

First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

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
Legal Services

HOUSE
3rd Reading Unam ended
May 11, 2011

HOUSE
Am ended 2nd Reading
May 10, 2011

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.**

SENATE
3rd Reading Unam ended
April 26, 2011

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

SENATE
2nd Reading Unam ended
April 25, 2011

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.

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; **except that**
5 **Rule 2207-R-3.02 (B) is extended if House Bill 11-1277 is enacted and**
6 **becomes law;**

7 (III) The following rules of the state board of education
8 concerning administration of accountability for alternative education
9 campuses (1 CCR 301-57):

10 (A) Rule 2207602-R-3.02, concerning on or before July 1 of each
11 year, the institute or local school board for any public school that desires
12 to be designated an alternative education campus; **except that Rule**
13 **2207602-R-3.02 is extended if House Bill 11-1277 is enacted and**
14 **becomes law;**

15 (B) Rule 2207602-R-3.03, concerning on or before August 20 of
16 each year, the state board shall approve the designation as an alternative
17 education campus; **except that Rule 2207602-R-3.03 is extended if House**
18 **Bill 11-1277 is enacted and becomes law;**

19 (C) Rule 2207602-R-3.04, concerning if the state board denies a
20 request for a public school to be designated as an alternative education
21 campus; **except that Rule 2207602-R-3.04 is extended if House Bill**
22 **11-1277 is enacted and becomes law;**

23 (D) Rule 2207602-R-3.05, including the introductory portion and
24 subdivisions (A) to (D), concerning the department shall annually review
25 the performance of each alternative education campus based on the
26 following indicators;

27 (E) Rule 2207602-R-3.06, to properly reflect the unique purposes

1 of the campus and unique circumstances of and challenges posed by the
2 students enrolled in the campus;

3 (F) Rule 2207602-R-3.07, including the introductory portion and
4 subdivisions (A) to (G), concerning policy guidance issued by the
5 department;

6 (G) Rule 2207602-R-3.08, concerning no later than July 1, 2010,
7 the department shall promulgate policy guidance;

8 (IV) The following rule of the state board of education concerning
9 administration, certification and oversight of Colorado online programs
10 (1 CCR 301-71): Rule 3.02.2, concerning the adopted curriculum of the
11 online program is aligned with the Colorado model content standards;

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

13 (e) Department of higher education;

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

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

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

24 (III) The following rule of the state board of human services
25 concerning rule manual volume 7 child welfare services (12 CCR
26 2509-4): Rule 7.306.35, including subdivisions A. to C., concerning
27 release of information from closed records;

- 1 (g) Department of labor and employment;
- 2 (h) Department of law; except that the following rule of the
3 administrator of the "Uniform Consumer Credit Code" concerning
4 uniform consumer credit code rules (4 CCR 902-1) is not extended: Rule
5 17 (I) 2., concerning the refund required by section 5-3.1-105, C.R.S.
6 shall include the pro-rata portion of the origination/acquisition fee, the
7 interest rate, and the monthly maintenance fee;
- 8 (i) Department of local affairs;
- 9 (j) Department of military and veterans affairs;
- 10 (k) Department of natural resources;
- 11 (l) Department of personnel; except that the following rule of the
12 state personnel director concerning personnel board rules and personnel
13 director's administrative procedures (4 CCR 801-1) is not extended: Rule
14 5-21. D., concerning volunteer firefighter leave;
- 15 (m) Department of public health and environment; except that the
16 following rule of the state board of health concerning emergency medical
17 services (6 CCR 1015-3) is not extended: Rule 5.4.1 D), concerning the
18 department may renew a provisional certification;
- 19 (n) Department of public safety;
- 20 (o) Department of regulatory agencies;
- 21 (p) Department of revenue;
- 22 (q) Department of state;
- 23 (r) Department of transportation;
- 24 (s) Department of the treasury.
- 25 (2) The expiration of all rules and regulations of the public
26 employees' retirement association, which rules and regulations were
27 adopted or amended on or after November 1, 2009, and before November

1 1, 2010, and which are therefore scheduled for expiration May 15, 2011,
2 is postponed.

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

8 (4) The recommendations of the committee on legal services as
9 reflected in this act shall apply to the specified rules in the form in which
10 said rules were considered and acted upon by the committee. Any
11 amendments or other changes in the specified rules that became effective
12 before November 1, 2010, that comply with the recommendations of the
13 committee on legal services are not affected by this act. Any subsequent
14 amendments or other changes in the specified rules that became effective
15 on or after November 1, 2010, are not affected by this act.

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