

CHAPTER 167

GOVERNMENT - STATE

HOUSE BILL 95-1362

BY REPRESENTATIVES Owen, Grampas, Romero, Chavez, Congrove, Dean, Friednash, Gordon, Jerke, Lamm, Salaz, Saliman, Schwarz, Sullivant, and Tupa;
also SENATORS Blickensderfer, Lacy, Rizzuto, Casey, Feeley, Johnson, Mares, Norton, Schroeder, and Weissmann.

AN ACT

CONCERNING THE MERGER OF THE DEPARTMENT OF ADMINISTRATION INTO THE DEPARTMENT OF PERSONNEL, AND, IN CONNECTION THEREWITH, ABOLISHING THE DEPARTMENT OF ADMINISTRATION, TRANSFERRING THE DUTIES OF THE DEPARTMENT OF ADMINISTRATION TO THE DEPARTMENT OF PERSONNEL, MAKING CONFORMING AMENDMENTS, AND MAKING AN APPROPRIATION.

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

SECTION 1. 24-1-110 (1) (f), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is repealed as follows:

24-1-110. Principal departments. (1) In accordance with the provisions of section 22 of article IV of the state constitution, all executive and administrative offices, agencies, and instrumentalities of the executive department of the state government and their respective functions, powers, and duties, except as otherwise provided by law, are allocated among and within the following principal departments created by this article:

(f) ~~Department of administration;~~

SECTION 2. 24-1-116, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is repealed as follows:

24-1-116. Department of administration - creation. ~~(1) There is hereby created a department of administration, the head of which shall be the executive director of the department of administration, who shall be appointed by the governor, with the consent of the senate, and who shall serve at the pleasure of the governor. The reappointment of an executive director after initial election of a governor shall be subject to the provisions of section 24-20-109.~~

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

~~(2) The department of administration shall consist of the following divisions:~~

~~(a) Division of purchasing, the head of which shall be the state purchasing director. The division of purchasing and the office of state purchasing director, created by part 2 of article 102 of this title, and their powers, duties, and functions are transferred by a **type 2** transfer to the department of administration as the division of purchasing.~~

~~(b) Repealed.~~

~~(c) Division of state archives and public records, the head of which shall be the state archivist. The division of state archives and public records and the office of state archivist, created by part 1 of article 80 of this title, and their powers, duties, and functions are transferred by a **type 2** transfer to the department of administration as the division of state archives and public records.~~

~~(d) Repealed.~~

~~(d.5) The general government computer center, the head of which shall be the director of the general government computer center. The said center and director shall exercise the powers, duties, and functions specified in this article and in part 16 of article 30 of this title under the department of administration and the executive director thereof as if the same were transferred by a **type 2** transfer to the department. The powers, duties, and functions of the division of automated data processing and of its director pursuant to this article and part 6 of article 30 of this title, concerning the operation of automated data processing equipment, including the data entry, systems development and programming, and computer functions thereof, are transferred by a **type 2** transfer to the general government computer center.~~

~~(e) Division of accounts and control, the head of which shall be the controller. The division of accounts and control and the office of controller, created by part 2 of article 30 of this title, and their powers, duties, and functions, except those powers, duties, and functions transferred by paragraph (d) of this subsection (2), are transferred by a **type 2** transfer to the department of administration as the division of accounts and control.~~

~~(f) Repealed.~~

~~(g) Division of telecommunications, the head of which shall be the state telecommunications director. The division of telecommunications and the state telecommunications director, created by part 9 of article 30 of this title, shall exercise their powers and perform their duties and functions as if transferred by a **type 2** transfer to the department of administration as a division thereof.~~

~~(h) Division of administrative hearings, the head of which shall be the executive director of the department of administration, created by part 10 of article 30 of this title, which shall exercise its powers and perform its duties and functions as if transferred by a **type 2** transfer to the department of administration as a division thereof;~~

~~(i) Division of central services, the head of which shall be the director of central~~

~~services. The division of central services and the director of central services, created by part 11 of article 30 of this title, shall exercise their powers and perform their duties and functions as if transferred by a **type 2** transfer to the department of administration.~~

~~(j) (I) Division of risk management, the head of which shall be the state risk manager. The division of risk management and the state risk manager, created by part 15 of article 30 of this title, shall exercise their powers and perform their duties and functions as if transferred by a **type 2** transfer to the department of administration as a division thereof.~~

~~(H) Repealed.~~

~~(3) Repealed.~~

~~(4) The division of accounts and control shall contain the following:~~

~~(a) The accounting section. Those powers, duties, and functions of the division of accounts and control relating to accounting, accounting systems, and financial and other reports, pursuant to part 2 of article 30 of this title and other laws relating thereto, are transferred by a **type 2** transfer to the department of administration and allocated to the division of accounts and control as a section thereof.~~

~~(b) and (c) Repealed.~~

~~(d) The incentive award suggestion system board, created by part 8 of article 30 of this title, and its powers, duties, and functions are transferred by a **type 2** transfer to the department of administration.~~

~~(5) The powers, duties, and functions concerning state buildings, specified by part 13 of article 30 of this title, formerly vested in the office of state planning and budgeting, are transferred by a **type 2** transfer to the department of administration.~~

~~(6) (a) The state claims board, created by part 15 of article 30 of this title, shall exercise its powers and perform its duties and functions as if it were transferred by a **type 1** transfer to the department of administration.~~

~~(b) Repealed.~~

~~(7) Repealed.~~

~~(8) The department of administration shall include the commission on information management, created by section 24-30-1701. Said commission shall exercise its powers and perform its duties and functions as if transferred by a **type 1** transfer to the department of administration.~~

SECTION 3. 24-1-128, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

24-1-128. Department of personnel - creation. (6) THE POWERS, DUTIES, AND

FUNCTIONS OF THE DEPARTMENT OF ADMINISTRATION ARE TRANSFERRED BY A **TYPE 3** TRANSFER TO THE DEPARTMENT OF PERSONNEL, AND THE DEPARTMENT OF ADMINISTRATION IS HEREBY ABOLISHED.

(7) THE DEPARTMENT OF PERSONNEL SHALL INCLUDE THE FOLLOWING ADMINISTRATIVE SUPPORT SERVICES:

(a) DIVISION OF PURCHASING, THE HEAD OF WHICH SHALL BE THE STATE PURCHASING DIRECTOR. THE DIVISION OF PURCHASING AND THE OFFICE OF STATE PURCHASING DIRECTOR, CREATED BY PART 2 OF ARTICLE 102 OF THIS TITLE, AND THEIR POWERS, DUTIES, AND FUNCTIONS ARE TRANSFERRED BY A **TYPE 2** TRANSFER TO THE DEPARTMENT OF PERSONNEL AS THE DIVISION OF PURCHASING.

(b) DIVISION OF STATE ARCHIVES AND PUBLIC RECORDS, THE HEAD OF WHICH SHALL BE THE STATE ARCHIVIST. THE DIVISION OF STATE ARCHIVES AND PUBLIC RECORDS AND THE OFFICE OF STATE ARCHIVIST, CREATED BY PART 1 OF ARTICLE 80 OF THIS TITLE, AND THEIR POWERS, DUTIES, AND FUNCTIONS ARE TRANSFERRED BY A **TYPE 2** TRANSFER TO THE DEPARTMENT OF PERSONNEL AS THE DIVISION OF STATE ARCHIVES AND PUBLIC RECORDS.

(c) THE GENERAL GOVERNMENT COMPUTER CENTER, THE HEAD OF WHICH SHALL BE THE DIRECTOR OF THE GENERAL GOVERNMENT COMPUTER CENTER. THE POWERS, DUTIES, AND FUNCTIONS SPECIFIED IN THIS ARTICLE AND IN PART 16 OF ARTICLE 30 OF THIS TITLE CONCERNING THE CENTER AND DIRECTOR ARE TRANSFERRED BY A **TYPE 2** TRANSFER TO THE DEPARTMENT OF PERSONNEL. THE POWERS, DUTIES, AND FUNCTIONS CONCERNING THE OPERATION OF AUTOMATED DATA PROCESSING EQUIPMENT, INCLUDING THE DATA ENTRY, SYSTEMS DEVELOPMENT AND PROGRAMMING, AND COMPUTER FUNCTIONS THEREOF, ARE TRANSFERRED BY A **TYPE 2** TRANSFER TO THE GENERAL GOVERNMENT COMPUTER CENTER.

(d) DIVISION OF ACCOUNTS AND CONTROL, THE HEAD OF WHICH SHALL BE THE CONTROLLER. THE DIVISION OF ACCOUNTS AND CONTROL AND THE OFFICE OF CONTROLLER, CREATED BY PART 2 OF ARTICLE 30 OF THIS TITLE, AND THEIR POWERS, DUTIES, AND FUNCTIONS, EXCEPT THOSE POWERS, DUTIES, AND FUNCTIONS TRANSFERRED BY PARAGRAPH (c) OF THIS SUBSECTION (7), ARE TRANSFERRED BY A **TYPE 2** TRANSFER TO THE DEPARTMENT OF PERSONNEL AS THE DIVISION OF ACCOUNTS AND CONTROL.

(e) DIVISION OF TELECOMMUNICATIONS, THE HEAD OF WHICH SHALL BE THE STATE TELECOMMUNICATIONS DIRECTOR. THE DIVISION OF TELECOMMUNICATIONS AND THE STATE TELECOMMUNICATIONS DIRECTOR, CREATED BY PART 9 OF ARTICLE 30 OF THIS TITLE, AND THEIR POWERS, DUTIES, AND FUNCTIONS ARE TRANSFERRED BY **TYPE 2** TRANSFER TO THE DEPARTMENT OF PERSONNEL AS A DIVISION THEREOF.

(f) DIVISION OF ADMINISTRATIVE HEARINGS, THE HEAD OF WHICH SHALL BE THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL. THE DIVISION OF ADMINISTRATIVE HEARINGS, CREATED BY PART 10 OF ARTICLE 30 OF THIS TITLE, AND ITS POWERS, DUTIES, AND FUNCTIONS ARE TRANSFERRED BY A **TYPE 2** TRANSFER TO THE DEPARTMENT OF PERSONNEL AS A DIVISION THEREOF.

(g) DIVISION OF CENTRAL SERVICES, THE HEAD OF WHICH SHALL BE THE DIRECTOR

OF CENTRAL SERVICES. THE DIVISION OF CENTRAL SERVICES AND THE DIRECTOR OF CENTRAL SERVICES, CREATED BY PART 11 OF ARTICLE 30 OF THIS TITLE, AND THEIR POWERS, DUTIES, AND FUNCTIONS ARE TRANSFERRED BY A **TYPE 2** TRANSFER TO THE DEPARTMENT OF PERSONNEL.

(h) DIVISION OF RISK MANAGEMENT, THE HEAD OF WHICH SHALL BE THE STATE RISK MANAGER. THE DIVISION OF RISK MANAGEMENT AND THE STATE RISK MANAGER, CREATED BY PART 15 OF ARTICLE 30 OF THIS TITLE, AND THEIR POWERS, DUTIES, AND FUNCTIONS ARE TRANSFERRED BY A **TYPE 2** TRANSFER TO THE DEPARTMENT OF PERSONNEL AS A DIVISION THEREOF.

(i) DIVISION OF ACCOUNTS AND CONTROL. THE DIVISION OF ACCOUNTS AND CONTROL PURSUANT TO PART 2 OF ARTICLE 30 OF THIS TITLE, AND ITS POWERS, DUTIES, AND FUNCTIONS ARE TRANSFERRED BY A **TYPE 2** TRANSFER TO THE DEPARTMENT OF PERSONNEL AS A DIVISION THEREOF.

(j) THE INCENTIVE AWARD SUGGESTION SYSTEM BOARD. SUCH BOARD, CREATED BY PART 8 OF ARTICLE 30 OF THIS TITLE, AND ITS POWERS, DUTIES, AND FUNCTIONS ARE TRANSFERRED BY A **TYPE 2** TRANSFER TO THE DEPARTMENT OF PERSONNEL.

(k) THE POWERS, DUTIES, AND FUNCTIONS CONCERNING STATE BUILDINGS. SUCH POWERS, DUTIES, AND FUNCTIONS, SPECIFIED BY PART 13 OF ARTICLE 30 OF THIS TITLE AND FORMERLY VESTED IN THE OFFICE OF STATE PLANNING AND BUDGETING, ARE TRANSFERRED BY A **TYPE 2** TRANSFER TO THE DEPARTMENT OF PERSONNEL.

(l) THE STATE CLAIMS BOARD, CREATED BY PART 15 OF ARTICLE 30 OF THIS TITLE, AND ITS POWERS, DUTIES, AND FUNCTIONS ARE TRANSFERRED BY A **TYPE 1** TRANSFER TO THE DEPARTMENT OF PERSONNEL.

(m) THE COMMISSION ON INFORMATION MANAGEMENT. SUCH COMMISSION, CREATED BY SECTION 24-30-1701, AND ITS POWERS, DUTIES, AND FUNCTIONS ARE TRANSFERRED BY A **TYPE 1** TRANSFER TO THE DEPARTMENT OF PERSONNEL.

SECTION 4. 24-30-101, Colorado Revised Statutes, 1988 Repl. Vol., is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

24-30-101. Department of personnel - state support services. ON AND AFTER JULY 1, 1995, IN AN EFFORT TO ELIMINATE UNNECESSARY FUNCTIONS, AVOID DUPLICATION, REDUCE COSTS, INCREASE EFFICIENCY, AND IMPROVE SERVICES TO THE STATE AND THE PUBLIC, THE RIGHTS, POWERS, DUTIES, FUNCTIONS, OBLIGATIONS, AND DIVISIONS OF THE DEPARTMENT OF ADMINISTRATION ARE TRANSFERRED TO THE DEPARTMENT OF PERSONNEL.

SECTION 5. 24-30-102, Colorado Revised Statutes, 1988 Repl. Vol., is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

24-30-102. Construction of terms. ON AND AFTER JULY 1, 1995, WHEN ANY LAW OF THIS STATE REFERS TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF ADMINISTRATION, SAID LAW SHALL BE CONSTRUED AS REFERRING TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL. WHEN ANY LAW OF THIS STATE REFERS TO THE DEPARTMENT OF ADMINISTRATION SAID LAW SHALL BE CONSTRUED AS

REFERRING TO THE DEPARTMENT OF PERSONNEL.

SECTION 6. Title 24, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW ARTICLE to read:

ARTICLE 50.3

**State Administrative Support Services -
Department of Personnel**

**PART 1
GENERAL PROVISIONS**

24-50.3-101. Legislative declaration. THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT THE MERGER OF THE DEPARTMENT OF ADMINISTRATION, WHICH IS RESPONSIBLE FOR PROVIDING SPECIFIC ADMINISTRATIVE SUPPORT SERVICES TO STATE AGENCIES, INTO THE DEPARTMENT OF PERSONNEL, WHICH IS RESPONSIBLE FOR THE ADMINISTRATION OF THE STATE PERSONNEL SYSTEM, WILL RESULT IN INCREASED EFFICIENCY, REDUCED COSTS, INCREASED ACCOUNTABILITY, AND IMPROVEMENTS IN THE PROVISION OF SERVICES TO STATE AGENCIES AND THE PUBLIC. IT IS FOR THIS PURPOSE THAT THE GENERAL ASSEMBLY HAS ENACTED THIS ARTICLE.

24-50.3-102. Short title. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE "STATE SUPPORT SERVICES REORGANIZATION ACT".

24-50.3-103. Definitions. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "DEPARTMENT" MEANS THE DEPARTMENT OF PERSONNEL.

(2) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL.

24-50.3-104. Powers and duties of executive director. (1) NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO DIMINISH THE RESPONSIBILITY OF THE EXECUTIVE DIRECTOR IN ADMINISTERING THE STATE PERSONNEL SYSTEM AS REQUIRED BY THE STATE CONSTITUTION OR STATUTES.

(2) IN ADDITION TO ALL OTHER POWERS AND DUTIES CONFERRED OR IMPOSED UPON THE EXECUTIVE DIRECTOR BY THIS ARTICLE OR ANY OTHER LAW, THE EXECUTIVE DIRECTOR SHALL:

(a) STUDY AND MAKE RECOMMENDATIONS TO THE GOVERNOR REGARDING IMPROVEMENTS IN TECHNIQUES USED BY STATE AGENCIES FOR MANAGEMENT SPECIALTIES, INCLUDING, BUT NOT LIMITED TO, ACCOUNTING, PURCHASING, MAINTENANCE OF STATE BUILDINGS AND GROUNDS, RECORDS MANAGEMENT, AND DATA PROCESSING MANAGEMENT;

(b) COORDINATE AND PROVIDE SERVICES USED BY MORE THAN ONE STATE AGENCY;

(c) REVIEW AGENCIES' PROGRAMS AND MANAGEMENT IN ORDER TO IDENTIFY PROBLEMS AND SUGGEST IMPROVEMENTS TO THE GOVERNOR;

(d) REPORT ANNUALLY TO THE GOVERNOR CONCERNING ALL FINDINGS AND RECOMMENDATIONS;

(e) REVIEW THE ACCOUNTS OF ALL STATE AGENCIES WITH RESPECT TO THE STATUS OF DEBTS OWED TO THE STATE THROUGH ANY AGENCY, OTHER THAN TAXES RECOVERABLE BY THE DEPARTMENT OF REVENUE, AND DEVISE METHODS TO INCREASE THE EFFICIENCY OF THE AGENCIES AND THE CONTROLLER IN THE COLLECTION OF SUCH DEBTS;

(f) SUPERVISE THE PROVISION OF MAINTENANCE AND OTHER RELATED SERVICES TO ALL BUILDINGS AND GROUNDS IN THE CAPITOL BUILDINGS GROUP.

(3) IN ORDER TO PERFORM THESE DUTIES, THE EXECUTIVE DIRECTOR SHALL HAVE THE POWER TO:

(a) PROMULGATE RULES AND REGULATIONS;

(b) EXAMINE THE BOOKS, ACCOUNTS, AND EMPLOYEES OF THE VARIOUS STATE AGENCIES;

(c) CONDUCT PUBLIC OR PRIVATE HEARINGS ON ANY MATTER RELATING TO THE FUNCTIONS OF THE EXECUTIVE DIRECTOR;

(d) ESTABLISH STANDARDS FOR THE EXECUTIVE BRANCH REGARDING THE ALLOCATION OF OFFICE SPACE TO VARIOUS FUNCTIONS, THE SIZE AND DENSITY OF OCCUPANCY OF OFFICE SPACE, AND THE AMOUNT AND QUALITY OF OFFICE FURNISHINGS;

(e) AFTER CONSULTATION WITH OTHER STATE AGENCIES, PROMULGATE RULES AND REGULATIONS WHICH SET OUT THE METHODS TO BE EMPLOYED BY STATE AGENCIES IN THE COLLECTION OF DEBTS DUE THE STATE. RULES AND REGULATIONS SHALL BE UNIFORM WHEREVER POSSIBLE FOR ALL STATE AGENCIES AND SHALL INCLUDE SUCH THINGS AS THE CLASSIFICATION OF DEBTS BY TYPE, AMOUNT, TIME STATUS AS TO DELINQUENCY, CIRCUMSTANCES OF DEBTOR, POSSIBILITY OF ERROR, AND ANY OTHER METHOD OF CLASSIFICATION WHICH AIDS AN AGENCY IN EFFICIENT EFFORTS TO RECOVER AMOUNTS DUE THE STATE. SUCH RULES AND REGULATIONS SHALL ALSO SPECIFY THE REQUIREMENTS FOR A DEBT TO BE CLASSIFIED AS "REFERABLE TO CONTROLLER" FOR FURTHER COLLECTION.

(f) PROMULGATE RULES AND REGULATIONS FOR THE CONTROLLER AND THE STAFF OF THE DIVISION OF ACCOUNTS AND CONTROL IN THE COLLECTION OF DEBTS REFERRED TO THAT OFFICE, INCLUDING SUCH MATTERS AS REFERRALS TO COLLECTION AGENCIES OR PRACTICING ATTORNEYS FOR OUT-OF-STATE COLLECTION OF DEBTS; AUTHORITY TO WRITE OFF, RELEASE, OR COMPROMISE DEBTS; AUTHORIZATION OF SUIT FILINGS; AND METHODS OF COLLECTION OF JUDGMENTS;

(g) PROMULGATE PROCEDURAL RULES GOVERNING THE CONDUCT OF HEARINGS BEFORE THE DIVISION OF ADMINISTRATIVE HEARINGS.

(4) THE EXECUTIVE DIRECTOR SHALL HAVE SUCH OTHER POWERS, DUTIES, AND FUNCTIONS AS ARE PRESCRIBED FOR HEADS OF PRINCIPAL DEPARTMENTS IN THE

"ADMINISTRATIVE ORGANIZATION ACT OF 1968", ARTICLE 1 OF THIS TITLE.

(5) EVERY STATE DEPARTMENT, ITS OFFICERS, AND ITS EMPLOYEES SHALL COOPERATE WITH THE EXECUTIVE DIRECTOR IN THE PERFORMANCE OF THE EXECUTIVE DIRECTOR'S DUTIES.

(6) THE EXECUTIVE DIRECTOR SHALL HAVE THE RESPONSIBILITY FOR THE ANALYSIS OF ALL STATE AGENCY PROGRAMS; THE APPRAISAL OF THE QUANTITY AND QUALITY OF SERVICES RENDERED BY EACH PRINCIPAL DEPARTMENT AND BY THE DIVISIONS, SECTIONS, AND UNITS THEREUNDER; AND THE DEVELOPMENT OF PLANS FOR IMPROVEMENTS AND ECONOMIES IN THE ORGANIZATION AND OPERATION OF THE PRINCIPAL DEPARTMENTS AND FOR REPORTING THEREON TO THE GOVERNOR AND THE GENERAL ASSEMBLY.

24-50.3-105. Transfer of functions - employees - property - records. (1) ON AND AFTER JULY 1, 1995, THE DEPARTMENT OF PERSONNEL SHALL EXECUTE, ADMINISTER, PERFORM, AND ENFORCE THE RIGHTS, POWERS, DUTIES, FUNCTIONS, AND OBLIGATIONS VESTED PRIOR TO JULY 1, 1995, IN THE DEPARTMENT OF ADMINISTRATION.

(2) (a) ON AND AFTER JULY 1, 1995, ALL POSITIONS OF EMPLOYMENT IN THE DEPARTMENT OF ADMINISTRATION CONCERNING THE DUTIES AND FUNCTIONS TRANSFERRED TO THE DEPARTMENT OF PERSONNEL PURSUANT TO SECTION 24-1-128, THIS ARTICLE, AND ARTICLE 30 OF THIS TITLE AND DETERMINED TO BE NECESSARY TO CARRY OUT THE PURPOSES OF THESE ARTICLES BY THE EXECUTIVE DIRECTOR SHALL BE TRANSFERRED TO THE DEPARTMENT OF PERSONNEL AND SHALL BECOME EMPLOYMENT POSITIONS THEREIN. THE EXECUTIVE DIRECTOR SHALL APPOINT SUCH EMPLOYEES AS ARE NECESSARY TO CARRY OUT THE DUTIES AND EXERCISE THE POWERS CONFERRED BY LAW UPON THE DEPARTMENT AND THE OFFICE OF THE EXECUTIVE DIRECTOR. ANY APPOINTMENT OF EMPLOYEES AND ANY CREATION OR ELIMINATION OF POSITIONS OF EMPLOYMENT NECESSARY TO CARRY OUT THE PURPOSES OF THESE ARTICLES SHALL BE CONSISTENT WITH THE PLAN FOR REORGANIZING STATE SUPPORT SERVICES AS SET FORTH IN PART 2 OF THIS ARTICLE AND SHALL BE IMPLEMENTED AFTER THE PLAN OR RELEVANT PORTION OF THE PLAN HAS BEEN PRESENTED TO THE STATE SUPPORT SERVICES REORGANIZATION COMMITTEE PURSUANT TO SECTION 24-50.3-202. APPOINTING AUTHORITY MAY BE DELEGATED BY THE EXECUTIVE DIRECTOR AS APPROPRIATE.

(b) ON AND AFTER JULY 1, 1995, ALL EMPLOYEES OF THE DEPARTMENT OF ADMINISTRATION WHOSE DUTIES AND FUNCTIONS CONCERNED THE POWERS, DUTIES, AND FUNCTIONS TRANSFERRED TO THE DEPARTMENT OF PERSONNEL PURSUANT TO SECTION 24-1-128, THIS ARTICLE, AND ARTICLE 30 OF THIS TITLE, REGARDLESS OF WHETHER THE POSITION OF EMPLOYMENT IN WHICH THE EMPLOYEE SERVED WAS TRANSFERRED, SHALL BE CONSIDERED EMPLOYEES OF THE DEPARTMENT OF PERSONNEL FOR PURPOSES OF SECTION 24-50-124. SUCH EMPLOYEES SHALL RETAIN ALL RIGHTS UNDER THE STATE PERSONNEL SYSTEM AND TO RETIREMENT BENEFITS PURSUANT TO THE LAWS OF THIS STATE, AND THEIR SERVICES SHALL BE DEEMED CONTINUOUS.

(3) ON JULY 1, 1995, ALL ITEMS OF PROPERTY, REAL AND PERSONAL, INCLUDING OFFICE FURNITURE AND FIXTURES, BOOKS, DOCUMENTS, AND RECORDS OF THE

DEPARTMENT OF ADMINISTRATION PERTAINING TO THE DUTIES AND FUNCTIONS TRANSFERRED TO THE DEPARTMENT OF PERSONNEL ARE TRANSFERRED TO THE DEPARTMENT OF PERSONNEL AND SHALL BECOME THE PROPERTY THEREOF.

(4) ON AND AFTER JULY 1, 1995, WHENEVER THE DEPARTMENT OF ADMINISTRATION IS REFERRED TO OR DESIGNATED BY ANY CONTRACT OR OTHER DOCUMENT IN CONNECTION WITH THE DUTIES AND FUNCTIONS TRANSFERRED TO THE DEPARTMENT OF PERSONNEL, SUCH REFERENCE OR DESIGNATION SHALL BE DEEMED TO APPLY TO THE DEPARTMENT OF PERSONNEL. ALL CONTRACTS ENTERED INTO BY THE SAID DEPARTMENTS PRIOR TO JULY 1, 1995, IN CONNECTION WITH THE DUTIES AND FUNCTIONS TRANSFERRED TO THE DEPARTMENT OF PERSONNEL ARE HEREBY VALIDATED, WITH THE DEPARTMENT OF PERSONNEL SUCCEEDING TO ALL RIGHTS AND OBLIGATIONS UNDER SUCH CONTRACTS. ANY CASH FUNDS, CUSTODIAL FUNDS, TRUSTS, GRANTS, AND ANY APPROPRIATIONS OF FUNDS FROM PRIOR FISCAL YEARS OPEN TO SATISFY OBLIGATIONS INCURRED UNDER SUCH CONTRACTS SHALL BE TRANSFERRED AND APPROPRIATED TO THE DEPARTMENT OF PERSONNEL FOR THE PAYMENT OF SUCH OBLIGATIONS.

(5) ON AND AFTER JULY 1, 1995, UNLESS OTHERWISE SPECIFIED, WHENEVER ANY PROVISION OF LAW REFERS TO THE DEPARTMENT OF ADMINISTRATION, SAID LAW SHALL BE CONSTRUED AS REFERRING TO THE DEPARTMENT OF PERSONNEL.

(6) ALL RULES, REGULATIONS, AND ORDERS OF THE DEPARTMENT OF ADMINISTRATION ADOPTED PRIOR TO JULY 1, 1995, IN CONNECTION WITH THE POWERS, DUTIES, AND FUNCTIONS TRANSFERRED TO THE DEPARTMENT OF PERSONNEL SHALL CONTINUE TO BE EFFECTIVE UNTIL REVISED, AMENDED, REPEALED, OR NULLIFIED PURSUANT TO LAW. ON AND AFTER JULY 1, 1995, THE EXECUTIVE DIRECTOR SHALL ADOPT RULES NECESSARY FOR THE ADMINISTRATION OF THE DEPARTMENT AND THE ADMINISTRATION OF THE ADMINISTRATIVE SUPPORT SERVICES TRANSFERRED TO THE DEPARTMENT PURSUANT TO SECTION 24-1-128, THIS ARTICLE, AND ARTICLE 30 OF THIS TITLE. ANY RULES PROPOSED BY THE EXECUTIVE DIRECTOR ON AND AFTER JULY 1, 1995, NECESSARY TO CARRY OUT THE PURPOSES OF THESE ARTICLES SHALL BE CONSISTENT WITH THE PLAN FOR REORGANIZING STATE SUPPORT SERVICES AS SET FORTH IN PART 2 OF THIS ARTICLE AND SHALL BE ADOPTED AFTER THE PLAN OR RELEVANT PORTION OF THE PLAN HAS BEEN PRESENTED TO THE STATE SUPPORT SERVICES REORGANIZATION COMMITTEE PURSUANT TO SECTION 24-50.3-202.

(7) NO SUIT, ACTION, OR OTHER JUDICIAL OR ADMINISTRATIVE PROCEEDING LAWFULLY COMMENCED PRIOR TO JULY 1, 1995, OR THAT COULD HAVE BEEN COMMENCED PRIOR TO SUCH DATE, BY OR AGAINST THE DEPARTMENT OF ADMINISTRATION OR ANY OFFICER THEREOF IN SUCH OFFICER'S OFFICIAL CAPACITY OR IN RELATION TO THE DISCHARGE OF THE OFFICER'S DUTIES, SHALL ABATE BY REASON OF THE TRANSFER OF DUTIES AND FUNCTIONS FROM SAID DEPARTMENT TO THE DEPARTMENT OF PERSONNEL.

(8) THE EXECUTIVE DIRECTOR, OR A DESIGNEE OF THE EXECUTIVE DIRECTOR, MAY ACCEPT, ON BEHALF OF AND IN THE NAME OF THE STATE, GIFTS, DONATIONS, AND GRANTS FOR ANY PURPOSE CONNECTED WITH THE WORK AND PROGRAMS OF THE DEPARTMENT. ANY PROPERTY SO GIVEN SHALL BE HELD BY THE STATE TREASURER, BUT THE EXECUTIVE DIRECTOR, OR THE DESIGNEE THEREFOR, SHALL HAVE THE POWER

TO DIRECT THE DISPOSITION OF ANY PROPERTY SO GIVEN FOR ANY PURPOSE CONSISTENT WITH THE TERMS AND CONDITIONS UNDER WHICH SUCH GIFT WAS CREATED.

24-50.3-106. Authority of revisor of statutes to amend references to department - affected statutory provisions. THE REVISOR OF STATUTES IS HEREBY AUTHORIZED TO CHANGE ALL REFERENCES IN THE COLORADO REVISED STATUTES TO THE DEPARTMENT OF ADMINISTRATION FROM THE DEPARTMENT OF ADMINISTRATION TO THE DEPARTMENT OF PERSONNEL WITH RESPECT TO THE POWERS, DUTIES, AND FUNCTIONS TRANSFERRED TO THE DEPARTMENT. IN CONNECTION WITH SUCH AUTHORITY, THE REVISOR OF STATUTES IS HEREBY AUTHORIZED TO AMEND OR DELETE PROVISIONS OF THE COLORADO REVISED STATUTES SO AS TO MAKE THE STATUTES CONSISTENT WITH THE POWERS, DUTIES, AND FUNCTIONS TRANSFERRED PURSUANT TO SECTION 24-1-128, THIS ARTICLE, AND ARTICLE 30 OF THIS TITLE.

PART 2

REORGANIZATION OF STATE SUPPORT SERVICES

24-50.3-201. Reorganizing state support services - plan. (1) ON OR BEFORE OCTOBER 1, 1995, THE EXECUTIVE DIRECTOR SHALL:

(a) PREPARE A PLAN FOR REORGANIZING THE DEPARTMENT OF PERSONNEL PURSUANT TO THIS ARTICLE AND SHALL DELIVER THE PLAN TO THE JOINT BUDGET COMMITTEE AND TO THE CHAIRPERSONS OF THE HOUSE AND SENATE COMMITTEES ON STATE, VETERANS, AND MILITARY AFFAIRS. THE EXECUTIVE DIRECTOR MAY DELIVER THE PLAN AS A WHOLE PLAN OR IN SUCCESSIVE PARTS OF A PLAN ON OR BEFORE OCTOBER 1, 1995. THE PLAN SHALL REORGANIZE THE DEPARTMENT OF PERSONNEL TO IMPROVE QUALITY, ELIMINATE DUPLICATION, REDUCE COSTS, INCREASE ACCOUNTABILITY, AND INCREASE EFFICIENCY IN THE PROVISION OF SERVICES TO STATE AGENCIES AND THE PUBLIC. THE PLAN SHALL IDENTIFY THE MAJOR FUNCTIONS OF THE DEPARTMENT AND ESTABLISH DIVISIONS, SECTIONS, AND OTHER UNITS WITHIN THE DEPARTMENT AS ARE NECESSARY FOR THE PROPER AND EFFICIENT DISCHARGE OF THE POWERS, DUTIES, AND FUNCTIONS OF THE DEPARTMENT. THE EXECUTIVE DIRECTOR SHALL REVIEW THE CURRENT STATUTES AND RULES RELATED TO STATE PURCHASING AND CONTRACTING PROCEDURES AND SHALL INCLUDE RECOMMENDATIONS FOR REORGANIZING SAID PROCEDURES IN THE PLAN.

(b) SUBMIT A BUDGET REQUEST FOR FISCAL YEAR 1996-97 THAT IS CONSISTENT WITH THE PLAN FOR REORGANIZING STATE SUPPORT SERVICES. THE BUDGET REQUEST SHALL BE SUBMITTED TO THE OFFICE OF STATE PLANNING AND BUDGETING ON OR BEFORE OCTOBER 1, 1995, AND TO THE JOINT BUDGET COMMITTEE ON OR BEFORE NOVEMBER 15, 1995.

(2) (a) THE POWERS, DUTIES, AND FUNCTIONS PREVIOUSLY ASSIGNED TO STATUTORILY CREATED DIVISIONS, SECTIONS, OR UNITS OF THE DEPARTMENT OF ADMINISTRATION SHALL TRANSFER WITH THE DIVISION, SECTION, OR UNIT TO THE DEPARTMENT OF PERSONNEL AND SHALL REMAIN AS POWERS, DUTIES, AND FUNCTIONS OF THE STATUTORILY CREATED DIVISION, SECTION, OR UNIT UNTIL LEGISLATION IS ENACTED THAT REALLOCATES THOSE POWERS, DUTIES, AND FUNCTIONS. THE EXECUTIVE DIRECTOR MAY ALLOCATE THE POWERS, DUTIES, AND FUNCTIONS OF THE DEPARTMENT OF ADMINISTRATION THAT WERE NOT PREVIOUSLY ASSIGNED TO STATUTORILY CREATED DIVISIONS, SECTIONS, OR UNITS TO THE DIVISIONS, SECTIONS,

AND OTHER UNITS WITHIN THE DEPARTMENT AS THE EXECUTIVE DIRECTOR DETERMINES ARE NECESSARY TO EFFECTIVELY AND EFFICIENTLY OPERATE DURING THE REORGANIZATION PERIOD. ANY ALLOCATION OF DUTIES PURSUANT TO THIS SUBSECTION (2) SHALL BE CONSISTENT WITH THE PLAN FOR REORGANIZING STATE SUPPORT SERVICES.

(b) NOTHING IN THIS SUBSECTION (2) SHOULD BE CONSTRUED AS PROHIBITING THE EXECUTIVE DIRECTOR FROM ALLOCATING PERSONNEL IN ORDER TO ESTABLISH NECESSARY COMMUNICATION BETWEEN THE DEPARTMENT AND THE TRANSFERRED DIVISIONS, SECTIONS, OR UNITS OR TO PREPARE THE PLAN DESCRIBED IN THIS PART 2.

(3) THE REORGANIZATION OF THE DEPARTMENT SHALL NOT RESULT IN SHIFTING COSTS TO OTHER STATE AGENCIES WITHOUT THE EXPRESS CONSENT OF THE GENERAL ASSEMBLY.

(4) THE EXECUTIVE DIRECTOR SHALL PROVIDE THE JOINT BUDGET COMMITTEE AND THE CHAIRPERSONS OF THE HOUSE AND SENATE COMMITTEES ON STATE, VETERANS, AND MILITARY AFFAIRS WITH A MONTHLY STATUS REPORT ON THE REORGANIZATION OF THE DEPARTMENT AND WITH ANY ADDITIONAL INFORMATION REQUESTED BY THE COMMITTEE OR ITS STAFF.

24-50.3-202. State support services advisory committee - duties. (1) IN ORDER TO OBTAIN INPUT AND ASSISTANCE FROM THE PRIVATE SECTOR IN CONNECTION WITH THE REORGANIZATION OF STATE SUPPORT SERVICES, THERE IS HEREBY ESTABLISHED THE STATE SUPPORT SERVICES ADVISORY COMMITTEE, REFERRED TO IN THIS PART 2 AS THE "COMMITTEE".

(2) (a) THE COMMITTEE SHALL CONSIST OF SIX MEMBERS APPOINTED BY THE GOVERNOR. IN APPOINTING THE MEMBERS THE GOVERNOR SHALL SEEK PERSONS WITH EXPERIENCE IN RESTRUCTURING A LARGE PUBLIC OR PRIVATE ORGANIZATION AND SHALL ATTEMPT TO ESTABLISH A MEMBERSHIP WITH DIVERSE REORGANIZATION EXPERIENCE.

(b) APPOINTMENTS SHALL BE MADE NO LATER THAN JUNE 15, 1995.

(c) MEMBERS SHALL BE REIMBURSED FOR NECESSARY EXPENSES INCURRED IN ATTENDANCE AT COMMITTEE MEETINGS.

(3) THE COMMITTEE SHALL REVIEW, ADVISE, AND COMMENT ON THE PLAN OR RELEVANT PORTION OF THE PLAN FOR REORGANIZING THE DEPARTMENT OF PERSONNEL AS REQUESTED BY THE EXECUTIVE DIRECTOR OR THE JOINT BUDGET COMMITTEE.

(4) THE STAFF OF THE DEPARTMENT OF PERSONNEL SHALL PROVIDE STAFF ASSISTANCE TO THE COMMITTEE IN CARRYING OUT ITS DUTIES AND RESPONSIBILITIES PURSUANT TO THIS PART 2.

24-50.3-203. Reorganization plan - review and comment. THE JOINT BUDGET COMMITTEE SHALL REVIEW AND COMMENT ON THE PLAN OR RELEVANT PORTION OF THE PLAN AS PREPARED AND SUBMITTED PURSUANT TO SECTION 24-50.3-201. THE JOINT BUDGET COMMITTEE MAY REQUEST INPUT FROM THE STATE SUPPORT SERVICES

ADVISORY COMMITTEE. THE JOINT BUDGET COMMITTEE MAY PROPOSE LEGISLATIVE CHANGES BASED ON SUCH REVIEW AND COMMENT IN THE FORM OF ONE OR MORE BILLS.

24-50.3-204. Repeal. THIS PART 2 IS REPEALED, EFFECTIVE JULY 1, 1996.

SECTION 7. 2-3-1203 (3) (i), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

2-3-1203. Sunset review of advisory committees. (3) The following dates are the dates for which the statutory authorization for the designated advisory committees is scheduled for repeal:

(i) July 1, 1996:

(VIII) THE STATE SUPPORT SERVICES ADVISORY COMMITTEE CREATED PURSUANT TO SECTION 24-50.3-202.

SECTION 8. 1-45-113 (1) (e), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-45-113. Duties of the secretary of state - prosecution of violations. (1) The secretary of state shall:

(e) Conduct hearings on any matter within ~~his~~ THE jurisdiction OF THE SECRETARY OF STATE, as provided in subsection (2) of this section, subject to appropriations made to the secretary of state. Any complaints filed against any candidate for the office of secretary of state shall be referred to the attorney general. Any administrative law judge employed pursuant to this paragraph (e) shall be appointed pursuant to part 10 of article 30 of title 24, C.R.S., subject to appropriations made to the department of ~~administration~~ PERSONNEL. Any hearing conducted by an administrative law judge employed pursuant to this paragraph (e) shall be conducted in accordance with the provisions of section 24-4-105, C.R.S.

SECTION 9. 2-3-1306, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

2-3-1306. Staff assistance. In carrying out its duties under this part 13, the capital development committee may request staff assistance from the offices providing other legislative services or from the department of ~~administration~~ PERSONNEL and the office of state planning and budgeting in the governor's office. The legislative council shall provide any necessary secretarial and clerical assistance.

SECTION 10. 4-9-411 (2) (c), Colorado Revised Statutes, 1992 Repl. Vol., as amended, is amended to read:

4-9-411. Committee to make recommendation concerning implementation of filing system - legislative declaration - repeal. (2) A committee shall be established to recommend how to implement the system described in subsection (1) of this section. The committee shall consist of the following thirteen members:

(c) One member, appointed by the commission on information management in the department of ~~administration~~ PERSONNEL, shall represent the commission;

SECTION 11. 8-20-512 (5), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

8-20-512. Enforcement orders - civil penalties. (5) Within twenty working days after the informal conference, the state inspector of oils shall uphold, modify, or strike the allegations of the notice of violation and may issue an enforcement order. The decision shall be served upon the alleged violator personally or by certified mail, return receipt requested. Such notice of violation or enforcement order may be appealed within twenty working days to the executive director of the department of labor and employment. The executive director of the department of labor and employment may either conduct the hearing ~~himself~~ or ~~he~~ may appoint an administrative law judge from the division of administrative hearings in the department of ~~administration~~ PERSONNEL to conduct the hearing. The executive director of the department of labor and employment may review such decision in accordance with the provisions of section 24-4-105, C.R.S., and final agency action shall be determined in accordance with the provisions of said section. Such final agency action shall be subject to judicial review in accordance with section 24-4-106, C.R.S.

SECTION 12. 8-20.5-107 (5), Colorado Revised Statutes, 1986 Repl. Vol., as enacted by House Bill 95-1183, enacted at the First Regular Session of the Sixtieth General Assembly, is amended to read:

8-20.5-107. Enforcement orders - civil penalties. (5) Within twenty working days after the informal conference, the state inspector of oils shall uphold, modify, or strike the allegations of the notice of violation and may issue an enforcement order. The decision shall be served upon the alleged violator personally or by certified mail, return receipt requested. Such notice of violation or enforcement order may be appealed within twenty working days to the executive director of the department. The executive director of the department may either conduct the hearing personally or appoint an administrative law judge from the division of administrative hearings in the department of ~~administration~~ PERSONNEL to conduct the hearing. The executive director of the department may review such decision in accordance with the provisions of section 24-4-105, C.R.S., and final agency action shall be determined in accordance with the provisions of said section. Such final agency action shall be subject to judicial review in accordance with section 24-4-106, C.R.S.

SECTION 13. 8-43-201, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

8-43-201. Disputes arising under "Workers' Compensation Act of Colorado". The director and administrative law judges employed by the division of administrative hearings in the department of ~~administration~~ PERSONNEL shall have original jurisdiction to hear and decide all matters arising under articles 40 to 47 of this title; except that the following principles shall apply: A claimant in a workers' compensation claim shall have the burden of proving entitlement to benefits by a preponderance of the evidence; the facts in a workers' compensation case shall not be interpreted liberally in favor of either the rights of the injured worker or the rights of

the employer; and a workers' compensation case shall be decided on its merits.

SECTION 14. 8-43-206 (1), (2), and (4), Colorado Revised Statutes, 1986 Repl. Vol., as amended, are amended to read:

8-43-206. Settlement conference procedures. (1) Any employee, insurer, or employer, if self-insured, involved in a dispute arising under articles 40 to 47 of this title may request settlement conference services from the director or the division of administrative hearings in the department of ~~administration~~ PERSONNEL. However, such settlement procedures are optional and entirely voluntary, and no such procedures shall be conducted without the consent of both parties to the dispute.

(2) Settlement conferences shall be conducted by a settlement conference officer who may be a prehearing administrative law judge or an administrative law judge in the division of administrative hearings in the department of ~~administration~~ PERSONNEL appointed pursuant to section 24-30-1003, C.R.S., and assigned to hear disputes arising under articles 40 to 47 of this title. The parties may agree on the selection of a settlement conference officer; except that such officer shall not be the administrative law judge who is regularly assigned to hear the employee's case. If the parties fail to agree on the selection of such officer, they may apply to the director or to the division of administrative hearings for the designation of a settlement conference officer who shall not be the administrative law judge who is regularly assigned to hear the employee's case.

(4) The executive director of the department of ~~administration~~ PERSONNEL shall adopt rules and regulations to implement the provisions of this section. Such rules and regulations shall be consistent with the provisions of section 8-43-204.

SECTION 15. The introductory portions to 8-43-211 (1) and (2) and 8-43-211 (2) (b), Colorado Revised Statutes, 1986 Repl. Vol., as amended, are amended to read:

8-43-211. Notice - request for hearing. (1) At least thirty days prior to any hearing, the division of administrative hearings in the department of ~~administration~~ PERSONNEL shall send written notice to all parties by regular mail. The notice shall:

(2) Hearings shall be set by the division of administrative hearings in the department of ~~administration~~ PERSONNEL within eighty to one hundred days after any of the following occur:

(b) Any party requests a hearing on issues ripe for adjudication by filing a written request with the division of administrative hearings in the department of ~~administration~~ PERSONNEL on forms provided by the division. Such request shall be mailed to all parties at the time they are filed with the division of administrative hearings. After the filing of such requests, the division of administrative hearings in the department of ~~administration~~ PERSONNEL shall set the matter for hearing insofar as is practicable in the order in which requests are received by the division of administrative hearings.

SECTION 16. 8-45-101 (7) (b), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

8-45-101. Colorado compensation insurance authority - creation - powers and duties. (7) (b) The board is authorized to contract with the department of labor and employment or the department of ~~administration~~ PERSONNEL for information processing and administrative support services other than personnel for carrying out the functions authorized in this article.

SECTION 17. 8-47-101 (3) (d) (I), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

8-47-101. Division of workers' compensation - creation - powers, duties, and functions - transfer of functions and property - change of statutory references. (3) (d) (I) On July 1, 1997, the administrative law judges in the division of administrative hearings in the department of ~~administration~~ PERSONNEL whose principal duties are concerned with matters arising under articles 40 to 47 of this title and all docketing functions and personnel whose principal duties are connected therewith shall be transferred to the division and shall become employees thereof. Such employees shall retain all rights to the state personnel system and retirement benefits under the laws of this state, and their services shall be deemed to have been continuous. All transfers and any abolition of positions in the state personnel system shall be made and processed in accordance with state personnel system laws and rules and regulations. Contemporaneously with such transfer, all items of property, real and personal, including, office furniture and fixtures, books, documents, and records, of the division of administrative hearings pertaining to the duties and functions of the said administrative law judges and other personnel so transferred are transferred to the division of workers' compensation and shall become the property thereof.

SECTION 18. 9-5-110 (1) (a), Colorado Revised Statutes, 1986 Repl. Vol., is amended to read:

9-5-110. Responsibility for enforcing standards. (1) The responsibility for enforcement of this article is as follows:

(a) Where state funds are utilized, by the department of ~~administration~~ PERSONNEL;

SECTION 19. 10-4-720 (7), Colorado Revised Statutes, 1994 Repl. Vol., is amended to read:

10-4-720. Cancellation - renewal - reclassification. (7) If the commissioner finds the proposed action to be justified, ~~he~~ THE COMMISSIONER shall dismiss the protest and allow the proposed action to be taken on its proposed effective date or twenty days after the date of the determination, whichever is later. If the commissioner finds the proposed action to be unjustified, ~~he~~ THE COMMISSIONER shall disallow the action and may, in addition, order the insurer to pay such reasonable counsel fees incurred by the insured for representation at the hearing as he may deem appropriate. The commissioner may delegate the duties and powers conferred in this section to one or more employees or to one or more administrative law judges appointed pursuant to part 10 of article 30 of title 24, C.R.S., subject to appropriations for such administrative law judges made to the department of ~~administration~~ PERSONNEL. Any hearing shall be conducted in accordance with the provisions of section 24-4-105, C.R.S.

SECTION 20. 11-44-101.6 (4), Colorado Revised Statutes, 1987 Repl. Vol., as amended, is amended to read:

11-44-101.6. Financial services board - creation. (4) Each member of the board shall receive the same per diem compensation and reimbursement of expenses as those provided for members of boards and commissions in the division of registrations pursuant to section 24-34-102 (13), C.R.S. Payment for all such expenses and allowances shall be made upon vouchers therefor, which shall be filed with the division of accounts and control in the department of ~~administration~~ PERSONNEL.

SECTION 21. 12-55.5-106 (2), Colorado Revised Statutes, 1991 Repl. Vol., is amended to read:

12-55.5-106. Disciplinary actions - grounds for discipline. (2) Any proceeding to deny, suspend, revoke, or place on probation a registration shall be conducted pursuant to sections 24-4-104 and 24-4-105, C.R.S. The director may use an administrative law judge employed by the division of administrative hearings in the department of ~~administration~~ PERSONNEL to conduct hearings. Any person whose registration is denied, suspended, placed on probation, or revoked shall pay for the costs incurred in bringing and conducting such proceeding.

SECTION 22. 12-61-114 (3), Colorado Revised Statutes, 1991 Repl. Vol., is amended to read:

12-61-114. Hearing - administrative law judge - review - rule-making authority. (3) An administrative law judge shall conduct all hearings for denying, suspending, or revoking a license or certificate on behalf of the commission, subject to appropriations made to the department of ~~administration~~ PERSONNEL. Each administrative law judge shall be appointed pursuant to part 10 of article 30 of title 24, C.R.S. The administrative law judge shall conduct the hearing pursuant to the provisions of sections 24-4-104 and 24-4-105, C.R.S. No license shall be denied, suspended, or revoked until the commission has made its decision by a majority vote.

SECTION 23. 12-64-105 (9) (f), Colorado Revised Statutes, 1991 Repl. Vol., is amended to read:

12-64-105. Board of veterinary medicine. (9) The board has the power to:

(f) Hold hearings on all matters properly brought before the board. An administrative law judge may conduct all hearings for denying, suspending, or revoking a license or for any other similar matter properly brought before the board and assigned by the board to the administrative law judge, subject to appropriations made to the department of ~~administration~~ PERSONNEL. An administrative law judge shall be appointed pursuant to part 10 of article 30 of title 24, C.R.S. Disciplinary and punitive actions of the board shall be made public.

SECTION 24. 13-3-106 (1) (b), Colorado Revised Statutes, 1987 Repl. Vol., is amended to read:

13-3-106. Judicial department operating budget - fiscal procedures.

(1) (b) The court administrator, subject to the approval of the chief justice, shall prepare an annual budget request upon forms and according to procedures agreed to by the executive director of the department of ~~administration~~ PERSONNEL and the joint budget committee of the general assembly. The budget request documents and such additional information as may be requested shall be submitted to the department of ~~administration~~ PERSONNEL and the joint budget committee according to the same time schedule for budgetary review and analysis required of all executive agencies. The governor shall include ~~his~~ recommendations for court appropriations as part of his OR HER regular budget message and according to section 24-37-301, C.R.S. The general assembly, upon recommendation of the joint budget committee, shall make appropriations to courts based on an evaluation of the budget request and the availability of state funds.

SECTION 25. 17-1-104.4 (3) (b), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

17-1-104.4. Future correctional facility needs. (3) (b) Pursuant to the provisions of part 14 of article 30 of title 24, C.R.S., the department of ~~administration~~ PERSONNEL shall contract with one or more persons or firms to provide contract administration, oversight of the various contractors, management and coordination services between the various contractors and the department of corrections or between the various contractors and the department of human services, and such other project management services as may be required to accomplish the construction of the correctional facility projects authorized by this section and the juvenile detention facility projects authorized in sections 15 (2) and 16 of House Bill 94-1340, enacted at the second regular session of the fifty-ninth general assembly. The cost for contracting for such persons or firms shall be paid out of the appropriations made by the general assembly for the construction of the correctional facility projects authorized by this section and the juvenile detention facility projects authorized in sections 15 (2) and 16 of House Bill 94-1340, enacted at the second regular session of the fifty-ninth general assembly.

SECTION 26. 17-24-104 (2) (a) (IV), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

17-24-104. Creation of division of correctional industries and advisory committee - enterprise status of division - duties of committee - sunset review of committee. (2) (a) There is hereby created the correctional industries advisory committee, which shall consist of:

(IV) The executive director of the department of ~~administration~~ PERSONNEL;

SECTION 27. 17-24-111 (1) (c), Colorado Revised Statutes, 1986 Repl. Vol., is amended to read:

17-24-111. Purchasing requirement. (1) (c) The financial and staff resources dedicated to said purchasing function in the affected agency shall be under the authority of the division of purchasing in the department of ~~administration~~ PERSONNEL during the period of suspension, and purchases made for the affected agency shall be in accordance with the requirements of this subsection (1).

SECTION 28. 24-1-136.5 (1), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

24-1-136.5. Capital construction and long-range planning - policy - heads of principal departments. (1) The executive director of each department, after consultation with the directors of the subordinate agencies, divisions, or offices within the department, shall have authority to prescribe uniform policies, procedures, and standards of space utilization in department facilities, except for office space, for the development and approval of capital construction projects for the department. Nothing in this subsection (1) shall be construed to alter the authority of the department of ~~administration~~ PERSONNEL to prescribe uniform standards for office space pursuant to section 24-30-1303 (1) (h).

SECTION 29. 24-8-102, Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

24-8-102. Office space, supplies, and equipment. The department of ~~administration~~ PERSONNEL shall provide the governor-elect and ~~his~~ THE GOVERNOR-ELECT'S staff with suitable office space in the capitol building, together with sufficient furnishings, supplies, equipment, and telephone service for the period between the general election and the inauguration.

SECTION 30. 24-8-103 (1), Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

24-8-103. Access to information. (1) The governor and executive director of the department of ~~administration~~ PERSONNEL shall cooperate with the governor-elect and ~~his~~ THE GOVERNOR-ELECT'S staff to enable the governor-elect to adequately prepare his OR HER policy priorities, budget recommendations, legislative program, and messages to the general assembly. To implement the provisions of this section, the governor-elect and ~~his~~ authorized staff shall have full access to:

SECTION 31. 24-8-105, Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

24-8-105. General assembly to make appropriation. At the regular session in each year in which there is a general election to elect a new governor, the general assembly shall appropriate to the department of ~~administration~~ PERSONNEL a sum of not less than ten thousand dollars to pay the necessary expenses of the governor-elect incurred between the general election and the inauguration, including, but not limited to, office supplies, postage, actual and necessary travel expenses, and compensation of administrative, secretarial, and clerical personnel. Any unexpended balance of such appropriation remaining after the payment of such expenses shall revert to the general fund.

SECTION 32. 24-16-106, Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

24-16-106. Rules and regulations. On or after July 1, 1981, but before January 1, 1982, the division of accounts and control of the department of ~~administration~~ PERSONNEL shall promulgate rules and regulations which are designed to implement

the provisions of this article. In promulgating such rules and regulations, the controller may seek the advice of the advisory committee on governmental accounting appointed pursuant to section 29-1-503, C.R.S., but the advice of such committee shall not be binding upon the controller. He shall at all times be concerned with the promulgation and implementation of rules and regulations concerning the obligation of agencies of government to keep certain project records, even if duplicative, in accordance with generally accepted cost accounting principles and standards. Upon request of local government officials, the division of accounts and control may assist local government officials in implementing cost accounting procedures.

SECTION 33. 24-22-113 (1), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

24-22-113. Power of state treasurer to loan money to the Colorado financial reporting system project - repeal. (1) At the discretion of the state treasurer, as provided in section 24-75-203 (2), the state treasurer shall loan to the Colorado financial reporting system (COFRS) project an amount determined by the COFRS line item in the general appropriation act. In addition, the state treasurer shall ensure that the loan is repaid from cost savings or increased earnings identified as a direct result of improvements in the automated financial reporting system. In the event that cost savings and increased earnings are not sufficient to repay the loan, the state treasurer, with the cooperation of the division of accounts and control in the department of ~~administration~~ PERSONNEL, shall collect the difference from the state agency general appropriation act line items which have been identified in the loan. It is the intent of the general assembly that program services not be reduced in order to repay this loan.

SECTION 34. The introductory portion to 24-30-201 (1) and 24-30-201 (1) (j), Colorado Revised Statutes, 1988 Repl. Vol., are amended, and the said 24-30-201 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

24-30-201. Division of accounts and control - controller. (1) The division of accounts and control shall be a division in the department of ~~administration~~ PERSONNEL. The controller shall be the head of the division and shall be appointed by the executive director of the department of ~~administration~~ PERSONNEL, subject to the provisions of section 13 of article XII of the state constitution. The controller shall be bonded in such amount as said executive director shall fix. The powers and duties of the division and of the controller shall be:

(j) Pursuant to rules and regulations promulgated by the executive director of the department of ~~administration~~ PERSONNEL, to assist state agencies in their efforts to recover moneys owing to the state and to collect, on behalf of the state, accounts referred to the controller and the division of accounts and control under rules and regulations authorizing such referral under defined circumstances, as further specified in section 24-30-202.4;

(2) THE DIVISION OF ACCOUNTS AND CONTROL AND THE OFFICE OF CONTROLLER AND THEIR POWERS, DUTIES, AND FUNCTIONS, EXCEPT THOSE POWERS, DUTIES, AND FUNCTIONS TRANSFERRED BY SECTION 24-1-128 (7) (c), ARE TRANSFERRED BY A TYPE 2 TRANSFER TO THE DEPARTMENT OF PERSONNEL AS THE DIVISION OF ACCOUNTS AND CONTROL.

SECTION 35. 24-30-202 (5.5), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

24-30-202. Procedures - vouchers and warrants - rules - penalties. (5.5) Any commitment voucher that provides that the financial obligations of the state in subsequent fiscal years are contingent upon funds for that purpose being appropriated, budgeted, and otherwise made available shall not be deemed to create any state multiple-fiscal year direct or indirect debt or other financial obligation whatsoever for purposes of section 20 (4) (b) of article X of the state constitution. Notwithstanding any other provision of this subsection (5.5), no contract for the purchase or lease of property, real or personal, shall be entered into if it involves the issuance of certificates of participation or other instruments evidencing the commitment of the state to make payments in subsequent fiscal years of moneys due under such contract, even if such commitment of funds is expressly made contingent upon funds for that purpose being appropriated, budgeted, or otherwise made available, unless and until a court of competent jurisdiction renders a final decision as to the constitutionality of the issuance of certificates of participation or other instruments evidencing the commitment of a district to make payments in subsequent fiscal years of moneys due under a contract for the purchase or lease of property, real or personal, even if such commitment of funds is expressly made contingent upon funds for that purpose being appropriated, budgeted, or otherwise made available. For purposes of this section and parts 7 and 8 of article 82 of this title, a final decision by a court of competent jurisdiction shall mean a decision by the Colorado supreme court or by the Colorado court of appeals after any period for appeal to the Colorado supreme court has passed. The department of ~~administration~~ PERSONNEL shall report to the executive committee of the legislative council, the joint budget committee, and the capital development committee of the general assembly concerning the occurrence of any such court decision. If a lease-purchase agreement is subject to the requirement of specific authorization by the general assembly under part 8 of said article 82, such committees shall make a recommendation to the general assembly concerning whether to authorize the lease-purchase agreement involving the issuance of certificates of participation or other instruments. The department of ~~administration~~ PERSONNEL and the Colorado commission on higher education shall maintain comparative data which will assist in determining the relative costs to the state, over the entire term of the arrangement, of financing the purchase or lease of property through pay-as-you-go methods, certificates of participation, or other arrangements.

SECTION 36. 24-30-202.4 (1), (2), and (3) (a), Colorado Revised Statutes, 1988 Repl. Vol., as amended, are amended to read:

24-30-202.4. Collection of debts due state - controller's duties - creation of debt collection fund. (1) The controller shall advise and assist the various state agencies concerning the collection of debts due the state through such agencies, in accordance with rules and regulations promulgated by the executive director of the department of ~~administration~~ PERSONNEL, to achieve the prompt collection of debts due such agencies.

(2) Except for those debts under the jurisdiction of the department of revenue which are referred to in section 24-35-108 (1) (a), beginning January 1, 1992, all state agencies shall refer to the controller debts due the state which the agency has

been unable to collect within thirty days after such debts have become past due, together with the data and information necessary for the controller to institute collection procedures. The controller may grant an exception to the requirement that a state agency refer debts within such thirty-day period based upon a documented and justified need provided by a state agency. Until July 1, 1992, the controller shall have up to one hundred twenty days, and thereafter the controller shall have ninety days, after receipt of a debt to use all state collection capabilities to collect such debt, including, but not limited to, the certification of such debt to the department of revenue for offset of such debt against any tax refund due the debtor under the provisions of subparagraph (II) of paragraph (a) of subsection (3) of this section. No later than one hundred twenty days until July 1, 1992, and thereafter no later than ninety days after receipt by the controller, the controller or the controller's designee shall legally assign all debts which are not claims in process of collection to private counsel or private collection agencies which appear on the list of private counsel or private collection agencies. For the purposes of this section, "claims in process of collection" means any debts which have been in the controller's hands for less than one hundred twenty days until July 1, 1992, and thereafter have been in the controller's hands for less than ninety days, debts on which payments are being made or on which payments have been promised, and debts on which suit has been brought. The private counsel or private collection agencies included in the list of private counsel or private collection agencies shall be selected through competition pursuant to the provisions of the "Procurement Code", articles 101 to 112 of this title. Criteria for selection of the private counsel or private collection agencies shall be developed by the executive director of the department of ~~administration~~ PERSONNEL in consultation with the controller, affected state agencies, and the private collection community. Such criteria shall include, but shall not be limited to, a component based on geography. In addition, a state-supported institution of higher education may utilize the provisions of section 23-5-113, C.R.S., for the collection of any loan or other outstanding obligation owed to such institution.

(3) (a) (I) Upon referral to the controller of debts due the state, the controller shall institute procedures for collection thereof pursuant to the rules and regulations promulgated therefor by the executive director of the department of ~~administration~~ PERSONNEL.

(II) Upon verification by the appropriate state agency of the amount of the debt due the state, the controller may certify to the department of revenue any unpaid debt due the state to be offset against a tax refund due the debtor, pursuant to section 39-21-108 (3), C.R.S. Before any unpaid debt is certified to the department of revenue, the controller shall give written notice to the debtor that the debt shall be offset against a tax refund due the debtor and shall notify the debtor that the debtor may, within thirty days of the postmark of the written notice from the controller, request a hearing to dispute the tax refund offset. Such hearing shall be held within thirty calendar days from receipt of the request from the debtor. No money shall be refunded or offset against a tax refund due the debtor if such a hearing is requested until such time as the hearing is completed and a decision is rendered. If at the hearing the dispute is resolved in favor of the debtor, the debtor shall be entitled to a refund of any moneys due plus interest, pursuant to section 39-21-110.5, C.R.S. Provisions for adequate notice and opportunity for hearing shall be made by rules and regulations promulgated by the executive director of the department of ~~administration~~ PERSONNEL. Any debts may be written off, released, or compromised pursuant to

paragraph (c) of this subsection (3).

SECTION 37. 24-30-803 (3) and (5), Colorado Revised Statutes, 1988 Repl. Vol., as amended, are amended, and the said 24-30-803 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

24-30-803. Awards for suggestions - limitations - board duties. (3) The board shall award an eligible employee, whose suggestion is implemented and saves the state money, a sum of money equal to ten percent of the documented savings calculated from the date of implementation for a period of three months and then annualized for the next nine months following such three-month documentation period, after deduction of any expenses incurred in the implementation of such suggestion, up to a maximum of ten thousand dollars. If the amount of documented savings, after expenses, is less than one thousand dollars, the department shall pay the employee within thirty days from the end of the three-month documentation period. If the documented savings is one thousand dollars or more, the board shall pay the first one thousand dollars within thirty days from the end of the three-month documentation period, and the remainder shall be paid at the end of the first twelve months of implementation. An amount equal to four percent of the employee's award shall be directed to such employee's supervisor and an amount equal to one percent to such supervisor's supervisor. One-half of one percent, up to one thousand five hundred dollars (\$1,500) per department or agency, shall be set aside for allocation to the department of ~~administration~~ PERSONNEL for administration of the program and to members of the board for travel and related board expenses.

(5) The department of ~~administration~~ PERSONNEL shall seek voluntary assistance in implementing an employee suggestion program from a private sector business firm which has had experience in implementing such a program.

(8) THE INCENTIVE AWARD SUGGESTION SYSTEM BOARD AND ITS POWERS, DUTIES, AND FUNCTIONS ARE TRANSFERRED BY A **TYPE 2** TRANSFER TO THE DEPARTMENT OF PERSONNEL.

SECTION 38. 24-30-804 (2), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

24-30-804. Expenses - cooperation of agencies. (2) Office space, equipment, and the services of clerical and research staff shall be supplied to the board by the department of ~~administration~~ PERSONNEL. Informational services and supervision of the program shall be supplied by the department of ~~administration~~ PERSONNEL.

SECTION 39. 24-30-902, Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

24-30-902. Division of telecommunications. (1) There is hereby created, as a division within the department of ~~administration~~ PERSONNEL, the division of telecommunications. The executive director of the department of ~~administration~~ PERSONNEL shall appoint, pursuant to section 13 of article XII of the state constitution, a state telecommunications director. The state telecommunications director shall appoint such assistants, clerical staff, and other personnel as may be necessary to discharge the duties and responsibilities set forth by this part 9.

(2) The state telecommunications director and the division of telecommunications shall exercise their powers and perform their duties and functions specified in this part 9 under the department of ~~administration~~ PERSONNEL and the executive director thereof as if the same were transferred to said department by a **type 2** transfer as such transfer is defined in the "Administrative Organization Act of 1968", article 1 of this title.

SECTION 40. 24-30-903 (1) (a), Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

24-30-903. Duties and responsibilities. (1) The state telecommunications director shall perform the following functions:

(a) In consultation with state departments, institutions, and agencies, formulate recommendations for a current and long-range telecommunications plan, involving telephone, radio, microwave, facsimile closed circuit and cable television, teleconferencing, public broadcast, data communications transmission circuits, fibreoptics, satellites, and cellular radio and their integration into applicable telecommunications networks, for approval of the executive director of the department of ~~administration~~ PERSONNEL and the governor;

SECTION 41. 24-30-908 (1), Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

24-30-908. Telecommunications revolving fund - service charges - pricing policy. (1) Users of the division of telecommunications telephone and data communication services shall be charged the full cost of the particular service, which shall include the cost of all material, labor, and overhead. Said user charges shall be transmitted to the state treasurer, who shall credit the same to the division of telecommunications revolving fund, which fund is hereby created. The moneys in such fund are subject to annual appropriations by the general assembly to the department of ~~administration~~ PERSONNEL for allocation to the state telecommunications director for use in acquiring such materials, supplies, labor, and overhead as are required for telephone and data communications related service functions. Said revolving fund shall be limited to telephone service and data communications and shall not include public safety or radio systems.

SECTION 42. 24-30-909, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

24-30-909. Appeal from decisions of director. If any state department, institution, or agency disagrees with any decision, plan, procedure, priority, standard, rule, regulation, or other act of the division of telecommunications or its director, the head thereof shall notify the executive director of the department of ~~administration~~ PERSONNEL of the basis for such disagreement, and, within ten working days, the said executive director shall, in his OR HER discretion, uphold, modify, or reverse such decision, procedure, plan, priority, standard, rule, regulation, or other act.

SECTION 43. 24-30-1001 (1), (3) (a), and (3) (c), Colorado Revised Statutes, 1988 Repl. Vol., as amended, are amended, and the said 24-30-1001 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

24-30-1001. Division of administrative hearings. (1) There is hereby created the division of administrative hearings in the department of ~~administration~~ PERSONNEL, the head of which shall be the executive director of the department of ~~administration~~ PERSONNEL.

(3) (a) The division of administrative hearings shall, on and after July 1, 1991, execute, administer, perform, and enforce the rights, powers, duties, functions, and obligations vested in the director of the division of labor and the division of labor in the department of labor and employment related to the docketing of cases for hearing under articles 40 to 47 of title 8, C.R.S., prior to July 1, 1991. On July 1, 1991, all employees of the division of labor in the department of labor and employment whose principal duties are concerned with the duties and functions transferred to the division of administrative hearings and whose employment in the division of administrative hearings is deemed necessary by the executive director of the department of ~~administration~~ PERSONNEL in consultation with the executive director of the department of labor and employment to carry out the purposes of this part 10 shall be transferred to the division of administrative hearings and shall become employees thereof. Such employees shall retain all rights to the state personnel system and retirement benefits under the laws of this state and their services shall be deemed to have been continuous. All transfers and any abolition of positions in the state personnel system shall be made and processed in accordance with state personnel system laws and rules and regulations.

(c) Whenever the division of labor in the department of labor and employment is referred to or designated by any contract or other document in connection with the duties and functions transferred to the division of administrative hearings, such reference or designation shall be deemed to apply to the division of administrative hearings. All contracts entered into by the said departments or divisions prior to July 1, 1991, in connection with the duties and functions transferred to the division of administrative hearings, are hereby validated, with the division of administrative hearings succeeding to all the rights and obligations of such contracts. Any appropriations of funds from prior fiscal years open to satisfy obligations incurred under such contracts are hereby transferred and appropriated to the department of ~~administration~~ PERSONNEL for allocation to the division of administrative hearings for the payment of such obligations.

(4) THE DIVISION OF ADMINISTRATIVE HEARINGS AND ITS POWERS, DUTIES, AND FUNCTIONS ARE TRANSFERRED BY A **TYPE 2** TRANSFER TO THE DEPARTMENT OF PERSONNEL.

SECTION 44. 24-30-1002, Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

24-30-1002. Appropriation of funds. All moneys appropriated for expenditure by any state agency for administrative law judges appointed pursuant to this part 10 shall be appropriated to the department of ~~administration~~ PERSONNEL.

SECTION 45. 24-30-1003 (1), (4) (a), and (4) (b), Colorado Revised Statutes, 1988 Repl. Vol., as amended, are amended to read:

24-30-1003. Administrative law judges - appointment - qualifications -

standards of conduct. (1) The executive director of the department of ~~administration~~ PERSONNEL may appoint such administrative law judges except those employed pursuant to ~~section~~ SECTIONS 24-50-103 (7) AND 40-2-104, C.R.S., as may be necessary to provide services to each state agency, except THE STATE PERSONNEL BOARD AND the public utilities commission, entitled to use administrative law judges. Administrative law judges shall be appointed in accordance with the provisions of section 13 of article XII of the state constitution and the laws and rules governing the state personnel system.

(4) (a) Administrative law judges appointed pursuant to this section shall be subject to the standards of conduct set forth in the code of judicial conduct for administrative law judges of the state central panels adopted by the division of administrative hearings of the department of ~~administration~~ PERSONNEL. The performance review plan for each administrative law judge shall include this code of judicial conduct for administrative law judges.

(b) A complaint alleging a violation of the code of judicial conduct for administrative law judges of the state central panels, adopted by the division of administrative hearings of the department of ~~administration~~ PERSONNEL, shall be referred to the executive director of the department of ~~administration~~ PERSONNEL who shall investigate the complaint and determine if the administrative law judge violated any canons of the code. Such administrative law judge shall be subject to the disciplinary procedures set forth in rules adopted by the state personnel board.

SECTION 46. 24-30-1103, Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

24-30-1103. Division of central services. (1) There is hereby created a division of central services in the department of ~~administration~~ PERSONNEL, referred to in this part 11 as the "division". Pursuant to section 13 of article XII of the state constitution, the executive director of the department of ~~administration~~ PERSONNEL shall appoint a director of central services as head of the division, who shall appoint such other personnel as may be necessary for the efficient operation of the division.

(2) The division of central services and the director of central services shall exercise their powers and perform their duties and functions specified by this part 11 under the department of ~~administration~~ PERSONNEL and the executive director thereof as if the same were transferred to the department by a **type 2** transfer, as such transfer is defined by the "Administrative Organization Act of 1968", article 1 of this title.

SECTION 47. The introductory portion to 24-30-1104 (1), 24-30-1104 (1) (a), and (2), Colorado Revised Statutes, 1988 Repl. Vol., as amended, are amended to read:

24-30-1104. Functions of the division. (1) Within the counties of Adams, Arapahoe, and Jefferson and the city and county of Denver only, the division shall perform the following functions for the executive branch of the state of Colorado, its departments, institutions, and agencies, under the direction of the executive director of the department of ~~administration~~ PERSONNEL:

(a) Formulate, in consultation with state departments, institutions, and agencies, recommendations for a current and long-range division operations plan for approval of the executive director of the department of ~~administration~~ PERSONNEL and the governor no later than January 1 of each year;

(2) In addition to the county-specific functions of the division set forth in subsection (1) of this section, the division shall take such steps as are necessary to fully implement a central state motor vehicle fleet system by January 1, 1993. The division shall perform the following functions pertaining to the motor vehicle fleet system throughout the state for the executive branch of the state of Colorado, its departments, institutions, and agencies, under the direction of the executive director of the department of ~~administration~~ PERSONNEL:

SECTION 48. The introductory portion to 24-30-1105 (1) and 24-30-1105 (1) (f), Colorado Revised Statutes, 1988 Repl. Vol., are amended to read:

24-30-1105. Powers of the director - penalties. (1) In order to perform the duties and functions of the division as set forth in this part 11, the director of central services, with the approval of the executive director of the department of ~~administration~~ PERSONNEL, shall, in relation to departments, institutions, and agencies of the executive branch:

(f) Recommend to the executive director of the department of ~~administration~~ PERSONNEL and the governor the transfer of funds, equipment, supplies, and personnel from existing departments, institutions, and agencies to the division or to such other agency as may be necessary to accomplish the purposes of this part 11, such transfer to be effective upon the approval by the governor;

SECTION 49. 24-30-1106, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

24-30-1106. Appeal from decisions of director. If any department, institution, or agency disagrees with any decision, plan, procedure, priority, standard, rule, or regulation or other act of the division or the director of central services, the head thereof shall notify the executive director of the department of ~~administration~~ PERSONNEL and the director of central services of the basis for such disagreement, and the executive director may, at his OR HER discretion, uphold, modify, or reverse such decision, plan, procedure, priority, standard, rule, or regulation or other act; but no further action shall be taken by the division or the director of central services to implement any decision, plan, procedure, priority, standard, rule, or regulation or other act after such notice until the executive director has rendered his OR HER decision in the matter.

SECTION 50. 24-30-1109 (2), Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

24-30-1109. Reports. (2) The report required by this section may be made and formatted in such fashion as the executive director of the department of ~~administration~~ PERSONNEL may direct.

SECTION 51. 24-30-1116 (6) (d) and (6) (e), Colorado Revised Statutes, 1988

Repl. Vol., as amended, are amended to read:

24-30-1116. Vanpooling - state-owned vehicles - revolving account.

(6) (d) The director shall submit to the executive director of the department of ~~administration~~ PERSONNEL an annual report clearly showing the allocation of moneys in the account to operating and maintenance costs, replacement costs, and surplus, if any.

(e) The executive director of the department of ~~administration~~ PERSONNEL shall incorporate the information provided pursuant to paragraph (d) of this subsection (6) in each annual budget request to the governor.

SECTION 52. The introductory portion to 24-30-1118 (3), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

24-30-1118. Statewide travel management program - creation - duties of division - mandatory use by state employees. (3) The division shall perform the following functions pertaining to the statewide travel management program throughout the state for all departments, institutions of higher education, and agencies of state government under the direction of the director of the department of ~~administration~~ PERSONNEL:

SECTION 53. 24-30-1204, Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

24-30-1204. Cooperation between state agencies. In furtherance of the purposes of this part 12 and in order to contribute to the economy of state government, it is the intent of the general assembly that there be close cooperation among the department of ~~administration~~ PERSONNEL, the division of correctional industries in the department of corrections, and any other agency of this state from which procurement of products or services is required under any law of this state. The committee, the division of correctional industries, and any other similar agency of this state are authorized to enter into such agreements, cooperative working relationships, or other arrangements as may be determined to be necessary for effective coordination and efficient realization of the objectives of this part 12 and any other similar procurement law of this state. The department of ~~administration~~ PERSONNEL may secure, directly from any agency, division, or department of this state, any information which is necessary to enable it to carry out the provisions of this part 12.

SECTION 54. 24-30-1301 (3) and (6), Colorado Revised Statutes, 1988 Repl. Vol., are amended to read:

24-30-1301. Definitions. As used in this part 13, unless the context otherwise requires:

(3) "Department" means the department of ~~administration~~ PERSONNEL.

(6) "Executive director" means the executive director of the department of ~~administration~~ PERSONNEL.

SECTION 55. 24-30-1302 (1) and (3), Colorado Revised Statutes, 1988 Repl. Vol., are amended to read:

24-30-1302. State buildings - transfer. (1) The powers, duties, and functions of the office of state planning and budgeting relating to state buildings are transferred by a **type 2** transfer to the department of ~~administration~~ PERSONNEL.

(3) Whenever the powers, duties, or functions vested by this part 13 are referred to in any other statute or in any contract or other document and designate the former division of public works, or its predecessor, or the office of state planning and budgeting, such designation shall be deemed to apply solely to the department of ~~administration~~ PERSONNEL.

SECTION 56. 24-30-1307, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

24-30-1307. Legislative declaration. The purpose of this part 13 is to allow the department of ~~administration~~ PERSONNEL to develop the policies and standards for state agencies to follow for the major renovation or new construction of state facilities and to allow the department of ~~administration~~ PERSONNEL to delegate the authority to implement such policies and standards to the individual state agencies. It is not the purpose of this part 13 to require state agencies to add FTEs or incur additional expenditures to implement the provisions of this part 13.

SECTION 57. 24-30-1402 (2), Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

24-30-1402. Definitions. As used in this part 14, unless the context otherwise requires:

(2) "Department" means the department of ~~administration~~ PERSONNEL.

SECTION 58. 24-30-1502 (3), Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

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

(3) "Executive director" means the executive director of the department of ~~administration~~ PERSONNEL.

SECTION 59. 24-30-1503, Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

24-30-1503. Division of risk management. (1) There is hereby created a division of risk management in the department of ~~administration~~ PERSONNEL. Pursuant to section 13 of article XII of the state constitution, the executive director of the department of ~~administration~~ PERSONNEL shall appoint a state risk manager as head of the division, who shall appoint such other personnel, including a claims manager, as may be necessary for the efficient operation of the division.

(2) The division of risk management and the state risk manager shall exercise their powers and perform their duties specified by this part 15 under the department of ~~administration~~ PERSONNEL and the executive director thereof as if the same were transferred to the department by a **type 2** transfer, as such transfer is defined by the "Administrative Organization Act of 1968", article 1 of this title.

SECTION 60. 24-30-1508 (2), Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

24-30-1508. State claims board - creation. (2) The state claims board shall exercise its powers and perform its duties and functions as if it were transferred to the department of ~~administration~~ PERSONNEL by a **type 1** transfer, as such transfer is defined by the "Administrative Organization Act of 1968", article 1 of this title.

SECTION 61. 24-30-1602, Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

24-30-1602. General government computer center (GGCC). (1) There is hereby created, as a division in the department of ~~administration~~ PERSONNEL, the general government computer center, referred to in this part 16 as "GGCC". The executive director of the department of ~~administration~~ PERSONNEL shall appoint, pursuant to section 13 of article XII of the state constitution, a director of the GGCC as head of the division, who shall appoint such other personnel as may be necessary for the efficient operation of the GGCC.

(2) The GGCC and its director shall exercise their powers and perform their duties and functions specified by this part 16 under the department of ~~administration~~ PERSONNEL and the executive director thereof as if the same were transferred to the department by a **type 2** transfer, as such transfer is defined by the "Administrative Organization Act of 1968", article 1 of this title.

SECTION 62. The introductory portion to 24-30-1604 (1), Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

24-30-1604. Powers of the director - penalty for breach of confidentiality. (1) In order to perform the functions and duties of the GGCC as set forth in this part 16, the director of the GGCC, with the approval of the executive director of the department of ~~administration~~ PERSONNEL, shall exercise the following powers:

SECTION 63. 24-30-1605, Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

24-30-1605. Appeal from decisions of director. If any state department, institution, or agency disagrees with any decision, plan, procedure, priority, standard, rule, regulation, or other act of the GGCC or its director, the head thereof shall notify the executive director of the department of ~~administration~~ PERSONNEL of the basis for such disagreement, and, within ten working days, the said executive director shall, in his OR HER discretion, uphold, modify, or reverse such decision, procedure, plan, priority, standard, rule, regulation, or other act.

SECTION 64. 24-30-1606 (2), Colorado Revised Statutes, 1988 Repl. Vol., is

amended to read:

24-30-1606. GGCC revolving fund - service charges - pricing. (2) User charges collected under this part 16 shall be transmitted to the state treasurer, who shall credit the same to the general government computer center revolving fund, which fund is hereby created. The moneys in such fund are subject to annual appropriations by the general assembly to the department of ~~administration~~ PERSONNEL for allocation to the director of the GGCC for the purpose of acquiring such materials, supplies, labor, equipment, software, services, and overhead as are required by the GGCC to supply the services purchased by users.

SECTION 65. 24-30-1607 (1), Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

24-30-1607. Transfer of functions, equipment, and personnel. (1) The GGCC shall, on and after July 1, 1987, execute, administer, perform, and enforce the rights, powers, duties, functions, and obligations vested in the division of automated data processing in the department of ~~administration~~ PERSONNEL prior to July 1, 1987, concerning the duties and functions transferred to the GGCC. On July 1, 1987, all employees of the division of automated data processing whose principal duties are concerned with the duties and functions transferred to the GGCC and whose employment in the GGCC is deemed necessary by the director of the GGCC to carry out the purposes of this part 16 shall be transferred to the GGCC and shall become the employees thereof. Such employees shall retain all rights to state personnel system benefits and retirement benefits under the laws of this state, and their services shall be deemed to have been continuous. All transfers and any abolishment of positions in the state personnel system shall be made and processed in accordance with state personnel system laws and rules and regulations.

SECTION 66. 24-30-1701 (1), Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

24-30-1701. Commission on information management - creation - membership. (1) There is hereby created in the department of ~~administration~~ PERSONNEL the commission on information management, which shall consist of fifteen members and shall be constituted as follows: The governor shall appoint eight members from the private sector who shall exhibit a background in information management and technology; the president of the senate shall appoint one member of the senate, and the speaker of the house of representatives shall appoint one member of the house of representatives; and the remaining five members shall be the executive director of the department of ~~administration~~ PERSONNEL, the executive directors of three principal departments, which departments shall be designated by the governor, and the state court administrator. Private sector members shall serve for terms of four years each; except that, of those members first appointed to the commission, the terms of office shall be as follows: Two shall be appointed for one year, two shall be appointed for two years, two shall be appointed for three years, and two shall be appointed for four years. Private sector members shall receive no compensation for their services but shall be reimbursed from the governor's budget for their actual and necessary expenses incurred in the performance of their duties on the commission. Legislative members shall be compensated in the same manner as for attendance at interim committee meetings.

SECTION 67. 24-30-1802 (1), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

24-30-1802. Advisory commission on telecommunications - repeal. (1) There is hereby created in the department of ~~administration~~ PERSONNEL the telecommunications advisory commission. The commission shall consist of ten members, to be appointed as follows: One member shall be appointed by the governor and shall be selected from the cable television industry; two members shall be appointed by the executive director of the Colorado commission on higher education; two members shall be appointed by the commissioner of education; three members shall be appointed by the executive director of the department of ~~administration~~ PERSONNEL, two of whom shall be selected from the telecommunications industry for their technical expertise in telecommunications; and two members shall be members of the general assembly, one appointed by the speaker of the house of representatives and one appointed by the president of the senate.

SECTION 68. 24-30-1902 (1) and (2), Colorado Revised Statutes, 1988 Repl. Vol., as amended, are amended to read:

24-30-1902. Definitions. As used in this part 19, unless the context otherwise requires:

(1) "Department" means the department of ~~administration~~ PERSONNEL.

(2) "Executive director" means the executive director of the department of ~~administration~~ PERSONNEL or the executive director's designee.

SECTION 69. 24-34-102 (12), Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

24-34-102. Division of registrations - creation - duties of division and department heads. (12) Notwithstanding any **type 1** transfer as such transfer is defined by the "Administrative Organization Act of 1968", article 1 of this title, the executive director of the department of regulatory agencies shall have the power to employ an administrative law judge and to require any board in the division of registrations to use an administrative law judge in lieu of a hearing by the board to conduct hearings on any matter within the jurisdiction of the examining and licensing boards and agencies in the division of registrations, subject to appropriations made to the department of ~~administration~~ PERSONNEL. Administrative law judges shall be appointed pursuant to part 10 of article 30 of this title. Any hearing conducted by an administrative law judge employed pursuant to this subsection (12) shall be conducted in accordance with the provisions of section 24-4-105, and the administrative law judge shall have the authority specified therein.

SECTION 70. 24-34-305 (1) (d) (I), Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

24-34-305. Powers and duties of commission. (1) The commission has the following powers and duties:

(d) (I) To hold hearings upon any complaint issued against a respondent pursuant to section 24-34-306; to subpoena witnesses and compel their attendance; to administer oaths and take the testimony of any person under oath; and to compel such respondent to produce for examination any books and papers relating to any matter involved in such complaint. Such hearings may be held by the commission itself, or by any commissioner, or by any administrative law judge appointed by the commission pursuant to part 10 of article 30 of this title, subject to appropriations for such administrative law judges made to the department of ~~administration~~ PERSONNEL; except that, if no administrative law judge is made available within the time limitations set forth in section 24-34-306 (11), the governor shall appoint an administrative law judge at the request of the commission, and such administrative law judge shall be paid out of moneys appropriated to the division. If a witness either fails or refuses to obey a subpoena issued by the commission, the commission may petition the district court having jurisdiction for issuance of a subpoena in the premises, and the court shall in a proper case issue its subpoena. Refusal to obey such subpoena shall be punishable as contempt.

SECTION 71. 24-35-210 (4) (f) (II), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

24-35-210. Lottery fund - repeal. (4) (f) (II) The acquisition of any of the facilities listed in subparagraph (I) of this paragraph (f) may be financed by the state, acting by and through the department of ~~administration~~ PERSONNEL after consultation with the department of corrections, pursuant to the provisions of part 7 of article 82 of this title; except that the total cost of such acquisition shall not exceed one hundred twenty-four million dollars, exclusive of financing costs and capitalized interest, and except further that the cost of such acquisition, exclusive of the financing costs and capitalized interest, shall not exceed fifty million dollars for the fiscal year 1988-89 and thirty-seven million dollars for each of the fiscal years 1989-90 and 1990-91. The provisions of this paragraph (f) shall constitute compliance with the requirement of section 24-82-702 (1) that any acquisition of real property by means of a lease-purchase agreement be specifically authorized by a separate bill enacted by the general assembly pursuant to section 24-82-102 (1) (b). Any other moneys appropriated from the state lottery fund for capital construction shall be appropriated in a manner which is consistent with part 13 of article 3 of title 2, C.R.S., until such time as said part 13 is repealed. In no event shall interest earnings on proceeds which are available as a result of the financing of correctional facilities pursuant to this paragraph (f) be used to pay for projects which have not been designated by the general assembly in accordance with subparagraph (I) of this paragraph (f).

SECTION 72. 24-50-612 (1), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

24-50-612. Administrative duties. (1) It is the duty of the department of personnel to provide such assistance and to perform such duties as are necessary to carry out the state's administrative, accounting, and clerical responsibilities in connection with the operation of group benefit plans. ~~Upon the request of the director, the department of administration shall provide technical assistance to the department of personnel in connection with its duties under this subsection (1).~~

SECTION 73. 24-52-102 (1) (a) (I), Colorado Revised Statutes, 1988 Repl. Vol.,

as amended, is amended to read:

24-52-102. Deferred compensation plan - state deferred compensation committee. (1) (a) (I) There is hereby created the state deferred compensation committee consisting of the following ~~nine~~ EIGHT members: The state treasurer, the state controller, ~~and the executive director of the department of administration,~~ or their designees; three employees who are participants in the plan and who are elected by participants in the plan; an employee appointed by the governor; and two members of the general assembly, one a senator to be appointed by the president of the senate and one a representative to be appointed by the speaker of the house of representatives. Each member who is a state official or ~~his~~ THE MEMBER'S designee shall serve on the committee for the duration of the member's elected or appointed term of office, and the members who are members of the general assembly shall serve on the committee for the duration of their elected terms of office as members of the general assembly; except that the employee appointed by the governor shall serve at the pleasure of the governor.

SECTION 74. 24-75-203 (4), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

24-75-203. Loans and advances. (4) Upon the prior written approval of the governor and the controller as to purpose and amount, the state treasurer may lend the approved amount, out of any moneys in the state treasury not immediately required to be disbursed, to the executive director of the department of ~~administration~~ PERSONNEL, to provide funds for the account created pursuant to section 24-30-1116 (6). Any such loan shall be repaid prior to the end of the fiscal year in which the loan is made.

SECTION 75. 24-80-102 (1) and (2), Colorado Revised Statutes, 1988 Repl. Vol., are amended, and the said 24-80-102 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

24-80-102. Division created - personnel - duties - cash fund. (1) The division of state archives and public records, referred to in this part 1 as the "division", shall be a division of the department of ~~administration~~ PERSONNEL. The division shall succeed to all records of the state of Colorado or any political subdivision thereof, as the same are defined in section 24-80-101. Except as provided in subsections (5), (6), and (7) of this section, the division shall be the official custodian and trustee for the state of all public records of whatever kind which are transferred to it under this part 1 from any public office of the state or any political subdivision thereof.

(2) The chief administrative officer of the division shall be the state archivist, who shall be professionally qualified and who shall be appointed by the executive director of the department of ~~administration~~ PERSONNEL pursuant to the provisions and exemptions of section 13 of article XII of the state constitution.

(11) THE DIVISION OF STATE ARCHIVES AND PUBLIC RECORDS AND THE OFFICE OF STATE ARCHIVIST AND THEIR POWERS, DUTIES, AND FUNCTIONS ARE TRANSFERRED BY A **TYPE 2** TRANSFER TO THE DEPARTMENT OF PERSONNEL.

SECTION 76. 24-80-211 (1) (a), Colorado Revised Statutes, 1988 Repl. Vol.,

is amended to read:

24-80-211. Society and division. (1) The state historical society shall continue as an educational institution of the state, considered as a division of the department of higher education for the purpose of determining the order of its appropriation; except that:

(a) The division of state archives and public records shall be a division of the department of ~~administration~~ PERSONNEL of the state government, separate and apart from the state historical society;

SECTION 77. 24-80-405 (1) (j), Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

24-80-405. Objectives and duties of the state archaeologist. (1) The state archaeologist shall function to provide assistance to and cooperate with the general public, industries, and agencies of local, state, and federal government, including institutions of higher education, in pursuit of the following objectives:

(j) To accept and, through the department of ~~administration~~ PERSONNEL, to use, disburse, and administer all federal funds or other property, services, and moneys allotted to the office of state archaeologist for the purposes of this part 4 and to prescribe, by regulation not inconsistent with the laws of this state, the conditions under which such funds, property, services, or moneys shall be accepted and administered. On behalf of the state, the society is empowered to make such agreements with the approval of the attorney general, not inconsistent with the laws of this state, as may be required as a condition precedent to receiving such funds or other assistance.

SECTION 78. 24-82-101, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

24-82-101. Jurisdiction of department of personnel. The department of ~~administration~~ PERSONNEL shall have control of the capitol and legislative services building and grounds and any other property the state may acquire adjacent thereto, together with all furniture, fixtures, furnishings, and equipment and all exhibits placed in and about said buildings, including supervision of the provision of maintenance for the state capitol buildings group, and including assignment of all executive space owned and rented in the capitol buildings group, subject to legislative appropriation, subject to the provisions of section 2-2-321, C.R.S., concerning space for the legislative department, and subject to the provisions of section 24-82-108, concerning preservation of the state capitol building.

SECTION 79. 24-82-102 (1) (a), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

24-82-102. State authorized to acquire property - disposition. (1) (a) On behalf of the state of Colorado and with the approval of the governor, the executive director of the department of ~~administration~~ PERSONNEL is authorized to acquire fee simple title, or any lesser interest therein, to any real property for present or future use by the state. Title to such property may be acquired by purchase, donation, or

lease-purchase agreements or by the exercise of the power of eminent domain through condemnation proceedings in accordance with law from funds appropriated by the general assembly or from funds donated to the state for the purpose. In the event that the executive director plans to acquire any real property by any of the means authorized by this paragraph (a), except for easements or rights-of-way, or to sell or otherwise dispose of such property, the executive director shall first submit a report to the capital development committee which outlines the anticipated use of the real property, the maintenance costs related to the property, the current value of the property, any conditions or limitations which may restrict the use of the property, and, in the event real property is acquired, the potential liability to the state which will result from such acquisition. The capital development committee shall review the reports submitted by the executive director and make recommendations to the executive director concerning the disposition of the real property. The executive director shall not acquire, sell, or otherwise dispose of any real property without considering the recommendations of the capital development committee.

SECTION 80. 24-82-103 (1), (2), and (4) (b), Colorado Revised Statutes, 1988 Repl. Vol., as amended, are amended to read:

24-82-103. Off-street parking - financing. (1) The department of ~~administration~~ PERSONNEL shall have the authority to acquire land for off-street parking and to construct related facilities, subject to specific appropriation for land acquisition and construction.

(2) The department of ~~administration~~ PERSONNEL shall develop and execute priorities for assignment of off-street parking. Rentals and charges for state-owned parking in the capitol buildings group shall not be less than those charges applicable to comparable parking offered privately and shall be reviewed annually prior to July 1.

(4) (b) Notwithstanding the provisions of paragraph (a) of this subsection (4), the department of ~~administration~~ PERSONNEL is authorized, subject to appropriation by the general assembly, to expend moneys in the special account described in paragraph (a) of this subsection (4) for the purpose of demolishing the state-owned buildings in the capitol complex at 1550 Lincoln street, 1350 Lincoln street (old Moss printing building), and 1530 Sherman street (old state archives building) and to convert such land for use as off-street parking under the provisions of this section.

SECTION 81. 24-82-106, Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

24-82-106. Acceptance - governor's approval. The department of ~~administration~~ PERSONNEL is authorized in the name and on behalf of the state to accept any devise or gifts inter vivos of property that may be donated to the state for the purpose of an executive mansion; but such acceptance shall be made only upon the approval of such donation by the governor.

SECTION 82. 24-82-107, Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

24-82-107. Transfer of employees and property. Effective July 1, 1979, the

officers and employees of the office of state planning and budgeting engaged prior to such date in the performance of the powers, duties, and functions vested by this part 1 in the department of ~~administration~~ PERSONNEL shall become employees of the department and shall retain all rights to state personnel system and retirement benefits under the laws of this state, and their services shall be deemed to have been continuous. Effective July 1, 1979, all of the books, records, reports, equipment, property, accounts, liabilities, and funds of the office of state planning and budgeting which pertain to the powers, duties, and functions vested by this part 1 in the department of ~~administration~~ PERSONNEL shall be transferred thereto.

SECTION 83. 24-82-108 (2) (a), (3) (b), (3) (c), (3) (d), and (4), Colorado Revised Statutes, 1988 Repl. Vol., as amended, are amended to read:

24-82-108. State capitol building advisory committee - creation - sunset review - repeal. (2) (a) The state capitol building advisory committee shall be composed of the following nine members: Two members appointed by the speaker of the house of representatives; two members appointed by the president of the senate; two members appointed by the governor; an architect, appointed by the governor, who is a person knowledgeable about the historic and architectural integrity of the state capitol building; and the following ex officio members: The president of the state historical society or a designee of the president; and the executive director of the department of ~~administration~~ PERSONNEL or a designee of the executive director.

(3) The advisory committee shall have the following duties:

(b) The advisory committee shall review all planned construction projects affecting the rose onyx, marble, granite, gold, oak woodwork, and brass fixtures and trim of the state capitol building, and shall submit a written report to the capital development committee containing the advisory committee's findings. No such project affecting the rose onyx, marble, granite, gold, oak woodwork, and brass fixtures and trim shall be made without review by said advisory committee and the consent of the capital development committee. No alteration to the above listed items shall be permitted in any area of the state capitol building until such project is reviewed by the advisory committee and approved by the capital development committee. Notwithstanding the provisions of this paragraph (b), the department of ~~administration~~ PERSONNEL shall have the authority to perform emergency repairs where the safety of persons or the well-being of the building would be jeopardized by delay. Such emergency repairs shall be undertaken in a manner to prevent or minimize any damage to the rose onyx, marble, granite, gold, oak woodwork, or brass fixtures and trim of the state capitol building.

(c) The advisory committee, in cooperation with the department of ~~administration~~ PERSONNEL and with the approval of the capital development committee, may engage in long-range planning for modifications and improvements to the state capitol building and its surrounding grounds.

(d) The advisory committee shall identify all furniture original to the state capitol building and create an inventory of such furniture. Any costs associated with identifying and inventorying furniture original to the state capitol building shall be paid with moneys raised through private sources and shall not be paid from the general fund. The department of ~~administration~~ PERSONNEL is hereby granted the

authority to collect and use such moneys raised by private sources for the purpose of identifying and inventorying all furniture original to the state capitol building. The possession of all furniture original to the state capitol building shall be retained by the department of administration and shall be made available for use in the state capitol building. The furniture original to the state capitol building shall remain in the state capitol building at all times.

(4) The advisory committee may call upon the staff of the legislative council and the department of ~~administration~~ PERSONNEL to provide any necessary assistance in carrying out the committee's duties. Proposed plans to restore, redecorate, or reconstruct the building, or make alterations affecting the rose onyx, marble, granite, gold, oak woodwork, and brass fixtures or trim in the building shall be submitted in writing to the staff of the legislative council and the department of ~~administration~~ PERSONNEL at least thirty days before such work is scheduled to begin.

SECTION 84. 24-82-202, Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

24-82-202. Approval. Any easement or right-of-way given or granted under this part 2 shall be only upon approval of the chief executive officer and the commission or board, if any, of the institution, department, or agency across the premises of which such easement or right-of-way shall cross, the state purchasing director, the executive director of the department of ~~administration~~ PERSONNEL, the governor, and the attorney general as to the legal form of the easement or right-of-way.

SECTION 85. 24-82-402, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

24-82-402. Director - staff. The Colorado state agency for surplus property, referred to in this part 4 as the "state agency", shall consist of a director, who shall be the executive officer of the state agency, and such deputies, assistants, and employees as in the opinion of the director and the governor are necessary to carry out the provisions of this part 4. The director shall be the director of the division of correctional industries. All deputies, assistants, and employees shall be appointed by the director pursuant to section 13 of article XII of the state constitution and shall receive such compensation and reimbursement of expenses incurred in the performance of their duties as other employees of the state government are paid. All employees of the state agency on July 1, 1987, shall remain employees of such agency without the need for further appointment due to the transfer of the state agency from the department of ~~administration~~ PERSONNEL. The employees of the state agency shall not exceed ten employees.

SECTION 86. 24-82-602 (3), Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

24-82-602. Required energy performance goal. (3) State buildings which are not office buildings shall be designed for maximum use of passive solar concepts, economically feasible renewable energy systems, and ease of renewable energy system retrofit but may exceed the fifty-five thousand Btu/square foot/year energy performance goal if approved by the department of ~~administration~~ PERSONNEL for each building on a case-by-case basis. Said goal may also be adjusted by the

department of administration to accommodate different climate zones in the state.

SECTION 87. 24-82-701 (1) and (2), Colorado Revised Statutes, 1988 Repl. Vol., are amended to read:

24-82-701. Definitions. As used in this part 7, unless the context otherwise requires:

(1) "Additional lease-purchase agreement" means any transaction entered into on or after July 1, 1987, in which the state, acting by and through the department of ~~administration~~ PERSONNEL as provided by this part 7, is the lessee of real or personal property which shall be used by the state and in which the state has an option to purchase such real or personal property.

(2) "Director" means the executive director of the department of ~~administration~~ PERSONNEL.

SECTION 88. 24-83-102 (2), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

24-83-102. State assistance for payment of obligations. (2) A contract, referred to in this article as the "contract", to accomplish the provisions of this article was required to be and was negotiated between the city and county of Denver and the state of Colorado, acting through the department of ~~administration~~ PERSONNEL. The contract was required to contain as a minimum the requirements of this article which relate to the mutual obligations of the city and county of Denver and of the state, and the provisions of this article which relate to the obligations that continue after the completion of the state's payment obligations shall continue to be contained in a contract between the city and county of Denver and the state.

SECTION 89. 24-83-105 (1) (b), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

24-83-105. Other contractual provisions. (1) The contract shall include the following provisions:

(b) Provisions by which the city and county of Denver agrees to make suitable display space, as defined by rules and regulations promulgated by the executive director of the department of ~~administration~~ PERSONNEL, available in the convention center on a time-share basis to counties, municipalities, and state agencies and private nonprofit or commercial organizations whose purpose is the promotion of tourism and of Colorado businesses and products, in order that the entire state may share in the advertising opportunities provided by the convention center. The contract shall also include provisions which assure that appropriate space will be made available for the promotion of tourism, education, business, and agricultural efforts and activities outside the metropolitan area. Entities using the display space shall make their own determination as to whether union or nonunion labor or volunteers shall setup, service, or dismantle any displays; except that entities using the display space shall conform to any contracts executed before June 1, 1991.

SECTION 90. 24-92-110, Colorado Revised Statutes, 1988 Repl. Vol., as

amended, is amended to read:

24-92-110. Rules and regulations. The executive director of the department of ~~administration~~ PERSONNEL shall promulgate rules and regulations which are designed to implement the provisions of this article; except that the executive director of the department of transportation shall promulgate rules and regulations relating to bridge and highway construction bidding practices including, notwithstanding any other provisions of this article, rules governing debarment of contractors. The rules shall include provisions requiring agencies of government to keep certain public project records, even if duplicative, in accordance with generally accepted cost accounting principles and standards.

SECTION 91. 24-101-301 (8), (9), and (21), Colorado Revised Statutes, 1988 Repl. Vol., are 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:

(8) "Department" means the department of ~~administration~~ PERSONNEL.

(9) "Executive director" means the executive director of the department of ~~administration~~ PERSONNEL.

(21) "State purchasing director" means the person holding the position created in section 24-102-201 as the head of the division of purchasing in the department of ~~administration~~ PERSONNEL.

SECTION 92. 24-102-201, Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

24-102-201. Creation of the division of purchasing. (1) There is hereby created in the department of ~~administration~~ PERSONNEL the division of purchasing, the head of which shall be the state purchasing director. The state purchasing director shall be a full-time employee of the state. The state purchasing director shall be appointed by the executive director pursuant to the provisions of section 13 of article XII of the state constitution.

(2) The division of purchasing and the state purchasing director shall exercise their powers and perform their duties and functions under the department of ~~administration~~ PERSONNEL and the executive director thereof as if the same were transferred to the department by a **type 2** transfer, as such transfer is defined by the "Administrative Organization Act of 1968", article 1 of this title.

SECTION 93. 24-102-202.5 (1), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

24-102-202.5. Supplier database - cash fund. (1) The state purchasing director shall develop a centralized database which includes a listing of all businesses which are interested in providing goods and services to the state. The businesses in the

database shall be identified by a registration number, and the state purchasing director shall develop a procedure for notifying the appropriate businesses whenever the state issues requests for proposals or invitations for bids for goods or services which a particular business provides. The database shall be accessible through the department of ~~administration~~ PERSONNEL to all purchasing agencies designated pursuant to section 24-102-302 (2). Such purchasing agencies shall be entitled to reimbursement for actual expenses incurred in the use and maintenance of the database from moneys in the supplier database cash fund created in subsection (2) of this section.

SECTION 94. 24-102-302 (2), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

24-102-302. Purchasing agencies - establishment - authority. (2) If the executive director is of the opinion and so certifies in writing that the needs of any governmental body are of such specialized nature and sufficient volume to warrant a purchasing agency for such governmental body, he shall authorize the creation of the same. All such purchasing agencies shall operate under the provisions of this code and the rules promulgated pursuant thereto and shall be subject to the supervision and control of the state purchasing director. All such purchasing agencies shall operate under the provisions of section 17-24-111, C.R.S., requiring the purchase of goods and services from the division of correctional industries, and failure of any such purchasing agency to comply with such requirement shall be cause for the state purchasing director and the executive director to suspend for a period of up to one year at the discretion of the executive director the authority of a purchasing agency created pursuant to this subsection (2) to purchase goods and services. The authority of a purchasing agency to purchase goods and services may also be suspended at the discretion of the executive director. The financial and staff resources dedicated to the purchasing function in the affected agency shall be under the authority of the division of purchasing in the department of ~~administration~~ PERSONNEL during the period of suspension, and purchases made for the affected agency shall be in accordance with the requirements of section 17-24-111 (1), C.R.S.

SECTION 95. 24-110-101 (5), Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

24-110-101. Definitions. As used in this article, unless the context otherwise requires:

(5) "State public procurement unit" means the division of purchasing, within the department of ~~administration~~ PERSONNEL, or any other purchasing agency of this state.

SECTION 96. 25-3.5-401 (2) (a), Colorado Revised Statutes, 1989 Repl. Vol., is amended to read:

25-3.5-401. Responsibility for coordination. (2) (a) The division of telecommunications in the department of ~~administration~~ PERSONNEL, in consultation with the department, shall coordinate the telecommunications subsystem with the existing state telecommunications network to the extent possible.

SECTION 97. 25-8-401 (5) (b), Colorado Revised Statutes, 1989 Repl. Vol., is amended to read:

25-8-401. Authority and procedures for hearings. (5) (b) The division shall approve or disapprove any variance request and issue its decision within ninety days after receipt of the variance request. Notice of a variance request shall be sent to anyone who has requested such notice and shall be included on the next commission agenda. In the case of a variance being granted prior to the final permit being issued, the division shall publish for public notice and comment the entire draft permit with the variance incorporated therein. In the case of a variance granted after a final permit has been issued, the division shall publish for public notice and comment the variance as a proposed modification to the permit. Within forty-five days of issuance of a variance decision by the division which does not involve discharge permit conditions required by the federal act, the commission on its own motion or on the motion of the division or any interested person may decide to review the variance decision. In such event, a hearing pursuant to section 24-4-105, C.R.S., shall be held, and the commission may affirm, modify, or deny the decision. Variance decisions of the division which involve discharge permit conditions required by the federal act shall be subject to review by an administrative law judge of the department of ~~administration~~ PERSONNEL pursuant to section 24-4-105, C.R.S., as part of any challenge to the conditions of a final discharge permit issued by the division.

SECTION 98. 25-8-503 (1) (c), Colorado Revised Statutes, 1989 Repl. Vol., is amended to read:

25-8-503. Permits - when required and when prohibited - variances. (1) (c) Review by a hearing officer or an administrative law judge of the department of ~~administration~~ PERSONNEL of technology-based effluent limitations based on best professional judgment shall be on request of the permit applicant or permittee or any aggrieved person and shall take place in an adjudicatory hearing to be held pursuant to section 24-4-105, C.R.S. The necessity of effluent limitations based on best professional judgment, as well as the reasonableness of the effluent limitation, considering all factors enumerated in paragraph (b) of this subsection (1), must be supported by substantial evidence. If such hearing is requested, it shall be held as part of a hearing requested to challenge the conditions of the permit.

SECTION 99. 25-15-308 (3) (a), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

25-15-308. Prohibited acts - enforcement. (3) (a) Any appeal of an order issued by the department pursuant to this section shall be taken in accordance with the provisions of this section. Notice of appeal shall be filed by personal service or by registered mail, return receipt requested, with the division of administrative hearings in the department of ~~administration~~ PERSONNEL, with the executive director of the department or the executive director's designee, and with the commission in the case of an appeal of an administrative law judge's determination concerning an administrative penalty assessment. Notice of appeal shall be filed no later than thirty calendar days after the effective date of the order which is the subject of the appeal.

SECTION 100. 25-18-107 (6), Colorado Revised Statutes, 1989 Repl. Vol., is amended to read:

25-18-107. Enforcement orders - civil penalties. (6) Any hearing to review the decision of the executive director shall be held in accordance with section 24-4-105, C.R.S. The board may either conduct the hearing itself or it may appoint an administrative law judge from the division of administrative hearings in the department of ~~administration~~ PERSONNEL to conduct the hearing. The board may review such decision in accordance with the provisions of section 24-4-105, C.R.S., and final agency action shall be determined in accordance with the provisions of said section. Such final agency action shall be subject to judicial review in accordance with section 24-4-106, C.R.S.

SECTION 101. 25.5-1-107 (1) (a) and (1) (c), Colorado Revised Statutes, 1989 Repl. Vol., as amended, are amended to read:

25.5-1-107. Final agency action - administrative law judge - authority of executive director - direction to seek waiver of single state agency requirement.

(1) (a) The executive director may appoint one or more persons to serve as administrative law judges for the state department pursuant to section 24-4-105, C.R.S., and pursuant to part 10 of article 30 of title 24, C.R.S., subject to appropriations made to the department of ~~administration~~ PERSONNEL. Except as provided in subsection (2) of this section, hearings conducted by the administrative law judge shall be considered initial decisions of the state department which shall be reviewed by the executive director or a designee of such executive director pursuant to section 24-4-105, C.R.S. Review by the executive director shall constitute final agency action. The administrative law judge may conduct hearings on appeals from decisions of county departments of social services brought by recipients of and applicants for public assistance and welfare which are required by law in order for the state to qualify for federal funds, and the administrative law judge may conduct other hearings for the state department. Notice of any such hearing shall be served at least ten days prior to such hearing.

(c) The state department, in consultation with the division of administrative hearings in the department of ~~administration~~ PERSONNEL, is directed by the general assembly to request any waivers from the appropriate federal authorities or agencies which have the authority to waive the single state agency requirement for the administration of a grant program with respect to the procedures for final agency action that are set forth in subsection (2) of this section. In developing the waiver request as required under this section, the state department shall consult with any appropriate advisory committees and other interested parties regarding the contents of such waiver request.

SECTION 102. 26-1-106 (1) (a) and (1) (c), Colorado Revised Statutes, 1989 Repl. Vol., as amended, are amended to read:

26-1-106. Final agency action - administrative law judge - authority of executive director - direction to seek waiver of single state agency requirement.

(1) (a) The executive director may appoint one or more persons to serve as administrative law judges for the state department pursuant to section 24-4-105, C.R.S., and pursuant to part 10 of article 30 of title 24, C.R.S., subject to appropriations made to the department of ~~administration~~ PERSONNEL. Except as provided in subsection (2) of this section, hearings conducted by the administrative law judge shall be considered initial decisions of the state department which shall be

reviewed by the executive director or a designee. In the event exceptions to the initial decision are filed pursuant to section 24-4-105 (14) (a) (I), C.R.S., such review shall be in accordance with section 24-4-105 (15), C.R.S. In the absence of any exception filed pursuant to section 24-4-105 (14) (a) (I), C.R.S., the executive director shall review the initial decision in accordance with a procedure adopted by the state board. Such procedure shall be consistent with federal mandates concerning the single state agency requirement. Review by the executive director in accordance with section 24-4-105 (15), C.R.S., or the procedure adopted by the state board pursuant to this section shall constitute final agency action. The administrative law judge may conduct hearings on appeals from decisions of county departments brought by recipients of and applicants for public assistance and welfare which are required by law in order for the state to qualify for federal funds, and may conduct other hearings for the state department. Notice of any such hearing shall be served at least ten days prior to such hearing.

(c) The state department, in consultation with the division of administrative hearings in the department of ~~administration~~ PERSONNEL, is directed by the general assembly to request any waivers from the appropriate federal authorities or agencies which have the authority to waive the single state agency requirement for the administration of a grant program with respect to the procedures for final agency action that are set forth in subsection (2) of this section. In developing the waiver as required under this section, the state department shall consult with any appropriate advisory committees and other interested parties regarding the contents of such waiver request.

SECTION 103. 33-1-111, Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended to read:

33-1-111. Hearings - administrative law judges. Every hearing provided for in articles 1 to 6 of this title to be conducted by the commission or the division shall, except as provided in sections 33-4-101 and 33-6-106, be conducted by such agency or an administrative law judge designated by such agency pursuant to part 10 of article 30 of title 24, C.R.S., subject to appropriations for such administrative law judges made to the department of ~~administration~~ PERSONNEL, and every hearing shall comply with the provisions of articles 1 to 6 of this title and the provisions of article 4 of title 24, C.R.S.

SECTION 104. 35-5-123 (1) (b), Colorado Revised Statutes, 1984 Repl. Vol., is amended to read:

35-5-123. Rules and regulations. (1) The commissioner is authorized, after opportunity for hearing and in accordance with article 4 of title 24, C.R.S., to promulgate appropriate rules and regulations concerning:

(b) Procedures for awarding contracts for grasshopper and range caterpillar control operations, which procedures shall follow as nearly as practicable the procedures for awarding contracts of the department of ~~administration~~ PERSONNEL, the terms and conditions of such contracts, bonding requirements, and qualifications of those contracting to do the control work;

SECTION 105. 36-20-108 (3) (b), Colorado Revised Statutes, 1990 Repl. Vol., as amended, is amended to read:

36-20-108. Powers of the director. (3) (b) All hearings conducted under this article shall be conducted pursuant to the provisions of this article and article 4 of title 24, C.R.S., and the director may, by the director's own action, appoint an administrative law judge pursuant to part 10 of article 30 of title 24, C.R.S., subject to appropriations made to the department of ~~administration~~ PERSONNEL, to conduct any hearing required by this article, said hearing to be conducted under the provisions and within the limitations of article 4 of title 24, C.R.S., and this article.

SECTION 106. 37-91-104 (1) (f), Colorado Revised Statutes, 1990 Repl. Vol., is amended to read:

37-91-104. Duties of the board. (1) The board shall:

(f) Conduct hearings upon its own motion or upon receipt of written complaints with respect to any licensee under this article and with respect to the denial, revocation, or suspension of a license, all such hearings to be conducted in conformity with article 4 of title 24, C.R.S. The board may have such hearings conducted before a hearing officer or administrative law judge from the department of ~~administration~~ PERSONNEL designated by the board, who is technically qualified to conduct or assist in such hearings and who may be a member of the board.

SECTION 107. 42-3-113 (1) (c), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

42-3-113. Number plates furnished - style. (1) (c) All actions taken in carrying out the provisions of paragraphs (a) and (b) of this subsection (1) are subject to the prior approval of the executive director of the department of ~~administration~~ PERSONNEL.

SECTION 108. 42-4-306 (3) (a) (II), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

42-4-306. Powers and duties of commission - automobile inspection and readjustment program - basic emissions program - enhanced emissions program. (3) (a) (II) Points of no greater than five percent shall be assigned to those respondents that make the greatest use of Colorado goods, services, and the participation of small business. Licensed inspection and readjustment stations, inspection-only facilities, fleet inspection stations, and motor vehicle dealer test facilities, if applicable, which are required to purchase commission-approved test analyzer systems shall purchase them pursuant to the bid procedure of the department of ~~administration~~ PERSONNEL.

SECTION 109. 43-1-113 (8) (a), Colorado Revised Statutes, 1993 Repl. Vol.,

is amended to read:

43-1-113. Funds - budgets - fiscal year - reports and publications. (8) (a) The department, out of moneys in the state highway fund budgeted therefor by the transportation commission and within the total expenditures prescribed by the general assembly for the fiscal year pursuant to section 43-1-112.5, shall reimburse other agencies of state government for the costs incurred by such state agencies in providing necessary services in support of the department and the administration of the highway funds of the state. Such state agencies include, but are not necessarily limited to, the division of accounts and control in the department of ~~administration~~ PERSONNEL, the office of state planning and budgeting, the department of personnel, the department of revenue, and the department of the treasury. For any fiscal year, the amount paid to any such state agency shall be the amount indicated in the general appropriation act as the recovery of indirect costs by such state agency out of the state highway fund. The amount so indicated in the general appropriation act for the recovery of indirect costs by any state agency pursuant to this subsection (8) may exceed the actual indirect cost incurred by such agency, but the total of all such statewide indirect cost recoveries indicated in the general appropriation act shall not exceed the total indirect costs reasonably expected to be incurred by all state agencies in providing necessary services in support of the department and the administration of the highway funds of the state. Payments made pursuant to this subsection (8) shall not be subject to the limitations on appropriations and statutory distributions from the highway users tax fund contained in section 43-4-201 (3).

SECTION 110. 43-2-147 (6) (c), Colorado Revised Statutes, 1993 Repl. Vol., is amended to read:

43-2-147. Access to public highways. (6) (c) Any party who has received an adverse decision by the department of transportation may request and shall receive a hearing before the transportation commission or before an administrative law judge from the department of ~~administration~~ PERSONNEL, at the discretion of the transportation commission. Such hearing shall be conducted in accordance with the provisions of article 4 of title 24, C.R.S. Decisions by the transportation commission or by an administrative law judge shall be considered final agency action.

SECTION 111. 43-4-201 (3) (a) (II) (D), Colorado Revised Statutes, 1993 Repl. Vol., is amended to read:

43-4-201. Funds created. (3) (a) (II) The general assembly shall not make any annual appropriation or statutory distribution from the highway users tax fund except as follows:

(D) To the department of ~~administration~~ PERSONNEL for costs related to telecommunications support;

SECTION 112. Legislative declaration. The general assembly hereby finds that as a result of this act the appropriations to the departments of administration and personnel made in Senate Bill 95-214, as enacted at the First Regular Session of the

Sixtieth General Assembly, are no longer accurate. This act eliminates the department of administration and merges the department with the department of personnel. It is the intent of the general assembly to repeal the appropriation made to the department of administration in Senate Bill 95-214, as enacted at the First Regular Session of the Sixtieth General Assembly, to repeal and reenact the appropriation made to the department of personnel in said Senate Bill 95-214 to include the amounts formerly appropriated to the department of administration in the appropriation to the department of personnel, minus the savings realized from the merger, to adjust the grand totals of Senate Bill 95-214, and to transfer the capital construction appropriation made to the department of administration in Senate Bill 95-214 to the department of personnel. Sections 112 to 116 of this act, respectively, are enacted to accomplish these purposes.

SECTION 113. Repeal. Part I of section 2 of Senate Bill 95-214, as enacted at the First Regular Session of the Sixtieth General Assembly, making an appropriation to the department of administration, is repealed.

SECTION 114. Part XVI of section 2 of Senate Bill 95-214, as enacted at the First Regular Session of the Sixtieth General Assembly, making an appropriation to the department of personnel, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

SECTION 2. Appropriation.

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$

**PART XVI
DEPARTMENT OF PERSONNEL**

(1) EXECUTIVE DIRECTOR'S OFFICE

(A) ADMINISTRATION

PERSONAL SERVICES	3,253,293 (66.5 FTE)	1,285,851			1,967,442(T) ^a	
HEALTH, LIFE, AND DENTAL	1,407,005	499,116		8,410 ^b	899,479(T) ^c	
SHORT-TERM DISABILITY	50,050	18,642		290 ^b	31,118(T) ^c	
SALARY SURVEY, ANNIVERSARY INCREASES, AND SHIFT						
DIFFERENTIAL	838,275	438,702		10,979 ^b	388,594(T) ^c	
WORKERS' COMPENSATION	475,563	154,679		1,207 ^b	319,677(T) ^c	
OPERATING EXPENSES	288,625	288,625				
LEGAL SERVICES	119,172	67,395		2,000 ^b	49,777(T) ^c	
PURCHASE OF SERVICES FROM COMPUTER CENTER	386,325	386,325				

PAYMENT TO RISK MANAGEMENT AND PROPERTY FUNDS	307,459	154,823		152,636(T) ^c
VEHICLE LEASE				
PAYMENTS	235,932	121,982		113,950(T) ^c
LEASED SPACE	410,952	192,910		218,042(T) ^c
ADP CAPITAL OUTLAY	16,229	16,229		
CAPITOL COMPLEX LEASED SPACE	947,755	405,252	140,177 ^d	402,326(T) ^c
COLORADO STATE EMPLOYEES ASSISTANCE PROGRAM	241,965			241,965(T) ^g (4.5 FTE)
TEST FACILITY LEASE	33,492	33,492		
TRAINING	386,647		40,000 ^e	346,647(T) ^f (4.5 FTE)
EMPLOYEE INCENTIVE PROGRAM	5,000			5,000(T) ^h
EMPLOYMENT SECURITY CONTRACT PAYMENT	20,000	13,000		7,000(T) ⁱ
EMPLOYEES EMERITUS RETIREMENT	29,000	29,000		
CONVENTION CENTER MAINTENANCE	60,000			60,000 ⁱ
TRANSITION FUND ^{118a}	257,387	257,387		
		(3.7 FTE)		
	<u>9,770,126</u>			

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ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$

^a THIS AMOUNT SHALL BE FROM INDIRECT COST RECOVERIES.

^b THESE AMOUNTS SHALL BE FROM THE DEFERRED COMPENSATION PROGRAM.

^c THESE AMOUNTS SHALL BE FROM DIVISIONS WITHIN THE DEPARTMENT AND OTHER SOURCES OF EXEMPT CASH FUNDS.

^d OF THIS AMOUNT, \$5,986 SHALL BE FROM THE DEFERRED COMPENSATION PROGRAM AND \$134,191 SHALL BE FROM CAPITOL PARKING RECEIPTS.

^e THIS AMOUNT SHALL BE FROM THE SALE OF JOB REFERENCE MANUALS AND FROM TRAINING REVENUES FROM NON-STATE AGENCIES.

^f THIS AMOUNT SHALL BE FROM TRAINING REVENUES FROM STATE AGENCIES.

^g THIS AMOUNT SHALL BE FROM COLORADO STATE EMPLOYEES ASSISTANCE PROGRAM REVENUES FROM STATE AGENCIES.

^h THIS AMOUNT SHALL BE FROM SAVINGS PURSUANT TO SECTION 24-30-804.5, C.R.S.

ⁱ OF THIS AMOUNT, \$642 SHALL BE FROM THE DEPARTMENT OF AGRICULTURE, \$67 SHALL BE FROM THE DEPARTMENT OF CORRECTIONS, \$296 SHALL BE FROM THE DEPARTMENT

OF PUBLIC HEALTH AND ENVIRONMENT, \$2,463 SHALL BE FROM THE DEPARTMENT OF HUMAN SERVICES, \$800 SHALL BE FROM THE DEPARTMENT OF LAW, \$70 SHALL BE

FROM THE DEPARTMENT OF LOCAL AFFAIRS, \$1,320 SHALL BE FROM THE DEPARTMENT OF NATURAL RESOURCES, \$991 SHALL BE FROM THE DEPARTMENT OF PERSONNEL, \$34

SHALL BE FROM THE DEPARTMENT OF PUBLIC SAFETY, \$109 SHALL BE FROM THE DEPARTMENT OF REGULATORY AGENCIES, \$95 SHALL BE FROM THE DEPARTMENT OF REVENUE,

AND \$13 SHALL BE FROM THE DEPARTMENT OF STATE.

^j THIS AMOUNT SHALL BE FROM DONATIONS.

(B) EMPLOYEE BENEFITS UNIT

PERSONAL

SERVICES ¹¹⁸	632,467			
	(11.0 FTE)			
OPERATING EXPENSES	68,734			
UTILIZATION REVIEW	28,500			
DEFERRED COMPENSATION				
ADMINISTRATION AND				
COMMUNICATION	334,460			
INDIRECT COST	44,241			
ASSESSMENT				
	<u>1,108,402</u>		587,894 ^a	520,508 ^b

^a THIS AMOUNT SHALL BE FROM THE DEFERRED COMPENSATION PROGRAM.

^b THIS AMOUNT SHALL BE FROM THE EMPLOYEE BENEFITS PROGRAM, WHICH IS COUNTED AS CASH FUNDS EXEMPT BECAUSE THE FUNDS ARE GENERATED FROM EMPLOYEE CONTRIBUTIONS.

10,878,528

(2) PERSONNEL BOARD

PERSONAL SERVICES	308,020			
	(5.0 FTE)			
OPERATING EXPENSES	<u>22,179</u>			
		330,199	302,838	15,361 ^a
				12,000(T) ^b

^a THIS AMOUNT SHALL BE FROM RECEIPTS FOR HEARING TRANSCRIPTS.

^b THIS AMOUNT SHALL BE FROM RECEIPTS FROM OTHER STATE AGENCIES FOR HEARING TRANSCRIPTS.

	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM			
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT
	\$	\$	\$	\$	\$	\$
(3) INFORMATION MANAGEMENT COMMISSION						
PERSONAL SERVICES ¹	281,887					
	(5.0 FTE)					
OPERATING EXPENSES	39,049					
CONTRACTUAL SERVICES	149,038					
	<u> </u>	469,974	469,974			
(4) SYSTEMS APPLICATIONS AND SUPPORT SERVICES						
PROGRAM EXPENSES	4,447,508					
	(46.5 FTE)					
REINVESTMENT	97,500					
RESERVE ²						
TRANSITION FUND ^{118a}	149,869					
	<u>(3.0 FTE)</u>					
		4,694,877	4,597,377		97,500 ^a	

^a THIS AMOUNT SHALL BE FROM SAVINGS IDENTIFIED WITHIN THE COLORADO FINANCIAL REPORTING SYSTEM DIVISION AT THE END OF FISCAL YEAR 1994-95.

(5) CENTRAL SERVICES

(A) ADMINISTRATION SECTION

PERSONAL SERVICES	505,507		
	(11.3 FTE)		
OPERATING EXPENSES	131,234		
PURCHASE OF SERVICES			
FROM COMPUTER CENTER	36,700		
INDIRECT COST ASSESSMENT	409,620		
TRANSITION FUND ^{118a}	18,842		
	<u>(0.3 FTE)</u>		
	1,101,903	2,500 ^a	1,099,403(T) ^b

^a THIS AMOUNT SHALL BE FROM USER FEES.

^b THIS AMOUNT SHALL BE FROM VARIOUS SECTIONS OF THE CENTRAL SERVICES.

(B) PRINT SHOP AND GRAPHICS

PERSONAL SERVICES	896,727		
	(28.1 FTE)		
OPERATING EXPENSES	<u>823,846</u>		
	1,720,573	1,970 ^a	1,718,603(T) ^b

^a THIS AMOUNT SHALL BE FROM USER FEES.

^b THIS AMOUNT SHALL BE FROM USER FEES FROM STATE AGENCIES.

(C) COPIERS

PERSONAL SERVICES	31,141		
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	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM					
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS	
	\$	\$	\$	\$	\$	\$	\$	
	(1.0 FTE)							
OPERATING EXPENSES	<u>709,845</u>							
	740,986					740,986(T) ^a		

^a THIS AMOUNT SHALL BE FROM USER FEES FROM STATE AGENCIES.

(D) MICROFILM

PERSONAL SERVICES	343,358							
	(14.0 FTE)							
OPERATING EXPENSES	<u>220,332</u>							
	563,690			7,675 ^a		556,015(T) ^b		

^a THIS AMOUNT SHALL BE FROM USER FEES.

^b THIS AMOUNT SHALL BE FROM USER FEES FROM STATE AGENCIES.

(E) QUICK COPY CENTER

PERSONAL SERVICES	168,402							
	(7.0 FTE)							
OPERATING EXPENSES	487,425							
REPLACE COPIER	<u>48,268</u>							
	704,095			919 ^a		703,176(T) ^b		

	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
(G) MAIL SERVICES							
PERSONAL SERVICES	815,347						
	(34.4 FTE)						
OPERATING EXPENSES	<u>4,919,853</u>						
	5,735,200			1,330,589 ^a		4,404,611(T) ^b	

^a THIS AMOUNT SHALL BE FROM USER FEES.

^b THIS AMOUNT SHALL BE FROM USER FEES FROM STATE AGENCIES.

(H) CENTRAL COLLECTIONS

PERSONAL SERVICES	596,964
	(19.0 FTE)
OPERATING EXPENSES	263,403
INDIRECT COST	162,876
ASSESSMENT	
COLLECTION OF DEBTS DUE	
TO THE STATE	46,033
PURCHASE OF SERVICES	
FROM COMPUTER	47,151
CENTER	<u> </u>

1,116,427

1,116,427(T)^a

^a THIS AMOUNT SHALL BE FROM COLLECTION RECEIPTS PREVIOUSLY BOOKED AS CASH.

28,889,713

(6) DIVISION OF ACCOUNTS AND CONTROL^{3a}

PERSONAL SERVICES	1,735,270
	(34.0 FTE)
OPERATING EXPENSES	165,370
PURCHASE OF SERVICES	
FROM COMPUTER	273,633
CENTER	<u> </u>

2,174,273

2,174,273(T)^a

^a OF THIS AMOUNT, \$706,885 SHALL BE FROM STATEWIDE INDIRECT COST RECOVERIES OF THE DEPARTMENT OF LABOR AND EMPLOYMENT, \$1,341,732 SHALL BE FROM STATEWIDE INDIRECT COST RECOVERIES OF THE DEPARTMENT OF TRANSPORTATION, AND \$125,656 SHALL BE FROM STATEWIDE INDIRECT COST RECOVERIES OF THE DEPARTMENT OF STATE.

(7) GENERAL GOVERNMENT COMPUTER CENTER

PERSONAL SERVICES	4,668,720
	(132.0 FTE)
OPERATING EXPENSES ⁴	4,386,902
UTILITIES	10,418
RENTAL, LEASE, OR LEASE/	

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	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
PURCHASE OF CENTRAL PROCESSING UNIT	1,890,716						
UPGRADE CENTRAL PROCESSING UNIT	1,900,000						
SUBSYSTEM OPERATING EXPENSES	1,446,451						
ADDITIONAL DISK SPACE 5	166,875						
DATA BASE SOFTWARE	42,000						
ELECTRONIC MAIL SYSTEM	164,000						
NETWORK INFRASTRUCTURE EXPANSION	111,600						
INDIRECT COST ASSESSMENT	712,362						
TRANSITION FUND ^{118a}	105,989						
	<u>(2.0 FTE)</u>						
		15,606,033			28,061 ^a	15,577,972(T) ^b	

^a THIS AMOUNT SHALL BE FROM VARIOUS LOCAL GOVERNMENTS.

^b THIS AMOUNT SHALL BE FROM USER FEES FROM STATE AGENCIES.

(8) STATE ARCHIVES AND PUBLIC RECORDS DIVISION

PERSONAL SERVICES	461,697	349,078	107,090 ^a	5,529(T) ^b
	(11.0 FTE)			
OPERATING EXPENSES	31,601	31,601		
MICROFILMING OF				
PERMANENT RECORDS	<u>9,372</u>	9,372		
	502,670			

^a THIS AMOUNT SHALL BE FROM USER FEES.

^b THIS AMOUNT SHALL BE FROM USER FEES FROM STATE AGENCIES.

(9) CAPITOL COMPLEX

(A) HOUSEKEEPING, GROUNDS, AND PHYSICAL PLANT

PERSONAL SERVICES	2,147,951			
	(67.8 FTE)			
OPERATING EXPENSES	540,805			
UTILITIES	1,941,259			
CUSTODIAL AND SECURITY				
CONTRACTS	558,445			
TREE CARE	15,000			
INDIRECT COST	367,701			
ASSESSMENT	<u>5,571,161</u>			5,571,161(T) ^a

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$

^a THIS AMOUNT SHALL BE FROM LEASE PAYMENTS BY THE STATE AGENCY OCCUPANTS OF THE CAPITOL COMPLEX.

(B) STATE SERVICES BUILDING IN GRAND JUNCTION

PERSONAL SERVICES	110,379					
	(1.0 FTE)					
OPERATING EXPENSES	28,061					
UTILITIES	<u>47,496</u>					
	185,936				185,936(T) ^a	

^a THIS AMOUNT SHALL BE FROM LEASE PAYMENTS BY THE STATE AGENCY OCCUPANTS OF THE GRAND JUNCTION STATE OFFICE BUILDING.

5,757,097

(10) DIVISION OF PURCHASING AND STATE BUILDINGS

PERSONAL SERVICES	756,743
	(16.0 FTE)
OPERATING EXPENSES	35,914
PURCHASE OF SERVICES FROM	
COMPUTER CENTER	1,904
COORDINATION OF CAPITAL	
CONSTRUCTION AND	

CONTROLLED MAINTENANCE					
REQUESTS	265,437				
	(4.0 FTE)				
COORDINATION AND REVIEW OF					
STATE BUILDING LEASES	87,981				
	(2.0 FTE)				
SUPPLIER DATABASE	<u>380,000</u>				
		1,527,979	559,008	380,000 ^a	588,971(T) ^b

^a THIS AMOUNT SHALL BE FROM USER FEES.

^b THIS AMOUNT SHALL BE FROM STATEWIDE INDIRECT COST RECOVERIES IN THE DEPARTMENT OF LABOR AND EMPLOYMENT.

(11) DIVISION OF TELECOMMUNICATIONS

(A) ADMINISTRATION

PERSONAL SERVICES ⁶	528,422				
	(11.0 FTE)				
OPERATING EXPENSES	<u>33,196</u>				
	561,618		561,618		

(B) MAINTENANCE

PERSONAL SERVICES ⁶	2,013,324		2,013,324		
			(39.0 FTE)		
OPERATING EXPENSES	152,272		152,272		
UTILITIES	77,670		77,670		
LOCAL SYSTEMS	90,000			52,268 ^a	37,732(T) ^b
DEVELOPMENT	<u> </u>				

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
2,333,266						

^a THIS AMOUNT SHALL BE FROM USER FEES.

^b THIS AMOUNT SHALL BE FROM USER FEES FROM STATE AGENCIES.

(C) NETWORK PROGRAMS^{6a}

PERSONAL SERVICES	345,224
(8.0 FTE)	
OPERATING EXPENSES	6,364
PURCHASE OF SERVICES	
FROM COMPUTER	30,232
CENTER	
CAPITOL COMPLEX TELEPHONE	
AND COMMUNICATIONS	
EQUIPMENT	1,786,476
LONG DISTANCE	4,330,030
TELEPHONE	
TOLL-FREE TELEPHONE	
ACCESS	
TO MEMBERS OF THE	
GENERAL	

ASSEMBLY	25,000		
DIGITAL DATA	127,674		
NETWORK			
	(2.0 FTE)		
INDIRECT COST	49,902		
ASSESSMENT			
	<u>6,700,902</u>	38,327 ^a	6,662,575(T) ^b

^a THIS AMOUNT SHALL BE FROM USER FEES.

^b OF THIS AMOUNT, \$25,000 SHALL BE FROM THE LEGISLATIVE DEPARTMENT AND \$6,637,575 SHALL BE FROM USER FEES FROM OTHER STATE AGENCIES.

9,595,786

(12) DIVISION OF ADMINISTRATIVE HEARINGS⁷

PERSONAL SERVICES	1,993,752		
	(37.0 FTE)		
OPERATING EXPENSES	237,801		
INDIRECT COST	135,066		
ASSESSMENT			
	<u>2,366,619</u>	2,366,619	2,366,619(T) ^a

^a THIS AMOUNT SHALL BE FROM USER FEES FROM STATE AGENCIES.

(13) RISK MANAGEMENT DIVISION

LIABILITY AND PROPERTY			
PERSONAL SERVICES	256,328		
		256,328(T) ^a	
		(4.0 FTE)	

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	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				FEDERAL FUNDS
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	
	\$	\$	\$	\$	\$	\$	\$
LIABILITY AND PROPERTY							
OPERATING EXPENSES	17,531					17,531(T) ^a	
AUDIT EXPENSES	35,000					35,000(T) ^b	
RISK MANAGEMENT FUND	9,287,692				145,623 ^c	9,142,069(T) ^d	
PROPERTY FUND	3,499,894				33,537 ^c	3,466,357(T) ^e	
WORKERS' COMPENSATION PREMIUMS	27,686,022					27,686,022(T) ^f (7.0 FTE)	
INDIRECT COST ASSESSMENT	42,639					42,639(T) ^b	
		40,825,106					

^a THESE AMOUNTS SHALL BE FROM THE RISK MANAGEMENT FUND AND THE PROPERTY FUND.

^b THESE AMOUNTS SHALL BE FROM THE RISK MANAGEMENT FUND, THE PROPERTY FUND, AND THE WORKERS' COMPENSATION INSURANCE ACCOUNT.

^c OF THESE AMOUNTS, \$76,075 SHALL BE FROM THE STATE FAIR AUTHORITY AND \$103,085 SHALL BE FROM THE COLORADO COMPENSATION INSURANCE AUTHORITY.

^d OF THIS AMOUNT, \$4,310 SHALL BE FROM THE DEPARTMENT OF EDUCATION, \$1,782,424 SHALL BE FROM THE DEPARTMENT OF HIGHER EDUCATION, \$2,649,112 SHALL BE FROM

THE DEPARTMENT OF TRANSPORTATION, AND \$4,706,223 SHALL BE FROM STATE AGENCY APPROPRIATIONS TO THE RISK MANAGEMENT FUND.

^e OF THIS AMOUNT, \$24,654 SHALL BE FROM THE DEPARTMENT OF EDUCATION, \$2,065,935 SHALL BE FROM THE DEPARTMENT OF HIGHER EDUCATION, \$147,424 SHALL BE FROM

THE DEPARTMENT OF TRANSPORTATION, AND \$1,228,344 SHALL BE FROM STATE AGENCY APPROPRIATIONS TO THE PROPERTY FUND.

^f OF THIS AMOUNT, \$403,000 SHALL BE FROM THE DEPARTMENT OF EDUCATION, \$7,311,783 SHALL BE FROM THE DEPARTMENT OF HIGHER EDUCATION, \$4,068,191 SHALL BE

FROM THE DEPARTMENT OF TRANSPORTATION, AND \$15,903,048 SHALL BE FROM STATE AGENCY APPROPRIATIONS FOR WORKERS' COMPENSATION PREMIUMS.

TOTALS PART I

(PERSONNEL) ^{10, 11, 11a}	\$123,618,854	\$13,487,542	\$3,013,535	\$107,117,777 ^a
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^a OF THIS AMOUNT, \$106,439,769 CONTAINS A (T) NOTATION.

FOOTNOTES -- THE FOLLOWING STATEMENTS ARE REFERENCED TO THE NUMBERED FOOTNOTES THROUGHOUT SECTION 2.

1 ~~DEPARTMENT OF PERSONNEL, INFORMATION MANAGEMENT COMMISSION, PERSONAL SERVICES -- IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE 2.0 FTE STARTING INCREASE FOR THE COMMISSION BE UTILIZED TO PROVIDE A TIMELY AND DETAILED REVIEW OF STATE AGENCY INFORMATION SYSTEMS PROJECTS. SUCH REVIEW SHOULD INCLUDE AN ANALYSIS OF PROJECT FEASIBILITY AND CONSIDERATION OF BUDGETARY REQUIREMENTS. IN ORDER TO CONSIDER THIS INFORMATION IN CONNECTION WITH PREPARATION OF THE LONG BILL, THE GENERAL ASSEMBLY REQUESTS THAT THE INFORMATION MANAGEMENT COMMISSION ANNUALLY REPORT TO THE JOINT BUDGET COMMITTEE ON THE RESULTS OF PROJECT REVIEWS CONDUCTED DURING THE MOST RECENT CALENDAR YEAR PRIOR TO FEBRUARY 1.~~

(Governor lined through this provision. See the editor's note and the Governor's letter following this act.)

2 DEPARTMENT OF PERSONNEL, SYSTEMS APPLICATIONS AND SUPPORT SERVICES, REINVESTMENT RESERVE -- IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT A REINVESTMENT RESERVE BE CONTINUED TO SUPPORT THE OBJECTIVES OUTLINED IN THE COFRS PROJECT PERFORMANCE PLAN. THE REINVESTMENT RESERVE SHALL BE FUNDED FROM A ROLL-FORWARD OF 65% OF THE TOTAL FUNDS AVAILABLE TO THE COLORADO FINANCIAL REPORTING SYSTEM AT THE CLOSE OF FY 1994-95, AND MAY BE USED FOR ANY PURPOSE OTHER THAN FUNDING ADDITIONAL FTE. ANY FUNDS IN THE REINVESTMENT RESERVE WHICH WERE UNEXPENDED AT THE END OF FY 1994-95 SHALL BE ALLOWED TO ROLL-FORWARD TO FY 1995-96. THE GENERAL ASSEMBLY REQUESTS THAT THE COLORADO FINANCIAL REPORTING SYSTEM SUBMIT A REPORT ON PLANNED EXPENDITURES TO THE JOINT BUDGET COMMITTEE PRIOR TO THE EXPENDITURE OF FUNDS FROM THE RESERVE.

	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
<u>3</u>	DEPARTMENT OF PERSONNEL, CENTRAL SERVICES, MOTOR POOL/GARAGE/FLEET MANAGEMENT, FLEET MANAGEMENT, FLEET MANAGEMENT SYSTEM -- THE DIVISION IS REQUIRED TO OBTAIN APPROVAL OF ITS REQUEST FOR PROPOSAL OR REQUEST FOR INFORMATION FROM THE COMMISSION ON INFORMATION MANAGEMENT PRIOR TO EXPENDING ANY FUNDS FOR THIS PROJECT.						
<u>3a</u>	DEPARTMENT OF PERSONNEL, DIVISION OF ACCOUNTS AND CONTROL -- THE DEPARTMENT IS REQUESTED TO SUBMIT A REPORT ON ANY OUTSTANDING LOANS AND ADVANCES MADE TO STATE AGENCIES. THE REPORT SHOULD INCLUDE THE OUTSTANDING BALANCE OF EACH LOAN, THE TERMS OF THE LOAN, THE ANNUAL REPAYMENT SCHEDULE, THE ESTIMATED REPAYMENT DATE, AND ESTIMATED INTEREST EARNINGS. THE REPORT SHOULD BE SUBMITTED TO THE JOINT BUDGET COMMITTEE WITH THE DEPARTMENT'S ANNUAL BUDGET REQUEST.						
<u>4</u>	DEPARTMENT OF PERSONNEL, GENERAL GOVERNMENT COMPUTER CENTER, OPERATING EXPENSE -- THE GENERAL GOVERNMENT COMPUTER CENTER IS REQUESTED TO DEVELOP A BUSINESS PLAN WHICH CONTAINS A REASONABLE SET OF PRIORITIES FOR THE RECOVERY OF STATE COMPUTER SYSTEMS. THIS PLAN WILL HAVE TO BE ACCEPTED BY ALL AGENCY EXECUTIVES AND APPROVED BY THE COMMISSION ON INFORMATION MANAGEMENT PRIOR TO EXPENDITURE OF ANY FUNDS ASSOCIATED WITH THE DISASTER RECOVERY PROJECT. THE DIVISION SHOULD RESUBMIT ITS REQUEST FOR THIS PROJECT TO THE JOINT BUDGET COMMITTEE ONCE THE BUSINESS PLAN HAS BEEN APPROVED BY THE COMMISSION ON INFORMATION MANAGEMENT.						
<u>5</u>	DEPARTMENT OF PERSONNEL, GENERAL GOVERNMENT COMPUTER CENTER, ADDITIONAL DISK SPACE -- IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE GENERAL GOVERNMENT COMPUTER CENTER, IN CONJUNCTION WITH THE CUSTOMER MANAGEMENT CENTER, THE STATE ARCHIVIST, AND THE COMMISSION ON INFORMATION MANAGEMENT, SHOULD FORMALIZE GUIDELINES AND ENFORCEABLE STANDARDS FOR THE PROPER RETENTION OF DATA IN ON-LINE MAGNETIC DISK STORAGE. A REPORT OUTLINING THESE GUIDELINES SHOULD BE SUBMITTED TO THE JOINT BUDGET COMMITTEE WITH THE DEPARTMENT'S FY 1996-97 BUDGET REQUEST.						
<u>6</u>	DEPARTMENT OF PERSONNEL, DIVISION OF TELECOMMUNICATIONS, ADMINISTRATION, PERSONAL SERVICES; AND MAINTENANCE, PERSONAL SERVICES -- IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE DIVISION OF TELECOMMUNICATIONS MAY USE UP TO \$50,000 IN SAVINGS REALIZED IN ANY EXISTING LINE ITEM IN THE ADMINISTRATION AND MAINTENANCE SECTIONS TO FUND CONTRACTUAL SERVICES RELATED TO PLANNING FOR A COORDINATED STATEWIDE TELECOMMUNICATIONS NETWORK.						
<u>6a</u>	DEPARTMENT OF PERSONNEL, DIVISION OF TELECOMMUNICATIONS, NETWORK PROGRAMS -- IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT A NEGATIVE SUPPLEMENTAL OF \$15,000 GENERAL FUND WILL BE TAKEN FROM THE DEPARTMENT OF ADMINISTRATION'S APPROPRIATION IN THE 1996 SESSION IF A TELEPHONE SWITCH UPGRADE PROVIDING ACCESS TO AREA CODE 970 FOR THE LEGISLATURE IS NOT IN PLACE BY JULY 1, 1995.						

7 DEPARTMENT OF PERSONNEL, DIVISION OF ADMINISTRATIVE HEARINGS; JUDICIAL DEPARTMENT, COURTS ADMINISTRATION, ADMINISTRATIVE SPECIAL PURPOSE, OFFICE OF DISPUTE RESOLUTION; AND DEPARTMENT OF LAW, LEGAL SERVICES TO STATE AGENCIES -- THE DEPARTMENTS ARE REQUESTED TO PROVIDE, BY OCTOBER 15, 1995, A REPORT TO THE JOINT BUDGET COMMITTEE ON PROPOSALS TO IMPROVE AND EXPAND THE USE AND COORDINATION OF ALTERNATIVE DISPUTE RESOLUTION PROGRAMS. THE REPORT SHOULD INCLUDE A DISCUSSION OF THE COST-EFFECTIVENESS OF ALTERNATIVE DISPUTE RESOLUTION PROGRAMS AND A PLAN FOR EXPANDED USE OF SUCH PROGRAMS IN CLAIMS INVOLVING THE STATE.

10 ~~ALL DEPARTMENTS, TOTALS -- EVERY DEPARTMENT IS REQUESTED TO SUBMIT TO THE JOINT BUDGET COMMITTEE INFORMATION ON THE NUMBER OF ADDITIONAL FEDERAL FTE ASSOCIATED WITH ANY FEDERAL GRANTS THAT ARE APPLIED FOR OR RECEIVED DURING FY 1995-96. THE INFORMATION SHOULD INCLUDE THE NUMBER OF FTE, THE ASSOCIATED COSTS (SUCH AS WORKERS COMPENSATION, HEALTH AND LIFE BENEFITS, NEED FOR ADDITIONAL SPACE, ETC.) THAT ARE RELATED TO THE ADDITIONAL FTE, THE DIRECT AND INDIRECT MATCHING REQUIREMENTS ASSOCIATED WITH THE FEDERAL GRANT, THE DURATION OF THE GRANT, AND A BRIEF DESCRIPTION OF THE PROGRAM AND ITS GOALS AND OBJECTIVES.~~

(Governor lined through this provision. See the editor's note and the Governor's letter following this act.)

11 ALL DEPARTMENTS, TOTALS -- THE GENERAL ASSEMBLY REQUESTS THAT COPIES OF ALL REPORTS REQUESTED IN OTHER FOOTNOTES CONTAINED IN THIS ACT BE DELIVERED TO THE JOINT BUDGET COMMITTEE AND THE MAJORITY AND MINORITY LEADERSHIP IN EACH HOUSE OF THE GENERAL ASSEMBLY.

11a ~~ALL DEPARTMENTS, TOTALS -- IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE GOVERNOR'S OFFICE OF STATE PLANNING AND BUDGETING WORK WITH THE JOINT BUDGET COMMITTEE IN IDENTIFYING THE TOTAL DOLLARS BEING EXPENDED BY DEPARTMENTS FOR ANY PART-TIME OR FULL-TIME LOBBYIST FTE, ANY CONTRACT LOBBYING DOLLARS, AND ANY DOLLARS ASSOCIATED WITH LEGISLATIVE LIAISONS EMPLOYED BY THE DEPARTMENTS. THE OFFICE OF STATE PLANNING AND BUDGETING WILL ASSIST THE JOINT BUDGET COMMITTEE IN CLARIFYING AND DEFINING THE TERMS "LOBBYIST" AND "LEGISLATIVE LIAISONS". THE DEPARTMENTS ARE REQUESTED TO PROVIDE THIS INFORMATION AS PART OF THE FY 1996-97 BUDGET SUBMISSION TO THE JOINT BUDGET COMMITTEE.~~

(Governor lined through this provision. See the editor's note and the Governor's letter following this act.)

118 DEPARTMENT OF PERSONNEL, EXECUTIVE DIRECTOR'S OFFICE, EMPLOYEE BENEFITS UNIT, PERSONAL SERVICES -- THE DEPARTMENT IS REQUESTED TO TRACK AND EVALUATE THE COST SAVINGS OR COST AVOIDANCE RESULTING FROM MANAGED CARE PROGRAMS. THE DEPARTMENT IS FURTHER REQUESTED TO PROVIDE QUARTERLY REPORTS TO THE JOINT BUDGET COMMITTEE ON THE OPERATION AND FINANCIAL CONDITION OF ALL EMPLOYEE BENEFIT PROGRAMS BEGINNING ON APRIL 1, 1995. AT LEAST ONE SUCH REPORT PER YEAR SHOULD INCLUDE A DISCUSSION OF ANY PLANNED BENEFIT ENHANCEMENTS, CHANGES IN PREMIUMS, AND THE OVERALL FINANCIAL CONDITION OF THE EMPLOYEE BENEFITS FUND.

118a DEPARTMENT OF PERSONNEL, EXECUTIVE DIRECTOR'S OFFICE, ADMINISTRATION, TRANSITION FUND; SYSTEMS APPLICATIONS AND SUPPORT SERVICES, TRANSITION FUND; CENTRAL SERVICES, ADMINISTRATION, TRANSITION FUND; AND GENERAL GOVERNMENT COMPUTER CENTER, TRANSITION FUND -- IT IS THE INTENT OF THE

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$

GENERAL ASSEMBLY THAT THE DOLLARS AND FTE APPROPRIATED IN THESE LINE ITEMS SHALL BE UTILIZED SOLELY FOR PURPOSES OF MANAGING TRANSITIONAL NEEDS ARISING FROM THE REORGANIZATION OF THE DEPARTMENT OF PERSONNEL AND THE FORMER DEPARTMENT OF ADMINISTRATION. THESE LINE ITEMS SHALL NOT CONTINUE AFTER FISCAL YEAR 1995-96.

SECTION 115. The grand totals in section 2 of Senate Bill 95-214, as enacted at the First Regular Session of the Sixtieth General Assembly, is amended to read:

SECTION 2. Appropriation.

GRAND TOTALS--					
OPERATING BUDGETS	\$8,238,397,396	\$3,843,750,741	\$900,805,556	\$1,619,035,342 ^a	\$1,874,805,757
	<u>\$8,237,636,879</u>	<u>\$3,843,161,146</u>	<u> </u>	<u>\$1,618,864,420^a</u>	<u> </u>

^a OF THESE AMOUNTS, ~~\$523,496,325~~ \$523,325,405 CONTAINS A (T) NOTATION AND \$84,913,258 IS FROM THE HIGHWAY USERS TAX FUND SUBJECT TO SECTION 43-4-201(3)(A),C.R.S.

SECTION 116. Capital construction appropriation for the 1995-96 fiscal year - transfer of department of administration appropriation to the department of personnel. The capital construction appropriation made to the department of administration in Part I of section 3 of Senate Bill 95-214, enacted at the First Regular Session of the Sixtieth General Assembly, is hereby transferred to the department of personnel.

SECTION 117. Limitations on collection of revenues for the 1995-96 fiscal year - redesignation of limitation on department of administration to the department of personnel. The total amount of 1995-96 revenues that may be collected by the department of administration, as stated in section 4 of Senate Bill 95-214, enacted at the First Regular Session of the Sixtieth General Assembly, is hereby redesignated as part of the limitation on the total amount of 1995-96 revenues that may be collected by the department of personnel.

SECTION 118. Future appropriations - legislative declaration. The general assembly hereby finds and declares that the implementation of this act merging the department of administration in the department of personnel will result in a further decrease in the appropriation made to

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$

the department of personnel, as well as the total appropriation made to all departments, in the annual general appropriation act for the 1996-97 fiscal year and fiscal years thereafter, and the amount of the decrease is estimated to be eight hundred thirty-seven thousand three hundred forty-four dollars (\$837,344) and 13.0 FTE.

SECTION 119. Effective date. The effective date section, the safety clause section, and part 2 of article 50.3 of title 24, Colorado Revised Statutes, as enacted by this act shall take effect upon passage, and the remainder of this act shall take effect July 1, 1995.

SECTION 120. 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 in part and disapproved in part: May 23, 1995

Editor's note: The following is a reprinting of the Governor's message filed with House Bill 95-1362 when he approved the bill in part and vetoed it in part on May 23, 1995. Markings were made on the bill by the Governor purporting to veto provisions contained in footnotes. For the reasons set forth in the letter to the Governor on page 131 of Volume 1 of the 1989 Session Laws of Colorado, the President of the Senate and the Speaker of the House of Representatives expressed their opinion that similar markings made on the 1989 long bill did not constitute valid vetoes. However, the Colorado Supreme Court has held that such purported vetoes are entitled to a presumption of validity. See Romer v. Colorado General Assembly, 810 P.2d 215 (Colo. 1991). In view of this holding, the purported vetoes are reflected in the version of the bill printed on the preceding pages.

May 23, 1995

The Honorable Colorado House of Representatives
Sixtieth General Assembly
First Regular Session
State Capitol
Denver, Colorado 80203

Ladies and Gentlemen:

I am filing with the Secretary of State the following act:

HOUSE BILL 95-1362 CONCERNING THE MERGER OF THE DEPARTMENT OF ADMINISTRATION INTO THE DEPARTMENT OF PERSONNEL, AND, IN CONNECTION THEREWITH, ABOLISHING THE DEPARTMENT OF ADMINISTRATION, TRANSFERRING THE DUTIES OF THE DEPARTMENT OF ADMINISTRATION TO THE DEPARTMENT OF PERSONNEL, MAKING CONFORMING AMENDMENTS, AND MAKING AN APPROPRIATION.

Approved in part and vetoed in part on May 23, 1995, at 10:19 a.m.

In accordance with Article IV, Section 12, of the Colorado Constitution, it is my obligation to review and exercise the line item veto to appropriation bills. I approach this important task each year carefully. I have approved HB 95-1362 as a whole, however, I have used the veto power to correct several provisions. Pursuant to the Colorado Constitution I have forwarded copies of the vetoed items from this bill, with my objections, to the house of origin.

House Bill 95-1362 violates Articles III and V of the Colorado Constitution. It contains some items that inhibit the ability of the executive branch to administer appropriations or which constitute substantive legislation.

Article III provides for the separation of powers between the executive and legislative branches. The legislative branch has broad powers concerning the appropriation of state funds. The executive branch of government has the inherent responsibility and authority for administering the government. Therefore, the General Assembly's power does not include the ability to attach conditions in HB 95-1362, which amends portions of the 1995 Long Bill that intrude into the executive functions of state government. Colorado General Assembly v. Lamm, 704 P.2d 1371 (Colo. 1985); Anderson v. Lamm, 195 Colo. 437, 579 P.2d 620 (1978).

Article V, Section 32 provides that substantive legislation cannot be included in the Long Bill. The purpose of the Long Bill is to meet charges already created against the public fund by affirmative acts of the General Assembly; it may not

include substantive legislation nor may it amend or repeal a law. See Anderson.

In vetoing these provisions, I have lined through the following items:

Footnotes:

1. Footnote 1, page 76, DEPARTMENT OF PERSONNEL., INFORMATION MANAGEMENT COMMISSION, PERSONAL SERVICES:

This footnote constitutes substantive legislation and, as such, is not permissible in the general appropriations bill. In addition, the footnote violates the separation of powers by attempting to administer the appropriation.

2. Footnote 10, Page 77, ALL DEPARTMENTS, TOTALS:

This footnote violates the separation of powers in that it is attached to federal funds which are not subject to legislative appropriation. Placing information requirements on such funds could constitute substantive legislation in the general appropriations bill.

3. Footnote 11a, Pages 77, ALL DEPARTMENTS, TOTALS:

This footnote violates the separation of powers by attempting to administer the appropriation.

The actions I am taking are based upon legal opinions and court decisions regarding inclusions in the general appropriations bill. I would ask the General Assembly once again to adhere to its constitutional responsibilities.

Sincerely,

Roy Romer
Governor