

**Second Regular Session
Sixty-fourth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

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.*

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.** 24-30-1504 (1) (m), Colorado Revised Statutes, is
18 amended to read:

19 **24-30-1504. Powers and duties of the department.** (1) The
20 department of personnel shall have the following powers and duties:

21 (m) On and after July 1, 2001, to establish and administer a
22 statewide database and uniform reporting system to track employment
23 claims brought against state agencies and the losses incurred as a result
24 of such claims. ~~except as excluded by section 24-30-1517 (2).~~

25 **SECTION 4.** The introductory portion to 24-30-1505 (1) (a) (V),
26 Colorado Revised Statutes, is amended to read:

27 **24-30-1505. Powers of the executive director.** (1) In order to

1 perform the powers and duties set forth in this part 15, the executive
2 director shall exercise the following powers:

3 (a) Supervise the development and administration of the following
4 risk management programs:

5 (V) The pilot program described in section 24-30-1504 (1) (l) and
6 the statewide database and uniform tracking system described in section
7 24-30-1504 (1) (m) for the purpose of tracking employment claims
8 brought against state agencies and the losses incurred as a result of such
9 claims. ~~except as excluded by section 24-30-1517 (2).~~ In developing and
10 administering such programs, the executive director may:

11 **SECTION 5. Repeal.** 24-30-1517 (2), Colorado Revised
12 Statutes, is repealed as follows:

13 **24-30-1517. Applicability.** (2) ~~Nothing in this part 15 shall
14 apply to the university of Colorado at Boulder, Denver, and Colorado
15 Springs and the university of Colorado health sciences center.~~

16 **SECTION 6.** 24-101-105 (1), Colorado Revised Statutes, is
17 amended to read:

18 **24-101-105. Application of this code.** (1) This code shall apply
19 to all publicly funded contracts entered into by all governmental bodies
20 of the executive branch of this state; except that this code shall not apply
21 to the procurement of bridge and highway construction ~~nor to~~ OR TO
22 contracts for unsolicited or comparable proposals for public-private
23 initiatives under section 43-1-1203, C.R.S. THE GOVERNING BOARD OF
24 EACH INSTITUTION OF HIGHER EDUCATION, BY FORMAL ACTION OF THE
25 BOARD, AND THE COLORADO COMMISSION ON HIGHER EDUCATION, BY
26 FORMAL ACTION OF THE COMMISSION, MAY ELECT TO BE EXEMPT FROM
27 THE PROVISIONS OF THIS CODE AND MAY ENTER INTO CONTRACTS

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

19 **SECTION 7.** 24-101-301 (10), Colorado Revised Statutes, is
20 amended to read:

21 **24-101-301. Definitions.** The terms defined in this section shall
22 have the following meanings whenever they appear in this code, unless
23 the context in which they are used clearly requires a different meaning or
24 a different definition is prescribed for a particular article or portion
25 thereof:

26 (10) "Governmental body" means any department, commission,
27 council, board, bureau, committee, ~~institution of higher education,~~

1 agency, government corporation, or other establishment or official, other
2 than an elected official, of the executive branch of state government in
3 this state; EXCEPT THAT THE GOVERNING BOARD OF EACH INSTITUTION OF
4 HIGHER EDUCATION, BY FORMAL ACTION OF THE BOARD, AND THE
5 COLORADO COMMISSION ON HIGHER EDUCATION, BY FORMAL ACTION OF
6 THE COMMISSION, MAY ELECT TO BE EXCLUDED FROM THE MEANING OF
7 "GOVERNMENTAL BODY".

8 **SECTION 8.** 27-13-103 (1), Colorado Revised Statutes, is
9 amended to read:

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

24 **SECTION 9.** 27-15-103 (1), Colorado Revised Statutes, is
25 amended to read:

26 **27-15-103. Employees - publications.** (1) The head of the
27 administrative division overseeing the center shall appoint or employ,

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

13 **SECTION 10. Effective date.** This act shall take effect July 1,
14 2004.

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