

CHAPTER 52

GOVERNMENT - STATE

HOUSE BILL 95-1105

BY REPRESENTATIVES Berry, Epps, Martin, Pankey, and Taylor;
also SENATORS Norton, Ament, R. Powers, and Tebedo.

AN ACT

CONCERNING THE USE OF PERSONAL SERVICES CONTRACTS BY STATE GOVERNMENT, AND, IN CONNECTION THEREWITH, EXTENDING THE PRIVATIZATION LAW GOVERNING SUCH CONTRACTS AND MAKING OTHER MINOR REVISIONS THERETO.

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

SECTION 1. 24-50-503 (1) (f) (III), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

24-50-503. Personal services contracts implicating state personnel system - no separation of existing classified employees. (1) Contracts for personal services that create an independent contractor relationship and that are not authorized under the provisions of section 24-50-504 are nevertheless permissible under this section to achieve increased efficiency in the delivery of government services when the state personnel director determines that all of the following conditions are met:

(f) The potential economic advantage of contracting is not outweighed by the public's interest in having a particular function performed directly by state government. In assessing the public's interest, the state personnel director shall take into account:

(III) The extent to which the contracting preserves the principles of competence in government and the avoidance of political patronage. For such purpose, there shall be considered the applicability of other laws, including those as enumerated in ~~section 24-50-505~~ SECTION 24-50-506, that aid in safeguarding the fundamental principles underlying the state personnel system.

SECTION 2. 24-50-509, Colorado Revised Statutes, 1988 Repl. Vol., as

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

amended, is amended to read:

24-50-509. Review of individual contracts by state personnel director - when not required. The state personnel director may approve the use of ~~personal services contracts for any program,~~ without the necessity of reviewing the individual contracts, if the contracts are of the same type and if the state personnel director determines that such contracts meet the requirements of this part 5.

SECTION 3. 24-50-513, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

24-50-513. Contracts of six months or less - permitted. ~~Personal services~~ Contracts for a term of six months or less that are not expected to recur on a regular basis are permissible and are not subject to this part 5.

SECTION 4. 24-50-514, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is repealed as follows:

24-50-514. Repeal of part. ~~This part 5 is repealed, effective July 1, 1995.~~

SECTION 5. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 7, 1995