

CHAPTER 189

EDUCATION - UNIVERSITIES AND COLLEGES

HOUSE BILL 04-1009

BY REPRESENTATIVE(S) King, and Schultheis;
also SENATOR(S) Reeves, and Isgar.

AN ACT

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

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

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

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

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

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

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(5) (a) "State agency" means any principal department of the state, any state agency, institution, or hospital, any board, commission, advisory board, or other entity established by law within or as an advisory to any existing state department, institution, or agency, and any state-supported institution of higher education or other instrumentality thereof, except as provided in PARAGRAPH (b) OF THIS SUBSECTION (5) AND IN SECTION 24-30-1517 (2), and the legislative and judicial departments of the state. The term also includes the Colorado state fair authority created pursuant to section 35-65-401, C.R.S., and any conservation district organized and certified pursuant to article 70 of title 35, C.R.S.; except that, in the case of conservation districts, such inclusion under the risk management fund is only for the purpose of liability protection as defined in subsection (4.3) of this section.

(b) THE GOVERNING BOARD OF EACH INSTITUTION OF HIGHER EDUCATION, BY FORMAL ACTION OF THE GOVERNING BOARD, AND THE COLORADO COMMISSION ON HIGHER EDUCATION, BY FORMAL ACTION OF THE COMMISSION, MAY ELECT TO BE EXCLUDED FROM THE MEANING OF "STATE AGENCY" PURSUANT TO THIS SUBSECTION (5) AND MAY OBTAIN A RISK MANAGEMENT PROGRAM INDEPENDENT OF THE PROGRAM CREATED PURSUANT TO THIS PART 15. NOTHING IN THIS PARAGRAPH (b) SHALL BE CONSTRUED TO AFFECT THE EXEMPT STATUS OF ANY INSTITUTION IN THE UNIVERSITY OF COLORADO SYSTEM, INCLUDING THE UNIVERSITY OF COLORADO AT BOULDER, DENVER, AND COLORADO SPRINGS, AND THE UNIVERSITY OF COLORADO HEALTH SCIENCES CENTER, FROM THE STATE RISK MANAGEMENT SYSTEM PURSUANT TO SECTION 24-30-1517 (2), OR TO REQUIRE THE GOVERNING BOARD OF ANY SUCH INSTITUTION IN THE UNIVERSITY OF COLORADO SYSTEM TO TAKE FORMAL ACTION IN ORDER TO BE EXEMPT FROM THE DEFINITION OF "STATE AGENCY".

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

24-30-1503.5. Risk management system - independent program. (1) IF AN INSTITUTION OF HIGHER EDUCATION OR THE COLORADO COMMISSION ON HIGHER EDUCATION ELECTS TO BE EXCLUDED FROM THE MEANING OF "STATE AGENCY" AND TO OBTAIN AN INDEPENDENT RISK MANAGEMENT PROGRAM PURSUANT TO SECTION 24-30-1502 (5) (b), SUCH INSTITUTION OR COMMISSION SHALL CONDUCT AN ANALYSIS OF THE INSTITUTION'S OR COMMISSION'S ABILITY TO PROVIDE WORKERS' COMPENSATION AND THE ESTIMATED PROPERTY AND LIABILITY LOSSES, INSURANCE COSTS, AND ADMINISTRATIVE COSTS OF RISK MANAGEMENT THAT THE INSTITUTION OR COMMISSION WILL INCUR BY IMPLEMENTING AN INDEPENDENT PROGRAM.

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

(3) IN THE EVENT THAT AN INSTITUTION OF HIGHER EDUCATION OR THE COLORADO

COMMISSION ON HIGHER EDUCATION IMPLEMENTS AN INDEPENDENT RISK MANAGEMENT PROGRAM, THE INSTITUTION OR COMMISSION SHALL CONDUCT THE ANALYSIS AND SUBMIT THE REPORT REQUIRED PURSUANT TO THIS SECTION WITHIN THE EXISTING RESOURCES OF THE INSTITUTION OR COMMISSION, AS APPLICABLE.

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

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

(m) On and after July 1, 2001, to establish and administer a statewide database and uniform reporting system to track employment claims brought against state agencies and the losses incurred as a result of such claims, except as excluded by ~~section 24-30-1517 (2)~~ PURSUANT TO SECTIONS 24-30-1502 (5) (b) AND 24-30-1517 (2).

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

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

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

(V) The pilot program described in section 24-30-1504 (1) (l) and the statewide database and uniform tracking system described in section 24-30-1504 (1) (m) for the purpose of tracking employment claims brought against state agencies and the losses incurred as a result of such claims, except as excluded by ~~section 24-30-1517 (2)~~ PURSUANT TO SECTIONS 24-30-1502 (5) (b) AND 24-30-1517 (2). In developing and administering such programs, the executive director may:

SECTION 6. 24-30-1517 (2), Colorado Revised Statutes, is amended to read:

24-30-1517. Applicability. (2) Nothing in this part 15 shall apply to the university of Colorado SYSTEM, INCLUDING THE UNIVERSITY OF COLORADO at Boulder, Denver, and Colorado Springs and the university of Colorado health sciences center.

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

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

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

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

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

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

SECTION 9. Effective date. This act shall take effect July 1, 2004.

SECTION 10. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 23, 2004