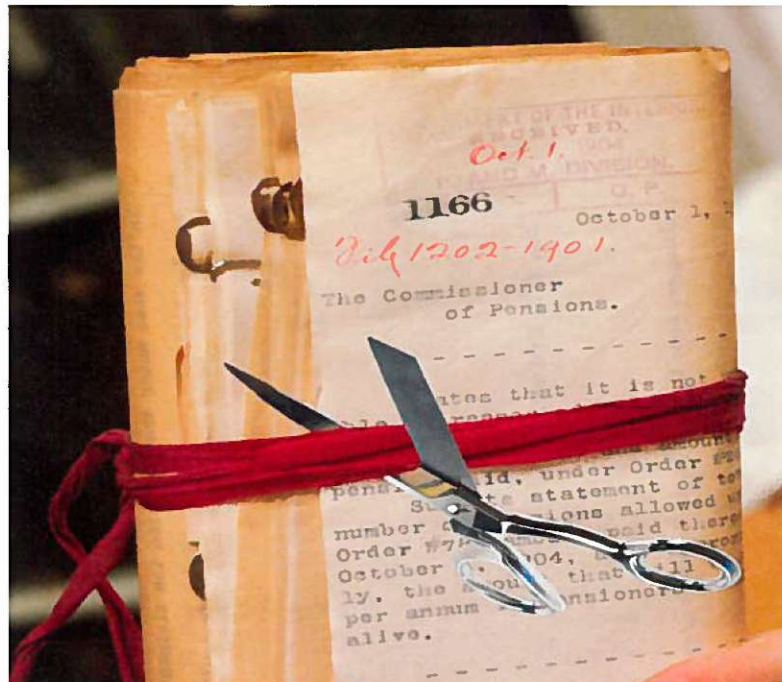


CUTTING **RED TAPE** IN COLORADO STATE GOVERNMENT

**"MAKING GOVERNMENT MORE EFFICIENT,
EFFECTIVE AND ELEGANT"**



**SUPPLEMENTAL REPORT TO THE
GOVERNOR**

**RULE REVIEW BY STATE
AGENCIES**

CUTTING RED TAPE IN COLORADO STATE GOVERNMENT: SUPPLEMENTAL REPORT ON RULE REVIEW BY STATE AGENCIES

"We need to make government work better. Part of that means making government efficient, effective and of course elegant. Last year we began a rigorous review of state rules and asked for examples of unnecessary regulation from Coloradoans across the state. We are scrubbing every state agency to eliminate red tape. Our plan is outlined in the report we issued this week call 'Pits and Peeves.' The Colorado Department of Transportation, for example, found rules that were out of date decades ago. The Department of Human Services recommended the repeal of nearly 850 rules. This streamlining will help nonprofit organizations, as well as businesses, hire the next worker."

Governor John Hickenlooper,
2012 State of the State Address

INTRODUCTION

The **Omnibus Report, "Cutting Red Tape in Colorado State Government"** (Omnibus Report), released in January 2012, summarized key "red tape" issues (e.g. regulatory inefficiencies, obstacles, unnecessary burdens and logjams) that businesses, local governments and citizens regularly encountered in dealings with state government. The information presented in the Omnibus Report was obtained through a series of roundtable forums held across the State during the summer of 2011. Participants in the roundtable discussions included a broad and diverse group of representatives from over 100 business organizations, local governments, advocacy and community groups.

One of the key red tape issues identified in the Omnibus Report was the number and complexity of the rules and regulations with which the business community and the general public must contend and comply. Roundtable participants expressed concerns that, over the years, layer upon layer of regulatory requirements had been imposed, without any analysis of continued necessity and effectiveness, or consideration of more appropriate alternatives. Over time, the regulatory requirements became more and more complex, and more and more costly. While the requirements for information, disclosure, reports and process had increased, the real need or purpose behind those requirements had become less clearly articulated.

The Omnibus Report observed that Colorado was one of the few states without an institutional process for the systemic and regular review of existing regulations. Governor Hickenlooper had previously issued an **Executive Order D 2011-005** on January 11, 2011 that recognized the ever-increasing number of legal requirements imposed on local governments without regard to costs and without additional funding for compliance. This 2011 Executive Order required agencies, before they promulgated any new regulation, to provide a description to the Governor's Office of the nature and extent of the agency's consultations with representatives of affected local governments, the nature of their concerns, written comments or concerns of those local governments, and agency's reasoning supporting the need to issue such regulations. Then on January 19, 2012, the Governor signed a new **Executive Order D 2012- 002**, concerning "**Regulatory Efficiency Reviews**" that now requires a continuing process of rules review across

state agencies, requires public notification of the agencies' review and provides for public input and participation in the review process. In summary, it requires each state agency to conduct a review of all its rules to assess whether the rules (1) are necessary and not duplicative; (2) are written in plain language; (3) achieves the intended result with the appropriate level of regulation; (4) can be amended to reduce their regulatory burdens while maintaining benefits; and (5) are implemented in an efficient and effective manner.

Even prior to Executive Order D 2012-002, most of the State's principal departments had begun to actively review its existing body of rules and regulations in order to evaluate and determine the continued need for appropriateness and effectiveness of each of its regulations. This review and evaluation process is a significant and long-term undertaking. Twelve separate volumes are required to hold the tens of thousands of rules and regulations that comprise the Code of Colorado Regulations. Although a thorough and rigorous review/evaluation of all of the State's existing rules will of necessity, be a long and very time-consuming process, that process is well underway, with notable results.

EXECUTIVE SUMMARY OF SUPPLEMENTAL REPORT

Businesses and the community-at-large generally recognize the critical role that government plays in our society, and the need for regulations in order for government to effectively carry out its roles and responsibilities. However, there is also a recognition that excessive, unnecessary and redundant regulations and processes have resulted in enormous burdens on businesses and consumers, reducing the amount of capital available for job creation and expansion. Thus, it is critically important that we reduce or eliminate the red tape and streamline governmental regulatory functions.

This **Supplemental Report** provides an update on the status of the various rule review processes that have begun in the each of the executive departments, and summarizes the broad range of issues, successes and challenges experienced. To date, the State's agencies and departments have collectively reviewed approximately **7,580** rules, over **50%** of these rules have been or will be recommended for repeal or modification. The rules review process is designed to eliminate rules that are redundant, obsolete, or unnecessarily burdensome, and to modify the remaining rules to better streamline the regulatory process. The ultimate goal is to make Colorado State government more efficient, effective and elegant in its service delivery.

IMPACT AND COSTS OF REGULATORY COMPLIANCE

Eliminating outdated, irrelevant and unnecessary regulations, and streamlining those rules which are required, will help to alleviate the burdens and costs of compliance for businesses, and ultimately for the consuming public.

The purpose of government regulation is to protect the public interest by assuring fair and equitable practices in the marketplace and preserving the health and safety of the public. The costs of compliance with government regulations is as much a part of the usual and customary cost of doing business as are the costs associated with other routine business expenses such as facilities, equipment, employees, marketing, etc. However, concern arises when the percentage of business expenses attributable to regulatory compliance is perceived to be excessive and unnecessary.

When businesses must navigate through a regulatory maze of voluminous, complicated and often conflicting sets of regulations, businesses are often required to seek professional advice and guidance, a process that consumes time and resources. When rules are ambiguous or susceptible to multiple, inconsistent or even conflicting interpretations, businesses and consumers are at risk of unwarranted or unexpected consequences. Businesses also face a mounting “paperwork burden,” meaning the time and resources required for recordkeeping, reporting and other administrative activities in connection with regulatory compliance. In contrast, when regulations are well designed and clearly written, it becomes far easier and less costly for businesses to comply and to incorporate the regulations into their standard operating procedures.

A 2010 research study, “*The Impact of Regulatory Costs on Small Firms*,”¹ (“2010 Advocacy Report”), examined the annual costs of federal regulations in the United States. The study concluded that the annual costs of federal regulations had increased to more than \$1.75 trillion in 2008, which resulted in an average regulatory burden on each U.S. company that equaled \$8,086 per employee. Even more troubling, the 2010 Advocacy Report noted that this regulatory burden disproportionately impacted smaller firms. Firms with fewer than 20 employees faced an annual federal regulatory cost of \$10,585 per employee. This regulatory burden has a major impact on the economy as the vast majority of all business in the U.S. (89%) employ fewer than 20 workers. Although no comparable study could be found analyzing the costs businesses must incur to comply with *state-level regulations*, it is likely that compliance costs result in a similar incremental increase in the total cost per employee for all firms, in largely the same ratio as reflected in the distribution of costs of federal compliance.

The costs of regulatory compliance also impact individual citizens. The 2010 Advocacy Report notes that “unlike fiscal actions taken by the government, the costs of regulatory actions are relatively hidden. For example, consider the activities, products and services consumed by a typical household on a typical day. The costs of government regulations get stirred into the indistinct mixture of countless economic forces that determine prices, costs, designs, locations, profits, losses, wages, dividend, and so forth.” As previously discussed, a reduction in the sheer volume and complexity of regulations, and the elimination of redundant and unnecessary regulations, will necessarily reduce the costs of compliance and the paperwork burden for businesses, ultimately benefitting individual consumers and households.

SUSTAINABILITY OF RULES REVIEW PROCESS

As part of the rule review process, several departments and agencies have taken the important step of developing policies and procedures that call for an ongoing, effective and rigorous rule review process to be embedded into their department’s regulatory functions. The impact of ad hoc rule review on a one-time basis is negligible at best. For businesses, local governments and the general public to realize the full benefits of the rule review process, the process must be sustainable, included as part of the department’s core mission and embedded as an integral part of the regulatory process itself.

¹ Crain, Nicole V., and W. Mark Crain under contract with the Small Business Administration Office of Advocacy, “*The Impact of Regulatory Costs on Small Firms*,”

Key elements of these embedded rule-review policies include the establishment of: (i) review criteria and protocols; (ii) internal monitoring and accountability; (iii) substantive content review; and (iv) guidelines for implementation of recommendations and (v) review cycles. The Protocol for Rule Reduction Review, established by the Department of Human Services and the procedures implemented at the Department of Corrections are excellent examples of a comprehensive and structured approach to a successful rules review process.

ORGANIZATION OF SUPPLEMENTAL REPORT

The following sections of this Supplemental Report outline the procedures and protocols being followed by each of the principal departments as part of their respective rules review process. Also included is a summary of the results that the review process has achieved to date, including recommendations and actions for repeal, modification or retention of the rules under review. For some of the departments, more detailed information with respect to specific rules is set out in the appendices. For considerations of brevity, this Supplemental Report does not delve into the substantive analysis, rationale or impact of the review and resulting recommendations for particular regulations. Additional information related to a particular regulation may be obtained from the Public Information Officer in the relevant department.

The rules review process is underway in earnest across all principal departments. This Administration's commitment to cut or eliminate red tape is a commitment that has been embraced by each and every department and agency with a focused determination.



DEPARTMENT OF AGRICULTURE

Process: The Department of Agriculture has begun reviewing its rules, and will be establishing a formal process to gather public input in the near future. The Department proposes a process that would review the rules for each of their six Divisions one at a time over a period of consecutive months. Divisions that have multiple rules, complex or unusually extensive rules may require more than one month to complete the review process. The Department plans to begin by reviewing the rules of those Divisions with fewest rules.

Results: Several rules have been reviewed to date. The Department repealed “Rules and Regulations Pertaining to the Production of Rapeseed (Canola)” at 8 CCR 1203-3. The original purpose behind this rule was to create a district to protect what was at the time an emerging market for food-grade canola from the industrial-grade canola market. After surveying canola crops in Colorado and meeting with producers, it was determined there was no longer a risk and the prohibition on industrial grade canola was actually limiting producer resources. Thus, the decision was made to repeal the rule as no longer necessary. This action was taken under the Administrative Procedures Act rulemaking process, and the rule repeal was effective on March 30, 2012.

The Department has also identified and will begin the process to repeal the “Rules and Regulations Pertaining to the Production of Strawberry Nursery Stock”, 8 CCR 1203-20. These rules were first adopted in 2005 at the request of the CSU Research Center in the San Luis Valley and growers who believed there was an opportunity to raise strawberries certified for nursery stock. Strawberries for certified nursery stock require a low disease or disease-free status. This in turn requires particular attention to crop maintenance and the exclusion of other field-produced strawberries. In the eight years since the rule was adopted, only three applications have been submitted, and growers have determined that growing strawberries for certified nursery stock is not feasible. The Department will be initiating the Administrative Procedures Act rulemaking process to eliminate the rules. However, the Department will maintain the statutory authority to promulgate rules if the potential for this industry returns.

DEPARTMENT OF CORRECTIONS (CDOC)

Process: In September 2011, the Department commenced the restructuring and streamlining of its Administrative Regulation (AR) process, with the goal of reducing the total number of CDOC regulations. This process also facilitated the Department’s implementation of Executive Order D 2012-002.

As of February 21, 2012, the Colorado Department of Corrections had 318 Administrative Regulations (AR’s) plus 20 new AR’s under development. The Department has set a goal of reducing the total number of AR’s by at least 10% by December 31, 2012. The Department plans to achieve this goal through systematic review of AR content. The AR reviews started in December 2011. In order to reach the 10% goal, the Department will need to eliminate at least two AR’s per month.

Review Cycles: Per Departmental policies, each AR must be reviewed annually and each review cycle is 3-months long. If a review and revision is completed outside the 3-month cycle, then the

review cycle date will be adjusted to reflect the new effective date in order to preserve the once-per-year review protocol.

Policy Tracking Mechanism: Until recently, the Department was not able to electronically track the timeliness of the AR review process or the location of any particular AR within the review cycle. A new database now allows the Department to track all AR's through the review and signature process. This database will ensure timely reviews and help to identify slow points in the process.

In addition to the measures outlined above, the Department is researching the availability of policy management software that will allow for a paperless and electronically accountable review process.

Results: In December 2011, seven AR's were reviewed and determined similar enough in content to be combined into three. The revised AR's are currently out for Department-wide review and comment. If the proposed drafts are approved, this effort will result in a reduction of four AR's.

In January 2012, five AR's were reviewed and determined similar enough in content to be combined into three. Drafts of the combined AR's were submitted for review in March 2012. If the proposed drafts are approved, this effort will result in a reduction of two AR's.

A four-phased strategy has been approved by the Department's Executive Staff for reviewing the Department's remaining 243 AR's, and for controlling the number of new AR's presented for review. Implementation of this strategy has begun. Details of this implementation strategy are set out in **Appendix I**.

GOVERNOR'S OFFICE OF INFORMATION TECHNOLOGY (OIT)

Process: Three rules have been promulgated by the Governor's Office of Information Technology (OIT) and are currently in effect. These rules have been reviewed, and one is now slated for modification. Additionally, there are three more rules that – although promulgated by other state agencies – fall under OIT's jurisdiction. OIT has coordinated with these agencies, and a joint determination has been made to modify one of the rules and repeal the other two. A staff member has been assigned to each rule, and work is underway to identify the appropriate action steps. OIT will follow the rulemaking process in accordance with statute.

Results:

Number of Rules to be reviewed	6
Number of Rules reviewed	6
Number to be retained in existing format	2
Number to be modified	2
Number to be repealed	2

DEPARTMENT OF HUMAN SERVICES (CDHS)

Process: The Colorado Department of Human Services Policy 2.8, "Protocol for Rule Reduction Review," (Protocol) was formalized in May 2011. This Protocol was adopted to comply with Executive Order D 2011-005 in order to promote enhanced relations between state and local governments, including state regulation of local government administered programs.

The Protocol requires a comprehensive review of each of the Department's 4,311 rules (including related recommendations) to determine whether each rule should be repealed, revised or continued. Rules were reviewed for clarity, necessity and conciseness. Spreadsheets were used to collect information and insure that each rule was comprehensively reviewed in a consistent manner. The spreadsheet format was designed to collect relevant information concerning each rule, including: the authority for the rule; changes in the authorizing legislation; whether application of the rule is permissive or required; whether the rule accurately reflects the substance of the authorizing legislation; whether the rule is unnecessarily repetitive or duplicative of language found in other statutes or rules; whether other forms of action are more appropriate for the purpose or content of the rule (e.g. agency policy, contracts or procedural guidelines); and whether the rule is in conflict with another rule or agency policy.

The Protocol directed staff to recommend repeal or revision of rules that were found to be duplicative, inconsistent or burdensome. Based on the analyses, The Division of Boards and Commissions and the Audit Division conducted quality assurance reviews to ensure quality, consistency and accuracy. Each Deputy Executive Director reviewed the recommendations submitted by their programs and submitted a required certification of completeness. Each Office also prepared an executive summary for Executive Director Bicha. Each division and program was required to complete a pre-rule analysis for any rule change recommended as a part of the review. This analysis, prepared for State Board's consideration, included proposed effective dates and justifications for any proposed change. This work was completed July 1, 2011.

Results: Sixty-three Department staff reviewed a total of 4,311 Departmental rules. As a result of these reviews, and subsequent reviews at the Division and Office Director level, it was recommended that:

Number of Rules reviewed	4,311
Number to be retained in existing format	1,354
Number to be modified	2,116
Number to be repealed	841

As of May 4, 2012, the State Board of Human Services had completed the repeal process for the 841 rules to be repealed. The Department is now working on the modifications of over 2,000 rules.

DEPARTMENT OF LABOR AND EMPLOYMENT (CDLE)

Process: The Colorado Department of Labor and Employment has four divisions that issue rules: the Division of Labor ("Labor"), the Division of Workers' Compensation (DOWC), the Unemployment Insurance Division (UI) and the Division of Oil and Public Safety (OPS). Any rule

changes are reviewed with stakeholder groups in each division prior to publication and notification of the Secretary of State's office.

Results:

Unemployment Insurance

Number of Rules to be reviewed	535
Number of Rules reviewed	535
Number to be modified	18
Number to be repealed	31

Proposed rule changes will be made during two hearings; the first hearing will be held in June 2012, the second in August 2012. Rules-change hearings will separately address (1) business related changes; and (2) all other changes.

Labor

Number of Rules to be reviewed	3
Number of Rules reviewed	3
Number to be modified	1
Number to be repealed	0

Based on a recent audit, it is possible that a fourth rule will be implemented this summer.

Oil and Public Safety

Number of Rules to be reviewed	6
Number of Rules reviewed	6
Number to be modified (review to occur)	6
Number to be repealed	0

The majority of this Division's revisions will be to Underground and Aboveground storage tank regulations; other revisions will be minor. Boiler rules were revised in March 2012; Oil (petroleum storage tanks) rules will be reviewed in July 2012; Conveyances, Explosives and Amusements rules will be reviewed in November 2012; Oil (propane) rules will be reviewed in December 2012.

Workers' Compensation (DOWC)

The DOWC has three sections of rules with 18 different subsections and all subsections are routinely reviewed. No rules are currently scheduled for repeal. However, consideration is being given to repealing certain language in sections throughout the rules; meaning, the rules would remain in effect, with certain modifications. This Division is currently considering revising 40 areas proposed by stakeholders. It hopes to address 20 of these proposals before the end of 2012. The proposed revisions involve making certain that Division rules conform with recent changes made by the Colorado Supreme Court regarding court procedures and a possible effort

between our Division and the Office of Administrative Courts in merging some of our rules. By statute, DOWC revises its fee schedule annually.

DEPARTMENT OF LOCAL AFFAIRS (DOLA)

Process: Even though this Department does not promulgate many rules or regulations, the Department has identified all of the rules that have been promulgated and will review each one to assess their necessity and appropriateness.

DEPARTMENT OF PERSONNEL & ADMINISTRATION (DPA)

Process: The Department has instructed each Division/Program within DPA to perform a comprehensive review of the rules in their purview.

Results: Several changes have been identified during the initial review process. However, the review process is still underway, so the identity and number of rules reviewed and recommended for modification or repeal has not yet been determined.

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT (CDPHE)

Process: The broad scope of the mission of CDPHE means that the Executive Director, five statutory boards and commissions, and one Division each have rulemaking authority. Periodic and routine rule review is an integral and ongoing part of the regulatory functions within most of the divisions in the Department.

For example, the **Water Quality Control Commission** (Commission) is required to review control regulations and water quality classifications and standards at least once every three years. The Commission's current practice is to conduct triennial reviews for control regulations and ground water quality classifications and standards by holding informational hearings to solicit comments regarding whether particular regulations should be retained, repealed or revised. If, as a result of the informational hearing, the Commission decides that changes should be formally considered, a rulemaking hearing is scheduled for that purpose.

Results: Between 2011 and the present, the Department has reviewed 71 of its 203 sets of rules. **Appendix III** sets forth a more complete listing of the specific rules and recommended actions.

CDPHE Divisions	Rules Reviewed/Total Number of Rules
Board of Health	28/101
Executive Director	1/3
Solid and Hazardous Waste Commission	13/21
Division of Environmental Health and Sustainability	0/16
Water Quality Control Commission	17/38
Water and Wastewater Facility Operators Certification Board	1/1
Air Quality Control Commission	11/23

DEPARTMENT OF REGULATORY AGENCIES (DORA)

Within the Department of Regulatory Agencies, nine Divisions and offices, encompassing over 50 regulatory programs, have rulemaking authority. Each Division has established protocols, procedures and schedules to guide its respective rule review process in conjunction with its specific regulatory board(s) or commission (s).

BANKING

Process: Division of Banking (Division) staff reviewed a total of 96 rules that pertain to institutions regulated by the Division, including:

Type of Rule	Number of Rules
Administrative (AR)	16
Commercial Banks (CB)	36
Electronic Funds Transfer (EFT)	3
Money Transmitter (MO)	8
Public Depository Protection Act (PDP)	10
Trust Company (TC)	23

** Industrial Bank rules were not reviewed as Article 108 of Title 11 has been recommended for repeal. If the recommendation is approved, the 36 Industrial Bank rules will be repealed in their entirety.*

The Division reviewed rules for accuracy of information, statutory applicability and clarity in presentation. One of the key goals of the review was to reduce or eliminate confusion and ambiguity resulting from rules containing conflicting information. The rulemaking process takes approximately 120 days from the initial request to the Banking Board for approval to proceed with the rule change to the effective date of the applicable change, assuming that no issues are encountered during the process.

Results: Of the 96 rules that were reviewed by the Division, 30 rules were either written in response to a statute, or cite to a statute, which has been submitted as part of a review to evaluate the need for their continued existence i.e. a Sunset Review. (Due to the time investment required to conduct rule review, the Division opted to postpone any action for those rules that may be affected by the results of the Sunset Review.) The implementation of recommendations resulting from the rulemaking process commenced April 19, 2012 for the 66 rules not affected by the statutes submitted as part of the Sunset Review. The Division will work in conjunction with the Banking Board to establish a timeline for approval of the rules requiring amendment or repeal. **Appendix IV** contains a table that describes the purpose for each rule amendment based on the criteria used in the review described above.

CIVIL RIGHTS DIVISION

Process: The Civil Rights Division has completed its first global review of the **75** rules currently in effect under the authority of the Colorado Civil Rights Commission (Commission). All rules were reviewed to identify inconsistencies in format, language and content, inaccuracies based on current law, and substantive content in need of revision for clearer guidance. The review process began in October 2011, and the Division is currently at the stage of drafting proposed

language for each rule where revisions are recommended. During the review, the Division identified the need for substantive revisions or additions to rules under six sections. It also found that minor administrative changes for consistency may be advisable for most of the remaining rules. The Division will continue the rule review process on at least an annual basis, subject to intervening legislative or judicial changes or requirements.

Results: The following chart summarizes the results of the review process in the Division:

No action recommended	15
Non-substantive revisions recommended	11
Substantive revisions recommended	27
Repeal recommended	22

The draft rules were presented to the Commission at the regularly scheduled Commission meeting in April 2012. The Commission will determine when to notice all applicable rules before the end of fiscal year 2011-12.

Appendix V lists examples of staff recommendations resulting from the review process.

FINANCIAL SERVICES DIVISION

Process: In November 2011, three Financial Services working groups commenced the review of 73 rules pertaining to programs that the Division oversees. The working groups included Division staff and neutral industry professionals with expertise specific to understanding how the rules impact stakeholders.

The goal of the rule review process was to identify which rules should be changed, with recommendations for additions, revision or repeal. Review recommendations were made based on the following criteria:

- Need for a new rule based on modern statutory expectations and practices.
- Need to clarify ambiguous language.
- Need to streamline anachronistic processes for efficiency
- Need to revise a rule based on current standards of practice.
- Need to repeal a rule that is duplicative, obsolete, or unnecessarily burdensome.

Results: Rules reviewed during this effort included:

- Credit Unions – 20 rules
- Savings and Loans – 45 rules
- Life Care Institutions – 8 rules

Staff drafted proposed language for changed rules and distributed same to stakeholders in March 2012 for final comments. Comments were submitted to the Division on April 15, 2012. The Financial Services Board will conduct a rulemaking hearing to affirm amendments the Board deems necessary for the proper administration of the Division during its July, 2012 quarterly meeting.

Appendix VI sets forth more specific recommendations.

INSURANCE DIVISION

Process: The Division of Insurance has 161 regulations currently in effect. The Division has developed a schedule under which each regulation is being reviewed by assigned staff for: the necessity of the regulation, the impact the regulation has on businesses, and whether there is a better/different way to approach the regulation which would lessen the impact on business. In addition, the regulations are being reviewed for compliance with the Secretary of State's formatting requirements, ensuring all statutory citations, "incorporation by reference," and other references are accurate. Recommendations are then made whether changes in the regulation are needed, and when the regulation will be noticed for amendment (or repeal).

Results: The regulations were broken down into priority classes determined by how recently the regulation had been reviewed or promulgated. There are six priority classes with deadlines for review of the regulations within that class starting October 2011 ending in June 2012. Appendix VII provides a chart of all the regulations being reviewed and the current status of the review process. The original goal was to have 36 regulations noticed for hearing by the end of February. The Division has noticed 29 regulations so far. Ten regulations were noticed for repeal and 19 regulations were noticed with changes.

PUBLIC UTILITIES COMMISSION

Process: The Rules Administrator for the PUC is responsible for all proposed changes to Commission practices and procedures. The Rules Administrator ensures that all changes proposed are efficient and effective from a process standpoint and that any outdated, redundant, or unnecessary provisions in the rules that are part of the notice are updated or deleted.

Formal rulemakings are typically initiated for one of four reasons: 1) changes to legislation that require new rules or existing rule changes; 2) changes to federal law that must be incorporated; 3) lessons learned/experience that inform a more efficient procedure/process; or 4) petition for rulemaking request from an external entity. Every rulemaking includes a review at several levels: the staff team working on the rules, the Section Chief(s) accountable, the Rules Administrator, and, ultimately, the Commissioners.

Results: Listed below are the rulemaking proceedings held at the Commission since mid-2010. The summaries of the proceedings provide further detail into the types of rule changes implemented by the Commission and the benefits to internal and external stakeholders achieved by each activity. Appendix VIII sets forth more detailed information on specific rules proceedings before the Commission.

Docket	Title	# of Rules Reviewed
10R-036TR	Rules of Transportation – Motor Vehicle	82
10R-191T	Rules of Telecommunications – Colorado High Cost Fund	20
10R-214E	Rules of Electric Utilities – Electric Resource	22

	Planning	
10R-243E	Rules of Electric Utilities – Renewable Energy Standards	18
10R-526E	Rules of Electric Utilities – Transmission Facilities	4 – new rules
10R-674E	Rules of Electric Utilities – Solar Gardens/Community Based Energy	12 –reviewed 2 - new
10R-799E	Rules of Electric Utilities – Data Privacy	4 – new rules
11R-110EG	Rules of Electric Utilities – Low Income Assistance	1 – new rule (electric) 1 – new rule (gas)
11R-364GPS	Rules of Gas Pipeline Safety – Federal Amendments	23
11R-416E	Rules of Electric Utilities – Electric Resource Planning Rules	14
11R-638TR and 11R-792TR	Rules of Transportation – Recodification of Statutes	84
11R-707E	Rules of Electric Utilities – Medical Exemption from Tiered Rates	1 – new rule
12R-148T	Rules of Telecommunications - Emergency Rules Capping Switched Access Rates and the CHCSM	4
Future – 12R-XXXALL	Rules of Practice and Procedure	56

REAL ESTATE DIVISION

Process: During 2011, two separate working groups of Real Estate Division staff reviewed the rules promulgated by the Real Estate Commission (Commission) and the Board of Real Estate Appraisers (Board). Note: The rules for the Conservation Easement Oversight Commission are timely and do not require any further evaluation. In addition, the Board of Mortgage Loan Originators had conducted extensive rulemaking in 2010 and 2011 as it transitioned from a Director-model to a Board-model program, so rules promulgated by this Board were not included in the present rules review process.

Results: Rule revisions were proposed based on lack of clarity, duplicative or overly burdensome regulations, obsolete practice standards or requirements, and new requirements being implemented at the federal level or due to current practice issues.

	Real Estate Commission	Board of Real Estate Appraisers
Number of Rules reviewed	120	212
Number of Rules modified	29	90
Number of Rules repealed	6	24

DIVISION OF REGISTRATIONS (Professions and Occupations)

Process: The Division of Registrations has actively been engaged in the rule review process since September 2011. The information below reflects the results of its review process through January 2012.

Results:

Number of Rules reviewed	299
Number of Rules Yet to be reviewed	179
Number to be retained in existing format	87
Number to be modified	196
Number to be repealed	16

Below are a few examples of rules that were found to be unclear, inefficient, outdated, unnecessary or redundant and were modified or repealed:

The **State Board of Licensure for Architects, Professional Engineers and Professional Land Surveyors** held a rulemaking hearing in October 2011. One of the major purposes was to revise the requirements for mandatory continuing education so that the rules would be aligned with a new national model and therefore make compliance more efficient for licensees. Other rule changes addressed updating and clarifying language for ease of understanding by applicants and licensees.

The **State Board of Accountancy** conducted a major rule overhaul in early 2011 after the sunset legislation, reviewing over 60 rules, modifying most of those, and repealing 9. The Board will be revisiting a majority of those rules in late 2012 to address the implementation of a new peer review system as well as changes to the Continuing Professional Education requirements.

The **Office of Barber and Cosmetology Licensure** will review and redraft its rules concerning scope of practice requirements as well as its cleaning and disinfection requirements. This review will be completed by June 30, 2012.

The **Colorado Medical Board** reviews all rules and policies on a quarterly basis. The Board President determines which rules should be placed on the Board agenda for revision.

More examples of rules that were found to be unclear, inefficient, outdated, unnecessary or redundant and therefore modified or repealed are set out in **Appendix IX** along with a more complete listing of specific rules and recommendations.

SECURITIES DIVISION

Process: The Division of Securities regularly monitors its rules and initiates the process to add, amend and repeal rules on an as needed basis. Rules are reviewed regularly and material changes made when required, such as when local or national issues surface and rules are needed to implement change or clarify positions. Immaterial changes (typos and the like) are presented when Rulemaking Hearings are otherwise scheduled.

As part of the Division's most recent rulemaking hearings (November 2010) a complete rule review resulted in numerous substantive changes to provide clarity and uniformity for investment advisers as well technical or housekeeping changes. The technical changes were intended to update the rules for consistency with federal rules, and to eliminate unnecessary or outdated rules.

Recommendations for rule amendments or repeal may originate from within the Division, from the Securities Board, the regulated industry, the legal community or from the public. The Division typically seeks input regarding rules from licensees, trade associations, the legal community and investors.

Results: Currently, the Division of Securities has 50 rules promulgated under 2 articles of the Colorado Revised Statutes. Of those, 42 rules are related to the Colorado Securities Act including provisions related to Local Government Investment Pool Trust Funds and eight rules are related to the Colorado Municipal Bond Supervision Act.

Examples of anticipated rule changes include:

- Investment Adviser-related rules will be reviewed and likely supplemented early in 2012. Significant federal regulation as part of the Dodd-Frank Wall Street Reform and Consumer Protection Act should be implemented in the second quarter of 2012.
- Securities exemptions such as Regulation D are a very common type of filing in the capital formation realm so an Electronic Filing System, (“EFD”) is being developed to make the filing process easier. Upon completion of EFD, Colorado will adopt rules to implement this streamlined system.

DEPARTMENT OF REVENUE

Process: The Department of Revenue has been engaged in its rule review process since September 2011.

Results: Across the eight divisions within the Department, there are an aggregate of **713** rules. The following chart reflects a summary of the Department’s review process to date. **Appendix X** sets forth more detailed information regarding specific division rules.

Division	Total Rules	Not Yet Reviewed	Reviewed and No Changes Recommended	Reviewed and Recommending Changes	Reviewed and Recommending Repealing
Lottery	17	14	0	1	2
Medical Marijuana	37	0	37	0	0
Automobile Industry	91	0	Recommendation Pending	Recommendation Pending	Recommendation Pending
Liquor and Tobacco	81	0	Recommendation Pending	Recommendation Pending	Recommendation Pending
Racing	12	0	Recommendation Pending	Recommendation Pending	Recommendation Pending
Tax	380	0	124	145	111
DMV	71	20	19	16	10

Note: 6 of DMV’s rules are currently under review

DEPARTMENT OF TRANSPORTATION (CDOT)

Process: In January 2011, in response to Governor Hickenlooper’s Executive Order D 2011-005, CDOT Executive Director Hunt commenced a first-ever comprehensive review of CDOT’s existing rules. At the beginning of 2011, CDOT had 29 rules in effect. Some of the rules had not been reviewed or updated in more than twenty years, for example: Transportation Commission Rules (last updated in 1987); Rules for Special Events on State Highways (last updated in 1979); Junkyard Regulations (last updated in 1976); Authorized Service Vehicles Rules (last updated in 1977); Law Enforcement Assistance Fund Rules (last updated in 1983), and Travel Restrictions on State Highways Rules (last updated in 1996). Additionally, many of these rules contained incorrect statutory references and set forth processes that longer had any basis in law or fact.

Results: CDOT is on schedule to have all rules requiring repeal, adoption or revision in process by June 29, 2012. CDOT’s actions will impact 22 sets of state rules (only seven sets of rules do not require review). Starting in February 2012, CDOT is taking advantage of the E0-5 software system to augment its notification of all rulemaking activities to all interested parties and stakeholders including local governments.

Number of Rules to be reviewed	22
Number of Rules reviewed	12
Number to be retained in existing format	9
Number of Rules repealed	3
Number of Rules currently in draft stage	10
Number of Pages or rules eliminated	30

Appendix XI sets forth more detailed information regarding specific rules.

SUMMARY

Reviewing and evaluating the thousands of rules and regulations in effect in Colorado is a long-term process that has the ongoing commitment of the Administration, and particularly the commitment of the executive directors of each principal department with rule making authority within the executive branch. Over the past year, these departments and agencies have reviewed and evaluated over 7,580 rules, resulting in recommendations for the repeal or modification of more than half of those rules reviewed. Even more importantly, under **Executive Order D 2012-002**, the rule review process has become an integral and ongoing part of the regulatory functions of each department and agency, with each department providing public notice of its rule review activities, as well as an opportunity for public input and participation.

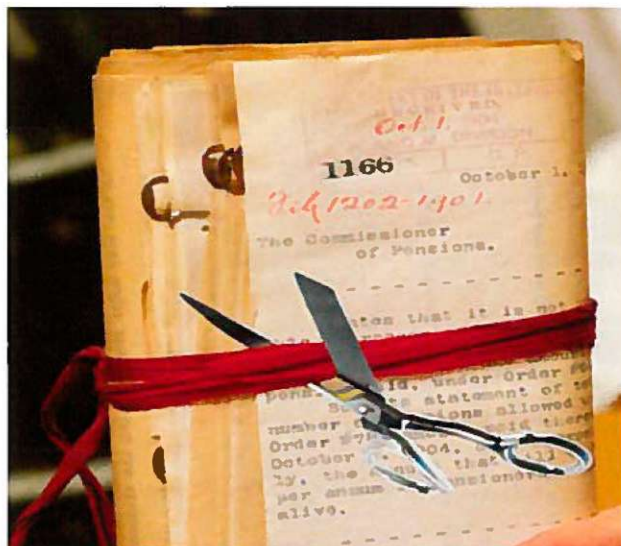


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Appendix I

DEPARTMENT OF CORRECTIONS

The following is the implementation strategy for reviewing the Department's regulations:

Phase I:

The CDOC Policy Analyst will serve as the central point of contact for all policy matters. As the need for new administrative regulations is identified, Executive Staff, Management Staff or Facility Staff will convey the need to the CDOC Policy Analyst. The CDOC Policy Analyst will then determine whether the proposed new policy can be incorporated into existing policy or if a new policy is necessary. The CDOC Policy Analyst will assist in assembling appropriate staff into committees to provide any needed information regarding the new policy and will assist in drafting the policy document to ensure ease of reading and logical flow of content.

Phase II:

The Policy Analyst will work with Offices of Primary Responsibility (OPR's) that oversee an entire isolated series of policies to review each of the policies within the series to determine whether certain policies can be merged to reduce the overall number within the series. The review will incorporate the considerations in Executive Order D 2012-002 B (1-5).

Phase III:

The Policy Analyst will align Administrative Regulations (AR's) by titles suggesting similar content. After aligning a group of AR's with similar titles, the Policy Analyst will conduct a content review incorporating the items in Executive Order D 2012-002 B (1-5) and combine policies that are similar. During this process, each policy will be drafted with careful attention to ease of reading and flow of content and OPR's will be contacted for input. Whenever possible, AR's that have highly technical or complex content will be reduced to guideline format with the pertinent technical information placed into Technical Assistance Manuals which can be more easily updated than an AR.

Phase IV:

Phase IV will occur concurrently with Phases I, II and III. As policies are merged and abolished, they will need to be assigned into a new (or different) series and assigned a new OPR or OPR's. Series titles and OPR lists will need to be revised and timely updates to the external and internal website will be made in order to keep employees and the public apprised of where information has been relocated.

APPENDIX II

GOVERNOR’S OFFICE OF INFORMATION TECHNOLOGY

The following provides detailed information about the six rules under OIT’s purview, as well as next steps in the review process:

Number	Title	Purpose of Rule	Promulgating Agency	Review Date	Recommendation & Next Steps
8 CCR 1501-5	Rules in Support of the Colorado Information Security Act	Governs the process around the development, maintenance, and distribution of Agency Cyber Security Plans.	OIT	Feb 2012	MODIFY Rule is still relevant and should be retained. Modify rule to reflect recent statutory changes.
8 CCR 1501-6	Rules in Support of the Office of Information Technology	Governs the purchase of information technology related goods and services in emergency situations.	OIT	Feb 2012	RETAIN IN EXISTING FORMAT – NO CHANGE Rule is straightforward and required to quickly respond to emergency situations that necessitate an immediate IT service or equipment.
8 CCR 1501-7	Rule in Support of Centralized IT Management and Creation of Enterprise Architecture Office and Data Management Program	To formalize strategic alignment of IT investments with state policy priorities, IT policy and standards, while reducing duplication and overlap; and to establish the Enterprise Architecture Office and Data Management Program.	OIT	Feb 2012	RETAIN IN EXISTING FORMAT – NO CHANGE Rule is straightforward and necessary for OIT to fulfill its responsibility to define statewide templates, metrics, standards, and documentation and to review and approve architectures and information.
8 CCR 1501-4	Information and Technology Management Code	To create State IT Management Rules and define the compliance responsibilities of the state agencies.	Office of Economic Development and Int’l Trade (OEDIT)	March 2012	REPEAL Rule is outdated, is unnecessary, and does not reflect the state’s current consolidated IT environment.



1 CCR 110-1	Public Safety Communications Trust Fund	To govern distribution of public safety communications trust fund moneys to and replacement of such moneys by state and local government.	Dept. of Personnel & Administration (DPA)	March 2012	MODIFY Repeal old rule and re-promulgate as an OIT rule, with new citation of authority and necessary changes.
1 CCR 111-1	Colorado Rules Regarding the Use of Electronic Signatures in Governmental Transactions	To promote the development and the use of electronic transactions with Colorado public entities.	Dept. of Personnel & Administration (DPA)	March 2012	REPEAL Rule is outdated, is unnecessary, and does not align with current policies and procedures that are already in place.

APPENDIX III

Department of Public Health and Environment

Rule or Regulation	Action Taken	Comments	Last Reviewed
Executive Director's Office			
Health Maintenance Organizations	New Rule	Required by state statute	Oct-98
Second Screen-Newborn Screening	Reviewed and Updated	Required by state statute	Mar-11
Environmental Management /System Permit Program	New Rule	Required by state statute	Oct-04
Board of Health			
Declaratory Orders Procedures	New Rule or Regulation	Permitted by state statute -Review in 2012 anticipated	Jun-05
Tobacco Settlement Monitoring and Reporting	Reviewed and updated	Required by state statute	Oct-05
Cleanup of Methamphetamine Laboratories	Reviewed and updated	Required by state statute	Jan-05
Colorado Health Care Professional Credentials	Reviewed and updated	Required by state statute	Sep-11

Application			
Health Disparities Grant Program	Reviewed and updated	Required by state statute	Jan-06
Minimum Qualifications for Public Health Director and Medical Officer	Reviewed and updated	Required by state statute	May-09
Core Public Health Services	New Rule or Regulation	Required by state statute	Oct-11
Board of Health/Health Facilities and Emergency Medical Services Division			
Chapter II General Licensure	Reviewed and updated	Required by state statute	Feb-12
Chapter III General Building and Fire Safety	Reviewed and updated	Required by state statute	Apr-96
Chapter IV General Hospitals	Reviewed and updated	Required by state statute	May-11
Chapter V Long Term Care Facilities	Reviewed and updated	Required by state statute	Mar-11
Chapter VI Acute Treatment Units	Reviewed and updated	Required by state statute	Apr-08
Chapter VII Assisted Living Residences	Reviewed and updated	Required by state statute	Aug-11
Chapter VIII Facilities for Persons with Developmental Disabilities	Reviewed and updated	Required by state statute	Mar-11
Chapter IX Community Clinics and Community Clinics and Emergency Centers	Reviewed and updated	Required by state statute	Nov-10
Chapter X Rehabilitation Centers	Reviewed and updated	Required by state statute	Jan-10
Chapter XI Convalescent Centers	Reviewed and updated	Required by state statute	Jan-10
Chapter XII Chiropractic Centers and Hospitals	Reviewed and updated	Required by state statute	Jan-10
Chapter XIV Maternity Hospitals	Reviewed and updated	Required by state statute	Jan-10
Chapter XV Dialysis Treatment Centers	Reviewed and updated	Required by state statute	Jan-10
Chapter XVII Rehabilitative Nursing Facility	Reviewed and updated	Required by state statute	Apr-96
Chapter XVIII Psychiatric Hospitals	Reviewed and updated	Required by state statute	May-11
Chapter XIX Hospital Unit	Reviewed and updated	Required by state statute	Jan-10
Chapter XX Ambulatory Surgical Center	Reviewed and updated	Required by state statute	Jan-11
Chapter XXI Hospice	Reviewed and updated	Required by state statute	Mar-11
Chapter XXII Birth Centers	Reviewed and updated	Required by state statute	May-09
Chapter XXIV Medication Administration	Reviewed and updated	Required by state statute	May-11
Chapter XXV Rural Primary Care Hospitals	Rule or Regulation Repealed		Aug-04



Chapter XXVI Home Care Agencies	Reviewed and updated	Required by state statute	Aug-11
Emergency Medical Services			
Emergency Medical Services Account	Reviewed and updated	Required by state statute	Jan-03
Implementation of CPR Directives by EMS Personnel	Reviewed and updated	Required by state statute	Mar-11
Chapter 1 EMS Education and Certification	Reviewed and updated	Required by state statute	May-11
Chapter 2 EMS Practice and Medical Director Oversight	Reviewed and updated	Required by state statute	May-11
Chapter 3 EMS Data and Information Collection and Record Keeping	Reviewed and updated	Required by state statute	May-11
Chapter 4 Licensure of Ground Ambulance Services	Reviewed and updated	Required by state statute	May-11
Chapter 5 Air Ambulance Licensing	Reviewed and updated	Required by state statute	May-11
Emergency Medical and Trauma Care			
Chapter 1 Pre-hospital and Trauma Registries	Reviewed and updated	Required by state statute	Sep-05
Chapter 2 SEMTAC System Standards	Reviewed and updated	Required by state statute	Jan-11
Chapter 3 Designation of Trauma Facilities	Reviewed and updated	Required by state statute	May-11
Chapter 4 Regional Emergency Medical and Trauma	Reviewed and updated	Required by state statute	May-04
Advisory Councils			
Board of Health/Disease Control and Environmental Epidemiology Division			
Epidemic and Communicable Disease Control	Reviewed and updated	Required by state statute C.R.S. 25-1.5-102	Nov-10
Infant Immunization Program, Vaccines for Children's Program, and Immunization of Students Attending School	Reviewed and updated	Required in part by state statute C.R.S. 25-4-1704	Nov-11
Ophthalmic Ointment in Newborn Infants	Reviewed with no change	Pending legislation will result in May 2012 repeal of this rule	Sep-65
Detection, Monitoring and Investigation of Environmental and Chronic Diseases	Reviewed and updated	Required by state statute C.R.S. 25-1.5-105	Feb-06
Reporting of Selected Causes of Morbidity and Mortality	Reviewed and updated	Required by state statute C.R.S. 25-1.5-102	Mar-98
Reporting, Prevention and Control of AIDS, HIV related Illness and HIV Infection	Reviewed and updated	Required by state statute C.R.S. 25-4-1402	Feb-10

Colorado HIV and AIDS Prevention Grant Program	Reviewed and updated	Required by state statute C.R.S. 25-4-1413	Jan-08
Board of Health/Prevention Services Division			
Central Cancer Registry	Reviewed and updated	Permitted by state statute	Aug-95
Tobacco Education, Prevention and Cessation Grant Program	Reviewed and updated	Required by state statute	Dec-05
Certification of Health Care Professionals for Tax Credit	Reviewed and updated	Required by state statute	Sep-03
Loan Repayment Program for Dental Professionals	Reviewed and updated	Required by state statute	Oct-04
Service Grants for the Dental Assistance Program	New Rule or Regulation	Required by state statute	Nov-08
Cancer, Cardiovascular Disease and Chronic Pulmonary Disease	Reviewed and updated	Required by state statute	Apr-06
Prevention, Early Detection and Treatment Grant Program			
Colorado Cancer Drug Repository Program	Reviewed and updated	Required by state statute	Jan-08
Breast and Cervical Cancer Screening Program	New Rule or Regulation	Required by state statute	Jun-06
Nurse Home Visitor Program	Reviewed and updated	Required by state statute	Aug-02
Prevention Intervention and Treatment Programs for Children and Youth	Reviewed and updated	Required by state statute	Mar-04
International Medical Graduates Seeking State Support of Immigration Petition: Eligibility, Application Process, Fees and Selection	New Rule or Regulation	Required by state statute	Feb-10
Board of Health/Colorado Health and Environmental Information and Statistics Division			
Vital Statistics	Reviewed and updated	Required by state statute	Jun-84
Medical Use of Marijuana	Reviewed and updated	Required by state statute	Nov-11
Board of Health/Laboratory Services Division			
Environmental Laboratory Accreditation Rules	Reviewed and updated	Required by state statute	Jan-01
Testing for Alcohol and Other Drugs	Reviewed and updated	Required by state statute	Jan-09
Ignition Interlock Devices, Breath Alcohol	Reviewed and updated	Required by state statute	Sep-02



Newborn Screening Regulations	Reviewed and updated	Required by state statute	Mar-11
Board of Health/Office of Emergency Preparedness and Response			
Preparations for a Bioterrorist Event Pandemic	Reviewed and updated	Required by state statute and federal grant provisions	Mar-07
Influenza or an Outbreak by a Novel and Highly			
Fatal Infectious Agent or Biological Toxin			
Board of Health/Division of Environmental Health and Sustainability Division			
Retail Food Establishment Rules	Reviewed and updated	Required by state statute	May-06
Manufactured Milk and Dairy Products	Reviewed and updated	Required by state statute	Jan-03
Grade A Pasteurized Milk and Fluid Milk Products	Reviewed and updated	Required by state statute Incorporates Federal requirements	Aug-10
School Regulations	Reviewed and updated	Required by state statute	Jul-05
School Prohibited and Restricted Chemical Lists	Reviewed and updated		May-07
Health and Sanitation of Child Care Facilities	Reviewed and updated	Required by state statute	Mar-05
Campgrounds and Recreation Areas	New Rule or Regulation	Required by state statute No funding to enforce or update	Feb-75
Group Gathering Areas	New Rule or Regulation	Required by state statute No funding to enforce or update	Aug-72
Labor Camps	Reviewed with no change	Required by state statute No changes put forth due to lack of funding	Sep-07
Mobile Home Parks	New Rule or Regulation	Required by state statute No funding to enforce or update	Oct-74
Penal Institutions	Reviewed and updated	Required by state statute	Jul-99
Public Accommodations	New Rule or Regulation	Required by state statute No funding to enforce or update	Feb-71
Urea Formaldehyde Foam Insulation	New Rule or Regulation	Required by state statute	Sep-80
Artificial Tanning Devices	New Rule or Regulation	Required by state statute Possible legislation in 2012 to add requirements	Jan-93

Wholesale Food	Reviewed and updated	Required by state and federal statutes	Aug-99
Body Art Establishments	Reviewed and updated	Required by state statute	Jul-01
Board of Health/Radiation			
Radiation Control			
Part 1 General Provisions	Reviewed and updated	Required by federal and state statute and	Mar-11
Part 2 Registration of Radiation producing machines, facilities and Services	Reviewed and updated	Required by federal and state statute	Jun-10
Part 3 Licensing of Radioactive Materials	Reviewed and updated	Required by federal and state statute	Mar-11
Part 4 Standards for Protection against Radiation	Reviewed and updated	Required by federal and state statute	May-05
Part 5 Radiation Safety Requirements for Industrial Radiographic Operations	Reviewed and updated	Required by federal and state statute	Oct-09
Part 6 X-Rays in the Healing Arts	Reviewed and updated	Required by federal and state statute	Jun-10
Part 7 Use of Radionuclides in the Healing Arts	Reviewed and updated	Required by federal and state statute	Feb-12
Part 8 Radiation Safety Reqts for Radiation Generating Devices not Used in the Healing Arts	Reviewed and updated	Required by federal and state statute	Oct-09
Part 9 Radiation Safety Reqts for Particle Accelerators not Used in the Healing Arts	Reviewed and updated	Required by federal and state statute	Oct-09
Part 10 Notices, Instructions and Reports to Workers: Inspections	Reviewed and updated	Required by federal and state statute	Jun-10
Part 11 Special Land Ownership Requirements	Reviewed and updated	Required by federal and state statute	Jan-98
Part 12 Fees for Radiation Control Services	Reviewed and updated	Required by federal and state statute	Mar-11
Part 13 Penalties for Violations	Reviewed and updated	Required by federal and state statute	Mar-11
Part 14 Licensing Requirements for Land Disposal of Radioactive Materials	New Rule or Regulation	Required by federal and state statute-	Sep-96
Part 15 Low-level Radioactive Waste Rate Regulations	New Rule or Regulation	Required by federal and state statute	Nov-85
Part 16 Radiation Safety Reqts for Wireline Service Operations and Subsurface Tracer Studies	Reviewed and updated	Required by federal and state statute	Jan-07



Part 17 Transportation of Radioactive Material	Reviewed and updated	Required by federal and state statute	Jul-07
Part 18 Licensing Requirements for Uranium & Thorium Processing	Reviewed and updated	Required by federal and state statute	Mar-11
Part 19 Licenses and Radiation Safety Reqs for Irradiators	Reviewed and updated	Required by federal and state statute	Jan-07
Part 24 Particles Accelerators & Therapeutic Radiation Machines in the Healing Arts	Reviewed and updated		Oct-09
Water Quality Control Commission/Water Quality Control Division			
Regulation #21, Procedural Rules	Reviewed and updated	Rule authorized by State Statute.	April, 2011 RRIH; November 2011 RMH
Regulation #22, Site Location and Design Approval Regulations for Domestic Wastewater Treatment Works	Reviewed and updated		May, 2008 RRIH; July 2009 RMH
Regulation #23, Regulations for State of Colorado Continuing Planning Process	Reviewed with no change	Rule required by State and Federal Statute	August, 2011 RRIH
Regulation #31, The Basic Standards and Methodologies for Surface Water	Reviewed and updated	Rule required by State and Federal Statute	June, 2010 RMH
Regulation #32, Classifications and Numeric Standards for Arkansas River Basin	Reviewed and updated	(Rulemaking hearing is scheduled for June, 2013) Rule required by State and Federal Statute	October, 2011 ISH
Regulation #33, Classifications and Numeric Standards for Upper Colorado River Basin and North Platte River (Planning Region 12)	Reviewed and updated	Rule required by State and Federal Statute	June, 2008 RMH
Regulation #34, Classifications and Numeric Standards for San Juan River and Dolores River Basins	Reviewed and updated	(Rulemaking hearing is scheduled for September, 2012) Rule required by State and Federal Statute	February, 2012 IFH
Regulation #35, Classifications and Numeric Standards for Gunnison and Lower Dolores River Basins	Reviewed and updated	(Rulemaking hearing is scheduled for September, 2012) Rule required by State and Federal Statute	February, 2012 IFH

Regulation #36, Classifications and Numeric Standards for Rio Grande River Basin	Reviewed and updated	(Rulemaking hearing is scheduled for June, 2013) Rule required by State and Federal Statute	October, 2011 ISH
Regulation #37, Classifications and Numeric Standards for Lower Colorado River Basin	Reviewed and updated	Rule required by State and Federal Statute	June, 2008 RMH
Regulation #38, Classifications and Numeric Standards for South Platte River Basin, Laramie River Basin, Republican River Basin, Smoky Hill River Basin	Reviewed and updated	Rule required by State and Federal Statute	June, 2009 RMH
Regulation #41, The Basic Standards for Ground Water	Reviewed and updated	(Rulemaking scheduled for August, 2012) Rule required by State Statute	August, 2010 TRIH
Regulation #39, Colorado River Salinity Standards	Reviewed with no change	Rule required by State and Federal Statute	December, 2011 TRIH
Regulation #42, Site-Specific Water Quality Classification and Standards for Ground Water	Reviewed and updated	(Rulemaking scheduled for August, 2012) Rule required by State Statute	August, 2010 TRIH
Regulation #51, State of Colorado Water Pollution Control Revolving Fund Rules	Reviewed and updated	(Rulemaking scheduled for April, 2012) Rule required by State and Federal Statute	August, 2011 RRIH
Regulation #52, Drinking Water Revolving Fund Rules	Reviewed with no change	Rule required by State and Federal Statute	August, 2011 RRIH
Regulation #53, Domestic Wastewater Treatment Grant Funding System	Reviewed with no change	Rule required by State Statute	August, 2011 RRIH
Regulation #54, Drinking Water Grant Fund	Reviewed with no change	Rule required by State Statute	August, 2011 RRIH
Regulation #55, Water Quality Improvement Fund	Reviewed and updated	Rule required by State Statute	February, 2012 RMH
Regulation #61, Colorado Discharge Permit System Regulations	Reviewed with no change	Rule required by State and Federal Statute	February, 2012 RRIH
Regulation #62, Regulations for Effluent Limitations	Reviewed and updated	(Rulemaking scheduled for June, 2012) Rule authorized by State Statute	January, 2011 TRIH
Regulation #63, Pretreatment Regulations	Reviewed with no change	Rule required by State and Federal Statute; incorporates some Federal regulatory language by reference	February, 2010 TRIH
Regulation #64, Biosolids Regulation	Reviewed and updated	Rule required by State and Federal Statute; incorporates some Federal regulatory language by reference	February, 2010 RMH



Regulations Pertaining to the Beneficial Use of Water Treatment Sludge and Fees Applicable to the Beneficial Use of Sludges		Rule authorized by State Statute.	October, 2005
Regulation #65, Regulations Controlling Discharges to Storm Sewers	Reviewed with no change	Rule required by State and Federal Statute	April, 2011 TRIH
Regulation #66, Financial Assurance Criteria Regulations for Colorado Housed Commercial Swine Feeding Operations	New Rule or Regulation	Rule required by State Statute.	July, 2010 RMH
Regulation #71, Dillon Reservoir Control Regulation	Reviewed with no change	Rule authorized by State Statute	April, 2010 TRIH
Regulation #72, Cherry Creek Reservoir Control Regulation	Reviewed and updated	Rule authorized by State Statute	August, 2009 RMH
Regulation #73, Chatfield Reservoir Control Regulation	Reviewed with no change	Rule authorized by State Statute	February, 2012 TRIH
Regulation #74, Bear Creek Watershed Control Regulation	Reviewed with no change	Rule authorized by State Statute	April, 2009 TRIH
Regulation #75, Cheraw Lake Control Regulation	Reviewed with no change	Rule authorized by State Statute	November, 2009 TRIH
Regulation #81, Animal Feeding Operations Control Regulation	Reviewed and updated	Rule required by State Statute; incorporates some Federal regulatory language by reference	August, 2009 RMH
Regulation #82, 401 Certification Regulation	Reviewed with no change	Rule required by State and Federal Statute	July, 2010 TRIH
Regulation #83, Passive Treatment of Mine Drainage Control Regulation	Rule or Regulation Repealed		January, 2007 RRIH
Regulation #84, Reclaimed Water Control Regulation	Reviewed with no change	Rule authorized by State Statute	July, 2010 TRIH
Regulation #93, Colorado's Section 303(d) List of Impaired Waters and Monitoring and Evaluation List	Reviewed and updated	Rule required by State and Federal Statute	December, 2011 RMH
Primary Drinking Water Regulations	Reviewed and updated	Rule required by State and Federal Statute; incorporates some Federal regulatory language by reference	August, 2010 RMH
Guidelines on Individual Sewage Disposal Systems	Reviewed and updated	(Rulemaking scheduled for October, 2012) Rule required by State Statute	currently being reviewed

Water and Wastewater Facility Operators Certification Board/Water Quality Control Division			
Water and Wastewater Facility Operators Certification Requirements, Regulation No. 100	Reviewed and updated	Rule is required by State Statute.	February 2012 RMH
Air Quality Control Commission /Air Pollution Control Division			
Regulation 1: <i>Emission Control for Particulate Matter, Smoke, Carbon Monoxide and Sulfur Oxides</i>	Reviewed and updated	last adopted 06/21/07; required by federal regulations and state statutes	Jun-07
Regulation 2: <i>Odor Emission</i>	Reviewed and updated	last adopted 06/19/08; required by state statute	Jun-08
Regulation 3: <i>Stationary Source Permitting and Air Pollutant Emission Notice Requirements</i>	Reviewed and updated	last adopted 10/20/11; required by federal regulations and state statutes	Oct-11
Regulation 4: <i>New Wood Stoves and the Use of Certain Woodburning Appliances During High Pollution Days</i>		last adopted 06/16/06; required by federal regulations and state statutes	Jun-06
Regulation 5: <i>Generic Emissions Trading and Banking</i>	Rule or Regulation Repealed	repealed 02/17/05	
Regulation 6: <i>Standards of Performance for New Stationary Sources</i>	Reviewed and updated	last adopted 07/21/11; required by federal regulations and state statutes; some elements are federal regulations that are incorporated by reference (rule would only change if the federal rules change)	Jul-11
Regulation 7: <i>Control of Ozone Via Ozone Precursors (Emissions of Volatile Organic Compounds and Nitrogen Oxides)</i>	Reviewed and updated	last adopted 01/7/11; required by federal regulations and state statutes	Jan-11
Regulation 8: <i>Control of Hazardous Air Pollutants</i>	Reviewed and updated	last adopted 07/21/11; required by federal regulations and state statutes; some elements are federal regulations that are incorporated by reference (rule would only change if the federal rules change); certain aspects of the asbestos program undergo periodic sunset review pursuant to 24-34-104 C.R.S.	Jul-11



Regulation 9: <i>Open Burning, Prescribed Fire, and Permitting</i>	Reviewed and updated	last adopted 12/15/11; required by federal requirements and state statutes	Dec-11
Regulation 10: <i>Criteria for Analysis of Transportation Conformity</i>	Reviewed and updated	last adopted 12/15/11; required by federal regulations and state statutes	Dec-11
Regulation 11: <i>Motor Vehicle Emissions Inspection Program</i>	Reviewed and updated	last adopted 09/15/11; State audit of the rule conducted every three years pursuant to 42-4-316(2) C.R.S. and currently underway; Air Quality Control Commission review of the rule also currently underway; required by federal regulations and state statutes	Sep-11
Regulation 12: <i>Reduction of Diesel Vehicle Emissions</i>	Reviewed and updated	last adopted 10/20/11; required by state statute	Oct-11
Regulation 13: <i>Reduction of Carbon Monoxide Emissions from Gasoline Powered Motor Vehicles through the Use of Oxygenated Gasolines</i>	Rule or Regulation Repealed	repealed 02/01/11	Feb-11
Regulation 14: <i>Reduction of Motor Vehicle Air Pollution from Alternative Fueled Vehicles</i>	Rule or Regulation Repealed	repealed 10/30/99	
Regulation 15: <i>Control of Emission of Ozone Depleting Compounds</i>	Reviewed and updated	last adopted 09/18/08; required by federal delegation and state statute	Sep-08
Regulation 16: <i>Street Sanding Emissions</i>	Reviewed and updated	last adopted 04/19/01; required by federal regulations and state statutes	Apr-01
Regulation 17: <i>Clean Fuel Fleet Program</i>	Rule or Regulation Repealed	repealed 08/15/02	
Regulation 18: <i>Control of Emissions of Acid Deposition Precursors</i>	Reviewed and updated	last adopted 02/6/07; required by federal delegation and state statutes	Feb-07
Regulation 19: <i>Control of Lead Hazards</i>	Reviewed and updated	last adopted 12/20/07; required by federal delegation and state statutes	Dec-07
<i>State Implementation Plan, Specific Regulations for Nonattainment - Attainment/Maintenance Areas (Local Elements)</i>	Reviewed and updated	last adopted 11/20/08; required by federal regulations and state statutes	Nov-08

<i>Air Quality Standards, Designations and Emission Budgets</i>	Reviewed and updated	last adopted 12/15/11; required by federal regulations and state statutes	Dec-11
<i>Procedural Rules</i>	Reviewed and updated	last adopted 12/15/11; Air Quality Control Commission review of the rule currently underway; required by federal regulations and state statutes	Dec-11
<i>Common Provisions Regulation</i>	Reviewed and updated	last adopted 10/21/10; required by federal regulations and state statutes	Oct-10
Solid and Hazardous Waste Commission			
Part 260 Hazardous Waste Management System-General	Reviewed and updated	Required in whole or in part by federal statute	Aug-11
Part 261 Identification and Listing of HW	Reviewed and updated	Required in whole or in part by federal statute	Feb-10
Part 262 Standards Applicable to HW Generators	Reviewed and updated	Required in whole or in part by federal statute	Nov-11
Part 263 Standards Applicable to HW Transporters	Reviewed and updated	Required in whole or in part by federal statute	Aug-11
Part 264 Standards for Permitted TSD Facilities	Reviewed and updated	Required in whole or in part by federal statute	Aug-11
Part 265 Standards for Interim TSD Facilities	Reviewed and updated	Required in whole or in part by federal statute	Aug-11
Part 266 Financial Requirements	Reviewed and updated	Required in whole or in part by federal statute	May-02
Part 267 Standards for Mgmt of Certain Wastes	Reviewed and updated	Required in whole or in part by federal statute	Aug-11
Part 268 Land Disposal Restrictions	Reviewed and updated	Required in whole or in part by federal statute	May-10
Part 273 Standards for Universal Waste Management	Reviewed and updated	Provides additional flexibility for mgmt of certain wastes	Feb-10
Part 279 Standards for Management of Used Oil	Reviewed and updated	Required in whole or in part by federal statute	Aug-07
Part 2 Public Information	Reviewed and updated	Required in whole or in part by federal statute	Jul-04



Part 99 Notification	Reviewed and updated	Required in whole or in part by federal statute	May-11
Part 100 Permit Regulations	Reviewed and updated	Required in whole or in part by federal statute	Nov-11
Part 101 Appeal Regulations	Reviewed and updated	Required in part by state statute	May-11
Part 6 Hazardous Waste Commission Fees	Reviewed and updated	Required in part by state statute	Mar-11
Part 7 Procedural Rules for the Hazardous Waste Commission	Reviewed and updated	Permitted by state statute	May-11
Part 1 Regulations Pertaining to Solid Waste Disposal Sites	Reviewed and updated	Required by state statute	Feb-12
Part 2 Requirements for Siting of HW Disposal Sites	Reviewed with no change	Required by state statute	Aug-82
Part 3 Requirements for Inspections of Off-site HW Disposal Sites	Reviewed and updated	Permitted by state statute	May-07
Part 4 Regulations pertaining to Waste Tires	New Rule or Regulation	Required by state statute	May-11

APPENDIX IV

Department of Regulatory Agencies—Division of Banking

The following table describes the need for and description of each rule amendment based on the review criteria.

Need for amendment	Description of amendment	Rules impacted
Meet Colorado statutory requirements or federal laws	Rule requires amendment to address requirements for in-state deposits made by out-of-state entities.	PDP11
Clarify or remove ambiguous language	Rule contains ambiguous verbiage with regard to the type of day – business or calendar – which is contributing to entities missing submission deadlines.	AR1, AR10, AR11, CB1.11, CB101.29, CB101.39, CB101.47, CB101.55, CB101.60, MO5, PDP3, PDP5, PDP8, PDP9, TC9, TC11, TC12, TC13.5, TC14, TC15, TC16
Removal or revision of outdated information	<p>Rule reflects old address, leading to misrouted mail. To insure no future amendment of the rules is necessary due to an address or phone number change, the contact information will be revised to reflect the Division’s email address.</p> <p>Rule erroneously directs the individual to contact the Banking Board Secretary for detailed rule information on the rule or its provisions. Rule interpretation is now done by the Commissioner.</p> <p>Rule contains outdated references to other Banking rules.</p>	AR1, CB101.31, CB101.37, CB101.40, CB101.42, CB101.45, CB101.46, CB101.48, CB101.49, CB101.57, CB101.59, CB101.61, TC7, TC9, TC11, TC12, TC13, TC15, TC17, TC18



Repeal of duplicative, obsolete, or unnecessarily burdensome requirements	Remove requirements that are already addressed in another rule or are not necessary in the cited rule.	AR11
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Appendix V

Department of Regulatory Agencies—Division of Civil Rights

Clean-up inconsistent language

Although most of the rules are consistent with current state and federal statutes, some provisions have become outdated. Therefore, all rules needing corrections will be revised to ensure consistency reflecting these changes in law and, to the extent possible, with the Administrative Procedures Act (“APA”) and Rules of Civil Procedure (“CRCP”). Additionally, language, definitions, and formatting will be revised to ensure accuracy and uniformity.

Rule 10.1-.14 Commission-Initiated Complaints

Create new rule(s) to specifically define the complaint and enforcement procedure in instances of charges filed by a Commissioner, the Commission, or Attorney General.

Rule 10.4(B) Form of Charges Filed - Electronic

Revise rule to add specific provisions allowing for both electronic and facsimile filing of documentation, such as Charges of Discrimination, including provisions for the procurement of electronic signatures. The rule will also be changed to no longer require duplicate signed copies of Charges to be filed (see also Rule 10.5(G)).

Rule 10.4(E) Office Location for Filing Charges – CCRD only

Revise rule to require filing of Charges of Discrimination at the offices of the CCRD, rather than at any “local, state, or federal agency.”

Rule 10.4(F) Time Limits for Filings Dates that fall on Weekends or Holidays

Add language to the rule to identify specific application of time limits for filing deadlines that fall on a weekend or holiday.

- Rule 10.5** Probable Cause Definition
Create a definition of Probable Cause to ensure a uniform standard is applied in all case determinations.
- Rule 10.5(E)** ADR Process - Clarification
Expand the rule to clarify the procedure for settlement conferences, including failure to sign settlement agreements in mediations.
- Rule 10.5(H)** Early Right to Sue Consistent with Statute Change
Revise rule to comply with statutory changes regarding the director’s authority to issue Notices of Right to Sue prior to the elapsing of 180 days during an investigation.
- Rule 10.6** Appeal Process - Clarification
Substantial revision to the rule to clarify the Appeal process, currently delineated through internal procedure, as the law is virtually silent as to the conduct and procedure of appeals.
- Rule 20** De Minimus Charges
Addition of a definition of de minimus charges for which, under limited circumstances, the Division would have authority to dismiss.
- Rule 20.5(B)** Rebuttable Presumption for Failure to Produce Records
Move and revise rule regarding the rebuttable presumption to appropriate section of the rules dealing with failure to comply with Division
- Rule 60** Disability consistent with ADA
Revise rule to be consistent with recent amendments to the Americans with Disabilities Act, as amended (“ADAAA”), including a revision of current definitions.
- Rule 80.8** Sex (Pregnancy) Discrimination – Clarification
Clarification of prohibited acts because of an employee’s sex as it relates to pregnancy and indication of a “temporary disability”.
- Rule 85.0** Harassment by Supervisor
Revise rule to clarify standards in cases where harassment is committed by a supervisor or owner of an employer.



Rule 90 Employment Testing – Repeal

Repeal of rules regarding Employment Testing, which were promulgated in regards to the 1978 Federal Uniform Guidelines on Employee Selection Procedures and various related executive orders, and which are no longer relevant, existing, or applicable.

Appendix VI

Department of Regulatory Agencies-Division of Financial Services

The table below conveys the purposes for each rule amendment based on the criteria used in the review as explained above. Below each recommendation is an example of the reason the amendment will be recommended to the Financial Services Board.

Purpose	Credit Union Rules	Savings and Loan & PDPA Rules	Life Care Rules
<p>Clarify Language</p>	<p>Rule 6.2(c) Establishment and Maintenance of Credit Union Books and Records - remove “conclusively presumed” when specifying if a credit union is non-compliant with this rule. It concerns daily availability for record inspection requirements.</p> <p>Reason for recommendation: Credit Union Association’s general counsel felt this language was an extraordinary legal standard that appeared to remove due process.</p>	<p>Rule 4.2 Determination of Current Market Quotation of Eligible Collateral – Revise to include an expiration date for deposit pledge agreements.</p> <p>Reason for recommendation: Expiration dates should be included in the rule to ensure regular reviews of collateral custodians by the depository institution. Regular review of a custodian’s condition is a reasonable and needed aspect of due diligence.</p>	<p>Rule 5.1 Refunds – Clarify timing and calculation of required refunds to residents.</p> <p>Reason for recommendation: Consumers should be able to better predict when they will receive the refund of a life care deposit, and how the refund is calculated. This is a consumer protection issue. It will require statutory change before promulgation. The Division’s Sunset process currently underway will address this issue.</p>
	<p>Rules 3.2(c) Small Groups – Change “opinion of the Commissioner” to “Commissioner finds and determines.”</p> <p>Reason for recommendation: This clarifies that there is a logical and</p>	<p>Rule 4-13(a) Minimum Amount of Eligible Collateral – Revise to recognize current FDIC insurance limit of \$250,000.</p> <p>Reason for recommendation: The FDIC insurance limit has been</p>	

	<p>systematic process the commissioner goes through before taking an action. Actions are based on findings and determinations of fact before an opinion is rendered.</p>	<p>increased from \$100,000 to \$250,000 since the latest revision of this rule.</p>	
	<p>Rule 4.2 Investments – Change “Commissioner determines” to Commissioner finds and determines.”</p> <p>Reason for recommendation: This clarifies that there is a logical and systematic process the commissioner goes through before taking an action. Actions are based on findings and determinations of fact before an opinion is rendered.</p>		
	<p>Rule 6.4 Fixed Assets (b) (4) - Change “Commissioner determines” to Commissioner finds and determines.”</p> <p>Reason for recommendation: This clarifies that there is a logical and systematic process the commissioner goes through before taking an action. Actions are based on findings and determinations of fact before an opinion is rendered.</p>		
<p>Streamline for Efficiency</p>			<p>Rule 11.1 Notice of Intent to Become Life Care Institution The rule should include certain requirements that should be met before an entity could enter the business.</p> <p>Reason for recommendation: Industry feels that the entry burden is too lax when compared to other states. However, this change will require statutory change before any rule promulgation can be undertaken. The Division’s Sunset</p>



			process currently underway will address this issue.
Revise to match current standards of practice.	<p>Rule 4.3 Incidental Powers – Rule must be revised to recognize statutory changes at the federal level and to coincide with current state statutes referenced.</p> <p><u>Reason for recommendation:</u> By statute, state-charters receive parity with federal charters so as not to prejudice the state-charter. This would also prevent credit unions from having to cease operations due to charter conversion.</p>	<p>Rule 4.2 Determination of Current Market Quotation of Eligible Collateral – Revise to ensure that collateral valuation model properly addresses any interest rate environment.</p> <p><u>Reason for recommendation:</u> This is a safety and soundness issue. The current valuation model doesn't recognize volatile interest rate moves. The probability of such moves has been increased as a result of the housing market dislocation and the great recession. The rule should address a greater number of interest rate scenarios to adequately address current and potential market risks.</p>	
		<p>Rule 14-1 Business Plans – Revise to include expectations for operating goals and strategies looking ahead 5 years into the future.</p> <p><u>Reason for recommendation:</u> This is common practice in the marketplace, yet the rule neglects to specify a time frame. By revising the rule to include an expectation that strategic and operating goals should recognize 5 years on a forward-looking basis, the rule levels the playing field for the industry.</p>	
Repeal duplicate, obsolete, or unnecessarily burdensome.	<p>Rule 6.4 Fixed Assets (a) (4) (iii) - Remove "and operating" lease payments from the regulatory definition of what determines an investment in fixed assets.</p> <p><u>Reason for recommendation:</u> Language is unnecessary and conflicts with</p>	<p>Remove all references to the Office of Thrift Supervision (OTS).</p> <p><u>Reason for recommendation:</u> The OTS was rolled into the Office of the Comptroller of the Currency (OCC) in 2011. The examination responsibilities were</p>	

	GAAP. In addition, inclusion of the language is adverse to the best interest of the credit union. It conflicts with long-established practice of ignoring operating leases when calculating the fixed assets ratio for compliance purposes.	assumed by the OCC, and the Federal Deposit Insurance Corporation (FDIC). Language must be revised to properly reference the OCC and the FDIC.	
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Appendix VII

Department of Regulatory Agencies-Division of Insurance

Below is a chart that displays the original goals, the revised goals and the actual accomplishments:

Rules to be Noticed by Month

Month	Original	Revised	Actual
Oct-11	7	4	5
Nov-11	8	8	3
Dec-11	2	1	1
Jan-12	10	4	0
Feb-12	9	12	20
Mar-12	10	11	0
Apr-12	5	10	0
May-12	9	13	0
Jun-12	27	24	0
Totals	87	87	29



Priority	Regulation Number	Regulation Title	Current Version Effective Date	Last EO Review	Recommendation	Proposed Notice Date
1	1-1-1	Actuarial Qualifications	10/31/1991	2007	Notice for Formatting	Feb-12
1	1-1-3	Concerning Rules Governing the Filing of Declaratory Judgment Petitions with the Colorado Insurance Commissioner	10/1/1986	2007	Notice for Formatting and Content	Mar-12
1	1-1-4	Concerning the Requirement for all Domestic Insurance Companies to Maintain Offices in this State	12/1/1992	2007	Repeal	10/31/2011
1	2-1-1	Concerning the Financial Responsibility Requirements for Health Care Institutions	11/1/1999	2008	Notice for Formatting	Oct-11
1	2-1-3	Concerning the Financial Responsibility Requirements for Health Care Professionals	1/1/1990	2008	Repeal	Nov-11
1	2-1-4	Concerning the Entry of Alien Insurance Companies in Colorado	2/1/1990	2008	Repeal	11/30/2011
1	2-2-1	Concerning Public Entity Self-Insurance Pools	12/1/1992	2008	Notice for Formatting	Nov-11

1	2-6-1	Concerning Attorney in Fact for Reciprocal or Interinsurance Exchanges	5/1/1992	2005	Repeal	11/30/2011
1	3-1-2	Statutory Deposits Quarterly Reports	10/1/1999	2005	Repeal	10/14/2011
1	3-1-5	Concerning Enterprise Zones Credit Against Premium	12/31/1990	2005	Notice for Formatting	5/31/2012
1	3-1-9	Minimum Reserve Standards for Individual and Group Health Insurance Companies	1/31/1993	2005	Notice for Content	Mar-12
1	3-2-1	Proxies, Consents and Authorizations of Domestic Stock Insurers	12/31/1992	2005	Notice for Formatting	Feb-13
1	3-2-2	Insider Trading of Equity Securities of a Domestic Stock Insurance Company	12/31/1992	2005	Notice for Formatting	Feb-13
1	3-2-6	Securities Deposited with the Commissioner	10/1/1996	2005	Repeal	10/27/2011
1	3-2-7	Concerning the Definition of Instrumentality and Investments in Mortgage- backed Securities by Insurance Companies.	12/1/1992	2005	Repeal	10/27/2011
1	3-3-1	Assumption Reinsurance Agreements	8/31/1994	2005	Notice for Formatting	1/31/2012



1	4-2-16	Women's Access to Obstetricians and Gynecologists Under Managed Care Plans	3/1/2000	2009	Notice for Formatting and Content	11/30/2011
1	5-1-9	Regulation to Require Reporting of Financial and Statistical Data by Property and Casualty Insurance Companies	5/1/1988	2006	Notice for Formatting and Content	Oct-12
1	6-2-1	Complaint Record Maintenance	7/1/1974	2007	Notice for Formatting and Content	3/2/2012
2	1-1-6	Concerning the Elements of Certification for Accident and Health Forms, Private Passenger Automobile Forms, Commercial Automobile with Individually-owned Private Passenger Automobile-Type Endorsement Forms, Claims-Made Liability Forms and Preneed Funeral Contracts.	2/1/2004	2007	No Action Recommended	N/A
2	1-1-7	Market Conduct Record Retention	6/1/2003	2007	Notice for Formatting and Content	5/1/2012
2	1-2-12	Concerning Public Insurance Adjusters	5/1/2003	2007		
2	1-2-15	Bail Bond Premium Rate Filing Requirements	12/1/2004	2007		
2	1-2-6	Concerning Reinsurance Intermediaries	5/1/2003	2007		

2	1-2-7	Concerning Managing General Agents	5/1/2003	2007	Notice for Formatting	11/30/2011
2	1-2-9	Fees Charged by Producers	9/1/2003	2007		
2	2-1-2	Concerning Home or Regional Home Office Qualification for Colorado Licensed Insurers	1/1/2002	2008	Notice for Formatting	1/31/2012
2	2-1-7	Concerning Issuance of a Certificate of Authority	9/1/2002	2008	Notice for Content	11/30/2011
2	2-1-8	Concerning Risk Retention Groups and Purchasing Groups	4/1/2004	2008	Notice for Formatting	2/29/2012
2	2-2-2	Concerning Employers Workers' Compensation Self-Insurance Pools	12/31/2004	2008	Notice for Formatting	4/30/2012
2	2-3-1	Concerning the Laws Regulating Captive Insurance Companies in Colorado	9/30/2004	2008	Notice for Content	10/31/2011
2	3-1-10	Concerning Financial Statement Filings, Accounting Standards and Reporting Liabilities	4/1/2001	2005	Notice for Formatting and Content	Dec-11
2	3-1-11	Risk-Based Capital (RBC)	4/1/2002	2005	Notice for Formatting and Content	Scheduled for 12/01/11



2	3-1-14	Alternative Mechanism For Carriers Entering Into Contracts With Risk Bearing Entities	5/1/2001	2005	Notice for Formatting	3/31/2012
2	3-1-15	Premium Deficiency Reserve Standards for Individual and Group Health Benefit Plans	3/2/2002	2005	Notice for Content	Mar-12
2	3-1-7	Concerning Conditions for Review in Determining a Hazardous Financial Condition	4/1/2001	2005	Notice for Formatting and Content	Early 2012
2	3-4-1	Holding Company System	4/1/2001	2005	Notice for Formatting and Content	Mid-Late 2012
2	4-2-18	Concerning the Method of Crediting and Certifying Creditable Coverage for Pre-Existing Conditions	10/1/2004	2009	Notice for Content	11/30/2011
2	4-2-23	Procedure for Provider-Carrier Dispute Resolution	8/1/2002	2009	No Action Recommended	was noticed 9/30/11
2	4-7-1	Health Maintenance Organizations	1/31/2003	2009	Notice for Formatting	1/31/2012
2	5-1-1	Mass Merchandising of Property and Liability Insurance	1/1/2005	2006	Notice for Content	
2	5-1-11	Risk Modification Plan	5/1/2003	2006	Notice for Formatting	Mar-12

2	5-1-12	Warranties and Service Contracts	1/1/2002	2006	Notice for Formatting and Content	Oct-12
2	5-1-13	Exemption From Rate And Form Filing Requirements For Insurers Providing Coverage To Exempt Commercial Policyholders	9/30/2004	2006	Notice for Content	Oct-12
2	5-1-14	Penalties For Failure To Promptly Address Property And Casualty First Party Claims	2/1/2004	2006	Notice for Formatting and Content	Feb-12
2	5-1-17	Availability of Fire Insurance During Wildfires	3/2/2003	2006	Notice for Formatting and Content	Mar-12
2	5-1-2	Application and Binder Forms	12/1/2001	2006	Notice for Formatting	Oct-12
2	5-1-8	Concerning Claims-Made Insurance Policies	9/1/2003	2006	Notice for Formatting	Oct-12
2	5-2-1	Relative Value Schedule for No Fault	2/1/2004	2006	Repeal	Jan-12
2	5-2-13	Automobile Insurance Coverage For U.S. Military Personnel Called To Active Duty	9/30/2004	2006	Repeal	Jan-12
2	5-2-15	Concerning Consumer Protection for Vehicle Valuation and Rental Reimbursements	12/1/2004	2006	Notice for Formatting and Content	Feb-12



2	5-2-5	Fees for Arbitrators	2/1/2004	2006	Repeal	Jan-12
2	5-2-6	Automobile No Fault Cost Containment Options	1/1/2005	2006	Notice for Formatting	Oct-12
2	5-2-7	Voluntary Arbitration for PIP Disputes	2/1/2004	2006	Repeal	Jan-12
2	5-2-8	Timely payment of Personal Injury Protection Benefits	2/1/2004	2006	Notice for Formatting and Content	Mar-12
2	5-3-1	Workers' Compensation Standards for Risk Management	3/2/2003	2006	Notice for Formatting	Oct-12
2	5-3-2	Workers' Compensation Insurance Data Reporting	3/2/2003	2006	Repeal	Upon proactive incorporation of WC data reporting into Reg 5-1-9.
2	5-3-3	Concerning Workers' Compensation Deductible Policies in Excess of \$5,000	3/2/2003	2006	Notice for Formatting	Oct-12
2	5-3-4	Concerning Standards for Not At-Fault Motor Vehicle Accidents Under Workers' Compensation, Loss Limitation in Calculating Experience Modifications and Distribution of Losses in Excess of the Loss Limitation.	3/2/2003	2006	Notice for Formatting	Oct-12

2	5-3-5	Workers' Compensation Deductible Reimbursement	7/1/2002	2006		
2	6-1-1	Limiting Coverage	2/1/2004	2007		
2	6-3-1	Concerning the Use of Independent Market Conduct Examiners and Appeal Process for Expenses	8/31/2005	2007	Notice for Formatting and Content	4/2/2012
2	6-3-2	Concerning The Use of Independent Contractors For Informal Investigations and Appeal Process For Expenses	12/1/2005	2007		
2	6-4-1	Privacy Of Consumer Financial And Health Information	7/1/2001	2007		
2	6-4-2	Standards for Safeguarding Customer Information	11/1/2002	2007		
2	6-5-1	Concerning the Reporting of Suspected Insurance Fraud	5/1/2003	2007		
3	1-1-2	Public Adjuster Representation Contracts	12/1/2007	2007		
3	1-1-8	Penalties and Timelines Concerning Division Inquiries And Document Request	2/1/2009	2007		



3	1-1-9	Exceptions to Electronic Rate Filings	2/1/2008	2007		
3	1-2-1	Concerning Agent Fiduciary Responsibilities	1/1/2009	2007		
3	1-2-11	Standards for Surety Bail Bonding Agent and Professional Cash Bail Agent Prelicensure Education Requirements	2/1/2009	2007		
3	1-2-13	Cash Bonding Agent and Professional Cash Bail Agent Reporting Requirements and Tax Payment Method and Licensure Requirements for Professional Cash Bail Agents	10/1/2009	2007		
3	1-2-14	Concerning Bail Bonding Agent Record Keeping, Reporting Requirements and Daily Bond Register	11/1/2009	2007		
3	1-2-16	Bail Bonding Agent Appointment and Termination Requirements for Surety Companies	11/1/2009	2007		
3	1-2-17	Standard Compensation Disclosure for Health Insurance Producers	3/1/2009	2007		
3	1-2-18	Use of Senior-Specific Certifications and Professional Designations in the Sale of Life Insurance and Annuities	6/1/2009	2007		

3	1-2-4	Continuing Education Requirements For Licensed Insurance Producers	1/1/2007	2007		
3	1-2-5	Minimum Requirements for Insurance Producer Licensure	2/1/2008	2007		
3	2-1-10	Motor Vehicle Self-Insurance	4/1/2009	2008		
3	2-1-11	Viatical Settlements - Version to be effective March 1, 2006	3/1/2006	2008		
3	2-1-5	Concerning Annual Application for Approval as a Non-Admitted Reinsurer	1/1/2006	2008		
3	2-1-9	Concerning the Licensure of Limited Service Licensed Provider Networks	1/1/2009	2008		
3	2-4-1	Concerning Surplus Lines Insurance issued by Non-Admitted Insurers	1/1/2009	2008		
3	3-1-1	Fidelity Bond Requirements	10/2/2006	2005		
3	3-1-13	Disclosure of Material Transactions	10/2/2006	2005		



3	3-1-16	Custodial Agreements and the Use of Clearing Corporations	10/2/2006	2005		
3	3-1-3	Concerning Actuarial Opinions	10/1/2007	2005		
3	3-2-4	Participation Loans	10/2/2006	2005		
3	3-3-3	Credit for Reinsurance	1/1/2007	2005		
3	3-3-4	Life and Health Reinsurance Agreements	1/1/2007	2005		
3	3-3-5	Property and Casualty Reinsurance Agreements	1/1/2007	2005		
3	3-5-2	Title Insurer Assessment	1/1/2008	NA		
3	4-1-12	Concerning the Disclosure Requirements for Annuity Transactions	1/1/2007	2009		
3	4-1-14	Military Sales Practices	1/1/2008	2009		

3	4-1-15	Preneed Life Insurance Minimum Mortality Standards for Determining Reserve Liabilities and Non-forfeiture Values	2/1/2009	2009		
3	4-1-4	Replacement of Life Insurance or Annuity Contracts	10/1/2009	2009		
3	4-2-10	Reporting Requirements For Multiple Employer Welfare Arrangements (MEWAs)	10/2/2006	2009		
3	4-2-20	Concerning the Colorado Comprehensive Health Benefit Plan Description Form	7/1/2007	2009		
3	4-2-24	Concerning Clean Claim Requirements for Health Carriers	2/1/2008	2009		
3	4-2-28	Concerning the Payment of Early Intervention Services for Children Eligible for Benefits Under Part C of the Federal "Individual with Disabilities Education Act"	10/1/2009	2009	No Action Recommended	N/A
3	4-2-29	Standardized Cards Issued to Persons Covered by Health Benefits Plans	7/1/2009	2009		
3	4-2-30	The Rules for Complying with Mandated Coverage of Hearing Aids and Prosthetics	2/1/2009	2009		
3	4-6-12	Mandatory Coverage of Mental Illnesses Pursuant to § 10-16-104(5) and (5.5), C.R.S.	11/1/2009	2009	No Action Recommended	N/A



3	4-6-8	Concerning Small Employer Health Plans	10/1/2009	2009		
3	4-7-2	Concerning the Laws Regulating Health Maintenance Organization Benefit Contracts and Services in Colorado	10/1/2009	2009		
3	5-1-10	Rate and Rule Filing Submissions Property And Casualty Insurance	8/1/2009	2006		
3	5-1-15	Notification To Additional Insureds Whose Interests Are Affected By A Claim Under A General Liability Policy	1/1/2007	2006		
3	5-1-6	Definition of Inland Marine Insurance	1/1/2006	2006		
3	5-2-11	Transition From No-Fault Auto To Tort System	1/1/2008	2006		
3	5-2-16	Disclosure Requirements for Private Passenger Automobile Policies	1/1/2009	2006		
3	5-2-2	Renewal of Automobile Insurance Policies -- Excluded Named Drivers	2/1/2006	2006		
3	5-2-3	Auto Accident Reparations Act (No Fault) Rules and Regulations	8/1/2007	2006		

3	5-2-9	Personal Injury Protection Examination Program	1/1/2007	2006		
4	1-2-10	Concerning the Regulation of Insurance Producers by the Colorado Division of Insurance: Colorado Producer Licensing Model Act	1/1/2010	2007		
4	3-1-4	Concerning Annual Audited Financial Reports	1/1/2010	2005		
4	3-1-8	Concerning Actuarial Opinions and Memorandums for Life Companies	11/1/2010	2005		
4	3-5-1	Concerning Title Insurance	5/1/2010	2005		
4	4-1-1	Variable Annuity Contracts	4/1/2010	2009	No Action Recommended	N/A
4	4-1-10	Recognition of the 2001 CSO Mortality Table	3/2/2010	2009		
4	4-1-13	Permitting the Recognition of Preferred Mortality Tables for Use in Determining Minimum Reserve Liabilities	11/1/2010	2009		
4	4-1-2	Advertising and Sales Promotion of Life Insurance	5/1/2010	2009		



4	4-1-3	Variable Life Insurance	1/1/2010	2009	No Action Recommended	N/A
4	4-1-5	Permitting Same Minimum Non-forfeiture Standards for Men and Women Insured Under 1980 CSO and 1980 CET Mortality Tables	3/2/2010	2009	No Action Recommended	N/A
4	4-1-6	Permitting Smoker/Nonsmoker Mortality Tables for Use in Determining Minimum Reserve Liabilities and Non-forfeiture Benefits	3/2/2010	2009	No Action Recommended	N/A
4	4-1-7	For Recognizing a New Annuity Mortality Table for Use in Determining Liabilities for Annuities	3/2/2010	2009	No Action Recommended	N/A
4	4-1-8	Concerning the Disclosure Requirements for Life Insurance Illustrations	7/1/2010	2009		
4	4-1-9	Valuation of Life Insurance Policies Model Regulation (Including the Introduction and Use of New Select Mortality Factors)	11/1/2010	2009		
4	4-2-1	Replacement of Accident and Health Insurance	5/1/2010	2009		
4	4-2-15	Required Provisions in Carrier Contracts with Providers and Intermediaries Negotiating on Behalf of Providers	11/1/2010	2009		

4	4-2-17	Prompt Investigation Of Health Plan Claims Involving Utilization Review	11/1/2010	2009		
4	4-2-19	Concerning Individual Health Benefit Plans Issued to Self-Employed Business Groups of One	5/1/2010	2009		
4	4-2-2	Hospital Indemnity and Disability Income Policies	7/1/2010	2009		
4	4-2-21	External Review of Benefit Denials of Health Coverage Plans	11/1/2010	2009		
4	4-2-22	Insurer Assessments For CoverColorado	1/1/2010	2009		
4	4-2-27	Procedures for Reasonable Modifications to Individual and Small Group Health Plans	5/1/2010	2009		
4	4-2-3	Sickness and Accident Insurance Advertising	5/1/2010	2009		
4	4-2-31	Annual Health Reporting and Data Retention Requirements	1/1/2010	2009		
4	4-2-32	Standardized Electronic Identification And Communication Systems Guidelines For Health Benefit Plans	10/1/2010	2009	No Action Recommended	N/A



4	4-2-5	General Hospital Definition	5/1/2010	2009		
4	4-2-6	Concerning the Definition of the Term "Complications of Pregnancy" for Use in Accident and Health Insurance Contracts and Certificates	3/2/2010	2009		
4	4-2-9	Concerning Non-Discriminatory Treatment of Acquired Immune Deficiency Syndrome (AIDS) and Human Immunodeficiency Virus (HIV) Related Illness by Issuers of Life and Health Insurance	3/1/2010	2009		
4	4-3-1	Minimum Standards for Medicare Supplement Policies	1/1/2010	2009		
4	4-4-1	Concerning Requirements for Long Term Care Insurance	1/1/2010	2009		
4	4-4-4	Concerning Long-Term Care Partnership Program	1/1/2010	2009		
4	4-6-11	Concerning CoverColorado Standardized Notice Form To Be Used To Notify Certain Individuals, Eligible For Medicare, of Eligibility For CoverColorado	2/1/2010	2009		
4	4-6-2	Group Coordination of Benefits	9/1/2010	2009		

4	4-6-3	Concerning CoverColorado Standardized Notice Form and Eligibility Requirements	2/1/2010	2009		
4	4-9-2	Credit Insurance	1/1/2010	2009		
5	4-1-11	Concerning Suitability In Annuity Transaction	4/1/2011	2009		
5	4-2-11	Rate Filing and Annual Report Submissions Health Insurance	1/1/2011	2009		
5	4-2-8	Concerning Required Health Insurance Benefits for Home Health Services and Hospice Care	3/2/2011	2009		
5	4-6-5	Concerning Small Employer Group Health Benefit Plans and the Basic and Standard Health Benefit Plans	2/1/2011	2009		
5	4-6-7	Concerning Premium Rate Setting for Small Group Health Plans	1/1/2011	2009		
5	4-6-9	Concerning Conversion Coverage	2/1/2011	2009		
5	5-2-12	Concerning Automobile Insurance Consumer Protections	1/1/2011	2006		



6	4-2-33	Mandatory Open Enrollment Periods for Carriers Issuing Child Only Policies	9/1/2011	NA	No Action Recommended	N/A
6	4-2-34	Section Names and the Placement of those Sections in Policy Forms by Health Carriers	10/1/2011	NA	No Action Recommended	N/A
6	4-2-35	Required Information for Carriers to Provide on Explanation of Benefits Forms	10/1/2011	NA	No Action Recommended	N/A
6	4-2-36	Prescreening Questionnaire for Individual Health Benefit Plans	10/1/2011	NA	No Action Recommended	N/A
6	4-2-37	Required Information for Carriers to Obtain on All Full-Length Applications for Individual Health Benefit Plans	9/1/2011	NA		
6	4-6-10		7/15/2011	2009	No Action Recommended	N/A

Appendix VIII

Department of Regulatory Agencies - Public Utilities Commission

10R-036TR – Rules of Transportation – Motor Vehicle

This rulemaking was undertaken to: implement House Bills 09-1244 and 09-1279 which exempted property carriers from regulation by the Commission; to consolidate the rules on the Commission's authority to inspect a motor carrier's records, motor vehicles, and facilities; to clarify the role of the Colorado State Patrol in the suspension of a hazardous materials carrier's or nuclear materials carrier's permit; to clarify a federal preemption and an exemption with regard to the safety rules; to establish a service standard for a time call for taxi service; to establish a

rebuttable presumption regarding the applicability of the Unified Carrier Registration Agreement (UCR); to establish circumstances when a towing carrier may contract as an agent; and to clarify the applicability of the rules. Final rules were adopted on July 27, 2010.

10R-191T – Rules of Telecommunications – Colorado High Cost Fund

This rulemaking was undertaken to re-examine the high cost support rules to accommodate new regulatory schemes, changes in the federal Universal Service Fund (USF) program, and recent Commission dockets that have directly implicated the HCSM rules. The Commission's goal in this rulemaking is to ensure that the funds in this program are being used appropriately given changes in the telecommunications market. Specifically, this rulemaking proposed rules to establish an affordable benchmark rate for both residential and business basic service and the related imputation mechanism; specified annual reporting requirements or carriers receiving support; streamlined the process for the initial receipt of resetting of the high cost fund funding; and provided a transition plan for the capping of the fund. The Commission issued a decision on October 25, 2011. The Commissioners decided not to implement rules which phased down the CHCSM, rather they made changes to require a showing of extraordinary circumstance for a carrier to reset its HCSM support. The Commissioners indicated that the phase-down rule was premature given the telecom reform effort discussed later in this report. The CHCSM rules became effective December 30, 2011.

10R-214E – Rules of Electric Utilities – Electric Resource Planning

This rulemaking was undertaken to improve the Commission's practices based on the experiences gained through the first applications of the relatively new electric resource planning process for Black Hills and Public Service Company. The rulemaking addressed such changes as utility ownership of resources; the treatment of highly confidential bid information; the role of the Independent Evaluator; all-source verses segmented bidding for resources; and the role for scenario planning. The clarifications and streamlining of the ERP process will aid all stakeholders involved in future proceedings. These final rules were adopted on October 14, 2010 and will be applicable for the ERP applications due October 31, 2011.

10R-243E – Rules of Electric Utilities – Renewable Energy Standards

This rulemaking was undertaken as a result of HB10-1001 with the intent of revising and clarifying the Renewable Energy Standards. Specifically, the legislation modified § 40-2-124(1) to increase the compliance percentages of the RES for investor owned utilities to reach a goal of 30 percent of their energy sales to be satisfied with eligible energy resources by 2020. Further, the legislation required that a portion of the IOUs' renewable energy used to meet the RES is produced by 'distributed renewable energy generation' or relatively small-scale renewable energy resources many of which would be installed 'on-site' at customer premises. Final rules were adopted October 14, 2010.



10R-526E – Rules of Electric Utilities – Transmission Facilities

This rulemaking was undertaken with the recognition that recent legislative and policy changes at the federal, regional and state levels have impacted electric transmission planning. Sections 40-6-126, 40-5-101- 40-2-124 and 40-2-123, C.R.S. all require that the Commission give the fullest consideration to transmission projects tied to renewable energy generation. This rulemaking explored and adopted rules to implement a planning process that would promote the efficient use of transmission; avoid duplication of facilities; facilitate an open, transparent and inclusive discussion by stakeholders; and maintain the requirements for reliable service. Ever cognizant of additional burden on the utilities, the Commission developed this new process with the understanding that much of the work is already being done by the utilities and other transmission providers. As a result, the Commission expects that the benefit to the utilities will be far less controversy when transmission projects reach the application stage and further, the streamlining of the application process itself. Final rules were adopted May 9, 2011.

10R-674E – Rules of Electric Utilities – Solar Gardens/Community Based Energy

This rulemaking was undertaken to respond to HBs 10-1342 (authorized the creation of Community Solar Gardens and required the Commission to commence a rulemaking to implement that statute by October 1, 2010), 10-1349 (established 'Re-energize Colorado' the goal of which is to utilize eligible energy resources to offset electrical energy consumption of the Division of Parks and Outdoor Recreation, DNR), and 10-1418 (modified the definition of community-based projects and authorizes a special treatment through a Renewable Energy Credit multiplier for projects that connect to transmission or distribution facilities owned by cooperatives or municipal utilities. The Commission issued its final decision on these rules on November 28, 2011. The rules became effective on January 14, 2012. On December 23, 2011, the Commission submitted a report to the General Assembly regarding the implementation of these rules. The Report stated that the intent of the rules and the multiplier within the rules, is to stimulate rural economic development through the construction and operation of renewable energy resources up to 30 megawatts in size. AT this time, the Commission is unaware of any electricity installed or subject to a PPA that will be used in conjunction with this multipliers. However, we predict, now that the rules are effective, that more communities will avail themselves of this process.

10R-799E – Rules of Electric Utilities – Data Privacy

This rulemaking was undertaken by the Commission with the recognition that the growing interest in Smart Meters in Colorado must take into account concerns regarding the privacy of customer data. The Commission concluded that added thoughtful pro-active protections for personal information are essential. The proposed rules specifically address the collection and disclosure of customer information with a strong reliance on obtaining customer approval before use or disclosure. The Commission issued its final decision on these rules on December 12, 2011, which rules became effective on February 14, 2012. The protections to personal electricity usage information afforded by these rules is already being recognized by the utilities in their interaction with programs such as LEAP and procedures are being changed in order to comply.

11R-110EG – Rules of Electric Utilities – Low Income Assistance

This rulemaking was undertaken to codify rules requested by the Energy Outreach Colorado in a petition to establish low-income rate assistance programs for both electricity and natural gas customers. The Commissioners directed that the proposed rules include a percent of income benefit; arrearage forgiveness; weatherization/demand-side management requirements; and the impact to non-participants. In beginning this rulemaking, the Commission recognized the growing need for financial help for low-income energy customers, but also intends to maintain an appropriate balance with the effect on non-participants' bills. The Commission issued its final decision on November 10, 2011, with the rules becoming effective on December 15, 2011. Gas and electric utilities are required to file their low income programs by March 19, 2012.

11R-364GPS – Rules of Gas Pipeline Safety – Federal Amendments

This rulemaking was undertaken to amend the Gas Pipeline Safety rules to update and bring them into compliance with the rules promulgated by the U.S. Department of Transportation. The proposed rules simplify the emergency waiver procedures for obtaining a special permit to temporarily modify compliance with state pipeline regulations in emergency situations. Further, the rules streamlined the incident and annual reporting requirements. This rulemaking concluded with the Commission decision mailed on August 29, 2011. The rules became effective on November 30, 2011.

11R-416E – Rules of Electric Utilities – Electric Resource Planning Rules

This rulemaking was undertaken as a result of legislation, HB11-1262, which modifies § 40-6-107, C.R.S. regarding the transparency and confidentiality of information associated with the planning and acquisition of electric generation resources. Specifically, the legislation requires investor-owned utilities to provide computer-based modeling inputs and assumptions to the owners or developers of potential electric generation resources to ensure that the proper inputs and assumptions were used in the utilities' evaluation of these bids. In promulgating these rules, the Commission relied in large part on its experience in several recent cases where the treatment of this type of confidential information was a significant issue. Changes to the electricity rules incorporate legislation regarding the transparency of and access to bid information. Bidders in the ERP process will now have pro-active access to information to be able to self evaluate the information used by the Company in the assessment process. The final rules were adopted September 22, 2011.

11R-638TR and – 11R-792TR Rules of Transportation – Re-Codification of Statutes

This rulemaking was undertaken to recognize the legislative re-codification of the transportation statutes were by HB11-1198. Emergency rules reflecting those changes were adopted in August 2011 and this permanent rulemaking process is underway. The purpose of enacting Transportation rules is to enhance public safety, protect consumers, and serve the public interest.



As part of the preparation and review process each proposed rule was reviewed for clarity, necessity, and conciseness. The proposed rules seek to simplify language, eliminate unnecessary burdens, and make clarify regulatory responsibilities. Every existing rule was reviewed, and before any language was included in the newly proposed rules, the question “What is the benefit?” had to be satisfactorily answered. Those rules not deemed to be in the public interest, clarifying, safety, or consumer protection related were proposed to be deleted. The proposed rules demonstrate a reduction from 89 pages to 70 pages, or approximately 20 percent in volume.

Specifically, the proposals include: the clarification and simplification of existing hours of service rules; elimination of vehicle lease requirements; the simplification of application requirement language; the elimination of current dual use rules, updating of notice requirements, elimination of requirements to carry paper copies of permits in vehicles, elimination of duplicative civil penalty rules, the addition of age and condition of vehicle limits; the simplification of multiple loading requirements; and the elimination of towing surcharges for non consensual tows.

The Administrative Law Judge held a hearing on these permanent rules on December 5, 2011 and allowed for post-hearing comments. On January 25, 2012, the ALJ issued a decision regarding notice of amendments to proposed rules based on cost information received by various carriers. We are awaiting the recommended decision adopting rules.

11R-707E – Rules of Electric Utilities – Medical Exemption from Tiered Rates

This rulemaking was undertaken pursuant to SB11-087, codified at § 40-3-103.5, C.R.S., which allowed the Commission to adopt rules creating an exemption from tiered electric rate plans based on a customer's medical condition or use of an essential life support device. A hearing was held on October 21, 2011. The ALJ issued his recommended decision on December 23, 2011. The decision adopted rules that required PSCo to file a tariff providing non-preferential rates for residential customers who elect alternate rates due to a qualifying medical condition. This tariff was required to be filed by February 1, 2012.

On January 11, 2012, the Commission stayed the recommended decision on its own motion to review the adopted rules. The Commission, on January 31, 2012, found that the rules were not supported by adequate information in the docket. They were concerned that the recovery of lost revenue, the possible size of the class effected, and a means-test for participation were not discussed adequately. Therefore, they remanded the rulemaking back to the ALJ for further proceedings. A new hearing is scheduled for March 5, 2012.

12R-148T – Rules of Telecommunications - Emergency Rules Capping Switched Access Rates and the CHCSM

On February 21, 2012 the Commission issued emergency rules, effective on the mailed date of the decision. These rules cap the rates that local telecom providers can charge for switched access rate elements and also caps the high cost support mechanism at \$54 million. The Commission

issued these emergency rules because of the uncertainty of the impact of the FCC's Order that will affect the carriers' federal support. These emergency rules will be revisited during the telecom reform effort that is on-going.

Future Rulemaking

In March of 2012, the Commission began a rulemaking process to rewrite of the Rules of Practice and Procedure, 4 CCR 723-1. This rulemaking will have three major goals. The first goal of this rulemaking is an overall review of the practices and procedures of the Commission based on a set of criteria designed to improve the entirety of these rules. The criteria are: 1) transparency; 2) understandability; and 3) efficiency. Transparency in the Commission's practices is essential to the utilities', stakeholders' and customers' insight into how and why the Commissioners make the decisions they do. Understandability is essential in order for lay persons to monitor or participate in various Commission proceedings. Efficiency is essential in limiting the time and resources necessary for such monitoring or participation.

The second goal of this rulemaking is to rewrite certain process rules for which we have knowledge of issues and problems experienced in the recent past. For example, at this point in time, we have two years of practical experience with our electronic filings system and are in a better position to make appropriate changes to the rules based on that experience. The rule changes incorporate lessons learned on the efficiency of the system both from an internal perspective as well as from feedback from external users. The rule changes also include updates to other procedures affected by the e-filings system, such as shorter response periods.

Additional examples of rules to be rewritten based on identified issues or our recent experiences;

- As part of the DORA Regulatory Roundtable Red Tape discussions held across the state last summer, we learned that our process for allowing petitions for rulemakings from external entities was not clearly defined or understood. We intend to introduce a clarified process to the benefit of stakeholders who wish to request that the Commission make changes to its substantive rules.
- We now realize that the staff initiated formal complaint process, that is set out in existing rules is complicated and resource intensive. We intend to streamline this process by more clearly defining all parties' responsibilities and associated timelines.

The third goal of this rulemaking is to update references, incorporations, and citations made throughout these rules to reflect changes in statutes and other documents. For example, during the 2010 legislative session, the legislature changed many of the statutes regarding transportation carriers. Those referenced statues must be updated in the rules of Practice and Procedure.

**This future rulemaking is described with the caveat that the Commissioners will make the final decision on what is actually included in the rulemaking and what changes to adopt after the hearing process is concluded.



Appendix IX

Department of Regulatory Agencies-Division of Registrations (Professions and Occupations)

Examples of rules that were found to be unclear, inefficient, outdated, unnecessary or redundant and were modified or repealed.

The **State Physical Therapy Board** went to a Board-model from a Director-model on January 1, 2012. Since that time the Board has been reviewing and drafting rules. Emergency rules for Physical Therapist Assistants, who are being regulated for the first time in Colorado went into effect March 1, 2012. Our first public rulemaking hearing was held April 2, 2012.

The **State Board of Addiction Counselor Examiners** went to a Board-model from a Director-model on November 30, 2011. The Board adopted emergency rules in December 2011. Permanent rulemaking was noticed and the hearing was held in January 2012. The Division Director repealed the rules for the Office of Addiction Counselors to avoid duplication. Ongoing discussions around rulemaking will continue during the first year of the Board's existence to address any unforeseen issues.

As a result of sunset legislation in 2011, all **mental health boards** underwent rule review during November and December 2011 meetings, including emergency and permanent rulemaking to conduct general rule clean-up, provide consistency across all six mental health boards for the first time, to update and ensure consistency in definitions, mandatory disclosure requirements, supervision, record keeping and retention requirements and efforts to implement requirements as part of the sunset and other Division legislation, including fining and confidential agreements as well as to remove rules that were more appropriate in policy and consistent with Division standards.

The **Office of Direct-Entry Midwifery Registration** reviewed all current rules and modified 11 of the rules. Aspects of the rules were not clear to the licensees or staff and clarifying language was added.

The rules for both the **State Board of Dental Examiners** and **State Board of Veterinary Medicine** were reordered and renumbered for ease of following. Some rules were modified as a result of 2011 legislation. The Dental Board also took the opportunity to condense and simplify all rules pertaining to licensure and liability insurance from 6 separate rules into 2 rules.

The **Board of Examiners of Nursing Home Administrators** held a rulemaking hearing in March 2012 in response to HB11-1100 and in anticipation of SB12-091. Three (3) rules were modified as a result of the passed legislation and the pending legislation, and all 6 rules were renumbered for ease of following.

While the **Examining Board of Plumbers** has reviewed all of its rules and modified a few in the past year, the Board is currently waiting on the upcoming 2013 Sunset and what changes might take place before the next major rulemaking takes place. The focus on the rulemaking will be changes to the plumbing statute and the upcoming 2012 International Plumbing Code.

The main reasons for the current proposed rule revisions for the **State Electrical Board** include: clarity, ease of review, accessibility, and removal of overly restrictive requirements and outdated language. The rules will be reorganized chronologically to follow the “licensure life” of an electrician and the sections will be broken out for easier reference by applicants. The Board reworked and revised the application and examination section to remove overly restrictive reporting of superfluous information, and achieve consistency where appropriate within the license types; reworked and revised foreign experience and education requirements to be more clear, structured, and consistent with other Boards; and revised language to be more consistent and remove some restrictions to reinstate or reactivate licenses.

Rules Reviewed September 2011 - January 2012

Board/Program	Rules Reviewed	Rules Modified	Rules Repealed
Accountancy	0	0	0
Acupuncturists	7	0	0
Addiction Counselors	20	20	0
Architects, Engineers, Surveyors	33	33	1
Athletic Trainers	0	0	0
Audiologists, Hearing Aid Providers	0	0	0
Barber Cosmetology	0	0	0
Boxing	0	0	0
Chiropractic	27	3	0
Dental	6	6	0
Direct Entry Midwives	14	17	0
Electrical	0	0	0
Landscape Architects	0	0	0
Licensed Professional Counselors	24	21	3
Marriage & Family Therapists	24	21	3
Massage Therapists	0	0	0
Medical	28	2	0
Nursing	0	0	0
Nurse Aides			
Nursing Home Administrators	0	0	0
Occupational Therapists	0	0	0



Optometry	15	5	0
Outfitters	0	0	0
Pharmacy	1	0	0
Physical Therapists	11	0	0
Plumbing	7	0	0
Podiatry	0	0	0
Psychologists	23	20	3
Registered Psychotherapist	18	16	2
Respiratory Therapists	5	0	0
Social Workers	24	21	3
Surgical Assistants & Technicians	2	3	0
Tramway	0	0	0
Mortuary Science - Funeral Homes	0	0	0
Veterinary	10	8	1
Totals	299	196	16

Rules To Be Reviewed by June 30, 2012

Board/Program	# of Rules to be Reviewed		
Accountancy	80		
Audiologists, Hearing Aid Providers	8		
Barber Cosmetology	12		
Tramway	6		
Landscape Architects	2		
Nursing	2		
Licensed Professional Counselors	1		
Licensed Private Investigators*	7		
Marriage & Family Therapists	1		
Nursing Home Administrators	3		
Electrical	46		
Physical Therapists*	11		
Total	179		
*New Board or Program			

Appendix X

Department of Revenue – Tax Division

Rule or Regulation	Action Taken	Comments	Last Reviewed
24-35-103.5	c. Reviewed and recommending revisions	PLRs	1/2/2012
39-21-102	c. Reviewed and recommending revisions	Recovery of erroneous or excessive refund	1/2/2012
39-21-103	c. Reviewed and recommending revisions	Hearings	1/2/2012
39-21-104	c. Reviewed and recommending revisions	Rejection of claims	1/2/2012
39-21-105	b. Reviewed and recommending repealing	Appeals	1/2/2012
39-21-105.5	b. Reviewed and recommending repealing	Notices-First class mail	1/2/2012
39-21-107	c. Reviewed and recommending revisions	Limitations on assessments	1/2/2012
39-21-108	c. Reviewed and recommending revisions	Refund SOL	1/2/2012
39-21-109	c. Reviewed and recommending revisions	Interest on amount due	1/2/2012
39-21-110	c. Reviewed and recommending revisions	Interest on overpayments	1/2/2012
39-21-110.5	a. Reviewed and no action recommended	Rate of interest	1/2/2012
39-21-111	a. Reviewed and no action recommended	Jeopardy assessments	1/2/2012
39-21-112.3.5	a. Reviewed and no action recommended	Non-collecting retailers	1/2/2012
39-21-113	c. Reviewed and recommending revisions	Records and returns	1/2/2012
39-21-116	c. Reviewed and recommending revisions	Closing agreements	1/2/2012
39-21-120	c. Reviewed and recommending revisions	Tax returns - signatures and filing alternatives	1/2/2012
31-21-201	b. Reviewed and recommending repealing	Tax amnesty	1/2/2012
Procedure SR-1	a. Reviewed and no action recommended	EFT payment due date	1/2/2012
(39-)22-103.1	c. Reviewed and recommending revisions	The term "Assessment"	1/2/2012
(39-)22-103.2	b. Reviewed and recommending repealing	Basic Date = 1937	1/2/2012
(39-)22-103.6	b. Reviewed and recommending repealing	"Executive Director" includes deputy director of DOR	1/2/2012



39-22-103(8)(a)	c.	Reviewed and recommending revisions	Resident individual	1/2/2012
39-22-103(8)(b)	a.	Reviewed and no action recommended	Military Resident individual	1/2/2012
39-22-104(3)(g)	a.	Reviewed and no action recommended	GCE deduction addback	1/2/2012
39-22-104(4)	a.	Reviewed and no action recommended	Deductions from income	1/2/2012
39-22-104(4)(a).(1)	c.	Reviewed and recommending revisions	Repurchase agreements	1/2/2012
39-22-104(4)(f)	a.	Reviewed and no action recommended	Pension and annuity subtraction	1/2/2012
39-22-104(4)(l)	b.	Reviewed and recommending repealing	Interest, dividend & cap gain	1/2/2012
39-22-104(4)(m)	c.	Reviewed and recommending revisions	Charitable contributions	1/2/2012
(39-)22-104.4	c.	Reviewed and recommending revisions	Gross receipts tax	1/2/2012
39-22-108	c.	Reviewed and recommending revisions	Credit for taxes paid to another state	1/2/2012
39-22-108.5	a.	Reviewed and no action recommended	Dual resident trust credit	1/2/2012
39-22-109(1)	a.	Reviewed and no action recommended	Apportionment of tax-nonres indiv	1/2/2012
39-22-109(2)	c.	Reviewed and recommending revisions	Nonresident athletes	1/2/2012
39-22-110(1)	c.	Reviewed and recommending revisions	Apportionment of tax-PY res indiv	1/2/2012
(39-)22-116.2	c.	Reviewed and recommending revisions	Income and deduct re resident portion of part-year resident return	1/2/2012
(39-)22-116.3	c.	Reviewed and recommending revisions	Part-year resident and nonres combination	1/2/2012
39-22-119	c.	Reviewed and recommending revisions	Child care/child tax credit	1/2/2012
39-22-120	a.	Reviewed and no action recommended	TABOR Credits and Subtractions	1/2/2012
39-22-121	a.	Reviewed and no action recommended	Child care contribution	1/2/2012
39-22-123	a.	Reviewed and no action recommended	Colorado earned income credit	1/2/2012
39-22-125	b.	Reviewed and recommending repealing	Health benefit plan credit	1/2/2012
39-22-126	b.	Reviewed and recommending repealing	Credit for student loans for health care	1/2/2012
39-22-127	b.	Reviewed and recommending repealing	Colorado foster care credit	1/2/2012
39-22-128	b.	Reviewed and recommending repealing	Forced sale of livestock credit	1/2/2012
39-22-301.1	a.	Reviewed and no action recommended	Doing business in Colorado	1/2/2012
(39-)22-301.2	c.	Reviewed and recommending revisions	Gross receipts tax	1/2/2012
(39-)22-302	c.	Reviewed and recommending revisions	S corporations	1/2/2012
39-22-303.1	a.	Reviewed and no action recommended	Election of apportionment method	1/2/2012

39-22-303.3	a.	Reviewed and no action recommended	Inclusion of intangible drilling costs (property factor)	1/2/2012
39-22-303.4	c.	Reviewed and recommending revisions	Safe harbor lease income	1/2/2012
39-22-303.5.1(A)	a.	Reviewed and no action recommended	Business and non-business income	1/2/2012
39-22-303.5.1(B)	a.	Reviewed and no action recommended	Other definitions	1/2/2012
39-22-303.5.3	a.	Reviewed and no action recommended	Apportionment and allocation	1/2/2012
39-22-303.5.4(A)	c.	Reviewed and recommending revisions	Calculation of sales factor	1/2/2012
39-22-303.5.4(B)	a.	Reviewed and no action recommended	Sales of tangible personal property in this state	1/2/2012
39-22-303.5.4(C)	c.	Reviewed and recommending revisions	Sales other than TPP	1/2/2012
39-22-303.5.5	a.	Reviewed and no action recommended	Non-business income	1/2/2012
39-22-303.5.6	a.	Reviewed and no action recommended	Election to treat nbi as bi	1/2/2012
39-22-303.5.7(A)	a.	Reviewed and no action recommended	Allocation and apportionment	1/2/2012
39-22-303.5.7(B)	a.	Reviewed and no action recommended	Allocation and apportionment special rules	1/2/2012
39-22-303.5.8	a.	Reviewed and no action recommended	Income from foreclosures	1/2/2012
39-22-303.5.9	a.	Reviewed and no action recommended	Apportionment rules re: MTC Art. IV	1/2/2012
39-22-303.6	c.	Reviewed and recommending revisions	Distributions and allocations of gross income and deductions	1/2/2012
39-22-303.7.1	a.	Reviewed and no action recommended	Other definitions	1/2/2012
39-22-303.7.2	a.	Reviewed and no action recommended	Application	1/2/2012
39-22-303.8	c.	Reviewed and recommending revisions	Corporations not includible	1/2/2012
39-22-303.9	a.	Reviewed and no action recommended	Dividends received	1/2/2012
39-22-303.10	a.	Reviewed and no action recommended	Foreign source income	1/2/2012
39-22-303.11(a)	c.	Reviewed and recommending revisions	Combined returns	1/2/2012
39-22-303.11(c)	c.	Reviewed and recommending revisions	Apportionment of income in a combined report	1/2/2012
39-22-303.11(d)	b.	Reviewed and recommending repealing	Refer to regulation 39-22-305.2	1/2/2012
39-22-303.12(a)	b.	Reviewed and recommending repealing	Affiliated group of C corporations	1/2/2012
39-22-303.12(c)	b.	Reviewed and recommending repealing	Corporations without property or payroll	1/2/2012
39-22-304(2)(f)	a.	Reviewed and no action recommended	Gross conservation easement addition	1/2/2012
39-22-304(3)(i)	c.	Reviewed and recommending revisions	Wage and salaries corporate income tax modification	1/2/2012
39-22-305	c.	Reviewed and recommending revisions	Consolidated returns	1/2/2012



39-22-308	b.	Reviewed and recommending repealing	The Colorado coal credit	1/2/2012
39-22-503	a.	Reviewed and no action recommended	Colorado net income of REIT	1/2/2012
39-22-504	a.	Reviewed and no action recommended	Colorado net operating loss	1/2/2012
39-22-504(2)	c.	Reviewed and recommending revisions	Colorado net operating loss of a C-corp	1/2/2012
39-22-504.6	c.	Reviewed and recommending revisions	Medical Savings Accounts	1/2/2012
39-22-504.7	c.	Reviewed and recommending revisions	Medical Savings Accounts	1/2/2012
39-22-507.5(1)	b.	Reviewed and recommending repealing	The "old" ITC	1/2/2012
39-22-507.5(2)	a.	Reviewed and no action recommended	Property used in Colorado	1/2/2012
39-22-507.5(3)	b.	Reviewed and recommending repealing	Limitation on ITC	1/2/2012
39-22-507.5(9)	a.	Reviewed and no action recommended	ITC recapture	1/2/2012
39-22-507.5(12)	a.	Reviewed and no action recommended	Duplicate credits not allowed	1/2/2012
39-22-507.6	c.	Reviewed and recommending revisions	The "new" ITC	1/2/2012
39-22-514	c.	Reviewed and recommending revisions	Historic property preservation credit	1/2/2012
39-22-515	b.	Reviewed and recommending repealing	Credit for postconsumer waste	1/2/2012
39-22-516	b.	Reviewed and recommending repealing	Alternative Fueled Vehicles ('92-'98)	1/2/2012
39-22-516.2.5	c.	Reviewed and recommending revisions	Alternative Fueled Vehicles ('98-'11)	1/2/2012
39-22-516.2.7	b.	Reviewed and recommending repealing	Alternative fuel refueling facility	1/2/2012
39-22-517	a.	Reviewed and no action recommended	Child care investment credit	1/2/2012
39-22-518	a.	Reviewed and no action recommended	Colorado net capital gains subtraction	1/2/2012
39-22-522	a.	Reviewed and no action recommended	GCE credit	1/2/2012
39-22-523	b.	Reviewed and recommending repealing	High technology scholarship contribution	1/2/2012
39-22-524	b.	Reviewed and recommending repealing	Individual development accounts	1/2/2012
39-22-527	b.	Reviewed and recommending repealing	Agricultural value-added credit	1/2/2012
39-22-528	b.	Reviewed and recommending repealing	Agricultural value-added fund credit	1/2/2012
39-22-601.1	c.	Reviewed and recommending revisions	Making a return	1/2/2012
39-22-604.1	c.	Reviewed and recommending revisions	Withholding	1/2/2012
39-22-604.3	c.	Reviewed and recommending revisions	Requirement to withhold	1/2/2012
39-22-604.4	a.	Reviewed and no action recommended	Withholding filing periods and due dates	1/2/2012

39-22-604.5	a.	Reviewed and no action recommended	Whole dollar amounts	1/2/2012
39-22-604.6	c.	Reviewed and recommending revisions	Withholding tax statements	1/2/2012
39-22-604.17	a.	Reviewed and no action recommended	Gambling winnings withholding	1/2/2012
39-22-605	c.	Reviewed and recommending revisions	Estimated individual income tax	1/2/2012
39-22-606	c.	Reviewed and recommending revisions	Estimated corporate income tax	1/2/2012
39-22-606.1	b.	Reviewed and recommending repealing		1/2/2012
39-22-606.2	b.	Reviewed and recommending repealing		1/2/2012
39-22-608	a.	Reviewed and no action recommended	Due dates for income tax	1/2/2012
39-22-621.2(i)	a.	Reviewed and no action recommended	Penalties and interest	1/2/2012
39-22-622	a.	Reviewed and no action recommended	Income tax refund interest	1/2/2012
39-22-652	a.	Reviewed and no action recommended	Reportable transactions definitions	1/2/2012
39-22-653	a.	Reviewed and no action recommended	Reportable transactions disclosure	1/2/2012
39-22-656	a.	Reviewed and no action recommended	Reportable transactions, material advisor	1/2/2012
39-22-2102(3)	b.	Reviewed and recommending repealing	Colorado Low income housing credit	1/2/2012
39-22-2102(6)	b.	Reviewed and recommending repealing	Colorado Low income housing credit	1/2/2012
39-22-2103(1)	b.	Reviewed and recommending repealing	Colorado Low income housing credit	1/2/2012
Income SR-1	a.	Reviewed and no action recommended	Airlines	1/2/2012
Income SR-2	a.	Reviewed and no action recommended	Contractors	1/2/2012
Income SR-3	a.	Reviewed and no action recommended	Publishing	1/2/2012
Income SR-4	a.	Reviewed and no action recommended	Railroads	1/2/2012
Income SR-5	a.	Reviewed and no action recommended	Television and Radio	1/2/2012
Income SR-6	a.	Reviewed and no action recommended	Trucking	1/2/2012
Income SR-7	a.	Reviewed and no action recommended	Financial Institutions	1/2/2012
Income SR-8	a.	Reviewed and no action recommended	Telecommunications	1/2/2012
Reg IV	b.	Reviewed and recommending repealing	Applicability	1/2/2012
IV.1(a)	b.	Reviewed and recommending repealing	Business and non-business income	1/2/2012
IV.1(b)	b.	Reviewed and recommending repealing	Trade or business	1/2/2012
IV.1(c)	b.	Reviewed and recommending repealing	Application of definitions	1/2/2012



IV.1(d)	b. Reviewed and recommending repealing	Proration of deductions	1/2/2012
IV.2(a)	b. Reviewed and recommending repealing	Definitions	1/2/2012
IV.2(b)(1)	b. Reviewed and recommending repealing	Apportionment	1/2/2012
IV.2(b)(2)	b. Reviewed and recommending repealing	Combined Report	1/2/2012
IV.2(b)(3)	b. Reviewed and recommending repealing	Allocation	1/2/2012
IV.2(c)	b. Reviewed and recommending repealing	Consistency and Uniformity	1/2/2012
IV.3(a)	b. Reviewed and recommending repealing	Taxable in another state	1/2/2012
IV.3(b)	b. Reviewed and recommending repealing	Taxable in another state-"subject to" tax	1/2/2012
IV.3(c)	b. Reviewed and recommending repealing	Taxable in another state-"jurisdiction to tax"	1/2/2012
IV.9	b. Reviewed and recommending repealing	Apportionment formula	1/2/2012
IV.10(a)	b. Reviewed and recommending repealing	Property factor: in general	1/2/2012
IV.10(b)	b. Reviewed and recommending repealing	Property factor: production of business income	1/2/2012
IV.10(c)	b. Reviewed and recommending repealing	Consistency and Uniformity	1/2/2012
IV.10(d)	b. Reviewed and recommending repealing	Property factor: numerator	1/2/2012
IV.11(a)	b. Reviewed and recommending repealing	Property factor: valuation of owned property	1/2/2012
IV.11(b)	b. Reviewed and recommending repealing	Property factor: valuation of rented property	1/2/2012
IV.12	b. Reviewed and recommending repealing	Property factor: averaging	1/2/2012
IV.13(a)	b. Reviewed and recommending repealing	Payroll factor: in general	1/2/2012
IV.13(b)	b. Reviewed and recommending repealing	Payroll factor: denominator	1/2/2012
IV.13(c)	b. Reviewed and recommending repealing	Payroll factor: numerator	1/2/2012
IV.14	b. Reviewed and recommending repealing	Payroll factor: compensation paid in this state	1/2/2012
IV.15(a)	b. Reviewed and recommending repealing	Sales factor: in general	1/2/2012
IV.15(b)	b. Reviewed and recommending repealing	Sales factor: denominator	1/2/2012
IV.15(c)	b. Reviewed and recommending repealing	Sales factor: numerator	1/2/2012
IV.16(a)	b. Reviewed and recommending repealing	Sales factor: sales of TPP	1/2/2012
IV.16(b)	b. Reviewed and recommending repealing	Sales factor: sales to US government	1/2/2012
IV.17	b. Reviewed and recommending repealing	Sales factor: sales of other than TPP	1/2/2012
IV.18(a)	b. Reviewed and recommending repealing	Special rules	1/2/2012

IV.18(b)	b. Reviewed and recommending repealing	Special rules: property factor	1/2/2012
IV.18(c)	b. Reviewed and recommending repealing	Special rules: sales factor	1/2/2012
39-23.5-101.1	b. Reviewed and recommending repealing	Estate tax rule	1/2/2012
39-23.5-101.2	b. Reviewed and recommending repealing	Estate tax rule	1/2/2012
39-23.5-101.3	b. Reviewed and recommending repealing	Estate tax rule	1/2/2012
39-23.5-102.1	b. Reviewed and recommending repealing	Estate tax rule	1/2/2012
39-23.5-102.2	b. Reviewed and recommending repealing	Estate tax rule	1/2/2012
39-23.5-102.3	b. Reviewed and recommending repealing	Estate tax rule	1/2/2012
39-23.5-103.1	b. Reviewed and recommending repealing	Estate tax rule	1/2/2012
39-23.5-103.2	b. Reviewed and recommending repealing	Estate tax rule	1/2/2012
39-23.5-103.3	b. Reviewed and recommending repealing	Estate tax rule	1/2/2012
39-23.5-103.4	b. Reviewed and recommending repealing	Estate tax rule	1/2/2012
39-23.5-103.5	b. Reviewed and recommending repealing	Estate tax rule	1/2/2012
39-23.5-107.1	b. Reviewed and recommending repealing	Estate tax rule	1/2/2012
39-23.5-107.2	b. Reviewed and recommending repealing	Estate tax rule	1/2/2012
39-23.5-107.3	b. Reviewed and recommending repealing	Estate tax rule	1/2/2012
39-23.5-107.4	b. Reviewed and recommending repealing	Estate tax rule	1/2/2012
39-23.5-107.5	b. Reviewed and recommending repealing	Estate tax rule	1/2/2012
39-23.5-110.1	b. Reviewed and recommending repealing	Estate tax rule	1/2/2012
39-23.5-111.1	b. Reviewed and recommending repealing	Estate tax rule	1/2/2012
39-23.5-111.2	b. Reviewed and recommending repealing	Estate tax rule	1/2/2012
39-23.5-112.1	b. Reviewed and recommending repealing	Estate tax rule	1/2/2012
39-23.5-113.1	b. Reviewed and recommending repealing	Estate tax rule	1/2/2012
39-23.5-113.2	b. Reviewed and recommending repealing	Estate tax rule	1/2/2012
39-23.5-113.3	b. Reviewed and recommending repealing	Estate tax rule	1/2/2012
39-23.5-114.1	b. Reviewed and recommending repealing	Estate tax rule	1/2/2012
39-23.5-114.2	b. Reviewed and recommending repealing	Estate tax rule	1/2/2012
39-23.5-115.1	b. Reviewed and recommending repealing	Estate tax rule	1/2/2012



39-26-102.1	c.	Reviewed and recommending revisions	Auctioneers	1/2/2012
39-26-102.2.5	c.	Reviewed and recommending revisions	Charitable organizations	1/2/2012
39-26-102.3	c.	Reviewed and recommending revisions	Doing business in Colorado	1/2/2012
39-26-102.4.5	c.	Reviewed and recommending revisions	Food	1/2/2012
39-26-102.5	c.	Reviewed and recommending revisions	Gross taxable sales	1/2/2012
39-26-102.7(a)	c.	Reviewed and recommending revisions	Purchase price	1/2/2012
39-26-102.7(b)	c.	Reviewed and recommending revisions	Exchanged property	1/2/2012
39-26-102.9	a.	Reviewed and no action recommended	Retail Sale	1/2/2012
39-26-102.10	c.	Reviewed and recommending revisions	Sale / Sale and purchase	1/2/2012
39-26-102.11	c.	Reviewed and recommending revisions	Rooms and accommodations	1/2/2012
39-26-102.12	c.	Reviewed and recommending revisions	Manufactured products	1/2/2012
39-26-102.13	b.	Reviewed and recommending repealing	Computer software	1/2/2012
39-26-102.14	b.	Reviewed and recommending repealing	State Treasurer	1/2/2012
39-26-102.15	c.	Reviewed and recommending revisions	Tangible Personal Property	1/2/2012
39-26-102.16	c.	Reviewed and recommending revisions	Tax	1/2/2012
39-26-102.17	c.	Reviewed and recommending revisions	Taxpayer	1/2/2012
39-26-102.19	c.	Reviewed and recommending revisions	Wholesale sale	1/2/2012
39-26-102.20	c.	Reviewed and recommending revisions	Sales to Manufacturers	1/2/2012
39-26-102.21	a.	Reviewed and no action recommended	Wholesale sale to energy sources	1/2/2012
39-26-102.22	c.	Reviewed and recommending revisions	Disputes	1/2/2012
39-26-102.23	c.	Reviewed and recommending revisions	Long term lease as sales	1/2/2012
39-26-103.5.1(c)	a.	Reviewed and no action recommended	Direct pay permits	1/2/2012
39-26-103.5.6	a.	Reviewed and no action recommended	Direct pay permits	1/2/2012
39-26-104.(f)	c.	Reviewed and recommending revisions	Short term room rental	1/2/2012
39-26-104.1(a)	a.	Reviewed and no action recommended	Tax on TPP	1/2/2012
39-26-104.1(b)(I)(A)	a.	Reviewed and no action recommended	Tax on exchanges	1/2/2012
39-26-104.1(b)(I)(B)	a.	Reviewed and no action recommended	Tax on exchanges	1/2/2012
39-26-104.1(c)	c.	Reviewed and recommending revisions	Telecommunications	1/2/2012

39-26-104.1(c)(l)	c.	Reviewed and recommending revisions	Mobile Telecommunications Sourcing Act	1/2/2012
39-26-104.1(d.1)	c.	Reviewed and recommending revisions	Electric and Gas service	1/2/2012
39-26-104.1(e)	c.	Reviewed and recommending revisions	Tips and gratuities	1/2/2012
39-26-104.1(f)	c.	Reviewed and recommending revisions	Rooms and accommodations	1/2/2012
39-26-105.1(a)	c.	Reviewed and recommending revisions	Change in tax rate 3% to 2.9%	1/2/2012
39-26-105.1(b)	a.	Reviewed and no action recommended	Extension for filing sales tax returns	1/2/2012
39-26-105.1(c)	c.	Reviewed and recommending revisions	Documenting exempt sales	1/2/2012
39-26-105.2	c.	Reviewed and recommending revisions	Warranties	1/2/2012
39-26-105.3	c.	Reviewed and recommending revisions	Hold Harmless	1/2/2012
39-26-105.5	a.	Reviewed and no action recommended	Mandatory electronic filing	1/2/2012
39-26-106.2(a)	c.	Reviewed and recommending revisions	Price on low price goods	1/2/2012
39-26-106.2(b)	a.	Reviewed and no action recommended	Price on alcohol drinks	1/2/2012
39-26-106.3	b.	Reviewed and recommending repealing	Commercial truck over 26k	1/2/2012
39-26-108	b.	Reviewed and recommending repealing	Absorption of tax	1/2/2012
39-26-109	a.	Reviewed and no action recommended	Non-standard filing periods	1/2/2012
39-26-110	a.	Reviewed and no action recommended	Multiple locations	1/2/2012
39-26-111	c.	Reviewed and recommending revisions	Credit sales	1/2/2012
39-26-113	a.	Reviewed and no action recommended	Sales tax when register car	1/2/2012
39-26-113.5	a.	Reviewed and no action recommended	Sales tax refund for cars used in interstate commerce.	1/2/2012
39-26-116	a.	Reviewed and no action recommended	Taxpayer records	1/2/2012
39-26-117.1	a.	Reviewed and no action recommended	Sale of a business	1/2/2012
39-26-118.1	a.	Reviewed and no action recommended	Recognized accounting procedures	1/2/2012
39-26-122	b.	Reviewed and recommending repealing	Sales tax form	1/2/2012
39-26-125	c.	Reviewed and recommending revisions	Statute of limitations when no return filed	1/2/2012
39-26-202	c.	Reviewed and recommending revisions	Reason for use tax	1/2/2012
39-26-204.1	c.	Reviewed and recommending revisions	Consumer use	1/2/2012
39-26-204.2	c.	Reviewed and recommending revisions	Retailer's Use Tax	1/2/2012
39-26-204.3	b.	Reviewed and recommending repealing	(see regulation 26-108)	1/2/2012



39-26-208	c.	Reviewed and recommending revisions	Vehicle lessors	1/2/2012
39-26-210	c.	Reviewed and recommending revisions	Statute of Limitation for Use tax	1/2/2012
39-26-501.3	b.	Reviewed and recommending repealing	State Fiscal Year	1/2/2012
39-26-502	b.	Reviewed and recommending repealing	Pollution Control Equipment	1/2/2012
39-26-601(3)	b.	Reviewed and recommending repealing	State Fiscal Year	1/2/2012
39-26-602	b.	Reviewed and recommending repealing	Research and Development	1/2/2012
39-26-703.1	b.	Reviewed and recommending repealing	Duty to Collect	1/2/2012
39-26-703.2(c)	c.	Reviewed and recommending revisions	Contractor's refund claim	1/2/2012
39-26-703.2(e)	a.	Reviewed and no action recommended	Claiming credit on return	1/2/2012
39-26-704.1	c.	Reviewed and recommending revisions	Government sales	1/2/2012
39-26-704.2	c.	Reviewed and recommending revisions	Sales tax exemptions	1/2/2012
39-26-704.3	c.	Reviewed and recommending revisions	Rooms and accommodations	1/2/2012
39-26-704.4	c.	Reviewed and recommending revisions	Sales to Schools	1/2/2012
39-26-705.1	b.	Reviewed and recommending repealing	Sales of energy	1/2/2012
39-26-706.1	c.	Reviewed and recommending revisions	Cigarette sales	1/2/2012
39-26-707.1	a.	Reviewed and no action recommended	Food containers	1/2/2012
39-26-707.1(e)	b.	Reviewed and recommending repealing	Food sales	1/2/2012
39-26-708.1	c.	Reviewed and recommending revisions	Contractors	1/2/2012
39-26-708.2(b)	b.	Reviewed and recommending repealing	Charitable entities	1/2/2012
39-26-708.3	c.	Reviewed and recommending revisions	Contractors	1/2/2012
39-26-709.1	c.	Reviewed and recommending revisions	Manufacturing Machinery	1/2/2012
39-26-709.2	b.	Reviewed and recommending repealing	Manufacturing Machinery	1/2/2012
39-26-711	a.	Reviewed and no action recommended	Commercial airlines	1/2/2012
39-26-713.1(a)	c.	Reviewed and recommending revisions	Leases	1/2/2012
39-26-713.2(a)	c.	Reviewed and recommending revisions	Use tax exemptions	1/2/2012
39-26-713.2(b)	c.	Reviewed and recommending revisions	Resale exemption - use tax	1/2/2012
39-26-713.2(c)	c.	Reviewed and recommending revisions	Non-resident - use tax	1/2/2012
39-26-713.2(d)	b.	Reviewed and recommending repealing	Gov't/Charitable use	1/2/2012

39-26-713.2(e)	b.	Reviewed and recommending repealing	Ingredients - use	1/2/2012
39-26-713.2(f)	c.	Reviewed and recommending revisions	Previously taxed - use	1/2/2012
39-26-713.2(g)	a.	Reviewed and no action recommended	Non-resident household	1/2/2012
39-26-715.1(a)(I)	c.	Reviewed and recommending revisions	Aviation fuel	1/2/2012
39-26-715.1(a)(II)	c.	Reviewed and recommending revisions	Fuel for residential use	1/2/2012
39-26-715.2(b)	b.	Reviewed and recommending repealing	Fuel in manufacturing	1/2/2012
39-26-716.4(a)	a.	Reviewed and no action recommended	Farm Close Out Sale	1/2/2012
39-26-716.4(b)	a.	Reviewed and no action recommended	Livestock feed	1/2/2012
39-26-716.4(c)	a.	Reviewed and no action recommended	Livestock	1/2/2012
39-26-717.1	c.	Reviewed and recommending revisions	Drugs and med equip	1/2/2012
39-26-718.1(a)	c.	Reviewed and recommending revisions	Charitable organizations	1/2/2012
39-26-720.1	a.	Reviewed and no action recommended	Bingo equip	1/2/2012
39-26-721.1	a.	Reviewed and no action recommended	Factory Built Housing	1/2/2012
SR 1	c.	Reviewed and recommending revisions	Advertising Agencies	1/2/2012
SR 2	c.	Reviewed and recommending revisions	Agricultural Producers	1/2/2012
SR 3	c.	Reviewed and recommending revisions	Automotive Dealers / Resale	1/2/2012
SR 4	a.	Reviewed and no action recommended	Automotive Repairs	1/2/2012
SR 3.5	a.	Reviewed and no action recommended	Special Event Plates	1/2/2012
SR 5	c.	Reviewed and recommending revisions	Broadcasting	1/2/2012
SR 6	c.	Reviewed and recommending revisions	Cemeteries	1/2/2012
SR 7	c.	Reviewed and recommending revisions	Computer Software	1/2/2012
SR 7.5	c.	Reviewed and recommending revisions	Computer Software Maintenance	1/2/2012
SR 8	c.	Reviewed and recommending revisions	Consigned Goods	1/2/2012
SR 9	c.	Reviewed and recommending revisions	Containers	1/2/2012
SR 10	c.	Reviewed and recommending revisions	Contractors	1/2/2012
SR 10.1	c.	Reviewed and recommending revisions	Priority of credits for taxes paid another state	1/2/2012
SR 11	c.	Reviewed and recommending revisions	Coupons	1/2/2012
SR 12	c.	Reviewed and recommending revisions	Dental Labs	1/2/2012



SR 13	c. Reviewed and recommending revisions	Eating and drinking establishments	1/2/2012
SR 14	c. Reviewed and recommending revisions	Fabrication, processing	1/2/2012
SR 15	c. Reviewed and recommending revisions	Sales on federal land	1/2/2012
SR 16	c. Reviewed and recommending revisions	Fiduciaries	1/2/2012
SR 17	c. Reviewed and recommending revisions	Financial Institutions	1/2/2012
SR 18	c. Reviewed and recommending revisions	Transportation Charges	1/2/2012
SR 19	c. Reviewed and recommending revisions	Gas and Electric Service	1/2/2012
SR 20	c. Reviewed and recommending revisions	Gift Certificates	1/2/2012
SR 21	c. Reviewed and recommending revisions	Gifts, Premiums and Prizes	1/2/2012
SR 22	c. Reviewed and recommending revisions	Hotels and Motels	1/2/2012
SR 23	c. Reviewed and recommending revisions	Ice	1/2/2012
SR 24	c. Reviewed and recommending revisions	Initial Use of Property	1/2/2012
SR 25	c. Reviewed and recommending revisions	Insurance Companies	1/2/2012
SR 26	c. Reviewed and recommending revisions	Janitorial Services	1/2/2012
SR 27	c. Reviewed and recommending revisions	Linen Service	1/2/2012
SR 28	c. Reviewed and recommending revisions	Maintenance and Decorating services	1/2/2012
SR 29	c. Reviewed and recommending revisions	Manufacturers and Prefabricators as contractors	1/2/2012
SR 30	c. Reviewed and recommending revisions	Modular or Sectional homes	1/2/2012
SR 31	c. Reviewed and recommending revisions	Morticians	1/2/2012
SR 32	c. Reviewed and recommending revisions	Newspapers, Magazines and other subscriptions	1/2/2012
SR 33	a. Reviewed and no action recommended	Optical Sales and Services	1/2/2012
SR 34	b. Reviewed and recommending repealing	Photofinishers	1/2/2012
SR 34.5	c. Reviewed and recommending revisions	Photographers	1/2/2012
SR 35	c. Reviewed and recommending revisions	Printers and Printing	1/2/2012
SR 36	c. Reviewed and recommending revisions	Private Clubs	1/2/2012
SR 37	c. Reviewed and recommending revisions	Ready Mix Concrete	1/2/2012
SR 38	c. Reviewed and recommending revisions	Repossessed Property	1/2/2012
SR 39	a. Reviewed and no action recommended	Sand and Gravel	1/2/2012

SR 40	c.	Reviewed and recommending revisions	Service Enterprise	1/2/2012
SR 41	c.	Reviewed and recommending revisions	Tools, Jigs, Dyes	1/2/2012
SR 42	c.	Reviewed and recommending revisions	Upholsters	1/2/2012
SR 43	a.	Reviewed and no action recommended	Prepaid wireless surcharge	1/2/2012
39-27-102.5(2)(A)	a.	Reviewed and no action recommended	Bio Fuel	1/2/2012
39-27-103	a.	Reviewed and no action recommended	Gasoline and Special Fuel	1/2/2012
39-28-102	a.	Reviewed and no action recommended	Change of place of business	1/2/2012
39-28-103	a.	Reviewed and no action recommended	Wholesalers exchanges	1/2/2012
39-28-105	c.	Reviewed and recommending revisions	Metering machines	1/2/2012
39-28-107	c.	Reviewed and recommending revisions	Unstamped cigarettes	1/2/2012
39-28-109	a.	Reviewed and no action recommended	Records	1/2/2012
39-28-202	a.	Reviewed and no action recommended	Escrow Fund / Distributors	1/2/2012
39-28-303	a.	Reviewed and no action recommended	Certification Directory	1/2/2012
39-28-303(2)(c)	a.	Reviewed and no action recommended	Certification Directory	1/2/2012
39-28-305.1	a.	Reviewed and no action recommended	Reporting requirements	1/2/2012
39-28-305.2	a.	Reviewed and no action recommended	Deadlines	1/2/2012
39-28-306.1	a.	Reviewed and no action recommended	Decertification	1/2/2012
39-28.5-106(1)	a.	Reviewed and no action recommended	Tobacco reports required	1/2/2012
39-29-101	c.	Reviewed and recommending revisions	Overview	1/2/2012
39-29-102(3)(a)	a.	Reviewed and no action recommended	Value of coal	1/2/2012
39-29-102(3)(b)	a.	Reviewed and no action recommended	Value of metallic mineral ore	1/2/2012
39-29-102(4)	a.	Reviewed and no action recommended	Shale oil price	1/2/2012
39-29-102(5)	a.	Reviewed and no action recommended	Definition of metallic mineral	1/2/2012
39-29-102(6)	a.	Reviewed and no action recommended	Definition of metallic mineral	1/2/2012
39-29-103	c.	Reviewed and recommending revisions	Taxation of minerals	1/2/2012
39-29-104	b.	Reviewed and recommending repealing	Tax on molybdenum	1/2/2012
39-29-105(1)(a)	b.	Reviewed and recommending repealing	Tax on oil and gas	1/2/2012
39-29-105(1)(b)	b.	Reviewed and recommending repealing	Tax on oil and gas	1/2/2012



39-29-105(2)(a)	a. Reviewed and no action recommended	Credit	1/2/2012
39-29-105(2)(b)	a. Reviewed and no action recommended	Credit	1/2/2012
39-29-105(2)(c)	a. Reviewed and no action recommended	Credit	1/2/2012
39-29-106	a. Reviewed and no action recommended	Tax on coal	1/2/2012
39-29-106.5	b. Reviewed and recommending repealing	Rate of tax	1/2/2012
39-29-107(1)	a. Reviewed and no action recommended	Credit for prior payment of impact assistance by oil shale facility	1/2/2012
39-29-110(1)(d)	c. Reviewed and recommending revisions	Local government impact fund	1/2/2012
39-29-111(1)(a)	a. Reviewed and no action recommended	Withholding	1/2/2012
39-29-111(2)	a. Reviewed and no action recommended	Annual report	1/2/2012
39-29-112	a. Reviewed and no action recommended	Filing dates	1/2/2012
39-29-115	a. Reviewed and no action recommended	Penalties and interest	1/2/2012
39-30-103.5	a. Reviewed and no action recommended	Contributions to EZ Administrator	1/2/2012
39-30-104	a. Reviewed and no action recommended	ITC	1/2/2012
39-30-104(4)	a. Reviewed and no action recommended	Job Training Program	1/2/2012
39-30-105	a. Reviewed and no action recommended	New Business Facility Employee Credit	1/2/2012
39-30-105.5	a. Reviewed and no action recommended	Research Credit	1/2/2012
39-30-105.6	a. Reviewed and no action recommended	Rehab Bldg credit	1/2/2012
39-30-106	a. Reviewed and no action recommended	Machinery/tools credit	1/2/2012
39-30-108	a. Reviewed and no action recommended	Local government certification	1/2/2012
39-31-101	a. Reviewed and no action recommended	PTC credit	1/2/2012
39-32-105(1)	b. Reviewed and recommending repealing	Rural technology EZ credit	1/2/2012
39-35-104	a. Reviewed and no action recommended	Aircraft manufacturer credit	1/2/2012
29-2-106(9)	a. Reviewed and no action recommended	Form M - local sales tax remittance form	1/2/2012

Department of Revenue – Enforcement Division

Rule or Regulation	Action Taken	Comments	Last Reviewed
MMED Rules (37 total)	Reviewed - No immediate revisions or rescissions required.	No obsolete or outdated rules. Anticipate rulemaking this calendar year to address business practices (many rule chapters reserved for this purpose).	12/1/2011
AID Rules (55 Auto rules, 36 Powersports rules)	Reviewed - Revisions and Rescissions required	Several rules outdated or in need of revision. Division anticipates comprehensive rulemaking 1 - 2 Q of FY 2013	9/11/2011
Gaming Rules (24)	Reviewed - No revisions or rescissions required.	No obsolete or outdated rules. Gaming rules are revised fairly frequently to reflect technology and new game developments in the industry.	2/1/2012
Liquor and Tobacco Rules (Liquor 79, Tobacco 2)	Reviewed - Rulemaking to address business practices ongoing	Industry and Division working group met Nov. and Dec. 2011, as well as in Feb. this year. Anticipate formal rulemaking late Mar. - early Apr. 2012.	10/1/2011
Racing Rules (12)	Reviewed - Rulemaking to address business practices ongoing	Proposed rule discussed with industry in sessions in Jan./Feb. 2012; formal rulemaking hearing scheduled for Apr. 2012.	12/1/2011



Department of Revenue – DMV

Rule or Regulation	Action Taken	Comments	Last Reviewed
DRIVER'S LICENSE			
1 CCR 204-3 Rules for Commercial Driving Schools and/or Approved Driver Education Courses, including the Basic operator's drive testing program (BOST	Reviewed and recommending revisions		
1 CCR 204-6 Rules and Regulations for Classification of Driver's License	Reviewed and no action recommended		
1 CCR 204-7 Motorized Bicycle	Repealed Effective 09/30/10		
1 CCR 204-12 Rules and Regulations for Commercial Driver's License (CDL)	Not reviewed	Reviewed at during last rulemaking process	
1 CCR 204-13 Rules for Proof of Identity, Age, and Lawful Presence in the Application for Driver's License or Identification Card	Reviewed and recommending revisions		
1 CCR 204-20 Motorcycle Rules and Regulations for ALMOST organizations	Reviewed and no action recommended		
1 CCR 204-27 Application for a Driver's License	Not yet reviewed		
1 CCR 204-29 Definition of non-resident for the Purposes of Driver's License Issuance			
DRIVER SERVICES			
1 CCR 204-16 Interstate Driver License Compact Rules	Reviewed and no action recommended at this time.		

1 CCR 204-17 Interlock Restricted Licenses	Reviewed and revisions are recommended as the anticipated interlock recodification under HB12-1168 is enacted.		
1 CCR 204-23 Rules for Governing Enrollment in Alcohol and Drug Education and Therapy Treatment, and Penalties for Non-Compliance	Reviewed and no action recommended at this time.		
1 CCR 204-24 Rules Governing Access to Images Recorded from Driver Licenses and Identification Cards	Reviewed and no action recommended at this time.		
1 CCR 204-25 Vendor Contracts for the Bulk Electronic Transfer of Dept Records	Reviewed and no action recommended at this time.		
1 CCR 204-26 Medical Examine/Re-Exam Testing Rules	Reviewed and no action recommended at this time.		
EMISSIONS			
1 CCR 204-1 Motor Vehicle Official Inspection Stations	Reviewed and no action Recommended		1/14/2012
1 CCR 204-4 Measurement of Noise from Motor Vehicles	Reviewed and Recommending repealing	Rule is not supported by statute - Repeal	Unknown
1 CCR 204-11 Motor Vehicle Official Air Program Stations	Reviewed and no action recommended		3/2/2009
MOTOR CARRIER SERVICES			
1 CCR 209-1 Division Rules and Regulations	Amended - Effective 03/30/2009		11/1/2011
1 CCR 209-2 Rules for Administration of Excise Tax on Fuel	REPEALED - Eff 03/02/06, (See 1 CCR 201-16)	No longer an MCS Rule - Fuel Tax Section	
TITLES / REGISTRATIONS			



1 CCR 204-09 Periodic Motor Vehicle Registration	REPEALED - Eff 12/7/10	Replaced with Rule 2	
RULE 1 (1 CCR 204-10) Temporary Special Event License Plates-Recodified as Rule 2 in CCR 204-10	Reviewed and amended		9/14/2010
RULE 2 (1 CCR 204-10) Periodic Motor Vehicle Registration	Reviewed and amended		3/17/2011
RULE 3 (1 CCR 204-10) Cancellation of Vehicle Registration for Failure to Pay Civil Penalties	Not yet reviewed	Scheduled for review 4/2/12	
RULE 4 (1 CCR 204-10) Gross Vehicle Weight Registrations	Reviewed and amended		12/30/2010
RULE 5 (1 CCR 204-10) Fleet Registration Programs	Reviewed and amended		3/2/2011
RULE 6 (1 CCR 204-10) Colorado State Patrol License Plates	Reviewed and no action recommended at this time		8/10/2011
RULE 7 (1 CCR 204-10) Motorized Bicycle	REPEALED – Effective 03/2/11	Replaced with Rule 48	
RULE 8 (1 CCR 204-10) Dealer Title	Currently under review		3/9/2012
RULE 9 (1 CCR 204-10) Depot License Plates	Not yet reviewed	Scheduled for review 4/16/12	
RULE 10 (1 CCR 204-10) Disposition of Motor Vehicle Abandoned at Repair Shops	Currently under review		3/9/2012
RULE 11 (1 CCR 204-10) Emergency Vehicle Equipment Authorization	Not yet reviewed	Scheduled for review 4/9/12	
RULE 12 (1 CCR 204-10) Private Tow Requirements for Abandoned Vehicles	Reviewed and amended		2/14/2011
RULE 13 (1 CCR 204-10) Public Tow Requirements for Abandoned Vehicles	Reviewed and amended		2/14/2011
RULE 14 (1 CCR 204-10) Enforcement and Hearing Procedures	Not yet reviewed	Scheduled for review 5/21/12	12/7/2010
RULE 15 (1 CCR 204-10) Fallen Service Members License Plates	Reviewed and no action recommended at this time		8/10/2011

RULE 16 (1 CCR 204-10) Group Special License Plates	Reviewed and amended		1/14/2012
RULE 17 (1 CCR 204-10) Horseless Carriage	Reviewed and no action recommended at this time		8/10/2011
RULE 18 (1 CCR 204-10) Colorado Dealer License Plates	REPEALED – Effective 03/02/11	Replaced with Rule 48	
RULE 19 (1 CCR 204-10) Colorado Dealer License Plates	REPEALED - Effective 03/02/11	Replaced with Rule 48	
RULE 20 (1 CCR 204-10) License Plate Retirement	Reviewed and no action recommended at this time		8/10/2011
RULE 21 (1 CCR 204-10) Manufacturer License Plates	Not yet reviewed	Scheduled for review 4/16/12	
RULE 22 (1 CCR 204-10) Manufacturer Certificate of Origin	Not yet reviewed	Scheduled for review 4/30/12	
RULE 23 (1 CCR 204-10) Payment of Ownership Taxes on Special Mobile Machinery Rentals	Reviewed and amended		1/14/2012
RULE 24 (1 CCR 204-10) Persons w/Disabilities Parking Privileges Placard Fee	Reviewed and no action recommended at this time		1/14/2012
RULE 25 (1 CCR 204-10) Persons w/Disabilities Parking Privileges	Reviewed - See Effective Date	Effective date 4/14/12	3/7/2012
RULE 26 (1 CCR 204-10) Physical Inspection of Motor Vehicles	Not yet reviewed	Scheduled for review 4/30/12	
RULE 27 (1 CCR 204-10) Records Open to Inspection	Reviewed and no action recommended at this time		8/10/2011
RULE 28 (1 CCR 204-10) Regarding the Annual Registration of Vehicle Owned by the State of Colorado or Institution Thereof	Not yet reviewed	Scheduled for review 5/7/12	
RULE 29 (1 CCR 204-10) Reserving Personalized License Plates	Reviewed and no action recommended at this time		8/10/2011



RULE 30 (1 CCR 204-10) Rules and Regulations Concerning the Specific Payment of Ownership Taxes on Vehicles Designated as Class B or Class C Personal Property Which are Rented to Others	Reviewed and no action recommended at this time		7/11/2011
RULE 31 (1 CCR 204-10) Salvage Disclosure on Title Applications for Salvage and Previously Salvaged Motor Vehicle	Currently under review	Currently under review	3/9/2012
RULE 32 (1 CCR 204-10) Special License Plate Surcharge	Reviewed and no action recommended at this time		8/10/2011
RULE 33 (1 CCR 204-10) Special Use Trucks	Not yet reviewed	Scheduled for review 5/14/12	
RULE 34 (1 CCR 204-10) Temporary Registration Permits	Not yet reviewed	Scheduled for review 5/28/12	12/15/2010
RULE 35 (1 CCR 204-10) Transporter License Plates	Not yet reviewed	Scheduled for review 4/16/12	
RULE 36 (1 CCR 204-10) Colorado Dealer License Plates	REPEALED - Effective 03/02/11	Replaced with Rule 48	
RULE 37 (1 CCR 204-10) Vehicles Classified as Farm Trucks	Reviewed and amended		1/14/2012
RULE 38 (1 CCR 204-10) Year of Manufacturer License Plates	Reviewed and no action recommended at this time		8/10/2011
RULE 39 (1 CCR 204-10) Cancel Records	Currently under review		3/9/2012
RULE 40 (1 CCR 204-10) Low-Power Scooter	Not yet reviewed	Scheduled for review 6/4/12	9/30/2010
RULE 41 (1 CCR 204-10) License Plate Destruction, Recycling and Disposal	Reviewed and amended		3/30/2010
RULE 42 (1 CCR 204-10) Special Mobile Machinery Specific Ownership Tax Credit	Not yet reviewed	Scheduled for review 6/11/12	11/14/2010
RULE 43 (1 CCR 204-10) Stolen Motor Vehicles	Not yet reviewed	Scheduled for review 6/18/12	12/30/2010
RULE 44 (1 CCR 204-10) Late Fee Exemption	Not yet reviewed	Scheduled for review 6/25/12	12/15/2010
RULE 45 (1 CCR 204-10) Alumni License Plates	Not yet reviewed	Scheduled for review 7/2/12	12/30/2010

RULE 46 (1 CCR 204-10) Application for Registration - Proof of Insurance	Not yet reviewed	Scheduled for review 7/9/12	11/14/2010
RULE 47 (1 CCR 204-10) Expired Temporary Registration Permits	Not yet reviewed	Scheduled for review 7/16/12	12/15/2010
RULE 48 (1 CCR 204-10) Colorado Dealer License Plates	Reviewed and amended		3/2/2011
1 CCR 204-14 License Plates, Inspection, Registration, Ownership Taxes, Dealers, Enforcement and Hearing Procedures	REPEALED - Effective 12/7/10	Replaced with Rule 14	
1 CCR 204-15 Registration of Vehicles Subject to Gross Vehicle Weight Registration Fees	REPEALED - Effective 12/7/10	Replaced with Rule 4	
1 CCR 204-21 Final Rule, Amendments to Regulation Motorist Insurance Identification Database	Currently under review		3/9/2012

Department of Revenue – Lottery

Rule or Regulation	Action Taken	Comments	Last Reviewed
Rule 2: Licensing	Not yet reviewed		2008
Rule 4: License Revocation	Not yet reviewed		2008
Rule 5: Scratch Games	Reviewed and recommending revisions		March 2012
Rule 7: Ethics	Not yet reviewed		2008
Rule 10.A: Lotto	Not yet reviewed		2008
Rule 10.D: Cash 5	Not yet reviewed		2008
Rule 10.E: MatchPlay	Not yet reviewed		2008
Rule 10.G: Bonus Raffle	Not yet reviewed		2008
Rule 10: Online Games	Not yet reviewed		2008
Rule 11: Gifts and Gratuities	Not yet reviewed		2008
Rule 12: Commission Compensation	Reviewed and recommending repealing	Not repealed by Secretary of State yet	February 2012



Rule 13: Multi-State Lottery Games	Reviewed and recommending repealing	Duplicate of Rule 14, sections 14.1 and 14.2, without the further details of sections 14.3 through 14.8	February 2012
Rule 14.A: Powerball	Not yet reviewed		2008
Rule 14.B: Powerball with PowerPlay	Not yet reviewed		2008
Rule 14.C: Mega Millions	Not yet reviewed		2008
Rule 14.D: Mega Millions with Megaplier	Not yet reviewed		2008
Rule 14: Multi-State Online	Not yet reviewed		2008

Appendix XI

Department of Transportation

Rule Update Completed: Total 12

1. Rules Governing the Operation of Longer Vehicle Combinations on Designated State Highway Segments, 2 CCR 601-9.

Repeal effective January 14, 2011 and incorporated into 2 CCR 601-4 in order to save the cost of printing books for 2 sets of rules and to make the rules more “user friendly.”

2. State Highway Access Category Assignment Schedule, 2 CCR 601-0.

Update effective April 30, 2011. This schedule was revised in response to requests from local governments to accommodate existing planning and land use needs.

3. Emerging Small Business Rules, 2 CCR 604-1.

Update effective September 1, 2011. These rules were updated in order to promote the participation of small businesses on CDOT construction, professional services and research grants.

4. Rules Concerning Specific Information Signs and Business Plaques (“LOGO”), 2 CCR 601-7.

Update effective September 14, 2011. Combined TODS rules into this set and updated rules to conform to 2009 Manual on Uniform Traffic Control Devices.

5. Rules for the Erection and Administration of Tourist Oriented Directional Signs (“TODS”), 2 CCR 601-12.

Repeal Effective September 14, 2011. These rules were repealed and combined with 2 CCR 601-7 for ease of reference for the end user.

6. General Rules of Practice and Procedure before the Transportation Commission of Colorado, 2 CCR 601-11.

Update effective November 14, 2011. These rules were last updated in 1991. The revisions eliminated outdated language, including reference to using a telegraph to provide notice of meetings.

7. Rules Governing Junkyards, 2 CCR 601-2.

Update effective February 10, 2012. These rules were adopted in 1976 and had not been modified since that time. The revisions eliminated unnecessary language and narrowed the scope of the state’s authority in conformance with federal regulations.

8. Rules Governing Travel Restrictions on Highways (“Chain Law Rules”), 2 CCR 601-14.

Update effective April 14, 2012. These rules were adopted in 1996 and had not been modified since that time. The revisions eliminated unnecessary language and included a new product that may be used in place of chains under certain weather conditions. In an effort to have update rules in place for the 2011/2012 winter season, Emergency Rules were also adopted and effective on November 14, 2011. The permanent rule replaces the emergency rule.

9. Rules for Special Events or Civil Functions on State Highways, 2 CCR 601-5.

Repeal effective 12.15.11. Adopted in 1973 and not modified since that date. The rules were no longer applicable under current law. This set of rules referenced a form dated 1979.

10. Rules Governing Authorized Service Vehicles, 2 CCR 602-2.

Update effective April 14, 2012. These rules were adopted in 1977 and had not been modified since that time. These rules concern designation of vehicles as “Authorized Service Vehicles” and specify what types of warning lights may be used. Revisions updated language to current law and practice.



11. Rules Governing Use of Waste Tires for Noise Mitigation, 2 CCR 601-17.

Update effective April 14, 2012. These rules were last updated in 2008. The revisions eliminated unnecessary language and brought rules into compliance with federal regulations regarding noise mitigation.

12. Rules Governing the Law Enforcement Assistance Fund (LEAF), 2 CCR 602-1.

Update effective April 14, 2012. These rules were adopted in 1983 and had not been modified since that time. These rules govern funding for education and enforcement from payment by those found to have driven while impaired. Currently CDOT is not receiving funding for this program but took the opportunity to update criteria to eliminate duplication of grant applications for local law enforcement agencies, and to eliminate unnecessary language.

Rules in Draft Phase or Awaiting Legislation: Total 10

1. Rules Governing Transport Permits for the Movement of Extra-Legal Vehicles or Loads (OSOW Rules), 2 CCR 601-4.

Update. Legislation passed in 2011 required conforming rule language to statutory changes. Transportation Commission will open rules in March, hold a public hearing in May and rules will become effective in early summer.

2. Rules Concerning the Safe Routes to Schools Program, 2 CCR 602-4.

Update. Rules were last updated in 2007. These rules set forth the criteria for federal funding of grants for projects to improve safety for pedestrians and bicyclists in school areas. The revisions will eliminate unnecessary language. The target effective date is June 2012.

3. Rules Regarding the Uniform Relocation Assistance and Real Property Acquisition Regulations, 2 CCR 601-13.

Update. These rules were last updated in 1989. Changes to federal regulations require amendment to the rules, and any unnecessary language will be eliminated. The target effective date is July 2012.

4. Rules Governing the Harvesting of Native Grasses Within Highway Rights-of-Way, 2 CCR 601-16.

Update. These rules were adopted in 2003. The rules allow CDOT to issue permits to harvest native grasses on CDOT rights-of-way. Only a handful of permits have been issued since the rules were adopted in 2003, and CDOT is revising the rules to make the process more manageable

for adjacent landowners seeking permits. This would result in a “win-win” because CDOT would save state dollars by mowing less Rights-of-Way and the adjacent landowner would benefit by selling the harvested grass hay. The target effective date for the rules is August 2012.

5. Rules Concerning the Implementation of the Federal Transit Laws, 2 CCR 603-1.

Update. These rules were last amended in 2005. These rules proscribe procedures for grant applications using federal assistance for public transportation projects in areas other than urbanized areas under 49 U.S.C. 5301 *et seq.* CDOT intends to consolidate 2 CCR 603-1, 2 and 3 into one rule. The target effective date is July 2012.

6. Rules Concerning the Implementation of the Federal Transit Laws, 2 CCR 603-2.

Repeal. These rules were last amended in 1996. These rules prescribe procedures for grant applications for transportation projects designed to meet the special needs of elderly and disabled persons under 49 U.S.C. 5310. CDOT intends to consolidate 2 CCR 603-1, 2 and 3 into one rule. The target effective date is July 2012.

7. Rules Concerning the Implementation of the Federal Transit Laws, 2 CCR 603-3.

Repeal. These rules were last amended in 1996. These rules prescribe procedures for grant applications for planning, research, demonstration projects, human resources programs, training, and technical studies concerning public transportation projects authorized under 49 U.S.C. 5313(b). CDOT intends to consolidate 2 CCR 603-1, 2 and 3 into one rule. The target effective date is July 2012.

8. Rules Concerning the Statewide Transportation Planning Process and Transportation Planning Regions, 2 CCR 604-2.

Update. These rules were last revised in 2006. CDOT will revise the rules to be consistent with federal law and regulations and allow sufficient time to modify language based on transportation planning region boundary changes. CDOT aims to open the rules in June and adopt the rules following a hearing in October 2012.

9. Rules Governing the Motorcycle Operator Safety Training Rules (“MOST”), 2 CCR 602-3.

Update. These rules were last adopted in 2007. CDOT is significantly revising the MOST Program in response to a recent state audit. CDOT will begin revisions on the rules this fiscal year but will wait to commence the rule making process until the next fiscal year pending potential legislative direction.

10. Rules Pertaining to Road Sign Advertising, 2 CCR 601-8.



Update. These rules were adopted in 1984. CDOT aims to revise the rules to conform to current state and federal law, with a target effective date of September 2012.

Rules Not Requiring Update or Repeal Total: 7

1. Colorado State Infrastructure Bank Rules, 2 CCR 605-1. These rules were updated in 2009 pursuant to state statute state statute, § 43-1-113.5(3) C.R.S. and require no revision at present.
2. Rules Concerning the Requirements for Pilot Escort Qualified Training and Certification Programs, 2 CCR 601-6. These rules were last updated in 2007 pursuant to state statute, § 42-4-511(1) C.R.S. and require no revision at present.
3. Rules for the Requirements for Procurement by CDOT of Design-Build Contracts for Transportation Projects, 2 CCR 601-15. These rules were last updated in 1999 pursuant to state statute, § 43-1-1409(1) C.R.S. and require no revision at present.
4. Rules Governing the State Highway Access Code, 2 CCR 601-1. These rules were last updated in 2002 pursuant to state statute, § 43-2-147(4) C.R.S. and require no revision at present.
5. Rules Concerning the State Highway Utility Accommodation Code, 2 CCR 601-18. These rules were last updated in 2009 pursuant to state statute, § 43-1-225(1) C.R.S. and require no revision at present.
6. Traffic Regulations Governing Use of the Tunnels on State Highway Systems, 2 CCR 601-8. These rules were last updated in 2008 and require no revision at present.
7. Rules for Prequalification, Debarment, Bidding and Work on Colorado Department of Transportation Road, Highway and Bridge Public Projects, 1 CCR 601-10. These rules were last updated in 2006 and require no revision at present.