

## CHAPTER 295

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**GOVERNMENT - STATE**

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**HOUSE BILL 17-1359**

BY REPRESENTATIVE(S) Young, Exum, Gray, Hamner, Hansen, Kraft-Tharp, Lee, Rankin;  
also SENATOR(S) Gardner.

**AN ACT****CONCERNING POSITIONS IN THE DEPARTMENT OF EDUCATION THAT ARE EXEMPT FROM THE STATE PERSONNEL SYSTEM.**

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

**SECTION 1.** In Colorado Revised Statutes, **amend** 22-2-104 as follows:

**22-2-104. Offices and positions - nature.** (1) As a matter of legislative determination, the offices of commissioner of education, assistant commissioners of education, and all positions of employment classified by the board as director, consultant, supervisor, or instructor are declared to be educational in nature AND ADMINISTRATORS OF THE DEPARTMENT and not under the state personnel system IN ACCORDANCE WITH SECTION 13 (2)(a)(VII) OF ARTICLE XII OF THE STATE CONSTITUTION. THE BOARD MAY AUTHORIZE THE COMMISSIONER, AS ITS DESIGNEE, TO CLASSIFY POSITIONS OF EMPLOYMENT PURSUANT TO THIS SECTION.

(2) ANY EMPLOYEE HOLDING A POSITION THAT WAS EXEMPT FROM THE STATE PERSONNEL SYSTEM PRIOR TO JANUARY 1, 2017, MAY REMAIN EXEMPT FROM THE STATE PERSONNEL SYSTEM SO LONG AS THE EMPLOYEE CONTINUES TO HOLD THAT POSITION.

(3) THE BOARD OR THE COMMISSIONER, AS THE DESIGNEE OF THE BOARD, SHALL DETERMINE WHICH POSITIONS IN THE DEPARTMENT MEET THE CRITERIA SET FORTH IN SUBSECTION (1) OF THIS SECTION; EXCEPT THAT A POSITION SHALL NOT BE DETERMINED TO BE EXEMPT WHILE IT IS HELD BY AN EMPLOYEE IN THE STATE PERSONNEL SYSTEM.

(4) NO LATER THAN DECEMBER 31, 2017, AND NO LATER THAN DECEMBER 31 OF EACH YEAR THEREAFTER, THE COMMISSIONER SHALL SUBMIT A REPORT TO THE

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

STATE PERSONNEL DIRECTOR, IN THE FORM PRESCRIBED BY THE DIRECTOR, LISTING ALL POSITIONS IN THE DEPARTMENT THAT ARE EXEMPT FROM THE STATE PERSONNEL SYSTEM IN ACCORDANCE WITH THIS SECTION.

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

Approved: June 2, 2017