

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 12-0374.01 Debbie Haskins x2045

HOUSE BILL 12-1086

HOUSE SPONSORSHIP

Gardner B., Labuda, Levy, Murray, Waller

SENATE SPONSORSHIP

Morse, Brophy, Guzman, Roberts, Schwartz

House Committees
Legal Services

Senate 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 all

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
3rd Reading Unamended
February 14, 2012

HOUSE
Amended 2nd Reading
February 13, 2012

state agency rules and regulations that were adopted or amended on or after November 1, 2010, and before November 1, 2011, 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, 2012, 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, 2012 - 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, 2010, and before November 1, 2011, and that are therefore
7 scheduled for expiration May 15, 2012, 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 of the
12 state board of education concerning parental notification upon an arrest
13 made or charges brought against school employee (1 CCR 301-83) are not
14 extended:

15 (I) Rule 1.00, concerning definitions;

16 (II) Rule 2.00, concerning parental notification;

17 (III) Rule 3.00, concerning notification requirements;

18 (IV) Rule 4.00, concerning list of offenses requiring notification;

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

20 (e) Department of higher education;

21 (f) Department of human services; except that the following rule
22 of the state board of human services, concerning rule manual volume 3,

1 income maintenance, general requirements for citizenship and lawful
2 presence (9 CCR 2503-1) is not extended: Rule 3.140.12 D. 14.,
3 concerning emergency applicants and crisis intervention program under
4 the low-income energy assistance program (LEAP);

5 (g) Department of labor and employment;

6 (h) Department of law;

7 (i) Department of local affairs;

8 (j) Department of military and veterans affairs;

9 (k) Department of natural resources;

10 (l) Department of personnel; except that the following rules of the
11 department of personnel concerning the address confidentiality program
12 (1 CCR 103-6) are not extended:

13 (I) Rule 1.0, concerning introduction;

14 (II) Rule 2.0, concerning definitions;

15 (III) Rule 3.0, concerning application assistant designation;

16 (IV) Rule 4.0, concerning participant telephone number and
17 address changes;

18 (V) Rule 5.0, concerning expedited release of participant
19 information to criminal justice officials or agencies;

20 (VI) Rule 6.0, concerning public school enrollment and record
21 transfers;

22 (m) Department of public health and environment;

23 (n) Department of public safety;

24 (o) Department of regulatory agencies;

25 (p) Department of revenue;

26 (q) Department of state; ■ ■ ■

27 (r) Department of transportation;

1 (s) Department of the treasury.

2 (2) The expiration of all rules and regulations of the public
3 employees' retirement association, which rules and regulations were
4 adopted or amended on or after November 1, 2010, and before November
5 1, 2011, and which are therefore scheduled for expiration May 15, 2012,
6 is postponed.

7 (3) The expiration of all rules and regulations of the office of
8 information technology, in the office of the governor, which rules and
9 regulations were adopted or amended on or after November 1, 2010, and
10 before November 1, 2011, and which are therefore scheduled for
11 expiration May 15, 2012, is postponed.

12 (4) The recommendations of the committee on legal services as
13 reflected in this act apply to the specified rules in the form in which said
14 rules were considered and acted upon by the committee. Any amendments
15 or other changes in the specified rules that became effective before
16 November 1, 2011, that comply with the recommendations of the
17 committee on legal services are not affected by this act. Any subsequent
18 amendments or other changes in the specified rules that became effective
19 on or after November 1, 2011, are not affected by this act.

20 (5) The automatic expiration of the rules of the state board of
21 education, department of education, concerning the process for
22 nonprobationary teacher to appeal second consecutive performance
23 evaluation rating of ineffective or partially effective in the rules for
24 administration of a statewide system to evaluate the effectiveness of
25 licensed personnel employed by school districts and boards of cooperative
26 services (1 CCR 301-87), which rules were adopted on April 11, 2012,
27 and that are therefore scheduled for expiration May 15, 2013, is

1 postponed, effective May 15, 2012.

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