

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

INTRODUCED

LLS NO. 19-0701.02 Jacob Baus x2173

SENATE BILL 19-104

SENATE SPONSORSHIP

Holbert,

HOUSE SPONSORSHIP

Baisley,

Senate Committees

State, Veterans, & Military Affairs

House Committees

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.

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.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) High-quality before-and-after-school programs are essential
5 to the success of Colorado's public schools;

6 (b) Many of these before-and-after-school programs are operated
7 on public school facilities;

8 (c) The department of education, local governments, the state
9 board of health, the department of public health and environment, and the
10 department of human services have authority to regulate public school
11 facilities simultaneously;

12 (d) The scenario of multiple regulatory authorities has created
13 confusion regarding the applicable laws, rules, codes, standards, or
14 ordinances for public school facilities; and

15 (e) It is in the state's best interest to have a consistent set of rules
16 concerning the health, safety, and welfare of public school facilities.

17 (2) The general assembly, therefore, declares that it is necessary
18 and appropriate to deconflict rules promulgated by various agencies as
19 they relate to rules concerning public school facilities and the health,
20 safety, and welfare of public school facilities.

21 **SECTION 2.** In Colorado Revised Statutes, **add** 25-1-108.3 as
22 follows:

1 **25-1-108.3. Conflict of law - school facilities.** (1) IN THE EVENT
2 OF A CONFLICT BETWEEN A LAW, RULE, CODE, STANDARD, OR ORDINANCE
3 OF THE BOARD AND THE DEPARTMENT OF EDUCATION OR APPLICABLE
4 LOCAL GOVERNMENT, THE LAW, RULE, CODE, STANDARD, OR ORDINANCE
5 OF THE DEPARTMENT OF EDUCATION OR APPLICABLE LOCAL GOVERNMENT
6 PREVAILS WITH REGARD TO MATTERS CONCERNING:

7 (a) A PLAN REVIEW, BUILDING PERMIT, INSPECTION, OR
8 CERTIFICATE OF OCCUPANCY OF A BUILDING OR STRUCTURE ON THE
9 PROPERTY OF A SCHOOL DISTRICT, CHARTER SCHOOL, OR INSTITUTE
10 CHARTER SCHOOL; OR

11 (b) PUBLIC HEALTH, SAFETY, OR WELFARE ON THE PROPERTY OF A
12 SCHOOL DISTRICT, CHARTER SCHOOL, OR INSTITUTE CHARTER SCHOOL.

13 **SECTION 3.** In Colorado Revised Statutes, **add** 25-1.5-101.5 as
14 follows:

15 **25-1.5-101.5. Conflict of law - school facilities.** (1) IN THE
16 EVENT OF A CONFLICT BETWEEN A LAW, RULE, CODE, STANDARD, OR
17 ORDINANCE OF THE DEPARTMENT AND THE DEPARTMENT OF EDUCATION
18 OR APPLICABLE LOCAL GOVERNMENT, THE LAW, RULE, CODE, STANDARD,
19 OR ORDINANCE OF THE DEPARTMENT OF EDUCATION OR APPLICABLE LOCAL
20 GOVERNMENT PREVAILS WITH REGARD TO MATTERS CONCERNING:

21 (a) A PLAN REVIEW, BUILDING PERMIT, INSPECTION, OR
22 CERTIFICATE OF OCCUPANCY OF A BUILDING OR STRUCTURE ON THE
23 PROPERTY OF A SCHOOL DISTRICT, CHARTER SCHOOL, OR INSTITUTE
24 CHARTER SCHOOL; OR

25 (b) PUBLIC HEALTH, SAFETY, OR WELFARE ON THE PROPERTY OF A
26 SCHOOL DISTRICT, CHARTER SCHOOL, OR INSTITUTE CHARTER SCHOOL.

27 **SECTION 4.** In Colorado Revised Statutes, 26-6-106, **amend**

1 (2)(e) as follows:

2 **26-6-106. Standards for facilities and agencies - rules.**

3 (2) Standards prescribed by such rules are restricted to:

4 (e) (I) The appropriateness, safety, cleanliness, and general
5 adequacy of the premises, including maintenance of adequate fire
6 protection and prevention and health standards in conformance with state
7 laws and municipal ordinances, to provide for the physical comfort, care,
8 well-being, and safety of children served.

9 (II) IN THE EVENT OF A CONFLICT BETWEEN A LAW, RULE, CODE,
10 STANDARD, OR ORDINANCE OF THE DEPARTMENT AND THE DEPARTMENT
11 OF EDUCATION OR APPLICABLE LOCAL GOVERNMENT, THE LAW, RULE,
12 CODE, STANDARD, OR ORDINANCE OF THE DEPARTMENT OF EDUCATION OR
13 APPLICABLE LOCAL GOVERNMENT PREVAILS WITH REGARD TO MATTERS
14 CONCERNING:

15 (A) A PLAN REVIEW, BUILDING PERMIT, INSPECTION, OR
16 CERTIFICATE OF OCCUPANCY OF A BUILDING OR STRUCTURE ON THE
17 PROPERTY OF A SCHOOL DISTRICT, CHARTER SCHOOL, OR INSTITUTE
18 CHARTER SCHOOL; OR

19 (B) PUBLIC HEALTH, SAFETY, OR WELFARE ON THE PROPERTY OF
20 A SCHOOL DISTRICT, CHARTER SCHOOL, OR INSTITUTE CHARTER SCHOOL.

21 **SECTION 5. Act subject to petition - effective date.** This act
22 takes effect at 12:01 a.m. on the day following the expiration of the
23 ninety-day period after final adjournment of the general assembly (August
24 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a
25 referendum petition is filed pursuant to section 1 (3) of article V of the
26 state constitution against this act or an item, section, or part of this act
27 within such period, then the act, item, section, or part will not take effect

1 unless approved by the people at the general election to be held in
2 November 2020 and, in such case, will take effect on the date of the
3 official declaration of the vote thereon by the governor.