

Second Regular Session
Sixty-fourth General Assembly
STATE OF COLORADO

ENGROSSED

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

LLS NO. 04-0315.02 Nicole Hoffman

HOUSE BILL 04-1009

HOUSE SPONSORSHIP

King,

SENATE SPONSORSHIP

Reeves,

House Committees

Finance

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE ABILITY OF THE GOVERNING BOARD OF EACH**
102 **INSTITUTION OF HIGHER EDUCATION TO ELECT TO BE EXEMPT**
103 **FROM CERTAIN STATE ADMINISTRATIVE RESTRICTIONS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Interim Committee on State Government Expenditures. Allows the governing board of each institution of higher education, by formal action of the board, to elect to be exempt from the requirements of the state motor vehicle fleet system, the division of risk management, and the procurement code.

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.

HOUSE
Amended 2nd Reading
February 16, 2004

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

2 **SECTION 1.** The introductory portion to 24-30-1104 (2),
3 Colorado Revised Statutes, is amended to read:

4 **24-30-1104. Central services functions of the department -**
5 **repeal.** (2) In addition to the county-specific functions set forth in
6 subsection (1) of this section, the department of personnel shall take such
7 steps as are necessary to fully implement a central state motor vehicle
8 fleet system by January 1, 1993. ~~The department of personnel shall~~
9 ~~perform the following functions pertaining to the motor vehicle fleet~~
10 ~~system throughout the state for~~ THE PROVISIONS OF THE MOTOR VEHICLE
11 FLEET SYSTEM CREATED PURSUANT TO THIS SUBSECTION (2) SHALL APPLY
12 TO the executive branch of the state of Colorado, its departments,
13 institutions, and agencies; EXCEPT THAT THE GOVERNING BOARD OF EACH
14 INSTITUTION OF HIGHER EDUCATION, BY FORMAL ACTION OF THE BOARD,
15 AND THE COLORADO COMMISSION ON HIGHER EDUCATION, BY FORMAL
16 ACTION OF THE COMMISSION, MAY ELECT TO BE EXEMPT FROM THE
17 PROVISIONS OF THIS SUBSECTION (2) AND MAY OBTAIN A MOTOR VEHICLE
18 FLEET SYSTEM INDEPENDENT OF THE STATE MOTOR VEHICLE FLEET
19 SYSTEM. Under the direction of the executive director, THE DEPARTMENT
20 OF PERSONNEL SHALL PERFORM THE FOLLOWING FUNCTIONS PERTAINING
21 TO THE MOTOR VEHICLE FLEET SYSTEM THROUGHOUT THE STATE:

22 **SECTION 2.** 24-30-1502 (5), Colorado Revised Statutes, is
23 amended to read:

24 **24-30-1502. Definitions.** As used in this part 15, unless the
25 context otherwise requires:

26 (5) "State agency" means any principal department of the state,
27 any state agency, institution, or hospital, any board, commission, advisory

1 board, or other entity established by law within or as an advisory to any
2 existing state department, institution, or agency, ~~and any state-supported~~
3 ~~institution of higher education or other instrumentality thereof, except as~~
4 ~~provided in section 24-30-1517 (2)~~, and the legislative and judicial
5 departments of the state; EXCEPT THAT THE GOVERNING BOARD OF EACH
6 INSTITUTION OF HIGHER EDUCATION, BY FORMAL ACTION OF THE BOARD,
7 ~~AND THE COLORADO COMMISSION ON HIGHER EDUCATION, BY FORMAL~~
8 ~~ACTION OF THE COMMISSION,~~ MAY ELECT TO BE EXCLUDED FROM THE
9 MEANING OF "STATE AGENCY" AND MAY OBTAIN A RISK MANAGEMENT
10 PROGRAM INDEPENDENT OF THE PROGRAM CREATED PURSUANT TO THIS
11 PART 15. The term also includes the Colorado state fair authority created
12 pursuant to section 35-65-401, C.R.S., and any conservation district
13 organized and certified pursuant to article 70 of title 35, C.R.S.; except
14 that, in the case of conservation districts, such inclusion under the risk
15 management fund is only for the purpose of liability protection as defined
16 in subsection (4.3) of this section.

17 **SECTION 3.** Part 15 of article 30 of title 24, Colorado Revised
18 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
19 read:

20 **24-30-1503.5. Risk management system - independent**
21 **program.** (1) IF AN INSTITUTION OF HIGHER EDUCATION OR THE
22 COLORADO COMMISSION ON HIGHER EDUCATION ELECTS TO BE EXCLUDED
23 FROM THE MEANING OF "STATE AGENCY" AND TO OBTAIN AN INDEPENDENT
24 RISK MANAGEMENT PROGRAM PURSUANT TO SECTION 24-30-1502 (5),
25 SUCH INSTITUTION OR COMMISSION SHALL CONDUCT AN ANALYSIS OF THE
26 INSTITUTION'S OR COMMISSION'S ABILITY TO PROVIDE WORKERS'
27 COMPENSATION AND THE ESTIMATED PROPERTY AND LIABILITY LOSSES,

1 INSURANCE COSTS, AND ADMINISTRATIVE COSTS OF RISK MANAGEMENT
2 THAT THE INSTITUTION OR COMMISSION WILL INCUR BY IMPLEMENTING AN
3 INDEPENDENT PROGRAM.

4 (2) BEFORE ANY INSTITUTION OF HIGHER EDUCATION OR THE
5 COLORADO COMMISSION ON HIGHER EDUCATION IMPLEMENTS AN
6 INDEPENDENT RISK MANAGEMENT PROGRAM, THE INSTITUTION OR
7 COMMISSION, AS APPLICABLE, SHALL SUBMIT A WRITTEN REPORT
8 DETAILING THE FINDINGS OF THE ANALYSIS CONDUCTED PURSUANT TO
9 SUBSECTION (1) OF THIS SECTION TO THE PRESIDENT OF THE SENATE, THE
10 SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE MAJORITY AND
11 MINORITY LEADERS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES,
12 THE MEMBERS OF THE JOINT BUDGET COMMITTEE, AND THE MEMBERS OF
13 THE BUSINESS AFFAIRS AND LABOR COMMITTEE OF THE SENATE AND THE
14 HOUSE OF REPRESENTATIVES.

15 (3) IN THE EVENT THAT AN INSTITUTION OF HIGHER EDUCATION OR
16 THE COLORADO COMMISSION ON HIGHER EDUCATION IMPLEMENTS AN
17 INDEPENDENT RISK MANAGEMENT PROGRAM, THE INSTITUTION OR
18 COMMISSION SHALL CONDUCT THE ANALYSIS AND SUBMIT THE REPORT
19 REQUIRED PURSUANT TO THIS SECTION WITHIN THE EXISTING RESOURCES
20 OF THE INSTITUTION OR COMMISSION, AS APPLICABLE.

21 **SECTION 4.** 24-30-1504 (1) (m), Colorado Revised Statutes, is
22 amended to read:

23 **24-30-1504. Powers and duties of the department.** (1) The
24 department of personnel shall have the following powers and duties:

25 (m) On and after July 1, 2001, to establish and administer a
26 statewide database and uniform reporting system to track employment
27 claims brought against state agencies and the losses incurred as a result

1 of such claims. ~~except as excluded by section 24-30-1517 (2).~~

2 **SECTION 5.** The introductory portion to 24-30-1505 (1) (a) (V),
3 Colorado Revised Statutes, is amended to read:

4 **24-30-1505. Powers of the executive director.** (1) In order to
5 perform the powers and duties set forth in this part 15, the executive
6 director shall exercise the following powers:

7 (a) Supervise the development and administration of the following
8 risk management programs:

9 (V) The pilot program described in section 24-30-1504 (1) (l) and
10 the statewide database and uniform tracking system described in section
11 24-30-1504 (1) (m) for the purpose of tracking employment claims
12 brought against state agencies and the losses incurred as a result of such
13 claims. ~~except as excluded by section 24-30-1517 (2).~~ In developing and
14 administering such programs, the executive director may:

15 **SECTION 6. Repeal.** 24-30-1517 (2), Colorado Revised
16 Statutes, is repealed as follows:

17 **24-30-1517. Applicability.** (2) ~~Nothing in this part 15 shall~~
18 ~~apply to the university of Colorado at Boulder, Denver, and Colorado~~
19 ~~Springs and the university of Colorado health sciences center.~~

20 **SECTION 7.** 24-101-105 (1), Colorado Revised Statutes, is
21 amended to read:

22 **24-101-105. Application of this code.** (1) This code shall apply
23 to all publicly funded contracts entered into by all governmental bodies
24 of the executive branch of this state; except that this code shall not apply
25 to the procurement of bridge and highway construction ~~nor to~~ OR TO
26 contracts for unsolicited or comparable proposals for public-private
27 initiatives under section 43-1-1203, C.R.S. THE GOVERNING BOARD OF

1 EACH INSTITUTION OF HIGHER EDUCATION, BY FORMAL ACTION OF THE
2 BOARD, AND THE COLORADO COMMISSION ON HIGHER EDUCATION, BY
3 FORMAL ACTION OF THE COMMISSION, MAY ELECT TO BE EXEMPT FROM
4 THE PROVISIONS OF THIS CODE AND MAY ENTER INTO CONTRACTS
5 INDEPENDENT OF THE TERMS SPECIFIED IN THIS CODE. Except as provided
6 in section 24-111-103, ~~it~~ THIS CODE shall also apply to contracts funded
7 in whole or in part with federal assistance moneys. However, this code
8 shall not apply to the awarding of grants or to the awarding of contracts
9 between the state and its political subdivisions or other governments,
10 except as provided in article 110 of this title. It shall apply to the transfer
11 or disposal of state supplies. Except for the provisions of article 109 of
12 this title, this code shall not apply to the procurement of public printing,
13 as defined in section 24-70-201. This code shall not apply to the
14 procurement of professional services, as defined in section 24-30-1402.
15 This code shall not apply to the Colorado state fair authority created
16 pursuant to section 35-65-401 (1), C.R.S. Upon the request of a
17 governmental body purchasing items for resale to the public, the head of
18 a purchasing agency may, by written determination, provide that this code
19 shall not apply to items acquired for such resale. Nothing in this code or
20 in rules promulgated under this code shall prevent any governmental body
21 or political subdivision from complying with the terms and conditions of
22 any grant, gift, bequest, or cooperative agreement.

23 **SECTION 8.** 24-101-301 (10), Colorado Revised Statutes, is
24 amended to read:

25 **24-101-301. Definitions.** The terms defined in this section shall
26 have the following meanings whenever they appear in this code, unless
27 the context in which they are used clearly requires a different meaning or

1 a different definition is prescribed for a particular article or portion
2 thereof:

3 (10) "Governmental body" means any department, commission,
4 council, board, bureau, committee, ~~institution of higher education,~~
5 agency, government corporation, or other establishment or official, other
6 than an elected official, of the executive branch of state government in
7 this state; EXCEPT THAT THE GOVERNING BOARD OF EACH INSTITUTION OF
8 HIGHER EDUCATION, BY FORMAL ACTION OF THE BOARD, AND THE
9 COLORADO COMMISSION ON HIGHER EDUCATION, BY FORMAL ACTION OF
10 THE COMMISSION, MAY ELECT TO BE EXCLUDED FROM THE MEANING OF
11 "GOVERNMENTAL BODY".

12 **SECTION 9.** 27-13-103 (1), Colorado Revised Statutes, is
13 amended to read:

14 **27-13-103. Employees - publications.** (1) The head of the
15 administrative division overseeing the Colorado mental health institute at
16 Pueblo shall appoint or employ, pursuant to section 13 of article XII of
17 the state constitution, such administrators, physicians, nurses, attendants,
18 and additional employees as may be necessary for the proper conduct of
19 said institute. The head of the administrative division may contract with
20 the board of regents of the university of Colorado health sciences center
21 for the provision of services by physicians when deemed necessary for
22 the proper conduct of the institute, and during the performance of any
23 duties by such physicians for the department of human services, such
24 physicians are "public employees" as defined in section 24-10-103 (4),
25 C.R.S., and ~~the limitation of section 24-30-1517 (2), C.R.S., shall not~~
26 ~~apply.~~ SHALL BE SUBJECT TO THE PROVISIONS OF THE RISK MANAGEMENT
27 SYSTEM PURSUANT TO PART 15 OF ARTICLE 30 OF TITLE 24, C.R.S.

1 **SECTION 10.** 27-15-103 (1), Colorado Revised Statutes, is
2 amended to read:

3 **27-15-103. Employees - publications.** (1) The head of the
4 administrative division overseeing the center shall appoint or employ,
5 pursuant to section 13 of article XII of the state constitution, such
6 administrators, physicians, nurses, attendants, and additional employees
7 as may be necessary for the proper conduct of said center. The head of
8 the administrative division may contract with the board of regents of the
9 university of Colorado health sciences center for the provision of services
10 by physicians when deemed necessary for the proper conduct of the
11 center, and during the performance of any duties by such physicians for
12 the department of human services, such physicians are "public
13 employees" as defined in section 24-10-103 (4), C.R.S., and ~~the~~
14 ~~limitation of section 24-30-1517 (2), C.R.S., shall not apply.~~ SHALL BE
15 SUBJECT TO THE PROVISIONS OF THE RISK MANAGEMENT SYSTEM
16 PURSUANT TO PART 15 OF ARTICLE 30 OF TITLE 24, C.R.S.

17 **SECTION 11. Effective date.** This act shall take effect July 1,
18 2004.

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