

CHAPTER 90

TRANSPORTATION

HOUSE BILL 95-1267

BY REPRESENTATIVES May and Schauer;
also SENATORS Mutzebaugh, Ament, Casey, Matsunaka, Norton, Schaffer, Tebedo, and Weddig.

AN ACT**CONCERNING PUBLIC-PRIVATE INITIATIVES FOR TRANSPORTATION SYSTEM PROJECTS.**

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

SECTION 1. Legislative declaration - transportation system public-private initiatives. (1) The general assembly finds and declares that it is essential for the economic, social, and environmental well-being of the state and the maintenance of a high quality of life that the people of the state have an efficient transportation system. The ability of the state to continue to provide an efficient transportation system with limited public resources will be enhanced by a public-private initiatives program that gives broad authority to the department of transportation to: Enter into nontraditional agreements with private entities to accept private contributions for transportation system projects in exchange for public benefits other than only a money payment; share resources, facilities, equipment, staff, data, or other means of providing transportation systems or services; and otherwise cooperate to research, develop, and implement transportation systems or services.

(2) The general assembly further declares that a public-private initiatives program will directly benefit the department of transportation and will serve a significant public purpose for a number of reasons, which include: Supplying additional, private resources to provide, improve, and maintain transportation systems; adding transportation system project opportunities; increasing the department of transportation's access to private expertise; supplementing department of transportation revenues; and allowing the department of transportation to use its limited public resources for more transportation system projects.

(3) The general assembly further declares that a public-private initiatives program will help provide and maintain an efficient and effective transportation system and

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

also will benefit indirectly the private sector to a lesser degree by providing economic investment and business opportunities.

SECTION 2. Article 1 of title 43, Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW PART to read:

PART 12
PUBLIC-PRIVATE INITIATIVES PROGRAM

43-1-1201. Definitions. AS USED IN THIS PART 12, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "PRIVATE CONTRIBUTION" MEANS THE SUPPLY BY A PRIVATE ENTITY OF RESOURCES TO ACCOMPLISH ALL OR ANY PART OF THE WORK ON A TRANSPORTATION SYSTEM PROJECT, INCLUDING FUNDS, FINANCING, INCOME, REVENUE, COST SHARING, TECHNOLOGY, STAFF, EQUIPMENT, EXPERTISE, DATA, OR ENGINEERING, CONSTRUCTION, OR MAINTENANCE SERVICES.

(2) "PUBLIC BENEFIT" MEANS A DEPARTMENT GRANT OF A RIGHT OR INTEREST IN OR CONCERNING A TRANSPORTATION SYSTEM PROJECT, INCLUDING:

(a) A LEASE OR EASEMENT IN, UNDER, OR ABOVE A STATE HIGHWAY RIGHT-OF-WAY, NOTWITHSTANDING SECTION 43-1-210;

(b) ANY USE OF STATE HIGHWAY RIGHT-OF-WAY THAT DOES NOT IMPAIR HIGHWAY OPERATION OR SAFETY, NOTWITHSTANDING SECTION 43-3-101 (3);

(c) ALL OR PART OF ANY REVENUE OR INCOME RESULTING FROM THE PRIVATE USE OF A STATE HIGHWAY RIGHT-OF-WAY;

(d) A MONEY PAYMENT FOR SERVICES FROM AVAILABLE FUNDS; AND

(e) ANY OTHER BENEFIT THAT IS SPECIFICALLY AUTHORIZED BY LAW.

(3) "PUBLIC-PRIVATE INITIATIVE" MEANS A NONTRADITIONAL ARRANGEMENT BETWEEN THE DEPARTMENT AND ONE OR MORE PRIVATE OR PUBLIC ENTITIES THAT PROVIDES FOR:

(a) ACCEPTANCE OF A PRIVATE CONTRIBUTION TO A TRANSPORTATION SYSTEM PROJECT OR SERVICE IN EXCHANGE FOR A PUBLIC BENEFIT CONCERNING THAT PROJECT OR SERVICE OTHER THAN ONLY A MONEY PAYMENT;

(b) SHARING OF RESOURCES AND THE MEANS OF PROVIDING TRANSPORTATION SYSTEM PROJECTS OR SERVICES; OR

(c) COOPERATION IN RESEARCHING, DEVELOPING, AND IMPLEMENTING TRANSPORTATION SYSTEM PROJECTS OR SERVICES.

(4) "RETAIL GOODS AND SERVICES" MEANS ALL GOODS AND SERVICES SOLD TO THE PUBLIC OTHER THAN COMMUNICATIONS SERVICES.

(5) "TRANSPORTATION SYSTEM" MEANS THE STATE TRANSPORTATION

INFRASTRUCTURE AND RELATED SYSTEMS, INCLUDING HIGHWAYS AND ASSOCIATED RIGHTS-OF-WAY, BRIDGES, VEHICLES, EQUIPMENT, PARK AND RIDE LOTS, TRANSIT STATIONS, TRANSPORTATION MANAGEMENT SYSTEMS, AND INTELLIGENT VEHICLE HIGHWAY SYSTEMS.

(6) "UNSOLICITED PROPOSAL" MEANS A WRITTEN PROPOSAL FOR A PUBLIC-PRIVATE INITIATIVE THAT IS SUBMITTED BY A PRIVATE ENTITY FOR THE PURPOSE OF ENTERING INTO AN AGREEMENT WITH THE DEPARTMENT BUT THAT IS NOT IN RESPONSE TO A FORMAL SOLICITATION OR REQUEST ISSUED BY THE DEPARTMENT.

43-1-1202. Department powers. (1) NOTWITHSTANDING ANY OTHER LAW, THE DEPARTMENT MAY:

(a) SOLICIT AND CONSIDER PROPOSALS, ENTER INTO AGREEMENTS, GRANT BENEFITS, AND ACCEPT CONTRIBUTIONS FOR PUBLIC-PRIVATE INITIATIVES PURSUANT TO THIS PART 12 CONCERNING ANY OF THE FOLLOWING:

(I) USE OF ADVANCED TRANSPORTATION TECHNOLOGIES FOR TRAVELLER INFORMATION SERVICES;

(II) SYSTEMS FOR ROAD WEATHER INFORMATION, SAFETY WARNING, ADVANCED TRAFFIC MANAGEMENT, INFORMATION BROADCASTING, REAL-TIME TRANSIT INFORMATION, ROUTE FINDING AND VEHICLE NAVIGATION, AND COLLISION AVOIDANCE;

(III) HAZARDOUS AND NONHAZARDOUS INCIDENT DETECTION, RESPONSE, AND REMOVAL AND FACILITATION OF EMERGENCY MEDICAL RESPONSE;

(IV) PROMOTION OF PRIVATE INVESTMENT IN TRAFFIC OPERATIONS CENTERS, USE OF TELECOMMUNICATIONS, USE OF TELECOMMUTING TO REDUCE TRANSPORTATION DEMAND, CONVERSION OF DEFENSE TECHNOLOGIES TO CIVILIAN TRANSPORTATION USES, OPERATIONAL EFFICIENCY ON URBAN AND RURAL ROADS, AND ELECTRONIC PAYMENT FOR TRANSPORTATION SERVICES;

(V) VOLUNTARY EMISSIONS TESTING AND MITIGATION;

(VI) RIDE MATCHING AND RESERVATION IN SUPPORT OF DEMAND MANAGEMENT;

(VII) SAFETY MONITORING SYSTEMS;

(VIII) COMMERCIAL FLEET MANAGEMENT AND ELECTRONIC CLEARANCE OF PORTS OF ENTRY; AND

(IX) DEVELOPMENT OF NATIONAL STANDARDS AND PROTOCOLS FOR INTELLIGENT TRANSPORTATION SYSTEMS.

(b) SOLICIT PROPOSALS FOR PUBLIC-PRIVATE INITIATIVES AS COMPETITIVE SEALED PROPOSALS PURSUANT TO SECTION 24-103-203, C.R.S.;

(c) CONSIDER AND ACCEPT UNSOLICITED PROPOSALS PURSUANT TO SECTION 43-1-1203;

(d) GRANT A PUBLIC BENEFIT IN OR CONCERNING A TRANSPORTATION SYSTEM PROJECT IN EXCHANGE FOR A PRIVATE CONTRIBUTION TO THAT PROJECT, BUT THE TERM OF ANY LEASE, EASEMENT, OR FRANCHISE GRANTED BY THE DEPARTMENT AS A PUBLIC BENEFIT UNDER THIS PART 12 SHALL:

(I) REASONABLY RELATE TO THE VALUE OF THE PRIVATE CONTRIBUTION AS DETERMINED BY THE DEPARTMENT; AND

(II) NOT EXCEED NINETY-NINE YEARS;

(e) ACCEPT A PRIVATE CONTRIBUTION TO A TRANSPORTATION SYSTEM PROJECT;

(f) EXERCISE ANY POWER OF THE DEPARTMENT AUTHORIZED BY LAW TO FACILITATE THE DEVELOPMENT AND PERFORMANCE OF PUBLIC-PRIVATE INITIATIVES.

(2) SERVICES SHALL NOT BE PROVIDED UNDER THIS PART 12 UNLESS THEY ARE CONSISTENT AND COMPATIBLE WITH THE USE AND ZONING OF THE LAND ADJACENT TO THE RIGHT-OF-WAY.

(3) RETAIL GOODS AND SERVICES SHALL NOT BE AUTHORIZED UNDER THIS PART 12. THIS SUBSECTION (3) SHALL NOT PROHIBIT RETAIL GOODS AND SERVICES EXISTING ON THE EFFECTIVE DATE OF THIS PART 12, NOR ANY VENDING FACILITIES DEFINED IN SECTION 26-8.5-101, C.R.S.

43-1-1203. Unsolicited and comparable proposals. (1) THE DEPARTMENT MAY CONSIDER, EVALUATE, AND ACCEPT AN UNSOLICITED PROPOSAL FOR A PUBLIC-PRIVATE INITIATIVE ONLY IF THE PROPOSAL COMPLIES WITH ALL OF THE REQUIREMENTS OF THIS SECTION.

(2) THE DEPARTMENT MAY CONSIDER AN UNSOLICITED PROPOSAL ONLY IF THE PROPOSAL:

(a) IS INNOVATIVE AND UNIQUE;

(b) IS INDEPENDENTLY ORIGINATED AND DEVELOPED BY THE PROPOSER;

(c) IS PREPARED WITHOUT DEPARTMENT SUPERVISION;

(d) IS NOT AN ADVANCE PROPOSAL FOR A KNOWN DEPARTMENT REQUIREMENT THAT CAN BE ACQUIRED BY COMPETITIVE METHODS; AND

(e) INCLUDES SUFFICIENT DETAIL AND INFORMATION FOR THE DEPARTMENT TO EVALUATE THE PROPOSAL IN AN OBJECTIVE AND TIMELY MANNER AND TO DETERMINE IF THE PROPOSAL BENEFITS THE DEPARTMENT.

(3) IF THE UNSOLICITED PROPOSAL DOES NOT COMPLY WITH THE REQUIREMENTS OF SUBSECTION (2) OF THIS SECTION, THE DEPARTMENT SHALL RETURN THE PROPOSAL WITHOUT FURTHER ACTION. IF THE UNSOLICITED PROPOSAL COMPLIES WITH ALL THE REQUIREMENTS OF SUBSECTION (2) OF THIS SECTION, THE DEPARTMENT MAY FURTHER EVALUATE THE PROPOSAL PURSUANT TO THIS SECTION.

(4) THE DEPARTMENT SHALL BASE ITS EVALUATION OF THE UNSOLICITED PROPOSAL ON THE FOLLOWING FACTORS:

(a) UNIQUE AND INNOVATIVE METHODS, APPROACHES, OR CONCEPTS DEMONSTRATED BY THE PROPOSAL;

(b) SCIENTIFIC, TECHNICAL, OR SOCIOECONOMIC MERITS OF THE PROPOSAL;

(c) POTENTIAL CONTRIBUTION OF THE PROPOSAL TO THE DEPARTMENT'S MISSION;

(d) CAPABILITIES, RELATED EXPERIENCE, FACILITIES, OR TECHNIQUES OF THE PROPOSER OR UNIQUE COMBINATIONS OF THESE QUALITIES THAT ARE INTEGRAL FACTORS FOR ACHIEVING THE PROPOSAL OBJECTIVES;

(e) QUALIFICATIONS, CAPABILITIES, AND EXPERIENCE OF THE PROPOSED PRINCIPAL INVESTIGATOR, TEAM LEADER, OR KEY PERSONNEL WHO ARE CRITICAL IN ACHIEVING THE PROPOSAL OBJECTIVES; AND

(f) ANY OTHER FACTORS APPROPRIATE TO A PARTICULAR PROPOSAL.

(5) THE DEPARTMENT MAY ACCEPT AN UNSOLICITED PROPOSAL ONLY IF:

(a) THE UNSOLICITED PROPOSAL RECEIVES A FAVORABLE EVALUATION; AND

(b) THE DEPARTMENT MAKES A WRITTEN DETERMINATION BASED ON FACTS AND CIRCUMSTANCES THAT THE UNSOLICITED PROPOSAL IS AN ACCEPTABLE BASIS FOR AN AGREEMENT TO OBTAIN SERVICES EITHER WITHOUT COMPETITION OR AFTER THE ACTIONS ARE TAKEN PURSUANT TO SUBSECTION (6) OF THIS SECTION, AS APPLICABLE.

(6) IF THE UNSOLICITED PROPOSAL REQUIRES THE DEPARTMENT TO SPEND PUBLIC MONEYS IN AN AMOUNT THAT IS REASONABLY EXPECTED TO EXCEED FIFTY THOUSAND DOLLARS IN THE AGGREGATE FOR ANY FISCAL YEAR, INCLUDING AN UNSOLICITED PROPOSAL FOR A PUBLIC PROJECT AS DEFINED IN SECTION 24-92-102 (8), C.R.S., THE DEPARTMENT SHALL TAKE THE FOLLOWING ACTIONS, EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (7) OF THIS SECTION, BEFORE ACCEPTING THE UNSOLICITED PROPOSAL:

(a) PROVIDE PUBLIC NOTICE THAT THE DEPARTMENT WILL CONSIDER COMPARABLE PROPOSALS. THE NOTICE SHALL:

(I) BE GIVEN AT LEAST FOURTEEN DAYS PRIOR TO THE DATE SET FORTH THEREIN FOR THE OPENING OF PROPOSALS, PURSUANT TO RULES. SUCH NOTICE MAY INCLUDE PUBLICATION IN A NEWSPAPER OF GENERAL CIRCULATION AT LEAST FOURTEEN DAYS PRIOR TO CONSIDERING COMPARABLE PROPOSALS;

(II) BE PROVIDED TO ANY PERSON OR ENTITY THAT EXPRESSES, IN WRITING TO THE DEPARTMENT, AN INTEREST IN A PUBLIC-PRIVATE INITIATIVE THAT IS SIMILAR IN NATURE AND SCOPE TO THE UNSOLICITED PROPOSAL;

(III) OUTLINE THE GENERAL NATURE AND SCOPE OF THE UNSOLICITED PROPOSAL, INCLUDING THE LOCATION OF THE TRANSPORTATION SYSTEM PROJECT, THE WORK TO

BE PERFORMED ON THE PROJECT, AND THE TERMS OF ANY PRIVATE CONTRIBUTIONS OFFERED AND PUBLIC BENEFITS REQUESTED CONCERNING THE PROJECT;

(IV) REQUEST INFORMATION TO DETERMINE IF THE PROPOSER OF A COMPARABLE PROPOSAL HAS THE NECESSARY EXPERIENCE AND QUALIFICATIONS TO PERFORM THE PUBLIC-PRIVATE INITIATIVE; AND

(V) SPECIFY THE ADDRESS TO AND THE DATE BY WHICH THE COMPARABLE PROPOSALS MUST BE SUBMITTED, ALLOWING A REASONABLE TIME TO PREPARE AND SUBMIT THE PROPOSALS;

(b) DETERMINE, IN ITS DISCRETION, IF ANY SUBMITTED PROPOSAL IS COMPARABLE IN NATURE AND SCOPE TO THE UNSOLICITED PROPOSAL AND WARRANTS FURTHER EVALUATION;

(c) EVALUATE EACH COMPARABLE PROPOSAL, TAKING RELEVANT FACTORS INTO CONSIDERATION; AND

(d) CONDUCT GOOD FAITH DISCUSSIONS AND, IF NECESSARY, NEGOTIATIONS CONCERNING EACH COMPARABLE PROPOSAL.

(7) THE ACTIONS REQUIRED BY SUBSECTION (6) OF THIS SECTION DO NOT APPLY TO AN UNSOLICITED RESEARCH PROPOSAL IF THE DEPARTMENT REASONABLY DETERMINES THAT THE ACTIONS WOULD IMPROPERLY DISCLOSE EITHER THE ORIGINALITY OF THE RESEARCH OR PROPRIETARY INFORMATION ASSOCIATED WITH THE RESEARCH PROPOSAL.

(8) THE DEPARTMENT MAY ACCEPT A COMPARABLE PROPOSAL SUBMITTED PURSUANT TO SUBSECTION (6) OF THIS SECTION IF THE DEPARTMENT DETERMINES THAT THE COMPARABLE PROPOSAL IS THE MOST ADVANTAGEOUS TO THE STATE IN COMPARISON TO AN UNSOLICITED PROPOSAL OR OTHER SUBMITTED PROPOSALS.

(9) IF THE UNSOLICITED PROPOSAL IS ACCEPTED OR IF A COMPARABLE PROPOSAL IS ACCEPTED PURSUANT TO SUBSECTION (8) OF THIS SECTION, THE DEPARTMENT SHALL USE THE PROPOSAL AS THE BASIS FOR NEGOTIATION OF AN AGREEMENT.

(10) THE DEPARTMENT'S PROCUREMENT OFFICER OR THE PROCUREMENT OFFICER'S DESIGNEE HAS THE AUTHORITY TO MAKE THE DETERMINATIONS AND TAKE THE ACTIONS REQUIRED BY THIS SECTION.

43-1-1204. Public-private initiative agreement. (1) THE DEPARTMENT SHALL ENTER INTO AN AGREEMENT FOR EACH PUBLIC-PRIVATE INITIATIVE.

(2) THE DEPARTMENT SHALL INCLUDE TERMS AND CONDITIONS IN THE AGREEMENT THAT IT DETERMINES ARE APPROPRIATE IN THE PUBLIC INTEREST AND TO PROTECT HIGHWAY AND TRAFFIC SAFETY.

(3) THE AGREEMENT SHALL PROVIDE THAT:

(a) THE PRIVATE ENTITY SHALL NOT PLEDGE OR CAUSE A LIEN TO BE CREATED ON THE TRANSPORTATION SYSTEM OR RIGHT-OF-WAY INVOLVED IN THE TRANSPORTATION

SYSTEM PROJECT;

(b) THE DEPARTMENT OWNS THE HIGHWAY AND RIGHT-OF-WAY INVOLVED IN THE TRANSPORTATION SYSTEM PROJECT AT ALL TIMES.

(4) NOTWITHSTANDING THE FACT THAT THE DEPARTMENT ENTERS INTO AN AGREEMENT FOR A PUBLIC-PRIVATE INITIATIVE, THE DEPARTMENT IS NOT A PARTNER OR A JOINT VENTURER WITH THE PRIVATE ENTITY FOR ANY PURPOSE.

(5) THE DEPARTMENT SHALL NOT ENTER INTO ANY EXCLUSIVE ARRANGEMENT, LEASE, OR OTHER AGREEMENT FOR USE OF THE PUBLIC RIGHTS-OF-WAY BY A TELECOMMUNICATIONS PROVIDER THAT IN ANY WAY DISCRIMINATES OR PREVENTS A SIMILAR ARRANGEMENT BEING MADE WITH ANY OTHER TELECOMMUNICATIONS PROVIDER. ALL LEASES OF RIGHTS-OF-WAY TO TELECOMMUNICATIONS PROVIDERS MUST BE DONE ON A NONDISCRIMINATORY SAME-TERM BASIS. IF A TELECOMMUNICATIONS PROVIDER COMPENSATES THE STATE IN OTHER THAN CASH, A CASH EQUIVALENT VALUE MUST BE IMPUTED AND ATTACHED TO THE AGREEMENT, AND ANY OTHER TELECOMMUNICATIONS PROVIDER MAY HAVE EQUAL ACCESS TO THE RIGHT-OF-WAY FOR THE CASH EQUIVALENT. THE CASH EQUIVALENT SHALL BE AN ESTIMATE OF THE FAIR MARKET VALUE OF THE SERVICE OR PRODUCT PROVIDED TO THE STATE, AND A TELECOMMUNICATIONS PROVIDER MAY ASK A COURT OF COMPETENT JURISDICTION TO REVIEW THE IMPUTED MONETARY AMOUNT WHICH THE COURT MAY LOWER TO THE REASONABLE FAIR MARKET VALUE IF NECESSARY.

43-1-1205. Revenue - disposition - use. THE DEPARTMENT SHALL DEPOSIT ANY PRIVATE CONTRIBUTION OF MONEY AND ANY DEPARTMENT SHARE OF REVENUE OR INCOME RESULTING FROM A TRANSPORTATION SYSTEM PROJECT, IF ANY, IN THE STATE HIGHWAY SUPPLEMENTARY FUND CREATED IN SECTION 43-1-219. THE DEPARTMENT SHALL USE THE CONTRIBUTED MONEYS FOR TRANSPORTATION PURPOSES.

43-1-1206. Rules. THE TRANSPORTATION COMMISSION CREATED PURSUANT TO SECTION 43-1-106 SHALL ADOPT RULES THAT IT DETERMINES ARE NECESSARY OR APPROPRIATE TO IMPLEMENT THIS PART 12, INCLUDING RULES ON THE SOLICITATION AND EVALUATION OF PUBLIC-PRIVATE INITIATIVES, INITIATIVE AGREEMENTS, PRIVATE CONTRIBUTIONS, PUBLIC BENEFITS TO BE GRANTED IN EXCHANGE FOR CONTRIBUTIONS, AND THE RECEIPT, CONTENT, AND PROPER HANDLING OF UNSOLICITED OR COMPARABLE PROPOSALS FOR TRANSPORTATION SYSTEM PROJECTS.

43-1-1207. Applicability - public highway use by public and private entities. THIS PART 12 IS SUBJECT TO APPLICABLE STATE AND FEDERAL LAWS TO THE EXTENT THAT SUCH LAWS AUTHORIZE THE USE OF PUBLIC HIGHWAYS BY ANY PUBLIC OR PRIVATE ENTITY.

43-1-1208. Repeal of part. THIS PART 12 IS REPEALED, EFFECTIVE JULY 1, 2000. THE REPEAL OF THIS PART 12 SHALL HAVE NO EFFECT ON CONTRACTS ENTERED INTO ON OR BEFORE JULY 1, 2000.

SECTION 3. 43-1-220 (2), Colorado Revised Statutes, 1993 Repl. Vol., is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

43-1-220. Sources of funds - assumption of obligations. (2) All receipts from

the following sources shall be paid into and credited to the state highway supplementary fund as soon as received from:

(f) CONTRIBUTIONS, REVENUES, OR INCOME PURSUANT TO SECTION 43-1-1205.

SECTION 4. 24-101-105 (1), Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

24-101-105. Application of this code. (1) This code shall apply to all publicly funded contracts entered into by all governmental bodies of the executive branch of this state; except that this code shall not apply to the procurement of bridge and highway construction NOR TO CONTRACTS FOR UNSOLICITED OR COMPARABLE PROPOSALS FOR PUBLIC-PRIVATE INITIATIVES UNDER SECTION 43-1-1203, C.R.S. Except as provided in section 24-111-103, it shall also apply to contracts funded in whole or in part with federal assistance moneys. However, this code shall not apply to the awarding of either grants or contracts between the state and its political subdivisions or other governments, except as provided in article 110 of this title. It shall apply to the transfer or disposal of state supplies. Except for the provisions of article 109 of this title, this code shall not apply to the procurement of public printing, as defined in section 24-70-201. This code shall not apply to the procurement of professional services, as defined in section 24-30-1402. Upon the request of a governmental body purchasing items for resale to the public, the state purchasing director or the head of a purchasing agency may, by written determination, provide that this code shall not apply to items acquired for such resale. Nothing in this code or in rules promulgated under this code shall prevent any governmental body or political subdivision from complying with the terms and conditions of any grant, gift, bequest, or cooperative agreement.

SECTION 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 17, 1995