

CHAPTER 177

ADMINISTRATIVE RULE REVIEW

SENATE BILL 11-078

BY SENATOR(S) Morse, Carroll, Roberts, Schwartz;
 also REPRESENTATIVE(S) Gardner B., Murray, Waller, Barker, Beezley, Gerou, Holbert, Joshi, Kerr J., Liston, Nikkel, Priola,
 Scott, Stephens, McNulty, Casso, Court, Duran, Hamner, Jones, Kerr A., Lee, Pace, Ramirez, Schafer S., Soper, Todd, Vigil,
 Wilson.

AN ACT

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

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

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

- (a) Department of agriculture;
- (b) Department of corrections;
- (c) Department of education; except that the following rules are not extended:

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

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

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

(A) Rule 2207-R-3.01 (D)(5), concerning if a school building contains more than one complete school level, they shall receive only one monetary award regardless of the number of report cards received;

(B) Rule 2207-R-3.02 (B), concerning these awards shall be granted to the public schools in the state demonstrating the highest rates of sustained student longitudinal growth across multiple years;

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

(A) Rule 2207602-R-3.02, concerning on or before July 1 of each year, the institute or local school board for any public school that desires to be designated an alternative education campus;

(B) Rule 2207602-R-3.03, concerning on or before August 20 of each year, the state board shall approve the designation as an alternative education campus;

(C) Rule 2207602-R-3.04, concerning if the state board denies a request for a public school to be designated as an alternative education campus;

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

(E) Rule 2207602-R-3.06, to properly reflect the unique purposes of the campus and unique circumstances of and challenges posed by the students enrolled in the campus;

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

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

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

(d) Department of health care policy and financing;

(e) Department of higher education;

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

(I) The following rule of the state board of human services concerning the public mental health system (2 CCR 502-4): Rule 21.920 D., concerning fingerprints and

a sample for urinalysis through an approved process for the purpose of completing a background check;

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

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

(g) Department of labor and employment;

(h) Department of law;

(i) Department of local affairs;

(j) Department of military and veterans affairs;

(k) Department of natural resources;

(l) Department of personnel; except that the following rule of the state personnel director concerning personnel board rules and personnel director's administrative procedures (4 CCR 801-1) is not extended: Rule 5-21. D., concerning volunteer firefighter leave;

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

(n) Department of public safety;

(o) Department of regulatory agencies;

(p) Department of revenue;

(q) Department of state;

(r) Department of transportation;

(s) Department of the treasury.

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

(3) The expiration of all rules and regulations of the office of information technology, in the office of the governor, which rules and regulations were adopted

or amended on or after November 1, 2009, and before November 1, 2010, and which are therefore scheduled for expiration May 15, 2011, is postponed.

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

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: May 13, 2011