

**First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO**

ENGROSSED

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

LLS NO. 11-0154.01 Debbie Haskins

SENATE BILL 11-078

SENATE SPONSORSHIP

Morse, Carroll, Roberts, Schwartz

HOUSE SPONSORSHIP

Gardner B., Labuda, Levy, Murray, Waller

Senate Committees
Legal Services

House Committees

A BILL FOR AN ACT

101 **CONCERNING IMPLEMENTATION OF RECOMMENDATIONS OF THE**
102 **COMMITTEE ON LEGAL SERVICES IN CONNECTION WITH**
103 **LEGISLATIVE REVIEW OF RULES AND REGULATIONS OF STATE**
104 **AGENCIES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Committee on Legal Services. Based on the findings and recommendations of the committee on legal services, the bill extends the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
2nd Reading Unamended
April 25, 2011

rules and regulations of state agencies that were adopted or amended on or after November 1, 2009, and before November 1, 2010, with the exception of the rules and regulations specifically listed in the bill. Those specified rules and regulations will expire as scheduled in the "State Administrative Procedure Act" on May 15, 2011, on the grounds that the rules and regulations either conflict with statute or lack or exceed statutory authority.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Rules and regulations scheduled for expiration**

3 **May 15, 2011 - extension.** (1) Except as indicated, the expiration of all
4 rules and regulations of agencies in the following principal departments,
5 which rules and regulations were adopted or amended on or after
6 November 1, 2009, and before November 1, 2010, and that are therefore
7 scheduled for expiration May 15, 2011, is postponed, and the provisions
8 of section 24-4-108 or 24-34-104, Colorado Revised Statutes, shall apply:

9 (a) Department of agriculture;

10 (b) Department of corrections;

11 (c) Department of education; except that the following rules are
12 not extended:

13 (I) The following rule of the state board of education concerning
14 administration of the accreditation of school districts (1 CCR 301-1):
15 Rule 5.07, concerning the state board shall not allow a district or the
16 institute to remain in the accreditation category of accredited with priority
17 improvement plan and/or accredited with turnaround plan for longer than
18 a total of five (5) consecutive school years;

19 (II) The following rules of the state board of education concerning
20 administration of the Colorado school awards program (1 CCR 301-51):

21 (A) Rule 2207-R-3.01 (D) (5), concerning if a school building
22 contains more than one complete school level, they shall receive only one

- 1 monetary award regardless of the number of report cards received;
- 2 (B) Rule 2207-R-3.02 (B), concerning these awards shall be
3 granted to the public schools in the state demonstrating the highest rates
4 of sustained student longitudinal growth across multiple years;
- 5 (III) The following rules of the state board of education
6 concerning administration of accountability for alternative education
7 campuses (1 CCR 301-57):
- 8 (A) Rule 2207602-R-3.02, concerning on or before July 1 of each
9 year, the institute or local school board for any public school that desires
10 to be designated an alternative education campus;
- 11 (B) Rule 2207602-R-3.03, concerning on or before August 20 of
12 each year, the state board shall approve the designation as an alternative
13 education campus;
- 14 (C) Rule 2207602-R-3.04, concerning if the state board denies a
15 request for a public school to be designated as an alternative education
16 campus;
- 17 (D) Rule 2207602-R-3.05, including the introductory portion and
18 subdivisions (A) to (D), concerning the department shall annually review
19 the performance of each alternative education campus based on the
20 following indicators;
- 21 (E) Rule 2207602-R-3.06, to properly reflect the unique purposes
22 of the campus and unique circumstances of and challenges posed by the
23 students enrolled in the campus;
- 24 (F) Rule 2207602-R-3.07, including the introductory portion and
25 subdivisions (A) to (G), concerning policy guidance issued by the
26 department;
- 27 (G) Rule 2207602-R-3.08, concerning no later than July 1, 2010,

1 the department shall promulgate policy guidance;

2 (IV) The following rule of the state board of education concerning
3 administration, certification and oversight of Colorado online programs
4 (1 CCR 301-71): Rule 3.02.2, concerning the adopted curriculum of the
5 online program is aligned with the Colorado model content standards;

6 (d) Department of health care policy and financing;

7 (e) Department of higher education;

8 (f) Department of human services; except that the following rules
9 are not extended:

10 (I) The following rule of the state board of human services
11 concerning the public mental health system (2 CCR 502-4): Rule 21.920
12 D., concerning fingerprints and a sample for urinalysis through an
13 approved process for the purpose of completing a background check;

14 (II) The following rule of the state board of human services
15 concerning rule manual volume 3, income maintenance, general rules (9
16 CCR 2503-1): Rule 3.140.173 C., including the introductory portion and
17 subdivisions 1. to 4., concerning hardship exceptions;

18 (III) The following rule of the state board of human services
19 concerning rule manual volume 7 child welfare services (12 CCR
20 2509-4): Rule 7.306.35, including subdivisions A. to C., concerning
21 release of information from closed records;

22 (g) Department of labor and employment;

23 (h) Department of law;

24 (i) Department of local affairs;

25 (j) Department of military and veterans affairs;

26 (k) Department of natural resources;

27 (l) Department of personnel; except that the following rule of the

1 state personnel director concerning personnel board rules and personnel
2 director's administrative procedures (4 CCR 801-1) is not extended: Rule
3 5-21. D., concerning volunteer firefighter leave;

4 (m) Department of public health and environment; except that the
5 following rule of the state board of health concerning emergency medical
6 services (6 CCR 1015-3) is not extended: Rule 5.4.1 D), concerning the
7 department may renew a provisional certification;

8 (n) Department of public safety;

9 (o) Department of regulatory agencies;

10 (p) Department of revenue;

11 (q) Department of state;

12 (r) Department of transportation;

13 (s) Department of the treasury.

14 (2) The expiration of all rules and regulations of the public
15 employees' retirement association, which rules and regulations were
16 adopted or amended on or after November 1, 2009, and before November
17 1, 2010, and which are therefore scheduled for expiration May 15, 2011,
18 is postponed.

19 (3) The expiration of all rules and regulations of the office of
20 information technology, in the office of the governor, which rules and
21 regulations were adopted or amended on or after November 1, 2009, and
22 before November 1, 2010, and which are therefore scheduled for
23 expiration May 15, 2011, is postponed.

24 (4) The recommendations of the committee on legal services as
25 reflected in this act shall apply to the specified rules in the form in which
26 said rules were considered and acted upon by the committee. Any
27 amendments or other changes in the specified rules that became effective

1 before November 1, 2010, that comply with the recommendations of the
2 committee on legal services are not affected by this act. Any subsequent
3 amendments or other changes in the specified rules that became effective
4 on or after November 1, 2010, are not affected by this act.

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