

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

REVISED

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

LLS NO. 17-1165.01 Nicole Myers x4326

HOUSE BILL 17-1359

HOUSE SPONSORSHIP

Young,

SENATE SPONSORSHIP

Gardner,

House Committees
Education

Senate Committees
Education

A BILL FOR AN ACT

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

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
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.

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.