or Commission	CCR Rule Number	Regulation Title	Statutory Basis	Projected Month to Complete Review	EO 2 Regulation Review has occurred Y/N	Will the review result in revisions to the regulation? Y/N	Will the review result in repeal of any part of the regulation? Y/N	Will the review result in repeal of entire CCR volume? Y/N	If the revisions/ repeals are completed, identify the adopted date. If not identify as “pending.”
November 2013										
Steve Scherma, CDPHE, Water Quality Control Division, 4300 Cherry Creek Drive South, Denver CO 80246, steve.scherma@state.co.us	Water Quality Control Commission	5 CCR 1003-1; 5 CCR 1002-11	Primary Drinking Water Regulations	§25-1.5-101, 25-1.5- Part 2, 25-1-108, 25-1-109, 25-1-114, 25-1-114.1	November 2013	Yes	Yes	Yes	Yes	12/9/2013
January 2014										
Mauricio Palacio, , CDPHE, Office of Health Equity, 4300 Cherry Creek Drive South Denver, CO 80246-1530, mauricio.palacio@state.co.us	Board of Health	6 CCR 1014-5	Health Disparities Grant Program	§25-4-2203 C.R.S.	January 2014	Yes	Yes	Yes	No	1/16/2014
Esperanza Ybarra, CDPHE, Prevention Services Division, 4300 Cherry Creek Drive South, PSD-A4, Denver, CO 80246, 303.692.2482, esperanza.ybarra@state.co.us	Board of Health	6 CCR 1016-1	Nurse Home Visitor Program	§25-31-105, C.R.S.	January 2014	Yes	No	Yes	Yes	2/19/2014
February 2014										
Randy Perila, CDPHE, Hazardous Materials and Waste Management Division (HMMWD), 4300 Cherry Creek Drive South, Denver, CO 80246, randy.perila@state.co.us	Solid and Hazardous Waste Commission	6 CCR 1007-2, Part 1, Section 5	Asbestos Contaminated Soil	§30-20-109, C.R.S.	February 2014	Yes	Yes	Yes	No	8/19/2014

CDPHE 2014 Results of Mandatory Review of Rules

Staff Lead Contact Information (Name, Address & Email Address)	Board or Commission	CCR Rule Number	Regulation Title	Statutory Basis	Projected Month to Complete Review	EO 2 Regulation Review has occurred Y/N	Will the review result in revisions to the regulation? Y/N	Will the review result in repeal of any part of the regulation? Y/N	Will the review result in repeal of entire CCR volume? Y/N	If the revisions/ repeals are completed, identify the adopted date. If not identify as "pending."
March 2014										
Randal Ristau, CDPHE, Water Quality Control Division, 4300 Cherry Creek Drive South, Denver CO 80246, randal.ristau@state.co.us	Water Quality Control Commission	5 CCR 1002-75	Cheraw Lake Control Regulation	\$25-8-205 C.R.S.	March 2014	Yes	No	Yes	Yes	3/11/2014
James S. Jarvis, M.S., CDPHE, Hazardous Materials and Waste Management Division, 4300 Cherry Creek Drive South Denver, CO 80246-1530 james.jarvis@state.co.us	Board Of Health	6 CCR 1007-1, Part 1	Radiation Control	\$25-1-108, 25-1.5- 101(1)(k), 25-1.5- 101(1)(l), 25-1.5- 104(6) C.R.S.	March 2014	Yes	Yes	Yes	No	Pending
James S. Jarvis, M.S., CDPHE, Hazardous Materials and Waste Management Division, 4300 Cherry Creek Drive South Denver, CO 80246-1530 james.jarvis@state.co.us	Board Of Health	6 CCR 1007-1, Part 3	Radiation Control	\$25-1-108, 25-1.5- 101(1)(k), 25-1.5- 101(1)(l), 25-1.5- 104(6) C.R.S.	March 2014	Yes	Yes	Yes	No	Pending
April 2014										
Janet Kieler, CDPHE, Water Quality Control Division, 4300 Cherry Creek Drive South, Denver CO 80246, janet.kieler@state.co.us	Water Quality Control Commission	5 CCR 1002-65	Regulations Controlling Discharges to Storm Sewers	\$25-8-202(1)(c); \$25-8-205; \$25-8- 401 C.R.S.	April 2014	Yes	No	No	No	N/A

CDPHE 2014 Results of Mandatory Review of Rules

Staff Lead Contact Information (Name, Address & Email Address)	Board or Commission	CCR Rule Number	Regulation Title	Statutory Basis	Projected Month to Complete Review	EO 2 Regulation Review has occurred Y/N	Will the review result in revisions to the regulation? Y/N	Will the review result in repeal of any part of the regulation? Y/N	Will the review result in repeal of entire CCR volume? Y/N	If the revisions/ repeals are completed, identify the adopted date. If not identify as "pending."
Michael Beck, CDPHE, Water Quality Control Division, 4300 Cherry Creek Drive South, Denver CO 80246, michael.beck@state.co.us	Water Quality Control Commission	5 CCR 1002-52	Drinking Water Revolving Fund Rules	§25-1.5-203(1)(e) C.R.S.	April 2014	Yes	Yes	Yes	No	4/14/2014
Jackie Whelan, CDPHE, Water Quality Control Division, 4300 Cherry Creek Drive South, Denver CO 80246, jackie.whelan@state.co.us	Water and Wastewater Facilities Operation Certification Board	5 CCR 1003-2	Water and Wastewater Facility Operators Certification Requirements	§25-9-101-110 C.R.S.	April 2014	Yes	Yes	Yes	No	8/26/2014
Emily Kinsella, CDPHE, Prevention Services Division, 4300 Cherry Creek Drive South, Denver, CO 80246, emily.kinsella@state.co.us	Board Of Health	6 CCR 1015-11	Breast and Cervical Cancer Screening Program	§25-4-1501-1505, C.R.S.	April 2014	Yes	No	Yes	Yes	4/16/2014
Mary Myers, CDPHE, Disease Control and Environmental Epidemiology Division, Denver, CO 80246 mary.myers@state.co.us	Board Of Health	6 CCR 1009-10	Colorado HIV and AIDS Prevention Grant Program	§25-4-1414 C.R.S.	April 2014	Yes	Yes	No	Yes	6/18/2014

CDPHE 2014 Results of Mandatory Review of Rules

Staff Lead Contact Information (Name, Address & Email Address)	Board or Commission	CCR Rule Number	Regulation Title	Statutory Basis	Projected Month to Complete Review	EO 2 Regulation Review has occurred Y/N	Will the review result in revisions to the regulation? Y/N	Will the review result in repeal of any part of the regulation? Y/N	Will the review result in repeal of entire CCR volume? Y/N	If the revisions/ repeals are completed, identify the adopted date. If not identify as "pending."
Alexandra Haas, Health Facilities and Emergency Management Services Division, 4300 Cherry Creek Drive South, Denver, CO 80246 alexandra.haas@state.co.us	Board of Health	6 CCR 1015-4, Chapter 1	Statewide Emergency Medical and Trauma Care System	§25-3.5-704(2)(c), (f) C.R.S.	April 2014	Yes	Yes	No	No	Pending
Alexandra Haas, Health Facilities and Emergency Management Services Division, 4300 Cherry Creek Drive South, Denver, CO 80246 alexandra.haas@state.co.us	Board of Health	6 CCR 1015-4, Chapters 3	Statewide Emergency Medical and Trauma Care System	§25-3.5-704(2)(c), (f) C.R.S.	April 2014	Yes	Yes	No	No	Pending
May 2014										
Randy Perila, CDPHE, Hazardous Materials and Waste Management Division (HMWMD), 4300 Cherry Creek Drive South, Denver, CO 80246, randy.perila@state.co.us	Solid and Hazardous Waste Commission	6 CCR 1007-3, Part 266	Colorado Financial Requirements	§25-15-302(2), C.R.S.	May 2014	Yes	Yes	Yes	No	5/20/2014

CDPHE 2014 Results of Mandatory Review of Rules

Staff Lead Contact Information (Name, Address & Email Address)	Board or Commission	CCR Rule Number	Regulation Title	Statutory Basis	Projected Month to Complete Review	EO 2 Regulation Review has occurred Y/N	Will the review result in revisions to the regulation? Y/N	Will the review result in repeal of any part of the regulation? Y/N	Will the review result in repeal of entire CCR volume? Y/N	If the revisions/ repeals are completed, identify the adopted date. If not identify as "pending."
Michael Silverstein, Commission Administrator, Solid and Hazardous Waste Commission, 4300 Cherry Creek Drive South, Denver, CO 80129, michael.silverstein@state.co.us	Solid and Hazardous Waste Commission	6 CCR 1007-3, Part 6	Solid and Hazardous Waste Commission Fees	§25-15-314(1), C.R.S.	May 2014	Yes	Yes	No	No	5/20/2014
Janet Kieler, CDPHE, Water Quality Control Division, 4300 Cherry Creek Drive South, Denver CO 80246, janet.kieler@state.co.us	Water Quality Control Commission	5 CCR 1002-64	Biosolids Regulation	§25-8-202; 25-8-205; §25-8-501; §25-8-509 C.R.S.	May 2014	Yes	Yes	No	No	5/12/2014
Alexandra Haas, CDPHE, Health Facilities and Emergency Management Services Division & Lyle Moore, Office of Emergency Preparedness Response, 4300 Cherry Creek Drive South, Denver, CO 80246 alexandra.haas@state.co.us	Board Of Health	6 CCR 1009-5	Preparations for a bioterrorist event, pandemic influenza, or an outbreak	§25-1-108(1)(c)(VI) C.R.S.	May 2014	Yes	Yes	Yes	No	Pending

CDPHE 2014 Results of Mandatory Review of Rules

Staff Lead Contact Information (Name, Address & Email Address)	Board or Commission	CCR Rule Number	Regulation Title	Statutory Basis	Projected Month to Complete Review	EO 2 Regulation Review has occurred Y/N	Will the review result in revisions to the regulation? Y/N	Will the review result in repeal of any part of the regulation? Y/N	Will the review result in repeal of entire CCR volume? Y/N	If the revisions/ repeals are completed, identify the adopted date. If not identify as "pending."
Laurie Schoder, Health Facilities and Emergency Management Services Division 4300 Cherry Creek Drive South, Denver, CO 80246 laurie.schoder@state.co.us	Board of Health	6 CCR 1011-1, Chapter VII	Assisted Living Residences	\$25-1.5-103, \$25-3-101, \$25-27-104 C.R.S.	May 2014	Yes	Yes	Yes	No	5/21/2014
Laurie Schoder, Health Facilities and Emergency Management Services Division 4300 Cherry Creek Drive South, Denver, CO 80246 laurie.schoder@state.co.us	Board of Health	6 CCR 1011-1, Chapter XV	Dialysis treatment clinic changes	\$25-1.5-103, 108 C.R.S.	May 2014	Yes	Yes	Yes	No	5/21/2014
Alexandra Haas, CDPHE, Health Facilities and Emergency Management Services Division 4300 Cherry Creek Drive South, Denver, CO 80246 alexandra.haas@state.co.us	Board of Health	6 CCR 1015-3, Chapter 1	EMS education and certification	\$25-3.5-203 C.R.S.	May 2014	Yes	Yes	No	No	5/21/2014
Alexandra Haas, CDPHE, Health Facilities and Emergency Management Services Division 4300 Cherry Creek Drive South, Denver, CO 80246 alexandra.haas@state.co.us	Executive Director/Chief Medical Officer	6 CCR 1015-3, Chapter 2	EMS scope of practice	\$25-3.5-203, 206 C.R.S.	May 2014	Yes	Yes	No	No	5/21/2014

Staff Lead Contact Information (Name, Address & Email Address)	Board or Commission	CCR Rule Number	Regulation Title	Statutory Basis	Projected Month to Complete Review	EO 2 Regulation Review has occurred Y/N	Will the review result in revisions to the regulation? Y/N	Will the review result in repeal of any part of the regulation? Y/N	Will the review result in repeal of entire CCR volume? Y/N	If the revisions/ repeals are completed, identify the adopted date. If not identify as “pending.”
June 2014										
Laurie Schoder, CDPHE, Health Facilities and Emergency Management Services Division 4300 Cherry Creek Drive South, Denver, CO 80246 laurie.schoder@state.co.us	Executive Director	5 CCR 1011-2	Health Maintenance Organization Standards	§10-16-402, 406 C.R.S.	June 2014	Yes	Yes	Yes	No	Pending
Dan Wright, CDPHE, Laboratory Services Division, 4300 Cherry Creek Drive South, Denver, CO 80246 daniel.wright@state.co.us	Board of Health	5 CCR 1005-4	Newborn Screening	§25-4-802 & 803, 25-4-1004, 1004.5 C.R.S.	June 2014	Yes	No	No	No	NA
Dan Wright, CDPHE, Laboratory Services Division, 4300 Cherry Creek Drive South, Denver, CO 80246 daniel.wright@state.co.us	Executive Director	5 CCR 1005-4	Newborn Screening	§25-4-1004.5(3) CRS	June 2014	Yes	No	No	No	NA
Deborah Nelson, CDPHE, Board of Health, 4300 Cherry Creek Drive South, Denver, CO 80246 deborah.nelson@state.co.us	Board of Health	6 CCR 1014-1	Declaratory Orders	§25-1-108(1)(c), §24-4-105(11) C.R.S.	June 2014	Yes	No	No	No	NA

CDPHE 2014 Results of Mandatory Review of Rules

Staff Lead Contact Information (Name, Address & Email Address)	Board or Commission	CCR Rule Number	Regulation Title	Statutory Basis	Projected Month to Complete Review	EO 2 Regulation Review has occurred Y/N	Will the review result in revisions to the regulation? Y/N	Will the review result in repeal of any part of the regulation? Y/N	Will the review result in repeal of entire CCR volume? Y/N	If the revisions/ repeals are completed, identify the adopted date. If not identify as "pending."
James S. Jarvis, M.S., CDPHE, Hazardous Materials and Waste Management Division, 4300 Cherry Creek Drive South Denver, CO 80246-1530 james.jarvis@state.co.us	Board of Health	6 CCR 1007-1 Part 2	Radiation Control	§25-1-108, 25-1.5- 101(1)(k), 25-1.5- 101(1)(l), 25-1.5- 104(6) C.R.S.	June 2014	Yes	Yes	Yes	No	6/18/2014
July 2014										
Laurie Schoder, CDPHE, Health Facilities and Emergency Management Services Division 4300 Cherry Creek Drive South, Denver, CO 80246 laurie.schoder@state.co.us	Board of Health	6 CCR 1011-1, Chapter XXVI	Home Care Agencies	§25-27.5-104 C.R.S.	July 2014	Yes	Yes	Yes	No	7/16/2014
Laurie Schoder, CDPHE, Health Facilities and Emergency Management Services Division 4300 Cherry Creek Drive South, Denver, CO 80246 laurie.schoder@state.co.us	Board of Health	6 CCR 1011-1, Chapter VIII	Facilities for Persons with Developmental Disabilities	§25-1.5-103, 108 C.R.S.	July 2014	Yes	Yes	Yes	No	7/16/2014
Jeff Groff, CDPHE, Laboratory Services Division, 4300 Cherry Creek Drive South, Denver, CO 80246 jeff.groff@state.co.us	Board of Health	5CCR 1005-1	Breath Alcohol Interlock Ignition Devices	§42-2-132.5(7) C.R.S.	July 2014	Yes	No	Yes	Yes	Pending

CDPHE 2014 Results of Mandatory Review of Rules

Staff Lead Contact Information (Name, Address & Email Address)	Board or Commission	CCR Rule Number	Regulation Title	Statutory Basis	Projected Month to Complete Review	EO 2 Regulation Review has occurred Y/N	Will the review result in revisions to the regulation? Y/N	Will the review result in repeal of any part of the regulation? Y/N	Will the review result in repeal of entire CCR volume? Y/N	If the revisions/ repeals are completed, identify the adopted date. If not identify as "pending."
August 2014										
Michael Beck, CDPHE, Water Quality Control Division, 4300 Cherry Creek Drive South, Denver CO 80246, michael.beck@state.co.us	Water Quality Control Commission	5 CCR 1002-53; 5 CCR 1002-54; 5 CCR 1002-55	Domestic Wastewater Treatment Grant Funding System; Drinking Water Grant Fund	\$25-1.5-208; \$25-8- 202(1)(e) and (g); \$25-8-703 C.R.S.	August 2014	Yes	Yes	Yes	Yes	8/11/2014
Lisa Miller, CDPHE, Disease Control and Environmental Epidemiology Division, 4300 Cherry Creek Drive South, Denver, CO 80246 lisa.miller@state.co.us	Board of Health	6 CCR 1009-1	Epidemic and Communicable Disease Control- reportable conditions	\$25-1.5-102 C.R.S.	August 2014	Yes	Yes	Yes	No	August 20, 2014 (in part) Pending (in part)
Margaret Ruttenber, CDPHE, Disease Control and Environmental Epidemiology Division, 4300 Cherry Creek Drive South, Denver, CO 80246 margaret.ruttenber@state.co.us	Board of Health	6 CCR 1009-7	Detection, Monitoring and Investigation of Environmental and Chronic Disease - reportable conditions (birth defects)	\$25-1.5-105(4) C.R.S.	August 2014	Yes	Yes	Yes	No	Pending
Laurie Schoder, CDPHE, Health Facilities and Emergency Management Services Division 4300 Cherry Creek Drive South, Denver, CO 80246 laurie.schoder@state.co.us	Board of Health	6 CCR 1011-1, Chapter V	Long term care facilities	\$25-1.5-103 & 108, 25-3-103 C.R.S.	August 2014	Yes	Yes	Yes	No	Pending

CDPHE 2014 Results of Mandatory Review of Rules

Staff Lead Contact Information (Name, Address & Email Address)	Board or Commission	CCR Rule Number	Regulation Title	Statutory Basis	Projected Month to Complete Review	EO 2 Regulation Review has occurred Y/N	Will the review result in revisions to the regulation? Y/N	Will the review result in repeal of any part of the regulation? Y/N	Will the review result in repeal of entire CCR volume? Y/N	If the revisions/ repeals are completed, identify the adopted date. If not identify as "pending."
Jamie D'Amico, CDPHE, Disease Control and Environmental Epidemiology Division, 4300 Cherry Creek Drive South, Denver, CO 80246, jamie.damico@state.co.us	Board of Health	6 CCR 1009-2	Infant Immunization Program, Vaccines for Children Program, and Immunization of Students Attending School	§25-4-904 C.R.S.	August 2014	Yes	Yes	Yes	No	August 20, 2014 (in part) Pending (in part)
Ron Hyman, CDPHE, Center for Health and Environmental Information and Statistics, 4300 Cherry Creek Drive South, Denver, CO 80246 ron.hyman@state.co.us	Board of Health	5 CCR 1006-1	Vital Statistics	§25-2-103 C.R.S.	August 2014	Yes	Yes	Yes	No	Pending
Stephen Holloway, CDPHE, Prevention Services Division, 4300 Cherry Creek Drive South Denver, CO 80246 stephen.holloway@state.co.us	Board of Health	6 CCR 1015-6	Rural Health Care Professional Tax Credit	§39-22-126. C.R.S.	August 2014	Yes	No	Yes	Yes	8/20/2014
Paul Klug, CDPHE, Division of Environmental Health and Sustainability, 4300 Cherry Creek Drive South, Denver, CO 80246 paul.klug@state.co.us	Board of Health	6 CCR 1010-14	Grade A Pasteurized Milk and Fluid Milk Products	§25-1.5-104(1)(b)(l) C.R.S.	August 2014	Yes	Yes	Yes	No	8/20/2014

CDPHE 2014 Results of Mandatory Review of Rules

Staff Lead Contact Information (Name, Address & Email Address)	Board or Commission	CCR Rule Number	Regulation Title	Statutory Basis	Projected Month to Complete Review	EO 2 Regulation Review has occurred Y/N	Will the review result in revisions to the regulation? Y/N	Will the review result in repeal of any part of the regulation? Y/N	Will the review result in repeal of entire CCR volume? Y/N	If the revisions/ repeals are completed, identify the adopted date. If not identify as "pending."
September 2014										
Amy Gammel, CDPHE, Division of Environmental Health and Sustainability, 4300 Cherry Creek Drive South, Denver, CO 80246 amy.gammel@state.co.us	Board of Health	6 CCR 1010-6	Child Care Regulations	§25-1.5-101(1)(h) C.R.S.	September 2014	Yes	Yes	Yes	No	Pending
Greg McConnell, CDPHE, Division of Environmental Health and Sustainability, 4300 Cherry Creek Drive South, Denver, CO 80246 greg.mcconnell@state.co.us	Board of Health	6 CCR 1010-7	School Regulations	§25-1.5-101(1)(h) C.R.S.	September 2014	Yes	Yes	Yes	No	Pending
Sean Scott, CDPHE, Division of Environmental Health and Sustainability, 4300 Cherry Creek Drive South, Denver, CO 80246 sean.scott@state.co.us	Board of Health	6 CCR 1010-15	Board of Plumbers	§25-1.5-101(1)(h) C.R.S.	September 2014	Yes	No	Yes	Yes	Pending
Sean Scott, CDPHE, Division of Environmental Health and Sustainability, 4300 Cherry Creek Drive South, Denver, CO 80246 sean.scott@state.co.us	Board of Health	6 CCR 1010-18	Hazardous Playground Equipment	§25-1.5-101(1)(h) C.R.S.	September 2014	Yes	Yes	Yes	No	Pending

CDPHE 2014 Results of Mandatory Review of Rules

Staff Lead Contact Information (Name, Address & Email Address)	Board or Commission	CCR Rule Number	Regulation Title	Statutory Basis	Projected Month to Complete Review	EO 2 Regulation Review has occurred Y/N	Will the review result in revisions to the regulation? Y/N	Will the review result in repeal of any part of the regulation? Y/N	Will the review result in repeal of entire CCR volume? Y/N	If the revisions/ repeals are completed, identify the adopted date. If not identify as "pending."
James S. Jarvis, M.S., CDPHE, Hazardous Materials and Waste Management Division, 4300 Cherry Creek Drive South Denver, CO 80246-1530 james.jarvis@state.co.us	Board of Health	6 CCR 1007-1, Part 17	Radiation Control	§25-1-108, 25-1.5- 101(1)(k), 25-1.5- 101(1)(l), 25-1.5- 104(6) C.R.S.	September 2014	Yes	No	No	No	NA
James S. Jarvis, M.S., CDPHE, Hazardous Materials and Waste Management Division, 4300 Cherry Creek Drive South Denver, CO 80246-1530 james.jarvis@state.co.us	Board of Health	6 CCR 1007-1, Part 18	Radiation Control	§25-1-108, 25-1.5- 101(1)(k), 25-1.5- 101(1)(l), 25-1.5- 104(6) C.R.S.	September 2014	Yes	Yes	No	No	Pending
James S. Jarvis, M.S., CDPHE, Hazardous Materials and Waste Management Division, 4300 Cherry Creek Drive South Denver, CO 80246-1530 james.jarvis@state.co.us	Board of Health	6 CCR 1007-1, Part 24	Radiation Control	§25-1-108, 25-1.5- 101(1)(k), 25-1.5- 101(1)(l), 25-1.5- 104(6) C.R.S.	September 2014	Yes	No	No	No	NA
October 2014										
Jeff Groff, CDPHE, Laboratory Services Division, 4300 Cherry Creek Drive South, Denver, CO 80246 jeff.groff@state.co.us	Board of Health	5 CCR 1005-1	Environmental Lab Accreditation	§25-1-108(1)(c)(I) & 25-1.5 101(1)(e) C.R.S.	October 2014	Yes	Yes	No	No	10/15/2014

CDPHE 2014 Results of Mandatory Review of Rules

Staff Lead Contact Information (Name, Address & Email Address)	Board or Commission	CCR Rule Number	Regulation Title	Statutory Basis	Projected Month to Complete Review	EO 2 Regulation Review has occurred Y/N	Will the review result in revisions to the regulation? Y/N	Will the review result in repeal of any part of the regulation? Y/N	Will the review result in repeal of entire CCR volume? Y/N	If the revisions/ repeals are completed, identify the adopted date. If not identify as "pending."
Laurie Schoder, CDPHE, Health Facilities and Emergency Management Services Division 4300 Cherry Creek Drive South, Denver, CO 80246 laurie.schoder@state.co.us	Board of Health	6 CCR 1011-1, Chapter XX	Ambulatory Surgery Center	§25-1.5-103, 25-3-101 C.R.S.	October 2014	Yes	Yes	Yes	No	Adoption Anticipated 12/17/2014
Laurie Schoder, CDPHE, Health Facilities and Emergency Management Services Division 4300 Cherry Creek Drive South, Denver, CO 80246 laurie.schoder@state.co.us	Board of Health	6 CCR 1011-1, Chapter XI	Convalescent Care Centers	§25-1.5-103, 25-3-101 C.R.S.	October 2014	Yes	No	Yes	No	Adoption Anticipated 12/17/2014
Colleen Brisnehan, CDPHE, Hazardous Materials and Waste Management Division, 4300 Cherry Creek Drive South, Denver CO 80246 colleen.brisnehan@state.co.us	Board of Health	6 CCR 1014-3	Clean-up of Methamphetamine Laboratories	§25-18.5-102, 25-18.5-106, 25-18.5-107 C.R.S.	October 2014	Yes	Yes	Yes	No	10/15/2014
Randy Perila, CDPHE, Hazardous Materials and Waste Management Division (HMWMD), 4300 Cherry Creek Drive South, Denver, CO 80246, randy.perila@state.co.us	Solid and Hazardous Waste Commission	6 CCR 1007-2, Part 1, Section 10	Waste Tire Facilities and Waste Tire Haulers	§30-20-1401 C.R.S.	October 2014	Yes	Yes	No	No	pending

CDPHE 2014 Results of Mandatory Review of Rules

Staff Lead Contact Information (Name, Address & Email Address)	Board or Commission	CCR Rule Number	Regulation Title	Statutory Basis	Projected Month to Complete Review	EO 2 Regulation Review has occurred Y/N	Will the review result in revisions to the regulation? Y/N	Will the review result in repeal of any part of the regulation? Y/N	Will the review result in repeal of entire CCR volume? Y/N	If the revisions/ repeals are completed, identify the adopted date. If not identify as "pending."
Randy Perila, CDPHE, Hazardous Materials and Waste Management Division (HMWMD), 4300 Cherry Creek Drive South, Denver, CO 80246, randy.perila@state.co.us	Solid and Hazardous Waste Commission	6 CCR 1007-2, Part 4	Waste Tire Processor and End User Fund	\$30-20-1401 C.R.S.	October 2014	Yes	Yes	Yes	Yes	pending
November 2014										
Dena Wojtach, CDPHE, Air Pollution Control Division, 4300 Cherry Creek Drive South, Denver CO 80246, dena.wojtach@state.co.us	Air Quality Control Commission	5 CCR 1001-8 (Part A Only)	Regulation #6 - Standards of Performance for New Stationary Sources	\$25-7-105(1)(b); \$25-7-109, \$25-7-106(6) C.R.S.	November 2014	pending	unknown	unknown	No	pending
Dena Wojtach, CDPHE, Air Pollution Control Division, 4300 Cherry Creek Drive South, Denver CO 80246, dena.wojtach@state.co.us	Air Quality Control Commission	5 CCR 1001-10 (Parts A, C, D, and E Only)	Regulation #8 - Control of Hazardous Air Pollutants	\$25-7-105(1)(b); \$25-7-109(2)(h), \$25-7-109(4) C.R.S.	November 2014	pending	unknown	unknown	No	pending
Sarah Johnson, CDPHE, Water Quality Control Division, 4300 Cherry Creek Drive South, Denver CO 80246, sarah.johnson@state.co.us	Water Quality Control Commission	5 CCR 1002-38	Classifications and Numeric Standards for South Platte River Basin, Laramie River Basin, Republican River Basin, Smoky Hill River Basin	\$25-8-203; \$25-8-204 C.R.S.	November 2014	pending	unknown	unknown	No	pending

CDPHE 2014 Results of Mandatory Review of Rules

Staff Lead Contact Information (Name, Address & Email Address)	Board or Commission	CCR Rule Number	Regulation Title	Statutory Basis	Projected Month to Complete Review	EO 2 Regulation Review has occurred Y/N	Will the review result in revisions to the regulation? Y/N	Will the review result in repeal of any part of the regulation? Y/N	Will the review result in repeal of entire CCR volume? Y/N	If the revisions/ repeals are completed, identify the adopted date. If not identify as "pending."
Randy Perila, CDPHE, Hazardous Materials and Waste Management Division, 4300 Cherry Creek Drive South, Denver CO 80246 randy.perila@state.co.us	Solid and Hazardous Waste Commission	6 CCR 1007-2, Part 1, Section 14	Solid Waste Sites and Facilities - Composting	§30-20-102(8) C.R.S.	November 2014	Yes	Yes	unknown	No	postponed until 2015
December 2014										
Andrew Ross, CDPHE, Water Quality Control Division, 4300 Cherry Creek Drive South, Denver CO 80246, andrew.ross@state.co.us	Water Quality Control Commission	5 CCR 1002-39	Colorado River Salinity Standards	§25-8-202; 25-8-204; §25-8-207 C.R.S.	December 2014	pending	unknown	No	No	pending
Randy Perila, CDPHE, Hazardous Materials and Waste Management Division (HMWMD), 4300 Cherry Creek Drive South, Denver, CO 80246, randy.perila@state.co.us	Solid and Hazardous Waste Commission	6 CCR 1007-3, Part 99	Notification Requirements	§25-15-302(2), C.R.S.	December 2014	pending	unknown	unknown	unknown	pending
Randy Perila, CDPHE, Hazardous Materials and Waste Management Division (HMWMD), 4300 Cherry Creek Drive South, Denver, CO 80246, randy.perila@state.co.us	Solid and Hazardous Waste Commission	6 CCR 1007-3, Part 100	Permit Regulations	§25-15-302(2)&(3), C.R.S.	December 2014	pending	unknown	unknown	unknown	pending

Staff Lead Contact Information (Name, Address & Email Address)	Board or Commission	CCR Rule Number	Regulation Title	Statutory Basis	Projected Month to Complete Review	EO 2 Regulation Review has occurred Y/N	Will the review result in revisions to the regulation? Y/N	Will the review result in repeal of any part of the regulation? Y/N	Will the review result in repeal of entire CCR volume? Y/N	If the revisions/ repeals are completed, identify the adopted date. If not identify as “pending.”
Randy Perila, CDPHE, Hazardous Materials and Waste Management Division (HMWMD), 4300 Cherry Creek Drive South, Denver, CO 80246, randy.perila@state.co.us	Solid and Hazardous Waste Commission	6 CCR 1007-3, Part 101	Department Compliance Advisories and Enforcement Actions	§ 25-15-302(2), C.R.S.	December 2014	pending	unknown	unknown	unknown	pending

Departmental Regulatory Agendas

Department

Department of Public Safety



Colorado Department of Public Safety 2015 Regulatory Agenda

Division	Proposed Rule	Statutory Basis	Purpose	Anticipated Adoption	Person/Parties Potentially Affected by Rule
Colorado Bureau of Investigation					
CBI	8 CCR 1507-20	24-33.5-424 CRS	The purpose of these rules is to establish the CBI InstaCheck Unit as the State Point of Contact for the National Instant Criminal Background Check system.	September 2015	FFL's (Gun Dealers) & General Public.
CBI	8 CCR 1507-21	24-72-305.3 CRS	The purpose of these rules is to allow a qualified entity in the state the ability to contact an authorized agency for the purpose of determining whether a provider has been convicted of, or is under pending indictment for, a crime that bears upon the provider's fitness to have responsibility for the safety and well-being of children, the elderly, or individuals with disabilities.	November 2015	Department of Education, Department of Human Services, Department of Public Health and Environment.
Colorado State Patrol (CSP)					
CSP	8 CCR 1507-25	42-20-108(1) & (2); 42-20-203; 42-20-504; 42-20-508; and 42-20-108.5, CRS	The purpose of these rules is to provide guidance regarding the permitting, routing and safe transportation of hazardous and nuclear materials by motor vehicles within the State of Colorado.	April 2015	Public and private sector hazardous materials transporters and responders. All persons engaged in the transport of hazardous & nuclear materials.
CSP	8 CCR 1507-18	42-4-223(2.5) CRS	The purpose of these rules is to regulate the safe use of surge brakes within the State of Colorado.	April 2015	Commercial motor carriers and operators, as well as governmental subdivisions, entities or legal entities based in Colorado who operate

					commercial vehicles in the course of their business operations.
CSP	8 CCR 1507-1	42-4-235(4)(a) CRS	The purpose of these rules is to support the safe operation of commercial vehicles and to adopt standards related to the regulation, inspection and operation of commercial vehicles within the State of Colorado.	April 2015	Commercial motor carriers and operators, as well as governmental subdivisions, entities or legal entities based in Colorado who operate commercial vehicles in the course of their business operations.
CSP	8 CCR 1507-28	42-8-104 CRS	The purpose of these rules is to set forth the size and weight limits, clearance and permitting requirements, and to define port operations as they apply to the operation of commercial motor vehicles in the State of Colorado.	April 2015	Colorado Department of Transportation; Colorado Department of Revenue; the Federal Highway Authority; the Federal Motor Carrier Safety Administration (FMCSA); the Colorado Motor Carriers Association (CMCA); and commercial motor vehicle operators and businesses that operate commercial motor vehicles.
Division of Homeland Security and Emergency Management					
DHSEM	8 CCR 1507-42	24-33.5-1503.5(1) CRS	The purpose of these rules is to codify the statutory requirement for the transfer of previously existing rules of the former Colorado Emergency Planning Commission to the Division of Homeland Security and Emergency Management in the Department of Public Safety. These rules shall establish a uniform system for reporting and management of information required by the federal act.	April 2015	State and local emergency planning officials and the general public.
Division of Fire Prevention and Control					
DFPC	8 CCR 1507-32	24-33.5-1203.5 CRS	The purpose of these rules is to create minimum standards for conducting prescribed burns on any area in the state, except for	November 2015	These rules impact any state or local government who conducts prescribed burns.

			prescribed burning conducted by an agency of the federal government, pursuant to §24-33.5-1217.		
DFPC	New Rule	24-33.5-1229(5) CRS	The purpose of these rules is to create a fund to assist the survivors of the fallen firefighter with burial costs and out-of-pocket expenses by providing a lump-sum death payment.	January 2015	Non-Federal temporary and/or seasonal wildland fire fighters and their employers.
DFPC	8 CCR 1507-31	24-33.5-1204.5 CRS	The purpose of these rules is to ensure that the building code and fire/life safety systems installed in health care facilities are installed and maintained properly according to nationally recognized standards.	April 2015	CCICC (building officials); FMAC (fire officials) CSFCA (fire chiefs) CAHED (healthcare engineers and directors) ASHE (designers and engineers) CAIA (healthcare architects) Associated General Contractors of Colorado Western Colo Contractors Ass'n CALA (assisted living facilities) COHCA (Nursing homes) LeadingAGE (AL AND NH) CHA (Hospitals) RMAFA (Fire Alarm Installers) Message through CDPHE portal (all providers) CDPHE DFPC Healthcare Board of Appeals.
DFPC	8 CCR 1507-11	24-33.5-1204.5 CRS	The purpose of these rules is to ensure that life safety systems installed in commercial and residential occupancies are installed and maintained properly according to nationally recognized standards.	February 2015	Registered fire suppression system contractors, Certified suppression inspectors CFPA (sprinkler contractors & fitters) Pipefitters Local 669 (fitters) NFSA/NFPA regional reps CFSC (residential suppression

					contractors and homebuilders FMAC (fire officials) CCICC (building officials) CO Ass'n of Home Builders Associated General Contractors of Colorado (opt.) Western Colo Contractors Ass'n (opt.) DFPC sprinkler advisory committee.
DFPC	8 CCR 1507-54	24-33.5-1203.5 CRS	The purpose of these rules is to govern the establishment and enforcement of minimum standards for sprinkler fitters and inspectors of multipurpose residential fire sprinkler systems in one and two family dwellings and townhouses.	February 2015	Registered fire suppression system contractors, Certified suppression inspectors CFPA (sprinkler contractors & fitters) Pipefitters Local 669 (fitters) NFSA/NFPA regional reps CFSC (residential suppression contractors and homebuilders FMAC (fire officials) CCICC (building officials) CO Ass'n of Home Builders Associated General Contractors of Colorado (opt.) Western Colo Contractors Ass'n (opt.) DFPC sprinkler advisory committee.
DFPC	8 CCR 1507-12	12-28-104(7) CRS	The purpose of these rules is to establish minimum requirements and standards for licenses to sell, store, or use fireworks in the interest of the life, health and safety of employees and the public, as well as the protection of property.	September 2015	Municipal and county governments, local fire departments, local police departments, Rocky Mountain Pyrotechnic Guild, retailers, wholesalers, exporters, display operators, pyrotechnic operators

					and the general public.
DFPC	8 CCR 1507-34	12-33.5-1231(3)	The purpose of these rules is to govern the award of need-based grants to governing bodies for equipment and training designed to increase firefighter safety and prevent occupation-related diseases.	November 2015	Municipal and county governments, County Sheriffs of Colorado, fire departments, Colorado state fire chiefs, Colorado professional fire fighters association, and the Colorado state fire fighters association.

Departmental Regulatory Agendas

Department

Department of Regulatory Agencies



COLORADO

**Department of
Regulatory Agencies**

John W. Hickenlooper, Governor
Barbara J. Kelley, Executive Director

November 3, 2014

Members of the Colorado General Assembly
c/o the Staff of the Legislative Council
State Capitol Building
200 East Colfax
Denver, Colorado 80203

Dear Members of the General Assembly:

This Departmental Regulatory Agenda Report is submitted on behalf of the Department of Regulatory Agencies (DORA), in compliance with Section 2-7-203, Colorado Revised Statutes, as amended by HB 12-1008.

This submission includes the Department's 2014 Regulatory Agenda, including a brief summary of all permanent and temporary rules actually adopted since the 2014 Departmental Regulatory Agenda was filed on November 1, 2013.

Given the discrete statutory mandates and functions of the various divisions within DORA, the Departmental Regulatory Agenda Report is presented according to Division.

Information pertaining to a specific rule can be obtained through the Public Information Officer (PIO) for the respective Division. The PIO contact information may be obtained from the respective Division's website.

I am pleased to submit the Departmental Regulatory Agenda Report on behalf of DORA. The Departmental Regulatory Agenda for 2015 has also been submitted, as well as to the Secretary of State for publication in the Colorado Register, and will be posted to the DORA web-site.

The Department will be prepared to discuss both with our joint Committees of Reference during its hearing.

Sincerely,

Barbara J. Kelley
Executive Director





COLORADO

**Department of
Regulatory Agencies**

**2015 Departmental Regulatory Agenda
Submitted November 1, 2014**



Regulatory Agenda 2015

Division Board/Program	Proposed New Rules or Revisions to Existing Rules	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Persons/Parties Potentially Affected (Positively or Negatively)
Division of Banking					
Banking	CB 101.52 - Risk -based Capital Definitions and Adequacy	11-103-201, C.R.S.	Amend rules to address minimum capital requirements and risk-based capital to conform to the federal banking agencies.	Spring, 2015	State and Nationally chartered banks
Banking	Programs subject to additional/final Dodd-Frank requirements	11-101-101 through 11-109-907, C.R.S.	Revise Division rules when comparable federal rules are promulgated by the federal bank regulators, pursuant to the Dodd-Frank Act.	Summer, 2015	State chartered banks, money transmitters, trust departments and trust companies



Regulatory Agenda 2015

Division Board/Program	Proposed New Rules or Revisions to Existing Rules	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Persons/Parties Potentially Affected (Positively or Negatively)
Division of Insurance (DOI)					
Insurance -- Compliance	Revision to Reg. 1-1-3 -- Concerning Rules Governing the Filing of Declaratory Judgment Petitions with the Colorado Insurance Commissioner	CRS 10-1-109 and 24-4-105(11)	Update regulation and process	Winter, 2014	Public -- positive affect -- clearer processes for request for declaratory orders
Insurance -- Producer Licensing	Revision to Reg. 1-2-1 -- Concerning Agent Fiduciary Responsibilities	CRS 10-1-109, 10-2-104, 10-2-704, 10-3-1110, and 15-1-101 et seq.	Update regulation	Summer, 2015	Insurance Producers and Agencies
Insurance -- Producer Licensing and Corporate Affairs	Revision to Reg. 1-2-6 -- Concerning Reinsurance Intermediaries	CRS 10-1-109, 10-2-104, 10-2-912, 10-2-1101	Update regulation - may not need substantive changes but updating for format.	Summer, 2015	Producers and agencies which solicit, negotiate, or place reinsurance cessions or retroactive cessions on behalf of a ceding insurer [10-2-902, C.R.S.)
Insurance -- Life and Health Consumer Affairs and Producer Licensing	Revision to Reg. 1-2-17 -- Concerning Standard Compensation Disclosure for Health Insurance Producers	CRS 10-1-109,10-16-133	Update regulation	Spring, 2015	Consumers- including small business health insurance producers



Regulatory Agenda 2015

Division Board/Program	Proposed New Rules or Revisions to Existing Rules	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Persons/Parties Potentially Affected (Positively or Negatively)
Insurance -- Licensing and Investigations	Revision to Reg. 1-2-18 -- Use of Senior-Specific Certification and Professional Designations in the Sale of Life Insurance and Annuities	CRS 10-1-109, 10-3-1110, 10-3-1104, and 10-3-1110	Update regulation; incorporate most recent NAIC standards and requirements	Spring, 2015	Consumers - including, in particular, senior citizens and insurance producers
Insurance -- Corporate Affairs	Revision to Reg. 2-1-9 -- Concerning the Licensure of Limited Services Licensed Provider Networks	CRS 10-1-109, 6-18-302(1)(b), 10-1-108(13)(a), 10-16-109	Update regulation; address issues brought by HCPF with Medicaid licensure requirements for providers and provider entities	Summer, 2015	Health providers, health insurance companies, Medicaid Program
Insurance -- Property and Casualty Consumer Affairs	Revision to Reg. 2-1-10 -- Concerning Motor Vehicle Self- Insurance	CRS 10-1-109, 42-7-501, 10-4-601.5,	Update regulation	Summer, 2015	Owners of fleet vehicles
Insurance -- Financial Affairs and Financial Exams	Revision to Reg. 3-1-1 -- Concerning Fidelity Bond Requirements	CRS 10-1-109, 10-6-129, 10-14-505, 10-16-109	Update regulation - ensure standards meet NAIC accreditation requirements	Spring, 2015	Insurance Companies



Regulatory Agenda 2015

Division Board/Program	Proposed New Rules or Revisions to Existing Rules	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Persons/Parties Potentially Affected (Positively or Negatively)
Insurance -- Actuarial, and Rates and Forms	Revision to Reg. 3-1-3 -- Concerning Actuarial Opinions	CRS 10-1-109, 10- 5-117, 10-6-129, 10-16-109	Update regulation - ensure standards meet NAIC accreditation requirements and address issues which have arisen in rate filings	Fall, 2015	Insurance Companies and Actuaries
Insurance -- Financial Affairs	Revision to Reg. 3-1-4 -- Concerning Annual Audited Financial Reports	CRS 10-1-109, 10- 1-203, 10-3-109, 10-3-118, 10-3- 208, 10-5-117, 10- 6-114, 10-6-129. 10-14-505, 10-16- 109, 10-16-111, 8- 45-112	Update regulation - ensure standards meet NAIC accreditation requirements	Fall, 2015	Insurance Companies and CPAs
Insurance -- Actuarial	Revision to Reg. 3-1-8 -- Concerning Actuarial Opinions and Memorandums for Life Companies	CRS 10-1-108(7), 10-1-109, 10-7- 114. 10-14-505	Update regulation - ensure standards meet NAIC accreditation requirements	Fall, 2015	Life Insurance Companies and Actuaries



Regulatory Agenda 2015

Division Board/Program	Proposed New Rules or Revisions to Existing Rules	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Persons/Parties Potentially Affected (Positively or Negatively)
Insurance -- Financial Affairs	Revision to Reg. 3-1-13 -- Disclosure of Material Transactions	CRS 10-1-109, 10- 6-114, 10-6-129, 10-14-505, 10-16- 109	Update regulation - ensure standards meet NAIC accreditation requirements	Fall, 2015	Domestic (CO) insurance companies, risk retention groups, fraternal benefit societies
Insurance -- Financial Affairs	Revision to Reg. 3-1-16 -- Custodial Agreements and Use of Clearing Corporations	CRS 10-1-109, 10- 3-1203(2), 10-6- 129, 10-14-505, 10- 16-109	Update regulation - ensure standards meet NAIC accreditation requirements	Fall, 2015	Domestic (CO) insurance companies, risk retention groups, fraternal benefit societies, HMO's, Pinnacol, pre- paid dental carriers
Insurance -- Financial Affairs	Revision to Reg. 3-2-4 -- Concerning Participation Loans	CRS 10-1-109, 10- 6-129, 10-14-505, 10-16-109, 10-16- 109	Update regulation - ensure standards meet NAIC accreditation requirements	Fall, 2015	Domestic (CO) insurance companies, risk retention groups, fraternal benefit societies, HMO's, med-surgical and health service corporations
Insurance -- Financial Affairs	Revision to Reg. 3-3-3 -- Concerning Credit for Reinsurance	CRS 10-1-109, 10- 3-118(6), 10-3- 529(4), 10-6-129, 10-14-505, 10-16- 109	Update regulation - ensure standards meet NAIC accreditation requirements	Nov., 2014	All Domestic (CO) Insurance companies



Regulatory Agenda 2015

Division Board/Program	Proposed New Rules or Revisions to Existing Rules	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Persons/Parties Potentially Affected (Positively or Negatively)
Insurance -- Financial Affairs	Revision to Reg. 3-3-4 -- Concerning Life and Health Reinsurance Agreements	CRS 10-1-109, 10-3-118(6), 10-3-529(4), 10-3-1110, 10-6-129, 10-14-505, 10-16-109	Update regulation - ensure standards meet NAIC accreditation requirements	Fall, 2015	Domestic (CO) Life Insurance Companies, HMO's, fraternal health insurers, property and casualty insurers (with regard to their health offerings)
Insurance -- Financial Affairs	Revision to Reg. 3-3-5 -- Concerning Property and Casualty Reinsurance Programs	CRS 10-1-109, 10-3-118(6), 10-3-529(4), 10-6-129, 8-44-205, 24-10-115.5, 24-10-115.5, 29-13-102	Update regulation - ensure standards meet NAIC accreditation requirements	Fall, 2015	Domestic (CO) property and casualty insurers, title insurers, captive insurers, Pinnacol, and self-insured pools
Insurance -- Financial Affairs	Revision to Reg. 3-4-1 -- Concerning the Holding Company System	CRS 10-1-109, 10-3-808	Update regulation - ensure consistency with NAIC model regulations.	Nov., 2014	Domestic (CO) insurers, including captives, fraternal benefit societies, HMOs, pre-paid dental organizations, non-profit hospital and medical insurers, title insurers



Regulatory Agenda 2015

Division Board/Program	Proposed New Rules or Revisions to Existing Rules	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Persons/Parties Potentially Affected (Positively or Negatively)
Insurance -- Title	Substantial revision to Reg. 3-5-1 including separating the single regulation into 5 separate regulations: Rate and Fee Filing, Consumer Protections, Fiduciary Standards, Standards of Conduct, Licensing,	CRS 10-1-109, 10-2-104, 10-4-404, 10-11-118, 10-11-124, 10-11-102, 10-2-401, 38-35-125, 10-4-403, 10-11-108, 10-11-116, 10-11-106, 10-3-1108 and federal law.	Separate discrete issues into stand-alone regulations and update regulation	Summer, 2015	Title producers and companies
Insurance -- Title	Revision to Reg. 3-5-2 -- Concerning Title Insurer Assessment	CRS 110-1-109, 10-3-207, 10-11-102 and 10-3-1108	Update regulation	Summer, 2015	Title producers and companies
Insurance -- Actuarial and Life, Accident and Health Consumer Affairs	Revision to Reg. 4-1-1 -- Concerning Variable Annuity Contracts	CRS 10-1-109, 10-7-405(1)	Update regulation - to ensure consistency with NAIC model statutes, regulations, and requirements.	Summer, 2015	Life insurers and fraternal benefit societies. May involve Division of Securities to the extent it overlaps with their requirements.



Regulatory Agenda 2015

Division Board/Program	Proposed New Rules or Revisions to Existing Rules	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Persons/Parties Potentially Affected (Positively or Negatively)
Insurance -- Actuarial and Life and Health Consumer Affairs	Revision to Reg. 4-1-3 -- Concerning Variable Life Insurance	CRS 10-1-109, 10- 7-405(1)	Update regulation - ensure consistency with NAIC model statutes and regulations.	Summer, 2015	Life insurers and fraternal benefit societies.
Insurance -- Actuarial	Revision to Reg. 4-1-5 -- Permitting Same Minimum Nonforfeiture Standards for Men and Women under 1980 CSO and 1980 CET Mortality Tables	CRS 10-1-109, 10- 7-305.1(8)(f)	Update regulation to ensure consistency with NAIC model statutes and regulations.	Fall, 2015	Life insurers and fraternal benefit societies.
Insurance -- Actuarial	Revision to Reg. 4-1-6 -- Concerning Reserve Liabilities and Nonforfeiture Benefits	CRS 10-1-109, 10- 7-305.1(8)(f), 10-7- 309(1)(a)(III)	Update regulation to ensure consistency with NAIC model statutes and regulations.	Fall, 2015	Life insurers and fraternal benefit societies.



Regulatory Agenda 2015

Division Board/Program	Proposed New Rules or Revisions to Existing Rules	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Persons/Parties Potentially Affected (Positively or Negatively)
Insurance -- Actuarial	Revision to Reg. 4-1-7 -- Recognizing a New Annuity Mortality Table for Use in Determining Liabilities for Annuities	CRS 10-1-109, 10- 7-309(2)(a)	Update regulation to ensure consistency with NAIC model statutes and regulations.	Fall, 2015	Life insurers and fraternal benefit societies.
Insurance -- Actuarial and Life and Health Consumer Affairs	Revision to Reg. 4-1-8 -- Concerning the Disclosure Requirements for Life Insurance Illustrations	CRS 10-1-109, 10- 3-1110(1)	Update regulation to ensure consistency with NAIC model statutes and regulations.	Fall, 2015	Life insurers
Insurance - Actuarial	Revision to Reg. 4-1-9 -- Concerning Valuation of Life Insurance Policies Model Regulation (Including the Introduction and Use of New Select Mortality Factors)	CRS 10-1-109, 10- 7-313.7	Update regulation to ensure consistency with NAIC model statutes and regulations.	Fall, 2015	Life insurers and fraternal benefit societies.
Insurance -- Actuarial	Revision to Reg. 4-1-10 -- Concerning Recognition of the 2001 CSO Mortality Table	CRS 10-1-109, 10- 7-305.1(8)(f), 10-7- 309(1)(a)(III)	Update regulation	Fall, 2015	Life insurers and fraternal benefit societies.



Regulatory Agenda 2015

Division Board/Program	Proposed New Rules or Revisions to Existing Rules	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Persons/Parties Potentially Affected (Positively or Negatively)
Insurance -- Actuarial	Revision to Reg. 4-1-13 -- Concerning Minimum Reserve Liabilities	CRS 10-1-109, 10- 7-309(1)(a)(III)	Update regulation	Fall, 2015	Life insurers and fraternal benefit societies.
Insurance -- Life and Health Consumer Affairs	Revision to Reg. 4-2-6 -- Concerning the definition of the Term "Complications of Pregnancy" for Use in Accident and Health Insurance Contracts and Certificates	CRS 10-1-109, 10- 16-104(2), 10-16- 109, 10-3-1110	Update regulation	Summer, 2015	Health Insurers and HMOs
Insurance -- Life and Health Rates and Forms and Consumer Affairs	Revision to Reg. 4-2-42 -- Concerning Essential Health Benefits	CRS 10-1-109, 10- 16-103.4, 10-16- 109	Update regulation to address federal requirements and changes to Essential Health Benefit package. Update to current federal requirements and anticipated requirements for 2016 plans being filed in mid 2015.	Spring, 2015	Health insurers , HMOs, consumers and medical service providers



Regulatory Agenda 2015

Division Board/Program	Proposed New Rules or Revisions to Existing Rules	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Persons/Parties Potentially Affected (Positively or Negatively)
Insurance -- Life and Health Rates and Forms and Consumer Affairs	New Reg. 4-2-52 -- Concerning Insurer Special Fee Assessments for the Colorado Health Benefit Exchange	CRS 10-1-109, 10- 22-109(3)	New reg to establish process for assessment and collection of fees for Connect for Health CO. Follows repeal of similar assessment for Cover Colorado.	November, 2014	Health insurers, HMOs, excess (stop) loss carriers, small and large self funded employers
Insurance -- Life and Health Consumers Affairs	New Reg. -- Wellness Programs	CRS 10-1-109, 10- 16-136	New regulation to establish requirements for wellness programs offered in conjunction with health benefit plans. To establish parameters and requirements for wellness programs. Anticipate consumer support.	Winter, 2014	Health insurers, wellness providers, consumers



Regulatory Agenda 2015

Division Board/Program	Proposed New Rules or Revisions to Existing Rules	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Persons/Parties Potentially Affected (Positively or Negatively)
Insurance -- Life and Health Rates and Forms	Revision to Reg. 4-3-1 -- Concerning Minimum Standards for Medicare Supplement Policies	CRS 10-1-108(8), 10-1-109 and Article 18 of Title 10	Update regulation to current federal requirements.	Spring, 2015	Medicare Supplement Carriers
Insurance -- Property and Casualty Rates and Forms	Revision to Reg. 5-1-10 -- Concerning Rate and Rule Filing Submission Requirements for Property and Casualty	CRS 10-1-109, 10-3-1110, 10-4-110.7, 10-4-404, 10-4-404.5 and 10-11-118	Establish requirements for rate and rule filings for property and casualty insurance and potential remove reference to title insurance to be handled under revisions to Reg. 3-5-1.	Spring, 2015	Property and Casualty Carriers



Regulatory Agenda 2015

Division Board/Program	Proposed New Rules or Revisions to Existing Rules	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Persons/Parties Potentially Affected (Positively or Negatively)
Insurance -- Property and Casualty Consumer Affairs	Possible Repeal of Reg. 5-2-9 -- Concerning Personal Injury Protection Examination Program	CRS 10-1-109, 10- 4-706(6)(a) [2002]	Possible repeal. Statute under which program was established and operated repealed in 2003. However, because statute conferred a "right" to the process for injured persons, we have been operating the program until the substantial majority of claimants have reached the end of benefits. There are, however a few persons who may have lifetime benefits who could still avail themselves of the program. However, we have not had an inquiry about the program in a year.	Summer, 2015	Private passenger automobile insurance carriers - Possible opposition from some (very limited number) of claimants who had lifetime benefits.



Regulatory Agenda 2015

Division Board/Program	Proposed New Rules or Revisions to Existing Rules	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Persons/Parties Potentially Affected (Positively or Negatively)
Insurance -- Property and Casualty Consumer Affairs	New Reg. 5-2-17 -- Concerning Private Passenger Automobile Coverage Limitations	CRS 10-1-109, 10- 4-601(5)	New regulation to incorporate Division interpretations and judicial decisions	Winter, 2015	Private passenger auto carriers, and some consumer organizations.
Insurance -- Property and Casualty Rates and Forms and Consumer Affairs	Revision to Reg. 6-1-1 -- Concerning Limiting Coverage	CRS 10-1-108(8), 10-1-109	Proposed Reg. 5-2-17 addresses some of the issues in Reg. 6-1-1. May be able to repeal this regulation.	Summer, 2015	Property and Casualty Carriers
Insurance -- Market Regulation, Investigations and Licensing	Revision to Reg. 6-3-2 -- Concerning the Use of Independent Contractors for Informal Investigations and Appeal Process for Expenses	CRS 10-1-109, 10- 1-208, 24-4-106	Update regulation	Summer, 2015	Insurance carriers of all types, producers
Insurance -- Compliance	Revision to Reg. 6-4-1 -- Concerning Privacy of Consumer Financial and Health Information	CRS 10-1-109, 10- 5-117, 10-16-109, 10-16-401(4)(o)	Update regulation to current federal requirements and NAIC model standards	Winter, 2014.	Insurance carriers of all types and consumers



Regulatory Agenda 2015

Division Board/Program	Proposed New Rules or Revisions to Existing Rules	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Persons/Parties Potentially Affected (Positively or Negatively)
Insurance -- Compliance	Revision to Reg. 6-4-2 -- Concerning Standards for Safeguarding Customer Information	CRS 10-1-109, 10- 16-109, 10-16- 401(4)(o)	Update regulation to current federal requirements and NAIC model standards	Winter, 2014.	Insurance carriers of all types and consumers
Insurance -- Licensing and Investigations	New Bail Bond Regulation on Forms	CRS 10-1-109, 10- 2-705	New regulation setting out information required for bail bond forms required in a bail bond transaction.	Winter, 2014.	Bail Bond companies and bondsmen



Regulatory Agenda 2015

Division Board/Program	Proposed New Rules or Revisions to Existing Rules	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Persons/Parties Potentially Affected (Positively or Negatively)
Division of Professions and Occupations					
Office of Acupuncture Licensure	Addition of any rules required to implement the 2013 acupuncture Sunset legislation	12-29.5-110(1)(a), C.R.S.	To implement the 2013 acupuncture Sunset legislation regarding administrative updates	Fall 2015	Consumers, applicants and licensed acupuncturists.
Office of Acupuncture Licensure	Board Rules 1, 2, 3, 4, 5, 6, 7, and 8.	12-29.5-110(1)(a), C.R.S.	Review Rules for grammar, accuracy, clarity and consistency in structure.	Fall 2015	Consumers, applicants and licensed acupuncturists.
Surgical Assistants/Technologist Registration Program	New rules concerning LOAs and LOCs	12.35.5-112(9)	Consistency with other programs, fair discipline	Spring 2015	Registered Surgical Assistants/Technologists
Naturopathic Doctor Registration Program	New rule regarding continued competency	12-37.3-108(1)(b) C.R.S.	Statute requires adoption of a rule regarding continued competency	Spring 2015	Naturopathic Doctors



Regulatory Agenda 2015

Division Board/Program	Proposed New Rules or Revisions to Existing Rules	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Persons/Parties Potentially Affected (Positively or Negatively)
Naturopathic Doctor Registration Program	New rule regarding the definition of natural health care and services	12-37.3-102(9) C.R.S	To clarify the definition of natural health care and services	Spring 2015	Naturopathic Doctors, Physicians, Nursing, Naturopaths, other healthcare providers
Naturopathic Doctor Registration Program	New rule regarding mandatory disclosures when caring for a child	12-37.3-105(2)(f) C.R.S.	To clarify mandatory disclosures when caring for a child	Spring 2015	Naturopathic Doctors
Naturopathic Doctor Registration Program	New rule regarding title protection	12-37.3-110(2) C.R.S.	To clarify title protection of Naturopathic Doctors	Spring 2015	Naturopathic Doctors
Pharmacy	Amend Board Rule 4.06.00	12-42.5-101, 12- 42.5-105, 12-42.5- 106, C.R.S.	To enable to public to identify by at least title every person working in a pharmacy	Fall 2015	Consumers, pharmacists and pharmacies



Regulatory Agenda 2015

Division Board/Program	Proposed New Rules or Revisions to Existing Rules	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Persons/Parties Potentially Affected (Positively or Negatively)
Pharmacy	Amend Board Rule 6.00.00	12-42.5-101, 12-42.5-105, 12-42.5-106, C.R.S.	Incorporate advanced practice nurses with prescriptive authority as participants in drug therapy mgmt with pharmacists	Fall 2015	Consumers, pharmacists and nurse practitioners
Pharmacy	Amend Board Rule 12.00.00	12-42.5-101, 12-42.5-105, 12-42.5-106, C.R.S.	To exclude nuclear pharmacies from various provisions of Rule 21.00.00 governing compounding to meet current federal standards	Fall 2015	Nuclear pharmacies



Regulatory Agenda 2015

Division Board/Program	Proposed New Rules or Revisions to Existing Rules	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Persons/Parties Potentially Affected (Positively or Negatively)
Pharmacy	Amend Board Rule 21.00.00	12-42.5-101, 12-42.5-105, 12-42.5-106, C.R.S.	To exclude nuclear pharmacies from various provisions of Rule 21.00.00 governing compounding to meet current federal standards	Fall 2015	Nuclear pharmacies
Office of Private Investigator Licensing	New rules establishing new program of mandatory licensing for Colorado Private Investigators	12-58.5-108(2)(a)	Establish new director-model program for licensing of Colorado Private Investigators	Early 2015	Private Investigators



Regulatory Agenda 2015

Division Board/Program	Proposed New Rules or Revisions to Existing Rules	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Persons/Parties Potentially Affected (Positively or Negatively)
Colorado Podiatry Board	Board Rules 100, 110, 120, 130, 135, 140, 150, 200, 220, 230, 240, 280, 290, 400 and 700.	12-32-104(1)(a), C.R.S.	Review Rules for grammar, accuracy, clarity and consistency in structure. To also move all rules into one CCR. Currently each Rules exists in its own CCR: 3 CCR: 712-1, 712-2, 712-3, 712-4, 712-10, 712-15, 712-5, 712-6, 712-11, 712-12, 712-13, 712-8, and 712-9.	Fall 2015	Consumers, applicants, podiatrists and residents or fellows training in approved residency programs.



Regulatory Agenda 2015

Division Board/Program	Proposed New Rules or Revisions to Existing Rules	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Persons/Parties Potentially Affected (Positively or Negatively)
Colorado Medical Board	Board Rules 100, 110, 120, 130, 140, 200, 210, 220, 260, 270, 280, 285, 290, 295, 300, 370, 380, 400, 410, 510, 520, 800, 900, 950	12-36-104(1)(a) and 24-4-103, C.R.S.	Open all Rules to move to one CCR. Currently each Rule is assigned its own CCR (for example Rule 100 is 3 CCR 713-17, Rule 120 is 3 CCR 713-22). While open, will review each rule for grammar, currency, accuracy, statutory precision, clarity and consistency in structure.	Summer 2015	Consumers, licensee, and employers.
Colorado Medical Board	Potential new rule	12-36-104(1)(a) and 24-4-103, C.R.S.	Address and clarify the practice of telehealth in Colorado	Summer 2015	Consumers, licensee, and employers.



Regulatory Agenda 2015

Division Board/Program	Proposed New Rules or Revisions to Existing Rules	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Persons/Parties Potentially Affected (Positively or Negatively)
Office of Speech Language Pathology	Amend Board Rule 6	§ 12-43.7-106(2) and (4), C.R.S.	Address and clarify professional liability coverage requirements for public employees under the Colorado Governmental Immunity Act. 24-10- 101, C.R.S., et. seq.	Spring 2015	Consumers, and licensees
State Board of Nursing	Amend Board Rule Chapter 14	12-38-108(1)(d) and (j), 12-38- 111.5, and 12-38- 111.8, C.R.S.	To clarify competence requirements for reinstatement and endorsement.	Fall 2015 or early 2016	Consumers, licensee, and employers.
State Board of Nursing	Amend Board Rule Chapter 1	12-38-108(1)(b),(c) and (j); 12-38-110; 12-38-111; 12-38- 112; 12-38-112.5; and 12-38-118, C.R.S.	To clarify continued competence requirements for endorsement, reinstatement, and reactivation.	Summer or Fall 2015	Consumers, licensee, and employers.



Regulatory Agenda 2015

Division Board/Program	Proposed New Rules or Revisions to Existing Rules	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Persons/Parties Potentially Affected (Positively or Negatively)
State Board of Nursing	Amend Board Rule Chapter 15	12-38-108(1)(j) and 12-38-111.6, C.R.S	Clean up rule title to be consistent, and to provide military and federal practice exemption for preceptor/mentor practice and endorsement routes.	Fall 2015 or early 2016	Consumers, licensee, and employers.
State Board of Nursing	Amend Board Rule Chapter 15	12-38-108(1)(j) and 12-38-111.6, C.R.S	Add scope section similar to Chapter 14 section 4	Fall 2015 or early 2016	Licensees and employers.
State Board of Nursing	Amend Board Rule Chapter 15	12-38-108(1)(j) and 12-38-111.6, C.R.S	Add section related to purchase and possession of schedule 2-5 narcotics	Fall 2015 or early 2016	Licensees and employers.
State Board of Nursing	Amend Board Rule Chapter 15	12-38-108(1)(j) and 12-38-111.6, C.R.S	Add section related to independent practice similar to Chapter 14 section 1.9	Fall 2015 or early 2016	Licensees and employers.



Regulatory Agenda 2015

Division Board/Program	Proposed New Rules or Revisions to Existing Rules	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Persons/Parties Potentially Affected (Positively or Negatively)
State Board of Nursing	Amend Board Rule Chapter 15	12-38-108(1)(j) and 12-38-111.6, C.R.S	To clarify competence requirements for reinstatement and endorsement.	Fall 2015 or early 2016	Consumers, licensee, and employers.
Office of Athletic Trainer Registration	New rule regarding definition of "health care professional"	12-29.7-103, C.R.S.	To clarify statutory reference to this term, or otherwise further implement statute; and to standardize common terminology referenced in Athletic Trainers Practice Act.	Fall 2015	Consumers, athletic trainer registrants and applicants
Office of Massage Therapy Registration	Formatting change to Rule 5	12-35.5-108, 24-34-102(8)(d), and 24-34-105 , C.R.S.	Formatting change	Early 2015	Consumers, licensed massage therapists
Office of Massage Therapy Registration	Consider revising Rule 7 The Authorized Practice of Massage Therapy by a Person Not Licensed in Colorado	12-35.5-110(10(c)(IV) , C.R.S.	Clarification regarding administrative process	Early 2015	Massage therapist applicants



Regulatory Agenda 2015

Division Board/Program	Proposed New Rules or Revisions to Existing Rules	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Persons/Parties Potentially Affected (Positively or Negatively)
Office of Massage Therapy Registration	Consider revising Rule 9 Reporting Convictions, Judgments and Administrative Proceedings	12-35.5-111 (1)(i),(j), (m), and (n), C.R.S.	Clarification regarding reporting requirements.	Early 2015	Licensed massage therapists
Colorado Board of Chiropractic Examiners	Consider revising Rule 20 Termination of Practice upon Suspension, Relinquishment or Revocation	12-33-107(1)(a), C.R.S.	To address what to do if a chiropractor closes a practice or passes away	Early 2015	Consumers, licensed chiropractors
Colorado Board of Chiropractic Examiners	Consider revising Rule 13 Advertisement of Free or Discounted Services	12-33-107(1)(a), C.R.S. and 12-33- 117(3)(a), C.R.S.	To address pre-pay contracts vs. contracts in general-when patients should be released from these agreements	Early 2015	Consumers, licensed chiropractors
Colorado Board of Chiropractic Examiners	Consider revising Rule 6 Patient Assessment and Electrotherapy/Physical Remedial Measures	12-33-107(1)(a), C.R.S. and 12-33- 102(1) and (3), C.R.S.	Clarification on authority requirements for physiotherapy vs. electrotherapy	Early 2015	Consumers, licensed chiropractors



Regulatory Agenda 2015

Division Board/Program	Proposed New Rules or Revisions to Existing Rules	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Persons/Parties Potentially Affected (Positively or Negatively)
Colorado Board of Chiropractic Examiners	Consider revising Rule 8 Continuing Education	12-33-116, C.R.S.	Consider requiring certain continuing education hours be completed through specific organizations, and consider adding a requirement for a certain amount of CE hours to include a course in regulatory education	Early 2015	Consumers, licensed chiropractors, continuing education providers
Colorado Board of Chiropractic Examiners	Consider revising Rule 7 Scope of Practice and/or possible addition of a new rule	12-33-107(1)(a), C.R.S.	Consider revisions to current Rule 7 and/or addition of a new rule to further clarify/limit the scope of practice for chiropractors.	Early 2015	Consumers, licensed chiropractors



Regulatory Agenda 2015

Division Board/Program	Proposed New Rules or Revisions to Existing Rules	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Persons/Parties Potentially Affected (Positively or Negatively)
Office of Occupation Therapy Licensure	Revision to Rules 1-11 to include renumbering and combining some existing rules. Addition of rule for continuing competency, record-keeping, address change requirement, creation of rule for inactive status, and liability insurance.	12-40.5-112, 12-40.5-109.3, 12-10.5-114.7, C.R.S.	Current rules 1-4 can be combined into one rule as rule 10 for OTAs. The requirement for liability insurance in statute states that a rule must also be established. There are currently no rules to establish any requirements for record keeping or for OTs and OTAs to update their names and/or addresses by any specific time.	Early 2015	Consumers, licensees



Regulatory Agenda 2015

Division Board/Program	Proposed New Rules or Revisions to Existing Rules	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Persons/Parties Potentially Affected (Positively or Negatively)
Board of Licensed Professional Counselor Examiners	Clean-up of statutory citations in all rules Revision to rule 18, 14 and creation of rule for auricular acudetox	12-43-221(2), 12- 43-228.5, 12-43- 605, C.R.S.	Rule 18 outlines the requirements for continuing professional competence. Clarification of the rule is necessary to establish that volunteer hours are not acceptable for license reinstatement. Rule 14 outlines licensure and supervision requirements. The board was interested in changing the supervised hour requirements necessary for licensure. Establish a rule for auricular acudetox	Spring 2015	Applicants, consumers, licensees



Regulatory Agenda 2015

Division Board/Program	Proposed New Rules or Revisions to Existing Rules	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Persons/Parties Potentially Affected (Positively or Negatively)
Board of Psychologist Examiners	Clean-up of statutory citations in all rules Revision to rule 14 and creation of rule for auricular acudetox	12-43-221(2), 12- 43-228.5, 12-43- 605, C.R.S.	Rule 14 outlines licensure and supervision requirements. The board was interested in changing the supervised hour requirements necessary for licensure. Establish a rule for auricular acudetox	Spring 2015	Applicants, consumers, licensees



Regulatory Agenda 2015

Division Board/Program	Proposed New Rules or Revisions to Existing Rules	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Persons/Parties Potentially Affected (Positively or Negatively)
Board of Social Work Examiners	Clean-up of statutory citations in all rules Revision to rule 18, 14 and creation of rule for auricular acudetox	12-43-221(2), 12- 43-228.5, 12-43- 404, C.R.S.	Rule 18 outlines the requirements for continuing professional competence. Clarification of the rule to establish that volunteer hours are not acceptable for license reinstatement. Clarify Rule 14 that outlines licensure and supervision requirements. Establish a rule for auricular acudetox.	Spring 2015	Applicants, consumers, licensees



Regulatory Agenda 2015

Division Board/Program	Proposed New Rules or Revisions to Existing Rules	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Persons/Parties Potentially Affected (Positively or Negatively)
Board of Marriage and Family Therapist Examiners	Clean-up of statutory citations in all rules Revision to rule 18, 14 and creation of rule for auricular acudetox	12-43-221(2), 12- 43-228.5, 12-43- 504, C.R.S.	Rule 18 outlines the requirements for continuing professional competence. Clarification of the rule is necessary to establish that volunteer hours are not acceptable for license reinstatement. Rule 14 outlines licensure and supervision requirements and needs to be clarified. Establish a rule for auricular acudetox	Spring 2015	Applicants, consumers, licensees



Regulatory Agenda 2015

Division Board/Program	Proposed New Rules or Revisions to Existing Rules	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Persons/Parties Potentially Affected (Positively or Negatively)
Board of Addiction Counselor Examiners	Clean-up of statutory citations in all rules. Revision to 18, 14 and create rule for auricular acudetox	12-43-221(2), 12- 43-228.5, 12-43- 804, C.R.S.	Rule 18 outlines the requirements for continuing professional competence. Clarification of the rule is necessary to establish that volunteer hours are not acceptable for license reinstatement. Rule 14 outlines licensure and supervision requirements and needs to be clarified. Establish a rule for auricular acudetox	Spring 2015	Applicants, consumers, licensees, OBH



Regulatory Agenda 2015

Division Board/Program	Proposed New Rules or Revisions to Existing Rules	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Persons/Parties Potentially Affected (Positively or Negatively)
Board of Registered Psychotherapists	Clean-up of statutory citations in all rules	12-43-221(2), C.R.S.	Clean up of statutory citations.	Spring 2015	Applicants, consumers, licensees
Colorado Dental Board	Rule I concerning definitions, Rule II concerning Financial Responsibility Exemptions, Rule III concerning licensure requirements, Rule XI concerning laboratory work orders, Rule XII concerning denture construction by assistants, Rule XIII concerning application of local therapeutic agents, XIV concerning anesthesia, Rule XXIII concerning fining schedule, and Rule XXIV concerning use of lasers.	Section 12-35- 107(1)(b), C.R.S.	Amend current rules I, II, III, XI, XII, XIII, and XIV, and create new rules XXIII and XXIV in order to implement HB14-1227 "Dental sunset bill".	Spring 2015	Consumers, applicants, licensed (includes expired, inactive, or retired) dental hygienists, licensed (includes expired, inactive, or retired) dentists, and dental hygienists and dentists not licensed but married to military personnel residing in Colorado.



Regulatory Agenda 2015

Division Board/Program	Proposed New Rules or Revisions to Existing Rules	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Persons/Parties Potentially Affected (Positively or Negatively)
Colorado Dental Board	Rule XVI concerning infection control.	Section 12-35-107(1)(b), C.R.S.	Amend current infection control rule now that there is a clear ground for discipline pursuant to section 12-35-129(1)(kk), C.R.S., as a result of HB14-1227.	Summer 2015	Consumers, licensed dental hygienists, and licensed dentists.



Regulatory Agenda 2015

Division Board/Program	Proposed New Rules or Revisions to Existing Rules	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Persons/Parties Potentially Affected (Positively or Negatively)
Colorado Dental Board	Rule IV concerning licensing presentation; Rule V concerning practice in education and research programs; Rule VI concerning treatment provider identification; Rule VII concerning patient records retention; Rule VIII concerning patient records in the custody of a dentist or dental hygienist; Rule IX concerning controlled substance record keeping requirements; Rule X concerning min standards for qualifications, training, and education for unlicensed personnel exposing patients to ionizing radiation; Rule XV concerning pediatric case management, and medical immobilization/protective stabilization; Rule XVII	Section 12-35-107(1)(b), C.R.S.	Review remaining existing rules to determine whether or not they need to be amended, repealed or new rules added based on concerns with effectiveness, and current needs.	Summer 2015	Consumers, licensed dental hygienists, and licensed dentists.



Regulatory Agenda 2015

Division Board/Program	Proposed New Rules or Revisions to Existing Rules	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Persons/Parties Potentially Affected (Positively or Negatively)
	concerning advertising; Rule XVIII concerning protocol for termination of practice upon revocation, relinquishment, or suspension for more than 90 days of dental license; Rule XIX concerning protocol upon suspension of dental license for less than 90 days (summary suspension and suspension of less than 90 days); Rule XX concerning compliance with Board subpoena; Rule XXI concerning declaratory orders; Rule XXII concerning practice monitor consultant guidelines; and potentially new rules to address ethics and prescribing opioids/ registering with Prescription Drug Monitoring Program (PDMP).				



Regulatory Agenda 2015

Division Board/Program	Proposed New Rules or Revisions to Existing Rules	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Persons/Parties Potentially Affected (Positively or Negatively)
State Board of Veterinary Medicine	Rule II concerning licensure requirements, Rule III concerning veterinary medical ethics and code of conduct, and Rule VII concerning fining schedule.	Section 12-64-105(9)(j), C.R.S.	Review these current rules to determine whether or not they need to be amended based on concerns with effectiveness, and current needs.	Summer 2015	Consumers and licensed veterinarians.



Regulatory Agenda 2015

Division Board/Program	Proposed New Rules or Revisions to Existing Rules	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Persons/Parties Potentially Affected (Positively or Negatively)
State Physical Therapy Board	Rule 201 concerning delegation of duties, Rule 204 concerning authorized practice of physical therapy by a person not licensed in Colorado, Rule 205 concerning licensing of non-accredited graduate physical therapist applicants, Rule 206 concerning licensure by endorsement for physical therapists, Rule 212 concerning inactive license status for physical therapists, Rule 303 concerning certification of foreign-trained physical therapist assistant graduates of non-accredited program, Rule 304 concerning certification by endorsement for physical therapist assistants, and Rule 305 concerning reinstatement of an expired certification for physical therapist assistants.	Section 12-41-103.6(2)(b), C.R.S.	Amend rules 201, 204, 205, 206, 212, 303, 304, and 305 based on current needs.	Spring 2015	Consumers, applicants, licensees, and certificate holders.



Regulatory Agenda 2015

Division Board/Program	Proposed New Rules or Revisions to Existing Rules	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Persons/Parties Potentially Affected (Positively or Negatively)
State Physical Therapy Board	Rule 101 concerning licensure and certification requirements: credit for military experience; Rule 102 concerning approved examinations for licensing; Rule 209 concerning declaratory orders; Rule 210 concerning requirements for physical therapists to perform physical therapy on animals; Rule 214 concerning reporting criminal convictions, judgments, and administrative proceedings; Rule 301 concerning supervision required for physical therapist assistant practice; and Rule 302 concerning supervision of physical therapist assistants of others prohibited.	Section 12-41-103.6(2)(b), C.R.S.	Amend rules 101, 102, 209, 210, 214, 301, and 302 based on current needs.	Summer 2015	Consumers, applicants, licensees, certificate holders, and physical therapists and physical therapist's assistants not licensed but married to military personnel residing in Colorado.



Regulatory Agenda 2015

Division Board/Program	Proposed New Rules or Revisions to Existing Rules	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Persons/Parties Potentially Affected (Positively or Negatively)
Office of Hearing Aid Provider Licensure	Rule 1 concerning original licensure; Rule 2 concerning licensure by endorsement; Rule 3 concerning hearing aid provider trainees, apprentices, and associations; and Rule 4 concerning requirement for reinstatement.	Section 12-5.5-301(4), C.R.S.	Amend rules 1, 2, 3, and 4 to clarify section 12-5.5-202(1)(b), C.R.S., as it relates to issuing or denying a license within 60 days after the date the application is received.	Summer 2015	Applicants for licensure.
Office of Outfitters Registration	Amend/implement rules impacted by sunset legislation in 2014.	12-55.5-104(1)(a), C.R.S.	Rulemaking efforts have begun and will continue through 2015.	Early 2015	Consumers, licensees, Federal and State land permitting agencies, and the professional association
Office of Barber and Cosmetologist	Amend/implement rules impacted by sunset legislation in 2014.	12-8-108(1)(a), C.R.S.	The sunset bill is scheduled to be heard during the 2015 legislative session.	Fall 2015/Winter 2016	Consumers, licensees, public and private schools



Regulatory Agenda 2015

Division Board/Program	Proposed New Rules or Revisions to Existing Rules	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Persons/Parties Potentially Affected (Positively or Negatively)
Office of Funeral Homes & Crematories	amend/implement rules based on the 2015 sunset review process	12-54-410, C.R.S.	This program is scheduled for sunset review during the 2015 legislative session	Summer/Fall 2015	
State Board of Licensure for Architects, Professional Engineers and Professional Land Surveyors	Revise rules in accordance with any changes in past sunset legislation	12-25-107(a) and (b),12-25- 207(a),12-25- 307(a) , C.R.S.	Revise rules in accordance with any changes in sunset legislation regarding address changes, responsible control, malpractice reporting, seal attributes, and duplicate wording.	Early 2015	Consumers, professional engineers, engineer interns, professional land surveyors, land surveyor interns, and architects
State Board of Licensure for Architects, Professional Engineers and Professional Land Surveyors	Consider Revising Board Rule 5.1 regarding Electronic Signatures	Board Rule 5.1	Address due to licensee questions that may result in clarification in rule	Early 2015	Consumers, professional engineers, engineer interns, professional land surveyors, land surveyor interns, and architects



Regulatory Agenda 2015

Division Board/Program	Proposed New Rules or Revisions to Existing Rules	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Persons/Parties Potentially Affected (Positively or Negatively)
State Board of Licensure for Architects Professional Engineers	New Rule 4.8.2.1 (d) re adoption of ARE™	12-25-314(2)(a), C.R.S.	Adopt the ARE as the exam for ARCs as noted in statute	Early 2015	Consumers, architects
State Board of Licensure for Architects, Professional Engineers and Professional Land Surveyors	New Rule within Board Rule 4.4	12-25-114, 12-25- 214, and 12-25- 314, C.R.S.	Consideration of US Residence/Experience requirements for licensure	Early 2015	Consumers, professional engineers, engineer interns, professional land surveyors, land surveyor interns, and architects



Regulatory Agenda 2015

Division Board/Program	Proposed New Rules or Revisions to Existing Rules	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Persons/Parties Potentially Affected (Positively or Negatively)
State Board of Licensure for Architects, Professional Engineers and Professional Land Surveyors	Various TBD	12-25-112(2)(a)(II), and 12-25-212(2)(a)(iii)	Consider rules revisions/deletions to reduce student EI/LSI application requirements to better align with new 1) testing windows established by the national examination administrator and 2) all other EI/LSI applicants	Early 2015	engineer interns, land surveyor interns
Electrical Board	Amend Existing Rule 2.2	12-23-104(a)	Include physical address to obtain NEC codebooks	Early 2015	Licensed electricians
Electrical Board	Amend Existing Rule 3.0	12-23-104(a)	Remove language describing procedures for late registration of apprentices.	Early 2015	Electrical Contractors, apprentice electricians
Plumbing Board	Amend Existing Rule 2.3	12-58-104(1)(d) and (e)	Include physical address to obtain codebooks.	Early 2015	Licensed Plumbers



Regulatory Agenda 2015

Division Board/Program	Proposed New Rules or Revisions to Existing Rules	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Persons/Parties Potentially Affected (Positively or Negatively)
Plumbing Board	Amend Existing Rule 3.1	12-58-104(1)(d) and (e)	Remove language describing procedures for late registration of apprentices.	Early 2015	Plumbing Contractors, apprentice plumbers



Regulatory Agenda 2015

Division Board/Program	Proposed New Rules or Revisions to Existing Rules	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Persons/Parties Potentially Affected (Positively or Negatively)
Public Utilities Commission					
Rail/Transit Safety	723-7-7002, 7201, 7203, and 7204 (Revisions)	Changes are necessary due to changes at the federal level.	Changes are needed to comply with similar changes made in the Manual on Uniform Traffic Control Devices. Other changes are to add clarity to processes and to make the rules more consistent with other fixed utility application rules.	Fall 2015	Railroads, railroad corporations, rail fixed guideway systems and those providing transportation by rail, and roadway authorities that have public highway-rail crossings in their jurisdiction.
Telecommunications	723-2 (Revisions and new)	Comprehensive statutory changes to section 40-15, C.R.S. resulting from HB14-1328, 1329, 1330 and 1331.	Modify existing telecom rules to implement new legislation that eliminated, reduced or otherwise redefined PUC oversight of telecom retail and wholesale products, services and related operations and programs.	Summer 2015	All telecom providers, 911 authorities/Public Safety Answering Points, telecom consumers.



Regulatory Agenda 2015

Division Board/Program	Proposed New Rules or Revisions to Existing Rules	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Persons/Parties Potentially Affected (Positively or Negatively)
Telecommunications	723-2-2130 - 2159 (Revisions and new)	401-15-201, et seq., C.R.S. Comprehensive statutory changes regarding emergency 911 resulting from HB14-1328, 1329, 1330 and 1331 and recent 911 events related to outages, routing diversity, contingency plans, Automatic Location Identification reliability and the need to upgrade to a Next Generation 911 network.	Recent statutory changes involving deregulation of certain technologies/services, 911 impacts from weather related and other disasters, reliability risks to existing 911 network system/vendor changes, and the availability of NG911 technology have created the need to comprehensively review and modify existing rules to ensure ongoing 911 basic emergency service reliability and the ability to upgrade to NG911 statewide.	Summer 2015	Basic Emergency Service Providers, telecom providers (wireline and wireless), 9-1-1 Authorities/Public Safety Answering Points, and citizens that place 9-1-1 communications



Regulatory Agenda 2015

Division Board/Program	Proposed New Rules or Revisions to Existing Rules	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Persons/Parties Potentially Affected (Positively or Negatively)
Telecommunications	723-2-2460 - 2499 and 723-2-2840 - 2869 (Revisions and new)	40-15-502(2), C.R.S., update rules for Colorado High Cost Surcharge Mechanism generally for the triennial review and also as a result of the telecom reform pursuant to HB14-1328, 1329, 1330 and 1331.	Currently there is an on-going proceeding set to investigate and solicit comments regarding necessary changes to the high cost fund rules. When this proceeding is finished this rulemaking will include those proposed changes as well as changes needed to implement to transfer of funds no longer needed for support of voice services to the newly created broadband fund.	Winter 2015	All telecom providers of voice and broadband services and consumers of those products.



Regulatory Agenda 2015

Division Board/Program	Proposed New Rules or Revisions to Existing Rules	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Persons/Parties Potentially Affected (Positively or Negatively)
Electricity	723-3-3650 - 3668 (Revisions)	Changes are necessary due to on-going input from both the utilities and the solar community and the need for a consistent treatment of benefits and costs.	Changes are needed to the Renewable Energy Standard (RES) rules, including provisions governing net metering, cost recovery, the determination of the retail rate impact RES compliance plan filings and interconnections of distributed generation.	Fall 2015	Investor-owned electric utilities, customers of electricity, third-party providers of distributed generation (on-site solar).
Electricity and Gas	723-3-3008 and others (Revisions) 723-4-4008 and others (Revisions)	General statutory rulemaking authority.	Update incorporations by reference of federal rules and safety codes. General clean up outdated rules.	Fall 2015	Investor-owned electric and gas utilities.



Regulatory Agenda 2015

Division Board/Program	Proposed New Rules or Revisions to Existing Rules	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Persons/Parties Potentially Affected (Positively or Negatively)
Transportation	723-6 (New)	HB14-1031 added regulation of tows of vehicles over 10,000 lbs GVWR to the Commission's authority. 40-10.1-403, C.R.S.	HB14-1031 required that a Towing Task Force comprised of nine members be established to advise the PUC regarding rates for the towing of vehicles over 10,000 lbs Gross Vehicle Weight Rating.	Winter 2015	Towing carriers.
Transportation	723-6 (New)	40-10.1-608, C.R.S. creating a new authority for Transportation Network Companies.	This newly created statute requires the PUC to promulgate rules related to the regulation of Transportation Network Companies.	Summer 2015	Transportation Network Companies.



Regulatory Agenda 2015

Division Board/Program	Proposed New Rules or Revisions to Existing Rules	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Persons/Parties Potentially Affected (Positively or Negatively)
Gas Pipeline Safety	723-4 (Revisions and new)	40-2-155, C.R.S. and the adoption by reference of U.S.DOT Part 192.	Clarify existing Part 192 Distribution Integrity Management Program (DIMP) requirements for small operators; provide alternative form of compliance. Add requirement for owners of master metered or propane gas system to file an annual facility report. Add requirement for jurisdictional pipeline operators to telephonically report over-pressurization and certain outage events.	Fall 2015	Small (master meter and LPG) jurisdictional pipeline operators. All jurisdictional pipeline operators.



Regulatory Agenda 2015

Division Board/Program	Proposed New Rules or Revisions to Existing Rules	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Persons/Parties Potentially Affected (Positively or Negatively)
Gas Pipeline Safety	723-4 (Revisions)	Adoption of new U.S.DOT PHMSA rules.	Review rules to include new U.S.DOT PHMSA rules (49 C.F.R. Part 196); examine and streamline existing rules to more closely align with PUC practice and procedures.	Winter 2015	All jurisdictional pipeline operators.



Regulatory Agenda 2015

Division Board/Program	Proposed New Rules or Revisions to Existing Rules	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Persons/Parties Potentially Affected (Positively or Negatively)
Division of Real Estate					
Real Estate/ Real Estate Commission	Licensing, continuing education and practice standard rules - new and revised	12-61-114(4), 12-61-114.5	rule review and revision of broker and subdivision rules, address practice deficiencies	Spring and Winter 2015	Real Estate Brokers, Subdivision Developers
Real Estate/Board of Mortgage Loan Originators	Licensing, continuing education and practice standards	12-61-902.5(2), 12-61-905(10), 12-61-905.1(3),	promulgate new rules and revise existing ones as necessary to implement new federal criteria	Summer and Winter 2015	Mortgage Loan Originators
Real Estate/Community Association Managers	Licensing, continuing education and practice standards	12-61-1002(2)	promulgate new rules necessary to implement HB13-1277	Throughout 2015	Community Association Managers, Homeowner Associations, Homeowners residing within common interest communities
Real Estate/Board of Real Estate Appraisers	Licensing, continuing education and practice standards	12-61-704	revise and promulgate rules as necessary to implement new licensing database and comply with federal criteria	Summer 2015	Real Estate Appraisers



Regulatory Agenda 2015

Division Board/Program	Proposed New Rules or Revisions to Existing Rules	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Persons/Parties Potentially Affected (Positively or Negatively)
Division of Securities					
Securities	Include failure to comply with FINRA fair practice and ethical conduct rules as meeting the definition of dishonest and unethical conduct under the Securities Act.	11-51-704, 11-51-410(1)(g)	Coordination of Division Rules with federal standards as is required by the Securities Act and investor protection	November-December 2014	Broker-Dealers and securities sales representatives
Securities	Require each individual licensed as a sales representative and investment adviser representative in this state to provide their current business email address to the Division.	11-51-704, 11-51-410(1)(g)	Enable the Division to communicate electronically with its licensees.	November-December 2014	Securities sales representatives and investment adviser representatives.

Departmental Regulatory Agendas

Department

Department of Revenue

**Colorado Department of Revenue
Regulatory Agenda
January 2015 - December 2015**

Rule Proposal Name	Statute or Other Basis for Adoption	Purpose of Proposed Rule or Rule Change	Contemplated schedule for Adoption *	Identify Those Affected by the Proposed Change
Taxation				
Priority of Payments	39-21-103(1)	New rule to expressly state in what order payments made on by the Department to a taxpayer or payments made by taxpayers to the Department will be applied.	Mar-15	Tax Practitioners
Limitations on Assessments	39-21-107	Rewrite to include all taxes. Add a better discussion on the rules that apply to amended returns.	Dec-15	Tax Practitioners
Refunds	39-21-108	Consider consolidating a discussion of all taxes into one special rule? Add a better discussion on the rules that apply to amended returns.	Dec-15	Tax Practitioners
Records and Reports	39-21-113	Update list of exceptions to confidentiality.	Dec-15	Tax Practitioners
Responsible Officer Liability	39-21-116.5	New regulation. Clarify application	Dec-15	Tax Practitioners
Pension and Annuity Subtraction	39-22-104(4)(f)	Add discussion about guaranteed payments to partners, disability pensions, premature distributions and 403(b) pensions.	Jun-15	Tax Practitioners

* This is the anticipated adoption date. The process is scheduled to begin 6 months prior to this anticipated adoption date.

**Colorado Department of Revenue
Regulatory Agenda
January 2015 - December 2015**

Rule Proposal Name	Statute or Other Basis for Adoption	Purpose of Proposed Rule or Rule Change	Contemplated schedule for Adoption *	Identify Those Affected by the Proposed Change
Wildfire Mitigation Measures Subtraction	39-22-104(4)(n)	New rule to discuss what qualifies for the subtraction.	Jun-15	Tax Practitioners, Homeowners
Apportionment of Tax in the Case of a Nonresident Individual	39-22-109(1)	The implications of IRC 1366(b) and 39-22-323(3) requiring income passed through to maintain its original character and how that affects resident shareholders.	Mar-15	Tax Practitioners
Colorado Source Income of a Nonresident Athlete	39-22-109(2)	Periodic review pursuant to Executive Order D 2012-002.	Dec-15	Tax Practitioners
Apportionment of Tax for Part Year Resident Individual	39-22-110(1)	Periodic review pursuant to Executive Order D 2012-002.	Mar-15	Tax Practitioners
Income and Deductions Relating to Resident Portion of Tax Year	39-22-116(2)	Rule doesn't reflect Department's current practices. Consider repealing.	Dec-15	Tax Practitioners
Part-Year Resident and Nonresident Combination	39-22-116(3)	Subsumed into Department Rule 39-22-110. Consider repealing.	Dec-15	Tax Practitioners

* This is the anticipated adoption date. The process is scheduled to begin 6 months prior to this anticipated adoption date.

**Colorado Department of Revenue
Regulatory Agenda
January 2015 - December 2015**

Rule Proposal Name	Statute or Other Basis for Adoption	Purpose of Proposed Rule or Rule Change	Contemplated schedule for Adoption *	Identify Those Affected by the Proposed Change
Child Care Contribution Credit	39-22-121	Revise and rewrite to be consistent with statute.	Jun-15	Tax Practitioners
Health Benefit Plan Credit	39-22-125	Statutory basis repealed. Repeal rule.	Dec-15	Tax Practitioners
Health Care Professional Credit	39-22-126	Statutory basis repealed. Repeal rule.	Dec-15	Tax Practitioners
Foster Care Credit	39-22-127	Statutory basis repealed. Repeal rule.	Dec-15	Tax Practitioners
Forced Sale of Livestock Credit	39-22-128	Statutory basis repealed. Repeal rule.	Dec-15	Tax Practitioners
Election of apportionment method	39-22-303.1	Periodic review pursuant to Executive Order D 2012-002.	Dec-15	Tax Practitioners
Apportionment and allocation	39-22-303.5.3	Periodic review pursuant to Executive Order D 2012-002.	Sep-15	Tax Practitioners
Pertaining to the Allocation and Apportionment of Corporate Income Tax	39-22-303.5.7(A)	Periodic review pursuant to Executive Order D 2012-002.	Sep-15	Tax Practitioners
Pertaining to the Allocation and Apportionment of Corporate Income Tax Special Rules	39-22-303.5.7(B)	Periodic review pursuant to Executive Order D 2012-002.	Sep-15	Tax Practitioners
Apportionment rules re: MTC Art. IV	39-22-303.5.9	Periodic review pursuant to Executive Order D 2012-002.	Dec-15	Tax Practitioners

* This is the anticipated adoption date. The process is scheduled to begin 6 months prior to this anticipated adoption date.

**Colorado Department of Revenue
Regulatory Agenda
January 2015 - December 2015**

Rule Proposal Name	Statute or Other Basis for Adoption	Purpose of Proposed Rule or Rule Change	Contemplated schedule for Adoption *	Identify Those Affected by the Proposed Change
Dividends in a Combined Report	39-22-303.8	Periodic review pursuant to Executive Order D 2012-002.	Sep-15	Tax Practitioners
Combined Returns	39-22-303.11(a)	New corporation should be included in combined return if the operations inside the new corp were part of group prior to restructuring.	Mar-15	Tax Practitioners
Apportionment of Income on a Combined Report	39-22-303.11(c)	Periodic review pursuant to Executive Order D 2012-002.	Mar-15	Tax Practitioners
Consolidated Returns	39-22-305	Periodic review pursuant to Executive Order D 2012-002.	Mar-15	Tax Practitioners
The Old ITC	39-22-507.5(1)	The only substantive issues are repeated from statute, and all other pertinent information is in FYI. Include FYI info into rule or repeal?	Sep-15	Tax Practitioners
Credit for postconsumer waste	39-22-515	Statute repeal. Repeal.	Mar-15	Tax Practitioners
Alternatively Fueled Vehicles	39-22-516	Rule is outdated repeal.	Mar-15	Tax Practitioners, Vehicle Owners, Auto Industry
Innovative Motor Vehicles	39-22-516.7	Conform to statutes.	Sep-15	Tax Practitioners, Vehicle Owners, Auto Industry

* This is the anticipated adoption date. The process is scheduled to begin 6 months prior to this anticipated adoption date.

**Colorado Department of Revenue
Regulatory Agenda
January 2015 - December 2015**

Rule Proposal Name	Statute or Other Basis for Adoption	Purpose of Proposed Rule or Rule Change	Contemplated schedule for Adoption *	Identify Those Affected by the Proposed Change
Credit - Contribution to Colorado high technology scholarship program	39-22-523	Not applicable since 2002 because TABOR refund mechanism was repealed. Repeal.	Mar-15	Tax Practitioners
Individual Development Account Contribution income tax credit	39-22-524	Not applicable since 2002 because TABOR refund mechanism was repealed. Repeal.	Mar-15	Tax Practitioners
SR-1 Airlines	39-22-303.5(7)(a)	Periodic review pursuant to Executive Order D 2012-002.	Dec-15	Tax Practitioners
SR-2 Contractors	39-22-303.5(7)(a)	Periodic review pursuant to Executive Order D 2012-002.	Dec-15	Tax Practitioners
SR-3 Publishing	39-22-303.5(7)(a)	Periodic review pursuant to Executive Order D 2012-002.	Dec-15	Tax Practitioners
SR-4 Railroads	39-22-303.5(7)(a)	Periodic review pursuant to Executive Order D 2012-002.	Dec-15	Tax Practitioners
SR-5 Television and Radio	39-22-303.5(7)(a)	Periodic review pursuant to Executive Order D 2012-002.	Dec-15	Tax Practitioners
SR-6 Trucking	39-22-303.5(7)(a)	Periodic review pursuant to Executive Order D 2012-002.	Dec-15	Tax Practitioners
SR-7 Financial Institutions	39-22-303.5(7)(a)	Periodic review pursuant to Executive Order D 2012-002.	Dec-15	Tax Practitioners
SR-8 Telecommunications	39-22-303.5(7)(a)	Periodic review pursuant to Executive Order D 2012-002.	Dec-15	Tax Practitioners

* This is the anticipated adoption date. The process is scheduled to begin 6 months prior to this anticipated adoption date.

**Colorado Department of Revenue
Regulatory Agenda
January 2015 - December 2015**

Rule Proposal Name	Statute or Other Basis for Adoption	Purpose of Proposed Rule or Rule Change	Contemplated schedule for Adoption *	Identify Those Affected by the Proposed Change
Reportable transactions, material advisor	39-22-656	Update Field Audit Address	Dec-15	Tax Practitioners
Food	39-26-102.4.5	Revise and reorganize. Add discussion on suspension of exemption for certain foods	Sep-15	Tax Practitioners
Gross Taxable Sales	39-26-102.5	State that "sales" as used in 39-26-105 mean "gross taxable sales."	Sep-15	Tax Practitioners
Purchase Price	39-26-102.7(a)	Need to update rule	Sep-15	Tax Practitioners
Sale	39-26-102.10	Add discussion on the time and place of a sale	Sep-15	Tax Practitioners
Rooms and Accommodations	39-26-102.11	Cross-reference rule 39-26-104(f).	Jun-15	Tax Practitioners
Sales Tax on Manufactured Articles	39-26-102.12	Need to update rule	Sep-15	Tax Practitioners, Manufacturing Industry
Tangible Personal Property	39-26-102.15	Expand on fixture rule. Include discussion on digital goods.	Dec-15	Tax Practitioners
Sales to Manufacturers	39-26-102.20	Discuss apportionment of price when a portion of the good is an ingredient of the manufactured good.	Dec-15	Tax Practitioners, Manufacturing Industry

* This is the anticipated adoption date. The process is scheduled to begin 6 months prior to this anticipated adoption date.

**Colorado Department of Revenue
Regulatory Agenda
January 2015 - December 2015**

Rule Proposal Name	Statute or Other Basis for Adoption	Purpose of Proposed Rule or Rule Change	Contemplated schedule for Adoption *	Identify Those Affected by the Proposed Change
Short Term Room Rental	39-26-104.1(f)	Rule needs to address cancellation charges and complimentary meals included with room. Combine with other Rooms and Accommodations rules.	Dec-15	Tax Practitioners, Hospitality Industry
Retailer's Use Tax	39-26-204.2	Periodic review pursuant to Executive Order D 2012-002.	Sep-15	Tax Practitioners, Retail Industry
State of Limitations re: Use Tax	39-26-210	Periodic review pursuant to Executive Order D 2012-002.	Jun-15	Tax Practitioners
3 Year Statute of Limitation on Refund Claims	39-26-703.2(c.5)	New rule to address recent statutory changes. Add discussion on vendor protection against class action lawsuits.	Dec-15	Tax Practitioners
Governmental Entities	39-26-704.1	Discuss what governmental capacities means.	Jun-15	Local Governments
Rooms and Accommodations Permanently Occupied	39-26-704.3	Combine with other Rooms and Accommodations rules.	Jun-15	Tax Practitioners, Travel (Hotel/Motel) Industry
Food Containers	39-26-707.1	Periodic review pursuant to Executive Order D 2012-002.	Sep-15	Tax Practitioners, Dining and Food Industry

* This is the anticipated adoption date. The process is scheduled to begin 6 months prior to this anticipated adoption date.

**Colorado Department of Revenue
Regulatory Agenda
January 2015 - December 2015**

Rule Proposal Name	Statute or Other Basis for Adoption	Purpose of Proposed Rule or Rule Change	Contemplated schedule for Adoption *	Identify Those Affected by the Proposed Change
Food Sales	39-26-707.1(e)	Consider repealing or discussing caterers, food services companies, employer cafeterias, ready to eat food in grocery stores, delis, bakeries, etc.	Sep-15	Tax Practitioners, Dining and Food Industry
Exempt Contracts	39-26-708.1	Add discussion about when a contractor is entitled to charitable exemption if owner is an exempt entity, such as government or charitable organization. Consolidate with regulation 39-26-708.1 and SR 10.	Dec-15	Tax Practitioners, Building, Development, Repair and Maintenance Industries
Contractor's Exemption	39-26-708.3	Consolidate with regulation 39-26-708.1 and SR 10.	Dec-15	Tax Practitioners, Building, Development, Repair and Maintenance Industries
Manufacturing Machinery	39-26-709.1	Periodic review pursuant to Executive Order D 2012-002.	Dec-15	Tax Practitioners, Manufacturing Industry

* This is the anticipated adoption date. The process is scheduled to begin 6 months prior to this anticipated adoption date.

**Colorado Department of Revenue
Regulatory Agenda
January 2015 - December 2015**

Rule Proposal Name	Statute or Other Basis for Adoption	Purpose of Proposed Rule or Rule Change	Contemplated schedule for Adoption *	Identify Those Affected by the Proposed Change
Fuel for residential use	39-26-715.1(a)(II)	Discuss propane tanks sold and/or refilled in stores, wood for fire, applications for refunds on behalf of multi-unit complexes (refunds must go to unit owners, not building owner - no assignment of refund claims).	Sep-15	Tax Practitioners, Apartment Building Owners, Gas Services Industry
Containers	SR 9	Remove retailers. Look at whether plastic bags that stores provide customers should have use tax paid on them?	Dec-15	Tax Practitioners, Dining and Food Industry, Retail Industry
Contractors	SR 10	Discuss criteria for determining real property fixture. Consolidate with 39-26-708.1 and 39-26-708.3.	Dec-15	Tax Practitioners, Building, Development, Repair and Maintenance Industries
Eating and Drinking Esablishments	SR 13	Expand discussion of caterers, nursing homes, third-party companies who provide food services to companies or at fundraising events. Discuss the taxability of related rentals such as table, chairs, dance floors, music system, etc. Add discussion about free meals or coupons.	Sep-15	Tax Practitioners, Dining and Food Industry

* This is the anticipated adoption date. The process is scheduled to begin 6 months prior to this anticipated adoption date.

**Colorado Department of Revenue
Regulatory Agenda
January 2015 - December 2015**

Rule Proposal Name	Statute or Other Basis for Adoption	Purpose of Proposed Rule or Rule Change	Contemplated schedule for Adoption *	Identify Those Affected by the Proposed Change
Fabrication, processing	SR 14	Discuss situation where seller supplies the materials used in fabrication. Discuss use tax on fabricators who contract out to fabricate work to third-parties.	Dec-15	Tax Practitioners, Manufacturing Industry
Transportation Charges	SR 18	Periodic review pursuant to Executive Order D 2012-002.	Dec-15	Trucking and Shipping Industry
Hotels and Motels	SR 22	Add a discussion about purchases of hotels from Expedia and the like, and add a discussion about complimentary meals included with rooms and toiletries.	Jun-15	Tax Practitioners, Travel (Hotel/Motel) Industry
Manufacturers and Prefabricators as contractors	SR 29	Discuss use tax on manufacturers who contract out manufacture work to third-parties. Discuss situation where seller supplies the materials used in manufacturing.	Dec-15	Tax Practitioners, Manufacturing Industry
Prepaid Wireless 911 Surcharge	SR 43	Periodic review pursuant to Executive Order D 2012-002.	Sep-15	Tax Practitioners, Wireless Telecommunication Providers
Gasoline and Special Fuels Tax	39-27-102	New rule to discuss when a licensee and distributor may make sales without the excise fule tax	Mar-15	Gasoline and Special Fuels Industry

* This is the anticipated adoption date. The process is scheduled to begin 6 months prior to this anticipated adoption date.

**Colorado Department of Revenue
Regulatory Agenda
January 2015 - December 2015**

Rule Proposal Name	Statute or Other Basis for Adoption	Purpose of Proposed Rule or Rule Change	Contemplated schedule for Adoption *	Identify Those Affected by the Proposed Change
Refunds of Gasoline and Special Fuel Tax	39-27-103	Update paragraph 11)	Mar-15	Gasoline and Special Fuels Industry
Gasoline and Special Fuel Licensees	39-27-104	New rule to discuss who is a licensee and the requirements of licensees	Mar-15	Gasoline and Special Fuels Industry
Reporting of Specific Data Elements	39-27-105(1.5)	Statute requires a rule outlining reporting requirements by every licensee of gasoline and special fuel. Create a rule to do such.	Mar-15	Gasoline and Special Fuels Industry
Credit for contribution to enterprise zone administrator	39-30-103.5	Correct discussion on the calculation of in-kind contribution credits.	Sep-15	Tax Practitioners
ITC	39-30-104	Periodic review pursuant to Executive Order D 2012-002.	Sep-15	Tax Practitioners
Job Training Program	39-30-104(4)	Periodic review pursuant to Executive Order D 2012-002.	Sep-15	Tax Practitioners
New Business Facility Employee Credit	39-30-105	Periodic review pursuant to Executive Order D 2012-002.	Sep-15	Tax Practitioners
Research Credit	39-30-105.5	Periodic review pursuant to Executive Order D 2012-002.	Sep-15	Tax Practitioners
Rehab Bldg. credit	39-30-105.6	Periodic review pursuant to Executive Order D 2012-002.	Sep-15	Tax Practitioners
Machinery/tools credit	39-30-106	Periodic review pursuant to Executive Order D 2012-002.	Sep-15	Tax Practitioners

* This is the anticipated adoption date. The process is scheduled to begin 6 months prior to this anticipated adoption date.

**Colorado Department of Revenue
Regulatory Agenda
January 2015 - December 2015**

Rule Proposal Name	Statute or Other Basis for Adoption	Purpose of Proposed Rule or Rule Change	Contemplated schedule for Adoption *	Identify Those Affected by the Proposed Change
Local govt cert	39-30-108	Periodic review pursuant to Executive Order D 2012-002.	Sep-15	Tax Practitioners
Rural technology EZ credit	39-32-105(1)	Periodic review pursuant to Executive Order D 2012-002.	Sep-15	Tax Practitioners
Aircraft manufacturer credit	39-35-104	HB 13-1080 expanded the life of the credit and added aircraft maintenance and repair facilities to the acceptable businesses, which needs to be addressed in the rule.	Sep-15	Tax Practitioners, Aircraft Manufacturers, Airline Industry
Oil and Gas	39-29-102(3)(a)	Periodic review pursuant to Executive Order D 20120-002.	Jun-15	Tax Practitioners, Oil and Mining Industries
Transportation	39-29-102(7)	New rule to discuss the transportation deduction	Jun-15	Tax Practitioners, Oil and Mining Industries
Taxation of Metallic Minerals	39-29-103	Most of rule restates the statute, except what constitutes a mine and the application of tax to mine residue, which should be rewritten.	Jun-15	Tax Practitioners, Oil and Mining Industries
Tax on Oil Shale Severance	39-29-107(1)	Consider repealing because oil shale production has never occurred in Colorado.	Jun-15	Tax Practitioners, Oil and Mining Industries

* This is the anticipated adoption date. The process is scheduled to begin 6 months prior to this anticipated adoption date.

**Colorado Department of Revenue
Regulatory Agenda
January 2015 - December 2015**

Rule Proposal Name	Statute or Other Basis for Adoption	Purpose of Proposed Rule or Rule Change	Contemplated schedule for Adoption *	Identify Those Affected by the Proposed Change
Withholding	39-29-111	Periodic review pursuant to Executive Order D 20120-002.	Jun-15	Tax Practitioners, Oil and Mining Industries
Due Dates for Filing Severance Tax Returns	39-29-112	Periodic review pursuant to Executive Order D 20120-002.	Jun-15	Tax Practitioners, Oil and Mining Industries
Penalty and Interest	39-29-115	Periodic review pursuant to Executive Order D 20120-002.	Jun-15	Tax Practitioners, Oil and Mining Industries
Daily Rental Fee	43-4-804(1)(b)	Define primary business location	Jun-15	Motor Vehicle Dealers and Vehicle Rental Companies
Reg IV	Applicability	This rule is no longer in effect and past the statute of limitations. Consider repealing.	Dec-15	Tax Practitioners
IV.1(a)	Business and non-business income	These rules are no longer in effect and past the statute of limitations. Consider repealing.	Dec-15	Tax Practitioners
IV.1(b)	Trade or business	These rules are no longer in effect and past the statute of limitations. Consider repealing.	Dec-15	Tax Practitioners
IV.1(c)	Application of definitions	These rules are no longer in effect and past the statute of limitations. Consider repealing.	Dec-15	Tax Practitioners

* This is the anticipated adoption date. The process is scheduled to begin 6 months prior to this anticipated adoption date.

**Colorado Department of Revenue
Regulatory Agenda
January 2015 - December 2015**

Rule Proposal Name	Statute or Other Basis for Adoption	Purpose of Proposed Rule or Rule Change	Contemplated schedule for Adoption *	Identify Those Affected by the Proposed Change
IV.1(d)	Proration of deductions	These rules are no longer in effect and past the statute of limitations. Consider repealing.	Dec-15	Tax Practitioners
IV.2(a)	Definitions	These rules are no longer in effect and past the statute of limitations. Consider repealing.	Dec-15	Tax Practitioners
IV.2(b)(1)	Apportionment	These rules are no longer in effect and past the statute of limitations. Consider repealing.	Dec-15	Tax Practitioners
IV.2(b)(2)	Combined Report	These rules are no longer in effect and past the statute of limitations. Consider repealing.	Dec-15	Tax Practitioners
IV.2(b)(3)	Allocation	These rules are no longer in effect and past the statute of limitations. Consider repealing.	Dec-15	Tax Practitioners
IV.2(c)	Consistency and Uniformity	These rules are no longer in effect and past the statute of limitations. Consider repealing.	Dec-15	Tax Practitioners
IV.3(a)	Taxable in another state	These rules are no longer in effect and past the statute of limitations. Consider repealing.	Dec-15	Tax Practitioners
IV.3(b)	Taxable in another state- "subject to" tax	These rules are no longer in effect and past the statute of limitations. Consider repealing.	Dec-15	Tax Practitioners

* This is the anticipated adoption date. The process is scheduled to begin 6 months prior to this anticipated adoption date.

**Colorado Department of Revenue
Regulatory Agenda
January 2015 - December 2015**

Rule Proposal Name	Statute or Other Basis for Adoption	Purpose of Proposed Rule or Rule Change	Contemplated schedule for Adoption *	Identify Those Affected by the Proposed Change
IV.3(c)	Taxable in another state- "jurisdiction to tax"	These rules are no longer in effect and past the statute of limitations. Consider repealing.	Dec-15	Tax Practitioners
IV.9	Apportionment formula	These rules are no longer in effect and past the statute of limitations. Consider repealing.	Dec-15	Tax Practitioners
IV.10(a)	Property factor: in general	These rules are no longer in effect and past the statute of limitations. Consider repealing.	Dec-15	Tax Practitioners
IV.10(b)	Property factor: production of business income	These rules are no longer in effect and past the statute of limitations. Consider repealing.	Dec-15	Tax Practitioners
IV.10(c)	Consistency and Uniformity	These rules are no longer in effect and past the statute of limitations. Consider repealing.	Dec-15	Tax Practitioners
IV.10(d)	Property factor: numerator	These rules are no longer in effect and past the statute of limitations. Consider repealing.	Dec-15	Tax Practitioners
IV.11(a)	Property factor: valuation of owned property	These rules are no longer in effect and past the statute of limitations. Consider repealing.	Dec-15	Tax Practitioners
IV.11(b)	Property factor: valuation of rented property	These rules are no longer in effect and past the statute of limitations. Consider repealing.	Dec-15	Tax Practitioners

* This is the anticipated adoption date. The process is scheduled to begin 6 months prior to this anticipated adoption date.

**Colorado Department of Revenue
Regulatory Agenda
January 2015 - December 2015**

Rule Proposal Name	Statute or Other Basis for Adoption	Purpose of Proposed Rule or Rule Change	Contemplated schedule for Adoption *	Identify Those Affected by the Proposed Change
IV.12	Property factor: averaging	These rules are no longer in effect and past the statute of limitations. Consider repealing.	Dec-15	Tax Practitioners
IV.13(a)	Payroll factor: in general	These rules are no longer in effect and past the statute of limitations. Consider repealing.	Dec-15	Tax Practitioners
IV.13(b)	Payroll factor: denominator	These rules are no longer in effect and past the statute of limitations. Consider repealing.	Dec-15	Tax Practitioners
IV.13(c)	Payroll factor: numerator	These rules are no longer in effect and past the statute of limitations. Consider repealing.	Dec-15	Tax Practitioners
IV.14	Payroll factor: compensation paid in this state	These rules are no longer in effect and past the statute of limitations. Consider repealing.	Dec-15	Tax Practitioners
IV.15(a)	Sales factor: in general	These rules are no longer in effect and past the statute of limitations. Consider repealing.	Dec-15	Tax Practitioners
IV.15(b)	Sales factor: denominator	These rules are no longer in effect and past the statute of limitations. Consider repealing.	Dec-15	Tax Practitioners
IV.15(c)	Sales factor: numerator	These rules are no longer in effect and past the statute of limitations. Consider repealing.	Dec-15	Tax Practitioners

* This is the anticipated adoption date. The process is scheduled to begin 6 months prior to this anticipated adoption date.

**Colorado Department of Revenue
Regulatory Agenda
January 2015 - December 2015**

Rule Proposal Name	Statute or Other Basis for Adoption	Purpose of Proposed Rule or Rule Change	Contemplated schedule for Adoption *	Identify Those Affected by the Proposed Change
IV.16(a)	Sales factor: sales of TPP	These rules are no longer in effect and past the statute of limitations. Consider repealing.	Dec-15	Tax Practitioners
IV.16(b)	Sales factor: sales to US government	These rules are no longer in effect and past the statute of limitations. Consider repealing.	Dec-15	Tax Practitioners
IV.17	Sales factor: sales of other than TPP	These rules are no longer in effect and past the statute of limitations. Consider repealing.	Dec-15	Tax Practitioners
IV.18(a)	Special rules	These rules are no longer in effect and past the statute of limitations. Consider repealing.	Dec-15	Tax Practitioners
IV.18(b)	Special rules: property factor	These rules are no longer in effect and past the statute of limitations. Consider repealing.	Dec-15	Tax Practitioners
IV.18(c)	Special rules: sales factor	These rules are no longer in effect and past the statute of limitations. Consider repealing.	Dec-15	Tax Practitioners

* This is the anticipated adoption date. The process is scheduled to begin 6 months prior to this anticipated adoption date.

**Colorado Department of Revenue
Regulatory Agenda
January 2015 - December 2015**

Rule Proposal Name	Statute or Other Basis for Adoption	Purpose of Proposed Rule or Rule Change	Contemplated schedule for Adoption *	Identify Those Affected by the Proposed Change
DMV				
TR 1 CCR 204-10 Rule 3 Cancellation of Vehicles Registrations for Failure to Pay Civil Penalties	42-1-204, 42-3-120, 42-4- 235 (2)(d) C.R.S.	Periodic review pursuant to Executive Order D2012-002	Jan-15	County Clerk and Recorders, Law Enforcement, Port of Entry, PUC
TR 1 CCR 204-10 Rule 14 Enforcement and Hearing Procedures	42-1-204, C.R.S.	Periodic review pursuant to Executive Order D2012-002	Feb-15	County Clerk and Recorders, All person or entities that title and register vehicles and/or submit applications that can be denied by a County or T&R
TR 1 CCR 204-10 Rule 18 Acceptable Evidence of Vehicle Proof of Ownership	42-1-204, 42-6-106(1)(d), 42-6-106(1)(e), 42-6-107, 42-6-109, 42-6-110, 42-6- 113, 42-6-114, 42-6-115, and 42-6-119, C.R.S.	Periodic review pursuant to Executive Order D2012-002	Nov-15	County Clerk and Recorders, Dealers, AID

* This is the anticipated adoption date. The process is scheduled to begin 6 months prior to this anticipated adoption date.

**Colorado Department of Revenue
Regulatory Agenda
January 2015 - December 2015**

Rule Proposal Name	Statute or Other Basis for Adoption	Purpose of Proposed Rule or Rule Change	Contemplated schedule for Adoption *	Identify Those Affected by the Proposed Change
TR 1 CCR 204-10 Rule 20 License Plate Retirement Rule	42-1-102 (24), 42-1-102 (41.5), 42-1-204, 42-3-207(1) (b) (II), 42-3-212(7), 42-3-214(7), 42-3-215(7), 42-3-216(7), 42-3-221(6), 42-3-222(6), 42-3-223(6), 42-3-224(2)(b) and 42-3-225(2)(b), C.R.S.	Periodic review pursuant to Executive Order D2012-002	Mar-15	County Clerk and Recorders, Group Special License Plate Non-Profit Sponsors, Alumni Associations, Colorado Correctional Industries
TR 1 CCR 204-10 Rule 24 Persons with Disabilities Parking Placard Fee	42-1-204, 42-3-204 (2) (e) C.R.S.	The proposed change is driven by the passage of HB 14-1029. The rule is no longer needed and will be repealed	Apr-15	County Clerk and Recorders, Persons with Disabilities, Colorado Correctional Industries
TR 1 CCR 204-10 Rule 25 Persons with Disabilities Parking Privileges	12-36-106(3)(i), 12-36-107.4, article 32 of title 12, 12-38-111.5, 42-1-204, 42-3-204, and 42-4-1208, C.R.S.	The proposed change is driven by the passage of HB 14-1029. The rule change is required for implementation of the bill.	May-15	County Clerk and Recorders, Persons with Disabilities, Law Enforcement, Parking Authorities

* This is the anticipated adoption date. The process is scheduled to begin 6 months prior to this anticipated adoption date.

**Colorado Department of Revenue
Regulatory Agenda
January 2015 - December 2015**

Rule Proposal Name	Statute or Other Basis for Adoption	Purpose of Proposed Rule or Rule Change	Contemplated schedule for Adoption *	Identify Those Affected by the Proposed Change
TR 1 CCR 204-10 Rule 27 Records Open to Inspection	24-72-202, 24-72-204, 38-29-102, 42-1-102, 42-1-204, 42-1-206, 42-2-121, 42-6-102 and 42-6-122 C.r.s. and 18 U.S.C. sec. 2721, et seq.	Periodic review pursuant to Executive Order D2012-002	Jun-15	County Clerk and Recorders, Entities Providing Record Search Business
TR 1 CCR 204-10 Rule 29 Reserving Personalized License Plates	42-1-204 and 42-3-211(9)(a) C.R.S.	Periodic review pursuant to Executive Order D2012-002	Jul-15	County Clerk and Recorders, Persons Reserving Personalized Plates, Colorado Correctional Industries
TR 1 CCR 204-10 Rule 31 Salvage and Previously Salvaged Disclosure	38-20-116(2.5), 42-5-202 through 205, 42-6-102 (10), (15), (16), (17), and (23), 42-6-104, 42-6-110, 42-6-116 and 42-6-136, 42-6-206, C.R.S.	The proposed change is driven by the passage of HB 14-1299. The rule change is required for implementation of the bill.	Aug-15	County Clerk and Recorders, Salvage Yards, Tow Carriers, Repair Shops, Dealers, AID

* This is the anticipated adoption date. The process is scheduled to begin 6 months prior to this anticipated adoption date.

**Colorado Department of Revenue
Regulatory Agenda
January 2015 - December 2015**

Rule Proposal Name	Statute or Other Basis for Adoption	Purpose of Proposed Rule or Rule Change	Contemplated schedule for Adoption *	Identify Those Affected by the Proposed Change
TR 1 CCR 204-10 Rule 46 Application for Registration - Proof of Insurance	42-1-204, 42-3-105(1)(d)(I), 42-3-105(2), 42-3- 113(2)(d)(I), 42-3- 113(2)(d)(II), 42-3- 113(2)(d)(III), 42-3- 113(2)(d)(IV), 42-3- 113(2)(d)(V), and 42-3- 113(3) C.R.S.	The proposed change is driven by the passage of SB 14-131. The rule change is required for implementation of the bill.	Sep-15	County Clerk and Recorders, Insurance Carriers, Division of Insurance, Registered Vehicle Owners
EM 1 CCR 204 1 Diesel Emissions Inspection Program (5 Rules)	42-4-401 through 42-4-414 C.R.S.	Periodic review pursuant to Executive Order D2012-002	Mar-15	Licensed Diesel Inspectors, Licensed Diesel Inspection Stations, CDPHE
EM 1 CCR 204 11 Official Air Program Stations (10 Rules)	42-4-301 through 42-4-313 C.R.S.	Review to assure alignment with AQCC regulation and 2015 program changes	Jun-15	Licensed Gas Inspectors, Licensed Independent Stations, Licensed Fleet Stations, Air Care Colorado Stations (Contractor)
DL 1CCR 201-17 (recodified as 1 CCR 204-30 Rule 5) Rules for Evidence of Lawful Presence	24-76-102 through 103	Periodic review pursuant to Executive Order D2012-002	Nov-15	Applicants for Driver's Licenses and Identification Cards

* This is the anticipated adoption date. The process is scheduled to begin 6 months prior to this anticipated adoption date.

**Colorado Department of Revenue
Regulatory Agenda
January 2015 - December 2015**

Rule Proposal Name	Statute or Other Basis for Adoption	Purpose of Proposed Rule or Rule Change	Contemplated schedule for Adoption *	Identify Those Affected by the Proposed Change
DL 1 CCR 204-3 (recodified as 1 CCR 204-30 Rule 8) Driver Testing and Education Program Rules and Regulations	24-4-103; 42-1-204; 42-2-106 and 42-2-111	Periodic review pursuant to Executive Order D2012-002	Nov-15	Third party testers and Commercial Driving Schools
DC 1 CCR 204-24 (recodified as 1 CCR 204-30, Rule 13), Rules Covering Access to Images Recorded from Drivers Licenses and Identification Cards	42-2-114(1)(a)(IV) through (V)	Periodic review pursuant to Executive Order D2012-002	Sep-15	

* This is the anticipated adoption date. The process is scheduled to begin 6 months prior to this anticipated adoption date.

**Colorado Department of Revenue
Regulatory Agenda
January 2015 - December 2015**

Rule Proposal Name	Statute or Other Basis for Adoption	Purpose of Proposed Rule or Rule Change	Contemplated schedule for Adoption *	Identify Those Affected by the Proposed Change
Lottery				
Licensing	24-35-206 and 24-35-208(1)(a) and (2)	Review	Feb-15	Retailers
Scratch Games	24-35-208(1), (2) and (3) and 24-35-212 and 24-35-212.5	Review	Jun-15	Retailers/General Public
Online Games	24-35-201(5), 24-35-208(1)(a) and (2), and 24-35-212	Review	Jun-15	Retailers/General Public

* This is the anticipated adoption date. The process is scheduled to begin 6 months prior to this anticipated adoption date.

**Colorado Department of Revenue
Regulatory Agenda
January 2015 - December 2015**

Rule Proposal Name	Statute or Other Basis for Adoption	Purpose of Proposed Rule or Rule Change	Contemplated schedule for Adoption *	Identify Those Affected by the Proposed Change
Enforcement				
GAMING				
Rule 3 Applications, Investigations and Licensure	Sections 12-47.1-201, C.R.S., 12-47.1-203, C.R.S., 12-47.1-302, C.R.S., and part 5 of article 47.1 of title 12, C.R.S.	Annual fee analysis	Jun-15	Limited Gaming Licensees, Div. of Gaming Employees
Rule 5 Grounds and Procedures for Disciplinary Actions	Sections 12-47.1-201, C.R.S., 12-47.1-203, C.R.S., 12-47.1-302, C.R.S., 12-47.1-524, C.R.S., 12-47.1-525, C.R.S., and 24-4-104, C.R.S.	Periodic review pursuant to Executive Order D 2012-001, and Senate Bill 14-063	Sep-15	Limited Gaming Licensees, Div. of Gaming Employees, Gaming Commission
Rule 13 Purchase and Redemption of Coins, Chips, and Tokens	Sections 12-47.1-201, C.R.S., 12-47.1-203, C.R.S., 12-47.1-302, C.R.S., 12-47.1-819, C.R.S., and 12-47.1-825, C.R.S.	Periodic review pursuant to Executive Order D 2012-001, and Senate Bill 14-063	Jun-15	Limited Gaming Licensees, Div. of Gaming Employees
Rule 14 Gaming Tax	Sections 12-47.1-201, 12-47.1-203, 12-47.1-302, 12-47.1-602 and 12-47.1-604 C.R.S., (1991).	Annual Gaming Tax Analysis	May-15	Limited Gaming Licensees, Citizens of Colorado

* This is the anticipated adoption date. The process is scheduled to begin 6 months prior to this anticipated adoption date.

**Colorado Department of Revenue
Regulatory Agenda
January 2015 - December 2015**

Rule Proposal Name	Statute or Other Basis for Adoption	Purpose of Proposed Rule or Rule Change	Contemplated schedule for Adoption *	Identify Those Affected by the Proposed Change
Rule 15 Procurement	Sections 12-47.1-201, C.R.S., 12-47.1-203, C.R.S., and 12-47.1-302, C.R.S.	Periodic review pursuant to Executive Order D 2012-001, and Senate Bill 14-063	Feb-15	Division of Gaming, Gaming Commission
Rule 20 Commission Hearings and Practice	Sections 12-47.1-302, 522, 523, 527 C.R.S. (1997)	Periodic review pursuant to Executive Order D 2012-001, and Senate Bill 14-063	Sep-15	Limited Gaming Licensees, Div. of Gaming Employees, Gaming Commission

* This is the anticipated adoption date. The process is scheduled to begin 6 months prior to this anticipated adoption date.

**Colorado Department of Revenue
Regulatory Agenda
January 2015 - December 2015**

Rule Proposal Name	Statute or Other Basis for Adoption	Purpose of Proposed Rule or Rule Change	Contemplated schedule for Adoption *	Identify Those Affected by the Proposed Change
Enforcement				
AUTO INDUSTRY DIVISION				
Regulation 12-6-104(3)(k)	CRS 12-6-104(3)(k)	Amend Disclosure form	Mar-15	MVDB Licensed Dealers
Regulation 12-6-105(1)(c)	CRS 12-6-105(1)(c)	Amend/Define "administrator"	Mar-15	All Executive Director Licensees
Regulation 12-6-105(1)(d)	CRS 12-6-105(1)(d)	Amend/Define "administrator"	Mar-15	All Executive Director Licensees
Regulation 12-6-105(1)(e)	CRS 12-6-105(1)(e)	Amend/Define "administrator"	Mar-15	All Executive Director Licensees
Regulation 12-6-105(1)(f)	CRS 12-6-105(1)(f)	Amend/Define "administrator"	Mar-15	All Executive Director Licensees
Regulation 12-6-114	CRS 12-6-114	Amend/Define "administrator"	Mar-15	All Executive Director Licensees
Regulation 12-6-115(5)	CRS 12-6-115(5)	Amend/Define "administrator"	Mar-15	All Executive Director Licensees
Regulation 12-6-118(1)(b)	CRS 12-6-118(1)(b)	Amend/Define "administrator"	Mar-15	All Executive Director Licensees
Regulation 12-6-118(3)(k)	CRS 12-6-118(3)(k)	Amend/review all advertising regulations	Mar-15	ALL Licensees
Regulation 12-6-118(3)(v)	CRS 12-6-118(3)(v)	Amend requirements for rejection of financing rule	Mar-15	All MVDB Dealer Licenses

* This is the anticipated adoption date. The process is scheduled to begin 6 months prior to this anticipated adoption date.

**Colorado Department of Revenue
Regulatory Agenda
January 2015 - December 2015**

Rule Proposal Name	Statute or Other Basis for Adoption	Purpose of Proposed Rule or Rule Change	Contemplated schedule for Adoption *	Identify Those Affected by the Proposed Change
Regulation 12-6-504(1)(m)(l)	CRS 12-6-504(1)(m)(l)	Amend Disclosure form	Mar-15	ALL MVDB Powersport Licensees
Regulation 12-6-505(1)(g)	CRS 12-6-505(1)(g)	Amend application requirements	Mar-15	All Executive Director Powersport Licensees
Regulation 12-6-505(1)(h)	CRS 12-6-505(1)(h)	Amend hearing procedures for EDO	Mar-15	All Executive Director Powersport Licensees
Regulation 12-6-520 (3)(i)	CRS 12-6-520 (3)(i)	Amend advertising rules	Mar-15	ALL MVDB Powersport Licensees
Regulation 12-6-520 (3)(p)	CRS 12-6-520 (3)(p)	Amend requirements for rejection of financing rule	Mar-15	ALL MVDB Powersport Licensees
Regulation 12-6-101(11)	CRS 12-6-101(11)	Amend definition	Sep-15	All Manufacturer Licenses
Regulation 12-6-102(12)	CRS 12-6-102(12)	Amend definition	Sep-15	All MVDB Licenses
Regulation 12-6-102(13)	CRS 12-6-102(13)	Amend definition	Sep-15	All MVDB Licenses
Regulation 12-6-102(16)	CRS 12-6-102(16)	Amend definition	Sep-15	All MVDB Licenses
Regulation 12-6-102(18)	CRS 12-6-102(18)	Amend definition	Sep-15	All MVDB Licensed Wholesalers
Regulation 12-6-104(3)(a)	CRS 12-6-104(3)(a)	Amend MVDB Powers & Duties	Sep-15	All MVDB Licensees

* This is the anticipated adoption date. The process is scheduled to begin 6 months prior to this anticipated adoption date.

**Colorado Department of Revenue
Regulatory Agenda
January 2015 - December 2015**

Rule Proposal Name	Statute or Other Basis for Adoption	Purpose of Proposed Rule or Rule Change	Contemplated schedule for Adoption *	Identify Those Affected by the Proposed Change
Regulation 12-6-104(3)(d)(II)	CRS 12-6-104(3)(d)(II)	Amend Delegation of Authority	Sep-15	All MVDB Licensees
Regulation 12-6-104(3)(e)	CRS 12-6-104(3)(e)	Amend authority to enter default	Sep-15	All MVDB Licensees
Regulation 12-6-104(3)(g)	CRS 12-6-104(3)(g)	Amend application requirements	Sep-15	All MVDB Licensees
Regulation 12-6-105(1)(b)	CRS 12-6-105(1)(b)	Amend powers and duties of the Executive Secretary	Sep-15	All MVDB Licensees
Regulation 12-6-505(1)	CRS 12-6-505(1)	Amend definition	Sep-15	All Executive Director Powersport Licensees
Regulation 12-6-502(7)	CRS 12-6-502(7)	Add definition of new powersports vehicle	Sep-15	ALL MVDB Powersport Licensees
Regulation 12-6-502(11)	CRS 12-6-502(11)	Amend definition	Sep-15	ALL Powersport Licensees
Regulation 12-6-502(16)	CRS 12-6-502(16)	New regulation to allow for powersports off-premise permits	Sep-15	ALL MVDB Powersport Licensees
Regulation 12-6-504(b)	CRS 12-6-504(b)	Amend MVDB Powers & Duties	Sep-15	ALL MVDB Powersport Licensees
Regulation 12-6-504(1)(b)(IV)	CRS 12-6-504(1)(b)(IV)	Add Delegation of Authority	Sep-15	ALL MVDB Powersport Licensees

* This is the anticipated adoption date. The process is scheduled to begin 6 months prior to this anticipated adoption date.

**Colorado Department of Revenue
Regulatory Agenda
January 2015 - December 2015**

Rule Proposal Name	Statute or Other Basis for Adoption	Purpose of Proposed Rule or Rule Change	Contemplated schedule for Adoption *	Identify Those Affected by the Proposed Change
Regulation 12-6-504(e) (I)	CRS 12-6-504 (e) (I)	Amend authority to enter default	Sep-15	ALL MVDB Powersport Licensees
Regulation 12-6-504(1)(b)	CRS 12-6-504(1)(b)	Amend powers and duties of the Executive Secretary	Sep-15	ALL MVDB Powersport Licensees

* This is the anticipated adoption date. The process is scheduled to begin 6 months prior to this anticipated adoption date.

**Colorado Department of Revenue
Regulatory Agenda
January 2015 - December 2015**

Rule Proposal Name	Statute or Other Basis for Adoption	Purpose of Proposed Rule or Rule Change	Contemplated schedule for Adoption *	Identify Those Affected by the Proposed Change
Enforcement				
RACING				
Periodic Review of 20% pursuant to Executive Order D2012-000 - 1 CCR 208-1 Chapters 2 & 3	CRS 12-60-102; CRS 12-60-202; CRS 12-60-501; CRS 12-60-603; CRS 12-60-505(1)	Necessary to amend and delete obsolete and outdated regulations regarding Greyhound Racing	May-15	Greyhound Racing Owners, Trainers, and patrons
Proposed Deletion of 1 CCR 208 (2)	CRS 12-60-101; CRS 12-60-510	Necessary to amend and delete obsolete and outdated regulations regarding Harness Racing	May-15	Harness Horse Racing Owners, Trainers, and patrons
Proposed Deletion 9.140	CRS 12-60-101; CRS 12-60-510	Necessary to amend and delete obsolete and outdated regulations regarding Harness Racing	May-15	Harness Horse Racing Owners, Trainers, and patrons
Proposed Deletion 9.142	CRS 12-60-510; CRS 12-60-201(1); CRS 12-60-505(1)	Necessary to amend and delete obsolete and outdated regulations regarding Harness Racing	May-15	Harness Horse Racing Owners, Trainers, and patrons
Proposed Amendment 9.202	CRS 12-60-101; CRS 12-60-510	Necessary to amend and delete obsolete and outdated regulations regarding Harness Racing	May-15	Harness Horse Racing Owners, Trainers, and patrons

* This is the anticipated adoption date. The process is scheduled to begin 6 months prior to this anticipated adoption date.

**Colorado Department of Revenue
Regulatory Agenda
January 2015 - December 2015**

Rule Proposal Name	Statute or Other Basis for Adoption	Purpose of Proposed Rule or Rule Change	Contemplated schedule for Adoption *	Identify Those Affected by the Proposed Change
Proposed Deletion 1 CCR 208-1 Chapter 2 Rules of the Race Greyhound - Deletion of all Greyhound references	CRS 12-60-501(1)(a); CRS 12-60-511	Necessary to amend and delete obsolete and outdated regulations regarding Greyhound Racing in accordance with House Bill 1146	May-15	Greyhound Racing Owners, Trainers, and patrons
Proposed Amendment 3.418	CRS 12-60-501(1)(a); CRS 12-60-511	Necessary to amend and delete obsolete and outdated regulations regarding Greyhound Racing in accordance with House Bill 1146	May-15	Greyhound Racing Owners, Trainers, and patrons
Proposed Amendment 3.438	CRS 12-60-102; CRS 12-60-202; CRS 12-60-501; CRS 12-60-603	Necessary to amend and delete obsolete and outdated regulations regarding Greyhound Racing in accordance with House Bill 1146	May-15	Greyhound Racing Owners, Trainers, and patrons
Proposed Amendment 3.712	CRS 12-60-102; CRS 12-60-202; CRS 12-60-501; CRS 12-60-603	Necessary to amend and delete obsolete and outdated regulations regarding Greyhound Racing in accordance with House Bill 1146	May-15	Greyhound Racing Owners, Trainers, and patrons
Proposed Amendment 3.714	CRS 12-60-102; CRS 12-60-202; CRS 12-60-501; CRS 12-60-603	Necessary to amend and delete obsolete and outdated regulations regarding Greyhound Racing in accordance with House Bill 1146	May-15	Greyhound Racing Owners, Trainers, and patrons
Proposed Amendment 3.716	CRS 12-60-102; CRS 12-60-202; CRS 12-60-501; CRS 12-60-603	Necessary to amend and delete obsolete and outdated regulations regarding Greyhound Racing in accordance with House Bill 1146	May-15	Greyhound Racing Owners, Trainers, and patrons

* This is the anticipated adoption date. The process is scheduled to begin 6 months prior to this anticipated adoption date.

**Colorado Department of Revenue
Regulatory Agenda
January 2015 - December 2015**

Rule Proposal Name	Statute or Other Basis for Adoption	Purpose of Proposed Rule or Rule Change	Contemplated schedule for Adoption *	Identify Those Affected by the Proposed Change
Proposed Amendment 3.718	CRS 12-60-102; CRS 12-60-202; CRS 12-60-501; CRS 12-60-603	Necessary to amend and delete obsolete and outdated regulations regarding Greyhound Racing in accordance with House Bill 1146	May-15	Greyhound Racing Owners, Trainers, and patrons
Proposed Amendment 3.720	CRS 12-60-102; CRS 12-60-202; CRS 12-60-501; CRS 12-60-603	Necessary to amend and delete obsolete and outdated regulations regarding Greyhound Racing in accordance with House Bill 1146	May-15	Greyhound Racing Owners, Trainers, and patrons
Proposed Amendment 3.722	CRS 12-60-102; CRS 12-60-202; CRS 12-60-501; CRS 12-60-603	Necessary to amend and delete obsolete and outdated regulations regarding Greyhound Racing in accordance with House Bill 1146	May-15	Greyhound Racing Owners, Trainers, and patrons
Proposed Amendment 3.724	CRS 12-60-102; CRS 12-60-202; CRS 12-60-501; CRS 12-60-603	Necessary to amend and delete obsolete and outdated regulations regarding Greyhound Racing in accordance with House Bill 1146	May-15	Greyhound Racing Owners, Trainers, and patrons
Proposed Amendment 3.726	CRS 12-60-102; CRS 12-60-202; CRS 12-60-501; CRS 12-60-603	Necessary to amend and delete obsolete and outdated regulations regarding Greyhound Racing in accordance with House Bill 1146	May-15	Greyhound Racing Owners, Trainers, and patrons
Proposed Amendment 3.728	CRS 12-60-102; CRS 12-60-202; CRS 12-60-501; CRS 12-60-603	Necessary to amend and delete obsolete and outdated regulations regarding Greyhound Racing in accordance with House Bill 1146	May-15	Greyhound Racing Owners, Trainers, and patrons

* This is the anticipated adoption date. The process is scheduled to begin 6 months prior to this anticipated adoption date.

**Colorado Department of Revenue
Regulatory Agenda
January 2015 - December 2015**

Rule Proposal Name	Statute or Other Basis for Adoption	Purpose of Proposed Rule or Rule Change	Contemplated schedule for Adoption *	Identify Those Affected by the Proposed Change
Proposed Amendment 3.730	CRS 12-60-102; CRS 12-60-202; CRS 12-60-501; CRS 12-60-603	Necessary to amend and delete obsolete and outdated regulations regarding Greyhound Racing in accordance with House Bill 1146	May-15	Greyhound Racing Owners, Trainers, and patrons
Proposed Amendment 3.732	CRS 12-60-102; CRS 12-60-202; CRS 12-60-501; CRS 12-60-603	Necessary to amend and delete obsolete and outdated regulations regarding Greyhound Racing in accordance with House Bill 1146	May-15	Greyhound Racing Owners, Trainers, and patrons
Proposed Amendment 3.734	CRS 12-60-102; CRS 12-60-202; CRS 12-60-501; CRS 12-60-603	Necessary to amend and delete obsolete and outdated regulations regarding Greyhound Racing in accordance with House Bill 1146	May-15	Greyhound Racing Owners, Trainers, and patrons
Proposed Deletion 3.806	CRS 12-60-102; CRS 12-60-202; CRS 12-60-501; CRS 12-60-603	Necessary to amend and delete obsolete and outdated regulations regarding Greyhound Racing in accordance with House Bill 1146	May-15	Greyhound Racing Owners, Trainers, and patrons
Proposed Deletion 3.808	CRS 12-60-102; CRS 12-60-202; CRS 12-60-501; CRS 12-60-603	Necessary to amend and delete obsolete and outdated regulations regarding Greyhound Racing in accordance with House Bill 1146	May-15	Greyhound Racing Owners, Trainers, and patrons
Proposed Deletion 1 CCR 208-1 Chapter 4 Title Officials Greyhounds	CRS 12-60-102; CRS 12-60-202; CRS 12-60-501; CRS 12-60-603	Necessary to amend and delete obsolete and outdated regulations regarding Greyhound Racing in accordance with House Bill 1146	May-15	Greyhound Racing Owners, Trainers, and patrons

* This is the anticipated adoption date. The process is scheduled to begin 6 months prior to this anticipated adoption date.

**Colorado Department of Revenue
Regulatory Agenda
January 2015 - December 2015**

Rule Proposal Name	Statute or Other Basis for Adoption	Purpose of Proposed Rule or Rule Change	Contemplated schedule for Adoption *	Identify Those Affected by the Proposed Change
Proposed Amendment 4.238	CRS 12-60-102; CRS 12-60-202; CRS 12-60-501; CRS 12-60-603	Necessary to amend and delete obsolete and outdated regulations regarding Greyhound Racing in accordance with House Bill 1146	May-15	Greyhound Racing Owners, Trainers, and patrons
Proposed Amendment 4.242	CRS 12-60-102; CRS 12-60-202; CRS 12-60-501; CRS 12-60-603	Necessary to amend and delete obsolete and outdated regulations regarding Greyhound Racing in accordance with House Bill 1146	May-15	Greyhound Racing Owners, Trainers, and patrons
Proposed Deletion 1 CCR 208-1 --300's Title Announcer Greyhound	CRS 12-60-102; CRS 12-60-202; CRS 12-60-501; CRS 12-60-603	Necessary to amend and delete obsolete and outdated regulations regarding Greyhound Racing in accordance with House Bill 1146	May-15	Greyhound Racing Owners, Trainers, and patrons
Proposed Deletion 1 CCR 208-1 400's & 500's Other Officials (Greyhound)	CRS 12-60-102; CRS 12-60-202; CRS 12-60-501; CRS 12-60-603	Necessary to amend and delete obsolete and outdated regulations regarding Greyhound Racing in accordance with House Bill 1146	May-15	Greyhound Racing Owners, Trainers, and patrons
Proposed Amendment 5.202	CRS 12-60-102; CRS 12-60-202; CRS 12-60-501; CRS 12-60-603	Necessary to amend and delete obsolete and outdated regulations regarding Greyhound Racing in accordance with House Bill 1146	May-15	Greyhound Racing Owners, Trainers, and patrons
Proposed Amendment 5.204	CRS 12-60-102; CRS 12-60-202; CRS 12-60-501; CRS 12-60-603	Necessary to amend and delete obsolete and outdated regulations regarding Greyhound Racing in accordance with House Bill 1146	May-15	Greyhound Racing Owners, Trainers, and patrons

* This is the anticipated adoption date. The process is scheduled to begin 6 months prior to this anticipated adoption date.

**Colorado Department of Revenue
Regulatory Agenda
January 2015 - December 2015**

Rule Proposal Name	Statute or Other Basis for Adoption	Purpose of Proposed Rule or Rule Change	Contemplated schedule for Adoption *	Identify Those Affected by the Proposed Change
Proposed Amendment 5.206	CRS 12-60-102; CRS 12-60-202; CRS 12-60-501; CRS 12-60-603	Necessary to amend and delete obsolete and outdated regulations regarding Greyhound Racing in accordance with House Bill 1146	May-15	Greyhound Racing Owners, Trainers, and patrons
Proposed Amendment 5.208	CRS 12-60-102; CRS 12-60-202; CRS 12-60-501; CRS 12-60-603	Necessary to amend and delete obsolete and outdated regulations regarding Greyhound Racing in accordance with House Bill 1146	May-15	Greyhound Racing Owners, Trainers, and patrons
Proposed Amendment 5.210	CRS 12-60-102; CRS 12-60-202; CRS 12-60-501; CRS 12-60-603	Necessary to amend and delete obsolete and outdated regulations regarding Greyhound Racing in accordance with House Bill 1146	May-15	Greyhound Racing Owners, Trainers, and patrons
Proposed Amendment 5.212	CRS 12-60-102; CRS 12-60-202; CRS 12-60-501; CRS 12-60-603	Necessary to amend and delete obsolete and outdated regulations regarding Greyhound Racing in accordance with House Bill 1146	May-15	Greyhound Racing Owners, Trainers, and patrons
Proposed Amendment 5.214	CRS 12-60-102; CRS 12-60-202; CRS 12-60-501; CRS 12-60-603	Necessary to amend and delete obsolete and outdated regulations regarding Greyhound Racing in accordance with House Bill 1146	May-15	Greyhound Racing Owners, Trainers, and patrons
Proposed Deletion 5.215	CRS 12-60-102; CRS 12-60-202; CRS 12-60-501; CRS 12-60-603	Necessary to amend and delete obsolete and outdated regulations regarding Greyhound Racing in accordance with House Bill 1146	May-15	Greyhound Racing Owners, Trainers, and patrons

* This is the anticipated adoption date. The process is scheduled to begin 6 months prior to this anticipated adoption date.

**Colorado Department of Revenue
Regulatory Agenda
January 2015 - December 2015**

Rule Proposal Name	Statute or Other Basis for Adoption	Purpose of Proposed Rule or Rule Change	Contemplated schedule for Adoption *	Identify Those Affected by the Proposed Change
Proposed Amendment 5.240	CRS 12-60-102; CRS 12-60-202; CRS 12-60-501; CRS 12-60-603	Necessary to amend and delete obsolete and outdated regulations regarding Greyhound Racing in accordance with House Bill 1146	May-15	Greyhound Racing Owners, Trainers, and patrons
Proposed Amendment 5.354	CRS 12-60-102; CRS 12-60-202; CRS 12-60-501; CRS 12-60-603	Necessary to amend and delete obsolete and outdated regulations regarding Greyhound Racing in accordance with House Bill 1146	May-15	Greyhound Racing Owners, Trainers, and patrons
Proposed Amendment 5.356	CRS 12-60-102; CRS 12-60-202; CRS 12-60-501; CRS 12-60-603	Necessary to amend and delete obsolete and outdated regulations regarding Greyhound Racing in accordance with House Bill 1146	May-15	Greyhound Racing Owners, Trainers, and patrons
Proposed Amendment 5.358	CRS 12-60-102; CRS 12-60-202; CRS 12-60-501; CRS 12-60-603	Necessary to amend and delete obsolete and outdated regulations regarding Greyhound Racing in accordance with House Bill 1146	May-15	Greyhound Racing Owners, Trainers, and patrons
Proposed Amendment 5.359	CRS 12-60-102; CRS 12-60-202; CRS 12-60-501; CRS 12-60-603	Necessary to amend and delete obsolete and outdated regulations regarding Greyhound Racing in accordance with House Bill 1146	May-15	Greyhound Racing Owners, Trainers, and patrons
Proposed Amendment 5.360	CRS 12-60-102; CRS 12-60-202; CRS 12-60-501; CRS 12-60-603	Necessary to amend and delete obsolete and outdated regulations regarding Greyhound Racing in accordance with House Bill 1146	May-15	Greyhound Racing Owners, Trainers, and patrons

* This is the anticipated adoption date. The process is scheduled to begin 6 months prior to this anticipated adoption date.

**Colorado Department of Revenue
Regulatory Agenda
January 2015 - December 2015**

Rule Proposal Name	Statute or Other Basis for Adoption	Purpose of Proposed Rule or Rule Change	Contemplated schedule for Adoption *	Identify Those Affected by the Proposed Change
Proposed Amendment 5.502	CRS 12-60-102; CRS 12-60-202; CRS 12-60-501; CRS 12-60-603	Necessary to amend and delete obsolete and outdated regulations regarding Greyhound Racing in accordance with House Bill 1146	May-15	Greyhound Racing Owners, Trainers, and patrons
Proposed Deletion 1 CCR 208-1 700'S Physical Inspection of Greyhounds	CRS 12-60-102; CRS 12-60-202; CRS 12-60-501; CRS 12-60-603	Necessary to amend and delete obsolete and outdated regulations regarding Greyhound Racing in accordance with House Bill 1146	May-15	Greyhound Racing Owners, Trainers, and patrons
Proposed Amendment 6.200	CRS 12-60-102; CRS 12-60-202; CRS 12-60-501; CRS 12-60-603	Necessary to amend and delete obsolete and outdated regulations regarding Greyhound Racing in accordance with House Bill 1146	May-15	Greyhound Racing Owners, Trainers, and patrons
Proposed Amendment 6.202	CRS 12-60-102; CRS 12-60-202; CRS 12-60-501; CRS 12-60-603	Necessary to amend and delete obsolete and outdated regulations regarding Greyhound Racing in accordance with House Bill 1146	May-15	Greyhound Racing Owners, Trainers, and patrons
Proposed Amendment 6.206	CRS 12-60-102; CRS 12-60-202; CRS 12-60-501; CRS 12-60-603	Necessary to amend and delete obsolete and outdated regulations regarding Greyhound Racing in accordance with House Bill 1146	May-15	Greyhound Racing Owners, Trainers, and patrons
Proposed Amendment 6.401	CRS 12-60-102; CRS 12-60-202; CRS 12-60-501; CRS 12-60-603	Necessary to amend and delete obsolete and outdated regulations regarding Greyhound Racing in accordance with House Bill 1146	May-15	Greyhound Racing Owners, Trainers, and patrons

* This is the anticipated adoption date. The process is scheduled to begin 6 months prior to this anticipated adoption date.

**Colorado Department of Revenue
Regulatory Agenda
January 2015 - December 2015**

Rule Proposal Name	Statute or Other Basis for Adoption	Purpose of Proposed Rule or Rule Change	Contemplated schedule for Adoption *	Identify Those Affected by the Proposed Change
Proposed Amendment 6.709	CRS 12-60-102; CRS 12-60-202; CRS 12-60-501; CRS 12-60-603	Necessary to amend and delete obsolete and outdated regulations regarding Greyhound Racing in accordance with House Bill 1146	May-15	Greyhound Racing Owners, Trainers, and patrons
Proposed Amendment 1 CCR 208-1 --300's -- Title -- Financial Requirements (Greyhound) Insurer of the Race Meeting	CRS 12-60-102; CRS 12-60-202; CRS 12-60-501; CRS 12-60-603	Necessary to amend and delete obsolete and outdated regulations regarding Greyhound Racing in accordance with House Bill 1146	May-15	Greyhound Racing Owners, Trainers, and patrons
Proposed Deletion 11.342	CRS 12-60-102; CRS 12-60-202; CRS 12-60-501; CRS 12-60-603	Necessary to amend and delete obsolete and outdated regulations regarding Greyhound Racing in accordance with House Bill 1146	May-15	Greyhound Racing Owners, Trainers, and patrons
Proposed Amendment 11.344	CRS 12-60-102; CRS 12-60-202; CRS 12-60-501; CRS 12-60-603	Necessary to amend and delete obsolete and outdated regulations regarding Greyhound Racing in accordance with House Bill 1146	May-15	Greyhound Racing Owners, Trainers, and patrons
Proposed Amendment 1 CCR 208-1 --400's -- Title -- Facilities and Equipment (Greyhound)	CRS 12-60-102; CRS 12-60-202; CRS 12-60-501; CRS 12-60-603	Necessary to amend and delete obsolete and outdated regulations regarding Greyhound Racing in accordance with House Bill 1146	May-15	Greyhound Racing Owners, Trainers, and patrons

* This is the anticipated adoption date. The process is scheduled to begin 6 months prior to this anticipated adoption date.

**Colorado Department of Revenue
Regulatory Agenda
January 2015 - December 2015**

Rule Proposal Name	Statute or Other Basis for Adoption	Purpose of Proposed Rule or Rule Change	Contemplated schedule for Adoption *	Identify Those Affected by the Proposed Change
Proposed Amendment 11.400	CRS 12-60-102; CRS 12-60-202; CRS 12-60-501; CRS 12-60-603	Necessary to amend and delete obsolete and outdated regulations regarding Greyhound Racing in accordance with House Bill 1146	May-15	Greyhound Racing Owners, Trainers, and patrons
Proposed Deletion 11.424	CRS 12-60-102; CRS 12-60-202; CRS 12-60-501; CRS 12-60-603	Necessary to amend and delete obsolete and outdated regulations regarding Greyhound Racing in accordance with House Bill 1146	May-15	Greyhound Racing Owners, Trainers, and patrons
Proposed Deletion 11.440	CRS 12-60-102; CRS 12-60-202; CRS 12-60-501; CRS 12-60-603	Necessary to amend and delete obsolete and outdated regulations regarding Greyhound Racing in accordance with House Bill 1146	May-15	Greyhound Racing Owners, Trainers, and patrons
Proposed Deletion 11.442	CRS 12-60-102; CRS 12-60-202; CRS 12-60-501; CRS 12-60-603	Necessary to amend and delete obsolete and outdated regulations regarding Greyhound Racing in accordance with House Bill 1146	May-15	Horse Racing Owners, Trainers, and patrons
Proposed Deletion 11.444	CRS 12-60-102; CRS 12-60-202; CRS 12-60-501; CRS 12-60-603	Necessary to amend and delete obsolete and outdated regulations regarding Greyhound Racing in accordance with House Bill 1146	May-15	Greyhound Racing Owners, Trainers, and patrons
Proposed Deletion 11.450	CRS 12-60-102; CRS 12-60-202; CRS 12-60-501; CRS 12-60-603	Necessary to amend and delete obsolete and outdated regulations regarding Greyhound Racing in accordance with House Bill 1146	May-15	Greyhound Racing Owners, Trainers, and patrons

* This is the anticipated adoption date. The process is scheduled to begin 6 months prior to this anticipated adoption date.

**Colorado Department of Revenue
Regulatory Agenda
January 2015 - December 2015**

Rule Proposal Name	Statute or Other Basis for Adoption	Purpose of Proposed Rule or Rule Change	Contemplated schedule for Adoption *	Identify Those Affected by the Proposed Change
Proposed Deletion 11.452	CRS 12-60-102; CRS 12-60-202; CRS 12-60-501; CRS 12-60-603	Necessary to amend and delete obsolete and outdated regulations regarding Greyhound Racing in accordance with House Bill 1146	May-15	Greyhound Racing Owners, Trainers, and patrons
Proposed Amendment 1 CCR 208-1 --500's -- Title -- General Operations (Greyhound)	CRS 12-60-102; CRS 12-60-202; CRS 12-60-501; CRS 12-60-603	Necessary to amend and delete obsolete and outdated regulations regarding Greyhound Racing in accordance with House Bill 1146	May-15	Greyhound Racing Owners, Trainers, and patrons
Proposed Amendment 11.508	CRS 12-60-102; CRS 12-60-202; CRS 12-60-501; CRS 12-60-603	Necessary to amend and delete obsolete and outdated regulations regarding Greyhound Racing in accordance with House Bill 1146	May-15	Greyhound Racing Owners, Trainers, and patrons
Proposed Amendment 11.510	CRS 12-60-102; CRS 12-60-202; CRS 12-60-501; CRS 12-60-603	Necessary to amend and delete obsolete and outdated regulations regarding Greyhound Racing in accordance with House Bill 1146	May-15	Greyhound Racing Owners, Trainers, and patrons
Proposed Amendment 11.516	CRS 12-60-102; CRS 12-60-202; CRS 12-60-501; CRS 12-60-603	Necessary to amend and delete obsolete and outdated regulations regarding Greyhound Racing in accordance with House Bill 1146	May-15	Greyhound Racing Owners, Trainers, and patrons
Proposed Amendment 11.518	CRS 12-60-102; CRS 12-60-202; CRS 12-60-501; CRS 12-60-603	Necessary to amend and delete obsolete and outdated regulations regarding Greyhound Racing in accordance with House Bill 1146	May-15	Greyhound Racing Owners, Trainers, and patrons

* This is the anticipated adoption date. The process is scheduled to begin 6 months prior to this anticipated adoption date.

**Colorado Department of Revenue
Regulatory Agenda
January 2015 - December 2015**

Rule Proposal Name	Statute or Other Basis for Adoption	Purpose of Proposed Rule or Rule Change	Contemplated schedule for Adoption *	Identify Those Affected by the Proposed Change
Proposed Deletion 11.550	CRS 12-60-102; CRS 12-60-202; CRS 12-60-501; CRS 12-60-603	Necessary to amend and delete obsolete and outdated regulations regarding Greyhound Racing in accordance with House Bill 1146	May-15	Greyhound Racing Owners, Trainers, and patrons
Proposed Deletion 11.552	CRS 12-60-102; CRS 12-60-202; CRS 12-60-501; CRS 12-60-603	Necessary to amend and delete obsolete and outdated regulations regarding Greyhound Racing in accordance with House Bill 1146	May-15	Greyhound Racing Owners, Trainers, and patrons
Proposed Deletion 11.554	CRS 12-60-102; CRS 12-60-202; CRS 12-60-501; CRS 12-60-603	Necessary to amend and delete obsolete and outdated regulations regarding Greyhound Racing in accordance with House Bill 1146	May-15	Greyhound Racing Owners, Trainers, and patrons
Proposed Deletion 11.556	CRS 12-60-102; CRS 12-60-202; CRS 12-60-501; CRS 12-60-603	Necessary to amend and delete obsolete and outdated regulations regarding Greyhound Racing in accordance with House Bill 1146	May-15	Greyhound Racing Owners, Trainers, and patrons
Proposed Deletion 11.558	CRS 12-60-102; CRS 12-60-202; CRS 12-60-501; CRS 12-60-603	Necessary to amend and delete obsolete and outdated regulations regarding Greyhound Racing in accordance with House Bill 1146	May-15	Greyhound Racing Owners, Trainers, and patrons
Proposed Amendment 11.560	CRS 12-60-102; CRS 12-60-202; CRS 12-60-501; CRS 12-60-603	Necessary to amend and delete obsolete and outdated regulations regarding Greyhound Racing in accordance with House Bill 1146	May-15	Greyhound Racing Owners, Trainers, and patrons

* This is the anticipated adoption date. The process is scheduled to begin 6 months prior to this anticipated adoption date.

**Colorado Department of Revenue
Regulatory Agenda
January 2015 - December 2015**

Rule Proposal Name	Statute or Other Basis for Adoption	Purpose of Proposed Rule or Rule Change	Contemplated schedule for Adoption *	Identify Those Affected by the Proposed Change
Proposed Deletion 11.562	CRS 12-60-102; CRS 12-60-202; CRS 12-60-501; CRS 12-60-603	Necessary to amend and delete obsolete and outdated regulations regarding Greyhound Racing in accordance with House Bill 1146	May-15	Greyhound Racing Owners, Trainers, and patrons
Proposed Deletion 12.170	CRS 12-60-102; CRS 12-60-202; CRS 12-60-501; CRS 12-60-603	Necessary to amend and delete obsolete and outdated regulations regarding Greyhound Racing in accordance with House Bill 1146	May-15	Greyhound Racing Owners, Trainers, and patrons
Proposed Amendment 12.206	CRS 12-60-102; CRS 12-60-202; CRS 12-60-501; CRS 12-60-603	Necessary to amend and delete obsolete and outdated regulations regarding Greyhound Racing in accordance with House Bill 1146	May-15	Greyhound Racing Owners, Trainers, and patrons
Proposed Amendment 12.208	CRS 12-60-102; CRS 12-60-202; CRS 12-60-501; CRS 12-60-603	Necessary to amend and delete obsolete and outdated regulations regarding Greyhound Racing in accordance with House Bill 1146	May-15	Greyhound Racing Owners, Trainers, and patrons
1 CCR 208(1) Definition Section references to Greyhounds	CRS 12-60-102; CRS 12-60-202; CRS 12-60-501; CRS 12-60-603	Necessary to amend and delete obsolete and outdated regulations regarding Greyhound Racing in accordance with House Bill 1146	May-15	Greyhound Racing Owners, Trainers, and patrons

* This is the anticipated adoption date. The process is scheduled to begin 6 months prior to this anticipated adoption date.

**Colorado Department of Revenue
Regulatory Agenda
January 2015 - December 2015**

Rule Proposal Name	Statute or Other Basis for Adoption	Purpose of Proposed Rule or Rule Change	Contemplated schedule for Adoption *	Identify Those Affected by the Proposed Change
Proposed Amendment to 5.312	CRS 12-60-201(1); CRS 12-60-203(3)(c); and CRS 12-60-501(2)(a)	Amendment necessary to address potential ambiguity regarding applicable penalties for use of NSAIDS in the racing season on May 21, 2014. Necessary for the preservation of public health, safety, and welfare. To clarify circumstances re the excess levels of approved NSAIDS.	May-15	Horse Racing Owners, Veterinarians, and Trainers who administer NSAID authorized medications to their horses
Proposed Amendment to 5.441	CRS 12-60-501	Colorado is a member jurisdiction to the Association of Racing Commissioners International (ARCI), and as such, follows their model rules. Last year the ARCI adopted ARCI-001-0020 Medications and Prohibited Substances penalties for Multiple Medication Violations (MMV), these proposed Amendments give practical corrections from the ARCI to elaborate upon the database for MMV and penalties.	May-15	Horse Racing Owners
Proposed Amendment to 3.208	CRS 12-60-201(1); CRS 12-60-505(1); CRS 12-60-501;	Amendment to address licensing proof of identification and proof of lawful presence	May-15	Racing License Applicants

* This is the anticipated adoption date. The process is scheduled to begin 6 months prior to this anticipated adoption date.

**Colorado Department of Revenue
Regulatory Agenda
January 2015 - December 2015**

Rule Proposal Name	Statute or Other Basis for Adoption	Purpose of Proposed Rule or Rule Change	Contemplated schedule for Adoption *	Identify Those Affected by the Proposed Change
Proposed Amendment to 6.120	CRS 12-60-201(1); CRS 12-60-505(1); 12-60-204	Amendment to the fine which the Board of Stewards or Hearing Officer may impose for medication violations, to comply with National RCI standards.	May-15	Horse Racing Owners and Trainers who administer medications to their horses
Proposed Amendment to 5.612	CRS 12-60-201(1); CRS 12-60-505(1)	To modify rule so it does not conflict with CRCR 7.200	May-15	Racing License Applicants
Proposed Amendment to 5.608	CRS 12-60-201(1); CRS 12-60-505(1); CRS 12-60-204	To define the ability of the Division Veterinarian to keep horses on the Veterinarian's List ineligible to race.	May-15	Racing License Applicants
Proposed Amendment 7.200	CRS 12-60-201(1); CRS 12-60-505(1)	To delete rule so it does not conflict with CRCR 5.612	May-15	Racing License Applicants
Proposed Amendment to 8.600	CRS 12-60-501	To clarify timing process for claimed horses to be taken to the test barn immediately after the race.	May-15	Horse Racing Owners and Trainers
Proposed Amendment to 8.606	CRS 12-60-501	Gives guidance regarding brand inspection when a horse is claimed.	May-15	Horse Racing Owners and Trainers
Proposed Deletion of 3.638	CRS 12-60-201(1); CRS 12-60-505(1)	To delete an obsolete rule	May-15	Horse Racing Owners, Trainers, and Jockeys

* This is the anticipated adoption date. The process is scheduled to begin 6 months prior to this anticipated adoption date.

**Colorado Department of Revenue
Regulatory Agenda
January 2015 - December 2015**

Rule Proposal Name	Statute or Other Basis for Adoption	Purpose of Proposed Rule or Rule Change	Contemplated schedule for Adoption *	Identify Those Affected by the Proposed Change
Proposed Deletion of 3.640	CRS 12-60-201(1); CRS 12-60-505(1)	To delete an obsolete rule	May-15	Horse Racing Owners, Trainers, and Jockeys
Proposed Amendment to 3.652	CRS 12-60-201(1); CRS 12-60-505(1)	To amend a rule to specify jockeys or agents must attend the draw	May-15	Jockeys and Jockey Agents
Proposed Deletion of 5.202	CRS 12-60-201(1); CRS 12-60-505(1)	To delete an obsolete rule	May-15	Division Veterinarian
Proposed Amendment to 5.252	CRS 12-60-201(1); CRS 12-60-505(2)(a)	To add enforcement measures and fine practicing Veterinarians for having contact with horses 24 hours prior to post time	May-15	Horse Racing Trainers and Owners
Proposed Amendment to 5.244(2)	CRS 12-60-201(1); CRS 12-60-505(1)	To amend the time when the horse must be on the grounds prior to post time, to adhere to new Division Policy adopted in the 2014 Racing season	May-15	Horse Racing Trainers and Owners
Proposed Amendment to 5.248	CRS 12-60-201(1); CRS 12-60-505(1); CRS 12-60-507	To enhance increased penalties for finding a syringe or tube on race track grounds	May-15	Horse Racing Owners, Trainers, and Jockeys
Proposed Amendment to 5.320	CRS 12-60-201(1); CRS 12-60-505(2)(a)	To add enforcement measures to Lasix administration procedures and timing	May-15	Division Veterinarian and Practicing Veterinarians
Proposed Amendment to 5.359	CRS 12-60-201(1); CRS 12-60-505(1)	Amend redearence to Greyhounds	May-15	Division Veterinarian and Practicing Veterinarians

* This is the anticipated adoption date. The process is scheduled to begin 6 months prior to this anticipated adoption date.

**Colorado Department of Revenue
Regulatory Agenda
January 2015 - December 2015**

Rule Proposal Name	Statute or Other Basis for Adoption	Purpose of Proposed Rule or Rule Change	Contemplated schedule for Adoption *	Identify Those Affected by the Proposed Change
Proposed Amendment 8.600	CRS 12-60-501	To clarify timing process for claimed horses to be taken to the test barn	May-15	Horse Racing Owners and Trainers
Proposed Amendment to 4.496	CRS 12-60-501	To add specifics regarding the Racing Secretary following certain protocol in order to change conditions of races	May-15	Racing Secretary, Horse Racing Owners, and Trainers
Proposed Amendment to 5.300	CRS 12-60-501	To add ARCI approved amendments to NSAIDS and language regarding NSAID stacking	May-15	Division Veterinarian, Practicing Veterinarians, Owners, Trainers
Proposed Amendment to 4.495	CRS 12-60-501	To delete language regarding contractual obligations to provide Division with lease agreements on horses	May-15	Racing Secretary, Horse Racing Owners, and Trainers
Proposed Amendment to 5.441 chart Category C	CRS 12-60-501	To add penalty loss of purse for 2nd and 3rd offense and NDAID overages changes by ARCI	May-15	Horse Racing Owners
Proposed Deletion of Greyhound References in Definition Section of 1 CCR 208(1)	CRS 12-60-501	To delete all references to Greyhounds in the Regulations	May-15	Greyhound Racing Owners, Trainers, and patrons

* This is the anticipated adoption date. The process is scheduled to begin 6 months prior to this anticipated adoption date.

**Colorado Department of Revenue
Regulatory Agenda
January 2015 - December 2015**

Rule Proposal Name	Statute or Other Basis for Adoption	Purpose of Proposed Rule or Rule Change	Contemplated schedule for Adoption *	Identify Those Affected by the Proposed Change
Proposed Deletion of Lease Agreement	CRS 12-60-501	To comply with Proposed Amendment to 4.495 regarding the contractual obligation of Lease Agreements between parties and Division Involvement	May-15	Racing Secretary, Horse Racing Owners, and Trainers

* This is the anticipated adoption date. The process is scheduled to begin 6 months prior to this anticipated adoption date.

**Colorado Department of Revenue
Regulatory Agenda
January 2015 - December 2015**

Rule Proposal Name	Statute or Other Basis for Adoption	Purpose of Proposed Rule or Rule Change	Contemplated schedule for Adoption *	Identify Those Affected by the Proposed Change
Enforcement				
LIQUOR				
47-404 Foreign Trade Zones	12-47-202	Planned review of the 20% of Liquor Rules	Oct-15	LED, all liquor licensees, local licensing authorities, general public
47-406 Wholesale Dealer - Importation	12-47-202	Planned review of the 20% of Liquor Rules	Oct-15	LED, all liquor licensees, local licensing authorities, general public
47-407 Liquor-Licensed Drugstore	12-47-202	Planned review of the 20% of Liquor Rules	Oct-15	LED, all liquor licensees, local licensing authorities, general public
47-408 Purchases by Retailers	12-47-202	Planned review of the 20% of Liquor Rules	Oct-15	LED, all liquor licensees, local licensing authorities, general public
47-409 Transportation of Alcohol Beverages	12-47-202	Planned review of the 20% of Liquor Rules	Oct-15	LED, all liquor licensees, local licensing authorities, general public

* This is the anticipated adoption date. The process is scheduled to begin 6 months prior to this anticipated adoption date.

**Colorado Department of Revenue
Regulatory Agenda
January 2015 - December 2015**

Rule Proposal Name	Statute or Other Basis for Adoption	Purpose of Proposed Rule or Rule Change	Contemplated schedule for Adoption *	Identify Those Affected by the Proposed Change
47-410 Retailer Warehouse Storage Permit	12-47-202	Planned review of the 20% of Liquor Rules	Oct-15	LED, all liquor licensees, local licensing authorities, general public
47-412 Wholesale Warehouse or Branch Houses	12-47-202	Planned review of the 20% of Liquor Rules	Oct-15	LED, all liquor licensees, local licensing authorities, general public
47-414 Purchase By Wholesalers	12-47-202	Planned review of the 20% of Liquor Rules	Oct-15	LED, all liquor licensees, local licensing authorities, general public
47-416 Items Approved for Sale in Retail Liquor Stores	12-47-202	Planned review of the 20% of Liquor Rules	Oct-15	LED, all liquor licensees, local licensing authorities, general public
47-418 Restaurants	12-47-202	Planned review of the 20% of Liquor Rules	Oct-15	LED, all liquor licensees, local licensing authorities, general public
47-420 Minibar Container Size	12-47-202	Planned review of the 20% of Liquor Rules	Oct-15	LED, all liquor licensees, local licensing authorities, general public

* This is the anticipated adoption date. The process is scheduled to begin 6 months prior to this anticipated adoption date.

**Colorado Department of Revenue
Regulatory Agenda
January 2015 - December 2015**

Rule Proposal Name	Statute or Other Basis for Adoption	Purpose of Proposed Rule or Rule Change	Contemplated schedule for Adoption *	Identify Those Affected by the Proposed Change
47-422 Arts License	12-47-202	Planned review of the 20% of Liquor Rules	Oct-15	LED, all liquor licensees, local licensing authorities, general public
47-424 Engaging in Business	12-47-202	Planned review of the 20% of Liquor Rules	Oct-15	LED, all liquor licensees, local licensing authorities, general public
47-426 Delivery of Alcohol Beverages	12-47-202	Planned review of the 20% of Liquor Rules	Oct-15	LED, all liquor licensees, local licensing authorities, general public
47-428 Manufacturer Sales Rooms	12-47-202	Planned review of the 20% of Liquor Rules	Oct-15	LED, all liquor licensees, local licensing authorities, general public
47-432 Colorado Manufacturers - Alternating Proprietor Licensed Premises	12-47-202	Planned review of the 20% of Liquor Rules	Oct-15	LED, all liquor licensees, local licensing authorities, general public

* This is the anticipated adoption date. The process is scheduled to begin 6 months prior to this anticipated adoption date.

**Colorado Department of Revenue
Regulatory Agenda
January 2015 - December 2015**

Rule Proposal Name	Statute or Other Basis for Adoption	Purpose of Proposed Rule or Rule Change	Contemplated schedule for Adoption *	Identify Those Affected by the Proposed Change
Enforcement				
MARIJUANA				
M 103	12-43.3-202(1)(b)(I)	Update definitions as needed for substance and grammar	Oct-15	MED, Medical Marijuana Businesses, Patients, Consumers
R 103	12-43.4-202(2)(b)	Update definitions as needed for substance and grammar	Oct-15	MED, Retail Marijuana Establishments, Patients, Consumers
R 211	12-43.4-202(2)(b), 12-43.4-202(3)(a), 12-43.4-202(3)(b)(IX), and 12-43.4-202(4)(a) and (b) and sections 12-43.4-103, 12-43.4-104, and 12-43.4-501, C.R.S.	Adopt long-term production management solution	Oct-15	MED, Retail Marijuana Establishments, Patients, Consumers
R 212	12-43.4-202(2)(b), 12-43.4-202(3)(a), 12-43.4-202(3)(b)(IX), and 12-43.4-202(4)(a) and (b); and sections 12-43.4-103, 12-43.4-104, and 12-43.4-501, C.R.S.	Adopt long-term production management solution	Oct-15	MED, Retail Marijuana Establishments, Patients, Consumers

* This is the anticipated adoption date. The process is scheduled to begin 6 months prior to this anticipated adoption date.

**Colorado Department of Revenue
Regulatory Agenda
January 2015 - December 2015**

Rule Proposal Name	Statute or Other Basis for Adoption	Purpose of Proposed Rule or Rule Change	Contemplated schedule for Adoption *	Identify Those Affected by the Proposed Change
R 604	House Bill 14-1366	Requirement to promulgate rule/s that require edible retail marijuana products to be clearly identifiable, when practicable, with a standard symbol indicating that it contains marijuana and is not for consumption by children	Oct-15	MED, Retail Marijuana Establishments, Patients, Consumers
R 604	House Bill 14-1361	Requirement to promulgate rule/s to establish equivalency in Retail Marijuana Products	Oct-15	MED, Retail Marijuana Establishments, Patients, Consumers
R 605	House Bill 14-1361	Requirement to promulgate rule/s to establish equivalency in Retail Marijuana Products	Oct-15	MED, Retail Marijuana Establishments, Patients, Consumers
R 606	House Bill 14-1361	Requirement to promulgate rule/s to establish equivalency in Retail Marijuana Products	Oct-15	MED, Retail Marijuana Establishments, Patients, Consumers

* This is the anticipated adoption date. The process is scheduled to begin 6 months prior to this anticipated adoption date.

**Colorado Department of Revenue
Regulatory Agenda
January 2015 - December 2015**

Rule Proposal Name	Statute or Other Basis for Adoption	Purpose of Proposed Rule or Rule Change	Contemplated schedule for Adoption *	Identify Those Affected by the Proposed Change
R 1004.5	House Bill 14-1366	Requirement to promulgate rule/s that require edible retail marijuana products to be clearly identifiable, when practicable, with a standard symbol indicating that it contains marijuana and is not for consumption by children	Oct-15	MED, Retail Marijuana Establishments, Patients, Consumers
R 1006.5	House Bill 14-1366	Requirement to promulgate rule/s that require edible retail marijuana products to be clearly identifiable, when practicable, with a standard symbol indicating that it contains marijuana and is not for consumption by children	Oct-15	MED, Retail Marijuana Establishments, Patients, Consumers

* This is the anticipated adoption date. The process is scheduled to begin 6 months prior to this anticipated adoption date.

Departmental Regulatory Agendas

Department

Department of State



2015 Departmental Regulatory Agenda
Office of the Secretary of State
October 17, 2014

To: The Staff of Legislative Council

Re: Colorado Department of State – 2015 Departmental Regulatory Agenda

Contents:

INTRODUCTION	2
DEPARTMENT REGULATORY AGENDA.....	2
8 CCR 1505-1: Elections.....	2
8 CCR 1505-2: Bingo and Raffles Games	3
8 CCR 1505-3: Rules Governing General Policies and Administration	4
8 CCR 1505-6: Rules Concerning Campaign and Political Finance	5
8 CCR 1505-7: UCC Filing Office Rules	6
8 CCR 1505-8: Rules Concerning Lobbyist Regulation.....	7
8 CCR 1505-9: Rules for the Administration of the Colorado Charitable Solicitations Act	8
8 CCR 1505-10: Rules Concerning the Electronic Recording Technology Grant Program.....	8
8 CCR 1505-11: Notary Program Rules	9
8 CCR 1505-12: Public Records Pursuant to the Colorado Open Records Act (CORA)	9
8 CCR 1505-14: Rules Concerning Conflict of Interest Disclosures.....	9
SUMMARY OF RULES ADOPTED AFTER NOVEMBER 1, 2013	10
8 CCR 1505-1: Elections.....	10
8 CCR 1505-2: Bingo and Raffles Games	12
8 CCR 1505-11: Notary Program Rules	12
PUBLICATION AND AVAILABILITY TO THE PUBLIC	13

INTRODUCTION

The Colorado Secretary of State submits the following 2015 Departmental Regulatory Agenda for the Department of State to the General Assembly in accordance with state laws concerning legislative oversight of principal departments.¹

DEPARTMENT REGULATORY AGENDA

8 CCR 1505-1: Elections

A) New or revised rules that the department expects to propose in the next calendar year and the purpose for the rules

The Secretary of State may commence rulemaking to consider amendments to the Election Rules in order to improve the administration and enforcement of and to answer questions arising under Colorado elections law.²

Specifically, this office may propose and consider new and amended rules concerning the following:

- Overseas citizen and military voters
- Voter Registration Drive oversight
- Voter registration list maintenance
- Interstate voter crosscheck

Additionally, the Secretary of State may commence rulemaking as necessary to:

- Address legislative changes and implement amendments to Colorado election law adopted during the 2015 First Regular Session of the 70th General Assembly
- Address court decisions
- Answer questions or implement recommendations from county clerk and recorders, the public, and other interested parties and organizations
- Improve rule organization and readability, repeal obsolete rules and language that duplicates statute, and adopt other technical amendments as necessary for consistency with Department rulemaking format and style
- Issue, amend, or repeal a rule in accordance with a petition for rulemaking submitted under section 24-4-103 (7), C.R.S.

¹ Section 2-7-203(4), C.R.S., (2014)

² Article VII of the Colorado Constitution, Title 1 of the Colorado Revised Statutes, and the Help America Vote Act of 2002 (“HAVA”), P.L. No. 107-252.

B) Statutory or other basis for adopting those rules

- Section 1-1-107 (2) (a), C.R.S., (2014), authorizes the Secretary of State “[t]o promulgate, publish and distribute...such rules as the secretary of state finds necessary for the proper administration and enforcement of the election laws.”
- Section 1-1.5-104 (1) (b), C.R.S., (2014), authorizes the Secretary of State to “[p]romulgate, oversee, and implement changes in the statewide voter registration system as specified in part 3 of article 2 of this title.”
- Section 1-1.5-104 (1) (e), C.R.S., (2014), authorizes the Secretary of State to “[p]romulgate rules in accordance with article 4 of title 24, C.R.S., as the secretary finds necessary for proper administration and implementation of [the “Help America Vote Act of 2002”, 42 U.S.C. 15301-15545] and of this article.”

Depending on the subject matter of unanticipated rulemaking, additional statutory and constitutional authority may apply.

C) Contemplated schedule for adopting the rules

This office estimates commencement of rulemaking by the second quarter of 2015 and anticipates adoption of rules before the November 2015 coordinated election. The Secretary of State will commence rulemaking as necessary in a timely manner and in accordance with the State Administrative Procedure Act.³

D) Identification of persons or parties that may be positively or negatively affected by the rules

- Colorado residents and potential residents
- County clerk and recorders
- Political subdivisions
- Voting system manufacturers
- Officeholders, candidates, and committees
- Voter Registration Drives
- Poll watchers and election judges
- Other interested parties and organizations

8 CCR 1505-2: Bingo and Raffles Games

A) New or revised rules that the department expects to propose in the next calendar year and the purpose for the rules

³ Section 24-4-103 (3) (a), C.R.S. (2014).

The Secretary of State may commence rulemaking for the Rules Concerning Bingo and Raffles Games to improve the administration and enforcement of and to answer questions arising under Colorado bingo and raffles law⁴.

Specifically, the Secretary of State may commence rulemaking to:

- Standardize requirements for both bingo and raffles electronic-pull-tab readers and random number generators (RNGs)
- Implement amendments to the Colorado bingo and raffles laws adopted during the 2015 First Regular Session of the 70th General Assembly
- Improve rule organization and readability, repeal obsolete rules and language that duplicates statute, and adopt other technical amendments as necessary for consistency with Department rulemaking format and style
- Issue, amend, or repeal a rule in accordance with a petition for rulemaking submitted under section 24-4-103 (7), C.R.S.

B) Statutory or other basis for adopting those rules

- Section 12-9-102 (19.3), C.R.S., (2014).
- Section 12-9-103 (1) (b), C.R.S., (2014).
- Section 12-9-107.1 (6) (a), C.R.S., (2014).
- Section 12-9-107.2 (6) (e), C.R.S., (2014).

Depending on the subject matter of unanticipated rulemaking, additional statutory and constitutional authority may apply.

C) Contemplated schedule for adopting the rules

The Secretary of State estimates that rulemaking will commence no later than mid-August 2015. The rulemaking schedule depends on the effective date of any legislation passed during the 2015 First Regular Session of the 70th General Assembly. The Secretary of State will commence rulemaking as necessary in a timely manner and in accordance with the State Administrative Procedure Act.

D) Identification of persons or parties that may be positively or negatively affected by the rules

- Pull tab equipment suppliers and manufacturer licensees

8 CCR 1505-3: Rules Governing General Policies and Administration

The Secretary of State does not anticipate rulemaking for the Rules Governing General Policies and Administration, however, may commence rulemaking as necessary to:

⁴ Article XVIII, Section 2 of the Colorado Constitution and Article 9, Title 12 of the Colorado Revised Statutes.

- Improve the administration and enforcement of and to answer questions arising under Colorado laws
- Implement amendments to Colorado laws adopted during the 2015 First Regular Session of the 70th General Assembly
- Improve rule organization and readability, repeal obsolete rules and language that duplicates statute, and adopt other technical amendments as necessary for consistency with Department rulemaking format and style
- Issue, amend, or repeal a rule in accordance with a petition for rulemaking submitted under section 24-4-103 (7), C.R.S.

Statutory and constitutional authority may depend on the subject matter of rulemaking. The Secretary of State will commence rulemaking as necessary in a timely manner and in accordance with the State Administrative Procedure Act.

8 CCR 1505-6: Rules Concerning Campaign and Political Finance

A) New or revised rules that the department expects to propose in the next calendar year and the purpose for the rules

The Secretary of State may commence rulemaking for the Rules Concerning Campaign and Political Finance, as necessary to improve the administration and enforcement of and to answer questions arising under Colorado campaign finance law⁵.

Additionally, the Secretary of State may commence rulemaking as necessary to:

- Implement amendments to Colorado campaign finance law adopted during the 2015 First Regular Session of the 70th General Assembly
- Address court decisions
- Improve rule organization and readability, repeal obsolete rules and language that duplicates statute, and adopt other technical amendments as necessary for consistency with Department rulemaking format and style
- Issue, amend, or repeal a rule in accordance with a petition for rulemaking submitted under section 24-4-103(7), C.R.S.

B) Statutory or other basis for adopting those rules

- Article XXVIII, Section 8 of the Colorado Constitution, requires the Secretary of State to “promulgate rules relating to filing in accordance with article 4 of title 24, C.R.S., or any successor section.”

⁵ Article 45 of Title 1, C.R.S., and Article XXVIII of the Colorado Constitution.

- Article XXVIII, Section 9 of the Colorado Constitution, requires the Secretary of State to “[p]romulgate such rules, in accordance with Article 4 of title 24, C.R.S., or any successor section, as may be necessary to administer and enforce any provision of this [Article XXVIII] Article;”.
- Section 1-45-111.5, C.R.S., (2014), states that “the secretary of state shall promulgate such rules, in accordance with article 4 of title 24, C.R.S., as may be necessary to enforce and administer any provision” of Title 1, Article 45.

Depending on the subject matter of unanticipated rulemaking, additional statutory and constitutional authority may apply.

C) Contemplated schedule for adopting the rules

This office estimates commencement of rulemaking by the second quarter of 2015 and anticipates adoption of rules before the November 2015 coordinated elections. The Secretary of State will commence rulemaking as necessary in a timely manner and in accordance with the State Administrative Procedure Act.

D) Identification of persons or parties that may be positively or negatively affected by the rules

- Colorado residents and potential residents
- Officeholders, candidates, and committees

8 CCR 1505-7: UCC Filing Office Rules

The Secretary of State does not anticipate rulemaking concerning the UCC Filing Office Rules, however, may commence rulemaking as necessary to:

- Improve the administration and enforcement of and to answer questions arising under Colorado’s Uniform Commercial Code⁶
- Implement amendments to Colorado’s Uniform Commercial Code adopted during the 2015 First Regular Session of the 70th General Assembly
- Improve rule organization and readability, repeal obsolete rules and language that duplicates statute, and adopt other technical amendments as necessary for consistency with Department rulemaking format and style
- Issue, amend, or repeal a rule in accordance with a petition for rulemaking submitted under section 24-4-103 (7), C.R.S.

Statutory and constitutional authority may depend on the subject matter of rulemaking. The Secretary of State will commence rulemaking as necessary in a timely manner and in accordance with the State Administrative Procedure Act.

⁶ Article 9 of Title 4, C.R.S.

8 CCR 1505-8: Rules Concerning Lobbyist Regulation

A) New or revised rules that the department expects to propose in the next calendar year and the purpose for the rules

The Secretary of State may commence rulemaking for the Rules Concerning Lobbyist Regulation, as necessary to improve the administration and enforcement of and to answer questions arising under Colorado laws regarding lobbyist regulation⁷.

Specifically, the Secretary of State may commence rulemaking as necessary to:

- Implement amendments to Colorado lobbyist regulation laws adopted by Senate Bill 14-217 during the 2014 Second Regular Session of the 69th General Assembly, including:
 - New rules to clarify the statutory definitions for “client” and “lobbying firm”
 - Amendments to clarify that a self-employed professional lobbyists may file a single registration statement and a single disclosure statement
 - Amendments to clarify the required timeframe to update a registration statement
 - Amendments to replace the term “principal” with “client” throughout the rules
- Implement amendments to the Colorado lobbyist regulation laws adopted during the 2015 First Regular Session of the 70th General Assembly
- Improve rule organization and readability, repeal obsolete rules and language that duplicates statute, and adopt other technical amendments as necessary for consistency with Department rulemaking format and style
- Issue, amend, or repeal a rule in accordance with a petition for rulemaking submitted under section 24-4-103 (7), C.R.S.

B) Statutory or other basis for adopting those rules

- Section 24-6-305 (2) (b), C.R.S., (2014), authorizes the Secretary of State to adopt rules and regulations to define, interpret, implement, and enforce the provisions of the Colorado lobbyist regulation law (Part 3, Article 6, Title 24 of the Colorado Revised Statutes).

Depending on the subject matter of unanticipated rulemaking, additional statutory and constitutional authority may apply.

C) Contemplated schedule for adopting the rules

The Secretary of State will commence rulemaking during the first quarter of 2015 and anticipates adoption of rules by mid-May to address known issues. The Secretary of State may commence additional rulemaking in the last quarter of 2015 to address legislative changes, if necessary.

D) Identification of persons or parties that may be positively or negatively affected by the rules

⁷ Part 3 of Article 6 of Title 24, C.R.S.

- Single-member lobbying firms
- Registered professional lobbyists
- Prospective registered professional lobbyists
- Non-lobbyist individuals who file on the behalf of a professional lobbyist and lobbying firms

8 CCR 1505-9: Rules for the Administration of the Colorado Charitable Solicitations Act

The Secretary of State does not anticipate rulemaking for the Rules for the Administration of the Colorado Charitable Solicitations Act, however, may commence rulemaking as necessary to:

- Improve the administration and enforcement of and to answer questions arising under Colorado charitable solicitations laws⁸
- Implement amendments to Colorado charitable solicitations laws adopted during the 2015 First Regular Session of the 70th General Assembly
- Improve rule organization and readability, repeal obsolete rules and language that duplicates statute, and adopt other technical amendments as necessary for consistency with Department rulemaking format and style
- Issue, amend, or repeal a rule in accordance with a petition for rulemaking submitted under section 24-4-103 (7), C.R.S.

Statutory and constitutional authority may depend on the subject matter of rulemaking. The Secretary of State will commence rulemaking as necessary in a timely manner and in accordance with the State Administrative Procedure Act.

8 CCR 1505-10: Rules Concerning the Electronic Recording Technology Grant Program

The Secretary of State does not anticipate, however, may commence rulemaking as necessary to:

- Implement amendments to Colorado laws regarding the clerk and recorder technology fund⁹ adopted during the 2015 First Regular Session of the 70th General Assembly
- Improve rule organization and readability, repeal obsolete rules and language that duplicates statute, and adopt other technical amendments as necessary for consistency with Department rulemaking format and style
- Issue, amend, or repeal a rule in accordance with a petition for rulemaking submitted under section 24-4-103 (7), C.R.S.

Statutory and constitutional authority may depend on the subject matter of rulemaking. The Secretary of State will commence rulemaking as necessary in a timely manner and in accordance with the State Administrative Procedure Act.

⁸ Article 16 of Title 6, C.R.S.

⁹ Section 30-10-422, C.R.S.

8 CCR 1505-11: Notary Program Rules

The Secretary of State does not anticipate, however, may commence rulemaking as necessary to:

- Improve the administration and enforcement of and to answer questions arising under the Colorado Notaries Public Act.¹⁰
- Implement amendments to the Colorado Notaries Public Act adopted during the 2015 First Regular Session of the 70th General Assembly
- Improve rule organization and readability, repeal obsolete rules and language that duplicates statute, and adopt other technical amendments as necessary for consistency with Department rulemaking format and style
- Issue, amend, or repeal a rule in accordance with a petition for rulemaking submitted under section 24-4-103 (7), C.R.S.

Statutory and constitutional authority may depend on the subject matter of rulemaking. The Secretary of State will commence rulemaking as necessary in a timely manner and in accordance with the State Administrative Procedure Act.

8 CCR 1505-12: Public Records Pursuant to the Colorado Open Records Act (CORA)

The Secretary of State does not anticipate, however, may commence rulemaking as necessary to:

- Improve the administration and enforcement of and to answer questions arising under the Colorado Open Records Act¹¹
- Implement amendments to the Colorado Open Records Act adopted during the 2015 First Regular Session of the 70th General Assembly
- Improve rule organization and readability, repeal obsolete rules and language that duplicates statute, and adopt other technical amendments as necessary for consistency with Department rulemaking format and style
- Issue, amend, or repeal a rule in accordance with a petition for rulemaking submitted under section 24-4-103 (7), C.R.S.

Statutory and constitutional authority may depend on the subject matter of rulemaking. The Secretary of State will commence rulemaking as necessary in a timely manner and in accordance with the State Administrative Procedure Act.

8 CCR 1505-14: Rules Concerning Conflict of Interest Disclosures

The Secretary of State does not anticipate, however, may commence rulemaking as necessary to:

- Improve the administration and enforcement of and to answer questions arising under Colorado standards of conduct law¹²

¹⁰ Article 55 of Title 12, C.R.S.

¹¹ Article 72 of Title 24, C.R.S.

- Implement amendments to Colorado laws regarding standards of conduct adopted during the 2015 First Regular Session of the 70th General Assembly
- Improve rule organization and readability, repeal obsolete rules and language that duplicates statute, and adopt other technical amendments as necessary for consistency with Department rulemaking format and style
- Issue, amend, or repeal a rule in accordance with a petition for rulemaking submitted under section 24-4-103 (7), C.R.S.

Statutory and constitutional authority may depend on the subject matter of rulemaking. The Secretary of State will commence rulemaking as necessary in a timely manner and in accordance with the State Administrative Procedure Act.

SUMMARY OF RULES ADOPTED AFTER NOVEMBER 1, 2013

8 CCR 1505-1: Elections

A) Temporary rules adopted on November 5, 2013:

CCR Tracking Number	Type	Adopted	Effective
2013-01169	Emergency	11/5/2013	11/5/2013

The Secretary of State temporarily adopted New Rule 10.7.5 to ensure uniform and proper administration, implementation, and enforcement of Federal and Colorado election laws.¹³

Under Colorado law, an individual may not be a candidate for elected office unless that person is an eligible elector and fully meets all qualifications of the office he or she seeks.¹⁴ If a designated election official mistakenly certifies an ineligible candidate to the ballot and does not discover the mistake until it is too late to correct the ballots, electors might cast votes for the ineligible candidate. Temporary New Rule 10.7.5 rule was necessary to clarify that all votes cast for an ineligible candidate under the above scenario are invalid.

B) Permanent rules adopted on November 14, 2013:

CCR Tracking Number	Type	Adopted	Effective
2013-00938	Permanent	11/14/2013	12/30/2013

The Secretary of State permanently adopted amendments and recodified the election rules to ensure uniform and proper administration, implementation, and enforcement of Federal and Colorado election

¹² Article 18 of Title 24, C.R.S.

¹³ Article VII of the Colorado Constitution, Title 1 of the Colorado Revised Statutes, and the Help America Vote Act of 2002 (“HAVA”), P.L. No. 107-252.

¹⁴ Article VII, section 6, Colorado Constitution; Section 1-4-501(1), C.R.S.

laws¹⁵ and to implement amendments to the election laws adopted during the 2013 First Regular Session of the 69th General Assembly. The rules were also intended to improve elections administration in Colorado and to increase the transparency and security of the election process.

The General Assembly enacted House Bill 13-1303, which substantially changed how we administer elections in Colorado. Though Secretary of State staff pointed out several technical problems with the bill during the legislative process, our attempts to amend the bill were unsuccessful. In response to the recent and substantial legislation affecting elections, the Secretary of State's office recodified the Election Rules. The rulemaking was intended to fill several gaps and harmonize several conflicting provisions that now exist in the Election Code as a result of HB 13-1303. In addition, the Secretary of State adopted amendments to implement House Bills 13-1038 and 13-1135.

C) Temporary rules adopted on June 24, 2014:

CCR Tracking Number	Type	Adopted	Effective
2014-00607	Emergency	6/24/2014	6/24/2014

The Secretary of State temporarily adopted New Rule 7.13, concerning a ballot returned in an unofficial envelope, to ensure uniform and proper administration, implementation, and enforcement of Federal and Colorado election laws.¹⁶ The revision is also intended to improve elections administration in Colorado.

Temporary adoption was necessary both to comply with law and to preserve the public welfare given the close proximity of the 2014 Primary Election and the fact that several electors returned otherwise valid mail ballots in an unofficial envelope. The Secretary of State adopted rules to provide clear guidance to affected electors and county clerks regarding the procedures for processing returned ballots

D) Temporary and permanent rules adopted on September 10, 2014:

CCR Tracking Numbers	Type	Adopted	Temporarily Effective	Permanently Effective
2014-00581 (permanent)	Emergency and Permanent	9/10/2014	9/10/2014	10/30/2014
2014-00946 (temporary)				

The Secretary adopted amendments to the election rules¹⁷ to improve the administration and enforcement of Colorado elections law¹⁸ and to increase the transparency and security of the election process. Specifically, the Secretary adopted rules concerning Colorado's certified voting equipment conditions for use on a temporary and permanent basis.

Temporary adoption was necessary both to comply with law and to preserve the public welfare given the close proximity of the 2014 General Election. A public rulemaking hearing was conducted in accordance with the State Administrative Procedure Act¹⁹ on July 17, 2014, to receive comment and testimony on the

¹⁵ Article VII of the Colorado Constitution, Title 1 of the Colorado Revised Statutes, and the Help America Vote Act of 2002 ("HAVA"), P.L. No. 107-252.

¹⁶ Article VII of the Colorado Constitution, Title 1 of the Colorado Revised Statutes, and the Help America Vote Act of 2002 ("HAVA"), P.L. No. 107-252.

¹⁷ 8 CCR 1505-1.

¹⁸ Article VII of the Colorado Constitution, Title 1 of the Colorado Revised Statutes, and the Help America Vote Act of 2002 ("HAVA"), P.L. No. 107-252.

¹⁹ Section 24-4-103 (3) (a), C.R.S. (2013).

proposed rules concerning voting system conditions for use. Adoption of the rules on a temporary basis was necessary to provide clear guidance to interested parties, including: county clerks, vote system vendors, and electors.

E) Temporary and permanent rules adopted on September 10, 2014:

CCR Tracking Numbers	Type	Adopted	Temporarily Effective	Permanently Effective
2014-00684 (permanent)	Emergency and Permanent	9/10/2014	9/10/2014	10/30/2014
2014-00943 (temporary)				

The Secretary adopted amendments to the election rules²⁰ to improve the administration and enforcement of Colorado elections law²¹ and to increase the transparency and security of the election process. Specifically, the Secretary adopted rules to implement Senate Bills 14-161 and 14-158, and House Bill 14-1164 on a temporary and permanent basis.

Temporary adoption was necessary both to comply with law and to preserve the public welfare given the close proximity of the 2014 General Election. A public rulemaking hearing was conducted in accordance with the State Administrative Procedure Act²² on August 14, 2014, to receive comment and testimony on the proposed rules. Adoption of the rules on a temporary basis was necessary to provide clear guidance to interested parties, including: county clerks, political parties, election judges, watchers, and electors.

8 CCR 1505-2: Bingo and Raffles Games

Permanent rules adopted on June 25, 2014:

CCR Tracking Number	Type	Adopted	Effective
2014-00478	Permanent	6/25/2014	8/14/2014

The Secretary of State adopted amendments necessary to implement House Bill 14-1265, which reorganized and made technical and substantive changes to the Colorado bingo and raffles laws²³. The Secretary also adopted other amendments to the rules in order to ensure uniform and proper administration, implementation, and enforcement of Colorado bingo and raffles laws, answer questions arising under these laws, and improve the administration of bingo and raffles games in Colorado. The amendments include revisions proposed by Colorado Bingo-Raffle Advisory Board members and bingo-raffle stakeholders.

8 CCR 1505-11: Notary Program Rules

Permanent rules adopted on October 7, 2014:

CCR Tracking	Type	Adopted	Effective
--------------	------	---------	-----------

²⁰ 8 CCR 1505-1.

²¹ Article VII of the Colorado Constitution, Title 1 of the Colorado Revised Statutes, and the Help America Vote Act of 2002 ("HAVA"), P.L. No. 107-252.

²² Section 24-4-103 (3) (a), C.R.S. (2013).

²³ Article XVIII, Section 2 of the Colorado Constitution and Article 9, Title 12 of the Colorado Revised Statutes.

2015 Departmental Regulatory Agenda

Number			
2014-00826	Permanent	10/7/2014	The rules will become permanently effective twenty days after publication in the Colorado Register. ²⁴

The Secretary of State adopted amendments necessary to ensure and improve the uniform and proper administration, implementation, and enforcement of the Colorado Notaries Public Act²⁵ and to answer questions arising under the Act. Specifically, the recodification is intended to:

- Recodify the rules to improve organization and readability.
- Revise the rules to be consistent with section 12-55-104 (2), C.R.S., by:
 - Removing erroneous statutory citations and references to journals; and
 - Clarifying that the Secretary of State provides document authentication numbers to notaries for electronic notarizations.
- Amend the rules to require vendors to maintain and, upon request, provide students' names and certain information.
- Harmonize enforcement provisions concerning vendors and course providers.
- Edit to repeal obsolete rules and to remove language that duplicates statute.
- Non-substantive revisions to simplify or clarify words and phrases and other technical revisions as is necessary for consistency with Department rulemaking format and style.

PUBLICATION AND AVAILABILITY TO THE PUBLIC

On November 1, 2014, the Secretary of State will post this document on the Department's website at: http://www.sos.state.co.us/pubs/rule_making/agendas/2015CDOSRegAgenda.pdf.

Additionally, the Secretary of State filed this agenda for publication in the November 10, 2014, Colorado Register.

²⁴ Section 24-4-103(5), C.R.S. (2014).

²⁵ Article 55, Title 12 of the Colorado Revised Statutes.

Departmental Regulatory Agendas

Department

Department of Transportation



COLORADO

Department of Transportation

Office of the Executive Director

4201 East Arkansas Ave, Suite 262
Denver, CO 80222

November 1, 2014

Mr. Mike Mauer
Director
Legislative Council Staff
Colorado General Assembly
State Capitol, Room 029
Denver, CO 80203

RE: Colorado Department of Transportation 2015 Department Regulatory Agenda

Dear Mr. Mauer:

Pursuant to Section 2-7-203(2)(a)(IV), C.R.S., this letter serves as the Colorado Department of Transportation's (CDOT) submission of its 2015 Department Regulatory Agenda. As required, this report provides a list of new rules or existing rule revisions that CDOT expects to propose in 2015, as well as the statutory or other basis for adoption of the proposed rules, purpose of the proposed rules, contemplated schedule for adoption of the rules, and a listing of persons or parties that may be affected by the rules. Additionally, this letter summarizes the rule-making activities conducted in 2014. The contemplated schedule is based on the timing requirements set forth in existing statute under the State Administrative Procedure Act, Section 24-4-103, C.R.S., and takes into account the public meetings of the Transportation Commission which will open and later adopt the rules during their monthly public meetings. The calendars listed may change based on various factors, including additional time needed for input from the representative groups and interested parties.

As required by Section 2-7-203(2)(a)(IV), C.R.S., this Department Regulatory Agenda is available to the public at www.coloradodot.info/business/rules and was submitted to the Secretary of State for publication in the Colorado Register. Furthermore, as required by state law, at the annual oversight hearing before the Joint Transportation Committee in January 2015, CDOT will be prepared to discuss this material and respond to legislator questions.

2015 Department Regulatory Agenda

1. *Temporary Rules Concerning the Implementation of the Safe Routes to School Program, 2 CCR 601-19*

- **Statutory Basis:** Section 43-1-1604, C.R.S.
- **Purpose of the Rules:** The Department must update the Safe Routes to School Rules as a result of the passage of House Bill 14-1301. This bill changed the criteria by which grants were allocated. It eliminated the need to distribute projects by geographic distribution of the student population. Instead, the bill requires that the Department consider schools having greater than fifty percent of the students eligible for free or reduced-priced lunch as one of the criteria for awarding grants. The Department requested that the Executive Director adopt temporary rules so that the change in criteria would be consistent for the current grant cycle.
- **Contemplated Schedule:** The temporary rules were adopted on September 4, 2014 and went into effect on that date for a period of 120 days. A public rule making hearing will be held on October 24, 2014; adoption of the rules will occur in November 2014, and permanent rules will become effective January 2015.
- **Persons/Parties That May be Affected by the Rules:** The Rules impact applicants for Safe Routes to School grants, Bicycle Colorado, and other interested persons in assuring safe walking and bicycle routes.

2. *Permanent Rules Concerning the Implementation of the Safe Routes to School Program, 2 CCR 601-19*

- **Statutory Basis:** Section 43-1-1604, C.R.S.
- **Purpose of the Rules:** The Department must update the Safe Routes to School Rules as a result of the passage of House Bill 14-1301. This bill made state General Fund monies available in the amount of \$700,000 for FY 2015 for the Safe Routes to School Program, and specified that all of the grants awarded



using these funds must be for non-infrastructure projects. The bill also provides that if the Safe Routes to School Program received federal dollars in FY15, General Fund monies appropriated for the program will be reduced by the amount of the federal moneys received. Finally, the bill eliminated the need to distribute projects by geographic distribution of the student population. Instead, the bill requires that the Department consider schools having greater than fifty percent of the students eligible for free or reduced-priced lunch as one of the criteria for awarding grants. The Department is amending the rules to include these revisions, and to make minor non-substantive corrections.

- *Contemplated Schedule:* Notice of rule-making was filed with the Secretary of State on September 8, 2014. A public rule making hearing on the permanent rules will be held on October 24, 2014; adoption of the rules will occur in November 2014, and permanent rules will become effective in January 2015.
- *Persons/Parties That May be Affected by the Rules:* The Rules impact applicants for Safe Routes to School grants, Bicycle Colorado, and other interested persons in assuring safe walking and bicycle routes.

3. Rules Governing Outdoor Advertising in Colorado, 2 CCR 601-3

- *Statutory Basis:* These rules are mandated by Sections § 43-1-415(1), and § 43-1-414(1), C.R.S. and 23 CFR 750.705.
- *Purpose of the Rules:* The rules are intended to carry out the provisions of § 43-1-402, C.R.S., and the Highway Beautification Act of 1965, 23 U.S.C. 131, 23 CFR 750.705 by establishing a statewide uniform program controlling the use of advertising devices in areas adjacent to the state highway system.
- *Contemplated Schedule:* These rules were last updated in 1984. A notice of rule-making was filed with the Secretary of State on September 25, 2014. A rule making hearing will be held on November 13, 2014; adoption of the rules is foreseen to occur in December, and the rules will become effective in February 2015.
- *Persons/Parties That May be Affected by the Rules:* The rules impact owners and lessees of outdoor advertising devices in Colorado and members of the travelling public.

4. Rules Regarding Transport Permits for the Movement of Extra-Legal Vehicles or Loads ("Oversize Overweight Rules"), 2 CCR 601-4

- *Statutory Basis:* Sections 42-4-510(1.7)(B) and 42-4-511(1), C.R.S.
- *Purpose of the Rules:* These rules were last updated on June 30, 2012. The purpose of the rules is to set forth the requirements pertaining to the movement on state highways of vehicles and loads exceeding legal limits and the permitting for such vehicles and loads. The Department seeks to update these Rules to conform them to changes resulting from HB 14-1160, codified at § 42-4-510(11)(a)(VII)(D), C.R.S., which created a new annual fleet permit for non-interstate divisible load permit for power units utilizing a trailer with two or three axles.
- *Contemplated Schedule:* The Transportation Commission is expected to open the rules in January; a notice of rule-making will be filed with the Secretary of State at that time; a public rule making hearing will be held in March 2015; adoption of the rules will be requested in April 2015, and permanent rules will become effective in June 2015.
- *Persons/Parties That May be Affected by the Rules:* These rules primarily impact the motor carrier industry and to a lesser degree the motoring public.

5. Repeal of the Rules Governing Transit Grants, 2 CCR 603-1, 2 CCR 603-2, and 2 CCR 603-3

- *Statutory Basis:* Section 43-1-602, C.R.S. (603-1), § 43-1-702, C.R.S. (603-2), and § 43-1-902 C.R.S. (603-3)
- *Purpose of the Rules:* To prescribe procedures for applications to the Colorado Department of Transportation for federal assistance for public transportation projects: (1) in areas other than urbanized as authorized; (2) designed to meet the special needs of elderly and disabled persons, and (3) for planning, research, demonstration projects, human resources programs, training, and technical studies. In the interest of eliminating any redundant information, the Department will seek to repeal these three sets of rules because the same information is provided concurrently in its federally-mandated State Management Plan. The State Management Plan is the Federal Transit Administration's tool to confirm that the Department is adhering to all federal requirements. The guidance in the State Management Plan is beneficial to grant applicants since they refer to the Plan for other resources. The repeal of these sets of rules enables CDOT to respond to changes in federal law and regulations more promptly and with more flexibility, since the Federal Transit Administration approves the State Management Plan on a regular basis.
- *Contemplated Schedule:* A notice of rule-making will be filed with the Secretary of State in February 2015; a public rule making hearing will be held in March, 2015; repeal of the rules will occur in April 2015, and the repeal will become effective May 2015.



- *Persons/Parties That May be Affected by the Rules:* Public agencies and private nonprofit organizations interested in applying for federal transit assistance.

6. Rules Governing Practice and Procedures of the Transportation Commission of Colorado, 2 CCR 601-11

- *Statutory Basis:* Section § 43-1-106(6) and § 43-1-106(8)(k), C.R.S.
- *Purpose of the Rules:* The Department is required to promulgate rules which govern the Transportation Commission's procedures. These rules were last updated on April 14, 2014. The Commission is contemplating making certain amendments to the rules based on a recent review by the Commission Secretary.
- *Contemplated Schedule:* A notice of rule-making will be filed with the Secretary of State in March 2015; a public rule making hearing will be held in May 2015; adoption of the rules will occur in June 2015, and permanent rules will become effective July 2015.
- *Persons/Parties That May be Affected by the Rules:* The Transportation Commission and those CDOT employees and members of the public who appear before the Commission.

Rules Completed in 2014:

- *Rules Governing the Transportation Commission Procedures, 2 CCR 601-11*
- *Rules Governing the Use of the Tunnels on State Highways, 2 CCR 601-8*
- *Rules Governing the Prequalification, Debarment, Bidding and Work on CDOT Road, Highway and Bridge, Public Projects, 2 CCR 601-10*

Should you have questions, please contact Kurtis Morrison, CDOT State and Federal Liaison, at (303) 757-9703. Thank you.

Sincerely,



Donald Hunt
Executive Director

cc: Senator Nancy Todd, Chair, Transportation Legislation Review Committee
Representative Max Tyler, Vice-chair, Transportation Legislation Review Committee
Ms. Kelli Kelty, Legislative Council Staff
Ms. Mistia Zuckerman, Legislative Council Staff



Departmental Regulatory Agendas

Department

Department of Treasury

STATE OF COLORADO
DEPARTMENT OF THE TREASURY

Walker R. Stapleton
State Treasurer



Brett J. Johnson
Deputy Treasurer

October 27, 2014

To Whom it Concerns,

As required by statute, the purpose of this memo is to discuss the Department of Treasury's 2014 Regulatory Agenda.

Senate Bill 12-150, codified in part as section 24-36-121., C.R.S., authorizes the State Treasurer to promulgate by rule, a state public financing policy and to act as the centralized issuing manager for certain financial obligations of the State of Colorado. The permanent rule was adopted on July 16, 2013 and became effective September 14, 2013. The rule has been reviewed by the Office of Legislative Legal Services staff and no objections have been made.

The Department of the Treasury has no immediate regulatory agenda for 2015.

Sincerely,

A handwritten signature in blue ink that reads "Brett Johnson".

Brett Johnson
Colorado Deputy Treasurer
(303) 866 – 2441

200 East Colfax Ave.
Room 140
Denver, Colorado 80203

Departmental Regulatory Agendas

Department

State Board of Parole



COLORADO STATE BOARD OF PAROLE

1600 W. 24th Street, Building 54
Pueblo, Colorado 81003
Telephone: 719-583-5800
Fax: 719-583-5805

November 5, 2014

John W. Hickenlooper
Governor

Brandon C. Shaffer
Chairperson

Rebecca L. Oakes
Vice-Chairperson

Board Members
Denise K. Balazic
Dr. Marjorie Lewis
Joe Morales
John M. O'Dell
Alfredo E. Pena

Mr. Mike Mauer
Director
Legislative Council Staff
Colorado General Assembly
State Capitol, Room 029
Denver, CO 80203

RE: Colorado State Board of Parole 2015 Regulatory Agenda

Dear Mr. Mauer:

Pursuant to § 2-7-203(2)(a)(IV), C.R.S., this letter serves as the 2015 Regulatory Agenda for the Colorado State Board of Parole ("Parole Board"). As required, this report provides the new rules or existing rule revisions that the Parole Board expects to promulgate in 2014-2015, as well as the statutory or other basis for adoption of the proposed rules, purpose of the proposed rules, contemplated scheduled for adoption of the rules, and a listing of persons or parties that may be affected by the rules. It also reports on the Parole Board's rule-making activities in 2013-2014.

As required by § 2-7-203(2)(a)(IV), C.R.S., this Department Regulatory Agenda will be available to the public at <http://www.doc.state.co.us/> and will be submitted to the Secretary of State for publication in the Colorado Register. Furthermore, this document will be included in the Parole Board's annual oversight hearing materials.

Rules Governing the State Board of Parole and Parole Proceedings, 8 CCR 1511-1 (previously numbered 8 CCR 1503)

Statutory Basis: § 17-2-201(3), C.R.S.

Purpose of the Rules: To promulgate rules governing the conduct of board members, the procedures for Parole Board hearings, the Parole Board's compliance with state fiscal and procurement regulations, and the granting and revocation of parole, including special needs parole.

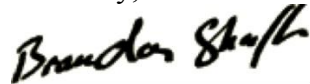
Contemplated Schedule: The Parole Board will seek legislation this session to address the issue of file reviews outlined in the rules. If the bill is successful, the Parole Board Rules will not require amendment. If it is not, the Parole Board will commence rule-making in March 2015, a public rule making hearing will be held in May 2015, adoption of the rules will occur in May 2015, and the Rules will become effective July 2015. The Parole Board may also seek to promulgate temporary rules in May 2015 to avoid a period of inconsistency between the law and the Rules.

Persons/Parties That May be Affected by the Rules: All individuals who appear before the Board of Parole, their families, the families of victims, attorneys and those involved in the correctional system.

2013-2014 Rule-Making Activities

The Parole Board completed rule-making regarding this set of rules last year. The Parole Board held a public rule-making hearing on November 1, 2013 and the Rules became effective December 30, 2013. Thereafter, in the course of Rule review, the Office of Legislative Legal Services raised an issue with the Rules, and after deliberation by the Legal Committee, it was determined that one Rule should be stricken.

Sincerely,



Brandon Shaffer
Colorado Board of Parole
Chairperson

BCS/jrw

cc: File

Calendar of Hearings

Hearing Date/Time	Agency	Location
12/01/2014 09:00 AM	Division of Professions and Occupations - Massage Therapy License	1560 Broadway, Denver, Colorado 80202, Room 110A
12/02/2014 09:00 AM	Division of Real Estate	1560 Broadway, Suite 1250-C, Denver, CO
12/02/2014 09:00 AM	Division of Real Estate	1560 Broadway, Suite 1250-C, Denver, CO
12/02/2014 09:00 AM	Division of Real Estate	1560 Broadway, Suite 1250-C, Denver, CO
12/02/2014 09:00 AM	Division of Real Estate	1560 Broadway, Suite 1250-C, Denver, CO
12/02/2014 09:00 AM	Division of Real Estate	1560 Broadway, Suite 1250-C, Denver, CO
12/02/2014 09:00 AM	Division of Real Estate	1560 Broadway, Suite 1250-C, Denver, CO
12/02/2014 09:00 AM	Division of Real Estate	1560 Broadway, Suite 1250-C, Denver, CO
12/02/2014 09:00 AM	Division of Real Estate	1560 Broadway, Suite 1250-C, Denver, CO
12/02/2014 10:00 AM	Colorado State Charter School Institute	727 E. 16th Ave. Denver, Co 80203
12/03/2014 09:00 AM	Division of Securities	1560 Broadway, Suite 900, Denver, CO 80202
12/03/2014 09:00 AM	Division of Securities	Division of Securities, 1560 Broadway, Suite 900, Denver, CO 80202
12/03/2014 09:00 AM	Division of Securities	1560 Broadway, Suite 900, Denver, CO 80202
12/03/2014 01:00 PM	Division of Liquor Enforcement	1881 Pierce Street, #112, Lakewood, CO 80214
12/03/2014 01:00 PM	Division of Liquor Enforcement	1881 Pierce Street, #110, Lakewood, CO 80214
12/05/2014 10:00 AM	Child Protection Ombudsman Program	Court House, Commissioners Meeting Room, 203 Eureka Street, Central City, Colorado 80427
12/05/2014 01:00 PM	Division of Public School Capital Construction Assistance	The Broadmoor, 1 Lake Avenue, Colorado Springs, CO 80906
12/05/2014 01:00 PM	Division of Public School Capital Construction Assistance	CASB Conference, The Broadmoor, 1 Lake Avenue, Colorado Springs, CO 80906
12/08/2014 10:00 AM	Water Quality Control Commission (1002 Series)	Florence Sabin Conference Room, CDPHE, 4300 Cherry Creek Drive South, Denver, CO 80246
12/08/2014 10:00 AM	Water Quality Control Commission (1002 Series)	Florence Sabin Conference Room, CDPHE, 4300 Cherry Creek Drive South, Denver, CO 80246
12/08/2014 10:00 AM	Water Quality Control Commission (1002 Series)	Florence Sabin Conference Room, CDPHE, 4300 Cherry Creek Drive South, Denver, CO 80246
12/08/2014 10:00 AM	Water Quality Control Commission (1002 Series)	Florence Sabin Conference Room, CDPHE, 4300 Cherry Creek Drive South, Denver, CO 80246
12/08/2014 10:00 AM	Water Quality Control Commission (1002 Series)	Florence Sabin Conference Room, CDPHE, 4300 Cherry Creek Drive South, Denver, CO 80246
12/08/2014 10:00 AM	Water Quality Control Commission (1002 Series)	Florence Sabin Conference Room, CDPHE, 4300 Cherry Creek Drive South, Denver, CO 80246
12/08/2014 10:00 AM	Water Quality Control Commission (1002 Series)	Florence Sabin Conference Room, CDPHE, 4300 Cherry Creek Drive South, Denver, CO 80246
12/08/2014 11:45 AM	Water Quality Control Commission (1002 Series)	Florence Sabin Conference Room, CDPHE, 4300 Cherry Creek Drive South, Denver, CO 80246
12/08/2014 01:30 PM	Water Quality Control Commission (1002 Series)	Florence Sabin Conference Room, CDPHE, 4300 Cherry Creek Drive South, Denver, CO 80246
12/09/2014 02:00 PM	Division of Fire Prevention and Control	690 Kipling St. Lakewood, CO 80215 First Floor Conference Room
12/10/2014 09:00 AM	Taxpayer Service Division - Tax Group	1375 Sherman St., Room 127, Denver, CO 80261
12/10/2014 09:00 AM	Taxpayer Service Division - Tax Group	1375 Sherman St., Room 127, Denver, CO 80261
12/10/2014 09:00 AM	Taxpayer Service Division - Tax Group	1375 Sherman St., Room 127, Denver, CO 80261
12/10/2014 09:00 AM	Taxpayer Service Division - Tax Group	1375 Sherman St., Room 127, Denver, CO 80261
12/10/2014 09:00 AM	Taxpayer Service Division - Tax Group	1375 Sherman St., Room 127, Denver, CO 80261
12/10/2014 09:00 AM	Taxpayer Service Division - Tax Group	1375 Sherman St., Room 127, Denver, CO 80261
12/15/2014 09:00 AM	Oil and Gas Conservation Commission	1120 Lincoln Street, Suite 801, Denver, CO 80203
12/16/2014 10:00 AM	Division of Water Resources	Burlington Community and Education Center, SE Recreation Meeting Room, 340 S. 14th St, Burlington, Colorado 80807
12/17/2014 10:00 AM	Hazardous Materials and Waste Management Division	Sabin-Cleere Conference Room, Colorado Department of Public Health and Environment, Bldg. A, 4300 Cherry Creek Drive, South, Denver, CO. 80246
12/17/2014 10:00 AM	Health Facilities and Emergency Medical Services Division (1011, 1015 Series) - by Colo Bd of Health	Sabin-Cleere Conference Room, Colorado Department of Public Health and Environment, Bldg. A, 4300 Cherry Creek Drive, South, Denver, CO. 80246
12/17/2014 10:00 AM	Health Facilities and Emergency Medical Services Division (1011, 1015 Series) - by Colo Bd of Health	Sabin-Cleere Conference Room, Colorado Department of Public Health and Environment, Bldg. A, 4300 Cherry Creek Drive, South, Denver, CO. 80246
01/12/2015 10:00 AM	Water Quality Control Commission (1002 Series)	Florence Sabin Conference Room, CDPHE, 4300 Cherry Creek Drive South, Denver, CO 80246