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ELLEN GOLOMBEK
Executive Director

DEPARTMENT OF LABOR AND EMPLOYMENT
OFFICE OF THE EXECUTIVE DIRECTOR

633 17th Street, Suite 1200
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November 1, 2012

Ms. Amy Zook
Deputy Director
Legislative Council Staff
Colorado General Assembly
200 E. Colfax
Denver, CO 80203

Dear Amy:

Pursuant to H.B. 12-1008, section 2-7-203, I am pleased to submit this departmental regulatory agenda on behalf of the Colorado Department of Labor and Employment for your review and records. Please don't hesitate to contact me, or our Director of Policy and Legislation, Patrick Teegarden with any questions or suggestions concerning the contents of this report.

Also, it is my understanding that you will distribute this report to our House and Senate Committees of Reference, and that we will include discussion of it in our annual presentation to those committees, which, of course, is not yet scheduled.

Sincerely,

Ellen Golombek
Executive Director

HB 12-1008 Report From CDLE (submitted 11/1/12 to Legislative Council for the Colorado General Assembly

Estimated Date for action	Division	Rule	Purpose of proposed change	Statutory basis for Rule	Identification of Stakeholders (and planned stakeholder outreach)	Fine or Fee Increase?	Notice to General Assembly
Late Summer, 2013	Division of Labor	Minimum Wage Order	The new state minimum wage is required by Article XVIII, Section 15 of the Colorado Constitution, which provides: Effective January 1, 2007, Colorado's minimum wage shall be increased to $6.85 per hour and shall be adjusted annually for inflation, as measured by the Consumer Price Index used for Colorado. This minimum wage shall be paid to employees who receive the state or federal minimum wage.	8-1-103 C.R.S.	This is a mandatory annual adjustment, driven by federal formula. Although no policy discretion at state level, the Division of Labor circulates anticipated adjustment to Colorado employers when it becomes available. Stakeholders include Colorado Medical Society and Medical Advisory Panel.	no	not required
Spring, 2013	Division of Workers' Compensation	Medical Fee Schedules and Utilization Standards	These are annual reviews and updates, developed in consultation and collaboration with stakeholders, designed to streamline procedures on a regular basis to maintain timeliness and applicability of regulatory provisions.	8-40-101 through 8-47-209 C.R.S. (specific cally, 8-47-107 C.R.S.).	Notice provided to 214 names. Stakeholder list, including physicians, insurers, claimant and employer reps include some confidential records and data. Contact information will be made available upon request to CDLE.	no	not required

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Public Notice on 9/27/12, with public hearing planned for 11/15/12	Division of Workers' Compensation	Traumatic Brain Injury Medical Treatment Guidelines	Updated annually per statutory requirement. (Updates prepared in consultation with Colorado Medical Society and Medical Advisory Panel.	8-40-101 through 8-47-209 C.R.S. (specifically , 8-47-107 C.R.S.).	Notice provided to 214 names. Stakeholder list, including physicians, insurers, claimant and employer reps include some confidential records and data. Contact information will be made available upon request to CDLE. Stakeholders include Colorado Medical Society and Medical Advisory Panel.	no	not required
December 2012 public notice and January or February, 2013 hearing	Division of Workers' Compensation	Final Pay Notice and Medical Utilization Review	In collaboration with identified stakeholders, this rulemaking is designed to eliminate unnecessary administrative procedures and statistical data collection.		Notice provided to 214 names. Stakeholder list, including physicians, insurers, claimant and employer reps include some confidential records and data. Contact information will be made available upon request to CDLE. Stakeholders include Colorado Medical Society and Medical Advisory Panel.	no	not required

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Hearing scheduled for 11-30-12, stakheolder meetings, including aprroximately 21 stakeholders, held 8-23-12 and 9-26-12.	Division of Oil and Public Safety	Conveyence (elevators, escalators) Regulations	Clarification of language and policy goals for easier interpretation by stakeholders.	9-5.5-101 C.R.S.	owners and operators of conveyances-list maintained by CDLE, and specific contact information available upon request.	no	not required
Public Notice planned for 12-1-12, with hearing planned for 5-30-13, and stakeholder meetings prior to hearing.;	Division of Oil and Public Safety	Explosives (7 CCR 1101-9)	Clarification of language and policy goals for easier interpretation by stakeholders, and review for consistency with federal requirements (ATF).	9-7-105 C.R.S.	Stakeholders List maintained by CDLE: specific contact information available upon request.	No	not required

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Public Notice on 9-15-12 with hearing set for 1-14-13	Division of Oil and Public Safety	Amusement Rides and Devices (7 CCR 1101-12)	To change fee structure for amusement ride industry from 2 separate fees to a single fee. Currently, Children's rides (Class A) are $100, and Adult rides (Class B) are $135. It was the consensus of the stakheholders and the divison that a single fee of $130 for all rides should replace the current two-tiered schedule. This proposed new fee schedule is designed to be revenue neutral.	8-20-1002 C.R.S.	Stakeholder Outreach meeting held on 10-26-12, including approximately 50 stakeholders (owners and operators of amusement rides falling under regulatory oversight.	Yes	Notice provided to the General Assembly through this report, with update to follow upon completion of regulatory process, anticipated for mid January, 2013.
Public Notice planned for 12-15-12, with anticipated hearing date for 1-14-13.	Division of Oil and Public Safety	Boiler Inspection Program (7 CCR 1101-5	Proposed change in fee structure from boiler size to BTU-based calculation. This proposal would not result in any indvidual fee increase above current levels. Reduction of fees is possible, but not yet determined for certain types of boilers.		Stakeholder outreach meeting is planned for 11-12-12, with approximately 20 participants confirmed to attend so far.	No	Not required, although if decreases in certain fees result, that information will be provided in update to this report.

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Public Notice planned for 12-15-12, with anticipated hearing date for 1-14-13.	Division of Oil and Public Safety	Petroleum Program (7 CCR 1101-14	The Petroleum Program is proposing to reorganize the Storage Tank Regulations to improve the flow and enhance the readability of the regulations as well as clarify requirements. The proposed revisions will also include a few technical changes that primarily add existing policies to regulation.	8-20-101 through 8-20-415 C.R.S. and 8-20.5-101 through 8-20.5-401 C.R.S.	Stakeholder outreach, including Petroleum Marketers Association and other identified interested parties, is planned for 11-7-12 and an additional meeting later in November as well--to date, approximately 50 identified attendees.	No	Not Required
No Regualtory Action planned at this time	Division of Unemployment Insurance		Although no regulatory actions are contemplated at this time, the Division of Unemployment Insurance is prepared to promulgate rules next summer if required by legislation enacted during the 2013 session of the Colorado General Assembly.	8-70-101 through 8-82-103 C.R.S.	Complete lists of Colorado Employers and UI Claimants are maintained on an ongoing basis. Additionally, CDLE regularly convenes a UI Stakeholder task force, made up of broad-based representation from employers and business generally, as well as organized labor and other worker advocates. Further information and contact information is available upon request from CDLE.	n/a	n/a