

First Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

**REREVISED**

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

LLS NO. 17-1165.01 Nicole Myers x4326

**HOUSE BILL 17-1359**

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**HOUSE SPONSORSHIP**

**Young,**

**SENATE SPONSORSHIP**

**Gardner,**

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**House Committees**  
Education

**Senate Committees**  
Education

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**A BILL FOR AN ACT**

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

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**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>.)*

Current statutory law provides the state board of education (board) with the discretion to exempt some positions in the department of education (department) from the state personnel system if the positions are determined by the board to be director, consultant, supervisor, or instructor positions. The bill authorizes the board to delegate the authority to make these determinations.

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.*

SENATE  
3rd Reading Unamended  
May 8, 2017

SENATE  
Amended 2nd Reading  
May 5, 2017

HOUSE  
3rd Reading Unamended  
April 28, 2017

HOUSE  
Amended 2nd Reading  
April 27, 2017

The bill specifies that any employee holding a position determined by the board or its designee to be a director, a consultant, a supervisor, or an instructor position on or before September 1, 2017, remains exempt from the state personnel system so long as the employee continues to hold that position.

The board or its designee is required to determine which positions in the department meet the criteria to be exempt from the state personnel system; except that the board may not determine that a position is exempt while it is held by an employee in the state personnel system.

On or before December 31 of each year, the commissioner of education is required to submit a report to the state personnel director listing all positions in the department that are exempt, pursuant to the board's statutory authority, from the state personnel system.

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

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

4 **22-2-104. Offices and positions - nature.** (1) As a matter of  
5 legislative determination, the offices of commissioner of education,  
6 assistant commissioners of education, and all positions of employment  
7 classified by the board as director, consultant, supervisor, or instructor  
8 are declared to be educational in nature AND ADMINISTRATORS OF THE  
9 DEPARTMENT and not under the state personnel system IN ACCORDANCE  
10 WITH SECTION 13 (2)(a)(VII) OF ARTICLE XII OF THE STATE CONSTITUTION.  
11 THE BOARD MAY AUTHORIZE THE COMMISSIONER, AS ITS DESIGNEE, TO  
12 CLASSIFY POSITIONS OF EMPLOYMENT PURSUANT THIS SECTION.

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

17 (3) THE BOARD OR THE COMMISSIONER, AS THE DESIGNEE OF THE  
18 BOARD, SHALL DETERMINE WHICH POSITIONS IN THE DEPARTMENT MEET

1 THE CRITERIA SET FORTH IN SUBSECTION (1) OF THIS SECTION; EXCEPT  
2 THAT A POSITION SHALL NOT BE DETERMINED TO BE EXEMPT WHILE IT IS  
3 HELD BY AN EMPLOYEE IN THE STATE PERSONNEL SYSTEM.

4 (4) NO LATER THAN DECEMBER 31, 2017, AND NO LATER THAN  
5 DECEMBER 31 OF EACH YEAR THEREAFTER, THE COMMISSIONER SHALL  
6 SUBMIT A REPORT TO THE STATE PERSONNEL DIRECTOR, IN THE FORM  
7 PRESCRIBED BY THE DIRECTOR, LISTING ALL POSITIONS IN THE  
8 DEPARTMENT THAT ARE EXEMPT FROM THE STATE PERSONNEL SYSTEM IN  
9 ACCORDANCE WITH THIS SECTION.

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