

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 10-0425.01 Nicole Myers

HOUSE BILL 10-1181

HOUSE SPONSORSHIP

Todd,

SENATE SPONSORSHIP

Bacon,

House Committees
State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

101 CONCERNING ADJUSTMENTS TO THE ADMINISTRATION OF THE
102 DEPARTMENT OF PERSONNEL.

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://www.leg.state.co.us/billsummaries>.)

The bill makes the following changes to the administration of the department of personnel (department):

- ! **Section 1.** Most state agencies are required to refer uncollected debts to the state controller. Under current law, any claims that the state controller has not processed

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.

within 120 days are referred to private counsel or a private collections agency. Debtors are more likely to settle their debts with the state controller than with a private entity because it costs less; however, the controller is unable to process all claims within 120 days. Section 1 of the bill extends the processing period to 180 days.

- ! When a debt is litigated and the state prevails, a debtor may be responsible for paying fees and costs in addition to the total debt amount. The court often reduces the total amount of the award, but does not specify which outstanding debts must be paid first. Section 1 also specifies which outstanding debts must be paid first if the court-ordered award is insufficient to cover the total amount outstanding.
- ! **Section 2.** Currently, there are different public notice procedures for state agencies and institutions of higher education depending on the estimated dollar amounts of certain contracts. Section 2 of the bill makes the projects that require notice based on the estimated contract costs and the notice procedures the same for state agencies and institutions of higher education.
- ! **Section 3.** This section of the bill increases the deductible for claims for loss or damage to state property from \$1,000 to \$5,000.
- ! **Section 4.** This section of the bill eliminates the existing requirement that the state personnel director (director) provide postaudit reviews of the operation and management of the state personnel system by the heads of principal departments and presidents of colleges and universities and instead authorizes the director to conduct a review of such operation and management in the director's discretion. Section 4 also clarifies that the appointing authority for a principal department is specified in the state constitution.
- ! **Sections 5 and 10.** These sections of the bill clarify that the administrator of the state personnel board, not the director, shall maintain the records of the board.
- ! **Section 6.** This section repeals the provision establishing the total compensation advisory council. The council was established to advise the director on policy matters related to the total compensation program.
- ! **Sections 7, 8, and 9.** Current law establishes a 90-day period for the director to review certain complaints and appeals filed by state employees. Sections 7, 8, and 9 of the bill require the tolling of the 90-day period only if an

employee who has filed a complaint with the director also files a complaint with the state personnel board or the Colorado civil rights division in the department of regulatory agencies.

- ! **Sections 11 and 13.** Both of these sections contain a conforming amendment in connection with the elimination of the total compensation advisory council in section 6 of the bill.
- ! **Section 12.** Pursuant to current law, the director is required to provide to the legislative committee of reference a financial impact statement regarding the impact of proposed insurance coverage mandates on state and state employee contributions to health plans. Section 12 eliminates this requirement, as the same information is provided through the fiscal note process.
- ! **Section 14.** Currently, the executive director of the department of personnel does not have the authority to charge fees to state agencies that need to access documents from the state archives. Section 14 of the bill authorizes the executive director to charge and collect fees from state agencies for the direct and indirect costs of retrieving and researching information from the state archives.
- ! **Section 15.** The bill directs the department to establish a procurement card program for all state agencies and institutions of higher education. The bill specifies that any revenues generated from the procurement card program shall be deposited in the general fund and allocated to state agencies and institutions of higher education in proportion to their statewide procurement card expenditures.
- ! **Section 16.** The procurement code currently allows a state agency to suspend a person from consideration for award of contracts until after the trial of the suspended person if a criminal charge has been issued. The bill allows a suspension to remain in effect until after the trial when the person is suspended because a criminal charge has been issued against an officer, director, partner, manager, key employee, or other principal of the suspended person.
- ! **Sections 17 to 24.** The prior reorganization of the department left statutory references to the division of accounts and controls. Sections 17 to 24 of the bill change this reference to the office of the state controller.

1 **SECTION 1.** 24-30-202.4 (2), (8) (a), and (8) (b), Colorado
2 Revised Statutes, are amended to read:

3 **24-30-202.4. Collection of debts due the state - controller's**
4 **duties - creation of debt collection fund - definitions.** (2) Except for
5 those debts under the jurisdiction of the department of revenue referred
6 to in section 24-35-108 (1) (a), under the jurisdiction of the judicial
7 department referred to in section 16-11-101.6, C.R.S., and under the
8 jurisdiction of the department of labor and employment related to
9 overpayment of unemployment insurance benefits and delinquent taxes
10 referred to in section 8-79-102, C.R.S., all state agencies shall refer to the
11 state controller debts due the state that the agency has been unable to
12 collect within thirty days after such debts have become past due, together
13 with the data and information necessary for the controller to institute
14 collection procedures. Debts are not subject to referral pursuant to this
15 subsection (2) if payment arrangements have been made and payments
16 due in accordance with the terms of the arrangements are not delinquent.
17 The controller may grant a waiver to the requirement that a state agency
18 refer debts within such thirty-day period based upon a documented
19 request and justification provided by a state agency, pursuant to rules
20 promulgated by the department of personnel under article 4 of this title.
21 A waiver may include but shall not be limited to extended periods to
22 collect delinquent debts. For accounts where no waiver to assignment has
23 been granted, the controller shall use all state collection capabilities to
24 collect that debt, including, but not limited to, the certification of that debt
25 to the department of revenue for offset of that debt against any tax refund
26 due the debtor under the provisions of subparagraph (II) of paragraph (a)
27 of subsection (3) of this section. No later than one hundred ~~twenty~~

1 EIGHTY days after receipt by the controller, the controller or the
2 controller's designee shall legally assign all debts that are not claims in
3 process of collection to private counsel or private collection agencies that
4 appear on the list of private counsel or private collection agencies. For
5 the purposes of this section, "claims in process of collection" means any
6 debts on which payments are being made, on which payments have been
7 promised, on which suit has been brought, or any other debts as defined
8 in rules promulgated by the department of personnel pursuant to article
9 4 of this title. The private counsel or private collection agencies included
10 in the list of private counsel or private collection agencies shall be
11 selected through competition pursuant to the provisions of the
12 "Procurement Code", articles 101 to 112 of this title. Criteria for
13 selection of the private counsel or private collection agencies shall be
14 developed by the executive director of the department of personnel in
15 consultation with the controller, affected state agencies, and the private
16 collection community. In addition, a state-supported institution of higher
17 education may utilize the provisions of section 23-5-113, C.R.S., for the
18 collection of any loan or other outstanding obligation owed to such
19 institution.

20 (8) (a) The department of personnel may add a collection fee to
21 the amount of a debt's principal and ACCRUING interest referred to the
22 state controller pursuant to this section except where other specific
23 statutory authority, requirements under federal programs, or written
24 agreement with the debtor provide otherwise. The department shall
25 determine upon annual review the amount of the collection fee, which
26 shall approximate the reasonable costs incurred by the controller in
27 collecting debts. The collection fee may include a fee to recover the

1 collection costs incurred by either the controller, private counsel, or
2 private collection agencies, but in no case shall the aggregate fee for the
3 controller or private collection agencies exceed twenty-one percent and
4 in no case shall the aggregate fee for private counsel exceed twenty-five
5 percent.

6 (b) The debtor shall be liable for repayment of the total amount of
7 a debt due to the state, including the collection fee PLUS ALLOWABLE FEES
8 AND COSTS PURSUANT TO PARAGRAPH (c) OF THIS SUBSECTION (8) AND
9 THE DELINQUENCY CHARGE PURSUANT TO SECTION 24-79.5-102. ANY
10 COURT-ORDERED AWARD THAT IS INSUFFICIENT TO COVER THE TOTAL
11 AMOUNT OUTSTANDING SHALL BE APPLIED FIRST TO THE PRINCIPAL
12 AMOUNT OWED, THEN TO COURT COSTS, THEN TO ATTORNEY FEES, THEN
13 TO INTEREST, AND THEN TO ANY DELINQUENCY CHARGE.

14 **SECTION 2.** 24-30-1405, Colorado Revised Statutes, is amended
15 to read:

16 **24-30-1405. Public notice.** When professional services are
17 required to be contracted for, public notice shall be given by the state
18 agency if the basic construction cost of the project is estimated by the
19 state agency to be more than ~~five hundred thousand dollars~~ or if the fee
20 ~~for the professional services is estimated to exceed fifty thousand dollars;~~
21 ~~except that, for projects under the supervision of the department of~~
22 ~~transportation or for contracts with a state institution of higher education,~~
23 ~~public notice shall be given by the department or institution if the basic~~
24 ~~transportation-related construction cost or the basic construction cost of~~
25 ~~the project is estimated by the department or institution to be more than~~
26 one million dollars or if the fee for professional ~~engineering or surveying~~
27 services is estimated to exceed one hundred thousand dollars. The public

1 notice shall be given at least fifteen days prior to the selection of the three
2 or more most highly qualified persons by the principal representative
3 pursuant to section 24-30-1403 (2), and, except for projects under the
4 supervision of the department of transportation, the public notice shall be
5 given no later than eight weeks after the date on which the appropriation
6 for the project becomes law. The public notice shall be given by
7 publication at least two times in one or more daily newspapers of general
8 circulation in this state; except that, for contracts with a state institution
9 of higher education, public notice shall be given by publication at least
10 once in one or more daily newspapers of general circulation in this state
11 OR THROUGH AN ELECTRONIC MEDIUM APPROVED BY THE STATE
12 PERSONNEL DIRECTOR. The public notice shall contain a general
13 description of the proposed project and shall indicate the procedure by
14 which interested persons may apply for consideration for the contract.

15 **SECTION 3.** 24-30-1510.5 (3) (a) (IV), Colorado Revised
16 Statutes, is amended to read:

17 **24-30-1510.5. Self-insured property fund - creation -**
18 **authorized and unauthorized payments - executive director**
19 **authorized to make payments.** (3) Expenditures shall be made out of
20 the self-insured property fund in accordance with subsection (1) of this
21 section only for the following purposes:

22 (a) To pay claims for loss or damage to state property subject to
23 the following conditions:

24 (IV) The principal state department shall pay a
25 ~~one-thousand-dollar~~ FIVE-THOUSAND-DOLLAR deductible for each
26 occurrence;

27 **SECTION 4.** 24-50-101 (3) (d), Colorado Revised Statutes, is

1 amended to read:

2 **24-50-101. Short title - legislative declaration - terminology.**

3 (3) (d) The heads of principal departments and presidents of colleges and
4 universities shall be responsible and accountable for the actual operation
5 and management of the state personnel system for their respective
6 departments, colleges, or universities. Such operation and management
7 shall be in accordance with RULES AND directives promulgated by OF the
8 state personnel director who ~~shall provide postaudit review~~ MAY
9 CONDUCT A REVIEW of such operation and management. Presidents of
10 colleges and universities shall be the appointing authorities for employees
11 of their respective institutions. THE APPOINTING AUTHORITY FOR A
12 PRINCIPAL DEPARTMENT IS SPECIFIED IN SECTION 13 (7) OF ARTICLE XII OF
13 THE STATE CONSTITUTION.

14 **SECTION 5.** 24-50-103 (7), Colorado Revised Statutes, is
15 amended to read:

16 **24-50-103. State personnel board.** (7) The board may authorize
17 administrative law judges, who shall be lawyers with at least five years'
18 experience, to conduct hearings on any matter within the jurisdiction of
19 the board upon terms and conditions determined by the board and subject
20 to the provisions of article 4 of this title. The board shall employ such
21 personnel as may be necessary for the performance of its duties, including
22 an administrator who shall serve as secretary to the board. ~~with such~~ THE
23 ADMINISTRATOR SHALL MAINTAIN FULL RECORDS OF THE PROCEEDINGS OF
24 THE BOARD AND SHALL BE RESPONSIBLE FOR ANY OTHER duties as the
25 board may assign. Funds for these purposes shall be appropriated by the
26 general assembly.

27 **SECTION 6. Repeal.** 24-50-104 (3), Colorado Revised Statutes,

1 is repealed as follows:

2 **24-50-104. Job evaluation and compensation.** (3) ~~**Total**~~
3 ~~**compensation advisory council.**~~ (a) ~~A total compensation advisory~~
4 ~~council is hereby established pursuant to this subsection (3) to advise the~~
5 ~~state personnel director on policy matters related to the total~~
6 ~~compensation program. The total compensation advisory council shall~~
7 ~~consist of ten members, who shall serve without compensation, as~~
8 ~~follows:~~

9 ~~(I) and (II) (Deleted by amendment, L. 2003, p. 1926, § 1,~~
10 ~~effective May 22, 2003.)~~

11 ~~(III) The insurance commissioner or the insurance commissioner's~~
12 ~~designee;~~

13 ~~(IV) A private sector total compensation specialist appointed by~~
14 ~~the state personnel director;~~

15 ~~(V) A member of the senate appointed by the president of the~~
16 ~~senate;~~

17 ~~(VI) A member of the house of representatives appointed by the~~
18 ~~speaker of the house of representatives;~~

19 ~~(VII) (Deleted by amendment, L. 2003, p. 1926, § 1, effective~~
20 ~~May 22, 2003.)~~

21 ~~(VIII) One member appointed by the president of the senate, one~~
22 ~~member appointed by the minority leader of the senate, and two members~~
23 ~~appointed by the speaker of the house of representatives. The members~~
24 ~~appointed pursuant to this subparagraph (VIII) shall be employees, as~~
25 ~~defined in section 24-50-603 (7), and shall serve three-year terms.~~

26 ~~(IX) Two members appointed by the state personnel director who~~
27 ~~shall serve three-year terms. One of the members appointed pursuant to~~

1 ~~this subparagraph (IX) shall be an employee, as defined in section~~
2 ~~24-50-603 (7).~~

3 ~~(a.5) The terms of the members of the general assembly appointed~~
4 ~~by the speaker of the house of representatives and the president of the~~
5 ~~senate pursuant to subparagraphs (V) and (VI) of paragraph (a) of this~~
6 ~~subsection (3) who are serving on March 22, 2007, shall be extended to~~
7 ~~and expire on or shall terminate on the convening date of the first regular~~
8 ~~session of the sixty-seventh general assembly. As soon as practicable~~
9 ~~after such convening date, the speaker and the president shall appoint or~~
10 ~~reappoint members of the general assembly in the same manner as~~
11 ~~provided in subparagraphs (V) and (VI) of paragraph (a) of this~~
12 ~~subsection (3). Thereafter, the terms of members of the general assembly~~
13 ~~appointed or reappointed by the speaker and the president shall expire on~~
14 ~~the convening date of the first regular session of each general assembly,~~
15 ~~and all subsequent appointments and reappointments by the speaker and~~
16 ~~the president shall be made as soon as practicable after such convening~~
17 ~~date. The person making the original appointment or reappointment shall~~
18 ~~fill any vacancy by appointment for the remainder of an unexpired term.~~
19 ~~A member of the general assembly appointed or reappointed by the~~
20 ~~speaker or the president shall serve at the pleasure of the appointing~~
21 ~~authority and shall continue in office until the member's successor is~~
22 ~~appointed.~~

23 ~~(b) No more than two employees shall be appointed from one~~
24 ~~department or institution of higher education. No employee, as defined~~
25 ~~in section 24-50-603 (7), shall be denied the right to be appointed to and~~
26 ~~serve on the total compensation advisory council. Nothing in this~~
27 ~~subsection (3) shall preclude any person, organization, or group from~~

1 ~~submitting a list of potential appointees to any person making~~
2 ~~appointments to the council pursuant to paragraph (a) of this subsection~~
3 ~~(3).~~

4 ~~(c) Nothing in this subsection (3) shall affect the total~~
5 ~~compensation advisory council existing as of June 1, 2003, or the terms~~
6 ~~of the members serving on the council as of June 1, 2003.~~

7 **SECTION 7.** 24-50-104 (4) (a) and (6) (b) (II), Colorado Revised
8 Statutes, are amended, and the said 24-50-104 (6) (b) is further amended
9 BY THE ADDITION OF A NEW SUBPARAGRAPH, to read:

10 **24-50-104. Job evaluation and compensation.** (4) **Annual**
11 **compensation process.** (a) The purpose of the annual compensation
12 process is to determine any necessary adjustments to state employee
13 salaries, state contributions for group benefit plans, and performance
14 awards. The annual compensation survey, based on an analysis of
15 surveys by public or private organizations, including surveys by the state
16 personnel director, shall include a fair sample of public and private sector
17 employers and jobs, including areas outside the Denver metropolitan area.
18 In order to establish confidence in the selection of surveys, the state
19 personnel director shall meet and confer in good faith with management
20 and state employee representatives. ~~and the total compensation advisory~~
21 ~~council.~~

22 (6) **Job evaluation.** (b) (II) Any employee directly affected by
23 the allocation of the employee's position to a class in a lower pay grade
24 under subparagraph (I) of this paragraph (b) may file a written appeal
25 with the state personnel director within ten days after receiving the notice
26 of allocation of positions. The state personnel director, or the director's
27 designee, shall review the appeal in summary fashion on the basis of

1 written material that may be supplemented by oral argument at the sole
2 discretion of the director or designee. At the director's discretion, an
3 advisory panel of qualified job evaluators may be convened to assist the
4 director in making a decision. EXCEPT AS OTHERWISE PROVIDED IN
5 SUBPARAGRAPH (III) OF THIS PARAGRAPH (b), the director shall issue a
6 written decision within ninety calendar days after the receipt of a timely
7 appeal. If the director does not issue a decision within ninety calendar
8 days after receipt of a timely appeal, the original allocation decision shall
9 be final. An allocation decision may be overturned only if the director
10 finds it to have been arbitrary, capricious, or contrary to rule or law. The
11 state personnel director shall establish a process for timely resolving
12 appeals within the ninety-day period and the criteria for selection of and
13 method of service upon an advisory panel. Any decision shall be subject
14 to judicial review pursuant to section 24-4-106.

15 (III) WHEN AN EMPLOYEE WHO HAS FILED AN APPEAL WITH THE
16 STATE PERSONNEL DIRECTOR PURSUANT TO SUBPARAGRAPH (II) OF THIS
17 PARAGRAPH (b) ALSO FILES AN APPEAL WITH THE STATE PERSONNEL
18 BOARD PURSUANT TO SECTION 24-50-123 OR THE COLORADO CIVIL RIGHTS
19 DIVISION PURSUANT TO SECTION 24-50-125.3, THE NINETY-DAY PERIOD
20 SPECIFIED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (b) SHALL BE
21 TOLLED UNTIL THERE IS A FINAL AGENCY ACTION BY THE BOARD ONLY IF
22 THE APPEAL FILED WITH THE BOARD OR THE CIVIL RIGHTS DIVISION ARISES
23 OUT OF THE SAME INCIDENT AS THE APPEAL FILED WITH THE DIRECTOR, IS
24 FILED BEFORE THE EXPIRATION OF THE NINETY-DAY PERIOD, AND IS FILED
25 BEFORE THE DIRECTOR HAS ISSUED A WRITTEN DECISION.

26 **SECTION 8.** 24-50-104.5 (2), Colorado Revised Statutes, is
27 amended, and the said 24-50-104.5 is further amended BY THE

1 ADDITION OF A NEW SUBSECTION, to read:

2 **24-50-104.5. Compliance with federal laws.** (2) The state
3 personnel director may establish an internal review process of alleged
4 violations of such federal laws. Such a review shall be conducted in
5 summary fashion on the basis of written material. EXCEPT AS OTHERWISE
6 PROVIDED IN SUBSECTION (3) OF THIS SECTION, the state personnel director
7 shall issue a written decision within ninety days after receipt of the
8 written complaint. Any aggrieved party may also seek judicial review as
9 specified by the applicable law.

10 (3) WHEN AN EMPLOYEE WHO HAS SOUGHT A REVIEW WITH THE
11 STATE PERSONNEL DIRECTOR PURSUANT TO SUBSECTION (2) OF THIS
12 SECTION ALSO FILES AN APPEAL WITH THE STATE PERSONNEL BOARD
13 PURSUANT TO SECTION 24-50-123 OR THE COLORADO CIVIL RIGHTS
14 DIVISION PURSUANT TO SECTION 24-50-125.3, THE NINETY-DAY PERIOD
15 SPECIFIED IN SUBSECTION (2) OF THIS SECTION SHALL BE TOLLED UNTIL
16 THERE IS A FINAL AGENCY ACTION BY THE BOARD ONLY IF THE APPEAL
17 FILED WITH THE BOARD OR THE CIVIL RIGHTS DIVISION ARISES OUT OF THE
18 SAME INCIDENT AS THE REVIEW SOUGHT WITH THE DIRECTOR, IS FILED
19 BEFORE THE EXPIRATION OF THE NINETY-DAY PERIOD, AND IS FILED
20 BEFORE THE DIRECTOR HAS ISSUED A WRITTEN DECISION.

21 **SECTION 9.** 24-50-112.5 (4) (b) and (4) (c), Colorado Revised
22 Statutes, are amended, and the said 24-50-112.5 (4) is further amended
23 BY THE ADDITION OF A NEW PARAGRAPH, to read:

24 **24-50-112.5. Selection system.** (4) **Appeals.** (b) The state
25 personnel director may convene an advisory panel of qualified human
26 resource selection professionals, with one member selected by the
27 aggrieved person, to assist the director in making a decision. EXCEPT AS

1 OTHERWISE PROVIDED IN PARAGRAPH (d) OF THIS SUBSECTION (4), the
2 director shall issue a written decision within ninety days after receipt of
3 a timely appeal. The selection and examination process action may be
4 overturned only if the director finds the action to have been arbitrary,
5 capricious, or contrary to rule or law. If the director fails to issue a
6 decision within said ninety-day period, the original examination and
7 outcome shall be final. A written decision on any appeal filed pursuant
8 to this subsection (4) or the outcome of an appeal resulting from the
9 failure to issue such a decision shall be subject to judicial review pursuant
10 to section 24-4-106.

11 (c) The state personnel director shall establish a process for timely
12 resolving appeals within the ninety-day period and criteria for advisory
13 panel selection and service. THE PROCESS FOR RESOLVING APPEALS SHALL
14 SPECIFY THAT IF AN EMPLOYEE WHO HAS FILED AN APPEAL WITH THE
15 STATE PERSONNEL DIRECTOR ALSO FILES AN APPEAL WITH THE STATE
16 PERSONNEL BOARD PURSUANT TO SECTION 24-50-123 OR THE COLORADO
17 CIVIL RIGHTS DIVISION PURSUANT TO SECTION 24-50-125.3, ONLY IF THE
18 APPEAL FILED WITH THE BOARD OR THE CIVIL RIGHTS DIVISION ARISES OUT
19 OF THE SAME INCIDENT AS THE APPEAL FILED WITH THE DIRECTOR, AND IF
20 THE APPEAL IS FILED BEFORE THE EXPIRATION OF THE NINETY-DAY PERIOD
21 AND BEFORE THE DIRECTOR HAS ISSUED A WRITTEN DECISION, THE
22 NINETY-DAY PERIOD SHALL BE TOLLED UNTIL THERE IS A FINAL AGENCY
23 ACTION BY THE BOARD. The board shall establish rules for certification
24 of a person to a position when an appeal is pending relative to the
25 selection and examination process for that position.

26 (d) WHEN AN EMPLOYEE WHO HAS FILED AN APPEAL WITH THE
27 STATE PERSONNEL DIRECTOR PURSUANT TO THIS SUBSECTION (4) ALSO

1 FILES AN APPEAL WITH THE STATE PERSONNEL BOARD PURSUANT TO
2 SECTION 24-50-123 OR THE COLORADO CIVIL RIGHTS DIVISION PURSUANT
3 TO SECTION 24-50-125.3, THE NINETY-DAY PERIOD SPECIFIED IN
4 PARAGRAPH (b) OF THIS SUBSECTION (4) SHALL BE TOLLED UNTIL THERE
5 IS A FINAL AGENCY ACTION BY THE BOARD ONLY IF THE APPEAL FILED
6 WITH THE BOARD OR THE CIVIL RIGHTS DIVISION ARISES OUT OF THE SAME
7 INCIDENT AS THE APPEAL FILED WITH THE DIRECTOR, IS FILED BEFORE THE
8 EXPIRATION OF THE NINETY-DAY PERIOD, AND IS FILED BEFORE THE
9 DIRECTOR HAS ISSUED A WRITTEN DECISION.

10 **SECTION 10.** 24-50-127 (1), Colorado Revised Statutes, is
11 amended to read:

12 **24-50-127. Employee records - release of location information**
13 **concerning individuals with outstanding felony arrest warrants -**
14 **state personnel director's duties.** (1) The state personnel director shall
15 maintain ~~full records of the proceedings of the board,~~ the examination
16 record of every candidate and the employment record of every employee.
17 In addition, the state personnel director shall establish and maintain a
18 personnel data inventory of all employees in the personnel system, which
19 inventory shall contain such items as education, training, skills, and other
20 pertinent data. The state personnel director shall make available such
21 data to department heads for the most efficient utilization of the state's
22 manpower.

23 **SECTION 11. Repeal.** 24-50-603 (4), Colorado Revised
24 Statutes, is repealed as follows:

25 **24-50-603. Definitions.** As used in this part 6, unless the context
26 otherwise requires:

27 (4) ~~"Council" means the total compensation advisory council~~

1 established pursuant to section ~~24-50-104 (3)~~.

2 **SECTION 12.** 24-50-605 (1) (f), Colorado Revised Statutes, is
3 amended to read:

4 **24-50-605. Group benefit plans - specifications - contracts.**

5 (1) (f) The specifications drawn by the director for any group benefit
6 plans shall include the mandated coverages required by section
7 10-16-104, C.R.S. ~~The director shall provide to the legislative committee~~
8 ~~of reference a financial impact statement for any proposed mandated~~
9 ~~coverage that relates to either the state's share of the employee benefit~~
10 ~~premium or the state employee's share of the premium.~~

11 **SECTION 13. Repeal.** 24-50-612 (2), Colorado Revised
12 Statutes, is repealed as follows:

13 **24-50-612. Administrative duties.** (2) ~~The council shall make~~
14 ~~recommendations to the director on all aspects of the group benefit plans~~
15 ~~and policies proposed as provided pursuant to this part 6.~~

16 **SECTION 14.** 24-80-102 (10), Colorado Revised Statutes, is
17 amended to read:

18 **24-80-102. State archives and public records - personnel -**
19 **duties - cash fund - rules.** (10) The executive director of the department
20 of personnel shall establish by rule any fees as are necessary to pay for the
21 direct and indirect costs of responding to requests for information AND
22 RESEARCH from ~~nonstate~~ STATE agencies ~~including requests that are~~
23 ~~processed through other state agencies~~ AND THE GENERAL PUBLIC. All
24 fees collected shall be transmitted to the state treasurer, who shall credit
25 the same to the state archives and public records cash fund, which fund
26 is hereby created. The moneys in the fund shall be subject to annual
27 appropriation by the general assembly for the direct and indirect costs of

1 responding to requests for information AND RESEARCH from ~~nonstate~~
2 STATE agencies ~~including requests that are processed through other state~~
3 ~~agencies~~ AND THE GENERAL PUBLIC. All interest derived from the deposit
4 and investment of moneys in the fund shall be credited to the fund. Any
5 unexpended and unencumbered moneys remaining in the fund at the end
6 of a fiscal year shall remain in the fund and shall not be credited or
7 transferred to the general fund or any other fund. ~~In no event shall the~~
8 ~~executive director charge any fee to any public entity to produce~~
9 ~~information that the public entity is required by law to file with the state~~
10 ~~archives.~~

11 **SECTION 15.** Part 2 of article 102 of title 24, Colorado Revised
12 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
13 read:

14 **24-102-207. Statewide procurement card agreement.** (1) THE
15 DEPARTMENT SHALL ESTABLISH A STATEWIDE PROCUREMENT CARD
16 PROGRAM. ALL STATE AGENCIES AND INSTITUTIONS OF HIGHER
17 EDUCATION THAT UTILIZE A PROCUREMENT CARD SHALL PARTICIPATE IN
18 THE STATEWIDE PROGRAM. FOR PURPOSES OF THIS SECTION,
19 "GOVERNMENTAL BODY" SHALL HAVE THE SAME MEANING AS SET FORTH
20 IN SECTION 24-101-301 (10); EXCEPT THAT, FOR PURPOSES OF THIS
21 SECTION, "GOVERNMENTAL BODY" SHALL ALSO INCLUDE ELECTED
22 OFFICIALS, THE GOVERNING BOARD OF EACH INSTITUTION OF HIGHER
23 EDUCATION, AND THE COLORADO COMMISSION ON HIGHER EDUCATION.

24 (2) STATE AGENCIES OR INSTITUTIONS OF HIGHER EDUCATION NOT
25 SUBJECT TO THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF THIS
26 TITLE, OR THE FISCAL RULES ARE SUBJECT TO THIS SECTION.

27 (3) THE STATEWIDE PROCUREMENT CARD SHALL BE CONSIDERED

1 AN ALTERNATE METHOD OF PAYMENT AND SHALL NOT BE CONSIDERED A
2 COMMITMENT VOUCHER REQUIRED BY SECTION 24-30-202 (1). ANY
3 REVENUES RESULTING FROM THE PROCUREMENT CARD PROGRAM SHALL BE
4 DEPOSITED IN THE GENERAL FUND AND ALLOCATED, ON A BASIS
5 PROPORTIONAL TO THEIR STATEWIDE PROCUREMENT CARD EXPENDITURES,
6 TO STATE AGENCIES AND INSTITUTIONS OF HIGHER EDUCATION AS
7 DETERMINED BY THE STATE CONTROLLER, UNLESS OTHERWISE DIRECTED
8 BY THE GENERAL ASSEMBLY.

9 **SECTION 16.** 24-109-105 (1) (b), Colorado Revised Statutes, is
10 amended to read:

11 **24-109-105. Debarment and suspension.** (1) (b) The head of a
12 purchasing agency or a designee, after consultation with the using agency
13 and the attorney general, shall have authority to suspend a person from
14 consideration for award of contracts if there is probable cause to believe
15 that such person has engaged in activities that may lead to debarment.
16 The suspension shall not be for a period exceeding three months.
17 However, if a criminal ~~indictment~~ CHARGE has been issued for an offense
18 ~~which~~ THAT would be a cause for debarment under subsection (2) of this
19 section, the suspension shall, at the request of the attorney general, remain
20 in effect until after the trial of the suspended person. IF A PERSON IS
21 SUSPENDED BECAUSE A CRIMINAL CHARGE HAS BEEN ISSUED AGAINST AN
22 OFFICER, DIRECTOR, PARTNER, MANAGER, KEY EMPLOYEE, OR OTHER
23 PRINCIPAL OF THE SUSPENDED PERSON, THE SUSPENSION MAY REMAIN IN
24 EFFECT UNTIL AFTER THE TRIAL OF THE OFFICER, DIRECTOR, PARTNER,
25 MANAGER, KEY EMPLOYEE, OR OTHER PRINCIPAL OR UNTIL AFTER THE
26 CHARGES AGAINST SUCH OFFICER, DIRECTOR, PARTNER, MANAGER, KEY
27 EMPLOYEE, OR OTHER PRINCIPAL HAVE BEEN DISMISSED.

1 **SECTION 17.** 24-16-107, Colorado Revised Statutes, is amended
2 to read:

3 **24-16-107. Audit.** If any agency of government is alleged to be
4 in violation of or in material noncompliance with this article or the rules
5 and regulations promulgated by the ~~division of accounts and controls~~
6 OFFICE OF THE STATE CONTROLLER, the legislative audit committee shall
7 be advised, in writing, of the activities alleged to be in violation or
8 noncompliance. The legislative audit committee shall give notice to the
9 agency, which shall have ten days to respond to such allegation. If the
10 said committee thereafter determines that there is a reasonable probability
11 of a violation or material noncompliance, the committee shall take
12 appropriate action and may direct the state auditor to conduct an audit and
13 review of the records being kept by such agency. If the state auditor
14 determines that the agency has violated or has not complied or is not
15 complying with this article or the rules and regulations, a written report
16 shall be issued to the agency detailing the areas of violation or
17 noncompliance and curative recommendations. The agency shall
18 implement the recommendations of the state auditor within a time period
19 set by him not to exceed six months.

20 **SECTION 18.** 24-30-202 (1), Colorado Revised Statutes, is
21 amended to read:

22 **24-30-202. Procedures - vouchers and warrants - rules -**
23 **penalties.** (1) No disbursements shall be made in payment of any
24 liability incurred on behalf of the state, other than from petty cash or by
25 any alternative means of payment approved by fiscal rule promulgated by
26 the controller, unless there has been previously filed with the ~~division of~~
27 ~~accounts and control~~ OFFICE OF THE STATE CONTROLLER a commitment

1 voucher. The commitment voucher may be in the form of an advice of
2 employment, a purchase order, a copy of a contract, or a travel
3 authorization or in other form appropriate to the type of transaction as
4 prescribed by the controller. Any state contract involving the payment of
5 money by the state shall contain a clause providing that the contract shall
6 not be deemed valid until it has been approved by the controller or such
7 assistant as he may designate. Such contracts entered into on or after July
8 1, 1997, shall also contain a clause notifying the other party to the
9 contract of the controller's authority to withhold debts owed to state
10 agencies under the vendor offset intercept system pursuant to section
11 24-30-202.4 (3.5) (a) (I) and the types of debts that are subject to
12 withholding under said system. The form and content of and procedures
13 for filing such vouchers shall be prescribed by the fiscal rules
14 promulgated by the controller.

15 **SECTION 19.** 24-36-103 (2), Colorado Revised Statutes, is
16 amended to read:

17 **24-36-103. All state moneys to be transmitted to department.**

18 (2) Where a department, institution, or agency collects or receives
19 moneys of a trust or quasi-trust nature, or moneys derived from the
20 operation of a business-type enterprise, or moneys in which the interest,
21 share, or proportion of the state has not yet been determined, such
22 department, institution, or agency may, upon application to the ~~division~~
23 ~~of accounts and control~~ OFFICE OF THE STATE CONTROLLER and upon the
24 written approval of the controller and the state treasurer, deposit such
25 moneys in any depository authorized in section 24-75-603, under the
26 same conditions as required in articles 10.5 and 47 of title 11, C.R.S.,
27 with respect to the deposit of other state moneys. Such department,

1 institution, or agency shall file such reports as shall be required by fiscal
2 rules adopted by the controller.

3 **SECTION 20.** 24-36-105 (2), Colorado Revised Statutes, is
4 amended to read:

5 **24-36-105. Accounts to be kept - daily report.** (2) As of the
6 close of business each day, a report of the amount of all receipts and
7 disbursements during said day shall be furnished to the ~~division of~~
8 ~~accounts and control~~ OFFICE OF THE STATE CONTROLLER; except that the
9 receipts and disbursements shall not be reported by category as to the
10 several funds created by law and the accounts within such funds.

11 **SECTION 21.** 24-36-106 (1), Colorado Revised Statutes, is
12 amended to read:

13 **24-36-106. Record of warrants - order of payment - paid**
14 **warrants - validation.** (1) The treasury department shall maintain a list
15 of all warrants drawn upon the state treasurer by the ~~division of accounts~~
16 ~~and control~~ OFFICE OF THE STATE CONTROLLER and of those warrants
17 issued and outstanding. Such lists shall be open during regular business
18 hours for the inspection and examination of every person desiring to
19 inspect or examine the same.

20 **SECTION 22.** 24-53-105 (4) (b), Colorado Revised Statutes, is
21 amended to read:

22 **24-53-105. Contribution fund.** (4) (b) All such payments shall
23 be made upon vouchers submitted to the ~~division of accounts and control~~
24 OFFICE OF THE STATE CONTROLLER and by warrants drawn upon the state
25 treasurer in the manner prescribed by law.

26 **SECTION 23.** 24-75-202 (2), Colorado Revised Statutes, is
27 amended to read:

1 **24-75-202. Imprest cash accounts.** (2) Under procedures
2 prescribed by the controller, such department, institution, or agency may
3 pay out of said imprest cash account, locally, such operating expense
4 items as would be allowable if submitted on a regular voucher. The
5 aggregate amount of such payments shall be submitted to the ~~division of~~
6 ~~accounts and control~~ OFFICE OF THE STATE CONTROLLER, monthly or more
7 often, on a voucher signed by the fiscal officer of such department,
8 institution, or agency or by some person authorized to act for him, and
9 upon approval of the same, a warrant in said amount shall be drawn upon
10 the state treasurer for replenishment of said imprest cash account.

11 **SECTION 24.** 43-1-113 (8) (a), Colorado Revised Statutes, is
12 amended to read:

13 **43-1-113. Funds - budgets - fiscal year - reports and**
14 **publications - repeal.** (8) (a) The department, out of moneys in the state
15 highway fund budgeted therefor by the transportation commission and
16 within the total expenditures prescribed by the general assembly for the
17 fiscal year pursuant to section 43-1-112.5, shall reimburse other agencies
18 of state government for the costs incurred by such state agencies in
19 providing necessary services in support of the department and the
20 administration of the highway funds of the state. Such state agencies
21 include, but are not necessarily limited to, the ~~division of accounts and~~
22 ~~control~~ OFFICE OF THE STATE CONTROLLER in the department of personnel,
23 the office of state planning and budgeting, the department of personnel,
24 the department of revenue, and the department of the treasury. For any
25 fiscal year, the amount paid to any such state agency shall be the amount
26 indicated in the general appropriation act as the recovery of indirect costs
27 by such state agency out of the state highway fund. The amount so

1 indicated in the general appropriation act for the recovery of indirect costs
2 by any state agency pursuant to this subsection (8) may exceed the actual
3 indirect cost incurred by such agency, but the total of all such statewide
4 indirect cost recoveries indicated in the general appropriation act shall not
5 exceed the total indirect costs reasonably expected to be incurred by all
6 state agencies in providing necessary services in support of the
7 department and the administration of the highway funds of the state.
8 Payments made pursuant to this subsection (8) shall not be subject to the
9 limitations on appropriations and statutory distributions from the highway
10 users tax fund contained in section 43-4-201 (3).

11 **SECTION 25. Safety clause.** The general assembly hereby finds,
12 determines, and declares that this act is necessary for the immediate
13 preservation of the public peace, health, and safety.