

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

REVISED

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

LLS NO. 19-0701.02 Jacob Baus x2173

SENATE BILL 19-104

SENATE SPONSORSHIP

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HOUSE SPONSORSHIP

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Education

A BILL FOR AN ACT

101 **CONCERNING THE ELIMINATION OF DUPLICATE REGULATION OF THE**
102 **PROPERTY OF A SCHOOL DISTRICT, DISTRICT CHARTER SCHOOL,**
103 **OR INSTITUTE CHARTER SCHOOL.**

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://leg.colorado.gov>.)

The bill amends the regulatory authority of the state board of health, the department of public health and environment, and the department of human services (state agencies), so that in the event of a conflict between a law, rule, code, standard, or ordinance of a state agency and the department of education or applicable local government,

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
Amended 2nd Reading
April 26, 2019

SENATE
3rd Reading Unamended
April 15, 2019

SENATE
Amended 2nd Reading
April 12, 2019

the law, rule, code, standard, or ordinance of the department of education or applicable local government prevails with regard to matters concerning:

- ! A building or structure on the property of a school district, charter school, or institute charter school; or
- ! Public health, safety, and welfare on the property of a school district, charter school, or institute charter school.

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

SECTION 1. In Colorado Revised Statutes, add article 99 to title 22 as follows:

ARTICLE 99

Eliminate Duplicate Regulations

22-99-101. Elimination of duplicate regulations commission - creation - definition. (1) THERE IS CREATED IN THE DEPARTMENT OF EDUCATION THE ELIMINATION OF DUPLICATE REGULATIONS COMMISSION, REFERRED TO IN THIS ARTICLE 99 AS THE "COMMISSION".

(2) THE COMMISSION CONSISTS OF:

(a) THE COMMISSIONER OF EDUCATION, OR HIS OR HER DESIGNEE;

(b) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES, OR HIS OR HER DESIGNEE;

(c) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, OR HIS OR HER DESIGNEE;

(d) THE DIRECTOR OF THE DIVISION OF FIRE PREVENTION AND CONTROL IN THE DEPARTMENT OF PUBLIC SAFETY, OR HIS OR HER DESIGNEE; AND

(e) AT LEAST THREE PRACTITIONERS, APPOINTED BY THE COMMISSIONER OF EDUCATION, WHOSE PROGRAMS ARE IN GOOD LICENSING STANDING WITH THE DEPARTMENT OF HUMAN SERVICES AND ARE OPERATED BY, OR ON BEHALF OF, A SCHOOL DISTRICT, DISTRICT CHARTER

1 SCHOOL, OR INSTITUTE CHARTER SCHOOL.

2 (3) FOR PURPOSES OF THIS ARTICLE 99, UNLESS THE CONTEXT
3 OTHERWISE REQUIRES, "PROGRAM" MEANS A SCHOOL-AGED CHILD CARE
4 PROGRAM THAT HOLDS A LICENSE PURSUANT TO PART 1 OF ARTICLE 6 OF
5 TITLE 26, INCLUDING A BEFORE AND AFTER SCHOOL PROGRAM, DAY CAMP,
6 SUMMER CAMP, EXTENDED DAY PROGRAM, OR PLAYGROUND PROGRAM,
7 AND OPERATES ON THE PROPERTY OF A SCHOOL DISTRICT, DISTRICT
8 CHARTER SCHOOL, OR INSTITUTE CHARTER SCHOOL.

9 **22-99-102. Duties.** (1) THE COMMISSION SHALL:

10 (a) ANALYZE AND IDENTIFY DUPLICATE REGULATIONS
11 PROMULGATED BY THE DEPARTMENT OF EDUCATION, THE DEPARTMENT OF
12 HUMAN SERVICES, [REDACTED] THE DEPARTMENT OF PUBLIC HEALTH AND
13 ENVIRONMENT, AND THE DIVISION OF FIRE PREVENTION AND CONTROL IN
14 THE DEPARTMENT OF PUBLIC SAFETY RELATING TO HEALTH AND SAFETY
15 REQUIREMENTS FOR PROGRAMS, INCLUDING, WITHOUT LIMITATION, THE
16 ACTIVE OVERSIGHT AND MONITORING OF SUCH PROGRAMS; AND

17 (b) IDENTIFY WHICH REGULATIONS DESCRIBED IN SUBSECTION
18 (1)(a) OF THIS SECTION MAY BE ELIMINATED, REVISED, OR DELEGATED TO
19 THE DEPARTMENT OF EDUCATION, THE DEPARTMENT OF HUMAN SERVICES,
20 OR THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT TO
21 ELIMINATE DUPLICATE REGULATIONS AND ENSURE THE EFFICIENT
22 REGULATION OF THE HEALTH AND SAFETY REQUIREMENTS FOR PROGRAMS.

23 (2) WHEN PERFORMING THE DUTIES IN SUBSECTION (1) OF THIS
24 SECTION, THE COMMISSION SHALL:

25 (a) CONSIDER AND PRIORITIZE ORAL AND WRITTEN PUBLIC
26 TESTIMONY;

27 (b) CONSIDER AND PRIORITIZE UPDATING REGULATIONS

1 CONSISTENT WITH EVIDENCE-BASED RESEARCH REGARDING THE HEALTH
2 AND SAFETY OF CHILDREN; AND

3 (c) CONSIDER AND PRIORITIZE UPDATING REGULATIONS TO ALIGN
4 WITH REQUIREMENTS FOR FEDERAL FUNDING ELIGIBILITY.

5 (2) ON OR BEFORE JUNE 30, 2020, THE DEPARTMENT OF
6 EDUCATION, THE DEPARTMENT OF HUMAN SERVICES, AND THE
7 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT SHALL COMMENCE
8 RESPECTIVE RULE-MAKING PROCEEDINGS CONSISTENT WITH THE
9 OUTCOMES OF THE COMMISSION.

10 **22-99-103. Repeal of article.** THIS ARTICLE 99 IS REPEALED,
11 EFFECTIVE JULY 1, 2021.

12 **SECTION 2. Act subject to petition - effective date.** This act
13 takes effect at 12:01 a.m. on the day following the expiration of the
14 ninety-day period after final adjournment of the general assembly (August
15 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a
16 referendum petition is filed pursuant to section 1 (3) of article V of the
17 state constitution against this act or an item, section, or part of this act
18 within such period, then the act, item, section, or part will not take effect
19 unless approved by the people at the general election to be held in
20 November 2020 and, in such case, will take effect on the date of the
21 official declaration of the vote thereon by the governor.