

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

**REVISED**

*This Version Includes All Amendments Adopted  
on Second Reading 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

---

**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.*

HOUSE  
Am ended 2nd Reading  
May 10, 2011

SENATE  
3rd Reading Unamended  
April 26, 2011

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; **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.