



University of Colorado

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2012
Legislative
Session



OFFICE OF GOVERNMENT RELATIONS

CU Initiated State Legislation

The Second Regular Session of the sixty-eighth session of the Colorado General Assembly convened on January 11, 2012 and ended on May 9, 2012.

H.B. 12-1350 In-state Status Dependents Armed Forces (Waller/Hodge)
Members

The act allows an institution of higher education (institution) to establish a policy that grants in-state tuition classification to a dependent of an active duty member of the United States armed forces (dependent) if the dependent enrolls in the institution and graduated from a high school outside of Colorado, so long as the dependent completed at least 2 years at a high school in Colorado within 5 years prior to enrollment in the institution.

APPROVED by Governor June 8, 2012

EFFECTIVE June 8, 2012



OFFICE OF GOVERNMENT RELATIONS

Key State Higher Education Legislation

H.B. 12-1009 Federal Funds Transparency Act (Gerou/Lambert)

The act modifies the information that each department and agency of the executive branch is required to provide in an annual report to the state controller regarding all federal moneys received by the department or agency. A state institution of higher education is excluded from the new reporting requirements.

APPROVED by Governor April 16, 2012

EFFECTIVE August 8, 2012

H.B. 12-1033 Workers' Comp Admin Audit Fines (Swalm/Newell)

The act specifies that the director of the division of workers' compensation may not impose an administrative fine on an insurer or self-insured pool as a result of a compliance audit for late reporting of an injury, occupational disease, or fatality when the late reporting resulted from the insurer or self-insured pool not having notice or knowledge of the injury, occupational disease, or fatality in sufficient time to comply with the reporting period. The act permits the director to

impose a fine if the director finds that the late reporting constituted a knowing or repeated pattern of noncompliance with the reporting requirements and was not caused by the insurer's or self-insured pool's lack of notice or knowledge of the injury, occupational disease, or fatality.

APPROVED by Governor March 22, 2012

EFFECTIVE August 8, 2012

H.B. 12-1036 Open Records Act Clarification (Kerr J./Boyd)

The bill clarifies the circumstances under which requests made pursuant to the Colorado Open Records Act (CORA) may be denied for records that are associated with investigative files. The bill provides additional circumstances under which a custodian of records may withhold certain investigative files, or related information, on the grounds that disclosure would be contrary to the public interest.

APPROVED by Governor June 7, 2012

EFFECTIVE June 7, 2012

H.B. 12-1043 Concurrent Enrollment for Early High School Grads (Conti/King K.)

Under the act, each public school, in developing an individual career and academic plan for each student, will inform the student and the student's parent or legal guardian concerning concurrent enrollment and, at the student's or parent's or legal guardian's request, assist the student in course planning to enable him or her to concurrently enroll. In considering applications for concurrent enrollment, a district superintendent, the superintendent's designee, or the chief administrator of a charter school or high school of a board of cooperative services must give priority consideration to qualified students who, by the time they would concurrently enroll, will have completed the high school graduation requirements.

APPROVED by Governor May 24, 2012

EFFECTIVE August 8, 2012

H.B. 12-1059 Military Spouse Practice Occupation Profession (Looper/King K.)

The act authorizes the spouse of an active-duty military service member stationed in Colorado to practice in a regulated profession or occupation for one year if the spouse is licensed, registered, or certified to practice in another state; there is no other reason to deny the license; and the person consents to be governed by Colorado law. The occupations of engineering, surveying, architecture, using and selling fireworks, optometry, medicine, and real estate are not included. If applying for authority to continue to practice in Colorado, the applicant must notify the agency that the person is practicing in Colorado and include the contact information for the applicant's employer. If the agency denies the application, the agency notifies the employer. The director of the division of registrations may promulgate rules to implement the act. An agency may accept continuing medical education, training, or service in the armed services in satisfaction of

Colorado continuing education requirements. A service member or spouse who is an emergency medical service provider certified or licensed in another state is exempt from certification in Colorado. The term "emergency medical technician" is changed to "emergency medical service provider" to align with the trend in other states.

APPROVED by Governor June 8, 2012

EFFECTIVE July 1, 2012

H.B. 12-1061 The Skills For Jobs Act (Kagan/Newell)

The act requires the department of higher education (department), in consultation with the department of labor, the department of regulatory agencies, and any other entity the department deems appropriate, to produce, within the limits of available resources and data, an annual report regarding state workforce projections and education credential production. The report will show the workforce needs that are not being met by state degree and certificate programs and identify institutions, public or private, that may be able to address those workforce needs through new programs or expansion of existing ones. The department will send the report to every public postsecondary governing board in the state and will work with the department of education to provide the report to the state's public school districts, the Colorado charter school institute, and Colorado private elementary, middle, and high schools. The act repeals July 1, 2016.

APPROVED by Governor April 2, 2012

EFFECTIVE August 8, 2012

H.B. 12-1072 Higher Ed Prior Learning Assessments (Massey/Bacon)

Beginning with the 2013-14 academic year, the act requires each public institution of higher education to adopt and make public a policy or program to determine academic credit for a student's prior learning. Additionally, the act permits a nonpublic institution of higher education that is accredited by an accrediting agency or association approved by the United States department of education to participate in the review conducted by the department of higher education (department) to determine if the institution's core course requirements comply with the department's general education course guidelines.

APPROVED by Governor March 24, 2012

EFFECTIVE August 8, 2012

H.B. 12-1080 Adams State College Name Change (Vigil/Schwartz)

The act changes the name of Adams state college to Adams state university.

APPROVED by Governor May 19, 2012

EFFECTIVE May 19, 2012

H.B. 12-1081 Operations Auraria Higher Education (Duran/Steadman)
Center

The act clarifies numerous statutory sections that concern the operations of the Auraria higher education center, including, among others, capital construction, risk management, and lease-purchase agreements.

APPROVED by Governor May 24, 2012
EFFECTIVE August 8, 2012

H.B. 12-1144 Employment Contracts Non-tenure-track (Fischer/Bacon)
Professors

The act authorizes each system of higher education and each campus of each state institution of higher education to employ, with the approval of its chief executive officer, an unlimited number of non-tenure-track, half-time or longer classroom teachers under renewable 3-year employment contracts. The employment contract must include a provision that renders the contract unenforceable if the employing system or campus ceases to be an enterprise and does not have sufficient financial reserves to satisfy the contract.

APPROVED by Governor April 12, 2012
EFFECTIVE August 8, 2012

H.B. 12-1155 Improvements In College Completion (Massey/Bacon)

The bill broadens the authority of the CCHE to establish policies for admission standards and remedial education and also to adopt policies to reduce the lifetime limit for state supplied need-based financial aid from 145 to 140 credit hours. The bill also modifies and clarifies the way in which the state regulates private institutions of higher education (private colleges), including for-profit proprietary schools, non-profit schools, career and technical colleges, and seminaries and religious training institutions.

APPROVED by Governor June 4, 2012
EFFECTIVE August 8, 2012

H.B. 12-1163 Conditional & Provisional Peace Officer (Waller/Morse)
Status

The act repeals the peace officers standards and training board's authority to grant conditional peace officer status. A peace officer may be granted provisional peace officer status if he or she has been a certified peace officer in good standing in another jurisdiction in the last 3 years.

APPROVED by Governor March 22, 2012
EFFECTIVE August 8, 2012

H.B. 12-1169 Open Meetings & Secret Ballot Leadership (Gardner B./Brophy)
Elections

The act prohibits a state or local public body from adopting any proposed policy, position, resolution, rule, or regulation or from taking formal action by secret ballot unless otherwise authorized in accordance with the provisions of the state open meetings law. The act permits a state or local public body to elect the leadership of that same public body by secret ballot, and authorizes a secret ballot in connection with the election by a state or local public body of members of a search committee, which committee is otherwise subject to the requirements of the open meetings law, but requires the outcome of the vote to be recorded contemporaneously in the minutes of the body. The act is not to be construed to affect the existing powers of a school board to use a secret ballot.

APPROVED by Governor March 24, 2012
EFFECTIVE March 24, 2012

H.B. 12-1214 Community College Two-year Degree (Becker/Nicholson)
Programs

The act allows a Colorado community college to offer a two-year degree program with academic designation in dental hygiene even though there is not a valid student transfer agreement for the degree program.

APPROVED by Governor May 24, 2012
EFFECTIVE August 8, 2012

H.B. 12-1220 CSU Global Campus and CSU Board of (Becker/Bacon)
Governors

The act establishes the governance structure for Colorado State University - global campus (CSU global campus), which will be a baccalaureate and graduate on-line university. CSU global campus will be governed by the CSU system board of governors, which is expanded by two advisory members to include one CSU global campus student and one CSU global campus professor. The act makes several clarifying and conforming changes to the board of governors statutes.

APPROVED by Governor April 12, 2012
EFFECTIVE August 8, 2012

H.B. 12-1321 **Modernization of the State Personnel System (Ferrandino/Johnston)
Act**

HB 12-1321 makes changes to merit pay, hiring procedures and bumping rights among other things. HCR-1001 passed in order to submit a ballot measure to the voters to approve the necessary constitutional changes.

APPROVED by Governor June 6, 2012

EFFECTIVE September 1, 2012

S.B. 12-020 **Immunity For Reporters of Overdoses (Aguilar/Summers)**

The act makes a person who reports an alcohol or drug overdose immune from arrest and criminal prosecution for specific offenses (including illegal possession or use of controlled substances) if the offense arises from the same event that the drug or alcohol overdose arose if: the person reports the event in good faith to a law enforcement agency or to the 911 system; the person and, if applicable, one or two other persons remain at the scene of the event until a law enforcement officer or an emergency medical responder arrives; and the person and, if applicable one or two other persons identify themselves to, and cooperate with, the law enforcement officer or emergency medical responder.

APPROVED by Governor May 29, 2012

EFFECTIVE May 29, 2012

S.B. 12-040 **Higher Ed Facilities Eligible For Controlled (Bacon/Vigil)
Maint.**

All academic facilities acquired or constructed, or an auxiliary facility repurposed for use as an academic facility, solely from cash funds held by the institution and operated and maintained from such cash funds or from state moneys appropriated for such purpose that were not previously eligible for controlled maintenance funding will qualify for state controlled maintenance funding subject to specific limitations. Eligibility for state controlled maintenance funding commences on the date of the acceptance of the construction or repurposing of the facility or the closing date of any acquisition. Such date of acceptance shall be determined by the office of the state architect. The office of the state architect is required to collaborate with the department of higher education and the office of state planning and budgeting to develop guidelines regarding the classification of academic facilities and auxiliary facilities. The act provides the two factors that must be considered in the classification and specifies definitions to be used in the guidelines.

APPROVED by Governor April 16, 2012

EFFECTIVE April 16, 2012

S.B. 12-045**Higher Ed Associate Degree Transfer
Students****(Hudak/Massey)**

The act requires the commission on higher education (commission) to collaborate with 4-year and 2-year institutions of higher education to develop and coordinate a process to notify a student enrolled in a 4-year institution that he or she may be eligible for an associate degree from a 2-year institution that the student attended prior to transferring to a 4-year institution. To receive notification, a student must have met the residency requirement for the 2-year institution and have accumulated 70 credits at the 4-year institution. At a minimum, the process for notification shall specify the roles of the student, the department of higher education, and the institutions in the process. The role of the 4-year institutions is limited to providing contact information for the student. The 4-year and 2-year institutions shall agree on the contents of the notification. The 4-year and 2-year institutions shall inform students about the process for the award of an associate degree. Nothing in the act limits the ability of 4-year and 2-year institutions to develop agreements for the award of an associate degree that are consistent with the intent of the statute.

APPROVED by Governor April 18, 2012**EFFECTIVE** April 18, 2012**S.B. 12-111****Full-time Equivalent Employees Dept
Reporting****(Hodge/Levy)**

The act makes the following changes to a departmental report related to full-time equivalent employees (FTEs): The report will be prepared on an annual basis; a department is not required to reconcile the number of positions authorized with the number of payroll warrants issued; the department of higher education is to report the number of positions authorized at each institution of higher education; and each department will submit its reconciliation or report to the department of personnel, and the department of personnel will submit the report to the office of state planning and budgeting and the joint budget committee.

APPROVED by Governor March 19, 2012**EFFECTIVE** August 8, 2012**S.B. 12-150****State Treasurer Auth to Manage State
Financing****(Schwartz/Sonnenberg)**

In order to provide more centralized management of the state's public financing structure, this bill centralizes management of certain state public finance transactions in the State Treasurer's Office. The bill requires the State Treasurer to act as the issuing manager for most state agencies for approved issuances or incurrences of financial obligations such as bonds, notes, or warranties, when the principal amount is at least \$1 million and repaid in whole or part from state revenues.

APPROVED by Governor May 24, 2012**EFFECTIVE** May 24, 2012



OFFICE OF GOVERNMENT RELATIONS

Key State Health Care Legislation

H.B. 12-1204 Sunset Regulation Hemodialysis (McCann/Boyd)

The act continues the regulation of hemodialysis technicians until 2019. The act also clarifies that the department of public health and environment may verify the qualifications of hemodialysis technicians each time it conducts a routine survey of a licensed dialysis clinic and that physicians and nurses who supervise dialysis technicians must be licensed.

APPROVED by Governor April 13, 2012

EFFECTIVE July 1, 2012

**H.B. 12-1297 Sunset Discontinue Cmt on Anticompetitive (Gardner B./Tochtrop)
Conduct**

The act extends the statutory authorization for the committee on anticompetitive conduct until September 1, 2013, and expresses support for constructive discussion among licensed professionals and other interested parties regarding the proper role, structure, and functions of the committee if it is continued beyond that date by House Bill 12-1300.

APPROVED by Governor April 26, 2012

PORTIONS EFFECTIVE April 26, 2012

PORTIONS EFFECTIVE September 1, 2013

**H.B. 12-1300 Sunset Continue Professional Review (Gardner B./Aguilar)
Committees**

The act implements the recommendations from the Department of Regulatory Agencies (DORA) 2011 Sunset Review and extends the functions of professional review committees under the Colorado Professional Review Act (CPRA) until September 1, 2019. Professional review committees evaluate the competence, professional conduct of, or the quality and appropriateness of patient care provided by, health care providers. The CPRA provides legal privilege and immunity to individuals and groups that conduct professional review of health care providers as long as they comply with the due process provisions of CPRA.

APPROVED by Governor June 4, 2012

EFFECTIVE July 1, 2012

H.B. 12-1311 The Sunset Continue Pharmacy Board (Summers/Boyd)

The bill continues the Colorado State Board of Pharmacy (board) in the Department of Regulatory Agencies (DORA) and the regulation of the practice of pharmacy through September 1, 2021. It also recodifies and relocates the laws regulating the practice of pharmacy and the laws pertaining to the licensing of addiction programs by the Department of Human Services.

APPROVED by Governor June 8, 2012

EFFECTIVE July 1, 2012

S.B. 12-091 Nursing Home Administrator Qualifications (Tochtrop/Bradford)

The bill makes changes to the Board of Examiners of Nursing Home Administrators (board), and the licensing process for nursing home administrators (NHAs). These changes include: modifying board membership and qualifications; reducing the experience and supervision requirements to qualify an applicant to take the Colorado NHA licensure examination; adding a bachelor's degree in business or public administration, or a master's degree in management or business administration as a qualifying degree for NHA licensure; allowing a NHA who has passed a national examination and an examination in another state to take the Colorado NHA licensure examination; eliminating the requirement that a person licensed as an NHA in another state possess substantially equivalent credentials and qualifications prior to taking the Colorado NHA licensure examination; and reducing the hours required in the NHA in Training Program to take the Colorado NHA licensure examination from 2,000 to 1,000 hours.

APPROVED by Governor April 16, 2012

EFFECTIVE September 1, 2012

S.B. 12-127 Homes Long-term Care Providers (Newell/Summers)

This bill requires that the Department of Health Care Policy and Financing (DHCPF) allow long-term care providers to participate if it establishes a program of health homes for chronic conditions. It also requires the DHCPF to permit providers of long-term services and supports to contract as health homes or to provide some or all of the services provided by an organization that contracts with the department.

APPROVED by Governor April 23, 2012

EFFECTIVE April 23, 2012

**S.B. 12-128 Alternative Care Facility Reimbursement (Roberts/Summers)
Pilot**

This bill allows the Department of Health Care Policy and Financing (DHCPF), to create an enhanced reimbursement program in which an alternative care facility will receive a temporary increase in the Medicaid per diem reimbursement rate for a client discharged from a nursing facility. It also authorizes the DHCPF to create a program to identify Medicaid clients who are at risk of a nursing facility placement and redirect them to alternative care facilities and services if so doing is budget-neutral or results in cost savings. The DHCPF is to develop criteria for

program participation and to submit a written report to legislative committees of reference on the design, implementation, and outcome of any programs created as part of the annual reporting process. The bill's authorization is repealed as of July 1, 2015.

APPROVED by Governor June 8, 2012

EFFECTIVE August 8, 2012